TABLE OF CONTENTS

Article I: General Provisions

Article II: Definitions

Article III: District Regulations

Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses

Article V: Supplemental Regulations

Article VI: Parking

Article VII: Signs

Article VIII: Planned Residential Development

Article IX: Nonconforming Uses, Structures, and Lots

Article X: Administration and Enforcement

Article XI: Zoning Hearing Board

Article I: General Provisions

Section 101: Title

The official title of the ordinance is the “Wilkinsburg Zoning Ordinance”.

Section 102: Statutory Authority

This chapter is adopted by virtue of the authority granted to the Borough by the Commonwealth in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. § 10101 et seq., as may be amended from time to time).

Section 103: Interpretation

In the event of conflicts between the provision of this ordinance and any other ordinance or regulation, the more restrictive provisions shall apply. In the interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public. In interpreting the language of this chapter to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Borough Council in favor of the property owner and against any implied extension of the restriction.

Section 104: Purpose and Findings

These regulations are adopted in accordance with the MPC, community development objectives and the comprehensive plan. The purpose of this ordinance is to promote, protect and facilitate any of the following:

A. Public health, safety, morals, and general welfare;

B. Coordinated and practical community development;

C. Encourage appropriate redevelopment;

D. Proper density of population;

E. The provisions of adequate light and air;

F. Lessen congestion on streets and roads;

G. Secure safety from fire, panic, and other dangers;

H. Prevent the overcrowding of land;

I. Avoid an undue concentration of population;

J. Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities;

K. Preservation of natural, scenic and historic properties

L. Preservation of environmental features, including forest, wetlands, aquifers, prime agricultural land, steep slopes, and floodplains as deemed appropriate;

M. Emergency management and preparedness.

Section 105: Community Development Objectives

Consistent with the goals and objectives of Wilkinsburg Borough it is the intent of this Zoning Ordinance to achieve the following Community Development Objectives and purposes:

A. Distribute land uses to meet the physical, social ,cultural, economic, and energy needs of present and future populations;

B. Ensure that new development and redevelopment of existing properties is compatible with surrounding development in use, character, and size;

C. Provide for land uses that serve important public needs including a variety of housing options and employment generators;

D. Protect and enhance property values;

E. Protect natural, historic and environmental resources.

In accordance with the foregoing purposes and objectives, this section establishes regulations governing the following:

A. The height, number of stories, and size of buildings and other structures;

B. The percentage of a lot that may be occupied;

C. The size of yards, courts, and other open spaces;

D. Population density and intensity of use; and

E. The location and use of buildings, other structures, and land for business, industrial, residential, or other purposes.

Section 106: General Compliance

A. No land shall be used or occupied and no structures shall be designed, erected, altered, used, or occupied except in conformity with this Chapter and in compliance with all standards, and upon performance of all conditions attached to any use approval, variance, appeal, rezoning, subdivision and land development approval, planned residential approval, or site plan approved pursuant to all land use regulations of the Borough.

B. No person, firm, or corporation and no officer or employee (either as owner or as participating principal, agent, servant, or employee of such owner) shall sell, rent, or lease, or offer or attempt to sell, rent, or lease, any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this chapter.

C. The requirements of this ordinance shall apply to all zoning districts, lots, structures, land developments, and subdivisions in the Borough.

Section 107: Applicability of Regulations to the Borough Uses, Buildings and Facilities

This chapter shall not apply to existing or proposed uses or structures or facilities of Wilkinsburg Borough.

Article II: Definitions

Section 201: Word Usage

For the purposes of this ordinance, the following rules of usage and interpretation shall apply, unless the context indicates otherwise. In the interpretation of this chapter, the provisions and rules of this ordinance shall be observed and applied, except when the context clearly requires otherwise.

A. Words in the present tense include the future.

B. Words in the singular include the plural and the plural the singular.

C. The word "shall" is intended to be mandatory.

D. The word "lot" shall include the word "plot" or "parcel."

E. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.

F. A building or structure includes any part thereof.

G. The word "and" indicates that all connected items, conditions, provisions or events shall apply.

H. The word "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

I. The words "either", "or" indicate that the connected items, conditions, provisions or events may apply singly but not in any combination.

J. The word "Borough" means the Borough of Wilkinsburg, Pennsylvania.

K. The word "County" means the County of Allegheny, Pennsylvania.

L. Any use of the gender specific words (his, hers, him, her) shall imply both genders.

M. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration or table, the text shall control.

N. When a word or phrase is not specifically defined in this chapter, or referenced in another chapter, then the common meaning of the word or phrase, or the definition contained in Webster's Dictionary, most current version, shall apply.

Section 202: Definitions

When used in this chapter, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise (For definitions related to signs see Article VII)

ACCESSORY STRUCTURE – A structure the use of which is customarily accessory to and incidental to that of the principle structure and which is located on the same lot.

ADJACENT PROPERTY – Property that is contiguous with, or directly across a public Street or other right-of-way from, the boundaries of any side of the subject property.

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

ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE – (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, CD ROM or DVD discs or other computer software, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. (2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

ADULT BUSINESS – Shall mean:

A. Any commercial establishment, including but not limited to Adult Book Stores, Adult Motion Picture Theaters, Adult Mini-Motion Picture Theaters, Adult Entertainment Cabaret, Adult Arcade or other adult entertainment establishments, in which is offered for sale as a substantial or significant portion of its stock in trade video cassettes, movies, books, magazines, or other periodicals or other media which are distinguished or characterized by their emphasis on nudity or sexual conduct or activities which if presented in live presentation would constitute adult entertainment;

B. Any commercial establishment that offers for a consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex;

C. Any commercial establishment that offers for a consideration activities between male and female persons and/or persons of the same sex when one or more persons are nude or “Semi-nude”; and

D. Any commercial establishment that offers for a consideration nude human modeling. An establishment shall include any of the following:

    1. The opening or commencement of any sexually oriented business as a new business.
    2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.
    3. The addition of any sexually oriented business to any other existing sexually oriented business or to a non-sexually oriented business.
    4. The relocation of any sexually oriented business.

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

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

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

C. Films, motion pictures, video cassettes, DVDs, slides, or other photographic reproductions or visual presentations of any other kind which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MINI MOTION-PICTURE THEATER – An enclosed building or structure offering video presentations or other visual media distinguished or characterized by an emphasis or matter depicting, describing, or relating to "sexual activities" or "nudity", as defined herein, for observation by patrons within private viewing booths.

ADULT MOTION-PICTURE THEATER – A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions or visual presentations of any kind are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

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

AFTER HOURS CLUB – A use that permits the consumption of alcoholic beverages by five or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

AGRICULTURAL ACTIVITIES – Activities including, but not limited to, livestock and poultry raising; field, row and tree crops; forest and tree products; sale of products produced on the premises; and other customary farm structures. Not included are farm-oriented commercial or industrial activities or operations, such as food or livestock processing plants, holding pens, slaughterhouses, or similar uses which handle products not produced on the immediate premises.

AIRPORT – Any area of land or water, whether of public or private ownership, designed and set aside for the landing and taking off of aircraft, including all contiguous property that is held or used for airport purposes.

ALLEY – A public or private right-of-way which has a width of 15 feet or less and which is designed to provide secondary access to a lot or lots.

ALTERATIONS – As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another, or any change in use from that of one zoning district classification to another.

ALTERATIONS, STRUCTURAL – Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

AMPHITHEATER – an oval or round structure having tiers of seats rising gradually outward from a central open space or arena

AMUSEMENT ARCADE

A. If an accessory use, any establishment where two or fewer amusement devices are located.

B. If a principal use, any establishment where three or more amusement devices are located.

AMUSEMENT DEVICE – Any mechanical, electrical or electromechanical device, machine or apparatus whatsoever for the playing of games and amusements, which devices or apparatus are commonly known as "pinball machines," "video games" and "jukeboxes," or upon which games are played, or any device on which music is played after the insertion therein of a coin or other disc, slug or token or for which fees are paid to an attendant.

AMUSEMENT PARK – An establishment existing primarily entertainment purposes and offering rides and exhibitions for a fee

ANIMAL CEMETERY – Any site containing at least one burial, marked or previously marked, dedicated to and used or intended to be used for the permanent burial of animals.

ANIMAL DAY CARE – A facility that cares for pet animals for less than 12 consecutive hours in the absence of the pet owner or a facility that cares for pet animals in training with or without the facility owner receiving compensation for such services (see also: kennel).

ANIMAL HOSPITAL – A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use (also see Kennel)

ANSI – The American National Standards Institute.

ANTENNA – An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including, without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include a standard antenna.

ANTENNA HEIGHT – The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA, STANDARD – A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on site or for transmitting shortwave or citizens band radio signals. See also "commercial communications antenna."

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

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

APPURTENANCES – The visible, functional, or ornamental objects accessory to and part of buildings.

AQUACULTURE / AQUAFARMING - the farming of aquatic organisms such as fish, crustaceans, molluscs and aquatic plants.

ARCHITECT – An architect registered by the Commonwealth of Pennsylvania.

AREA, BUILDING – The total horizontal plane area of the building from outside wall to outside wall. This is exclusive of patios and stairways.

AREA, SITE – The total area of the lot or lots comprising a site.

ARI – The Air-Conditioning and Refrigeration Institute.

ART GALLERY – A Structure, or part thereof, devoted to the exhibition of visual works of fine art. Art galleries generally include accessory services, such as sale or purchase of displayed works, custom framing or encasement of art works and services related to art appraisal, display, preservation or restoration.

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 24 hours for four 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.

ASTM – The American Society for Testing and Materials (ASTM).

AUTHORITY – a body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the “Municipality Authorities Act of 1945.”

AUTOMOBILE DETAIL – Any building, premises, or land in which or upon which a business or individual performs or renders a service involving the detailing and servicing of an automobile or other motor vehicle. Detailing and servicing shall include any cleaning, buffing, striping, glass replacement, and audio installation or repair. Automobile detail shall not include any service defined as "automobile repair."

AUTO REPAIR, **AUTO SERVICE** – Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of vehicles, not including commercial motor vehicle repair.

BAKERY, RETAIL – A place for preparing, baking and selling baked goods and products prepared on the premises.

BASEMENT – That portion of a Building which is partly or completely, or having a floor, below grade on all sides.

BED & BREAKFAST INN – An owner-occupied single-family dwelling that contains not more than five guest bedrooms in which lodging, long or short-term, is provided for compensation and in which meals for lodgers may also be provided. This use shall not include group homes.

BEVERAGE DISTRIBUTOR - Any person or establishment engaged in the sale of beverages to the public where no consumption or only minor consumption incidental to the principal use of the site is permitted. Taverns, Bars and Restaurants that serve alcohol are not considered Beverage Distributers. Grocery stores, six pack shops and similar establishments that sale beverages and that may permit consumption on site shall be considered a Beverage Distributor.

Beverage Distributors may include any manufacturer who engages in these sales at the location where the beverage is manufactured.

BOARD – any body granted jurisdiction under a land use ordinance or by the PA MPC to render final adjudications.

BOARDING HOUSE – A building other than a hotel where lodging is provided for compensation.

BOOK & VIDEO STORE – A retail establishment devoted primarily to selling or renting any of the following: newspaper, magazines, books, and other printed material and video recordings.

BOROUGH – The Borough of Wilkinsburg, Allegheny County, PA

BROADCAST AND RELAY TOWERS – A freestanding support structure, attached antenna, and related equipment intended for transmitting, receiving or re-transmitting commercial television, radio, telephone, cellular or other telecommunication services.

BUFFER AREA – A landscaped area of a certain depth specified by this ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material or an existing natural or constructed natural barrier which duplicates the effect of the required buffer area.

BUILDING – A structure used for sheltering any use or occupancy

BUILDING CODE – The Wilkinsburg Borough Uniform Construction Code Ordinance

BUILDING FAÇADE – That portion of any exterior elevation on the building extending from finished grade to top of the parapet, wall, or eaves and the entire width of the building elevation

BUILDING FRONT – The wall of the building where the principal entrance is located, usually fronting on a public street.

BUILDING LINE, MINIMUM – A line parallel to the street right-of-way line at a distance there from equal to the depth of the front yard required for the zoning district in which the lot is located. No portion of any building shall encroach over the building line except as otherwise permitted in this ordinance.

BUILDING PERMIT – A permit for activities regulated by the Uniform Construction Code as adopted by Wilkinsburg Borough, including construction, alteration, repair, demolition or an addition to a structure.

BUILDING, PRINCIPAL – The building or buildings on a lot in which the principal use or uses are conducted.

CAR WASH, AUTOMATIC – A structure where chairs, conveyors, blowers, steam cleaners, or other mechanical devices are used for the purpose of washing motor vehicles and where the operation is generally performed by an attendant.

CAR WASH, SELF-SERVICE – A structure where washing, drying, and polishing of vehicles is generally on a self-service basis without the use of chain conveyors, blowers, steam cleaning, or other mechanical devices.

CARTWAY – That portion of a street or alley intended for vehicular use.

CEMETERY – Any site containing at least one burial, marked or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, including perpetual care and non-perpetual care cemeteries.

CHURCH – A building or buildings, other than a dwelling, used primarily as a place of worship on a regular basis by a religious denomination that may also include, as accessory uses, rooms for religious education, social and recreational activities and administrative offices, rectories, parsonages, convents, preschool programs and elderly or child day-care centers.

CIVIC USE – A public or private not-for-profit use, such as a meeting hall, fire station, mail facility, post office, school, church, library, museum or other like type place that is a community facility

CLEAN WOOD – Natural wood that has been seasoned to reduce its water content and provide more efficient combustion. The term clean wood does not include wood: coated with paint, stain, oil, resin or any other preservative, fire retardant or decorative materials; impregnated with preservatives or fire retardants; exposed to salt water; nor manufactured with the use of adhesives, polymers or resins, such as strand, particle and veneer lumber and recycled lumber.

CLUSTER – A development design technique used in planned residential development that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

CLEAR SITE TRIANGLE – A triangular area of unobstructed vision as defined by Penn Dot Publication # 70M: Guidelines for the Design of Local Roads and Streets

CLOSED HORIZONTAL LOOP GEOTHERMAL SYSTEM – A mechanism for heat exchange which consists of the following basic elements: underground loops of piping; heat transfer fluid; a heat pump; an air distribution system. An opening is made in the Earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a closed loop and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening into the heat exchanger and back. The system functions in the same manner as the open loop system except there is no pumping of groundwater. A horizontal closed loop system shall be no more than twenty (20) feet deep.

CLOSED VERTICAL LOOP GEOTHERMAL SYSTEM – A borehole that extends beneath the surface. Pipes are installed with U-bends at the bottom of the borehole. The pipes are connected to the heat exchanger and heat transfer fluid is circulated through the pipes.

CO-LOCATION – The placement and arrangement of multiple antenna and equipment on a single support structure and equipment pad area.

COMMERCIAL COMMUNICATIONS TOWER OR ANTENNA – A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals through the air and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to retransmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in

height that is primarily intended to support one or more antenna. This term shall not include a "standard antenna."

COMMERCIAL MOTOR VEHICLE REPAIR – Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of a commercial motor vehicle.

COMMERCIAL RECREATION – INDOOR – An establishment operated by a profit-making corporation, partnership or other business entity for the pursuit of sports, amusement and recreational activities, available to the general public for a fee, where the principal use is conducted entirely within a completely enclosed building, including, but not limited to such principal uses as health or racquet and/or swim clubs, fitness centers, roller or ice rinks, karate schools, gymnasiums, arenas, sports courts or playing fields, bowling alleys, amusement arcades, virtual reality and simulation gaming parlors, billiard parlors, shooting ranges, dance halls, live or motion-picture theaters, but not including any adult business.

COMMERCIAL RECREATION – OUTDOOR – An establishment operated by a profit-making corporation, partnership or other business entity for the pursuit of sports, amusement and recreational activities, available to the general public for a fee, where the principal use is outdoors, but which may include accessory uses that are indoors, including, but not limited to such principal uses as miniature golf courses, golf or batting practice facilities, ice rinks, roller blade parks, swimming pools, sports playing fields, ball parks, stadiums, amphitheaters, drive-in theaters, amusement parks, racetracks and similar facilities.

COMMON OPEN SPACE – a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATIONS TOWER – Any structure, whether freestanding or attached to a building, designed to support multiple communications antennas, including monopole, self-supporting and guyed towers and one or more of the following mounts for antennas: rotatable platform, fixed platform, multipoint or side-arm mounts and pipe mounts for microwave dish antennas.

COMPREHENSIVE PLAN – The Comprehensive Plan of the Borough which guides the physical development of the Borough and which consists of maps, charts and textual matter in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

CONDITIONAL USE – An authorized use which may be granted only by the Borough Council pursuant to express standards and criteria prescribed in this ordinance, after review and recommendation by the Borough Planning Commission and public hearing by the Borough Council.

COUNCIL – The Council members of Wilkinsburg Borough, Allegheny County, PA

COUNTY – Allegheny County, PA.

DAY CARE CENTER (non home based) – A facility, licensed by the Commonwealth of Pennsylvania, located within a building which is not used as a dwelling unit, for the care during part of a twenty-four-hour day of children under the age of 16 or handicapped or elderly persons.

DAY CARE, HOME BASED – A facility, licensed by the Commonwealth of Pennsylvania, located within a home for the purposes of providing child care services for up to six children unrelated to the operator during part of a twenty-four-hour day.

DECIBEL – A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

DEMOLITION BUSINESS – A business that demolishes structures, including houses and other buildings, in order to salvage building materials, and that stores those materials before disposing of them.

DENSITY – The number of dwelling units per acre

DEVELOPMENT – Any man-made change to an improved or unimproved land or water area, including, but not limited to: construction of buildings or structures or additions thereto, mining, dredging, filling, grading, paving, excavation or drilling operations.

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

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT – Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

DEVELOPMENT PLAN – the provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, designated growth area where residential, commercial industrial and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension an provision of public infrastructure services.

DRILLING PAD – The area of surface operations surrounding the surface location of a well or wells.

DRIVE-IN RESTAURANT – A restaurant with or without a drive-thru, where the food is primarily brought to and consumed within a patron's vehicle. An outdoor seating area may be provided.

DRIVE-IN THEATER – a structure consisting of a large outdoor screen, a projection booth and a large parking area for automobiles. Within this enclosed area, customers can view movies from the privacy and comfort of their cars

DRIVE THROUGH FACILITY – Drive Through Facilities shall be considered principal uses which are attached to another authorized principal use which involves a window, service lane, bay or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services, including, but not limited to: drive-in or drive-through windows at fast-food restaurants, banks, drug stores or other businesses, exterior automated teller machines (ATMs), quick oil-change facilities, car washes and similar automotive services and other such facilities.

DRIVE THROUGH RESTAURANT – A fast-food restaurant characterized by a limited menu and catering to drive-thru traffic.

DRIVEWAY – A private area which provides vehicular access to a parking space, garage, dwelling or other structure.

DWELLING – A building that contains dwelling units, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

DWELLING TYPES –

ACCESSORY DWELLING UNIT – A dwelling unit that is either attached to the principal permitted building or to a permitted accessory building on a lot that serves as a mother-in-law suite and primarily intended to be occupied by a relative of the occupant of the principal structure or use on the lot or site.

APARTMENT – A residential building comprised of multifamily dwelling units containing four or more stories.

CONVERSION DWELLING – A dwelling unit or units created from a larger existing residential dwelling, whether entirely from the existing structure or by building additions or combinations thereof. Conversion dwellings involve the creation of additional dwelling units in a structure from existing dwellings, not initially intended or designed when the dwelling was initially constructed. Conversion Dwellings are primarily intended to serve as rental units and are defined separately from Accessory Dwellings Units or Mother-in-law Suites which are primarily intended to house family members.

GARDEN APARTMENT – A multifamily residential building no more than three stories in height containing three or more dwelling units that share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.

MODULAR DWELLINGS – A factory-fabricated single -family dwelling that is delivered to its site in at least two sections that are set upon a permanent foundation and the sections joined together. Such dwellings shall be certified as meeting the minimum standards for manufactured housing in Pennsylvania. Modular dwellings shall be permitted wherever single-family dwellings are allowed, provided they are installed on a permanent foundation and connected to all available utilities.

MULTI-FAMILY – A residential building designed exclusively for occupancy by three or more families living independently of each other and containing three or more separate dwelling units but not including single-family attached Dwellings.

SINGLE FAMILY – A detached residential building that is the only principal structure on the lot, designed exclusively for occupancy by one family, as defined herein, and containing one dwelling unit.

SINGLE-FAMILY ATTACHED – Two or more dwelling units with common walls between the units. Single-Family Attached units may include Duplex or Townhouse dwellings.

SINGLE-FAMILY DETACHED – A single-family dwelling that is not attached to any other dwelling by any means and is surrounded by open space or yards.

TOWNSHOUSE – A single-family attached dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

TWO FAMILY (DUPLEX) – A detached house designed for and occupied exclusively as the residence of not more than two families, each living as an independent housekeeping unit.

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

EDUCATIONAL INSTITUTION – A structure, part of a structure, or structures designed and used for training and teaching of children, youths or adults, including laboratories appurtenant thereto.

ENFORCEMENT NOTICE – A notice as provided in § 616.1 of the MPC, 53 P.S. § 10616.1, sent by the Borough to the owner or occupant of record of a parcel on which a violation of this chapter has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner or occupant of record, the purpose of which is to initiate enforcement proceedings.

EPA – The United State Environmental Protection Agency or any agency successor thereto.

ESCORT – A person who, for consideration, agrees, or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

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

ESSENTIAL SERVICES or ESSENTIAL PUBLIC UTILITY SERVICES – Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, waterlines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, streetlights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power-generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials

ESSENTIAL SERVICES, PRIVATE (NOT COVERED BY PUC)

FAMILY – An individual; two or more persons related by blood, marriage or adoption; or not more than three unrelated persons living as a single housekeeping unit. A family may also include domestic servants and gratuitous guests. The foregoing restrictions do not apply to persons with disabilities as defined in the Fair Housing Act, 42 USC § 3601 et seq.

FARMERS MARKET – A retail establishment at which fruits, vegetables, breads, eggs, milk, cheese, meat, flowers, and the like are sold by persons who typically grow, harvest, or process such items from their farm or agricultural operation

FENCE – Shall include any barrier, screen or other structure constructed of materials other than shrubbery, trees or other vegetation and erected for the purpose of protection, confinement, enclosure, separation or privacy.

FINANCIAL INSTITUTIONS – Banks, savings and loan associations and similar institutions that lend money or are engaged in a finance related business.

FLOOD PLAIN – Areas adjoining any rivers, streams, ponds or lakes subject to the one-hundred-year-recurrence-interval flood as delineated by the U.S. Army Corps of Engineers or subject to erosion caused by a one-hundred-year-recurrence-interval flood, as well as any areas identified in the future by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines subject to the review and approval of a professional engineer selected by the Borough.

FLOOR AREA, GROSS – The sum of all the horizontal floor areas of a building, measured between exterior faces of walls.

FLOOR AREA, NET – The total floor area of a building designed for tenant occupancy, or areas accessible to the customers, clients or general public, but excluding storage areas, equipment rooms, food preparation areas in a restaurant and common areas such as halls, corridors, stairwells, elevator shafts, rest rooms, interior vehicular parking and loading areas and similar common areas, expressed in square feet and measured from the center line of joint partitions and exteriors of outside walls.

FUNERAL HOME – A building used for the embalming of deceased human beings for burial and for the display of the deceased and ceremonies connected therewith before burial or cremation and which may include a crematorium as an accessory use.

GARAGE, PRIVATE – An accessory building or a portion of the principal building, not accessible to the general public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building and that may include the shelter or storage of no more than one private vehicle owned and used by others.

GARAGE, PUBLIC – A building or structure available to the general public in which motor vehicles are temporarily stored but which is not used for the repair or maintenance thereof.

GARDEN CENTER- A building, site or structure used for the sale of flowers, plants, shrubs, trees and other natural flora and associated products.

GAS STATION – A building(s), premises or portions thereof which are used, arranged, designed, or intended to be used for the retail sale of gasoline or other fuel for motor vehicles. Gas stations may include the operation of a convenience food store in conjunction with the retail sale of petroleum products.

GEOTHERMAL BOREHOLES – A hole drilled or bored into the earth into which piping is inserted for use in a closed vertical loop geothermal system.

GEOTHERMAL ENERGY SYSTEM – An energy generating system that uses the Earth's thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.

GOLF COURSE – Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

GOLF DRIVING RANGE – A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

GRAIN SILO – A structure for storing bulk materials such as grain or fermented feed known as silage. Other items often used for bulk storage include coal, green feeds and woodchips.

GREENHOUSE – A facility for the growing of flowers, plants, shrubs, trees and other natural flora and products that aid their growth and care and that may include a greenhouse and/or the growing of plant material outside on the lot. Greenhouses do not include retail sales of items grown or produced although Greenhouse structures may be permitted with uses where the sale of the material grown and produced on site is permitted (e.g. Garden Center).

GROUP CARE FACILITY

A. A facility which provides room and board and specialized services for:

    1. More than eight residents who are mentally or physically handicapped;
    2. Any number of permanent residents who are dependent and/or delinquent children under the age of 18 adjudicated by the court system;
    3. Mentally disturbed persons of any age; or
    4. Persons assigned by a court of law or public or semipublic agency on a short-term basis for supervision, care and counseling for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community reentry services following incarceration and other such transitional and/or supervised short-term assignments.

B. Staff shall be qualified by the sponsoring agency, who may or may not reside at the facility, and who provide health, social and/or rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation, and the facility shall meet all minimum requirements of the sponsoring agency.

GROUP HOME – A dwelling unit where room and board is provided to not more than eight permanent residents who are mentally or physically handicapped persons of any age, who are in need of supervision and specialized services, and no more than two caretakers on any shift, who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents. The service shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation, and the facility shall meet all minimum requirements of the sponsoring agency.

HEALTH SPA – A commercial recreation and entertainment facility or private club which has as a principal use a gymnasium, swimming pool or other sports facility and which may offer massages, whirlpool baths, steam rooms, saunas or medical facilities as accessory uses to the principal use.

HEIGHT, OF BUILDING – The vertical distance measured from the average elevation of the proposed finished grade of the building to the eaves. For the purpose of determining maximum permitted height for principal buildings, such measurement shall be made from the average finished grade at the front setback. For the purpose of side or rear yard determination, such

measurement shall be made from the average finished grade of the wall extending along such side yard or rear yard.

HEIGHT OF STRUCTURE – For structures other than buildings or signs, the vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

HELIPORT – Any area of land, water or structure which is used or intended to be used for the landing and takeoff of helicopters and any appurtenant areas which are used for heliport buildings or helicopter facilities or rights-of-way, together with all heliport buildings and facilities thereon.

HISTORIC STRUCTURE – Means any Structure that is:

A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Registry;

B. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a district preliminarily determined by the Secretary to quality as a registered Historic District;

C. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    1. by approved state program as determined by the Secretary of the Interior; or
    2. directly by the Secretary of the Interior in states without approved programs.

HOLIDAY – the entire 24 hour period of the days of New Year's Day (January 1st), Good Friday, Election Day (both primary and general elections), Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

HOME OCCUPATION – any use customarily carried on entirely within a dwelling, by the occupant thereof, which use is clearly incidental and subordinate to the use of the dwelling. Examples include, but are not limited to, professional services such as legal, financial, accounting or engineering, barber and beauty shops, music and tutoring instruction. Home occupations are limited to one (1) student, customer or client at a time.

HOSPITAL – An institution providing acute medical or surgical care and treatment for sick or injured humans, as defined in current state licensure requirements

HOTEL – A building containing rooms intended or designed to be used or that are used, rented, or hired out to be occupied or that are occupied for sleeping purposes by guests. Hotels generally have more than 10 rooms available for rent and have a common reception area on premises which is staffed twenty-four (24) hours a day where clients check in to obtain access to a room. Dwellings which are converted for the purpose of, or where rooms are rented to individuals shall not be considered a Hotel.

HYDRAULIC FRACTURING (FRACKING) – The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

IGSHPA – The International Ground Source Heat Pump Association.

IMPERVIOUS SURFACE – Any material which prevents the absorption of storm water into the ground

INCINERATOR – A device used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence, and combustion air can be controlled.

INDUSTRIAL CENTER/PARK – An area of land occupied by a group of two or more industrial uses arranged and constructed in accordance with a plan, each use contained on a separate lot having direct access to a public road.

INTERMEDIATE CARE FACILITY – A facility that provides nursing care and related medical or other personal health services to human patients on a planned program of care and administrative management, supervised on a continuous twenty-four-hour basis in an institutional setting, as defined in current state licensure requirements.

JUNK YARD – Any premises devoted wholly or in part to the storage, buying or selling, sorting, exchanging, salvaging, recycling or otherwise handling or dealing in junk, as defined by this ordinance.

KENNEL – A use of land and structures in combination wherein four or more domestic animals or pets six months or older are groomed, bred, trained, and/or boarded for compensation.

LABORATORY – A building or part of a building devoted to the testing and analysis of any product or animal. No manufacturing is conducted on the premises except for experimental or testing purposes.

LAND DEVELOPMENT – Includes any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
    1. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
    2. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
B. A subdivision of land.

LANDFILL – A disposed site in which refuse and earth, or other suitable cover material are deposited and compacted in alternative layers as required by the federal and/or state agency having jurisdiction.

LANDOWNER – the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any

condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPE PLAN – A plan prepared identifying each tree and shrub by size, type and scientific name; the location of each, including a planting diagram; and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specification and mixtures and existing trees to be preserved, if any.

LARGE SOLAR ENERGY PRODUCTION FACILITY – An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. A facility is considered a large solar energy production facility if it supplies electrical or thermal power solely for off-site use.

LARGE WIND ENERGY PRODUCTION FACILITY – An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one (1) or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. A facility is considered a large wind energy production facility if it supplies electrical power solely for off-site use.

LIFE CARE COMMUNITY – A corporation or association or other business entity that, in exchange for the payment of entrance and monthly fees, provides:

A. Residential accommodations meeting the minimum standards for residents set forth by law and ordinances and providing a design to meet the physical, social and psychological needs of older people;

B. Medical and nursing care covering, under ordinary circumstances, the balance of a resident's life;

C. Prepaid medical consultation opportunities through independent professionals selected by the organization or through some equivalent arrangement; or

D. Financial self-sufficiency, not dependent on outside support to any significant degree, with entrance and monthly fees adjusting to meet changing costs.

LOADING SPACE – A space within the main building or on the same lot therewith providing for the standing, loading, or unloading of vehicles.

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

LOT AREA – The total area of the lot or lots comprising a site.

LOT, CORNER – A lot bounded on at least two sides by streets.

LOT COVERAGE – That percentage of the lot area covered by all principal structures, accessory structures and impervious surfaces, excluding the following which may be existing or proposed on the lot:

A. Up to 400 square feet of impervious surface which is designated for a parking pad if no other private garage, carport or parking pad is available on the lot; or up to 200 square feet of impervious surface designated for a parking pad, if one private garage carport or parking pad is available on the lot.

LOT, INTERIOR – A lot other than a corner lot or through lot.

LOT LINE – A line of record bounding a lot that divides one lot from another lot or from a public or private street or other public space.

LOT LINE FRONT – A lot line or lines which separates a lot from a public street or streets.

LOT LINE REAR – That lot line that is generally opposite the front lot line.

LOT LINE SIDE – Any lot line that is not a front lot line or rear lot line.

LOT, THROUGH – A lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.

LOT, WIDTH – The straight line distance between the point of intersection of the minimum required building setback line with the side lot lines.

MAJOR HIGHWAY – A public street which serves large volumes of high speed and long distance traffic, including and limited to Route 51.

MANUFACTURED HOME – a structure, transportable in one or more sections, which in the traveling mode is 8 body feet (2438 body mm) or more in width or 40 body feet (12192 body mm) or more in length, or, when erected on site, is 320 square fee (30 m2) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

MANUFACTURING – The process of making wares by hand, by machinery or by other agency, often with the provision of labor and the use of machinery.

MANUFACTURING, HEAVY – Manufacturing including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products which due to the nature of the materials, equipment or process utilized, the manufacturing operation is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

MANUFACTURING, LIGHT – Manufacturing including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products which by the nature of the materials, equipment and process utilized is to a considerable measure clean, quiet, and free of any objectionable or hazardous element.

