

Edgewood Borough Zoning Ordinance

Allegheny County, Pennsylvania

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**ARTICLE I
PURPOSE AND AUTHORITY**

Section 200-1 Title

This Ordinance shall be known, and may be cited as, the **Borough of Edgewood Zoning Ordinance**. The accompanying district map shall be known, and may be cited as, the Borough of Edgewood Zoning Map. Illustrations in the Appendix provide supporting information.

Section 200-2 Authority

In accordance with the authority granted to Borough of Edgewood through the Pennsylvania Municipalities Planning Code (Act 247, as reenacted and amended), this Ordinance and map are intended to:

- Regulate the density of population;
- Regulate the location and use of buildings, structures and land for residential, agricultural, commercial, industrial and other purposes;
- Regulate the height, bulk, number of stories, size and placement of buildings and structures;
- Divide the Borough into districts of such size, shape and area, and to establish such zoning map, as may be deemed best suited to carry out the regulations; and
- Establish procedures for the administration, enforcement, amendment, and relief from hardships under certain circumstances.

Section 200-3 Purpose

These regulations are deemed necessary in order to encourage beneficial growth in the Borough while keeping the density of development consistent with existing Borough facilities and the Borough's ability to develop new facilities as needed. These regulations are expected to:

- Promote the public health, safety, morals and general welfare;
- Conserve and stabilize property values through encouragement of the most appropriate uses of land in relation to adjacent properties, with consideration given to the physical characteristics of the property, and its value, as well;
- Secure safety from fire, flood, panic and other dangers by providing for adequate open spaces for light, air and amenity, and by promoting emergency preparedness and operations;
- Preserve forests, agricultural lands, and recreation areas in their natural state, or from conflict with urban development;
- Protect floodplains and manage the release of stormwater to minimize downstream flooding;

- Prevent the overcrowding or improper development of land, incompatible uses of land, and/or blighting conditions;
- Facilitate the economic provision of safe, adequate and reliable transportation, water supply, sewage disposal, public schools, parks and other public requirements;
- Avoid congestion in travel and transportation, and maintain and improve the carrying capacity and safety of major roads;
- Reduce the cost of building roads and installing utilities, and the subsequent cost of Borough operations; and
- Encourage similar controls upon development in adjacent municipalities where logical zoning district boundaries extend across municipal lines.

Section 200-4 Compliance

No structure shall be located, erected, demolished, constructed, moved, externally altered, converted or enlarged nor shall any structure or land use be used or designed to be used except in full compliance with this Ordinance and after the lawful issuance of all permits and certifications required by this Ordinance.

Section 200-5 Schedule of Fees

The Borough Council shall, from time to time, establish, by resolution, a schedule of fees, charges and expenses and a collection procedure for building permits, appeals and other matters pertaining to this Ordinance. The schedule of fees may be posted in the Borough Offices, and may be amended only by official action by the Borough Council.

No permit, certificate, application or variance shall be issued, nor shall any action be taken on proceedings before the Zoning Hearing Board unless, or until, such costs, charges, fees or expenses have been paid in full.

A zoning certificate or building permit shall be required for all new construction, additions or alterations affecting exterior dimensions of existing structures; and, for any structural or interior changes required for a change of the structure's use, or for any change in use.

Any application for amendment, variance, special exception, conditional use, permit or any other application or certificate within the scope of this Ordinance, shall be accompanied by a fee, such fee to be established by resolution of the Borough Council, who may, from time to time revise such fees in order to bear a reasonable relationship to the costs involved.

Section 200-6 Municipally Owned Properties

This Ordinance shall not apply to property owned by Borough of Edgewood in the exercise of its municipal functions, including, but not limited to traffic and safety signs, non-building essential service structures, and utilities. The Borough will adhere to all use regulations by district and all dimensional and setback regulations in the placement of any municipal building or occupied structures.

Section 200-7 Interpretation of Regulations

- Whenever the provisions of this Ordinance are at variance with provisions in other parts of this Ordinance or any other lawfully adopted rules, regulations or ordinances, the more restrictive requirements shall govern.

- B. **Traditional Neighborhood Development:** The Borough has adopted a Subdivision and Land Development Ordinance which includes a design manual pursuant to Article VII-A of the Pennsylvania Municipalities Planning Code. Where applicable, Land Development approval (including design standards) must precede issuance of a zoning permit. This ordinance is specifically established in accordance with Article VII-A of the Pennsylvania Municipalities Planning Code and the entire Borough is regarded as a Traditional Neighborhood Development District. Furthermore, pursuant to section 702-A this District is established as an outright designation for the purposes of urban infill. The Borough is utilizing the Traditional Neighborhood Development Designation in order for this designated district to meet the Commonwealth goals:
 - 1. To encourage innovations in residential and nonresidential development and renewal which makes use of a mixed-use form of development so that the growing demand for housing and other development may be met by greater variety in type, design and layout of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses.
 - 2. To allow for the development of fully integrated, mixed-use pedestrian-oriented neighborhoods.
 - 3. To minimize traffic congestion, infrastructure costs and environmental degradation.
- C. **Relationship to Multi-municipal Comprehensive Plan and Intergovernmental Agreement:** Pursuant to Article XI of the Pennsylvania Municipalities Planning Code, this ordinance will be interpreted in light of any adopted intergovernmental agreement and section 1103 (4) of the aforementioned code. If any defined use or class of uses is not provided for within this ordinance said use or class of uses shall be considered by the Borough as being provided for within the region covered by the multi-municipal plan. Any adopted multi-municipal agreement shall take precedent over this ordinance in providing for uses within the Borough.

Section 200-8 Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.

Section 200-9 Repeal

Any resolution or ordinance, or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

Section 200-10 Other Government Property

- A. Property owned, leased or operated by the Commonwealth of Pennsylvania, or the United States, or any other public or governmental body or agency, shall be subject to the requirements of this Ordinance as follows:
 - 1. Where such public or governmental uses are specifically listed, they shall be governed as indicated.
 - 2. Where such public or governmental uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature.
- B. Governmental entities and agencies shall be exempt from the provisions of this Ordinance only to the extent that it has been determined that the Borough has no power to apply its zoning regulations to the particular use of land.

- C. Utilities subject to Pennsylvania Public Utility Commission regulation shall be exempt from requirements of this ordinance with regards to safety signs, essential service structures no greater than one hundred (100) square feet in size and four (4) feet in height, poles for electric, telephone, and fiber optic line, subsurface wire and conduit, and underground piping. Other public utility structures and buildings, including but not limited to telecommunications towers, sewage treatment plants and substations, must comply with all use and setback requirements for the applicable zoning district.

Section 200-11 Community Development Goals and Objectives

In addition to the general purposes listing in Section 200- 3, the specific community development objectives, created as result of the Edgewood/Swissvale/Rankin Multi-municipal Comprehensive Plan adopted in 2010, have been considered as a basis upon which the regulations and controls of this Ordinance are derived, and are adopted herein by reference. This ordinance implements that plan and has been determined to be generally consistent with said plan by an Allegheny County Planning Commission review:

Section 200-12 RESERVED

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ARTICLE 2 DEFINITIONS

Section 200-13 Interpretation

For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The word "building" includes "structure" and shall be construed as if followed by the words "or any part thereof." The phrase "used for" includes "arranged for," "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.

Definitions contained herein shall be interpreted as consistent with the Pennsylvania Municipalities Planning Code, as amended, and the Pennsylvania Uniform Construction Code, as adopted by the Borough of Edgewood. Otherwise, all words and phrases as defined within this Ordinance shall have their normal meanings and usage. Definitions taken from the Pennsylvania Municipalities Planning Code are noted as "MPC" and Pennsylvania Uniform Construction Code are noted as "UCC"

Section 200-14 Specific Terms

The following words and phrases shall have the meaning given in this section.

Accessory Building - a subordinate building, incidental to, and located on the same lot as, the principal building, and used for an accessory use.

Accessory Dwelling- a dwelling unit of one bedroom or less located above a garage or similar accessory building, or a portion thereof.

Accessory Use - a use incidental to, and subordinate to, and located on the same lot occupied by the principal use to which it relates.

Adjacent – For the purposes of this ordinance, refers to a structure of a lot that would be adjoining, but may be separated by a right of way, easement, stream, or a single vacant lot.

Adjoining Lot – a lot that shares a property line with another and has no intervening street or alley right of way.

Area - area of a lot or site shall be calculated from dimensions derived by horizontal projections of the site.

Assisted Living Facility - any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding twenty-four (24)-hours for four (4) or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration, and licensed and regulated as such by the Pennsylvania Department of Public Welfare. For the purpose of this Ordinance, assisted living facilities shall be considered as nursing homes.

Basement - a floor level completely below grade or floor level in which more than two-thirds (2/3) of the perimeter walls are below grade. A wall shall be considered below grade where the dimension from the first floor line to the finished grade is five (5) feet or less, and the slope of the finished grade extending ten (10) feet from the building walls does not exceed thirty (30) degrees.

Bed and Breakfast - an owner-occupied residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

Billboard - a sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Bottle Club – an establishment operated for profit or pecuniary gain, which has a capacity for the assemblage of twenty (20) or more persons and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, or any organization as set forth in section 6 of the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act.

Building - a roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

Building or Set-Back Line – the line to which a building or structure may encroach toward a yard or setback.

Building Material/Supply Yards –the storage of material in outdoor yards for retail sale, including lumber, pipe, culverts block, landscaping supplies, mulch, stone, and similar bulk items.

Business Services - any business activity that renders service to other commercial or industrial enterprises, including banks, credit unions, commercial printing enterprises, and other financial services.

Car Wash - an area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery - land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Commercial Recreation, Indoor - a facility which offers various indoor recreational opportunities for its patrons including such games as: pool, billiards, bowling, video or computer games, other electronic simulation games, card and board games and similar pursuits.

Conditional Use - a use to be allowed or denied by the Borough Council pursuant to public notice and hearing and recommendations by the Borough Planning Commission and pursuant to the express standards and criteria set forth in this ordinance. In allowing a Conditional Use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Municipalities Planning Code and of this Ordinance.

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure.

Convenience Store – a small store, selling a limited variety of food and nonfood products, including prepared food but with limited or no patron seating, typically with extended hours of operation. Convenience stores may also sell gasoline or other motor vehicle fuels.

Court - an open, uncovered space, unobstructed to the sky, bounded on three or more sides by exterior building walls or other enclosing devices. (UCC)

Coverage – the percentage of a lot covered by buildings or structures, measured as gross floor area divided into lot area.

Correctional Facility - a facility that provides lodging, meals, counseling, treatment, and rehabilitation to adjudicated delinquents, parolees, and individuals, with security to confine said persons. This definition includes community corrections centers as well as other similar transitional housing for offenders.

Day Care Centers - facilities in which care is provided for seven (7) or more children, at any one time, where the child care areas are not used as a family residence.

Day Care Services for Children (Day Care) - provides out-of-home care for part of a twenty-four (24)-hour day to children less than sixteen (16) years of age, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This Ordinance identifies three levels of Day Care Services for Children, Family Day Care, Group Day Care and Day Care Centers. Childcare for less than four (4) children will not be considered as Day Care Services. The definition of day care services shall be subject to licensing changes by the Pennsylvania Department of Public Welfare. Adult day care will be considered as essentially the same use.

Dwelling - a building housing a dwelling unit, including the following subcategories:

- (a) Single-family dwelling - a building containing only one (1) dwelling unit.
- (b) Two-family dwelling - a building containing two (2) dwelling units, collectively defined under this Ordinance as a duplex, regardless of configuration.
- (c) Multi-family dwelling - a building containing three (3) or more dwelling units, including apartment houses, townhouses, flats, and garden apartments. Class One Multiple Family Dwelling has six (6) or fewer dwelling units per building, and Class Two have seven (7) or more dwelling units per building.
- (d) Detached dwelling - a dwelling with yards on all four (4) sides.

Dwelling Unit - a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. (UCC)

Eating and Drinking Places - a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state.

Essential Services - the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health and safety or general welfare, but not including buildings.

Equipment Sales and Service – businesses involved in the sale, rental, or servicing of motor vehicles or machinery not necessarily intended for registration, licensing, and travel on highways, including those used for agriculture, forestry, and construction.

Family - an individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof, or a group of not more than three (3) unrelated persons living together

without supervision in a dwelling unit; or, any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a Group Residence with supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a Halfway House, Assisted Living Facility, or Nursing Home, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act, or persons who constitute a direct threat to others or their physical property.

Family Day Care Homes - facilities in which Day Care services are provided at any one time to four (4), five (5), or six (6) children who are not relatives of the care giver, or any facility defined as such by the Pennsylvania Department of Public Welfare.

Flea Market – a business which leases outdoor, tent or partially enclosed space to persons who wish to vend a variety of new and used goods for sale to the general public by displaying those goods on tables, in or on motor vehicles, or on the ground. This definition does not include farmers’ markets, which sell produce, flowers, and similar agricultural products.

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, pursuant to Section 603f of the PA Municipalities Planning Code, forestry shall be a permitted use by right in all zoning districts wherein harvesting of timber is not conducted pursuant to any land development. While permitted, forestry is subject to the standards of Article Five.

Floor Area - the sum of the gross area of the several floors of a building or buildings measured from the exterior face of the exterior walls, or from the center line of the walls separating two (2) buildings.

Grade Plane - a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building. (UCC)

Group Day Care Homes - facilities in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence, or any facility defined as such by the PA Department of Public Welfare. [Care of one (1) to twelve (12) children where the child care areas are not used as a family residence will be considered a Day Care Center.]

Group Residence – a permanent, family-like living arrangement for persons who may have a disability or other limitation that requires additional care or supervision in daily living. This definition does not include group housing for persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, or have a status as a sex offender, persons who currently use illegal drugs, persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others.

Garage or Yard Sale – a temporary event to sell used household goods from a single family dwelling, an accessory building, or a yard area.

Gross Floor Area (GFA) - the total floor area for which the tenant pays rent and that is designed for the tenant’s occupancy and exclusive use.

Halfway House – a transitional residential facility licensed and operated by a government or social service agency that provides a supervised environment to residents who require psychiatric, correctional or behavioral treatment between periods of institutional and independent living.

Height, Building - The vertical distance from grade plane to the average height of the highest roof surface. (UCC)

Home Occupation - a personal service business or outpatient clinic carried on within a home, including therapists, barber and beauty salons, and medical practice. The use must be carried on within the home, by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character of the exterior of the structure.

Home Office — an accessory use, other than a home occupation, conducted entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and which occupies no more than 25% of the usable floor area of the dwelling and which use is limited to an office of an engineer, attorney, architect or similar recognized profession or the office of a consultant, realtor, insurance agent, manufacturer's representative, broker, writer, computer programmer, data processor, word processor, telemarketer or similar occupation. The Home office differs from a no-impact home based business in that one employee is permitted who is also not a resident of the dwelling, and a sign is permitted.

Hospital - an institution providing health services primarily for human medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Light Manufacturing – manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage and sales, and distribution of such products; provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare and vibration resulting from the manufacturing activity are confined entirely in the building.

Junk - any discarded material or article, and shall include, but not be limited to, scrap metal, wood, scrapped or abandoned motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. For the purpose of this Ordinance, a proper container shall mean a solid plastic or metal container, with a sealable lid, specifically designed for the storage of waste matter.

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

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

Lot, Area — the computed area contained within the lot lines. (UCC)

Lot Line - a line dividing one lot from another or from a street or any public place. (UCC)

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

Mineral Extraction - mineral extraction shall include all activity which removes from the surface or beneath the surface of the land some material mineral resource, natural resource or other element of economic value, by means of

mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position.

Motel - a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for travelers. The definition includes hotels, motor lodges, cottages with full bath and toilet, and similar uses.

Neighborhood Business – small-scale retail enterprises intended to benefit neighborhood residents or tourists. Limited retail businesses are distinguished from other retail businesses by a smaller size of less than five thousand (5,000) square feet gross floor area and confining all commercial activities indoors.

No Impact Home-Based Business – a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ up to one employee other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- H. The business may not involve any illegal activity. (MPC)

Nonconforming Lot - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment. (MPC)

Nonconforming Structure - a structure or part of a structure manifestly not designed to comply with the applicable dimensional or extent of use provisions of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. (MPC)

Nonconforming Use - a use, whether of land or structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. (MPC)

Nursing Home - a facility to give long-term skilled care to geriatric or handicapped patients and licensed as such a facility by the Commonwealth of Pennsylvania. For the purposes of this Zoning Ordinance, a nursing home, as licensed by the Commonwealth of Pennsylvania may also include personal care or assisted living options.

