

OFFICIAL
TOWNSHIP OF SCOTT
ORDINANCE NO. 1688-23

AN ORDINANCE OF THE TOWNSHIP OF SCOTT, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, REPEALING IN ORDINANCE NO. 1620-15, AND ITS SUPPLEMENTS AND AMENDMENTS, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE TOWNSHIP OF SCOTT AND PASSING A NEW ZONING ORDINANCE OF THE TOWNSHIP WHICH IS COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE TOWNSHIP OF SCOTT WHICH IS CONSISTENT WITH THE DESIGN TO CARRY OUT THE OBJECTIVES OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968, AS AMENDED.

WHEREAS, the Township of Scott has enacted Ordinance No. 1620-15 as its zoning ordinance and has set forth since that enactment a number of amendments to the zoning ordinance; and

WHEREAS, the Township has determined that in order to meet developments in land use planning since the enactment of Ordinance No. 1620-15, it is in the best interests of the Township and its residents to reenact an entirely new zoning ordinance; and

NOW THEREFORE, it is hereby ORDAINED and ENACTED by the Board of Commissioners of the Township of Scott and is hereby enacted by the Authority of same as follows:

Section 1.

Ordinance No. 1620-15 as amended is hereby repealed.

Section 2.

The Zoning Ordinance of the Township of Scott is hereby set forth as follows:

- | | |
|----------------------|---|
| Article One | General Provisions |
| Article Two | Zoning District Regulations |
| Article Three | Supplemental Regulations |
| Article Four | Planned Residential Developments (PRD) |
| Article Five | Nonconformities |
| Article Six | Conditional Uses |
| Article Seven | Administrations and Enforcement |

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Table 3.02.D	Handicap Stalls – ADA Sign Detail

Notes:

1. Diagrams for parking lot regulations are contained at the end of this Ordinance and reference herein.
2. Zoning Map is located on page 12.
3. Lot configuration diagrams are located at the end of Section 1-109 Definitions

ARTICLE ONE

GENERAL PROVISIONS

1-101 Short Title

This Ordinance shall be known and may be cited as the “Zoning Ordinance of the Township of Scott” and the district map shall be known and may be cited as the “Official Zoning District Map of the Township of Scott.”

1-102 Statement of Purposes

The fundamental purpose of the Ordinance is to promote the safety, health, morals, convenience and general welfare; to conserve and stabilize the value of property; to prevent overcrowding of land and buildings; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate open spaces for light and air; to facilitate adequate provision of streets and highways, water, sewerage, drainage and other public facilities; to conserve life, property and natural resources; and to conserve the expenditure of funds earmarked for public improvement.

1-103 Community Development Objectives

This Ordinance is to render a legal basis and framework to the future land use plan and development goals established in the 2005 Scott Township Comprehensive Plan and the 2011 Heidelberg Carnegie Scott Multi-Municipal Comprehensive Plan, and subsequent amendments thereto. The objectives guiding future growth and improvements of existing development within the Township include:

- A. Land Use – Eliminate hazardous and detrimental land uses while encouraging beneficial and compatible land uses; protect and preserve established single family neighborhoods; promote development of uses suitable to the physical character of the land, maintain a healthful residential environment with adequate recreational; commercial and industrial supporting areas; and, In general, avoid the problems of random development inconsistent with Township goals and objectives.
- B. Housing – Maintain the quality of the Township's housing stock.
- C. Environment - Protect and conserve open spaces, drainage ways and flood plains.
- D. Community Facilities – Provide an adequate level of economical and efficient municipal services to the current and future residents of the Township and provide adequate recreational and leisure opportunities for all Township residents.
- E. Transportation – Promote safe circulation on streets within the Township, encourage the use of public transportation and provide safe walking and biking routes between neighborhoods and community facilities.

1-104 Applications of the Regulations

The regulations established by this Zoning Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except that additional classifications may be made within any district for the purpose of:

- A. Making transitional provisions at or near the boundaries of districts;
- B. Regulating nonconforming uses and structures; and

- C. Regulating restricting or prohibiting uses and structures at or near major thoroughfares, their intersections and interchanges and transportation arteries; natural or artificial bodies of water; places of relatively steep slope or grade; public buildings and grounds; places having unique historical or patriotic value or interest; flood plain areas and other places having a special character or use affecting or affected by their surroundings.

As among several classes of zoning districts, the provisions for permitted uses may be mutually exclusive, in whole or in part. No building, structure or part thereof shall hereafter be erected, constructed, and reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.

No building or other structure shall hereafter be erected or altered:

- A. to exceed the height or bulk;
- B. to accommodate or house a greater number of families;
- C. to occupy a greater percentage of lot area; and
- D. to have narrower or smaller rear yards, front yards, side yards or other open spaces (unless in conformance with the planned residential development regulations as set forth in this Ordinance) than herein required or in any other manner contrary to the provisions.

No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building, unless otherwise provided by this Ordinance.

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein yards or lots created after effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

All territory that hereafter may be annexed to the Township of Scott shall be considered to be in the R-2 General Residential District until otherwise classified.

1-105 Establishment of Zoning District

The Zoning Map is located on page 12 of this Ordinance. The following Zoning Districts are hereby created:

R-1	Single Family Residential
R-2	General Residential
R-3	Medium to High Density Multi-family Residential
C-1	Convenience Commercial
C-2 and C-2-A	General Commercial
C-3	Heavy Commercial
I	General Industrial
OS	Open Space
AO	Airport Overlay

1-106 Zoning District Map and Boundaries

The boundaries of the various zoning districts are hereby established on the map entitled "Official Zoning Map" on file in the office of the Zoning Officer and the office of the Township Manager, which Map with all explanatory matter thereon shall be deemed to accompany, be, and is hereby made a part of this Ordinance. The Official Zoning Map shall be dated and shall carry the signature of the President of the Township Commissioners and the Township Secretary certifying that is the true map adopted by the Commissioners and shall be sealed with the official Township Seal. All amendments shall be identified on the map and similarly certified.

The boundaries between districts are, unless otherwise indicated, either the centerline of streets or such lines extended, or parallel lines thereto, or property lines, or other physical boundaries, and delineation. Where streets, property lines, or other physical boundaries and delineation are not applicable, boundaries shall be determined by scale shown on the Official Zoning Map.

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not specifically covered above, the Zoning Hearing Board shall interpret the district boundaries.

1-107 Interpretations

In interpreting the language of this Ordinance, 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 Township, in favor of the property owner and against any implied extension of the restriction.

Wherever the regulations within this Ordinance are at variance with other lawfully adopted rules, regulations, ordinances, restrictions or covenants, which impose, the most restrictive requirements shall govern.

No structure or use which was not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of this Ordinance, said structure remains unlawful hereunder.

Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal control or environmental protection law or regulation.

1-108 Language Interpretations

For the purpose of this Ordinance certain terms and words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense shall include the future.
- B. Words in the singular shall include the plural.
- C. The word person includes a corporation as well as an individual.
- D. The word lot includes the word plot or parcel.
- E. The term shall is always mandatory.

- F. The word used or occupied as applied to any land or building shall be construed to include the words intended, arranged or designated to be used or occupied.

LEGEND OF ZONING DISTRICTS

RESIDENTIAL

- R-1** Single Family Residential
- R-2** General Residential
- R-3** Medium To High Density Multi-Family

COMMERCIAL

- C-1** Convenience Commercial
- C-2** General Commercial
- C-3** Heavy Commercial

INDUSTRIAL

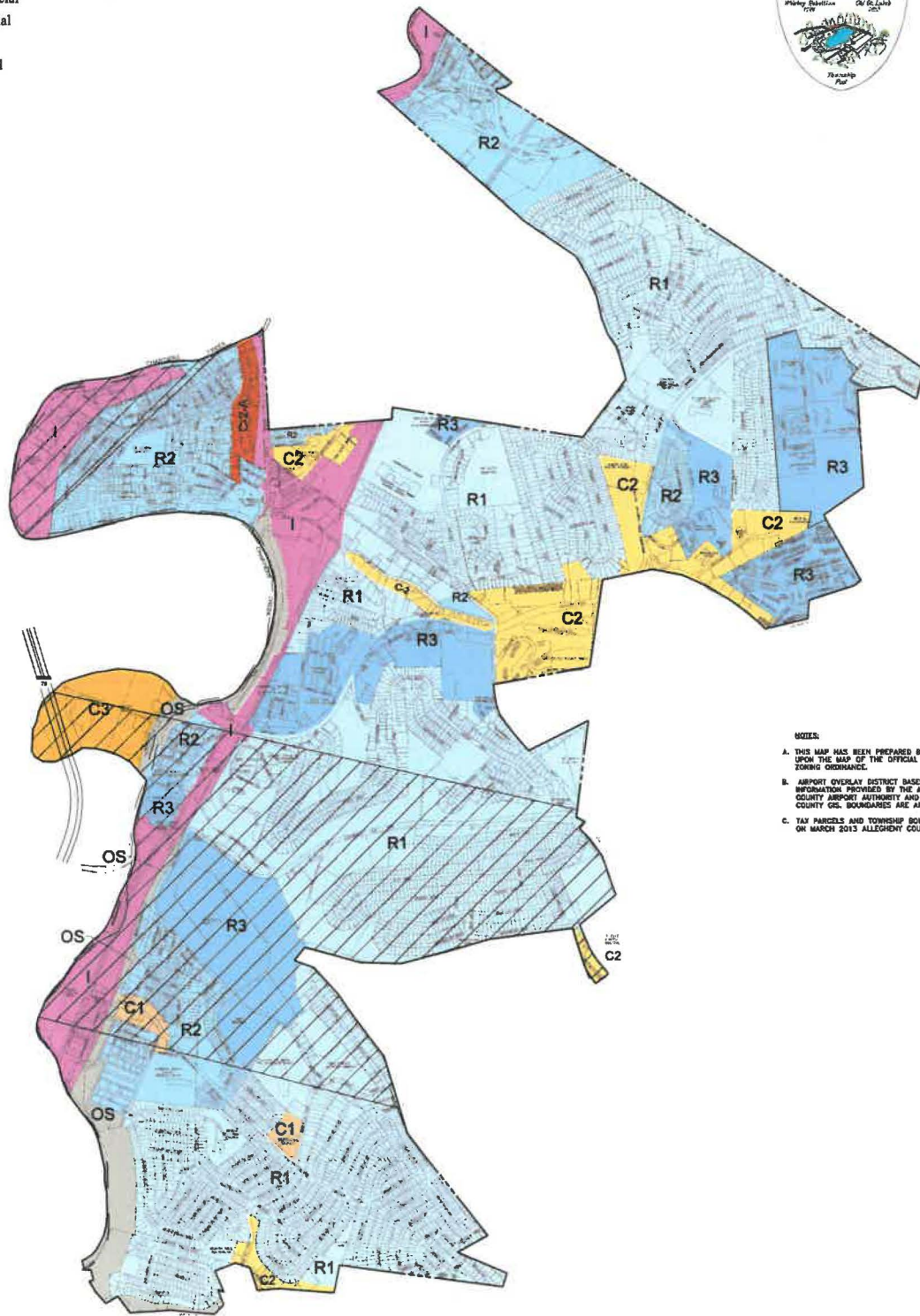
- I** General Industrial

OPEN SPACE

- OS** Open Space

AIRPORT OVERLAY

- Airport Overlay



NOTES:

- A. THIS MAP HAS BEEN PREPARED BASED UPON THE MAP OF THE OFFICIAL ZONING ORDINANCE.
- B. AIRPORT OVERLAY DISTRICT BASED ON INFORMATION PROVIDED BY THE ALLEGHENY COUNTY AIRPORT AUTHORITY AND ALLEGHENY COUNTY GIS. BOUNDARIES ARE APPROXIMATE.
- C. TAX PARCELS AND TOWNSHIP BOUNDARY BASED ON MARCH 2013 ALLEGHENY COUNTY GIS.



Definitions

ACCESSORY BUILDING OR STRUCTURE: A building or structure subordinate to and detached from the main building on the same lot and used for purposes customarily incidental and subordinate to the principal use or the main building.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or the main building and located on the same lot with such principal use or main building.

ADULT DAILY LIVING CENTER: Provision of daytime care to adults whose ability to independently perform the normal activities of daily life is limited by age or physical or other impairment but who do not require the level of care provided by nursing homes or medical facilities.

AGE-RESTRICTED DEVELOPMENTS: Housing under any state or federal program that the United States Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the federal program. This type of housing is intended to be occupied by persons sixty-two (62) years of age or older or occupied by at least one person fifty-five (55) years or older per unit.

AGRICULTURAL USE: The production, keeping, or maintenance, for sale, lease, or personal use or enjoyment, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

ALLEY: A narrow service way providing a secondary public means of access to the rear or side of properties otherwise abutting on a street.

ALTERATIONS: A change, rearrangement, replacement or enlargement in the structural parts or in the means of egress, whether by extending on a side or by increasing in height, or the moving from one location or position to another; or by change in use from that of one district classification to another.

ANIMAL BOARDING: The keeping of animals not owned by the owner of the premises and for which the owner of the premises may or may not receive compensation.

ANIMAL HOSPITAL: A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, birds or fowl. Boarding of such animals shall be included in this definition when for medical or surgical treatment.

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 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.

APARTMENT: (See dwelling, multi-family)

ASSISTED LIVING FACILITIES/PERSONAL CARE FACILITIES: Residential facilities that offer personal care services, assistance and supervision to four or more persons who are not relatives of the operator. This is housing designed primarily residents needing assistance or supervision in activities of daily living or instrumental activities of daily living. These facilities are required to hire staff that meet basic education requirements and must provide initial and ongoing training for staff. Additional nonresidential services may be included as an incidental use with incidental uses including retail, dining, medical services and entertainment.

AUTOMOTIVE, MOBILE HOME, AND TRAILER SALES AND SERVICE: A business which displays, sells, and or services motor vehicles, mobile homes, and/or trailers.

BASEMENT OR CELLAR: A building story that has at least one-half of its floor-to-ceiling height above curb level or the base plane. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purpose.

BOARD OF COMMISSIONERS: Board of Township Commissioners of the Township of Scott.

BUFFER AREA: An area of land which is planted and maintained in shrubs, bushes, trees, grass or other ground cover material and within which no structure of building shall be authorized except a wall or fence which meets Township requirements. Required off street parking may not be permitted in any required buffer area.

BUILDING: Any covered structure that is permanently affixed to the land.

- A. **BUILDING LINE:** A line which designates the distance that a building is erected from a street right-of-way or property line. Such distance shall be measured at right angles from the front street right-of-way which abuts the property upon which said building is located and be parallel to said right-of-way line. The building line shall not include steps or permanently open porches.
- B. **BUILDABLE AREA:** The area of the lot within the minimum building setback lines.
- C. **BUILDING HEIGHT, MAXIMUM:** The vertical distance measured from the average elevation of the proposed finished grades immediately adjacent to the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar roof structures required to operate and maintain the building on which they are located, flag poles, television aerials, antennas, water towers and tanks, steeples, bell towers, broadcasting and electric transmission towers and similar projections shall not be included in calculating maximum building height.

BUILDING MATERIAL SALES: The sale of materials used in the construction industry or by “do it yourself” consumers. Sales may be wholesale or retail.

BUSINESS AND PROFESSIONAL OFFICE: The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect, or other similar professional person; and any office used primarily for accounting, financial services, correspondence, research, editing, or administration.

CARPORT: A building for the storage of motor vehicles which contains a roof, but is not enclosed on all sides and which does not include buildings in which fuel is sold or repair or other services is performed.

CEMETERY: Property used for the interring of the dead. This use shall not include facilities for cremation, but may include mausoleums.

CERTIFICATE OF OCCUPANCY: A certificate issued and enforced by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structures or use of a building, which certifies that all requirements and regulations of this Ordinance, and all other applicable requirements, have been complied with.

CHARITABLE OR NONPROFIT ORGANIZATION: Nonprofit organizations that are supported primarily by charity and whose principal function is the performance of charitable works including establishments or the use of the property by the nonprofit organization engaged in the giving of foods, goods, financial assistance, or grants, or offering services or other socially useful programs on a benevolent nonprofit basis. The organization can consist of any person(s), partnership, association, corporation, or other group whose activities are conducted for the benefit of others, and not for the gain of any private individual or group, not limited to patriotic, philanthropic, social service, welfare, benevolent, educational, civic, cultural, charitable, historical or athletic activities.

CHILD CARE:

- A. **CHILD CARE CENTER:** A child care facility in which seven (7) or more children who are not related to the operator receive child care. A child care center must have a certificate of compliance ("license") from the DPW in order to legally operate.
- B. **GROUP CHILD CARE HOME:** A child care facility in which seven (7) through twelve (12) children of various ages or in which seven (7) through fifteen (15) children from 4th grade through fifteen (15) years of age who are not related to the operator receive child care. A group child care home must have a certificate of compliance ("license") from the Department of Public Welfare (DPW) in order to legally operate.
- C. **FAMILY CHILD CARE HOME:** A child care facility located in a home in which up to six (6) children who are not related to the caregiver receive child care. A family child care home must have a certificate of registration from DPW in order to legally operate.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at the intersection of two (2) streets or the intersection of a driveway with a street, defined by lines of sight from a driver's eye height along a stop or signal controlled approach waiting to enter the

intersection to an approaching drivers' eye height along an uncontrolled approach. Both driver's eye is assumed to be 10' from the near edge of the intersecting roadway when exiting a driveway and 14.5' back when exiting from a street or roadway.

COMMERCIAL: Engaging in a business, enterprise, activity, or other undertaking customarily but not necessarily for profit.

COMMERCIAL RECREATION FACILITIES: An activity operated as a gainful business and open to the public for the purpose of public entertainment or recreation including, but not limited to: bowling alleys, theaters, health clubs, miniature golf courses, video arcades, arenas, swimming pools, skating rinks and public grounds.

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 the development, but excluding streets, off street parking areas, and areas set aside for public facilities.

COMMUNICATIONS, STRUCTURES: Performance towers, communications, facilities, telecommunications antennas, tower sites and other structures relating to the transmission of radio signals, telecommunications, wireless services, mobile cellular radio telecommunications services, radio, TV, and/or other communications services for public or private use, excluding Over the Air Reception Devices (OTARDS) and police, fire and emergency transmissions governed by governmental units.

CONDITIONAL USE: A use which may be permitted in one or more zoning districts upon the recommendation of the Township Planning Commission to the Board of commissioners who may grant approval pursuant to certain standards and criteria and the provisions of this Ordinance.

CONTRACTORS OFFICE: An office or shop with an accessory storage area for any construction, building, electrical, plumbing or mechanical contractor. An office for a contractor which does not contain an accessory storage area and/or shop area shall be considered a business office.

CONTROLLED SUBSTANCE TREATMENT FACILITY: A facility licensed by the Department of Health to use the drug methadone or similar controlled substances in the treatment, maintenance, or detoxification of persons.

CONVENIENCE RETAIL: A small-scale retail store, not to exceed 2,000 sq.ft. designed to primarily offer a limited selection of day-to-day items, including household items, newspapers, magazines, beverages, and candy. A limited amount of freshly prepared foods may also be included.

CREMATORIUM: A location containing properly installed, certified apparatus intended for use in the act of cremation.

DECK: A roofless outdoor space located in a side or rear yard built as an aboveground platform projecting from the wall of a building and is supported by structural members or by the building structure.

DEVELOPMENT PLAN: The provisions for the development of a planned residential development, including a plot of subdivision, all covenants relating to use, location and

bulk of building and other structures, intensity of use of density of development, streets, ways and parking facilities, common open space and public facilities.

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

DRIVEWAY: An improved surface for vehicular access to a lot or parcel of land.

DWELLING: Any building or structure, or part thereof, used and occupied for human habitation, or intended to be so used, and includes any appurtenances belonging thereto. This shall include:

- A. **DWELLING, ACCESSORY APARTMENT:** An dwelling unit that has been created within, a single-family house, which is subordinate to the principal single family dwelling unit in terms of size, location and appearance and provides complete housekeeping facilities for one family, including independent cooking, bathroom, and sleeping facilities with physically separate access from any other dwelling unit.
- B. **EFFICIENCY DWELLING:** A dwelling unit contained in multi-family buildings where living and sleeping rooms are combined and provides complete housekeeping facilities for one family, including independent cooking, bathroom, and sleeping facilities with physically separate access from any other dwelling unit.
- C. **GARDEN DWELLING:** A multi-family structure, not exceeding 3 stories in height, designed around courts or common open areas, frequently having private balconies or patios.
- D. **SINGLE FAMILY DWELLING:** A detached residential dwelling unit, other than a mobile home, occupied by only one family.
- E. **MULTI-FAMILY DWELLING:** A residential building containing three or more separate dwelling units.
- F. **MULTI-FAMILY, MULTI-STORY DWELLING:** Structure of over three (3) stories, but not exceeding the height limitation for the district in which it is located, with an elevator as well as stairs to all levels. All units are accessible through an entrance hall shared with other dwelling units.
- G. **TOWNHOUSE DWELLING:** A structure consisting of a series from three to twelve attached dwelling units, separated from one another by continuous vertical walls without opening from basement to roof.
- H. **TWO FAMILY DWELLING:** A detached residential building occupied by only two families, independent of each other, with two dwelling units, other than mobile home units, either attached side by side or one above the other.

DWELLING UNIT: Any building or portion thereof constituting a separate independent housekeeping establishment for one (1) or more persons, and containing independent cooking, bathroom, and sleeping facilities. It shall not be deemed to include hotels/motels, institutional homes and residence clubs.

EATING ESTABLISHMENT

- A. **HIGH QUALITY EATING ESTABLISHMENT:** A full service Sit down eating establishment which does not offer breakfast, may offer lunch, but always offers dinner. Reservations are usually required. Typical turnover of customers is at least one hour or longer.
- B. **HIGH TURNOVER EATING ESTABLISHMENT:** A full service, sit down eating establishment which offers lunch and dinner and may offer breakfast. This type of eating establishment is usually moderately priced and typically do not accept reservations, although "call ahead seating" is sometimes offered. Chain restaurants are often included in this definition. Typical turnover of customers is less than one hour.
- C. **FAST FOOD EATING ESTABLISHMENT WITHOUT DRIVE-THROUGH WINDOW:** A limited service eating establishment with a large carryout customer base, long hours – often 24 hours, and no table service. Lunch and dinner are always offered and breakfast is often offered. Customers often wait in line at a counter and pay prior to receiving their meal. Typical turnover of customers is less than one-half hour.
- D. **FAST FOOD EATING ESTABLISHMENT WITH DRIVE-THROUGH WINDOW:** A limited service eating establishment with a large carryout and drive-through customer base, long hours – often twenty-four (24) hours, and no table service. Lunch and dinner are always offered and breakfast is often offered. Customers often wait in line at a counter and pay prior to receiving their meal. Typical turnover of customers is less than one-half (1/2) hour.
- E. **DRIVE-IN EATING ESTABLISHMENT:** An eating establishment which usually offers lunch and dinner, and often offers breakfast. A majority of customers are served at their vehicles and eat in their vehicles. A small seating area is often provided, and is usually only outdoors.

ELECTRIC VEHICLE CHARGING STATION: A public or private parking space that is served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

ENERGY STRUCTURE: A structure designed to produce heat and/or electricity from wind, solar, or photovoltaic energy.

- A. **WIND ENERGY CONVERSION SYSTEM:** Any mechanism or device designed for the purpose of converting wind energy into electrical or mechanical power.
- B. **SOLAR ENERGY SYSTEM:** A solar collector and other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing the sun's radiant energy for a beneficial use.
 - 1. **SOLAR ENERGY SYSTEM, ACTIVE:** A solar energy system that requires external mechanical power to move the collected heat.

2. **SOLAR ENERGY SYSTEM, PASSIVE:** A solar energy system that uses natural and architectural components to collect and store solar energy without using any external mechanical power.

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

ESSENTIAL SERVICES: The erection, construction, or alteration by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal systems and their required buildings.

FACILITY: Something that is built, installed, or established to serve a particular purpose.

FAMILY: One (1) or more persons occupying a dwelling unit and maintaining a single housekeeping unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain more than five persons. Domestic servants employed and living on the premises are not counted as family members.

FENCE: Any structure constructed of wood, metal, wire, mesh or masonry erected for the purpose of screening one property from another to assure privacy, protection or confinement of the property.

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

FLOODWAY: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one percent (1%) chance (one hundred year) magnitude.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior wall or from the center line of walls separating two buildings. For the purposes of determining permissible size and off street parking and loading requirements, "floor area" shall include: 1) floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks, or closets; 2) any basement floor area devoted to retailing activities; 3) floor area devoted to the production or processing of goods or to business or professional offices; and 4) outdoor seating and retail areas. For this purpose, floor area shall not include space devoted primarily to storage purposes except as noted above, off-street parking or loading facilities including aisles, ramps, and maneuvering space, or basement floor area other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.

FORESTRY: The growing or harvesting of trees for commercial or related purposes, which does not include any land development.

FRATERNAL ORGANIZATION: A group of people formally organized for a common interest usually cultural, religious, sports, or entertainment, with regular meetings and formal written membership requirements.

FRONT YARD: (See Yard, Front)

FUEL SERVICE FACILITY: Building and premises where petroleum fuel, electric vehicle recharging, batteries, tires and automobile accessories may be supplied and sold at retail, and where services may be rendered in connection with these products, including inspection, greasing, hand washing, polishing, servicing, and adjustment of vehicles providing no major repair work is done.

FUNERAL HOME: A building in which one or more parlors or rooms are maintained for the temporary resting place of the deceased pending final disposition thereof which may not include a crematorium. Such buildings may include the following:

- A. Space and facilities for the preparation of such bodies for burial.
- B. A chapel for the purpose of conducting religious or memorial services and viewing.
- C. Rooms or space for administrative offices for conducting the business of the funeral home.
- D. Space for the housing of equipment, including motor vehicles.

GARAGE: A fully enclosed building for the storage of motor vehicles, not including buildings in which fuel is sold or repair or other services is performed.

GROUP HOME: A single-family dwelling designed and used as a residence by individuals with disabilities, as defined and protected by the Federal Fair Housing Act, as amended, who live together primarily for purposes relating to their disabilities as the functional equivalent of a family in a shared living arrangement licensed or certified by the appropriate county, commonwealth or federal agency. A use meeting this definition shall be considered a single-family dwelling for purposes of this Ordinance.

HEALTH, FITNESS, OR PHYSICAL TRAINING CLUB: A commercial business that offers active recreational activities, fitness activities, or both. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

HOME OCCUPATION: An occupation conducted in a dwelling unit solely by members of the family residing on the premises, provided such occupation shall be clearly incidental and subordinate to the unit's residential purpose and shall be conducted entirely within the residential, or when permitted, an accessory building.

HOSPITAL: Any institution licensed by the Commonwealth of Pennsylvania as a "hospital," which receives inpatients and outpatients and renders medical, surgical or obstetrical care twenty-four (24) hours per day. Hospital shall also include nursing facility, including facilities for mental patients, epileptics, alcoholics, senile psychotics or drug addicts that are cared for or treated. Accessory medical uses such as eating establishments, mortuaries and retail uses may be provided on site.

HOTEL/MOTEL: A building or group of buildings containing rooms which provide sleeping accommodations for transient guests on a daily or weekly basis. The term shall include motor hotel, motor inn, motor lodge, tourist court, inn and similar uses.

IMPERVIOUS SURFACE: Those surfaces that do not absorb precipitation. Parking areas, driveways, roads, sidewalks, patios and any similar areas of concrete, asphalt, or similar materials shall be considered impervious surfaces.

INDUSTRIAL MACHINERY SALES: A business which sells and/or services industrial machinery. Motor vehicles used for industrial purposes, including but not limited to lifts, forklifts, front end loaders, graders, off-road dump trucks, and similar equipment shall be included in this definition.

INDUSTRIAL SERVICE AND SUPPLY PROVIDER: A business or commercial establishment which provides supplies and/or services to industrial and manufacturing customers including cleaning, servicing, testing, repair or storage of materials, goods or products and business office accessories.

LAND DEVELOPMENT: Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two (2) 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 (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. The following activities shall be exempt from the definition of Land Development:
 - 1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this sub-clause, an amusement park is defined as a tract, or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LANDOWNER: The legal or beneficial owner of land including the holder of an option or contract to purchase (whether or not such an option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in the land, shall be deemed to be a landowner.

LAUNDRY AND DRY-CLEANING FACILITY: An industrial facility where clothes and other textiles are cleaned using only non-explosive and non-flammable chemicals. A facility which only involves drop off and pick up of such products and does not include the cleaning process on site shall be defined as a personal service.

LOADING SPACE, OFF STREET: Space conveniently located, accessible and properly designed for the temporary use by vehicles making bulk pickups or deliveries of merchandise or materials. Required off street loading space is not to be included as off-street parking space in the computation of required off street parking space.

LOT: Any parcel or tract of land on which a main building and any accessory buildings are placed, together with the required open spaces. Such lot shall front on an improved public street or on an approved private way.

- A. **LOT AREA:** The total area within the boundary lines of a single lot but not including any portion of a dedicated street right-of-way.
- B. **LOT AREA PER DWELLING UNIT:** The quotient obtained by dividing the total lot area by the total number of dwelling units to be located on such lot.
- C. **LOT, CORNER:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet an interior angle of less than one hundred thirty-five degrees (135°). On a corner lot, each yard that abuts a front lot line shall be considered a front yard and remaining yards shall be considered side yards. Refer to Figure 2 and 3 at the end of this Section.
- D. **LOT COVERAGE:** That percentage of a lot which when viewed directly from above would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.
- E. **LOT DEPTH:** The distance between the midpoints of the front lot line and the rear lot line.
- F. **LOT, FLAG:** A lot that abuts a street by means of a strip of land that does not comply with the requirements for minimum lot width for the zoning district in which the lot is located. Refer to Figure 3 at the end of this Section.
- G. **LOT, INTERIOR:** A lot other than a Lot, Corner.
- H. **LOT LINE, FRONT:** A front property line or street right-of-way line forming the boundary of a lot.
- I. **LOT LINE, REAR:** The rear property line that is most distant from, and is, or is most nearly, parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot lines shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front line.
- J. **LOT LINE, SIDE:** A property line which is neither a front lot line nor a rear lot line.
- K. **LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the Recorder of Allegheny County or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- L. **LOT WIDTH:** The distance between the side lot lines measured at right angles to the lot depth at the established front setback line.

MANUFACTURING: The treatment or processing of raw materials or the production of products from raw or prepared materials by giving them new forms or qualities.

- A. **HEAVY MANUFACTURING:** Manufacturing facility where smoke, heat, glare, noise, vibration, and/or vibration is noticeable outside of the building in which the use is conducted.
- B. **LIGHT MANUFACTURING:** Manufacturing facility where no smoke, heat, glare, noise, vibration, or odor is noticeable outside of the building in which the use is conducted.

MEDICAL FACILITY: A facility for the examination and treatment of ill and afflicted human outpatients including doctor and dental offices and clinics provided that patients are not kept overnight except under emergency conditions and excluding controlled substance treatment facilities.

MEDICAL MARIJUANA DISPENSARY: A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, registered by the Department of Health under the Medical Marijuana Act to dispense medical marijuana. The term does not include a health care medical marijuana organization under Chapter 19 of the Medical Marijuana Act.

MEDICAL MARIJUANA GROWER/PROCESSOR: A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, registered by the Department of Health under the Medical Marijuana Act to grow and/or process medical marijuana. The term does not include a health care medical marijuana organization under Chapter 19 of the Medical Marijuana Act.

MINING: The extraction of minerals from their natural occurrences on affected land, as per the regulations of the "Surface Mining Conservation and Reclamation Act," "The Non-Coal Surface Mining Conservation and Reclamation Act," "The Oil and Gas Act," "The Bituminous Mine Subsidence and Land Conservation Act," and all other federal, state, and local mining regulations.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two 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.

- A. **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.
- B. **MOBILE HOME PARK:** A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

MIXED USE OR OCCUPANCY: Two (2) or more uses of one (1) building for the conduct or establishment of multiple uses in one (1) building.

MUNICIPAL USES AND FACILITIES: Includes Township owned parks and recreation facilities; above and underground utilities and infrastructure services and facilities; and land, building, or structures, infrastructure/utilities, and equipment erected and used for facilitating a public service.

MURAL: A large picture or other art form, painted or attached to the exterior of a building which does not advertise a product, service, business, organization, or other entity. A mural is differentiated from a sign as a mural exists exclusively for its artistic qualities rather than for advertising.

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

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 are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

NEIGHBORHOOD COMMERCIAL CENTER: A small unified shopping area, consisting of one or more business establishments selling convenience goods and services only, such as a superette, drug store, beauty or barber shop or similar use. The total floor area of such center shall not exceed five thousand (5,000) square feet.

NO IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and 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 the surrounding residential uses;
- B. The business shall employ no employees other than family members residing in the dwelling;
- C. There shall be no display and no exterior stockpiling or inventory;
- 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 that is not normally associated with residential use in the neighborhood;
- G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area; and
- H. The business may not include any illegal activity.

NON-CONFORMITY:

- A. **NON-CONFORMING LOT:** A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.
- B. **NON-CONFORMING STRUCTURE:** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.
- C. **NON-CONFORMING USE:** A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NURSING OR CONVALESCENT HOME: An institution licensed by the Pennsylvania Department of Health for the twenty-four (24) hour care of the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care of institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

OFFICE: A use or establishment which is devoted exclusively to business, management, administrative, or professional services, excluding industrial activities.

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 a well of any depth into, through, and below the surface of the earth.

OIL AND GAS EXTRACTION: The well site preparation, well site construction, drilling, hydraulic fracturing, and/or site restoration associated with an Oil and 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 other than Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions that operate as midstream facilities.

OPEN SPACE RECREATION: Facilities, whether public or private, which include nature preserves, hiking trails, picnic facilities, and similar facilities.

OUTDOOR RECREATION: Any enterprise, whether public (excluding governmental uses) or private, which is conducted partly or wholly outside an enclosed structure for the pursuit of sports, recreation or amusement activities, including, but not limited to, such establishments as ball fields, tennis courts, swimming pools, miniature golf courses, golf courses, country clubs, nature preserves, hiking trails, picnic areas and similar facilities.

OVER THE AIR RECEPTION DEVICE (O.T.A.R.D): Antennas less than one (1) meter in diameter (39.37") used to receive video programming, and data services, including television and internet, which are regulated by the Federal Communications Commission (FCC, 47 C.F.R. Section 1.4000).

PARKING LOT: An open space other than a street or alley used exclusively for the parking of automobiles.

PARKING SPACE, PAD or AREA: An off street space available for parking of a motor vehicle and which has a hard, all weather surface and is at least an area nine (9) feet wide by twenty (20) feet long, exclusive of passage ways and driveways appurtenant thereto and giving access thereto.

PATIO: A roofless space, attached to or adjacent to a main or accessory structure used for outdoor leisure activities, supported by the ground or structural foundation walls.

PERSONAL SERVICE: Establishments primarily engaged in providing services involving the care of a person such as beauty shops, barbershops, nail salons, shoe repair, other salons, and tanning. This definition includes incidental uses and additional related cosmetic and/or beauty services such as facials, waxing and the retail sale of cosmetic products.

PET GROOMING: Any business which is involved with grooming of pet animals for profit.

PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the developed plan for which does not correspond in lot size, bulk or type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one residential district created from time to time, under the provision of this Ordinance.

PLANNING COMMISSION: The Scott Township Planning Commission.

PLAT: The map or plan of a subdivision or land development, whether preliminary or final.

PORCH: A roofed and/or partially enclosed exterior appendage to a main or accessory structure. Structures or home additions which are completely enclosed and suitable for year round usage shall not be considered to be porches under the terms of this definition. For purposes of this Ordinance, porches shall include structures and additions commonly referred to as sun rooms, sun porches, and similar structures. Stoops or slabs which

extend beyond any wall of a main or accessory structure a distance of more than four (4) feet and/or exceed the length of six (6) feet along said wall are deemed to be porches by definition. Permanent or temporary awnings which extend beyond five (5) feet from any wall of the main or accessory structure, or which are partially or wholly supported by post, poles, spires or similar construction or structures set beyond the wall(s) of the structure are deemed to be porches by definition.