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

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

MEDICAL CLINIC – Any establishment where human patients are examined and are treated by or under the care and supervision of doctors, dentists or other medical practitioners, but where patients are not hospitalized overnight.

METHADONE TREATMENT FACILITY – A facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons

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.

MINI-WAREHOUSE – A storage enterprise dealing with the reception of goods of residential or commercial orientation that lie dormant over extended periods of time. Separate storage units are rented to individual customers who are entitled to exclusive and independent access to their respective units.

MIXED USE – The conduct of two or more principal uses within one principal building, or one lot or site.

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

MOBILE HOME LOT – a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

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

MORTUARY – A building which is operated by a duly licensed mortician and which is exclusively used for the preparation of dead bodies for burial or cremation.

MOTEL – A building or group of detached, semidetached, or attached buildings on a lot containing guest dwellings, each of which has a separate outside entrance leading directly to rooms, with a garage or parking space conveniently located with each unit, and which is designed, used, or intended to be used primarily for the accommodation of automobile transients. Motels may include bed-and-breakfast inns or boarding houses if they meet the above-defined criteria.

MOTHER-IN-LAW SUITE – A small apartment attached to or carved out of a nominally single-family house, ostensibly intended for occupancy by a mother-in-law or other relative, and normally has its own entrance, kitchen, bathroom and living area.

MOVIE THEATER – is a venue, usually a building, for viewing motion pictures ("movies" or "films").

MUNICIPAL AUTHORITY – a body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the “Municipality Authorities Act of 1945

MUNICIPALITIES PLANNING CODE (MPC) – Act of 1968, P.L. 805, No. 247, as reenacted and amended (53 P.S. § 10101 et seq.).

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.

NIGHT CLUB – An establishment primarily for evening, late-night to early morning entertainment, that typically serves food and/or alcoholic beverages, and may provide either live or prerecorded music or video, comedy acts, floor shows, with or without the opportunity for dancing. A nightclub may not include any aspects of adult entertainment or an adult-oriented establishment, as either are elsewhere defined and regulated in this chapter.

NO-IMPACT HOME-BASED BUSINESSES – 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 no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

H. The business may not involve any illegal activity.

NON-CONFORMING LOT – Any lot which does not comply with the applicable area and bulk provisions of this chapter or an amendment thereafter enacted, which lawfully existed prior to the enactment of this ordinance or any subsequent amendment

NON-CONFORMING STRUCTURE – A structure or part of a structure that does not comply with the applicable area and bulk provisions of this ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this ordinance or an amendment thereto, or prior to the application of this chapter or amendment to its location by reason of annexation. Nonconforming signs are included in this definition

NON-CONFORMING USE – A use, whether of land or of a structure, that does not comply with the applicable use provisions in this chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or an amendment thereto, or prior to the application of this chapter or amendment to its location by reason of annexation.

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

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

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

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

NUDITY OR A STATE OF NUDITY – Shall be defined as completely without clothing; ort he showing of the human male or female genitals, pubic areas, or buttocks with less than a fully opaque covering, or the showing of the female breasts with less than a fully opaque covering of any portion of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

NURSERY- A facility where plants are grown for transplanting, for use as stocks for budding and grafting including but not limited to the growing of flowers, plants, shrubs, trees and other natural flora. Nursery's do not include retail sales of items grown or produce at the site.

NURSERY SCHOOL – A school designed to provide daytime care or instruction for two or more children of preschool age

NURSING HOME – An institution licensed by the commonwealth for the care of human patients requiring either skilled nursing or intermediate nursing care or both levels of care for a period exceeding 24 hours.

OCCUPANCY – The physical possession upon, on or within any lot or structure for a use.

OCCUPANCY PERMIT – A permit for the occupancy of a building, structure or lot indicating compliance with all provisions of this ordinance.

OFFICES, BUSINESS AND PROFESSIONAL – Any office of recognized professions, other than medical, such as lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

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 – The well site preparation, construction, drilling, redrilling, 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, GAS OR WATER INTAKE WELLS – The drilling site authorized by a permit from the Pennsylvania Department of Environmental Protection (DEP) for the extraction of oil or gas resources or the drilling site for the production of potable water supply.

OIL OR GAS WELL – A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

OIL OR GAS WELL SITE – The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well.

OPEN LOOP GEOTHERMAL SYSTEM – Water is pumped from a water well or other water source into a heat exchanger located in a surface building. The water drawn from the Earth is then pumped back into the ground through a different well or in some cases the same well, also known as "re-injection". Alternatively, the groundwater could be discharged to a surface water body also known as a "pump and dump". In the heating mode, cooler water is returned to the Earth, and in the cooling mode, warmer water is returned to the surface water body or well.

OWNER – The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel

PAD DRILLING – The drilling of multiple wells from a single location.

PARK (or DEDICATED OPEN SPACE or RECREATION LAND) – A parcel of land integrated within a subdivision or land development that is dedicated, either publicly or privately, specifically for use as a park, open space and/or active recreation area.

PARK AND RIDE FACILITY – A facility designed for patrons to park their private vehicle and transfer to other private or public transportation

PARKING AREA – A portion of a lot designated for the parking of motor vehicles in accordance with the requirements of this chapter.

PARKING FACILITY – A principal use the purpose of which is the parking of motor vehicles including a public garage.

PARKING LOT – Any lot, parcel, or yard used in whole or in part for the parking of two or more vehicles where such usage is not incidental to or in conjunction with a single-family or two-family dwelling.

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

PARKING STRUCTURE, COMMERCIAL – An area or structure area used exclusively for the temporary parking of motor vehicles.

PAWN SHOP – An establishment engaged in retail sales of secondhand merchandise and that offers personal loans secured by consumer goods, jewelry and other personal property held by the Pawn Shop.

PERMIT – A document issued by the Borough of Wilkinsburg authorizing an applicant to undertake certain activities.

A. **BUILDING PERMIT** – A permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any building code that may be adopted by the borough and authorizing an applicant to commence with construction, alteration or reconstruction.

B. **OCCUPANCY PERMIT** – A statement signed by the Zoning Officer setting forth either that a building or structure complies with this chapter or that a building, structure or parcel of land may lawfully be employed for specified uses of both.

C. **ZONING PERMIT** – A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this chapter and authorizing an applicant to proceed with said use, building or structure.

PERSONAL CARE HOME – A dwelling or institution licensed by the commonwealth in which food, shelter, and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living.

PERSONAL SERVICES – Any enterprise providing services pertaining to the person, their apparel or personal effects commonly carried on or about the person, including but not limited to shoe repair, tailoring, clothes cleaning, watch repairing, barbershops, beauty parlors and related activities.

PHARMACY – A retail store which primarily sells prescription drugs, patent medicines, and surgical and sickroom supplies.

PHASE 2 OUTDOOR HYDRONIC HEATER – An outdoor hydronic heater that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTU) output and is labeled accordingly, with a white “hang” tag.

PLACES OF WORSHIP – A semipublic use, including any of the following: church, manse, rectory, convent, synagogue, parish, school or similar building incidental to the particular use; but this term does not include business offices, except administrative offices incidental to the operation of the particular use, rescue missions or the occasional use for religious purposes of properties not regularly so used.

PLANNING COMMISSION – The Planning Commission of Wilkinsburg Borough

PLAT – the map or plan of a subdivision or land development, whether preliminary or final.

PORCH – A roofed or uncovered accessory structure without enclosing walls that is attached to or part of the principal building and which has direct access to and from the principal building.

PROFESSIONAL ENGINEER – A licensed professional engineer registered by the Commonwealth of Pennsylvania.

PUBLIC HEARING – A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

PUBLIC AND SEMIPUBLIC USES – Uses operated by the public or semipublic body such as schools, public libraries, public safety buildings, museums, public meeting halls and community centers. This definition shall not include hospitals and continuing care facilities.

PUBLIC IMPROVEMENTS – All roads, streets, walkways, sidewalks, gutters, curbs, sewers, waterlines, storm water management facilities, landscaping, street lighting, traffic control devices and other facilities to be dedicated to or maintained by the Borough.

PUBLIC MEETING – A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings).

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

PUMP STATIONS – facilities including pumps and equipment for pumping fluids from one place to another. They are used for a variety of infrastructure systems, such as the supply of water to, and the removal of sewage to processing sites.

RECREATION FACILITIES – Land and structures which are privately or commonly owned and which are devoted to outdoor recreational or athletic purposes, including active recreation areas within developments, country clubs and golf courses, none of which use artificial lighting to extend play of golf or other recreational activity after daylight hours. Recreational facilities also include riding stables and other private noncommercial outdoor recreation areas and facilities or recreation centers, including but not limited to community or club swimming pools, tennis courts and ballparks, but excluding entertainment facilities as hereinbefore defined.

RECREATION, PRIVATE – An enterprise operated by an individual, group of individuals or nonprofit association or corporation, other than a public entity, for the pursuit of sports and recreational activities, which may be advertised to the general public, but the use of which is limited to members and their guests including, but not limited to, such establishments as country clubs, golf courses, sportsmen's club, golf practice facilities, playing fields, tennis or racquet clubs, swimming pools and similar facilities.

RECREATION, PUBLIC – An enterprise owned and operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to: parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools and similar facilities.

RECREATIONAL VEHICLE – A single-axle or multiple-axle structure mounted on wheels or otherwise capable of being made mobile, either with its own motive power or designed to be mounted on or drawn by an automotive vehicle, for the purpose of travel, camping, vacation and recreational use, including but not limited to: travel trailers, mobile homes, motor homes, tent trailers, boats, boat trailers, pickup campers, horse trailers, snow mobiles, jet skis, wave runners, motorcycles and all-terrain vehicles.

RECYCLING BUSINESS – A business that is: (1) primarily engaged in converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value; or (2) using raw material products of that kind in the production of new products; or obtaining or storing ferrous or nonferrous metals or other materials for a purpose described by subsections (1) or (2), above.

RECYCLING COLLECTION FACILITY – Center for the acceptance of recyclable material from the public by donation, redemption, or purchase. A collection facility may include: reverse vending machines, a small recycling collection facility, and a large recycling collection facility.

RECYCLING COLLECTION FACILITY, LARGE – A recycling collection facility which occupies an area of more than 500 square feet and may include permanent structures.

RECYCLING COLLECTION FACILITY, SMALL – A recycling collection facility occupying an area of not more than 500 square feet, and which may include:

A. a mobile recycling unit;

B. a single bulk reverse vending machine or a group of reverse vending machines which occupy an area of more than 50 square feet;

C. kiosk-type units which may include a permanent structure; or

D. unattended containers placed for the donation of recyclable materials.

RENEWABLE ENERGY SOURCE – any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

RESEARCH AND DEVELOPMENT – Any establishment which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include pilot manufacturing as an accessory use where concepts are tested prior to full-scale production.

RESTAURANT – An establishment designed and operated for the express purpose of providing food and beverage service within the confines of a structure and generally excluding any encouragement, orientation or accommodation of services or products to the patrons' automobiles, on or within the premises.

RETAIL FOOD RESTAURANT – A fixed small retail facility in which food or drink is offered or prepared primarily for retail sale where no consumption takes place inside the establishment. Such facilities may include takeout pizza shops, delicatessen, and ice cream stands.

RETAIL STORE – Any establishment not otherwise specifically defined in this article that sells commodities and/or services on the premises directly to consumers, but not including the on-site manufacturing or processing of any product or any wholesale sales.

RIGHT-OF-WAY – Land reserved or dedicated for use as a street, crosswalk or other means of travel, or other public or private purposes, including existing and future rights-of-way.

ROOMING HOUSE – See Boarding House.

SCHOOL – A structure, part of a structure, or structures designed and used for training and teaching of children, youths or adults, whether public or private.

SELF-STORAGE UNIT – An enclosed area or structure used for the storage of items not belonging to the owner of the land on which such enclosed area or structure is located, in exchange for rent paid for the use of said enclosed area or structure.

SEMINUDE or IN A SEMINUDE CONDITION – The state of dress in which clothing partially or non-opaquely covers specified anatomical areas

SEWAGE TREATMENT PLANT – a facility designed to receive the wastewater from domestic sources and to remove materials that damage water quality and threaten public health and safety when discharged into receiving streams or bodies of water.

SEXUAL ACTIVITIES – Shall be defined as: (1) acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person is female, breast; (2) the condition of human or female genitals when in a state of sexual stimulation or arousal; and / or (3) flagellation or torture by or upon a person in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

SEXUAL ENCOUNTER CENTER – A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.

B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

SEXUALLY ORIENTED BUSINESS – An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion-picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

SEXUALLY ORIENTED BUSINESS ESTABLISHMENT – Includes any of the following:

A. The opening or commencement of any sexually oriented business as a new business.

B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.

C. The addition of any sexually oriented business to any other existing sexually oriented business or to a non-sexually oriented business.

D. The relocation of any sexually oriented business.

SHOP – A use devoted primarily to the sale of a service or a product or products.

SHOPPING CENTER – One or more retail store(s) and other authorized uses in the zoning district in which it is an authorized use, developed as a single entity on a site, whether developed at one time or in phases or by different owners

SINGLE ROOM OCCUPANCY (SRO) Housing - housing consisting of single room dwelling units that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both) if the project consists of new construction, conversion of non-residential space, or reconstruction. For acquisition or rehabilitation of an existing residential structure or hotel, neither food preparation nor sanitary

facilities are required to be in the unit. If the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by tenants.

SITE – The original tract of land which exists prior to any subdivision activity and which is the subject of a preliminary application for development, as defined by Section 202 the Borough's Subdivision and Land Development Ordinance.

SMALL SOLAR ENERGY SYSTEM – A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SMALL WIND ENERGY SYSTEM – A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SOLAR COLLECTION SYSTEM – A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

SOLAR ENERGY FACILITY – An electric generating facility, with the purpose of electricity supply, consisting of one or more solar panels and other ancillary associated buildings and structures, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities

SOLAR RELATED EQUIPMENT – Items including a solar photovoltaic cell, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy.

SOUND LEVEL – The intensity of sound, measured in decibels, produced by the operation of a permitted use.

SOUND LEVEL METER – An instrument standardized by the American Standards Association for measurement of intensity of sound.

SOLID WASTE FACILITY – All continuous land and structures, other appurtenances, and improvements on the land, used for processing, storing, or disposing of solid waste, or used for the purpose of processing, extracting, converting, or recovering energy or materials from solid waste. A facility may be publicly or privately owned and may consist of several processing, storage, or disposal operational units.

SPECIAL EXCEPTION – A use permitted in a particular zoning district pursuant to the provisions of Articles III, IV and IX.

SPECIFIED ANATOMICAL AREAS – Human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.

SPECIFIED CRIMINAL ACTIVITY – Any of the following offenses:

A. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries.

B. For which:

   1. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense.
   2. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.
   3. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four-month period.

C. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant

SPECIFIED SEXUAL ACTIVITIES – Includes any of the following:

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

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

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

STABLE, PRIVATE – The keeping of horses and/or ponies for personal use and enjoyment of the residents of the lot, not involving any profit-making activity.

STACK – Any vertical structure enclosing a flue(s) that carry off smoke or exhaust from a furnace or other fuel-burning device, especially that part of a structure extending above a roof.

STEEP SLOPE – Land area where the inclination of the land's surface from the horizontal plane is 15% or greater. Man-made slopes shall not be considered steep slopes.

STORAGE WELL – A well 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.

STORY – That portion of a building between the surface of any finished floor and the surface of the finished floor next above it or, if there shall be no floor above it, then the space between any floor and the ceiling next above it. In determining the number of stories for purposes of height measurement, a basement shall be counted as a story if the ceiling is more than five feet above the average adjoining ground level at the front setback, and a mezzanine shall be counted as a story if it covers 50% or more of the area of the story underneath such mezzanine. An attic or a cellar shall not be counted as a story.

STREET – Any public or private recorded right-of-way used or intended to be used by vehicular traffic and pedestrians, including avenue, boulevard, road, highway, freeway, parkway, lane, alley, thoroughfare or viaduct.

STREET, ARTERIAL – A public street that serves large volumes of high-speed and long-distance traffic. The street classified as arterial in Wilkinsburg Borough for the purposes of interpreting this chapter is Route 51.

STREET, COLLECTOR – A public street that, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

STREET, LOCAL – Any public street not defined herein as an arterial or a collector street.

STREET, PRIVATE – A street, including the entire private right-of-way, that is privately owned and maintained and that is intended for private, rather than public, use.

STREET, PUBLIC – A public right-of-way dedicated and open for public use that has been adopted by the Borough, county, commonwealth or other governmental body.

STRUCTURE – any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

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

SWIMMING POOL – A man-made enclosure, designed to impound water for the purpose of creating depth of water suitable for swimming, or other types of water recreation or therapy, including but not limited to water slides, lap pools, whirlpools, soaking tubs, or hot tubs.

TAVERN – Any use in which the primary purpose is the sale of alcoholic beverages for on-premises consumption, which may or may not include dancing.

TELECOMMUNICATIONS CARRIER – Means and includes every person that directly or indirectly owns, controls, operates or manages, plant, equipment or property within the Borough, used or to be used for the purpose of offering or providing telecommunications services.

TELECOMMUNICATIONS COMPANY – Any person providing Fiber Optics Communications System Service, Telecommunications Service, or Open Video System Service in the Borough.

TELECOMMUNICATIONS FACILITIES – The plant, equipment and property, including, but not limited to, cables wires, conduits, ducts, pedestals, antennae, towers, electronics, and other appurtenances used or to he used to transmit, receive, distribute, provide or offer Fiber Optics Communication System Service, Telecommunications Services, or Open Video System Service.

TELECOMMUNICATIONS PROVIDER – Means and includes every person who provides Telecommunications Service over, through, and by means of Telecommunications Facilities without having any ownership, management or control of the facilities.

TELECOMMUNICATIONS SERVICE – Any transmission of interactive switched and non-switched signs signals, writing, images, sounds, messages, data or other information of any nature by wire, radio light wave, or any other electromagnetic means (including access services), which originate or terminate in the Borough and are offered to or for the public, or some portion thereof for compensation.

TELECOMMUNICATIONS TOWER – A structure including any guy wires principally intended to support facilities for receipt or transmission of broadcast for commercial or public VHF and UHF television, FM radio, two-way radio, common carriers, cellular telephone, fixed point microwave, low power television, or AM radio, including accessory equipment related to telecommunications. Not included are antennae and supportive structures for private, noncommercial, and amateur purposes including, but not limited to, ham radios and citizen band radios.

TEMPORARY USE OR STRUCTURE – Any use or structure which may be a principal use on a lot or accessory to an existing principal use on a lot intended to be used for less than 12 consecutive months. Structures intended to be used for more than 12 months shall be considered permanent and shall meet the use and structure requirements for permanent structures.

TRANSFERABLE DEVELOPMENT RIGHTS – the attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

TRANSIT WAREHOUSE – An intermediate location between a "from" warehouse and a "to" warehouse for warehouse transfers. Items in a transit warehouse are in the process of being transferred to a different warehouse (transfer order) and therefore cannot be picked for other orders during transportation**.**

TURBINE HEIGHT – The distance measured from the highest point of the wind turbine rotor plane to the ground level.

URBAN AGRICULTURE, LIMITED (No Animals) – Agricultural Activities intended primarily for the growing of crops and in which no livestock, poultry or other farm animals are kept or raised. Limited agricultural uses are intended to allow for the growing of agricultural products on vacant lots or properties as a permissible principal use.

URBAN AGRICULTURE, ACCESSORY USE– Small scale Agricultural Activities conducted on a lot or site in conjunction with an authorized principal use.

USE – Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure or on a tract of land.

USE, ACCESSORY – A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

USE BY SPECIAL EXCEPTION – An authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria.

USE, PRINCIPAL – The primary or predominant use to which the property is or may be devoted.

VARIANCE – A departure from the strict letter of the Zoning Ordinance as it applies to specific properties, as authorized by the Zoning Hearing Board in accordance with the terms of this ordinance and the MPC.

VETERINARY SERVICES – The services supplied by a doctor of veterinary medicine.

WAREHOUSE – A structure primarily used for the storage of goods and materials.

WELL PAD – The area used for development and production of oil and gas including buildings and structures and all activities associated with an oil and gas well after drilling activities are complete.

WIND CHARGER – A wind-driven direct-current generator used for charging storage batteries.

WIND ENERGY CONVERSION SYSTEM (WECS) – A device such as a wind charger, wind turbine or windmill and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat, consisting of one (1) or more wind turbine and other structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WINDMILL – A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

WIND TURBINE – A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

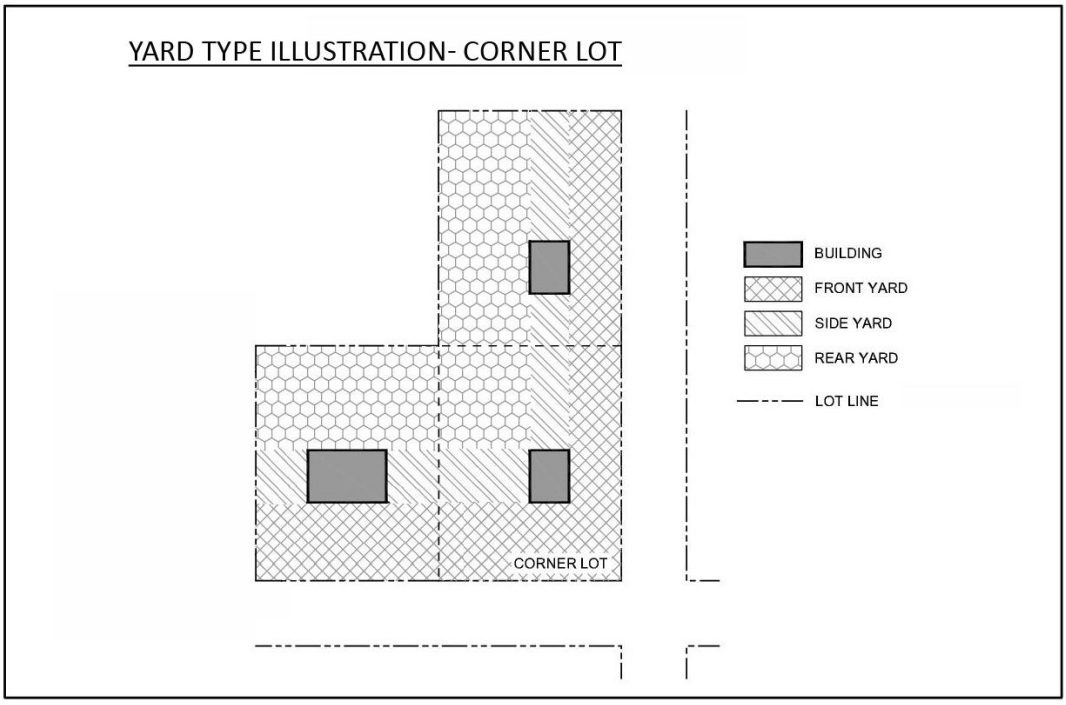
WIND TURBINE TOWER – The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

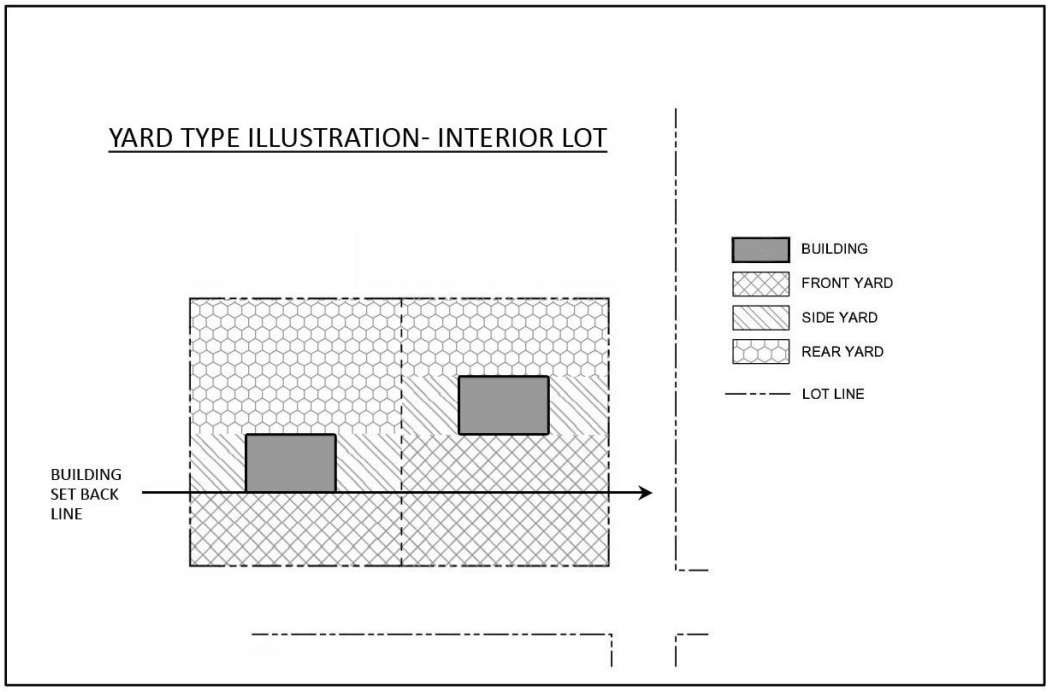
YARD, FRONT – A yard extending between side lot lines across the full lot width from the front lot line to a line parallel to the front face of the structure of the principal use of the lot (See Figure 1).

YARD, REAR – A yard extending between the side lot lines across the full lot width from the rear lot line to a line parallel to the rear face of the structure of the principal use of the lot (See Figure 1).

YARD, SIDE – A yard extending from the front yard line to the rear yard line parallel to the side lot line (See Figure 1).

FIGURE 1 – YARD TYPE ILLUSTRATION





ZONING DISTRICT – An area in the Borough in which regulations under this chapter uniformly apply including overlay districts.

ZONING HEARING BOARD – The Zoning Hearing Board of Wilkinsburg Borough, Allegheny County, Pennsylvania as defined by and appointed in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. § 10101 et seq., as may be amended from time to time).

ZONING MAP – The Official Map delineating the zoning districts of Wilkinsburg Borough, Allegheny County, Pennsylvania, together with all amendments subsequently adopted.

ZONING OFFICER – The designated official or authorized representative appointed by the Borough Councils whose duty it shall be to administer this chapter and as identified in Section 614 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. § 10101 et seq., as may be amended from time to time).

Article III: District Regulations

Section 301: Establishment of Districts

This section establishes zoning districts and describes the use regulations that apply to each district. The following types of zoning districts are hereby established:

A. Base Zoning Districts establishes districts that divide the Borough into various residential, commercial, and industrial zones. Each district establishes uses that are permitted as a use by Right (P); as a Conditional Use (CU); as a Special Exception (SE); or as a use in a Planned Residential Development (PRD). A use permitted as of right is compatible with the other uses within the purpose of the district and therefore requires only administrative approval. Conditional Uses and Special Exceptions are those uses that may generate additional impacts and warrant additional standards and additional approval process to ensure their compatibility and compliance with these zoning requirements. Uses allowed as part of a PRD are permitted pursuant to Article VIII, Planned Residential Developments.

B. Overlay Zoning Districts establishes districts within which the standards of both the base and overlay zoning districts apply. These districts address special situations that require additional regulations to protect the public health, safety, and general welfare of the community.

Section 302: Base Zoning Districts

The Borough is divided into the following zoning districts and as shown in the official zoning map of the Borough Attached hereto and incorporated herein.

R-1S	Larger Lot Single Family Residential District
R-1	Single Family Residential District
R-2	Residential, One and Two Family District
R-3	Multi-Family District
MU	Mixed Use District
CBD	Central Business District
C-1	Auto-Oriented Commercial District
INST	Institutional District
IND	Industrial District

Section 303: Overlay Zoning Districts

The Borough has one overlay zoning districts as shown on the official zoning map:

TOD	Transit Oriented Development (TOD) District (see Section 315 for standards and requirements related to the TOD District)

Section 304: New Zoning Districts

Additional zoning districts may be added from time to time upon the recommendation of the planning commission to the Borough Council pursuant to the Chapter relating to Zoning amendments.

Section 305: Official Zoning Map

The map(s) delineating the boundaries of the various zoning districts, together with all matters and things shown on such maps, are adopted and approved, and collectively constitute the "official zoning map." The official zoning map is incorporated by reference and made a part of this zoning ordinance. These map(s) are on file in the Borough office. The official zoning map carries the zoning district designations established in this chapter.

Section 306: Zoning District Boundaries

When definite distances in feet are not shown on the zoning map, the following rules apply:

A. Boundaries indicated as approximately following the right-of-way or centerlines of streets, highways, or alleys shall be construed to follow such right-of-way or centerlines;

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

C. Boundaries indicated as approximately following Borough limits shall be construed as following the Borough boundary;

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

E. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;

F. Whenever any street, alley, or other public way not subject to zoning regulations is vacated by official action of the Borough the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the center of such vacation, and all areas so involved shall then be subject to all regulations of the extended districts; and

G. Where physical features existing on the ground vary from those shown on the official zoning maps, or in other circumstances where the zoning boundary is unclear, the Zoning Officer shall interpret the district boundaries. Appeals to such determination shall be made to the Zoning Hearing Board pursuant to this requirement of this chapter.

Section 307: Zoning District Allowable Uses

A. No land, structure, building or development approval shall be issued unless the proposed development conforms to the regulations prescribed within the applicable zoning district and this chapter.

B. Three classifications of principal uses are established in this chapter. No principal use is permitted unless it is listed as a Permitted Use by Right (R), Conditional Use (CU), or Special Exception (SE) and identified in the table of authorized uses (**Table 10**). Uses permitted as principal uses or structures within each zoning district are those uses listed in the table of authorized principal uses (**Table 10**). Uses not specifically listed in **Table 10** are allowable subject to the provision of this section and Section 307C of these regulations. The classification of uses include:

1. Permitted uses by right (P) are those authorized uses for which a zoning approval will be issued by the Zoning Officer upon the Zoning Officer's review of the application for development if the application for development indicates compliance with this chapter
2. Conditional Uses (CU) are those authorized uses which are permitted by approval of the Council in accordance with this chapter and more specifically Article IV Express Standards and Criteria for Special Exceptions and Conditional Uses.
3. Uses by Special Exception (SE) are those authorized uses which are permitted by approval of the Zoning Hearing Board in accordance with this chapter and more specifically Article IV Express Standards and Criteria for Special Exceptions and Conditional Uses.

C. Uses Not Listed. It is the intent of this chapter to group similar or compatible land uses into specific zoning districts. Uses which are not specifically listed on the summary Tables of Authorized Uses (Principal and Accessory) , shall not be permitted in the Borough.. However, uses which are not specifically listed but are similar to a specifically listed use shall be permitted by conditional use in the same zoning district in which similar specifically listed use is permitted and the Borough Council shall make findings with regard to the similarity of the uses.

D. Uses Preempted By State Statute. Notwithstanding any provision of this section to the contrary, uses that are required to be permitted in any zoning district by state statute may be permitted in accordance with state law whether or not the use is included in the tables of Authorized Uses (Principal and Accessory).

E. In all residential zoning districts there shall only be one principal use and structure on a lot.

F. In all nonresidential zoning districts authorized by this chapter, two or more nonresidential principal buildings can occupy the same lot and two or more authorized nonresidential uses may occupy the same lot or building. Only nonresidential uses shall be permitted in nonresidential zoning districts except in the following cases:

1. In the Central Business District (CBD) and Mixed Use (MU) Districts two or more principal buildings can occupy the same lot and two or more authorized nonresidential and residential uses may occupy the same lot or buildings.

2. In the Transit Oriented Development (TOD) overlay District two or more principal buildings can occupy the same lot and two or more authorized nonresidential and residential uses may occupy the same lot or buildings only in areas were nonresidential development is permitted by the TOD District regulations and

subject to the other requirements of the TOD overlay requirements and this Chapter.

Provided that in all cases, all applicable requirements for each of the structures or uses can be met on the lot.