Outpatient Clinic - buildings or portions thereof used to provide medical care on less than a 24-hour basis to persons who are not rendered incapable of self-preservation by the services provide. (UCC)

Parking Lot - an at-grade non-building structure or land improved for the purpose of storing automobiles

Parking Space - an open space with a mud free all-weather surface, or space in a private garage or other structure with an effective length of at least eighteen (18) feet and a uniform width of at least nine (9) feet for the storage of one (1) automobile and accessible from a public way.

Permit - an official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity. (UCC)

Personal Care Home - a premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more people who are not relatives of the operator, who do not require the services in a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living. The term includes a premise that has held or greatly holds itself out as a personal care home and provides food and shelter to four or more adults who need personal care services, but who are not receiving the services.

Personal Services - any enterprise conducted for people who primarily offer services to the general public, such as: shoe repair, valet services, watch repairing, barber shops, beauty parlors, personal fitness instruction, massage therapy and related activities.

Place of Worship and Assembly - a place of religious instruction or public gathering, which may include incidental instruction, office and charitable activities. Examples include Churches, Synagogues, Mosques and temples, government assembly halls, indoor museums and libraries. This definition does not include a public school, university, college, trade or commercial school, day care services, or any form of group residence or halfway house.

Planned Shopping Center – a commercial facility developed as a mixture of uses, including retail sales, theaters, personal services and eating and drinking places but planned, constructed, managed or promoted as an integral whole.

Planning Code - the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act No. 170 of 1988 and Acts 67 and 68 of 2000, and as further amended from time to time.

Private Clubs – buildings and related facilities owned and operated by an association or group of individuals established for fraternal, social, educational, conservation, recreational or civic benefit of members. Full access to facilities is typically restricted to members and their guests. For the purposes of this Ordinance, this definition does not include miniature golf, golf driving ranges, paintball, or other uses defined by this Ordinance as various forms of commercial recreation. It also may not include any sexually oriented business or bottle club.

Professional Office - the office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar occupation.

Public Parks and Playgrounds - parks and playgrounds that are owned and operated by the Borough or by an authority created for such purposes by the Borough or any government agency, or another organization, such as a nonprofit,

where the use is principally to provide open and free access to the general public for the purposes of recreation, or to preserve natural historic or scenic features of site.

Public Utility Building - a building utilized to shelter activities and materials necessary to maintain essential services as defined by this ordinance.

Retail Sales – an establishment that offers items for sale within a building (except for incidental and accessory items) and includes hardware, general merchandise, food products, apparel, and clothing accessories, furniture, home furnishing and similar equipment, sporting goods, drugs, specialty food shops, paint stores, electrical supplies, variety stores, department stores, bakeries, dairy products, household appliances, and similar retail or general commercial outlets.

Retail Liquor Store – a private enterprise that sells distilled spirits. This definition does not include a state owned and operated liquor store, wholesaler, licensed bar or tavern, stores selling only malted beverages, or a licensed limited winery (or retail outlet thereof) or brewery.

Screening - screening shall mean an opaque fence, screen planting or wall, six (6) feet high, provided in such a way that it will block a line of sight.

Self Service Storage Facilities – a building consisting of individual, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Service and Repair Business – a form of equipment service or repair which may include vehicle or machinery repair, and incidental fabrication or retail sales of items.

Sexually Oriented Business – businesses which require a license and meet the definitions contained in the Edgewood Borough Sexually Oriented Business Licensing Ordinance.

Sign - any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, advertisement or identification. The actual area of any sign shall be measured in square feet and determined by the sum of the geometrically computed area(s) encompassing separate individual letters, words, or graphic elements on the background.

Sign, Business Identification - a sign that directs attention to a business by identifying the name and/or logo of the business and the principal good or service available.

Sign, Changeable Copy – a sign or portion thereof which has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or re-arranged manually with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

Sign, Electronic – a sign or portion thereof that displays electronic alphanumeric, video or graphic information using different combinations of single color light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area, and capable of changeable copy or images. Electronic signs include computer programmable, microprocessor or other remotely controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs with no other content. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

Sign, Multi-Vision – any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image

and when properly functioning allows, on a single sign structure, the display at any given time, one of two or more images.

Sign, Façade, Fascia, or Wall - a sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

Sign, Freestanding - a sign principally supported by one or more columns, poles, or braces placed in or upon the ground.

Sign, Freestanding Monument – a freestanding sign where the supporting structure of the sign face is architecturally and aesthetically integrated into the overall design of the sign and the base of supporting structure is often embellished to conceal all structural or support members. Either eighty percent (80%) of the base supporting structure shall be in contact with the ground, or the lowest portion of the sign face shall be no greater than three feet six (3'6") inches from the ground. The sign face should be solid and not intended to be a pole type design.

Sign, Freestanding Pole – a sign erected, supported, mounted on a pole or poles which is wholly independent of any building or other structure for support.

Sign, Projecting - a sign other than a Wall Sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

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

Sign, Sandwich Board - a temporary sign created by attaching two sign faces along a hinge line, intended to be self-supporting.

Sign, Window - a sign affixed to the surface of a window with its message intended to be visible to exterior environment.

Special Exception - a use permitted with special permission granted by the Zoning Hearing Board, to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this Ordinance when such use is not permitted by right.

Story - that portion of a building located between the surface of any floor and the next floor above; if there is not more than one (1) floor the space between any floor and the ceiling next above it shall be considered a story. However, an intermediate level or levels between the floor and ceiling of any story and in accordance with section 505 of the Uniform Construction Code, otherwise known as a mezzanine, shall be considered as part of the story below.

Street - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. (MPC)

Structure - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. (MPC)

Swimming Pool- any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools. (UCC)

Tattoo and Body Piercing Studio – a business that inscribes any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or any design, letter, scroll, figure or symbol done by scarring upon or under the skin or the perforation of any human body part other than an earlobe for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.

Transitional Housing Facility - a structure whose principal use is to provide shelter for more than a 12 hour period to two (2) or more persons who are homeless, subject to abuse, under a protection from abuse order, or whom otherwise need transitional housing, but are not persons in group housing due to being adjudicated a juvenile delinquent, having a criminal record, or have a status as a sex offender, or persons who currently use illegal drugs, or persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others.(See also Halfway House)

Upper Floor Dwelling – a dwelling unit that is located above the ground floor of commercial, retail or office uses and contains a separate entrance.

Yard - an open space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated (UCC).

Yard, Front – a yard extending the full width of the lot extending from the any lot line abutting a street to the front line of a principal building, as defined herein, and measured perpendicular to the building at the closest point to the front lot line.

Yard, Rear - a yard extending the full width of a lot between the rear wall of a principal building and the rear lot line measured perpendicular to the building at the closest point to the rear lot line. In the case of a corner lot, the rear yard shall be opposite to the front yard which adjoins the street which defines the street address of the lot.

Yard, Side — a yard extending from the front yard to the rear yard between the principal building and the side lot line, or in the case of a corner lot, the yard extending from the front yard to the rear yard between the principal building and the line separating the lot from the side street.

Yard Sale - see Garage Sale

Zoning Officer - the Zoning Officer of the Borough or his/her authorized representative, assistant or deputy.

Section 200-15

RESERVED

ARTICLE 3 DISTRICT DESCRIPTIONS

Section 200-16 District Descriptions

A map entitled the Edgewood Borough Zoning Map is hereby adopted as part of this chapter. The official Zoning Map shall be used for all determinations, and is kept on file and available for examination at the Borough offices. All approved changes to zoning districts shall be promptly recorded on the Official Zoning Map by the Zoning Officer.

Annexed and Indeterminate Areas. Any territory hereafter annexed, or gained by discovery, or subject to indeterminate zoning through mapping error, is considered as zoned R-1A Residential District.

District Boundaries. District boundaries that are shown between the lines of streets, streams and transportation rights-of-way shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the Zoning Map or by the fact that it clearly coincides with a property line, the Officer shall refuse action. The Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this chapter.

Permitted Uses, Conditional Uses and Special Exceptions. The permitted uses, conditional uses and special exceptions for each district are shown in the following tables of this chapter and are considered principal uses unless clearly noted. Conditional uses may be granted or denied by the Borough Council with the advice of the Planning Commission in accordance with the express standards and criteria of this chapter. In granting a conditional use, the Borough Council may attach reasonable conditions, as they may deem necessary to implement the purposes of this chapter and safeguard the neighborhood. Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this chapter. In granting a special exception, the Zoning Hearing Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter and protect the neighborhood. Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Article 7.

If the Zoning Officer cannot determine that any proposed use of land is provided for within any district or is not substantially similar to any defined use allowed in the same district he shall refuse action. In the R1A, R1B, R-2 and T-1 Districts, any use not specifically listed in the authorized uses for the zoning district shall not be permitted in that zoning district. In the P-1, C-1 and C-2 Districts, any use not specifically listed in the authorized uses for the zoning district shall not be permitted in that zoning district, unless such use is authorized by the Zoning Hearing Board as a use by special exception. The authority for the Zoning Hearing Board to grant approval of a use which is not specifically listed in the authorized uses for a zoning district as a use by special exception shall be limited to those uses which meet the applicable express standards and criteria for "comparable uses not specifically listed" specified in § 200-76G of this chapter.

The following regulations shall apply:

- A. Accessory uses or structures which are customarily accessory to principal structures or uses which are authorized as conditional uses or uses by special exception shall be permitted as accessory uses by right.
- B. In the R1-A and R-1B Districts, a single-family dwelling shall be the only principal structure on the lot and there shall be no more than one dwelling unit on a lot, unless occupancy of an apartment accessory to a single-family dwelling as authorized as a special exception by the Zoning Hearing Board.

- C. In any case where multiple family dwellings exist or are proposed, more than two dwelling units may occupy the same lot and more than one townhouse building or apartment building may occupy the same lot, subject to other regulations regarding density, number of dwelling units per building, and setbacks.
- D. In the T-1, C-1, C-2 and P-1 Districts, two or more nonresidential uses may occupy the same building and two or more nonresidential buildings may occupy the same lot, provided, in each case, all applicable requirements for each of the buildings or uses can be met on the lot.
- E. In all zoning districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory.
- F. Unless otherwise specified, for purpose of transitions between zoning districts or major thoroughfares, all regulations within a particular district shall be uniform within that district, independent of location within the Borough.
- G. Those developments that build into the design of the building(s) water storage tanks, cisterns, rain gardens, and rain barrels directly connected to downspouts and able to capture 100% of rooftop stormwater will be able to increase the percentage of lot coverage by 5%.
- H. For developments that incorporate green roof design for the purpose of retaining 100% of rooftop stormwater and absorbing heat from sunlight, the applicant may increase the lot coverage by 5%.

DRAFT

Section 200-17 R-1A RESIDENTIAL DISTRICT

PURPOSE

R-1A Districts are composed of low density single-family residential areas. The purpose of the regulations within the R-1A District is to maintain its present character and density level as well as to provide appropriate compatible and related uses. Porches are encouraged facing the public way in residentially zoned districts.

Table 200-17A

R-1A Residential District , Table of Uses		
Permitted Uses by Right	Special Exceptions	Conditional Uses
Single Family Dwellings	Essential Service Structure (See Section 200- 38A)	Home Occupation+ (See Section 200-39A)
Place of Worship and Assembly	Family Day Care Home+ (See Section 200-38B)	Bed and Breakfast+(See Section 200-39B)
Public Parks and Playgrounds	One Accessory Dwelling(See Section 200-38C)+	Public Utility Building (See Section 200-39C)
No Impact Home Based Business+		
Home Office (See Section 200-35B)		
+ Denotes permissible accessory use to a single family dwelling (One such accessory use per dwelling is allowed). For Other Accessory Uses and Structures See Section 200-29		

Table 200-17B

R-1A Residential District , Lot, Yard and Height Standards		
	Single-Family Dwellings, Family Day Care Homes, No Impact Home Based Business	Place of Worship, Public Park, Public Utility Building or Structure
Minimum Lot Area	5,500 Square Feet	15,000 square feet
Minimum Lot Width	50 Feet	100 Feet
Minimum Front Yard	Average of nearest two Adjacent Structures	Average of nearest two Adjacent Structures
Minimum Side Yard	5 Feet on one side, and a combined total of at least 12 feet for both sides	20 Feet
Minimum Rear Yard	25 Feet	30 Feet
Maximum Height	35 Feet	35 Feet
Maximum Coverage	50 Percent (for buildings built to green standards like LEED, increase max. lot coverage to 60%; for buildings incorporating water storage, cisterns, rain gardens and rain barrels, increase coverage by 5%; for buildings incorporating a green roof, increase coverage by 5%)	50 percent (for buildings built to green standards like LEED, increase max. lot coverage to 60%; for buildings incorporating water storage, cisterns, rain gardens and rain barrels, increase coverage by 5%; for buildings incorporating a green roof, increase coverage by 5%)

Section 200-18 R-1B RESIDENTIAL DISTRICT

PURPOSE

The purpose of this district is to provide a zoning district in which the dominant use of land will be single-family residential dwellings, but lot sizes are smaller and there are more mixed uses than R1A. Other uses will be permitted only to the extent they support a traditional walkable neighborhood and foster homeownership and housing affordability.

Table 200-18A

R-1B Residential District , Table of Uses		
Permitted Uses by Right	Special Exceptions	Conditional Uses
Single Family Dwellings	Essential Service Structure (See Section 200- 38A)	Home Occupation+ (See Section 200-39A)
Place of Worship and Assembly	Family Day Care Home+ (See Section 200-38B)	Bed and Breakfast+(See Section 200-39B)
Public Parks and Playgrounds	One Accessory Dwelling+(See Section 200-38C)+	Public Utility Building (See Section 200-39C)
No Impact Home Based Business+		
Home Office+ (See Section 200-35B)		
+ Denotes permissible accessory use to a single family dwelling (One such use accessory use per dwelling is allowed). For Other Accessory Uses and Structures See Section 200-29		

Table 200-18B

R-1B Residential District , Lot, Yard and Height Standards		
	Single-Family Dwellings, Family Day Care Homes, No Impact Home Based Business	Place of Worship, Public Park, Public Utility Building or Structure
Minimum Lot Area	4,000 Square Feet	15,000 square feet
Minimum Lot Width	40 Feet	100 Feet
Minimum Front Yard	Average of nearest two Adjacent Structures	Average of nearest two Adjacent Structures
Minimum Side Yard	At least 4 feet on one side, and combined total of 12 feet for both sides	20 Feet
Minimum Rear Yard	25 Feet	30 Feet
Maximum Height	35 Feet	35 Feet
Maximum Coverage	50 Percent (for buildings built to green standards like LEED, increase max. lot coverage to 60%; for buildings incorporating water storage, cisterns, rain gardens and rain barrels, increase coverage by 5%; for buildings incorporating a green roof, increase coverage by 5%)	50 percent (for buildings built to green standards like LEED, increase max. lot coverage to 60%; for buildings incorporating water storage, cisterns, rain gardens and rain barrels, increase coverage by 5%; for buildings incorporating a green roof, increase coverage by 5%)

Section 200-19 R-2 RESIDENTIAL DISTRICT

PURPOSE

The R-2 District is a medium density residential district. The purpose is to provide a variety of housing types and alternatives to accommodate the different needs and desires of individuals while maintaining existing neighborhood character.

