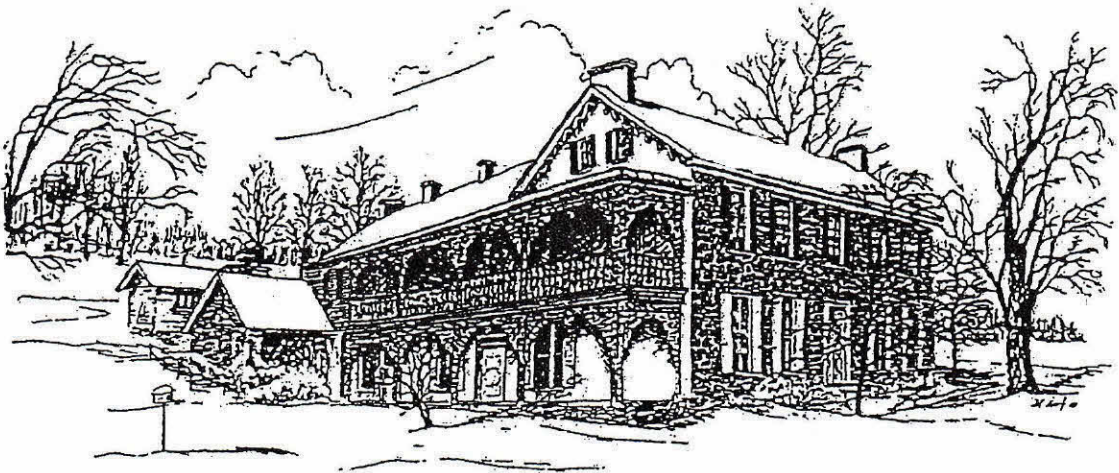


Parkesburg Borough Zoning Ordinance



2015

Borough of Parkesburg
Chester County, Pennsylvania

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ARTICLE I

TITLE, PURPOSE, OBJECTIVES, AND INTERPRETATION

SECTION 100 TITLE

The Ordinance shall be known and may be cited as the "Borough of Parkesburg Zoning Ordinance of 2015."

SECTION 101PURPOSES

1. This Ordinance is enacted in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, to promote, protect and facilitate the general health, safety, morals and general welfare through:
 - A. Coordinated and practical community development.
 - B. Proper density of population to avoid overcrowding or blight.
 - C. Provision of a transportation network including vehicle parking and loading space to prevent congestion in travel.
 - D. Access to incident solar energy, light and air.
 - E. Provision of police and fire protection and preparedness for emergencies to prevent loss of health, life or property.
 - F. Provision of public utilities such as sewer and water supplies for all land uses.
 - G. Provision of public facilities, recreational facilities and public grounds.
 - H. Preservation of natural, scenic and historic values in the environment.
 - I. Protection of forests, wetlands, aquifers and floodplains.
 - J. Preservation of prime agricultural land considering topography, soil type and present use.

- K. Provision of all forms of housing, including single family and two family dwellings, multi-family dwellings, mobile homes and apartments.
 - L. Accommodation of reasonable overall community growth, including population and employment.
2. This Ordinance is enacted in accordance with an overall borough planning program and with consideration for the character of the Borough, its various parts and the suitability of the various parts for particular uses and structures.

SECTION 102 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is enacted in order to carry into effect the purposes, plans and guidelines as set forth in *The 2002 Comprehensive Plan for Parkesburg Borough*, and other applicable codes and ordinances, as amended, that have been structured to implement the purposes set forth in Section 101 and in accordance with the following community development objectives from *The 2002 Comprehensive Plan for Parkesburg Borough*:

- 1. Delineate natural resources and develop regulatory measures to sustain floodplains, wetlands, hydric soils, streams and buffers, slopes and woodlands.
- 2. Recognize the value of historic structures to the character of the Borough by identifying historic resources and their surroundings and develop protective measures.
- 3. Establish and maintain a system of open spaces within the Borough which are significant for physical, cultural, recreational or scenic qualities.
- 4. Develop and maintain a transportation program for maintenance and construction of roads, parking) sidewalks and paths with the Borough.
- 5. Provide for Borough growth consistent with protecting the health, safety and welfare of current and future residents.

6. Develop a plan that clearly defines a strategy for reinvestment and attraction of business investment within the Borough and, in particular, the central business district.
7. Provide and maintain all Borough public facilities and services for current and future development consistent with projected growth.
8. Provide for the preservation and maintenance of the existing housing stock and future development for Borough growth.
9. Ensure the current and continuing financial integrity of the Borough, utilizing accepted techniques for operational budgets and capital improvement programming to support its services and facilities.
10. Encourage intergovernmental coordination and public-private cooperation in Borough management.

SECTION 103 INTERPRETATION AND SCOPE

In interpreting and applying the provisions of this Ordinance, the provisions shall be held to the minimum requirements for promoting the purposes in Section 101 and community development objectives in Section 102.

SECTION 104 CONFLICT

Where this Ordinance imposes greater restriction upon the use of buildings or land, or upon height and bulk of buildings, or prescribes larger open spaces than are required by the provisions of another ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance, or regulation shall be controlling.

SECTION 105 VALIDITY

The provisions of this Ordinance shall be severable, and 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 by any part thereof.

SECTION 106 REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed. Ordinances repealed by virtue of this adoption include the following:

- Ordinance No. 244
- Ordinance No. 346
- Ordinance No. 394
- Ordinance No, 395
- Ordinance No. 417
- Ordinance No. 422
- Ordinance No. 426
- Ordinance No. 427
- Ordinance No. 463
- Ordinance No. 493

SECTION 107EFFECTIVE DATE

The effective date of this Ordinance shall be ten (10) days after its adoption, except that with respect to the subject matter of any amendments, the effective date of this Ordinance shall mean the date upon which the particular amendment became or becomes effective. The official copy of the 2015 Parkesburg Borough Zoning Ordinance and Zoning Map shall be located in Borough Hall.

ARTICLE II
DEFINITIONS

SECTION 200 INTERPRETATION

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

1. Words used in the present tense can include the future tense.
2. Words used in the masculine gender can include the feminine and the neuter gender and vice-versa.
3. Words used in the singular can include the plural, and words used in the plural can include the singular unless the obvious construction of the wording indicates otherwise.
4. The words "shall" and "will" are always mandatory; the word "may" is permissive; and the word "should" means that it is strongly recommended but not mandatory.
5. The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.
6. The terms "land use" and "use of land" shall include the terms building use and use of a building.
7. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, maintained or designed to be used or occupied".
8. The word "erected" shall include the words constructed, reconstructed, altered, placed, relocated, or removed.
9. The words "includes", "including", "specifically", or term "such as" shall provide examples, but shall not by themselves limit a provision only to the items specifically mentioned, if other items would otherwise comply with the provision.

Any word or term not defined in this Ordinance shall have the meaning of standard usage.

SECTION 201 DEFINITIONS

For the purposes of this Ordinance, certain words and phrases shall have the following meanings:

ABANDONMENT - The relinquishment of a use or structure for a continuous period of one year or more. Commercial and Industrial abandonment shall be measured from the date of the last recorded sale or regular and permanent occupancy, whichever occurs first. Residential abandonment shall be measured from the last date of regular and permanent occupancy (See Occupancy, Regular and Permanent definition)

ACCESSORY - A thing of secondary or subordinate importance.

- A. ACCESSORY USE - An accessory use is the use which is customarily incidental to that of the principal use.
- B. ACCESSORY BUILDING - An accessory building is a subordinate building, the use of which is customarily incidental to that of the principal building and is used for an accessory use, and is located on the same lot.

ACT 247 - The "Pennsylvania Municipalities Planning Code", Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended by the Act of December 21, 1988, P.L. 1329, No. 170, 53 P.S. §10101 et seq., and any subsequent amendments thereto.

AGRICULTURE - The cultivating of the soil, the raising and marketing of livestock and poultry, dairying and the marketing of products of the soil that are produced on the premises including, but not by way of limitation, nursery, horticultural and forestry products, but excluding commercial swine and commercial poultry facilities. The keeping of horses for domestic purposes shall not be considered an agricultural use.

AIRPORT - Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices,

terminal buildings, and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways, and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility.

AIRPORT ELEVATION - With respect to the Airport Overlay District, the highest point of the Chester County Airport's usable landing area measured in feet from sea level. The airport elevation of the Chester County / G.O. Carlson Airport is 660.0'.

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 CFR Part 77 and 74 Pa. Cons. Stat. 5102.

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 Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

ALLEY - A strip of land over which there is a right-of-way serving as a secondary means of access to two or more properties.

ALTERATIONS - Alterations include, but are not limited to, the following:

- A. Changes, extensions, expansions, reconstruction, renovation, repair or replacement in the nonstructural parts of a building or other structure, incidental or otherwise.
- B. Changes, extensions, expansions, reconstruction, renovation, repair or replacement, minor or otherwise, in the structural parts of a building or other structure.

APARTMENT BUILDING - A building designed or modified for and occupied as a residence for three (3) or more families living independently of one another.

APPLICANT - A landowner or developer, as herein defined, who has filed an application for development, including his heirs, personal representatives, successors and assigns.

APPROACH SURFACE - With respect to the Airport Hazard Overlay District, a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 1340, herein. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

BASEMENT - A basement is an enclosed area partly or completely below grade. It shall be considered a building story if more than 33%% of the perimeter walls are 5 feet or more above grade or if the area of the door and window openings in the exterior walls are at least equal to 10% of the enclosed floor area.

BED AND BREAKFAST - A residence that serves as temporary commercial lodging for guests and is occupied by a resident manager. Services provided to guests may include maid service, breakfast and other limited foods.

- A. A sign other than one indicating a business conducted on the premises, and
- B. A sign upon which advertising matter of any character is printed, posted, or lettered by any means and is designed for such purposes. A billboard may be either freestanding or attached to a surface of a building or other structure.

BOROUGH - The Borough of Parkesburg, or Parkesburg Borough, Chester County, Pennsylvania.

BOROUGH COUNCIL - The elected Council of the Borough of Parkesburg, Chester County, Pennsylvania.

BUFFER (BUFFER AREA, BUFFER YARD) - A designated area of land, containing a landscaped screen, as defined herein, between two (2) uses intended to protect one use from another use that is incompatible, or to provide privacy between two (2) uses, or intended to protect the view(s) of, or from, a use.

BUILDING - Any structure or part thereof for which a permit is required under or by this Ordinance, the Borough of Parkesburg Subdivision and Land Development Ordinance and/or the Uniform Construction Code. A structure, or appendage to a structure, which is permanently affixed to the land and is used for human, animal or property enclosure, housing or shelter. A building contains supporting columns and/or walls and a roof. Included in this term are manufactured houses and other structures meant to be used for permanent housing or usage in one location.

BUILDING AREA - The aggregate of the maximum horizontal cross-section areas of all the buildings on a lot, as measured from the exterior walls, excluding cornices, eaves, gutters, chimneys projecting not more than eighteen (18) inches, bay windows not extending through more than one story and not projecting more than five (5) feet, uncovered steps and balconies, but including porches, breeze-ways, canopies and carports.

BUILDING COVERAGE - The ratio of the total building area of all buildings on a lot to the total lot area, expressed as a percentage.

BUILDING FOOTPRINT - That area within the outside walls of a building such as may be the case for a residential condominium configuration; and also as defined as the building area.

BUILDING SETBACK LINE -

- A. Except in the case of an interior lot, the Building Setback Line shall be a line, within and extending the full width of the lot, parallel to the street line and setback a distance, measured from the right-of-way line, equal to the depth of the minimum required front yard. In the case of an interior lot (where preexisting or approved by relief), the Building Setback Line shall be a line, within and extending the full width of the lot, which is (a) parallel to the intervening lot line nearest the street line, and (b) setback from such intervening lot line a distance equal to the depth of the minimum required front yard, or in the case of an existing interior lot of record, a distance equal to seventy-five (75) feet in accordance with this Ordinance.

- B. For the purpose of measuring lot width at and along the building setback line, the following shall apply:
 - 1. Except as otherwise provided in Subsection 2, below, the building setback line, for the purpose of measuring lot width, shall be the minimum building setback line as defined in Subsection A, above.
 - 2. In the case of a lot having its entire street frontage within the turnaround, measured from reverse curve to reverse curve, of a cul-de-sac street, the building setback line, for the purpose of measuring lot width, shall be a curved line that is (a) parallel to and concentric with the street line, and (b) set back from the street line a distance equal to at least the depth of the minimum required front yard but in no case more than twice the depth of the minimum required front yard.

BULK - Bulk is the term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines and therefore includes:

- A. The size including height and floor area of a building or other structure.
- B. The relation of the number of units in a building to the area of the lot.
- C. All open areas in yard space relating to buildings and other structures.

CALIPER-The diameter of a tree trunk measured at a point three and one half (3 ½) feet above the ground surface.

CARTWAY - That portion of a street or alley paved or otherwise intended for vehicular traffic. Where vertical curbs are provided, the area between the sides of the curbs facing the cartway shall be included in the cartway.

COMMERCIAL - A use of land or improvements thereto for the purpose of engaging in retail, wholesale or service activities.

COMPREHENSIVE PLAN - The document adopted, by the Borough Council, in accordance with the provisions of Act 247, as the Comprehensive Plan for the Borough.

CONDITIONAL USE - A use which is permitted in a particular zoning district pursuant to express standards and criteria prescribed for such use. A Conditional Use is allowed (possibly with conditions attached) or denied upon application to the Borough Council pursuant to public notice and hearing, and recommendation by the Planning Commission.

CONDOMINIUM - Real estate, portions of which are designed for separate ownership, the remainder of which is designed for common ownership solely by the owners of those portions, created under the Pennsylvania Uniform Condominium Act of 1980.

CONICAL SURFACE - With respect to the Airport Hazard Overlay District, a

surface extending outward and upward from the periphery of the horizontal surface, as defined herein, at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

CONSTRUCTION - Any disturbance of the existing surface of the land or the erection of structures, including stormwater management facilities, thereon, including the cutting of trees or clearing of brush, provided that the entering upon the premises for purposes of surveying, staking or the clearing of lines necessary to obtain data on existing conditions shall not be deemed "construction".

COUNCIL - The elected Council of the Borough of Parkesburg, Chester County, Pennsylvania.

CROSSWALK - A right-of-way exclusively for pedestrian or non-motorized vehicle travel across a street.

CUL-DE-SAC - A single access local street intersecting another street at one end and terminated at the other end by a permanent vehicular turnaround.

DAY CARE CENTER - The land and buildings the principal use of which is the supervision and care of seven (7) or more individuals and including staffed professional supervision necessary to serve such purposes. Such use may, but need not, be in support of and operated by another non-residential use. Education may be an ancillary use in connection with the day care function. Care shall be exercised on a daily basis only and the facilities of a day care center shall not include provisions for overnight accommodation. Operation of a day care center may be by a public agency, a private non-profit organization or a private commercial entity and shall be licensed by the Commonwealth of Pennsylvania. This term shall include "child care center" and "day care home", the latter defined as a single family detached dwelling where day care services are provided for as many as six (6) individuals, none of whom is related to the caregiver.

DBH - The diameter of a tree at breast height, or the diameter of a tree measured at a point three and one half (3½) feet above the ground surface.

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.

DEVELOPMENT –

- A. For the purposes of this Ordinance applicable to floodplains, "development" shall mean any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations or storage of equipment or materials and the subdivision of land.
- B. For other purposes of this Ordinance, "development" shall have the meaning set forth in Subsection A, above, and shall also mean a land development as defined herein.

DRIVE-THROUGH SERVICE - An opening, including windows, doors or mechanical devices, in the wall of a building or structure, designed and intended to provide for sales to and/or service to patrons who remain in their vehicles.

DRIVEWAY, PRIVATE - That portion of a lot that is intended for vehicular use and which is privately owned, whether paved or unpaved.

DRY SPACE - Dry space is classified according to the following:

- A. COMPLETELY DRY SPACE - A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
- B. ESSENTIALLY DRY SPACE - A space which will remain dry during flooding, except for passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

DWELLING - Dwellings may be classified, but not limited to the following:

- A. SINGLE-FAMILY DETACHED - A building specifically designed for and occupied exclusively as a residence for one (1) family only, and having no party wall in common with an adjacent structure and physically separated from any other structure or dwelling.
- B. SINGLE-FAMILY ATTACHED - A part of a building specifically designed for and occupied exclusively as a residence for one (1)

family only and having at least one (1) party wall in common with an adjacent dwelling, but no separate dwelling unit either above or below it; may also be referred to as a "townhouse."

- C. TWO-FAMILY ATTACHED - A single building specifically designed for and occupied exclusively as a residence for two (2) families, with one (1) party wall in common with an adjacent dwelling; may also be referred to as a "twin" or "semi-detached".
- D. TWO-FAMILY ATTACHED (DUPLEX) - Two dwelling units from ground to roof arranged one over the other on one lot and separated by a horizontal party wall, each with independent outside access and the ability for yards on all sides.
- E. MULTIPLE OR MULTI-FAMILY - A building designed for and occupied exclusively as a residence for three (3) or more families living independently of one another.
 - 1. TRIPLEX - Three (3) dwelling units in one (1) building.
 - 2. FOURPLEX OR QUADRAPLEX - Four (4) dwelling units in one (1) building, containing non-parallel party walls adjacent to two (2) dwelling units.
 - 3. APARTMENT - A building containing three (3) or more dwelling units, separated by common party walls, and may have more than one (1) unit from ground to roof and common outside access.

DWELLING UNIT - A "dwelling unit" consists of one or more rooms for living purposes housing one (1) family, together with separate cooking and sanitary facilities, which are accessible from the outdoors either directly or through an entrance hall shared with other dwelling units and which are used or intended to be used by one (1) family living together and maintaining a common household.

FAMILY - A family is:

- A. A single person occupying a dwelling unit and maintaining a household, or
- B. Two or more persons related by blood or marriage, occupying a dwelling unit, living together and maintaining a common household, including not more than one boarder, roomer or lodger, or

- C. Not more than three unrelated persons occupying a dwelling unit, living together and maintaining a common household.
- D. A "Group Home" as further identified herein, which such use is Permitted in any district utilized for housing of a family and shall Be treated as interchangeable with the definition of "Family".

FAA - Federal Aviation Administration of the United States Department of Transportation.

FLOOD - A temporary inundation of normally dry land areas from the overflow of streams, rivers, or other waters of the Commonwealth of Pennsylvania.

FLOOD, BASE - The flood which has been selected to serve as the basis upon which floodplain management provisions of this Ordinance have been prepared; for the purposes of this Ordinance, the one hundred year flood is the base flood.

FLOOD ELEVATION, REGULATORY - The one-hundred (100) year flood elevation plus a freeboard safety factor of one and one-half ^(1 1/2) feet.

FLOOD, ONE HUNDRED (100) YEAR - A flood that, on average, is likely to occur once every one-hundred (100) years (i.e. that has a one (1%) percent chance of occurring each year, although the flood may occur in any year).

FLOODPLAIN AREA - An area of land which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface water from any source.

FLOODPLAIN AREA, IDENTIFIED - The floodplain area specifically identified as being inundated by the one-hundred (100) year flood. Included would be areas identified as Floodway Area (FW), Flood-Fringe (FF) and General Floodplain Area (FA).

FLOODPROOFING - Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - The designated area of a floodplain required to carry and

discharge flood waters of a given magnitude; the floodway shall be capable of accommodating a flood of the one-hundred (100) year magnitude.

FLOOR AREA - Floor area is the sum of the area of the several floors of a building measured from the face of the exterior walls or from the centerline of walls separating two buildings.

FLOOR AREA RATIO - Floor area ratio is the total allowable floor area for a given lot, divided by the area of that lot. (For example, a building containing 5,000 square feet of floor area on a given lot of 10,000 square feet of lot area has a floor area ratio of .5).

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

GARAGE, PUBLIC - A free-standing or attached structure for the storage of vehicles, usually containing two or more stories and means to move vehicles and pedestrians from one level to another. A parking garage may operate as a commercial business or as an accessory to a place of business, employment or residence. A public garage shall not be for the purpose of sale, service or repair of vehicles.

GARAGE, PRIVATE - A private garage is:

- A. Accessory to a principal building, either attached to it or separate, and,
- B. Used only for storage purposes.

GARDEN APARTMENTS - Garden apartments are:

- A. Free-standing multiple dwellings, from one to three stories in height, in which not more than four dwelling units per floor are served by one staircase.
- B. Designed to afford a maximum amount of common open space per family.

GASOLINE SERVICE STATION - A gasoline service station, also known as a service station, is an area of land, together with any structure thereon, used for any of the following:

- A. The retail sale of motor vehicle fuel, lubricants and incidental services, such as lubrication and hand washing of motor vehicles;
- B. The sale, installation or minor repair of tires, batteries, or other automobile accessories;
- C. The service, repair and/or maintenance of vehicles.

Any portion of an institution, business or industry dispensing motor vehicle fuel for its own use and vehicles shall not be deemed to be a gasoline service station.

GROUP HOME - A licensed community-based living arrangement, functioning As a single household and providing habilitative services, in accordance with Chapter 5310 of 28 Pa. Code. Community Residential Rehabilitative Services For the mentally ill, as defined in the Pennsylvania Code or any other state or federal program pertaining to the housing for developmentally disabled individuals as regulated by the Federal Fair Housing Amendments Act. "Group Homes" shall also include alcoholism or drug treatment centers provided that those involved in such programs as a condition of participation are not using alcohol or drugs. "Group Homes" shall not include work release facilities for convicts or ex-convicts or other housing facilities as an alternative to incarceration. Also included in the definition of "Group Homes" shall be any use determined to comply with the nondiscriminatory requirements of the latest interpretation of the Fair Housing Act, 42 USC 3601 et seq. by the United States Supreme Court or other controlling jurisdiction.

HEIGHT - With respect to the Airport Hazard Overlay District, and for the purpose of determining the height limits in all zones set forth in Section 1340, herein, and shown on the Airport Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

HEIGHT OF BUILDING - The height of building is the vertical distance measured from the average level of finished grade along all the exterior walls of a building to:

- A. The highest point of the roof, in the case of a flat roof;
- B. The mean height between eaves and ridge, in the case of a pitched roof;
- C. The highest point of any structure which rises wholly or partly

above the roof line, and whose area equals or exceeds 20% of the building footprint of the building which supports it.

HISTORIC RESOURCES - All buildings, sites, structures, objects and districts that are shown on the Parkesburg Borough Historic Resources Map.

HOME OCCUPATION, MAJOR - A business located within a residence in a residential zoning district which does not meet the criteria for a "No Impact Home Based Business" as defined herein. Such uses are permitted only upon approval of a Special Exception and are assumed to have some impact on the residence and its surroundings that may be addressed by conditions placed upon it and standards established in Article XX.

HOMEOWNERS ASSOCIATION - A non-profit organization comprised of homeowners or property owners, planned and operated under approved bylaws, for the purpose of administering the needs of residents through the maintenance of community-owned property.

IMPERVIOUS COVERAGE - The ratio of the total impervious surface area on a lot to the total lot area, expressed as a percentage.

IMPERVIOUS SURFACE - Areas that do not absorb water, including but not limited to, buildings, structures, and impervious paved areas.

IMPROVEMENTS - Physical additions, installations and/or changes to buildings, structures or land such as, but not limited to, grading, paving, roads, curbing, fire hydrants, water mains, sanitary sewers, capped sewers, storm sewers, storm drains, catch basins, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, streetlights, wells, sewage disposal systems, street trees, landscaped screens and other plantings and other manmade facilities that may be necessary, desirable, or proposed in a subdivision or land development in order to render the land suitable for the use or uses intended.

INSTITUTION - A residential property used by four (4) or more unrelated occupants for a common, lawful purpose (e.g. educational, recreational, religious, therapeutic, rehabilitative, correctional) including, where necessary to serve such purpose, continually staffed professional supervision. An institution shall not include a group home, as defined herein.

JUNKYARD - An area of land with or without buildings used for storage of used and/or discarded materials, outside a completely enclosed building, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machinery, parts thereof, or vehicles with or without the dismantling,

processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two (2) or more unlicensed, uninspected, wrecked, or disabled vehicles, or the major part thereof, is a "junkyard" and shall be allowed only as permitted in this Ordinance.

KENNEL - A establishment where five (5) or more dogs, not owned by the owner or occupant of the premises, are kept, boarded, groomed, trained, raised or bred.

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 non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants, whether owners or renters; 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. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

Excluded from the definition of land development is the addition, no greater than two hundred and fifty (250) square feet, to an accessory building, including farm buildings, on a lot or lots, subordinate to an existing principal building.

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

LANDSCAPED SCREEN - The use of plant material, walls, fencing or earthen berms, or combinations thereof, to: (i) aid in the concealment of such features as parking and loading areas; (ii) to provide privacy and/or protection between

two (2) incompatible uses; or (iii) to provide a visual or sound barrier. Where a wall, fence or berm is employed, such structures shall be not less than five (5) feet in height. Plant material shall consist of evergreen and deciduous trees and/or shrubs not less than eight (8) feet in initial height and not less than eight (8) feet in width (unless a greater width is otherwise required by this Ordinance). No less than fifty percent (50%) of the plants shall be evergreen mixed throughout the length of such screen, so arranged or placed to divert attention (at initial planting) from or obstruct, when viewed six (6) feet from the ground surface, at least eighty-five percent (85%) of an otherwise clear view of an objectionable or incompatible use or activity during all seasons of the year.

LIMITED COMMERCIAL - Those types of commercial uses which are compatible with nearby residential development, such as, but not limited to, the following: medical office, professional and administrative office, municipal and governmental office and facilities, banks and financial institutions, and educational/institutional uses such as day care facilities. No limited commercial use shall have drive-through service.

LOT - A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit in accordance with this Ordinance, the Subdivision and Land Development Ordinance and/or other applicable law.

LOT AREA - The area of land contained within the property lines of a lot as described in the deed or as shown on an approved subdivision plan. For the purpose of calculating the minimum lot area necessary to comply with the area and bulk requirements, the following areas shall be excluded from such calculation:

- A. Any area (i) within a street ultimate right-of-way; or (ii) within any other ultimate right-of-way, whether public or private, that provides, or is intended to provide, access to more than one (1) lot by way of vehicular and/or pedestrian circulation.
- B. Any area, easement or right-of-way to be used for emergency access.
- C. Any existing easements or rights-of-way for gas, oil, natural gas, electric or communications transmission facilities, whether below or above grade, that do not exclusively serve the lot.
- D. Any area comprising a stormwater management basin or drainage easement.

- E. For any lot for which the minimum required lot area is one (1) acre or less: all areas overlain by the Floodplain Conservation District, all areas of prohibitive slope, all areas of seasonally high water table soils and all areas delineated as wetlands.
- F. For any lot for which the minimum required lot area is in excess of one (1) acre; that portion or those portions of the lot in which the following features individually or cumulatively represent greater than twenty percent (20%) of the gross area of the lot: all areas overlain by the Floodplain Conservation District, all areas of the prohibitive slope, all areas of seasonally high water table soils and all areas delineated as wetlands.

LOT, CORNER - A lot at the junction of and abutting on two (2) or more streets, or at the point of abrupt change in direction of a single street. Both yards adjacent to streets shall be considered front yards. One remaining yard shall be a side yard and one shall be a rear yard.

LOT COVERAGE - The ratio or percentage of the total ground floor area of all buildings on a lot to the area of the lot on which they are located.

LOT DEPTH - The distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, DOUBLE FRONTAGE - A lot extending between and having frontage on two streets.

LOT INTERIOR - Sometimes referred to as a Flag Lot, a lot having limited frontage on a public or private road, where such frontage is intended primarily to provide access to the lot. The strip of land used for access shall be a fee simple part of the lot. An Interior Lot shall include, without limitation, a flag lot.

LOT LINE - A property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot as abuts the street shall be deemed to be the same as the street line, and shall not be the centerline of the street or any other line within the street lines even though such may be the property boundary.

LOT LINE, FRONT - Front lot line shall mean the line separating a lot from any street or public right-of-way, whether or not it is the recorded boundary of the lot. For a corner lot, all lot lines along streets are front lot lines.

LOT LINE, REAR - A line opposite and most distant from the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. In the case of a corner lot, any lot line that is not a front lot line or a side lot line.

LOT LINE, SIDE- Any lot line not a front or rear lot line; in the case of a corner lot, any lot line that intersects a front lot line shall be considered a side lot line.

LOT, REVERSE FRONTAGE - A lot extending between and having frontage on an existing or proposed arterial, collector or local street and a local street, and with vehicular access solely from the latter.

LOT WIDTH - The horizontal distance between the side lot lines of a lot (or in the case of a corner lot, between the side lot line and the opposite front lot line of the lot) measured at and along the building setback line. The measurement of lot width at and along the building setback line shall be as provided in and by the definition herein of "building setback line".

LOWEST FLOOR - For the purpose of administering the Floodplain District regulations, the lowest floor of the lowest fully enclosed area (including basement); an unfinished flood resistant partially enclosed area used solely for parking vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designated and built so that the structure is in violation of the applicable non-elevation design requirements.

MIXED USE OVERLAY DISTRICT - An area within the C-2 zoning district in which retail, office and residential uses are permitted according to criteria in Article XI of this Ordinance and as approved as a Conditional Use by the Borough Council.

MOBILE /MANUFACTURED HOME - A transportable single-family dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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, including any addition or accessory structure, such as porches, sheds, decks, or additional rooms. For floodplain management purposes, the term Mobile Home includes "park trailer", "travel trailer", and similar vehicles placed on a site for more than one-hundred eighty (180) consecutive days. For flood insurance purposes, the term Mobile Home does not include "park trailer", "travel trailer", and similar vehicles.

MOBILE/MANUFACTURED HOME LOT - A parcel of land in a Mobile Home Park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE/MANUFACTURED HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile homes.

NEW CONSTRUCTION - Any structures for which commencement of construction began after 12:01 AM prevailing time November 2, 1981; this term shall include subsequent improvements to any such structures.

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

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with a residential use in the neighborhood.

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

NONCONFORMING USE - A nonconforming use is any lawful use, whether of a building or other structure, or of a tract of land, which does not conform to the applicable use regulations of the district in which it is located, either on the effective date of this Ordinance, or as a result of subsequent amendments thereto. However, no existing use shall be deemed nonconforming solely because of any of the following:

- A. The existence of less than the required off-street parking or loading conditions.
- B. The existence of less than the required compliance with supplementary regulations, but excluding signs.

NONPROFIT ORGANIZATION - Any person(s), partnership, association, corporation, or other entity whose activities are conducted for civic or humanitarian purposes, or for the benefit of others, and not for the financial gain of any private individual or entity and may include, but shall not be limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.

NON-PRECISION INSTRUMENT RUNWAY - With respect to the Airport Hazard Overlay District, 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.

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area (i) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (ii) which is placed where the flow of the water might carry the same downstream to the damage of life and property. With respect to the Airport Overlay District, any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 1 340, herein.

OCCUPANCY, REGULAR AND PERMANENT - A furnished habitation on a

continuous and daily basis, complete with a dispensation of routine services as mail delivery, sewer, water, and electrical service.

OFF-SITE SEWER SERVICE - The disposal of sewage by use of a sanitary sewer system served by a central sewage treatment plant approved by all governmental agencies having jurisdiction over such matters.

OFF-SITE WATER SERVICE - A safe, adequate and healthful supply of water to more than one user, from a common source, and approved by all governmental agencies having jurisdiction over such matters.

ON-SITE SEWER SERVICE - The disposal of sewage by use of cesspools, septic tanks, or other safe and healthful means, placed within the confines of the lot on which the use is located, and approved by all governmental agencies having jurisdiction over such matters.

ON-SITE WATER SERVICE - A safe, adequate and healthful supply of water to a single user from a private well approved by all governmental agencies having jurisdiction over such matters.

OPEN SPACE - An area of land or water or a combination of land and water within a subdivision or land development, designed and intended for the use and enjoyment of residents of the subdivision or land development, or the residents of the Borough, consisting of landscaped or natural terrain, including lakes and streams. Open space may include active and passive recreation areas, trails, greenways and riparian and wetland buffers. Open space shall not include structures or other improvements (other than those related to recreational uses and approved by the Borough), street and utility rights-of-way or easements, stormwater management facilities or areas, sediment and erosion control facilities, required yard areas, and off-street parking areas.

PARKING LOT - A paved surface designated for the storage of vehicles, including parking spaces, accessways, and entrance and exit lanes. Parking facilities may include facilities for non-motorized vehicles, such as bicycle lockers, and horse and buggy facilities.

PARKING SPACE - A designated area within a parking lot or parking garage for the temporary storage of one (1) motor vehicle.

PARTY WALL - A wall, common to but dividing contiguous buildings, such wall containing no openings and extending from its footing below finished grade to the height of the exterior surface of the roof.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE - The Act of July 31, 1968, P.L. 805, No. 247, as re-enacted and amended by the Act of December 21, 1988, P.L. 1329, No. 170, 53 P.S. Section 10101 *et seq.*, and any subsequent amendments thereto.

PERSON - An individual, firm, trust, condominium, partnership, joint venture, unincorporated association, business association or corporation, whether public or private or other legal entity cognizable at law.

PETS AND LIVESTOCK, DOMESTIC - Any animal that is tame or domesticated and not normally found in the wild state. Hybrids of animals normally found in the wild state are not included within the meaning of domestic pets and livestock.

PLANNED RETIREMENT COMMUNITY - A residential development of dwelling units and permitted accessory uses, with the dwellings limited to occupancy by households that include at least one (1) person age fifty-five (55) or older. A Planned Retirement Community shall meet the requirements of all applicable federal and Commonwealth of Pennsylvania statutes and regulations, especially including the Fair Housing Act, the Fair Housing Amendments Act of 1988, and 24 C.F.R. Subtitle B, Ch. 1, Subpart E, §100.300, *et seq.*, as amended.

PLANNING COMMISSION - The Parkesburg Borough Planning Commission, Chester County, Pennsylvania.

PLANTING STRIP - A strip of land lying between; (a) the curb line, or edge of the paving of a street, and (b) the sidewalk, or edge of parking lot paving.

PRE-MANUFACTURED STRUCTURE - Any building which is either wholly or in substantial part made, fabricated or assembled in a manufacturing facility for installation or assembly and installation on a building site and the entire construction of which complies with the Borough Building Code.