PORTABLE STORAGE CONTAINER/CONSTRUCTION BAGS: A transportable storage container or construction bag that is designed and used primarily for the storage of household goods, personal items, building materials and other materials for use on a limited basis on residential and commercial property. Such structures/containers/bags are uniquely designed for their ease of loading to and from a transport vehicle. For the purposes of this Ordinance, the trailer portion of a tractor trailer, boxcars, box trucks and shipping containers shall also be considered portable storage containers when expressly used for the purposes of on-site storage in all districts.

PRINCIPAL BUILDING: A building or buildings in which the main or principal use of the lot is conducted on which said building is situated.

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

PRINTING AND PUBLISHING FACILITY: An establishment devoted to the processing, binding, or distribution of reading materials including newspaper, periodical, book publishing, commercial printing, business forms, greeting card manufacturing, book-binding, printing, typesetting and similar uses.

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

PRIVATE CLUB: An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable Federal, State, County, and local laws.

PRIVATE PARKING AND VEHICLE STORAGE FACILITY: Any lot, parcel, or yard used in whole or in part for the storage or parking of two (2) or more vehicles where such usage is the principal use on the site.

PROTECTED STRUCTURE: Any residence, commercial business, or other public building located within 1,000 feet (or a school, hospital or religious institution located within 2,500 feet) of the surface location of a well that may be impacted by noise generated from drilling or hydraulic fracturing activity at a Well Site. The term shall not include any structure owned by an oil and gas lessor who has signed a lease with the Well Operator

granting surface rights to drill the subject well or whose owner or occupants have signed a waiver relieving the Well Operator from implementation of the measures established in Section 3-108.1 for the owners' or occupants' benefit.

PROVIDER OF PERSONAL WIRELESS SERVICE ACTIVITIES: A Provider of Personal Wireless Service Facilities is a person or entity offering telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct to home satellite services; the term also relates to providers of facilities for the provision of personal wireless services and providers of commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

PUBLIC: Of or pertaining to any building, structure, use of activity belonging to or affecting, any duly authorized government body.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Township Commissioners, Zoning Hearing Board, or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING: Forum held pursuant to notice under 65 Pa.C.S.CH.7 (relating to open meetings).

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing.

PUBLIC PARKING GARAGE OR FACILITY: A building, structure, or surface lot available to the general public in which licensed and operable motor vehicles are temporarily stored for an established fee or reservation and which is not used for the repairs and maintenance of vehicles or other automotive retail uses.

PUBLIC UTILITY: A service by a company, or agency, or individual licensed or regulated by the Public Utility Commission of the Commonwealth of Pennsylvania, distributing water, gas, or electricity by means of a network of overhead or underground lines, all of which shall be to provide such services to residents or occupants of properties within the zoning district of the same; the term shall not include communications' facilities, such as telephone, cellular telecommunications, radio transmissions, television transmissions, or any other communications' services for public or private use, for transmission to persons, residents or occupants of premises not in the zoning district, in which the services are provided, excluding there from however, police, fire and emergency transmissions by government units or facilities.

PUBLIC UTILITY SERVICE BUILDINGS, STRUCTURES OR FACILITIES: Public utility service buildings, structures or facilities owned by a public utility as defined herein, and which provide the services for which the building structure or facility was designed to residents of the zoning district in which the building, structure or facility is located. The term shall not include telephone, central office, electric substations, communications facilities, tower sites, or other electronic, or radioactive, electromagnetic transmission towers, antennas, or other equipment or facilities for transmission for use by the general public situated outside the boundaries of the Township of Scott.

RAILWAY and MOTOR FREIGHT TERMINALS: Use of land, including buildings thereon, by a railroad or trucking company for the purpose of loading, unloading, storing, maintaining and transferring rail cars or truck trailers.

RELIGIOUS USE: A building, structure or group of buildings or structures designed or intended for public worship or related religious activities including churches, synagogues, mosques, rectories, convents or any combination thereof.

RESIDENTIAL USE: Those activities customarily conducted in living quarters in an urban setting, and excludes such activities as the keeping of livestock or fowl, activities resulting in noise which constitutes a nuisance in a residential area and activities which involve the storage, visible from off the lot, of motor vehicle parts, machinery or parts, junk or scrap materials.

RETAIL: The selling of goods to consumers; such goods are not intended for resale.

SCHOOL: Any public, private or parochial place of instruction, not including institutions of higher learning, having regular sessions, with regularly employed instructors, which teaches those academic subjects that are fundamental and essential in general education and which provide pre-primary and/or kindergarten through twelfth grade, or a vocational school, all meeting the requirements of the Pennsylvania Department of Education, including Charter Schools but not any Alternative School; Dance, Music and Art School; or Trade School.

- A. **ALTERNATIVE SCHOOLS (K-12):** A school which is operated as an Alternative Education Facility, as defined by the Pennsylvania Department of Education.
- B. **TRADE SCHOOL:** A privately operated school of trade, vocation, avocation or business which specialize in a specific field, leading to a degree, diploma or certificate and license by the Pennsylvania Department of Education.
- C. **DANCING, MUSIC, ART SCHOOL:** A facility or studio, other than a home occupation, providing instruction, in dancing, music or art, primarily for recreational purposes and not leading to a degree, diploma or certificate.

SCREEN: Decorative fencing or evergreen vegetation (4 feet in height or more) maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation.

SELF STORAGE: A building or group of buildings divided into individual separate access units, which are rented or leased for the storage of personal and small business property.

SETBACK: The minimum required horizontal distance between a setback line and a property or street line. Refer to Figure 1 at the end of this Section.

- A. **SETBACK, FRONT –** The minimum required distance between the street line and the front setback line that projects the full width of the lot, contained within the “front yard.” On a flag lot, the minimum required setback shall be measured from the rear property line of the front adjoining property.

- B. **SETBACK, REAR** – The minimum required distance between the rear lot line and the rear setback line that projects the full width of the lot, contained within the “rear yard.”
- C. **SETBACK, SIDE** – The minimum required distance between the side lot line and the side setback line projected from the front setback line to the rear setback line, contained within the “side yard.”
- D. **SETBACK LINE** – A line within a property and parallel to a property or street line which delineates the required minimum distance between a structure and that property or street line.

SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, adult escort agency, nude model studio, or sexual encounter center, or any other business which involves sexual activities as a principal or incidental use of a business.

SHORT TERM RENTAL – The use of a Dwelling or Dwelling Unit in which the owner rents any area of the Dwelling or Dwelling Unit to one (or more) individuals for compensation or fee, including offer of exchange in kind, of any type (whether or not involving overnight accommodations or separate sleeping quarters) for less than thirty (30) consecutive days. This definition applies to all types of Dwellings for Residential Use including (but not limited to) Single Family Dwellings, Two Family Dwellings, Townhouse Dwellings, Multi-Family Dwellings, Multi-Family, Multi-Story Dwellings. A Short Term Rental use shall not cause an increase in vehicular or pedestrian traffic, or the use of water, sewage, garbage, public safety or any other municipal services, beyond that which is normal for a Dwelling or Dwelling Unit in the zoning district in which the Short Term Rental is located.

SIGN: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is designed to be visible from public rights-of-way or public spaces, that is used to advertise, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location, or to communicate information of any kind to the public by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

- A. **SIGN, ARCADE:** A sign suspended beneath a ceiling of an arcade, a roof, or marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof, or marquee to identify the location of establishments within a shopping center or similar building.
- B. **SIGN AREA:** The area defined by the frame or edge of a sign. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed four-sided (straight sides) geometric shape which most closely outlines the said sign.
- C. **SIGN, AWNING:** A sign painted on or printed on the surface of an awning which does not extend vertically or horizontally beyond the extents of the awning.
- D. **SIGN, BANNERS:** Any cloth, bunting, plastic, paper or similar non-rigid material attached to any structure, staff, pole, rope, wire or framing which is anchored on two or more edges or at all four corners. Banners do not include flags.

- E. **SIGN, BILLBOARD:** A sign displaying changeable advertising copy which pertains to a business, organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located.
- F. **SIGN, CANOPY:** A sign painted on, printed on, or attached flat against the surface of a canopy.
- G. **SIGN FACE:** The entire area upon which graphic or written material or information is placed for viewing in a single direction.
- H. **SIGN, FLAG:** A piece of fabric or other flexible material used as a symbol of a nation, state, political subdivision, or organization.
- I. **SIGN, FREESTANDING:** A sign permanently affixed to the ground and not attached to any building or other structure.
- J. **SIGN, GROSS SURFACE AREA:** The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or similar character together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding necessary supports or uprights upon which such sign is placed. For signs utilizing individual letters or figures or characters mounted directly on the wall or face of a structure, the gross surface area shall be the entire area within a single continuous perimeter enclosing the extreme limits of the writing, representation, or other communication material.
- K. **SIGN, PERSONAL EXPRESSION:** An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.
- L. **SIGN, SNIPE:** A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public or in the public right-of-way or on any private property without the permission of the property owner.
- M. **SIGN, TEMPORARY:** A sign which offers the premises for sale, rent or development; or advertises the services of professionals or building trades during sale, construction or alteration of the premises upon which the sign is located.
- N. **SIGN, WALL:** A sign attached to and erected parallel to the face of an outside wall of a building or mansard roof.

SITE PLAN: A plan of a land development or lot subdivision or which is shown topography location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings, and any other information deemed necessary by the Planning Commission or prescribed by this Ordinance.

SLOPE: The degree of rise or descent of the land surface calculated by dividing the number of feet of vertical rise/descent in elevation by the number of feet of horizontal distance, expressed as a percentage. Slope shall be calculated between contour intervals used to prepare the existing site topographic plan but in no case shall the vertical interval exceed five (5) feet.

SOCIAL, RECREATIONAL, OR CULTURAL CENTER: A building and/or appurtenant land owned, leased, and/or operated either privately, commonly, or by a nonprofit, and used for meetings, assemblies, theatrical performances, recreation, or any nonreligious educational, social, historic, cultural, or civic purpose, and allowing limited retail sales directly associated with the associated functions within the center and with the recreational functions on the land.

SPECIAL EXCEPTION: Approval for a particular use granted by the Zoning Hearing Board, according to the provisions set forth in Section 7-105.4 B.8. of this Ordinance.

STEEP SLOPE: Areas where the slope is in excess of fifteen (15) percent between adjacent contour lines as shown on topographic maps (i.e., where the scaled horizontal distance between the five (5) foot contour lines is less than 33 1/3 feet between adjacent contour lines having an interval of five (5) feet or less as shown on detailed site plans prepared by a registered engineer or surveyor based on actual field topographical surveys.

STEPS: A construction or series of constructions placed for a foot support to effectuate the ascending or descending of a person or persons from one level of elevation to another.

STORY: A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a slopping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a story; and, if less than two (2) feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if it averages more than five (5) feet above grade.

STREET: Any street, avenue, boulevard, road, highway, freeway, parkway, lane alley, viaduct or other way, whether public or private, used or intended to be used by vehicular or pedestrian traffic.

- A. **STREET GRADE:** The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.
- B. **STREET LINE:** The defining the edge of the legal width of a dedicated street right-of-way.

STREET TYPE: Streets may be classified according to the following:

- A. **STREET, ARTERIAL:** Streets designed to carry high volumes of traffic from one area of the community to another or to link one community with another.
- B. **STREET, COLLECTOR:** Streets designed to collect traffic from local streets once to convey it to the major arterial.
- C. **STREET, LOCAL:** Streets designed to serve only traffic needs of, and provide access to, a limited area or neighborhood.

STRUCTURE: Any man-made object having a stationary location on or in land or water, whether or not it is affixed to the land. This includes, but is not limited to buildings, gazebos, decks, storage sheds or containers, free standing posts, pillars and similar uses.

STUDIO: A space accessory to a residence used for learning, practicing, and/or engaging in dancing, music or art.

SWIMMING POOL: A body of water meeting the definition of the adopted Township Construction Code.

TELECOMMUNICATIONS ANTENNA: A device used to collect or transmit telecommunications or radio signals, such as, panels, micro-wave dishes, single pole known as whips, and such other devices used for these purposes, but which shall not exceed ten (10) feet in height or six (6) feet in width, or which shall not have a diameter of more than 6 feet in width.

THEATER: A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

TOWER: A structure that is intended to support equipment used to transmit and/or receive telecommunications signals, including mono-poles and lattice construction steel structures.

TOWER SITE: Any lot or parcel on which communications structures, as defined herein, are located or proposed to be located.

TOWNSHIP CONSTRUCTION CODE: The applicable provisions of the Zoning Ordinance, and the International Code Council, International Property Maintenance Code, International Building Code, International Residential Code, International Fire Code, and the International Swimming Pool and the Spa Code (including the successors of such Code), Pennsylvania Uniform Construction Code and all other adopted Township codes.

TRAILER: Any portable vehicle which is designed to be transported on its own wheels. Trailer shall include structure built on a chassis of a portable vehicle, designed to be used as a temporary dwelling for travel and recreational purposes (such as recreation vehicles), having a body width not exceeding eight feet.

TUTORING CENTER, LARGE: An establishment providing instruction to more than eleven students at any one time, for personal or professional enrichment, involving scholastic, non-physical pursuits, including but not limited to academics, language instruction, wine appreciation, and computer training. Establishments providing instruction as a part of a certificate or degree granting program are included under the definition of "School."

TUTORING CENTER, SMALL: An establishment providing instruction to ten or fewer students at any one time, for personal or professional enrichment, involving scholastic, non-physical pursuits, including but not limited to academics, language instruction, wine appreciation, and computer training

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

VARIANCE: Permissive relief from the terms of this Ordinance, granted by the Zoning Hearing Board in cases where a literal enforcement of provisions of the Ordinance will result in unnecessary hardship, due to special conditions that are not self-imposed, and are determined not to be contrary to the public interest and the spirit and intent of this Ordinance. The Board may grant a variance only in those instances set forth in Section 7-105.4 B.7. of this Ordinance.

VEHICLE REPAIR FACILITY: Any building, structure, land or other premises used for the repair, collision repair, painting, rebuilding or reconditioning of motor vehicles or parts thereof, including, but not limited to automobiles, boats, recreational vehicles, and motorcycles which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles. Storage is limited to thirty (30) days.

WAREHOUSING AND DISTRIBUTION: The storage and handling of freight or merchandise, within entirely enclosed structures, but not including the maintenance or fueling of commercial vehicles.

WELL OPERATOR: Any person, partnership, company, corporation or other entity, including their subcontractors and agents, who have an interest in real estate for the purpose of exploring or drilling for, producing, or transporting Oil or Gas.

WELL SITE: A graded pad designed and constructed for the drilling of one or more Oil and Gas wells.

WHOLESALE: Any distribution procedure involving persons who in the normal course of business do not engage in sales to the general public. Products sold are intended to be used by the purchaser or resold retail.

YARD: The area from the building line to the street line. This area is to remain unoccupied and unobstructed from the ground upward, except as otherwise allowed by this Ordinance. Refer to Figures 1, 2 and 3 at the end of this Section, which provide examples of the various yards as hereinafter defined.

- A. **YARD, FRONT:** The area extending along the full length of a property or street line and back to the front building line. On a corner lot, each yard that abuts a front property or street line shall be considered a front yard. The front setback is included in, but may not encompass the entire front yard.
- B. **YARD, REAR:** The area along the full length of the rear property line and extending back to the rear building line for the entire width of the lot. On a corner lot, the rear yard would include the area bounded by the rear building line and the side and rear property lines.
- C. **YARD, SIDE:** The area bordered by the side property line to the side, front and rear building lines.

D. YARD, TRANSITIONAL: An open space on a lot, unoccupied except for any required plantings or other conditions as required by this Ordinance.

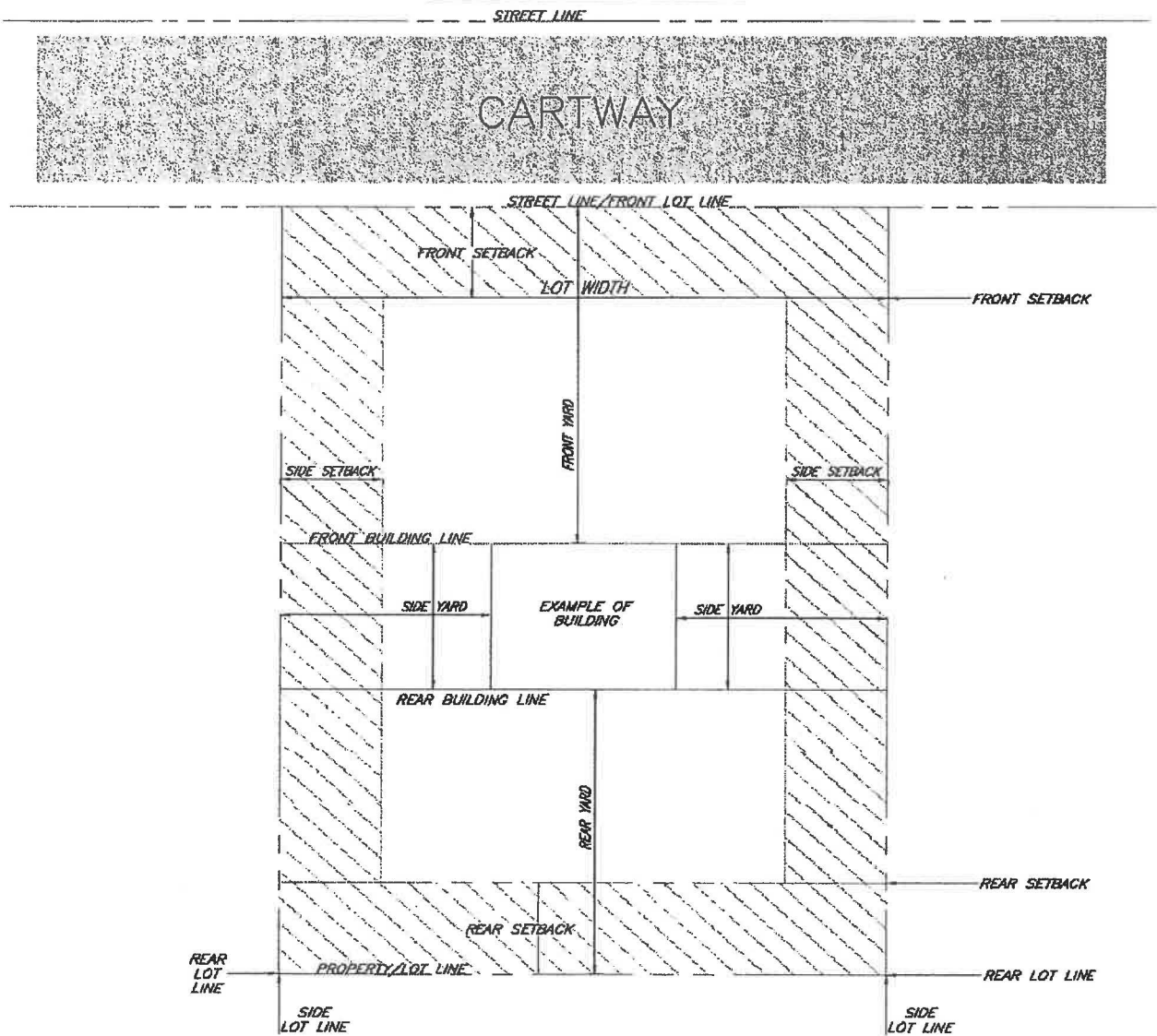
ZONING HEARING BOARD: The Zoning Hearing Board of Scott Township.

ZONING OFFICER: The duly constituted official designed to administer and enforce this Ordinance.

ZONING PERMIT: A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this Ordinance for the zone in which it is located or is to be located.

FIGURE 1: LOT DIAGRAM DEPICTING SETBACKS AND YARDS

LOT DIAGRAM



Notes:

1. A yard may equal or be larger than the required minimum setback.
2. A building may be placed anywhere inside the minimum setback requirements.
3. Driveways are permitted to traverse through setbacks and yards.

FIGURES DEPICTING CORNER, INTERIOR AND FLAG LOTS

FIGURE 2 -- LOT CONFIGURATION DIAGRAM

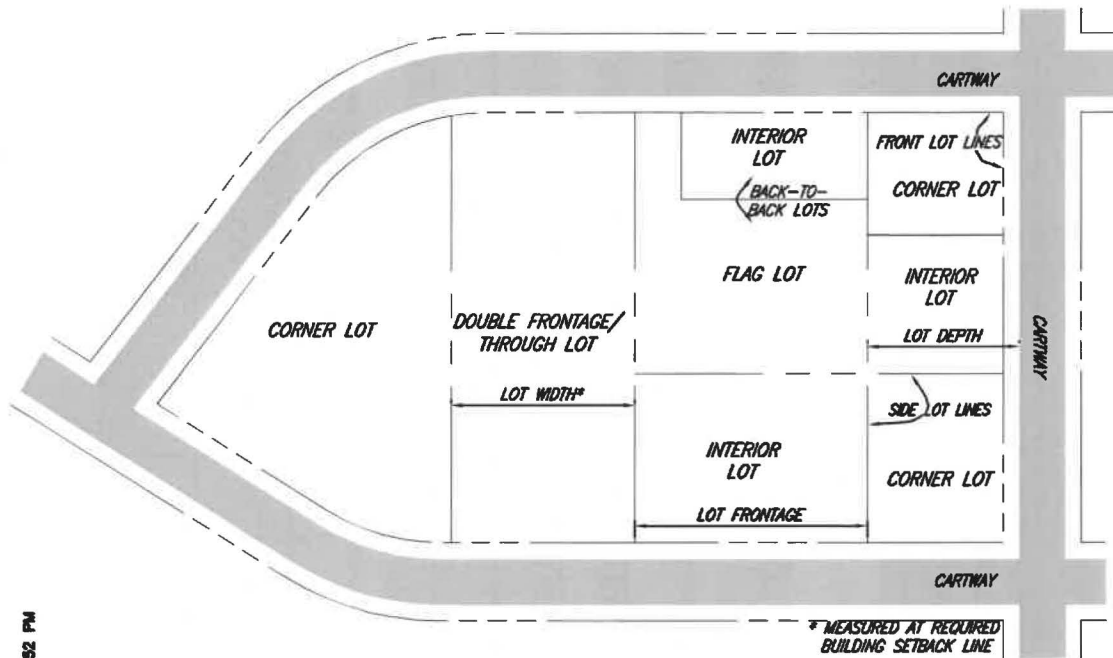
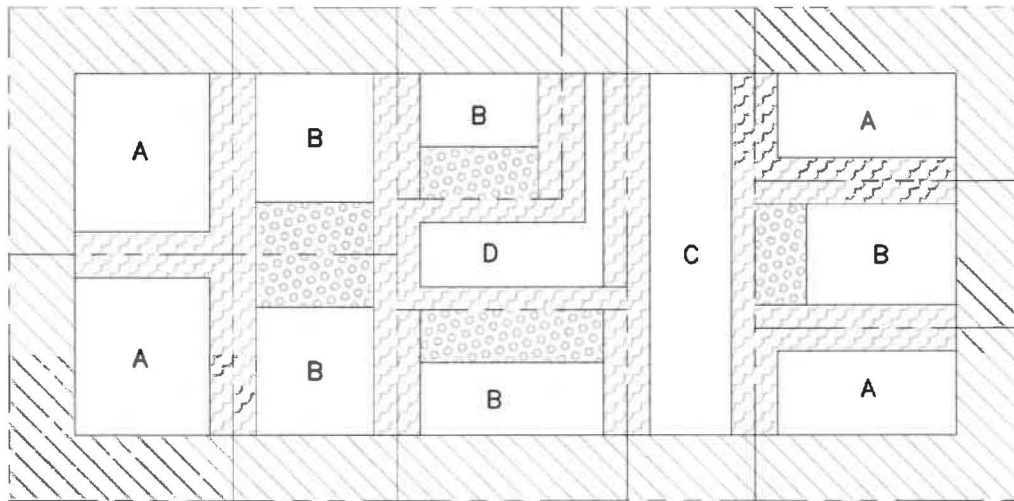
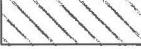






FIGURE 3 -- LOT SETBACK DIAGRAM



- | | | | | | |
|---|---|---|----------|---|---------------------|
|  | FRONT SETBACK |  | LOT LINE | A | CORNER LOT |
|  | SIDE SETBACK | | | B | SINGLE FRONTAGE LOT |
|  | REAR SETBACK | | | C | DOUBLE FRONTAGE LOT |
|  | AVAILABLE BUILDABLE AREA SUBJECT TO OTHER REGULATIONS OF THIS ORDINANCE | | | D | FLAG LOT |

**ARTICLE TWO
ZONING DISTRICT REGULATIONS**

2-100 DISTRICT REGULATION – PERMISSIBLE USE TABLE

Table 2-01 PERMISSABLE USE TABLE

P= Permitted SE=Permitted by Special Exception CU=Permitted by Conditional Use

	USE DESCRIPTION	R1	R2	R3	C1	C2/ C2-A	C3	I	OS	Section References
1.00	Residential Uses									
1.01	Single Family Dwellings (excluding mobile homes)	P	P	P					CU	Sections 2-101, 2-102, 2-103, & 2-205, 3-103.1
1.02	Two-Family Dwellings (excluding mobile homes)		P	P		CU				Sections 2-102, 2-103, and 2-202
1.03	Group Homes	P	P	P						Sections 2-101, 2-102, 2-103 & 3-103.1
1.04	Townhouse Dwellings			P	CU	CU				Sections 2-103 & 2-201, & 2-202
1.05	Garden Dwellings			P	CU	CU				Sections 2-103, 2-201, & 2-202
1.06	Planned Residential Developments (PRD)			P						Sections 2-103
1.07	Multi-Family Dwellings and Multi-Family Multi-Story Dwellings (including efficiency dwellings)		CU	P	CU	CU	CU			Sections 2-102, 2-103, 2-201, 2-202, & 2-203
1.08	Mobile homes / Mobile home parks			CU						Section 2-103
1.09	Age Restricted Development		CU	CU	CU	CU				Sections 2-102, 2-103, 2-201, 2-202, & 3-103.1
1.10	Short Term Rentals	CU	CU	CU	CU	CU				Sections 2-101, 2-102, 2-103, 2-201, 2-202, & 3-103.1

Table 2-01 PERMISSIBLE USE TABLE

P= Permitted SE=Permitted by Special Exception CU=Permitted by Conditional Use

	USE DESCRIPTION	R1	R2	R3	C1	C2/ C2-A	C3	I	OS	<u>Section References</u>
1.11	Dwelling Accessory / Apartment		CU	CU						Sections 2-102 & 2-103
2.00	Institutional Uses									
2.01	Schools (K-12)	CU	CU							Sections 2-101 & 2-102
2.02	Alternative Schools (K-12)			CU	CU					Sections 2-103 & 2-201
2.03	Trade Schools				CU	CU	CU	CU		Sections 2-201, 2-202, 2-203 & 2-204
2.04	Religious Uses	P	P	P	P	P	P	P		Sections 2-101, 2-102, 2-103, 2-201, 2-202, 2-203, 2-204 & 3-103.2
2.05	Dancing, Music, Art Schools, or Large Tutoring Center				CU	CU	CU			Sections 2-201, 2-202 & 2-203
2.06	Small Tutoring Center			CU	P	P	P	P		Sections 2-103, 2-201, 2-202, 2-203, & 2-204
2.07	Municipal Uses & Facilities	P	P	P	P	P	P	P	P	Sections 2-101, 2-102, 2-103, 2-201, 2-202, 2-203, 2-204 & 2-205
2.08	Cemeteries	CU								Section 2-101
2.09	Child Care Centers		CU	CU	P	P	P	P		Sections 2-102, 2-103, 2-201, 2-202, 2-203, 2-204 & 3-103.2
2.10	Group Child Care Home		CU	P						Sections 2-102, 2-103 & 3-103.2
2.11	Essential Services	P	P	P	P	P	P	P	P	Sections 2-101, 2-102, 2-103, 2-201, 2-202, 2-203, 2-204, & 2-205

Table 2-01 PERMISSIBLE USE TABLE

P= Permitted SE=Permitted by Special Exception CU=Permitted by Conditional Use

	USE DESCRIPTION	R1	R2	R3	C1	C2/ C2-A	C3	I	OS	<u>Section References</u>
2.12	Hospitals		CU		CU					Sections 2-102, 2-201 & 3-103.2
2.13	Nursing or Convalescent Homes			CU	CU	CU				Sections 2-103, 2-201, 2-202, & 3-103.2
2.14	Assisted Living Facilities/Personal Care Facilities			CU	CU	CU				Sections 2-103, 2-201, 2-202, & 3-103.2
2.15	Adult Daily Living Centers			CU	P	P	P			Sections 2-103, 2-201, 2-202, 2-203 & 3-103.2
2.16	Public Use & Buildings			P		P				Sections 2-103, 2-202 & 3-103.2
2.17	Fraternal Organizations, Private Clubs and Charitable/Nonprofit Organizations				P	P	P	P		Sections 2-201, 2-202, 2-203, 2-204 & 3-103.2
2.18	Medical Facilities				P	P	P	P		Sections 2-201, 2-202, 2-203, 2-204 & 3-103.2
2.19	Controlled Substance Treatment Facility						CU			Section 2-203
2.20	Public or Private Social, Recreational, or Cultural Center					CU	CU			Sections 2-202, 2-203 & 3-103.2
2.21	Boarding Facilities							P		Sections 2-204 & 3-103.2
2.22	Animal Hospitals					P	P	P		Section 2-202, 2-203, & 2-204

Table 2-01 PERMISSIBLE USE TABLE

P= Permitted SE=Permitted by Special Exception CU=Permitted by Conditional Use

	USE DESCRIPTION	R1	R2	R3	C1	C2/ C2-A	C3	I	OS	<u>Section References</u>
3.00	Commercial Uses									
3.01	Funeral Homes	CU	CU	CU	CU	CU	CU			Section 2-101, 2-102, 2-103, 2-201, 2-202, 2-203, & 3-103.3
3.02	Crematorium							CU		Section 2-204 & 3-103.3
3.03	Business and Professional Offices			CU	P	P	P	P		Sections 2-103, 2-201, 2-202, 2-203, & 2-204
3.04	Retail or Office Facilities provided within a multi-family, multi-story building not exceeding 20% of the GFA		CU	CU	CU	CU				Section 2-102, 2-103, 2-201, & 2-202
3.05	Neighborhood Commercial Center, not to exceed 5,000 sq.ft. of gross floor area			CU	P	P	P			Section 2-103, 2-201, 2-202, & 2-203
3.06	Personal Services			CU	P	P	P	CU		Sections 2-103, 2-201, 2-202, 2-203, & 2-204
3.07	Commercial Recreation Facilities				CU	CU	P	P		Sections 2-201, 2-202, 2-203 & 2-204
3.08	Outdoor Recreation	CU	CU	CU	CU	CU	CU	CU	CU	Sections 2-101, 2-102, 2-103, 2-201, 2-202, 2-203, 2-204 & 2-205
3.09	Retail not to exceed 10,000 sq. ft. of gross floor area				P	P	P			Sections 2-201, 2-202 & 2-203

Table 2-01 PERMISSIBLE USE TABLE

P= Permitted SE=Permitted by Special Exception CU=Permitted by Conditional Use

	USE DESCRIPTION	R1	R2	R3	C1	C2/ C2-A	C3	I	OS	<u>Section References</u>
3.00	Commercial Uses									
3.10	Retail over 10,000 sq. ft. of gross floor area				CU	P	P	P		Sections 2-201, 2-202, 2-203 & 2-204
3.11	Theaters					P	P	P		Sections 2-202, 2-203 & 2-204
3.12	High Quality Eating Establishment				CU	P	P			Sections 2-201, 2-202 & 2-203
3.13	High Turnover Eating Establishment				CU	P	P	CU		Sections 2-201, 2-202, 2-203 & 2-204
3.14	Fast Food Eating Establishment without Drive-Through Window					P	P	CU		Sections 2-202, 2-203 & 2-204
3.15	Fast Food Restaurant with Drive-Through Window					P	P			Sections 2-202 & 2-203
3.16	Drive-In Eating Establishment					P	P			Sections 2-202 & 2-203
3.17	Health and Fitness Club					P	P	P		Sections 2-202, 2-203 & 2-204
3.18	Pet Grooming					P	P	P		Sections 2-202, 2-203 & 2-204
3.19	Hotel / Motel					CU	CU			Sections 2-202 & 2-203
3.20	Building Material Sales						P	P		Sections 2-203 & 2-204
3.21	Automobile, Mobile Home and Trailer Sales and Service						P	P		Sections 2-203 & 2-204

Table 2-01 PERMISSIBLE USE TABLE

P= Permitted SE=Permitted by Special Exception CU=Permitted by Conditional Use

	USE DESCRIPTION	R1	R2	R3	C1	C2/ C2-A	C3	I	OS	<u>Section References</u>
3.00	Commercial Uses									
3.22	Fuel Service Facilities and Vehicle Repair Facilities					P	P	P		Sections 2-202, 2-203 & 2-204
3.23	Sexually Oriented Businesses						CU			Section 2-203 & 3-103.3
3.24	Convenience Retail with Fuel				CU	CU	CU	CU		Sections 2-201, 2-202, 2-203 & 2-204
3.25	Convenience Retail without Fuel				P	P	P	P		Sections 2-201, 2-202, 2-203 & 2-204
3.26	Medical Marijuana Dispensary				CU	CU	CU	CU		Sections 2-201, 2-202, 2-203, 2-204, & 3-103.3
4.00	Industrial Uses									
4.01	Wholesale, Warehousing, and Distribution Establishments and Facilities							P		Section 2-204
4.02	Laundry and Dry Cleaning Facility							P		Section 2-204
4.03	Industrial Machinery Sales						P	P		Sections 2-203 & 2-204

Table 2-01 PERMISSIBLE USE TABLE

P= Permitted SE=Permitted by Special Exception CU=Permitted by Conditional Use

	USE DESCRIPTION	R1	R2	R3	C1	C2/ C2-A	C3	I	OS	<u>Section References</u>
4.00	Industrial Uses									
4.04	Contractors Office and Equipment Storage Facilities							P		Section 2-204
4.05	Light Manufacturing						CU	P		Sections 2-203 & 204
4.06	Heavy Manufacturing							CU		Section 2-204
4.07	Printing and Publishing Facilities							P		Section 2-204
4.08	Industrial Service and Supply Provider							P		Section 2-204
4.09	Oil and Gas Extraction	P	P	P	P	P	P	P	P	Sections 2-101, 2-102, 2-103, 2-201, 2-202, 2-203, 2-204, 2-205 & 3-108
4.10	Natural Gas Compressor Stations				CU	CU	CU	CU		Sections 2-201, 2-202, 2-203, 2-204 & 3-109
4.11	Natural Gas Processing Plants				CU	CU	CU	CU		Sections 2-201, 2-202, 2-203, 2-204 & 3-109
4.12	Medical Marijuana Grower/Processor							CU	CU	Section 2-204, 2-205, & 3-103.3
4.13	Self-Storage Facilities						P	P		Section 2-203, 2-204, & 3-103.3

Table 2-01 PERMISSIBLE USE TABLE

P= Permitted SE=Permitted by Special Exception CU=Permitted by Conditional Use

	USE DESCRIPTION	R1	R2	R3	C1	C2/ C2-A	C3	I	OS	<u>Section References</u>
5.00	Agricultural, Forestry, and Mining									
5.01	Agricultural Use (except as regulated by other Ordinances or Regulations of the Township)								CU	Section 2-205
5.02	Forestry	P	P	P	P	P	P	P	P	Sections 2-101, 2-102, 2-103, 2-201, 2-202, 2-203, 2-204 & 2-205
5.03	Mining							CU	CU	Sections 2-204 & 2-205
6.00	Miscellaneous									
6.01	Public Parking Garage or Facility				CU	P	P	P		Sections 2-201, 2-202, 2-203 & 2-204
6.02	Private Parking or Vehicle Storage Facility				CU	CU	CU	P		Sections 2-201, 2-202, 2-203, & 2-204
6.03	Billboards						CU			Section 2-203 & 3-104.11
6.04	Railway and Motor Freight Terminals							CU		Section 2-204
7.00	Accessory Uses									
7.01	No-Impact Home Based Business	P	P	P	P	P	P	P	P	Sections 2-101, 2-102, 2-103, 2-201, 2-202, 2-203, 2-204, 2-205 & 3-103.4
7.02	Home Occupation		CU	CU	CU	CU	CU	CU		Sections 2-102, 2-103, 2-201, 2-202, 2-203, 2-204 & 3-103.4
7.03	Accessory Uses (Residential)	P	P	P	P	P				Sections 2-101, 2-102, 2-103, 2-201, 2-202, & 3-103.4

Table 2-01 PERMISSIBLE USE TABLE

P= Permitted SE=Permitted by Special Exception CU=Permitted by Conditional Use

	USE DESCRIPTION	R1	R2	R3	C1	C2/ C2-A	C3	I	OS	<u>Section References</u>
7.00	Accessory Uses									
7.04	OTARD (Over The Air Reception Device)	P	P	P	P	P	P	P		Sections 2-101, 2-102, 2-103, 2-201, 2-202, 2-203, 2-204 & 3-103.4
7.05	Family Child Care Home	P	P	P						Sections 2-101, 2-102, 2-103 & 3-103.4
7.06	Communication Structures			CU	CU	CU	CU	CU		Sections 2-103, 2-201, 2-202, 2-203, 2-204 & 3-103.4
7.07	Energy Structures (other than an accessory structure to a building or a garage)	CU	CU	CU	CU	CU	CU	CU		Sections 2-101, 2-102, 2-103, 2-201, 2-202, 2-203, 2-204 & 3-103.4
7.08	Public Utility Service Buildings, Structures or Facilities	P	P	P	P	P	P	P	P	Sections 2-101, 2-102, 2-103, 2-201, 2-202, 2-203, 2-204, 2-205 & 3-103.4
8.00	Uses Not Specifically Provided									
8.01	Uses Not Specifically Provided	CU	CU	CU	CU	CU	CU	CU	CU	Sections 2-101, 2-102, 2-103, 2-201, 2-202, 2-203, 2-204, 2-205 & 3-103.5

2-101 R-1 Single Family Residential Districts

(R-1) SINGLE-FAMILY RESIDENTIAL DISTRICT Dimensional Requirements		
Dimensional Requirement	Use	Requirement
Minimum Lot Size	Residential	7,200 sq.ft. per dwelling unit
	Funeral Homes	3 acres
	All others	10,000 sq.ft.
Minimum Lot Width	Residential	60'
	All others	75'
Minimum Front Building Setback	All	30' Corner lots must meet setbacks for both front yards.
Minimum Rear Building Setback	Residential	25' for main structure or use; 5' for accessory structures or use
	All others	15'
Minimum Side Building Setback	Residential	10' on each side for principal and accessory structures or uses.
	All others	15' on each side for main uses
Minimum Building Height	All	Principal structure or use: one full story above ground level
Maximum Building Height	All	35' for principal structure 14' for accessory structure
Maximum Lot Coverage	All	30%

Purpose

The R-1 district is intended to be principally a single-family residential area with appropriate compatible uses developed under strict conditions and standards. Appropriate residentially – related uses will be permitted as conditional uses as provided by this Ordinance.