G. In addition to the provisions for principal uses, accessory uses shall also be permitted in accordance with the provisions of this chapter. In all zoning districts, all accessory uses and structures shall be located on the same lot with the principal structure to which they are accessory. Accessory uses regulations are set forth in Article III of this chapter.

Section 308: R-1S – Larger Lot Single Family Residential District

A. Purpose. The purpose of the R-1S residential district, is to preserve the existing single-family residential neighborhoods which have larger lots, and to encourage home ownership in strong single family residential neighborhoods. The R-1S District is intended to regulate further conversion of single-family dwellings into multiple units or other uses that do not strengthen the single family character of the neighborhood.

B. Authorized Principal Uses: See Section 318, table of authorized uses for authorized principal uses and method of authorization in the R-1 district.

C. Authorized Accessory Uses: See Section 319, table of authorized accessory uses (**Table 11**) for authorized accessory uses and method of authorization in the R-1S district.

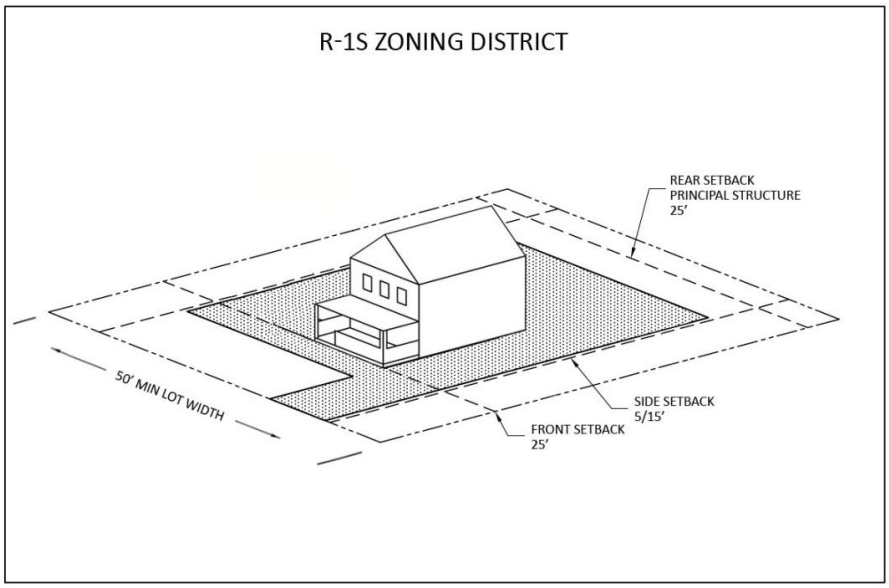
D. Area and bulk regulations: The area and bulk regulations within the R-1S zoning district shall be subject to the standards identified in **Table 1** and **Figure 2**, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, uses by special exception, or by Planned Residential Development (PRD).

E. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

TABLE 1 – R-1S ZONING DISTRICT

Bulk and Area Regulations R-1S Zoning District	
Lot size (minimum, square feet)	5,400 s.f.
Lot width (minimum, feet)	50 ft.
Height (maximum, feet)	45 ft.
Stories (maximum)	3 stories
Front setback (minimum, feet)	25 ft.
Side setback (minimum, feet)	5ft. side/ 15ft. total
Rear setback principal structure (minimum, feet)	25 ft.
Rear setback accessory structure (minimum, feet)	3 ft.
Lot coverage (maximum, percent)	40%

FIGURE 2– R-1S ZONING DISTRICT



Section 309: R-1 Single Family Residential District

A. Purpose. The purpose of the R-1 single family residential district, is to preserve single-family residential neighborhoods which have some existing two-family dwellings, but to strictly regulate further conversion of single-family dwellings into two-family and restrict further conversion of single-family dwellings into multifamily.

B. Authorized Principal Uses: See Section 318, table of authorized uses for authorized principal uses and method of authorization in the R-1 district.

C. Authorized Accessory Uses: See Section 319, table of authorized accessory uses (**Table 11)** for authorized accessory uses and method of authorization in the R-1 district.

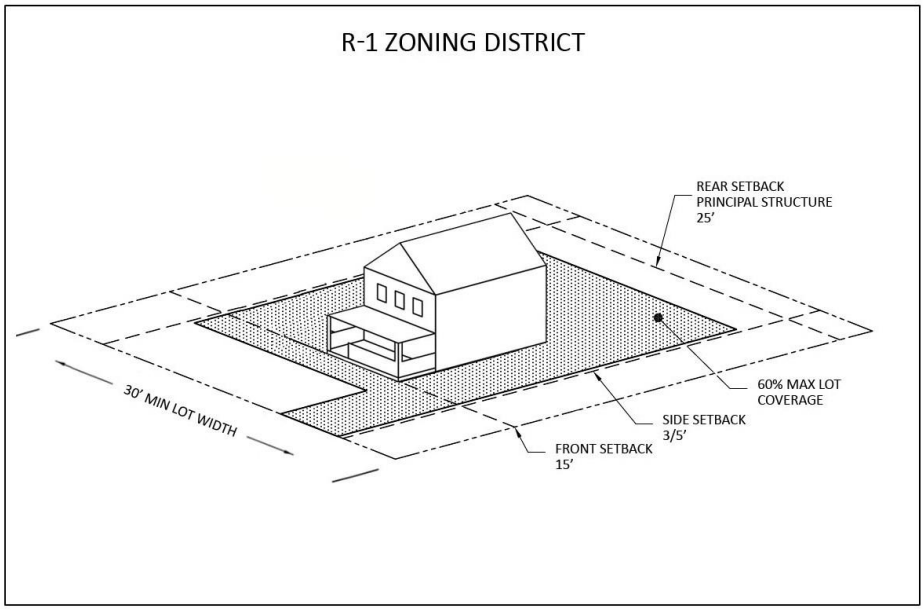
D. Area and bulk regulations: The area and bulk regulations within the R-1 zoning district shall be subject to the standards identified in **Table 2** and **Figure 3**, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, uses by special exception, or by Planned Residential Development (PRD).

E. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

TABLE 2 – R-1 ZONING DISTRICT

Bulk and Area Regulations R-1 Zoning District	
Lot size (minimum, square feet)	3,000 s.f.
Lot width (minimum, feet)	30 ft.
Height (maximum, feet)	45 ft.
Stories (maximum)	3 stories
Front setback (minimum, feet)	15 ft.
Side setback (minimum, feet)	3ft. side / 5ft total
Rear setback principal structure (minimum, feet)	25 ft.
Rear setback accessory structure (minimum, feet)	3 ft.
Lot coverage (maximum, percent)	60%

FIGURE 3– R-1 ZONING DISTRICT



Section 310: R-2 One and Two Family Residential District

A. Purpose. The purpose of the R-2 one and two family residential district is to provide for medium density one and two family dwellings.

B. Authorized Principal Uses: See Section 318, table of authorized uses for authorized principal uses and method of authorization in the R-1 district.

C. Authorized Accessory Uses: See Section 319, table of authorized accessory uses (**Table 11**) for authorized accessory uses and method of authorization in the R-1 district.

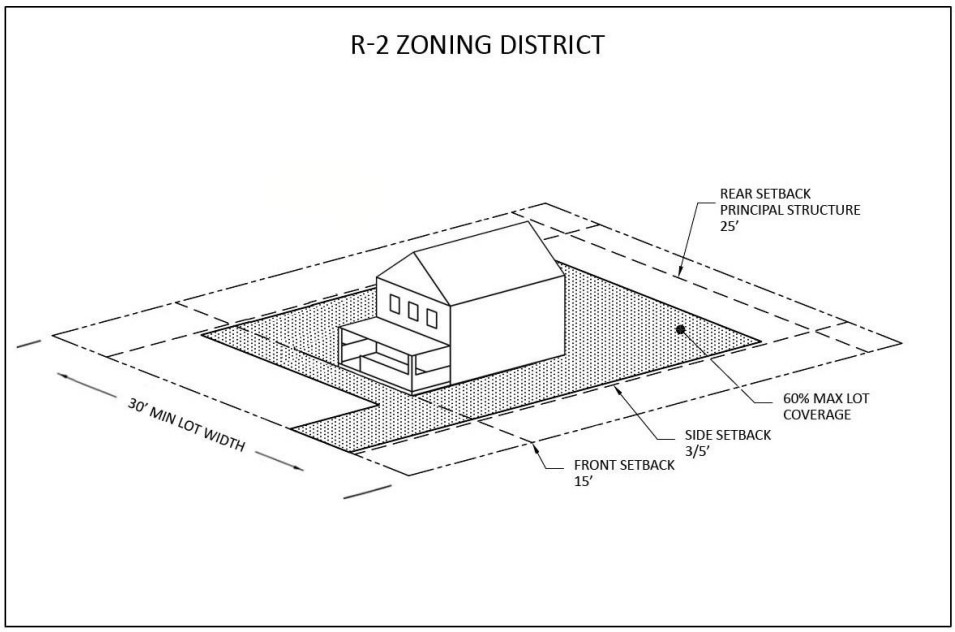
D. Area and bulk regulations: The area and bulk regulations within the R-1 zoning district shall be subject to the standards identified in **Table 3** and **Figure 4**, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, uses by special exception, or by Planned Residential Development (PRD).

E. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

TABLE 3 – R-2 ZONING DISTRICT

Bulk and Area Regulations R-2 Zoning District	
Lot size (minimum, square feet)	3,000 s.f.
Lot width (minimum, feet)	30 ft.
Height (maximum, feet)	45 ft.
Stories (maximum)	3 stories
Front setback (minimum, feet)	15 ft.
Side setback (minimum, feet)	3ft. side/ 5ft total
Rear setback principal structure (minimum, feet)	25 ft.
Rear setback accessory structure (minimum, feet)	3 ft.
Lot coverage (maximum, percent)	60%

FIGURE 4- R-2 ZONING DISTRICT



Section 311: R-3 MFR – Multi-Family Residential District

A. Purpose. The purpose of the R-3 MFR – Multi-Family Residential District is to provide opportunities for multifamily development in the borough by encouraging redevelopment of larger properties for multifamily housing, rather than allowing the scatting of conversion apartments throughout the neighborhoods.

B. Authorized Principal Uses: See Section 318, table of authorized uses for authorized principal uses and method of authorization in the R-2 district.

C. Authorized Accessory Uses: See Section 319, table of authorized accessory uses (**Table 11**) for authorized accessory uses and method of authorization in the R-1 district.

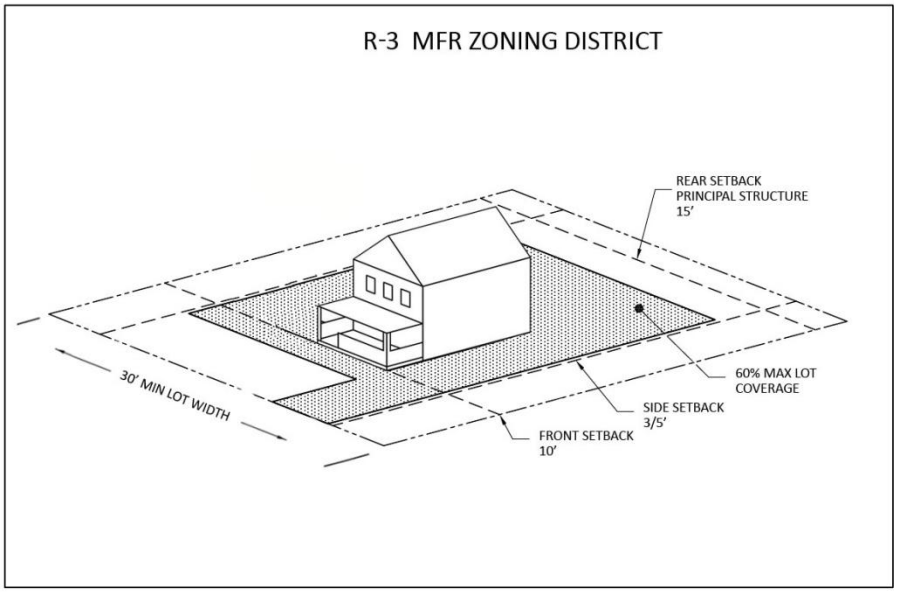
D. Area and bulk regulations: The area and bulk regulations within the MFR zoning district shall be subject to the standards identified in **Table 4** and **Figure 5,** except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, uses by special exception, or by Planned Residential Development (PRD).

E. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

TABLE 4 – R-3 MFR ZONING DISTRICT

Bulk and Areas Regulations R-3 MFR Zoning District	
Lot size (minimum, square feet)	3,000 s.f.
Lot width (minimum, feet)	30 ft.
Height (maximum, feet)	45 ft.
Stories (maximum)	4 stories
Front setback (minimum, feet)	10 ft.
Side setback (minimum, feet)	3ft. side/ 5ft. total
Rear setback principal structure (minimum,feet)	15 ft.
Rear setback accessory structure(minimum,feet)	3 ft.
Lot coverage (maximum, percent)	60%

FIGURE 5 – R-3 MFR ZONING DISTRICT



Section 312: MU – Mixed Use Residential District

A. Purpose. The purpose of the MU Mixed Use District is to accommodate mixed-use buildings with neighborhood-serving retail, service and other users on the ground floor and residential units above the non-residential space. The Borough also wishes to encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront style shopping streets.

B. Authorized Principal Uses: See Section 318, table of authorized uses for authorized principal uses and method of authorization in the MU district.

C. Authorized Accessory Uses: See Section 319, table of authorized accessory uses (**Table 11**) for authorized accessory uses and method of authorization in the MU district.

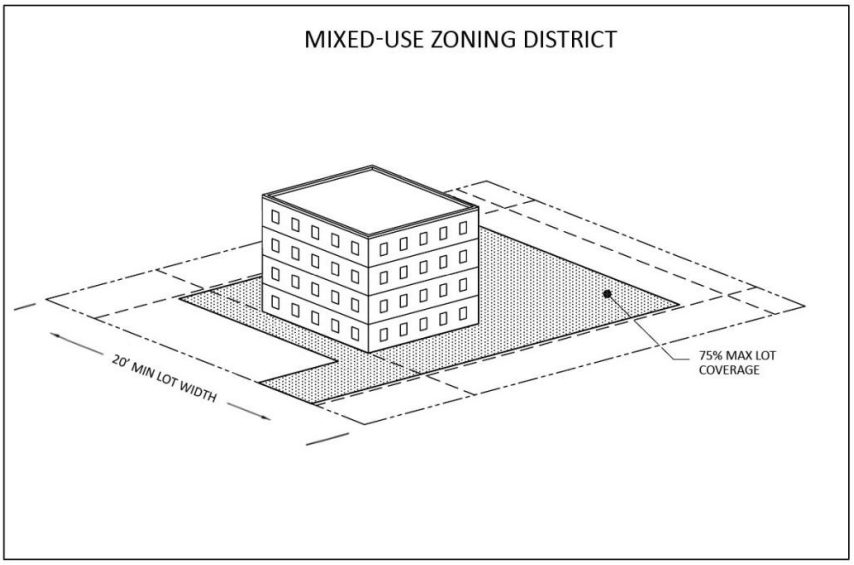
D. Area and bulk regulations: The area and bulk regulations within the MU zoning district shall be subject to the standards identified in **Table 5** and **Figure 6**, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, uses by special exception, or by Planned Residential Development (PRD).

E. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

TABLE 5 – MU ZONING DISTRICT

Bulk and Areas Regulations MU Zoning District	
Lot size (minimum, square feet)	No requirement
Lot width (minimum, feet)	20 ft.
Height (maximum, feet)	45 ft.
Stories (maximum)	4 stories
Front setback (minimum, feet)	No requirement
Side setback (minimum, feet)	No requirement
Rear setback (minimum, feet)	No requirement
Lot coverage (maximum, percent)	75 %

FIGURE 6 – MU ZONING DISTRICT



Section 313: Central Business District (CBD)

Purpose. The purpose of the CBD Central Business District zoning district is to accommodate the types of business and commercial uses that have historically been located in the Wilkinsburg Central Business area. New or remodeled structures in the CBD zoning district are to incorporate the historic character and appearance of existing downtown structures.

A. Authorized Principal Uses: See Section 318, table of authorized uses for authorized principal uses and method of authorization in the CBD district.

B. Authorized Accessory Uses: See Section 319, table of authorized accessory uses (**Table 11**) for authorized accessory uses and method of authorization in the CBD district.

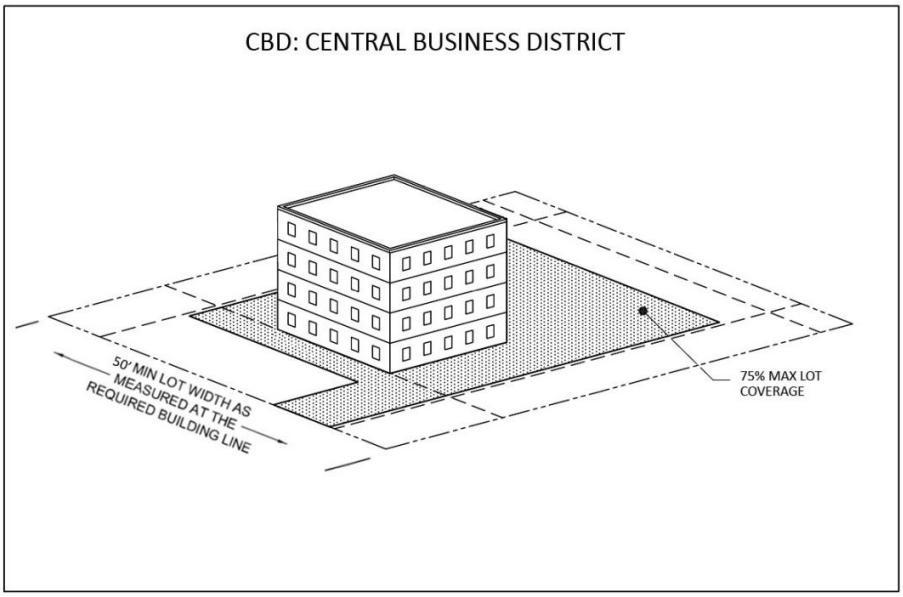
C. Area and bulk regulations: The area and bulk regulations within the CBD zoning district shall be subject to the standards identified in **Table 6** and **Figure 7**, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, uses by special exception, or by Planned Residential Development (PRD).

D. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

TABLE 6– CBD: CENTRAL BUSINESS DISTRICT

Bulk and Areas Regulations CBD Zoning District	
Lot size (minimum, square feet)	No Requirement
Lot width (minimum, feet)	50 ft.
Height (maximum, feet)	45 ft.
Stories (maximum)	4 stories
Front setback (minimum, feet)	No Requirement
Side setback (minimum, feet)	No Requirement
Rear setback (minimum, feet)	No Requirement
Lot coverage (maximum, percent)	75%

FIGURE 7 – CBD: CENTRAL BUSINESS DISTRICT



Section 314: C-1: Auto Oriented Commercial District

Purpose. The purpose of the C-1 Auto Oriented Commercial District is to provide for the establishment of motor vehicle oriented or dependent commercial and service activities.

A. Authorized Principal Uses: See Section 318, table of authorized uses for authorized principal uses and method of authorization in the C-1 District.

B. Authorized Accessory Uses: See Section 319, table of authorized accessory uses (**Table 11**) for authorized accessory uses and method of authorization in the C-1 district.

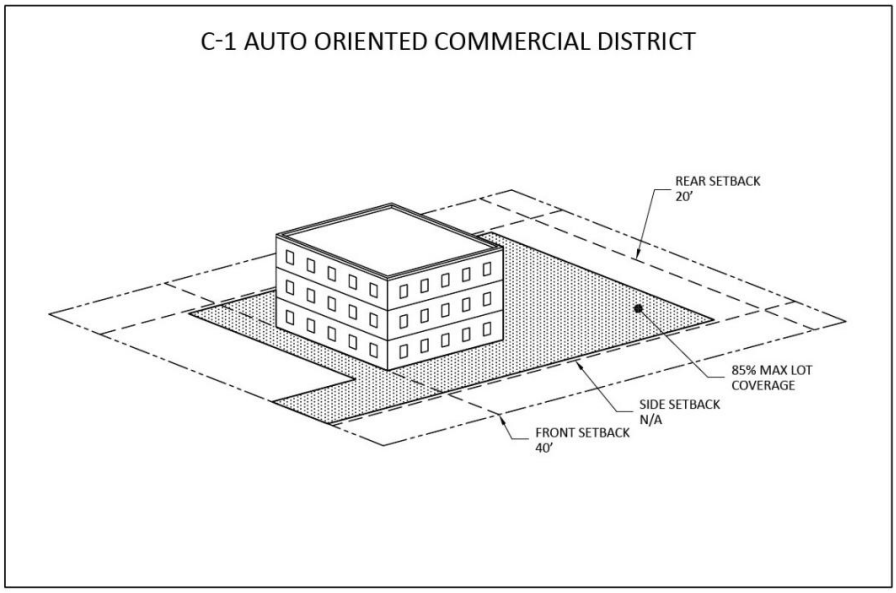
C. Area and bulk regulations: The area and bulk regulations within the C-1 zoning district shall be subject to the standards identified in **Table 7** and **Figure 8,** except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, uses by special exception, or by Planned Residential Development (PRD).

D. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

TABLE 7 – C-1: AUTO ORIENTED COMMERCIAL DISTRICT

Bulk and Areas Regulations C-1 Auto Oriented Commercial District (need amended)	
Lot size (minimum, square feet)	N/A
Lot width (minimum, feet)	N/A
Height (maximum, feet)	30 ft.
Stories (maximum)	3 stories
Front setback (minimum, feet)	40 ft.
Side setback (minimum, feet)	N/A
Rear setback (minimum, feet)	20 ft.
Lot coverage (maximum, percent)	85%

FIGURE 8 – C-1 AUTO ORIENTED COMMERCIAL DISTRICT



Section 315: INST: Institutional District

A. Purpose. The purpose of the INST Institutional District is to provide for more intensive land uses that require additional regulations with respect to height, bulk, and parking in order to permit compatible development while serving the Wilkinsburg community and surrounding areas.

B. Authorized Principal Uses: See Section 318, table of authorized uses for authorized principal uses and method of authorization in the INST district.

C. Authorized Accessory Uses: See Section 319, table of authorized accessory uses **(Table 11**) for authorized accessory uses and method of authorization in the INST district.

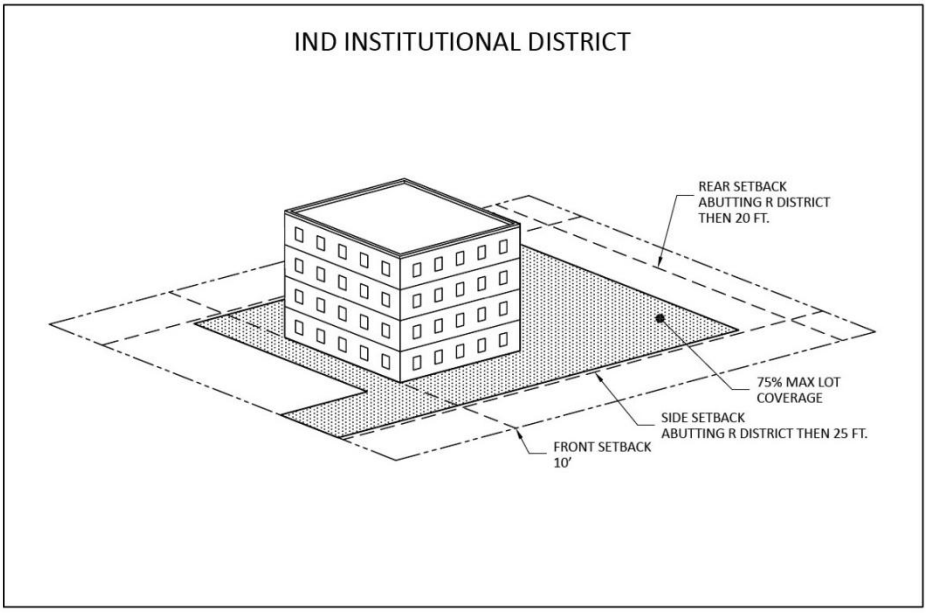
D. Area and bulk regulations: The area and bulk regulations within the INST zoning district shall be subject to the standards identified in **Table 8** and **Figure 9**, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, uses by special exception, or by Planned Residential Development (PRD).

E. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

TABLE 8 – INST INSTITUTIONAL ZONING DISTRICT

Bulk and Areas Regulations INST Institutional Zoning District	
Lot size (minimum, square feet)	N/A
Lot width (minimum, feet)	N/A
Height (maximum, feet)	45 ft.
Stories (maximum)	4 stories
Front setback (minimum, feet)	10 ft.
Side setback (minimum, feet)	Abutting R District then 25 ft.
Rear setback (minimum, feet)	Abutting R District then 20 ft.
Lot coverage (maximum, percent)	75%

FIGURE 9 – INST INSTITUTIONAL ZONING DISTRICT



Section 316: IND Industrial District

A. Purpose. The purpose if the I Industrial Zoning District is to encourage development and redevelopment of areas that are typically not compatible with residential zoning districts. Specific requirements are established for parking, traffic, noise, odor, and other similar characteristics

B. Authorized Principal Uses: See Section 318, table of authorized uses for authorized principal uses and method of authorization in the IND district.

C. Authorized Accessory Uses: See Section 319, table of authorized accessory uses **(Table 11**) for authorized accessory uses and method of authorization in the IND district.

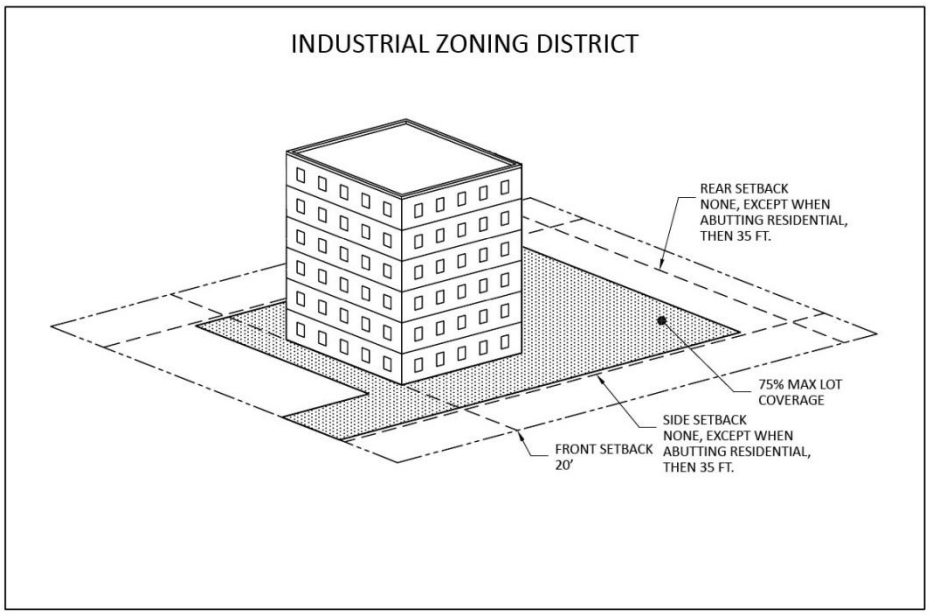
D. Area and bulk regulations: The area and bulk regulations within the IND zoning district shall be subject to the standards identified in **Table 9** and **Figure 10**, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, uses by special exception, or by Planned Residential Development (PRD).

E. Off-street parking and loading. See Article VI for off-street parking and loading requirements.

TABLE 9 – IND INDUSTRIAL ZONING DISTRICT

Bulk and Areas Regulations IND – Industrial Zoning District	
Lot size (minimum, square feet)	N/A
Lot width (minimum, feet)	N/A
Height (maximum, feet)	60 ft.
Stories (maximum)	6 stories
Front setback (minimum, feet)	20 ft.
Side setback (minimum, feet)	None, except when abutting Residential, then 40 ft
Rear setback (minimum, feet)	None, except when abutting Residential, then 35 ft
Lot coverage (maximum, percent)	75%

FIGURE 10 – IND ZONING DISTRICT



Section 317: TOD – Transit Oriented District Overlay

Section 317.1: Background and Authority

The Borough finds that Transit Oriented Development benefits the general health and welfare of the inhabitants of Wilkinsburg by fulfilling existing housing, transportation and employment needs and by adoption of this section designates certain zoning districts as Transit Oriented Districts ("TOD") overlay Districts to encourage furtherance of transit oriented development.

Section 317.2: Purpose

The purposes of the Transit Oriented Development (TOD) Overlay District are to:

A. Encourage a mix of moderate and high density development within walking distance of transit stations to increase transit ridership;

B. Create a pedestrian-friendly environment to encourage walking, bicycling and transit use;

C. Provide an alternative to traditional development by emphasizing mixed use, pedestrian oriented development;

D. Create a neighborhood identity that promotes pedestrian activity, human interactions, safety and livability;

E. Encourage building reuse and infill to create higher densities;

F. Reduce auto dependency and roadway congestion by locating multiple destinations and trip purposes within walking distance of one another;

G. Provide a range of housing options for people of different income levels and at different stages of life.

Section 317.3: Applicability

The TOD Overlay District consists of those areas shown on the official zoning map of Wilkinsburg Borough on file at the Borough office.

Section 315.4: Use Regulations

A. Authorized Principal Uses: See Section 318, **Table 10** table of authorized uses for authorized principal uses and method of authorization in the TOD Overlay district.

   1. Non residential uses proposed in the TOD overlay district which have a base zoning districts of R-1 or R-2 shall only be permitted on corner lots at the end of blocks. The scale, massing and architecture of the structure proposed to house the non residential use shall be consistent with the scale, massing and architecture of the surrounding residential neighborhood.

B. Authorized Accessory Uses: See Section 319, table of authorized accessory uses (**Table 11)** for authorized accessory uses and method of authorization in the TOD Overlay district.

Section 317.5: Dimensional Requirements

A. Building Setbacks:

1. Any development proposed in the TOD overlay shall at the time of land development application propose front, side and rear building setbacks. Setbacks shall be generally consistent with the structures on the surrounding properties in the neighborhood in which it is located. A structure may have a front, side or rear yard setback that vary from minimum standard in the underlying zoning district when it is demonstrated to be generally consistent with the majority of the surrounding properties in the neighborhood. .

B. Bulk and Lot Coverage:

1. Minimum lot coverage is 60 percent of the lot area. This minimum may be reduced if a minimum of 40 percent of the lot is developed as improved public open space or if ingress, egress or other building code requirements would otherwise make the development infeasible. The Borough shall have final discretion in deciding if land constitutes improved open space for the purposes of this provision.
2. Maximum lot coverage is limited to 85 percent. This lot coverage may be increased to 100 percent for mixed use buildings, or for renovated historic structures.
3. The maximum by-right floor-to-area ratio (FAR) is 1.5. The Borough may grant additional FAR beyond 1.5 up to 2.5 for affordable housing or for mixed use developments if it finds that such an increase furthers the purposes of the TOD.

C. Building Height Requirements:

1. The minimum allowable building height is two stories above grade. The minimum height is meant to encourage density and create an aesthetic appeal throughout the TOD area.
2. The maximum building height is six stories above grade.
3. Notwithstanding the building height provisions noted above, no building shall exceed by more than two stories or thirty feet, whichever is less, the height of the tallest building or buildings that front on the same street and are located within 150 feet of such building.
4. No portion of a building located within 50 feet of an existing one or two family dwelling in a residential zoning district shall be permitted to exceed three stories or 45 feet, whichever is less.

D. Driveways

1. The creation of new sidewalk curb cuts shall be avoided whenever an alternative point of access is available or can be created. Shared access agreements are encouraged
2. The minimum width for one-way traffic is 12 feet, and the maximum 18 feet.
3. The minimum width for two-way traffic is 18 feet and the maximum is 22 feet.
4. The use or creation of alleyways is desirable and encouraged.

E. Sidewalks

1. A minimum unobstructed sidewalk width of five feet is required. Sidewalk width can be up to 20 feet, and is dependent on expected level of activity.
2. Sidewalks shall be constructed along the frontage of all public streets.
3. Pedestrian scale lighting fixtures no greater than 15 feet in height shall be provided along all sidewalks and walkways to provide ample lighting during nighttime hours.
4. Street trees, tree lawns and green strips adjacent to the streets are permissible when appropriately designed so as not to interfere with pedestrian movements. Such features when installed shall be in addition to the minimum unobstructed sidewalk width required above.
5. All sidewalks and walkways shall meet ADA requirements.