PRIMARY ACCESS - The point of vehicular access, to a property or use, that supports the highest percentage of traffic.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the Council or the Planning Commission intended to inform and obtain public comment, prior to taking action, in accordance with this Ordinance and Act 247.

PUBLIC IMPROVEMENTS - Those facilities that are designed for and available to the public, which may be offered for dedication including, but not limited to, streets, storm drainage facilities, sidewalks and utilities.

PUBLIC MEETING - A forum held pursuant to notice under 65 Pa. C.S., Chapter 7, known as the "Sunshine Act".

PUBLIC NOTICE - Notice of a hearing published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notices shall state the time and place of any hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty days, and the second publication shall not be less than seven days, prior to the date of the hearing. Any such notice shall contain language specifying that any person with a disability or requiring accommodation should contact the Borough to make arrangements for such accommodation.

REASONABLE ACCOMODATION(S) - Shall be such accommodations that are necessary to afford persons or groups of persons with disabilities- as defined by the Fair Housing Act- an equal opportunity to use and enjoy housing. Accomodations which impose an undue financial or administrative burden on a local government and create a fundamental alteration in a local government's zoning scheme shall not constitute "reasonable accommodation".

REASONABLE MODIFICATION(S) - Shall be such modification of rules or policies as are necessary to afford persons or groups of persons with disabilities- as defined by the Fair Housing Act- an equal opportunity to use and enjoy housing. Modifications which impose an undue financial or administrative burden on a local government and create a fundamental alteration in a local government's zoning scheme shall not be a "reasonable modification".

RECREATION, ACTIVE - Those recreational pursuits that require physical alteration to the area in which they are performed. Such areas are intensively used and [typically] include, but are not limited to, playgrounds, ball courts and swimming pools.

RECREATION, PASSIVE - Those recreational pursuits that can be carried out with little alteration or disruption in the area in which they are performed. Such pursuits include, but are not limited to, hiking, biking and picnicking.

RECREATIONAL VEHICLE - A vehicle that is: (a) built on a single chassis, (b) four hundred (400) square feet or less when measured at the largest horizontal projection, (c) designed to be self-propelled or towable by a light duty truck or car, and (d) designed primarily as temporary living quarters for recreational, camping,

travel or seasonal use and not for continued occupancy or use as a permanent dwelling. For the purposes of this Ordinance, the term "recreational vehicle" shall also include a boat or other watercraft.

RIGHT-OF-WAY - The total width of any land area reserved or dedicated as a street, alley, sidewalk, or cross walk, or for any other purpose.

RIGHT-OF-WAY LINE - A line designating the edge of a right-of-way.

ROAD - "See Street".

ROOMING HOUSE - A dwelling, in which weekly or monthly sleeping accommodations are provided, which may or may not include the serving of meals.

RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SCREEN (SCREENING) - See "Landscaped Screen".

SECONDARY ACCESS - A second or other separate point of vehicular access, other than the primary access, as defined herein, to a property or use.

SENSITIVE ENVIRONMENTAL FEATURES - Natural features that perform a beneficial function such as reducing erosion or which, if disturbed, may cause hazards or stress to life and property such as steep slopes. For the purposes of this Ordinance, Sensitive Environmental Features include, but are not limited to, the following: (a) slopes in excess of fifteen percent (15%), (b) soils classified as highly erodible, subject to erosion or as having a high water table, (C) wetlands, (d) hydric soil areas, (e) mature stands of native vegetation, (f) aquifer recharge and discharge areas, (g) floodplains, and (h) lands incapable of meeting percolation requirements for on-site sewage disposal systems.

SEWAGE FACILITIES -

- A. Individual. On-Site Sanitary Sewage Disposal System - The disposal of sewage by use of septic tanks, or other safe and healthful means, approved by the Chester County Health Department, within the confines of the lot on which the use is located.
- B. Community Sanitary Sewage Collection, Treatment, And/Or Disposal System - A sanitary sewage system in which sewage is carried from two or more individual dischargers by a system of pipes to one or

more privately owned and/or maintained common treatment and disposal facilities, approved by the Chester County Health Department and The Pennsylvania Department of Environmental Protection. Treatment and disposal may occur either on-site or off-site.

- C. Public Sewage System - Off-site system for the treatment and disposal of sewage, owned by Pennsylvania American Water Company or successor, in which sewage is conveyed by interceptor to a publicly operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

SEWER CONNECTION - The sewer connection consists of all pipes, fittings and appurtenances from the drain outlet of a building to the inlet of the corresponding sewer riser pipe.

SEWER RISER PIPE - The sewer riser pipe is that portion of the sewer lateral that extends vertically to the ground elevation and terminates at each building in a mobile/manufactured home park, such pipe to be vented and trapped.

SHOPPING CENTER - The multiple use of a single property for the retail sale of such things as dry goods, variety and general merchandise, clothing, feed, flowers, drugs, household supplies or furnishings, sale or repair of jewelry, watches and clocks, optical goods, or musical, professional or scientific instruments; the provision of personal services such as barber shops, banks, hairdressers, laundry or Laundromats, and cleaning and pressing shops, and for such purposes as theaters or bowling alleys.

SIGN - A sign is any letter, word, model, device, or representation intended as an announcement, direction, or advertisement. A sign is:

- A. A structure, either free-standing or attached to another structure.
- B. A notice painted on an exterior wall or a building or other structure.

SIGN, ADDRESS - A sign identifying the street number and/or post office box for the premises for which it is located

SIGN AREA -

- A. For a sign, either freestanding or attached, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- B. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color of the building.
- C. For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters or symbols.

SIGN, AWNING - A non-illuminated sign that is painted on or attached to a structure made of cloth, metal or similar material, such structure affixed to a building and projecting therefrom. Awning signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building.

SIGN, BANNER - A temporary sign which has its letter, symbol or design applied to cloth, canvas or other flexible material which is durable and weather resistant.

SIGN, BUSINESS - A sign that announces or directs attention to a business, product, service or activity sold or conducted on the premises where such sign is located.

SIGN, CANOPY - A sign, mounted under a permanent roof that is architecturally integral to a building (canopy), and over a walkway.

SIGN, DIRECTIONAL - A sign that directs one to a business, product, service or activity, sold or conducted at a location a short distance away from where the sign is located.

SIGN, FLASHING - A sign, the illumination of which is, designed not to be of constant intensity at all times when in use and/or exhibits sudden or marked changes in lighting effects. Illuminated signs which indicate time, temperature or date information shall not be considered a flashing sign unless other information on the sign would be a flashing sign if displayed alone.

SIGN, FREESTANDING - A sign supported by or suspended from a freestanding column or other support(s) located in or upon the ground and not part of or connected to a building or other structure.

SIGN, GOVERNMENTAL - A sign erected and maintained by a municipality, county or the state, including, but not limited to, official street signs and traffic control devices.

SIGN, GROUND - A sign constructed directly on the ground surface or on a pedestal, posts, or similar structure that is located on the ground surface and is independent of any other structure.

SIGN, IDENTIFICATION - A sign that identifies only the occupant of the premises, the profession or occupation of the occupancy, and/or the name of the building upon which the sign is placed.

SIGN, ILLUMINATED - A sign designed to radiate artificial light directly, or through transparent or translucent material, from a source of light within the sign, including but not limited to a neon sign, or a sign illuminated by an external artificial source intended to illuminate the sign.

SIGN, MARQUEE - A sign which is attached to a marquee for the purpose of identifying a place of business or service.

SIGN, OFF-PREMISES - A sign which directs attention to or communicates about a business, commodity, service, entertainment or other use or activity, done, to be done, conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, PORTABLE - Any sign not permanently attached to the ground or to a building or building surface.

SIGN, PROJECTING - A sign attached directly to the wall of a building or other structure, which sign or any part of its support structure extends, at any point, more than fifteen (15) inches from the surface of such wall.

SIGN, REAL ESTATE - A temporary sign communicating information pertaining to the sale or lease of the premises, or a portion thereof, on which the sign is located.

SIGN, REQUIRED - A sign required by a municipality, the state and/or any applicable statute, ordinance, governmental rule or regulation, to be erected and maintained on a certain property.

SIGN, ROOF - A sign located upon or over the roof of any building or structure and/or a sign with its primary support on the roof of a structure. For purposes of this definition, roof shall include any parapet or structure designed to provide roof-like architectural details for buildings.

SIGN, SANDWICH BOARD - An advertising or business ground sign constructed outdoors in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member; and, is a movable or portable sign not secured, anchored or attached to the ground or surface upon which it is located.

SIGN, TEMPORARY - A temporary sign:

- A. Offers premises for sale, rent, or development, or
- B. Advertises the services of building trades during construction or alteration of the premises upon which the sign is located, or
- C. Any sign or advertising display, which is not permitted to be permanent and/or which may be displayed for only a limited time, including Sandwich Board Signs.

SIGN, WALL - A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and that does not project more than twelve (12) inches from such building or structure.

SIGN, WINDOW - A sign which is visible to persons in vehicles or pedestrians, on adjoining property or public sidewalks, and is located on the outside or inside of a window in a building or structure, to direct attention to a use conducted in or product sold in the building, including but not limited to, a sign affixed to or painted upon the interior or exterior surface of a window or otherwise displayed through or upon a window. For purposes of this definition, "window" means any translucent and/or transparent surface in a building or structure.

STEEP SLOPE - Those areas of the Borough that are characterized by a change in elevation of fifteen percent (15%) to twenty-five percent (25%) are designated precautionary slopes, and greater than twenty five percent (25%) are designated prohibitive slopes, over such distance or contour as provided in Section 1320, herein.

STORY - A story is that portion of a building located between the surface of any floor and the next floor above it; if there is not more than one floor, the space between any floor, and the ceiling next above it shall be considered a story.

STREET -

A strip of land, including the entire ultimate right-of-way thereof, publicly owned, dedicated and accepted for public use, or privately owned, abutting and furnishing access to more than one (1) lot, primarily serving, or intended to serve, as a means of vehicular and pedestrian travel, and which may also be used to provide space for sewer, other utilities and sidewalks. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, roadway, highway, lane, alley, service street, marginal access street, road or similar terms. The following categories of streets are defined as follows:

- A. Arterial - A major street or highway with high vehicular speeds or high traffic volumes of considerable continuity and used primarily as a traffic artery between rural and urban areas.

Arterial streets may be either Principle Arterials or Minor Arterials. Principle Arterials serve major centers of activity and carry the highest proportions of area travel and most of the trips entering and leaving the Borough, thus serving intra-area travel. Minor Arterials interconnect with and augment the Principle Arterial system distributing travel to smaller centers of activity and allowing for more access to adjoining properties than Principle Arterials.

- B. Collector - A major street which carries traffic from Local streets to Arterial streets.

Collector streets may be either Major Collectors or Minor Collectors. Major Collectors may provide access to centers of activity, connect with Principle Arterials and allow for more access to adjoining properties than Minor Collectors. Minor Collectors serve more to collect traffic from. Local streets and provide access to the smallest of activity centers.

- C. Local - Every public or private street used for access to abutting properties. Local streets may be Primary Distributor Roadways, Secondary Distributor Roadways or Local Access Streets. A Primary Distributor Roadway is the highest order Local Street which moves

traffic from lower order Local Streets to Collector and Arterial Streets. A Secondary Distributor Roadway is the middle order Local Street which carries traffic from Local Access Streets to Primary Distributor Roadways. A Local Access Street is the lowest order Local Street which serves no through function and provides the greatest degree of access.

STREET, CENTER LINE OF The line that is equidistant from both street lines.

STREET, IMPROVED - A street wherein paving and other required improvements exist in accordance with the Borough standards specified in this Ordinance and any other Borough ordinance or regulation.

STREET LINE - The dividing line between a lot and the outside boundary or right-of-way line of a public street, road, or highway legally open or officially platted, or between a lot and a privately owned street, road, or way over which the owners or tenants of two (2) or more lots, each held in single and separate ownership, have the right-of-way.

STREET, MARGINAL ACCESS - A street, parallel and adjacent to an arterial or collector street but separated from it by a reserve strip, that provides access to abutting properties and connection with the arterial or collector street at controlled intervals. A marginal access street serving residential uses shall be considered a residential street and when serving commercial or industrial uses shall be considered a commercial or an industrial street.

STREET, PARTIAL - Any street that does meet the street standards of this Ordinance.

STREET, PRIVATE - Any street not offered or not required to be offered for dedication.

STREET, SERVICE - A street adjoining the rear lot line of a lot and providing vehicular access to the lot, commonly referred to as an alley.

STREET, SINGLE ACCESS - Any street that has access to an existing public road and circulation system at only one (1) point. A single access street includes cul-de-sacs and loop roads. Cul-de-sac streets shall only be permitted when emergency access to an arterial, collector or local street is provided.

STREET, STUB - Any street laid out in a subdivision or land development, intended for connection to a future street on adjoining property.

STREET TREE - Deciduous hardwood trees, having a caliper of not less than two and one half (2Y2) inches, planted adjacent to and outside of a street right-of-way, such trees to be approved as to type by the Borough Council.

STREET, UNIMPROVED - A street wherein paving and other required improvements do not exist in accordance with the Borough standards specified in this Ordinance and any other Borough ordinance or regulation.

STRUCTURE - Any manmade object having an ascertainable stationary location on or in land or water whether or not affixed to the land. Any form or arrangement of, building materials involving the necessity of providing proper support, bracing, tying, anchoring or other protection against the forces of the elements.

STUDIO - The working place of a craftsman, artist, sculptor, photographer, or similar artistic endeavor, or a place for the study and training of dance, singing, acting, music or other art form.

SUBDIVISION - The division or re-division of a single lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building, or lot development. Provided, however, that the subdivisions by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwellings, shall be exempted from this definition.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT -

- A. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement.
- B. Substantial Improvement includes any repair, restoration or other improvement to structures that have incurred substantial damage regardless of the actual repair, restoration or other improvement work performed.

- C. Substantial Improvement however does not include either:
1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and which project is the minimum necessary to assure safe living conditions.
 2. Any alteration of a historic structure provided that the alteration does not preclude the continued designation of the structure as a historic structure.

SWIMMING POOL -

- A. PERMANENT - A structure permanently set in the earth for its full depth containing a pool of water with a minimum depth of two (2) feet; or,
- B. TEMPORARY - A structure erected from components set in the earth less than its full depth, or erected on grade, containing a pool of water with a minimum depth of two (2) feet.

TRANSPORTATION CENTER - A structure or place where two (2) or more forms of transportation join and for which interconnections and access are provided. Such use may include airplane, train, bus, automobile, and pedestrian facilities.

TOURIST HOME - A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TRACT - One or more lots assembled and presented as a single property for purposes of subdivision or land development.

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

UTILITIES - Sanitary sewer lines, water lines, fire hydrants, streetlights, storm sewer lines, manholes, inlets, catch basins, gas lines, electric lines, telephone lines, cable television lines and other facilities of the same general character.

VARIANCE - Relief granted by the Zoning Hearing Board from strict conformity with terms of the Ordinance pursuant to the provisions of Article XIX, and Articles VI and IX of the Municipalities Planning Code.

VETERINARY CLINIC - A facility for the medical treatment of domestic animals, especially household pets.

VIEWSHED A view of the surrounding landscape available to be seen from any particular point or location in the Borough.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water, carrying or holding surface water, whether natural or man-made.

WATER SUPPLY -

- A. Individual System - A safe, healthful, and adequate supply of water to a single user from a private well or spring located on the land of the user.
- B. Central Water Supply System - A system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on site and/or off-site. A central system can be further described as either of the following:
 - 1. Public Water Supply System - A system that is owned by a municipality, a public company, or a private company and which serves more than a single community or subdivision and may be interconnected with other water supply systems.
 - 2. Community Water Supply System - A system that is owned by a municipality, a public company, or a private company which serves a single community or subdivision, is not interconnected with any other water supply system and meets the standards found in 35 P.S., Section 721.3 for at least twenty-six (26) homes.

WETLANDS - Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

WOODLAND An ecosystem characterized by a more or less dense and extensive tree cover. More particularly, a plant community consisting predominantly of healthy trees and other woody vegetation, well stocked and growing more or less closely together.

YARD - An open, unoccupied space on the same lot with a building or other structure or use, open and unobstructed from the ground to the sky, except for permitted signs and fences.

YARD, FRONT - A yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the nearest point of any structure on the lot. See "Lot, Corner".

YARD, REAR - A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any structure on the lot.

YARD, SIDE - A yard extending in depth on the lot along a side lot line from the front yard to the rear yard, and extending in width on the lot from such side lot line to the nearest point of any structure on the lot.

ZONING HEARING BOARD - The Zoning Hearing Board of Parkesburg Borough.

ZONING OFFICER - The municipal officer, agent or designated authority charged with enforcing the terms of the Zoning Ordinance of Parkesburg Borough.

ZONING ORDINANCE - The Parkesburg Borough Zoning Ordinance as codified in the Parkesburg Borough Code of Ordinances.

ARTICLE III

ESTABLISHMENT OF DISTRICTS

SECTION 300 APPLICABILITY OF DISTRICT STANDARDS

Every parcel of land and every building or structure in the Borough, except as provided by this Ordinance or other applicable law, shall be subject to the provisions specified for the district in which it is located.

A building or structure may be constructed or used, and a lot may be used, developed or occupied only for the uses permitted by right, accessory uses, or conditional uses which adhere to certain standards and criteria, and uses by special exception when approved, in the zoning district in which the building or lot located.

SECTION 301 BASE DISTRICTS

For the purpose of this Ordinance, the Borough of Parkesburg is hereby divided into nine (9) base zoning districts which shall be designated as follows:

Article IV	R-1A	Residential District
Article V	R-1	Residential District
Article VI	R-2	Residential District
Article VII	R-3	Residential District
Article VIII	R-4	Residential District
Article IX	R-5	Residential District
Article X	C-1	Neighborhood Commercial District
Article XI	C-2	General Commercial District
Article XII	I	Industrial District

SECTION 302 OVERLAY DISTRICTS.

In addition to the base zoning districts, there are five (5) overlay districts, the Floodplain Overlay District, the Steep Slope Overlay District, the Historic Overlay District, the Mixed Use Overlay District and the Airport Hazard Overlay District. An overlay district shall be superimposed on and be in addition to the regulations of the base zoning district(s) in which the lot, building, or structure is located. The more restrictive of the district regulations shall prevail.

1. Floodplain Overlay District, Article XIII.
2. Steep Slope Overlay District, Article XIII.
3. Historic Overlay District, Article XIII.
4. Mixed Use Overlay District, Article XI.
5. Airport Hazard Overlay District, Article XIII

SECTION 303 THE ZONING MAP

The boundaries of the base zoning districts, not including the Overlay Zoning Districts listed above, shall be as shown on the map attached to and made a part of this Ordinance, which shall be designated the Zoning Map. The Zoning Map and all notations, references and other things shown thereon shall be made a part of this Ordinance, as if the matters and things shown by said map were all fully described herein.

The boundaries between districts are, unless otherwise indicated, either the center line of streets or railroad rights-of-way or such lines extended or parallel thereto. Where figures are shown on the Zoning Map between a street and a district boundary, line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated. Where the boundaries of a single district are indicated as including directly opposite sides of a street, land, lake, or watercourse, or right-of-way of such power line, railroad or other public utility or any portion of its length, the district so indicated shall be construed to apply to the entire bed of such street, lane, lake or watercourse, or right-of-way of such power line, railroad or other public utility lying within such portion of its length. Where a district boundary is indicated as approximately following a lot or other property line such lot or property line shall be construed to be such boundary

ARTICLE IV

R-1A, RESIDENTIAL DISTRICT

SECTION 400 PURPOSE

It is the purpose of the R-1A, Residential District to accommodate existing single-family detached dwellings in the district and to provide opportunities for additional dwellings of a similar density. The R-1A District also permits and provides for non-residential uses which are deemed to be supplemental or related to the primary residential use. Open space and natural features may be located within the R-1A District to provide non-developed areas for recreation and to preserve sensitive environmental features. It is further the purpose of the R-1A District to provide a suburban atmosphere with the least dense pattern of dwellings permitted in the Borough.

SECTION 401 USE REGULATIONS

1. Permitted Uses. In the R-1A District, a building shall be erected, altered or used, and a lot or premises shall be used, by right for one or more of the following purposes and no other.
 - A. Agriculture, subject to a minimum lot size of 10 acres.
 - B. Single-family detached dwelling.
 - C. Municipal building.
 - D. Open space or parkland.
 - E. No-impact home-based business.
 - F. Forestry.
 - G. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including but not limited to those described in Section 2004, herein.

2. Conditional Uses.
 - A. Major home occupation.
 - B. Group Homes

3. Uses Permitted by Special Exception.
 - A. Bed and Breakfast.

In addition to the standards of Section 2007, herein, a bed and breakfast shall be permitted if a special exception is granted and the use complies with the following additional requirements:

- (1) The structure shall be a single-family detached dwelling in which the operator of the bed and breakfast resides. The appearance of the structure may not be altered from that of a residence other than for required safety purposes.
- (2) The use shall be operated by the resident owner of the premises and members of the resident owner's immediate family.

SECTION 402 AREA AND BULK REGULATIONS

1. The following regulations shall apply to uses in the R-1A District. Any proposed development in the R-1A District shall utilize public sewer and public water service.
 - A. Minimum Lot Area. A minimum of lot area of forty thousand (40,000) square feet shall be provided for every use.
 - B. Minimum Lot Width. The minimum lot width at the building setback line shall be one hundred feet (100) and the minimum lot width at the street line shall be sixty five (65) feet.
 - C. Minimum Front Yard. A minimum front yard of fifty (50) feet shall be provided for every use.

- D. Minimum Side Yard. A minimum side yard of twenty-five (25) feet and an aggregate of the two (2) side yards of fifty (50) feet shall be provided for every use.
- E. Minimum Rear Yard. A minimum rear yard of fifty (50) feet shall be provided for every use.
- F. Maximum Impervious Coverage. No more than thirty percent (30%) of the lot may be covered with impervious surfaces.
- G. Maximum Building Height. No building or other structure shall exceed a height of three (3) stories or thirty-five (35) feet, whichever is less.

SECTION 403 STANDARDS FOR CONDITIONAL USES

- 1. A major home occupation may be permitted in the R-1A District only in accordance with the standards for conditional uses in Article XV of this Ordinance and the approval of the Borough Council.

SECTION 404 DESIGN STANDARDS

Compliance with the following design standards, where applicable, is required:

- 1. Access, traffic control and interior circulation, as required by Article XVI, herein.
- 2. Off-street parking, as required by Article XVI, herein.
- 3. Off-street loading, as required by Article XVI, herein.
- 4. Landscaping, screening and buffering, as required by Article XIV, herein.
- 5. Outdoor lighting, as required by Section 426 of the Borough Subdivision and Land Development Ordinance.
- 6. Outdoor storage, as required by Article XIV, herein.
- 7. Signs, as required by Article XVII, herein.

ARTICLE V

R-1 RESIDENTIAL DISTRICT

SECTION 500 PURPOSE

It is the purpose of the R-1, Residential District to accommodate existing single-family detached dwellings in the district and to provide opportunities for additional dwellings of a similar density. The R-1 District also permits and provides for non-residential uses which are deemed to be supplemental or related to the primary residential use. Open space and natural features may be located within the R-1 District to provide non-developed areas for recreation and to preserve sensitive environmental features.

SECTION 501 USE REGULATIONS

1. Permitted Uses. In the R-1 District, a building shall be erected, altered or used, and a lot or premises shall be used, by right for one or more of the following purposes and no other.
 - A. Agriculture, subject to a minimum lot size of 10 acres.
 - B. Single-family detached dwelling.
 - C. Municipal building.
 - D. Open space or parkland.
 - E. No-impact home-based business.
 - F. Churches and religious facilities.
 - G. Forestry.
 - H. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including but not limited to those described in Section 2004, herein.

- 2. Conditional Uses.
 - A. School or other educational facility.
 - B. Cemetery.
 - C. Library or community center.
 - D. Group Homes
 - E. Major home occupation.

3. Uses Permitted by Special Exception.

- A. Bed and breakfast.

In addition to the standards of Section 2007, herein, a bed and breakfast shall be permitted if a special exception is granted and the use complies with the following additional requirements:

- (1) The structure shall be a single-family detached dwelling in which the operator of the bed and breakfast resides. The appearance of the structure may not be altered from that of a residence other than for required safety purposes.
- (2) The use shall be operated by the resident owner of the premises and members of the resident owner's immediate family

SECTION 502 AREA AND BULK REGULATIONS

The following regulations shall apply to uses in the R-1 District. Any proposed development in the R-1 District shall utilize public sewer and public water service.

- A. Minimum Lot Area. A minimum of lot area of fifteen thousand (15,000) square feet shall be provided for every use.
- B. Minimum Lot Width. The minimum lot width at the building setback line shall be one hundred feet (100) feet and the minimum lot width at the street line shall be sixty five (65) feet.

- C. Minimum Front Yard. A minimum front yard of thirty-five (35) feet shall be provided for every use.
- D. Minimum Side Yard. A minimum side yard of twelve (12) feet and an aggregate of the two (2) side yards of thirty (30) feet shall be provided for every use.
- E. Minimum Rear Yard. A minimum rear yard of thirty (30) feet shall be provided for every use.
- F. Maximum Impervious Coverage. No more than thirty percent (30%) of the lot may be covered with impervious surfaces.
- G. Maximum Building Height. No building or other structure shall exceed a height of three (3) stories or thirty-five (35) feet, whichever is less.

SECTION 503 STANDARDS FOR CONDITIONAL USES

- 1. A church, religious facility, school, library or community center may be permitted in the R-1 District only in accordance with the standards for conditional uses in Article XV of this Ordinance and the approval of the Borough Council. A day care center shall be permitted as an accessory use to a permitted church use, subject to the provisions of Section 2011, herein.
- 2. A major home occupation may be permitted in the R-1 District only in accordance with the standards for conditional uses in Article XV of this Ordinance and the approval of the Borough Council.

SECTION 504 DESIGN STANDARDS

Compliance with the following standards, where applicable, is required:

- 1. Access, traffic control and interior circulation, as required by Article XVI, herein.
- 2. Off-street parking, as required by Article XVI, herein.
- 3. Off-street loading, as required by Article XVI, herein.

4. Landscaping, screening and buffering, as required by Article XIV, herein.
5. Outdoor lighting, as required by Section 426 of the Borough Subdivision and Land Development Ordinance.
6. Outdoor storage, as required by Article XIV, herein.
7. Signs, as required by Article XVII, herein.

ARTICLE VI
R-2 RESIDENTIAL DISTRICT

SECTION 600 PURPOSE

The R-2, Residential District is intended to provide a mixture of medium density housing in a pattern appropriate to existing development in the district, and to provide opportunities to expand that housing pattern. The availability of supporting utilities and other infrastructure are critical for development in the district.

SECTION 601 USE REGULATIONS

1. Permitted Uses. In the R-2 District, a building shall be erected, altered or used, and a lot or premises shall be used, by right for one or more of the following purposes and no other.
 - A. Single-family detached dwelling.
 - B. Municipal building.
 - C. Open space or parkland.
 - D. Forestry.
 - E. No-impact home-based business.

 - F. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including but not limited to those described in Section 2004, herein.

2. Conditional Uses.
 - A. Churches and religious facilities.
 - B. School or other educational facility.
 - C. Cemetery.

- D. Library or community center.
- E. Group home.
- F. Major home occupation

3. Uses Permitted by Special Exception

- A. Single family semi-detached dwelling, subject to the applicable standards of Section 602, herein.
- B. Bed and breakfast.

In addition to the standards of Section 2007, herein, a bed and breakfast shall be permitted if a special exception is granted and the use complies with the following additional requirements:

- (1) The structure must be a single-family detached dwelling in which the operator of the bed and breakfast resides. The appearance of the structure may not be altered from that of a residence other than for required safety purposes.
- (2) The use shall be operated by the resident owner of the premises and members of the resident owner's immediate family.

SECTION 602 AREA AND BULK REGULATIONS

- 1. The following regulations shall apply to uses in the R-2 District. Any proposed development in the R-2 District shall utilize public sewer and public water service.
 - A. Minimum Lot Area. A minimum lot area of nine thousand (9000) square feet shall be provided for single family detached units. A minimum lot area of 8000 square feet shall be provided for each semi-detached dwelling unit.
 - B. Minimum Lot Width. The minimum lot width at the building setback line shall be sixty (60) feet and the minimum lot width at the street line shall be forty (40) feet.

- C. Minimum Front Yard. A minimum front yard of thirty (30) feet shall be provided for every use.
- D. Minimum Side Yard. A minimum side yard of eight (8) feet and an aggregate of the two (2) side yards of twenty (20) feet shall be provided for every use. A minimum side yard of 20 feet shall be provided for all semi-detached units.
- E. Minimum Rear Yard. A minimum rear yard of thirty (30) feet shall be provided for every use.
- F. Maximum Impervious Coverage. No more than thirty-five percent (35%) of the lot may be covered with impervious surfaces.
- G. Maximum Building Height. No building or other structure shall exceed a height of three (3) stories or thirty-five (35) feet, whichever is less.

SECTION 603 STANDARDS FOR CONDITIONAL USES

1. A church, religious facility, school, library or community center may be permitted in the R-2 District only in accordance with the standards for conditional uses in Article XV of this Ordinance and the approval of the Borough Council. A day care center shall be permitted as an accessory use to a permitted church use, subject to the provisions of Section 2011, herein.
2. A major home occupation may be permitted in the R-2 District only in accordance with the provisions of Section 2006, herein, the standards for conditional uses in Article XV of this Ordinance, and the approval of the Borough Council.

SECTION 604 DESIGN STANDARDS

Compliance with the following standards, where applicable, is required:

1. Access, traffic control and interior circulation, as required by Article XVI, herein.
2. Off-street parking, as required by Article XVI, herein.
3. Off-street loading, as required by Article XVI, herein.
4. Landscaping, screening and buffering, as required by Article XIV, herein.
5. Outdoor lighting, as required by Section 426 of the Borough Subdivision and Land Development Ordinance.
6. Outdoor storage, as required by Article XIV, herein.
7. Signs, as required by Article XVII, herein.

ARTICLE VII
R-3 RESIDENTIAL DISTRICT

SECTION 700 PURPOSE

The purpose of the R-3 Residential District is to provide a variety of housing alternatives and options within the Borough and to accommodate those existing uses within the District at a density of a more urban scale than found in R-1 and R-2. The availability of public sewer and public water service is mandatory in the District, as are other elements of infrastructure, due to the more compact form of development.

SECTION 701 USE REGULATIONS

1. Permitted Uses. In the R-3 District, a building shall be erected, altered or used and a lot or premises shall be used, by right for only one or more of the following purposes, and no other.
 - A. Single-family detached dwelling.
 - B. Single-family semi-detached dwelling (twin).
 - C. Single-family attached dwelling (townhouses).
 - D. Multi-family attached dwelling units.
 - E. Municipal building.
 - F. Open space, parkland.
 - G. Churches and religious facilities.
 - H. Forestry.
 - I. No-impact home-based business.
 - J. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including but not limited to those described in Section 2004, herein.

2. Conditional Uses.
 - A. School or other educational facility.
 - B. Cemetery.
 - C. Library or community center.
 - D. Assisted living facility, nursing home (intermediate or skilled nursing care facility), or convalescent facility or home.
 - E. Group Homes.
 - F. Major home occupation
3. Uses permitted by Special Exception.
 - A. Two-family detached dwelling (duplex).
 - B. Bed and breakfast.
 - C. Parking lot, subject to the requirements of Article XVI.

SECTION 702 AREA AND BULK REGULATIONS

1. The following regulations shall apply to uses in the R-3 District. Any proposed development in the R-3 District shall utilize public sewer and public water service.
 - A. **Minimum Lot Area.** A minimum lot area of six thousand (6000) square feet shall be provided for every single family detached dwelling lot. A minimum of twenty-five hundred (2500) square feet shall be provided for each semi-detached or townhouse unit. A minimum of five (5) acres is required for multi-family attached dwellings in one or more buildings.
 - B. **Minimum Lot Width.** For single-family and semi-detached dwelling units, the minimum lot width at the building setback line shall be fifty (50) feet and the minimum lot width at the street line shall be thirty five (35) feet. For townhouse dwelling units, the minimum lot width at the building setback and the street lines shall be twenty four (24) feet. For multi-family dwelling units the minimum lot width at the building setback

line shall be two hundred (200) feet and the minimum lot width at the street line shall be one hundred and fifty (150) feet.

- C. Minimum Front Yard. For all permitted uses other than multi-family attached dwellings, a minimum front yard of thirty (30) feet shall be provided except in the case of a dwelling with both a garage accessed from the rear yard and a roof covered front porch, the minimum front yard may be either ten (10) feet or the average of the front yards of both adjacent side properties, whichever is greater. Multi-family attached dwellings in one or more buildings shall require a minimum front yard of fifty (50) feet.
- D. Minimum Side Yard. A minimum side yard of six (6) feet and an aggregate of sixteen (16) feet shall be provided for every use, except for multi-family attached dwellings in one or more buildings, which shall require a minimum of thirty (30) feet and an aggregate of fifty (50) feet and except for townhouse end units and semi-detached units which shall require ten (10) feet.
- E. Minimum Rear Yard. A minimum rear yard of twenty (20) feet shall be provided for every use, except multi-family attached dwellings in one or more buildings which require a minimum of fifty (50) feet. The rear lot line of any proposed townhouse unit(s) shall not be adjacent to an existing public right-of-way, except an alley.
- F. Maximum Impervious Coverage. No more than thirty-five percent (35%) may be covered with impervious surfaces, except multifamily attached dwellings in one or more buildings which require a maximum impervious surface area of fifty percent (50%).
- G. Maximum Building Height. No building or structure shall exceed a height of three (3) stories or thirty-five (35) feet, whichever is less, or a maximum of fifty (50) feet for multi-family attached dwellings in one or more buildings.

SECTION 703 STANDARDS FOR CONDITIONAL USES

1. A church, religious facility, school, library or community center may be permitted in the R-3 District only in accordance with the standards for

conditional uses in Article XV of this Ordinance and the approval of Borough Council. A day care center shall be permitted as an accessory use to a permitted church use, subject to the provisions of Section 2011, herein.