2-101.1 Uses Permitted Within This District

Uses permitted by right, conditional use, and special exception shall be in accordance with Table 2-01 Permissible Use Table and Area and Bulk Regulations of this Ordinance.

2-101.2 Area and Bulk Regulations

- A. Permitted and Conditional Uses:
1. Minimum lot area:
 - (a) Residential: Seven thousand, two hundred (7,200) sq. ft. per dwelling unit.
 - (b) Funeral homes: Three (3) acres.
 - (c) All other uses: Ten thousand (10,000) square feet.
 2. Minimum lot width:
 - (a) Residential: Sixty (60) feet per dwelling unit.
 - (b) All other uses: Seventy-five (75) feet.
 3. Maximum building height:
 - (a) Principal structures: Thirty-five (35) feet.
 - (b) Accessory structures: Fourteen (14) feet.
 4. Minimum building height:
 - (a) Principal structures: one full story above mean ground level
 5. Minimum setback requirements:
 - (a) Front setback: Thirty (30) feet measured from the street right-of-way line.
 - (b) Side setbacks:
 - 1) Residential: Each ten (10) feet for any principal and accessory structure or use.
 - 2) Other uses: Each fifteen (15) feet for any main use.
 - (c) Rear setback:
 - 1) Residential: Twenty-five (25) feet for any main structure and a minimum of five (5) feet for any accessory structures.
 - 2) Other uses: Fifteen (15) feet.
 6. Maximum lot coverage: Thirty percent (30%).

**(R-2) GENERAL RESIDENTIAL DISTRICT
Dimensional Requirements**

Dimensional Requirement	Use	Requirement
Minimum Lot Area	Single-Family	6,000 sq.ft. per dwelling
	Two-Family	7,500 sq.ft. per dwelling
	All others	10,000 sq.ft.
Minimum Lot Width	Single-Family	60'
	Two-Family	75'
	All others	60'
Minimum Front Building Setback	Residential	25' Corner lots must meet setbacks for both front yards.
	All others	35' Corner lots must meet setbacks for both front yards.
Minimum Rear Building Setback	Residential	20'
	Accessory Structure or Use	3' from rear line
	All others	15' from rear line
Minimum Side Building Setback	Residential	Two side setbacks totaling 15', neither less than 6'. On corner lot, side setback not less than 6'.
	Accessory Structure or Use	6'
	All others	15' each side.
Maximum Building Height	Principal Structures	35'
	Hospitals	55'
	Accessory Structures	14'
Maximum Lot Coverage	All	40%

Purpose

The R-2 district is intended primarily to be a single and double family residential area.

2-102.1 Uses Permitted Within This District

Uses permitted by right, conditional use, and special exception shall be in accordance with Table 2-01 Permissible Use Table and Area and Bulk Regulations of this Ordinance.

2-102.2 Area and Bulk Regulations

A. Permitted and conditional uses:

1. **Minimum lot area:**
 - (a) **Single Family Dwelling:** Six thousand (6,000) square feet per unit.
 - (b) **Two-Family Structure:** Seven thousand, five hundred (7,500) square feet per unit.
 - (c) **All other uses:** Ten thousand (10,000) square feet.
2. **Minimum lot width:**
 - (a) **Single Family Dwelling:** Sixty (60) feet.
 - (b) **Two-family structures:** Seventy-five (75) feet.
 - (c) **All other uses:** Sixty (60) feet.
3. **Maximum building height:**
 - (a) **Hospitals:** Fifty-five (55) feet.
 - (b) **Accessory structures:** Fourteen (14) feet.
 - (c) **All other Principal Structures:** Thirty-five (35) feet.
4. **Minimum setback requirements:**
 - (a) **Front setback:**
 - 1) **(Residential:** Twenty-five (25) feet measured from street right-of-way line.
 - 2) **All other uses:** Thirty-five (35) feet.
 - (b) **Side setbacks:**
 - 1) **Residential:** Two (2) side setbacks, totaling fifteen (15) feet, and none less than six (6) feet for any main residential structure. On corner lot, the side setback not less shall not be less than six (6) feet for any main residential structure.
 - 2) **Accessory structures or use:** Six (6) feet from the side property line.
 - 3) **All other uses:** Each fifteen (15) feet.
 - (c) **Rear setback:**
 - 1) **Residential:** Twenty (20) feet from the rear line.
 - 2) **All other principal uses:** Fifteen (15) feet from the rear line.
 - 3) **Accessory structure or use:** Three (3) feet from the rear line.
5. **Maximum lot coverage:** Forty percent (40%).

2-103 R-3 Medium to High Density Multi-family Districts

(R-3) MEDIUM DENSITY MULTI-FAMILY DISTRICTS Dimensional Requirements		
Dimensional Requirement	Use	Requirement
Minimum Lot Area	Single-Family	6,000 sq. ft. per dwelling
	Two-Family	7,500 sq. ft. per structure
	Townhouses	1,800 sq. ft. per unit
	Garden Dwelling	1,500 sq. ft. per unit
	Multi-family / Multi-story	800 sq. ft. per unit
	All others	10,000 sq. ft.
Minimum Lot Width	All, except townhouses	100'
	Townhouses	20'
Minimum Front Building Setback	All	25' Corner lots must meet setbacks for both front yards.
Minimum Rear Building Setback	All	25'
Minimum Side Building Setback	All	25'
Maximum Building Height	Single-Family and Two-Family	35'
	Townhouses and Garden Dwellings	40'
	Accessory Structure	20'
	All others	75'
Maximum Lot Coverage	All	50%

Purpose

R-3 districts are intended to be developed as medium to high density multi-family areas primarily suited for townhouses and garden type apartments at prescribed densities.

Business uses shall be convenience goods, and services such as a small grocery store, drug store, cleaner's, or doctor's office.

2-103.1 Uses Permitted Within This District

Uses permitted by right, conditional use, and special exception shall be in accordance with Table 2-01 Permissible Use Table and Area and Bulk Regulations of this Ordinance.

2-103.2 Area and Bulk Regulations

A. Permitted and conditional uses:

1. Minimum lot area:
 - (a) Single-Family: Six thousand (6,000 square feet) for each dwelling unit.
 - (b) Two-Family Structure: Seven thousand five hundred (7,500) square feet per structure.
 - (c) Townhouses: One thousand, eight hundred (1,800) square feet for each townhouse unit.
 - (d) Garden Dwelling: One thousand, five hundred (1,500) square feet for each garden dwelling.
 - (e) Multi-family / Multi-story: Eight hundred (800) square feet for each unit.
 - (f) All other principal uses: Ten thousand (10,000) square feet.
2. Minimum lot width:
 - (a) Townhouses: Twenty (20) feet.
 - (b) All other principal uses: One-hundred (100) feet.
3. Maximum building height:
 - (a) Single-Family and Two-Family dwellings: Thirty-five (35) feet.
 - (b) Townhouses and Garden dwellings: Forty (40) feet.
 - (c) All other principal uses: Seventy-five (75) feet.
 - (d) Accessory structures: Twenty (20) feet.
4. Minimum setback requirements:
 - (a) No specified requirements provided that any structure or use shall not be closer than twenty-five (25) feet of any property line. This requirement does not apply to common walls of townhouse units.
 - (b)
 - (c) The front yard setback shall be increased by one (1) foot for every foot of building height over thirty-five (35 feet).
5. Transitional Yards:
 - (a) Where a side lot line coincides with a side or rear lot line in an adjacent residential district, then a landscaped side buffer area shall be provided along such side lot line that is twenty (20) feet in width.
 - (b) Where a rear lot line coincides with a side lot line in an adjacent residential district, then a landscaped rear buffer area shall be provided along such rear lot line that is 20 feet in depth.

- (c) Where a rear lot line coincides with a rear lot line in an adjacent residential district, then a landscaped rear buffer area shall be provided along such rear lot line that is not less than 20 feet in depth.
- (d) Where a rear or side wall of any structure for a use permitted in the R-3 District lies across the street from the front yard of a residential structure located in a residential district, then a corresponding landscaped buffer area shall be provided along such rear or side wall that is not less than 20 feet in depth.
- (e) Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district then a corresponding landscaped buffer area equal in depth to the minimum front setback required by this Ordinance on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least fifty (50) feet, including the width of any intervening alley.
- (f) Transitional yard plantings shall be in accordance with Section 3-110 of this Ordinance.

6. Maximum lot coverage: Fifty percent (50%)

2-103.3 Additional Requirements

- A. Townhouse buildings shall have no more than twelve (12) units per structure and no more than three consecutive dwelling units shall have identical front setbacks.
- B. In townhouse and garden apartment groupings, a minimum of fifteen (15) feet shall be allowed between side (end) walls of adjacent townhouse or garden buildings; thirty (30) feet between front-to-front, front-to-rear, and rear-to-rear facing walls of adjacent structures.
- C. Balconies, if provided, shall not extend in any required setback area.

(C-1) Convenience Commercial Districts Dimensional Requirements		
Dimensional Requirement	Use	Requirement
Minimum Lot Area	Townhouses	1,800 sq. ft. per unit
	Garden Dwelling	1,500 sq. ft. per unit
	All others	6,000 sq. ft.
Minimum Lot Width	Townhouses	20'
	All others	50'
Minimum Front Building Setback	All	35' Corner lots must meet setbacks for both front yards.
Minimum Rear Building Setback	Abutting another commercial use or "C" district	10'
	All others	20'
Minimum Side Building Setback	Abutting another commercial use or "C" district and common walls of townhouse units	zero
	All others	20'
Maximum Building Height	Townhouses and Garden Dwellings	40'
	Accessory Structures	14'
	All others	35'
Maximum Lot Coverage	All	45%

Purpose

The Convenience Commercial District is designed to permit small areas of convenience shopping facilities in or near residential neighborhoods. Such facilities should occupy a small cohesive area and be principally near major intersections or on major streets. Access should be from a major street and should be designed, wherever possible, to serve jointly several businesses or establishments. Business establishments should be limited to those which serve daily consumer needs and do not require extensive parking.

2-201.1 Uses Permitted Within This District

Uses permitted by right, conditional use, and special exception shall be in accordance with Table 2-01 Permissible Use Table and Area and Bulk Regulations of this Ordinance.

2-201.2 Area and Bulk Requirements

- A. Minimum lot area:
 - (a) Townhouses: Eighteen hundred (1,800) square feet per unit.
 - (b) Garden Dwellings: Fifteen hundred (1,500) square feet per unit.
 - (c) All others: Six thousand (6,000) square feet.

- B. Minimum lot width:
 - (a) Townhouses: Twenty (20) feet.
 - (b) All Others: Fifty (50) feet.

- C. Maximum building height:
 - 1. Townhouses and Garden Dwellings: Forty (40) feet.
 - 2. All Other Principal structures: Thirty-five (35) feet.
 - 3. Accessory structures: Fourteen (14) feet.

- D. Minimum setback Requirements (principal and accessory structures):
 - 1. Front setback: Thirty-five (35) feet minimum.
 - 2. Side setbacks:
 - (a) Abutting another commercial use or "C" district: No side yards.
 - (b) Common walls of Townhouse units: No side yards
 - (c) All others: Twenty (20) feet.
 - 3. Rear setback:
 - (a) Abutting another commercial use or "C" district: Ten (10) feet.
 - (b) All others: Twenty (20) feet.
 - 4. Transitional yards:
 - (a) Where a side or rear lot line abuts a side or rear lot line in an adjacent residential district, then a corresponding landscaped buffer area of fifteen (15) feet must be provided.
 - (b) Where the rear or side wall of any structure used for a use permitted in this district lies across the street from the front yard of residential structures located in a residential district, then a corresponding landscaped buffer area shall be provided along such rear or side wall that is not less than fifteen (15) feet in depth.
 - (c) Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district, then a corresponding landscaped buffer area equal in depth to the minimum front setback required by the Ordinance in such adjacent residential district shall be provided along such front or side lot line for a distance of at least twenty (20) feet, including the width of any intervening alley.
 - (d) Transitional yard plantings shall be in accordance with Section 3-110 of this Ordinance.
 - 5. Maximum lot coverage: Forty-five percent (45%).

2-201.3**Additional Requirements**

- A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- B. All business, servicing, storage and display of goods (except for off street parking and loading) shall be conducted within completely enclosed structures.
- C. No business establishment shall offer goods and services directly to customers waiting in parked motor vehicles or sell beverages or food for consumption on the premises in parked motor vehicles.
- D. Exterior lighting fixtures shall be so designed and shaded so that no direct light or glare is cast upon any property located in a residential district.
- E. All businesses shall comply with the performance standards for commercial establishments contained in Section 3-107 of this Ordinance.

(C-2 & C-2-A) GENERAL COMMERCIAL DISTRICTS
Dimensional Requirements

Dimensional Requirement	Use	Requirement
Minimum Lot Area	C-2 district	10,000 sq.ft.
	C-2-A district	2,800 sq.ft. for nonresidential;
	Two-Family, Townhouse, Garden, and Multifamily Dwellings	See Section 2-103.2.A.1.
Minimum Lot Width	C-2 district except Townhouses	100'
	C-2-A district / Residential except Townhouses	35'
	C-2-A district/Non-Residential except Townhouses	25'
	Townhouses in C-2 or C-2-A	20'
Minimum Front Building Setback	C-2 district	35' from the right-of-way line of a local or collector street
	C-2-A district	None
Minimum Rear Building Setback	C-2 district	10'; 20' abutting an "R" district
	C-2-A district	10'
Minimum Side Building Setback	C-2 district	0'; 15' abutting an "R" district
	C-2-A district	None for nonresidential and Townhouses and 10' abutting an "R" district 10% of lot width for residential (excluding Townhouses) but not less than 3.5' each.
Maximum Building Height	All	75' principal structures; 14' accessory structures Add 2' to each setback for each foot of building height over 40'
Maximum Lot Coverage	C-2 district	40%
	C-2-A district	70%

Purpose

This district provides a zone for the location of a broad range of retail goods and services normally required by the community. C-2 districts are primarily retail areas which consist of groups of individual stores rather than unified shopping centers, although the regulations could apply to either type area.

Regulations are given for two types of General Commercial Districts, C-2 and C-2-A. The first applies to the newer suburban type of business areas which are located along mayor highways such as Greentree Road. C-2-A districts are intended to be used for older established business areas, such as the Carothers Avenue area.

2-202.1 Uses Permitted Within This District

Uses permitted by right, conditional use, and special exception shall be in accordance with Table 2-01 Permissible Use Table and Area and Bulk Regulations of this Ordinance.

2-202.2 Area and Bulk Regulations

- A. Minimum lot area:
 - 1. C-2 district: Ten thousand (10,000) square feet.
 - 2. C-2-A district: Three thousand (2,800) square feet for nonresidential structures or uses.
 - 3. For Two-Family, Townhouse, Garden, or Multifamily Dwellings: See Section 2-103.2.A.1.

- B. Minimum lot width:
 - 1. C-2 district except Townhouses: One hundred (100) feet.
 - 2. C-2-A district except Townhouses: Twenty-five (25) feet for nonresidential; thirty-five (35) feet residential structures or uses.
 - 3. Townhouses in C-2 or C-2-A Districts: Twenty (20) feet.

- C. Maximum building height: Seventy-five (75) feet for any main building and fourteen (14) feet for any accessory structure.

- D. Minimum setback requirements:
 - 1. C-2 district:
 - (a) Front: Thirty-five (35) feet from the right-of-way line of a local or collector street.
 - (b) Side: None except fifteen (15) feet abutting a residential district.
 - (c) Rear: Ten (10) feet except twenty (20) feet abutting a residential district.
 - 2. C-2-A district:
 - (a) Front: None
 - (b) Side
 - 1) None required for non-residential and townhouses or ten (10) feet abutting a residential district.
 - 2) Ten percent (10%) of the lot width for residential structures (excluding townhouses) but not less than three and one half (3.5) feet for each side setback.
 - (c) Rear: Ten (10) feet.

3. Transitional yards:
 - (a) Where a side or rear lot line abuts a side or rear lot line in an adjacent residential district, then a corresponding landscaped buffer area of fifteen (15) feet must be provided.
 - (b) Where the rear or side wall of any structure used for a use permitted in this district lies across the street from the front yard of residential structures located in a residential district, then a corresponding landscaped buffer area shall be provided along such rear or side wall that is not less than 15 feet in depth.
 - (c) Where the extension of a front or side lot line coincides with a frontline of an adjacent lot located in a residential district, then a corresponding landscaped buffer area equal in depth to the minimum front setback required by the Ordinance in such adjacent residential district shall be provided along such front or side lot line for a distance of at least twenty (20) feet, including the width of any intervening alley.
 - (d) Transitional yard planting shall be in accordance with Section 3-110.5 of this Ordinance.
 - (e) All setbacks shall be determined by building height. For each foot above forty (40) feet of building height, the minimum setbacks specified in paragraph (a) and (b) above shall be increased by two (2) feet.

4. Maximum lot coverage:
 - (a) C-2 district: Forty percent (40%).
 - (b) C-2-A district: Seventy percent (70%).

2-202.3 Additional Requirements

- A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- B. All business, servicing, storage and display of goods (except for off street parking and loading) shall be conducted within completely enclosed structures.
- C. No business establishments shall offer goods and services directly to customers waiting in parked motor vehicles or sell beverages or food for consumption on the premises in parked motor vehicles.
- D. Exterior lighting fixtures shall be so shaded so that no direct light is cast upon any property located in a residential district.
- E. All establishments shall comply with the performance standards for commercial uses contained in Section 3-107 of this Ordinance.
- F. In the case of rehabilitation, remodeling or conversion of an existing structure for multi-family residences, the Board of Commissioners may waive or modify minimum lot area, width, and setback standards, provided that no dwelling unit shall have less than seven hundred fifty (750) square feet of interior living space.

2-203 C-3 Heavy Commercial District

(C-3) HEAVY COMMERCIAL DISTRICT Dimensional Requirements		
Dimensional Requirement	Use	Requirement
Minimum Lot Area	All	10,000 sq. Ft.
Minimum Lot Width	All	100'
Minimum Front Building Setback	All	35' from street right-of-way Corner lots must meet setbacks for both front yards.
Minimum Rear Building Setback	All	20'
Minimum Side Building Setback	All	10' 20' if abutting a "R" district
Maximum Building Height	All	40' for principal structures 14' for accessory structures
Maximum Lot Coverage	All	50%

Purpose

This district is designed to provide areas for heavy commercial uses which would not be compatible with retail commercial uses and which generally require larger areas and facilities. All uses within this district must meet the performance standards contained in Article 3 of this Ordinance relating to noise, air pollution, odor and hazardous conditions

2-203.1 Uses Permitted Within This District

Uses permitted by right, conditional use, and special exception shall be in accordance with Table 2-01 Permissible Use Table and Area and Bulk Regulations of this Ordinance.

2-203.2 Area and Bulk Regulations

- A. Minimum lot area: Ten thousand (10,000) square feet.
- B. Minimum width: One hundred (100) feet.
- C. Maximum building height: Forty (40) feet for any principal structure; fourteen (14) feet for any accessory structure.

- D. Minimum setback requirements (principal and accessory):
1. Front setback: Thirty-five (35) feet from the street right-of-way line.
 2. Side setbacks: Ten (10) feet each, or abutting residential district twenty (20) feet.
 3. Rear setback: Twenty (20) feet.
 4. Transitional Yards:
 - (a) Where a side lot line coincides with a side or rear lot line in an adjacent residential district, then a landscaped side buffer area shall be provided along such side lot line that is twenty (20) feet in width.
 - (b) Where a rear lot line coincides with a side lot line in an adjacent residential district, then a landscaped rear buffer area shall be provided along such rear lot line that is twenty (20) feet in depth.
 - (c) Where a rear lot line coincides with a rear lot line in an adjacent residential district, then a landscaped rear buffer area shall be provided along such rear lot line that is not less than twenty (20) feet in depth.
 - (d) Where the rear or side wall of any structure used for a use permitted in the C-3 district lies across the street from the front yard of a residential structure located in a residential district, then a corresponding landscaped buffer area shall be provided along such rear or side wall that is not less than twenty (20) feet in depth.
 - (e) Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district, then a landscaped front buffer area equal in depth to the minimum front yard required by this Ordinance on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least fifty (50) feet, including the width of any intervening alley.
 - (f) Transitional yard plantings shall be in accordance with Section 3-110 of this Ordinance.
- E. Maximum lot coverage: Fifty percent (50%).

2-203.3 Additional Requirements

- A. No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- B. All business, servicing or processing shall be conducted within a completely enclosed building, with the following exceptions:
 1. Display of merchandise for sale to the public.
 2. Off-street parking and loading spaces.
 3. Outdoor storage.
- C. Any use which is not within a completely enclosed building and which abuts a residential district at a side or rear lot line, or is separated from a residential district only by an alley along a side or rear lot line, shall be provided with screening.
- D. All structures and uses shall comply with the screening provisions and performance standards in Article 3 of this Ordinance.

2-204 I – General Industrial Districts

(I) GENERAL INDUSTRIAL DISTRICTS Dimensional Requirements		
Dimensional Requirement	Use	Requirement
Minimum Lot Area	All	10,000 sq. ft.
Minimum Lot Width	All	100'
Minimum Front Building Setback	All	35' from the right-of-way of a local or private street 50' from an arterial or collector street. Corner lots must meet setbacks for both front yards.
Minimum Rear Building Setback	All	20'. 35' if abutting an "R" district
Minimum Side Building Setback	All	20' if abutting an "R" district. None if abutting another "I" or "C" district
Maximum Building Height	All	50'
Maximum Lot Coverage	All	60%

Purpose

This district is established to provide suitable areas for industrial and manufacturing uses which can comply with the performance standards set forth in Article 3.

2-204.1 Uses Permitted Within This District

Uses permitted by right, conditional use, and special exception shall be in accordance with Table 2-01 Permissible Use Table and Area and Bulk Regulations of this Ordinance.

2-204.2 Area and Bulk Requirements

- A. Minimum lot area: Ten thousand (10,000) square feet.
- B. Minimum lot width: One hundred (100) feet.
- C. Maximum building height: Fifty (50) feet for any principal structure.

- D. Minimum setback requirements:
1. Front setback: Thirty-five (35) feet from the right-of-way line of a local or private street; fifty (50) feet from an arterial or collector street.
 2. Side setbacks: None abutting another I or commercial district use; abutting a residential district then twenty (20) feet.
 3. Rear setback: Twenty (20) feet; abutting a residential district, then thirty-five (35) feet.
- E. Maximum lot coverage: Sixty percent (60%).

2-204.3 Additional Requirements

- A. All operations, activities and storage shall be conducted wholly inside a building(s), unless the nearest point of such operation or activity is more than two hundred (200) feet from the boundary of any other zoning district other than I or C-3 districts and except that storage may be maintained outside a building in a side or rear yard (excluding the minimum required setback area); if such storage area is separated by screening from public streets and other property except property located in an I district.
- B. No retail sales or services shall be permitted except as incidental to a permitted use.
- C. If a lot in an I district adjoins a residential district, screening shall be provided at the lot line sufficient to protect on a year round basis the privacy of the adjoining residential uses.
- D. No building shall be used for residential purposes, except that a watchman or custodian may reside on the premises.

2-205 OS – Open Space Districts

(OS) OPEN SPACE DISTRICTS Dimensional Requirements		
Dimensional Requirement	Use	Requirement
Minimum Lot Area	All	1 acre
Minimum Lot Width	All	150'
Minimum Front Building Setback	All	30' Corner lots must meet setbacks for both front yards.
Minimum Rear Building Setback	All	For principal and accessory structures or uses, the greater of 25% of the depth of the lot or 15'
Minimum Side Building Setback	All	10' on each side for principal and accessory structures or uses.
Maximum Building Height	All	35' for principal structure 14' for accessory structure
Maximum Lot Coverage	All	30%

Purpose

This district is established to provide suitable areas for industrial and manufacturing uses which can comply with the performance standards set forth in Article 3.

2-205.1 Uses Permitted Within This District

Uses permitted by right, conditional use, and special exception shall be in accordance with Table 2-01 Permissible Use Table and Area and Bulk Regulations of this Ordinance.

2-205.2 Area and Bulk Requirements

Permitted and conditional uses:

- A. Minimum lot area: One (1) acre
- B. Minimum lot width: One hundred fifty (150) feet

- C. Maximum building height:
 - 1. Principal structures: Thirty-five (35) feet.
 - 2. Accessory structures: Fourteen (14) feet.

- D. Minimum setback requirements:
 - 1. Front setback: Thirty (30) feet measured from the street right-of-way line.
 - 2. Side setbacks: Two (2) side setbacks, each ten (10) feet for any principal and accessory use.
 - 3. Rear setback: The greater of twenty-five (25%) percent of the depth of the lot as measured from the street right-of-way line for any main structure, or fifteen (15) feet.

- E. Maximum lot coverage: Thirty percent (30%)

2-206 AO – Airport Overlay District

2-206.1 Purpose

The purpose of this Section 2-206 is to create an airport district overlay that considers safety issues around the Pittsburgh International Airport and the Allegheny County Airport, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

2-206.2 Relation to Other Zoning Districts

The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

2-206.3 Definitions

The following words and phrases when used in this Section 2-206 shall have the meaning given to them unless the context clearly indicates otherwise.

- A. Airport Elevation: The highest point of an airport’s useable landing area measured in feet above sea level. The airport elevation of the Pittsburgh International Airport is 1,204 feet above mean sea level. The elevation of the Allegheny County Airport is 1,250 feet above mean sea level.

- B. Airport Hazard: Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 C.F.R. Part 77 and 74 Pa. C.S. § 5102.

- C. Airport Hazard Area: Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Section 2-206 and the Pennsylvania Aviation Code, 74 Pa. C.S. §§ 5101–et seq., as amended.
- D. Approach Surface (Zone): An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.
- E. Conical Surface (Zone): An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of four thousand (4,000) feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.
- F. Department: Pennsylvania Department of Transportation.
- G. FAA: Federal Aviation Administration of the United States Department of Transportation.
- H. Height: For the purpose of determining the height limits in all zones set forth in this Section 2-206 and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- I. Horizontal Surface (Zone): An imaginary plane one hundred fifty (150) feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.
- J. Larger Than Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- K. Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Section 2-206 or an amendment thereto.
- L. Non-Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
- M. Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Section 2-206.
- N. Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach

Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

- O. Primary Surface (Zone): An imaginary surface longitudinally centered on the runway, extending two hundred (200) feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.
- P. Runway: A defined area of an airport prepared for landing and takeoff of aircraft along its length.
- Q. Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.
- R. Transitional Surface (Zone): An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.
- S. Tree: Any object of natural growth.
- T. Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
- U. Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

2-206.4 Establishment of Airport Zones

There are hereby created and established certain zones within the Airport District Overlay Section, such zones defined in Section 2-206.3 and depicted on Figure 2, such zones to include:

- A. Approach Surface Zone
- B. Conical Surface Zone
- C. Horizontal Surface Zone
- D. Primary Surface Zone
- E. Transitional Surface Zone

The zones pertaining to the Pittsburgh International Airport (PIT) Airspace Plan are set forth as Figure 3.

2-206.5 Permit Applications

As regulated by the Pennsylvania Aviation Code and defined by 14 C.F.R. Part 77.13(a) (both as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the

vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PennDOT Form AV-57 (as amended) to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section 2-206.6.

- A. Exceptions to Applications: No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure. Also, no permit or review under this Section is required for any of the following construction or alterations:
 - 1. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of the Township where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
 - 2. Any antenna structure of twenty (20) feet or less in height except one that would increase the height of another antenna structure.
 - 3. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the FAA, or an appropriate military service on military airports, the location and height of which is fixed by functional purpose.
 - 4. Any construction or alteration for which notice is required by any other FAA regulation.

The Township Zoning Officer shall determine whether an exception under this Section applies.

2-206.6 Variance

Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

- A. No Objection – The subject construction is determined to not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
- B. Conditional Determination – The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 2-206.9 – Obstruction Marking and Lighting.
- C. Objectionable – The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Section 2-206.

2-206.7 Use Restrictions

Notwithstanding any other provisions of this Section 2-206, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Pittsburgh International Airport and the Allegheny County Airport.

2-206.8 Pre-Existing Non-Conforming Uses

The regulations prescribed by this Section 2-206 shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Section 2-206 or any Ordinance previously enacted by the Township pertaining to an Airport Overlay District, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the underlying zoning ordinance), may only be reestablished consistent with the provisions herein.

2-206.9 Obstruction Marking and Lighting

Any permit or variance granted pursuant to the provisions of this Section may be conditioned according to the process described in Section 2-206.6 to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

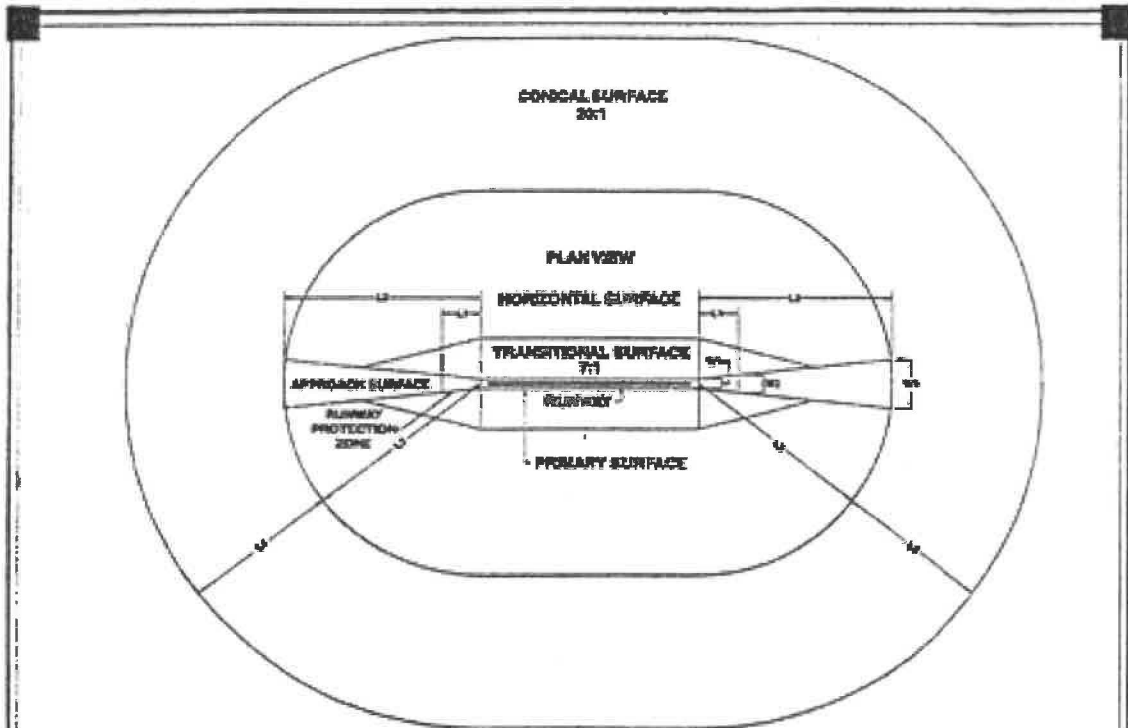
2-206.10 Violations and Penalties

Violations of this Ordinance shall be subject to the penalties of Article 7 of the Zoning Ordinance.

2-206.11 Appeals

Appeals to a decision by the Zoning Officer shall be heard pursuant to Article 7 of this Ordinance. To the extent a decision by a federal or state governmental body, including but not limited to the FAA, precludes approval of a permit, applicants must obtain proof that relief from such decision has been granted.