Section 317.6: Parking Requirements

Parking requirements within the TOD Overlay District are as follows:

A. Parking for uses in the TOD overlay shall comply with Article VI of this Chapter

B. Further reduction in the number of required parking spaces may be approved by the Borough after demonstration by the applicant through submission of supporting information and a finding by the Board that the development will be adequately served by users of public transportation.

C. Shared parking is strongly encouraged. On lots serving more than one use, the total number of spaces required may be reduced, provided that the applicant submits evidence to the satisfaction of the Borough that the peak parking demand of the uses do not coincide, and that the accumulated parking demand at any one time shall not exceed the total capacity of the facility. Such evidence must take into account the parking demand of residents, employees, customers, visitors, and any other users of the lot. It must also take into account parking demand on both weekends and weekdays, and both during the daytime and overnight.

D. Where feasible, ingress and egress from parking shall be from side streets or alleys.

E. Surface parking lots must be to the rear of buildings, and shall not exceed one acre in size. Surface lots are prohibited in front of businesses.

F. Surface parking lots with more than thirty spaces shall be divided into separate areas by landscaped areas of at least 10 feet in width. A minimum of 15 percent of all surface lots shall be landscaped. Each landscaped area shall have at least one tree. Landscaped areas should be planted with low-maintenance, salt tolerant plants capable of withstanding extreme weather conditions.

G. Surface lots shall be screened along all sidewalks by a landscaped buffer of not less than six feet, or three foot walls or fencing compatible with the adjacent architecture.

H. Surface parking lots shall provide pedestrian walkways and connections to the sidewalk system.

I. On-street parking is permitted and encouraged.

J. Parking structures shall have well-designed and marked pedestrian walkways and connections to the sidewalk system.

K. Parking structures must include ground level retail along all streets and sidewalks.

L. Parking structures shall be designed to be compatible with adjacent buildings and architecture.

M. Bicycle racks shall be provided on site at a ratio of 1 space for every 15 automobile parking spaces or portion thereof.

N. Signage that shows the location and best means of access to the transit station must be provided at all parking facilities.

Section 317.7: Design Standards

A. Streetscapes:

1. Street trees shall be planted by the developer along all public rights-of-way. Street trees shall be planted at intervals of no more than 40 feet. Tree species shall be selected that require minimal maintenance and are of native origin.
2. Pedestrian amenities such as benches, public art, planters, trash receptacles, etc. are encouraged and shall be located along sidewalks, and in landscaped areas, open spaces and plazas.
3. All new utilities shall be placed underground

B. Building Facades:

1. All buildings must provide a main entrance on the façade of the building facing the transit station or streets leading to the transit station.
2. The main entrance of any building shall face the street. The main entrance shall not be set back more than five feet from the front property line, unless a public seating area or plaza is provided in front of the building
3. Facades over fifty feet in length shall be divided into shorter segments by means of façade modulation, repeating window patterns, changes in materials, canopies or awnings, varying roof lines and/or other architectural treatments
4. The ground floor of a front commercial façade shall contain a minimum of 50 percent glass.
5. Architectural style and materials shall be compatible with the surrounding area, and facades must provide a visually interesting environment
6. All buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
7. All structured parking must be designed so that the only openings at street level are those to accommodate vehicle ingress and egress, and pedestrian access the building. All openings must be designed so that vehicles are not visible from

the sidewalk. The remainder of the street frontage must be available for retail or commercial usage.

Section 318: Table of Authorized Principal Uses

A. **Table 10** establishes the authorized principal uses and the zoning districts where the principal use is authorized and method of authorization

P – Permitted Use by Right

SE – Use by Special Exception

CU – Conditional Use

TABLE 10 – AUTHORIZED PRINCIPAL USES

Authorized Principal Uses										
Use	**R-1S**	**R-1**	**R-2**	**R-3**	**MU**	**INST**	**IND**	**CBD**	**C-1**	**TOD**
Residential										
Conversion Dwelling			CU	CU	CU					CU
Dormitories						P				
Duplex			P	P	P					
Group home	CU	CU	CU	CU	CU					
Manufactured housing, residential design	P	P	P	P	P					
Mobile home park							CU			
Multifamily dwellings				P	P					CU
Retirement housing facility				P	P	P	P	CU	CU	
Single-family attached dwellings	P		P	P	P					P
Single-family detached dwellings	P	P	P	P	P					p
Townhouses				P						CU
Hotels, Motels, or Other Accommodation										
Bed & Breakfast	CU	CU	CU	CU	CU			CU		CU
Hotel, motel					CU		P	P	P	CU
Rooming and boarding house					CU					
Commercial										
Adaptive Reuse (See Article IV)	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Adult business							CU			
After Hours club									CU	
Amusement arcade					CU			P	P	
Amusement Park							CU		CU	
Animal Cemetery									P	
Auditorium					P	P	P	P	P	
Automobile Detail Shop					CU		P		P	
Automobile Repair							P		P	
Bakery					P		P	P	P	CU
Beverage Distributor					CU	P	P	P	P	CU
Book store					P			P	P	CU
Car rental					CU				P	
Car wash							P		P	
Catering					P		P	P	P	CU
Cemetery & Mausoleums									P	
Communication Antenna	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU

Use	R-1S	R-1	R-2	R-3	MU	INST	IND	CBD	C-1	TOD
Commercial (Cont.)										
Conference center						P	P	P	P	CU
Convenience stores or centers					P		P	P	P	CU
Craft studio					P			P	P	CU
Custom printing					P		P	P	P	CU
Drive through facilities								CU	CU	
Drug store					P			P	P	
Exercise club				P	P			P	P	CU
Financial institution					P		P	P	P	CU
Flea market								P	P	
Funeral home					CU			CU	CU	
Garden center					CU		P	CU	P	
Gas station					CU			CU	CU	
Golf course									P	
Kennel							P		P	
Laundromat					P		P	P	P	CU
Lumberyard							P		P	
Manufactured home sales							P		P	
Night club							P		P	
Offices – Business & Professional					P	P	P	P	P	CU
Outdoor advertising sign						CU			CU	
Personal services					P	P	P	P	P	CU
Post office					P		P	P	P	CU
Recording studio					CU			CU	P	CU
Restaurant				CU	P	P		P	P	CU
Retail store					P	P	P	P	P	P
Self storage							P	CU	P	
Shopping center (3 + ACRES)							CU		CU	
Tattoo parlor					P			P	P	CU
Tavern or Bar					P			P	P	CU
Vehicle/boat/equipment sales							P		P	
Veterinarian office					P		P	P	P	
Industrial										
Asphalt / concrete plant							P			
Automotive wrecking and graveyards, salvage yards, and junkyards							P			
Commercial Motor Vehicle Repair							P			
Construction-related businesses							P			
Laboratory or specialized industrial facility							P			
Large area distribution or transit warehouse							P		P	
Light industrial structures and facilities							P			
Mini-warehouse							P		P	
Process plants (metals, chemicals, etc.)							P			
Recycling business							P			
Refrigerated warehouse or cold storage							P			
Tank farms							P			
Warehouse and storage services (including distribution)							P		P	

Use	R-1S	R-1	R-2	R-3	MU	INST	IND	CBD	C-1	TOD
Public Assembly										
Amphitheater								P	P	
Amusement, sports, or recreation establishment				CU					P	
Bowling, billiards, pool, etc.					P			P	P	CU
Clubs & lodges					CU			CU	CU	
Community center	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Drive-in theaters							P		P	
Exhibition, convention							P	CU	P	
Indoor theater					P	CU		P	P	CU
Place of worship	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Sports stadium or arena				CU					P	
Institutional or Community Facility										
Assisted living facility				CU	CU	P			P	
Aquarium / zoo Facility						P			P	
College or university facility					P		P	P	P	P
Community food bank							P	P		
Day care center (non home based)					P	P	P		P	P
Exhibitions and art galleries					P			P	P	P
Group care facility						P	P		P	
Hospital building						P		P	P	
Life care or continuing care services				P		P			P	
Medical Clinic					P	P		CU	P	
Medical & dental offices					P	P		CU	P	CU
Methadone treatment Center						CU	CU			
Nursing home						CU			CU	
Personal care home				P		P			P	
School (public and private)	SE	SE	SE	SE	SE	SE	SE	SE	SE	
Single Room Occupancy (SRO) Housing						P	P			
Government Uses										
Ambulance facility					P	P	P	P	P	P
Correctional or rehabilitation facility							CU			
Emergency operation center					P	P	P	P	P	
Fire station					P	P	P	P	P	P
Library	P	P	P	P	P	P	P	P	P	P
Magistrate office					P	P	P	P	P	
Municipal building	P	P	P	P	P	P	P	P	P	
Park	P	P	P	P	P	P	P	P	P	P
Police station					P	P	P	P	P	P
Salt storage facility					P	P	P	P	P	
Transportation-related Facilities										
Automobile parking facilities					CU	P	P	P	P	CU
Bus or truck maintenance facility							P		P	
Bus terminal					CU		P	CU	P	CU
Courier and messenger services							P		P	
Heliport facility							CU	CU	CU	
Multistoried parking structure					CU		CU	CU	CU	CU
Park and ride facility	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Taxi and limousine service							P		P	

Use	R-1S	R-1	R-2	R-3	MU	INST	IND	CBD	C-1	TOD
Transportation-related Facilities (Continued)										
Towing and other road services							P		P	
Truck or freight transportation services							P		P	
Utility Uses										
Essential Services	P	P	P	P	P	P	P	P	P	P
Gas or electric power generation facility							P			
Hazardous waste collection							CU			
Hazardous waste treatment and disposal							CU			
Incinerator, or similar facility							CU			
Large solar energy production facility							CU			
Large wind energy production facility							CU			
Radio, television, or wireless transmitter							CU		CU	
Railroad facility							CU			
Solid waste transfer station							CU			
Solid waste landfill facility							CU			
Telecommunications tower							CU		CU	
Wastewater storage or pumping station facility; lift stations	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Water supply pump station	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Water supply-related facility	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Water tank (elevated, at grade, underground)	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Water treatment and purification facility							CU			
Weather stations or transmitters	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Agriculture, forestry, fishing and hunting										
Agricultural Activities (all others not specifically listed)							CU		CU	
Animal production, including slaughter							CU			
Aquaculture/ aquafarming							P			
Farmers market					P			P	P	P
Forestry and logging	P	P	P	P	P	P	P	P	P	P
Grain silos and other storage structure for grains and agricultural products							P			
Greenhouses/nurseries					CU		P	CU	P	
Hatcheries and poultry houses							P			
Stables and other equine-related facilities							P		P	
Urban Agriculture Limited (No Animals)	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Mining and extraction operations										
Coal							CU			
Metals (iron, copper, etc)							CU			
Natural Gas Compressor Station							CU			
Natural Gas Processing Plan							CU			
Nonmetallic mining							CU			
Oil or Gas Well							CU			
Quarrying and stone cutting							CU			

Section 319: ACCESSORY USES AND STRUCTURES

A. Applicability: This section applies to any subordinate use of a building or other structure, or use of land that is:

1. Conducted on the same lot as the principal use to which it is related; and

2. Clearly incidental to, and customarily found in connection with, the principal use or structure.

B. Where a principal use or structure is permitted, such use may include accessory uses and structures subject to this section.

C. Establishment of Accessory Uses

1. Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal structure is completed or the principal use is established

2. Accessory structures or use is not permitted to be established on a vacant lot. An exception is permitted in cases where an adjacent lot was acquired through the side lot program or other means when the vacant lot being used for accessory purposes is adjacent to the principal structure to which the use or structure is accessory. The vacant lot(s) must also be held in the same ownership as the principal lot, structure or use to which it is accessory.

D. Dimensional and Use Standards for Accessory Uses

1. The location of accessory uses and structures is subject to **Table 11,** Accessory Uses
2. The location of permitted, nonresidential accessory structures is governed by the same dimensional regulations as set forth for the principal use or principal structure or structures.
3. The maximum lot coverage of all accessory structures shall not exceed the maximum lot coverage for the district in which it is locate when considering all structures on the lot.
4. In residential districts, the total floor area of accessory structures does not exceed a maximum of 2,500 square feet or shall not exceed 60 percent of the gross floor area (GFA) of the principal use.
5. Within nonresidential districts, accessory structures are prohibited within the side and rear yards of lots adjacent to a residential district.
6. Accessory uses shall not include the conduct of trade or business unless permitted in conjunction with an authorized principal use that permits trade or business.
7. Accessory uses shall be located on the same lot as the principal use for which they serve.

TABLE 11 – AUTHORIZED ACCESSORY USES

AUTHORIZED ACCESSORY USES AND STRUCTURES										
Use	**R-1S**	**R-1**	**R-2**	**R-3**	**MU**	**INST**	**IND**	**CBD**	**C-1**	**TOD**
Accessory Dwelling	P	P	P	P	P					P
Collocation – Communication Facility	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Community food bank					P	P	P	P	P	P
Day care center (accessory to place of worship or school only)	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Day care, Home based	CU	CU	CU	CU						CU
Decks, patios or porches	P	P	P	P	P			P		
Fire escapes, fire towers, or handicap ramps where required by the building code	P	P	P	P	P	P	P	P	P	P
Flagpole	P	P	P	P	P	P	P	P	P	P
Fencing and walls (including retaining walls)	P	P	P	P	P	P	P	P	P	P
Garages and carports	P	P	P	P	P					P
Gazebo	P	P	P	P	P			P		P
Heating and cooling units in side or rear yard	P	P	P	P	P	P	P	P	P	P
Heating and cooling units in front yard							P			
Home Occupations (See also No-Impact Home-Based Business)	P	P	P	P	P					P
Hot tubs and outdoor spas	P	P	P	P	P					P
No-Impact Home-Based Business (see also Home Occupations)	P	P	P	P	P	P	P	P	P	P
Outdoor Dining (Accessory to permitted use)					P			P		CU
Parking areas				P	P	P	P	P	P	P
Satellite dishes	P	P	P	P	P	P	P	P	P	P
Stables/private							P			
Signs - subject to Article VII	-	-	-	-	-	-	-	-	-	-
Small Solar Energy System	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Small Wind Energy System				CU	CU	CU	CU	CU	CU	
Storage buildings and sheds (including barns)	P	P	P	P	P	P	P		P	P
Swimming pools	P	P	P	P	P					P
Swing and play sets	P	P	P	P	P					P
Telecommunications facilities, antennas or tower for personal use	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Telecommunications facilities, antennas or tower for commercial use							CU	CU		
Tennis courts	P	P	P	P	P					P
Urban Agriculture, Accessory Use (Including Greenhouse)	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Any other building or use that the Zoning Officer determines is customarily incidental to the permitted principal use or principal building	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU

Article IV: Express Standards and Criteria for Special Exceptions and Conditional Uses

Section 401: Conditional Uses

Purpose: Conditional use provisions apply to all uses identified as conditional uses in the Tables of Authorized Uses (Principal and Accessory). The conditional use approval process is designed to allow the Borough Council to review and approve certain uses that may have additional impacts on the community and the environment beyond those typical for uses that are allowed by right. The intent is to allow certain specified uses identified as conditional uses in the tables of authorized uses (Principal and Accessory) to be reviewed by the Borough Council so that they may determine compliance with this Chapter and attach reasonable conditions and safeguards, in addition to the standards and criteria expressed in this chapter as the Council may deem necessary to implement the purposes of this chapter.

Section 402: Conditional Use Procedure for Approval

Procedure: The Borough Council shall consider the conditional use application and render its decision in accordance with the requirements of the Pennsylvania Municipalities Planning Code and this Chapter and subject to the following:

A. If a land development approval is required for the conditional use, the application for conditional use approval and the application for approval of a Land development required by the Boroughs adopted subdivision and Land Development ordinance may be processed concurrently or separately at the discretion of the applicant, provided that all application requirements of both ordinances for a conditional use and the land development plan are met.

B. Application Procedure. The applicant shall submit an application for development for approval of a conditional use to the Zoning Officer or designated staff person of the Borough. The application for development shall indicate the section of this chapter under which the conditional use is sought and shall state the grounds upon which it is requested.

C. Application Content. An application for approval of a conditional use shall include the following:

    1. One copy of the application form provided by the Borough and completed by the applicant. If the applicant is other than the landowner, the landowner's authorization of the application and the nature of applicant's interest in the site shall accompany application.

    2. Seven copies of a site plan meeting the requirements for a preliminary plan for land development as set forth in Subdivision and Land Development Ordinance and, in addition, demonstrating conformity with all requirements of this chapter.

    3. Application fee and review fees established by ordinance or resolution of the Council to cover the cost of review.

D. Administrative review and determination of complete application. Within seven working days after a conditional use application is submitted, the Borough shall review the

conditional use application for completeness of required submission items. Within said time, the Borough shall notify the applicant in writing if the conditional use application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.

E. The Borough shall submit a conditional use application to the Borough Planning Commission for review and recommendations. The Planning Commission shall review the application and make a written recommendation to the Council. If the proposed development is also a land development, the Planning Commission shall also make a recommendation under the provisions of the Subdivision and Land Development Ordinance.

F. The Council shall hold a public hearing, in accordance with 913.2 of the MPC, 53 P.S. 10913.2, and public notice shall be given as defined in this chapter. The public hearing shall be commenced by the Council within 60 days from the date of an applicant's request for a hearing.

G. Conditions. In considering any conditional use, the Council may attach reasonable conditions and safeguards, in addition to those expressed in this chapter, as the Council deem necessary to implement the purposes of the MPC and this chapter. A violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this chapter.

H. Written Decision. The Council shall render a written decision or, when no decision is called for; make written findings on the conditional use application within 45 days after the last hearing before the Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore.

I. Expiration. Conditional use approval shall expire automatically without written notice to the applicant if no application for subdivision and land development, zoning approval for structures, zoning approval for occupancy and use or a grading or building permit to undertake the work described in the conditional use approval has been submitted within 12 months of said approval, unless the Council, in their sole discretion, extend the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension. The Council may grant an extension for good cause shown by the applicant and provided that the extension will not be contrary to the purposes of this chapter.

J. Effect on Prior Approvals. Conditional use approval, granted prior to the effective date of this ordinance, shall expire automatically without written notice to the developer if no application for subdivision and land development, zoning approval for structures, zoning approval for occupancy and use, or a grading or building permit to undertake the work described in the conditional use approval has been submitted within 12 months of the effective date of this ordinance or as specified in the approval, unless the Council, in its sole discretion, expends the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension.

K. All provisions of Subdivision and Land Development Ordinance which are not specifically modified by the Council in approving a conditional use, shall apply to any conditional use involving subdivision and land development.

L. Burden of Proof. In any application for conditional use, the applicant shall have the persuasion burden and presentation duty to show compliance with this ordinance, and the applicant shall have the persuasion burden to show the applicant's request is not detrimental to the health, safety, and welfare of the neighborhood.

Section 403: Special Exceptions

Purpose: Special Exception use provisions apply to all uses identified as Special Exception uses in the Tables of Authorized Uses (Principal and Accessory). The special exception use approval process is designed to allow the Zoning Hearing Board to review and approve certain uses that may have additional impacts on the community and the environment beyond those typical for uses that are allowed by right. The intent is to allow certain specified uses identified as Special Exception uses in the tables of authorized uses (Principal and Accessory) to be reviewed by the Zoning Hearing Board so that they may determine use compliance with this Chapter and attach reasonable conditions and safeguards, in addition to the standards and criteria expressed in this chapter as the Zoning Hearing Board may deem necessary to implement the purposes of the Zoning ordinance or MPC.

Section 404: Special Exception Procedure for Approval

Procedure: The Zoning Hearing Board shall consider special exception applications and render its decision in accordance with the requirements of the Pennsylvania Municipalities Planning Code and this Chapter and subject to the following:

A. If land development approval is required for the use by special exception, the application for approval of a land development required by the Subdivision and Land Development Ordinance shall be submitted to the Borough Planning Commission and Council following approval of the use by special exception by the Zoning Hearing Board.

B. Application Procedure. The applicant shall submit an application for approval of a special exception to the Zoning Officer or designated staff person of the Borough. The application for shall indicate the section of this chapter under which the special exception is sought and shall state the grounds upon which it is requested.

C. Application Content. An application for approval of a special exception shall include the following:

    1. One copy of the application form provided by the Borough and completed by the applicant. If the applicant is other than the landowner, the landowner's authorization of the application and the nature of applicant’s interest in the site shall accompany application.

    2. Seven (7) copies of a site plan meeting the requirements for a preliminary plan for land development as set forth in Subdivision and Land Development Ordinance and, in addition, demonstrating conformity with all requirements of this chapter.

    3. Application fee and review fees established by ordinance or resolution of the Borough to cover the cost of review.

D. Administrative review and determination of complete application: Within seven working days after a special exception application is submitted, the Borough shall review the application for completeness of required submission items. Within said time, the Borough shall notify the applicant in writing if the application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.

E. A public hearing pursuant to public notice, as defined herein, shall be commenced by the Zoning Hearing Board within 60 days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by this chapter and state law.

F. Burden of Proof: In proceedings involving a request for a use by special exception, both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is authorized as a use by special exception and satisfies the specific or objective requirements for the grant of a use by special exception as set forth in this chapter rest upon the applicant. The applicant shall demonstrate that the request is not detrimental to the health, safety, and welfare of the neighborhood.

G. Conditions: In considering any special exception, the Zoning Hearing Board may attach reasonable conditions and safeguards, in addition to those expressed in this chapter, as the Board deem necessary to implement the purposes of the MPC and this chapter. A violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter.

Section 405: General Standards for all Conditional Uses and Special Exceptions

When considering applications for Conditional Uses and Special Exceptions the following general standards for all conditional uses and special exceptions shall be met:

A. In accordance with the Comprehensive Plan and is consistent with the spirit, purposes, and the intent of this chapter

B. Compliance with this chapter. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this chapter. The applicant shall provide sufficient plans, studies or other data to demonstrate compliance.

C. Compliance with other laws. The approval may be conditioned upon the applicant demonstrating compliance with other specific applicable local State and federal laws, regulations and permits.

D. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this chapter.

E. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion and provide adequate access arrangements after considering any improvements proposed to be made by the applicant as a condition on approval.

F. The proposed use shall not substantially change the character of any surrounding residential neighborhood after considering any proposed conditions upon approval.

G. The proposed use shall not create a significant hazard to the public health safety, and welfare.

H. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.

Section 406: Express Specific Standards for Specified Uses, Conditional Uses and Special Exceptions

In addition to the standards listed in this chapter and the general standards for all conditional uses and special exceptions the following specific standards shall be met when considering a specific request for a conditional use or special exception as authorized in the tables of authorized principal and accessory uses of this chapter.

Section 406.1 Adaptive Reuse

A. Purpose and Applicability. This section shall apply to historic structures not initially designed for permanent residential use and former public, semipublic and other large buildings (including schools, churches, armories, and other civic structures) which lie within any zoning district within the Borough. The purpose of this section is adopted for the express purpose of encouraging the adaptive and flexible reuse of such buildings within the Borough that might otherwise not be permissible within the zoning district in which the building(s) are located.

1. Permitted Reuses. Structures determined to meet the criteria of Adaptive Reuses may be reused for the following purposes by conditional use:

   a. Single-family dwelling.

   b. Multiple-family dwelling.

   c. Financial institution.

   d. Private clubs or social halls; provided, that there are no sales of alcohol on the premises.

   e. Day care facilities of all types.

   f. Nursing or personal care homes.

   g. Hospitals and medical clinics for humans.

   h. Civic or cultural building.

   i. Conference Centers

   j. Community Centers

   k. Other such uses as determined appropriate upon recommendation of the Planning Commission and approval of the Borough Council

2. Standards for Exterior Alterations. It shall be a condition of this adaptive reuse that all exterior alterations shall meet Standards for Historic Preservation if the property is considered historic. Properties not required to meet the standards for historic preservation shall make exterior alterations generally consistent with the original structures architecture and the neighborhood in which it is located.

3. Signage shall be limited to the type normally permitted in the district.
4. Parking shall meet the requirements of Article VI Parking, provided however parking may be provided on-lot or within 500 feet of the building entrance if sufficient public or on-street spaces are available.

Section 406.02: Adult Business

A. Legislative Findings: Wilkinsburg Borough finds the following with respect to adult-related business.
   1. Adult-related businesses in any given area will cause blight and deterioration in that area.
   2. Properties that are adjacent to adult-related businesses will decrease in value.
   3. Businesses which are not adult-related in nature will not locate in an area with adult-related businesses.
   4. Neighborhoods adjacent to adult-related businesses are adversely affected by the conduct of patrons of the adult-related businesses, who interfere with the quiet, peaceful, and lawful enjoyment and use of the neighboring properties.
   5. Criminal activity has increased in connection with certain adult-related businesses.

B. Purpose. The purpose of this section is to protect the retail trade of the Borough, prevent neighborhood blight, maintain stable property values, maintain the quality of residential neighborhoods, and reduce the potential for criminal activity.

C. Intent. The intent of this section is not aimed at the content of the material sold, conduct within, or content of films or books of adult-related businesses, but rather to minimize and control the adverse secondary effects of such businesses on the surrounding community and protect the health, safety and welfare of its citizens; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of blight. Accordingly, this Ordinance permits adult-related businesses in certain zoning districts, but regulates the time, place, and manner of adult-related businesses.

D. Adult-Related Businesses
   1. Adult-related businesses which are defined in this chapter shall only be permitted in I Industrial District when approved as a Conditional Use and if all of the requirements of this section are adhered to. Adult-related businesses shall not be permitted in any other zoning district.
   2. Adult-related businesses shall only be permitted in the I Industrial District and shall also meet or exceed the following setback requirements. The building shall be setback as follows:
      a. The building shall be at least 250 feet in any direction from any residential dwelling, (including multi-family buildings), also at least 500 feet from any public park property (including such uses in adjacent municipalities);

b. The building shall be at least 1000 feet in any direction from any school property, church property, preschool property, or child day care center property (including such uses in adjacent municipalities);

c. The building shall be at least 100 feet in any direction from any hotel or motel (including such uses in adjacent municipalities); and

d. The building shall be at least 2500 feet in any direction from any other building which is utilized for any other adult-related business which is defined in this section (including such uses in adjacent municipalities).

3. All activities pertaining to the adult-related business shall be conducted entirely within the confines of the building. No theater which shows adult-related films shall project the film outside the confines of a building. No music or sound emitting from the business shall be audible to normal human hearing at any time at any exterior property line of the business.

4. Any adult-related business which has liquor for sale shall abide by all rules and regulations of the Pennsylvania Liquor Control Board. If any of the applicable regulations of the Liquor Control Board are more stringent than the regulations specified in this section, those regulations shall be adhered to by the applicant.

5. Unless governed by more stringent regulations by the Pennsylvania Liquor Control Board, the following hours of operation shall be adhered to by all adult-related businesses.

   a. No adult-related business shall be open from 2:00 A.M. to 11:00 A.M. daily.

   b. No adult-related business shall be open on Sundays and holidays except that an adult-related business open on Saturday may remain open until 2:00 A.M. on Sunday morning.

6. The maximum gross floor area of any building which is utilized for an adult-related business shall be 5,000 square feet.

7. No adult-related business shall display an exterior sign which displays obscene materials or which depicts nudity or sexually explicit activities. All other regulations pertaining to commercial signs shall be complied with.

8. Parking, landscaping, exterior lighting, and other required site improvements shall be in accordance with the applicable sections of this Ordinance.

9. To insure the regulations of this section are adhered to by the applicant, the following information shall be provided with the application for a conditional use.

   a. A site survey of the property and building proposed for the adult-related business and a survey illustrating the distance to the location, size, and type of all buildings and uses within 2500 feet of the building proposed for the adult-related business. The survey shall be prepared and sealed by a surveyor licensed by the Commonwealth of Pennsylvania and shall be at a scale no less than 1 inch to 100 feet. The survey shall indicate the scale, date drawn, north point, tax parcel number of all parcels illustrated, the names of any roads or highways illustrated, and shall be on paper measuring 24 inches by 36 inches. Twenty (20) copies of the survey shall be submitted with the application.

b. The above-referenced site survey shall indicate the proposed parking layout, landscaping, lighting, sign location, building location, and any other exterior improvements.

c. If liquor for sale is proposed, a copy of the license issued by the Pennsylvania Liquor Control Board shall be submitted.

10. In addition to a conditional use permit, a land development plan shall be required for the development of the site. Requirements for the land development plan are in the Subdivision and Land Development Ordinance.

11. An applicant proposing an adult-related business shall satisfy all requirements of the Zoning Ordinance which relate to general requirements for approval of conditional uses.

E. Additional Regulations for Nude Model Studios.

1. A nude model studio shall not employ any person under the age of 18 years.

2. A person under the age of 18 years commits a violation of this Chapter if the person appears seminude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a rest room not open to public view or visible to any other person.

3. A person commits a violation of this part if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.

4. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises; except that a sofa may be placed in a reception room open to the public.

F. Prohibition Against Children in a Sexually Oriented Business.

1. A person commits a violation of this Chapter if the person knowingly allows a person under the age of 18 years on the premises of a sexually oriented business.

Section 406.03 Agriculture Activities

Agricultural Activities shall be subject to the following standards:

A. The site shall be at least three 5 acres in size.

B. No structure, including livestock pens, beehives, chicken coops, or any similar structures, one hundred (100) feet of any lot line.

C. Killing or dressing of animals raised on the premises shall be permitted if conducted entirely within an enclosed building;

D. The keeping of poultry birds, livestock, and domestic small farm animals shall be permitted within a securely fenced and enclosed area.

E. All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor.

F. All seed, fertilizer, and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.

G. All agricultural activities related to keeping and raising poultry must also comply with the regulations set forth in Chapter 112, Article I, Livestock and Poultry, of the Code of the Borough of Wilkinsburg.

Section 406.04: Assisted Living Facility

The standards for nursing homes in this article shall apply.

Section 406:05: Automobile Service and Repair

All automobile servicing and repair activities shall be:

A. Carried on within an enclosed building

B. Screened along any property line that abuts a residential zoning district.

C. Automobile repair bays shall not face a local, collector, or arterial street, but may face an alley or rear lot line.

D. The following activities and equipment are permitted only in the rear yard and at least 50 feet from a residential zoning district:

   1. Storage of vehicle parts and refuse;
   2. Temporary storage of vehicles during repair and pending delivery to the customer; and
   3. Vacuuming and cleaning.

E. The following activities and equipment are permitted only within an enclosed building:

   1. Lubrication equipment;
   2. Motor vehicle washing equipment; and
   3. Hydraulic hoists and pits.

F. Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not permitted for a period exceeding 10 days during any 30-day period.

G. No building, structure, canopy, gasoline pump, or storage tank shall be located within 25 feet of a residential zoning district.

H. Body work and painting shall be conducted within fully enclosed buildings. All motorized vehicles not in operating condition shall be kept in fully enclosed buildings.

Section 406.06: Bed and Breakfast

A. The operator shall be a full-time resident of the dwelling in which the bed-and-breakfast is located.

B. No more than four sleeping rooms shall be offered to transient overnight guests.

C. No meals, other than breakfast, shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.

D. In addition to the parking required for the dwelling, one parking space shall be provided for each sleeping room offered to overnight guests.

E. Off-street parking shall not be located in any front or side yard.

Section 406.07: Community Centers.

A. Buildings shall comply with the setback requirements of the underlying zoning district. Swimming pools, tennis courts, and similar exterior sports courts or fields may be considered part of a community center and shall be setback 30 feet from any abutting R residential zoning district, and shall be screened.

B. No off-street parking or loading area shall be permitted within 10 feet of a side or rear lot line.

406.08: Conversion Dwelling Units

Conversion single family, two-family and multifamily dwellings which increases the number of dwelling units in the zoning districts where authorized shall be subject to the following requirements:

A. Each dwelling unit shall contain a minimum of 800 square feet of gross floor area.

B. Each dwelling unit shall have separate living, sleeping, kitchen and sanitary facilities.

C. The proposed conversion dwelling shall meet the minimum lot and area requirements for similar dwelling types authorized within the district in which it is locate.