Table 200-19A

R-2 Residential District , Table of Uses		
Permitted Uses by Right	Special Exceptions	Conditional Uses
Single Family Dwellings	Home Occupation+ (See Section 200-39A)	Conversion of Single Family Dwellings into a Two Family Dwelling (See Section 200-39E)
One Accessory Dwelling	Family and Group Day Care Home+ (See Section 200-38B)	Public Utility Building (See Section 200-39C)
Two Family Dwelling (when new construction)	Essential Service Structure (See Section 200- 38A)	Parking Lots for more than four Vehicles (See Section 200-39D)
Place of Worship and Assembly		
Public Parks and Playgrounds		
No Impact Home Based Business+		
Home Office+(See Section 200-35B)		
+ Denotes permissible accessory use to a single family dwelling (One such accessory use per dwelling is allowed). For Other Accessory Uses and Structures See Section 200-29		

Table 200-19B

R-2 Residential District , Lot, Yard and Height Standards			
	Single-Family Dwellings	Two Family Dwellings	Place of Worship, Public parks and Playgrounds, Essential Service Structure
Minimum Lot Area	6,000 Square Feet	8,500 Square feet for Duplex 10,000 Square feet for first three units in multiple family dwelling plus 1,500 square feet per each unit thereafter	10,000 Square Feet
Minimum Lot Width	40 Feet	50 Feet	75 Feet
Minimum Front Yard	Average of nearest two Adjacent Structures	Average of nearest two Adjacent Structures	30 Feet
Minimum Side Yard	At least 4 feet on one side, and combined total of 12 feet for both sides	30 Feet	30 Feet
Minimum Rear Yard	25 Feet	30 Feet	30 Feet
Maximum Height	28 Feet	28 Feet	35 Feet
Maximum Coverage	33 Percent (for buildings built to green standards like LEED, increase max. lot coverage to 43%; for buildings incorporating water storage, cisterns, rain gardens and rain barrels, increase coverage by 5%; for buildings incorporating a green roof, increase coverage by 5%)	33 Percent (for buildings built to green standards like LEED, increase max. lot coverage to 43%; for buildings incorporating water storage, cisterns, rain gardens and rain barrels, increase coverage by 5%; for buildings incorporating a green roof, increase coverage by 5%)	30 Percent (for buildings built to green standards like LEED, increase max. lot coverage to 40%; for buildings incorporating water storage, cisterns, rain gardens and rain barrels, increase coverage by 5%; for buildings incorporating a green roof, increase coverage by 5%)

Section 200-21 T-1 TRANSITIONAL DISTRICT

PURPOSE

The T-1 District is a special district to provide for transitions between residential and commercial areas. It is a high density district with other types of land uses that are often desirable in mixed residential/light commercial districts. The purpose of the district is to accommodate a larger variety of residential needs. The T-1 Districts are able to accommodate these needs due to their location along major traffic arteries which provide immediate access to and from the Borough, and easy access to public transportation. The T-1 Districts also offer the advantages of being located near the commercial districts of the Borough.

Table 200-21A

T-1 Transitional District , Table of Uses		
Permitted Uses by Right	Special Exceptions	Conditional Uses
Single Family Dwellings	Home Occupation+ (See Section 200-39A)	Adaptive Re-use of Historic Buildings (See Section 200-39F)
Professional Offices	Family and Group Day Care Home+ (See Section 200-38B)	Conversion of Single Family Dwellings into a Two Family Dwelling (See Section 200-39E)
Place of Worship and Assembly	Essential Service Structure (See Section 200- 38A)	Neighborhood Businesses (See Section 200-39G)
Two Family Dwelling (when new construction)	Public Utility Building (See Section 200-39C)	Class One and Two Multiple Family Dwellings (See Section 200-39H)
Public Parks and Playgrounds		Parking Lots for more than four Vehicles (See Section 200-39D)
No Impact Home Based Business		
Outpatient Clinic		

Table 200-21B

T-1 Transitional District , Lot, Yard and Height Standards				
	Single-Family Dwellings, Family Day Care Homes, No Impact Home Based Business, Essential Service Structure	Place of Worship Public Parks and Playgrounds, Funeral Homes	Two Family Dwellings	Multiple Family Dwellings
Minimum Lot Area	5,500 Square Feet	8,500 Square Feet	6,500 Square feet for two family dwelling	10,000 Square feet for first three units in multiple family dwelling plus 1,500 square feet per each unit thereafter
Minimum Lot Width	50 Feet	75 Feet	60 feet	100 Feet
Minimum Front Yard	Average of nearest two Adjacent Structures	20 Feet	Average of nearest two Adjacent Structures	Average of nearest two Adjacent Structures
Minimum Side Yard	5 Feet on one side, and a combined total of at least 12 feet for both sides	30 Feet	5 Feet on one side, and a combined total of at least 12 feet for both sides	20 Feet
Minimum Rear Yard	25 Feet	30 Feet	25 Feet	30 Feet
Maximum Height	35 Feet	35 Feet	35 Feet	35 Feet
Maximum Coverage	50 Percent (for buildings built to green standards like LEED, increase max. lot coverage to 60%; for buildings incorporating water storage, cisterns, rain gardens and rain barrels, increase coverage by 5%; for buildings incorporating a green roof, increase coverage by 5%)	33 Percent (for buildings built to green standards like LEED, increase max. lot coverage to 43%; for buildings incorporating water storage, cisterns, rain gardens and rain barrels, increase coverage by 5%; for buildings incorporating a green roof, increase coverage by 5%)	50 Percent (for buildings built to green standards like LEED, increase max. lot coverage to 60%; for buildings incorporating water storage, cisterns, rain gardens and rain barrels, increase coverage by 5%; for buildings incorporating a green roof, increase coverage by 5%)	50 percent (for buildings built to green standards like LEED, increase max. lot coverage to 60%; for buildings incorporating water storage, cisterns, rain gardens and rain barrels, increase coverage by 5%; for buildings incorporating a green roof, increase coverage by 5%)

Section 200-22 P-1 PUBLIC DISTRICT

PURPOSE

The purpose of the P-1 Public District is to create a zoning district to preserve and protect the unique campus like setting and unique institutional buildings within the heart of the Borough protecting nearby areas of single family residential uses from land use conflicts due to disparities of size and scale of development.

Table 200-22A

P-1 Public District, Table of Uses		
Permitted Uses by Right	Special Exceptions	Conditional Uses
Colleges and Universities, including classrooms, administrative and support buildings	Communication Towers (See Section 200-39I)	Adaptive Re-use of Historic Buildings (See Section 200-39F)
Public and private elementary and secondary schools recognized by the Pennsylvania Department of Education including accessory residential, office, recreational, maintenance and medical facilities..	Nursing Homes, Personal Care Homes and Assisted Living Facilities (See Section 200-39J)	Stadiums Outdoor Amphitheatres and Sports Fields (See Section 200-39K)
Essential Services.		Cemeteries (See Section 200-39L)
Place of Worship and Assembly		
Single Family Dwellings		
Communication Antenna		
Professional Offices		
Municipal and Public Utility Buildings and Structures		
For Accessory Uses and Structures See Section 200-29		

Table 200-22B

P-1 Public District , Lot, Yard and Height Standards		
Use Type/Dimension	Single Family Dwellings	Non-Residential Uses
Minimum Lot Area	5,500 Square Feet	20,000 square feet
Minimum Lot Width	50 Feet	75 Feet
Minimum Front Yard Depth	Average of nearest two Adjacent Structures	40 Feet from a state road or Borough street, 0 feet (no setback) from an institutional maintained road or street
Minimum Side Yard Width	5 Feet on one side, and a combined total of at least 12 feet for both sides	20 feet between buildings within a multi building campus 75 feet from an R1A or R1B District
Minimum Rear Yard Depth	25 Feet	20 feet between buildings within a college or University campus 75 feet from single family residential use or an R1A or R1B District
Maximum Height of Structure	35 Feet	65 Feet
Maximum Coverage	50 Percent (for buildings built to green standards like LEED, increase max. lot coverage to 60%; for buildings incorporating water storage, cisterns, rain gardens and rain barrels, increase coverage by 5%; for buildings incorporating a green roof, increase coverage by 5%)	50 Percent (for buildings built to green standards like LEED, increase max. lot coverage to 60%; for buildings incorporating water storage, cisterns, rain gardens, and rain barrels, increase coverage by 5%; for buildings incorporating a green roof, increase coverage by 5%)

Section 200-23 Reserved

Section 200-24 C-1 COMMERCIAL DISTRICT

PURPOSE

The C-1 Districts are located along major traffic arteries and provide for the commercial needs of the Borough. The purpose of the regulations and location of the districts is to provide commercial establishments in close proximity to residential districts, while at the same time discouraging heavy traffic volumes on local roads.

Table 200-24A

C-1 Commercial District, Table of Uses		
Permitted Uses by Right	Special Exceptions	Conditional Uses
Retail Stores	Indoor Commercial Recreation (See Section 200-39M)	
Personal Services	Day Care Centers (See Section 200-39N)	Transitional Housing Facility (See Section 200-39P)
Professional Offices		Upper Floor Dwelling Unit (See Section 200-39Q)
Business Services, including financial services such as banks		Private Clubs and Lodges(See Section 200-39R)
Eating and Drinking Places		Tattoos and Body Piercing Studio (See Section 200-39S)
Place of Worship and Assembly		
Theatres		
Outpatient Clinic		

Table 200-24B

C-1 Commercial District , Lot, Yard and Height Standards	
	All Uses
Minimum Lot Area	1000 Square Feet
Minimum Lot Width	25 Feet
Minimum Front Yard	0
Minimum Side Yard	0
Minimum Rear Yard	0
Maximum Height	60 Feet
Maximum Coverage	100%

Section 200-25 C-2 Planned Commercial District

PURPOSE

The C-2 Planned Commercial Development District is intended to permit the unified development of land in a compatible mixture of office and retail commercial and related uses; to encourage development which is attractive and functional; to ensure that the development is harmoniously related to adjacent and nearby existing development; and to encourage new and innovative development techniques. The entire area designated as a PC Planned Commercial Development District shall be planned and developed as a unit including vehicular and pedestrian circulation; parking and loading; building design, height, bulk and orientation; open space; landscape development; and signs, lighting and other site "furniture."

Table 200-25A

C-2 Planned Commercial District, Table of Uses		
Permitted Uses by Right	Special Exceptions	Conditional Uses
	Commercial Schools(See Section 200-39T)	Auto and Equipment Sales Service and Repair (See Section 200-39V)
Eating/Drinking Places	Drive Through Facilities and Car Wash Facilities (See Section 200-39U)	Gas Station/Convenience Store (See Section 200-39W)
Place of Worship	Hotels and Motels (See Section 200-39FF)	Sexually Oriented Business (See Section 200-39X)
Professional Offices		Planned Shopping Center or Mixed Use Development (See Section 200-39Y)
Civic and Cultural Buildings		Flea Markets and Outdoor Markets (See Section 200-39Z)
Retail Sales		Bottle Clubs (See Section 200 – 39AA)
Personal Services		Correctional Facility or Halfway House (See Section 200-39BB)
Business Services including financial services such as banks		Building Material and Supply Yards(See Section 200-39CC)
Funeral Homes		Light Manufacturing and Self Service Storage Facilities (See Section 200-39DD)
Outpatient Clinic		Retail Liquor Store (See Section 200-39EE)

Table 200-25B

C-2 Planned Commercial, Lot, Yard and Height Standards	
	All Uses
Minimum Lot Area	10,000 Square Feet
Minimum Lot Width	100 Feet
Minimum Front Yard	20 Feet
Minimum Side Yard	10 Feet
Minimum Rear Yard	20 Feet
Maximum Height	45 Feet
Maximum Coverage	50 Percent (for buildings built to green standards like LEED, increase max. lot coverage to 60%; for buildings incorporating water storage, cisterns, rain gardens, and rain barrels, increase coverage by 5%; for buildings incorporating a green roof, increase coverage by 5%)

Sections 200-26-29 Reserved

ARTICLE 4
SUPPLEMENTARY REGULATIONS

Section 200-27 Nonconforming Uses and Structures

- A. The following provisions shall apply to all nonconforming uses and structures. It is the intention of The Borough that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as in compliance in this Article.
- B. Any nonconforming use may be changed to a use of the same or a more restrictive classification (Such as a conversion from industrial use to commercial use. Such conversion of a nonconforming use to another nonconforming use shall be regarded as a Conditional Use. In considering this Conditional Use, the Borough Council may add reasonable additional conditions and safeguards.
- C. Any nonconforming structure or use which has been damaged or destroyed by fire, or any other means, may be reconstructed and used as before, if intent to rebuild is expressed within six (6) months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content. If approved by the Borough Council, a reconstructed structure may exceed its original lot coverage and cubic content but must meet the minimum yard requirements of the district in which the structure is located. The process for reviewing such an expansion shall be consistent with that for land developments under Article IV of the PA Municipalities Planning Code and the Borough of Edgewood Subdivision regulations.
- D. In the event that any nonconforming use voluntarily ceases, for whatever reason, for a period of one (1) year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance. A nonconforming use that is converted to a conforming one may not revert to the previous nonconformity.
- E. With approval of the zoning officer, the nonconforming use of a portion of a building may be extended throughout those parts of the building which were manifestly arranged or designed for such use at the time of adoption of this Ordinance.
- F. A nonconforming use or structure may, with the approval of Borough Council, be extended, enlarged or replaced if such expansion does not occupy an area greater than fifty (50%) percent more than the structure occupied prior to such expansion, enlargement or reconstruction. Furthermore, such structures must meet the minimum yard regulations and height restrictions of the district in which the structure is located. The expansion of a nonconforming use under this section shall be regarded as a Conditional Use meeting section 401 and standards of this subsection. In considering this Conditional Use, the Borough Council may add reasonable additional conditions and safeguards. Conditional Use standards for change, conversion, or expansion of nonconforming uses:
 - 1. If the nonconforming use is a residential nonconformity, no expansion will result in a greater number of dwelling units.
 - 2. The nonconformity may not extend to any property beyond the original lot, parcel or tract upon which it is located.
 - 3. The Council may limit the hours of operation as a reasonable condition and safeguard.

4. The expansion will not increase any unscreened outdoor storage area.
5. The Council may require screening to mitigate any effect upon surrounding properties.

Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance.

- G. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification or the allowed uses of any district change, this Article shall also apply to any uses which thereby become nonconforming.
- H. Expansion and construction of Nonconforming Single Family Dwellings: In any District in which single family dwellings are permitted, notwithstanding other limitation imposed upon such by other provision of this ordinance, a single family dwelling and permitted accessory uses may be erected upon a lot of record. Likewise single family dwellings on lots of record may be extended or expanded to an extent that encroaches on the established side yards for the district, provided
 1. The applicant demonstrates to the Zoning Officer that the dwelling and lot predate the zoning classification.
 2. The applicant presents the Zoning Officer with a sketch of the proposed extension or expansion that shows that all improvements are upon the applicant's property.
 3. The applicant does not own sufficient land on the lot or a separate abutting lot to expand and remain within the standards for the District as expressed in Article Three.
 4. In such cases, the alternative side or rear yard standard shall be equal to the distance that the principle structure on the abutting lot is from the applicant's property line. However, the alternative standard shall not result in any improvement that places a dwelling closer than four (4) feet from the property line.
- I. Front Yard Averaging: where a structure exists on an adjacent lot and/or is within one hundred fifty (150) feet of the proposed structure, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district; where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures. However, this shall not result in a setback of less than four (4) feet.

Section 200-28 Existing Lots of Record

Any lot of record/nonconforming lot existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this Ordinance. If two (2) or more contiguous lots, combination of lots or portions of lots with continuous frontage are in single ownership, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered an undivided parcel for the purpose of this chapter, and no portion of said parcel shall be sold in a manner which diminishes compliance with lot width and/or area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter. Where two (2) or more adjoining lots of record with less than the required area and width are held by one (1) owner, on or before the date of enactment of this Ordinance, the request for a zoning or construction permit shall be referred to the Planning Commission. The Commission may require re-platting to fewer lots, which would comply with the minimum requirements of this Ordinance.

Section 200-29 Accessory Structures and Uses

All accessory buildings or structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yards except as noted in this section.