2. A major home occupation may be permitted in the R-3 District only in accordance with the provisions of Section 2006, herein, the standards for conditional uses in Article XV of this Ordinance, and the approval of the Borough Council.

SECTION 704 DESIGN STANDARDS

Compliance with the following standards, where applicable, is required:

Access, traffic control and interior circulation, as required by Article XVI, herein.

2. Off-street parking, as required by Article XVI, herein.
3. Off-street loading, as required by Article XVI, herein.
4. Landscaping, screening and buffering, as required by Article XIV, herein
5. Outdoor lighting, as required by Section 426 of the Borough Subdivision and Land Development Ordinance.
6. Outdoor storage, as required by Article XIV, herein.
7. Signs, as required by Article XVII, herein.

ARTICLE VIII

R-4, RESIDENTIAL DISTRICT

SECTION

800 PURPOSE

1. Provide land use regulations which promote, encourage and facilitate mixed residential development in Parkesburg Borough; and
2. Enable the creation of mixed residential development in Parkesburg Borough on land which is appropriate for such development because of its proximity to existing residential developments and existing or proposed arterial or collector streets; and
3. Provide residential development to meet the present and future housing needs of Parkesburg Borough; and
4. Promote appropriate use of land in accordance with a well-considered development plan and, in conjunction therewith, promote a mixed use development characterized by demonstrable suitability of the parcel of land for uses and structures authorized by this Section; and
5. Provide diverse housing choices for residential developments of varying densities compatible with nearby existing development; and
6. Encourage the logical development of relatively large tracts of land for multiple use residential purposes, provide for higher density in areas capable of sustaining such increased density without attendant overburdening of municipal services and street systems, and preserving open space; and
7. Provide adequate vehicular, emergency service, landscaping and screening controls to create an attractive and safe addition to existing residential development patterns within Parkesburg Borough; and
8. Provide for the perpetual adequate maintenance of a network of open space and park lands.

SECTION 801 USE REGULATIONS

A building shall be erected, altered or used, and a lot shall be used for any combination of the following uses and no other:

Permitted Uses. In the R-4 District, a building shall be erected, altered or used, and a lot or premises shall be used, by right for one or more of the following purposes and no other.

- A. Single-family detached dwelling.
- B. Single-family attached (townhouse) dwelling.
- C. Two-family attached (twin) dwelling.
- D. Municipal building.
- E. Open space or parkland.
- F. Churches and religious facilities.
- G. Forestry.
- H. No-impact home-based business.
- I. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including but not limited to those described in Section 2004, herein.

2. Conditional Uses.

- A. Limited Commercial.
- B. School or other educational facility.
- C. Cemetery.
- D. Library or community center.
- E. Development of any tract which contains multiple permitted uses.

- F. Group Homes.
- G. In the R-4 zoning district, within the area fronting upon and within six hundred (600) feet of the centerline of Pennsylvania Route 10, assisted living facilities and all uses listed in the C-2 zoning district as permitted or conditional uses.

3. Community Accessory Uses

- A. Recreational facilities, including, but not limited to, tot lots, walking/jogging trails, court games, field games and swimming pools.
- B. Club house, including, but not limited to, a structure accommodating community social and recreational interests, meeting rooms and other related features.
- C. Community facilities, including, but not limited to, stormwater management and other utility facilities or structures, storage/maintenance buildings, roads, sidewalks, landscaping, lighting and other related facilities for community use or service.
- D. Sheds, swimming pools, gazebos and other similar structures, the total coverage area of which shall not exceed 30% of the required rear yard area or curtilage area, whichever applies.

SECTION 802 AREA AND BULK REGULATIONS

For any use permitted in the R-4 District, the gross density shall not exceed 6 dwelling units per gross acre.

1. Single-Family Detached.

- A. Minimum Lot Width:
At the Building Setback Line: 60 feet. At the Street Line: 40 feet.
- B. Minimum Front Yard: 24 feet.
- C. Minimum Side Yard: 15 feet.
- D. Minimum Rear Yard Curtilage: 25 feet.

- E. Maximum Building Coverage: 30% of the lot area.
- F. Maximum Building Height: 40 feet.
- G. Maximum Impervious Coverage: 40 %

2. Single-Family Attached (Townhouses)

- A. Minimum Lot Width:
At the Building Setback line and the Street Line: 24 feet.
- B. Minimum Front Yard: 18 feet.
- C. Minimum Rear Yard Curtilage: 20 feet.
- D. Maximum Tract Building Coverage: 25%
- E. Maximum Tract Impervious Coverage: 40%
- F. Maximum Building Height: 45 feet.
- G. Maximum Building Length: 160 feet.
- H. Maximum Units per Building: 6 dwelling units.
- I. Minimum Building Side Separation: 30 feet.
- J. Minimum Building Rear Separation: 60 feet (excluding curtilage).

3. Two-Family Attached (Twin Units)

- A. Minimum Lot Width:
At the Building Setback Line: 40 feet. At the Street Line: 30 feet.
- B. Minimum Front Yard: 20 feet.
- C. Minimum Side Yard: 15 feet.

- D. Minimum Rear Yard Curtilage: 25 feet.
- E. Maximum Building Height: 45 feet
- F. Maximum Building Coverage: 30% of lot area.
- G. Maximum Impervious Coverage: 40%

SECTION 803 DESIGN STANDARDS

1. Access, traffic control and interior circulation, as required by Article XVI, herein.
2. Off-street parking, as required by Article XVI, herein.
3. Off-street loading, as required by Article XVI, herein.
4. Landscaping, screening and buffering, as required by Article XIV, herein.
5. Outdoor lighting, as required by Section 426 of the Borough Subdivision and Land Development Ordinance.
6. Outdoor storage, as required by Article XIV, herein.
7. Signs, as required by Article XVII, herein.
8. Open Space, as required by Section 425 of the Borough Subdivision and Land Development Ordinance.
9. If the tract for which an R-4 Subdivision and/or Land Development Application has been filed contains one or more structures which are more than 50 years old, or structures which have distinct architectural and/or historic value in the judgment of the Borough Council, these structures shall be integrated with the site plan and shall be preserved through continued use or adaptive reuse. The structure, as defined herein, need not be located on the subject tract. The area of the common open space shall be an area equivalent to 25 times the area of the footprint of the each structure, as defined herein.
10. Residential buildings shall be configured on the site so as to form identifiable neighborhoods within the development. To the extent

possible, units shall have convenient access to the open space and trail network. All units shall have frontage on a street.

11. Single-family detached dwelling units shall comprise a minimum of forty percent (40%) of the total number of dwelling units in the development.
12. The rear lot line of any proposed townhouse unit shall not be adjacent to an existing public right-of-way, except an alley.
13. The front and rear facades of townhouse units shall be staggered a minimum of four (4) feet, except that two (2) adjacent units may be in the same vertical plane.
14. All residential dwelling units shall, at a minimum, have a single car garage; this single car garage may be either attached to or detached from the dwelling unit. If attached to a single family detached dwelling, garages shall be recessed from the front façade or a covered porch by a minimum of 10 feet. Garages shall not project into any required yard area. Neither attached nor detached garages shall ever be converted to space for habitation. Garages must be maintained for the parking of a vehicle for which a deed restriction shall be required.
15. Detached garages and other accessory structures shall be permitted only in the rear yard of lots and shall be located a minimum of 5 feet from side and rear lot lines.
16. Single-family detached dwelling units may have a single-story covered porch on the ground level; this porch may extend into the required front yard by not more than 60% of the required front yard.
17. Front façade materials of all dwelling units shall be varied to the extent possible to create visual variety. Elevation drawings of building front facades shall be submitted with the land development application and construction shall be substantially similar to submitted façade elevations, as approved by Borough Council.
18. All utilities shall be underground within the R-4 development site.

SECTION 804 GENERAL REGULATIONS

Any property for which an R-4 Subdivision and/or Land Development Application is submitted must contain a minimum of twenty (20) gross

contiguous acres, which may contain land separated by waterways and/or street rights-of-way. The tract and proposed development must have frontage on and access to one or more collector or arterial streets.

2. All dwelling units in the R-4 zoning district that are located either adjacent to a street external to the development site or adjacent to open space which separates dwelling units from an external road shall be located so the front façade generally faces the external road. This requirement may be waived if viewsheds affected by the development are landscaped with screening in order to mitigate the loss of existing trees.
3. It is a specific condition of both Preliminary and Final Plan approval that all real property comprising the land for which an R-4 Subdivision and/or Land Development Application has been filed must be held in single and separate ownership. All residential dwelling units and/or lots shown on the Final Subdivision and/or Land Development Plan submitted to the Borough Council for approval for the R-4 District shall be held in fee simple ownership and conveyed in fee simple ownership. For the purpose of this Section, condominium ownership shall be considered as "fee simple ownership".
4. An R-4 Subdivision and/or Land Development Application shall include a traffic impact study prepared in accordance with PennDOT standards and Borough Council requirements. The study shall provide anticipated trips generated by the development, existing levels of service on roads surrounding the proposal, impact upon those roads by the development and proposed improvements to the adjacent road system to be made by the developer. The detail required in the Traffic Impact Study shall be as set forth in Appendix B.
5. Proposed R-4 Subdivision and/or Land Developments in which the number of dwelling units exceeds of twenty-four (24) shall provide at least two (2) vehicular accessways from existing major streets. New accessways connecting with existing streets shall be located no closer than eight hundred (800) feet, and provision for interior circulation shall be made to provide future access to all properties which do not meet the requirements of the eight hundred (800) foot minimum distance between accessways.
6. All R-4 Subdivision and/or Land Development Applications shall include an Open Space Management Plan prepared by the applicant. The purposes of the Plan shall be to outline the extent and existing condition

of open space, and to define maintenance and management responsibilities. The Open Space Management Plan is for the benefit and use of both the Homeowners Association and Parkesburg Borough in the event the open space is transferred to Parkesburg Borough. The following criteria shall be the minimum requirements included in the Open Space Management Plan:

- A. A site plan depicting the entire development, including the area(s) designated as open space. All open space areas, including buffers and stormwater management areas, shall be described by metes and bounds.
 - B. The Open Space Management Plan shall include a Site Development Plan which locates all floodplains, riparian buffer areas, wetlands, hydric soils and steep slopes.
 - C. A narrative description of all open space areas, including descriptions of drainage, vegetation, and site improvements.
 - D. An outline of the periodic maintenance requirements for all improvements, including but not limited to recreational facilities, stormwater management facilities, turf areas, wooded areas, landscaped areas, etc. The outline of the periodic maintenance requirements must include the frequency of any maintenance requirement, an identification of the entity responsible for the maintenance, the estimated cost or costs of all maintenance, and the estimated cost or assessment per dwelling unit.
7. If open space in any R-4 Residential District is not to be conveyed to Parkesburg Borough, the developer shall create a Homeowners Association ("HOA"). The HOA shall conform to the requirements of the Pennsylvania Planned Community Act, and all unit owners in the R-4 Development must be members of the HOA. The HOA shall administer the collection of fees from the unit owners and shall secure all services necessary to maintain open space and common areas in accordance with the Open Space Management Plan.

**SECTION 805 CONDITIONAL USE STANDARDS FOR USES
 PERMITTED BY SECTION 801 .2.A, B, AND C.**

Limited commercial uses and buildings and institutional uses and buildings in the R-4 Residential District shall be permitted by Conditional Use. The following criteria shall apply and all such uses or buildings shall:

- A. Be on a separate lot, except for those uses accessory to a residential use.
 - B. Be limited to fifteen percent (15%) of the tract area.
 - C. Be comprised of single or multiple buildings, consisting of uses permitted by the definition of limited commercial development, and shall have frontage on an arterial street and may share access with residential portion of the development.
 - D. Not exceed (2) stories or thirty-five (35) feet in height.
 - E. Not have any parking located between any commercial building(s) and any adjacent arterial street.
 - F. Not include any residential use.
 - G. Have a landscaped buffer on all sides with a minimum width of twenty-five (25) feet. The buffer shall be bermed and densely landscaped. The developer may request that the buffer requirements stated in this section be waived or modified in those situations where existing conditions or the terrain perform a buffering function.
2. The following area and bulk criteria shall apply to any use or building permitted by Conditional Use in the R-4 District:
- A. Minimum lot width:
At the Building Setback Line: 200 feet. At the Street Line: 150 feet
 - B. Minimum front yard: 40 feet, may include buffer.
 - C. Minimum side yard: 25 feet, may include buffer.
 - D. Minimum rear yard: 25 feet, may include buffer.
 - E. Maximum building coverage: 50%
 - F. Maximum impervious coverage: 80%

3. The Parkesburg Borough Council may impose such conditions as are necessary to insure compliance with relevant ordinances, regulations and codes.

ARTICLE IX

R-5 RESIDENTIAL DISTRICT

SECTION 900 PURPOSE

It is the purpose of this residential zoning district to encourage the logical development of land for apartment and single-family attached (townhouse) purposes in accordance with objectives, policies and proposals of the Comprehensive Plan, by providing higher density in areas with adequate infrastructure to meet housing needs in an urban setting. The establishment of apartments and townhouses further diversifies the housing options available in the Borough. The use of public sewer and public water service is required.

SECTION 901 USE REGULATIONS

A building shall be erected, altered or used, and a lot shall be used for any combination of the following uses and no other:

Permitted Uses. In the R-5 District, a building shall be erected, altered or used, and a lot or premises shall be used, by right, for one or more of the following purposes and no other:

- A. Apartment building.
- B. Single-family attached (townhouse) dwelling.
- C. Open space or parkland.
- D. Churches and religious facilities.
- E. Forestry.
- F. No-impact home-based business.
- G. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including but not limited to those described in Section 2004, herein.

2. Conditional Uses
 - A. Assisted living facilities.
 - B. Group Homes.
 - C. All uses listed in the C-2 zoning district as permitted or conditional uses.
3. Community Accessory Uses
 - A. Recreational facilities, including, but not limited to, tot lots, walking/jogging trails, court games, field games and swimming pools.
 - B. Club house, including, but not limited to, a structure accommodating community social and recreational interests, meeting rooms and other related features.
 - C. Community facilities, including, but not limited to, stormwater management and other utility facilities or structures, storage/maintenance buildings, roads, sidewalks, landscaping, lighting and other related facilities for community use or service.
 - D. Sheds, swimming pools, gazebos and other similar structures, the total coverage area of which shall not exceed 30% of the required rear yard area.
4. Homeowners Association (HOA). The developer of any R-5 zoned development in which parcels or units shall be owned by fee simple title shall create a HOA for the development in conformity with the Pennsylvania Planned Community Act. All owners of property in the development must be members of the HOA. Documents pertaining to the creation of the HOA shall be subject to approval of the Borough at the time of plan approval.

SECTION 902 AREA AND BULK REGULATIONS

For any use permitted in the R-5 District, the gross density shall not exceed eight (8) dwelling units per gross acre.

1. The following regulations shall apply to Apartment building uses in the R-5 District.
 - A. Minimum Lot Area. A minimum lot area of five (5) acres shall be provided for a development of one (1) or more apartment buildings.
 - B. Minimum Lot Width. For every use permitted in the R-5 District, the minimum lot width at the building setback line shall be two hundred eighty (280) feet and the minimum lot width at the street line shall be two hundred (200) feet.
 - C. Minimum Front Yard. A minimum front yard of fifty (50) feet shall be provided for every use.
 - D. Minimum Side Yard. A minimum side yard of twenty (20) feet and an aggregate of the two (2) side yards of fifty (50) feet shall be provided for every use.
 - E. Minimum Rear Yard. A minimum rear yard of fifty (50) feet shall be provided for every use.
 - F. Maximum Impervious Coverage. No more than forty percent (40%) of the lot may be covered with impervious surfaces.
 - G. Maximum Building Height. No building or structure shall exceed a height of three (3) stories or forty (40) feet, whichever is less.
 - H. Minimum Open Space. Every apartment building development shall provide a minimum of forty percent (40%) of the lot area as open space. Of that area, half shall be suitable for both active and passive recreation.
1. Accessory Buildings. All accessory buildings shall be located in conformance with the front, side and rear yard requirements. The maximum height of any accessory building shall be twenty (20) feet.

2. The following regulations shall apply to Single-family Attached (Townhouse) uses in the R-5 District.
- A. Minimum Lot Area. A minimum lot area of five (5) acres shall be provided for a development of townhouse buildings.
 - B. Minimum Dwelling Unit Width: No more than fifty five percent (55%) of the units shall be a minimum of twenty (20) feet wide. The balance shall be a minimum of twenty four (24) feet wide.
 - C. Minimum Front Yard. A minimum front yard of twenty (20) feet shall be provided for every townhouse unit.
 - D. Minimum Rear Yard. A minimum rear yard of twenty five (25) feet shall be provided for every townhouse building.
 - E. Maximum Impervious Cover. No more than forty percent (40%) of the lot or tract shall be covered with impervious surfaces.
 - F. Maximum Building Area. No more than thirty percent (30%) of the lot or tract may be covered by the footprint of the building(s) and other structure(s).
 - G. Maximum Building Height. No building or other structure shall exceed a height of three (3) stories or forty (40) feet, whichever is less.
 - H. Maximum Building Length. No building shall exceed a length of one hundred and ninety two (192) feet provided that no more than twenty five percent (25%) of the buildings shall exceed a length of one hundred and forty four (144) feet.
- Maximum Units per Building. No building shall exceed eight (8) units provided that no more than sixty percent (60%) of the buildings shall exceed six (6) units.
- J. Minimum Building Side Separation. The side of any building shall be located no closer than twenty (20) feet from any other building.
 - K. Minimum Building Rear Separation. The rear of any building shall be located no closer than sixty five (65) feet from any other building.

- L. Accessory Buildings. All accessory buildings shall be located in conformance with the front, side and rear yard requirements. The maximum height of any accessory building shall be twenty (20) feet.

SECTION 903 DESIGN STANDARDS

1. Access, traffic control and interior circulation, as required by Article XVI, herein.
2. Off-street parking, as required by Article XVI, herein.
3. Off-street loading, as required by Article XVI, herein.
4. Landscaping, screening and buffering, as required by Article XIV herein.
5. Outdoor lighting, as required by Article XIV, herein.
6. Outdoor storage, as required by Article XIV, herein.
7. Signs, as required by Article XVII, herein.
8. Open space, as required by Section 425 of the Borough Subdivision and Land Development Ordinance.

ARTICLE X

C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

SECTION 1000 PURPOSE

The purpose of the C-1 Neighborhood Commercial District is to provide sufficient space in appropriate locations for the types of limited commercial uses, as defined in Section 201 of this Ordinance, and service establishments having a low to moderate impact on the Borough, thus reducing trip generation rates. It is also the intent to protect commercial establishments from intrusive uses which are incompatible and from objectionable influences such as noise, glare and hazards from fire. In addition, it is the purpose of the district to provide appropriate space for the requirements of merchandising, including the provision of off-street parking, safe circulation of pedestrians and vehicles.

SECTION 1001 USE REGULATIONS

1. Permitted Uses: In the C-1 Neighborhood Commercial District, a building shall be erected, altered or used, and a lot or premises shall be used, by right, for any of the following purposes and no other:
 - A. Retail sales and repair of goods, general merchandise.
 - B. Personal services, such as but not limited to, barber shops, hair and beauty salons, laundries.
 - C. Restaurant, tavern, without drive through facilities.
 - D. General offices, financial institutions (without drive-through facilities), and medical offices, clinics.
 - E. Conversion of multi-unit dwellings to single-family detached dwellings.
 - F. Municipal offices, facilities and uses, including community facilities.
 - G. School or other educational facility.
 - H. Studio.

- I. Public utility installations.
- J. Forestry.
- K. No-impact home-based business.
- L. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including but not limited to those described in Section 2004, herein.

2. Conditional Uses.

- A. Churches and religious facilities.
- B. Day care center, per Section 2011.
- C. Mixed commercial, office and residential uses subject to the following provisions:
 - (1) Permitted commercial and office uses shall occupy the first floor only.
 - (2) Dwelling units shall occupy any floor above the first floor, except that, when a commercial and/or office use on the first floor contains one thousand (1,000) square feet or more of gross floor area, a residential use may occupy an area to the rear of, or behind, the non-residential use, provided that such residential use shall have a direct entrance/exit to the outside, separate from the nonresidential use entrance/exit, and shall have a minimum habitable floor area of seven hundred fifty (750) square feet.
 - (3) Any dwelling unit shall have a minimum habitable floor area of eight hundred (800) feet.
 - (4) Access, including any required emergency access, to any dwelling unit shall not be provided along the street side of any building.

(5) Compliance with all other applicable provisions of this Zoning Ordinance and other ordinances of the Borough shall be required.

D. Drive-through service facilities as an accessory use to a primary permitted use or other approved conditional use located on a parcel which has frontage on Church Street (Pennsylvania Route 10).

E. Group Homes.

3. Uses permitted by Special Exception.

A. Bed and Breakfast.

In addition to the standards of Section 2007, herein, a bed and breakfast shall be permitted if a special exception is granted and the use complies with the following additional requirements:

(1) The structure must be a single-family detached dwelling in which the operator of the bed and breakfast resides. The appearance of the structure may not be altered from that of a residence other than for required safety purposes.

(2) The use shall be operated by the resident owner of the premises and members of the resident owner's immediate family.

B. Funeral home.

C. Gasoline service station.

SECTION 1002 AREA AND BULK REGULATIONS

Minimum Lot Area. A minimum lot area of three thousand (3,000) square feet shall be provided for every use.

2. Minimum Lot Width. A minimum lot width, at the building setback and street lines, of twenty five (25) feet shall be provided for every use.

3. Minimum Front Yard. A minimum front yard of zero (0) feet shall be provided for every use.

4. Minimum Side Yard. A minimum side yard of zero (0) feet shall be provided for every use.
5. Minimum Rear Yard. A minimum rear yard of twenty (20) feet shall be provided for every use.
6. Maximum Impervious Coverage. No more than ninety percent (90%) of the lot may be covered with impervious surfaces.
7. Maximum Building Area. No more than seventy five percent (75%) of the lot may be covered by the foot print of the building(s) and other structure(s).
8. Maximum Building Height. No building or other structure shall exceed a height of four (4) stories or fifty (50) feet, whichever is less.

SECTION 1003 DESIGN STANDARDS

1. Access, traffic control and interior circulation, as required by Article XVI, herein.
2. Off-street parking, as required by Article XVI, herein, except that such requirements shall be waived for existing commercial uses and for conversions of residential uses to commercial uses. In the C-I zoning district, for commercial uses only, there shall not be any parking requirement, if the landowner can demonstrate to the satisfaction of Borough Council, that the subject lot area cannot accommodate any additional off-street parking.
3. Off-street loading, as required by Article XVI, herein.
4. Landscaping, screening and buffering, as required by Article XIV, herein.
5. Outdoor lighting, as required by Section 426 of the Borough Subdivision and Land Development Ordinance.
6. Outdoor storage, as required by Article XIV, herein.
7. Signs, as required by Article XVII, herein.

SECTION 1004 GENERAL STANDARDS

The following standards shall apply to uses in the C-I District, when applicable, as well as standards in Article XIV, General Provisions, of this Ordinance.

1. Outdoor display of retail goods shall be limited to 10% of the floor area of the building area, including all floors. Such outdoor display shall not encroach on pedestrian or vehicular circulation and shall be in a confined area.
2. Outdoor restaurant dining shall be limited to 20% of the dining floor area of the restaurant, shall be physically separated from the surrounding area, shall occur only on the subject lot and shall require the approval of the Borough Zoning Officer.
3. Commercial uses, where feasible, shall provide secondary access from the rear of lots for the purpose of delivery and service.
4. Projections from the front of a commercial use, such as awnings and signs that would be over a public sidewalk, shall comply with the requirements of Section 1703.1 .K of this Ordinance and shall require the approval of the Borough Zoning Officer.
5. When adjacent C-I zoned uses occur on separate lots with no side yards, common access to the rear of the buildings shall be provided by alleys.

ARTICLE XI

C-2, GENERAL COMMERCIAL

DISTRICT SECTION 1100 PURPOSE

The purpose of the C-2, General Commercial District, is to provide sufficient space in appropriate locations for the types of commercial and related establishments that have a moderate or higher impact on the Borough through building massing, visual impact and trip generation rates. C-2 uses will generally have higher levels of trip generation and need for access to primary roads than those uses in C-i. These uses may generate environmental impacts such as noise and light, which requires greater regulation by the Borough.

SECTION 1101 USE REGULATIONS

1. Permitted Uses: In the C-2, General Commercial District, a building shall be erected, altered or used, and a lot or premises shall be used, by right, for any of the following purposes and no other:
 - A. Retail sales and repair of goods, general merchandise.
 - B. Personal services, such as but not limited to, barber shops, hair and beauty salons, laundries.
 - C. Restaurant, tavern, without drive through facilities.
 - D. General offices, financial institutions (without drive-through facilities), and medical offices, clinics.
 - E. Municipal offices, facilities and uses, including community facilities
 - F. School or other educational facility.
 - G. Studio of an artist or teacher.
 - H. Veterinary clinic, without kennel facilities.
 - I. Public utility installations.

- J. Forestry
- K. Shopping center.
- L. Hotel, motel, rooming house.
- M. Club, lodge or fraternal organization.
- N. Commercial vehicle parking garage, parking lot.
- O. Transportation center.
- P. Trade school.
- Q. No-impact home-based business.
- R. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including but not limited to those described in Section 2004, herein.

2. Conditional Uses.

- A. Commercial entertainment and recreation facility.
- B. Mixed use projects including residential dwellings, retail and office uses, located in a building(s) in areas designated on the Zoning Map as a Mixed Use Overlay District (MUOD).
- C. Day care center, per Section 2011.
- D. Group Homes.
- E. Drive-through service facilities as an accessory use to a primary permitted use or other approved conditional use located on a parcel which has frontage on Church Street (Pennsylvania Route 10).

3. Uses permitted by Special Exception.

- A. New or used automobile sales and related service.
- B. Vehicle repair facility.

- C. Veterinary clinic including kennel or dog day care center.
- D. Nursing, convalescent home.
- E. Gasoline service station, including accessory convenience store.

SECTION 1102 AREA AND BULK REGULATIONS

- 1. Minimum lot area: 6,000 sq. ft.
- 2. Minimum lot width:
 - At the building setback line: 50 ft.
 - At the street line: 35 ft.
- 3. Minimum front yard: 25 ft.
- 4. Minimum side yard: 10 ft. with aggregate of 25 ft.
- 5. Minimum rear yard: 20 ft.
- 6. Maximum building height: 3 stories or 50 ft., whichever is less.
- 7. Maximum building Coverage: 60%
- 8. Maximum impervious coverage: 80%.

SECTION 1103 DESIGN STANDARDS

- 1. Access, traffic control and interior circulation, as required by Article XVI, herein,
- 2. Off-street parking, as required by Article XVI, herein, except that such requirements shall be waived for existing commercial uses and for conversions of residential uses to commercial uses.
- 3. Off-street loading, as required by Article XVI, herein.
- 4. Landscaping, screening and buffering, as required by Article XIV, herein.

5. Outdoor lighting, as required by Section 426 of the Borough Subdivision and Land Development Ordinance.
6. Outdoor storage, as required by Article XIV, herein.
7. Signs, as required by Article XVII, herein.

SECTION 1104 GENERAL STANDARDS

The following standards shall apply to uses permitted in the C-2 District, as well as standards in Article XIV, General Provisions, of this Ordinance.

1. All of the General Standards of Section 1004 of this Ordinance shall apply to this District, when applicable.
2. A shopping center shall be designed to minimize parking of vehicles between the street and building(s) and encourage parking in side yards and rear yards. Primary access to a shopping center shall be from an arterial street.
3. Shopping centers and other retail centers shall accommodate small, diverse types of businesses by providing a variety of sizes of rental spaces, with emphasis on the smaller spaces.
4. Gasoline service stations shall not include automobile body and paint shops, but be limited to minor automotive repair.

SECTION 1105 MIXED USE OVERLAY DISTRICT

It is the purpose of the Mixed Use Overlay District (MUOD) to provide locations where C-2 commercially zoned land may be developed with concentrations of uses that reinforce the urban land use pattern. The Mixed Use Overlay District is an alternative to the base C-2 zoning and is considered a Conditional Use requiring approval of Borough Council. The MUOD is only applicable to parcel(s) within the C-2 zoning district located contiguous to the intersection of First Ave. and Church St. Uses permitted in the Mixed Use Overlay District are mandatory for that Overlay District and exceed those permitted by right in the C-2 Commercial District in order to establish development density that takes advantage of existing infrastructure and supports the commercial center of the Borough.

Applications for development under the MUOD standards, which propose density greater than conventionally permitted in the commercial zoning districts, shall be required to participate in Borough revitalization programs established by the Borough Council. The basis for required participation in Borough Revitalization projects is to offset the increased density permitted in a MUOD by contributing to planned community improvements designed to facilitate pedestrian, vehicular and transit systems. These projects shall be selected by Council from those included in the Parkesburg Borough Revitalization Plan of 2003, as amended. The extent of participation shall be at the discretion of Council, but may include provision of amenities within the Borough beyond the boundaries of the MUOD. The provision of amenities may take the form of contribution to escrow funds to be employed by Council or the actual construction of amenities at the direction of Council, or both. Agreed upon arrangements for revitalization plan participation shall be contained on the Final Plans for MUOD development and shall be binding upon the applicant. Completion of funding and/or construction shall be considered part of the Plan and subject to agreements between the developer and the Borough Council

Development applications electing to use the MUOD provisions shall be required to prepare a Master Plan for the entire tract, even if the proposal is for a portion of the tract. The Master Plan shall delineate proposed buildings (including descriptions of multi-story buildings), parking, landscape and hardscape materials, utilities and service facilities. For purposes of this Ordinance, the tract shall be those collective parcels identified on the Borough Zoning Map as being eligible for use of MUOD provisions. Master Plans for portions of a MUOD tract shall illustrate how different development phases relate to and link to each other and shall include, but are not limited to, architectural façade drawings, site plans, landscape plans, phasing plans, utility plans, and circulation plans. It is the intent of the MUOD provisions that first level commercial development be multiple small retail businesses, rather than one large retail business.

A Master Plan shall accompany the initial application for approval of a MUOD development and it shall precede the submission of all other application requirements of the Borough Subdivision and Land Development Ordinance. A Master Plan may be substituted for a Sketch Plan. The Borough Council shall review the Master Plan for conformity to the purposes and intent of the MUOD.

The following development standards shall apply to any structures within the C-2 Zoning District which intend to utilize the criteria for a Mixed Use Overlay District:

1. MUOD development shall be one (1) or more buildings a minimum of four (4) stories in height and a maximum of six (6) stories.
2. The first floor development of a MUOD building shall contain commercial, retail uses permitted in the commercial zoning districts selected so as to provide goods and/or services to residents of the MUOD and nearby residential areas. If part of the first floor is used as a parking garage, the front façade of the building(s) shall contain commercial businesses, with parking in the rear of the first floor, and fifty percent (50%) of the second level shall contain commercial, retail establishments. Drive-through business establishments shall be specifically excluded from a MUOD development. Under no circumstances shall residential or office uses occur on the first floor.
3. The second floor development of a MUOD building shall contain professional offices if the total height of the building is four (4) stories or shall contain professional offices on the second and third floors if the total building height is five (5) or six (6) stories in height, except for situations where commercial development in on the second floor in accordance with 2, above.
4. Use of floors above those described above, which may be the third, fourth, fifth and sixth floors, is limited to residential units which may be of various rental or ownership types, including condominium. Each residential unit shall be for permanent occupancy and shall not be intended for transient occupancy.
5. Utilities for MUOD development shall be underground.
6. Services for a structure within a MUOD building, such as trash receptacles and mail delivery, shall be consolidated at single locations for each building.
7. Area and Bulk Standards: Development plans for a MUOD shall propose dimensional standards for building and parking layout. These standards shall be subject to the review and approval of the Borough Council. Notwithstanding approved dimensional standards, the following lot coverage regulations shall apply:
 - A. Maximum Lot Coverage: 75%.
 - B. Maximum Impervious Coverage: 90%.

8. If part of the MUOD development includes a parking structure detached from the main mixed use building, that structure shall be included in the computation of area and bulk standards of Section 1105.7, above. Parking facilities, either within a building or outside, shall be required for all uses within the MUOD, calculated per the standards of this Zoning Ordinance. The applicant may propose additional parking on the MUOD tract which is intended to serve uses outside the tract boundaries. In such case, the applicant shall demonstrate an ability to provide such excess parking to the satisfaction of the Borough Council.
9. An applicant for MUOD development shall prepare a Master Plan, which may substitute for a Sketch Plan, elevations and appropriate other drawings for the consideration of the Borough Council. The drawings shall be at scales appropriate to describe the proposed uses, site design, vehicular circulation and landscaping.
10. Parking: The number of required parking spaces shall conform to the standards of the Zoning Ordinance. Reduction of spaces for use by occupants of a MUOD may be considered on the basis of relationships between the uses and reduced trip generation rates projected by the applicant. Commercial parking for uses beyond the MUOD boundary may be permitted on site if the parking computation for the MUOD is met separately.
11. Landscaping: A Landscape Plan for the MUOD shall be submitted with the Preliminary Plan and contain buffer planting areas around the perimeter of the MUOD site, shade and ornamental trees on the interior of the site, including parking lot landscaping.
12. Preliminary Plans for a MUOD shall meet all requirements of the Borough Subdivision and Land Development Ordinance, in addition to any requirements specific to a MUOD. The Borough Council may require the preparation of a Traffic Impact Study.

ARTICLE XII

I, INDUSTRIAL DISTRICT

SECTION 1200 PURPOSE

The purpose of the I, Industrial District, is to provide sufficient space in appropriate locations within the Borough to meet the needs for current and future industrial land uses. Such industrial sites shall be located so as not to be in conflict with residential uses. Industrial uses shall be protected from congestion by limiting bulk of buildings relative to surroundings and providing adequate vehicular access and circulation. The provision of industrial lands within the Borough strengthens the economic base, promotes stable industries, protects the character of particular industrial areas and enhances local tax revenues.