D. Each dwelling unit shall have a separate entrance, either directly from the outside or from a common corridor inside the structure.

E. Conversion of detached garages or other accessory structures to dwelling units shall not be considered conversion dwellings and shall not be permitted.

F. Conversion dwellings shall provide an additional one (1) off-street parking space for each dwelling unit. The paving and design of the off-street parking spaces shall be in compliance with the requirements of Article VI Parking. Off-street parking areas for more than three (3) vehicles shall be screened by using Buffer Yard C.

G. Conversion dwellings shall provide continuity in architectural design and shall incorporate any proposed construction into the existing structural features.

Section 406.09: Day Care Center; Home Based Day Care

Day-care center or Home based day care facility, subject to:

A. The facility shall be registered with or licensed by the commonwealth of Pennsylvania.

B. Outdoor play areas shall be provided which shall have a minimum area of 65 square feet per child and which shall be secured by a fence with self-latching gate. The location of the outdoor play area shall take into account the relationship to adjoining properties.

C. The general safety of the property proposed for a day-care center or home based day care shall meet the needs of small children. There shall be no potential hazards in the outdoor play area.

D. There site shall be provided an adequate area for safe child drop of and pick up. Areas for drop of and pick up shall be safe for vehicle traffic and typically be separated from normal vehicle traffic (except home based day care facilities do not require separate vehicle traffic) and shall not cause traffic congestion or unsafe traffic circulation either on site or on the adjacent public streets.

Section 406.10: Drive Thru Facilities

A. A Queuing lane(s) at least five (5) car lengths shall be provided for each drive thru land and shall be designed for ease of traffic circulation and minimize congestion

B. All stacking and queuing shall be provided on site.

C. Direct access to drive thru facilities in the MUN Zoning district shall be generally encouraged from side and rear yards where possible.

D. Drive-thru lanes shall be distinctly marked by traffic islands a minimum of five feet in width. A separate circulation drive shall be provided for passage around and escape from the outermost drive-thru service lane. The Borough may consider alternative designs when it is demonstrated that the drive-thru is screened from view and that traffic and pedestrian circulation is improved.

E. The canopy shall be architecturally compatible with the principal building.

Section 406.11: Gas Station

See Automobile Service and Repair.

Section 406.12: Group Home

A. A group home shall not include any use identified as treatment center.

B. The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a state or county human service agency, then this requirement shall have been deemed to be met.

C. The applicant shall provide evidence of any applicable federal, state or county licensing or certification to the Zoning Officer.

D. The group home shall register, in writing, its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.

E. The group home shall meet the parking requirements of Article VI.

F. If a group home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.

G. The persons living on site shall function as a common household unit which shares living and kitchen facilities.

H. The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.

I. An off-street parking space shall be provided for the largest vehicle that serves the use.

J. The building shall have lighted exit lights, emergency lighting and interconnected smoke alarms

Section 406.13: Heliports

A. The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.

B. The Board may place conditions on the size of helicopters, frequency of use, setbacks and hours of operation to minimize nuisances and hazards to other properties. Provided that the conditions do not conflict with safety or federal or state regulations, the Board may require that the majority of flights approach from certain directions, and not from other directions that are more likely to create nuisances for residential areas

C. Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and Pennsylvania Department of Transportation, Bureau of Aviation, shall be submitted.

D. The helicopter landing pad shall be paved, level and maintained dirt-free. Rooftop pads shall be free of all loose stone and aggregate.

E. An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.

F. Maintenance of aircraft shall be prohibited, except for maintenance of an emergency nature.

G. There shall be no storage of fuel at the helipad.

H. The helipad shall be fenced and secured at all times to preclude access by the general public.

I. Clear areas for emergency landings of the helicopter in the event of mechanical failure shall be provided. These emergency landing areas shall be located within the normal glide range of the helicopter with one engine off when operating in the approved takeoff or landing lane from the helipad.

J. Lighting shall be shielded away from adjacent properties.

Section 406.14: Home Occupations

A. Home occupations have the potential to impact surrounding properties but when operated in a manner that takes into consideration the surrounding properties and neighborhood, home occupations can function with minimal impacts. As such home occupations must demonstrate to the Borough that all activities and functions associated with the home occupation will not adversely impact the surrounding properties and neighborhood.

B. Off-street parking must be provided in accordance the Article VI, Parking.

C. Not more than two (2) employees other than family members residing at the location shall participate or work at the home occupation.

D. No home occupation that would cause undue noise, traffic, or other intrusion upon the neighborhood shall be permitted.

E. A home occupation shall not change the outward appearance of the residential structure.

F. No more than twenty-five percent (25%) of the structure or structures shall be used for the home occupation purposes.

G. Only one sign not exceeding six (6) sq. ft. shall be permitted announcing the name of the home occupation. Signs shall not be illuminated in any manor.

H. Home occupations shall only operate between the hours of 8:00 a.m. and 9:00 p.m.

I. Not more than one (1) home occupation shall be permitted per dwelling unit.

J. No exterior storage of material of any type shall be permitted.

Section 406.15: Large Solar Energy Production Facilities

A. Large Solar Energy Production Facilities – Large solar energy production facilities shall be subject to the following regulations:

1. The layout, design, and installation of large solar energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
2. All on-site utility and transmission lines extending to and from the large solar energy production facility shall be placed underground.
3. All large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
4. Large solar energy production facilities mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district.

5. The owner shall provide evidence in the form of stamped plans certified by a professional engineer that the roof is structurally sound.
6. All ground-mounted and free standing solar collectors of large solar energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
7. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
8. For a building-mounted system installed on a sloped roof that faces the front yard, 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.
9. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way immediately adjacent to the property at ground level. System components can be screened with architectural treatments such as a building parapet walls or other screening or by setting the system back from the roof edge in such a way that it is not visible from the public right-of-way at ground level.
10. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed three (3) feet above the highest point of the roof line to which it is attached.
11. 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.
12. The surface area off ground-mounted systems, 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 in which it is located.
13. No signage or graphic content may be displayed on the 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.
14. Vacation, Abandonment and/or De-commissioning of Solar Facilities:
    a. The solar energy production facility owner is required to notify the Borough immediately upon cessation or abandonment of the operation.
    b. Discontinuation/abandonment is presumed when a solar system has been disconnected from the Net metering grid for a period of six (6) continuous months 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 Wilkinsburg Borough.
    c. The solar facilities and all related equipment must be removed within twelve (12) months of the date of discontinuation or abandonment or upon the determination of the useful life of the solar system.
    d. 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 equipments and removal of all net metering equipment.

e. If the owner fails to remove or repair the vacated, abandoned or decommissioned solar facilities within the twelve (12) month period outlined above 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 owners expense.

f. Any unpaid costs resulting from the Borough's removal of a vacated, abandoned or decommissioned solar system shall constitute a lien upon the property against which the costs were charged. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens.

15. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the Borough to secure the expense of dismantling and removing said structures.

Section 406.16: Large Wind Energy Production Facility

A. Large Wind Energy Production Facility – Large wind energy production facilities shall be subject to the following regulations:

1. The layout, design, and installation of large wind energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

2. Large wind energy production facilities shall not generate noise which exceeds fifty-five (55) decibels measured at any property line.

3. All on-site utility and transmission lines extending to and from the large wind energy production facility shall be placed underground.

4. All large wind energy production facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Staff regulation shall not be considered a sufficient braking system for overspeed protection.

5. Large wind energy production facilities shall not be artificially lighted, except to the extent required by the FAA.

6. Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy production facility's manufacturer. Such sign shall have an area of less than four (4) square feet.

7. Wind turbines and towers shall be a non-obtrusive color such as white, off-white or gray.

8. All large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent lot.

9. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
10. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
11. No portion of any large wind energy production system shall extend over parking areas, access drives, driveways or sidewalks.
12. All large wind energy production facilities shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.
13. The minimum height of the lowest position of the wind turbine shall be thirty (30) feet above the ground.
14. All large wind energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the wind turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.
15. The large wind energy production facility owner is required to notify the Borough immediately upon cessation or abandonment of the operation. The large wind energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large wind energy production facility from the lot. At the time of issuance of the permit for the construction of the large wind energy production facility, the owner shall provide financial security in form and amount acceptable to the Borough to secure the expense of dismantling and removing said structures.

Section 406.17: Medical Clinics

A. A development narrative shall be submitted which accurately describes the nature of the medical services being offered and by whom.

B. An existing structure proposed for adaptive reuse shall he brought into compliance with all current building codes and other applicable Borough, County, and State regulations prior to occupancy.

Section 406.18: Methadone Treatment Facility

A. For any building (or portion thereof) which is proposed to contain a methadone treatment facility, the lot upon which such building (or portion thereof) sits shall not be located closer than 500 feet (or the then current Pennsylvania statutory-provided distance, which ever is greater) to a lot utilized for an existing school, public playground, public park, residential housing area, residential lot, single-family dwelling, child care facility, church, meeting house or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment.

B. Notwithstanding Subsection A above, a methadone treatment facility may be established and operated closer than 500 feet (or the then current Pennsylvania statutory-provided distance, whichever is greater) to a lot utilized for an existing school, public playground,

public park, residential housing area, residential lot, single-family dwelling, child care facility, church, meeting house or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment, if, by majority vote, the governing body approves a use for said facility at such location. At least 14 days prior to any such vote by the governing body, one or more public hearings regarding the proposed methadone treatment facility location shall be held within the municipality pursuant to public notice. All owners of real property located within 500 feet of the proposed location shall be provided written notice of said public hearing(s) at least 30 days prior to said public hearing(s) occurring.

C. All buildings proposed to contain a methadone treatment facility shall fully comply with the requirements of the then current edition of the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and as adopted by the Borough of Wilkinsburg.

D. In addition to the otherwise required number of parking spaces specified by Article VI of this chapter for the usage of the building proposed for a methadone treatment facility, additional parking shall be required specifically for the methadone treatment facility at a rate of one additional parking space for each 200 square feet of area devoted to the methadone treatment facility.

E. Each building or portion thereof proposed for use as a methadone treatment facility shall have a separate and distinct entrance utilized solely for direct entrance into the methadone treatment facility. Such separate and distinct entrance shall face a major street thoroughfare. Access to the methadone treatment facility shall not be permitted via a shared building entrance or from a shared interior corridor within the building in which it is located

Section 406.19: Mobile Home Park

A. Plans shall be submitted and reviewed by the Borough for all mobile home parks in compliance with the Subdivision and Land Development ordinance of the Borough, and all other provisions that apply to a land development.

B. The minimum tract area shall be three (3) contiguous acres. This minimum tract area shall be under single ownership.

C. The maximum average density of the tract shall be six (6) dwelling units per acre. To calculate this density, land in common open space or proposed streets within the park may be included, but land within the one-hundred-year floodplain, wetlands and slopes over 25% shall not be included.

D. Each mobile/manufactured home park shall include a thirty-five-foot-wide landscaped area, including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Borough as part of any required use approval. Such landscaped area shall not be required between adjacent mobile home park developments. The same area of land may count towards both the landscaped area and the building setback requirements.

E. A dwelling, including any attached accessory building, shall be set back a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.

F. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.

G. The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of preexisting public streets shall be 50 feet.

H. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units to which the accessory structure is not accessory.

I. A minimum of 15% of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall, at a minimum, include a rectangular grass field, 100 feet by 200 feet, suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall, at a minimum, include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement.

J. Streets.

   1. Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
   2. Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
   3. Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Borough cartway construction standards.

K. All units within the mobile home park shall be connected to a public water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements. The applicant shall prove that adequate provisions are made for solid waste disposal.

L. Along through streets, a minimum nighttime lighting level of 0.2 footcandle shall be maintained, at no expense to the Borough.

M. A manufactured/mobile home park shall comply with all of the same requirements of Borough ordinances that apply to a subdivision or land development of site-built single-family detached dwellings, except for requirements that are specifically modified by this section. This includes, but is not limited to, submission, approval and improvement requirements of the Subdivision and Land Development Ordinance.

Section 406.20: Night Club

A. Nightclubs shall cease operations between the hours of 2:00 a.m. and 11:00 a.m.

B. There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.

C. All operations shall be conducted within a completely enclosed building and doors and windows shall remain closed during hours when entertainment is presented.

D. The owner/operator of the nightclub shall provide private security, licensed under the laws of the commonwealth of Pennsylvania, if the maximum permitted occupancy of the nightclub exceeds 100 persons.

E. Any nightclub which proposes a maximum permitted occupancy of 200 or more persons shall be located at least 500 feet from any property line which adjoins an R Residential Zoning District classification.

F. Any nightclub which offers adult entertainment, as defined herein, shall be further subject to Section 406.01 Adult Businesses.

Section 406.21: Nursing home; Assisted Living Facility; Personal Care Home.

A. Shall be licensed by the Commonwealth of Pennsylvania.

B. The site shall be served by public water and public sewers.

C. Water pressure and volume shall be adequate for fire protection.

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

E. The parking and circulation plan shall be referred to the Fire Department for comments regarding traffic safety and emergency access.

Section 406.22: Oil or Gas Well; Natural Gas Compressor Station; Natural Gas Processing Plan

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 Wilkinsburg 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 Wilkinsburg fee schedule.

C. When multiple wells are located on the same well pad, a separate permit for each well is required.

D. In attrition to the other requirements to this Chapter the applicant shall provide to the Borough of Wilkinsburg at the time of application 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 Wilkinsburg 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 Wilkinsburg.

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 (municipality) and extending 800 ft beyond the (municipality) 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 Wilkinsburg 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 Wilkinsburg 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.

E. 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 Wilkinsburg 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.

F. Height.

1. Permanent structures associated with an 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 redrilling of an oil or gas well. The duration of such exemption shall not exceed the actual time period of drilling or redrilling of an oil or gas well or pad drilling.

G. 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 Wilkinsburg residents' enjoyment of their property and future development activities as authorized by the Borough's applicable ordinances.

H. Screening and Fencing.

1. Security fencing shall be required at oil or gas well sites during the initial drilling, or redrilling operations
2. 24-hour on-site supervision and security are required during active drilling operations.
3. Upon completion of drilling or redrilling 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.

I. 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.

J. 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 dBA. 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 dBA, 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 (municipality) 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 Wilkinsburg 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.

Section 406.23: Outdoor Advertising Sign (Billboard).

A. Outdoor advertising signs shall meet the general requirements for all conditional uses.

B. The provisions of Article VII, Section 709, Outdoor Advertising Signs, are incorporated herein.

Section 406.24: Place of Worship

A. Weekly religious education rooms and meeting rooms are permitted accessory uses, provided they are incidental to the place of worship. A primary or secondary school and/or a child or adult day-care center may be approved on the same lot as a place of worship, provided the requirements for such uses are also met. Buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.

B. Any Place of Worship which provides a day-care center shall also meet the express standards and criteria for a day-care center.

C. Any Place of Worship which provides a School shall also meet the express standards and criteria for a school.

D. Weekly religious education rooms and meeting rooms are permitted accessory uses, provided they are incidental to the place of worship.

E. Buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot but not on public streets. Other uses shall only

be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.

F. A maximum of one dwelling unit may be accessory to a place of worship on the same lot to house employees of the place of worship and/or an employee and his/her family. Such dwelling shall meet the maximum number of unrelated persons in the definition of a "family." No other residential use shall be allowed.

G. If a building is no longer used as a place of worship, it shall be used for a use allowed in the district or in accordance with the Adaptive Reuse provisions of this Chapter.

H. Minimum parking setback from a lot line of an existing dwelling in a residential district shall be 20 feet

Section 406.25: Restaurant

A. Dumpster and waste containers shall be screened so as not to be seen from adjacent properties.

B. Restaurants shall not play outdoor music, provide outdoor entertainment or otherwise conduct activities on the site which are not directly related to the service of food to patrons.

C. Outdoor seating areas shall be treated as they are part of an enclosed building for the purposes of calculating parking and set back requirements.

Section 406.26: Rooming / Boarding House

A. Rooming and Boarding houses shall have a minimum lot size of one (1) acre.

B. Minimum side yard building setback shall be thirty (30) feet.

C. Minimum lot width shall be two-hundred (200) feet.

D. Maximum density shall be six bedrooms per half (.5) acre, but in no case shall the lot serve a total of more than ten (ten) persons.

E. Each bedroom shall be limited to two adults each.

F. A buffer yard with screening shall be provided between any boarding house building and any abutting dwelling.

G. Rooms shall be rented for a minimum period of five consecutive days

NOTE: There are separate standards for an assisted living facility, which is not considered a boardinghouse.

Section 406.27: Schools (Public and Private)

A. Ingress and egress provisions shall be adequate to minimize congestion on adjacent highways and local streets during peak use period.

B. All off-street parking lots shall be suitably paved and screened from adjoining residential properties by appropriate plant material or structures as approved by the Borough.

C. Fire and safety provisions shall be adequate to meet local and state requirements.

D. Schools in Residential Zoning Districts shall be limited to public schools accredited by the commonwealth whose primary purpose is the education and training of children and youths.

E. Schools which provide a day-care center shall also meet the express standards and criteria for a day-care center.

F. No outdoor children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.

G. The use shall not include a dormitory unless specifically permitted in the district

Section 406.28: Small Solar Energy Systems

A. Small Solar Energy System – Small solar energy systems shall be permitted in all zoning districts as appurtenances to any building or as accessory structures and shall be subject to the following regulations:

1. The design and installation of small solar energy system shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
2. All small solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent lots as well as adjacent street rights-of-way.
3. All on-site utility and transmission lines extending to and from the small solar energy system shall be placed underground.
4. No part of any small solar energy system shall be located within or above any front yard, along any required yard with street frontage, nor within any required setback of any lot.
5. Small solar energy systems mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district. The owner shall provide evidence in the form of stamped plans certified by a professional engineer that the roof is structurally sound.
6. Small solar energy systems which are ground mounted or detached from the principal or accessory structure shall not exceed twelve (12) feet in height.
7. For a building-mounted system installed on a sloped roof that faces the front yard, 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.

8. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed three(3) feet above the highest point of the roof line to which it is attached.
9. 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.
10. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way immediately adjacent to the property at ground level. System components can be screened with architectural treatments such as a building parapet walls or other screening or by setting the system back from the roof edge in such a way that it is not visible from the public right-of-way at ground level.
11. The surface area off ground-mounted systems, 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 in which it is located.
12. No signage or graphic content may be displayed on the 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.
13. The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Borough prior to the issuance of a certificate of use and occupancy for the small solar energy system. Off-grid systems shall be exempt from this requirement.
14. Vacation, Abandonment and/or De-commissioning of Solar Facilities:
    a. The solar facility owner is required to notify the Borough immediately upon cessation or abandonment of the operation.
    b. Discontinuation/abandonment is presumed when a solar system has been disconnected from the Net metering grid for a period of six (6) continuous months 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 Wilkinsburg Borough.
    c. The solar facilities and all related equipment must be removed within twelve (12) months of the date of discontinuation or abandonment or upon the determination of the useful life of the solar system.
    d. 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 equipments and removal of all net metering equipment.
    e. If the owner fails to remove or repair the vacated, abandoned or decommissioned solar facilities within the twelve (12) month period outlined above 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 owners expense.

f. Any unpaid costs resulting from the Borough's removal of a vacated, abandoned or decommissioned solar system shall constitute a lien upon the property against which the costs were charged. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens.

15. In the event that provisions of this section conflict with the provisions of Article III relating to Accessory Uses and Structures the more stringent provision shall apply.

Section 406.29: Small Wind Energy System

A. Small Wind Energy System – Small wind energy systems shall be permitted in all zoning districts as accessory uses and accessory structures and shall be subject to the following regulations:

1. The design and installation of all small wind energy systems shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
2. No more than one (1) small wind energy system shall be permitted per lot.
3. Small wind energy systems shall not generate noise which exceeds fifty-five (55) decibels measured at any property line.
4. Small wind energy systems shall not be artificially lighted, except to the extent required by the FAA.
5. All on-site utility and transmission lines extending to and from the small wind energy system shall be placed underground.
6. No part of any small wind energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any lot.
7. All small wind energy systems shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.
8. The maximum height of any small wind energy system shall not exceed the greater of fifty (50) feet or the maximum height or the zoning district in which it is located.
9. No portion of any small wind energy system shall extend over parking areas, access drives, driveways or sidewalks.
10. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground.
11. All small wind energy systems shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the wind turbine's climbing apparatus shall be limited to no lower than fifteen (15) feet from the ground, or the wind turbine's climbing apparatus shall be fully contained and locked within the tower structure.

12. Small wind energy systems shall not display advertising, except for reasonable identification of the small wind energy system's manufacturer. Such sign shall have an area of less than four (4) square feet.
13. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding two hundred (200) square feet, and shall comply with the accessory building requirements specified within each zoning district.
    a. Accessory buildings shall not be located within any front yard or along any street frontage, nor within any required setback of any lot.
14. The owner shall provide a copy of the letter from the electric utility company indicating that it has received and processed an application for interconnection of renewable generation equipment with the application for a zoning permit. The owner shall provide a copy of the final inspection report or other final approval from the electric utility company to the Borough prior to the issuance of a certificate of use and occupancy for the small wind energy system. Off-grid systems shall be exempt from this requirement.
15. The owner of the small wind energy system shall, at the owner's expense, complete decommissioning within twelve (12) months after the end of the useful life of the small wind energy system. It shall be presumed that the wind turbine is at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
16. The owner of the small wind energy system shall provide evidence that the owner's insurance policy has been endorsed to cover damage or injury that might result from the installation and operation of the small wind energy system.

Section 406.30: Solid Waste Facilities (Transfer Stations, Incinerators, Landfill)

A. Ingress to and egress from solid waste facilities shall be permitted by roads to serve only the solid waste facilities. Street design shall allow a weight limit of 19,000 pounds per axle. Approach and departure traffic routes for a solid waste facility shall not be permitted through local streets primarily intended to provide access to residences in a neighborhood.

B. A nonclimbable security fence at least eight (8) feet in height shall be installed around all portions of solid waste facilities directly involved in the storage, handling, and disposal of solid waste.

C. All buildings or structures used for the storage, treatment, processing, recycling, collection, recovery, or disposal of solid waste shall be located at least 500 feet from any exterior property line when such property line abuts a residential zoning district.

D. The hours of operation shall be limited from 7:00 AM to 7:00 PM, except that the hours of operation may be extended when the DEP certifies that sanitation conditions require an extension of operating hours.

E. Municipal solid waste landfills shall be covered in accordance with the DEP. Exterior lighting shall not cause illumination in excess of 1 foot candle at any property line, except that internally illuminated signs at the entrance to the landfill may exceed this standard where necessary.

Section 406.31: Tavern or Bar

A. Taverns and/or Bars shall cease operations between the hours of 2:00 a.m. and 11:00 a.m.

B. There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.

C. All operations shall be conducted within a completely enclosed building and doors and windows shall remain closed during hours when entertainment is presented. Outdoor seating areas are permitted in conjunction with taverns or bars that also include restaurant services.

D. Any tavern or bar which offers adult entertainment, as defined herein, shall be further subject to Section 406.01 Adult Businesses.

Section 406.32: Telecommunications Facilities

A. To the extent possible co-location on existing broadcast or relay towers shall be investigated by the telecommunications carrier. Where collocation has been demonstrated to be impractical, new broadcast and relay towers may be located in accordance with these provisions.

B. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved. In addition, no antenna shall exceed two hundred feet (200') in height;

C. Telecommunications facilities when permitted as accessory to existing structures and uses shall be incorporated into the design of the existing structures and/or be screened so as to minimize the visual impact of the facilities. In permitting telecommunications facilities as accessory uses the Borough may consider items such as impact on surrounding and abutting property; height; screening; location; and setbacks.

D. New telecommunications towers and facilities shall provide set backs (including any guy wire anchors) from any property line a minimum of the largest of the following:

    1. One hundred percent (100%) of antenna and/or tower height.
    2. The minimum setback in the underlying zoning district.
    3. Fifty feet (50') minimum.

E. A fence shall he required around the facilities and other equipment, unless the antenna is mounted on an existing structure. The fence shall he a minimum of eight feet (8') in height.

F. Telecommunications facilities shall be screened from adjacent uses. The Borough may waive the buffer yard requirements if it finds the facilities are remotely located and/or have sufficient existing natural topography and screening such that it will not impact adjacent existing uses or finds the buffer yard screening will not accomplish its intended purpose.

G. In order to reduce the number of telecommunications facilities needed in the community in the future, new proposed telecommunications towers shall be required to accommodate other users, including other telecommunications service, and local police, fire, ambulance services and municipal authority and road departments.

H. The telecommunications company must demonstrate that it is licensed by the Federal Communications Commission.

I. No telecommunications towers may be artificially lighted except as provided for and required by the FAA.

J. A land development plan shall be required for all telecommunications facilities sites, showing all proposed structures, building, fencing, buffering, access to public rights-of-way and all other items required in this Ordinance and the Subdivision and Land Development Ordinance.

K. In granting the use, the Borough may attach reasonable conditions warranted to protect the public health, safety, and welfare, including, but not limited to, location, fencing, screening, increased setbacks and the right to use said facilities for public purposes.

L. All approvals shall be only for specific telecommunications facilities set forth in the application. No additions or alterations thereto will he permitted without a new application

Section 406.33 Urban Agriculture, Limited (No Animals)

Shall be subject to the following standards:

A. The keeping of poultry birds, livestock, or other farm animals is not permitted.

B. The keeping of Bees is permissible subject to the same conditions contained in Section 406.34 “Urban Agriculture, Accessory Uses.”

C. No processing of products grown on the site is permitted.

D. All structures shall be subject to any required setbacks of the zoning district, but shall in all cases be a minimum of ten (10) feet from any property line;

E. All seed, fertilizer, or similar products shall be stored in a secured, rodent-proof container and housed within an enclosed structure

Section 406.34 Urban Agriculture, Accessory Use

Shall be subject to the following standards:

A. All seed, fertilizer, and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.

B. Keeping of Poultry Birds requires a minimum lot size of two-thousand (2,000) square feet. Lots or properties that meet the minimum lot size are permitted three (3) poultry birds. For every additional two-thousand (2,000) square feet of property above the minimum requirement, the owner is permitted one (1) additional poultry bird.

C. All structures related to the housing of poultry birds shall be at least 6 Sq. Ft. in size and a minimum of 2 Sq. Ft. per additional poultry bird.

D. Roosters are not permitted.

E. The hen house and/or pen shall be properly designed and constructed to provide adequate security from rodents and predators. Sufficient ventilation and suitable shelter for hens must be provided. The hen house may not be taller than six (6) feet and must be easily accessible for cleaning and maintenance. Any windows must be screened with chicken wire to protect the hens from predators.

F. For property with a minimum of two-thousand (2,000) square feet in size, the property owner is permitted to keep two (2) beehives. For every additional two-thousand (2,000) square feet of property, the owner is permitted two (2) additional beehives.

G. All structures necessary for and related to the housing of honeybees shall be subject to any required setbacks of the underlying zoning district, and shall otherwise be set back at least ten (10) feet from any property line.

H. Ground mounted beehives shall be located no higher than six (6) feet from grade.

I. Ground mounted beehives shall be permitted in side and rear yards, and shall be provided an enclosed barrier along the property line six (6) feet in height consisting of a solid fence, dense vegetation or combination thereof, and in cases where there is ample yard-area, a flyway may be substituted for perimeter barriers, consisting of six (6) foot high barriers on both sides of the bee colony, creating a channel extending twenty (20) feet in each direction beyond each bee colony entrance;

J. Roof mounted beehives shall be located on principal and accessory structures no lower than ten (10) feet from grade and shall not be within the required setback.

K. All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor.

L. Outdoor roaming areas for poultry birds shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic, and to minimize external impacts of the outdoor roaming areas; and

M. The keeping of poultry birds or honeybees shall be permitted as an accessory use only where there is an occupied residence.

N. The keeping of livestock or other farm animals shall not be permitted as an accessory use.

Section 406.35: Uses Not Listed

A. It is the intent of this chapter to group similar or compatible land uses into specific zoning districts. Uses which are not specifically listed in the Tables of Authorized Uses (Principal and Accessory) may be permitted upon finding by the Borough that the proposed use is similar to a use listed in the Tables of Authorized Uses.

B. If a property owner or user asserts that a proposed use is not provided for in the Table of Authorized Uses (Principal and Accessory) the property owner or user shall file an application for conditional use with the Borough and which shall review and make a determination if the proposed use is similar to another use contained in the table of authorized uses.

C. If the Borough finds the use is similar to an existing use contained in the table it may permit the use subject to the same conditions and requirements of that use including the district in which it may be located.

D. In considering if a proposed use is similar to an existing use contained in the Table of Authorized Uses (Principal and Accessory) the Borough in not limited to assertions of the applicant that the use is similar to a specific listed use, but instead may consider all uses (Principal and Accessory) contained in the Tables of Authorized Uses.

E. If the Borough finds the use is similar to an existing use all other provisions of this Chapter and all codes and ordinances of the Borough shall apply.

Article V: Supplemental Regulations

Section 501: Screening and Landscaping

A. Landscaping specifications. Landscaping shall be provided in accordance with the following specifications:

1. A landscaping plan, with detailed drawings, must be submitted with a required subdivision or land development or in the case where subdivision and/or land development approval are not required prior to building permit application. The landscaping plan must contain and show the following information:

   a. All required buffer areas with proposed plantings (identifying each proposed tree, bush or shrub) drawn to scale and identifying size of plantings.

   b. All required planting (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale and identifying size of plantings.

   c. Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.

   d. Any existing trees or vegetation which will be removed, accurately identifying their relative location.

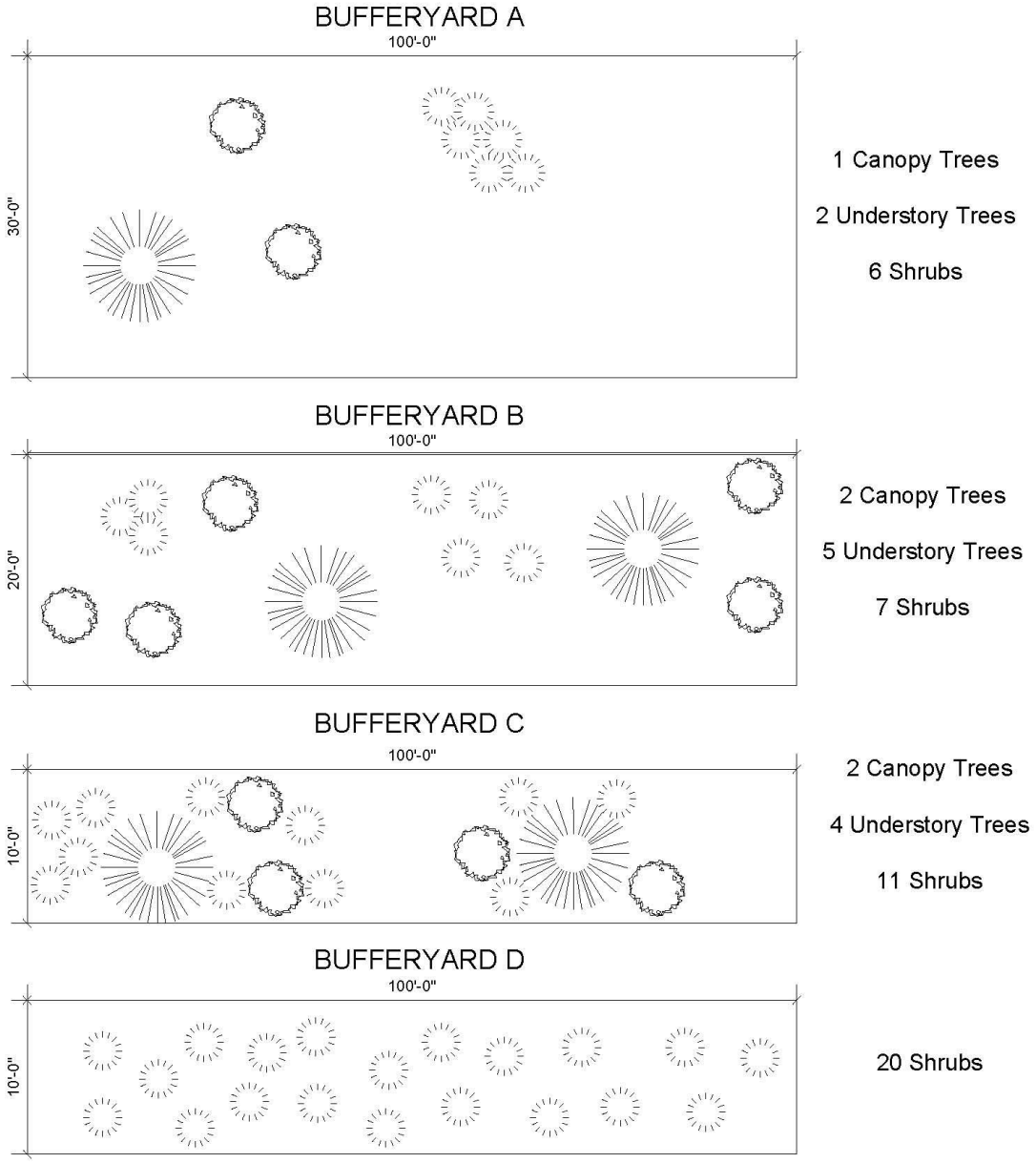
   e. At least one deciduous tree must be planted for each dwelling unit in conjunction with any multifamily or townhouse development.

   f. All areas of a lot not covered by building or impervious material shall be maintained as landscaped or natural areas.