- A. Handicap ramps may be constructed within two (2) feet of any lot line.
- B. A private, noncommercial garage, accessory to a single family dwelling, and not exceeding nine hundred (900) square feet in size, may be erected within five (5) feet of any side or rear lot line. Height shall be no higher than twenty (20) feet if used solely as a garage and no higher than twenty-eight (28) feet if used as an accessory dwelling.
- C. A wall or fence under forty-nine (49) inches in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard provided they do not impinge on the required free sight triangle at intersections (see SALDO for requirements within site triangles). Fences in residential districts may be erected to a maximum height of six (6) feet in a side or rear yard area only. Fences required for public safety or screening by nonresidential uses are exempt from height restrictions, but may not block a vehicular line of sight for any intersection or neighboring driveway.
- D. An at-grade masonry retaining wall may be erected within the limits of any yard, and does not require a zoning permit. Such wall shall not exceed one (1) foot above grade.
- E. Swimming pools shall be permitted in side or rear yard areas, provided that the pool is located not less than six (6) feet from any lot line. All swimming pools shall be enclosed by a permanent fence at least four (4) feet in height, or as required by the Uniform Construction Code. Above-ground pools may use a combination of sides and screen to reach the required height. If hot tubs are provided with a securable cover, the permanent fence is not required.
- F. Small garden sheds, storage sheds and similar structures smaller than one hundred forty-four (144) square feet may be permitted in yard areas, provided such lies no closer than two (2) feet to an abutting lot line. Height to be no higher than twelve (12) feet.
- G. Lighting: Lighting may be placed in setback areas, subject to the following standards:
 - 1. All lighting fixtures shall be full "cut off."
 - 2. No lighting fixture shall be mounted higher than six (6) feet above grade in R-1A, R-1B, R-2 and RLC Districts, and twenty (20) feet above grade in all other districts.
 - 3. All lighting shall be aimed away from residential uses or districts.
- H. Structures which are not buildings, such as bird feeders, garden arbors and trellises, and lawn furniture may be erected within the limits of any yard, and do not require a zoning permit, but shall be at least two (2) feet from a property line. Play sets and clotheslines must be only in the rear yard or the side yard but behind the house and shall be at least two (2) feet from the property line.
- I. Horticulture may occur within the limits of any yard and does not require a zoning permit.

- J. Attached Accessory Structures: When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.
- K. Boarders: In any single family unit occupied by a family, a family can have no more than one (1) additional boarder who need not be related by blood or marriage. Said boarder shall occupy a room for sleeping purposes only and such room is not for eating or preparing of food. The boarder exchanges money for the right to occupy a room and uses this house as their legal address.

Section 200-30 Temporary Structures and Uses

- A. Temporary Trailers: Temporary Trailers are only permitted during construction of multifamily residential or nonresidential buildings and may not be used for real estate sales purposes. Temporary construction trailers placed in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for such temporary structures shall be issued for a six (6) month period and may be renewed while construction is in progress. Temporary structures are subject to all use and setback requirements.
- B. Portable Storage Units and Portable Roll-Off Dumpsters: These units are intended for the temporary storage of household goods during moving or remodeling. Units may not be placed within any public right-of-way without a Borough permit. Units may remain in place for up to thirty (30) days.
- C. Recreational Vehicles and Equipment
 - 1. Major recreational equipment as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, and the like, and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not. may be parked or stored subject to the following requirements
 - a. Occupancy: No such equipment shall be used for living, sleeping or housekeeping purposes.
 - b. Permanent Parking and Storage of Camping and Recreational Equipment: Permanent storage of such equipment shall be permitted in any Zoning District provided parking of the unit conforms to all applicable yard setback requirements of the Zoning District and is behind the building structure.
 - c. Spacing: Major recreational equipment six feet or more in average height above the ground shall be governed as to spacing with respect to buildings on the lot as though it were a building. It must be stored on an approved paved surface and tarped when in storage for more than fourteen (14) consecutive days.
 - d. Lot Coverage: Major recreational equipment six (6) feet or more in average height shall be included on the same basis as buildings for regulations of lot coverage by all buildings with area covered computed on the basis of the largest horizontal area covered by such equipment.
 - e. Derelicts: No major recreational equipment shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six (6) months if not in condition for safe and efficient performance of the function for which it is intended.
- D. Forestry
 - 1. Any harvesting shall be preceded by presenting an approved erosion and sediment control plan prior to the issuance of a zoning permit, as needed. The harvester shall also confer with the owner of any above ground utilities on the property to ensure lines will not be damaged.

2. In all districts, to avoid traffic congestion and sound disturbance, all activities must start after 8:00 a.m. and end by 6:00 p.m. during the week. No Saturday or Sunday work shall be permitted.
3. No harvesting of timber shall be permitted within any setback area except for necessary removal from storm damage, disease prevention, utility protection, or pursuant to land development.
4. No harvesting shall be conducted within seventy-five (75) feet of any overhead utility pole or transmission line.
5. Road bonding for Borough Streets shall be arranged prior to harvesting.

Section 200-31 Tent, Truck, Temporary Retail Sales, Garage and Yard Sales, and Farmers' Market

- A. Tents erected for community or family events, auctions or residential yard and garage sales are exempt from this section provided that temporary structures are removed within five (5) days of erection. However, no such exempt tent or truck shall block any vehicular line of site on a public street.
- B. Retail Tent Sales. Sales of new retail goods within tents are only permitted in the C2 Zoning District. Where the proposed tent, truck used for retail sales, or other temporary sales event will remain in place for more than five (5) days, a zoning certificate for a temporary use must be obtained.
 1. The applicant shall show the location of all temporary signs placed in conjunction with the sale, and pay a deposit in an amount established by the Borough fee resolution to ensure all signs are removed upon conclusion of the sale.
 2. If the property owner is not the sponsor of the sales event, the applicant shall have written permission of the property owner.
 3. No part of any operation shall be located within any required yard or setback.
 4. Mud and dust free parking shall be provided, adequate to the proposed size and use of the tent, truck, or other temporary sales structure.
 5. The event shall not impede or adversely affect vehicular or pedestrian traffic sight distance, flow or parking maneuver. The driveway shall be clearly delineated and if necessary, show any PennDOT approval and/or adequate site distance.
 6. Unless clearly accessory to another retail operation, the maximum duration of any tent or other temporary retail sale shall be fourteen (14) calendar days. No tent sale shall be held upon the same property for thirty (30) days after said event, unless Conditional Use approval as a flea market is obtained.
 7. The applicant shall have sufficient secure trash receptacles on site for all waste generated by the retailer or anticipated customer use.
 8. Any structure with a height in excess of fifty (50) feet will be first referred to the Borough Fire Department for a review and comments relative to public safety considerations. Such comments shall be considered by the Borough as part of a land development application pursuant to the Subdivision and Land Development Ordinance.
 9. All signs, merchandise, equipment used in such sales, and all debris and waste resulting from a temporary sale shall be removed from the premises within three (3) days of the termination date of the permit.

- C. Garage and Yard Sales. Garage sales are a permitted temporary accessory use to residential dwellings, provided that no such sales shall exceed three (3) days in duration, and no more than thirty (30) days of such sales occur within any calendar year upon the premises.
- D. Mobile Food Vendors. Licensed commercial vehicles or licensed trailers selling food are exempt from this ordinance provided they are making local deliveries, catering special events of less than twenty-four (24) hour duration, or are operating in a the P-1, C-1 or C-2 zone districts. All mobile food vendors must have written permission of the property owner. Mobile Food Vendors may not park in on-street parking spaces on Arterial Roads as defined in the SALDO, §605B, Street Standards.
- E. Seasonal Farmers' Markets as a Temporary Use: Farmers' markets are permitted on any lot within the P-1 or C-2 Zoning Districts or as a temporary accessory to any lot having a Place of Worship and Assembly or public parks provided:
 - 1. The market shall no operate more than one (1) day per week during the months of May, June, July, August, September and October.
 - 2. Market Hours shall not exceed 8 hours in duration.
 - 3. At least ninety (90) percent of the vendors shall sell produce from an agricultural operation as defined by the MPC or others persons selling food, live plants, or cut flowers. No more than ten (10) percent of vendors may sell hot prepared food for consumption or handcrafts actually produced by the vendor. No used items or pre-packaged nonfood items may be sold.
 - 4. No outdoor amplified speakers or sound systems are permitted.

Section 200-32 Height Limitations

When the following conditions are met, height limits may be increased:

- A. In the C-1, C-2, and P-1 Districts, structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all minimum front, side and rear yard depths are increased by one (1) foot for each additional foot of height; however, such increase shall be limited to no more than ten (10) additional feet.
- B. The following structures are exempt from height regulations provided they do not constitute a hazard: church spires, chimneys, flag poles, and similar structures, standpipes, elevated water tanks, derricks and similar structures, provided that no more than 25 percent of total the roof area of the structure represents such an increase or protuberance.
- C. However, for the above structures, all yard and set-back requirements must be met; in addition any structure with a height in excess of fifty (50) feet will be first referred to the Edgewood Borough Volunteer Fire Department for a review and comments relative to public safety considerations. Such comments shall be considered by the Borough as part of a land development application pursuant to the Subdivision and Land Development ordinance.

Section 200-33 Performance Standards

- A. Uniform standards for all uses: no use of land or structure in any district shall involve, or cause, any condition or material that may be dangerous, injurious, or noxious to any other property or person in the Borough. Furthermore, every industrial or commercial use of land or structure in any district must observe the following performance requirements:
1. Fire Protection: Fire protection and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.
 2. Electric Disturbance: No activity shall cause electrical disturbances adversely affecting radio, television, cellular telecommunication, or other communication in the neighboring area.
 3. Noise: Noise which is determined to be objectionable because of volume or frequency shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes. Except for periodic maintenance activities and building construction, no activity shall result in a noise level of greater than 90 dB at the property line from the hours between sunrise and sunset, and 70 dB between the hours of sunset and sunrise.
 3. Odors: In any district, no malodorous gas or matter shall be permitted which is discernible on any other property.
 4. Air Pollution: No pollution of air by fly-ash, dust, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property.
 5. Glare: exterior lighting fixtures shall comply with the following standards: applicants must also meet the specifications of the Edgewood Borough outdoor lighting ordinance and any applicable lighting standards from the Borough's Subdivision and Land Development Ordinance.
 - a. For lighting horizontal tasks such as private drives, sidewalks, entrances and parking areas, full cutoff luminaires shall be used.
 - b. Luminaires shall be equipped with light directing and/or shielding devices such as shields, visors, skirts or hoods to redirect offending light distribution and/or reduce direct or reflective glare.
 - c. Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall vegetation, fences or similar methods be considered acceptable for reducing glare.
 - d. Neither direct nor reflected light from any exterior lighting fixture shall create a disabling glare that would be a potential traffic hazard for motor vehicles on public roads.
 - e. No exterior lighting fixture shall have any blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color. Deliberately induced sky-reflected glare, caused by the use of searchlights, beacon light or laser source lights for advertising or entertainment purposes is prohibited.

6. Erosion: No erosion by wind or water shall be permitted which carry objectionable substances onto other properties.
7. Water Pollution: No permit shall be issued until all applicable wastewater, stormwater or erosion/sedimentation control permits have been obtained.
8. Burning: To further protect property from noxious and malodorous nuisances, and provide for protection of property from fire, outdoor open burning of any paper, brush, refuse, or similar material is prohibited in the all districts. This prohibition does not include outdoor commercial or recreational barbeques.
9. Outdoor Storage: no building materials (such as wood, brick, block, roofing or siding shall be stored outdoors for a period of greater than six months after an occupancy permit has been issued except in strict conformity to all of the following:
 - a. The building material covers a surface area of no greater than thirty-two (32) square feet in surface area and three (3) feet in height, and is located behind the principal structure and at least twenty-five (25) feet from a rear or side property line.
 - b. The material is enclosed, screened by an opaque fence and stored in a manner to prevent degradation of materials resulting in odors, mold or rodent harborage.

B. Screening and Screen Planting

1. Fences utilized for screening shall be of permanent opaque construction, such as wood or vinyl, and kept in repair and maintenance to ensure their continued function. Unless permitted to be located on the property line, the owner shall ensure a maintenance area of at least three feet in width between any screen fence and a property line in P-1, C-1 and C-2 Districts. The fence screening can be on the property line in R-1A, R-1B, R-2 and T-1 Districts. The area outside the screen fence shall be mowed grass or landscaped vegetation. The finish face of the fence should be positioned to face outward.
2. If screen planting is used, it shall be comprised of an evergreen hedge at least six (6) feet high at time of planting, planted in such a way that it will block a line of sight. The screening may consist of either one (1) or multiple rows of bushes or trees and shall be at least four (4) feet wide. It shall be the responsibility of the property owner to maintain a screen planting, replacing trees as needed. The Zoning Officer may require replacement of screening trees.

Section 200-34 Household Pets

Household Pets are accessory uses permitted with any dwelling, and are limited to domesticated animals that normally or can generally be kept within the immediate living quarters of a residential structure. Any member of the swine, sheep, poultry, bovine, poultry or equidae family or quadrupeds, members of the crocodilia or alligators, or reptiles having a venomous or constrictor nature, does not constitute a household pet under any provision of the Ordinance. Kennel structures, tie out chains, and fences for shelter of household pets shall meet all setbacks for accessory buildings and structures.

Section 200-35 Specific Conditions on Permitted Uses

- A. Group Residences - the Borough supports housing choice for persons with disabilities, and group residences that meet the definition under Article Two shall be permitted by right in all districts where single family dwellings are permitted. However, it shall be the applicant's responsibility to ensure to the Borough that:

1. All applicable standards of the Pennsylvania Department of Public Welfare and other licensing entities are met.
2. All Standards of the Uniform Construction Code are met prior to occupancy.
 - a. The applicant shall certify that it will provide no group housing on the site for persons who:
 - (1) have been adjudicated a juvenile delinquent.
 - (2) have a criminal record.
 - (3) have a legal status as a sex offender.
 - (4) are persons who currently use illegal drugs.
 - (5) are persons who have been convicted of the manufacture or sale of illegal drugs.
 - (6) are persons with or without disabilities who present a direct threat to the persons or property of others.
3. The Borough will make reasonable accommodation for the need of resident caregivers and disabled persons in applying its definition of family, but the applicant shall show that the number of persons and caregivers proposed to reside in the group residence will be generally consistent with the density of dwellings in the proposed zoning district.

B. Home Offices

1. No Home Office shall have more than one employee who resides outside the home.
2. No Home Office shall be engaged in retail sales upon the site.

C. Solar and Wind Energy Systems

1. It is the purpose of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and lots and parcels. This ordinance seeks to:
 - a. Provide property owners and business owners/operators with flexibility in satisfying their on-site energy needs.
 - b. Reduce overall energy demands within the community and to promote energy efficiency.
 - c. Integrate alternative energy systems seamlessly into the community's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.

2. Applicability

- a. This Ordinance applies to building-mounted and ground-mounted systems installed and constructed after the effective date of the Ordinance.
 - b. Solar PV systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Ordinance.
 - c. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of this Article.
3. Permitted Zoning Districts
- a. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use or accessory use on the same lot or parcel upon issuance of the proper permit pursuant to and upon compliance with all requirements of this Article and as elsewhere specified in this Ordinance.
 - b. Building-integrated systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance.
4. Locations within a Lot
- a. Building-mounted systems are permitted to face any rear, side and front yard or an unregulated yard area as defined by this Ordinance. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
 - b. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.
5. Design and Installation Standards
- a. The solar PV system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
 - b. All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania.
 - c. The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the Commonwealth of Pennsylvania.
6. Setback Requirements - Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.
7. Height Restrictions

- a. Notwithstanding the height limitations of the zoning district:
 - (1) For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance measured perpendicular to the roof of eighteen (18) inches between the roof and the highest edge of the system.
 - (2) For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
- b. Notwithstanding the height limitations of the zoning district:
 - (1) For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six (6) feet above the roof to which it is attached.
 - (2) Ground-mounted systems may not exceed ten feet in height, measured from the tallest part of the structure when installed.

8. Screening and Visibility

- a. Building-mounted systems on a sloped roof shall not be required to be screened.
- b. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a fifty (50) foot radius of the property, exclusive of an alley as defined by this Ordinance, at a level of five (5) feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way within a fifty (50) foot radius at a level of five (5) feet from the ground.

- 9. Impervious Lot Coverage Restrictions - The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

10. Non-conformance

- a. Building-mounted systems:
 - (1) If a building-mounted system is to be installed on any building or structure that is a non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system may be granted an administrative approval by the Zoning Officer so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted.