SECTION 1201 USE REGULATIONS

1. Permitted Uses: In the I, Industrial District, a building shall be erected, altered or used, and a lot or premises shall be used, by right, for any of the following purposes and no other:
 - A. Manufacture and assembly of parts, products and appliances.
 - B. Research, testing and engineering.
 - C. Administrative, contractor's offices.
 - D. Vehicle repair, including automotive body and paint shop.
 - E. Indoor and outdoor storage.
 - F. Municipal offices, facilities and uses, including community facilities.
 - G. Public utility installations.
 - H. Trade school.
 - I. Vehicle parking garage, parking lot.
 - J. Warehouse, terminal.

- K. Junkyard.
 - L. Animal shelter, kennel.
 - M. New and used automobile and truck sales, service.
 - N. Agricultural uses.
 - O. Forestry.
 - P. Indoor retail sales of products related to the permitted industrial use, limited to 10% of the total building area.
 - Q. No-impact home based business.
 - R. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including but not limited to those described in Section 2004, herein.
 - S. Billboard sign or off-premises sign.
 - T. Any use not elsewhere permitted by this Zoning Ordinance.
2. Uses permitted by Special Exception
- A. Gasoline service station.
 - B. Electronic communications transmitting facilities.

SECTION 1202 AREA AND BULK REGULATIONS

- 1. Minimum lot area: 4 acres.
- 2. Minimum lot width:
 - At the building setback line: 50 ft.
 - At the street line: 35 ft.
- 3. Minimum front yard: 40 ft.

4. Minimum side yard: 20 ft.
5. Minimum rear yard: 30 ft.
6. Maximum building height: 2 stories or 30 ft., whichever is less.
7. Maximum building coverage: 40%
8. Maximum impervious coverage: 70%.

SECTION 1203 DESIGN STANDARDS

1. Access, traffic control and interior circulation, as required by Article XV1, herein,
2. Off-street parking, as required by Article XVI, herein, except that such requirements shall be waived for existing commercial uses and for conversions of residential uses to commercial uses.
3. Off-street loading, as required by Article XVI, herein.
4. Landscaping, screening and buffering, as required by Article XIV, herein.
5. Outdoor lighting, as required by Section 426 of the Borough Subdivision and Land Development Ordinance.
6. Outdoor storage, as required by Article XIV, herein.
7. Signs, as required, by Article XVII, herein.

SECTION 1204 GENERAL STANDARDS

1. Kennels with outdoor runs for the keeping of animals shall be separated from the lot lines by a minimum of 100 feet and be visually separated from surrounding uses.
2. Kennels with outdoor runs for the keeping of animals shall be Warehouses and freight terminals dependent upon trucks or railroads shall be located on a major arterial road or a railroad, or both if appropriate.

3. All outdoor storage of materials, equipment, vehicles, including junk, shall be screened in accordance with Article XIV of this Ordinance and shall not be visible from any adjacent parcel or the road frontage.
4. Uses, permitted in the I District, which incorporate offices or other facilities and which serve the general public shall be so designed to separate such public areas from portions of the site utilizing machinery, heavy equipment, storage of materials or products and potentially hazardous areas in general.

ARTICLE XIII

OVERLAY ZONING DISTRICTS

No area within one or more of the Overlay Zoning Districts regulated by this Article shall be used without full compliance with the standards herein. The regulations for any Overlay Zoning District shall supersede the underlying zoning district. If the boundaries of the Overlay Zoning District are removed from an area as a result of legislative or administrative actions or a judicial decision, the zoning requirements of the area in question shall revert to the requirements of the underlying zoning district(s). The boundaries of an Overlay Zoning District shall not be affected by any change in the classification of zoning of the area in question. It is not the intent of this Article to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article imposes a greater restriction, the provisions of this Article shall prevail.

SECTION 1300 FLOODPLAIN OVERLAY DISTRICT

1. Purpose:

In addition to statements of purpose in Article I of this Zoning Ordinance, the specific purpose of the provisions set forth hereinafter is to prevent: the loss of property and life, the creation of health and safety hazards, the destruction of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief and the impairment of the tax base by:

- A. Regulating uses, activities, construction and development which, acting alone or in combination with other existing or future uses, activities, construction and development, will cause unacceptable increases in flood heights, velocities and frequencies;
- B. Restricting or prohibiting certain uses, activities, construction and development from being located within areas subject to flooding;
- C. Requiring all those uses, activities and construction that do or will occur in flood-prone areas to be protected and/or flood proof against flooding and flood damage;
- D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

2. General

- A. No structure or land shall hereafter be used, and no structure shall be located, relocated, substantially improved, constructed, reconstructed, enlarged, or structurally altered, except in full compliance with the terms and provisions of this Article and any other applicable ordinance or regulations which may apply to uses or structures within the jurisdiction of this ordinance.
- B. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken any construction or development anywhere within the Borough unless the required permit has been obtained from the Zoning Officer.

3. Applicability

The provisions of this Article shall apply to all land within the jurisdiction of the Borough, if such land is within the boundaries of the designated flood plain districts which are considered as part of the Floodway Area, Flood Fringe Area, and/or the General Flood Plain Area, as defined hereinafter.

SECTION 1301 WARNING AND DISCLAIMER OF LIABILITY

- 1. The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and, bridge openings restricted by debris. This Article does not imply that areas outside any identified floodplain area, or any land uses permitted within such areas, will be free from flooding or flood damage.
- 2. This Article shall not, under any circumstances, create liability on the part of the Borough of Parkesburg, any Council Member thereof, or any officer or employee thereof, for any flood damage(s) that may result from reliance on this Article or any administrative decision lawfully made hereunder.

SECTION 1302 DEFINITIONS

1. General

Unless specifically defined below, the words and phrases used in this Article shall be interpreted so as to give its most reasonable application.

2. Specific definitions related to Floodplains are found in Article U, Definitions, of this Zoning Ordinance.

SECTION 1303 DESIGNATION AND IDENTIFICATION OF FLOODPLAIN AREAS

1. Areas Considered Floodplain

For purposes of this Article, the areas considered to be floodplain shall be those areas within the Borough of Parkesburg which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study ("FIS") dated November 20, 1996, as amended from time to time. A Flood Insurance Rate Map ("FIRM") prepared by the Federal Emergency Management Agency ("FEMA") showing all areas considered to be subject to the one-hundred (100) year flood shall be available for inspection at the Borough Hall.

2. Nomenclature for Floodplain Areas

The following nomenclature shall be used in referring to the various kinds of floodplain areas:

- A. FW (FLOODWAY AREA): shall mean the areas identified as "Floodway" in the AE Zone in the FIS prepared by FEMA (and shown on the FIRM) referenced in Section 1303.1, above. These areas, for purposes of this Article, are delineated using the criteria that certain areas within the floodplain must be capable of carrying the waters of a one-hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in the FW are specifically defined in the Floodway Data Table contained in the above-referenced FIS, and shall also include Floodway areas which have been identified in other available studies or sources of information for those Floodplain areas where no Floodway has been identified in the FIS.

- B. FF (FLOOD-FRINGE AREA) shall mean the remaining portions of the one-hundred (100) year floodplain in those areas identified as an AE Zone in the FIS prepared by FEMA (and depicted on the accompanying FIRM) referenced in Section 1303.1, above. The basis for the outermost boundary of the FF area shall be the one-hundred (100) year flood elevations contained in the flood profiles in the above-referenced FIS, and shown on the FIRM.

- C. FA (GENERAL FLOODPLAIN AREA): shall mean the areas identified as "Approximate 100 Year Floodplain" i.e. the areas identified as "Zone A" in the Flood Insurance Study, referenced in Section 1303.1, above for which no one-hundred (100) year flood elevations have been provided. When available, information from other Federal, State and other acceptable sources shall be used to determine the one-hundred (100) year elevation, as well as floodway area, if possible. When no other information is available, the one-hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the Borough Council may require an applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualification, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough Engineer.

3. Changes in Floodplain Area Delineations

- A. The areas revised or studies or agency or possibility considered to be floodplain may be modified by the Borough Council where information provided by a qualified person documents the need for, or of, such revisions.

- B. No modification or revision by the Borough council of any floodplain area identified in the FIS prepared by the Federal Insurance Administration shall be made without prior approval of the Federal Emergency Management Agency, or the Federal Insurance Administration as appropriate

4. Disputes

Should a dispute arise concerning the identification of any floodplain area, the initial determination shall be made by the Planning Commission of the Borough. If a person contests the determination made by the Borough's Planning Commission, that person shall have the burden of establishing that the subject property does not lie within any identified floodplain area, and any such appeal shall be filed to the Borough Council within thirty (30) days after the determination has been made by the Borough Planning commission. In conjunction with the appeal submitted by the person contesting the decision of the Borough Planning Commission, that person shall simultaneously submit a copy of his or her appeal to the Federal Emergency Management Agency, and, prior to the determination on the appeal by the Borough Council, the Borough council must receive from the Federal Emergency Management Agency its determination, which said determination shall be considered by the Borough Council before rendering any decision.

SECTION 1304 PERMITTED AND PROHIBITED STRUCTURES AND/OR USES AND/OR ACTIVITIES IN FW, FA OR FFAREAS

1. Permitted Principal Uses

- A. Recreation and conservation uses such as: parks, play fields and playgrounds, hiking, bicycle and bridle trails; picnic and sitting areas; woodlands; lakes and ponds; nature sanctuaries, refuges and conservation areas, and other non-commercial recreational and conservation, uses not requiring structures.
- B. Agricultural uses that do not require structures including: general farming, pasturage, orchards, grazing, outdoor plant nurseries, truck farming, vegetable and flower gardening, wild crop harvesting, horticulture and forestry.
- C. Boundary fences.
- D. Water lines and sealed wells.
- E. Residential and Non-residential Buildings or structures, as are permitted in the particular Zoning District, subject to the provisions of the Zoning Ordinance, and specifically subject to

the provisions of this Article, with the exception of those buildings or structures specifically prohibited by Section 1304.2, herein.

2. Prohibited Uses Structures and Activities

A. The following uses, structures and activities are specifically prohibited, either in whole or in part within an identified floodplain area, notwithstanding any provisions of this Article, the Zoning Ordinance of the Borough of Parkesburg, or any other Ordinance of the Borough of Parkesburg:

- (1) Sod farming.
- (2) Removing of top soil.
- (3) On-site domestic waste disposal systems.
- (4) Cutting or removal of trees or other flora, except upon securing a variance where the area is devoted to forestry or nursery use in which case cutting or removal shall be on a selective basis with reforestation measures.
- (5) Hospitals of any nature.
- (6) Nursing Homes of any nature.
- (7) Prison, jails, holding cells, etc.
- (8) New mobile homes, new mobile home parks, mobile home subdivisions, substantial improvements to existing mobile home parks, or substantial improvements to the exterior of existing mobile homes.
- (9) Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 225 gallons or other comparable volume) of any of the following dangerous materials or substances on the premises:
 - a. Acetone

- b. Ammonia
- c. Benzene
- d. Calcium carbide
- e. Carbon disulfide
- f. Celluloid
- g. Chlorine
- f. Hydrochloric acid
- l. Hydrocyanic acid
- j. Magnesium
- k. Nitric acid and oxides of nitrogen
- l. Petroleum products (gasoline, fuel oil, etc.)
- M. Phosphorus
- n. Potassium
- o. Sodium
- p. Sulphur and sulphur products
- q. Pesticides (including insecticides, fungicides and rodenticides)
- r. Radioactive substances, insofar as such substances are not otherwise regulated.

SECTION 1305 TECHNICAL PROVISIONS

1. General

- A. Any person desiring to encroach, alter, or make any improvement

of any kind to any watercourse shall, at that person's sole cost and expense, notify all adjacent municipalities which may be affected by such action, and secure, at that person's sole cost and expense, all required permits or approvals from the Commonwealth of Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterway Management, or the successor thereto. All notifications required by this subsection shall be sent by certified mail, return receipt requested.

- B. In addition, the Federal Emergency Management Agency or the Federal Insurance Administrator, **as** appropriate, and the Pennsylvania Department of Community and Economic Development (DCED) shall be notified in writing by certified mail, return receipt requested, by any person requesting or seeking any alteration or relocation of any watercourse.
- C. Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

2. Floodway Area and Stream Setback Requirements

- A. Within any FW (Floodway Area), the following provisions apply:
 - (1) Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
 - (2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management.
- B. Within any FA (General Floodplain Area), the following provisions apply:
 - (1) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams and waterway Management.

3. Elevation and Floodproofing Requirements

A. Residential Structures

Within any FW, FE or FA, the lowest floor (including basement) of any new construction or substantially improved residential structure shall be at least one and one-half (1-1/2) feet above the one-hundred (100) year flood elevation.

B. Non-Residential Structures (including Accessory Structures)

(1) Within any FW, FE or FA, the lowest floor (including basement) of any new construction or substantially improved non-residential structure shall be at least one and one-half (1-1/2) feet above the one-hundred year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

(2) Any non-residential structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood-Proofing Regulations" (U. S. Army Corps of Engineers, June, 1972), or some other equivalent standard, for that type of construction. All plans and specifications for such flood proofing shall be accompanied by a statement certified by a registered professional engineer or architect which certifies that both the proposed design and methods of construction are in compliance with the above-referenced standards.

C. Enclosed space below the lowest floor (including any basement) is prohibited.

SECTION 1306

DESIGN AND CONSTRUCTION STANDARDS

The following design and construction standards shall apply for all construction and development proposed within any identified floodplain area:

1. Fill

If fill is used, it shall:

- A. Extend laterally at least fifteen (15) feet beyond the building line from all points,
- B. Consist of soil or small rock materials only. Sanitary Landfills shall not be permitted,
- C. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling,
- D. Be no steeper than one (1) vertical or three (3) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by, the Zoning Officer,
- E. Be used to the extent to which it does not adversely affect adjacent properties

2. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

3. Water and Sanitary Sewer Facilities and Systems

- A. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- B. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- C. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

4. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

5. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

6. Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life, and not listed in Section 1 304.2.A(9), herein shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

7. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constricted so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

8. Anchoring

- A. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- B. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

9. Floors, Wall and Ceilings

- A. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- B. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water resistant" variety.

- C. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- D. Windows, doors and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

10. Paints and Adhesives

- A. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
- B. Adhesives used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
- C. All wooden components (doors, trim, cabinets, etc.) at or below the Regulatory Flood Elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

11. Electrical Components

- A. Electrical distribution panels shall be at least four (4) feet above the one-hundred (100) year flood elevation.
- B. Separate electrical circuits shall serve lower levels and shall be dropped from above.

12. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

13. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

SECTION 1307 SPECIAL REGULATIONS FOR MOBILE HOMES

1. The placement of any mobile home or homes within any FW (Floodway Area) is absolutely prohibited.
2. Within FA (General Floodplain Area), the placement of a mobile home or homes shall be prohibited within the area measured fifty (50) feet landward from top-of-bank of any watercourse.\
3. Where permitted within any FF (Flood Fringe Area) or FA (General Floodplain Area) all mobile homes and any additions thereto shall be:
 - A. Placed on a permanent foundation;
 - B. Elevated so that the lowest floor of the manufactured home is one and one-half (1-112) feet or more above the elevation of the one-hundred (100) year flood;
 - C. Anchored to resist flotation, collapse or lateral movement.
4. An evacuation plan showing alternate vehicular access, access for emergency vehicles and escape routes shall be filed with the Borough Secretary and the Chief of Police of the Borough for all manufactured home parks.

SECTION 1308 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

1. General Provisions

Structures existing in any identified Floodplain Area prior to the enactment of this Article may continue to exist subject to the following provisions:

- A. No expansion or enlargement of an existing structure shall be allowed within any identified floodway that would cause any increase in flood heights.
- B. Any substantial improvement, as that term is defined in Article II, herein shall be undertaken only in full compliance with the provisions of this Article.

- C. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50%) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible.

SECTION 1309 ADMINISTRATION

1. Permits Required

In addition to any permit that may be required by the provisions of this Ordinance or any other ordinance of the Borough, a separate "Floodplain Construction/Use Permit" ("F.C.U.P.") shall be required before any use, construction, development, land development, enlargement, and/or alteration is commenced within any floodplain area as identified in Section 1304 of this Article.

2. Issuance of Permit

- A. The Zoning Officer shall issue the F.C.U.P. required by Section 1309.1, above, only after he or she receives a written certification by the Borough Engineer that the proposed use, construction, development, land development, enlargement, alteration, etc., will be in conformity with the requirements of this Article, and any and all other applicable codes, ordinances, regulations, etc.
- B. Prior to the issuance of any F.C.U.P., the Zoning Officer shall review the application for permit to determine if all other necessary governmental permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the U.S. Clean Water Act, §404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). No permit shall be issued until this determination has been made.
- C. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough and until all required permits or approvals have been first obtained from the Department of Environmental Protection.

- D. Prior to any alteration and/or any relocation of any watercourse, any person desiring to alter and/or relocate the watercourse shall notify the Federal insurance Administrator, the Pennsylvania Department of Community and Economic Development, and the Federal Emergency Management Agency. All such notifications shall be in writing by Certified Mail, Return Receipt Requested, with copies thereof sent to the Borough Zoning Officer.

3. Application Procedures and Requirements

- A. Applications for the F.C.U.P. shall be made simultaneously to the Zoning Officer and the Borough Engineer, and shall be in accordance with the Uniform Construction Code, as amended.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, the applicant for F.C.U.P.'s shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer and Borough Engineer to determine that:
 - (1) All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances;
 - (2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.

4. Information Required

In order to secure the F. C. U. P. required under this Article, all applicants shall submit the following information to the Zoning Officer and Borough Engineer:

- A. A completed F.C.U.P. Application form.
- B. A plan of the entire site, clearly and legibly drawn at a scale of one (1") inch being equal to one hundred (100) feet or less, showing the following:
 - (1) North arrow, scale and date.

- (2) Topographic contour lines at one foot (1) intervals.
- (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
- (4) The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development.
- (5) The location of all existing streets, drives and other accessways.
- (6) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway and the flow of water including direction and velocities.

C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

- (1) The proposed lowest floor elevation of any proposed building based upon National Geodetic vertical Datum of 1929.
- (2) The elevation of the one-hundred (100) year flood.
- (3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred (100) year flood.
- (4) Detailed information concerning any proposed flood proofing measures.

D. The following data and information:

- (1) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one-hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one-hundred (100) year flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

- (2) Detailed information needed to determine compliance with Section 13042A (9), including:
 - a. The amount, location and purpose of any materials or substances referred to in Section 1304.2.A(9) and which are intended to be used, produced, stored or otherwise maintained on site.
 - b. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials listed in Section 1304.2.A (9) during a one hundred (100) year flood.\
- (3) The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development".
- (4) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

5. Review by Chester County Conservation District

- A. Complete copies of all F.C.U.P. applications and information required to be submitted to the Zoning Officer and Borough Engineer under this Article shall also be submitted by the applicant to the Chester County Conservation District for review and comment.
- B. No F.C.U.P. shall be issued by the Zoning Officer of the Borough until he or she shall have received from the Chester County Conservation District its written review and comments.

6. Application Fee

All applications for the F.C.U.P. shall be accompanied by a fee, payable to the Borough of Parkesburg. This fee shall be based upon an established fee schedule enacted by Borough Council

SECTION 1310 VARIANCES

1. General

- A. Appeals from any provision of this Article shall be governed by the applicable provisions of Article IX of the Pennsylvania Municipalities Planning Code, as amended, and the provisions of Section 1908, herein.
- B. When a variance is requested from the Zoning Hearing Board from any provisions of this Article, the Zoning Hearing Board, in addition to the considerations and standards contained in Section 1908, herein, shall also consider the following standards and criteria, where appropriate, and any applicant shall have the burden of proving that the relief, if granted, will:
 - (1) Minimize the danger to life and personal property due in increased flood heights or velocities caused by encroachments;
 - (2) Minimize the danger that materials may be swept onto other lands or down stream to cause injury to others and/or real or personal properties;
 - (3) Protect proposed water supply and sanitation systems, and demonstrate the continued ability of these systems to avoid causing disease, contamination and unsanitary conditions.

2. Procedure

- A. Upon submitting an application for a variance to the Zoning Hearing Board, the applicant shall, at the applicant's expense, simultaneously with the submission of the request for a variance, submit the following materials and information to the Zoning Hearing Board and the Borough's Engineer:
 - (1) Plans, in triplicate, drawn to scale, showing the nature, location, dimensions and elevation of the lot and existing and proposed uses.
 - (2). Photographs showing existing uses and vegetation.
 - (3) A report describing the soil type(s) on the lot and associated soil characteristics and other pertinent information with respect thereto.

- (4) A series of cross-sections at such intervals as the Borough's Engineer may deem necessary along the lot shore line, showing the stream channel or lake or pond bottom, and the elevation of adjoining land areas to be occupied by the proposed use(s), and high water information.
- (5) Profile showing the slope of the bottom of the channel, watercourse, lake or pond.
- (6) Specifications for building materials in construction, flood proofing, flung, dredging, grading, landscaping, storage, water supply and sanitary facilities.
- (7) Computation of the increase, if any, in the height of flood stages which would be attributable to any proposed uses, construction, or changes.
- (8) Computation of the increase, if any, in the run-off from the one-hundred (100) year frequency, twenty (24) hour duration storm, attributable to any proposed use(s).
- (9) The lowest floor (including basement) elevation of the proposed structure or building based upon National Geodetic Vertical Datum of 1929.
- (10) A listing of all required Commonwealth and federal permits.
- (11) The elevation of the one-hundred (100) year flood.
- (12) If any part of a proposed building or structure, or a substantial improvement to an existing building or structure is to be built below the elevation of the one-hundred (100) year flood, the applicant must submit documentation certified by a registered professional engineer or architect, which certifies that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one-hundred (100) year flood. (This statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or development. Detailed local flood proofing regulations can be substituted.)

B. Requests for variances shall be considered by the Zoning Hearing Board subject to the following:

- (1) No variance shall be granted for any construction, development, use or activity within any Flood Hazard Area which would cause any increase in the one-hundred (100) year flood elevation.
- (2) The variance, if granted, will be the minimum variance necessary to afford relief.
- (3) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions it deems necessary to safe-guard the public health, safety and welfare, and to achieve the objectives of this Article.
- (4) If any Variance from the provisions of this Article is granted by the Zoning Hearing Board, the Board, in any Order granting any Variance shall include the following statement which shall be conspicuously set forth on the face of the Order in bold-faced capitalized type:

"THE APPLICANT(S) IS HEREBY NOTIFIED THAT THE VARIANCE(S) GRANTED BY THIS ORDER MAY RESULT IN AN INCREASE OF PREMIUMS FOR FLOOD INSURANCE AND MAY INCREASE THE RISK TO LIFE AND PROPERTY."

3. Prospective Sale

A. In any case where the Zoning Hearing Board shall grant a variance to permit the erection of a structure in the Floodplain District, the Zoning Hearing Board, for the protection of prospective future purchasers and/or lessees shall impose the following conditions, which shall also constitute a requirement for approval of any future subdivision and/or land development:

- (1) Require, as a condition of approval, that an applicant advise prospective purchasers and/or lessees that the lot is located entirely or partially (as the case may be) in the Floodplain District.

- (2) Require that, before settlement , or before any change in non-conforming use occurs, as the case may be, the prospective purchaser or lessee acknowledges, in writing, that he, she or it has been advised that the property lies partially or entirely in a Floodplain District, and further, the prospective purchaser or lessee shall deliver a signed copy of the acknowledgment to the Borough.
- (3) Require any Deed, Lease or Declaration, as appropriate, to contain the following provision:

"This lot is entirely or partially within the Floodplain District as defined by the Zoning Ordinance of Parkesburg Borough, Chester County, Pennsylvania."

4. Records

A complete copy of all variance applications filed pursuant to this Article, orders granting or denying variances, and acknowledgments shall be maintained in the Borough offices, and copies of all variances granted by the Zoning Hearing Board during any given calendar year shall be included in the Borough's Annual Report to the Flood Insurance Administrator.

SECTIONS 1311 through 1319 (Reserved for Future Use) SECTION

1320 STEEP SLOPE OVERLAY DISTRICT

Purpose:

In addition to the general intent set forth in Article (of this Ordinance, the specific purpose of this Section is as follows:

- A. To promote the public health, safety and welfare by protection of steep slope areas.

- B. To permit only those uses of steep slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by minimizing disturbances to vegetative ground covers and restricting the regrading of steep slope areas.
- C. To limit soil erosion and the resultant destruction of the land, siltation of streams, and damage to the property of individuals.
- D. To protect low-lying areas from flooding by Limiting the increase in stormwater runoff caused by grading of slope areas, changes of ground cover, or the erection of structures.
- E. To maintain the ecological integrity and habitat value of steeply sloped areas, i.e., indigenous vegetation and wildlife, which could be adversely affected by otherwise permitted disturbances.
- F. To allow the continuing replenishment of ground resources and the maintenance of springs.

SECTION 1321 GENERAL PROVISIONS

1. No area within the Steep Slope Overlay District shall hereafter be used without full compliance with the terms of this Section and other applicable regulations. The Steep Slope Overlay District shall be deemed an overlay on any zoning district(s) now or hereafter enacted to regulate the use of land in the Borough.
2. The Steep Slope Overlay District shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the Steep Slope Overlay District, as defined herein and said uses are in conflict with the permitted uses set forth in this Section.
3. In those areas of the Borough where the Steep Slope Overlay District applies, the requirements of the Steep Slope Overlay District, to the extent they are more restrictive, shall supersede the requirements of the underlying zoning district.

4. Each application for construction or land disturbance within the Steep Slope Overlay District shall be submitted in accordance with Section 1324. Any area of the Steep Slope Overlay District that falls within the subject lot or lots shall be interpolated and shown on the site plan required under Section 1324.1 through shading of such area or areas.
5. Should the Steep Slope Overlay District boundaries be revised, to exclude previously included lands, as a result of legislative or administrative action or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration of this Section.
6. For any parcel or any part thereof on which the Steep Slope Overlay District is an overlay, should the underlying zoning classification (s) be changed as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on boundaries of the Steep Slope Overlay District, unless an amendment to said boundaries was included as part of the proceedings from which the subsequent change(s) originated.
7. It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail.
8. The granting of a zoning permit or approval of a subdivision or land development plan within or near the Steep Slope Overlay District shall not constitute a representation, guarantee, or warranty of any kind by the Borough, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Borough, its officials or employees. This Ordinance does not imply that areas outside the Steep Slope Overlay District boundaries or land uses permitted within said Steep Slope Overlay District will always be totally, free from the adverse effects of erosion.

SECTION 1322 DESIGNATION AND INTERPRETATION OF THE STEEPSLOPE
OVERLAY DISTRICT BOUNDARIES

1. The Steep Slope Overlay District consists of two (2) areas which are delineated and defined as follows:

- A. Prohibitive Slope - Prohibitive slopes are those of twenty-five percent (25%) or greater slope (e.g., sloping twenty-five (25) feet or more vertical over a distance of one hundred (100) feet horizontal). Slopes shall be deemed prohibitive when there are five (5) or more adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate slope of at least twenty-five percent (25%).
 - B. Precautionary Slope - Precautionary slopes are those of fifteen (15) to twenty-five (25) percent slope (e.g., sloping at a rate of fifteen (15) to twenty-five (25) feet vertical over a distance of one hundred (100) feet horizontal). Slopes shall be deemed precautionary when there are four (4) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope between fifteen (15) and twenty-five percent (25%).
- 2. Steep Slopes shall be determined by either aerial photogrammetric methods or by field survey. The contour intervals shall be set forth at no more than two (2) feet per interval on slopes less than twenty-five percent (25%), and may be set forth at five (5) feet per interval on slopes of twenty-five percent (25%) or greater. On properties of one (1) acre or less containing no slopes greater than ten (10) percent, U.S.G.S. 7.5 minute Quadrangles may be used as the source of slope information, subject to the approval of the Zoning Officer upon the recommendation of the Borough Engineer.
 - 3. Where an interpretation is needed as to the exact location of the boundaries of the Steep Slope Overlay District in relation to a given parcel, an initial determination shall be made by the Borough Engineer. Any party seeking such a determination may submit a topographic survey of the property and any other pertinent documentation for consideration. The Borough Engineer shall make a written report of the results of his initial determination, a copy of which shall be provided to the Borough Council.
 - 4. Any party aggrieved by any such determination of the Borough Engineer or other decision or determination under this Section may appeal to the Zoning Hearing Board. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

SECTION 1323 USES PERMITTED BY RIGHT

1. In any part of the Steep Slope Overlay District, all grading shall be minimized, and no grading shall be undertaken within any area of the Steep Slope Overlay District except where approved in conjunction with a use permitted under the terms of this Section.
2. The following are the only uses permitted as of right in areas of prohibitive slope. Such uses also shall be in compliance with the base zoning district, and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems, or permanent removal of top soil unless replaced by approved engineered structures.
 - A. Parks and outdoor recreational uses, consistent with the goals of watershed protection.
 - B. Yard areas of a building within the Steep Slope Overlay District.
 - C. Pastures and other agricultural activities such as tree farming that do not expose the soil to erosion on a regular periodic basis.
 - D. Logging and wood cutting, where such activity is limited to highly selective removal of trees and does not involve clear-cutting. Maximum precautions shall be taken to avoid destruction of or injury to underscore brush and trees.
 - E. The minimum possible grading for a driveway accessing a single family dwelling or other building when it can be demonstrated that no other routing which avoids prohibitive slopes is feasible or economically reasonable.
 - F. The minimum possible installation of public or private transmission lines such as power, phone, gas, water, sewer or storm sewer lines when it can be demonstrated that no other routing which avoids prohibitive slopes is practicable or economically reasonable.
3. Within any lot, the maximum extent of areas classified as prohibitive slopes that may be permanently disturbed for the installation of site improvements shall be limited to twenty percent (20%) of the prohibitive slope area, or ten percent (10%) of the lot area, whichever is the lesser, subject to the approval of the Zoning Officer on the recommendation of the Borough Engineer. Any such disturbance in excess of either twenty percent (20%) of the prohibitive slope area or ten percent (10%) of the lot area shall require the granting of a special exception by the Zoning Hearing Board. On any lot, the total amount of

impervious surface that may be installed within areas of prohibitive slope shall not exceed twenty percent (20%) of the total impervious area permitted according to the provisions of the underlying base zoning district.

4. The following are the only uses permitted by right in areas of precautionary slope, provided they also are in compliance with the base zoning district and all other provisions of this Ordinance.
 - A. All uses permitted in areas of prohibitive slopes.
 - B. Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods, approved by the U.S. Natural Resources Conservation Service (NARCS) or the Chester County Conservation District.
 - C. Access roads for the passage of emergency vehicles in the event of fire or accident.
 - D. Accessory uses (except swimming pools), necessary for the operation and maintenance of the above permitted uses.
5. Within any lot, the maximum extent of areas classified as precautionary slopes that may be permanently disturbed for the installation of site improvements shall be limited to forty percent (40%) of the precautionary slope area, or twenty percent (20%) of the lot areas, whichever is the lesser, subject to the approval of the Zoning Officer on the recommendation of the Borough Engineer. Any such disturbance in excess of either forty percent (40%) of the precautionary slope area or twenty percent (20%) of the lot area shall require the granting of a special exception by the Zoning Hearing Board. On any lot, the total amount of impervious surface that may be installed within areas of precautionary slope shall not exceed forty percent (40%) of the total impervious area permitted according to the provisions of the underlying base zoning district.
6. Uses Permitted by Special Exception.
 - A. Any of the following uses are permitted within the Steep Slope Overlay District when approved as a special exception by the Zoning Hearing Board in accordance with Section 1909 of this Ordinance:

- (1) Any structure permitted by right, special exception, or conditional use according to the terms of the underlying base zoning district.
 - (2) Any road necessary to provide primary access to a use permitted by this Ordinance, when no practical alternative exists in an area of lesser slope.
- B. In areas of prohibitive slopes, these activities shall not be approved by the granting of a special exception unless the applicant demonstrates that there is no alternative which could avoid encroachment into the areas of prohibitive slope. In making its determination, the Zoning Hearing Board shall give particular weight to the criteria and standards in Section 1325, herein.

SECTION 1324 ADMINISTRATION

The following specific application procedure requirements shall apply:

1. Before a permit is issued for any construction or land disturbance activity on land within or affecting the Steep Slope Overlay District, the following material, in full or in pertinent parts, shall be submitted for review by the Zoning Officer or the Zoning Hearing Board. If the disturbed land contains no steep slopes, the application may be reviewed by the Zoning Officer. Conversely, if the disturbed land contains steep slopes, the application must be reviewed by the Zoning Hearing Board. No zoning permit shall be issued by the Zoning Officer, and no special exception shall be granted by the Zoning Hearing Board, without the Borough Engineer's review of this material and recommendation thereon.
 - A. A grading plan of the property at a scale of no more than one hundred (100) feet to the inch which indicates existing grades and proposed grades, both at two (2) foot intervals, within the area of any proposed activity, disturbance, or construction. All areas of prohibitive and/or precautionary slope shall be shaded accordingly.
 - B. A site plan indicating existing and proposed structures, other impervious surfaces, storm drainage facilities, and retaining walls. The site plan also shall located and identify existing vegetation and ground cover within

areas of prohibitive and precautionary slopes, as well as proposed landscaping material to be installed.

- C. Architectural plans, elevations, and sections, with such specifications as may be pertinent.
- D. A statement, signed and sealed by a registered architect or registered professional engineer, providing construction methods to be used for foundations and other structural situations affected by steep slopes, and addressing methods to preserve the natural watersheds, and prevent soil erosion and excessive surface water runoff to adjacent properties and/or streets.
- E. Plans, profiles, and typical cross-sections of any proposed street, emergency access, or driveway within areas of prohibitive and precautionary slopes, signed and sealed by a registered professional engineer.
- F. A sediment and erosion control plan, with construction narrative, setting forth the measures to control sediments generated on site by the proposed activity. The plan shall be prepared according to the standards and procedures established by the Chester County Conservation District and the Pennsylvania Department of Environmental Protection.
- G. A statement, signed by the land owner or the future occupant at the time of the subdivision, land development, or building permit application, that there is a full understanding of access as it relates to steep slopes.