B. Buffer Yards

1. There are four types of buffer yards. **Figure 11** illustrates a typical buffer yard and shows the minimum width and number of trees and/or plants required for each 100 lineal feet for each buffer yard. The applicant may either plant new trees or plants or preserve existing trees or plants within the required buffer that meet the requirements of this section.

FIGURE 11 – BUFFERYARDS



2. Buffer areas required. Buffer areas are required under the following circumstances:

   a. Parking Lots and Loading Areas. Buffer yard C will be provided around the perimeter of parking lots and loading areas in all zoning districts to the extent possible. When the buffer yard around a parking lot also abuts a public road the buffer yard may be reduced to five (5) feet in width along the public street if it is determined by the Borough that the site requires a more efficient use of space.

   b. Adjacent Uses. Buffer yards are intended to minimize impacts of different uses on adjacent sites or properties. When new development is proposed buffer yards will be required along the perimeter of the site according to **Table 12.**

TABLE 12 – BUFFER YARD USE

Adjacent Parcel Zoning	Proposed Use	Buffer Yard
R-1	Commercial	Buffer Yard B
	Industrial	Buffer Yard A
	Residential	None Required
R-1S	Commercial	Buffer Yard B
	Industrial	Buffer Yard A
	Residential	None Required
R-2	Commercial	Buffer Yard B
	Industrial	Buffer Yard A
	Residential	None Required
R-3	Commercial	Buffer Yard C
	Industrial	Buffer Yard C
	Residential	Buffer Yard C
INST	Commercial	Buffer Yard B
	Industrial	Buffer Yard C
	Residential	Buffer Yard D
MU	Commercial	None Required
	Industrial	Buffer Yard C
	Residential	Buffer Yard D
IND	Commercial	Not Applicable
	Industrial	None Required
	Residential	Buffer Yard D
CBD	Commercial	None Required
	Industrial	Buffer Yard C
	Residential	Buffer Yard C
C-1	Commercial	None Required
	Industrial	Non Required
	Residential	Buffer Yard B

c. Where the express standards and criteria for a conditional use or use by special exception in Article IV of this chapter specify that a Buffer Yard is required.

C. General Provisions

1. Existing Vegetation. Every attempt should be made to preserve existing vegetation when possible. Where trees already exist within the required buffer area, these trees shall remain undisturbed, except that diseased or dead material may be removed. In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required buffer area to screen the buildings, activities and parking areas from adjoining properties, the Borough Council, upon recommendation by the Planning Commission, may determine that the existing topography and/or vegetation constitutes all or part of the required buffer area. If such a determination is made, the applicant may be required to record a conservation easement of the depth specified by the Borough Council to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved buffer area.
2. Openings for driveways shall be permitted to cross a required buffer area. Plantings in required buffer areas shall be located so as to not obstruct visibility for traffic entering or leaving the site.
3. Maintenance Required. It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes. Replacement shall be no later than the subsequent planting season.

D. Plant Sizes.

1. Deciduous Trees. All trees required to be planted shall be a minimum of two inches in diameter at a point one foot above the ground. All required trees shall be a minimum of six feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.
2. Evergreen Trees. All evergreen trees required to be planted shall be a minimum of 6 foot in height at the time of planting measured from the ground adjacent to the planted tree to the top of the tree.
3. Shrubs. All shrubs required to be planted shall be a minimum of will be a minimum of 24 inches in height at planting.

Section 502: Lighting Requirements

Lighting for all uses in the Borough shall meet the following requirements:

Section 502.01: Non Residential Use Lighting Standards

All exterior parking lots, driveways, vehicular access aisles, pedestrian access areas, sidewalks, pathways, and loading spaces shall be sufficiently illuminated so as to provide safe movements on site.

A. Illumination shall be by sharp cut-off fixtures with flush-mounted lens cap, with the following exceptions.

   1. Decorative streetlighting along private streets (not including parking lot areas) are exempt from this requirement. However, streetlight poles for decorative streetlighting shall not exceed 25 feet in height, measured from finished grade to the top of the fixture.

   2. Decorative lighting along pedestrian walkways in front of buildings and in pedestrian plazas is exempt from this requirement. However, light poles for the decorative lighting shall not exceed 15 feet in height, measured from finished grade to the top of the fixture.

B. Fixtures (including those mounted on a building or other structure) shall be mounted parallel to the ground surface, with the following exceptions.

   1. Decorative streetlighting along private streets, decorative lighting along pedestrian walkways in front of buildings, and decorative lighting in pedestrian plazas are exempt from this requirement.

   2. Lighting for the purpose of highlighting a structure or landscape feature shall be exempt from this requirement.

C. Pole height shall be a maximum of twenty-four (25) feet.

D. Illumination shall not exceed one footcandle at all property boundaries. The one-footcandle illumination shall be measured horizontally on the ground surface and vertically at a five-foot height at the property lines.

E. All site lighting including architectural, landscape, and canopy lighting shall be from a concealed source that is not visible from the property boundaries or public street right-of-way. Lighting associated with a freestanding or building canopy shall be recessed into the canopy.

F. Where elevation differences exist between a proposed development and adjacent properties the direct source of lighting shall be shielded from adjacent uses to the extent possible through the use of baffles or shades.

Section 502.02: Residential Use Lighting Standards

A. For all residential uses that require parking lots that contain more than ten (10) parking spaces the proposed development shall comply with the requirements of the Non residential use lighting standards above.

B. All other proposed lighting in residential districts shall be oriented so as not to interfere with adjacent properties. Decorative street lights shall be designed to minimize impact to existing residential properties.

Section 503: Fences and Walls

A. No fence or wall shall be erected, replaced, or altered unless an application has been made, and a permit issued by, the Zoning Officer.

B. Fences may be permitted on lots with no principal use subject to the requirements of this section.

C. Fence location. No fence exceeding four feet in height shall be allowed within the minimum required front building line area of the zoning district in which the fence is located.

D. Fences and all supporting structures must be entirely on the property of the party erecting the fence and shall not encroach upon a public right-of-way.

E. Fence heights.

1. The height of all fences or walls shall be measured from the finished grade to the top of the fence.
2. Unless otherwise stated, no fence or wall shall exceed six feet in height.
3. A fence of no more than 10 feet in height shall be allowed to enclose a private or public tennis court, basketball, or sports courts provided that the fence is not more than 60% solid.

F. Fences or walls in nonresidential districts abutting residential districts shall not exceed six feet in height.

G. All fences and walls shall be maintained and, when necessary, repaired, removed or replaced.

H. Street intersections. No fence shall be installed that obstructs sight distance at street intersections or interferes with the required clear sight triangle.

Section 504: Flood Plains

All development and use of land and structures in floodplain districts shall comply with the most recently adopted flood plain management ordinance of Wilkinsburg Borough as may be amended from time to time.

Section 505: Performance Standards

A. Noise. The ambient noise level of any operation, other than those exempted below, shall not exceed the decibel levels prescribed. The sound pressure level or ambient level is the all-encompassing noise associated with a given environment, being a composite of sounds from any source, near and far. For the purpose of this chapter, ambient noise level is the average decibel level recorded during observations taken in accordance with industry standards for measurement and taken at any time when the alleged offensive noise is audible, including intermittent, but recurring, noise.

1. No operation or activity shall cause or create noise in excess of the sound levels prescribed below:

a. Residential districts. At no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 dBA.

b. Non residential districts. At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 65 dBA.

c. Where two or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.

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

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

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

c. Noises emanating from public recreational uses between 7:00 a.m. and 11:00 p.m.

d. Normal utility and public works activities between the hours of 7:00 a.m. and 9:00 p.m., and emergency operations at anytime.

3. In addition to the above regulations, all uses and activities within the Borough shall conform to all applicable county, state and federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.

B. Vibrations. Except for vibrations emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m., vibrations detectable without instruments on neighboring property in any district shall be prohibited.

C. Glare. There shall be no direct or sky-reflected glare, whether from floodlights or from high-temperature processes (for example, combustion or welding), so as to be visible from within any District.

D. Fire hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

E. Radioactivity or electrical disturbance. No activity shall emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

F. Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

G. Air pollution. No pollution by air by fly ash, dust, vapors or other substance shall be permitted which is harmful to health, vegetation or other property, or which can cause excessive soiling.

H. Determination of compliance with performance standards. During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this section. In reviewing such documentation, the Borough may seek the assistance of any public agency having jurisdiction or interest in the particular issues and

the Borough may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this section shall be a basis for denying approval of the application.

Section 506: Temporary Construction Trailers

Temporary construction trailers shall be permitted in any zoning district subject to the following conditions:

A. Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid building permit. The temporary construction trailer shall be removed upon completion of the construction authorized under a building permit.

B. A permit for the temporary structure or use shall be obtained from the Zoning Officer prior to the commencement of construction.

C. Temporary construction trailers shall be located on the lot on which the construction is progressing unless an alternative location is approved by the Zoning Officer based on circumstances that make it impractical to locate on the lot on which construction is occurring.

D. Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.

E. No combustible materials shall be stored in temporary construction trailers.

Section 507: Outdoor Storage

A. In non residential zoning districts except for nurseries, garden supply, and building supply and similar businesses which require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply and building supply, and similar businesses, outside display and storage areas shall be completely enclosed by a an opaque fence or dense, compact evergreen hedge which is at least six feet in height.

B. In any other District, any material or equipment stored outside an enclosed building, except for the purposes identified above, shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street. Buffering as identified in the buffer yard requirements of this Chapter may be required to screen material or equipment stored outside.

C. All organic rubbish and discarded materials shall be contained in tight, verminproof containers which shall be screened from public view by an opaque fence, masonry wall or dense, compact evergreen hedge which is at least six feet in height.

D. Storage of travel trailers and mobile homes. The parking and storage of travel trailers, mobile homes, motor homes, campers and similar recreational vehicles shall be

prohibited within the right-of-way of any public street. At no time shall such parked or stored vehicle be occupied or used as a dwelling.

E. Storage of commercial and construction equipment. Commercial and construction equipment or vehicles, including without limitation trucks of one-ton capacity or greater, tractors of 40 horsepower or larger, tandems, tractor-trailers, cargo-moving equipment and construction equipment or vehicles, shall not be stored or parked temporarily or permanently in any Residential District, except within a completely enclosed structure. This section does not apply to active construction or development sites that have otherwise received the appropriate authorizations of the Borough.

508: Permitted Projections into Yards

The following shall be permitted to project into any required yard in any zoning district as follows:

A. Typical architectural features, including, but not limited to, bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than 24 inches.

B. Decks and their stairs and unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into required side yards no more than three feet and shall be no closer to the rear property line that 20 feet.

C. Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than 36 inches.

Section 509: Utilities

All electrical, telephone, cable television, and other communication system service laterals on a lot or site shall be installed underground.

Article VI: Parking

Section 601: Parking

This section sets minimum standards for off-street requirements for new construction and expansion of or changes to existing uses. The purpose of this section is to ensure that uses have a minimum level of on-street and off-street parking to avoid congestion on surrounding streets.

Section 602: Parking Ratios

Generally

A. Applicability: The minimum parking ratio standards apply to all zoning districts except as may be modified in the provisions of this Chapter.

B. Uses not identified: The zoning officer shall determine the parking requirement for uses that do not correspond to the categories listed in **Table 14**. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:

   1. Type of uses;
   2. Number of employees;
   3. Building design capacity;
   4. Square feet of sales area and service area;
   5. Parking spaces proposed on site;
   6. Parking spaces provided elsewhere; and
   7. Hours of operation.

C. Multiple uses: Where the application identifies accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or structure. This provision does not apply where the applicant has sought and secured approval under the shared parking requirements of this Chapter.

D. Fractional measurements: When units or measurements determining the number of required off-street parking spaces result in a fractional space, then such fraction equal or greater than one-half (.5) shall require a full off-street parking space.

E. Floor area measurement: Floor area and GFA are synonymous for purposes of this chapter (see the definition of “gross floor area,”).

Section 603: Minimum Parking Ratios

Table 14 establishes the minimum numbers of parking spaces required for the uses indicated except as may be modified by this section. Parking requirements may be met by one or more of a combination of the following methods:

A. **On-site parking**. A use shall provide the minimum number of required spaces for all uses located on the lot or site pursuant to **Table 14**. Only spaces that are designed consistent with this section are counted toward the minimum parking required. The following provision apply when providing the minimum number of required on-site parking spaces:

1. Required parking for single family (attached or detached) dwellings may be stacked and do not require separate access to each required space.
2. The parking requirements for uses as identified in **Table 14** are modified in accordance with this section for all uses located in CBD zoning district. All existing structures in the CBD which are renovated shall not be required to provide on-site parking. New structures or buildings proposed in the CBD zoning district shall be required to provide thirty-three percent (33%) of the required number of spaces identified in **Table 14** on-site. New structures or buildings may further reduce the required on-site parking below 33% of the required spaces identified in **Table 14** if it is adequately demonstrated there is sufficient public parking in vicinity of the proposed structure and authorized by the Borough during the subdivision or land development approval based on a parking study provided by the applicant.
3. The parking requirements for uses as identified in **Table 14** are modified in accordance with this section for all uses located in MU. Lots less than 5000 square feet in the MU zoning district shall qualify for the same parking modifications identified in section 603 A.2 for uses in the CBD. Uses proposed on lots greater than 5000 square feet in the MU shall be permitted to reduce the required number of parking spaces identified in **Table 14** by fifty percent (50%).
4. The parking requirements identified in **Table 14** are modified in accordance with this section for residential uses in the R-1 & R-2 zoning districts. Residential uses located in the R-1 & R-2 districts are required one (1) parking space per unit.
5. The parking requirements identified in **Table 14** are modified in accordance with this section for single family residential uses in the R-3 zoning district. Single Family residential uses located in the R-3 district are required one (1) parking space per unit.
6. No part of a parking or loading space required for any building to comply with this chapter shall be included as part of a parking or loading space required for another building.

B. **Shared Parking**

1. Parking spaces required under this section may be provided cooperatively for two or more uses in a development or for two or more individual uses as shared subject to the requirements of this section.
2. Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:

   a. The off-site, off-street parking facilities are within 300 feet of the property;

b. The parking demands of the individual uses, as determined by the zoning officer, based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one time is less than the total parking stalls required;

c. A written agreement between the owners and lessees is executed for a minimum of ten (10) years, approved by the zoning officer as provided in this section. Should the lease expire or otherwise terminate the use for which the off-site parking was provided shall be considered in violation of its zoning approval and, shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this ordinance.

d. An application for approval of a shared parking plan shall be filed with the zoning officer by the owner of the land area to be included within the cooperative parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners of parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common. In the event the application also requires a subdivision or land development approval, the shared parking agreement requires approval of the planning commission and Borough Council.

Section 604: Parking Dimensions and Surface Requirements

A. Off-street parking spaces shall have a width of 9 feet. Stall depth shall have the minimum established in, exclusive of access or maneuvering area, ramps, and other appurtenances. The minimum width of access aisles internal to a parking lot or structure shall be as prescribed in **Figure 12**. Aisles having two-way traffic are required to provide a width of twenty-five (25) regardless of angle of parking.

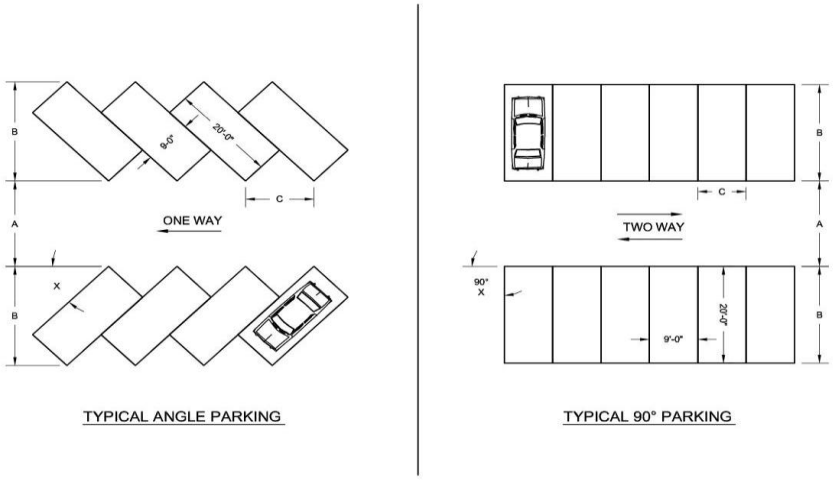
B. Required off-street parking space(s) shall conform to the following:

1. All off-street loading spaces shall be adequately marked and shall be constructed of an approved all-weather surface to provide safe and convenient access in all seasons. Said all weather surface shall be constructed of concrete, asphalt, brick or alternative pervious pavement systems. Applicant may propose an alternative pervious pavement in lieu of the required surface types. When an applicant proposes a pervious pavement treatment, such surface shall be reviewed and approved by the Borough Engineer. Pervious pavement treatments are only permissible when using engineering designed systems intended for such use.
2. The construction of all spaces shall be subject to inspection and approval by the Borough Engineer, concerning the materials of construction and specification of construction, prior to, during and after the completion of construction of such spaces.

3. Residential uses in the R-1S, R-1 and R-2 Zoning districts and single family uses in all other zoning districts are permitted to use parking strips as an alternative to the surface requirements for off-street parking requirements.
4. A parking pad shall not be permitted in the required front yard in any residential district

FIGURE 12 - PARKING DIMENSION STANDARDS

PARKING AREA DESIGN STANDARDS



MINIMUM PARKING SPACES AND AISLE DIMENSIONS			
PARKING ANGLE (X)	A	B	C
30°	11'-0"	17'-9 1/2"	18'-0"
45°	13'-0"	20'-6"	12'-9"
60°	18'-0"	21'-10"	10'-4 1/2"
70°	19'-0"	21'-10 1/2"	9'-7"
80°	25'-0"	21'-3"	9'-1 1/2"
90°	25'-0"	20'-0"	9'-0"

NOTE: THE MAXIMUM PERMISSIBLE SLOPE OF ANY PARKING AREA SHALL BE FIVE (5%) PERCENT.

Section 605: Parking Lot Layout

A. Internal driveway system. All off-street parking lots with greater than 200 parking spaces shall include a separate internal access drive system which separates aisle ways which access individual parking spaces from the overall internal access driveway system. The

purpose of the internal driveway system is to facilitate pedestrian and vehicular circulation, creating an interconnected circulation network.

B. Internal driveway systems shall be designed to stub into adjacent properties, where practical. The Borough may require an easement be placed on the property to allow for future connection to the adjacent properties.

Section 606: Accessible Parking Requirements

Accessible Parking Requirements. Accessible parking spaces for the physically challenged shall be provided for multiple-family and nonresidential uses as follows:

A. Minimum Number of Spaces. The minimum number of required accessible parking spaces shall be as follows:

TABLE 13 – TOTAL ACCESSIBLE PARKING SPACES

Total Parking Spaces in Lot	Minimum Accessible Space
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
Over 1,000	20, plus 1 per 100 over 1,000

B. A minimum of 25% of the required accessible parking spaces shall be van accessible. The minimum number of van accessible parking spaces shall be one.

C. Design. Design of accessible spaces shall be completed in accordance with the Americans with Disabilities Act Architectural Guidelines and include the following:

1. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible structure. In parking facilities not serving a particular structure, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
2. One parking access aisle of no less than five feet in width shall be provided for each accessible parking space and shall be a part of the accessible route of no less than three feet in width to the building or facility entrance. A parking access aisle may be shared between two accessible parking spaces. Access aisles shall be clearly designated and identifiable by line painting, curbing, and other similar means.
3. Van accessible parking spaces shall be at least nine feet wide with an access aisle of no less than eight feet in width.

4. Parking spaces and access aisles shall be level with surface slopes not exceeding 2% in all directions.
5. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Such signs shall be located so as not to be obscured by a vehicle parked in the space.

Section 607: Turnarounds

All parking areas containing three or more parking spaces shall include a turnaround that is designed and located so that vehicles can enter and exit the parking area without backing onto a public right-of-way

Section 608: Location

Except as otherwise permitted, off-street parking facilities shall be located on the lots on which the use or structure for which they are provided is located.

Section 609: Parking Ratios

TABLE 14 – PARKING RATIOS

PARKING RATIOS	
LAND USE/ACTIVITY	**MINIMUM VEHICLE SPACES**
Residential Buildings	
Dormitories	1 per 2 beds
Duplex	2 per dwelling unit
Group Home	1 for every three beds plus one for each employee
Life care or continuing care services	1 per every 3 rooms plus one for each employee
Manufactured housing, residential design	2 per dwelling unit
Mobile Home Park	2 per dwelling unit
Multifamily dwellings	1 per dwelling unit
Retirement housing facility	1 per three dwelling units
Single-family attached dwellings	2 per dwelling unit
Single-family detached dwellings	2 per dwelling unit
Townhouses	2 per dwelling unit
Hotels, Motels, or Other Accommodation	
Bed & Breakfast	1 per guest room & 2 spaces for owner
Beverage Distributor	1 per 300 sf GFA
Hotel, motel	1 per room & 1 per 800 sq ft of public meeting area and restaurant space
Rooming and boarding house	1 per guest room plus 2 spaces for owner's portion
Commercial	
Adult Business	Parking Demand Analysis
After Hours Club	1 per 200 sf. GFA
Airport	1 per 4 seating accommodations for waiting passengers plus 1 per each 2 employees
Amusement Arcade	1 per video game or amusement device
Amusement Park	1 per 600 sf outdoor recreation area
Animal Cemetery	1 per acre, but not less than 5 spaces
Auditorium	1 per each 2 seats in the main seating area

LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Commercial (Continued)	
Automobile repair and service	3 per repair bay and 1 per each employee
Bakery	I per 300 sf GFA
Book Store	1 per 300 sf GFA
Car rental	1 per 375 sf GFA of sales and service building
Car wash	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas
Carpet Cleaning	1 per 300 sf GFA
Catering	1 per 300 sf GFA
Cemetery & Mausoleums	1 per each employee and ample accessways to the cemetery sections so as to allow parking on the accessway for gravesite services and visitations
Communication Antenna	1 per service employee
Conference Center	1 per 6 seats or 1 per 30 sf GFA if no permanent seats
Convenience Store	1 per 300 sf GFA
Craft Studio	1 per each 200 square feet of floor area
Custom Printing	1 per 300 sf GFA
Department stores	1 per 300 of GFA
Drive thru facilities	I per 250 sf GFA
Drug Store	1 per each 200 square feet of floor area
Exercise Club	1 per 300 sf GFA
Financial Institution	1 per 300 sf GFA
Flea Market	1 per 300 sf. of outdoor display area
Funeral Home	1 per 4 seats
Garden Center	1 per 1000 sf.
Gas Station	1 per 375 sf GFA including service bays, wash tunnels and retail areas
Golf Course	6 per hole
Hardware Store	1 per each 200 square feet of floor area
Kennel	1 per each employee on the maximum shift and 1 per each 200 square feet of area devoted to the kennel area
Laundromat	1 per 300 sf GFA
Lumberyard	1 per 375 sq ft GFA of sales and service building
Manufactured home sales	1 per 300 sf GFA of sales building
Night Club	1 per 2 seats
Office – Business & Professional	1 per each 300 square feet of floor area
Pawnshop	1 per each 200 square feet of floor area
Personal Services	1 per each 200 square feet of floor area
Post Office	1 per employee
Recording Studio	1 per 300 sf GFA
Restaurant	1 per 75 sf GFA
Restaurant – Drive through	1 per 75 sf GFA

LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Commercial (Continued)	
Retail Sales and Service	1 per each 200 square feet of floor area
Self Storage	1 per 600 sf GFA
Shopping Center	1 per 300 sf GFA
Tattoo Parlor	1 per 300 GFA
Tavern or Bar	1 per 2 seats
Vehicle/boat/equipment sales	1 per each 2,000 square feet of lot area for employee and customer parking (excludes vehicle display area)
Veterinarian Office	1 per each 400 square feet of floor area
Warehouse/Discount store	1 per 300 sf GFA
Industrial	
Asphalt Plant	I per employee on max shift
Automotive wrecking and graveyards, salvage yards, and junkyards	1 per employee
Constructions-related businesses	1 per 1,000 square feet GFA
Laboratory or specialized industrial facility	1 per 300 square feet GFA
Large area distribution or transit warehouse	1 per 1000 square feet GFA
Light industrial structures and facilities	1 per 1000 square feet GFA
Mini-warehouse	4 spaces plus 2 for manager's quarters
Process plants (metals, chemicals, etc.)	1 per 300 square feet GFA
Recycling business	1 per employee
Refrigerated Warehouse and Cold Storage	1 per 1000 square feet GFA
Tank farms	1 per 1000 square feet GFA
Warehouse and storage services	1 per 1000 square feet GFA
Public Assembly	
Amphitheater	1 per 6 seats or 1 per 30 square feet of GFA if no permanent seats
Amusement, sports, or recreation Establishment (not specifically enumerated)	1 per 6 seats or 1 per 30 square feet of GFA if no permanent seats
Arcade	1 per game table, video game, amusement device
Bowling, billiards, pool, etc.	2 per lane
Clubs & Lodges	1 per 3 persons
Community Center	1 per 300 square feet gross
Drive-in theaters	None
Exhibition, convention, or conference structure	1 per 1,000 square feet GFA
Fitness, recreational sports, gym, or athletic club	1.5 per 1,000 square feet GFA
Indoor Theater	1 per 6 seats
Miniature golf establishment	1 per hole
Place of Worship	1 per 8 seats
Racetrack	1 per 6 seats or 1 per 30 sf of GFA if no permanent seats
Skating rinks	5 per 1,000 square feet GFA
Sports stadium or arena	1 per 6 seats or 1 per 30 sf of GFA if no permanent seats
Institutional or Community Facility	
Animal hospitals	1 per employee
Assisted living facilities	1 per 3 rooms
Aquarium/Zoo facility	1 per 1,000 square feet GFA

LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Institutional or Community Facility (Continued)	
College or university facility	1 per 4 students
Community food services	1 per 250 square feet GFA
Day care center	1 per 375 square feet GFA
Exhibitions and art galleries	1 per 400 square feet GFA
Group Care Facility	1 per 3 rooms
Hospital building	1 per 400 square feet GFA
Public Clinic, medical	1 per each 200 square feet of floor area
Medical and Dental Offices	One space per each 150 square feet of gross floor area, plus one space per employee, plus four (4) spaces per doctor or practitioner
Methadone Treatment Center	1 per each 200 square feet of floor area
School	1 per classroom
Trade or specialty school	1 per 200 feet
Nursing Home	1 per 3 rooms
Government Uses	
Ambulance Facility	1 per employee plus 1 per 200 sf GFA
Correctional or rehabilitation facility	1 per employee on maximum shift, 1 per service vehicle
Emergency operation center	1 per employee
Fire Station	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sf usable office space
Library	1 per 300 GFA
Magistrate Office	1 per 300 sf GFA
Municipal Building	1 per 300 sf GFA
Park	Parking demand analysis
Police Station	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sf usable office space
Salt Storage Facility	None
Transportation-related Facilities	
Airport Control tower	None
Airport maintenance and hangar facility	None
Airport terminal	1 per 4 seating accommodations for waiting passengers plus 1 per each 2 employees
Automobile parking facilities	None
Bus or truck maintenance facility	None
Bus terminal	1 per employee plus spaces required to satisfy projected peak parking needs
Courier and messenger services	None
Heliport Facility	1 per 4 seating accommodations for waiting passengers plus 1 per each 2 employees
Taxi and limousine service	None
Towing and other road services	None
Truck or freight transportation services	None
Utility Uses	
Co-location – Communication Facility	1 per service employee
Essential Facilities	None
Gas or electric power generation facility	1 per employee

LAND USE/ACTIVITY	MINIMUM VEHICLE SPACES
Utility Uses (Continued)	
Hazardous waste collection	1 per employee
Hazardous waste treatment and disposal	1 per employee
Incinerator, or similar facility	1 per employee
Radio, television, or wireless transmitter	1 per service employee
Railroad facility	1 per employee
Sewer treatment plan	1 per employee
Solid waste transfer station	1 per employee
Solid waste combustor or incinerator	1 per employee
Solid waste landfill facility	1 per employee
Telecommunications facilities	1 per service
Utility structures on right-of-way	None
Wastewater storage or pumping station facility; lift stations	1 per employee
Water supply pump station	1 per employee
Water supply-related facility	1 per employee
Water tank (elevated, at grade, underground)	1 per service employee
Water treatment and purification facility	1 per employee
Weather stations or transmitters	1 per employee
Agriculture, forestry, fishing, and hunting	
Animal production, including slaughter	1 per 300 sf GFA
Farmers Market	1 per 300 sf GFA
Forestry and logging	None
Grain silos and other storage structure for grains and agricultural products	1 per 300 sf GFA
Greenhouses/nurseries	1 per 375 sq ft GFA
Hatcheries and poultry houses	1 per 300 sf GFA
Kennels and other canine-related facilities	1 per 300 sf GFA
Livestock pens or hog houses	1 per 300 sf GFA
Stables and other equine-related facilities	1 per 300 sf GFA
Mining and extraction establishments	
Coal	1 per employee plus one per facility vehicle
Metals (iron, copper, etc)	1 per employee plus one per facility vehicle
Natural Gas Compressor Station	1 per employee plus one per facility vehicle
Natural Gas Processing Plant	1 per employee plus one per facility vehicle
Nonmetallic mining	1 per employee plus one per facility vehicle
Oil or Gas Well	1 per employee plus one per facility vehicle
Quarrying and stone cutting	1 per employee plus one per facility vehicle

Section 610: Off-street Loading and Unloading

Intent. All nonresidential buildings shall provide required off-street loading berths in accordance with this chapter. Off-street loading and unloading requirements apply in all zoning districts except for the CBD and MU which are not required to provide facilities in accordance with this section. In all other districts whenever a new use is established or an existing use is structurally altered, converted or enlarged, off-street loading berths shall be provided in accordance with the requirements of this section.

A. Off-street loading design.

1. Size. Each loading berth shall be at least 65 feet in length and 12 feet in width with an overhead clearance of 14 feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.
2. Access. Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Borough Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.
3. Location. All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least 30 feet from the nearest point of intersection of any two streets.
4. Screening. Loading berths shall be screened by providing a Buffer Yard C in accordance with Article V when facing any residential use or residential zoning district.
5. Surfacing. All loading berths shall have a paved, concrete or bituminous surface, graded with positive drainage to dispose of surface water.
6. Lighting. Any lighting used to illuminate loading berths shall be shielded from any adjoining residential use or zoning district and away from any street or highway.