Figure 1: Part 77 Surface Areas



FAR PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS

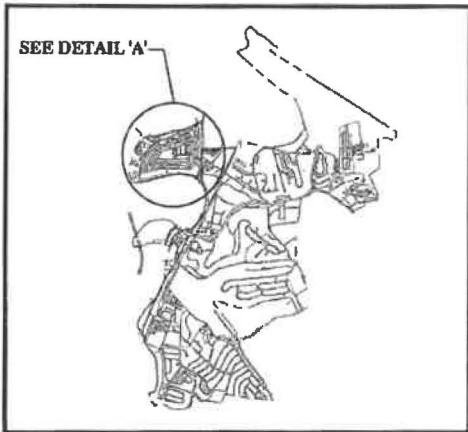
Runway Type	Runway End		Critical Surface (L1)	Horizontal Surface (L2)	Approach Surface			Approach Edge	Primary Surface Width	Transitional Surface
	Approach	Other			Length (L1)	Inner Width (W1)	Outer Width (W2)			
Small Airplanes ¹	V	V	4,000	8,000	8,000	250	1,250	20:1	250	7:1
		NP	4,000	8,000	8,000	300	1,200	20:1	300	7:1
		NP 34	4,000	8,000	8,000	1,200	1,200	20:1	1,200	7:1
	P	V	4,000	8,000	8,000	1,000	1,250	20:1	1,000	7:1
		NP	4,000	8,000	8,000	600	2,000	20:1	600	7:1
		NP 34	4,000	8,000	8,000	800	2,000	20:1	800	7:1
Large Airplanes ²	V	V	4,000	10,000	8,000	600	1,800	20:1	600	7:1
		NP	4,000	10,000	8,000	600	1,800	20:1	600	7:1
		NP 34	4,000	10,000	8,000	1,200	1,800	20:1	1,200	7:1
	P	V	4,000	10,000	8,000	1,000	1,800	20:1	1,000	7:1
		NP	4,000	10,000	10,000	600	3,000	24:1	600	7:1
		NP 34	4,000	10,000	10,000	800	3,000	24:1	800	7:1
Large and Small Airplanes ³	NP 34	V	4,000	10,000	10,000	1,000	4,000	24:1	1,000	7:1
		NP	4,000	10,000	10,000	1,000	4,000	24:1	1,000	7:1
		NP 34	4,000	10,000	10,000	1,000	4,000	24:1	1,000	7:1
	P	V	4,000	10,000	10,000/40,000	1,000	4,000/16,000	20:1/40:1	1,000	7:1
		NP	4,000	10,000	10,000/40,000	1,000	4,000/16,000	20:1/40:1	1,000	7:1
		NP 34	4,000	10,000	10,000/40,000	1,000	4,000/16,000	20:1/40:1	1,000	7:1

1 - In Feet
 2 - Less than 12,500 lbs maximum certified takeoff weight
 3 - Greater than 12,500 lbs maximum certified takeoff weight

V = Visual approach 20:1
 NP = Nonprecision approach 34:1
 NP 34 = Nonprecision approach with visibility minimums as low as 34:1 under rule 34:1
 P = Precision approach 20:1

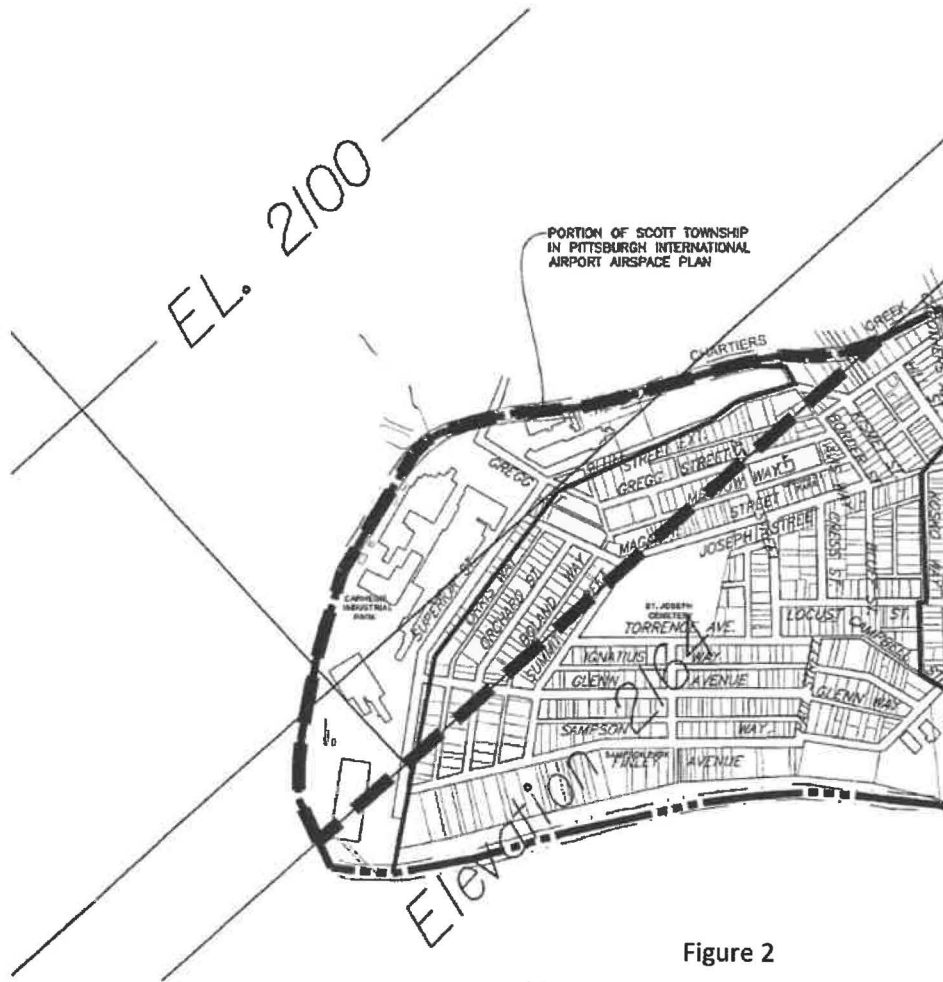
Note: L1 is the length of the PPE and L2 is the outer width of the RPE as defined by approach visibility minimums

Source: Federal Aviation Administration



LOCATION MAP
1"=5000'

Note: Based on information provided by the Allegheny County Airport Authority and Allegheny County GIS. Boundaries are approximate and accuracy not confirmed. This exhibit is intended to provide a general location plan. For further information, see the Pittsburgh International Airport Airspace Plan provided by the Allegheny County Airport Authority.



DETAIL 'A'
PLAN
N.T.S.

Figure 2
PITTSBURGH INTERNATIONAL AIR SPACE PLAN

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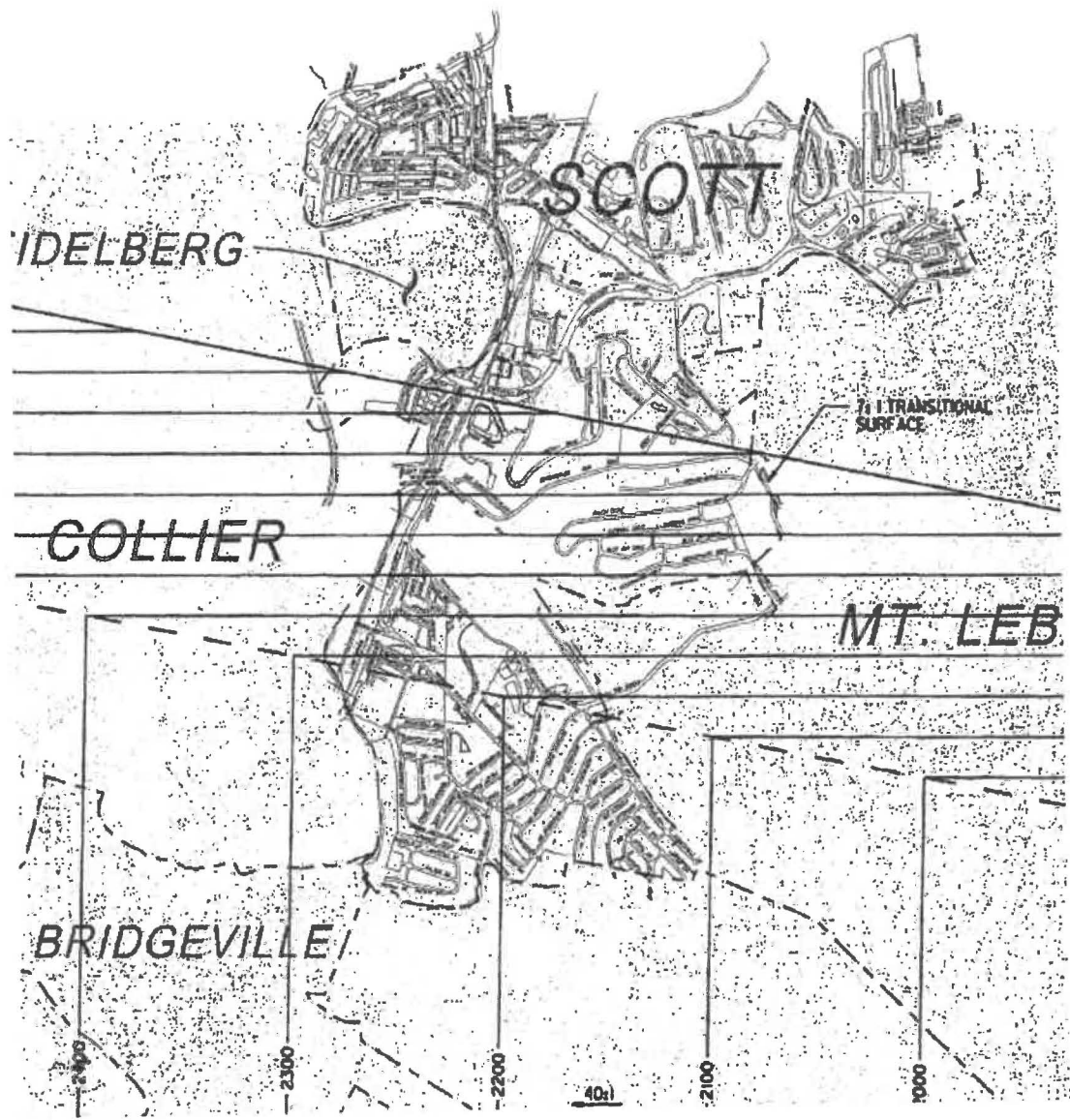


Figure 3

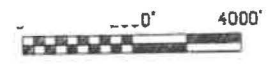


Figure 3
EXHIBIT: ALLEGHENY COUNTY
AIRPORT AUTHORITY AIR
SPACE PLAN

NOTE: BASED ON INFORMATION PROVIDED
BY THE ALLEGHENY COUNTY AIRPORT
AUTHORITY AND ALLEGHENY COUNTY GIS
BOUNDARIES ARE APPROXIMATE

ARTICLE THREE SUPPLEMENTAL REGULATIONS

3-101 General Provisions

Purpose

Unless otherwise provided in this Article, the regulations contained herein, as well as other legal requirements are intended to apply to all zoning districts, uses, structures or lots. Such other legal requirements include:

- A. Applicable building and construction codes of the Township.
- B. Applicable provisions of the Township's Subdivision and Land Development Ordinance.
- C. Must comply will all applicable requirements of the Pennsylvania Code and the Pennsylvania Department of Health.
- D. Uses permitted by special exception in accordance with Section 7-105.4 B.8. of this Ordinance.
- E. Nonconforming uses shall comply with Article 5 of this Ordinance.
- F. Conditional uses shall comply with Article 6 of this Ordinance.

3-101.1 Main Building

In any R-1 or R-2 district, there shall only be one principal building on each lot.

3-101.2 Existing Building Permits

Nothing in this Ordinance shall require any change in construction or use of any structure for which a building permit was lawfully issued prior to the effective date of this Ordinance, or any amendment thereto, provided that construction has begun or a contract or contracts have been let pursuant to the permit issued prior to the effective date of this Ordinance.

However, any building permit which was issued thirty (30) days prior to the adoption of this Ordinance shall be declared void at the time of adoption of this Ordinance, if the structure or use does not conform to the provisions of this Ordinance and if no substantial construction has begun or contract(s) let.

3-101.3 Mixed Uses

Land, buildings and structures shall be designed and used only for authorized uses within respective zoning districts. Except where specifically authorized by this Ordinance, multiple use of land, buildings or structures are prohibited.

3-101.4 Dwelling in a Basement

Dwelling units in basements must conform to the requirements of the Township Construction Code.

3-101.5 Trash and Garbage Disposal Storage

In all R-1, R-2, R-3, C-1, C-2, C-2-A, C-3 districts, and PRD's, no exterior trash or garbage shall be permitted, except within trash receptacles acceptable to the Township and stored within designated areas screened from public view.

All garbage, trash, and rubbish shall be stored in air tight, vermin proof containers.

3-101.6 Garage Sales in Residential Districts

In any residential district, a single property owner or occupant may not hold more than two (2) garage or home sales each year, in which used or new items are offered for sale to the general public.

3-101.7 Fences and Screens

A. General:

1. Fences or screens in residential uses may be erected only in a side or rear yard within lot boundaries and may not exceed six (6) feet in height, measured from the average finished grade within two (2) feet of the fence line.
2. Fences or screens for commercial or industrial uses may be erected only in a side or rear yard five (5) feet off the property line and may not exceed eight (8) feet in height, measured from the average finished grade within two (2) feet of the fence line.
3. Fencing shall meet the following design guidelines:
 - (a) Any portion of a fence for a residential use between four (4) feet and six (6) feet in height shall not be more than fifty percent (50%) solid.
 - (b) All fences shall be so installed that the finished side shall face outward; all bracing shall be inside of the fence.
 - (c) (Fences shall consist of the following types and be constructed of the following materials:
 - 1) Metal picket fence – aluminum, painted ornamental iron, galvanized steel painted.
 - 2) Picket fence – vinyl, rot resistant wood: cedar, redwood, teak, white oak stained.
 - 3) Split rail fence – easy to split, rot resistant stained wood, cedar, yellow pine.
 - 4) Post and rail fence – with or without mesh infill, easy to split, rot resistant wood, non-ferrous metal mesh.
 - 5) Lattice work fence - diamond or square pattern, vinyl or stained, rot resistant wood.
 - 6) Board style fence – stained rot resistant wood, cedar, redwood, teak, white oak, composite (Trex or equivalent).

- 7) Alternating board fence – stained, rot resistant wood, cedar, redwood, teak, white oak, composite (Trex or equivalent).
 - 8) Vinyl coated or galvanized chain link fences.
 - 9) Metal panels, corrugated or otherwise, are not permitted.
 - (d) (Metal panels, corrugated or otherwise, are not permitted.
 - (e) No barbed wire or electrified fences are permitted for any use in any zoning district.
4. Fences shall be maintained and, when necessary, repaired, replaced, or removed.
 5. Fences and all supporting structures must be entirely on the property of the party erecting the fence.
 6. A security fence provided for a business establishment, school, playground, park, public right-of-way or other public use shall be an open-fence with a minimum ratio of open to solid portion of six to one (6:1).
 7. The height and location of security fences shall be established by the applicant and approved by the Zoning Officer for a commercial/industrial property.
 8. Additional barrier requirements for swimming pools and spas shall comply with the Township Construction Code, as amended. However, to the extent this Ordinance and the Township Construction Code conflict, the stricter provisions shall be applied.
 9. Spite fences are prohibited in all residential districts. A spite fence is a one hundred percent (100%) solid fence erected or constructed to prevent views across the fence line.
 10. Fences and vegetated screening are permissible in the front yard of a corner lot that is not associated with the street address of the property if the following conditions are met:
 - (a) Fences shall be transparent.
 - (b) Fence height shall not exceed 5 feet.
 - (c) The maximum opening width between balusters shall not pass a 4-inch sphere.
 - (d) Fences shall be a picket type made with aluminum, painted ornamental iron, or galvanized steel painted either black or dark bronze.
 - (e) Fences or vegetated screening shall not be located within a Township road right-of-way or within ten (10) feet from edge of cartway, whichever is greater. Fences or vegetated screening shall not be located in a clear sight triangle of any intersection.
 - (f) Vegetation must be maintained and not impede traffic or obstruct traffic in any way.
 11. In any district, trees, shrubs and other planting are permitted in any front yard provided they do not block a clear view or vision for vehicular traffic.

12. Vegetated screens shall adhere to the height requirements detailed above for fences and shall not exceed three feet in width when adjacent to property lines and road rights-of-way.
13. At no time shall a vegetated screen be permitted to exceed property line boundaries.
14. Proposed vegetated planting must take the estimated final size into consideration.
15. Authorized fences and screens whether publicly or privately owned, shall not obstruct the clear sight distances at street intersections.
16. No fence or screen shall be erected in a dedicated street right-of-way.
17. No fence shall contain barbs or similar types of injurious hazards.
18. All fence material shall be rot resistant and rust proof.

B. Fence Permits

A Zoning Permit for the erection of all fencing shall be obtained prior to the start of erection from the Zoning Officer according to the provisions for a Zoning Use Permit in Article 7.

3-101.8

Accessory Uses or Structures

A. Permitted Accessory Uses or Structures

1. Subject to other provisions of this Ordinance, accessory uses permitted by this Ordinance include but are not limited to:
 - (a) A garden house, gazebo and private greenhouse;
 - (b) An emergency shelter for not more than two (2) families;
 - (c) A single garage, carport, or building for domestic storage, or storage of a motor driven vehicle, boat, trailer, or camper that does not exceed 600 square feet;
 - (d) A shed greater than 200 square feet is not permitted as an accessory structure for residential uses;
 - (e) Private residential swimming pool or private residential recreational facility;
 - (f) Storage of merchandise normally carried in stock on the same lot with only retail service or business use, unless such storage is excluded by the district regulations;
 - (g) Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities unless such storage is excluded by the district regulations;
 - (h) Off-street motor vehicle parking areas, and loading and unloading facilities;
 - (i) Signs, where permitted by this Ordinance;

- (j) Restaurants, drug stores, gift shops, cocktail lounges, banks/credit unions, and newsstands when located in a permitted business or manufacturing building;
- (k) Employee restaurants and cafeterias when located in a permitted business or manufacturing building;
- (l) Child's playhouse or child's play structure (including, but not limited to, swing sets, jungle gyms, trampolines and climbing structures).
- (m) Energy structures, provided that they are attached to principal structure or garage and do not exceed the building footprint.

- 2. None of the following shall be permitted as an accessory use:
 - (a) Outdoor storage, except as specifically allowed by this Ordinance.
 - (b) Portable shelters, garages, tents, or other structures for more than ten (10) consecutive days in any thirty (30) day period.

B. Location of Accessory Uses and Structures

- 1. Subject to other provisions of this Ordinance, accessory uses shall not be located in the front yard of any lot in an "R" District.
- 2. Accessory uses and structures shall comply with the side and rear setback requirements specified in Article 2 of this Ordinance.
- 3. No part of any accessory structure shall be located closer than two (2) feet to any principal structure, unless it is attached to or forms a part of such principal structure.
- 4. Accessory structures and uses shall otherwise comply with the bulk regulations applicable in the district in which they are located.
- 5. A carport may be erected provided that such a structure is: not more than one (1) story or fourteen (14) feet in height and twenty-four (24) feet in length; entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.

C. Use Limitations

All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located and with the following additional use limitations:

- 1. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.
- 2. No accessory structure shall be used as a dwelling unit.
- 3. Accessory structures, including but not limited to satellite dishes, television and radio antennas, and swimming pools, shall be removed when no longer used for their intended purpose.

D. Criteria for Specific Accessory Uses

- 1. No-Impact Home Based Business
 - (a) Must comply with the requirements of Section 107 of the Pennsylvania Municipalities Planning Code as applicable to "No-Impact Home Based Businesses."

2. Residential Accessory Uses

(a) Emergency Shelters

Shelters, when constructed in accordance with local, state and national standards and specifications may be established in any zoning district. All shelters shall comply with the following:

- 1) Underground shelters shall be permitted on either the front, side or rear of a dwelling provided:
 - (i) The topography of the site in front or side yards shall be restored to its original condition at the completion of the shelter, and that the rear setback be governed by the Ordinance.
 - (ii) Any protruding entrance, escape hatch, air ducts, etc., shall be concealed by shrubbery or in any manner so as to conform with the surroundings.
 - (iii) The shelter must be located on the property so as not to interfere with access to sewer, water or gas lines or invade utility or road rights of way.
 - (iv) Shelters may not be any closer than three (3) feet of any property line.
- 2) Basement shelters shall not be restricted by the Township, when entirely contained in the basement of the present structure, except when it might involve changes or additions in sanitary facilities, wiring, etc.
- 3) Above ground shelters shall be considered accessory structures and shall be regulated as such. The completed shelter shall be subject to inspection by the Zoning Officer and any change of intended use should conform to all zoning regulations.

(b) Swimming Pools

All swimming pool requirements of the Commonwealth of Pennsylvania, International Residential Code, International Building Code, International Swimming Pool and Spa Code, and National Electrical Code shall be followed as applicable for the principal use at the property.

3. Air Conditioning Units

(a) Permit Required: A permit to install an air conditioning system shall be secured from the Zoning Officer. The application shall be accompanied by detailed plans and specifications setting forth the character of the installation, the make and model number, the rated capacity, the location of said unit and such other information as may be requested by the Zoning Officer.

- 1) If the application conforms to all the requirements and if the Zoning Officer shall determine that the installation of such an air conditioning system will not be detrimental to the health, safety and welfare of the residents of the Township of Scott, by reason of the emission of excess noise, odor

and the leakage of condensate, and is in conformity with the Township Construction Code, then permit shall be issued.

(b) Placement of Units

- 1) All air conditioning systems installed in any residential property shall be placed on the side or in the rear of the dwelling house, no more distant from the rear or side wall of said dwelling than three (3) feet; provided, however, the air conditioning system is located no closer than ten (10) feet from the side or rear property line.
- 2) All exhaust fans shall be placed so that they face either the rear of the property or vertically.
- 3) In area designated as Commercial, air conditioning installations may be made under the following restrictions:
 - (i) All outdoor units and exhausts shall be located on the roof of the building.
 - (ii) Other locations for outdoor units and exhausts may be approved by the Township Engineer if in his opinion such placement will not violate the intent of this Ordinance which is to ensure placements of air conditioners in a manner calculated to least violate the adjoining owners' right to be as free from annoyance as is possible under the circumstances.
 - (iii) An outdoor unit or an exhaust from a unit cannot be located within thirty (30) feet of the property line.
 - (iv) The installation of the proposed unit and accessories will not be detrimental to the neighboring properties through emission or noise, odor and leakage of condensate and by being unsightly.

4. Portable storage containers / construction bags / dumpster

- (a) There shall be no more than one (1) portable storage container/ construction bag/dumpster per site unless otherwise required by law or as necessary to segregate recyclable materials. Said container/bag/dumpster(s) shall be no larger than eight (6) feet wide, sixteen (16) feet long and eight (8) feet high.
- (b) Except for construction, renovation or dealing with a catastrophe as described below, no portable storage containers/construction bags/dumpsters shall remain at a residential district in excess of three consecutive days, and portable storage containers/construction bags/dumpsters shall not be placed at any one site in a residential district in excess of six (6) days in any calendar year.
- (c) Except for construction, renovation or dealing with a catastrophe as described below, no portable storage containers/construction bags/dumpsters shall remain at a site in a nonresidential district in excess of thirty consecutive days, and portable storage containers/construction bags/dumpsters shall not be placed at any one site in a nonresidential district in excess of thirty days in any calendar year.
- (d) In cases of construction, renovation or dealing with a catastrophe (fire, water, storm damage or other similar occurrence), a property

owner may have a container/bag/dumpster at a site without permit for thirty (30) days.

- (e) The storage container/construction bag/dumpster must be placed out of the public right-of-way on a paved surface. Portable storage containers/ construction bags/dumpsters placed in a front yard must be at a location furthest from the street and any adjacent property as reasonably possible.

5. Truck and Large Vehicle Parking and Storage

- (a) In all residential zoning districts, no buses, box trucks, truck-tractors, semi-trailers or combinations thereof shall be parked or stored outdoors, on or off of a public street or highway, except for the purpose of loading or unloading. This loading or unloading must be easily verifiable by code enforcement personnel, and during such times of loading or unloading, such buses, box trucks, truck-tractors, semi-trailers or combinations thereof shall not be permitted to have their engines, generators or refrigeration units of any sort in operation for a period exceeding a total of thirty (30) minutes in any twenty-four-hour period.
 - 1) Exception. Vehicles used for residential moving shall be permitted to park for periods not to exceed twenty-four (24) hours.

6. Trailer (including recreation vehicle) on-lot parking and storage.

- (a) Trailers (including recreation vehicles) and boats (including boat trailers) may be parked or stored in any zoning district subject to the following regulations:
 - 1) Parking or storage is permitted at any time inside an enclosed structure, which structure conforms to the zoning requirements of the particular district.
 - 2) Parking or storage is permitted outside only in the side yard, the rear yard (unless the existing topography prohibits access to the side and rear yards) or partially in both, provided:
 - (i) Inside parking or storage is not possible (through no fault of an owner or occupant of the property).
 - (ii) The unit is not located nearer than three feet to the side or rear lot line.
 - (iii) The unit can be parked or stored in a safe and secure manner so as not to be a hazard to either persons or property.
 - (iv) The unit is parked or stored on a paved surface.
 - (v) Commercial trailers and equipment are specifically excluded.
 - 3) Parking or storage is prohibited in any right of way.
 - 4) While parked or stored, a trailer (including a recreation vehicle) or boat (including boat trailer) shall not be:
 - (i) Used or occupied for dwelling purposes. Cooking shall not be permitted at any time.
 - (ii) Permanently or temporarily connected to sewer lines or permanently connected to water or electrical line.

A unit may be temporarily connected to water and electric lines while being loaded, unloaded or serviced.

- (iii) Notwithstanding the provisions of Subsection 2 hereof, a unit may be parked anywhere on the lot during active loading, unloading or servicing of the unit for a period of time not in excess of ten (10) days.

- 7. OTARD (Over the Air Reception Device): Must Comply with Section 207 of the United States Telecommunications Act of 1996, known as the "Over-the-Air Reception Devices Rule" and subsequent amendments.
- 8. Family Child Care Home: Must comply with all applicable requirements of the Pennsylvania Code and the Pennsylvania Department of Welfare.
- 9. Communication Structures
 - (a) Further Conditions and Requirements: The granting of conditional use permits for communication structures shall be subject to the following:
 - 1) The minimum Tower Site shall be two (2) acres.
 - 2) No Tower shall be located within two hundred fifty (250) feet of an existing dwelling, in an R-1 or R-2 Zoning District, or five hundred (500) feet of an existing school, hospital or similar use measured from the nearest property line to the nearest property line.
 - 3) No such Tower shall be erected within two thousand (2,000) feet of another existing Tower measured from the property line of the Tower Site to the nearest property line of an existing tower.
 - 4) Communications structures may exceed the height limitations of the District, provided they shall be set back from any property line or public street right of way a minimum distance equal to the Tower height or greater, if necessary, to assure that, in the event of collapse, the structure shall not fall on any adjacent property, and all ice-fall, or debris from Tower failure shall be contained on the Tower Site.
 - 5) Unless the communications' structure is located on a building, the Tower structure shall be completely enclosed by a six (6) foot high chain link or similar fence with self-latching gate to limit accessibility to the general public, unless the entire property is secured by such a fence
 - 6) All guy wires and all guyed towers shall be clearly marked so as to be visible at all times. All guy wires shall be located a minimum of one hundred (100) feet from any property line.
 - 7) The applicant shall submit evidence that the structure upon which an antenna is to be constructed, or a tower upon which an antenna is to be constructed, has been designed by a Registered Engineer, and is certified by a Registered Engineer and is certified by that Registered Engineer to be

structurally sound and able to withstand wind and other loads in accordance with accepted engineering practice; every five (5) years, an additional certification shall be submitted to the Township assuring the continued structural integrity of such Tower or structure.

- 8) The Tower shall be subject to any applicable Federal Aviation Administration (FAA) and Airport Zoning regulations.
- 9) No sign or other structure shall be mounted on the Tower, except as may be required and approved by the FCC, FAA or other governmental agency.
- 10) All lighting, except required beacons, shall be shielded and reflected away from adjoining properties.
- 11) A minimum of two (2) off street parking spaces shall be provided on the Tower Site, plus one (1) off street parking space for each on-site personnel.
- 12) Existing vegetation on the site shall be preserved to the maximum extent possible, as determined by the Township Planning Commission.
- 13) A minimum of twenty (20) foot in width easement or right-of-way for access shall be provided to the Tower which is adequate to accommodate maintenance and emergency vehicles and which is improved with a dust-free, all-weather (chip and shot) surface sufficient to accommodate the weight of vehicles proposed to use the easement or right of way.
- 14) In the event any Tower ceases to be used as a communication structure for a period of six (6) months, the owner and/or operator of the Tower or the owner of the land on which the Tower is located shall be required to remove the same and failing to do so, the Township may cause the same to be removed and charge the cost of the removal to such owners or operators. In addition, the Township may file a municipal lien against the land to recover the cost of the removal and attorneys' fees, as well as Inspection Fees incurred by the Township.
- 15) The construction, erection, operation and maintenance shall comply with all applicable laws and regulations of the Commonwealth and, in particular, the Department of Environmental Protection, Bureau of Air Quality and its various bureaus and departments and of the Allegheny County Health Department.
 - (i) Each Provider of Personal Wireless Service Facilities proposing to erect an antenna upon an existing structure, Tower or other facility shall be required to obtain approval of the enlargement or expansion, and shall be required to execute applications for enlargement or expansion of the said conditional use, which will be submitted to the Board of Commissioners for a conditional use hearing. The shared use of Towers and/or Existing

Structures, such as water tanks, steeples, electric transmission towers, and buildings shall be encouraged; if shared use of an existing lower or structure is proposed, the applicant shall demonstrate that it is in compliance with all of the conditions of this Ordinance and shall be subject further to the following express standards and criteria:

- 16) The proposed equipment would not exceed the structural capacity of the existing approved towers.
 - 17) The proposed equipment will not cause RF (Radio Frequency) interference with other existing or proposed equipment for that Tower or surrounding Towers of residents in the vicinity.
 - 18) Addition of the proposed equipment would not, result in NIER (Non-ionizing Electromagnetic Radiation) levels which exceed any adopted local, Federal or State emission standards.
 - 19) No antenna or groups of antennas upon a Tower or placed upon an existing structure shall have, or create an additional height to the structure of more than twenty (20) feet;
 - 20) In no event shall chimney, exhaust stack and roof mounted equipment exceed a height above the building by a distance equal to one-half of the height of the height of the building (from ground level) upon which such structure is to be placed. If placed on or in church steeples, they shall not exceed a height in excess of seventy-five (75) feet from the ground level of the church structure. Communication facilities, in no event shall exceed a height or two hundred (200) feet from ground level, except for communications' facilities designed and intended for use by governmental or quasi-governmental entities or activities, such as police, emergency medical communication ions, public works and similar agencies.
 - 21) No antenna shall be located within two hundred fifty (250) feet of an existing dwelling in a residential district, i.e., R1 and R2 Zoning District, or five hundred (500) feet of an existing school, hospital, or similar use, measured from the nearest property lire to the nearest property line;
 - 22) No antenna shall be located or situate within seven hundred fifty (750) feet of another antenna; except that antennas may be located or situated upon the same Tower or upon the same structure.
 - 23) No antenna may be erected upon any structure having historical designation or which is recognized as a historic structure.
10. Energy Structures: The following regulations shall apply to all wind energy conversion systems permitted under the provisions of this Ordinance:
- (a) A meteorological tower shall be permitted as a temporary structure for a period not to exceed eighteen (18) months and shall be

removed upon installation of a wind energy system or the expiration of the eighteen (18) month period, whichever occurs first.

(b) Applications for approval of a wind energy conversion system shall contain a site plan along with the following information.

- 1) Property lines and physical dimensions of the applicant's property.
- 2) Location, dimensions and types of existing principal structures on the property.
- 3) Location of the proposed wind energy conversion system, foundations, guy anchors and associated equipment.
- 4) Tower foundation blueprints or drawings.
- 5) Tower blueprints or drawings.
- 6) Setback requirements as outlined for the District.
- 7) The right-of-way of any public road that is contiguous with the property.
- 8) Any overhead utility lines.
- 9) Wind energy conversion system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.
- 10) Wind energy conversion systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.
- 11) Sound level analysis prepared by the wind energy conversion system manufacturer or qualified engineer.
- 12) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the Uniform Construction Code (UCC).
- 13) Evidence of compliance or non-applicability with Federal Aviation Administration (FAA) requirements.
- 14) List of abutting property owners to the applicant's property.
- 15) Proof of liability insurance. The owner/applicant shall maintain a current general liability insurance policy covering bodily injury and property damage with minimum limits of liability identified by the Board of Commissioners by resolution at all time during the installation and operation of the wind conversion system. Certificates shall be made available to the Township upon request.
 - (i) The application shall be reviewed by the Zoning Officer and the Building Official to determine compliance with this Subsection as a prerequisite to issuing a zoning permit and a building permit.
 - (ii) Appropriate warning signage regarding electrical or other hazards shall be placed on the wind turbine and electrical equipment.
 - (iii) The wind energy conversion system generators and alternators shall be constructed so as to prevent the emission of radio and television signals. The application shall correct any signal disturbance problem identified after initiation of the operation within ninety (90) days of identification and notice by the Township.

- (iv) All wind conversion systems shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding or excessive pressure on the tower structure, rotor blades and turbine components.
- (v) Wind conversion systems cannot be placed in setbacks established for Districts. Guy wires used to support the tower are exempt from setback requirements.
- (vi) The maximum tower height shall be restricted to thirty-five (35) feet in residential districts and in accordance with the height restriction in the definition of maximum structure height in commercial and industrial districts.
- (vii) The wind energy conversion system shall not exceed sixty (60) decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.
- (viii) The wind energy conversion system shall not be sited in a manner that does not result in significant shadow flicker impact. Significant shadow flicker is defined as more than thirty (30) hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.
- (ix) All signs including flags, streamers and decorative items, both temporary and permanent, are prohibited on the wind energy conversion system, except for manufacturing identification or appropriate warning signs.
- (x) The wind energy conversion system shall comply with the applicable sections of the Uniform Construction Code (UCC) as adopted by the Township.
- (xi) The wind energy conversion system shall be built to comply with applicable Federal Aviation Administration (FAA) regulations.
- (xii) It is inherent that wind energy conversion systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this Section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.
- (xiii) The application shall demonstrate through project site planning and proposed mitigation that the wind energy conversion system's visual impact will be minimized for surrounding neighbors and the

community. This may include, but not be limited to, information regarding site selection, wind generator design or appearance, buffering and screening of ground-mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.

- (xiv) The color of the wind energy conversion system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment.
- (xv) The wind energy conversion system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the wind energy conversion system.
- (xvi) Streetlight-mounted vertical access wind turbines (VAWTs) with permission of the appropriate utility and the Township may be mounted on streetlights along the public right-of-way at a height not to exceed thirty-five (35) feet above grade. Those that are mounted on buildings may request a variance on height restrictions.
- (xvii) The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by the State of Pennsylvania, if applicable.
- (xviii) If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to utility guidelines.
- (xix) The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (xx) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operations and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations and ordinances.
- (xxi) At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant shall notify the Township Building Inspector by certified US mail of the proposed date of abandonment or discontinuation of operations.
- (xxii) Removal of the wind generator and tower and related above-grad structures.
- (xxiii) Restoration of the location of the small wind energy system to its natural condition, except that any

landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

11. Home Occupation: The following regulations shall apply to all home occupations permitted under the provisions of this Ordinance:
 - (a) No person other than members of the family residing on the premises shall be engaged in such occupations.
 - (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
 - (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the principal building.
 - (d) No home occupation shall be conducted in any accessory building.
 - (e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by off street parking.
 - (f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

12. Public Utilities: The following regulations shall apply to all public utilities permitted under the provisions of this Ordinance:
 - (a) Must comply with all rules and regulations of Federal, State, and Local law, including, but not limited to, the rules and regulations of the Pennsylvania Public Utility Commission (PUC).
 - (b) Public utility facilities shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:
 - 1) Front, side and rear minimum setbacks shall be provided in accordance with the regulations of the district in which the facility is located.
 - 2) Height shall be as required by the district regulations.
 - (c) Un-housed equipment shall be prohibited in any residential district and shall be enclosed with a chain link fence six feet in height in all other districts.
 - (d) Housed equipment. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the

yard shall be maintained in conformity with the district in which the facility is located.