SECTION 1325 STANDARDS AND CRITERIA FOR REVIEW OF SPECIAL
EXCEPTIONS IN THE STEEP SLOPE OVERLAY DISTRICT

- 1. In evaluating any application for a special exception within the Steep Slope Overlay District, the Zoning Hearing Board shall determine consistency of the proposal with the following:
 - A. Disturbance to particularly sensitive features of the site shall be minimized; site planning emphasis should be given to the protection of:

- (1) The areas of steepest slope, especially those approaching or exceeding twenty-five percent (25%).
 - (2) Soils with seasonal high water table.
 - (3) Underlying geology which comprises, or contributes to, a major groundwater resource, including the flow of existing springs.
- B. Disturbance shall be minimized where the length or area of steep slopes, both on the site and on adjacent lands within two hundred (200) feet of the site, is extensive.
- C. The proposed development, any impervious ground cover, and the resultant disturbance to the land and existing vegetative cover will not cause runoff and/or related environmental problems off the site.
- D. Removal of, or disturbance to, existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, transportation and recharge or storm water, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. Mitigation measures may be required by the Zoning Hearing Board, as it deems appropriate.
- E. The design and construction procedures and sediment and erosion control measures are such that there is no risk of damage or impairment to adjacent slopes, neighboring properties, or down-slope watercourses as a result of the proposed activities.
- F. Important visual qualities of the site shall, to the maximum extent feasible, be retained; in addition to vegetation, these may include hilltops, ridgelines, rock outcroppings and the natural terrain and contours of the site.
- G. Road construction shall follow the natural topography, with cuts, fills and grading minimized.
- H. Innovative, imaginative building techniques that are well suited to slope conditions shall be encouraged, consistent with other applicable codes and regulations.

- I. The equilibrium of the slope, as characterized by the existing inter-relationships among soil, water, and vegetation, shall be disturbed as little as possible.
- J. Finished slopes of all cuts and fills shall not exceed thirty-three percent (33%), unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the Borough.
- K. Exposed cut slopes within or below prohibitive slopes shall be minimized so that engineered retaining walls or other structures are utilized to the greatest extent practicable to maintain the stability of the disturbed slopes and reduce the risk of harm by reason of erosion and potential slope failure resulting in mud slides.
- L. In addition to all other applicable provisions of this Ordinance, all activities within the Steep Slope Overlay District shall conform to the requirements of the Subdivision and Land Development Ordinance relating to storm water management, sediment and erosion control.

SECTION 1326 USES AND/OR STRUCTURES RENDERED NON-CON FORMING BY THE ADOPTION OF THE STEEP SLOPE OVERLAY DISTRICT.

Following the adoption of this Section, any use or structure which is situated within the boundaries of the Steep Slope Overlay District and which does not conform to the permitted uses specified in Section 1323 of this Ordinance shall become a non-conforming use or structure, regardless of its conformance to the district in which it is located without consideration of this Section. The expansion or continuance of said non-conforming use or structure shall be governed by the requirements of this Article. However, the Zoning Hearing Board shall also ensure that the standards contained in Section 1325 of this Article are applied to the expansion or change of said non-conforming use or structure.

SECTIONS 1327 through 1329 (Reserved for Future Use)

SECTION 1330 HISTORIC PRESERVATION OVERLAY DISTRICT

Purpose and Specific Intent

It is the specific intent of the Parkesburg Borough Council and the purpose of this Section to preserve and protect the historical and cultural heritage of the Borough as well as to protect the character of the Borough, as expressed in its historic architectural resources.

**SECTION 1331 ALTERATION, RECONSTRUCTION AND DEMOLITION OF
HISTORIC RESOURCES**

An owner of a historic building or historic structure, as defined in this Section, shall not alter the exterior, reconstruct, remove or demolish or cause the exterior alteration, reconstruction, removal or demolition of a historic building or structure without first obtaining a permit from the Borough. A historic building or structure is defined as any building or structure located in the Parkesburg Borough Historic District which meets both of the following criteria:

1. A building or structure which is fifty (50) or more years old at the time of permit application.
2. A building or structure which is determined by the Planning Commission, in its recommendation to the Borough Council, to have significant historical significance to the Borough.

**SECTION 1332 CONSTRUCTION, ERECTION OR PLACEMENT OF A BUILDING
OR STRUCTURE ON A HISTORIC LOT AREA**

An owner of a historic lot area, as defined in this Section, shall not construct, erect or place a building or structure or cause the construction, erection or placement of such building or structure within a historic lot area without first obtaining a permit from the Borough. A historic lot area is defined as any undeveloped lot in the Parkesburg Borough Historic District, as delineated on the Parkesburg Borough Historic District Map.

SECTION 1333 SUBDIVISION OF A HISTORIC LOT AREA

As of the effective date of this Ordinance, no further subdivision of a historic lot area shall be permitted.

SECTION 1334 PERMIT APPLICATION AND REVIEW PROCEDURES FOR EXTERIOR ALTERATION, RECONSTRUCTION, REMOVAL OR DEMOLITION OF A HISTORIC BUILDING OR STRUCTURE AND CONSTRUCTION, ERECTION OR PLACEMENT OF A STRUCTURE ON A HISTORIC LOT AREA.

1. Prior to an application for a building permit, the applicant shall submit to the Borough a completed application for an Historic Building Activity Permit on such form as shall be prescribed by the Borough together with the following if the application is for exterior alteration or reconstruction of an historic building or structure, or construction, erection or placement of a building or structure on a historic lot area:
 - A. A plan, drawn at scale of 1" = 100', that clearly delineates the proposed exterior alteration or reconstruction of an historic building or structure, or construction, erection or placement of a new structure on a historic lot area.
 - B. Architectural renderings that clearly demonstrate the nature of the proposed exterior alterations or reconstruction of an historic building or structure, or construction, erection or placement of a new structure on an historic lot area.
2. The application shall be reviewed by the Planning Commission at its next regularly scheduled meeting and shall make a recommendation to the Borough Council within ninety (90) days of the date of the meeting.
3. The Planning Commission shall consider the following criteria, pertinent to the preservation of the historical and/or architectural aspect and nature of the building or structure, in its recommendation to the Borough Council:
 - A. The broad historical values representing the cultural, political, economic or social, history of the Borough.
 - B. The relationship of the building or structure to historic persons or events.
 - C. Significant architectural types, representative of a certain historical period and style or method of construction.

- D. The effect of the proposed change upon the historical and architectural nature and character of the Borough.
- E. The appropriateness of the exterior architectural features that can be seen from a public street or way.
- F. The general design, arrangement, texture and material of the building or structure after exterior alteration or reconstruction and the relation of such factors to similar features of buildings or structures in the Borough. Consideration shall be given but not limited to the following:
 - (1) Proportion of Building Front Facades - Preserving the relationship between the width of the front of the building and the height of the front of the building.
 - (2) Proportion of Openings within the Building - Preserving the relationship of width to height of windows and doors.
 - (3) Rhythm of Spacing of Buildings on Streets - Preserving the existing rhythm of recurrent or repeated building masses to spaces between each building.
 - (4) Rhythm of Entrance and/or Porch Projections - Preserving the existing rhythm of entrances or porch projections to maintain a pedestrian scale.
 - (5) Relationship of Materials - Preserving the predominant materials of the area of Borough such as brick, stone, stucco, wood siding or other material.
 - (6) Relationship of Architectural Details - Preserving character defining features of buildings or structures, such as the details including, but not limited to, cornices, lintels, arches, quoins, balustrades and ironwork, chimneys, etc.
 - (7) Relationship of Roof Shapes - Preserving compatible roof shapes such a gable, mansard, hip, flat, gambrel and/or other kind of roof shapes.
 - (8) Architectural Continuity - Preserving physical elements that comprise streetscapes such as brick walls, wrought iron fences, building facades or combinations of these that form visual continuity and cohesiveness along the street.

- (9) Scale - Preserving the scale of the built environment created by the size of units of construction and architectural detail that relate to the size of persons and preserving building mass in relation to open space.
 - (10) Variations -The Planning Commission may grant variations in a manner that will be in harmony with the character of other buildings or structures on the street or area of the Borough.
- G. The height of any building or structure, new altered or reconstructed shall not exceed the tallest adjacent building or structure by more than ten percent (10%).
 - H. In such cases where the Planning Commission recommends and the Borough Council approves demolition of an historic building or structure, a good faith effort shall be made by the Borough and the owner to move such building or structure to a proximate site. If moving such building or structure is economically or practically infeasible, efforts shall be made to salvage architectural features of said building or structure for use within the Borough.
 - I. The Borough Council shall have thirty (30) days from the date of receipt of the recommendation of the Planning Commission to approve or deny a Historic Building Activity Permit.

SECTION 1335 BOROUGH HISTORIC DISTRICT AREA

The Borough Council of Parkesburg Borough shall designate an area of the Borough as being subject to the provisions of Sections 1330 through 1335 and that area shall be shown on a map entitled Parkesburg Borough Historic District, and included in this Zoning Ordinance as Appendix C. All buildings, structures and lots within the Historic District shall be required to comply with Sections 1330 through 1335, herein.

SECTIONS 1336 through 1339 (Reserved for Future Use)

SECT/ON 1340: AIRPORT HAZARD OVERLAY DISTRICT

A. Airport Hazard Overlay District - Statement of Public Necessity and Purpose. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Chester County Airport, also know as the "Chester County/G.O. Carlson Airport," located in Valley Township, and property or occupants of land in its vicinity, including Jives and property within the Borough of Parkesburg; that an obstruction may affect existing and future instrument approach minimums of Chester County Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of Chester County Airport and the public investment therein. Accordingly, it is declared that:

1. The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Chester County Airport.
2. It is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
3. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

The purpose of this ordinance is to create an airport district overlay that considers safety issues around the Chester 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.

B. Intent and Method. The Intent of this Section is to ensure that all property and occupants of lands in the vicinity of the Chester County Airport and users of the airport are protected from safety hazards. It is the specific purpose of this Section to:

1. Prohibit all obstructions that reduce the area available for landing, takeoff, and maneuvering of the aircraft.

2. Require special height controls for buildings, structures, and trees of other vegetation within areas designated as airport hazard areas by this Section.
 3. Establish height restrictions that prevent the erection of structures interfering or obstructing aircraft approaches or aircraft operations.
 4. By imposing height restrictions, the Airport Zones enhance public safety and minimize the disruption of existing zoning policies or existing land uses. Interference and obstruction poses a threat to the health, safety, welfare and convenience of residents of the Borough of Parkesburg and passengers aboard the aircraft,
 5. Limit or prohibit certain uses or activities that might be hazardous within the established zone or might pose a hazard to aircraft navigation to and from the Chester County Airport, and make provision for preexisting, but nonconforming structures and uses.
 6. Establish appropriate zones within the overlay district, the boundaries of said zones, and the restrictions on or requirements for various uses with said zones.
 7. Create the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review
- C. Authority. The Pennsylvania State Airport Zoning Act, Pennsylvania Aviation Code, and Federal Aviation Administration (FAA) Federal Regulations 14 CFR Part 77 (i.e., "Part 77") empower municipalities to restrict the height to which structures maybe erected or natural growth (of trees or other vegetation) may be allowed to occur in airport hazard areas. Also as authorized and required by Pennsylvania Act 164 (1984 Pa. Laws 164 codified as 74 Pa. Cons. Stat. §§5912 et Seq.)
- D. Applicability of Underlying Zoning District Standards. The Airport zones are overlay districts that regulate permitted heights. All applicable standards of the underlying zoning districts shall apply. In those instances where the Airport zone allows a height restriction different than that Imposed by the underlying zoning district, the more restrictive standard shall apply.

- E. Airport Surface Zones. In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Chester County Airport and are located in Borough of Parkesburg. Such zones shall be depicted on an Airport Hazards Area Map to be adopted as part of and on the effective date of this Section. Such map shall be attached to the Borough of Parkesburg Zoning Map and become a part thereof. In addition, those areas designated as airport zones may also, In addition or substitution, be shown on the Borough of Parkesburg Zoning Map. An area located in more than one (1) of the following zones is considered to be only in the zone with the most restrictive height limitation. The various zones are hereby established and defined as follows. The bottom or lowest point of any zone shall be considered the surface which defines that zone and shall extend upward therefrom to the sky without limitation.
1. Utility Runway Visual Approach Surface Zone. The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 2. Utility Runway Non-precision Instrument Approach Surface Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 3. Runway Larger than Utility Visual Approach Surface Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface, Its center line is the continuation of the centerline of the runway.
 4. Runway Larger than Utility with a Visibility Minimum Greater than three-quarters (3/4) of a mile Non-precision Instrument Approach Surface Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The widths of the inner edge of the approach zone and the primary surface, however, will be: for the most precise approach existing or planned for either end of the runway. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. its centerline is the continuation of the center line of the runway.

5. Precision instrument Runway Approach Surface Zone. The Inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 6. Transitional Surface Zones. The Transition Zones are the areas above the transitional surfaces.
 7. Horizontal Surface Zone. The Horizontal Zone is established by swinging arcs of five thousand (5,000) feet radii for all runways designated utility or visual and ten thousand (10,000) feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The Horizontal Zone does not include the approach and transitional zones.
 8. Conical Surface Zone. The Conical Zone is established as the area that commences at the periphery of the Horizontal Zone and extends outward there from a horizontal distance.
- F. Height Limitations. Except as otherwise provided in this Article, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow to such height or in such manner as to encroach within any airport zone as herein established. The applicable surface elevations or floors or bottoms of the zone are hereby established for each of the zones In question as follows:
1. Utility Runway Visual Approach Surface Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
 2. Utility Runway Non precision Instrument Approach Surface Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
 3. Runway Larger than Visual Approach Surface Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway center line.

4. Runway Larger than Utility with a Visibility Minimum Greater than three-fourths (3/4) Mile Nonprecision Instrument Approach Surface Zone. Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance often thousand (10,000) feet along the extended runway center line.
5. Precision Instrument Runway Approach Surface Zone. Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance often thousand (10,000) feet along the extended runway center line; thence, slopes Upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.
6. Transitional Surface Zones. Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of one hundred fifty (150) feet above the airport elevation, which is eight hundred twelve (812) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the Precision Instrument Runway Approach Zone projects beyond the Conical Zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety-degree angles to the extended runway center line.
7. Horizontal Surface Zone. Established at one hundred fifty (150) feet above the airport elevation or at a height-of eight hundred twelve (812) feet above mean sea level,
8. Conical Surface Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the Horizontal Zone and at one hundred fifty(150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
9. Excepted Height Limitations. Nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to twenty (20) feet above the surface of the land.

G. Use Restrictions, Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Section in such a manner as to create:

1. Electrical interference with navigation signals or radio communication between the airport and aircraft.
2. Make it difficult for pilots to distinguish between airport lights and others.
3. Result in glare in the eyes of pilots using the airport.
4. Impair visibility in the vicinity of the airport.
5. Create bird strike hazards.
6. Otherwise in any way endanger or interfere with the landing, takeoff or maneuver of aircraft intending to use the airport.

H. Nonconforming Uses.

1. Regulations Not Retroactive. The regulations prescribed in this Section 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 or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section and is diligently prosecuted.
2. Limits of Extension or Expansion of a Nonconforming Use. No nonconforming use or structure 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. Nothing shall restrict normal repair and maintenance subject to the restrictions upon such as established by the underlying zoning ordinance.
3. Marking and Lighting of Pro-Existing Nonconforming Uses and Structures. Notwithstanding the preceding provisions of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the Installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the governing body of the Chester County Airport Authority, when approved by the Borough of Parkesburg, to indicate to the operators of aircraft the existence of any such obstruction
 - a. Such markers and lights shall be installed, operated and maintained at the sole cost and expense of the Chester County Airport Authority.

- b. The Chester County Airport Authority shall assume and hold the Borough of Parkesburg harmless of and from any claim, judgment, demand, suit or obligation arising by reason of any injury to persons or property as a result of any allegation of the failure to establish and maintain appropriate markers and lights to prevent injury to persons or property, which said obligation shall assume and include the duty to defend and to pay any loss, including attorney's fees, or similar obligations arising from such action.
- c. The Chester County Airport Authority shall provide insurance with the Borough of Parkesburg as coinsured and furnish annually to the Borough of Parkesburg evidence of coverage.

I. Permits.

- 1. Future or Proposed Uses. Except as specifically provided herein, no material change shall be made in the use of land, no structure shall be erected, altered, extended or otherwise established, and no tree shall be planted in such a manner or at such location that the same extends into and causes an obstruction within any airport zone herein established, unless a permit therefor shall have been applied for and granted.
 - a. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed,
 - b. Permit Applications. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect anew 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 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 Subsection J entitled "Variances".

- C. If such determination is in the affirmative, the permit shall be granted, subject to the other requirements and conditions of this Section.
- d. No permit for a use inconsistent with the provisions of this Section shall be granted unless appropriate relief shall have been granted and approved by the Zoning Hearing Board in accordance with Article XIX.
- 1) In the area lying within the limits of the Horizontal Zone and Conical Zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones..
 - 2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 - 3) In the areas lying within the limits of the Transitional Zones beyond the perimeter of the Horizontal Zone, no permit shall be required for any tree, or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such Transitional Zones.
- e. Nothing contained in any of the foregoing exceptions shall be construed, as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this Section, except as set forth therein.
2. Existing Uses. No permits shall be granted that would allow the establishment or creation of an obstruction in the airport zones herein created or permit a nonconforming use, structure or tree encroaching into such zones to become a greater hazard to air navigation than it was on the effective date of this Section or any amendments thereto or than it was when the application for a permit is made.
3. Nonconforming Uses. The extension, restoration, cessation or abandonment

of nonconforming trees or structures shall be governed by the nonconforming use regulations set forth in Article XVIII; provided, however, that no permit shall be granted that would permit such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations provided for in this Section.

- J. Variances. Any person desiring to encroach or further encroach by means of any structure or tree into the airport zones herein regulated and established, or otherwise do any act or create any condition in violation of the provisions of these airport zoning regulations, shall apply to the Zoning Hearing Board for variance relief from such regulations pursuant to the provisions of Article XIX and the following provisions:
1. The application shall be accompanied by a letter of determination from the Federal Aviation Administration and the PennDOT Bureau of Aviation that the effect of the proposal on the operation of air navigation facilities will not create or increase any hazard to navigation, nor impair the safe and efficient use of navigable airspace. Specifically, 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 airspace. 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 not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard, Under this determination the requested a variance shall be granted from this Section.
 - 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, the requested variance shall be granted from the applicable substantive provision or provisions of this Section contingent upon implementation of mitigating measures as described in Subsection K entitled "Obstruction Marking and Lighting in General."
 - c. Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. The requested variance from the applicable substantive provision or provisions of this Section shall be denied and the reasons for this determination shall be communicated to the applicant in writing.

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 wi//be in accordance with the intent of this zoning ordinance.

2. Such letter of determination shall be a condition precedent to the exercise of jurisdiction by the Zoning Hearing Board or the grant of any such relief from the airport zoning regulations. Such requirement shall be in addition to and not in substitution feral] other applicable requirements for variance relief as the same may bylaw be established. Further, the Board shall not commence any hearing for variance or other relief from or pursuant to the airport zoning provisions of this Section unless notice of the application to the Zoning Hearing Board shall have been mailed at least fifteen (15) days prior to such hearing to the Chairman of the Chester County Airport Authority or the Manager of the Chester County Airport,
- K. Obstruction Marking and Lighting in General. Any permit whether by right or by variance granted may, if deemed advisable by the grantor thereof, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain at the owner's expense, such markings and lightings as maybe necessary to secure the public safety.. In those circumstances where an-otherwise reasonable application requires special relief, the Zoning Hearing Board may, where it deems the same appropriate, modify such condition to require the owner to permit the Chester County Airport Authority, at its cost and expense, to install, operate and maintain the necessary markings and lights.
- L. Administration and Enforcement. In general, the provisions of Article XXI shall be observed In the administration and enforcement of this Section. It shall be the duty of the Zoning Hearing Officer of Borough of Parkesburg to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Officer of Borough of Parkesburg upon a form published for that purpose. Applications required by. this Section to be submitted to the Zoning Officer of Borough of Parkesburg shall be promptly considered and granted or denied. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Zoning Officer of Borough of Parkesburg.
- M. Severability. If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be unconstitutional, illegal or Invalid, such decision shall not affect the validity of the remaining portions of this Article. It is hereby declared by the Borough of Parkesburg that it would have passed this Article

and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that anyone (1) or more section, subsection, sentence, clause or phrase be declared unconstitutional, illegal or invalid.

- N. Approval by Chester County Airport Authority. This Section shall not be deemed effective for any purpose whatsoever unless and until the Chester County Airport Authority, by and through its governing body by formal resolution, duly adopted, acknowledged and delivered to the Borough of Parkesburg has acknowledged said Section and agreed to be bound by the terms thereof, whereupon this Section shall become effective immediately after enactment and ratification.

ARTICLE XIV

GENERAL PROVISIONS

SECTION 1400 APPLICABILITY OF REGULATIONS

The provisions of this Article represent certain additional regulations and standards that are common to all zoning districts unless stated as pertaining to a specific district or uses stated herein. These provisions are in addition to those established by the applicable zoning district. In the event that the provisions of this Article conflict with other provisions of this Ordinance, the most restrictive provisions shall apply.

SECTION 1401 REDUCTION OF LOT AREA

1. An existing lot that complies with the area and dimensional standards of the zoning district in which it is located shall not be reduced in size so that the minimum lot area and/or dimensional requirements of this Ordinance are no longer met.
2. An existing lot that does not comply with the minimum lot area standards shall not be subdivided.

SECTION 1402 YARD REQUIREMENTS

1. Corner lots shall require a front yard on each street which the corner lot abuts as provided for in the lot area and bulk requirements for the district in which the lot is located. The yard opposite the front lot line having the official designated property address shall be considered the rear yard, and the remaining yard shall be considered the side yard.
2. Where an unimproved lot of record is situated on the same street frontage and within two hundred fifty (250) feet of two (2) or more improved lots, or one (1) unimproved and one (1) improved lot, the front yard requirements for the subject lot may be modified so that the front yard shall be the average of the existing and required front yards.
3. Front Yard. No structures or uses shall be permitted within required front yard areas except for driveways, sidewalks, and any signs expressly permitted by this Ordinance, and as expressly permitted according to the following conditions:

- A. Awnings or removable canopies shall not project more than four (4) feet over a public walkway and the lower edge of such projecting structure shall not be less than eight (8) feet above the level of such walkway.
 - B. Bay windows, balconies, patios, or unroofed porches may project a maximum of four (4) feet into a required front yard.
 - C. Arbors, open trellises, and unroofed steps shall be permitted with no restrictions. No other permanent structure shall project into the front yard.
4. Side and Rear Yards. No structures or uses shall be permitted within required side and rear yard areas except for driveways, sidewalks, and any accessory uses or signs expressly permitted by this Ordinance, and as expressly permitted according to the following conditions:
- Open fire escapes, bay windows, balconies, overhanging eaves and gutters, cornices, chimneys, patios, or unroofed porches may project a maximum of four (4) feet into a required side or rear yard. Any other projection from a building or structure shall comply with required yard dimensions, unless specific standards are provided for the zoning district.
5. Commercial District Yard Projections - For commercial districts and uses, the following, in addition to the standards of Section 1402, above, with the exception of Section 1402.4, shall apply for projections into required yards.
- A. No projection, including those cited in the previous subsections, shall obstruct pedestrian or vehicular circulation, visibility or access to buildings by emergency vehicles.
 - B. No portion of a projection shall be located within four (4) feet from a curb line, with the exception of awnings, marquees, or canopies, and the lower edge of such projecting structure shall not be less than eight (8) feet above the level of a pedestrian way or fifteen (15) feet above the level of a vehicular way.
6. Industrial District Yard Projections - No projections shall be permitted on any building or structure into a required yard in an Industrial district.

SECTION 1403 USE OF RESIDENTIAL FRONT YARD AREA

The front yard areas of all residential uses shall be maintained mainly as pervious surfaces, covered by vegetation and/or mulching in order to minimize soil erosion, except that paved sidewalks may be provided across the width of the property and from the street to the residence, and a paved driveway and parking area up to twenty (20) feet wide and an adjacent turnaround may be provided within the front yard area.

SECTION 1404 OBSTRUCTIONS TO VISION AT INTERSECTION

No obstructions to visibility at intersections shall be permitted. No fence, wall, or other structure shall be erected, allowed, or maintained and no hedge, tree, shrub, or other growth shall be planted or allowed to exist that obstructs required sight distance at street intersections, vision for through traffic at private streets, driveways, street intersections or along streets. A clear sight triangle shall be maintained in accordance with the standards set forth in the Parkesburg Borough Subdivision and Land Development Ordinance.

SECTION 1405 OUTDOOR LIGHTING

Outdoor lighting shall be required in accordance with the provisions of Section 426 of the Borough Subdivision and Land Development Ordinance.

SECTION 1406 FENCES AND WALLS

1. No fence, wall, or other obstruction shall be erected, allowed, or maintained and no hedge, tree, shrub, or other growth shall be planted or allowed to exist that dangerously obstructs vision for through traffic at private streets, driveways, street intersections or along streets in accordance with Section 1404.
2. Fences, walls, and hedges that are in conformance with this Ordinance and other applicable ordinances are allowed with the required setbacks for the district in which the fence, wall or hedge is located. Fences and walls shall be constructed within the property lines of the lot being enclosed by such fence or wall.
3. Fences and walls may be erected, altered, and maintained within the yards, excluding required buffer yards, provided that any such fence in the front yard shall not exceed three and one-half (3.5) feet in height; and any fence or wall in the side or, rear yard shall not exceed six (6) feet in height, except as permitted in this Ordinance. Retaining walls, constructed for the express purpose of holding back or supporting earth, shall be exempted from said height provisions.

4. A fence shall have the finish side facing adjacent properties or the road frontage.
5. In a case relating to Storage and Waste Disposal of Hazardous Materials under this Article, a fence or wall is exempt from height restrictions, and shall be of sufficient height and construction as deemed appropriate by the Borough Zoning Officer.

SECTION 1407 LANDSCAPING, SCREENING AND BUFFERING

Landscaping, screening and buffering shall be required in accordance with the provisions of Section 427 of the Borough Subdivision and Land Development Ordinance.

SECTION 1408 OUTDOOR STORAGE AND DISPLAY

1. Outdoor storage of man-made products shall be screened from view of public right-of-way and adjacent residential uses. Screening shall be in accordance with Section 427 of the Borough Subdivision and Land development Ordinance.
2. All organic refuse or garbage shall be stored in durable, vermin-proof containers. In multi-family uses where garbage collection is not by individual dwelling unit, and in commercial and industrial developments, garbage storage shall be centralized to expedite collection. Centralized garbage storage shall be screened from surroundings and adjacent uses, such screening to consist of a solid opaque wall, a minimum of six (6) feet in height, on three sides with a locked solid opaque access gate on the other side, as well as landscaping as required by this Ordinance. Garbage storage areas shall be maintained in an orderly and sanitary manner. In cases deemed necessary by the Borough, the property owner shall provide the proper remedial action in accordance with the requirements of the Borough Zoning Officer.
3. Outdoor display and storage areas shall occupy no greater than twenty-five percent (25%) of the allowed building coverage in the district in which it is located.

4. Vehicles and Vehicle Parts.
- A. No vehicle which is unregistered or unlicensed under the Pennsylvania Vehicle Code, or without current and valid state inspection, or which would not, in its current condition, pass a Pennsylvania inspection as required by the Pennsylvania Vehicle Code to operate the vehicle on public streets, and no large vehicle parts, including but not limited to one SECTION(1) or more of the following: a motor, chassis, transmission, muffler, exhaust pipe, door, hood, trunk lid, fender, frame, bumper and seat, shall be stored outside of an enclosed building on any lot in any district other than the C-2 Commercial and I Industrial districts.
- B. Any storage of such vehicles for sale in the Commercial Districts or the Industrial Districts shall be permitted only as an accessory use to an existing related principal use on the same property including, but not limited to, gasoline service stations or motor vehicle repair establishments, and subject to the following provisions:
- (1) Motor vehicles being stored for sale shall not be placed in any location that fulfills the required off-street parking for the primary use.
 - (2) Motor vehicles being stored for sale shall not be placed on a public street or within the public right-of-way.
- C. The occupant of a lot, not within either the Commercial Districts or the Industrial Districts, may temporarily store, on the lot and outside of a building, only for purposes of repairing and/or performing maintenance, no more than one SECTION(1) noncommercial passenger vehicle, with valid Pennsylvania license and registration, registered to such occupant, provided that there is no building on the lot in which the vehicle could be safely stored and worked on and provided, further, that the vehicle must have a valid Pennsylvania inspection within sixty (60) days of the day the vehicle was first stored on the lot without such valid inspection. Temporary storage may be for a period of time no greater than eight (8) months.

5. Recreational Vehicles.
 - A. All recreational vehicles shall be stored or parked within an enclosed building or within a side or rear yard when parked for a period exceeding twenty-hour (24) hours. No such vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot.
 - B. Recreational vehicles that are stored outdoors in the side or rear yard, shall be no closer to a property line than the minimum setback distances created by the various yard requirements for the applicable Zoning District.
 - C. A recreational vehicle shall not be stored in the front yard, as defined in Article II, herein, of any lot. Furthermore, a recreational vehicle shall be stored to the rear of the actual building setback line as established by the location of the principal structure on the lot.
 - D. No recreational vehicles shall be permitted to be stored in an R-4 or R-5 Zoning District.
6. Outdoor Display for Commercial Uses in Commercial Districts - In the Commercial Zoning Districts, merchandise available for retail sale may be displayed in a neat and orderly fashion outside of the retail establishment that is selling the merchandise, provided:
 - A. The merchandise shall not be placed so as to interfere with pedestrian or vehicular traffic or within required parking spaces.
 - B. No merchandise shall be placed within six (6) feet of the cartway. For purposes of this Ordinance, a four (4) foot wide clear sidewalk path shall be maintained at all times.
 - C. No merchandise shall be displayed outdoors that is pornographic, includes explicit depictions of violence, or is otherwise unsuitable for viewing by children, as determined by Borough Council.
 - D. No merchandise shall be displayed outdoors in a manner that is intended to or has the effect of interfering with vehicular traffic or is distracting to motorists.

- F. The outdoor display of merchandise shall not interfere with the sight lines of traffic and shall not impair the visibility of any public or private sign.
 - G. No merchandise shall be displayed outdoors in a manner that is likely to result in the merchandise falling into the street or sidewalk, blowing, spilling, or otherwise becoming disorderly, hazardous or a nuisance.
 - H. All merchandise displayed outdoors shall be removed and placed indoors at the close of business each day.
 - I. No additional signage in excess of that approved for the property shall be attached to or placed in conjunction with the merchandise being displayed.
 - J. Longer-term outdoor display for a permitted use which traditionally requires such longer-term outdoor display may be authorized at the discretion of the Zoning Officer if the applicant can demonstrate that indoor storage is not practical or feasible.
 - K. Any merchandise that is placed on the public sidewalk or right-of-way in violation of this Section 1408.6 or that otherwise constitutes a hazard to the public may be removed by the Borough Zoning Officer or police officer with or without notice to the owner.
 - L. Outdoor display of merchandise shall consist only of merchandise normally for sale as related to the principle use of the same property and the outdoor display or merchandise shall be considered an accessory use. The outdoor display of merchandise on vacant properties shall not be permitted.
7. Industrial and Commercial Uses Requiring Substantial Amounts of Land for Outdoor Storage or Display. For Industrial and Commercial Districts or uses, storage of materials, equipment or vehicles, but not including parking and similar activities, shall generally be carried on within a building and shall meet the provisions of this Article and other applicable regulations of this Ordinance, except that additional outdoor storage and display area for a permitted industrial or commercial use may be authorized for those uses requiring substantial amounts of land area for outdoor storage or display where all of the following conditions are met and those such uses shall be exempt from the provisions of Sections 1408.1 and 1408.3, herein:

- A. The industrial or commercial use involved traditionally employs long-term outdoor storage including uses such as lumberyards, junkyards, nursery/greenhouses, and automobile retail sales.
 - B. Such storage is needed for the successful operation of the use, and the proposed site is suitable for outdoor storage.
 - C. The applicant can demonstrate that indoor storage is not practical.
 - D. The storage shall comply with all applicable setback requirements and shall cover only that percentage of total lot area that is deemed practical and feasible in the opinion of the Zoning Officer. Wherever feasible, outdoor storage shall be located to the side or rear of the property.
 - E. The storage area shall be screened from view from any public right-of-way or any residential district by buildings, walls or an effective screen, as required by Section 1407, herein.
 - F. These provisions shall be enforced by the Borough Zoning Officer who shall have the discretion to make proper determinations on the above provisions. Any objections to the determination of the Zoning Officer may be appealed with the Zoning Hearing Board in accordance with Article XIX of this Ordinance.
 - G. Among uses that shall not be eligible for substantial outdoor storage are retail stores, personal service shops, service stations, car wash facilities, business or professional offices or office campuses, educational uses, and sale of automotive accessories.
8. Storage and Waste Disposal of Hazardous Materials shall be in conformance with Section 1409.8, herein.

SECTION 1409 PERFORMANCE STANDARDS

The following standards shall govern in all districts and all standards shall be considered minimums and shall be superceded by any more stringent state or federal regulations:

1. Dust, Dirt, Smoke, Fly Ash, Fumes, Vapors, and Gases
 - A. There shall be no emission of dust, dirt, smoke, ash, fumes, vapors, or gases or other hazardous or noxious materials to the air in such quantities that does not comply with Pennsylvania Air Pollution Control laws, including standards set forth by Standards for Contaminants and Ambient Air Quality Standards of the Pennsylvania Department of Environmental Protection, Rules and Regulations, and the National Emission Standards for Hazardous Air Pollutants of the United States Environmental Protection Agency.
 - B. No emission shall be permitted which contains inert particulates in excess of fifteen (15) milligrams per cubic meter, based on an eight (8) hour maximum average exposure.
 - C. No user shall operate or maintain or be permitted to operate or maintain any equipment or devise which by reason of its operation or maintenance will discharge contaminants to the air in excess of the limits prescribed herein unless the owner and/or operator shall install and maintain such control that will prevent the emission of an air contaminant in such quantity that will violate any provision of this Ordinance.
 - D. The emission of dust, dirt, fly ash, fumes, vapors, or gases which can cause damage to human health, to animal, or vegetation or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot lines of the use creating the emission is prohibited.
 - E. No user shall cause, allow, permit, or maintain any bonfire, junk fire, refuse fire, salvage operations fire, or any other open fire within the Borough.
2. Noise - Noise levels shall be maintained at a level that is not objectionable due to intermittence, frequency or intensity and shall not exceed the standards established by this Section. No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one (1) time in any fifteen (15) second interval) in such a manner as to create a sound level which exceeds the limits set forth in the following when measured at or within the lot line of the receiving land use:

- A. At no point on the boundary of any lot shall sound level of any operation exceed the decibel levels shown below for the receiving land uses indicated.