B. Off-street loading requirements. In all zoning districts, every use which requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:

1. Department stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores, personal or business service establishments, storage warehouses or any similar uses which receive deliveries:

TABLE 15 – BERTHS REQUIRED (RETAIL, INDUSTRIAL OR MANUFACTURING)

Gross Floor Area (square feet)	Number of Berths Required
Under 10,000	None
10,000 to 19,999	1
20,000 to 39,999	2
40,000 to 65,000	3
For each additional 20,000	1 additional

2. Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings and similar uses which receive deliveries by tractor-trailer:

TABLE 16 – BERTHS REQUIRED (AUDITORIUMS, CONVENTION HALLS, OFFICE BUILDINGS)

Gross Floor Area (square feet)	Number of Berths Required
Under 40,000	None
40,000 to 59,999	1
60,000 to 99,999	2
100,000 to 160,000	3
Over 160,000	4

3. Any other business that is expected to have deliveries from large vehicles not specifically identified herein may be required to provide loading berths in compliance with this section at the discretion of the Borough.
4. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public right-of-way.

Article VII: Signs

Section 701: Purpose

The intent of this Article is to encourage the use of various types of signs as a means of identification in Wilkinsburg Borough while maintaining and enhancing the aesthetic and physical environment, community character and public safety. The purpose of this article is:

A. To require zoning approval for signs in all zoning districts subject to the standards and requirements of this Article.

B. To prohibit signs not expressly permitted by this article.

Section 702: Applicability

The regulations contained in this section shall apply to all signs in all zoning districts. No sign may be erected, placed, established, painted, created, altered or maintained except in conformance with the standards, procedures, regulations and requirements contained herein.

A. Method of sign authorization and approval. For the purposes of this Chapter signs shall be authorized for approval pursuant to the following:

   1. Authorized signs are those for which a zoning approval has been issued by the Zoning Officer following a review of an application if the application indicates compliance with this chapter.
   2. Exempt signs are signs that are authorized but that are exempt from regulation under this chapter and do not require zoning approval.
   3. Prohibited signs are those not authorized by this chapter nor exempt from regulation.

B. Accessory Uses. Signs shall be considered accessory uses (other than Outdoor Advertising Signs) on the lot or site they are located and subordinate to the principal use of the lot. Signs shall be subject to the requirements of Article III "Accessory Uses" of this Chapter in addition to the requirements of this chapter.

C. Principal Uses. Outdoor Advertising Signs (Billboards) are considered the principal use of a lot or site on which they are located and shall comply with all the requirements of this Chapter.

D. Alteration of Sign Face. The physical alteration of a sign face or supporting structure shall be considered the same as construction of a new sign which shall require zoning approval and conformity to all the requirements of this Article.

E. Signs on Public Property. Any sign installed or placed on public property or within a public right-of-way, except in conformance with the requirements of this article shall be forfeited and is subject to confiscation in addition to other remedies the Zoning Officer shall have pursuant to this Chapter.

F. Enforcement and Remedies. Enforcement and remedies of this article shall be pursuant to the provisions of Article X of this Chapter and any other enforcement or remedies pursuant to State and Federal law.

Section 703: Types of Signs

For the purposes of this section, all signs shall be classified by the following definitions:

SIGN – A name, identification, description, display, illustration or device which is affixed or represented directly or indirectly upon a Building, Structure or land and which functions as an Accessory Use by directing attention to a product, place, activity, Person, institution, or business. The following terms and definitions are associated with the Sign regulations contained in this Ordinance.

A-FRAME – A Portable Sign comprised of two separate Panels or faces joined at the top and spread apart at the bottom to form the base on which the Sign stands.

ADDRESS – The number or other designation assigned to a housing unit, business establishment, or other structure for all purposes of location, mail delivery, and emergency services

ANIMATED OR MOVING – Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation. Changeable copy signs as defined herein are not considered animated or moving signs.

ANIMATION – The movement, or the optical illusion of movement of any part of the Sign structure, design or pictorial segment including the movement of any illumination or the flashing, scintillating or varying of light intensity. Also included in this definition are Signs having “chasing action” which is the action of a row of lights commonly used to create the appearance of motion.

AWNING, CANOPY – Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

BANNER – A Sign or outside advertising display having the character, letters, illustrations, ornamentations, symbol, color or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. National, state or municipal Flags, or the official Flag of any institution or business, shall not be considered Banners.

BUILDING IDENTIFICATION – A small pedestrian oriented Sign attached to a Building, which bears only the name, number(s) and/or logo of the Building but not the tenant and which is intended to be legible only from the pedestrian ways immediately adjacent to the sign.

CHANGEABLE COPY – A sign that is designed so that characters, letters, or illustrations can be changed or rearranged manually to change the message on the sign without altering the face or surface of the sign.

CHANGEABLE COPY, REMOTE – A sign that is designed so that characters, letters, or illustrations can be changed or rearranged remotely by electronic or other means to changes the message or sign without altering the face or surface of the sign

COMBINED DEVELOPMENT – Two or more establishments or businesses occupying a common building or adjoining or adjacent buildings or buildings on adjoining parcels which are designed and developed in a coordinated manner and which may share parking, driveways and other common facilities.

COMMERCIAL MESSAGE – Any Sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

CONSTRUCTION – A temporary sign announcing the name of contractors, mechanics, or artisans engaged in performing work on the premises and only during active construction activities.

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

DIRECTIONAL, INCIDENTAL – A sign generally informational, that has a purpose secondary to the use of the lot or site on which it is located, such as "No Parking," "Entrance," "Exit," "One Way," "Loading Only," "Telephone," and other similar directives, and provided that such sign does not exceed five square feet. Directional, incidental sign shall be located only in conjunction with site drive entrances and/or internal traffic drive aisles.

ELECTRONIC MESSAGE BOARD – A Sign which displays messages, such as time and temperature, in alternating light cycles.

FLAG – Any fabric containing distinctive colors, patterns, or symbols, used as a symbol of the United States of America, the Commonwealth of Pennsylvania, or the local municipality. A flag is not a sign.

FLASHING – A sign that contains an intermittent or sequential flashing light source or has a light source which is not stationary, varies in illumination intensity, or contains elements which give the appearance of any of the aforementioned.

FREESTANDING – Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure

GOVERNMENTAL – A sign, which is owned, installed, and maintained by the Borough of Wilkinsburg, County of Allegheny, the Commonwealth of Pennsylvania, or other governmental agency.

GROUND / MONUMENT – A freestanding sign, which is completely self-supporting, has its sign face or base on the ground and has no air space, columns, or supports visible between the ground and the bottom of the sign. It shall not be attached to a Pole or Pylon, nor raised by mounting on a man-made berm, wall, or similar structure.

Pole/Pylon signs that have pole covers which extend from the base of the sign face to the ground shall not be considered Ground/Monument signs.

HOME OCCUPATION IDENTIFICATION – A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.

ILLUMINATED SIGN, EXTERENAL – A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

ILLUMINATED SIGN, INTERNAL – A sign containing a source of light contained within the sign structure or sign cabinet.

INFLATABLE – A three-dimensional object, filled with air or gas, and located in such a manner as to attract attention

MARQUEE – An integral part of the building consisting of a roof which is supported by the building and may also be supported by columns or piers, and which includes porches, porticos and porte-cocheres, but does not include canopies or awnings.

MARQUEE SIGN – A wall sign attached to a marquee.

MENU BOARD SIGN – A sign that lists for consumers the various options of products, goods, or services provided by a business.

OFF-PREMISE – A Sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said Sign is located. However, Outdoor Advertising or "Billboard" Signs shall not be considered to be Off-Premise Signs.

ON-PREMISE – A Sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises where the Sign is located.

OUTDOOR ADVERTISING (BILLBOARD) – a permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located.

PANEL – The primary surface of a Sign that carries the identifying/advertising message.

PENNANT – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

POLE/PYLON SIGN – A freestanding sign erected on a pole, poles, pylon, or pylons, or other supporting structure where the bottom edge of a sign face is installed above the

ground. Pole/Pylon signs that have pole covers which extend from the base of the sign face to the ground shall not be considered Ground/Monument signs.

POLITICAL – A sign which indicates the name, cause or affiliation of a person seeking public or elected office or on which reference is made to an issue for which a public election or referendum is scheduled to be held.

PORTABLE – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless vehicle is used in the normal day to day operations of the business.

PROJECTION – A sign, which reproduces a remote image, by optical or any other means, on any surface.

PUBLIC UTILITY – Signs in connection with the identification, operation or protection of any public utility, on the same lot therewith, provided that the total sign area on any one street frontage does not exceed 8 square feet.

REAL ESTATE SIGN – A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

RESIDENTIAL – Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this chapter.

RESIDENTIAL DEVELOPMENT IDENTIFICATION – Any sign used to identify the name of a residential development containing no commercial message and located at the principle entrances of such development

ROOF SIGN –A sign erected on or attached to a roof or a sign attached to a building that projects above the highest point on a wall that supports the roofline

SAFETY CONTROL – Public safety sign pursuant to federal, state, or local public safety regulations.

SIGN BASE – The support on which a sign face stands.

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

SIGN or SIGNBOARD – Any writing, printing, painting, display, emblem, drawing, graphic, electronic display, computerized display or other device designed to be viewed by the public, designed and intended for advertising, and the structure supporting the display.

SITE DEVELOPMENT SIGN – A sign indicating that the premises is in the process of being subdivided and/or developed for the future construction of dwellings or other buildings before any actual construction activity has begun.

STREAMER – A string or strip of miniature or full size Pennants or flags which may or may not be suspended between two points.

SUSPENDED – A Sign which is suspended from a Structure above into a vehicular or pedestrian access way, more than one foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the Building.

TEMPORARY SIGN, GENERAL – Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light material, with or without frame, displayed for a period not exceeding thirty-one (31) days. Temporary signs shall be permitted to advertise grand openings, distress sales, change in ownership; or temporary businesses which have been approved by the Planning Commission, Borough Council or Zoning hearing Board.

TIME-AND-TEMPERTURE SIGN – A sign which indicates changing time and/or temperature.

TRAFFIC CONTROL SIGN – A sign regulating traffic.

WALL SIGN – Any sign painted, attached to, or affixed to a building or structure, attached flat against the wall surface, in such a way that only one face of a sign is visible.

WINDOW SIGN – Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is temporarily affixed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

Section 704: Prohibited and Exempt Signs

A. The following signs shall be exempt from these regulations:
    1. Holiday decorations displayed for recognized state and federal holidays
    2. Official notices authorized by a court, public body or public safety official
    3. Memorial / Historical Plaques
    4. Memorial signs and tablets when cut into any masonry surface or when constructed of bronze or other sculptured materials
    5. Flags of a government organization or corporate entity
    6. Signs Authorized by the Borough such as street signs, safety control signs and traffic control signs
    7. Public Notice / Public Warning Signs
    8. Auction or garage sale signs that are temporary
    9. Address Numbering

10. Construction sign (Temporary)
11. Signs of any type placed on public or parks property by authorization of Wilkinsburg Borough.
12. Real estate signs which advertise the sale, rental or lease of the premises upon which the said sign is located when less than six (6) square feet.
13. A-Frame (sandwich board) signs shall be permitted on sidewalks provided that only one (1) such sign per premises shall be permitted. Such sign shall not obstruct pedestrian travel and shall be removed each evening upon closing. The A-Frame sign shall not exceed six (6) square feet per side.
14. Signs announcing candidacy for public office. Such signs shall not be installed on utility poles, shall not be installed more than sixty (60) days before the election to which they are relevant and shall be removed within seven (7) calendar days immediately following the relevant election day.

B. Prohibited Signs: The following signs shall not be permitted in any zoning district:

1. Flashing, blinking, animated or moving signs
2. Pennants, flags or streamers
3. Signs advertising a property for sale or rent that lists an improper use of the property
4. Signs that resemble traffic signals or any sort of traffic device
5. Signs that contain obscene or pornographic material
6. Off-Premise Sign (Other than Outdoor Advertising)
7. Projection Sign
8. Roof Sign
9. Signs on trees, utility poles, and traffic devices
10. Signs that are hazardous to public safety

Section 705: Determining Sign Area and Height

The following shall control the computation of sign area and height.

A. Computation of Area of Single-faced Signs. The area of a sign face shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

B. Computation of Area of Multi-faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot

be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

C. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

Section 706: Permitted Signs in Residential Districts; Conditions.

In the R-1, R-1S, R-2 and R-3 Residential Districts, only the following exterior signs shall be permitted. No ground or pole signs shall be permitted, except as provided for in Subsections B and H below.

A. A nameplate not exceeding two (2) square feet in area containing only the name of the resident, the title of the person practicing a profession, name of building and name of agents, or any combination of the foregoing and placed directly against a building wall.

B. A bulletin board sign (instructional or directional) not exceeding twelve (12) square feet in area erected upon the premises of an educational, philanthropic or religious institution, including a church, hospital or similar institution for the purpose of displaying the name of the institution and its activities or services, which shall be limited to one (I) such sign. Such sign shall be freestanding and located at least fifteen (15) feet back from the sidewalk which the sign faces or back from the street right-of-way if no sidewalk is present.

C. A temporary sign not exceeding six (6) square feet in area, relating only to the rental, or lease of the property on which it is displayed. No more than two (2) such signs may be placed upon any property in single and separate ownership and not more than one (1) such sign facing anyone one (1) street. Such sign shall be removed from the lot or premises within fifteen (I5) days after the last sale or completion of business. Temporary signs shall not be illuminated.

D. No sign shall be erected upon, or applied to, any roof. The term "sign" here shall not apply to a religious symbol, unaccompanied by lettering, when applied to the cornice, tower or spire of a place of worship.

E. Permitted illumination of a sign, nameplate or bulletin board shall be of a nonflashing, nonmoving, indirect type.

F. Pole signs shall be located at least fifteen (15) feet back from the street line of the premises on which same are erected or maintained, unless attached on the building.

G. Signs shall be kept in good condition and maintained so as not to create hazardous or threatening conditions to the health or safety of persons in the vicinity of said sign or cause a public nuisance. The Borough may take all lawful and proper actions necessary to revoke all permits and licenses issued for such sign and may order said sign removed or brought into compliance with the borough ordinances and regulations within thirty (30) days of the date of issuance of such notice and order, in writing, by the Zoning Officer.

H. In the R-3 Residential District only, the following exterior signs shall be permitted: a sign for each street frontage not exceeding twelve (12) square feet in area in connection with a multiple-family dwelling, an institutional home or a funeral home used to identify only the name of the structure. Such sign shall be freestanding and located at least fifteen (15) feet back from the street right-of-way.

I. Directional signs as specified elsewhere in this chapter.

Section 707: Permitted Signs in all non residential districts; Conditions.

In the CBD, MU, INST, IND, TOD and C-1 Districts, only the following signs shall be permitted.

A. Any sign permitted in any residential districts and subject to any stated condition for said residential district sign.

B. Wall sign. A wall sign attached to or on a front or a side wall of a building and with face projecting not more than 12 inches there from, so erected that no portion of the sign is less than nine feet above the entrance grade. The sign shall not extend beyond the side edges of any wall in either direction nor shall the sign extend above the roof line of buildings having flat roofs, the deck line of buildings having mansard roofs or the gutter line of buildings having gable, hipped or gambrel roofs. If the sign does not project from and is flush with the wall of the building, it shall not be required to conform to said nine-foot height above entrance grade. The sign shall identify the owner of or enterprise conducting the business, the business engaged in or upon the premises or products or services sold or any combination thereof. It may be an illuminated sign, provided that it is nonflashing and nonmoving. No wall sign shall cover wholly or partially any wall opening. The size of business or identification wall signs permitted immediately above shall be limited as follows:

    1. A permitted wall sign (or signs) shall not exceed the greater of one (1) square foot multiplied by the width in feet of the principal building frontage or a maximum of 50 square feet per principal use. Where a building has frontage on more than one public road the owner, occupant or agent may erect a sign on each wall with frontage with each sign meeting the square footage requirements of this section, provided that all other provisions of this section are observed.

C. Ground/Pole sign.

    1. Ground/Pole signs are not permitted in the public right-of-way.
    2. The building setback line shall be the location standard for ground/pole signs. In no case shall a setback of fewer than fifteen (15) feet from the street right-of-way line be permitted. Ground/pole signs shall also be located a minimum of five (5) feet from any building and ten (10) feet from any side property line.

3. For signs over ten (10) square feet in area, an additional one (1) foot of separation from adjacent side property lines shall be required for every ten (10) square feet of sign area
4. The square foot area of ground/pole signs shall be limited to one (1) square foot of sign area for every one (1) linear foot of property frontage on a public right-of-way; but no ground sign shall be permitted to exceed an area of sixty (60) square feet for each side.
5. The maximum height of a ground/pole sign shall be thirty (30) feet. The minimum height of the bottom edge of any ground/pole sign shall be ten (10) feet except when it is erected as a monument sign.

D. When property is occupied by a business without a building, one permanent identification sign not exceeding 40 square feet. Such sign shall be located at least 15 feet back from the street right-of-way.

E. Wall plaques. Wall plaques shall be all signs extending no more than 1 1/2 inches from the walls to which they are attached. The edges of wall plaques shall be rounded, tapered or treated in any other manner, satisfactory to the Zoning Officer that will render them harmless to pedestrians.

1. There shall be no minimum height above ground level for wall plaques.
2. Wall plaques shall have a maximum sixe of three square feet.

F. Signs mounted perpendicular to the wall surface (including those over the public right-of-way)

1. Signs mounted perpendicular to the wall surface to which they are affixed shall have their bottom edge at sufficient height above the ground or other supporting surface as to assure no interference with pedestrian or vehicular traffic under or around the sign, and in any event at a height not fewer than ten (10) feet.
2. When extending over a vehicular cartway, the minimum height above ground or cartway shall be fifteen (15) feet.
3. Signs mounted perpendicular to the wall surfaces shall not protrude more than eight (8) feet beyond the wall surface to which they are attached.
4. Signs mounted perpendicular to the wall surface shall be limited to a maximum area of thirty-two (32) square feet.

G. Temporary signs.

1. Temporary signs shall be located a minimum of fifteen (15) feet from any property or right-of-way lines and shall comply with all other height and location requirements of the category of permanent signs which they emulate. Temporary signs must be located on the same lot as the use which they advertise.
2. All temporary signs shall be attached to a building or the ground in a manner satisfactory to the Zoning Officer, in protecting the public health, safety and welfare.
3. Temporary signs shall be a maximum of thirty-two (32) square feet in area.

4. The sign permit shall be attached to temporary signs for the duration of the permitted use and easily visible from the street.

H. Window Signs.

1. Window signs shall be permitted to be installed on the inside of the window of non residential structures only.
2. Window signs shall not cover more than twenty-five (25) percent of the glazing of any window.
3. The copy of a window sign shall be designed to communicate information about an activity, business, community event or a sale or service offered.
4. Window signs shall not be permanently affixed to a window or windowpanes.

I. Advertising on awnings and canopies.

1. Shall be limited in size to a maximum of fifty percent (50%) of the allowable size of the wall sign permitted on the same structure. Such signage shall only include the name and/or logo of the business, industry or pursuit conducted therein.
2. Canopies shall comply with the height requirements of projecting signs as identified in this article.

J. Marquee signs. Marquee signs may be attached only to the front and sides of marquees and shall not project beyond the edges or the bottom of the marquee, nor extend more than ten (10) inches horizontally from the surface of the marquee.

K. Directional signs as specified elsewhere in this chapter.

Section 708: General Regulations

A. All applications for permits for construction, installation, maintenance, repair and/or modification of signs of any type or nature shall be submitted for review and approval or denial by the Borough Zoning Officer, prior to commencement of any activity or work by the applicant or the applicant's representative or delegate concerning installation, construction or modification of such sign. The provisions of this section and all of its subsections shall apply to, but are not limited to all replacement signs, new signs, changes or alterations to existing signs or signs which must be relocated for any reason.

B. A site plan or sketch, drawn to scale, shall be submitted to the Zoning Officer and shall depict the lot and building upon which the proposed sign will be located, and shall show all other buildings and structures located on said lot and their relationship to said sign. Information submitted to the Zoning Officer shall also include an application for sign permit, a written description of the materials and manner of construction and mounting of the sign, a description of the information and visual material to be included on all surfaces of the sign, a description of the illumination, if any, of the sign and one (1) or more photographs of the proposed sign location from each approach from which the sign will be visible.

C. Permit required. A permit shall be obtained from the Borough Zoning Officer, subject to filing the permit application and supporting information described above in this section and subject to payment of the required established fee, prior to the construction, alteration, modification or moving of any exterior sign. No exterior sign established before the effective date of this chapter, shall be (except when ordered by an authorized public officer as a safety measure) altered in any respect, or moved, unless it be made to conform with the provisions of this chapter.

D. Signs not to constitute traffic hazard. No sign or other advertising structure as regulated by this chapter shall be erected in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "Stop," "Look/," "Drive-In, "Danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

L. Material and construction. All signs shall be securely built, constructed and erected in compliance with all regulations and requirements of the relevant building codes, and in addition:

1. The Zoning Officer may require calculations by an architect or engineer certifying the stability of a sign, with reference to dead load and wind stress capabilities when a sign is over twenty-five (25) square feet in area or in the case of a ground sign whose height is greater than ten (10) feet or a sign which weighs in excess of one hundred (100) pounds.
2. Any sign damaged by inclement weather shall have proven itself unsafe and may not be restored in kind without engineering data as required above.

M. Illumination and animation.

1. All illuminated signs shall be inspected by the authorized electrical inspection agency of the Borough of Wilkinsburg during construction to verify compliance with the adopted electrical code of the Borough of Wilkinsburg.
2. Illuminated signs shall be nonflashing and nonglaring and shall be illuminated in a manner to prevent glare and reflection to a public street or adjacent properties.
3. All signs shall be nonanimated with no exterior moving parts.

N. Maintenance.

1. Any sign regulated by this chapter shall be maintained in the proper structural and aesthetic condition by the owner or tenant.
2. If a sign no longer advertises a bona fide business or other activity conducted on the premises, it shall be taken down and removed by the owner, tenant or by the entity having the beneficial use of the sign and the building within thirty (30) days of the termination of such business or other activity.

O. Permit fees.

1. A permit shall be obtained for the installation of all signs not exempted by this chapter.

2. The applicant shall pay a permit fee as specified by the borough.

P. Liability insurance (applicant). Any sign which project or hang over the public Right of Way (ROW) shall be required to carry liability insurance in accordance with the following:

1. All applicants for permits to install and maintain signs in the borough and the owners of all such signs, now installed and maintained in the borough where such sign project over the public ROW, are hereby required and directed to procure a public liability insurance policy, providing complete third-party coverage for the benefit of the Borough of Wilkinsburg with a reputable insurance company approved by the Pennsylvania Insurance Commissioner. Said policy shall provide coverage for not fewer than five hundred thousand ($500,000.) dollars for injury to one (1) person and not fewer than one million ($1,000,000.) dollars for injury to more than one (I) person and not fewer than one hundred thousand ($100,000.) dollars for damage to property against any loss, injury or damage that may hereafter be caused, directly or indirectly, by and in the installation or maintenance of any overhanging sign. Such public liability insurance policy shall be continued in force for the life of the sign.

2. A copy of each such policy or a certificate of such insurance shall be kept in the office of the Borough Secretary. Certificates of renewal of such certificates shall be delivered to the Borough Secretary not fewer than ten (10) days prior to the renewal date. Where such renewal certificates have not been so delivered, the Building Inspector is directed to order the sign removed immediately. No permit shall be issued for such sign until compliance with this section.

Section 709: Outdoor Advertising Signs

Outdoor advertising signs may be authorized by the Council as a conditional use only in the IND and C-1 Industrial Zoning District upon a finding that compliance with the requirements of this chapter, as well as the following specific criteria, have been met by the applicant:

A. The submission by the applicant of a land development application, which shall contain the information, maps, plans and narrative and graphic materials set forth in the Wilkinsburg Borough Subdivision and Land Development Ordinance.

B. The portion of any lot upon which the outdoor advertising is to be located shall contain a minimum of 5,000 square feet in area.

C. All outdoor advertising signs shall contain only one face for the display of lettered, written, printed, pictorial, or sculpted matter on only one side of its structure, and such face shall be oriented to be viewed from only one direction of travel from the nearest adjacent roadway (cross roadway viewing shall not be permitted).

D. The display area upon the face of an outdoor advertising sign shall be a maximum of 300 square feet (12 feet by 25 feet), and all portions of any display shall fit within such area with no extensions beyond the edge of the outdoor advertising sign's framework.

E. All utility lines serving the outdoor advertising sign, or those extended to provide such service, must be installed completely underground. Such requirement may be waived if

the outdoor advertising sign is powered by nontraditional alternative energy sources (for example solar power).

F. All outdoor advertising signs shall be set back from the below described items as follows:

1. From a roadway intersection: 300 feet.
2. From any other outdoor advertising sign (whether such is located in the Borough of Wilkinsburg or otherwise) on the same side of the roadway: 1,200 feet.
3. From any other outdoor advertising sign (whether such is located in the Borough of Wilkinsburg or otherwise) on the opposite side of the roadway: 600 feet.

G. The maximum height of outdoor advertising signs shall not exceed 30 feet, as measured from the grade of the roadway from which the advertising message is principally visible, and the bottom edge of the outdoor advertising sign shall be no more than eight feet above the elevation of the adjacent roadway, which height shall be sufficient to prevent unauthorized access upon the outdoor advertising sign.

H. A buffer yard shall be required between outdoor advertising signs and any adjacent lot(s). For the purposed of establishing the required buffer yard Outdoor Advertising Signs shall be considered a commercial use.

I. Outdoor Advertising signs are considered as the principal use of a lot or site and as such the land area utilized for an outdoor advertising sign shall not be otherwise required to support another use upon such lot, including, but not limited to, buffer yard, parking area or setback necessary to any preexisting use upon such lot.

J. All displays on the face of outdoor advertising signs shall be stationary, and no animated, sequential, flashing, moving, or oscillating signs or displays shall be permitted.

K. Illumination of the display shall be designed so that it shall be focused on the face of the display itself so as to prevent glare upon the surrounding area. All sources of illumination shall be external and equipped with shields to prevent spillage of light off the display.

L. Except as otherwise may be specified herein, all development of outdoor advertising signs shall comply with the provisions of the subdivision and land development ordinance and this Chapter.

M. All outdoor advertising signs (including any and all supporting structures thereof) shall be dismantled and removed from the premises upon which they are located within 180 days of there cessation of use.

N. All outdoor advertising signs shall be constructed to all applicable structural standards for such devises, and all applications for the conditional use approval shall verify compliance with such standards as documented and sealed by a registered engineer.

O. All outdoor advertising signs shall be maintained by their owner in a state of repair so that they are as safe and as functional as when originally installed.

P. No outdoor advertising sign shall be constructed or erected until an applicant thereof has made an application for same (which shall include a copy of a written lease for use of the land if the applicant is not the owner thereof) and paid the applicable fee thereof (as set by separate ordinance or resolution of the Council) and received a permit thereof from the Borough of Wilkinsburg.

Q. Outdoor advertising shall be required to obtain any necessary permit from and to conform, in all respects, to any regulation thereof promulgated by an agency of the Commonwealth of Pennsylvania, including, but not limited to its Department of Transportation.

R. When changeable light emitting diode (LED) lighting is utilized to create the sign face, such lighting shall automatically adjust the LED light levels of the sign face to account for the ambient lighting so as not to create significant glare or a measurable footcandle level of 0.5 or greater, as such level is measured at the road right-of-way line or adjacent property line.

Article VIII: Planned Residential Development

Section 801: Purpose

A. Purpose: It is the purpose of this section to establish regulations and controls for the use of land and structures, areas of lots, bulk of buildings, amount and kind of open space, land, the provision of off-street parking and other similar accessory regulations in a Planned Residential Development in accordance with guidelines set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended. Planned Residential Development is designed to provide for developments incorporating a single type or variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or it may have common building sites. Further, Planned Residential Development is intended:

1. To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings.
2. To encourage a more efficient use of land and of public service.
3. To provide a procedure which can relate the type, design and layout of residential development to the particular site.
4. To encourage a pattern of development which is innovative and may not otherwise be allowable under current zoning standards.

Section 802: Procedure for Approval

A. Authority. The Borough shall hear and decide requests for planned residential development in accordance with the provisions of this chapter and the procedures and regulations of this ordinance

B. Compliance. No proposed Planned Residential Development may be approved or recorded, and no lot of the proposed Planned Residential Development may be sold or any structure built, altered, moved or enlarged in any proposed Planned Residential Development unless and until the proposed Planned Residential Development plan has been shown to meet all requirements of all applicable codes and ordinances of the Borough, including but limited to this Chapter (Zoning), the Wilkinsburg Borough Subdivision and Land Development Ordinance and uniform construction code

C. Relationship to Borough Subdivision and Land Development Ordinance. All provisions of the Subdivision and Land Development Ordinance, which are not specifically modified by the Borough in approving a planned residential development, shall apply to any planned residential development involving subdivision or land development with the exception of the following:

1. Application procedures.
2. Review and approval process.

D. Application Procedure, General. An application for development of a planned residential development is governed by and follows the procedure of Article VII of the MPC, 53 P.S. § 10701 et seq. The applicant shall submit all applications to the Zoning Officer.

E. Pre application Conference (Optional).

1. Purpose. Before submission of an application for tentative approval, the applicant is strongly encouraged to have a meeting with the Planning Commission, Municipal Engineer, Zoning Officer, the Building Official, and such other personnel as may be necessary to determine the feasibility, suitability and timing of the application. The intent of this step is for the applicant to obtain information and guidance from the Borough personnel before entering into any commitments or incurring substantial expenses with regard to the site and the PRD plan preparation.

F. Tentative Approval.

1. Application Content. An application for tentative approval of a planned residential development shall include the following:

a. One copy of the application form, provided by the Borough, and completed by the applicant.
b. Application fee for tentative approval of a planned residential development.
c. Maps and information required by Subdivision and Land Development Ordinance, Preliminary Application Contents, which shall show compliance with Subsection (4) of § 707 of the MPC, 53 P.S. § 10707(4), and shall provide information to determine the location and size of the common areas and common open space and the form of the organization proposed to own and maintain the common areas for any planned residential development.
d. Plans and information documenting compliance with Subsections (4) and (5) of § 707 of the MPC. Such plans and information shall indicate reasons why the planned residential development is consistent with the Comprehensive Plan and is in the interest of the Borough. Requested modifications to the Code otherwise applicable to the site shall be cited.
e. Total number of lots for each type of residential use.
f. Residential density. The total number of dwelling units, and for each type of residential use, the percentage in relation to the total number of residential dwelling units.
g. Gross land area percentage for nonresidential uses. The acreage of each type of nonresidential use, square footage proposed, and location of areas proposed for nonresidential uses.
h. General vehicular and non-vehicular patterns including all points of access to the site for the entire PRD. Including a map designating streets types and identifying those proposed for public dedication.
i. Location and dimensions of streets and rights-of-way of the proposed street network. A street specification document shall be provided as part of the tentative plan if new streets are proposed with the PRD.

j. Boundaries and conceptual depiction of the location and proposed use in each area of the development which includes depictions of residential and nonresidential uses.
k. A narrative that describes the proposed covenants, restrictions and development standards and the proposed community association documents or a draft of such documents.
l. Location of proposed public utilities including improvements that will be owned, operated, and maintained by a property owners association.
m. A plan for providing storm water control. The plan for stormwater management facilities shall be accompanied by an analysis and discussion of anticipated storm water management methods.
n. A plan for providing street lighting, street trees, sidewalks, and pedestrian or bicycle trails as proposed and/or required by this ordinance or the subdivision and land development ordinance of the Borough.
o. Such other data as is reasonably found necessary by the Planning Commission and/or Council.

G. Planning Commission Review and Comment. The Planning Commission shall review and discuss the proposed PRD at an open meeting and take public comments on the proposed application for tentative approval; the Planning Commission shall make a written recommendation to the Council on any application for tentative approval of a planned residential development. The Planning Commission shall set forth the reasons for its recommendation that the proposal be either approved or denied.

H. Allegheny County Planning Department Review and Comment. At least 30 days before the public hearing, applicant shall submit the application for tentative approval of a planned residential development to the Allegheny County Planning Department for review and comment as required by the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.

I. Public Hearing. The Borough shall hold a public hearing on the application for tentative approval in accordance with § 708 of the MPC, 53 P.S. § 10708. The Borough shall cause notice of the public hearing to be given as required by law.