- (e) Transition yards shall be provided in accordance with the Subdivision and Land Development Ordinance. Such transition yards may be coterminous with any transition yard in the district and, in case of conflict, the larger transition yard requirements shall apply.
- (f) The external design of the building shall be in conformity with the buildings in the district.
- (g) Access for un-housed equipment where vehicular access is across the front yard: The gate shall be constructed of solid materials having not less than 50% solid in ratio to open space. In residential districts, the permitted public utility facilities shall not include the storage of vehicles or equipment used in the maintenance of any utility or the installation of equipment causing hazardous effect.
- (h) No equipment causing noise, vibration, smoke or odor beyond the property line shall be permitted.
- (i) Plans of the facility shall be submitted to the Township for review and approval.

E. Inspection Requirements

All accessory use buildings may be inspected by the Zoning Officer at any time. If any accessory use building is not being used for its intended purpose, or as found by the Zoning Officer not being maintained in a safe condition or in accordance with the provisions of this Ordinance and the Township Construction Code, the Zoning Officer shall give notice in writing to the owner of said accessory-use building to immediately repair said building or to remove the same within ten (10) days from the receipt of said written notice. In the event the owner fails to comply with the Zoning Officer's written notice, the owner shall be considered in violation of this Ordinance and subject to all of the penalties contained herein.

3-101.9 Temporary Uses

The following uses of land are permitted in each zoning district (unless restricted to particular zoning districts), subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted:

- A. Christmas tree sales in any commercial or industrial district, for a period not to exceed sixty (60) days.
- B. Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project.
- C. Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development during the selling or leasing of all units in the development.
- D. A carnival or circus, but only in a C-3 or I District, and only for a period not exceeding three weeks, provided that structures or equipment which might block

the view of motor vehicles operators on public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two streets. A carnival or circus, sponsored by a public or private nonprofit organization, located in a residential district shall require a permit from the Zoning Officer.

- E. Promotional activities of retail merchants involving the display of goods and merchandise may be conducted outside of enclosed buildings for a period of not more than two consecutive weeks in any three month period subject to the following conditions:
 - 1. No portion of the display shall be on publicly owned property unless the applicant shall have obtained prior approval from the Township;
 - 2. No required off-street parking space or loading area shall be utilized for such display, storage or dispensing;
 - 3. These provisions shall in no way be deemed to authorize the outdoor display of automobiles, trailer and equipment rental, or the sale of used furniture, used appliances, used plumbing, used housewares, used building material or similar display or sale in any business district except as such may otherwise be authorized by this Ordinance.

3-101.10 Clear Sight Triangle

- A. For planning purposes, the distances measured from the intersecting centerlines along the centerline shall be in accordance with Pennsylvania Department of Transportation (PennDOT) Form M-950S, as may be amended, or as follows, whichever is more stringent:
 - 1. Arterial / Collector: 500 feet as measured along the travel lane, 14.5 feet from the edge of the travel lane
 - 2. Local Street: 250 feet as measured along the travel lane, 14.5 feet from the edge of the travel lane.
 - 3. Access Drive: 200 feet as measured along the travel lane, 10 feet from the edge of the travel lane.
- B. Sight triangles shall be free of all obstructions including embankments, vegetation, and signs over 3.0 feet in height.
- C. The measurement of available clear sight triangle at each proposed street/driveway intersection shall be the responsibility of the applicant.
- D. Within any front yard on any corner lot, no wall, fence or other structure (even if otherwise permitted by a specific provision of this Ordinance) shall be erected or altered and no hedge, trees, shrubs or other growth shall be maintained that may cause a danger to traffic on a street or public road by obscuring the view. A clear sight triangle at intersecting streets must be maintained.

3-102 Dimensional Exceptions

3-102.1 Required Lot Area

A portion of a lot once designated as a yard, or a lot area, or portion thereof, used in calculating the number of dwelling units permitted on that lot, shall not be again used as a factor in determining the required area for another lot or building, nor shall it be sold as a lot or parcel thereof, separate from the lot of which it is a part. Any portion of a lot which is recorded or otherwise reserved for future street purposes shall not be used as a factor in determining lot area per dwelling unit or yard dimensions.

3-102.2 Building Setbacks on Corner Lots and Double Frontage Lots

In cases where lots have frontage along two (2) or more streets, excluding streets with right-of-way widths twenty (20) feet or less, the minimum front building setback requirements shall apply to each street according to the minimum requirements for the Zoning District in which the lot is located.

3-102.3 Front Minimum Setback Exception

In any residential district where a lot is situated between two lots having on each a main building within twenty-five (25) feet of side lot lines which projects beyond the established front yard line and has been so maintained since the enactment of this Ordinance, the front setback on such lot may be the average of front setbacks of existing buildings.

In any residential district where a lot adjoins only one lot having a main building within twenty-five (25) feet of side lot lines which projects beyond the established front setback line and has been so maintained since the enactment of this Ordinance, the front setback on such lot may be the average of the front setback of said existing building and the established front setback line.

3-102.4 Side Minimum Setback Exception

In cases where party walls are in existence or permitted between principal buildings, no side setback is required along the common lot line. Side setbacks for accessory structures may be reduced to maintain the existing side setback when legally existing nonconforming residential principal structure does not meet the side setback requirements.

3-102.5 Spacing of Nonresidential Buildings

Where two (2) or more main buildings for a single nonresidential use are proposed to be built on a property in common or single ownership, front, side and rear setbacks are required only at a lot lines abutting other properties.

3-102.6 Permitted Uses in Yards/Setbacks

A. Porches and Patios: A porch not more than one (1) story or fourteen (14) feet in height or a patio may be erected in a required front, side or rear yard and may encroach within such setbacks, under the following stipulations:

1. A porch or patio may extend not more than fifteen (15) feet into a required front setback or it may extend to the average established building line of existing adjacent structures, whichever is the greater distance.
 2. A porch or patio may extend into a required rear setback to within ten (10) feet of the rear property line.
 3. A porch or patio shall not extend into any required side setback.
 4. A deck, wood or otherwise is not considered a porch or patio, may not be installed in the front yard, and may not encroach in any other setback.
- B. Parking Area/Parking Pads: Refer to Section 3-105.4 Driveways.
- C. Handicap Ramps: Any handicap ramp or other protrusion or device required to make reasonable accommodation under the Fair Housing Act or American with Disabilities Act (ADA) is permitted provided that the same be completely within the property boundary and not interfere with the use of public right-of-way such as sidewalks. In the situation where a building line coincides with the property and street line, any handicap ramp or protrusion or device required may be permitted through establishment of an easement to place such structure/device within the public right-of-way at a location that does not prohibit public access in accordance the ADA requirements.

3-102.7 Height Modifications

The maximum building height limitations of this Ordinance shall not apply to chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar roof structures required to operate and maintain the building on which they are located, flag poles, television aerials, antennas, water towers and tanks, steeples, bell towers, broadcasting and electric transmission towers and similar projections.

Such building appurtenances, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional areas twenty percent (20%) of the ground floor area of the building. Ground mounted structures shall not exceed 150 feet. This Section does not apply to sign height.

3-103 Specific Criteria for Uses

3-103.1 Residential Uses

- A. Specific criteria required per use identified below:
1. Single Family Dwellings in the Open Space District
 - (a) Each lot must be at least one acre in size.
 2. Residential Dwellings
 - (a) All residential dwellings (except mobile homes) require a continuous foundation wall with footer that complies with the Scott Township Construction Code, not including that portion of dwelling that may be a three-season room or deck.

3. Group Homes

- (a) No more than two (2) residents may occupy any existing bedroom, if the bedroom complies with the minimum bedroom area specified by the Township Construction Code. Rooms converted to bedrooms (i.e. kitchens, dining rooms, etc.) do not qualify.
- (b) Occupancy limitations of the Township Construction Code must be complied with.
- (c) A group home shall be operated and maintained in the character of a residential dwelling in harmony with and appropriate in appearance to the character of the general vicinity in which it is to be located.
- (d) In accordance with the Federal Fair Housing Act, a "Group Home – FHA" does not extend to the following people:
 - 1) Persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent;
 - 2) Persons who claim to be disabled solely on the basis of having a criminal record;
 - 3) Persons who claim to be disabled solely on the basis of being registered as a "sex offender;"
 - 4) Persons who currently use illegal drugs;
 - 5) Persons who have been convicted of the manufacture or sale of illegal drugs;
 - 6) Persons with or without disabilities who present a direct threat to the persons or property of others.

4. Short Term Rentals

- (a) Any parking areas shall be limited to the parcel where the Short Term Rental is located, and shall also be in compliance with Ordinance Section 3-105.4, as amended ("Driveways and Parking Areas"). No on-street parking will be permitted.
- (b) In R-1 Districts only, all rentals shall be located within the dwelling's principal building, but not in the basement of such building, regardless of Ordinance Section 3-101.4, as amended ("Dwelling in a Basement").
- (c) If the space that is the subject of the Short-Term Rental is separated from the remainder of the dwelling, the space devoted to Short Term Rental shall have two (2) of egress and must otherwise comply with all building and zoning regulations.
- (d) Accessory structures shall not be constructed or used as Dwelling Unit for Short-Term Rentals.
- (e) A maximum of two (2) persons per bedroom and a maximum of four (4) unrelated persons total may occupy a Dwelling Unit that is a Short Term Rental.
- (f) Objectionable noise, vibration, smoke, or odors in violation of Township Ordinances or regulations shall not be produced.
- (g) The use shall not significantly intensify vehicular or pedestrian traffic, beyond that which is normal for the residences in the neighborhood.
- (h) The use shall not cause an increase in the use of water, sewage, garbage, public safety or any other municipal services beyond that which is normal for the residence in the neighborhood.

- (i) The use shall not cause a negative impact on property values in the immediate neighborhood.
- (j) The owner of record of a dwelling on which Short Term Rentals occur must reside in the dwelling at least one hundred eighty (180) days during a calendar year.
- (k) Short-term rentals must be through an agency that sets forth standards as to property conditions and persons eligible for rentals that member dwelling owners must comply with.
- (l) Before commencement of activity, as well as obtaining Conditional Use approval, the owners of record of any Short Term Rental shall, provide and supply to the Township Code Enforcement Officer or his/her designee, the name(s), address(s), phone number(s) and other requested information of a contact person to ensure that a representative of the Short Term Rental can be contacted at all times in case of an emergency.
- (m) Before commencement of activity, any Dwelling Unit operating as a Short Term Rental must obtain a Short Term Rental Occupancy Permit and pass an inspection by the Township Code Enforcement Office. Inspection and licensing fees shall be an annual requirement for continued operation of a Short Term Rental. The Inspection Fee shall be One Hundred Dollars (\$100.00) and the License Fee shall be Five Hundred Dollars (\$500.00), payable each December 31 for the following calendar year, provided that for the initial calendar year that a Dwelling Unit operates as a Short Term Rental, such Fees shall be prorated quarterly. Such Fees may be amended from time to time by Township resolution.
- (n) If the annual License Fee is not renewed by first six (6) months after its expiration, the Conditional Use approval shall terminate, but such terminated approval may be reinstated upon application to the Township and payment of the Inspection Fee and License Fee by the end of the twelfth month following expiration. Such payments of Inspection Fees and Licensee Fees after expiration shall not be prorated annually but shall be for the full annual amount.
- (o) The owner of record for a Dwelling Unit on which a Short Term Rental is conducted shall be responsible for all state and local business taxes, including sales, use and hotel occupancy taxes. Short Term Occupancy Permits shall not be issued if Township sewer charges, or Township or Chartiers Valley School District real estate taxes are due and owing on a property which is the subject of a Short Term Occupancy Permit.
- (p) Signs for Short Term Rentals in C-1 ("Convenience Commercial"), C-2 and C-2-A ("General Commercial") Zoning Districts shall be in compliance with Section 3.104 of the Zoning Ordinance, as amended. Signs for Short Term Rentals in R-1 ("Single Family Residential"), R-2 ("General Residential"), and R-3 ("Medium to High Density Multi-family Residential") Zoning Districts are not permitted.
- (q) The use shall be subject to any other permitting and/or licensing requirements, safety standards, or rules and regulations to be promulgated and enforced by the Township.

- (r) Violation of the provisions of this Ordinance concerning Short Term Rentals, the Zoning Ordinance generally or any other Ordinance may result in revocation of any occupancy permit, revocation of Conditional Use approval, as well as fines as set out in the Township Zoning Ordinance.

3-103.2 Institutional Uses

Specific criteria required per use as identified below:

- A. Religious Uses
 - 1. A Religious facility may not exceed 20,000 sq.ft. of building area within R-1 and R-2 zoning districts.
- B. Child Care Centers, Group Child Care Homes, Nursing or Convalescent Homes and Assisted Living/Personal Care Facilities
 - 1. Must comply with all applicable requirements of the Pennsylvania Code and the Pennsylvania Department of Public Welfare.
- C. Adult Daily Living Centers
 - 1. The facility shall obtain a certificate of licensure from the Commonwealth of Pennsylvania in accordance with Title 6, Chapter 11 of the Pennsylvania Code and shall provide a copy of the certificate to the Township prior to occupancy approval.
- D. Public & Quasi Public Buildings, Fraternal Organization and Clubs, Animal Hospitals and Boarding Facilities, Open Space Recreational Uses, Medical and Health Facilities, Public or Private Social/Recreational or Cultural Center.
 - 1. Must comply with all applicable requirements of the Pennsylvania Code and the Pennsylvania Department of Health.

3-103.3 Commercial Uses

Specific criteria required per use as specified below:

- A. Funeral Homes
 - 1. Funeral Homes constructed in R-1 Single Family Residential District must have no less than 7,500 square feet per structure.
 - 2. A crematorium may be associated with a funeral home, but it must physically be located within the I zoning district.
- B. Sexually Oriented Businesses

It is the purpose and intent of this Section 3-103.3(2) of this Ordinance to establish guidelines and regulations for the location and operation of sexually oriented businesses to promote the health, safety and general welfare of the citizens of the Township, and to establish a reasonable and uniform regulations to prevent the continued harmful location and concentration of sexually oriented businesses within the Township. The provisions of this Section 3-103.3 have neither the purpose nor effect of imposing a limitation or restriction on the content of any

communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this Section 3-103.3 to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section 3-103.3 to condone or legitimize the distribution of obscene material.

A Sexually Oriented Business shall be permitted only as a conditional use within the C-3 zoning district. It shall not be permitted within any other zoning district of the Township. All requirements of this Section 3-103.3 must be met in order to be eligible for conditional use:

1. Any person who operates a sexually oriented business without a valid Zoning Permit issued by the Township is guilty of a violation of this Ordinance.
2. An application for a Zoning Permit to operate a sexually oriented business must be made on a form provided by the Code Enforcement Officer or the Zoning Officer of the Township. The application must be accompanied by a sketch or diagram showing to floor plan and plot plan configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (6"). Parking facilities must be specifically identified and meet requirements of this Ordinance. Nonconforming structures not having the required parking sites shall not be issued permits unless the sexually oriented business was in existence as a lawful use prior to the date of any Township Ordinance governing the activities encompassed by this Section 3-103.3(2).
3. The applicant must be qualified according to the provisions of this Section 3-103.3(2) and the premises must be inspected and found to be in compliance with the law by the Code Enforcement Officer and the Fire Marshall.
4. If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a Zoning Permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of ten percent (10%) or greater in the corporation must sign the application for a permit as applicant.
5. The fact that a person possesses other types of Township permit does not exempt the person from the requirement of obtaining a sexually oriented Zoning Permit.
 - (a) An applicant must meet the following requirements:
 - (b) An applicant must be eighteen (18) years of age or older, and any and all persons performing, acting or depicted in any manner in the performance of such activity, must be eighteen (18) years of age or older.
 - (c) An applicant and/or an applicant's spouse may not be overdue in his payment of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.

- (d) An applicant must provide information reasonably necessary for issuance of the permit and must truthfully answer a question or request for information on the application form.
- (e) An applicant may not be residing with a person who has been denied a permit to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
- (f) The premises to be used for the sexually oriented business must be reviewed and have been approved by either the Code Enforcement Officer or the Fire Marshall as being in compliance with applicable laws and ordinances.
- (g) The fee required by this Section 3-103.3(2) or any amending ordinance or resolution thereto must be paid.
- (h) An applicant of the proposed establishment may not be in violation of or not in compliance with any of the provisions of this Ordinance.
- (i) An individual applicant or any individual holding a direct or indirect interest of more than ten percent (10%) of a corporate applicant, or any of the officers and directors of a corporate applicant, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, or the manager or other person in charge of the operation of the applicant's business, may not have been convicted of an offense involving sexual misconduct within the Commonwealth of Pennsylvania, including, but not limited to, prostitution, obscenity and possession of child pornography, or convicted of any offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania. In order for approval to be denied pursuant to this Subsection, the person or persons' conviction or release in connection with the sexual misconduct offense must have occurred within two (2) years of the date of application in the event of a misdemeanor and within five (5) years of the date of application in the event of a felony.
- (j) If live performances are to be given, that premises in which such live performances are to be offered must contain a stage separated from the viewing area and the viewing area may not be accessible to the performers, and that the performers may readily access the viewers present.
- (k) Premises must be designed such that the manager can view all areas of premise/business.
- (l) Liquor or intoxicating beverages are not to be sold on the premises for which a permit is sought.
- (m) Approval, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

6. Fees

- (a) The applicant must pay the required application fees, if any, for a conditional use.

- (b) If approved, the applicant must pay an initial, and thereafter annual, fee for a sexually oriented business permit is five hundred (\$500.00) dollars, or such fee as may be established by the Board of Commissioners from time to time by resolution.
7. Inspection
- (a) An applicant, or permitted, shall permit representatives or the Police Department, Fire Marshall, Code Enforcement Officer, or other Township departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time that the sexually oriented business is occupied or open for business.
 - (b) A person who operates a sexually oriented business or his agent or employee violates this Ordinance if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.
8. Expiration of permit
- (a) Upon approval, the operator of a Sexually Oriented Business shall obtain a permit each year. The applicant must complete a form provided by the Zoning Officer and shall certify that the business is still in compliance with all requirements of this Ordinance or any amendments thereto and any conditions of approval which may have been imposed by the Zoning Hearing Board or Township during the initial approval process under this Section 3-103.3(2) or prior Ordinance. Each permit shall expire one (1) year from the date of issuance. Application for renewal should be made at least thirty (30) days before the expiration date and, when made less than thirty (30) days before the expiration date, the pendency of the application will not prevent the expiration of the permit.
 - (b) If the Zoning Officer denies renewal of a license, the applicant shall not be issued a permit for one year from the date of denial, except that after ninety (90) days have elapsed since the date of denial, the applicant may be granted a permit if the Zoning Officer finds that the basis for denial of the renewal permit has been corrected or abated.
9. Suspension of permit
- The Zoning Officer shall suspend a permit for a period not to exceed thirty (30) days if he, or such other officer of the Township, determines that a permittee or an employee of a permittee or an occupant of the premises has:
- (a) Violated or is not in compliance with any Section of this Ordinance;
 - (b) Engaged in or allowed excessive use of alcoholic beverages while on the sexually oriented business premises;
 - (c) Refused to allow an inspection of the sexually oriented business premises as authorized by this Ordinance;
 - (d) Knowingly permitted gambling by any person on the sexually oriented business premises;
10. Revocation of permit
- (a) The Zoning Officer shall revoke a permit if a cause of suspension occurs and the permit has been suspended within the preceding twelve (12) months.
 - (b) The Zoning Officer shall revoke a permit if he determines that:

- 1) A permittee, or any of the persons specified in Subsection 2(f)(8) of Section 3-103.3, is or has been convicted of the offenses specified in said Subsection;
 - 2) A permittee gave false or misleading information in the material submitted to the Township during the application process;
 - 3) A permittee or an employee of a permittee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - 4) A permittee or an employee of a permittee has knowingly allowed prostitution on the premises;
 - 5) A permittee or an employee of a permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
 - 6) A permittee or an employee of a permittee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other explicit sexual conduct to occur in or on the permitted premises;
 - 7) A permittee is delinquent in payment to the Township or State of any taxes or fees relating to sexually oriented businesses.
 - 8) Any person performing, acting or depicted in the activity is under the age of 18, or any person viewing such activity or allowed admittance is under the age of 18.
 - 9) When the Zoning Officer revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented business permit for one year from the date of revocation became effective, except that if the revocation is pursuant to Subsection 5.(i) above, the revocation shall be effective for two (2) years in the event of a misdemeanor or five (5) years in the case of a felony.
 - 10) After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or licensee or permittee shall have the right to appeal said action and to seek prompt judicial review of such administrative action in any court of competent jurisdiction.
11. **Transfer of permit**
A permittee shall not transfer his permit to another person. A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.
12. **Location of sexually oriented businesses**
(a) A person is guilty of a violation of this Ordinance if he operates or causes to be operated a sexually oriented business outside of the district in which a sexually oriented business is permitted as a conditional use. No sexually oriented businesses shall be located outside a district in which a sexually oriented business is a conditional use. Sexually oriented businesses as defined herein shall be permitted in C-3 Heavy Commercial Zoning District as a conditional use.

- (b) A person is guilty of a violation of this Ordinance if he operates or causes to be operated a sexually oriented business within one thousand feet (1,000') of the following institutions, nor will any permits be issued for any such business which shall be located within one thousand feet (1,000') of
 - 1) A religious facility;
 - 2) A public or private pre-elementary, elementary, or secondary school;
 - 3) A public library;
 - 4) A child care facility or nursery school;
 - 5) A public park adjacent to any residential district.
 - (c) A person is guilty of a violation of this Ordinance if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business, nor will any permits be issued for any such business which shall be located within two thousand feet (2,000') of another sexually oriented business.
 - (d) A person is guilty of a violation of this Ordinance if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof; or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
 - (e) For the purpose of Subsection 12.(b) of Section 3-103.3, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private pre-elementary, elementary, or secondary school, public library, child care facility, or nursery school; or to the nearest boundary or an affected public park.
 - (f) For purposes of Subsection 12.(c) of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
 - (g) Any sexually oriented business lawfully operating on date of enactment of this Ordinance that is in violation of Subsections (1) through (6) of this Section shall be deemed a nonconforming use.
 - (h) A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private pre-elementary, elementary, or secondary school, public library, child care facility, nursery school or public park within one thousand feet (1,000') of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.
13. Regulations pertaining to exhibition of sexually explicit films or videos
- (a) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the

premises in a viewing room (a separate compartment or cubicle) of less than one hundred fifty (150) square feet of floor space, a film or video cassette; video or other image production or reproduction which depicts "specified sexual activities" or "specified anatomical areas", shall comply with the following requirements:

- 1) The application for a permit to operate a sexually oriented business shall be accompanied by a floor plan and plot plan diagram of the premises showing a plan thereof specifying the location of one or more manager's stations, the location of all viewing rooms, partitions and doors and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to a, accuracy of plus or minus six inches (6"). The Code Enforcement Officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- 2) The application shall be sworn to be true and correct by the applicant.
- 3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Code Enforcement officer or his designee.
- 4) It is the duty of the owners and operators of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- 5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of entire premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction or viewing equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one or the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station.
- 6) It shall be the duty of the owners and operators, and it shall also be the duty of any agents and employees present on

the premises to ensure that the view area specified in Subsection B.13.(a)5) of Section 3-103.3 remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection B.13.(a)1) of Section 3-103.3.

- 7) No viewing room may be occupied by more than one (1) person at any time. No connections or openings to an adjoining viewing room shall be permitted.
- 8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot candle as measured at the floor level.
- 9) It shall be the duty of the owners and operators and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

- (b) A person having a duty under Subsection B.13.(a) of Section 3-103.3 is guilty of a violation of this Ordinance if he knowingly fails to fulfill that duty.

14. Exemptions

It is a defense to prosecution under this Ordinance that a person appearing in a state of nudity did so in a modeling class operated in a viewing room.

- (a) By a proprietary school, licensed by the Commonwealth of Pennsylvania, or a college, junior college, or university supported entirely or partly by taxation;
- (b) By 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
- (c) In a structure:
 - 1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - 2) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - 3) Where no more than one (1) nude model is on the premises at any one time.

15. Injunction

A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of this Ordinance is subject to an action in equity or a suit for injunction as well as all other permissible remedies and penalties under this Zoning Ordinance and state law.

C. Self-Storage Facilities

1. The facility's operating hours will be no earlier than 7:00am and no later than 10:00pm.

2. An on-site manager will be available at all times during the facility's established operating hours.
3. No activities other than rental of storage space and pick-up and deposit of storage items shall be allowed on the premises. Customers shall not be permitted to operate a business or equipment within a self-storage facility.
4. Ingress and egress shall be from an arterial or collector street.
5. Access driveways shall be a minimum width of 24 feet and paved with an impervious surface.
6. A buffer with a minimum width of 20 feet shall be provided around the perimeter of the site. The buffer shall be planted in accordance with the requirements of Section 3-110.5 of this Ordinance.
7. The facility shall be completely secured with fencing around the perimeter in accordance with the regulations of Section 3-101.7 of this Ordinance.
8. A fire hydrant shall be provided on site with the location to be determined and approved by the applicable water authority and fire department.
9. No storage may take place outside of the building.
10. Self-storage units shall not have water or sanitary sewer service.
11. No hazardous materials or substances are permitted in self-storage units beyond the allowance of the Township Construction Code or Fire Code.

D. Medical Marijuana Dispensary

1. A medical marijuana dispensary shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up to date registration with the Pennsylvania Department of Health. Should registration be denied or revoked at any time, any conditional use approval shall immediately become void.
2. A medical marijuana dispensary shall at all times operate in compliance with all Pennsylvania Department of Health regulations pertaining to such facilities.
3. A medical marijuana dispensary shall not be operated or maintained on a parcel within 500 feet from the nearest point on the property line of a residential use or a parcel containing a public or private school, day care center, place of worship, public park, or community center.
4. A medical marijuana dispensary must operate entirely within an indoor, enclosed, and secure facility. No exterior sales or no sidewalk displays shall be permitted. No drive through, drop off, or pick up services shall be permitted.
5. No use of medical marijuana shall be permitted on the premises.
6. A medical marijuana dispensary shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft and unauthorized entrance into areas containing medical marijuana.

E. Medical Marijuana Grower / Processor

1. A medical marijuana grower/processor shall provide proof of registration with the Pennsylvania Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up to date registration with the Pennsylvania Department of

Health. Should registration be denied or revoked at any time, any conditional use approval shall immediately become void.

2. A medical marijuana grower/processor shall at all times operate in compliance with all Pennsylvania Department of Health regulations pertaining to such facilities.
3. A medical marijuana grower/processor must be located on a lot containing not less than one acre.
4. A medical marijuana dispensary shall not be operated or maintained on a parcel within 500 feet from the nearest point on the property line of a residential use or a parcel containing a public or private school, day care center, place of worship, public park, or community center.
5. A medical marijuana grower/processor must operate entirely within an indoor, enclosed, and secure facility which includes electronic locking systems, surveillance and other features required by the Department of Health.
6. A medical marijuana grower/processor shall only provide wholesale products to dispensaries. Retail sales are prohibited.
7. There shall be no emissions of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line of the property where the medical marijuana a grower/processor is operating.

F. Controlled Substance Treatment Facility

1. A controlled substance treatment facility shall not be operated or maintained on a parcel within 500 feet from the nearest point on the property line of a residential use or a parcel containing a public or private school, day care center, place of worship, public park, or community center.
2. Each building or portion thereof proposed for use as a treatment facility shall have a separate and distinct entrance utilized solely for direct entrance into the facility. Access to the 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.

3-103.4 Uses Not Specifically Provided

Uses not specially provided for within this Ordinance shall be permitted only by conditional use. In addition to the requirements of Article 6 conditional uses, an applicant must provide evidence to the Board that the proposed use meets the following criteria:

- A. The use is similar to other uses permitted in the zoning district where the use is proposed.
- B. The proposed use is compatible with the other uses within the zoning district.
- C. The proposed use does not create a negative impact to the adjacent properties or neighborhood any more so than uses specially permitted within the zoning district.

3-104 Signs

3-104.1 Application

No sign shall be erected, altered, painted, relocated, remodeled, expanded, or maintained that is not in accordance with the provisions of this Ordinance and all other applicable Township codes and regulations.

By definition, murals are not considered a sign and are not subject to regulations contained in this Section 3-104. The Township Maintenance Code regulates maintenance of murals.

3-104.2 Permitted Uses

- A. Residential Districts (R-1, 2, 3) and Open Space Districts:
 - 1. Signs shall not exceed six (6) square feet.
 - 2. Signs shall be attached to the façade of a building or freestanding.
 - 3. Signs may be for a permitted service provided on premises, or a permitted product sold on premises, or for personal expression.

- B. Commercial Districts (C-1, 2, 2-A):
 - 1. Signs shall be attached to the façade of a building or freestanding. In the case of signs attached to the façade of a building, the sign area shall be 1.5 square feet per linear foot of building frontage facing a public street or parking lot, not to exceed sixty (60) square feet.
 - 2. For a freestanding sign, the sign area shall not exceed sixty (60) square feet.
 - 3. For building signs, the maximum allowable sign area is sixty (60) square feet per public street frontage.
 - 4. Signs may be for a permitted service provided on premises, or a permitted product sold on premises, or for personal expression.

- C. Heavy Commercial (C-3) and Industrial (I) Districts.
 - 1. Any sign authorized in residential or other commercial districts is permitted in the C-3 and I Districts.
 - 2. Signs shall be attached to the façade of a building or freestanding. In the case of signs attached to the façade of a building, the sign area shall be 1.5 square feet per linear foot of building frontage facing a public street or parking lot, not to exceed ninety (90) square feet.
 - 3. For a freestanding sign, the sign area shall not exceed ninety (90) square feet.
 - 4. For building signs, the maximum allowable sign area is ninety (90) square feet per public street frontage.
 - 5. Signs may be for a permitted service provided on premises, or a permitted product sold on premises, or for personal expression.

3-104.3 Prohibited Signs

The following signs shall be prohibited:

- A. Signs that prevent free ingress or egress from any door, window, or fire escape.
- B. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects.
- C. Non-government banners on light poles.
- D. Signs on any utility pole on public or private property.
- E. Snipe signs in public rights-of-way.

3-104.4 Placement of Signs

- A. No sign shall be erected that extends above the roof line.
- B. Attached signs in C-1, 2, 2-A and 3 districts shall be attached to a front or side wall of a building, parallel to the facade of the building. Signs shall be erected so that no portion of the sign is less than nine (9) feet above entrance grade.
- C. No sign shall project beyond any property line or street right-of-way line. Permitted signs in residential districts shall be set back a minimum of five (5) feet from the property line or street right-of-way line. Free standing signs permitted in other zoning districts shall be set back a minimum ten (10) feet from the property line or street right-of-way line.
- D. A freestanding sign and flags shall not be placed in a required clear sight triangle at a street intersection or driveway intersection.
- E. Flags and flag poles shall not be placed in the street right-of-way and shall comply with the free standing sign setback requirements.
- F. In the case of a planned commercial complex, the principal identification sign shall be set back at least twenty (20) feet from the property line or street right-of-way line.

3-104.5 Number of Signs

- A. Residential Districts (R-1, 2, 3) and Open Space Districts: One sign is permitted per street frontage.
- B. Commercial Districts (C-1, 2, 2-A):
 - 1. One building sign permitted per business / use.
 - 2. In shopping centers, office complexes, or similar facilities with multiple uses, one freestanding sign for the facility is permitted per parcel.
 - 3. Lots having frontage on more than one street are permitted to install building signage for each street frontage
 - 4. No signs are permitted in the rear yard of any lot.

5. Arcade Signs: In shopping centers or office complexes which have pedestrian access ways covered by a roof, marquee or exterior arcade, one arcade sign shall be permitted for each business in the building, provided that:
 - (a)The gross sign surface area of each sign shall not exceed two (2) square feet.
 - (b)The bottom edge of the arcade sign is located a least 8.5 feet above finished grade level.
 - (c)Arcade signs shall not to be included in allowable number or square footage of signs.
 6. Awning and Canopy Signs shall be permitted subject to compliance with the following requirements:
 - (a)The gross sign surface area of the awning sign shall not exceed an area equal to 25% of the background area of the awning or awning surface to which such is affixed.
 - (b)Awning and Canopy Signs shall not be included in the required number of signs or maximum allowable sign area.
- C. Heavy Commercial (C-3) and Industrial (I) Districts.
1. One building sign permitted per business / use.
 2. In shopping centers, office complexes, or similar facilities with multiple uses, one freestanding sign for the facility is permitted per parcel.
 3. Lots having frontage on more than one street are permitted to install building signage for each street frontage.
 4. No signs are permitted in the rear yard of any lot.
 5. Arcade Signs: In shopping centers or office complexes which have pedestrian access ways covered by a roof, marquee or exterior arcade, one arcade sign shall be permitted for each business in the building, provided that:
 - (a)The gross sign surface area of each sign shall not exceed two (2) square feet.
 - (b)The bottom edge of the arcade sign is located a least 8.5 feet above finished grade level.
 - (c)Arcade signs shall not to be included in allowable number or maximum allowable sign area.
 6. Awning and Canopy Signs shall be permitted subject to compliance with the following requirements:
 - (a)The gross sign surface area of the awning sign shall not exceed an area equal to 25% of the background area of the awning or awning surface to which such is affixed.
 - (b)Awning and Canopy Signs shall not be included in the required number of signs or maximum allowable sign area.

3-104.6

Height of Signs

- A. No sign in an "R" district shall exceed ten (10) feet in height, as measured from ground level at the base of, or below, the sign to the highest element of the sign.
- B. In C-1, 2 and 2-A districts, no business identification sign shall exceed fifteen (15) feet in height, except that the principal identification for a commercial development two acres or more in area shall not exceed thirty (30) feet in height.

- C. In C-3 and I districts, signs shall not exceed thirty (30) feet in height.

3-104.7 Duration of Sign

- A. Permanent Sign: A sign which is intended and actually erected and installed for a long period of time exceeding ninety (90) continuous days
- B. Short-term Sign: A sign which is intended and actually erected and installed as well as used for a short period of time, not exceeding ninety (90) days.
 - 1. Once the total period of time an erected and installed short-term sign elapses, another short-term sign cannot be erected or installed for two hundred forty (240) days.
 - 2. Portable signs or any sign that is not permanently embedded in the ground or otherwise permanently affixed to real estate are considered short-term signs.
 - 3. Mobile signs capable of moving from one premises to another, including those painted on vehicles that are parked and/or stored at a location other than where the activity associated with said vehicle is conducted unless said vehicle is being used in the normal day-to-day operations of the use of the premise on which the vehicle is parked or stored are considered short-term signs.
 - 4. Short-term signs must comply with the sign regulations for the Zoning District in which they are located.

3-104.8 Electronic Message Signs

- A. Electronic message signs are permitted in the C-2, C-2-A, C-3, and I districts. In C-1 R-1, R-2 and R-3 districts, electronic message signs are permitted as a conditional use as an accessory structure for a non-residential use.
- B. An electronic message sign may occupy up to one hundred percent (100%) of the entire sign face. The area of the electronic message sign shall be included in the maximum sign area and shall not be in excess of or in addition to the sign area regulations contained in this Ordinance. Wall signs shall be limited to one electronic message sign per building.
- C. All electronic message signs shall adhere to all the height and setback regulations for the sign on which the electronic message sign is located.
- D. In C-2, C-2A, C-3 and I districts, electronic message signs shall be located a minimum of one hundred (100) feet from the boundary of a residentially-zoned property.
- E. Luminance during the day for electronic message signs shall not exceed 5,000 cd/m² or NITs. Luminance during the night for electronic message signs shall not exceed 250 cd/m² or NITs for the time period between the apparent sunset to the

apparent sunrise. The apparent sunset and sunrise shall be as determined by the National Oceanic and Atmospheric Administration for the sign location. All electronic message signs shall employ a light sensing device that can automatically adjust the brightness of the display within the limits specified. At no time shall the electronic message sign illumination exceed 0.3 footcandles above the ambient light levels as measured 80 feet from a freestanding or wall mounted sign or 275 feet from a billboard sign. All footcandle measurements are to be taken at a height between 4 feet and 5 feet above the ground surface and perpendicular to the sign face.