Continuous Sound Level Limits by Receiving Land Use

Applicable Time Period	Sound Level at Lot Lines Abutting Residential Uses	Sound Level at Lot Lines Abutting Commercial and Industrial Uses	Sound Level at Lot Lines Abutting Industrial Uses
From 7 am to 10 pm EST	60 dbA	65 dbA	70 dbA
From 10 pm to 7 am EST Sundays and Holidays	50 dbA	60 dbA	65 dbA

- B. The maximum permissible sound levels by the receiving land use category, as listed in the previous table, shall not apply to the following noise sources:
- (1) Emergency alarm signals for the purpose of alerting persons to the existence of an emergency.
 - (2) Work to provide, repair, or replace electricity, water or other public utilities involving public health or safety.
 - (3) Normal and legally permitted residential activities customarily associated with residential use.
 - (4) Domestic power tools.
 - (5) Temporary activities involving construction and demolition activities, including vehicles.
 - (6) Agriculture.
 - (7) Motor vehicle operations on public streets. Such noise shall be regulated by the Pennsylvania Department of Transportation regulations governing established sound levels.

- (8) Public celebrations or activities authorized by the Borough.
 - (9) The unamplified human voice.
- 3. Odors - There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at tot boundary line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard systems should fail. Hereby established as a guide in determining such quantities of offensive odors is Table I (Odor Thresholds in Air), 'Research on Chemical Odors: Part 1 - Odor Thresholds for 53 Commercial Chemicals', October 1968. Manufacturing Chemists Association, Inc., Washington, D.C.
- 4. Glare or Heat - Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point along the lot lines.
- 5. Electrical Disturbance - There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operating at any point of any equipment other than that of the creator of such disturbance. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception from off the lot on which the activity is conducted.
- 6. Radioactivity
 - A. There shall be no activities which emit dangerous levels of radioactivity.
 - B. No operation involving radiation hazards shall be conducted which violates the federal regulations and standards. In addition, any proposed use which incorporates the use of radioactive material, equipment or supplies, shall be in strict conformity with Pennsylvania Department of Environmental Protection, Rules and Regulations.
- 7. Vibration - No vibration shall be produced which is transmitted through the ground and is discernable without the aid of instruments at or at any point beyond the lot lines and any vibration produced shall not exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.

8. Storage and Waste Disposal of Hazardous Materials
- A. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground on parcels zoned for or used for residential purposes, except the following:
- (1) Tanks or drums of fuel directly connected with energy devices, heating devices or appliances located on the same lot.
 - (2) Tanks or drums of fuel no larger than two hundred seventy-five (275) gallons per container located no closer than twenty-five (25) feet to any building and in the rear yard of any lot or no closer than fifty (50) feet from any street line and property line.
- B. All outdoor storage facilities for fuel, raw materials, and all such products, including those listed in Subsection 1. above, stored outdoors shall be permitted only within the buildable area of the lot behind the front building line of the principal buildings, shall not exceed six (6) feet in height, and enclosed by a fence of adequate sufficient construction, type, and size to enclose, protect, and conceal the facilities from any adjacent properties. Provisions for fences and walls are included in Section SECTION1407.
- C. No materials or wastes shall be deposited upon a lot in such form or manner that would permit transportation off the lot by natural causes or forces, nor shall any use shall be conducted in such a way as to discharge any untreated sewage or industrial waste into any reservoir, lake, or stream. Discharge of treated waste into water bodies and all other methods of sewage industrial waste treatment and disposal shall be approved by the County Health Department and Pennsylvania Department of Environmental Protection, as appropriate.
- D. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects, shall be stored outdoors only in closed containers.

9. Electric Power - Every use requiring electrical power shall be so operated that the service lines, substation, or other equipment shall conform to the safety requirements of the National Electrical Code ANSICI, as amended, and shall be so constructed and installed as to be an integral part of the plant building, where possible. If visible from adjacent residential lots, it shall be screened in accordance with Section 1408.
10. Fire and Explosion Hazards
 - A. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire suppression equipment, and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania.
 - B. All buildings and structures, and activities within such buildings and structures shall comply with applicable Borough codes and ordinances. Any explosive material shall conform to the requirements of Pennsylvania Department of Environmental Protection, Rules and Regulations, for storing, handling and use of explosives.
11. General Public Health and Safety - No use shall create any other objectionable condition in an adjoining area which will endanger public health and safety, or be detrimental to the proper use of the surrounding area.

SECTION 1410 KEEPING OF PETS AND LIVESTOCK

1. Pets - Up to three (3) cats or dogs as pets may be kept on any lot in any zoning district within the Borough. Greater numbers of pets may be kept only on lots greater than one-half (0.5) an acre in area. The total number of additional cats and dogs as pets permitted on any lot that exceeds one-half (0.5) acre in lot area shall be computed according to the number of acres (listed below) required per animal. For example, three (3) dogs may be kept on a lot of up to one-half (0.5) acre. One-third (0.3) of one (1) additional acre is required for each additional cat and one-half (0.5) of one (1) additional acre is required for each additional dog.

Additional Required Lot Area for Additional Pets

Pet	Required Additional Lot Area
Dog	0.5 Acres
Cat	0.3 Acres

Animals not specifically listed above shall be judged based on animals of similar size, diet, temperament, and behavior.

Small caged pets (including, but not limited to: fish, parakeets, canaries, frogs, hamsters, small reptiles, etc.) are not subject to these acreage requirements, and shall be permitted, provided that they are not kept for commercial purposes and provided that they do not create a nuisance of any kind, including objectionable odors, noise or straying onto other property.

2. Chickens and Rabbits - Up to twelve (12) chickens or rabbits at any one time can be raised or kept on lots of 0.5 acres or greater in the R-1A, R1, R-2, and R-3 zoning districts, provided that the shelters, pens and cages for such chickens or rabbits shall be setback at least thirty (30) feet from all property and street right-of-way lines. The keeping of roosters shall be prohibited, however.

3. Livestock - Livestock may be kept only on lots greater than three (3) acres in size. Only one (1) such animal may be kept on a lot which is at least three (3) acres in size. The total number of additional livestock or poultry animals permitted on any lot exceeding three (3) acres in lot area shall be computed according to the number of acres (listed below) required per animal. For example, one (1) horse may be kept on a lot of three (3) acres. Two (2) more acres are required for each additional horse, One (1) sheep may be kept on a lot of three (3) acres. One-half acre (0.5) is required for each additional sheep.

Additional Required Lot Area for Additional Animals

Livestock	Required Additional Lot Area
Equine	2.0 Acres
Bovine	2.0 Acres
Swine	1.5 Acres
Goat	0.5 Acres
Poultry and Fowl Other than Chickens	0.1 Acres

Note: *Poultry or fowl such as but not limited to ducks, geese turkeys, ostriches, emus, guinea fowl, pea fowl and the like

Animals not specifically listed above shall be judged as animals of similar size, diet, temperament, and behavior.

4. Wild, Dangerous, or Poisonous Animals - Wild, dangerous, or poisonous animals (including, but not limited to, deer, skunks, raccoons, wolves, "wolf-dog hybrids", constricting or venomous snakes, alligators, crocodiles, bobcats, or lynxes) may not be kept within the Borough for any purpose unless adequately confined in a facility operated by a licensed veterinarian for purposes of treatment.
5. No animals shall be maintained or allowed to stray so as to create any health or safety hazards or obnoxious or foul odor or objectionable noise or behavior. Likewise, all manure shall be managed so as to prevent any odor from affecting other properties and from contaminating any stream or otherwise having an adverse impact on the neighborhood. All animals shall be properly immunized.
6. Shelter and Fenced Area Requirements.
 - A. In addition to the acreage requirements for pets and livestock, every owner of livestock or farm animals shall also provide a sheltered area of a size sufficient for good sanitation practices and adequate and sanitary drainage according to the following minimum requirements:
 - (1) All shelters shall have a roof and at least three (3) enclosed sides.
 - (2) Structures for the housing of livestock or farm animals must be located not less than one hundred (100) feet from the lot line of the property. No such structures may be erected or maintained in a front yard or a side yard abutting a street.
 - (3) A shelter of one hundred and fifty (150) square feet shall be provided for each horse or cow.

- (4) A shelter of one hundred (100) square feet shall be provided for each pony, mule, donkey, sheep, or goat.
 - (5) A shelter for poultry or rabbits shall provide a minimum of ten (10) square feet per animal.
- B. All pasture, grazing, and exercise areas shall be fenced with materials of sufficient height, strength, and density to adequately confine the animal in question. All such fencing must be in compliance with all other zoning regulations.

SECTION 1411 ALTERNATIVE ENERGY SYSTEMS

Other than roof mounted solar systems with a demonstrated generation capacity no greater than ten (10%) above the energy needs for the principal structure on the property on which it is located, all other alternative energy systems, exclusive of geothermal systems, shall be confined to the Industrial District and permitted as a Conditional Use.

SECTION 1412 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, observation towers, transmission towers, chimneys, smokestacks, flagpoles, mast and aerials, except as herein specified.

SECTION 1413 SHOPPING CART STORAGE

Any establishment which furnishes shopping carts as an adjunct to shopping shall provide definite areas within the building and parking area for storage of said carts. Each designated storage area shall be enclosed by a barrier at least six (6) inches higher than the parking area surface, and shall be clearly marked for storage of shopping carts, such signs indicating storage shall not be considered as regulated by Article XVII of this Ordinance. All shopping carts shall be stored indoors, or otherwise secured during non-operating hours.

SECTION 1414 CONVERSION OF DWELLING TO NON-RESIDENCE USE

1. No dwelling shall be converted to a non-residence use, except in accordance with the provisions of this Section and the general provisions of this Article.
2. The Zoning Hearing Board may authorize as a Special Exception the conversion of any dwelling existing at the effective date of this Ordinance to any non-residence use permitted in the District within which the dwelling is located, provided that:
 - A. The proposed use shall comply with the yard, area, off-street parking, and other requirements covering office or commercial use in the District.
 - B. No existing yards or required open spaces shall be reduced to less than the requirements of the District governing a permitted use.
 - C. No living accommodation or sleeping quarters shall be authorized, except such accessory use as is permitted in the District.
 - D. The proposed reconstruction and conversion shall be in keeping with the predominant character of the District and shall not detract from the use of an adjoining property for any permitted use.

SECTION 1415 EXCAVATION

No barrow pits shall be created for the excavation of earth materials or for the purpose of reclaiming fill materials. Excavation associated with specific Borough approved and borough permitted construction shall not be prohibited.

SECTION 1416 RESTRICTIONS ON THE REMOVAL OR MODIFICATION OF OPEN SPACE

Open space as required under the provisions of this Ordinance or other regulations of the Borough shall not be removed or otherwise modified in any manner except upon finding, after a public hearing, of the Borough Council.

SECTION 14.17 COMPLIANCE WITH SUBDIVISION AND LAND
DEVELOPMENT REGULATIONS

All development plans must comply with the Parkesburg Borough Subdivision and Land Development Ordinance and other applicable Borough ordinances.

ARTICLE XV

CONDITIONAL USE PROCESS

SECTION 1500 PROCEDURES AND CRITERIA

1. Nothing in this section shall be construed to relieve the owner or his agent, the developer, or the Applicant for a Conditional Use approval from obtaining approval in accordance with the Parkesburg Borough Subdivision and Land Development Ordinance, or other applicable ordinances.
2. The requirements of this section and the standards for specific types of conditional Uses found elsewhere in this Ordinance shall be deemed an element of the definition under which a Conditional Use permit may be granted. The failure of the Applicant to demonstrate compliance with these requirements, at the discretion of the Borough Council, can be deemed either a basis for establishing conditions or limitations on an approval or the basis for a denial of a Conditional Use application.
3. General Requirements
 - A. Ownership

The tract of land under application for a Conditional Use approval shall be under one (1) ownership, or shall be the subject of an application filed jointly by the owners of the entire tract, and shall be under unified control. If the ownership of the entire tract is held under more than one (1) person or entity, the application shall identify and be filed on behalf of all of the owners. Approval of the plan shall be conditioned upon agreement by the Applicant or Applicants that the tract shall be developed under single direction in accordance with the approved plan. No site preparation or construction shall be permitted other than in accordance with the approved plan. If ownership of all or any portion of the tract changes subsequent to approval of the plan, no site preparation or construction by such new owner or owners shall be permitted unless and until such owner or owners shall review the terms and obligations of the approved plan and agree in writing to be bound thereby with respect to development of the tract.

B. Sewer and Water Facilities

The Applicant shall demonstrate evidence of adequate water supply and sewage disposal capability. The tract of land shall be served by a water supply system and a sewage system deemed acceptable by the Borough Council upon recommendation of the Parkesburg Borough Engineer. Such facilities shall be designed and constructed in compliance with the Parkesburg Borough Subdivision and Land Development Ordinance and the Parkesburg Borough Sewage Facilities (Act 537) Plan.

C. Development Stages and Permits

The development of a tract carried out in either a single phase or in stages shall be executed in accordance with a development agreement. The owner, developer, and Parkesburg Borough shall enter into said agreement embodying all details regarding compliance with this Ordinance to assure the binding nature thereof on the overall tract and its development, which agreement shall be recorded with the final development plan.

D. Existing easements, rights-of-way, covenants and other encumbrances shall be stated and shown on the plans.

E. Covenants and Restrictions

The language, terms and conditions of any proposed covenants or restrictions shall be subject to review and recommendation by the Parkesburg Borough Solicitor.

4. Application

A. The application for a Conditional Use shall be filed with the Parkesburg Borough Secretary on such forms as may be prescribed for said purpose. The application shall be accompanied by a fee as established by resolution of the Borough Council. The application shall state the following:

- (1) The name and address of the Applicant.
- (2) The name and address of the owner of the real estate to be affected by the proposed Conditional Use application.

- (3) Evidence of authorization to act on behalf of the property owner(s) where the Applicant is other than a legal or equitable owner of the property;
- (4) A description and location of the real estate on which the Conditional Use is proposed.
- (5) A statement of the present zoning classifications of the real estate in question, the improvements thereon, and the present use thereof.
- (6) A narrative description of the proposed use and a statement of the section(s) of this Ordinance that authorize(s) the Conditional Use.
- (7) A narrative description of the site's suitability for the proposed development.
- (8) A narrative description of the proposed development's consistency with the purposes and objectives of the Parkesburg Borough Comprehensive Plan.
- (9) A narrative description of the proposed development's consistency with the character of the surrounding uses and the Parkesburg Borough in general.
- (10) A staging plan and narrative, if the development is to be carried out in progressive stages that demonstrates that all of the requirements and the intent of this section are met with the completion of each stage.

B. Development Plan

The application for Conditional Use approval shall be accompanied by a unified, overall site plan covering the entire tract, regardless of any intended phasing of development. The plan shall be prepared with sufficient detail to adequately illustrate the proposed development uses and non-development uses of the tract, including (where appropriate), reserve areas for possible future expansion; coordinated internal and external vehicular and pedestrian circulation; well related, convenient and efficient parking and loading areas; agreeable surroundings that provide comfort, safety, and convenience for prospective residents,

customers, and/or workers; and high quality design in terms of building relationship, facade treatment, signage, lighting, landscaped and planted buffers and screens, as well as other natural and constructed amenities in furtherance of the comprehensive planning objectives of Parkesburg Borough.

With respect to exact building locations, shapes and dimensions, and similar requirements of the Development Plan, prescribed in the paragraph above, it is recognized that a fixed and dimensioned architectural layout) as would be required for issuance of a building permit, is not feasible, nor is it the intent of this Section of the Zoning Ordinance to require such detail in an application for Conditional Use. However, the plans, information and data, as herein required for Conditional Use approval, shall be indicated in sufficient detail to serve as a firm commitment by the Applicant to the design criteria and standards. The Development Plan shall be prepared at a scale of not more than one inch equals fifty feet (1" = 50'). Where specific Conditional Use application requirements are contained in other articles of this Ordinance and are applicable to a particular Conditional Use authorized by this Ordinance, the Applicant shall comply with such requirements which shall prevail in the event of conflict or overlap.

The Development Plan shall generally include the following elements: Site Layout Plan, Existing Conditions and Environmental Resources Plan, Proposed Grading Plan, Landscape, Screening and Buffering Plan, and Lighting Plan. Other Plans or plan information may be required at the discretion of the Planning Commission or the Borough Council.

C. Natural and Cultural Resources Analysis

The Applicant shall provide an inventory of the tract's natural features and systems, cultural resources) and visual amenities that may be impacted by the proposed Conditional Use. The inventory shall be prepared in graphic at a scale of one (1) inch = one hundred (100) feet and narrative form on the site or in such proximity as to be affected by the proposed Conditional Use:

- (1) Surface waters;
- (2) Natural drainage patterns, including swales, intermittent streams, etc.

- (3) Flood Plain Districts as defined by Article XIII of this Ordinance;
- (4) Wetlands under the jurisdiction of the Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers;
- (5) Soils with seasonably high water table;
- (6) Soils with shallow depth to bedrock;
- (7) Geologic formations, particularly in relation to areas of groundwater recharge;
- (8) Biotic resources as mapped and described in the Parkesburg Borough Open Space, Recreation, and Environmental Resources Plan, and patterns of vegetation, including tree masses, rare or extraordinary individual species, any tree of six (6) inches or greater DBH and areas serving as habitat for wildlife (species of wildlife dependent upon the site for habitat shall be identified);
- (9) Measurable attributes of the air quality at the proposed site and the present degree to which auto emissions are contributing to degradation;
- (10) Scenic resources as mapped and described in the Parkesburg Borough Open Space, Recreation, and Environmental Resources Plan, and any other visual amenities of the site (e.g., topography, vegetation, water) considered unique, scenic, and/or that should be incorporated into the design of any future use; and
- (11) Sites and structures of historical or cultural significance, including but not limited to those sites recorded in the Parkesburg Borough Open Space, Recreation and Environmental Resources Plan, the Parkesburg Borough Comprehensive Plan and the Chester County Historic Sites Survey of 1982.

The Applicant shall indicate how any or all of the inventoried resources will be affected by the proposed development, and shall describe mitigating measures to be employed in addressing these impacts. The development impacts and the proposed mitigating measures shall be described in narrative form, and their locations on the site and beyond shall be mapped at a scale of one (1) inch = one hundred (100) feet.

D. Traffic Analysis

The Borough Council, at its sole discretion, may require the Applicant to provide traffic studies demonstrating feasible compliance with the objectives of this Ordinance and the Parkesburg Borough Comprehensive Plan. The Parkesburg Borough Engineer shall provide the Applicant the minimum scope of work to be included in the analysis. The Traffic Impact Study requirements of the Subdivision and Land Development Ordinance shall be followed. Such studies shall estimate traffic volumes, turning movements, and levels of service at intersections, and potentially unsafe conditions existing prior to development as well as may be reasonably expected to occur after proposed development and shall suggest action(s) to mitigate any anticipated reduction of level of service or other negative impact to traffic conditions resulting from development as proposed. In granting Conditional Use approval, the Council may attach conditions requiring specific improvements to roads to be incorporated into plans for development, to the extent necessary to maintain pre-existing levels of service, correct unsafe conditions which may be worsened by traffic impacts of development, and otherwise provide for safe and convenient access for residents, visitors, employees, and emergency service personnel and vehicles.

E. Storm Water Management and Drainage Analysis

The application for Conditional Use approval shall be accompanied by a conceptual Storm Water Management and Drainage Analysis. The analysis shall demonstrate, conceptually, to the satisfaction of the Parkesburg Borough Engineer that compliance with the requirements of the Parkesburg Borough Subdivision and Land Development Ordinance can be achieved. Supporting calculations for required detention basin volumes and groundwater recharge volumes shall be required. Off-site drainage problems shall be identified and measures to improve or correct such problems shall be proposed.

F. Fiscal Impact Assessment

The Borough Council, at its sole discretion may require the Applicant to provide an assessment of the economic and fiscal impacts that will result from the proposed development. The assessment shall include a profile of the Parkesburg Borough, County and School District revenues to be generated by the proposed development and the costs that it will impose on the Parkesburg Borough, County and School District. The information shall be related to the initial, if staged, and completed subdivision or land development.

G. Community Facilities and Services Assessment

The Borough Council, at its sole discretion may require the Applicant to provide an assessment of the facility and service needs required for the proposed development. Where applicable, the assessment shall consider, in terms of existing capabilities and the need for additional or expanded capabilities, the following;

- (1) Schools
- (2) Park and Recreation Areas
- (3) Libraries
- (4) Hospitals and Other Health Care Facilities
- (5) Fire Protection
- (6) Police Protection
- (7) Emergency Medical Services

5. Procedures

- A. Upon receipt of a complete application for Conditional Use approval per Section 1500.4, above, the Parkesburg Borough Secretary shall submit the application for recommendation to the Planning Commission. Upon receipt of the application, the Planning Commission shall review the Conditional Use request with the Applicant at its next regularly scheduled meeting or at a special meeting at the discretion of the Planning Commission. In either case, such review shall take place within sixty (60) days of submittal to the Commission, including the forwarding of any

recommendation to the Borough Council. The Planning Commission may extend its period of deliberation beyond sixty days upon written authorization by the Applicant. If the Planning Commission does not transmit its recommendations to the Borough Council by the date set by the Borough Council for public hearing for consideration of the Conditional Use application, the Borough Council shall proceed to consider such application without the recommendation of the Commission. Should the Applicant submit new or revised plans for development under the application for Conditional Use approval during the period of review by the Planning Commission, the sixty (60) day review period shall start anew and prior plans shall be deemed withdrawn.

B. After review by the Planning Commission, the Borough Council shall hold a public hearing on the Conditional Use application in accordance with the following procedures:

- (1) Notice of the hearing shall be given to the public by publication in a newspaper of general circulation in Parkesburg Borough in accordance with the requirements for public notice established in the Municipalities Planning Code. Abutting property owners shall be notified in writing no less than twenty (20) days prior to the scheduled hearing. Additionally, like notice thereof shall be given to the Applicant, the Code Enforcement Officer, and to any person who has made timely written request for same. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the date of the hearing. The failure of any person or entity to receive notice given pursuant to this section shall not constitute grounds for any court to invalidate the actions of the Parkesburg Borough for which the notice was given. The Borough Council shall commence its first hearing on the application within sixty (60) days from the date the application is filed with the Parkesburg Borough Secretary, unless extended by written authorization from the Applicant.
- (2) The parties to the hearing shall be the Parkesburg Borough, any person affected by the application who has made timely appearance of record before the Borough Council and any other person, including civic or community organizations permitted to appear by the Borough Council. The Borough Council shall have the power to require that all persons who wish to be considered parties submit written requests on such forms as the Borough Council may provide for that purpose.

- (3) The President or Acting President of the Borough Council shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - (4) Formal rules of evidence shall not apply but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 - (5) The Borough Council shall keep a record of the hearing proceedings. Copies of the written or graphic material received in evidence shall be made available to any party at cost.
 - (6) The Borough Council shall render a written decision within forty-five (45) days after the last hearing before the Borough Council. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for the final decision.
 - (7) A copy of the final decision shall be delivered to the Applicant and the parties before the Borough Council personally or mailed to them not later than the day following the date of the decision.
 - (8) Appeals from a determination of the Borough Council pursuant to any application for a Conditional Use shall be only as prescribed and within such times permitted by the applicable provisions of the Pennsylvania Municipalities Planning Code, as amended.
- C. In granting Conditional Use approval, where such use is authorized under this Ordinance, the Borough Council may also attach such conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of the Pennsylvania Municipalities Planning Code, as amended, and this Ordinance. Conditional Uses shall be subject to compliance with particular standards contained in this Ordinance and criteria defined in the application review process. The standards described shall be deemed additional and shall in no way impair any other applicable standard from this or any other Parkesburg Borough ordinance. The Applicant shall be responsible for demonstrating compliance with all standards and criteria required for Conditional Use approval. The conditions of approval may include, but need not be limited to:

- (1) Specific modifications to area and bulk requirements as might otherwise be applicable;
 - (2) Provisions for additional utility or traffic safety facilities;
 - (3) Securing of additional easements or property to assure proper site design;
 - (4) Modification to the applicable design standards; or
 - (5) Provisions requiring that any modification, enlargement or expansion of the use as approved shall require a new Conditional Use approval.
- D. The Applicant shall have the burden to prove, by a preponderance of the evidence, that the proposed use will comply in all respects with this and other Parkesburg Borough ordinances, County, State or Federal legislation. The Borough Council may retain such consultants as necessary to review and certify the accuracy of submitted plans and documents, the reasonable and necessary charges for which shall be borne by the Applicant. When the Applicant does not provide information as required, then it shall be presumed that the proposed use is not in accordance with the requirements applicable for the granting of Conditional Use approval.
- E. Any grant of Conditional Use approval shall be deemed null and void twelve (12) months from the date of such approval if, within that period, no application is made for a building permit, a use and occupancy permit, or subdivision or land development approval, as appropriate, unless so extended by the Borough Council. Any request to extend the twelve (12) month expiration period shall be properly filed with the Zoning Officer thirty (30) days in advance of the expiration date. The request shall include the reason why the extension is required, a reasonable estimate of the time needed to obtain the necessary approvals, and a qualified statement that there has been no change in the Conditional Use application or the neighborhood in which the property is located. Failure to diligently pursue necessary approvals shall not be grounds for an extension. The Council may grant up to one additional eighteen (18) month extension provided a reasonable argument is presented. No more than one such extension shall be granted per Conditional Use approval.

6. Criteria for Review of Conditional Use Applications.

The following criteria shall be used as a guide by the Borough Council in the evaluation of a proposed Conditional Use. It shall be the burden of the Applicant to demonstrate compliance with all applicable criteria:

- A. Any Applicant for Conditional Use approval shall have the burden of demonstrating to the satisfaction of the Borough Council that provision is made to adequately reduce or minimize any noxious, offensive, dangerous or hazardous feature or features thereof, as the case may be. The Borough Council may deny Conditional Use approval where the Applicant has failed to do so or where any use otherwise is deemed to be dangerous or potentially dangerous to the public health, welfare or safety or which constitutes or may constitute a public hazard whether by fire, explosion or otherwise.
- B. The proposed use(s) shall be limited to those authorized as Conditional Uses within the District in which the lot or parcel is situated. The property subject to Conditional Use application shall be suitable for the use desired.
- C. The size, scope, extent and character of the Conditional Use desired shall be consistent with the spirit, purposes and intent of the Parkesburg Borough Comprehensive Plan, Open Space, Recreation and Environmental Resources Plan, and Zoning Ordinance.

- D. The proposed use at the location set forth in the application shall be in the public interest and serve the public health, safety, moral and general welfare.
- E. Consideration of the character and the type of development in the area surrounding the location for which the request is made, and a determination that the proposed use is appropriate in the area and will not injure or detract from the use or value of the surrounding properties or from the character of the neighborhood.
- F. The development, if more than one building, will consist of a harmonious grouping of buildings or other structures.
- G. There will be no adverse affect of the proposed Conditional Use upon the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, emergency management services, recreational opportunities, open space and, where necessary, adequate arrangements for expansion or improvement of such services and facilities are ensured.
- H. The design and use of any new construction and proposed change in use of existing buildings will be compatible with the existing designs and uses in the immediate vicinity and that the proposed design or use shall be compatible with the character of the neighborhood.
- I. If the development is to be carried out in progressive stages, each stage shall be so planned that the conditions and intent of this Ordinance shall be fully complied with at the completion of any stage.
- J. The location and layout of the proposed use is suitable with respect to probable effects upon highway traffic, and assures adequate access arrangements in order to protect major streets and highways from undue congestion and hazard. The proposed use will not lower the level of service on adjacent road segments and intersections as defined by the most recent edition of the Highway Capacity Manual from the Transportation Research Council. As a policy, proposed projects should incorporate designs that will assure safe and efficient access and maintain a level of service "C", as a minimum, on all adjacent road segments and intersections.

- K. The interior traffic circulation shall provide safe and convenient circulation for all users, including pedestrian and vehicular modes of transit. The Applicant shall demonstrate that sufficient safeguards such as parking, traffic control, screening, and setbacks can be implemented to remove any potential adverse influences the use may have on adjoining uses. In addition, all emergency access design considerations shall be addressed and incorporated into the proposed plan.
- L. The adequacy of sanitation and public safety provisions, where applicable, and the necessity to provide a certificate of adequacy of sewage and water facilities from a governmental health agency in any case where required or deemed necessary.
- M. The adequacy of provisions for storm water management and drainage.
- N. Sufficient land area shall be available to be able to effectively screen the proposed Conditional Use from adjoining different uses if required by the Borough Council.
- O. Consideration of any other development impacts and/or proposed mitigation identified by the submitted site analyses
- P. Consideration of likelihood of market success of proposed use(s), as indicated by market analyses, where required.
- Q. The Borough Council shall consider additional standards and criteria set forth in Section 1909, Standards for Review of Special Exception, to the degree the Borough Council deems such standards to be applicable to review of the Conditional Use application.
- R. Uses shall meet the provisions and requirements of the Parkesburg Borough Subdivision and Land Development Ordinance and all other applicable ordinances and regulations of Parkesburg Borough.
- S. The Borough Council may impose such conditions, in addition to those required, as are necessary to assure compliance with the intent of the Zoning Ordinance, which conditions may include, but are not limited to, harmonious design of buildings, landscaping and its maintenance as a sight and/or sound screen, the minimizing of noise, glare, and noxious, offensive or hazardous elements, and adequate standards of parking and sanitation.

- T. If the Borough Council approves the application and accompanying development plan, such approved plan shall accompany (1) any application for subdivision and land development as prescribed by the Parkesburg Borough Subdivision and Land Development Ordinance and (2) any application for a building permit.

ARTICLE XVI

PARKING AND LOADING

SECTION 1600 STATEMENT OF INTENT

No building or structure shall hereafter be constructed, enlarged or altered and no use or activity shall be conducted or expanded unless provision is made for off-street parking facilities, either within a structure or in the open, and with proper and safe access from a street, to adequately serve the uses within the district according to the provisions of this Article. It is the intent of this Article to provide for and regulate the movement of vehicles, both on public rights-of-way and private property, the storage of vehicles when not in use, and the loading of vehicles.

SECTION 1601 ACCESS AND TRAFFIC CONTROL

In order to minimize traffic congestion and hazard, control street access in the interest of public safety, and encourage the appropriate development of street or highway frontage, the following shall apply:

1. No parking lot or area for off-street parking or for the storage or movement of motor vehicles shall abut directly a public street or highway. Parking lots shall be separated from public streets by a raised curb, barrier planting strip, wall or other effective barrier against traffic, except for necessary accessways. Each parking lot shall have not more than two (2) accessways, and each parking lot shall have not more than two (2) accessways to any one (1) public street for each five hundred (500) feet of frontage.

When necessary, cross easements for accessways and traffic circulation shall be obtained in order to reduce the number of accessway entrances. All cross easements shall be recorded as well as noted on the plans for the proposed improvements.

2. In the case of uses permitted in the R-5, C-1, C-2 and I zoning districts, the following regulations shall apply:
 - A. All parking, loading or service areas used by motor vehicles shall be located within the lot lines of the parcel for which the use is permitted.

- B. All accessways to a public street or highway shall be located not less than one hundred seventy-five (175) feet from the intersection of any street lines.
 - C. All streets and accessways shall be designed in a manner conducive to a safe exit and entrance.
 - D. Additional traffic signals, signs or road improvements deemed necessary by the Borough Council to provide safe and adequate access to a property shall be provided.
- 3. All driveways, aisles, maneuvering spaces, vehicular service and loading areas, or spaces between buildings and spaces surrounding buildings, other than those relating to a dwelling, shall be adequately illuminated in conformance with the provisions of Section 426 of the Borough Subdivision and Land Development Ordinance.
 - 4. No commercial parking, loading or service area in a commercial or industrial zoning district shall be located between a main building and a street unless authorized by the Zoning Hearing Board where the restriction against such use is clearly impractical. In no case shall the distance between the street right-of-way line and the portion of the lot used for parking be less than twenty (20) feet.
 - 5. Unless deemed inappropriate by Borough Council, lots abutting two or more streets shall have direct access only to the street of lesser functional classification.
 - 6. Provisions shall be made for safe and efficient ingress and egress to and from public streets, without due congestion or interference with normal traffic flow within the Borough.

SECTION 1602 INTERIOR CIRCULATION

- 1. Interior drives shall be the minimum widths specified herein and shall be designed so as to prevent stacking of vehicles entering or leaving the site. Drives may be one-way or two-way. Areas provided for loading and unloading of delivery vehicles, and for trash removal, fuel delivery and other similar functions shall be so arranged that they may be used without:

- A. Blocking or interfering with the use of accessways, automobile parking facilities, or pedestrian ways, or,
- B. Causing vehicles to back into a public street.

When required by the Borough, a traffic study, prepared by a qualified professional engineer, shall demonstrate that sufficient on-site facilities and features will be provided to ensure adequate vehicular circulation and to ensure that the back-up of vehicles onto public streets will be prevented.

2. Minimum Interior Drive Widths, in feet.

Interior Drive Widths

Use	Two Lane Two Way	R.O.W.	One Lane One Way	R.O.W.
	Cartway (Width in Feet)		Cartway (Width in Feet)	
Apartment	20	26	12	20
Commercial	24	50	14	30
Industrial	26	50	18	30

Street designs shall give consideration to the provision of shoulders. The dimensions provided in the table do not include shoulders.