- (2) If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system may be granted administrative approval by the Zoning Officer so long as there is no expansion of any setback or lot coverage non-conformity.
 - (3) Ground-mounted systems: If a ground-mounted system is to be installed on a lot that is a non-conforming because the required minimum setbacks are exceeded, the proposed system may be granted an administrative approval by the Zoning Officer so long as the proposed installation does not increase the setback non-conformance of the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates any other district requirements not mentioned herein, a variance must be obtained for the proposed installation.
11. Signage or Graphic Content - No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.
12. Performance Requirements - All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in this Article of this Zoning Ordinance.
13. Vacation, Abandonment and/or Decommissioning
 - a. Discontinuation and/or abandonment is presumed when a solar PV system has been disconnected from the net metering grid for a period of six (6) continuous months without being connected to a battery system or has not produced electricity for a period of six (6) months. The burden of proof in the presumption of discontinuation/abandonment shall be upon the Municipality.
 - b. A solar PV system including its solar PV related equipment must be removed within twelve (12) months of the date of discontinuation and/or abandonment or upon termination of the useful life of the solar PV system.
 - c. For ground-mounted and building-mounted systems, removal includes removal of all structural and electrical parts of the ground or building-mounted system and any associated facilities or equipment and removal of all net metering equipment.
 - d. If an owner fails to remove or repair the vacated, abandoned or decommissioned solar PV system within six (6) months, the Borough reserves the right to enter the property, remove the system and charge the landowner and/or facility owner and operator for all costs and expenses including reasonable attorney's fees or pursue other legal action to have the system removed at the owner's expense.
 - e. Any unpaid costs resulting from the Borough's removal of a vacated, abandoned or decommissioned solar PV system shall constitute a lien upon the lot against which the costs were charged. Each such lien may be continued, recorded and released in the manner provided by the general statues for continuing, recording and releasing the property tax liens.
14. Permit Requirements - Before any construction or installation on any solar PV system shall commence, the Applicant shall obtain a Permit to document compliance with this Ordinance as issued by the Borough.

15. Wind Energy Conversion Systems (WECS) include any device such as a wind charger, wind turbine or windmill that is designed to convert wind power into another form of energy such as electricity or heat. They are permitted as an accessory to another use when all the following standards are met. WECS by more than three (3) turbines or structures on any property shall be regarded as an industrial use. WECS shall be permitted in accordance with the following requirements:
- a. In order to insure safety to adjoining properties, all WECS shall require a special operating permit issued by the Zoning Officer after his review of proposed construction plans and operational data relative to the proposed WECS.
 - b. Construction plans shall be prepared by a registered engineer showing the location of the proposed tower and related equipment for the WECS; the type of materials used to construct the tower or pole on which the WECS will be mounted, all manufacturer's data relative to the complete operational characteristics of the WECS, including but not limited to safety and performance standards and/or characteristics, noise characteristics, etc.
 - c. All WECS towers or poles shall be set back a minimum distance of 1.25 times the total height of the tower or pole and all equipment mounted thereon from all adjacent property lines. The total height shall include the height of any structure that a tower or pole is mounted on if it is not mounted directly at ground level.
 - d. All WECS towers or poles shall be enclosed by a six (6) foot fence with a lockable entry, or the climbing apparatus for the tower or pole shall stop twelve feet above the ground level.
 - e. WECS operations shall not cause interference to television or radio reception on neighboring properties. The Borough reserves the right to suspend and/or rescind the special operating permit if such interference becomes evident and is a nuisance to neighboring property owners.
 - f. WECS operations shall not cause unreasonable noise that would be objectionable to and detract from adjacent properties. The Borough reserves the right to suspend and/or rescind the special operating permits if, in its opinion, the noise characteristics and/or levels generated by a particular WECS are unreasonably loud and pose an undesirable nuisance to neighboring properties.
 - g. WECS operations shall not constitute an undue safety hazard to neighboring properties due to repeated failure and/or breakage of the rotor blade(s). If in the opinion of the Borough such a safety hazard and/or nuisance exist, they reserve the right to suspend and/or rescind the special operating permit until the safety hazard(s) have been corrected to the satisfaction of the Borough.

ARTICLE 5
CONDITIONAL USES AND SPECIAL EXCEPTIONS

Section 200-37 **Conditional Uses and Special Exceptions**

- A. The criteria for Conditional Uses and Special Exceptions are listed below. The Borough Council or the Zoning Hearing Board (as the case may be), in granting Conditional Uses and Special Exceptions, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a Conditional Use or a Special Exception, the Borough Council or the Zoning Hearing Board (as the case may be) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.
- B. Applications for Conditional Uses and Special Exceptions shall be made to the Zoning Officer. Conditional Uses shall be granted or denied by the Borough Council after the recommendation of the Borough Planning Commission. Special Exceptions shall be granted or denied by the Zoning Hearing Board. Procedures for both shall follow those specified in this Ordinance and the Planning Code.
- C. This Article contains specific standards for Conditional Uses and Special Exceptions allowed in each zoning district. It shall be the responsibility of the applicant to illustrate compliance with these standards to the Borough. In granting a Conditional Use or Special Exception, the Borough Council or Zoning Hearing Board may also add reasonable additional conditions and safeguards beyond the specific criteria for each Conditional Use or Special Exception. The purpose of such additional conditions and safeguards is to further mitigate negative impacts of a development upon specific sites, and make the Conditional Use more compatible with the surrounding zoning district. Such reasonable additional conditions and safeguards may include, but are not limited to:
 - 1. Establishment of screening and buffering or an increase in screening and buffering normally required.
 - 2. Limitations upon hours of operation.
 - 3. Establishment of fencing for purposes of security, limiting vehicular access, or control of windblown trash.
 - 4. Limits upon future subdivision of property to prevent the creation of a lot too small for the approved use.
 - 5. Changes in the proposed location or design of access drives or parking areas to prevent traffic hazards, congestion, or the impacts of increased traffic upon local access and residential streets.
 - 6. Other conditions to ensure that the exterior appearance of a building or property is in harmony with surrounding development, including an agreement by the applicant to adhere to any design standards of the Borough Subdivision and Land Development Ordinance.
 - 7. Any compressors shall be so enclosed as to baffle their sound from surrounding uses.
 - 8. All dumpsters and or garbage/trash storage areas shall be enclosed and placed in a rear or side yard.
- D. The applicant will be notified in writing of any such reasonable additional conditions and safeguards imposed by the applicable board as part of an approval.

Specific Criteria for Special Exceptions and Conditional Uses**A. Essential Service Structure**

1. Essential Services such as underground piping, poles (except for cellular telephone service towers), wire, cable, and similar apparatus shall not require a permit. This Special Exception includes only buildings and structures used for the provision of essential services.
2. The design and landscaping shall be compatible with and preserve the character of any adjoining residential uses.
3. Screen planting or buffering may be required as a reasonable additional condition of approval. If the structure is fenced, screening shall be located on the outside of the fence.
4. Any security fencing for outdoor play areas shall be set back at least four (4) feet from any lot line containing a single family dwelling. Areas between the security fence and the property line shall be landscaped and maintained.
5. Outdoor lighting shall be designed to prevent glare to adjoining properties through the use of full cutoff fixtures
6. There shall be no permanent employee stationed at the structure, or use of any structure for a permanent office, workshop, or similar installation.

B. Family and Group Day Care Homes and Day Care Centers

1. Day Care Services for Children shall be defined as type consistent with Commonwealth of Pennsylvania licensing. No day care home shall expand into another commonwealth licensing classification without zoning approval.
2. Any outdoor play area shall be effectively fenced from access to abutting properties or streets with a solid or opaque fence of at least four (4) feet in height.
3. If the lot is located on a state highway route that does not provide on street parking, a turning place shall be provided on lot to assist drivers in avoiding backing on to a state highway.
4. The operator shall secure and keep current all permits from the Commonwealth or other licensing agencies.

C. Accessory Dwelling

1. The purpose of this use is to facilitate housing within an accessory dwelling without altering the density of single family residential neighborhoods. The intent is that the accessory dwelling shall be clearly incidental and subordinate to a single family dwelling.
2. The accessory dwelling must be located in a garage or another building separate from the principle dwelling unit.

3. The owner of the property shall occupy either the principal dwelling unit or the accessory dwelling.
4. For the purposes of this section, the "owner" shall be one (1) or more individuals residing in a dwelling who hold legal or beneficial title and for whom the dwelling is the primary residence for voting and tax purposes. The owner resident shall agree to inform the Borough upon any status change in residency, such as sale or vacation of the property.
5. There shall be adequate off street parking space for one additional motor vehicle per apartment.
6. The accessory dwelling shall contain no more than one (1) bedroom.

Section 200-39A Home Occupations

- A. Home Occupations. Home occupations are a potential intrusion upon residential areas and are limited in size and scale to mitigate these impacts.
- B. Parking. In addition to providing the required parking spaces for residents of the dwelling units, off-street parking must be provided for employees and customers in accordance with the criteria set forth by this Ordinance.
- C. Employees. No more than one (1) outside employee, other than a family member, shall participate or work in the home occupation.
- D. Restrictions. No home occupation which would cause undue noise, traffic or other intrusion upon the neighborhood shall be allowed. Among the activities excluded shall be kennels, veterinary offices, restaurants, small motor repair, automotive repair, automobile body work and similar undertakings.
- E. Home occupations may include, but are not limited to, art studios, music studios (limited to one student at a time), professional services, beauty shops (limited to one customer at a time), and dressmakers.
- F. The nature of the home occupation shall not change the outward characteristics of the home as a residential unit.
 1. No more than twenty-five (25) % (in aggregate) of the home may be used for a home occupation.
 2. One (1) sign no larger than two (2) square feet may be used to announce the name or purpose of the home occupation.
 3. Home occupations shall not operate before 8:00 a.m. or after 9:00 p.m.
 4. No more than one (1) home occupation per dwelling shall be permitted.
 5. No exterior storage of materials shall be permitted.

Section 200-39B Bed and Breakfast

- A. No signs in excess of three (3) square feet shall be allowed. Only one (1) such sign shall be permitted.

- B. No more than three (3) guest rooms will be permitted.
- C. One (1) off-street parking space for each guest room shall be required.

Section 200-39C Public Utility Building

- A. Shall be landscaped to present a minimum intrusion upon the neighborhood.
- B. Shall be enclosed by a security fence if potentially hazardous. Notwithstanding any other Section of this Chapter, the height of this fence shall be adequate to provide proper security for the installation

Section 200-39D Parking Lots for more than four Vehicles

- A. No Parking Lot shall have a lot frontage wide than seventy-five (75) feet.
- B. Parking Lots shall minimize the width of curb cuts to no wider than twenty-four (24) feet.
- C. A fence or landscaped buffer of at least five (5) feet in width shall be placed between the parking area and any abutting street with a sidewalk.
- D. Where possible, new buildings should be built as close as possible to the front property line (in accordance with the front yard setbacks required in this ordinance) with parking located behind the building.

Section 200-39E Conversion of Single Family Dwellings into a Two Family Dwelling

- A. No single family dwelling proposed for conversion to apartments shall have a lot size of less than that required for a conforming single family dwelling in the District. Off street parking shall be provided at a ratio of 1 space for every single bedroom or efficiency apartment and 2 spaces for every apartment of two bedrooms or more.
- B. No Parking area, except for a residential driveway of no greater than twenty-eight (28) feet in width, may be developed in any area between the principal street and the front of the dwelling. All parking areas shall be in the rear of the dwelling. Parking shall be arranged so that no vehicle shall be parked in a manner that would block a required parking space from access to a public street. All required parking shall be accommodated on lot. No parking in the front yard area shall be permitted.
- C. All units must have separate kitchen and bathroom facilities as well as living/sleeping spaces.
- D. Each unit shall have a minimum size of six hundred (600) square feet exclusive of common spaces.
- E. Each dwelling Unit shall have separate utility service connections and meters (as applicable) for natural gas, water, sewer and electric.

Section 200-39F Adaptive Re-use of Historic Buildings

This Section derives its authority from Section 603(g) 2 of the Pennsylvania Municipalities Planning Code and is adopted for the expressed purpose of encouraging the adaptive reuse of historic buildings within the Borough to both promote historic preservation and to return vacant non-taxable properties to the tax rolls. Applicability: This section shall apply only to former public buildings (including, but not limited to schools, churches, former commercial buildings, and armories). Structures which meet the criteria outlined in this section may be reused for the following purposes by

Conditional Use (Multiple Uses are allowed per building): Day care facilities of all types, Personal Care Home, Professional Office, Studio of an Artist or Musician, Personal Service Business limited to an Exercise Facility or Gymnasium Barber or Beauty Salon

- A. Any expansion of a structure being approved as an adaptive re-use shall meet all applicable yard and coverage standards.
- B. To protect the scale of neighborhoods and integrity of historic structures, no building expansions shall result in a total gross floor area increase of greater than one thousand (1,000) square feet.
- C. Design standards for alteration or expansion:

The Applicant may choose to employ the Secretary of the Interiors Standards for Historic Preservation in undertaking any alteration, in which case, evidence of compliance shall be furnished. Otherwise, the following design standard shall apply to any expansion, replacement or exterior alteration:

- 1. The original building footprint or a smaller area is adhered to for all yard lines. The principal entrance shall be located on the same street frontage as the original building.
- 2. Buildings shall generally relate in scale and design features to the surrounding buildings and the previous building on site.
- 3. Long monotonous uninterrupted walls or roof planes shall be avoided.
- 4. Window arrangement shall be architecturally compatible with the style, materials, colors, and details of the building. Windows shall be vertically proportioned whenever possible. Upper-story windows shall be vertically aligned with the location of windows and doors on the ground level.
- 5. Blank, windowless walls are discouraged. Where the construction of a blank wall is necessitated by local building codes, the wall should be articulated by the provision of blank window openings trimmed with frames, sills, and lintels, or, if the building is occupied by a commercial use, by using recessed or projecting display window cases. Intensive landscaping may also be appropriate in certain cases.
- 6. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades, and others, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors, and details of the building as a whole, as shall the doors.
- 7. Any design manual adopted by the Borough shall be adhered to.

Section 200-39G Neighborhood Businesses

The purpose of this Conditional Use is to allow very small retail businesses that would serve the neighborhood or potential tourists. Such uses shall:

- A. Provide all parking as required by this Ordinance on lot unless it can be shown that on-street parking is adequate within one hundred (100) feet.
- B. No sign for a neighborhood business may exceed sixteen (16) square feet.
- C. No building shall exceed five thousand (5,000) square feet gross floor area (GFA).

Section 200-39H Multiple Family Dwellings

- A. Shall meet all parking as provided for in this ordinance.

- B. Shall provide screening (as defined by this ordinance) on any side that abuts a single family dwelling.

Section 200-391 Communication Towers

The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communication antennas.

- A. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- B. Communication towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation Regulations. Towers must comply with the Borough Subdivision and Land Development Ordinance as a subdivision for lease.
- C. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antenna on an existing building, structure, or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter ($\frac{1}{4}$) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
 - 1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - 2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - 3. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - 4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - 5. A commercially reasonable agreement could not be reached with the owners of the structure.
- D. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all-weather surface for its entire length.
- E. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
- F. The maximum height of any communications tower shall be three hundred (300) feet.

- G. The foundation and base of any communications tower shall be set back from a property line (not lease line) at least one foot for every foot in tower height.
- H. To encourage co-location and minimize the use of land for these facilities, all towers shall be secured only at the tower base. Towers secured by guide or support wires shall not be permitted unless they are the only form that is technically feasible at the site. If guide or support wires are employed, fencing and screening shall enclose the entire area (including all support apparatus) within a single compound.
- I. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
- J. The communications equipment building shall comply with the required yards and height requirements of applicable zoning district for an accessory structure.
- K. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Tele-communications Industry Association.
- L. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address, and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower and communications antennas.
- M. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- N. The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.
- O. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agency that has jurisdiction.
- P. The Owner shall notify the Borough if the tower is no longer being used. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve- (12) month period.
- Q. One (1) off-street parking space shall be provided within the fenced area.

Section 200-39J Nursing Homes, Personal Care Homes and Assisted Living Facilities

- A. There shall be no sign or exterior display beyond the name of the home or its use.
- B. No home may admit more than 25 residents, unless located at least 100 feet from an R-1A or R-1B District.
- C. Required local, county and/or State certifications shall be presented to the Borough. Specially included are to be applicable permits from the Pennsylvania Departments of Welfare and labor and Industry.

Section 200-39K Stadiums, Outdoor Amphitheaters and Sports Fields

- A. The applicant shall present a means to ensure that the normal flow of traffic to events will avoid the utilization of local streets in residential districts.
- B. No Facility shall be located within two-hundred (200) feet of an R-1A or R-1B District.
- C. Present a plan for management of noise through screening and buffering.

Section 200-39L Cemeteries

Funeral homes are a separate use, and crematoriums are considered an industrial use.

- A. File a site plan to demonstrate the design and layout of the proposed cemetery or cemetery expansion and specifically illustrating: the proposed drainage plan, the internal circulation plan and the location of accessory building.
- B. Connections to existing Borough streets will be no closer than fifty (50) feet to a street intersection, fifteen (15) feet to a fire hydrant, thirty (30) feet to a driveway on the same side of the street and shall avoid streets or driveways opposite proposed means of ingress and egress.
- C. Shall demonstrate compliance with applicable State laws.
- D. All accessory uses must be clearly incidental and subordinate to the function of the cemetery.
- E. All new facilities shall have a size of at least one acre.