- F. Electronic message signs shall not include any audio message.
- G. Transition from one message to another message, including the fading and dissolving of messages shall comply with the following standards:
 - 1. The time interval used to change from one complete message/display to the next complete message/display shall be a maximum of one (1) second.
 - 2. There shall be no appearance of a visual dissolve or fading in which any part of one electronic message/display appears simultaneously with any part of a second electronic message/display.
 - 3. There shall be no appearance of flashing or sudden bursts of light, and no appearance of animation, movement, or flow of the message display.
 - 4. Any illumination intensity or contrast of light level shall remain constant; provided that if stricter guidance governing the above standards is set forth in a subsequent PennDOT form or regulation, such subsequent form or regulation shall govern.
- H. An electronic message on the sign shall be complete in itself and shall not continue to a subsequent sign message.
- I. Electronic message signs shall also be equipped with a photo-cell dimmer to automatically dim with ambient light changes.
- J. Lumination shall be set and locked with an access code prior to or at the time of installation of the electronic message sign. The lumination settings shall not be changed or altered at any time for the duration of the electronic message sign's life, unless approval from the Township has been granted in writing.
- K. Building permits for electronic message signs shall require the sign plans to be stamped certifying the percent of brightness the sign is set to prior to approval.
- L. Electronic Message Signs shall not be animated or have flashing illumination. Digital signs with changing messages are acceptable when the display does not change more than once each thirty seconds.
- M. In the event of an emergency, the Township Manager or designee may contact building owners with electronic message signs and request that emergency information be displayed.

3-104.9 Additional Requirements

- A. Illuminated signs shall be designed and placed so as not to interfere with, distract, confuse, or blind operators or motor vehicles.
- B. Flood lighting shall be placed so that it is not visible from any point off the lot and only the sign is directly illuminated.
- C. Every authorized sign must be constructed of durable materials and maintained in good condition and repair. If any sign becomes dilapidated to the point that it constitutes an unsightly or hazardous condition, then the Zoning Officer shall order it repaired or removed within ten (10) days: provided that if the Zoning Officer believes the sign poses an imminent threat to public health, safety, or welfare, the Zoning Officer may order immediate repair or replacement to occur sooner.
- D. The sign for a business establishment must be removed within ninety (90) days from the time the business ceases operation. Where necessary, the Zoning Officer shall give the owner or operator fifteen (15) day notice to comply with this regulation. Any subsequent owner or operator of a new business established on the site must apply to the Township for a new sign permit if the original permit has expired or the sign is modified.
- E. Building/ Zoning permits for the erection, alteration, relocation or replacement of any sign must be obtained for all regulated signs.
- F. Banners shall comply with the sign requirements for the Zoning District in which they are located including maximum allowable area for building signs.

3-104.10 Exemptions

The following signs shall be exempt from the requirements of this Section:

- A. Flags not exceeding forty (40) square feet and no more than three (3) flags per lot for industrial / commercial uses at a height not to exceeding twenty-five (25) feet.
- B. Flags not exceeding fifteen (15) square feet at a height not exceeding fifteen (15) feet in height and no more than two (2) flags per lot for residential uses.
- C. Signs placed by a governmental body, including traffic or directional devices, legal notices and warning, instructional or regulatory signs.
- D. Address numerals and other signs required to be maintained by law or governmental regulations, provided that the content and size of the sign do not exceed the requirements of such law of regulation.
- E. Small directional and interpretation signs, not exceeding five (5) square feet in area, at a height not to exceed three (3) feet, displayed on private property outside of the street right-of-way and clear sight triangles for street intersections and driveways for the convenience of the public.

- F. Temporary signs but limited only to those that offer the premises for sale, rent, or development. Temporary signs must be located outside of the street right-of-way and the clear sight triangle of street intersections and driveways.
- G. Personal expression signs of any type, provided that they do not exceed three (3) sq. ft. in area per side, are non-commercial in nature, are not located in the street right-of-way or clear sight triangle of a street intersection or driveway, and are not illuminated.
- H. Banner signs suspended across a public street with the permission of the owner of the said street.

3-104.11 Special Provisions for Commercial Signs

In a C-3 district the total square footage of the principal identification sign for a planned commercial center or a single business establishment can be increased an additional fifteen percent (15%). Such increase can include an increase in the height of such sign. The cumulative increase in square footage and/or height can occur, however, only where a planned commercial center or single business establishment fronts on a major arterial street and increased footage and/or height is necessary to ensure adequate visibility from the roadway. The applicant must submit information to the Township that the proposed increase is necessary.

3-104.12 Modifications

All signs, including their number, location, size, and any and all characteristics shall comply with all of the provisions of this Ordinance; any requests for deviation from the same shall be submitted as a variance to the Zoning Hearing Board of the Township of Scott. Any provision of any Ordinance in conflict with the provisions hereof is deemed to be repealed to the extent of such conflict.

3-104.13 Billboard Signs

Billboards may be permitted as a conditional use within the C-3 district when all of the following requirements are met:

- A. Location Billboards: Billboards may not be erected within five hundred (500) feet of the boundary line of an R, C-1, C-2. or C-2-A zoning district or within five hundred (500) feet of the line of any public or private school property. Required spacing shall be measured from a point perpendicular to the center most point of the billboard structure along the front line parallel to center line of the roadway to which the sign is oriented.
- B. Billboards may be erected within four hundred (400) feet of the center line (measured horizontally) of the Penn-Lincoln (Parkway West) and I-79.
 - 1. The minimum front, side and rear setback requirements applying to a principal use as set forth within a zoning district in which the billboard is to be located shall apply to each billboard structure.
 - 2. No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business sign, logo sign residential or

- non-residential structure or limit or reduce the light and ventilation requirements under the Township Building Code.
3. No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
 4. Billboards may not be mounted on the roof, wall, or other part of a building or any other structure.
 5. The maximum lot coverage specified in the zoning district in which the billboard is to be located shall apply to any lot upon which a billboard structure is located and shall be cumulative including any other structures and buildings on the same lot therewith.
 6. Billboards shall maintain a lateral minimum spacing of one thousand (1,000) feet between billboard structures. Required spacing shall be measured from a point perpendicular to the center most point of the billboards structure to the front lot line parallel to center line of the roadway to which the billboard is oriented.
- C. Size and Height: A billboard shall have a maximum allowable Gross Surface Area of seven hundred fifty (750) square feet per sign face. A billboard shall have a maximum of two sign faces per billboard structure. However; the Gross Surface Area of each sign face shall not exceed the seven hundred fifty (750) square foot maximum.
1. The billboard structure may have sign faces placed back to back or in a V-shaped configuration on a single billboard structure.
 2. The billboard's Gross Surface Area of a billboard sign face shall not exceed fifteen (15) feet in total height or fifty (50) feet in total length.
 3. A billboard structure shall have a maximum height above the curb of the roadway from which they are intended to be viewed of forty (40) feet. However, the height of a billboard structure oriented to a depressed roadway shall be measured from the grade at the base of the billboard.
- D. Construction Methods: Billboards shall be constructed in accordance with application provisions of the Scott Township Building Code. In addition:
1. A billboard structure shall have a maximum of one (1) vertical support being a maximum of four (4) feet in diameter or width and without bracing or vertical supports;
 2. A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion;
 3. The structure shall comply with wind load requirements of the Township Construction Code;
 4. The entire base of the billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three feet placed in such a manner as to screen the foundation of the structure;
 5. Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices;
 6. Permanent landscaping shall form a base and/or backdrop to the billboard sign when practical in the opinion of the Zoning Officer;

7. All curbs and grading shall be in accordance with Township Ordinances;
8. No bare cuts are permitted on a hillside;
9. All cuts or fills are to be permanently seeded or planted;
10. Billboard lighting shall comply with all of the applicable PennDOT regulations regarding use, operations, timing of messages and form of messages.
11. For billboards that are or contain electronic message signs, Zoning Ordinance provisions on "Electronic Message Signs" (Section 3-104.8 as amended), shall also apply to such billboards; provided that if there is a conflict between Zoning Ordinance provisions on "Electronic Message Signs" and "Billboards" (Section 3-104.13 as amended), the latter shall govern.

E. **Maintenance**

1. A painted billboard structure that displays chipping or flaking shall be entirely painted upon proper notification by the Township.
2. Every ten years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania Registered Engineer or Architect and shall provide to the Township a certificate from the Engineer or Architect certifying that the billboard is structurally sound.
3. Annual inspections of the billboard may be conducted by the Township to determine compliance. Billboards not in compliance shall be removed within thirty (30) days upon proper notification by the Township.
4. Billboards found to be in violation of this Section 3.104.13.E shall be brought into compliance or removed within thirty (30) days upon proper notification by the Township.
5. Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure.

F. **Permits:** Conditional use approval for a billboard shall be valid for one (1) year from the date of action by the Board of Commissioners granting the conditional use. If the applicant fails to obtain a building permit for the billboard within the one (1) year period, conditional use approval shall automatically expire without notice to the applicant.

1. Any application which requires the approval of the County of Allegheny or Pennsylvania Department of Transportation (PennDOT) shall include evidence of that approval with the application for a building permit. The issuance of a building permit for a billboard on a PennDOT or County highway which has been granted use approval shall be conditioned upon the approval of the County or PennDOT, as applicable. No building permit will be issued for the construction of a billboard without submitting evidence of approval by the County or PennDOT, as applicable.
2. **Application Fees:** Fees shall be established by resolution of the Scott Township Board of Commissioners.

3-105 **Off-Street Parking Requirements**
3-105.1 **Application**

In any zoning district, all structures built and all uses established hereafter shall provide off-street parking areas in accordance with this Ordinance. When an existing structure or use is expanded, parking spaces for the areas or capacity of such expansion shall be required in accordance with this Ordinance.

3-105.2 **General Provisions**

- A. **Utilization:** Required off-street parking facilities shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such use.
- B. **Access:** Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
- C. **Open and Enclosed Parking:** Open, off-street parking spaces may be located in any yard. Enclosed buildings and carports containing off-street parking shall be subject to the minimum setback requirements applicable in the district in which located.
- D. **Design and Maintenance:**
 - 1. **Design:** Off-street parking spaces shall comply with such design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as may be established from time to time by the Township Engineer. Off-street parking spaces may be open or enclosed in building.
 - 2. **Handicap Accessibility:** Parking spaces shall be provided, both in number and design, in accordance with the federal, state, and local regulation, whichever is more stringent and as may be amended from time to time.
 - 3. **Surfacing:** All open, off-street parking areas shall be graded and paved or otherwise improved with an all-weather, dustless material. Stone or gravel is not permitted.
- E. **Screening:** All open off-street parking areas containing more than six (6) parking spaces shall be effectively screened on each side that adjoins any property situated in a residential district by a wall, fence or densely planted compact evergreen hedge. Parking areas shall be arranged and designed so as to prevent damage to or intrusion into, such wall, fence or hedge.
- F. **Lighting:** Any lighting used to illuminate off-street parking areas shall be directed away from residential use.
- G. **Repair and Service:** No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
- H. **Multiple Parking Occupancy:** Where multiple uses occupy a building or property, the parking requirements for each use shall be separately computed and accumulated to determine a total number of spaces required.

1. When a number of different uses are proposed within a structure, facility or complex and when it can be demonstrated that one or more of such uses require parking spaces at times other than normal business or operating hours for other uses, the applicant may present to the Township, a written report stating that a maximum combination of all such uses will not require that total accumulative parking spaces required by this Ordinance. If, after review, it is determined that a reduced overall parking requirement can satisfy the off-street parking needs of the combined facilities, the Board of Commissions may approve such proposal upon recommendation by the Planning Commission.

- I. Location: All parking spaces required to serve structures or uses shall be located on the same zoning lot as the structure or use served or within six hundred (600) feet of a main entrance to the structure or use served, provided no off-street parking facilities for a structure or use permitted only in business or manufacturing districts shall be located in a residential district.
- J. For parking lots over ten vehicles, up to ten percent (10%) of the off-street parking spaces may be reduced in height and width by ten percent (10%) when signed to allow only compact cars and/or motorcycles.
- K. For uses which require more than ten parking spaces, a bicycle rack or storage unit shall be provided near the entrance to the principal use which accommodates at least one bicycle for each ten parking spaces provided.

3-105.3 Required Spaces

- A. Off-street parking shall be provided in accordance with the requirements identified in Table 3-01. When determination of off-street parking results in a requirement for a fractional space, any fraction shall be counted as one (1) parking space.
- B. For a use which indicates that the Planning Commission shall determine the number of spaces required, an applicant for a proposed use shall submit to the Commission plans and exhibits necessary for the Commission to make determination of the number of spaces reasonably necessary for the proposed use. The latest edition of the Institute of Transportation Engineers *Parking Generation Manual* or equivalent document shall be used as the basis for the review, analysis, and determination by the Commission.

3-105.4 Driveways and Parking Areas

- A. Permit Required: It shall be unlawful for any person to install, construct or enlarge a driveway, parking pad or turnaround (hereafter referred to in this Section collectively as "Parking Areas") except in strict accordance with the provisions of this Section and without first obtaining from the Zoning Officer a permit after paying a permit fee. In the case of a parking area intersecting any County or state road, the requirements of this Section shall be in addition to any requirements imposed by the County or Commonwealth.

Any person who intends to alter, modify or improve an existing parking area without enlarging the parking area shall submit a letter to the Zoning Officer along with a

drawing showing the dimensions of the parking area before and after the improvement. If the Zoning Officer, as his sole discretion, determines that the parking area will not be enlarged by the modifications, no permit shall be required.

- B. Application: Every application for a permit shall be made on a written form provided by the Township, shall be signed by the applicant and shall be accompanied by a plan which shall set forth the following information:
1. Proposed location within right-of-way, connection within cartway of road and alignment of driveway.
 2. Proposed grade and width.
 3. Type of materials to be used in construction.
 4. Plot plan of property, with approximate location of principal buildings and owner of property.
- C. Design Standards: All parking areas shall meet the following requirements and specifications. Note: Diagrams for several parking standards for uses other than a single family dwelling or duplex are detailed at the end of this Ordinance.
1. No residential parking areas shall have a slope of more than fifteen percent (15%). An exception may be granted at the discretion of the Township Engineer where the physical characteristics of the property make it impossible to meet this requirement. For commercial parking areas, see Table 3.02.A.
 2. All new parking areas shall be constructed of an impervious surface material such as asphalt, brick pavers, concrete, or similar material. Gravel, loose stone or comparable materials shall not be permitted. All surface materials shall be subject to the approval of the Zoning Officer.
 3. No parking area shall change the grade or contour of the street, right-of-way, nor cut into, fill or in any way alter any gutter, curbing, drainage ditch or storm sewer.
 4. Within the right-of-way of a street, the grade of any parking area shall not exceed one quarter (1/4) inch to the foot. Where there are sidewalks, the parking area shall meet the existing grade of the sidewalk.
 5. All driveways and parking pads shall be positioned at right angles, that is, ninety (90) degrees, to the street or as near there to as site conditions permit, except as authorized by the Township Zoning Office upon recommendation of the Township Engineer.
 6. All properties located in Residential Districts of the Township which have garages shall have any driveway constructed hereafter integrated with their garage so that the driveway connects the garage to the street.
 7. All parking areas shall be constructed at least six (6) inches away from the lot line of an adjacent property.
 8. A parking area may cover an area equivalent to thirty-five percent (35%) of the footprint of the main structure on the lot or be thirty (30) feet in width, whichever is greater.
 9. Parking areas shall be located so as to provide adequate sight distance at intersections with streets.
 10. Parking areas shall be located in a manner which will not cause interference to the traveling public, will not be a hazard to the free movement of normal traffic or cause areas of traffic congestion.

11. Parking areas shall be located, designed and constructed in such a manner so as not to interfere with or be inconsistent with the design, maintenance and drainage of the street.
12. Parking area applicants for all uses, except for residential uses comprised of four (4) or less dwelling units, shall be accompanied by a traffic study prepared by a Registered Professional Engineer.
13. Driveways shall be located as far from street intersections as is reasonably possible, but not less than the following distances:
 - (a) Individual residential lots: thirty (30) feet.
 - (b) All other uses: fifty (50) feet.
 - (c) This provision shall be waived where the intersecting street radius extends along the property frontage to the extent that compliance is physically impossible.
14. Number of Driveways
 - (a) Properties with frontage of seventy-five (75) feet or less shall be limited to one (1) curb cut.
 - (b) Not more than two (2) curb cuts may be permitted for any single property, tract, or lot for each street frontage except when permitted at the discretion of the Township where anticipated traffic volumes warrant more than two (2) curb cuts and when supported by a traffic study prepared by a Registered Professional Engineer.
 - (c) Governor's driveways are permitted only on properties which have a minimum lot frontage in excess of seventy-five (75) feet and shall be located at least three (3) feet from adjacent property line. A Governor's driveway shall be constructed to a minimum width of twelve (12) feet up to a maximum width of fifteen (15) feet and the curb cuts shall be located at least fifteen (15) feet apart.
15. At the discretion of the Township Zoning Officer, a turnaround may be permitted upon the following conditions:
 - (a) The area for turnaround shall not exceed one hundred (180) square feet; and
 - (b) The turnaround shall be located outside of the street right-of-way and shall not be used for parking purposes.
16. Parking pads shall be nine (9) feet in width and twenty (20) feet in length and shall abut and shall be parallel with the existing driveway, except as authorized by the Township Zoning Office upon recommendation of the Township Engineer.
17. The Township Zoning Officer, in consultation with the Building Inspector and the Township Engineer may require additional measures and/or safeguards as reasonably necessary to ensure the health, safety and welfare of the residents of the Township.

3-105.5 Electric Vehicle Charging Stations

- A. Electric vehicle charging stations may be permitted in locations allowable for off street parking spaces.
- B. Use of electric vehicle charging stations on residential parcels shall be limited to use by the occupants, or guests of the occupants.

- C. Electric vehicle charging station locations may not be included in the calculation of required minimum parking spaces pursuant to Section 3-105.3 of this ordinance.
- D. Electric vehicle charging stations shall be lit in accordance with the lighting requirements of Section 3-107.7 of this ordinance.
- E. Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes. Signs shall comply with Section 3-104 of this ordinance.
- F. Accessible vehicle charging stations shall be provided in accordance with standards on handicap accessibility.
- G. Equipment shall be designed and located so as to not impede pedestrian travel or create trip hazards.
- H. The primary electric service to the charging station shall be installed underground.
- I. Equipment shall be protected by wheel stop, concrete-filled bollards, or similar devices.

Table 3-01: Parking Requirements		
	USE DESCRIPTION	Parking Requirement
1.00	Residential Uses	
1.01	Single Family Dwellings	Two spaces per dwelling unit.
1.02	Two-Family Dwellings	One and one-half spaces per dwelling unit, plus one additional "guest parking space" for every five dwelling units.
1.03	Group Homes	Two spaces per dwelling unit.
1.04	Townhouse Dwellings	One and one-half spaces per dwelling unit, plus one additional "guest parking space" for every five dwelling units.
1.05	Garden Dwellings	One and one-half spaces per dwelling unit, plus one additional "guest parking space" for every five dwelling units.
1.06	Planned Residential Developments	See Article 4.
1.07	Multi-family Dwellings and Multi-family Multi-Story Dwellings	One and one-half spaces per dwelling unit, plus one additional "guest parking space" for each five dwelling units.
1.08	Mobile home / Mobile home parks	Two spaces per dwelling unit.

Table 3-01: Parking Requirements		
	USE DESCRIPTION	Parking Requirement
2.00	Institutional Uses	
2.01	Schools: K to 12	One-third space per student.
2.02	Alternative Schools: K to 12	One-third space per student.
2.03	Trade Schools	One-third space per student.
2.04	Religious Uses	One space for every three seats or one space for every three persons of design capacity, whichever is greater. Additional parking is to be added from this table based on ancillary uses, including but not limited to daycare and schools.
2.05	Dancing, music, art school, or tutoring center (large and small)	One space per student.
2.06	Municipal Uses & Facilities	One space for every two persons of design capacity.
2.07	Cemeteries	To be determined by the Planning Commission.
2.08	Child Care Centers	One-half space per student.
2.09	Group Child Care Home	Three spaces.
2.10	Essential Services	To be determined by the Planning Commission.
2.11	Hospitals	Five spaces per bed of design capacity.
2.12	Nursing or Convalescent Homes	One half-space per bed of design capacity.
2.13	Assisted Living/Personal Care Facilities	One space for every two residents, plus one space for every employee of the largest two shifts combined, plus one space for every facility vehicle.
2.14	Adult Daily Living Centers	To be determined by the Planning Commission based on provisions for transportation of patrons to the facility.
2.15	Fraternal Organizations, Public or Private Clubs or Cultural Center, and Charitable/Nonprofit Organizations	To be determined by the Planning Commission.
2.16	Medical facilities	Four spaces per 1,000 sq.ft. gross floor area.
2.17	Public Use & Buildings	To be determined by the Planning Commission.

Table 3-01: Parking Requirements

	USE DESCRIPTION	Parking Requirement
2.18	Animal hospitals and boarding facilities	Four spaces per 1,000 sq.ft. gross floor area.
2.19	Controlled Substance Treatment Facility	One space for every two residents, plus one space for every employee of the largest two shifts combined, plus one space for every facility vehicle.
3.00	Commercial Uses	
3.01	Funeral Homes / Crematorium	One space for every two seats or one space for every two persons of design capacity, whichever is greater.
3.02	Business and professional offices	Three spaces per 1,000 sq.ft. gross floor area.
3.03	Retail or office facilities provided within a multi-story, multi-family dwelling not exceeding 20% of the GFA	Three spaces per 1,000 sq.ft. gross floor area, in addition to parking required for the residential use.
3.04	Neighborhood Commercial Center, not to exceed 5,000 sq.ft. of gross floor area	Five spaces per 1,000 sq.ft. gross floor area.
3.05	Retail	Five spaces per 1,000 sq.ft. gross floor area.
3.06	Convenience Retail	Five spaces per 1,000 sq ft. gross floor area.
3.07	Personal services	Ten spaces per 1,000 sq.ft. gross floor area.
3.08	Commercial recreation facilities	To be determined by the Planning Commission.
3.09	Outdoor Recreation	To be determined by the Planning Commission.
3.10	Theaters	One space for every two seats or one space for every two persons of allowable occupancy, whichever is greater.
3.11	High Quality Eating Establishment	One space for every two seats and two spaces for every barstool.
3.12	High Turnover Eating Establishment	One space for every two seats and two spaces for every barstool.
3.13	Fast Food Eating Establishment Without Drive Through	One space for every one and one-half seats.
3.14	Fast Food Restaurant With Drive Through	One space for every one and one-half seats.

Table 3-01: Parking Requirements

	USE DESCRIPTION	Parking Requirement
3.15	Drive-In Eating Establishment	One space for every one and one-half seats of design capacity, plus one space for every employee on the largest two shifts combined. For computation purposes, spaces where vehicles park for service shall not apply as seats or as parking spaces.
3.16	Health and Fitness Club	Twenty spaces per 1,000 sq.ft. gross floor area.
3.17	Pet grooming shops	Five spaces per 1,000 sq.ft. gross floor area.
3.18	Hotel / motel	One and one-half spaces per room, plus six spaces per 1,000 sq.ft. of gross floor area within banquet or meeting areas. Eating establishments shall be computed separately and added to these requirements.
3.19	Building material sales	Five spaces per 1,000 sq.ft. gross floor area.
3.20	Automobile, mobile home and trailer sales and service	Three spaces per 1,000 sq.ft. gross floor area shall be available for employee and customer parking, in addition to spaces devoted to vehicle storage, stock, repair, and display spaces.
3.21	Fuel service facilities and vehicle repair facilities	Five spaces per 1,000 sq.ft. gross floor area.
3.22	Sexually oriented businesses	To be determined by the Planning Commission based on Feasibility Study provided by the Applicant.
3.23	Medical Marijuana Dispensary	Five spaces per 1,000 sq.ft. gross floor area.
4.00	Industrial Uses	
4.01	Wholesale, warehousing, and distribution establishments and facilities	One space per employee of the largest two shifts combined. On site loading space based upon traffic study requirements accounting for daily deliveries.
4.02	Laundry and Dry Cleaning	One space per employee of the largest two shifts combined. On site loading space based upon traffic study requirements accounting for daily deliveries.
4.03	Industrial Machinery Sales	One space per employee of the largest two shifts combined. On site loading space based upon traffic study requirements accounting for daily deliveries.
4.04	Contractor's office and equipment storage facilities	One space per employee of the largest two shifts combined. On site loading space based upon traffic study requirements accounting for daily deliveries.

Table 3-01: Parking Requirements

	USE DESCRIPTION	Parking Requirement
4.05	Light Manufacturing	One space per employee of the largest two shifts combined. On site loading space based upon traffic study requirements accounting for daily deliveries.
4.06	Heavy Manufacturing	One space per employee of the largest two shifts combined. On site loading space based upon traffic study requirements accounting for daily deliveries.
4.07	Printing and publishing facilities	One space per employee of the largest two shifts combined. On site loading space based upon traffic study requirements accounting for daily deliveries.
4.08	Industrial Service and Supply Provider	One space per employee of the largest two shifts combined. On site loading space based upon traffic study requirements accounting for daily deliveries.
4.09	Oil and Gas Operations	Temporary Parking to accommodate construction activity. Not required to meet parking design standards, only safety.
4.10	Natural Gas Compressor Station	N/A
4.11	Natural Gas Processing Plants	One space per employee of the largest two shifts combined. On-site loading space based upon traffic study requirements accounting for daily deliveries.
4.12	Medical Marijuana Grower/Processor	One space per employee of the largest two shifts combined. On site loading space based upon traffic study requirements accounting for daily deliveries.
4.13	Self-Storage Facilities	One space per employee on the largest shift and one space per 10 units.
5.00	Agricultural, Forestry, and Mining Uses	
5.01	Agricultural use	N/A
5.02	Forestry	N/A
5.03	Mining	N/A
6.00	Miscellaneous Uses	
6.01	Railway and motor freight terminals	To be determined by the Planning Commission

Table 3-01: Parking Requirements

Table 3-01: Parking Requirements		
	USE DESCRIPTION	Parking Requirement
7.00	Accessory Uses	
7.01	No-Impact Home Based Business	N/A
7.02	Residential Accessory Uses	N/A
7.03	OTARD (Over The Air Reception Device)	N/A
7.04	Family Child Care Home	N/A
7.05	Communication and Energy Structures	N/A
7.06	Energy Structures	N/A
7.07	Home Occupation	One space in addition to the requirement for the principal residential use.
7.08	Public Utilities	N/A
8.00	Uses Not Specifically Provided	
8.01	Uses Not Specifically Provided	To be determined by the Planning Commission.

3-106 Off-Street Loading Requirements

3-106.1 Applicability

In any zoning district, all structures built and all uses established hereafter, shall provide accessory off-street loading spaces. When an existing structure is expanded, accessory off-street loading spaces shall be provided in accordance with the following regulations.

3-106.2 General Provisions

- A. Location: All required loading spaces or berths shall be located on the same lot as the use served. All motor vehicle loading berths which abut or are adjacent to a residential district shall be completely screened there from by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than six feet nor more than eight feet in height. No permitted or required loading space or berth shall be located within 40 feet of the nearest point of intersection of any two streets or highways. No loading space or berth shall be located in a front

yard, and any loading space or berth located in a rear yard shall be open to the sky.

- B. Area: Unless otherwise specified, a required off-street loading space shall be a minimum of 10 feet in width by at least 30 feet in length, exclusive of aisle and maneuvering space, and dependent on type and size of delivery vehicle. The off-street loading space shall have a vertical clearance of at least 14 feet.
- C. Access: Each required off-street loading space shall be designated with appropriate means of vehicular access to a street, highway or alley in a manner which will least interfere with traffic movement.
- D. Surfacing: All open off-street loading shall be improved with a compacted select gravel base, not less than seven inches thick, surfaced with an all weather, dustless material. Stone or gravel is not permitted.
- E. Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with any off-street facilities.
- F. Utilization: Space allocated for any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- G. Minimum Facilities: Uses for which off-street loading facilities are required by this Section but which are located in buildings that have a floor area that is less than the minimum above which off-street loading facilities are required shall be provided with adequate receiving facilities, accessible by motor vehicle, from any adjacent alley, service drive, or open space on the same lot.

3-106.3 Required Off-Street Loading Spaces

For a structure containing more than thirty (30) dwelling units, or any main commercial building or structure, off-street loading space shall be provided at the rate of one (1) loading stall for every ten thousand (10, 000) square feet of main floor area.

3-107 Performance Standards

All uses hereafter established in any zoning district shall comply with the performance standards contained in this Section 3-107. However, to the extent additional or differing performance standards are set forth elsewhere in this Ordinance, such additional or differing standards shall govern.

3-107.1 Fire and Explosive Hazards

All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion, and adequate fire-fighting equipment as specified by the Department of Labor and Industry and the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the fire prevention code and other applicable ordinances adopted by the Township.

3-107.2 Radioactivity or Electrical Disturbance

There shall be no activities which emit radioactivity at any point. There shall be no radio or electrical disturbance adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance.

3-107.3 Smoke, Ash, Dust, Fumes, Vapors and Gases

There shall be no emission of smoke, ash, dust, fumes, vapors or gases which violates applicable federal, state or Allegheny County laws and regulations.

3-107.4 Liquid and Solid Wastes

There shall be no discharge at any point into any public or private sewerage system, or watercourse, or into the ground, or any materials in such a way or of such a nature, as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of the Commonwealth of Pennsylvania.

3-107.5 Glare

No direct reflected glare whether from any lighting source shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

3-107.6 Odor

There shall be no emission of odorous gases or other matter in such quantities as to be offensive on adjoining streets or adjacent lots.

3-107.7 Lighting

- A. All lighting or illuminations, including electric or otherwise, indoors or outdoors, shall be located, directed and of an intensity that does not:
 - 1. Create a hazardous condition or cause damage to the person or property of others.
 - 2. Interfere with or restrict the lawful use and enjoyment by others of property in the Township.
- B. Any illumination or lighting, which is located, directed or of an intensity that causes a hazardous condition or causes danger to the person or property of others or interferes with or restricts the lawful use and enjoyment of property by others is hereby declared to be a public nuisance.
- C. All required parking areas, driveways, and loading areas shall be provided with a lighting system which shall furnish minimally an average of two (2) foot candles or the maximum allowable under the current Pennsylvania Energy Code.
- D. The light intensity at any lot line shall not exceed 0.5 foot candles except lot lines directly adjacent to shared parking areas. Where light is reflected in a street area, the intensity measurement shall be made on the right-of-way line across the street from where the light emanates and shall not exceed 0.5 foot candles at such point

of measurement. However, the light intensity from a non-residential use onto a residential use shall not exceed zero (0) foot candles.

- E. Soft lighting of building faces is encouraged. Building lighting shall be indirect in character. Architectural lighting should be for the purpose of articulating the particular building design and providing required functional lighting for safety and clarity of pedestrian movement.
- F. Security lighting:
 - 1. Security lighting fixtures may be permitted, when such security lighting is in addition to the otherwise required lighting, however such security lighting shall not project above the façade or roofline of any building and are to be shielded so the light source is not visible from any adjacent property line.
 - 2. Security lighting fixtures shall not be substituted for parking lot or walkway lighting fixtures and are restricted to lighting only loading and storage locations or other similar areas requiring security lighting.
- G. All lighting fixtures shall be shielded to prevent glare and light pollution (stray skyward illuminations)

3-107.8 Steep Slopes

These provisions on slope control shall govern in all areas where steep slopes are located, regardless of the zoning district and are also applicable and govern Planned Residential Developments, subdivision plans, and all land developments. An application for site plan approval shall contain adequate information regarding existing slopes or finished slopes after grading on the site to show compliance with the following regulations:

- A. Any application for site plan approval which includes any portion of any tract which was an existing slope or finished slope after grading of less than fifteen percent (15%) shall be accompanied by a written statement from a registered Professional Engineer, licensed by the Commonwealth of Pennsylvania and experienced in Soil Engineering, certifying that they have inspected the site and that the proposed excavation and grading will not endanger any property or result in personal hazard or property damage, and is approved by said Engineer.
- B. Any application for site plan approval which describes any portion of any lot or tract which has an existing slope or finished slope after grading in excess of fifteen percent (15%) but less than twenty-five percent (25%) shall be considered as STEEP SLOPE AREA and must be accompanied by a written statement from a registered Professional Engineer licensed by the Commonwealth of Pennsylvania and experienced in Soil Engineering, certifying that they have inspected the site and that the proposed excavation will not endanger any property or result in personal hazard or property damage, and has been approved by said Engineer.
 - 1. The Township may, at its sole option, hire its own registered Professional Engineer at the applicant's expense to review the excavation and construction plans of the applicant to determine its compliance with the grading and excavating requirements of this Ordinance.

2. If the Township exercises its option to hire a registered Professional Engineer, the Township shall require that an escrow account be established for purposes of compensating said Engineer as per amount identified by resolution approved by Board of Commissioners.
3. In the event that the Township's Engineer finds that the services of a registered Professional Engineer licensed by the Commonwealth of Pennsylvania and experienced in Soil Engineering are necessary, the applicant shall be required to provide a geotechnical report and a certification which identifies the rock and soil composition of the area - based on site borings and will be required to provide a certification regarding the feasibility of the proposed grading, the stability of the finished slopes, measures to mitigate landslides, soil erosion, sedimentation and storm water runoff, and potential impacts on adjacent properties. Further, the soils report must identify soil and rock composition of the portion of any lot or tract to be graded.

C. Any portion of any lot or tract which has an existing slope or finished slope after grading in excess of fifteen percent (15%) shall be considered a steep slope area and shall be subject to the following regulations:

1. Existing slopes in excess of twenty-five percent (25%) shall not be disturbed by grading, construction, or removal of vegetation, other than the removal of dead or diseased trees or other vegetation. All applications shall be accompanied by a certification from a registered Professional Engineer that slopes in excess of twenty-five percent (25%) shall not be disturbed in accordance with this subparagraph.
2. Slopes in excess of fifteen percent (15%), but less than twenty-five percent (25%), may be altered, provided that the alteration is performed in compliance with the specifications of the Township Grading Ordinance.

Any application which proposes cutting or filling of existing slopes which are in excess of fifteen percent (15%) slope shall be accompanied by a geotechnical report and a certification by a registered Professional Engineer regarding the feasibility of the proposed grading, that stability of the finished slopes, measures to mitigate landslides, soil erosion, sedimentation and storm water runoff and potential impacts on adjacent properties. The consultant selected to prepare the geotechnical report shall have credentials acceptable to the Township and the cost of preparation of the report shall be borne by the applicant.

Finished slopes after alteration that are less than fifteen percent (15%) may be utilized for any authorized use in the zoning district in which they are located. Finished slopes after grading which are in excess of fifteen percent (15%) shall be subject to subparagraphs (3) and (4) below.