- 3. Interior drives shall be paved with an all-weather surface and provided with curbs and drainage in conformance with the requirements of the Borough Subdivision and Land Development Ordinance.
- 4. Fire Lane Easement Requirements.
 - A. No apartment, commercial or industrial building shall be located more than one hundred fifty (150) feet from a duly dedicated, improved and accessible fire lane easement as defined herein, nor more than six hundred (600) feet from a duly dedicated, accessible and improved public street. Fire lane easements shall have a minimum unobstructed right-of-way width of thirty (30) feet, and there shall be constructed within this right-of-way an all-weather and well drained surfaced cartway with a minimum width of twenty (20) feet. The extension of fire lane easements shall begin from one or more existing and improved public streets.

- B. Fire lane easements which curve, turn or change directions shall have a minimum radius of fifty-five (55) feet at the pavement. Fire lane easements containing reverse curves shall have a minimum center line tangent length of fifty (50) feet between curves. Dead-end fire lane easements shall be terminated with an unobstructed vehicular turnaround or cul-de-sac with a minimum right-of-way radius of forty-five (45) feet and shall have a minimum surfaced radius of thirty-five (35) feet. Dead-end fire lane easements shall have a maximum length of four hundred (400) feet.
- C. The location of fire lane easements shall conform to plans for the extension of streets, sanitary sewers, water mains, storm sewers and other drainage facilities and public utilities as contained in this and other ordinances of the Borough and shall provide adequate access to buildings by fire and emergency services.

5. Pedestrian Circulation

Sidewalks, in conformance with the provisions of section 417 of the Borough Subdivision and Land Development Ordinance, shall be provided in all subdivisions and land developments. In addition, the Borough may require the construction and perpetual maintenance of trails and trail systems in subdivisions and land developments.

SECTION 1603 DESIGN STANDARDS

- 1. Lighting - The parking, loading and ingress and egress areas in any zoning district shall be illuminated in compliance with the provisions of Section 426 of the Borough Subdivision and Land Development Ordinance.
- 2. Shopping Cart Storage - Any establishment which furnishes carts or mobile baskets as an adjunct to shopping shall provide definite areas within the required parking space areas for storage of said carts, in accordance with Section 1413, herein. Each designated storage area shall be clearly marked for storage of shopping carts. Such signs indicating storage shall not be considered as regulated by Article XVII.
- 3. Parking spaces shall be clearly delineated with suitable pavement markings.

SECTION 1604 OFF-STREET LOADING REQUIREMENTS

In connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading berths not less than a minimum specified as follows:

1. Location - All required loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane. No loading berth for vehicles of more than two-ton capacity shall be located less than one hundred (100) feet from a residential zoning district or a residential use. No permitted or required loading berth shall be located within fifty (50) feet of a property line. No loading facilities shall be constructed between the building setback line and a street line or between a yard setback line and a property line.
2. Size - A required off-street loading berth shall be at least fifteen (15) feet in width and at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have vertical clearance of at least sixteen (16) feet.
3. Access - Each required off-street loading berth shall be designed with the appropriate means of vehicular access to an interior drive in a manner which will least interfere with traffic movements, and shall be subject to approval of the Borough. Such off-street loading berth shall have an all-weather surface to provide safe and convenient access during all seasons.
4. Surfacing - All open off-street loading berths shall be paved in accordance with the provisions of Section 412 of the Borough Subdivision and Land Development Ordinance.
5. Repair and Service - No storage of any kind, nor motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading berth.
6. Space allowed for any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof. Required off-street parking spaces shall not be used for loading and unloading purposes except during hours when business operations are suspended.

7. Required Loading Berths - At least one loading berth shall be required. There shall be at least one (1) loading berth for each three (3) delivery and/or loading vehicles serving the facility on an average day or a suitable alternative solution applicable to the proposed use so that no trucks are parked on any streets and such alternative plan is approved by the Planning Commission. The following table shall be used to calculate the numbers of loading berths needed for various situations:

Loading Berth Requirements

Use	Floor Area	Req. Berths
Business and Professional Offices or Public Administration Building	First 10,000 sq. ft.	1
	Next 40,000 sq. ft.	1
	Each additional 20,000 sq. ft.*	1
Food Stores and Retail Department Stores	First 5000 sq. ft.	1
	Next 5000 sq. ft.	1
	Each additional 20,000 sq. ft.*	1
Manufacturing	First 3000 sq. ft.	1
	Next 7000 sq. ft.	1
	Each additional 20,000 sq. ft.*	1
Wholesale	First 2000 sq. ft.	1
	Next 8000 sq. ft.	1
	Each additional 10000 sq. ft.*	1
Other Uses	First 1000 sq. ft.	1
	Each additional 5000 sq. ft.*	1

* Fractions or portions of an additional square footage increment should be considered as an entire increment of additional square footage.

8. The parking of trucks off-street overnight is prohibited in areas other than at commercial or industrial facilities where the loading berths are located.

SECTION 1605 SINGLE-FAMILY DETACHED RESIDENTIAL PARKING REQUIREMENTS

8. A parking space, or spaces, with proper and safe access from a street or alley, shall be provided on each lot either within a structure or in the open to adequately serve the dwelling(s). The parking space for one (1) vehicle shall be equal to at least three hundred fifty (350) square feet including the stall and driveways, and shall be at least ten (10) feet wide and twenty (20) feet in depth.

Parking spaces shall have an approved all-weather surface and shall have safe and convenient access in all seasons. The following requirements shall apply:

1. Two (2) spaces shall be required for each dwelling unit, one of which may be within an attached or unattached garage, if such garage is restricted from conversion to living and/or storage space.
2. Where a parking area of one thousand (1,000) square feet or more is provided or services a residential use, or a parking area of any size is provided or services a non-residential use, the following additional requirements shall be imposed:
 - A. All access ways and parking spaces shall be paved with an all-weather surface and provided with curbs and drainage in conformance with the requirements of the Borough Subdivision and Land Development Ordinance.
 - B. The outlines of all parking spaces shall be permanently marked.
 - C. The parking area shall be landscaped in accordance with the provisions of this Ordinance.
3. No driveway shall be closer than ten (10) feet to an adjacent parcel without the installation of a landscape buffer.
4. The parking of vehicles in Parkesburg Borough is further regulated by Ordinance 452. No vehicles greater than four (4) tons shall be parked in residentially zoned areas.

SECTION 1606 OFF-STREET PARKING REGULATIONS

This section addresses all parking requirements for uses other than single-family residential, which is addressed in Section 1605.

Standards - Off-street parking space, or spaces, with proper and safe access from interior drives shall be provided on each lot, either within a structure or in the open, to serve the uses within the district adequately.

The parking space for one (1) vehicle shall be equal to at least three hundred fifty (350) square feet including stalls and driveways, and shall be at least ten (10) feet wide and twenty (20) feet in depth. Parking spaces shall have an approved paved surface and shall have a safe and convenient access in all seasons. No parking area shall be closer than twenty (20) feet to any Street right-of-way line.

2. Use - Required off-street parking facilities as accessory to uses listed herein shall be solely for parking of passenger vehicles of patrons, occupants and/or employees.
3. Location - Parking spaces required for uses permitted shall be located on the same lot as the use served.
4. Repair and Service - No motor vehicle repair work of any kind other than emergency service shall be permitted in parking lots.
5. Access and Circulation
 - A. Each required off-street parking space shall open directly upon an aisle, or a driveway, of such width and design as to provide safe and efficient means of vehicular access to such parking space in accordance with the applicable standards. All off-street parking facilities shall be provided with two (2) appropriate means of vehicular access to the interior street in a manner which will least interfere with traffic movement.
 - B. A parking area containing four (4) or more parking spaces shall have two (2) vehicular access roads containing all-weather, hard-surfaced pavement suitable for the volumes and character of traffic expected to use such roads, and the locations and routes of access to such a parking area shall be clearly identified.
 - C. Parking lots of over twenty (20) vehicles shall be so divided by permanent raised curbing that access lanes, and parking spaces are clearly defined, and that moving traffic will be confined to designated access lanes.
 - D. A maximum of sixty (60) parking spaces may be placed together in a parking compound. All such compounds of parking spaces must be separated by a planting strip not less than ten (10) feet in width and no more than fifteen (15) spaces may be contiguous without the placement of a ten (10) foot landscaped area.
 - E. In any case where a development abuts a State or Borough road, all streets in the vicinity of the development shall be adequate to serve probable increases in traffic volume, and adequate deceleration lanes and similar facilities shall be provided. The Borough may require the preparation of a Traffic Impact Statement to determine the extent of off-site impact from a proposed development.

6. Off-Street Handicapped Parking - Handicapped accessible parking shall be provided in compliance with the Americans with Disabilities Act.
7. Bicycle and Miscellaneous Parking
 - A. When deemed appropriate by the Borough a developer shall provide a portion of a parking lot or other suitable paved area for the parking of horse drawn carriages, including devices for the tying of horses and/or appropriate bike racks.
 - B. When deemed appropriate by the Borough a developer shall provide, bike racks that shall be located so that they are highly visible from the street or main building entrances. No bike rack shall be installed in an isolated location. Bicycle parking areas shall be separated from motor vehicle parking areas by at least a curb barrier which would prevent vehicles from damaging bicycles. A hard surfaced parking area is required for such facilities.
8. Collective Provisions for One Lot - Off-street parking facilities for separate uses on one (1) lot may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of each such use, and if all regulations governing the location of accessory parking spaces in relation to the use served are observed. No parking space, or portion thereof, shall serve as the required space for more than one (1) use.
9. Buffer Requirements - Every parking lot shall be subject to the following buffer requirements:
 - A. In the case of a parking lot which is accessory to a permitted use and which contains one thousand (1,000) square feet or more for a residential use, or a parking area of any size for a nonresidential use, such parking lot shall be screened from the adjacent lot by a buffer planting strip not less than ten (10) feet in width and shall conform to the provisions of this Ordinance.

- B. In the case of a parking lot which is a principle use of the lot, such lot shall be enclosed, except for entrances or exits, by an ornamental fence or wall consistent with the architectural character of the surrounding uses, or by a compact evergreen hedge, not less than six (6) feet in height.
10. For any use, except single-family uses in residential districts, off-street parking may be provided in parking structures only when the structure is approved as a conditional use. When parking structures are utilized to provide all or some of the required parking to serve a principal use, no surface parking shall be permitted within the required setbacks, regardless of any Borough ordinances to the contrary. Parking structures shall be considered as contributing towards building coverage and impervious coverage standards. Where parking cannot be accommodated on-site, ordinance relief may be accomplished by contribution of land or a fee-in-lieu for the provision of municipal parking. Where remote off-site parking is permitted by the Borough, such parking shall be located not more than four hundred (400) feet from the entrance to the building or facility served.
11. Computation.
- A. When determination of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, that fraction shall be considered as a whole space.
- B. A minimum of one (1) off-street parking space shall be required for each employee of all non-residential uses, plus additional parking spaces calculated using the table below. In computing the number of employees, full-time and part-time employees on the shift of greatest employment shall be counted.
- C. The following table shall be used for the computation of required parking spaces:

Use	Parking Spaces Use per 1000 sq. ft. Gross Floor Area	Other Standards
Residential Uses		
Single Family Detached or Semi-Detached, Mobile Homes,	-	2.0 per dwelling unit
Single Family Detached with 4 or more Bedrooms	-	3.0 per dwelling unit
Single Family Attached Multi- Family	-	2.0 per dwelling unit, plus 0.5 per d.u. visitor spaces

Retirement, Age-Restricted Development (Age 55 and over)	-	2.0 per dwelling unit, plus 0.5 per d.u. visitor spaces
<u>Industrial Uses</u>		
Warehouse, Storage Establishment Wholesaling, Manufacturing	0.5	Plus 5.0 spaces
Mini-Warehouse/Self Storage	-	5.0 per 1000 s.f. of office
Research and Development Laboratories	4.0	-
Electric Utility Facility	-	1.0 per employee greatest shift plus 10% for visitors
<u>Office Uses</u>		
General	4.0	-
Government	5.0	-
Medical	5.0	-
Bank/Financial	4.5	Plus 6.0 stacking per drive-in lane
<u>Commercial Retail Uses</u>		
General	5.0	-
Shopping Center	5.0	-
Furniture, Carpet	1.0	Plus 5.0 spaces
Roadside Stand	-	1.0 per 250 s.f. of sales/display
Hardware, Home Improvement	5.0	-
Building Materials	4.0	Plus 5.0 spaces
Automobile, Truck, Boat, Mobile Dwelling Unit, Trailer, Outdoor Equipment, Motorcycle Sales	-	5.0 space minimum plus 1.0 per 1000 s.f. of floor and ground area of sales, service, display and/or storage
Laundromat	-	1.0 space per washing machine
Convenience Store	5.0	Gas sales calculated separately
Supermarket	6.0	-
<u>Commercial Service Uses</u>		
Personal Service businesses	4.0	-
Funeral Homes	8.0	-
Fitness Center/Health Club	10.0	-

Restaurant	9.0	Plus parking for one quarter of outdoor seating area
Restaurant, fast food/take-out	15.0	-
Veterinary Services, pet grooming	3.5	-
Kennel	0.5	Plus 5.0 space minimum
All Other	-	As established by Borough Council on recommendation from Borough Planning Commission
<u>Commercial Auto Service</u>		
General, including vehicle repair	1.5	Or 4.0 per bay, whichever is greater
Carwash (single car, automatic bay)	2.0	Plus 6.0 stacking spaces per bay and 2.0 drying spaces per bay
Carwash (multiple car, automatic bay)	4.0	Plus 12.0 stacking spaces per bay and 2.0 drying spaces per bay
Carwash (self wash bay)	-	3.0 per bay
Gas Station	-	1.0 per pump plus 6.0 stacking spaces per island
<u>Commercial Lodging</u>		
Hotel, Motel	-	1.0 per guest room and 1.0 per employee, plus required spaces
Bed and Breakfast	-	1.0 per guest room, plus 2.0 per dwelling unit
Campground	-	1.0 per camp space plus 1.0 per employee
Home Occupation	-	1.0 per each non-resident employee
<u>Institutional Uses</u>		
Place of Public Assembly, Church	-	1.0 per 4 permanent seats of 10.0 per 1000 s.f. of assembly area, whichever is greater
Club, Association (no food service)	6.0	-

Club, Association (with food service)	10.0	-
Fire Station	-	4.0 per vehicle bay plus 10.0 per 1000 s.f. public assembly area
Library, Museum	-	Plus 7.5 per 100 s.f. public assembly area
Assisted Living Facility, Nursing Home	-	0.33 per bedroom
Day Care, Kindergarten, Preschool	5.0	-
School, Elementary or Junior High	-	2.0 per classroom plus 7.5 per 1000 s.f. public assembly
School Senior High, Trade, Vocational, College, University	-	10.0 per classroom plus 7.5 per 1000 s.f. public assembly
Group Homes, Institutional, Monasteries, Convents	-	0.75 per bedroom
Police Station	4.0	-
Post Office	5.0	-
Hospital, Sanitarium	-	1.0 per 3 beds, plus 1.0 per employee greatest shift
<u>Outdoor Recreation & Amusement</u>		
Camps, day or youth	-	0.66 per 1000 s.f. of area
Park, Playground	-	0.2 per 1000 s.f. of area
Swimming Pool	-	2.5 per 1000 s.f. of pool surface
Tennis Courts	-	3.0 per court
Athletic Fields	-	15.0 per field plus 1.0 per 4 permanent seats
All Other Active Uses	-	0.1 per 1000 s.f. of area
All Other Passive Uses	-	5.0 minimum plus 1.0 per acre
<u>Indoor Recreation & Amusement</u>		
Swimming Pool	-	1.0 per 100 s.f. pool surface
Indoor Court Games	-	3 per court
Community Center, Auditorium, Stadium, Gymnasium	-	1.0 per 4 permanent seats or 10.0 per 1000 s.f. of public assembly, whichever is greater
All Other	-	1.0 per 4 permanent seats or 10.0 per 1000 s.f. of public assembly, whichever is greater

Outdoor Commercial Recreation & Amusement

General	-	5.0 minimum plus 0.66 per 100 s.f. of area
Outdoor Court Games	-	3.0 per court plus 1.0 per 4 permanent seats
Miniature Golf Course	-	3.0 per hole
Outdoor Arenas	-	1.0 per permanent seats

Indoor Commercial Recreation & Amusement

General	6.0	-
Bowling Lanes, Pool Room	-	4.0 per lane, 2.0 per pool table
Skating Rink	-	0.1 per 1000 s.f. of skating surface
Theater, Assembly Room	-	1.0 per 4 permanent seats or 10.0 per 1000 s.f. of public assembly, whichever is greater

ARTICLE XVII

SIGNS

SECTION 1700 STATEMENT OF INTENT

The intent of this Article is to regulate the existing and proposed outdoor signs of all types in order to promote and preserve the public health, safety and general welfare of the citizens of Parkesburg Borough. It is further intended to protect property values; create a more attractive community; and preserve the scenic and natural beauty of designated areas. Additionally, it is intended to reduce sign and advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way; and curb deterioration of natural beauty and community environment. This Article provides for the regulation of signs in Parkesburg Borough as a proper exercise of police power, to protect the public health, safety and welfare in accordance with the following objectives:

1. To control the size, location and illumination of signs in the Borough in order to reduce hazards to pedestrian and vehicular traffic.
2. To encourage signs which are well designed and crafted and which are harmonious with the architectural and historical character of the neighborhood in which the sign is located.
3. To establish standards that encourage signs to be compatible with their surroundings, appropriate to the type of activity to which they pertain, expressive of individual proprietors, legible to viewers; and to prohibit signs that do not meet these criteria.
4. To prohibit the construction of and require the removal of signs which constitute a hazard or a blighting influence.

Any sign erected or maintained after the effective date of this Ordinance shall conform to the following regulations in all districts:

SECTION 1701 GENERAL

No sign shall be erected within the lines of a street right-of-way except traffic signs and similar regulatory notices of a duly constituted governmental body, except a sandwich board sign may be erected on a public sidewalk that is within the street right-of-way in the C-1 and C-2 Zoning Districts, provided that the sandwich board sign complies with Section 1702.3.

2. No moving or flashing signs shall be permitted.
3. No sign which emits smoke, visible vapors or particles, sound, or odor shall be permitted.
4. No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for, a traffic signal.
5. Floodlighting shall be arranged so that the source of light is not visible from any point off the premises and that only the sign is directly illuminated thereby.
6. No sign shall be erected on a premises, except one advertising a business or articles or merchandise for sale on the same premises, with the exception of an off-premises sign in the I, Industrial District.
7. Every sign permitted shall be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated (loose parts, broken or cracked materials, significantly damaged by an accident, etc.) may be removed by the Borough at the expense of the owner and lessee of the property on which it is located, after giving the owner/lessee thirty days written notice.
8. Any sign located along the right-of-way of a State or Federal highway shall comply with any more restrictive requirements of the State or Federal Government relating thereto.
9. All distances provided for in this Article shall be measured along straight lines between signs and from the near edge to near edge of a sign or sign structure.
10. A permit shall be obtained by the owner/lessee before erecting any sign under these regulations except as hereinafter provided.
11. No sign, other than official street signs, shall be erected or maintained nearer to a street line than a distance equaling the height of the sign unless attached to the building, except a sandwich board sign may be erected on a public sidewalk that is within the street right-of-way in the C I and C-2 Zoning Districts, provided that the sandwich board sign complies with Section 1702.3.

12. All permanent signs affixed to any building shall be integrated with the architectural design of the building and harmonious with the façade of the building.
13. Murals, painted on, or otherwise attached to building walls or other structures, shall be permitted only upon the approval, as a conditional use, of the Borough Council.

SECTION 1702 TEMPORARY AND PORTABLE SIGN REGULATIONS.

1. Temporary signs - Temporary signs include signs larger than six (6) square feet in area, advertising land or premises available for purchase, development, or occupancy, or other signs announcing special events, or the temporary sale of products and goods, such as Christmas trees. Temporary signs shall be permitted, provided that:
 - A. Permits shall run for a period of up to one (1) month as applicant chooses. Permits may be renewed once, if required.
 - B. Signs shall not exceed thirty-two (32) square feet in area.
 - C. Any free-standing sign shall be located at least ten (10) feet from any lot line.
 - D. Signs shall be removed immediately upon expiration of permit.
 - E. The site or building on which the sign was erected shall be restored to its original condition upon removal of sign.
 - F. A permit must be obtained before erecting any temporary sign.
2. Portable Signs - General. Not more than one portable sign may be erected on any business, commercial, or industrial premises. Such sign shall not exceed fifteen (15) square feet in area, except the area of each sign face of a sandwich board signs shall not exceed ten (10) square feet.
3. Portable Signs - Special Provisions for Sandwich Board Signs. A Sandwich Board Sign not exceeding four (4) feet in height and three (3) feet in width may be placed in front of an establishment conducting a permitted use in the C-1 and C-2 Zoning Districts, provided that:

- a) the sign is placed so that at least five (5) feet of clear hard surfaced pedestrian travel space is provided between edge of the sidewalk nearest the street or parking lot, as the case might be, and the Sandwich Board Sign, and the sign does not otherwise obstruct a reasonable "path of travel" for those with disabilities as defined by the federal Title II and III Accessibility Design Standards and Regulations promulgated and adopted September 15, 2010 pursuant to the American with Disabilities Act of 1990 (ADA), and in any manner otherwise does not obstruct pedestrian or vehicular traffic, or parking and loading spaces;
- b) the sign is removed at the end of each business day, or under adverse wind conditions; and,
- c) the area of each sign face of a sandwich board sign shall not exceed ten (10) square feet.

A sign permit shall not be required for a compliant Sandwich Board Sign, but is subject to inspection by the Zoning Officer.

- 4. Banners. Banners, as defined in Article II, across streets, alleys, and other public rights-of-way shall be permitted to promote community events or charitable, educational, fraternal, civic or service organizations. Banners to promote business or other commercial enterprises are prohibited. Banners are subject to the following provisions:
 - A. A minimum of fifteen (15) working days before the desired date of hanging a banner, an applicant must complete and submit a banner permit application to the Zoning Officer, including any requested structural information.
 - B. The hanging of banners is the sole responsibility of the applicant.
 - C. Banners must be no lower than fifteen (15) feet over a public right-of-way.
 - D. Banners may not be hung more than fourteen (14) days prior to the date of said event and shall be removed no later than seven (7) days after said event has concluded.

- E. Banners not removed within seven (7) days after said event has concluded shall be removed by the Borough, with the applicant being liable for the actual cost of the removal.
 - F. Banners hung without proper approval will be removed within two (2) working days after the proper person or organization has been notified by any means of communication. Failure to remove a banner after notification shall result in removal by the Borough, with the applicant being liable for the actual cost of the removal and fines as related to zoning violations.
5. Temporary political signs, announcing the candidacy of a person for elective office, shall be permitted in all districts however any such political sign shall be removed within seventy two (72) hours of the election.

SECTION 1703 SIGN STANDARDS

1. Business signs accessory to permitted commercial uses shall be permitted provided that:
- A. Wall signs mounted on the front of a building shall not exceed ten (10) square feet in area for each five (5) linear feet of front building wall and in no case shall exceed thirty (30) feet in width or eight (8) feet in height at the minimum allowable building setback. For each additional one (1) foot of setback, the maximum height of the sign may be increased by one (1) foot, provided that no sign shall exceed thirty (30) feet in height and no sign shall exceed twenty (20) percent of the face of the building.
 - B. Wall signs mounted on a side wall exposed to public view from either a street or parking area shall not exceed ten (10) square feet of area for each linear foot of such side building wall and in no case shall exceed thirty (30) feet in width.
 - C. Wall signs shall be installed parallel to the supporting wall and project not more than ten (10) inches from the face of such wall.
 - D. Freestanding signs, as defined in Article II, shall not exceed fifty (50) square feet in area.

- E. Freestanding signs shall be erected only within the limits of the front yard of the property to which they pertain.
- F. Signs shall not be spaced closer to each other than a distance equal to ten times the largest dimension (height or width) of the sign having the largest dimension; provided that in no case shall signs be erected less than eighty (80) feet apart.
- G. Not more than three business, commercial, or industrial signs, (wall, freestanding and/or roof, subject to the provisions of paragraph H, below), may be erected and maintained on premises devoted to the business, commercial, or industrial uses to which such signs relate, except that on lots or tracts used for multi-commercial enterprises, such as shopping centers, each commercial enterprise shall be allowed not more than one identifying wall sign on the front facing wall of such commercial enterprise, and the owner of such multi-commercial lot or tract may erect a freestanding sign or roof sign identifying the multi-commercial enterprise lot or tract by name, type of business, and trademark of any business, commercial, or industrial enterprise on the lot or tract, or any article for sale or rent on the lot or tract, or otherwise calling attention to a use conducted on the lot or tract. Any sign erected pursuant to this subsection must otherwise conform to the size, area, setback, and other requirements set for elsewhere in this Article.
- H. Signs erected in accordance with the preceding subsection shall identify the name or type of business conducted, or the name or trademark of any article for sale on the premises, or shall call attention to the use being made of the premises, or any combination of the foregoing. Where the preceding subsection limits the number of signs to three, such signs shall be attached to a building wall or building walls, except that one of such signs may be a freestanding sign, and one may be a roof sign, as defined in Article II, and except further that where any premises front on two streets or roads which do not bisect and are approximately parallel, the owner or user of such premises may have two free-standing signs, one on each frontage, and a roof sign or wall sign, as defined in Article II. All signs erected under this subsection are subject to the size, area, setback, and other provisions of this Ordinance.

- I. A freestanding sign or a projecting sign, as defined in Article II, may be double-faced, provided that the two (2) faces are two (2) parallel surfaces that are opposite and matching in size and shape and are not over twelve (12) inches apart.
 - J. No freestanding sign shall be higher than twenty (20) feet above average ground level, except that the top of any masonry freestanding sign shall not exceed six (6) feet above average grade level.
 - K. All projecting signs shall not project more than five (5) feet beyond the building façade to which they are attached, shall not exceed twelve (12) square feet in area, and no part of a projecting sign shall be less than eight (8) feet or more than twenty (20) feet above the ground at walkway level. Projecting signs shall be rigidly attached to the building and to all supporting and framing structures, attachments and hardware.
 - L. Marquee signs, awning signs and canopy signs shall be counted toward the maximum sign area permitted for a premises. No portion of any such marquee, canopy or awning sign shall be lower than eight (8) feet above the level of any sidewalk. Marquee, awning and canopy signs may be constructed of cloth or metal however all frames and supports shall be of metal and shall be securely attached to and supported by the building.
 - M. Soda and/or candy machines, newspaper dispensing boxes, or any similar type of dispensing machines or container with advertising on their sides, are signs when they are placed outside of a building and their area shall be counted toward the maximum sign area allowed for the principle use for the building and/or premises. No soda machine or candy machine or similar dispensing machine located outside of a building shall be internally lighted.
2. Signs naming an approved subdivision or land development shall be permitted provided that:
- A. Such sign does not exceed sixteen (16) square feet in area for each exclusive entrance to the subdivision or land development.
 - B. Such sign is restricted to the subdivision or land development name.

3. Signs for bed-and-breakfast facilities shall be permitted provided that such sign shall comply with the requirements of Section 2007.2.K of this Ordinance.
4. Signs for major home occupations shall be permitted provided that such signs shall comply with the requirements of Section 2006.2.D of this Ordinance.
5. Signs of schools, churches, hospitals, public libraries, public parks or playgrounds or multi-family buildings of ten (10) or more dwellings or other institutions and premises of a similar nature shall be permitted provided that:
 - A. The size of such sign does not exceed twenty (20) square feet.
 - B. Not more than one (1) sign shall be placed on a property in single or separate ownership unless such property fronts upon more than one (1) street, in which case one (1) such sign may be permitted on each frontage.

SECTION 1704 ILLUMINATION OF SIGNS

1. In the R-5, C-1, C-2, and I zoning districts, the following permitted signs, and no other, may be illuminated:
 - A. Professional signs of a physician, dentist, justice of the peace and such other persons whose services in an emergency are customarily considered essential to the public health, safety and welfare, provided that the illumination is by white light only.
 - B. Businesses or retail establishments.
 - C. Sign of a school, church, hospital, sanitarium, club or other or other use, provided that the illumination is by white light only, and is limited to the hours of darkness commencing after sunset to not later than 10:00 p.m. of the same day.
 - D. Signs for regulation of traffic, marking of hazards and the like.
2. There shall be no illumination of a flashing, intermittent or moving type.

3. Flood-lighting shall be so shielded that the source of the light shall not be visible from any point off the lot on which the sign building, or structure is being illuminated thereby.
4. All light must be, at its source, white in color, but can be shown through or on colored material.

SECTION 1705 PROHIBITED SIGNS

1. Spinning, animated, twirling or moving signs, or any other moving object used for advertising purposes, whether containing a message or not.
2. Sign on a mobile, wheeled stand, except as permitted under Section 1702.2.
3. No floating blimp, other hot-inflated signs, or cold-inflated signs.
4. No blinking, flashing, twinkling or lighted moving signs of any type, except those parts of signs which indicate time or temperature, or signs using klieg-type lights are permitted.
5. Billboards or other such outdoor off-premises advertising signs not located on the same lot as the primary associated use, except for an off-premises sign permitted as a Conditional Use in the I, Industrial District.
6. Signs, or other graphic material, painted on the walls of buildings or painted on other structures.
7. Soda and/or candy machines or any other vending machine or other container with advertising on the sides or top thereof, except that newspaper vending machines, containing advertising related only to the sale of newspapers, shall be permitted only in the C-1 and O-2 Districts.
8. Prohibited Location of Signs.
 - A. No sign may be attached to a utility pole, tree, or other plant, except those placed by a municipal or transportation agency.
 - B. No sign or sign structure shall project above the building height restriction in the district or above the height of a building to which it is affixed.

- C. No sign shall be placed or painted on any roof of any building or any structure or architectural detail designed to look like a roof.
- D. A truck, van, or trailer with a sign on it, must be parked so as to minimize its use as an advertisement for a use, service or commodity, on the premises, to persons in vehicles on a public street. No such vehicle or trailer shall be parked in an area which is not a paved parking space. This provision does not prohibit the on-premises parking of such a vehicle or trailer, in any safe way, on a paved space when there are no reasonable alternative parking locations on the premises and such parking otherwise complies with all applicable regulations. No unlicensed or unregistered vehicle or trailer may be used as a sign visible from a public street.
- E. No signs shall be placed or maintained in a position that interferes with traffic or pedestrian safety. The sign shall not obstruct or interfere with the view of any official street sign or signal, the street and/or driveways entering any street or pedestrian ways. No sign shall in any way interfere with the minimum sight distances which would be required for any street or driveway if the street was a state road of the same type, or if the street entered by a driveway was a state road of the same type.
- F. No sign, other than official street signs, shall be erected or maintained within the street right-of-way, unless a building is located closer and the sign is mounted flush with the building, except a sandwich board sign may be erected on a public sidewalk that is within the street right-of-way provided the sign complies with Section 1702.3.
- G. No sign or sign structure shall project more than four and one-half (4Y2) feet over a public walkway and the lower edge of such projecting sign and/or sign structure shall not be less than eight (8) feet above the level of such walkway.

SECTION 1706 SIGN PERMITS AND INSPECTION

1. Except for signs included under Section 1706.3, all signs shall require a permit.

- A. Sign permit applications may be obtained from and shall be filed with the Borough Zoning Officer.
- B. All such applications shall include a scaled drawing of the sign and shall identify the materials and colors to be used, where and how the sign shall be supported and/or mounted and the materials to be used in any support structure, the exact location of the sign on the building or ground, height of the sign, and the intensity of illumination. The applicant must establish compliance with all applicable regulations, and shall provide written consent of the landowner if different than the applicant.
- C. Applications for signs on commercial and industrial zoned property and commercial uses permitted in residential zoned property shall be reviewed by the Zoning Officer and shall conform to the following provisions:
 - (1) For wall and roof signs, the application must include a scaled drawing of the building facade identifying the location of the sign on the building and the sign support structure. Such application shall include the identification of the colors and materials of the building.
 - (2) For freestanding signs, a scaled plot plan of the property shall be provided, which shall identify the location of the sign on the property and improvements on the site, as well as a drawing of the sign support structure and any landscaping.
 - (3) All applications for signs, with an area of twenty (20) square feet or more on any side, shall have a landscaped area around the base of the support structure. The landscaped area shall be a minimum of three (3) times the area of the largest side of the sign and shall be permanently maintained in good condition. All landscaping materials which die or become deceased shall be replaced promptly by the owner.
- D. Any fee established and required by the Borough must accompany the application.
- E. Sign permits shall be expressly issued for either permanent or temporary signs.

- F. No sign shall be changed in any way from that shown on the approved application, unless and until a new permit authorizing the change is issued.
2. Changes to Signs - The following changes to a sign shall not require a permit:
 - A. Regular maintenance of the sign, including electrical, repainting, or cleaning of a sign.
 - B. The repair of the sign that in no way changes the sign from the original approved application.
 - C. Minor changes to a sign, such as phone. number or contact information changes, deemed by the Borough Zoning Officer to be insignificant to the sign.
 3. Signs Not Requiring a Permit, but requiring review by the Zoning Officer.
 - A. Governmental Signs.
 - B. Informational signs, such as "entrance", "exit", "no parking" and the like, provided:
 - (1) Informational signs shall be on the same lot as the use to which the sign relates or the prohibition of use to which it relates.
 - (2) The area of informational signs shall not exceed two (2) square feet.
 - (3) Informational signs are limited to appropriate information such as that listed in the definitions in Article II and shall not contain any advertising.
 - C. Directional signs or public service signs, such as those advertising availability of restrooms, telephone or similar public conveniences, and signs announcing meeting times and places of non-profit service or charitable organizations, providing that such signs do not advertise a commercial establishment, activity, organization, product, goods or services, except those of a public utility. Directional and informational signs may be within commercial establishments. Such signs shall not exceed two (2) square feet in area.