Section 200-39M Indoor Commercial Recreation

- A. Shall have no outdoor speakers.
- B. Comply with all Uniform Construction Code building regulations.

Section 200-39N Day Care Centers

- A. Day Care Services for Children shall be defined as type consistent with Commonwealth of Pennsylvania licensing. No day care home shall expand into another commonwealth licensing classification without zoning approval.

- B. Any outdoor play area shall be effectively fenced from access to abutting properties or streets with a solid or opaque fence of at least four (4) feet in height.
- C. If the lot is located on a state highway route that does not provide on street parking, a turning place shall be provided on lot to assist drivers in avoiding backing on to a state highway.
- D. The operator shall secure and keep current all permits from the Commonwealth or other licensing agencies.

Section 200-39O Eating and Drinking Places

- A. Shall provide screening on any side that abut a single family dwelling
- B. Meet all standards and any design manual adopted by the Borough.

Section 200-39P Transitional Housing Facility

- A. The facility operator shall present to the Borough applicable information about any and all limits upon residency to determine the facility will not operate as a halfway house.
- B. If the facility is located in a former single family dwelling, no more than ten (10) residents are permitted at any one time. Maximum residency of other building types is limited to sixteen (16) persons.
- C. No transitional housing facility shall be located within three hundred (300) feet of another transitional housing facility.

Section 200-39Q Upper Floor Dwelling Unit

- A. Shall only be permitted where the ground floor, or majority thereof, shall be used or dedicated for a use other than residential, and a use allowed in the zoning district in which the building is located.
- B. The dwelling units shall have no more than four (4) bedrooms.
- C. Each dwelling unit shall provide the following minimum usable living space:
 - 1. Minimum of six hundred (600) square feet of usable space for one-bedroom units, for occupancy of no more than two (2) persons.
 - 2. Minimum of eight hundred (800) square feet of usable space for two-bedroom units, for occupancy by no more than four (4) persons.
 - 3. Minimum of nine hundred-ten (910) square feet of usable space for three-bedroom units, for occupancy by no more than six (6) persons.
 - 4. Minimum of one thousand ninety-five (1,095) square feet of usable space for four-bedroom units, for occupancy by no more than eight (8) persons.
- D. Any structure in which a residential use is permitted shall comply with all requirements of this ordinance applicable to the permitted principal use of the ground floor conducted therein. All otherwise complying above ground floor residential uses shall be exempt from lot size, lot coverage, and lot width and setback requirements.

- E. There shall be provided at least one (1) leased or otherwise dedicated off-street parking space for every one or two bedroom dwelling unit and two (2) spaces for each three (3) or more bedroom dwelling unit.

Section 200-39R Private Clubs and Lodges

- A. No private club shall function as a bottle club, as defined by the Pennsylvania code.
- B. Live entertainment shall not be of a sexually oriented nature, or any other entertainment qualifying the performance as a sexually oriented business.
- C. All music, entertainment or sound systems shall be confined to the hours of 10:00 am. to 9:00 pm., if such music is either outdoors or audible from outside the building.

Section 200-39S Tattoos and Body Piercing Studio

- A. Hours of operation shall be limited from 8:00 am to 10:00 pm.
- B. No tattoo or piercing operation shall be visible from the outside of the building.
- C. No advertising material or flyers are permitted except a lawful sign for the zoning district.

Section 200-39T Commercial Schools

- A. As part of their Borough application, the commercial school shall show the ability to meet all performance standards of section 200-33. No offensive noise, vibration, smoke (or other particulate matter), heat, humidity, glare or other objectionable effects shall be produced.
- B. No equipment or processes shall be used which create interference in radio or communication receivers off the premises or which cause fluctuation in utility line transmissions. Applicant will also show that electric or electronic equipment will not create an electrical fire hazard.

Section 200-39U Drive through and Car Wash Facilities

- A. All drive-through lanes shall be designed to minimize conflict with pedestrian traffic. Drive-through lanes may not be emplaced where they conflict with a pedestrian building entrance.
- B. A total stacking area or parking area outside the washing bays with a capacity for six (6) cars shall be provided.
- C. Under no circumstances shall a public street or alley serve as a drive-through or stacking lane.
- D. A solid wall of at least twenty four (24) inches in height shall be emplaced along all parking/drive-through areas which abut sidewalks, with the exception of designated vehicular access lanes.

Section 200-39V Auto and Equipment Sales, Service and Repair

- A. There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, and parts of vehicles, tires or vehicles which lack current Pennsylvania inspection stickers. The overnight parking of customer vehicles and the screened storage of approved trash containers shall be permitted.
- B. Vehicles for sale shall be stored within setback areas for the District

Section 200-39W Gas Station/Convenience Store

- A. Any fuel pumps shall be at least thirty (30) feet from any road right-of-way and at least thirty (30) feet from a side lot line.
- B. No vehicles will be parked or stored in a manner which would encroach upon a free sight triangle, or safe line of sight for any nearby street or driveway.

Section 200-39X Sexually Oriented Business

These businesses have potential negative secondary impacts upon the community, including:

- A. Frequent use for unlawful sexual activities, including prostitution and public sexual liaisons of a casual nature.
- B. The concern over sexually transmitted diseases is a legitimate health concern of the Borough, which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens.
- C. There is convincing documented evidence of a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.
- D. Serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighboring blight and downgrading the quality of life in the adjacent area.

Permitting and/or licensing is a legitimate and reasonable means of accountability to ensure that the operators of sexually oriented businesses comply with reasonable regulations and to ensure that the operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation. However, it is not the intent of this Ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance, which addresses the secondary effects of sexually oriented businesses. Nor is it the intent of the Borough to condone or legitimize the distribution of obscene material.

Sexually Oriented Business, as defined, herein shall be permitted as a Conditional Use, provided:

- A. The proposed business does not lie within five hundred (500) feet of:
 - 1. A Place of Worship
 - 2. A public or private pre-elementary, elementary, or secondary school
 - 3. A public library
 - 4. A child-care facility or nursery school

- 5. A public park adjacent to any residential district
 - 6. A child-oriented business
- B. The proposed business does not lie within five hundred (500) feet of another adult entertainment business.
 - C. Compliance with all other applicable local codes and licenses is presented to the Borough Council.
 - D. Visibility from the street: No Sexually Oriented Business shall permit, or cause to be permitted, any stock in trade or sign which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined under any Borough ordinance, to be viewed from the street, sidewalk or highway.

Section 200-39Y Planned Shopping Center or Mixed Use Development

This section facilitates the construction of large or multiple-building developments which may include a mix of retail, eating and drinking places, professional offices, and personal services.

- A. The center shall either be planned around a central green or quadrangle area or existing street, with consideration given to the relationship of various buildings and uses to each other. A minimum of ten percent (10%) of the total developed area shall be devoted to such greens or common passive recreational areas. This shall be in addition to any normal required yard and setback areas or limitations upon coverage.
- B. The applicant shall submit a sketch plan that generally identifies proposed areas for various permitted and conditional uses within the center. This sketch plan need not include final dimensions and final designs of any public or private improvements and is not to be regarded as a preliminary or final plan under the Borough Subdivision and Land Development Ordinance, but shall focus upon the relationship of proposed uses to each other and the surrounding neighborhood. If areas are specifically identified for conditional uses, and meet all performance standards, their subsequent development may proceed by right at a later date without additional Conditional Use approval.
- C. The applicant shall submit plans for any architectural guidelines or covenants proposed to ensure a harmonious development of the center as an integral whole.
- D. The applicant shall submit a sketch landscaping plan that illustrates how landscaping will be used to buffer the proposed center from any abutting residential areas. The Borough may increase standards for buffering and landscaping as a reasonable additional condition and safeguard.

Section 200-39Z Flea Markets and Outdoor Markets

- A. The operator of the flea market shall either be the property owner, or provide evidence of written permission (such as a lease agreement) to utilize the property.
- B. The operator shall submit a plan that details public parking areas, and the number and location of proposed seller stalls. The plan shall detail areas to allow vendors selling from cars to enter and exit while avoiding pedestrian areas.
- C. The operator shall have a contract with an approved waste hauler, and a minimum of one (1) fifty- (50) gallon capacity solid waste receptacle (or equivalent dumpster capacity) for every four (4) proposed sellers. The operator shall agree to dispose of all unsold items left on site by vendors.

Section 200-39AA Bottle Clubs

- A. Shall be located at least five hundred (500) feet from the nearest property line of any other bottle club, place of worship, school or other institution of learning or education, hospital, library, park, or playground.
- B. Shall be located at least two hundred (200) feet from any land zoned residential.
- C. Shall be located at least two hundred (200) feet from any property line of any single or multi-family dwelling.

Section 200-39BB Correctional Facility or Halfway House

- A. Shall present the Borough with a security plan that takes into account the safety of Borough residents.
- B. Does not lie within five hundred (500) feet of:
 - 1. A place of worship
 - 2. A public or private pre-elementary, elementary, or secondary school
 - 3. A public library
 - 4. A child-care facility or nursery school
 - 5. A public park adjacent to any village or rural development district
 - 6. A child-oriented business
- C. No Correctional facility, halfway house or treatment center may be located where any adjacent property contains a pre-existing single family home in separate ownership from the proposed facility

Section 200-39CC Building Material and Supply Yards

- A. All outdoor storage shall be within all, rear or side yard setbacks and behind the principle structure, screened from view of any public road.
- B. All parking, loading and unloading facilities shall be clearly designed so motor vehicles will not be required to back into or from streets or roads when parking or leaving the premises.
- C. No building shall exceed fifty thousand (50,000) square feet in gross floor area.
- D. The Borough may require screening or buffering as a reasonable condition and safeguard.

See Section 200-39DD Light Manufacturing and Self-service Storage Facilities

- A. The applicant shall submit a sketch plan with a conditional use application. This sketch plan need not include final dimensions and final designs of any public or private improvements, but shall focus upon the relationship of proposed building and parking areas to each other and the surrounding neighborhood, overall building design, and any landscaping, screening and buffering proposed. Include the method for minimizing the effect of any truck traffic on congested areas.

- B. Describe any and all industrial processing and product lines in such detail to ensure the Borough that the applicant meets the definition of light manufacturing.
- C. All industrial activities shall be contained indoors and any outdoor storage shall be screened from view. For self-service storage facilities, any screened outdoor storage shall be limited to motor vehicles or recreational vehicles or trailers, licensed to travel the highways of the Commonwealth.
- D. No building shall be larger than 20,000 square feet in area.

Section 200-39EE Retail Liquor Store

- A. No Retail Liquor Store shall be located within Three Hundred (300) feet of another Retail Liquor Store.
- B. The Borough may limit the hours of operation of the Retail Liquor store as a reasonable additional condition and safeguard.

Section 200-39FF Hotel/Motel

- A. Motel buildings or accessory structures shall be placed no closer than fifty (50) feet to any lot line containing a single family dwelling.
- B. Any swimming pools shall comply with the safety requirements of the Uniform Construction Code
- C. Rooms shall not be rented for a period of less than twelve (12) hours.

Section 200-39GG Community Gardens

Community gardens are a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

- A. Community gardens are permitted in all non-residential zoning districts.
- B. Fencing – the garden must be screened by a minimum of four feet tall, solid fence around the perimeter of the garden unless topography or adjacent land use render the site not visible from the public way. If the adjacent property is zoned residential or transitional district, provide a six foot tall solid fence.
- C. Parking – provide a permeable paved surface with one parking space for every four garden plots.
- D. No retail sale of garden products may take place at the community gardens.
- E. Provide the following setbacks:
 1. Minimum front yard setback – ten feet
 2. Minimum side yard setback – at least four feet on one side and a combined total of twelve feet for both sides.
 3. Minimum rear yard – twenty-five feet

Section 200-40 and 41 are Reserved

DRAFT

Article 6 Off-Street Parking

Section 200-42 Off-street parking

Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off or beyond the public right-of-way.

1. Each parking space shall have an area of not less than one hundred and sixty-two (162) square feet (a parking space 9' x 18'), whether inside or outside of a structure, for the temporary parking of automotive vehicles to be used exclusively as a parking space for one automobile vehicle unless otherwise noted in this ordinance or the SALDO.
2. Within all R Residential Districts, no parking area, except for a residential driveway of no greater than twenty (20) feet in width, may be developed in any area between the principal street and the front of the dwelling. All parking areas shall be in the rear or side of the dwelling.
3. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
4. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Borough as a land development.
5. Surfacing: Any new or enlarged commercial, industrial or multi-family off-street parking area shall be graded for proper drainage and natural stormwater drainage and shall be surfaced so as to provide a durable and dustless surface, such as concrete, bituminous, or unit paver surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles. Permeable paving is encouraged. Stormwater surface flow to swales, infiltration basins and rain gardens is preferred over curbs and inlets.
6. Lighting: Any lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises and public rights-of-way.
7. There shall be adequate provision for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public as approved by the Borough Council in the course of a land development plan approval. Where a parking or loading area does not abut on a public right-of-way, or private alley or easement of access, there shall be provided an access drive of not less than twelve (12) feet in width per lane of traffic and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder.
8. Combined Spaces: When any lot contains two (2) or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Borough Council may reduce the total parking spaces required for that use with the least requirement in the course of a land development plan approval.

9. Multiple Uses in Single Structure: When two (2) or more uses that require off-street parking spaces are located in a single structure, the separate parking requirements for each use shall be applied.
10. Reduction of Parking Spaces: The Zoning Hearing Board may authorize the reduction of the number and size of the off-street parking spaces as a special exception in cases where they can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land.
11. Joint Facilities: Required parking spaces, open or enclosed, may be provided in spaces designated to serve jointly two (2) or more establishments whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.
12. Off-street parking areas for more than five (5) vehicles, and off-street loading areas, shall be effectively screened on any side which adjoins a residential district (see definition of Screening) or use. In addition, there shall be a planting strip of at least five (5) feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained.
13. Number of Parking Spaces Required: The number of off-street parking spaces required is set forth in Table 200-42A. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ.
14. Alternative Standards for The C-1 Commercial District: Any new development in the C-1 Commercial District shall not be subject to parking or loading standards, unless specifically required by Conditional Use or Special Exception.

Table 200-42A

Parking Spaces Required

Use	Parking Spaces Required
Residential	
Single-Family Dwelling	2 per dwelling unit
Family and Group Day Care	2 spaces for the dwelling and at least 1 additional space
Multi-Family Dwelling	1 per dwelling unit, for those units with one or two bedrooms, 2 per dwelling unit for those having three or more bedrooms, unless limited to persons over the age of 55, then 1 space per dwelling unit regardless of the number of bedrooms
Institutional Uses	
Churches, Auditoriums, Indoor Assembly Places	1 per each 3 seats or 1 per each 4 persons permitted in maximum occupancy
Stadiums, Sports Arenas and Places of Outdoor Assembly	1 per each 6 seats or 1 per each 4 persons permitted in maximum occupancy
Schools	1 per each teacher and staff plus 1 for each 4 classrooms
Nursing Homes and Personal Care Homes	1 per each staff on the largest shift plus 1 per each 8 beds
Hospitals	1 per each staff on the largest shift plus 1 per each 6 beds
Commercial Uses	
Auto Sales and Service, Trailer Sales, and Similar Outdoor Sales	1 per 5,000 square feet developed lot area for vehicle display and 1 per 300 square feet customer service area; to a required maximum of 30 designated customer parking spaces
Day Care Centers	One space for every eight (8) children under care and one space for each employee on shift
Convenience Store/Service Stations	1 per 200 square feet gross floor area
Hotels/Motels	1 per guest room plus 1 per each employee on the largest shift
Funeral Home and Mortuaries	25 for the first parlor or viewing room, plus 10 per each additional viewing room
Indoor Commercial Recreation	One per each 3 persons in maximum occupancy
Outdoor Commercial Recreation	1 per each 2,500 square feet of lot area developed and used for the recreational activity
Medical and Dental Office	8 spaces per doctor
Professional Office and Banks	1 per each 250 square feet of gross floor area
Furniture Stores, Building Material and Supply Yards	1 per each 800 square feet of gross floor area
Eating and Drinking Places, Bottle Clubs and similar uses	1 per each 2.5 patron seats
Retail Stores/Shopping Centers	1 per each 400 square feet of gross floor area
Fast Food, Drive Through Eating and Drinking	1 per each 2 patron seats
Industrial Uses	
Business Parks, Light Manufacturing, Truck Terminals and Warehouses	1 per each employee on largest shift plus 1 visitor space per each 10,000 square feet gross floor area

Article 7 Signs

Section 200-43 Introduction

The following sign regulations shall be observed in all districts: It is not the purpose of this section to abridge commercial or non-commercial free speech. The purpose of these regulations is to ensure that the time, place, and manner of sign emplacement within the Borough is conducted with regard to the safety of motorists and pedestrians (especially in avoiding distractions or confusion in high traffic areas), access to light and air by neighboring properties, and avoidance of negative impact upon neighboring properties, including unnecessary glare.