3. The portion of a lot or tract which has a finished slope in excess of fifteen percent (15%) shall be used only for any of the following permitted uses:
 - (a) Parks or other public or private outdoor recreational uses, if authorized in the zoning district;
 - (b) Permanent open space and/or required buffer area;

- (c) Agricultural, tree farming or forestry;
 - (d) Single family dwellings if they are authorized as a permitted use in the zoning district in which the property is located and provided that the required minimum lot area per dwelling unit shall comply with the requirements of subparagraph (4) below, and that any alteration of the existing slope for construction of the dwelling complies with subparagraph (2) above.
4. The total area of any lot which has existing slopes or finished slopes after grading which are in excess of twenty-five percent (25%) shall be excluded from the calculation of the minimum lot area, maximum lot coverage or maximum dwelling unit density required in the zoning district in which the property is located. The preliminary plat submitted for subdivision approval shall identify those lots which are subject to this regulation and the plan for recording shall contain a notation that such lots shall not be further subdivided.
 5. Any request for a variance to the Steep Slope requirements of this Ordinance or any proposed construction or grading on land which has a slope in excess of fifteen percent (15%) authorized by subparagraph (3) above, shall be accompanied by a statement from a registered Professional Engineer certifying the feasibility of the proposed construction or grading and the precautions recommended to protect foundations, preserve watersheds and protect soil stability. A certification of the structural integrity of the foundation shall be provided by the same registered Professional Engineer upon completion of the foundation.
 6. Exceptions: The only exceptions to the steep slope controls in subparagraphs (1) through (5) above, shall be the following:
 - (a) Any portion of a site which has a total surface area of one hundred (100) square feet or less in steep slopes, as defined herein, shall be exempt from the steep slope controls.
 - (b) The area within ten (10) feet of the exterior wall of the foundation of any proposed building and area within the proposed building shall be exempt from any steep slope controls, provided that any excavation or filling is accomplished in accordance with all applicable requirements of the Township Grading Ordinance.
 - (c) Any area within a right-of-way or easement (public or private), may be disturbed to the extent necessary to provide public or private streets or essential services.
 - (d) Any existing steep slope may be eliminated as part of site development however no new slopes in excess of 25% may be created as the result of this elimination.
 7. The slope of driveways serving single family or two family dwellings shall not exceed fifteen percent (15%).
 8. Where evidence exists of undermining or other geologic hazards on the site, the report required by this Ordinance and the Township Subdivision and Land Development Ordinance shall be discussed in the relationship between the geologic hazards on the site and the stability of the existing

slopes and the finished slopes resulting from any proposed alteration performed in compliance with the Township Grading Ordinance.

9. All slopes from which cover has been removed in compliance with the provisions of this Section shall be restored in accordance with the requirements of Section 3-107.8.H of this Ordinance.
- D. An application for site plan approval shall describe in detail the applicant's landscaping plan, which shall include but not be limited to a drawing which designates the original trees and shrubs which shall remain following excavation. An applicant for site plan approval is required to provide a buffer area of no less than ten (10) feet which must be comprised of newly planted and original trees and shrubs to create a buffer between the proposed site plan and the existing adjacent property sufficient to limit or eliminate the possibility of landslides, erosion and water runoff. In no event, shall a site plan contemplate removal of all trees and shrubs existing in the site to be excavated and in any event, the applicant must include a plan to plant new trees and shrubs in addition to maintenance of the required ten (10) foot buffer. In the event the site plan does not adequately describe such a landscaping design or the site plan's landscaping design is deemed inadequate, the application for site plan approval shall not be approved by the Planning Commission and the Board of Commissioners.
- E. All reports from registered Professional Engineers which are required to be submitted by applicant pursuant to Section 3-107.8 and any Subsections therein shall include Certificate of Insurance for the Engineer or Engineering Company which indicates and represents that said Engineer or Company has Professional Liability Insurance with limits of no less than amounts identified by resolution by the Board of Commissioners. A report that is submitted for purposes of compliance with this Section 3-107.8 and any Subsections thereunder which is not accompanied by such a Certificate of Insurance shall be rejected as not in compliance with the provisions of this Ordinance.
- F. Provide a Slope Zone Analysis which includes an existing topographic features and proposed finished contours. The plan shall show and identify all areas of the site, which have existing slopes greater than fifteen percent (15%) slope but less than twenty-five (25%) percent slope and all areas of the site which have existing slopes greater than twenty-five percent (25%) slope. The Slope Zone Analysis shall show compliance with the slope control requirements of this Section 3-107.8 and any Subsection thereunder, including any exceptions used to facilitate development.
- G. Grading plans for all R-1 and R-2 development shall include grading of the rear yard area extending from the rear of the proposed building pad to the rear required minimum setback line at the slope not to exceed fifteen percent (15%). Two (2) foot contour intervals shall be used to compute compliance with same.
- H. Restoration of Site after Clearing and Construction: All lands, regardless of their slopes, from which structures or natural cover has been removed or otherwise destroyed, shall be approximately finished and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within thirty (30) days after construction activities are completed between

November 1st and April 1st. In such case, the required sodding or seeding shall occur within thirty (30) days of April 1st.

In the case where natural cover has been removed incidental to imminent development, the finishing and seeding shall not be required until grading and construction are completed. Imminent development shall mean development which is reasonably expected to commence based on approval plans and permits within thirty (30) days of the clearing and grubbing of the site; said construction to be undertaken on a regular work schedule of eight (8) hours per day, forty (40) hours per week.

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

3-107.9 Air quality

Standards for air quality have been established by the County of Allegheny in and for the Commonwealth of Pennsylvania and U.S. Environmental Protection Agency. In order to minimize overlapping regulations, the Township adopts these standards as its own. Therefore, all operations, activities and uses shall be in compliance with the standards contained in the following: Commonwealth of Pennsylvania Air Pollution Control Act, Title 25, PA Code, Chapters 121 through 143 and the Code of Federal Regulations, Title 40, Subchapter C.

3-107.10 Wetlands

A. Regulations. Wetlands encroachments are regulated by the United State Army Corps of Engineers (USACE) and United States Environmental Protection Agency (EPA) under Section 404 of the Federal Clean Water Act (CWA). Furthermore, the USACE also makes jurisdictional determinations under Section 9 and Section 10 of the Rivers and Harbors Act of 1899. The Pennsylvania Department of Environmental Protection (DEP) regulates wetland encroachment under Chapter 105, Dam Safety and Encroachments Act.

1. Wetland functions include, but are not limited to, the following:
 - (a) Biological. Serving natural biological functions, including food chain products, general habitat and nesting, spawning, rearing and resting sites for aquatic or land species.
 - (b) Wildlife/aquatic refuge. Providing areas for study of the environment or as sanctuaries or refuges.
 - (c) Drainage. Maintaining natural drainage characteristics, sedimentation patterns, salinity distribution, flushing characteristics, natural water filtration processes, current patterns or other environmental characteristics.
 - (d) Protective barrier. Shielding other areas from wave action, erosion or storm damage.
 - (e) Water storage. Serving as a storage area for storm- and floodwaters.

- (f) Discharge. Providing a groundwater discharge area that maintains minimum base flows.
 - (g) Recharge. Serving as a prime natural recharge area where surface water and groundwater are directly interconnected.
 - (h) Pollution filtration. Preventing or reducing nonpoint source pollution, including sediment stabilization, toxicant retention, nutrient removal/transformation.
 - (i) Recreation/social significance. Providing recreation and value to society.
2. Wetland identification/determination: All areas meeting the criteria for wetlands as currently defined by the USACE or Pennsylvania DEP shall be mapped. Areas of hydric soils with a slope of one percent (1%) or less and areas appearing on the National Wetland Inventory Maps prepared by the United States Fish and Wildlife Service shall be field checked by qualified personnel to determine the existence, location and extent of wetlands.
 3. Land development plan: All areas meeting the criteria for wetlands are required to be identified and delineated on any land development plan whether or not any impact is proposed. Plan should indicate the qualified personnel who performed this delineation.

3-108 Oil and Gas Extraction

3-108.1 Regulation

- A. Well Operator shall comply with any generally applicable bonding and permitting requirements for Township roads that are to be used by overweight vehicles and equipment for Extraction activities. For state roads located within the Township, Well Operator shall provide a copy of the Highway Occupancy Permit for overweight vehicles to Township
- B. Well Operator shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from Extraction activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and/or debris occur.
- C. Well Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with Extraction, Well Operator will provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
- D. Well Operator shall not clear brush or trees by way of burning, and shall chip, grind or remove all tree stumps from properties it clears for Extraction purposes. However, Well Operator shall be permitted to, consistent with any relevant outdoor burning ordinance(s), laws and regulations, burn any brush, trees, or stumps that have been removed from the ground and collected into a pile or piles on the properties where the Well Operator is engaging in Extraction.

- E. Well Operator shall provide an appropriate and adequate off-street area within the development site for vehicles to stand while gaining access to the Well Site so that the normal flow of vehicular traffic on nearby public streets is undisturbed and public safety is maintained.
- F. Prior to Extraction, Well Operator shall provide to the Township's Police Department and Fire Company ("First Responders") and to the Zoning Officer, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan.
- G. Before drilling, the Township shall ascertain whether the Township's police and fire departments have secured adequate information to deal with any potentially dangerous conditions that may result due to Extraction activities. First Responders shall have on-site orientation and be provided adequate awareness information. Upon request from the Township, Well Operator will, prior to drilling of an Oil and Gas well, make available with at least thirty (30) days' notice, at its sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall be made available immediately after any substantial modification to the Extraction or Well Site, or not less than annually during the period when the Well Operator anticipates drilling activities in the Township.
- H. Well Operator shall take the necessary safeguards to ensure appropriate dust control measures are in place.
- I. Recognizing that the specific location of equipment and facilities is an important and integral part of the Extraction of Oil and Gas, as part of the planning process, Well Operator shall make a good faith effort to locate its temporary and permanent operations so as to minimize interference with Township residents' enjoyment of their property and future Township development activities.
- J. Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the Extraction of Oil and Gas, the Well Operator shall direct site lighting downward and inward toward the drill site, wellhead, or other area being developed so as to minimize glare on public roads and adjacent buildings within three hundred (300) feet of the drill site, wellhead, or other area being developed.
- K. At least two (2) weeks prior to drilling an Oil and Gas well or multiple Oil and Gas wells at a location, the Well Operator shall provide the following information to each resident within one thousand (1,000) feet of the planned surface location of the well(s):
 - 1. A copy of the well survey plat submitted to the Department of Environmental Protection by Well Operator with Well Operator's permit application,
 - 2. A general description of the planned operations at the planned well(s) and associated equipment used in the Extraction of the well(s),
 - 3. The contact information for the Well Operator, and
 - 4. The availability of the Well Operator to hold a meeting with such residents to present Well Operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to drilling.

- L. Upon the filing of an application for Zoning Permit under this Section, the Well Operator shall provide:
1. A site plan showing the proposed location of all Structures on the site and in relation to one another, including existing and proposed elevations; traffic circulation features within the site; the location of vehicular access into the site; the heights and bulk of Structures; the provision of automobile parking space; the provision of other open space on the site; all proposed draining, paving, fences and walls on the site; the display of Signs and a map showing the planned access route to the Well Sites on public Streets. The site plan shall also show the location of all Protected Structures;
 2. Information on the status of road bonding;
 3. The Well Operator's Erosion & Sedimentation Plan;
 4. The well survey plat showing the planned surface location(s) of the well(s); and
 5. The contact information for the Well Operator.
- M. At least ten (10) days prior to commencement of drilling, the Well Operator shall provide to the Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP"). The Well Operator shall also provide a copy of the recorded subdivision plan or land development plan.
- N. For any Oil and Gas well where the planned surface location of the well will be within one thousand (1,000) feet of a Protected Structure, the Well Operator shall:
1. Install permanent fall protection fencing meeting OSHA requirements around any pits that contain or could contain water or other liquids at depths greater than two feet.
 2. Install an adequate number of trespass warning signs at the perimeter of the Well Site providing notice of the dangers caused by the location of drilling sites.
- O. During drilling and hydraulic fracturing:
1. Clearly visible trespass warning signs shall be posted at the Well Site.
 2. Provide a guard station with staffing 24 hours per day/7 days per week when a drilling rig or hydraulic fracturing equipment is on the Well Site.
- P. Prior to the commencement of drilling activities, no construction activities involving excavation of, alteration to, or repair work on any access road or Well Site shall be performed during the hours of 10:00 p.m. to 7:00 a.m.
- Q. The Township recognizes and acknowledges that Oil and Gas Extraction is accompanied by inherent noise. However, the Well Operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the Extraction:

1. Prior to drilling of an Oil and Gas well, the Well Operator shall establish a continuous seventy-two (72)-hour ambient noise level at the nearest Protected Structure property line or one hundred (100) feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure or, alternatively, and in lieu of establishing the above seventy-two (72)-hour ambient noise level, the Well 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 Well Operator shall provide documentation of any established, seventy-two (72)-hour evaluation relied upon to establish an ambient noise level greater than 55 dBA to the Zoning Officer within three (3) business days of such a request from the Zoning Officer.
3. The noise generated during construction, drilling and hydraulic fracturing activities when measured at the nearest Protected Structure property line or one hundred (100) feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average ambient noise level (as determined by the seventy-two (72) hour evaluation) or default level, whichever is higher:
 - (a) during drilling activities by more than seven (7) decibels during the hours of 7:00 a.m. to 10:00 p.m.;
 - (b) during drilling activities by more than five (5) decibels during the hours of 10:00 p.m. to 7:00 a.m.; or
 - (c) by more than ten (10) decibels during construction or hydraulic fracturing operations.

R. The Well Operator shall inform the Township of which level (average ambient noise level or default level) is being used.

1. Adjustments to the forgoing noise limits may be permitted in accordance with the following:

Permitted Increase (dBA)	Duration of Increase (minutes)*
5.....	15
10.....	5
15.....	1
20.....	1

*Cumulative minutes during any one hour.

2. If a complaint is received by the Township from any person, whether a resident or otherwise using the Protected Structure as defined herein for any lawful purpose, regarding noise generated during construction, drilling

or hydraulic fracturing activities, the Well Operator shall, within twenty-four (24) hours of receipt of the complaint from the Township, continuously monitor for a forty-eight (48) hour period at a point which is the closer to the complainant's building of:

- (a) the complainant's Protected Structure property line nearest to the Wellsite or equipment generating the noise, or
 - (b) one hundred (100) feet from the Protected Structure.
3. If the Well Operator engages in any noise testing as required by this Ordinance, it will provide preliminary data to the Township no later than ten (10) business days following completion of the noise testing. Once the monitoring is complete, Well Operator will meet with Township representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded.
 4. Exhaust from any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment or used in Extraction shall not be discharged into the open air unless it is equipped with (i) an exhaust muffler or (ii) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.
 5. All workover operations shall be restricted to the hours of 7:00 a.m. to 10:00 p.m., except in the extent of an emergency, as reasonably determined by the Well Operator. "Workover operations" shall mean work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production.
 6. The noise restrictions contained in this Paragraph 15 shall also apply to Natural Gas Compressor Stations and Natural Gas Processing Plants.
 7. Well Operator shall take all reasonable measures to prevent the emission of offensive odors from the Extraction and from Natural Gas Compressor Stations and Natural Gas Processing Plants.
 8. To the extent reasonably possible, natural screening shall be maintained around Well Sites.
 9. Well Operator shall maintain a copy of the approved Zoning Permit on site at all times and shall make such permit available to the Township or its agents upon request.
 10. Revocation of any federal, state, municipal or other permit or approval shall constitute an immediate automatic revocation of the Township's zoning/development permit.

3-109 Natural Gas Processing Plants and Natural Gas Compressor Stations

3-109.1 Regulation

The Township of Scott hereby declares that Natural Gas Processing Plants and Natural Gas Compressor Stations may be authorized by conditional use in Zoning Districts C-1, C-2, C-3, C-4 and I, where said Plants and Stations meets the following conditions:

- A. Upon application for conditional use under this Section, the applicant shall submit a site plan showing the proposed location of all Structures on the site and in relation to one another, including existing and proposed elevations; traffic circulation features within the site; the location of vehicular access into the site; the height and bulk of Structures; the provision of automobile parking space; the provision of other open space on the site; all proposed draining, paving, fences and walls on the site; the display of Signs and a map showing the planned access route to the Well Sites on public Streets. The site plan shall also show the location of all Protected Structures.
- B. Applicant shall meet all other conditions and criteria set forth in this Ordinance for conditional uses.

3-110 Landscaping Requirements

Landscaping is required in the following situations, excluding residential development for one single family structure on a lot of record.

- A. New residential and commercial development;
- B. Residential and commercial redevelopment and adaptive reuse;
- C. Exterior development areas (parking lots, exterior storage and display);
- D. Screening of mechanical equipment;
- E. Drive-through areas;
- F. Best management practices as part of stormwater management; and
- G. Other Township regulations relating to landscaping.

This Section of the Ordinance is applicable to all development, redevelopment and adaptive reuse projects not requiring a subdivision or land development plan. New development or redevelopment requiring a subdivision or land development plan must comply with street tree and landscaping requirements in accordance with the requirements outlined in the Township Subdivision and Land Development Ordinance.

The landscaping plan shall be prepared and sealed by a Pennsylvania licensed design professional.

An alternate landscaping plan that includes an alternative way of meeting the intent of the landscaping requirement that may include masonry or stone street walls, more mature plant materials, hedges, art or other amenities to improve the aesthetics of the site may be considered.

3-110.1 Tree Conservation, Natural Vegetation/Terrain Features and Street Trees

- A. Where existing trees are located in development and redevelopment plans, they should be preserved wherever possible. The protection of trees shall be an important consideration in determining the location of open space, buildings, underground utilities, walks, paved areas, playgrounds, parking areas and finished grade levels.
- B. Natural and manmade terrain features should be used to provide landscaping in combination with vegetative screening.
- C. Preserving existing trees that are of equivalent size and number to planting requirements hereunder shall satisfy this requirement.

3-110.2 Development Landscaping

- A. Residential Development – Residential lots shall be landscaped with at least one tree with a minimum of 2 ½ inch caliper DBH for every dwelling unit.
- B. Non-residential Development – Provide one tree with a minimum of 2 ½ inch caliper DBH shall be planted for every 1,000 square feet of floor area of structures to be erected.
- C. All areas of the site not occupied by buildings or paving, shall be landscaped with trees, shrubs, ground cover, grasses or mulched planting beds.

3-110.3 Interior Landscaping of Parking Lots

In any parking lot containing ten (10) or more parking spaces, five percent (5%) of the total areas of the parking lot shall be devoted to interior landscaping. Such interior landscaping shall be used at the end of parking space rows to break up rows of parking spaces at least every ten (10) parking spaces. Interior landscaping must have clear visibility from two feet off the ground to seven (7) feet off the ground.

Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.

Parking lots for ten (10) or more vehicles accessory to any institutional, commercial or industrial use and located in or immediately adjacent to a residential use shall be screened in compliance with the following:

- A. Plant materials used in the screen planting shall be of a species that will produce within two (2) years a complete visual screen no higher than two feet off the ground and not lower than seven feet of the ground.
- B. In accordance with the provisions of this Ordinance, a clear-sight triangle shall be maintained at all street intersections and where private access ways intersect public streets.

3-110.4 Screening and Buffering

- A. Mechanical equipment and drive-through areas must be screened to reduce noise and visibility.
- B. Exterior storage and outside display of equipment must be screened and landscaped in accordance with this Section 3-110 of the Ordinance.

3-110.5 Transitional Yards

Transitional yards shall be required as specified in Article 2 of this Ordinance. Landscaping of transitional yards shall be in addition to other landscaping requirements of this Section 3-110.

Transitional yard plantings shall contain one of the following plant material options per every 100 linear feet for a transitional yard 20 feet in width or less:

- A. Option 1 – Five (5) large trees 2 ½ inches minimum caliper DBH or larger, or seven (7) medium trees 2 inches minimum caliper DBH. A row of low level evergreen shrubs or hedges shall be planted or earthen mounding shall be constructed in the transitional yard which shall provide a year-round visual screen.
- B. Option 2 – Ten (10) small trees, 1 ½ inches minimum caliper DBH. A row of low level evergreen shrubs or hedges shall be planted or earthen mounding shall be constructed in the transitional which shall provide a year-round visual screen.
- C. Option 3 – Thirty (30) shrubs, minimum 30 inches in height and spread at the time of planting. Deciduous plant materials shall comprise no more than 50% of the required plantings.
- D. Option 4 – Ten (10) evergreen trees, minimum five feet in height at the time of planting.
- E. Option 5 – Alternate transitional yard planting options may be proposed so long as a mix if the above options and required quantities of plant materials are provided. Deciduous plant materials shall comprise no more than 50% of the required plantings.

A minimum of 75% of the transitional yard surface area shall be planted with new planting or existing vegetation preserved on the site.

3-110.6 Landscaping Specifications

- A. All trees shall be planted and maintained to grow upright and plumb and the tree pit mulched.
- B. Plantings shall be in accordance with the recommended practice of the American Society of Nurserymen.
- C. Plants selected shall be suited to the climate and region as well as the geologic and topographic conditions of the site.

- D. It shall be the responsibility of the landowner and/or developer to assure the continued growth and maintenance of all required landscaping and/or replace the same in the event of freezing, drought, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.
- E. The screen plantings shall be so placed that, at maturity, it shall not be closer than three (3) feet from any street or property line.
- F. The use of synthetic vegetation (turf, plastic plants, etc.) shall not be allowed for any required landscaping.
- G. Large trees shall have an ultimate height exceeding 40 feet and have a minimum 2 ½ inch caliper DBH at planting.
- H. Medium trees shall have an ultimate height exceeding 25 feet and have a minimum 2 inch caliper DBH at planting.
- I. Small trees shall have an ultimate height exceeding 15 feet and have a minimum 1 ½ inch caliper DBH at planting.

ARTICLE FOUR PLANNED RESIDENTIAL DEVELOPMENTS

4-101 Statement of Intent

The purpose of this Article is to:

- A. Ensure that the provisions of this Ordinance which are concerned with the uniform treatment of dwelling type, bulk, density, and open space within each zoning district, shall not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of such Ordinance;
- B. Encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety of type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to such dwellings;
- C. Provide greater opportunities for better housing and recreation for all who are or shall be residents of the Township;
- D. Encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economics so secured may ensure to the benefit of those who need homes; and
- E. In aid of these purposes, provide a procedure which can relate the type, design and layout of residential development to the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to ensure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

It is the intent of this Article to provide, through the planned development concept an increased amount of flexibility in the type, location, density and design of residential development and to encourage innovative design and site planning, in order to better meet modern housing demands, to relate development of the land to the specific site, to permit economies in the provision of public services and to conserve and protect open space and steep slope areas within the Township. While currently the Township has not zoned any area for a Planned Residential Development, the Township will allow zoning for such developments only in areas which are now zoned R-3.

The housing type, minimum lot area, dwelling unit densities, minimum setback, height, accessory uses and similar requirements shall be determined by the provisions set out below, which shall prevail over conflicting requirements of this Ordinance.

4-102 Administration and Procedure

The Planned Residential Development provision of the Ordinance shall be administered by the Planning Commission which shall review all applications on the basis of specified standards, conditions, regulations and procedures. The Planning Commission shall make recommendations to the Board of Commissioners who shall conduct public hearings and have the final authority to approve, modify or disapprove development plans.

Pursuant to Article VII of the Pennsylvania Municipalities Planning Code, (Act 247) the following constitutes the process for approval of a planned residential development:

- A. The Planning Commission shall, in accordance with the provisions hereof, review and recommend approval/disapproval or approval with conditions of a tentative development plan.
- B. The county planning commission shall, in accordance with the provisions hereof, review and recommend approval/disapproval or approval with conditions of a tentative development plan. The county shall have thirty (30) days after receipt of such plan to review and report to the Township or forfeit the right of review. The county review is not binding on the Township or the developer.
- C. The Board of Commissioners, within sixty (60) days after the filing of an application for tentative approval of a planned residential development, shall hold a public hearing. Within sixty (60) days after the conclusion of the public hearing, or within 180 day after the date of filing the application, whichever occurs first, the landowner shall be notified of the outcome concerning the tentative development plan.
- D. If tentative approval is given, the Board of Commissioners may grant final approval thirty days after the application for final approval of the development plan has been filed if the tentative approval was given without conditions or if the application for final approve of the development plan is in compliance with the specified conditions attached to the tentative approval.

4-103 Application for Tentative Approval Procedure

4-103.1 Application for Tentative Approval

In order to provide an expeditious method for processing a development plan for a planned residential development under the provisions adopted pursuant to the powers granted herein, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of local procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a development plan for a planned residential development and the continuing administration thereof shall be consistent with the following provisions:

- A. An application for tentative approval of the development plan for a planned residential development shall be filed by or on behalf of the landowner.
- B. The application for tentative approval shall be filed by the landowner in such form, upon the payment of such a reasonable fee and with the planning staff of the Township as shall be designated in the provisions adopted pursuant to this Section.
- C. All planning, zoning and subdivision matters relating to the platting, use and development of the planned residential development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Township, shall be determined and established by the Board of Commissioners.
- D. The provisions shall require only such information in the application as is reasonably necessary to disclose to the Township:
 - 1. The location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed;
 - 2. The density of land use to be allocated to parts of the site to be developed;

3. The location and size of the common open space and the form of organization proposed to own and maintain the common open space;
 4. The use and the approximate height, bulk and location of buildings and other structures;
 5. The feasibility of proposals for water supply and the disposition of sanitary waste and storm water;
 6. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities;
 7. The provisions for parking of vehicles and the location and width of proposed streets and public ways;
 8. The required modifications in the municipal land use regulations otherwise applicable to the subject property;
 9. The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources; and
 10. In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
- E. The application for tentative approval of a planned residential development shall include a written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the comprehensive plan for the development of the Township.
- F. The application for and tentative and final approval of a development plan for a planned residential development prescribed in this Article shall be in lieu of all other procedures or approvals, otherwise required pursuant to Articles V and VI Of the Municipalities Planning Code.

4-103.2 Public Hearings

- A. Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this Article, a public hearing pursuant to public notice on said application shall be held by the Board of Commissioners, in the manner prescribed for hearings before the Zoning Hearing Board.
- B. the Board of Commissioners may continue the hearing from time to time, and where applicable, may refer the matter back to the planning agency for a report, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.
- C. The Township may offer a mediation option as an aid in completing proceedings authorized by this Section and by subsequent Sections in this Article prior to final approval by the Board of Commissioners. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Municipalities Planning Code.

4-103.3

Findings

- A. The Board of Commissioners, within sixty (60) days following the conclusion of the public hearing provided for in this Article or within one hundred eighty (180) days after the date of filing of the application, whichever occurs first, shall, by official written communication, to the landowner, either:
1. Grant tentative approval of the development plan as submitted;
 2. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 3. Deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Board of Commissioners notify the Board of Commissioners of his refusal to accept all said conditions, in which case, the Board of Commissioners shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Board of Commissioners of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

- B. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
1. In those respects, in which the development plan is or is not consistent with the comprehensive plan for the development of the Township;
 2. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 3. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 4. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
 5. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
 6. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

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

4-103.4 Status of Plan after Tentative Approval

- A. The official written communication provided for in this Article shall be certified by the Township Secretary and shall be filed in his/her office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.
- B. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.
- C. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the governing body in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to Township ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the Township Secretary.

4-103.5 Application for Final Approval

- A. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Township within the time or times specified by the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond

and such other requirements as may be specified by ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.

- B. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, the Township shall, within forty-five (45) days from the date of the regular meeting of the Board of Commissioners or the Planning Commission, whichever first reviews the application, next following the date the application is filed, grant such development plan final approval. Provided, however, that should the next regular meeting occur more than thirty (30) days following the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed.
- C. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Board of Commissioners may refuse to grant final approval and shall, within forty-five (45) days from the date of the regular meeting of the Board of Commissioners or the planning agency, whichever first reviews the application, next following the date the application is filed, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. Provided, however, that should the next regular meeting occur more than thirty (30) days following the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed. In the event of such refusal, the landowner may either:
1. Re-file application for final approval without the variations objected; or
 2. File a written request with the Board of Commissioners that it hold a public hearing on the application for final approval.

If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner described in this Article for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Board of Commissioners shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval set forth in this Article. Failure of the Board of Commissioners to render a decision on an application for final approval and

communicate it to the applicant within the time and in the manner required by this Section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner or presentation of communication shall have like effect.

- D. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Commissioners and shall be filed of record forthwith in the Allegheny County Department of Real Estate before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in Section 508 of the Municipalities Planning Code, said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of Section 513(a) of the Municipalities Planning Code and post financial security in accordance with section. 509 of the Municipalities Planning Code.
- E. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Board of Commissioners in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions stated in Section 508 of the Municipalities Planning Code after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to the municipal zoning ordinance in the manner prescribed for such amendments in this ordinance and Article VI of the Municipalities Planning Code.
- F. Each month the Township shall notify in writing the superintendent of a school district in which development plans for a planned residential development were finally approved by the Township during the preceding month. The notice shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the expected construction schedule of the development

4-104 Administration and Review

4-104.1 Enforcement and Modification of Provisions of the Plan

To further the mutual interest of the residents of the planned residential development and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance of the said residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether those

are recorded by plat, covenant, easement or otherwise shall be subject to the following provisions:

- A. The provisions of the development plan relating to:
 - 1. The use, bulk and location of buildings and structures;
 - 2. The quantity and location of common open space, except as otherwise provided in this Article; and
 - 3. The intensity of use or the density of residential units; shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law.

- B. All provisions of the development plan shall run in favor of the residents of the planned residential development but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents acting individually, jointly, or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the planned residential development except as to those portions of the development plan which have been finally approved and have been recorded.

- C. All those provisions of the development plan authorized to be enforced by the Township under this Section may be modified, removed, or released by the Township, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:
 - 1. No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this Section.
 - 2. No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon a finding by the Board of Commissioners, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this Article, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or the public interest, and is not granted solely to confer a special benefit upon any person.

- D. Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Section.

4-104.2 Administration and Review

- A. Issuance of permits and all matters pertaining to administration of the plan as finally approved shall be the responsibility of the Zoning Officer.
- B. Upon application of the landowner showing compliance with the requirement of final approval, the Zoning Officer shall issue permits for construction, pursuant to the plan, or any Section thereof.
- C. The Zoning Officer shall review the progress and status and construction of the plan and render monthly reports thereon to Council in order to assure compliance with the provisions of this Ordinance and the conditions of final approval.

4-105 Judicial Review

Any decision of the Board of Commissioners under this Article granting or denying tentative or final approval of a development plan shall be subject to appeal to the court in the same manner and within the same time limitation provided for zoning appeals.

4-106 Planned Development Standards

4-106.1 Site Requirements

- A. The minimum land area for a Planned Residential Development shall be five (5) contiguous acres.
- B. The proposed development shall be served by a public sanitary sewage disposal system which shall be of sufficient design to collect and dispose of all sewage from all present and probable structures in the planned development, and shall be constructed and maintained in conformity with the statutes, ordinances and regulations of the local, County and State Health Departments.
- C. The development shall contain storm drainage system which shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water run-off within the development, and shall be so constructed as to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and the Township of Scott. The adequacy of said facilities shall be determined by the Township Engineer.
- D. Public water service shall be supplied to each structure to be erected in the development. Applicants shall present evidence to the Planning Commission that the development will be supplied by a certificated public utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate shall be acceptable evidence.
- E. The site shall be principally accessible from public streets that are adequate to carry the proposed traffic loads that will be generated by the development.
- F. Meet Steep Slope requirements of this Ordinance and the Township's Subdivision and Land Development Ordinance.

4-106.2 Permitted Uses

- A. Single family detached dwelling.
- B. Two family detached dwelling.
- C. Townhouse dwelling.
- D. Garden dwelling.
- E. Multi-family, multi-story dwelling.
- F. Open space and recreational facilities, such as tot lots, playfields, swimming pools, tennis courts, ice skating rink, and other similar uses.
- G. Accessory retail, dining and service facilities designed to serve only the residents of the development.

4-106.3 Density and Design Standards

- A. Area Standards:
 - 1. A maximum of eighty percent (80%) of the total site may be devoted to residential use, which shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences.
 - 2. A maximum of ten percent (10%) for accessory retail, dining and service facilities and parking associated with these uses.
 - 3. A minimum of twenty percent (20%) for open-air recreational uses and other usable open space but it shall not include usable open space which is available for use by the general public or by persons who do not reside within the PRD.
- B. Density Standards: The overall density of the proposed development shall be determined by the Township Board of Commissioners based upon the reports and plan submitted by the applicant and the recommendations of the Township Planning Commission, the County Planning Department and other appropriate resource persons from whom the Board may seek formal recommendations. Density shall depend upon the topography and physiography of the site, the type of proposed uses, the amount and location of common open space, the adequacy of proposals for the provision of public utilities, traffic circulation and the adequacy of schools and other public facilities which serve, or are proposed to serve, the planned development; provided that the overall density shall not exceed twelve (12) units per acre.

Lot Sizes and Setbacks: There shall be no minimum lot size, setbacks (unless otherwise required), percentage of lot coverage or lot width. Proposals for these items shall be shown on the site plan and either approved, modified or disapproved by the Board of Commissioners.

However, every single family unit shall have access to a public street or other approved right-of-way. Every structure shall be setback at least 20 feet from each perimeter of the planned development tract and 40 feet from all abutting roads.

- C. **Building Size:** All buildings within the PRD shall meet the height standards applicable to the zoning district in which they are located. There shall be no townhouse structure containing more than twelve (12) dwelling units and no more than three (3) consecutive dwelling units shall have identical front minimum setback setbacks.
- D. **Building Groupings:** Each building used for multiple dwellings, including accessory building, shall be so oriented as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each building shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings and adjacent lots. A building containing a dwelling unit shall not be so arranged that it is inaccessible by emergency vehicles.
- E. **Screens:** Screens shall be provided along all lot lines abutting land zoned in a different district, and along public rights-of-way directly across from which is land zoned in a different residential district. Such screens shall be either of the following:
 - 1. A continuous planted strip of at least twenty (20) feet in width and of sufficient thickness, when mature, to provide a year-round screen.
 - 2. Additional requirements may be imposed by the Planning Commission where necessary to shield adjacent lots from protective illumination, headlights and otherwise reduce the visual encroachments from multiple dwellings.
- F. **Off-street Parking and Loading Standards:** Off-street parking and loading standard shall be provided in accordance with regulations applicable to the zoning district in which the PRD is located, contained in Section 3 of this Ordinance. In addition, the following parking requirements shall apply:
 - 1. Whenever possible, parking areas and lots shall be level except for necessary drainage purposes. The maximum permissible slope of any parking area shall be seven percent (7%). If parking spaces are provided in areas which exceed five percent (5%) slope, all stalls shall be parallel to the contour lines of the area.
 - 2. Open parking areas shall be interspersed with land forms and planting. Screening shall be considered by means of earth forms and planting.
 - 3. Parking for service vehicles may be required for garden and multi-story apartments, as specified by the Planning Commission.
 - 4. Adequate off-street visitor parking shall be provided. The Planning Commission shall provide the applicant and Commissioners of the number of such spaces that would be appropriate given the mix of uses and layout of the proposed development.
- G. **Roads, Parking Areas and Pedestrian Ways:** The construction of roads, parking areas and pedestrian ways whether or not they are to be dedicated to the Township, shall conform to all applicable Township ordinances and regulations. However, the Planning Commission may recommend to the Board of

Commissioners waiver of modification of certain standards where the Planning Commission finds that such specifications are not consistent with the PRD site or overall design and that such modification are not inconsistent with the interests of the entire Township.

- H. Common Open Space: Common space shall be provided for amenity and/or recreational purposes according to the following standards:
1. Open space must be appropriate to the scale and character of the development considering its size, density, anticipated population, topography and type of dwelling unit.
 2. It must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any structures or improvements which are added shall conserve and enhance the amenities of the open spaces and be properly related to their topography and natural condition.
 3. All common open space and recreation areas must be conveyed in one of the following ways, as approved by the Board of Commissioners: (1) in part or totally to the Township; or (2) in part or totally to an organization for ownership and maintenance according to applicable State statutes.
 4. In cases where the Township will not be accepting dedications of streets, recreation areas or open spaces, the land owner shall provide for an organization or trust for ownership and maintenance. In the event of default, the Township may assume control and the resulting costs may be assessed against the properties that have right of enjoyment of these spaces and facilities as specified by applicable State statutes. It shall be prima facie evidence of default where no organization or trust has been set up or is inoperative for one (1) year. The recorded plan of lots shall contain a statement to this effect. Also, the landowner shall record in the Allegheny County Department of Real Estate an Agreement between the landowner and Township to this effect so that future owners are properly advised of this condition.

4-107 Staging of Development

When a planned development is to be constructed in stages or units, a single stage or unit shall not have a residential density that exceeds by more than 20% the proposed residential density of the entire planned development. Further, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire planned development as the stages or units completed or under development bear to the entire planned development.