J. The Borough shall consider whether proposed modifications in any of the requirements of this chapter for each zoning district, contained in an application for development of a planned residential development will make for a more efficient, attractive and harmonious planned development. If such modifications, in the judgment of the Borough, constitute a more beneficial use of the site than provided for under the requirements of the zoning district in which the site of the planned development is located, the Borough, in its sole discretion, may grant the approval of the plan with modifications to the underlying zoning district requirements subject to the following:

1. Authorized uses shall be limited to those specified for the given zoning district in which the site is located.

2. No modifications shall be given for density that exceed the density established in the underlying zoning district in which the proposed PRD is located. However, a density incentive of an additional ten percent (10%) above the base density established in the underlying zoning district may be granted in the sole discretion

of the Borough if the development provides a unique design and meets current housing needs of the Borough.

3. All common open space shall be reserved as permanent open space.
4. Provisions for all planned residential developments shall be in accordance with the laws of the Commonwealth of Pennsylvania for planned residential developments.
5. No modification shall be granted for any construction, development, use or activity within any Floodplain Areas, which would cause any increase in the one-hundred-year flood elevation.

K. Findings. The Borough shall make findings in accordance with § 709 of the MPC, 53 P.S. § 10709.

L. Official Written Communication. The official written communication of findings shall be certified by the Borough Secretary and a certified copy shall be mailed to the landowner and developer in accordance with § 709 of the MPC, 53 P.S. § 10709.

M. Status of Plan after Tentative Approval. The status of a plan after tentative approval shall be in accordance with § 710 of the MPC, 53 P.S. § 10710.

N. Final Approval.

1. Submission of Application. The application for final approval of a planned residential development shall be submitted within six months after tentative approval, unless the Borough grant an extension upon written request of the developer to a date not to exceed 18 months from the date of tentative approval. However, planned residential developments proposed in phases shall have applications for final approval made pursuant to the phase schedule set forth in the official written communication of the findings of the Borough with respect to tentative approval
2. Application Content. An application for final approval of a planned residential development shall include the following:
    a. Three (3) copies of application form provided by the Borough and completed by the developer.
    b. Application fee and review fees for final approval of a planned residential development.
    c. Maps and information with the same number of copies as required by Subdivision and Land Development Ordinance, Final Application Content.
    d. Ten (10) copies of final drawings including floor plans and elevations for all structures and buildings, other than residential dwellings; prepared by an architect, including all proposed signs, all exterior illumination and all outside storage areas.
    e. The final plat for the planned residential development shall contain those items approved in the application for tentative approval and the items in Subdivision and Land Development Ordinance.
3. Seven copies of a development schedule showing:

a. The order of construction of the proposed sections delineated in the final development plan.
b. The proposed date for the beginning of construction on said sections.
c. The proposed date for the completion of construction on said sections.
d. The proposed schedule for the construction and improvement of the common areas.
e. Two copies of deed restriction proposals to preserve the character of the common areas.
f. If the developer elects the association or nonprofit corporation method of administering common areas, the proposed bylaws of the association or the certificate of incorporation and the incorporated bylaws of the nonprofit corporation.
g. If the developer elects the condominium method of ownership of common areas, the proposed declaration of condominium bylaws and related documents.
h. Instruments dedicating all public and private rights-of-way, easements, and other public lots shown on the final development plan from all persons having any interest in said lots.
i. Improvement Security. The developer shall guarantee the installation of the private and public improvements specified in the final development plan by providing an improvement security in the amount of 110% of the estimated cost of construction of the private and public improvements as determined in accordance with § 509 of the MPC, 53 P.S. § 10509.
j. Two copies of tax receipts. Paid receipts from the taxing bodies indicating taxes have been paid in full up to and including the current period.

4. Planning Commission Review and Recommendation. The Planning Commission shall examine the application and determine if the application meets the criteria and includes the items required and if the application for final approval complies with the conditions of tentative approval, if any. The Planning Commission shall forward its written recommendation to the Borough for final approval, setting forth its findings and reasons.

5. Action on Application for Final Approval. Action on the application for final approval shall be in accordance with § 711 of the MPC, 53 P.S. § 10711.

6. Recording of Final Development Plan. Recording of the final development plan shall be in accordance with § 711(d) of the MPC, 53 P.S. § 10711(d). The time for recording of a final development plan granted final approval by the Borough shall be governed by the provisions of the Subdivision and Land Development Ordinance

7. Zoning Approval. No zoning approval for construction or erection of structures or for occupancy and use shall be issued until the final development plan has been approved and recorded. Upon proof of recording and certification of final approval by the Borough, a zoning approval shall be issued by the Zoning Officer.

O. Procedure for Approval of Amendments to Planned Residential Developments after Final Approval and/or Recording. Any amendment to a planned residential development submitted after final approval for recording which does not violate any of the conditions

or requirements of the tentative approval or of the zoning district classification may be approved at an open meeting of the Borough after recommendation by the Planning Commission. Amendments involving substantive changes or modifications to conditions shall require a public hearing in the same manner as for an application for tentative approval of a planned residential development. Upon approval of the amendment, the recorded final development plan shall be amended and rerecorded to conform to the amendment.

P. Completion and Acceptance of Public Improvements. Upon completion of the public improvements in a final development plan, the provisions of the Subdivision and Land Development Ordinance shall apply and govern the completion and acceptance of public improvements.

Q. Release of Improvement Security. The release of the improvement security required under this ordinance shall be governed by the Subdivision and Land Development Ordinance, and the acceptance of public improvements and the required maintenance security shall be governed by the Subdivision and Land Development Ordinance.

R. Remedies to Effect Completion. The remedies available to the Borough to effect completion of public improvements shall be governed by the Subdivision and Land Development Ordinance.

S. Uniformity with the Subdivision and Land Development Ordinance. The provisions of the preceding sections are intended to make uniform the requirements of this chapter and the Subdivision and Land Development Ordinance. Whenever the provisions of the Subdivision and Land Development Ordinance are amended, those amendments shall be incorporated into this chapter as of the effective date of the amendment.

Section 803: Standards for Planned Residential Developments (PRDs)

A. Types of Planned Residential Development. Planned Residential Developments in the Borough of Wilkinsburg shall be categorized into two (2) separate types of classes.

   1. Type I - Those Planned Residential Developments that are of sufficient size, more than five (5) acres, with no Commercial, and being located in any residential district and developed as a separate entity. Any accessory use permitted by this ordinance shall be located in the center of the Planned Residential Development and not on the perimeter so as to interfere with the residential usage of adjacent property unless it border equivalent area.

   2. Type II - Those Planned Residential Developments that are of sufficient size - more than ten (10) acres, and being located in any residential district and developed as a separate entity. Type II PRD's may contain commercial uses as provided for in this Article, however in no case shall the commercial area be equal to more than ten (10) percent of the gross property acreage.

B. Site Requirements. The site for any Development Plan shall meet the following requirements:

   1. Applicant - the entire site for the Development Plan shall be owned or controlled by the Developer.

2. Minimum Size - the site shall not be less than five (5) acres for Type I or not less than ten (10) acres for Type II.
3. Access - The site must provide for direct access from existing streets per official Borough of Wilkinsburg Road Map to assure convenient and safe access which will not cause undue congestion or hazard on local streets.
4. The site shall be of such a character so as to avoid danger to health or peril from fire, flood, or other hazard.

C. Natural Features. Existing natural features, such as trees, steep slopes, watercourses, historic assets and similar irreplaceable assets, shall be preserved insofar as possible through harmonious design of the Development Plan.

D. Permitted Uses. The following uses may be permitted in a development plan provided their design, arrangement, landscaping, and construction meet the requirements set forth in this ordinance.

1. In each of the residential districts, the following use types are permitted: single-family dwellings, two-family dwellings, townhouses/multifamily dwellings, and like structures.
2. Commercial Uses – Commercial uses are only permitted in Type II Planned Residential Developments. Uses allowed in the MU Mixed Use district shall be permitted in conjunction with Type II PRD's. All provisions of the MU district, including bulk and area requirements shall apply in establishing commercial uses in a Type II PRD. In no case shall the commercial area of a Type II PRD exceed ten (10) percent of the gross property acreage of the PRD.

E. Permitted Density. The maximum number of dwelling units permitted shall be the same as the underlying zoning district unless a density incentive of a maximum of ten percent (10%) is granted by the Borough. Minimum lot sizes of the underlying zoning may be modified in a PRD however the density that would be the result of the underlying zoning district shall be the base density for the purpose of developing a PRD.

F. Building Spacing: The requirements determining the spacing of buildings shall be as flexible as possible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air and emergency access.

G. Minimum Building Setback: No structure used for dwelling purposes shall be located closer to any boundary of the site than fifteen (15) feet. No accessory structure and no facility for off-street parking shall be located in this required setback area.

H. Building height. Building height shall comply the requirements of the underlying zoning district.

I. Off Street Parking. Off-street parking spaces shall be provided in accordance with the specifications of Article VI of this Chapter.

J. Streets. Street design and construction shall comply with the street design and construction specifications of the Subdivision and Land Ordinance

K. Storm Drainage. The construction of a storm drainage system shall conform to the regulations of the Subdivision and Land Development Ordinance.

L. Sidewalks and Pedestrian Walkways. Sidewalks shall be required on both sides of all streets. In addition pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. All sidewalks and walkways shall have a width of not less than four (4) feet.

M. Water Supply. All uses within the proposed development shall be connected to the Public Water system.

N. Sewers. All uses within the proposed development shall be connected to the Public Sewer system.

O. Utilities. All utilities located within the Planned Residential Development shall be located underground.

P. Trees. Trees shall be planted along all streets. The location and types must meet the approval of the Planning Commission.

Q. Signs. See Article VII.

R. Common Open Space:

1. Common Open Space: Common open space if provided as part of the PRD shall be dedicated or otherwise preserved and maintained so as to always remain open and available for use by the occupants of the development area.
2. Ownership: Any of the following methods may be used, either individually or together, to preserve, own, and maintain common open space: condominium, homeowners' association, dedication in fee simple, dedication of easements, and transfer of fee simple title and easements to a private conservation organization. Such land shall not be eligible for transfer to another party except for transfer to another method of ownership permitted under this section. The following specific requirements are associated with each of the various methods.
    a. Homeowners' Association - the common open space may be held in common ownership by a homeowners' association. This method shall be subject to all of the provisions for homeowners' associations set forth in this Chapter.
    b. Fee Simple Dedication - the Borough may, but shall not be required to, accept any portion of the common open space, provided (1) such land is accessible to the residents of the Borough; (2) is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and (3) Borough agrees to and has access to maintain such lands.
    c. Transfer to a Private Conservation Organization - with permission of the Borough, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Borough, or restrictive easement to a private nonprofit organization, among whose purposes is to conserve open space land and/or natural resources, provided (1) the organization is acceptable to the Borough and is a

bona fide conservation organization with perpetual existence; (2) the conveyance contains appropriate provision for proper reverter or re-transfer in event that the organization becomes unwilling or unable to continue carrying out its functions; and (3) a maintenance agreement acceptable to the Borough is reached.

d. Dedication of Easements - the Borough may, but shall not be required to, accept easements for public use of any portion or portions of open space land, title to which is to remain in ownership by condominium or homeowners' association, provided (1) such land is accessible to the residents of the Borough; (2) is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and (3) maintenance agreement acceptable to the Borough is reached.

e. Condominium - the common open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the condominium laws of the Commonwealth of Pennsylvania.

3. Specific Requirements for Homeowners' Associations: If a homeowners' association is formed, it shall be governed according to the following regulations:

   a. The developer shall provide to the Borough a description of the organization, including its bylaws and documents governing open space maintenance and use restrictions.
   b. The organization shall be established by the developers and shall be operating (with financial subsidization by the developers, if necessary) before the sale of any lots within the development.
   c. Membership in the organization is mandatory for all purchasers of homes therein and their successors.
   d. The organization shall be responsible for maintenance of and insurance on common open space. The organization also shall be responsible for real estate taxes on common open space.
   e. The members of the organization shall share equitably the costs of maintaining and developing common open space, in accordance with the procedures established by them.

S. Phasing Development:

1. Residential Phasing. The density of development within various phases of the Planned Residential Development may vary, provided each such area or portion of the Development Plan meets all requirements of this ordinance.

2. Non residential phasing: At least eighty (80) percent of the proposed residential dwelling units shall be constructed and occupied prior to the construction of any of the proposed commercial uses.

Article IX: Nonconforming Uses, Structures, and Lots

Section 901: Purpose

The purpose of this article is to regulate nonconforming uses, nonconforming buildings and structures, nonconforming lots and nonconforming signs. The zoning districts established by this ordinance are designed to guide the future use of the Borough's land by encouraging the development of desirable residential, commercial and other uses with appropriate groupings of compatible and related uses that promote and protect the public health, safety and general welfare. The regulations of this article are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate districts as well as to afford opportunities for creative use and reuse of those other nonconformities that contribute to a neighborhood.

Section 902: Nonconforming Use

A. Continuation of nonconforming use. Any lawfully existing nonconforming use may be continued so long as it remains otherwise lawful, subject to the regulations contained in this section. Ordinary repair and maintenance or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed.

B. Change of nonconforming use to conforming.

   1. Whenever any nonconforming use shall have been changed or altered so as to conform to the provisions of this ordinance or its amendments, then such nonconforming use shall no longer be nonconforming to the extent to which it then conforms to this ordinance or its amendments.

   2. The prior nonconforming use shall not be resumed; provided, however, that if a later amendment to this ordinance should make the use as so changed or altered nonconforming with its provisions then such use as changed or altered shall become a new nonconforming use to the extent of such nonconformance or noncompliance.

C. Expansion or extension of nonconforming use.

   1. No nonconforming use may be extended or expanded in any building or structure, or in or on the lot on which it is located, nor may any nonconforming use be moved to a different position upon the lot on which it is located, so as to alter the use or its location which existed at the time that the use became nonconforming.

   2. No such nonconforming use shall be enlarged or increased or extended to occupy a greater lot area than was occupied at the effective date of adoption or amendment of this chapter, unless the Zoning Hearing Board shall interpret that the enlargement or extension is necessary by the natural expansion and growth of trade of the nonconforming use. For the purposes of determining if an enlargement of expansion of nonconforming use meets this requirement the applicant shall file an application for Special Exception pursuant to the requirements of Article IV of this Chapter, The applicant must meet all the

applicable requirements and criteria of Article IV in addition to providing evidence the that the enlargement or extension is necessitated by the natural expansion and growth of trade of the nonconforming use.

3. Whenever a use district shall be hereafter changed by a duly adopted amendment to this ordinance, then any existing legal, nonconforming use of such changed district may be continued, and such use may be extended throughout the structure.

D. Abandonment or discontinuance of nonconforming uses.

1. The lawful use of the land existing at the time this ordinance or any of its amendments was adopted, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is abandoned for a period of one year, any future use of said land shall conform to the provisions of this ordinance.

2. Any subsequent use shall conform to the applicable provisions of this ordinance or its amendments and the prior nonconforming use shall not be resumed, unless in accordance with the applicable provisions of this ordinance or its amendments.

E. Nonconforming accessory uses and structures. No use, structure or sign that is accessory to a principal nonconforming use shall continue after such principal use or structure has been abandoned or removed, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.

Section 903: Nonconforming Buildings or Structures

A. Continuation of nonconforming buildings or structures. Any nonconforming building or structure which is devoted to a use which is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in this section.

B. Structural alteration of nonconforming buildings or structures. A lawful nonconforming use of a building or structure existing at the time of the adoption of this ordinance or an amendment hereto may be structurally altered. Such alteration shall not be expand its nonconformity in areas not previously occupied by the nonconforming use unless meeting the requirements of expansion and extension of nonconforming uses as required in this Chapter. No parking, yard, space or bulk nonconformity may be created or increased.

C. Changes to nonconforming buildings or structures to conforming.

1. Whenever any nonconforming building or structure shall have been changed or altered to conform to the provisions of this ordinance or its amendments in effect at the time of such change or alteration, or whenever any amendment to this ordinance shall make such building or structure conforming with the provisions of this ordinance or its amendments, then such building or structure shall remain in conformance with the applicable provisions of this ordinance or its amendments.

2. If a later amendment to this ordinance should make the building or structure as changed or altered nonconforming with its provisions, then the building or

structure as changed or altered will become a non-conforming building or structure to the extent of such nonconformance or noncompliance.

D. Damage or destruction of nonconforming buildings or structures.

1. When a building or structure is damaged or destroyed by any means not within the control of the owner, to the extent of fifty (50) percent or more of the cost of replacement of the structure, the structure shall not be restored unless it thereafter conforms to the regulations of the zoning district in which it is located. No parking, yard, space or bulk nonconformity may be created or increased.
2. When a structure is damaged or destroyed by any means not within the control of the owner thereof to the extent of forty-nine (49) percent or less of the cost of replacement of the structure new, repair or restoration of such structure may be made; provided, however, that no parking, yard, space or bulk nonconformity is created or increased.
3. In no event shall any damage or destruction to such a structure by any means within the control of the owner be repaired or restored, except in accordance with this section.

E. Expansion or extension of nonconforming buildings or structures.

1. No nonconforming building or structure may be extended on the lot on which it is located, nor may any nonconforming building or structure be moved to a different position upon the lot on which it is located, except to a position in conformity with the current codes.
2. Whenever a use district shall be hereafter changed by a duly adopted amendment to this ordinance, then any existing legal, nonconforming structure of such changed district may be continued, and such use may be extended throughout the structure.
3. Structures that are nonconforming on the effective date of this Chapter that already encroach on a required set back can extend that encroachment and not be considered an expansion of the nonconforming structure subject to the following:
   a. The structure is only extended on a parallel plane of the existing nonconforming encroachment and does not extend any closer to a property line.
   b. The extension is no more than twenty-five (25) percent of the length of the side of the existing nonconforming structure on the side of the encroachment.
   c. A determination is made by the zoning officer that there is no impact to immediately adjacent property. If any uncertainty exists regarding impacts to immediately adjacent properties the zoning officer may refer the request to the zoning hearing board for an interpretation.

F. Repairs, renovation and modernization of nonconforming buildings or structures.

1. Repairs, renovations and modernization of nonconforming buildings or structures, such as renewal or replacement of outer surfaces, windows, addition of soundproofing materials, air conditioning and repair or replacement of

structural parts or members of the building or structure shall be permitted notwithstanding other provisions of this ordinance.

2. Such repairs, renovations, or modernizations are allowed provided they do not change or alter substantially the physical configuration of the nonconforming building or structure or change its position on the ground.
3. No increase in the size of or area covered by the nonconforming use or area of the use within the building or structure is allowed except as provided for in this Chapter.
    a. The areas of nonconforming use within a building or structure may be rearranged in connection with such repairs, renovation, or modernization, provided that no enlargement or expansion of the nonconforming use occurs.

Section 904: Nonconforming Lots of Record

A. In any district in which single-family dwellings are a use by right, notwithstanding the regulations imposed by any other provisions of this ordinance, a single-family detached dwelling which complies with the yard, space and bulk requirements of the district in which it is located may be erected on a nonconforming lot adjacent to an improved street. Nothing in the requirements of this ordinance relating to lot area per dwelling unit shall be held to prohibit the erection of a single-dwelling unit upon a lot having less than the required street frontage or the area of which is less than that prescribed as the lot area per dwelling unit, provided that such lot, at the time of the passage of this ordinance, was held under separate ownership from any adjoining lots or provided that, at the time of the passage of this ordinance, a recorded plan of lots or subdivision of property shows such lot to be a separate and distinct numbered lot.

B. In any district in which single-family dwellings are not permitted, a nonconforming lot of record may be used for any use by right in the district in which it is located if land development approval is granted in accordance with the provisions of Ordinance.

Section 905: Nonconforming Signs

Continuation of nonconforming signs. Subject to the limitations and termination provisions hereinafter set forth, any lawfully existing nonconforming sign may be continued so long as it otherwise remains lawful after the effective date of this ordinance:

A. Alteration or moving. A nonconforming sign of any type may not be moved to another position or location upon the building, structure or lot on which it is located, nor may the size or area of such nonconforming sign be changed or its structure or construction changed unless such changes are to change the face of the sign.

B. Damage, destruction or replacement. Whenever any nonconforming sign has been damaged or destroyed by any means to the extent of 50% of its market value at the time of destruction or damage, such sign shall not be restored or replaced, unless it conforms to all provisions of this ordinance. Damage only to the face of a sign shall not be construed to constitute 50% of its market value, and the sign face may be replaced.

C. Abandonment. If use of a nonconforming sign is abandoned or interrupted for a continuous period of more than one hundred eighty (180) days, then such

nonconforming sign together with its panel cabinet, supports, braces, anchors, and electrical equipment shall be removed within 14 days from the end of the aforesaid period and the use of such sign shall not be resumed except in accordance with the provisions of this ordinance.

D. Health, Safety, Welfare. If any sign or supporting structure subject to the regulation of the provisions of this Chapter constitutes a threat to health, safety or welfare of the area surrounding said sign or has been constructed, installed or maintained in violation of any provision of this chapter, the Borough Zoning Officer shall give written notice to the person or entity who owns or is maintaining such sign. If the owner or entity maintaining such sign fails to modify the sign so as to comply with the provisions of this Article within twenty (20) days after the date of said written notice from the Zoning Officer, then the Zoning Officer and other borough officials shall take steps as necessary to promptly have said sign brought into compliance with this Chapter up to and including removal of the sign to comply with this Chapter.

Section 906: Registration of Non-Conformity

In the course of administering and enforcing this chapter and reviewing applications for zoning certificates, temporary use permits, sign permits or variances, the Zoning Officer may register nonconforming uses, nonconforming structures and nonconforming lots as they become known through the application and enforcement process. Registration and proof of nonconforming uses, structures and lots shall be the burden of the property owner.

Article X: Administration and Enforcement

Section 1001: Applicability

A. It shall be unlawful to use or occupy any structure or lot or part thereof until zoning approval has been issued by the Borough. Further, no structure shall be erected, added to or otherwise have any structural alterations made to it until zoning approval has been issued by the Borough. No zoning approval shall be issued until prior approvals and requirements of this chapter and the Subdivision and Land Development Ordinance, have been complied with, including but not limited to conditional use, use by special exception and recording of the final plat of a subdivision or land development. Any zoning approval issued in conflict with the provisions of this chapter shall be null and void.

B. Zoning approval shall state that the proposed use of the structure or lot conforms to the requirements of this chapter. Any change in use category shall require the requisite approval as set forth Article 3, District Regulations and the Tables of Authorized Uses

Section 1002: Repairs and Maintenance

Repairs and maintenance – Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure shall not by themselves be regulated by this ordinance.

Section 1003: Authorization of Types of Uses

A. Permitted by right uses. The Zoning Officer shall issue a permit under this chapter in response to an application for a use that is permitted by right if it meets all of the requirements of this chapter.

B. Special exception use or application requiring a variance. A permit under this chapter for a use requiring a special exception or variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.

C. Conditional use. A permit under this chapter for a use requiring conditional use approval shall be issued by the Zoning Officer only after the Borough Council grants conditional use approval.

Section 1004: Permits Required

A Zoning permit for use and occupancy shall be required prior to use or occupancy of any structure or lot or part thereof throughout the Borough. A permit shall be applied for on forms supplied by the Borough and submitted to the Zoning Officer.

Section 1005: Enforcement

If it appears to Wilkinsburg Borough that a violation of this Zoning Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

A. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

B. The enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Borough of Wilkinsburg intends to take action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Wilkinsburg Borough Zoning Hearing Board within 30 days of the mailing date of the notice in accordance with procedures set forth in this chapter.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, and upon being found liable therefore in a civil enforcement proceeding, shall pay a judgment of not more than $500, plus all court costs, including reasonable attorney fees incurred by the Borough.

Section 1006: Causes of Action

A. In case any building, structure, landscaping, sign or land is or is proposed to be erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this chapter, the Borough Council or, with the approval of the Borough Council, an officer of Wilkinsburg Borough or any aggrieved owner or tenant of real property who shows that his property or person will be substantially effected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structured, landscaping, sign 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 Wilkinsburg Borough, by certified mail, at least 30 days prior to the time the action is to begin by serving a copy of the complaint on the Borough Council of Wilkinsburg Borough. No such action may be maintained unless such notice has been given.

B. Jurisdiction. Magisterial district judges shall have initial jurisdiction over proceedings brought under section 1007.

Section 1007: Enforcement Remedies; Violations and Penalties

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by Wilkinsburg Borough, pay a judgment of not more than $500, plus all court costs, including reasonable attorney fees

incurred by Wilkinsburg 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, Wilkinsburg 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 chapter to have believed that there was no violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice; and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this ordinance shall be paid to Wilkinsburg Borough.

B. The Court of Common Pleas of Allegheny County, upon petition, may grant an order or stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than Wilkinsburg Borough the right to commence any action for enforcement pursuant to this section.

Section 1008: Fees

The Borough Council shall establish and revise, from time to time, a schedule of fees by resolution, as well as a collection procedure, for all applications submitted under the provisions of this chapter. The schedule of fees shall be available to the public from the Zoning Officer or Borough Manager.

Section 1009: Amendments

The regulations and provisions of this chapter may be amended from time to time, upon recommendation of the Planning Commission or the Borough Council, or by application of an effected party.

A. Enactment of Amendments. Zoning amendments procedures shall adhere to the requirements of § 609 of the MPC, 53 P.S. § 10609.

B. Public Hearing. The Borough Council shall hold a public hearing on a proposed amendment pursuant to public notice before voting on enactment of an amendment. The Borough Council shall by motion adopted at a public meeting, fix the time and place of a public hearing on the proposed amendment and cause public notice to be given. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

C. Planning Commission Review. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit the amendment to the Planning Commission at least 30 days prior to the hearing on the proposed amendment for recommendations.

D. County Planning Review. At least 30 days prior to the public hearing on the amendment by the Borough Council shall submit the proposed amendment to the County Planning for recommendations.

Section 1010: Zoning Officer

A. Appointment. The Zoning Officer(s) shall be appointed by the Borough Council pursuant to qualifications that may be established by such Board. The Zoning Officer shall not hold any elective office within the Borough

B. Duties and powers. The Zoning Officer's duties and powers shall include the following:

1. Administer this chapter in accordance with its literal terms, including to receive and examine all applications required under the terms of this chapter, and issue or refuse permits within the provisions of this chapter;
2. Conduct inspections to determine compliance, and receive complaints of violation of this ordinance;
3. Keep records of applications, permits, certificates, written decisions, and variances granted by the Zoning Hearing Board and of enforcement orders, with all such records being the property of the Borough and being available for public inspection;
4. Review proposed subdivisions and land developments for compliance with this chapter;
5. Take enforcement actions as provided by the Pennsylvania Municipalities Planning Code;
6. Maintain available records concerning nonconformities, provided that the Borough is not required to document every nonconformity; and
7. Serve such other functions as are provided in this ordinance.

Article XI: Zoning Hearing Board

Section 1101: Membership

A. Appointment. The membership of the Zoning Hearing Board shall consist of five (5) residents of the Borough appointed by motion of the Borough Council. Their terms of office shall be five (5) years and shall be so fixed that the terms of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the municipality.

B. The Borough Council may appoint by motion at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the board. The term of office of an alternate member shall be three (3) years. Alternates shall hold no other elective or appointive office in the Borough. Any alternate may participate in proceedings or discussions of the board but shall not be entitled to vote as a member of the board nor be compensated unless designated as a voting alternate member pursuant to the following process:

    1. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum.

    2. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case.

    3. Designation of an alternate shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. Vacancies. Appointments to fill vacancies on the Board shall be for the duration of the unexpired portion of the term only.

D. Removal of members. Any member of the Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Council. No vote shall take place until such time as the member has received a fifteen (15) day 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.

E. Compensation. Members of the board may receive compensation for the performance of their duties as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council. Alternate members may receive similar compensation when designated to participate in hearing as specified above.

Section 1102: Organization

A. Conduct of the Board. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. The Board may appoint a hearing officer from its own membership to conduct the hearing on its behalf, and the parties may waive further action by the Board and accept the decision or findings of the hearing officer as final, as provided in Section 908 of the Municipalities Planning Code.

B. Establishment of procedure. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and the laws of the Commonwealth. The Board shall maintain full public records of its business.

Section 1103: Expenditures; Fees

A. Expenditures. Within the limits of funds appropriated by the Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

B. Fees. An applicant before the Zoning Hearing Board shall deposit with the Zoning Officer the appropriate filing fee. Fees shall be established by resolution of the Council.

Section 1104: Powers and Functions

The Zoning Hearing Board shall function in strict accordance with and pursuant to the Municipalities Planning Code and shall have the following powers:

A. Appeals from the Zoning Officer. The Board shall hear and decide appeals where it is alleged that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map of the Borough or any valid rule or regulation covering the duties of the Zoning Officer.

B. Special exceptions. The Board shall hear and decide requests for special exceptions authorized by this chapter in accordance with the standards and criteria set forth in this section and Article IV of this Chapter. The Board may attach such reasonable conditions and safeguards as it may deem necessary.

C. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this chapter create unnecessary hardship on an applicant when applied to a tract of land. In granting a variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary.

D. Validity of the Zoning Ordinance. The Board shall hear and make findings on challenges to the validity of any provision of this chapter with respect to substantive questions.

E. Jurisdiction in the maters as granted by section 909.1 of the Municipalities Planning Code.

Section 1105: Public Hearing Procedures

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

Filing appeals and requests to the Zoning Hearing Board - Requests for hearings before the Zoning Hearing Board shall be made as follows:

A. An appeal to the Zoning Hearing Board may be filed by the landowner affected, any officer or agency of the Borough or any person aggrieved. Such appeal shall be taken within the time as stipulated by the Municipalities Planning Code and the rules of the Board, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board all of the papers constituting the record upon The appropriate fee, established by the Borough, shall be paid in advance for each appeal or application.

B. Notice – Public notice shall be given pursuant to this Chapter and written notice shall be given to the applicant, zoning officer, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

C. Timing – A hearing shall be held within 60 days from the official application date requesting a hearing.

D. Parties to the hearing – The parties to the hearing may be any person or entity entitled to notice under Subsection B above, and any other person permitted to appear by the Board.

E. Powers of the Chairman – The Chairman or Acting Chairman of the Board, presiding, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

F. Rights of the parties – The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond, to present evidence and to argue and cross-examine adverse witnesses on all relevant issues.

G. Exclusion of evidence – Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded by the Board.

H. Record of the proceedings – A stenographic record of the proceedings shall be made by a court reporter. The appearance fee for the court reporter shall be shared equally by the applicant and the Board. Any party requesting the original transcript or a copy of the transcript shall bear the cost of the same. Copies of graphic or written material received in evidence shall be made available to any party at cost.

I. Communications – Once a formal application has been duly filed, the Board shall not communicate, directly or indirectly, with any party or his representative in connection

with any issue involved except upon notice and opportunity for all parties to participate. Further, the Board shall not take notice of any communication unless the parties are afforded an opportunity to contest the material and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

Section 1106: Decisions

A. The Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing. Where the application is contested or denied, each decision shall be accompanied by findings and conclusions, together with the reasons for such conclusions. Conclusions based on any provisions of this chapter or of any act, 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. All decisions shall be made at a public hearing.

B. Notice of the final decision shall be delivered to the applicant personally or mailed to him not later than the day following its date. The Board shall provide, by mail or otherwise, a brief notice of the decision or findings and a statement of the place where the full decision may be examined to all other persons who have filed their names and addresses with the Board no later than the last day of the hearing.

Section 1107: Standards for Review of Variance Requests

A. Required findings – The Zoning Hearing Board may grant a variance to the provisions of this chapter, provided that the findings prescribed in Section 910.2 of the Municipalities Planning Code 53 P.S. § 10910.2. are made where relevant in a given case.

B. Conditions – In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.

Section 1108: Standards for Review of Special Exception Requests

The Zoning Hearing Board shall hear and decide all requests for special exceptions, as identified within this section and Article IV of this chapter.

Section 1109: Appeals to Court

The provisions for appeals to court that are stated in the Pennsylvania Municipalities Planning Code, as amended, shall apply.