- A. These regulations are also established to implement the following specific community development goals and objectives:
1. To enhance community appearance, reduce visual clutter and blight, promote the recreational value of public travel and the economic development of the Borough of Edgewood;
 2. To limit the size, number and location of signs which may obstruct the vision of motorists, create distractions and increase traffic accidents;
 3. To maintain the right of residences and businesses to reasonably identify their location, products and services; and
 4. To acknowledge the appropriate display of signs as necessary to public service and to the conduct of competitive commerce.
- B. Prohibited signs. Unless specifically excepted in this section, the following signs shall be prohibited in all zoning districts:
1. Attention-getting flags other than decorative flags displayed by single family dwellings with no commercial content.
 2. Flashing or blinking signs, except official traffic control signs and time, temperature and date signs, where authorized;
 3. Portable signs;
 4. Signs affixed to trees, fences or equipment;
 5. Roof signs;
 6. Signs with moving, rotating or oscillating parts;
 7. Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed to be a traffic-control sign,

8. Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public.

Section 200-44 Exempt Signs

- A. The following types of signs are permitted in all zoning districts, and exempt from requirements to obtain a sign permit. These types of signs remain subject to all performance standards relative to traffic safety, or overall sign limitations of any specific sign type or district.
- B. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational, or religious organization, provided such sign shall not exceed sixteen (16) square feet in area.
 1. No temporary sign encroaches into any public right-of-way or obstructs the view of motorists in any required clear sight triangle.
 2. No temporary sign is erected more than 30 days before or remains in place more than seven days after the advertised event.
 3. Banners, portable or wheel signs may be used as temporary special event displays, provided they are securely attached to a building or a permanent sign or, if freestanding, are securely attached to the ground.
 4. No more than one campaign, drive or event sign shall be permitted on any lot at any time.
- C. Temporary signs erected in connection with the development or proposed development of the premises or property provided that the area of any such sign shall not exceed sixteen (16) square feet. Not more than one (1) such sign shall be placed on property held in single and separate ownership. Such signs shall be removed within ten (10) days after the development has been completed and/or the last structure occupied. No such sign may be erected until all zoning, subdivision and land development approvals have been obtained.
- D. Religious or holiday displays or messages with no commercial content.
- E. The flag of the United States, Commonwealth of Pennsylvania, or any state or nation.
- F. Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed nine (9) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
- G. Auctions, garage, or yard sale signs provided that they do not exceed four (4) square feet and are removed as soon as the event or activity has occurred.
- H. Directory signs which list all the occupants of a multi-tenant or multiple-family building, or buildings in a multi-building development; provided, that the area of such signs does not exceed one-half square foot per tenant or two square feet per individual building.
- I. Temporary signs of contractors, applicants, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed nine

(9) square feet in any Residential District, and sixteen (16) square feet in all other districts; provided that such sign shall be removed upon completion of the work.

- J. Any signs not visible from outside a lot or building.
- K. Rest room, exit, public telephone, handicapped parking or access, and similar directional or informational signs emplaced for the benefit of the public or building tenants.
- L. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing on the premises, provided that the area of such sign shall not exceed two (2) square feet.
- M. House and address numbers, home occupation or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed four (4) square feet and may not be illuminated.
- N. Memorial signs or tablets denoting the date of erection of a building.
- O. Temporary signs announcing the birth of a child, birthday commemoration, marriage, graduation, or similar event in the life of a householder shall be permitted provided such signs do not exceed nine (9) square feet and are in place on the property for no more than fourteen (14) days.
- P. Any sign warning of a hazard that contains no other information or commercial content.
- Q. Signs erected by the Borough or an authorized entity that serve to provide directions and explanations for public recreational purposes and facilities, for dedication/memorial purposes, and to mark and explain historical events, persons or structures. Such signs shall not exceed sixteen (16) square feet in area. Such signs may include the name or logos of businesses or individuals who have sponsored a public improvement or general support of said facility.
- R. Traffic control signs and similar regulatory notices placed by a duly constituted governmental body.
- S. Signs erected for the purpose of scoring an athletic event taking place upon the site, which may include electronic scoring devices and names and or logos of sponsors of the sign, provided there is no illumination of the sign at times when the activity is not taking place.
- T. Temporary political signs, as defined by this chapter, shall be permitted subject provided the gross surface area of such a sign shall not exceed twelve (12) square feet. Political signs shall not be erected before 45 days prior to the election and shall be removed within five days following the election for which they were erected. Political signs and signs posted for personal reasons, such as lost and found poster, garage sale, etc. which are not posted on the sign owner's property will require a permit from the Building Inspector and the posting of a sign bond in a uniform amount set by Borough Council which will be forfeited if posters or signs are not removed to the satisfaction of the zoning officer within five days after the expiration of the event or a maximum of 15 days for informational signs.

Section 200-45 Performance Standards

Except where specifically noted, all signs shall adhere to all performance standards.

- A. Unless specifically exempted by Section 200-44 of this Ordinance, a permit must be obtained from the Borough for the erection or alteration of all signs. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this Ordinance and other codes.
- B. No signs shall be permitted within public rights-of-way, except PennDOT-approved traffic signs and devices; and signs specially approved by the Borough. The Borough may require proof of insurance for any sign within a Borough right-of-way.
- C. No person shall construct, erect, place, use or permit the use of any permanent or temporary sign or sign structure on private or public property except for the property owner or tenant.
- D. Construction and maintenance: All signs shall be constructed in a workmanlike fashion using durable materials. Signs shall be designed and constructed to withstand wind forces and in accordance with appropriate mechanical or electrical standards. The owners of signs shall keep them in safe and good repair. Signs which become deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner. If the owner of a sign cannot be found or identified, the owner of the property whereon the sign is located shall be responsible for its repair or removal.
- E. No sign structure may block a vehicular line of sight for a driveway, access lane, or public street, or be placed at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device. Sign structures erected directly upon the ground within fifteen (15) feet of any vehicular driveway, or street intersection shall have at least three (3) feet six (6) inches of clear space between such sign and the ground; however, necessary supports may extend through such open space.
- F. No signs shall be permitted which are posted, stapled or otherwise attached to public utility poles, trees, fire hydrants, traffic signposts, light posts, or any Borough owned structure.
- G. Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign. For the purpose of this section "removed" shall mean replacement of any portion of the sign face.

Section 200-46 Illumination

- A. Except as specifically provided for electronic signs under section 200-52B, no sign shall employ intermittent light, electronic or movable text, strobes or other animations that may serve to distract motorists, or abutting homeowners.
- B. Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.
- C. Except as specifically provided for electronic signs by Special Exception under section 200-52B, or the use of diffused neon, the light source, whether internal to the sign or external, shall be shielded from view.
- D. Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.
- E. No temporary signs shall be illuminated by direct means. All electrical connections shall be shielded by underground or overhead electrical wires which meet all relevant codes.

Section 200-47 Sign Permit Application.

All applications for signs, as required under this section, shall be submitted to the Zoning Officer. The application shall contain:

- A. Type, area and number of signs proposed
- B. Type of illumination proposed (if permitted), including the luminance proposed and direction of lighting. This shall also be depicted upon a map that illustrates the distance to any R-1, R-2 or R-3 zoning districts.
- C. For freestanding signs, a sketch showing the placement of the sign in relation to all driveways, vehicular rights of way, property lines and cart ways. The applicant shall submit current sight distances, before and after erection of the sign with sufficient information to show that sight distances shall not be reduced.
- D. A photograph or graphic rendition of the proposed sign copy, including all symbols, letter, and graphic elements shown to scale and all structural elements intended to anchor the sign.
- E. The Borough must specifically approve signs within public rights of way. In the case of temporary signs, the Zoning Officer or his designee shall review the application and grant approval if all applicable standards of this Ordinance are met. In the case of permanent signs, the Zoning Officer shall refer the application to Borough Council, who may refer the application for advice to the Planning Commission or any similar advisory committee.
- F. The information required by this section may be integrated into the Borough's land development plan application and approval process where applicable.

Section 200-48 Signs Permitted in the R-1A, R-1B, and R-2 Residential Districts

- A. Subdivision identification signs, and/or signs identifying apartment or condominium complexes, provided that the area of any such sign shall not exceed thirty two (32) square feet if a wall sign and sixteen (16) square feet if a freestanding sign, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the subdivision, apartment, or condominium complex and/or for each means of entrance to or exit from the subdivision, apartment, or condominium complex. Such signs may not be illuminated.
- B. Signs for permitted non-residential or permitted institutional uses provided that the area of any such sign shall not exceed thirty-two (32) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the permitted use, and for each means of entrance to or exit from the permitted use. Such signs may not be illuminated.
- C. In addition to paragraph B above, Institutional uses may have one (1) changeable copy sign of no greater than sixteen (16) square feet, either permanently attached to a building or as a freestanding sign. Illumination of any such non-electronic changeable copy sign shall be from external sources only, and shielded to prevent unnecessary glare to neighboring properties. Luminance shall not exceed ten (10) luxes (1 foot-candle) measured at a distance of ten (10) feet from the sign.

- D. No freestanding signs within these districts may be erected within ten (10) feet of a side or rear lot line, or ten (10) feet from a public right of way.
- E. No freestanding signs within these districts may exceed six (6) feet in height

Section 200-49 Signs Permitted in the P-1 Public District

- A. All signs that are permitted in the R-1A, R-1B, and R-2 Districts.
- B. Signs for permitted non-residential or permitted institutional uses provided that the area of any such sign shall not exceed sixty four (64) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the permitted use, and for each means of entrance to or exit from the permitted use. Such signs may be illuminated by direct or indirect means. Illumination of the sign face shall not exceed ten (10) luxes (1 foot-candle) measured at a distance of ten (10) feet from the sign.
- C. In multi-building institutional developments, each building may include one (1) freestanding or wall sign of up to thirty two (32) square feet. Such signs may be illuminated by direct or indirect means.
- D. No freestanding signs within this district may be erected within ten (10) feet of a side or rear lot line, or ten (10) feet from a public right of way. All freestanding signs shall be set back from a property line or right of way by the height of the sign.
- E. Institutional Uses in the P-1 District may have one (1) Electronic sign of no greater than sixteen (16) square feet per each road frontage, either permanently attached to a building or as a freestanding monument sign. Illumination of any such electronic signs shall not exceed ten (10) luxes (1 foot-candle) measured at a distance of ten (10) feet from the sign. Signs shall not be illuminated before dawn or after 10 PM except for emergency or public safety use, such as school closing information or Amber Alerts.
- F. No freestanding signs within this district may exceed eight (8) feet in height.

Section 200-50 Signs Permitted in the T-1 Transitional, C-1 Central Commercial and C-2 Commercial Districts

- A. All signs that are also permitted in the R-1A, R1B, and R-2 Districts.
- B. Unless limited by special exception, the number of signs permitted shall be two (2) permanent signs per street frontage.
- C. Business identification signs which direct attention to a business, profession, service or entertainment sold or offered on the premises. Only one such sign shall be permitted per building and such sign shall not exceed one square foot per each linear foot of the front wall of the building, but in no case shall the area exceed twenty (20) square feet in T-1, Seventy Two (72) square feet in C-1, and One Hundred (100) square Feet in C-2) . All parts of a sign shall be at least forty (40) feet from the property line of any residential district or use, unless mounted flush to the face of the building.
- D. In the C-1 and C-2 Districts the following additional permanent signs are permitted: If more than five business establishments are together in a contiguous group, such group is permitted to use an additional sign to identify this group of business as a single unit. Such sign may be either attached to the building wall or erected on the ground, no higher than four feet above the adjacent ground level and shall be no greater than 50 square feet in gross surface area.

- E. Temporary Signs: Temporary signs shall be permitted in building windows, and shall not require a permit.
 - 1. In The C-1 District, temporary sandwich board signs of up to four (4) square feet in area are permitted on sidewalks during the hours the business is open.
- F. Permanent Window Signs, Banners and Temporary Business Signs:
 - 1. Permanent window signs are permitted in the C-1 and C-2, Districts by right without a permit provided no more than thirty percent (30%) of each window surface and twenty percent (20%) of all building windows include such signs. Such permanent window signs do not count toward the allowed number of signs per district.
 - 2. Temporary business signs, such as vinyl banner signs or manual changeable copy signs, are also permitted as accessory to all business uses, and do not require a permit. However, such signs remain subject to all setback requirements for business signs, and may not exceed thirty two (32) square feet in size. No temporary banner sign or changeable copy sign may be lighted except by indirect means. No temporary banner sign or changeable copy sign shall remain in place for more than thirty (30) continuous days or one hundred twenty (120) total days per calendar year.

Section 200-51 Projection of Permanent Signs into Rights-of-Way.

- A. Within the C-1 District, a business identification sign attached to a building, otherwise lawful under 606.1, may project into the public right-of-way up to six (6) feet, provided:
 - 1. No structural support or portion of the signs is within eight (8) feet of grade as measured vertically from the right-of-way line for a pedestrian right-of-way, and fourteen (14) feet of grade for a vehicular right of way.
 - 2. Under no circumstances shall any portion of such projecting signs be placed nearer than two (2) feet from a vehicular cart way, loading zone, or on-street parking lane.
- B. Awning and canopy business identification signs may project into rights of way in areas served by sidewalks only in the C-1 and C-2 Zoning Districts, and shall be subject to the following regulations:
 - 1. No portion of an awning or canopy shall be less than eight (8) feet above the level of the public sidewalk.
 - 2. The awning or canopy shall be set back at least four (4) feet from the curb or a public street.
 - 3. Awnings and canopies shall be constructed of canvas, vinyl or similar flexible, cloth-like material. Backlit or metal awnings or canopies are prohibited for signs within rights-of-way.
 - 4. Awnings and canopies shall be securely attached to the building. All frames and supports shall be made of metal or other rigid material.

5. The name of the business or logo may be printed on the portion of the awning or canopy above the valance provided that such name or logo does not comprise more than twenty five (25%) percent of the total canopy area.

Section 200-52 Electronic Signs

The inherent characteristic of electronic signs is their flexibility. This creates the potential for such signs to create an undue distraction to motorists if poorly placed or poorly programmed. These regulations are designed to encourage evolving methods of advertising, while preventing light pollution, and driver distraction hazards.

- A. A single small electric window sign of up to two (2) square feet in size is permitted in the C-1 and C-2 Commercial Districts for any business use. Electric window signs shall not be included as part of calculations of total signage permitted and may be used for advertising or business identification.
- B. An electronic sign is permitted by special exception in the C-2 as an accessory sign, provided that the Electric sign is no greater than fifteen (15) feet in surface area, and mounted on the same frame as a static freestanding monument or wall sign. The area of the Electric sign shall be included in total sign area calculations per section 200-50C. The Electronic Sign shall also meet all the following design and performance standards:
 1. Electronic sign content: Electronic signs may contain permanent content about any business located on the premises upon which the sign is placed. They may also contain temporary messages with content about such businesses, or temporary messages announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided that such message is changed upon the cessation of such a campaign, drive or event. They may not function as billboards or advertise off-premise goods or services.
 2. Message display shall remain static for a minimum of five (5) seconds. There shall be no strobe, flashing effect or other animation during the display. Any transitions or change of the display between messages shall not be more than one (1) second. Transitions that involve fading, scrolling, or other animations shall not be permitted.
 3. Illumination: The owner of the sign or his agent shall measure sign luminance with a luminance meter set to measure foot-candles accurate to at least two decimals. Luminance shall be measured with the sign off, and again with the sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square footage of the sign. Electronic signs of ten square feet or less shall be measured at a distance of thirty two (32) feet. Electronic Signs of greater than ten (10) square feet shall be measured at a distance of 39 feet The difference between the off and solid-message measurements using the criteria shall not exceed 0.3 foot-candles at night. A letter certifying compliance shall be provided to the zoning officer.
 4. Dimming Capabilities All permitted electronic signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurement.
 5. Electronic signs which malfunction shall be turned off except for testing during any correction or repair.
 6. Additional setback from residential districts: All portions of the sign structure must be a minimum distance of one hundred (100) feet from an abutting R-1A, R-1B, R-2 or P-1 district boundary.
 7. Setback from other electronic changeable copy, electronic graphic display or video display signs: Electronic signs must be separated from other electronic signs by at least thirty-five (35) feet. No more than one (1) electronic sign is permitted per each property, regardless of how many tenants occupy that lot.