ARTICLE FIVE NONCONFORMITIES

5-101 Continuation

Subject to the provisions of this Article:

- A. Any lawfully existing non-conforming use or non-conforming structure may be continued even though such use or structure does not conform to the provisions of the zoning district in which it is located.
- B. The lawful occupant of a property in which a lawfully existing non-conforming use or non-conforming structure is located may not only continue such non-conformity, but may also change such use or structure to any permitted use or structure in effect in the zoning district in which the property is located provided such change in use or structure meets all requirements of this Ordinance.
- C. The Zoning Officer shall keep and maintain a list of all non-conforming uses existing at the time of the enactment of this Ordinance and which may come to exist in the future.

5-102 Alterations, Repair, Enlargement

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

A nonconforming building, structure or use may be altered, improved or reconstructed provided such work does not exceed in aggregated cost fifty (50) percent of the fair market value of the building, structure, or use at the time of the requested alteration, unless the building, structure or use is changed to a conforming use.

Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or Act of God subsequent to the date of this Ordinance provided the expense does not exceed fifty (50) percent of the fair market value of the building or structure at the time such damage occurred.

For main buildings in residential districts, if the reason for the existing nonconformity consists only of a dimensional nonconformity of required yards, then expansion may occur without a variance if such expansion, extension, or other increase in size in itself does not: (1) increase the dimensional nonconformity or (2) extend it into new area. In addition, the expansion shall not be a reduction of the total side yard requirement for new construction.

A nonconforming use shall not be extended, expanded or enlarged, except as required by applicable law. The extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of the Ordinance shall not be deemed the extension of such nonconforming use. No structure containing a non-conforming use shall be structurally altered or enlarged unless the use shall conform to the regulations of the zoning district on which it is located. No parking, minimum setback space, or bulk nonconformity may be impacted so that it will create or increase that nonconformity.

5-103 Change in Use

A Nonconforming use may be changed to another nonconforming use by Special Exception. The applicant for such a request must provide evidence to the Zoning Hearing Board that the proposed use has an equal or reduced impact to the neighboring properties, zoning district in which it is located, and the community as a whole as compared to the current nonconforming use. This equal or reduced impact shall be with respect to all Sections of this Ordinance and all other applicable ordinances, including but not limited to traffic, noise, density, hours of operation, parking, signage, and environmental requirements.

When a nonconforming use has been changed to a permitted one, it shall not be changed thereafter to a nonconforming use.

5-104 Construction Approved Prior to Ordinance

Nothing in this Ordinance shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within two (2) months of the date of such permit, and the ground story framework of which shall have been completed within four (4) months of the date of the permit, and which entire building shall be completed according to such plans as filed within one (1) year from the date of this Ordinance.

5-105 Abandonment

A nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned as follows:

- A. When the intent of the owner to discontinue the use is deemed apparent by the Township;
- B. When the characteristic equipment and furnishing of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts show intention to resume the nonconforming use;
- C. When it has been replaced by a conforming use; or
- D. When it has been changed to another use under permit from the Zoning Hearing Board.

5-106 Unlawful Use Not Authorized

Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this Ordinance.

5-107 District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another, the foregoing provisions shall apply to any nonconforming uses existing therein.

5-108 Nonconforming Lot of Record

- A. In any residential district, notwithstanding the regulations imposed by any other provisions of this Ordinance, a single-family detached dwelling which complies with applicable zoning restrictions except for lot area, width and depth may be erected, provided that the following requirements are met:
1. The lot is not less than 25 feet in width and less than the prescribed minimum lot area, width or depth or all three.
 2. The lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning ordinance of this Township.
 3. The lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance of the Township.
- B. Construction permitted by the above shall comply with all the regulations, except lot areas, width, depth and minimum setback requirements, applicable to single-family dwellings in the zoning district in which the lot in question is located. However, the following minimum setback requirements shall apply:
1. Front setback – As prescribed by the regulations for the zoning district in which the lot is located or by the provision for front setback exceptions in Article 3 of the Ordinance.
 2. Side setbacks – The dwelling shall be placed on the lot so as to provide a side setback. No side setback shall be less than the smaller of: (a) three (3) feet, or (b) the minimum side setback prescribed by the regulations for the applicable zoning district.
 3. Rear setback – As prescribed by the regulations for the zoning district in which the lot is located.

5-109 Status of Conditional Uses and Special Exceptions

Where a use exists at the effective date of this Ordinance and is permitted by this Ordinance only as a conditional use or special exception in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district.

Any use for which a conditional use or special exception permit has been issued as provided by this Ordinance shall not be deemed to be a nonconforming use, but shall without further action be deemed a lawful conforming use.

A use approved by conditional use or special exception may continue as long as the facts presented to the Board of Commissioners (in the case of a conditional use approval) or Zoning Hearing Board (in the case of a special exception approval) remain substantially

as they were at the time of approval. Any changes to the use which vary significantly from the time of approval will require new approval based on the new facts and circumstances related to the use.

5-110 Nonconforming Signs

Subject to the limitation and termination provisions 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 (except for replacement Billboard Signs) shall not be moved to another position or location upon the structure or lot on which it is located, nor shall the size or area of such nonconforming sign be changed or its structure or construction change. A nonconforming Billboard Sign may be replaced on the same lot by a new Billboard which may be or contain an Electronic Message Sign, as a conditional use.
- B. **Damage or Destruction:** Whenever any nonconforming sign has been damaged or destroyed by any means to the extent of fifty percent (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. Such limitations shall not apply to Billboard Signs.
- C. A nonconforming Billboard Sign may be altered, improved, replaced or rebuilt as a conditional use regardless of whether such expense exceeds the fair market value of the Billboard Sign at the time of the requested change. The provisions of Section 3.104-12 B 1 – 4 shall apply to such altered, improved, replaced or rebuilt nonconforming Billboard Signs.
- D. A nonconforming Billboard Sign that is altered, improved, replaced, or rebuilt under this Section 5-110: (1) is allowed a maximum of two (2) sign faces back to back with a maximum surface area of 300 square feet per sign face: and (2) shall have a maximum height above the roadway of thirty (30) feet.
- E. **Discontinuance:** If use of a nonconforming sign is discontinued for a continuous period of more than ninety (90) days, then such nonconforming sign, together with its panel cabinet, supports, braces, anchors and electrical equipment shall be removed within thirty (30) days from the end of the aforesaid ninety (90) year period and the use of such sign shall not be resumed except in accordance with the provisions of this Article.

ARTICLE SIX CONDITIONAL USES

6-101 Application Procedure

Where the Township Board of Commissioners has stated conditional uses to be granted or denied by the Board of Commissioners pursuant to express standards and criteria, the Board of Commissioners shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. Public notice, hearings, and procedures shall be in accordance with Section 913.2 of the Pennsylvania Municipalities Planning Code (Act 247).

6-102 General Provisions

In addition to the standards provided for specific uses, the following provisions shall apply to all uses:

- A. The intended purpose of this proposed use shall be consistent with the development objectives established in the Comprehensive Plan and/or any redevelopment plans.
- B. The proposed use shall be in the best interest of properties in the general area as well as the community at large. The proposed use shall be reviewed as to its relationship to, and effect on, surrounding land uses and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation of air.
- C. The proposed use shall be suitable for the property in question and shall be designed, constructed, operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy, of space and traffic generation.
- D. Assurance shall be made as to the adequacy and availability of utility services and facilities, such as sanitary and storm sewers, water, trash and garbage collection and disposal, and the ability of the Township to supply such services.
- E. The proposed use shall provide adequate ingress and egress, interior circulation of pedestrians and vehicles, off-street parking and accessibility to the existing or proposed street system.
- F. The proposed use shall be in conformance with all application requirements of this Ordinance and where applicable in accordance with the Subdivision and Land Development Ordinance.
- G. The proposed use shall not substantially increase traffic congestion.
- H. The proposed use shall not increase the danger of fire or otherwise endanger public safety.
- I. The proposed use shall not overcrowd the land or create an undue concentration of population.
- J. The proposed use shall not impair an adequate supply of light and air to an adjacent property.
- K. The proposed use shall not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.
- L. In granting a conditional use, the Commissioners may attach whatever reasonable conditions and safeguards, in addition to those expressed in this Ordinance, it

deems necessary to ensure that any proposed development shall secure substantially the purposes of the Subdivision and Land Development Ordinance.

6-103 Revocation of Approval

Approval by the Board of Township Commissioners of a conditional use referred to in this Article shall be void in the event a building permit is not applied for within twelve (12) months and construction is not started within eighteen (18) months. An extension of up to six (6) months may be granted by the Zoning Officer in the event the applicant has shown good cause for the delay.

ARTICLE SEVEN ADMINISTRATION AND ENFORCEMENT

7-101 Zoning Officer

The Zoning Officer shall be appointed by the Township Commissioners and shall administer and enforce this Ordinance. The Zoning Officer shall not hold any elective office in the Township. The Zoning Officer shall meet qualifications established by the municipality and shall be able to demonstrate to the satisfaction of the municipality a working knowledge of municipal zoning. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any change of use which does not conform to this Ordinance. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment.

7-101.1 Duties of the Zoning Officer

In order to administer and enforce properly this Ordinance, the Zoning Officer shall:

- A. Receive, process and maintain records of all applications for zoning use and occupancy permits.
- B. Approve, issue and maintain records of zoning use and occupancy permits for applications where no building permit or site development plan review is required and for all accessory uses, except signs, and for temporary uses listed in Section 3-101.9 of this Ordinance.
- C. Receive, file and forward to the Planning Commission all applications for required Site Plan Reviews and maintain records thereof.
- D. Receive, file and forward to the Planning Commission all applications for conditional uses and maintain records thereof.
- E. Receive, file and forward to the Zoning Hearing Board the records in all appeals and all applications for special exception uses and variances and maintain records thereof.
- F. Inspect buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.
- G. Make and maintain accurate and current records of all legal nonconformities under this Ordinance.

7-102 Required Zoning Permits

No use of land shall be made or any structure constructed, altered, remodeled, occupied or used, not any existing use of a building, structure or land be changed until a Zoning Permit shall have been issued by the Zoning Officer.

The improvements of land preliminary to any use of such land shall not be commenced prior to the issuance of the Zoning Permit. Any Zoning Permit issued in conflict with the provisions of this Ordinance shall be null and void.

7-102.1 Permit Types, Conditions and Permit Applications

- A. Zoning Permits: Permits for all land use activities, whether or not regulated by the Township Construction Code. Zoning permits are issued by the Zoning Officer.

- B. Building Permits: Permits for construction projects as defined and regulated by the Township Construction Code. Building permits are issued by the Building Code Official.

7-102.2 Conditions for Permits

No person shall construct, grade, enlarge, alter, remove or demolish a building or structure or change the use or occupancy of a building or land or make any of the modifications until it has been determined that all provisions of this Ordinance, the Township Subdivision and Land Development Ordinance, and all other applicable ordinances have been complied with and a zoning permit has been approved and issued by the Zoning Officer.

7-102.3 Permit Applications

All applications for zoning and buildings permits shall be made in writing by the owner or authorized agent on forms supplied by the Zoning Officer and shall be filed with the Zoning Officer. The application shall include:

- A. All plans and data required by the Township Construction Code and, when applicable, all plans and data required by the Ordinance and/or Subdivision and Land Development Ordinance;
- B. A general description of the proposed work, its location, and the use and occupancy of all parts of all buildings, structures and lots;
- C. Elevation drawings for all exterior work;
- D. A plot diagram showing to scale the location, dimensions, and height of proposed structures or uses, and any existing buildings in relation to the property and street lines;
- E. At least three (3) copies of building specifications and plans;
- F. The number, location and design of parking and loading spaces, if applicable; and
- G. Engineering details and any other information deemed necessary and specifically required by the Zoning Officer. Proposed actions entirely or partially within the floodplain shall consider the requirements of applicable floodplain provisions of this Ordinance, and all other ordinances and statues.

7-102.4 Permit Approvals and Permit Terms

Permit Approval or Rejection: If the specifications set forth by the applicant in this application for a permit are in conformity with the provisions of this Ordinance and all other applicable statues, the Zoning Officer shall either:

- A. If a building permit is required by the Township Construction Code, as adopted by the Township, then the Zoning Officer shall indicate to the Building Code Official that the application is consistent with this Ordinance and Subdivision and Land Development Ordinance. The Zoning Officer shall attach his signature to all applications authorizing the approval of the issuance of a zoning permit upon approval and issuance of a building permit.
- B. If a construction permit is not required by the Township Construction Code, as adopted by the Township, then the Zoning Officer shall approve the application if it is consistent with this Ordinance and Subdivision and Land Development Ordinance. The Zoning Officer shall attach his signature to all applications and approve the issuance of a zoning permit.

- C. If the application is not consistent with this Ordinance, the Zoning Officer shall deny the application: The denial shall be sent in writing to the applicant, with a copy being sent to the Building Code Official, and shall cite the Section of this Ordinance for which the application is not in compliance with. The denial shall advise the applicant of his/her right to appeal the denial, in accordance with the applicable Sections of this Ordinance. The denial of a zoning permit shall be grounds for the denial of a building permit, when a building permit is also required for such proposed work.
- D. Permits Issued in Violation of Ordinance Provisions: Except on written order of the Zoning Hearing Board authorizing a variance, no permit shall be issued in violation of any of the provisions of this Ordinance. Any permit issued in error shall in no case be construed as waiving any provisions of this Ordinance.

7-102.5 Permit Term and Revocation

- A. Permit Term: An application for a zoning permit for any proposed work shall be deemed to have been abandoned six (6) months after date of filing, unless work in connection with such application had been diligently prosecuted or a certificate of use and occupancy has been issued. For reasonable cause, the Zoning Officer may grant one (1) or more extensions of time for additional periods not exceeding one hundred eighty (180) days. For permits requiring compliance with the Township Construction Code, the Building Code Official must also grant an extension in order for the extension to be valid.
- B. Revocation: The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. In the event a zoning permit is revoked, the Building Code Official shall be advised an any and all building permits for the project shall also be revoked.

7-102.6 Posting Permit

A true copy of the zoning permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of work and until the completion of the same.

7-102.7 Permit Involving Land Development

Any owner seeking a zoning permit for any building or use falling with the definition of land development as contained in the Subdivision and Land Development Ordinance, shall make application in writing to the Zoning Officer for such permit. The application shall be processed in accordance with any applicable procedures contained therein prior to disposition by the Zoning Officer.

7-102.8 Changes to Permit Application

After the issuance of a zoning permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer

and Code Enforcement Official. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.

7-103 Use Certificates

7-103.1 Certificates of Use and Occupancy Required

No land or buildings shall be occupied by a principal use or changed from one principal use to another, and no building hereafter erected, constructed, altered, or extended shall be occupied until a certificate of use and occupancy has been issued by the Zoning Officer stating that the buildings or proposed uses fully comply with the provisions of this Ordinance and Subdivision and Land Development Ordinance. For activities requiring a certificate of use and occupancy from the Code Enforcement Official, in compliance with the Township Construction Code, a single certificate of use and occupancy may be issued with the signatures of both the Zoning Officer and the Code Enforcement Official. For any project for which a zoning permit and a building permit are required, use and occupancy of the property, or portion thereof, are not permitted without a certificate of occupancy bearing the signature of the Zoning Officer and Code Official, or two separate certificates of use and occupancy, with one bearing the signature of the Zoning Officer and one bearing the signature of the Code Enforcement Official.

7-103.2 Certificate Approval

- A. Permit Required – No certificate of occupancy shall be issued by the Code Enforcement Official under the provisions of the Township Construction Code (as may be adopted by the Township) until it has been determined that all applicable provisions of this Ordinance have been complied with.
- B. Permit Approval of Rejection, Time Limit – The application for a certificate of occupancy shall be retained by the Zoning Officer until such time as the building in question has been approved as complying with the provisions of this Ordinance. Such certificates shall be granted, or refused or forwarded to the Code Enforcement Official within five (5) days after the Zoning Officer has been notified of the completion of the authorized construction or alteration or, where no construction or alteration is involved, within ten (10) days after receipt of written application therefor.

7-103.3 Certificate Application

All applications for certificates of use and occupancy shall be made in writing by the owner or authorized agent on forms supplied by the Zoning Officer, setting forth information and data the Zoning Officer may require. If a joint certificate of use and occupancy is used, then the application shall also set forth information and data as required by the Building Code Official in accordance with the Township Construction Code.

At final inspection, once approved, mark has 5 days to issue occupancy certificate

7-103.4 Certificate Expiration

A certificate of use and occupancy shall become void ninety (90) days from the date of issuance unless occupancy, use, or change of use is commenced.

7-103.5 Fee

Each applicant shall, at the time of making application, pay a fee in accordance with a fee schedule adopted by resolution of Council.

7-104 Fee Schedules

The Board of Commissioners shall by resolution establish all fees and charges for all permits and applications required by this Ordinance. This schedule, along with an explanation of the collection procedure, shall be posted in the offices of the Zoning Officer and Township Manager.

From time to time, the Board of Commissioners may evaluate the schedule of fees and make any necessary changes, which may be adopted at any regular Commissioners meeting by resolution.

7-105 Zoning Hearing Board

7-105.1 Membership of the Board

The membership of the Board shall be three (3) residents of the Township appointed by the Township Commissioners. Their terms of office shall be three (3) years and so fixed that the term of office on one member shall expire each year. The Board shall promptly notify the Township Commissioners of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Township nor shall any member be an employee of the Township.

The Township Commissioners may appoint by resolution no more than three residents of the municipality to serve as alternate members of the board. Alternate members shall serve in accordance with Section 903(b) of the Pennsylvania Municipalities Planning Code (Act 247).

7-105.2 Removal of Members

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

7-105.3 Organization of the Board

The Board shall elect its officers from its own membership, 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; but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and parties may waive further action by the Board as provided below. The Board may make, alter and rescind rules and forms for its procedure consistent with the ordinances of the Township and laws of the Commonwealth. The Board shall keep full

public records of its business and submit a report of its activities as requested by the Township Commissioners

7-105.4 Functions of the Zoning Hearing Board

- A. Hearing: The Board shall provide public notice, conduct hearings, and make decisions in accordance with Section 908, Pennsylvania Municipalities Planning Code (Act 247) 53 P.S. §10908, as amended. Notice shall also be given to the applicant, the Zoning Officer, and such other persons as the Board of Commissioners shall designate by ordinance and any person who has made timely request for same. Notices shall be given at such time and in such manner prescribed by ordinance, or in the absence of ordinance provision, by rules of the Board. The Commissioners may establish reasonable fees, based upon cost, to be paid by the applicant and persons requesting any notice not required by ordinance.
- B. Appeals: The Board shall have jurisdiction to hear and render final adjudications in the following matters:
1. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (Act 247).
 2. Appeals from the determination of the Zoning Officer, including but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease-and-desist order, or the registration or refusal to register any non-conforming use, structure, or lot.
 3. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 4. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
 5. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (Act 247).
 6. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision, Land Development, or Planned Residential Development applications.
 7. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code (Act 247).

The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. Application for a variance shall be made on the prescribed form obtained from the Zoning Officer. The Zoning Officer shall forward the application to the Board, which shall determine a time and place of the hearing. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- (a) That there are unique physical circumstances or conditions including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
- (b) That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and the authorizations of a variance is therefore necessary to enable the reasonable use of the property.
- (c) That such unnecessary hardship had not been created by the appellant.
- (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use of development of adjacent property nor be detrimental to the public welfare: and
- (e) That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue.
- (f) Before granting any variance, the Board shall obtain the review and recommendations of the Planning Commission, which shall be made part of the public record. The Board may attach to any variance such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

8. Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code (Act 247).

Special exceptions may be granted or denied by the Board pursuant to expressed standards and criteria. The Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria as specified under special exceptions herein. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of this Ordinance. In evaluating an application for a special exception, the Board shall determine:

- (a) The intended purpose of this proposed use shall be consistent with the development objectives established in the Comprehensive Plan and/or any redevelopment plans.
- (b) The proposed use shall be in the best interest of properties in the general area as well as the community at large. The proposed use shall be reviewed as to its relationship to, and effect on, surrounding land uses and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and

congestion, illumination and glare, restrictions to natural light and circulation of air.

- (c) The proposed use shall be suitable for the property in question and shall be designed, constructed, operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy, of space and traffic generation.
- (d) Assurance shall be made as to the adequacy and availability of utility services and facilities, such as sanitary and storm sewers, water, trash and garbage collection and disposal, and the ability of the Township to supply such services.
- (e) The proposed use shall provide adequate ingress and egress, interior circulation of pedestrian and vehicles, off-street parking and accessibility to the existing or proposed street system.
- (f) The proposed use shall be in conformance with all application requirements of this Ordinance and where applicable in accordance with the Subdivision and Land Development Ordinance.
- (g) The proposed use shall not substantially increase traffic congestion.
- (h) The proposed use shall not increase the danger of fire or otherwise endanger public safety.
- (i) The proposed use shall not overcrowd the land or create an undue concentration of population.
- (j) The proposed use shall not impair an adequate supply of light and air to an adjacent property.
- (k) The proposed use shall not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.
- (l) In granting a special exception, the Board may attach whatever reasonable conditions and safeguards, in addition to those expressed in this Ordinance, it deems necessary to ensure that any proposed development shall secure substantially the purposes of this Ordinance.

A special exception use for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this Section shall be construed to be a conforming use.

7-105.5 Parties Appellant before the Board

Appeals and proceedings to challenge an ordinance under Section 7-105.4 B.1.-6. above may be filed with the Board in writing, by any officer or agency of the Township or any person aggrieved. Requests for a variance under Section 7-105.4 B.7. above and for a special exception under 7-105.4 B.8. above may be filed with the Board by any landowner or any tenant with the permission of such landowner.

7-105.6 Time Limitations

The time limitations for raising certain issues and filing certain proceeding with the Board shall be the following:

- A. No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in any proceeding filed with the Board later

than thirty (30) days from the time such ordinance map or amendment takes effect, unless the person raising such issue alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinances, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

- B. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by any appropriate Township Officer, agency or body if such proceeding is designed to secure reversal or limit the approval in any manner, unless such person alleges and proves that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

7-105.7 Stay of Proceeding

Upon filing of any proceeding referred to in this item and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body and all official action there under shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property; in which case, the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

7-105.8 Zoning Appeals to Court

Zoning appeals shall include appeals from decisions of the Zoning Hearing Board and appeals upon report of the Board in proceedings to challenge the validity of any ordinance or map.

Zoning Appeals may be taken to court by any party before the Board or any officer or agency of the Township.

The procedure to be following in filing appeals to the courts shall be in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code (Act 247), as amended.

7-106 The Planning Commission

A Planning Commission consisting of seven (7) members shall be appointed by the Board of Commissioners, as prescribed by the Pennsylvania Municipalities Planning Code. The Commission shall be an advisory body to the Board of Township Commissioners, in accordance with the provisions of the Pennsylvania Planning Code.

Under the terms of this Ordinance, the Planning Commission shall perform the following duties:

- A. Prepare an annual report to the Board of Commissioners outlining (a) any substantive or administrative problems, (b) any recommended changes in the Ordinance to reflect changes in development condition, land uses, population, public services and facilities or similar conditions.
- B. Prepare and make recommendations to the Board of Commissioners on proposed amendments to this Ordinance and Map.
- C. Where specifically authorized in other Township ordinances, including any Township Subdivision and Land Development Ordinance, review and recommend for acceptance or denial by the Board of Commissioners, applications for subdivision and land development approvals.
- D. Review and make recommendations to the Board of Commissioners on all conditional use applications.
- E. Review and make recommendations to the Zoning Hearing Board on all applications for a special exception or a variance.
- F. Provide technical and consultative assistance to other Township boards, commissions and officials in exercise of their duties relating to this Ordinance.
- G. Maintain accurate and current records of all actions taken in relation to the provision of this Ordinance.

7-107 Remedies

In case any building, structure or sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building structure, or land is used in violation of this Ordinance or any regulation made pursuant thereto, in addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to prevent the occupancy of said building structure, or land, or to prevent any legal act, conduct business or use in or about such premises.

7-108 Enforcement

The Zoning Officer shall administer and enforce this Ordinance in accordance with its literal terms and shall not have the power to permit construction or any use or change of use which does not conform to this Ordinance.

- A. If the Zoning Officer shall find that any provisions of this Ordinance are being violated, he shall notify the owner of the property upon which such alleged violations are occurring, by certified mail, return receipt, with a copy to any tenants occupying the property, if known, such notice being deemed adequate even if persons other than the owner are perpetrating the alleged violation.
- B. The enforcement notice shall state the following:
 - 1. The name of the owner of record and any other person against whom the Township intends to take action.
 - 2. The location of the property in violation.

3. The specific violation of the description of the requirements which have not been met, citing in each instance the application provisions of the Ordinance.
 4. The date before which the steps for compliance must be commenced, and the date before which the steps must be completed.
 5. The recipient of the notice has the right to appeal to the Zoning Hearing board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- C. Any filing fees paid by a party to appeal an enforcement notice to the zoning hearing board shall be returned to the appealing party by the municipality if the zoning hearing board, or any court in a subsequent appeal, rules in the appealing party's favor.

7-109 Violations of the Zoning Ordinance

- A. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall upon being found liable therefore, in a civil enforcement proceeding, commenced by the Township of Scott, pay a judgment of not more than five hundred (\$500) dollars, plus all court costs, including reasonable attorney fees incurred by the Township of Scott as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality 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 determines that there has been a violation and further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to the belief that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid to the Township of Scott.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

7-110 Amendments

Whenever the public necessity, convenience or general welfare indicate, the Township Commissioners may by ordinance, in accordance with the Pennsylvania Municipalities Planning Code, and any other applicable laws of the State of Pennsylvania, amend,

supplement; or change the regulations, restrictions, boundaries, or classifications of buildings, structures, and land, as the same are established in this Ordinance, or may hereafter be made a part thereof.

7-111 **Validity**

Should any Section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the parts or Sections remaining shall remain in effect as though the part of Section declared unconstitutional had never been a part thereof.

7-112 **Repeal Conflicting Ordinances**

All existing ordinances or parts of ordinances which are contrary to or conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

7-113 **Effective Date**

This Ordinance shall take effect immediately after final passage by the Township Commissioners and advertisement as required by law.

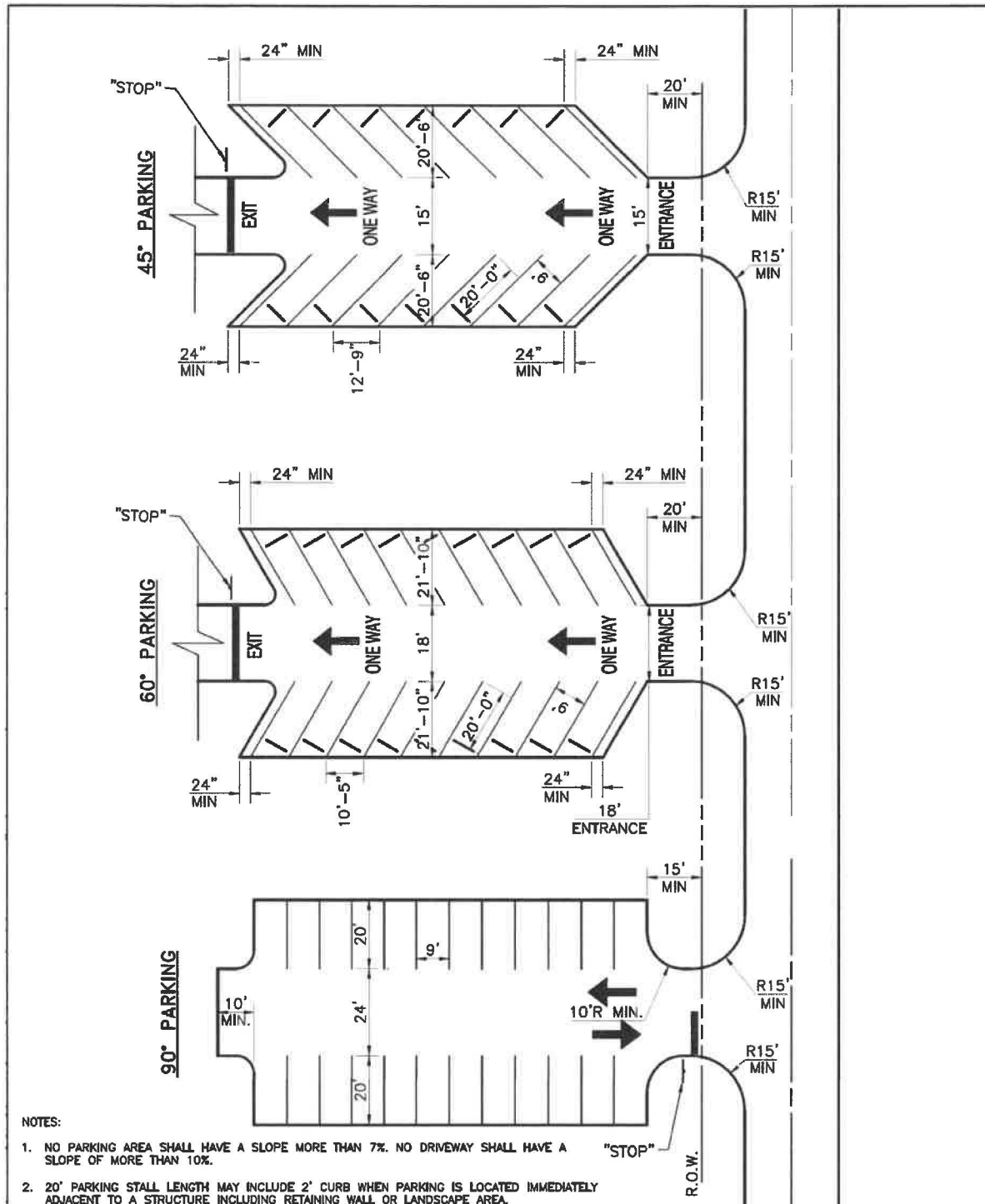
Note: Parking Diagrams referenced in Section 3-105 are located on the following pages.

Table 3.02.A Parking Configuration

Table 3.02.B Handicap Stalls – Parking Space Details

Table 3.02.C Handicap Stalls – Handicap Symbol

Table 3.02.D Handicap Stalls – ADA Sign Detail



- NOTES:
1. NO PARKING AREA SHALL HAVE A SLOPE MORE THAN 7%. NO DRIVEWAY SHALL HAVE A SLOPE OF MORE THAN 10%.
 2. 20' PARKING STALL LENGTH MAY INCLUDE 2' CURB WHEN PARKING IS LOCATED IMMEDIATELY ADJACENT TO A STRUCTURE INCLUDING RETAINING WALL OR LANDSCAPE AREA.

Table 3.02.A. Parking Configurations

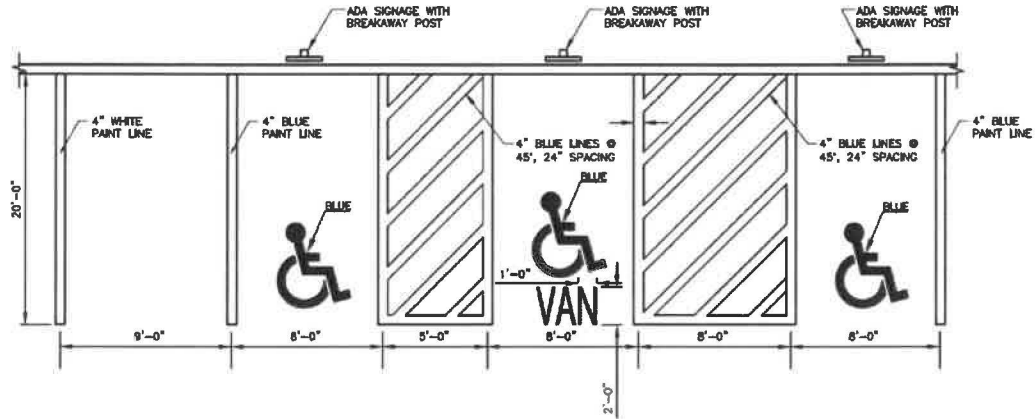
SCALE: N.T.S.

DATE: 3/6/13 FILE: Parking Details.dwg



Scott Township
 Allegheny County, Pennsylvania
 301 Lindsay Road
 Scott Township, PA 15108





NOTES:

1. PROVIDE 2 COATS OF PAINT ON ALL SURFACES, ALLOWING 1 WEEK MINIMUM BETWEEN COATS.
2. MAXIMUM SLOPE ALLOWABLE IS 2% IN ALL DIRECTIONS.
3. 20' PARKING STALL LENGTH MAY INCLUDE 2' CURB WHEN PARKING IS LOCATED IMMEDIATELY ADJACENT TO A STRUCTURE INCLUDING RETAINING WALL OR LANDSCAPE AREA.
4. DIMENSIONS SHOWN ARE MINIMUM REQUIREMENTS. EXCEEDANCE OF MINIMUM REQUIREMENT IS ENCOURAGED.

PARKING SPACE DETAILS

N. T. S.

Table 3.02.B. Handicap Stalls

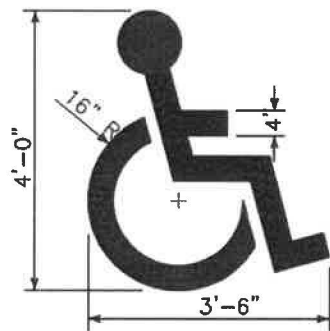
SCALE: N.T.S.

DATE: 3/6/13 FILE: Parking Details.dwg



Scott Township
Allegheny County, Pennsylvania
301 Lindsay Road
Scott Township, PA 15106





ACCESSIBILITY SYMBOL
PAINTED ON PAVEMENT



PROPORTIONING GUIDE

NOTE:

1. PROVIDE 2 COATS OF BLUE PAINT, ALLOWING 1 WEEK MINIMUM BETWEEN COATS.
2. ALL SYMBOLS TO CONFORM TO THE STATE AND FEDERAL REQUIREMENTS. CONFIRM SIZE REQUIREMENTS WITH ENTITY HAVING JURISDICTION.

HANDICAP SYMBOL

N. T. S.

Table 3.02.C. Handicap Stalls

SCALE: N.T.S.

DATE: 3/6/13 FILE: Parking Details.dwg



Scott Township
Allegheny County, Pennsylvania
301 Lindsay Road
Scott Township, PA 15108





R7-8

W12" x H18"

RESERVED HANDICAP
PARKING SIGN, R7-8
GREEN AND BLUE
GRAPHICS AND BORDER
ON WHITE BACKGROUND



R7-8P

W12" x H9"

VAN ACCESSIBLE
SIGN, R7-8P
GREEN GRAPHICS AND
BORDER ON WHITE
BACKGROUND



R7-8P

W12" x H9"

* FINE PER ORDINANCE

NOTE:

1. POST TO BE OMNI-DIRECTIONAL PERFORATED SQUARE STEEL BREAKAWAY SIGN SUPPORT WITH BREAKAWAY STUB MAXIMUM 4" HEIGHT.
2. SIGN MOUNTING HEIGHT: 7FT. FROM BOTTOM OF SIGN TO GROUND AND 2 FT. MINIMUM FROM OUTSIDE EDGE OF SIGN TO FACE OF CURB.
3. APPLICABLE FINE TO BE POSTED
4. ALL SIGNS TO BE INSTALLED PER MUTCD REGULATIONS.

ADA SIGN DETAIL

N. T. S.

Table 3.02.D. Handicap Stalls

SCALE: N.T.S.

DATE: 3/6/13 FILE: Parking Details.dwg



Scott Township
Allegheny County, Pennsylvania
301 Lindsey Road
Scott Township, PA 15106



BE IT ORDAINED AND ENACTED, this 24 day of October, 2023, by the Board of Commissioners of the Township of Scott at its regular scheduled meeting.

ATTEST:

TOWNSHIP OF SCOTT



Township Manager/Secretary



President, Board of Commissioners

APPROVED AS TO FORM:



Township Solicitor