8. Orientation. When located within one hundred fifty (150) feet of a residentially-used lot in an R-1A, R-1B or R-2 Residential zone, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot.
9. Audio or Pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic sign.
10. The applicant shall show compliance with all applicable regulations of the Pennsylvania Department of Transportation for any proposed sign abutting a State Highway.
11. The applicant shall show the ability to meet illumination standards under Section 200-46 of this ordinance. Applicant shall present material detailing any differences in proposed electronic sign light as compared to standard light measurement.

Section 200-53 Billboards and Multi-Vision Signs:

- A. Billboards as defined by this ordinance are a Conditional Use in the P-1 Zoning District.
- B. Billboard area shall not exceed seventy two (72) square feet in area as defined under the definition of "sign."
- C. No billboard shall be located within thirty five (35) feet of a public street intersection.
- D. No Billboard shall be placed within seventy five (75) feet of another billboard on the same side of the street.
- E. All Multi-Vision signs shall have a transition time between sign faces of no more than two (2) seconds.
- F. No billboard may be placed within one hundred fifty (150) feet of a residentially-used lot in an R-1A, R-1B or R-2 Residential district.

Sections 200-54 through 200-55 are reserved

Article 8 Mineral Excavation

Section 200-56 Intent

Planning and geologic studies have shown that there are few, if any, solid mineral resources within the Borough's limits that could reasonably be accessed by surface mining. Long wall or other subsurface mining shall be a conditional use provided that the locations of any air shafts or other mine openings are screened from adjacent property. The purpose of these regulations is to regulate natural gas exploration and extraction in the Borough with the purpose of protecting quality of life, public health, safety and welfare.

Natural gas exploration and extraction in the Borough shall be subject to the following definitions and standards.

Section 200-57 Definitions

Drilling Pad - The area of surface operations surrounding the surface location of a well or wells.

Hydraulic Fracturing (Fracking) - The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

Natural Gas Compressor Station - A compressor engine facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells for continued delivery of oil and gas to a transmission pipeline, distribution pipeline, processing facility, or storage facility or field.

Natural Gas Processing Plant - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

Oil and Gas - Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

Oil and Gas Development or Development - The well site preparation, construction, drilling, re-drilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

Oil and Gas Well - A bore hole drilled under a permit issued by the Department of Environmental Protection for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such.

Oil or Gas Well Site - The location of facilities, structures, materials and equipment, whether temporary or permanent, and necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well.

Pad Drilling - The drilling of multiple wells from a single location.

Storage Well - A well that is used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

Well Pad - The area used for development and production of oil and gas including buildings and structures and all activities associated with oil and gas well after drilling activities are complete.

200 58 **Conditional Use.** Oil and gas development activity is a conditional use in the P-1 District, and is a non-permitted use in other Borough districts.

200-59 **Conditions.**

- A. No oil or gas well site, natural gas compressor station, or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station, or natural gas processing plant shall be constructed or located within the Borough of Edgewood unless a zoning permit under this ordinance has been issued by the Borough to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of natural gas compressor stations or natural gas processing plants.
- B. The permit application, or amended permit application, shall be accompanied by a fee as established in the Borough of Edgewood fee schedule.
- C. When multiple wells are located on the same well pad, a separate permit for each well is required.
- D. In addition to the other requirements to this Chapter the applicant shall provide to the Borough at the time of application will require the following information:
 - 1. A narrative describing an overview of the project including the number of acres to be disturbed for development, the number of wells to be drilled including DEP permit number(s) for all wells, if available, at the time of submittal and provided when issued later, and the location, number and description of equipment and structures to the extent known.
 - 2. A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.
 - 3. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the County 911 addressing program and information needed to gain access in the event of an emergency.
 - 4. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Borough of Edgewood and all applicable Emergency Responders as determined by the Borough. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Borough and all applicable Emergency Responders as determined by the Borough of Edgewood.
 - 5. A site plan of the oil or gas well site showing the drilling pad, planned access roads, the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural resources. Included in this map shall be an area within the development site for vehicles to locate while gaining access to the oil or gas well site configured such that the normal flow of traffic on public streets shall be undisturbed.
 - 6. To the extent that the information has been developed, the applicant shall provide a plan for the transmission of gas from the oil or gas well site. The plan will identify, but not be limited to gathering lines, natural gas compressor stations, and other midstream and downstream facilities located within the Borough and extending 800 ft. beyond the Borough boundary.
 - 7. A site plan of the natural gas compressor station or natural gas processing plant including any major equipment and structures and all permanent improvements to the site.
 - 8. A narrative and map describing the planned access routes to the well sites on public roads including the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.
 - 9. Operator shall comply with any generally applicable bonding and permitting requirements for Edgewood roads that are to be used by vehicles for site construction, drilling activities and site operations.

10. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that the Borough of Edgewood streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.
11. A statement that the applicant will make the operation's Preparedness, Prevention and Contingency Plan available to the Borough and all Emergency responders at least 30 days prior to drilling of an oil or gas well and at least annually thereafter while drilling activities are taking place at the oil or gas well site.
12. An appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all applicable Emergency Responders as determined by the Borough. The cost and expense of the orientation and training shall be the sole responsibility of the applicant. If multiple wells/well pads are in the same area (covered by the same emergency response agencies), evidence from the appropriate emergency response agencies that a training course was offered in the last 12 months shall be accepted. Site orientation for each well/well pad shall still be required for the appropriate Emergency Responders, as determined by the Borough.

F. Access.

1. Vehicular access to a natural gas well, oil well or well pad solely via a residential street is not permitted
2. Vehicular access to a natural gas well, oil well or well pad via a collector street is encouraged.
3. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
4. Access directly to State roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit Approval. Prior to initiating any work at a drill site, the Borough of Edgewood shall be provided a copy of the Highway Occupancy Permit.
5. Access directly to Borough / County roads shall require a Driveway Permit/Highway Occupancy Permit prior to initiating any work at a well site.

G. Height.

1. Permanent structures associated with oil and gas well site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.
2. Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.
3. There shall be an exception to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, pad drilling and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well or pad drilling.

H. Setbacks/Location.

1. Drilling rigs and equipment shall be located a minimum setback distance of one (1) foot for every foot of height of equipment from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.
2. Natural gas compressor stations and natural gas processing plants shall comply with all general setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located.
3. Well pads shall be set back a minimum of 500 feet from any residential property.
4. Well heads shall be located 800 feet from any residential property

5. Recognizing that the specific location of equipment and facilities is an integral part of the oil and gas development, and as part of the planning process, operator shall strive to consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Edgewood residents' enjoyment of their property and future development activities as authorized by the Borough's applicable ordinances.
- I. Screening and Fencing.
1. Security fencing shall be required at oil or gas well sites during the initial drilling, or re-drilling operations
 2. 24-hour on-site supervision and security are required during active drilling operations.
 3. Upon completion of drilling or re-drilling security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.
 4. Security fencing shall be at least 6 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide. Additional lockable gates used to access oil and gas well sites by foot may be allowed, as necessary.
 5. First Responders shall be given means to access oil or gas well sites in case of an emergency. Applicant must provide the County 911 Communications Center necessary information to access the well pad in the event of an emergency.
 6. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.
 7. In construction of oil or gas well sites, the natural surroundings should be considered and attempts made to minimize impacts to adjacent properties.
- J. Lighting.
1. Lighting at the oil or gas well site, or other facilities associated with oil and gas development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and adjacent properties.
 2. Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.
- K. Noise. The operator shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development:
1. Prior to drilling of an oil or gas well, the operator shall establish a continuous 72- hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public residence or public facility, or 100 feet from the nearest residence or public building, school, medical, emergency or other public residence or public facility, whichever point is closer to the affected facility. In lieu of establishing the above 72-hour ambient noise level, the operator may assume and use, for the purposes of compliance with this ordinance, a default ambient noise level of 55 db. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
 2. The operator shall provide documentation of any established, 72-hour evaluation, relied upon to establish an ambient noise level greater than 55 dB, to the zoning officer within three business days of such a request.

3. The noise generated during drilling and hydraulic fracturing activities shall not exceed the average ambient noise level (as determined by the 72-hour evaluation as identified in subsection 1) or default level, whichever is higher:
 - a. During drilling activities, by more than 10 decibels during the hours of 7:00 a.m. to 9:00 p.m.
 - b. During drilling activities, by more than 7 decibels during the hours of 9:00 p.m. and 7:00 a.m. or by more than 10 decibels during hydraulic fracturing operations. The operator shall inform the (Borough) of which level (average ambient noise level or default level) is being used.
4. All permanent facilities associated with oil and gas well sites, including, but not limited to, natural gas compressor stations and natural gas processing plants, shall meet the general noise requirements of this Chapter. Where a conflict exists the more stringent requirements shall apply.
5. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards.
6. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency or other public facilities.
7. If a complaint is received by the Borough regarding noise generated during construction, drilling, or hydraulic fracturing activities, or for natural gas compressor stations, natural gas processing plants or midstream facilities, the operator shall, within twenty-four (24) hours following receipt of notification, begin continuous monitoring for a period of forty-eight (48) hours at the nearest property line to the complainant's residential or public building or one-hundred feet from the complainant's residential or public building, school, medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the Borough of Edgewood and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.
- K. As a condition of approval, applicant shall provide all permits and plans from the Pennsylvania Department of Environmental Protection and other appropriate regulatory agencies within 30 days of receipt of such permits and plans. A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts shall be provided to the Borough.
- L. Temporary housing for well site workers on the site is not permitted.

Sections 200-60 through 61 are reserved

**ARTICLE 9
ZONING HEARING BOARD**

Section 200-62 Creation

There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of three (3) residents of the Borough and one alternate, appointed by resolution of the Borough Council, pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

Section 200-63 Appointment

The terms of office of the Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough, nor be a member of the Planning Commission. The Borough Council shall also appoint one (1) alternate member to the Board. The appointment, rights and duties of the alternate shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code.

Section 200-64 Removal of Members

Any Board member may be removed for misfeasance or nonfeasance in office, or for other just cause, by a majority vote of the Borough Council taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 200-65 Organization of Board

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but where two (2) members are disqualified to act in a particular matter, the alternate member shall be seated. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with Borough ordinances and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council as requested by the Council.

Section 200-66 Expenditures for Services

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. Members of the Board may receive

compensation for the performance of their duties, as may be fixed from time to time 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.

Section 200-67 Legal Counsel

Where legal counsel is desired, an attorney, other than the Borough Solicitor, shall be used.

Section 200-68 Hearings

The Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Notice shall be given to the public by notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. 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.
- C. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- D. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- E. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- F. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board 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.
- J. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- K. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to hold the required hearing within sixty (60) days from the date 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. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 607(1) of the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction. All variances granted by the Zoning Hearing Board and Conditional Uses granted by the Borough Council shall expire eighteen (18) months from the date of the Board's action unless construction has been initiated or a land development plan has been submitted for approval.
- L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or

otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 200-69 Board's Functions:

The Board shall have exclusive jurisdiction for the following:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a) (2) of the Municipalities Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the Borough and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. 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 therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. 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.
- E. Applications for variances from the terms of the Zoning Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code.
- F. Appeals from the Zoning Officer's determination under Section 916.2 of the Planning Code.
- G. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.
- H. Variances: The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided that 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 Ordinance in the neighborhood or district in which the property is located;

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the applicant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance. All variances granted by the Zoning Hearing Board shall expire eighteen (18) months from the date of the Board's Action approving the variance, unless a land development plan has been submitted or a construction permit obtained.

Section 200-70 Parties Appellant before Board

Appeals under this Article and proceedings to challenge the Ordinance under this Article may be filed with the Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance under this Article may be filed with the Board by any landowner or any tenant with the permission of such landowner.

Section 200-71 Time Limitations; Persons Aggrieved

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Borough officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also Section 914.1 of the Municipalities Planning Code.

Section 200-72 Stay of Proceedings

Upon filing of any proceeding referred to in this Article 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 there under 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. See also Section 915.1 of the Municipalities Planning Code.

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ARTICLE 10

ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 200-73 Zoning Officer

The Borough of Edgewood shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall also have the duties as set forth by Article 10 of this Ordinance. The Zoning Officer shall not hold any elective office in the Borough.

Section 200-74 Duties of the Zoning Officer

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use, which does not conform to this Ordinance. The Officer shall be considered as qualified to perform his/her duties by meeting the qualifications established by the Borough. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

902.1 Application for Zoning Permits: The Zoning Officer shall receive applications for Zoning Permits and/or Certificates. A Zoning Permit is an application filed prior to the start of construction/development by an applicant to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable Borough ordinances. Applications conforming to such ordinances shall be approved; those not conforming to such ordinances shall be denied.

902.2 Inspections: The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a Zoning Permit or a Zoning Certificate has been requested. Such inspections may be before, during and after any construction and shall be made upon the termination of construction and prior to the issuance of a Certificate of Occupancy.

902.3 Permits, Applications, Appeals and Certificates: The Zoning Officer shall issue or deny such permits or certificates as required by this Ordinance where no other body is involved; shall receive all applications for Conditional Uses, Special Exceptions and Variances and forward same to the appropriate body. Where a decision is made by another body, the Zoning Officer shall issue or deny the permit as ordered by the applicable Board.

902.4 Enforcement: The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance and to revoke or refuse permits as authorized.

Section 200-75 Permits and Certificates

903.1 Zoning Permits: An application for a Zoning Permit will be to show compliance with this and other appropriate Borough ordinances. Applications shall contain information relative to the proposed construction and/or use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required including sketches, plat plans as well as the number of copies, time limits and fees for such applications shall be determined by the Borough.

903.2 Zoning Certificate: The Zoning Certificate shall be issued upon request to confirm that the use of land or a building within the Borough is in compliance with this Ordinance. Zoning Certificates shall also be required for a change of use of a structure or land to a different use and changes to a nonconforming use or structure. The exact form of the Certificate and fees charged shall be determined by the Borough.

903.3 Sign Permit: A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement in Article 6 of this Ordinance.

- A. Application for a sign permit shall be made in writing to the Zoning Officer, and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of Article 7 of this Ordinance.
- B. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.

Section 200-76 Violations

A Enforcement Notice: When it appears to the Borough and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

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

B Causes of Action: In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, and any amendment thereto or prior enabling laws, the Borough, the Zoning Officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Edgewood Borough Council. No such action may be maintained until such notice has been given.

C Jurisdiction: District justices shall have initial jurisdiction over proceedings brought under Article 9.

D Enforcement Remedies: Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance and any amendment thereto any prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Borough as a result

thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation continues shall constitute a separate violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Borough. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Borough and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

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**ARTICLE 11
AMENDMENTS**

Section 200-77 General

Borough Council may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the Borough Council, the Planning Commission, or by a petition of a person or persons residing or owning property within the Borough.

Section 200-78 Petitions

Petitions for amendments shall be filed with the Zoning Officer; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by the Borough.

Section 200-79 Referral

Any proposed amendment presented to Borough Council without written findings and recommendations from the Borough Planning Commission and the Allegheny County Regional Planning Commission shall be referred to these agencies for their review and recommendations prior to the public hearing by the Borough Council. The Board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the Borough and County Planning Commissions.

Section 200-80 Action

Before acting upon a proposed amendment, the Borough Council shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same may be examined, shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one (1) week prior to the date of the hearing.

Section 200-81 Curative Amendments

The Borough may institute a Municipal Curative Amendment in accordance with Section 609.2 of the Planning Code.

Ordained and enacted this day of 2015

Appendix to the Zoning Ordinance

The attached illustrations provide additional graphic information regarding the regulations in this ordinance. They are supplemental to the Ordinances and should there be a discrepancy between the information on the illustrations and the ordinance text, the ordinances would prevail.