- D. Address signs, in addition to any other sign authorized hereby, provided:
- (1) Such sign shall not exceed one hundred and eight (1 08) square inches.
 - (2) There shall be only one (1) such sign for each street frontage where an entrance to the premises is located.
- E. No trespassing signs and signs indicating private ownership of driveways or other property, on the same premises therewith, provided:
- (1) The total area on any one (1) side of such sign shall not exceed two (2) square feet.
 - (2) Such sign shall be located outside the street right-of-way and at least eight (8) feet from cartway (inside curb) and spaced at intervals of not less than one hundred (100) feet along the street frontage.
- F. Temporary yard signs for events such as yard or garage sales, provided:
- (1) Such sign is not greater than two (2) square feet in area.
 - (2) No more than one (1) on-site sign is erected for each use.
 - (3) Shall be removed within twenty-four (24) hours after said event.
 - (4) Not more than four (4) off-premises signs shall be placed and shall be approved by the property owner on which the signs are placed.
- G. Temporary window signs, made of paper or other temporary material, to be used as an accessory sign to the sign associated with a principal commercial or retail use, shall not be counted toward the maximum sign area for the premises, provided:
- (1) Temporary window signs shall only be allowed in the C-1 and C-2, Commercial Districts, and in the I, Industrial, District.

- (2) Temporary or permanent window signs shall not exceed one-third (Y3) of the total glass area of the window in which they are placed and shall not cause the total amount of window area for either permanent or temporary window signs to exceed fifty (50) percent of the total window area for the premises.
 - (3) Temporary window signs shall not be displayed for more than thirty (30) days.
 - H. Real Estate signs offering individual properties for sale or rent, or indicating that the property has been sold, provided:
 - (1) Real estate signs shall only be located within the lot lines of the property to which the sign refers.
 - (2) Real estate signs shall not exceed six (6) square feet in area.
 - (3) Real estate signs indicating that the property has been sold shall be removed from the property no later than when the property title has been transferred.
 - I. Any Sandwich Board Sign placed at or near the entrance of a business establishment and meeting the requirements of Section 1702.3 of this Article.
- 4. The Borough Zoning Officer shall approve or deny applications for sign approval permits within fifteen (15) working days from the date of the filing of the complete application with the required fee.
- 5. All signs shall be subject to inspection by the Zoning Officer during construction. No work shall be done other than as specifically shown on the application and approved by the permit.

SECTION 1707 NONCONFORMING SIGNS

1. Any nonconforming sign, signboard, billboard, or advertising device existing before the effective date of this Ordinance, but which does not meet the requirements of this Ordinance, shall be considered a legal nonconforming sign and may be continued subject to the following:
 - A. A legal nonconforming sign may be moved to another position on the building or lot on which it is located, provided that moving such a sign would reduce or eliminate the nonconformity. This action shall require the notification and permission of the Borough Zoning Officer.
 - B. The total area of all such signs relating to a single use at the effective date of this Ordinance, or at the effective date of any amendment of this Ordinance, by which any sign shall be made nonconforming shall not be increased.
 - C. No such sign shall be changed, except as authorized by maintenance provisions in Section 1706.2.A.
 - D. Nonconforming signs may be replaced only with conforming signs.
 - E. Whenever any nonconforming use of building or structure or land, or of a combination of buildings, structures and land ceases, all signs accessory to such use shall be deemed to become unlawful and shall be removed within three (3) calendar months from the date such use terminates.
2. Any sign, signboard, billboard, or advertising device that did not satisfy the Ordinance requirements prior to the effective date of this Ordinance, and which does not meet the requirements of this Ordinance, shall be considered an illegal nonconforming sign, and may be continued only subject to the following:
 - A. An illegal nonconforming sign must be removed or replaced with a conforming sign not later than three (3) years following the effective date of this Ordinance. Illegal nonconforming signs may be replaced only with conforming signs.
 - B. The required sign permit application fee shall be waived when an application proposed to replace an illegal nonconforming sign with a conforming sign is submitted.

- C. An illegal nonconforming sign may be moved to another position on the building or lot on which it is located provided that moving such a sign would reduce or eliminate the nonconformity. Such action shall require the notification and permission of the Borough Zoning Officer.
- D. The total area of all such signs relating to a single use at the effective date of this Ordinance, or at the effective date of any amendment of this Ordinance, by which any sign shall be made nonconforming shall not be increased.
- E. No such sign shall be changed, except as authorized by maintenance provisions in Section 1706.2.A.
- F. Whenever any nonconforming use of building or structure or land, or of a combination of buildings, structures and land uses, all signs accessory to such use shall be deemed to become unlawful and shall be removed within three (3) calendar months from the date such use terminates.

SECTION 1708 REGISTRATION OF NONCONFORMITIES

- 1. All property owners shall register all legal nonconforming signs and all illegal nonconforming signs with the Zoning Officer within sixty (60) days of the adoption of this Zoning Ordinance as follows:
 - A. Location and description of the sign, including Zoning District, County parcel number, and location on parcel or identified structure.
 - B. Name and address of the owner of the nonconforming sign.
 - C. Section of which the sign is nonconforming.
 - D. Date when the nonconforming sign came into existence.
 - E. Date when the nonconforming sign was approved, if ever.

An amortization period of five (5) years of the date of adoption of this Zoning Ordinance shall be permitted for all nonconforming signs at which time such signs shall either be made conforming to the provisions of Article XVII applicable at that time or shall be removed.

SECTION 1709 REMOVAL OF SIGNS

1. Whenever a sign is constructed in an unsafe manner, or is placed in a location that interferes with safe passage of vehicles or pedestrians, or blocks the sight distance in an intersection or becomes structurally unsafe and/or poses a potential threat to the safety of a building or premises, or otherwise endangers the public safety, and such condition becomes known to the Zoning Officer, written notice shall be given to the owner of the premises on which the sign is located, informing the owner that such sign must be made safe or removed within five (5) days, unless the Zoning Officer shall deem appropriate a more extended period for compliance.
2. Where, in the opinion of the Zoning Officer, upon careful inspection, any sign as described in Section 1709.1, constitutes an imminent hazard to public safety, necessitating immediate action, appropriate measures may be taken to secure, stabilize, or remove such sign without the written notice to the owner of the premises otherwise required by Section 1709.1. In such cases, the owner shall be liable to the Borough for the actual cost of the removal and fines as well as fines related to zoning violations.
3. Failure of the Zoning Officer to remove, or require the removal of, any unsafe sign shall create no liability, upon, nor cause of action against, the Zoning Officer or any other Borough official or employee for damage or injury that may occur as a result of such sign.

ARTICLE XVIII

NONCONFORMING USES, STRUCTURES, LOTS AND SIGNS

SECTION 1800 APPLICABILITY AND PURPOSE

1. The following regulations shall apply to all existing uses, structures, lots and signs, which do not conform to the provisions of this Ordinance or to the provisions of any subsequent amendment thereto, but were in lawful existence prior to the effective date of this Ordinance or any amendment thereto shall be known and regarded as nonconforming uses, structures, and lots, as defined below:
 - A. Nonconforming Use - A use, whether of land or structure, which does not comply with the applicable use provisions of this Ordinance or amendments hereafter enacted where such use was lawfully in existence prior to the effective date of this Ordinance or amendments.
 - B. Nonconforming Structure - A building or structure which does not comply with the applicable area, bulk and dimensional standards, including those relating to density, impervious surfaces, building coverage, building height, and setbacks of this Ordinance or amendments hereafter enacted where such structure was lawfully in existence prior to the effective date of this Ordinance.
 - C. Nonconforming Lot - A lot or site in single or separate ownership which does not comply with the applicable area, bulk and dimensional standards, including those related to lot area and lot width, of this Ordinance or amendments hereafter enacted where such lot was lawfully in existence prior to the effective date of this Ordinance.
 - D. Nonconforming Sign (Per Section 1805)
2. Where lawful nonconforming uses, structures, lots or signs exist within the Borough of Parkesburg, recognizing that to require discontinuance could result in hardship to property owners, it is the policy of this Ordinance to permit the continuation of same, subject to restrictions as are herein imposed in this Article on change, extension or enlargement of such nonconformities or otherwise referenced herein. It is further the policy of this Ordinance to encourage elimination and/or improvement of such nonconformities overtime as otherwise referenced herein.

3. The owner of a nonconforming use, structure or building does not have an inherent right to deviate from design and area standards of this Ordinance. It is the duty of the owner of a nonconforming property to comply with area and bulk regulations and the performance standards of the district in which the use is located.

SECTION 1801 CONTINUATION

Except as hereinafter provided in this Article, any lawful building, or structure or the lawful use of a building, structure, land, lot, or sign existing at the time of the effective date of this Ordinance or any subsequent amendment, at the time of a change in the Zoning Map, or as authorized by a building permit issued prior thereto may be continued in the form evident at the effective date of this Ordinance although such use, structures, lot, or sign does not conform to the provisions hereof or of any subsequent amendment.

SECTION 1802 NONCONFORMING USES

1. Change of Use
 - A. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
 - B. No nonconforming use in a residential zone may be changed to a new or different nonconforming use.
 - C. Nonconforming uses in commercial and industrial zones may be changed to new or different uses, as provided herein.
 - D. A nonconforming use conducted in whole or in part in enclosed premises may be changed to another nonconforming use by grant of a special exception only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be similar to or less detrimental to its neighborhood and surroundings than the use it is to replace. In determining the effect of the proposed change, the Zoning Hearing Board shall use these standards, among others: traffic generated and congestion, nuisance characteristics (such as emission of noise, dust and smoke), fire hazards, hours and manner of operation, availability of sufficient on-site parking facilities, storage and manner of waste disposal, area and height of the building, and suitability of the building for conversion to a conforming use. The applicant shall demonstrate that a nonconforming use cannot reasonably be changed to a use permitted by right.

- E. The Zoning Hearing Board may condition the grant of a special exception to change a nonconforming use to another non-conforming use. Where the proposed nonconforming use requires a lesser area of utilization than the existing nonconforming use, the Board is authorized to require a reduction in the area of the building, and, if relevant, unenclosed portion of the lot to be utilized for the nonconforming use, and may impose additional conditions or restrictions as authorized in this Ordinance.
2. Extensions or Enlargement - The nonconforming use of a building or of a lot shall not be extended or enlarged, and a nonconforming building housing any such use shall not be extended or structurally altered, except insofar as is required by law to assure the structural safety of the building, unless the Zoning Hearing Board shall, as a special exception, authorize the extension of a nonconforming use or building which houses a nonconforming use on a lot. The Zoning Hearing Board may grant such special exception provided that:
- A. It is clear that such extension is not materially detrimental to the character of the surrounding area or the interest of the Borough.
 - B. The area devoted to the nonconforming use shall, in no case, be increased by more than twenty-five percent (25%), nor shall there be more than one (1) extension to a nonconforming building or building housing a nonconforming use granted.
 - C. Any extensions of a building or lot having a nonconforming use shall conform to the area and bulk regulations of the district in which it is situated and all other applicable regulations.
3. Restoration - No building devoted to a nonconforming use shall, in the event of destruction or serious damage by fire, flood or similar cause, be reconstructed for the purpose of carrying on the nonconforming use unless the Zoning Hearing Board shall, as a special exception, authorize such reconstruction. The Zoning Hearing Board shall not grant such special exception unless the applicant shall prove that the nonconforming use to be carried on in the reconstructed building will have no substantial adverse impact on the use or development of adjacent property, nor be otherwise detrimental to the public health, safety or welfare. "Serious damage" shall be defined as damage which reduces the value of any structure by more than half of its prior value. The reconstructed building or structure shall conform to all area and bulk regulations in the applicable zoning district, except as provided by Section 1803. Reconstruction shall commence within one (1) year from the date the building was damaged or destroyed, and shall be completed within one (1) year of the starting date.

4. Unenclosed Premises - Where a nonconforming use is conducted entirely on an unenclosed premises, no structure to house or enclose such use, whether or not such structure would otherwise conform to zoning regulations, shall be permitted to be erected on the premises, and no such use shall be extended or expanded unless authorized by the Zoning Hearing Board as a special exception and no such use shall be changed to another nonconforming use.
5. Abandonment - Whenever a nonconforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one (1) year, such discontinuance shall be presumed to constitute an intention to abandon such use and any subsequent use of the property shall be in conformity with the provisions of this Ordinance. See definition of ABANDONMENT, in Article II, Definitions.

SECTION 1803 NONCONFORMING STRUCTURES

The continuation, alteration or extension of a nonconforming structure shall be in compliance with the following requirements:

1. Extension or Enlargement - A nonconforming structure being used, or proposed to be used, for a conforming use may continue and may be altered or enlarged, unless the alteration or enlargement would increase the nonconformity of the structure with respect to the setbacks, area, heights, width, building coverage, lot coverage, building placement or distance between building regulations of this Ordinance, or any subsequent amendment in effect at the time such alteration or enlargement is proposed to be made. In the case of a nonconforming structure which is occupied by a nonconforming use, such alteration, renovation or enlargement shall also meet the requirements of Section 1802.1. In the case of a nonconforming structure which is located on a nonconforming lot, such alteration, renovation or enlargement shall also meet the requirements of Section 1804 of this Article.

2. Restoration - A nonconforming structure being used, or proposed to be used, for a conforming use which has been seriously damaged or destroyed by fire or other casualty shall not be reconstructed, except as a conforming building, unless the Zoning Hearing Board shall, as a special exception, authorize the reconstruction of the structure to its former, nonconforming dimensions. "Serious damage" shall be deemed as damage which reduces the value of any structure by more than half of its prior value. The reconstructed building or structure shall not exceed the height, area, and volume of the original building. Any such application for special exception shall commence within one (1) year from the date of damage or destruction, and shall be completed within one (1) year of the starting date.

SECTION 1804 NONCONFORMING LOTS

Nonconforming lots shall be in compliance with the following requirements:

1. No lot area shall be so reduced that the area and bulk regulations are non-conforming with the provisions herein or the width of the lot or the dimensions of the open space shall be smaller than herein prescribed.
2. The owner of two (2) or more contiguous lots, at the time of the effective date of this Ordinance, when combined, would create a lot of conforming size, shall be required to combine such lots to create conforming lots prior to the issuance of a building permit.
3. Alteration or Erection of Buildings - A building may be altered or erected on any nonconforming lot which was lawful when created and which, prior to the effective date of this Ordinance, was in separate ownership duly recorded by plan or deed, subject to the following provisions:
 - A. Where all applicable setbacks of the existing zoning district can be met, construction shall be permitted by right, following the issuance of the required building permit.
 - B. Where applicable setbacks and coverage requirements cannot be met by proposed building, construction shall only be permitted when a variance is authorized by the Zoning Hearing Board.

- C. In all cases, the use of the nonconforming lot shall be required to conform to the permitted uses within the district in which the nonconforming lot lies.

SECTION 1805 NONCONFORMING SIGNS

Nonconforming signs shall be regulated under Section 1707, herein.

ARTICLE XIX

ZONING HEARING BOARD

SECTION 1900 PURPOSE, ESTABLISHMENT AND MEMBERSHIP

1. The purpose of this Article is to establish regulations to govern the establishment, functions, and procedures of the Borough Zoning Hearing Board, hereinafter called the "Board".
2. A Zoning Hearing Board shall be established for the purpose of carrying out zoning functions as provided by Article IX of Act 247, the Pennsylvania Municipalities Planning Code, as amended. The Board shall consist of five (5) members appointed by Borough Council. The terms of office of the five-member Zoning Hearing Board shall be five (5) years, and shall be so fixed that the term of office of one member of the five members shall expire each year. In making a transition from the three (3) year terms authorized pursuant to the prior ordinance, the existing members of the Board shall continue until their terms would expire under the prior ordinance, at which time their terms will be scheduled in staggered fashion to expire so that so that the term of office of one member shall expire each year. Members of the Board shall be residents of the Borough and shall neither hold another elected or appointed Borough office, nor be an employee of the Borough. The Board shall promptly notify Borough Council of any vacancy. Appointments to fill vacancies shall be only for the unexpired portion of the term.
3. The Borough Council may, by resolution, appoint a resident of the Borough to serve as alternate member of the Board. The term of the alternate member shall be five (5) years, and the alternate member shall hold no other office, elected or appointed, in the Borough or be an employee of the Borough. An alternate may participate in any proceeding or discussion of the Board, but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 1904, unless designated as a voting alternate member pursuant to Section 1901.
4. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by majority vote of Borough Council, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing will be held in connection with the vote if the member shall request it in writing.

SECTION 1901 BOARD ORGANIZATION, RULES AND RECORDS

1. The Board shall elect officers from its membership annually, and such officers may succeed themselves. For the conduct of any hearing and the taking of any action, the 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 the parties may waive further action by the Board, as provided in Section 1905.
2. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate the alternate member(s) to sit on the Board. The alternate member shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed, until the Board has made a final determination of the matter or case.
3. The Board, subject to the conditions of this Ordinance and the laws of the Commonwealth, may adopt, alter, and rescind rules and forms for its procedure. The Board shall file a copy of each decision with the Borough Manager, and with the Borough Zoning Officer. The Board shall keep full public records of its business, which records shall be the property of the Borough, and shall submit a full report of its activities to the Borough Council, as requested.

SECTION 1902 JURISDICTION

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Substantive challenges to the validity of this Ordinance or Zoning Map, except those brought before the Borough Council pursuant to Section 609.1 and 916.1(a)(2) of Act 247, the Pennsylvania Municipalities Planning Code, as amended.
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 any permit application therefor, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.

3. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard article within this Ordinance.
4. Applications for variances from the terms of this Zoning Ordinance pursuant to Section 1908, such provisions within a land use ordinance pursuant to Section 910.2 of Act 247, the Pennsylvania Municipalities Planning Code, as amended.
5. Applications for special exceptions under the Zoning Ordinance pursuant to Section 1909, or such provisions within a land use ordinance, pursuant to Section 912.1 of Act 247, the Pennsylvania Municipalities Planning Code, as amended.
6. Appeals from the Zoning Officer's determination under Section 916.2 of Act 247, the Pennsylvania Municipalities Planning Code, as amended.
7. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of this Ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications made pursuant to Article V or VII of Act 247, the Pennsylvania Municipalities Planning Code, as amended.

SECTION 1903 APPLICATION FOR HEARINGS

1. Applications for hearings before the Board shall be filed with the Zoning Officer, together with the proper fee in accordance with Section 1904,
2. An application for a special exception or variance from the terms of this Ordinance shall state:
 - A. The name and address of the applicant.
 - B. Name and address of the owner of the real estate to be affected by the proposed application.
 - C. Description and location of the real estate to be affected by such proposed change.
 - D. Statement of the present zoning classification, present land use, and existing improvements of the real estate in question.

- E. Statement of the Section of this Ordinance authorizing the proposed special exception or variance and reasons why it should be granted.
 - F. Description of the proposed use and improvements.
 - G. Site plan indicating the metes and bounds of the property, any proposed modification of property boundaries, location, arrangement, use, setback, and dimensional features showing compliance with applicable area, width, coverage, yard, and design standards of all proposed new structures, existing structures, additions to existing structures, and any significant features, existing and proposed improvements and facilities, such as, but not limited to, drainage facilities, utility lines, driveways, paved areas, curb cuts. and any additional information pertinent to the application. In the case of an application involving a proposed modification of property boundaries, the site plan must be prepared by a licensed engineer or surveyor. In the case of other applications, the site plan can be prepared by the applicant's representative, but the information must, nevertheless, be sufficiently accurate to provide the Zoning Hearing Board with the factual basis to determine the issues.
3. In the event that any required information is not furnished, the application shall be refused and the fee returned to the applicant.

SECTION 1904 EXPENDITURES

Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board, including the alternative member when designated in accordance with Section 1901, may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall the amount of compensation exceed the rate of compensation authorized to be paid to the members of the Borough Council.

SECTION 1905 HEARINGS

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

1. The Board shall fix a reasonable time and place for public hearings. Notification of said hearing shall be provided, as set forth in Section 1906.
2. The first hearing before the Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearing to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
3. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as the hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
4. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

5. The chairman or acting chairman of the Board or the hearing officer presiding, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence, to argument and to cross-examine adverse witnesses on all relevant issues.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, unduly repetitious evidence may be excluded.
8. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid in full by the Board if the transcript is ordered by the Board or hearing officer, or shall be paid in full by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
9. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or that party's representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative after the commencement of the hearing unless all parties are given an opportunity to be present.
10. The Board or the hearing officer, as the case may be, shall render a written decision, or when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings and conclusions based thereon, together with the reasons therefore. Conclusions based on any provisions of this Ordinance or of any act, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. if the hearing is

conducted by a hearing officer and there has been no stipulation that the decision or findings of the hearing officer are final, the Board shall make the hearing officer's report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the decision of the Board shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Act 247 Section 916.1, where the Board fails to render a decision within the forty-five (45) day period required by this Section, or fails to commence, conduct, or complete the required hearing as provided in Section 1905.2, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed or shall agree in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 1906. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. A copy of the final decision, or where no decision is called for, the findings shall be delivered to the applicant personally or mailed to the applicant not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
12. The Borough Council may prescribe reasonable fees with respect to hearings before the Board. Fees for said hearings may include compensation for the secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs. The applicant, before any action by the Board, shall deposit with the Zoning Officer the appropriate filing fee as set forth in the fee schedule adopted by resolution of the Borough Council.

SECTION 1906 NOTICE OF HEARING

Public notice of any public hearing shall be given as follows:

1. The public notice herein required shall state the name of the applicant, the location of the lot or building and the general nature of the question involved, and the date, time and location of the hearing.
2. Public notice shall be published as per Act 247.
3. Public notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
4. Notice of all hearings shall be given in writing to the applicant; the Zoning Officer; the Borough Manager; and Borough Planning Commission, by mail to the owner, if the address is known, or to the occupant of every lot on the same street within five hundred (500) feet of the lot or building in question and of every lot not on the same street within two hundred (200) feet of said lot or building; and to any person who has made a timely request for same, or who have registered their names and addresses for this purpose with the Board. Such written notice shall be given at least ten (10) days prior to the hearing. The Board may mail written notice thereof. Failure to give this notice, either in part or in full, as stated by this paragraph, shall not invalidate any action taken by the Board.
5. In addition thereto, the public notice may note that copy of the landowner's application may be examined by the public at the Borough Hall during regular business hours.

SECTION 1907 APPEALS TO THE ZONING HEARING BOARD

1. Appeals under Section 1901(1), (2), (3), (4), (5), (6), and, (7) may be filed with the Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. All appeals shall be on forms prescribed by the Zoning Hearing Board, accompanied by the requisite fees, and shall refer to the specific provision of this Ordinance involved and reasonably state the basis of the appeal.
2. Requests for a variance or special exception may be filed by any landowner, or any tenant with permission of the landowner. The appropriate fee, as established by the fee schedule adopted by resolution by the Borough Council, shall be paid in advance for each appeal or application for a variance or special exception.

SECTION 1908 STANDARDS FOR VARIANCES

1. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance, provided 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 the Zoning Ordinance 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 the Zoning Ordinance and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
 - C. That such unnecessary hardship has not been created by the applicant.
 - D. That the variance, if authorized, will neither alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

SECTION 1909 STANDARDS FOR SPECIAL EXCEPTIONS

Where this Ordinance provides special exception uses to be authorized or denied by the Board, pursuant to express standards and criteria, the Board shall hear and decide requests for such uses in accordance with such standards and criteria, as follows, in addition to such other requirements and standards listed in this Ordinance for the proposed use. 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 purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code (MPC).

1. The size, scope, extent and character of the special exception request is consistent with the Borough Comprehensive Plan and with the purpose and intent of the zoning district involved, and promotes harmonious and orderly development.
2. The proposed special exception use constitutes an appropriate use in the area consistent with the character and type of development in the area surrounding the location for which the request is made and will not substantially impair, alter, or detract from the use of surrounding property or from the character of the neighborhood; its effect on the other properties in the area; and is consistent with the presence or absence in the neighborhood of conditions Or uses which are the same or similar in character to the condition or use for which the applicant seeks approval.
3. The proposed special exception serves the health, safety and general welfare of residents of the Borough, and is in the best interest of the Borough.
4. The proposed use has adequate access and off-street parking, in accordance with Article XXV, and will not cause undue traffic congestion and hazard.
5. Major street and highway frontage will be developed so as to limit the total number of access points and encourage access from parallel marginal roads or on roads perpendicular to the major street or highway.
6. The proposed modification is reasonable in terms of the logical, efficient and economical extension of public services and facilities, such as public water and sewers, police and fire protection, transportation and public schools.

7. The natural features and processes characterizing the proposed site and its surroundings shall not suffer unmitigated degradation, that the management of stormwater, the provision of water or sewer service, and any other alterations to the site's pre-development condition, shall be consistent with Borough goals, practices and plans in these regards.
8. Conditions are being imposed on the grant of this use to insure compliance with the general purpose and intent of this Ordinance and that the use of adjacent property is adequately safeguarded with respect to harmonious design of buildings, aesthetics, planting and its maintenance as a sight or sound screen, landscaping, hours of operation, lighting, number of persons involved, allied activities, ventilation, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.
9. The recommendations of the Planning Commission on the proposed development plan should be reviewed, where such plan is required. The Board shall not be bound by such recommendations, nor shall the Board be bound by the action of the Borough Council in relation to the development plan.
10. All commercial or industrial parking, loading, access or service areas will be adequately illuminated at night while in use as per Article XVI, and the Parkesburg Borough Subdivision and Land Development Ordinance relating to access and street frontage.

SECTION 1910 BURDEN OF PROOF

The applicant or appellant shall have the burden of proof in all proceedings before the Board, including the burden of establishing that all conditions specified in this Ordinance have been met, and with regard to a variance or special exception, that the express standards and criteria to be considered by the Board have been met.

SECTION 1911 EXPIRATION OF SPECIAL EXCEPTIONS AND VARIANCES

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit, or a use and occupancy permit, or files an application for subdivision or land development approval as the case may be, within six (6) months from the date of authorization thereof.

SECTION 1912 TIME LIMITATIONS

1. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any permit has been issued or refused, or any other decision made by the Zoning Officer, or an application for development, preliminary or final, has been approved by the Borough Council, if such proceeding is designed to secure reversal or to limit approval in any manner unless such person alleges and proves that they had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, that person shall be bound by the knowledge of their predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a tentative plan pursuant to Section 709 of the Act 247, as amended, or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of Act 247, the Pennsylvania Municipalities Planning Code, as amended shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative approval.
2. All appeals from determinations adverse to the landowners, to either the Zoning Hearing Board or Borough Council, shall be filed with the Borough Zoning Officer by the landowner within thirty (30) days after notice of determination is issued.

SECTION 1913 STAY OF PROCEEDINGS

1. Upon filing of any proceeding referred to in Section 1907 and during its pendency before the Board, all land development pursuant to any challenged provision of the Zoning Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property. In such case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board, or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body.
2. When an application for preliminary or final development has been duly approved and proceedings designed to reverse or limit the approval area have been 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. Procedures shall be in accordance with Act 247, Section 915.1, as amended.

SECTION 1914 APPEALS TO COURT

All appeals from all land use decisions rendered pursuant to Article IX of Act 247 shall be taken to the court of common pleas of the judicial district wherein the land is located and shall be filed within thirty (30) days after entry of the decision as provided in 42 Pa, C.S 5572 (relating to time of entry of order) or, in the case of a deemed decision, within thirty (30) days after the date upon which the notice of said deemed decision to given as set forth in Section 908(9) of Act 247.

ARTICLE XX

SUPPLEMENTAL USE REGULATIONS

SECTION 2000 PURPOSE

The following regulations have been established to govern specific uses, structures or buildings within Parkesburg Borough or are of general applicability and which shall apply in addition to any other applicable zoning district regulations.

SECTION 2001 PUBLIC UTILITY CORPORATION

This Ordinance shall not apply to any existing or proposed building or extension thereof, or to any land, used or proposed to be used by a public utility corporation if, upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed use of the building or land in question is necessary for the convenience or welfare of the public.

SECTION 2002 AUTOMOBILE SERVICE STATIONS, SELF SERVICE GASOLINE AND STATIONS AND COMBINATION GASOLINE AND CONVENIENCE STORE FACILITIES

The following specific development standards shall apply to all automobile service stations, self service gasoline and diesel fuel stations and combination gasoline (including diesel fuel) convenience store facilities where such uses are authorized by this Ordinance so as to ensure that the uses do not adversely affect the health, safety and general welfare of the community.

1. Minimum Site Area. Service station sites shall contain a minimum area of one (1) acre and a minimum of three thousand (3000) square feet for each pump, whichever is greater. For the purposes of this Zoning Ordinance, a pump shall consist of a single dispenser for a single vehicle with multiple hoses for different grades of fuel.
2. Minimum Lot Width. The minimum lot width at both the street and the building setback lines shall be one hundred and fifty (150) feet.
3. Setbacks. The pump islands and any similar equipment or facilities shall be set back a minimum of thirty (30) feet from all property lines and street rights-of-way. The overhang of canopies may extend to within twenty (20) feet of a property line or street right-of-way however the supporting structure for such canopies shall be set back a minimum of thirty (30) feet from the property line or street right-of-way.

4. Service Bays. Service bays, where provided, shall be limited to one (1) per seven thousand (7,000) square feet of lot area. All service bays shall be contained entirely within the principal building. Where any side yard or rear yard is adjacent to a residential district, no more than three (3) service bays shall be permitted. Service bay doors shall not face any residentially zoned district.
5. Screening. Automobile service station sites shall be screened with a six (6)-foot high brick or stone masonry wall, or solid fence of other material when approved by the Zoning Officer, along each property line that abuts a residentially zoned property. A landscaped screen shall also be required according to the provisions of the SALDO Ordinance. In addition other noise abatement devices or procedures may be required.
6. Waste Disposal. All used tires and parts, trash and similar items shall be stored within a solid brick or concrete enclosure located in the rear half or, in the case of corner sites, the rear quarter of the site and shall be secured against dispersal from the site by wind or water.
7. Gasoline and Other Deliveries. No gasoline delivery vehicle or other delivery vehicle shall be parked on a public right-of-way during delivery, nor shall any gasoline delivery hose be permitted on a public right-of-way.
8. Landscaping and Buffering. Landscaping and buffering shall be provided in accordance with the provisions of the SALDO Ordinance.
9. Curb Cuts and Corner Radii. On corner sites a minimum thirty (30) foot curb radius shall be provided and no point of access to the site shall be located within one hundred and seventy-five (175) feet of the street intersection, measured from centerline to centerline. At intersections where a primary right turn flow of traffic is anticipated, a longer curb radius may be required also with a minimum distance of one hundred and seventy-five (175) feet between a point of access and the street intersection.
10. Signs. Signs associated with an automobile service station shall be in compliance with the standards of Article XVII of this Ordinance.

11. Self Service Pumps. Self service pumps for gasoline and diesel fuel shall be permitted only in compliance with applicable state regulations governing the use thereof and as approved by the State Fire Marshall.
12. Complementary Uses Requiring Conditional Use Approval. The following uses may be operated in conjunction with the principal automobile service station use when authorized by the Borough Council as a conditional use in accordance with the provisions of Article XV of this Ordinance:
 - A. Vehicle, trailer and similar equipment leasing and rental.
 - B. Car washing.

SECTION 2003 ACCESSORY DWELLINGS

In order to allow opportunities for the creation of accessory dwelling units in existing single-family detached dwellings or existing buildings accessory to single-family detached dwellings for the express purpose of addressing the housing needs of small households, efficiently utilizing the existing housing stock and allowing some economic benefit to owner-occupants of single-family detached dwellings in the Borough, the following standards shall apply:

1. Accessory dwelling units may only be created on single-family detached residential lots when authorized as a Special Exception by the Zoning Hearing Board according to the provisions of Article XIX of this Ordinance.
2. There shall be no more than one (1) accessory dwelling unit created on any single-family detached residential lot.
3. One (1) of the two (2) dwelling units shall be occupied by the owner of the lot on which both dwelling units are located.
4. The minimum size of an accessory dwelling unit shall be seven hundred (700) square feet of gross habitable floor area and shall not comprise more than thirty-five percent (35%) of the gross habitable floor area of the principal dwelling unit prior to the creation of the accessory dwelling unit.
5. Any addition to the existing structure to accommodate an accessory dwelling unit shall be limited in its size to ten percent (10%) of the gross habitable area of the existing principal dwelling unit and shall be in compliance with the applicable yard and height requirements of the zoning district. No other alterations to the exterior of the structure shall be

permitted unless necessary for health or safety reasons. No exterior changes to the structure shall be made which, in the judgement of the Zoning Hearing Board, are not in conformance with the existing single-family detached character of the neighborhood.

6. Any accessory dwelling must be served by public water and public sewer.
7. Two (2) off-street parking spaces shall be required for the accessory dwelling unit in addition to those utilized by the principal dwelling unit.
8. To ensure compliance with this Ordinance an architectural plan, drawn to scale, shall be submitted indicating the location and size of the existing dwelling unit and the proposed dwelling unit, parking areas and any proposed exterior alterations.

SECTION 2004 OTHER ACCESSORY USES, BUILDINGS AND STRUCTURES

Uses considered customarily accessory and incidental to any permitted use under this Ordinance shall include those generally provided for within the zoning districts. In addition, the uses listed herein shall specifically be deemed accessory in accordance with the following requirements.

1. Uses Accessory to Agriculture
 - A. Greenhouse
 - B. Display and sale of farm products in accordance with the following:
 - (1) At least fifty percent (50%) of such products shall have been produced on the property on which they are offered for sale.
 - (2) Parking for at least three (3) cars shall be provided on the lot. Where the building area exceeds six hundred (600) square feet, one (1) additional parking space shall be provided for each additional two hundred (200) square feet of building area.
 - (3) The sale of farm products shall be conducted either from a portable stand, dismantled at the end of the growing season or from a permanent building. Any such structure, either portable or permanent shall be set back a minimum of twenty-five (25) feet from the road right-of-way.

- C. Preparation of agriculturally related items produced on the premises for the disposal thereof by marketing or otherwise.
 - D. Keeping, breeding and management of livestock and poultry in accordance with Section 2016 of this Ordinance.
 - E. Tenant house in accordance with the standards and conditions in Section 2003 of this Ordinance.
2. Uses Accessory to a Dwelling
- A. Private garage, private parking space, private storage shed and private barn.
 - B. Private stable or other shelter for animals (not including kennels) in accordance with the requirements of Section 2016.
 - C. Private greenhouse, private tennis court.
 - D. A radio or television pole, mast, tower or other structure no higher than fifteen (15) feet and no higher than five (5) feet if roof mounted when erected and operated by a resident of the dwelling who shall be an amateur radio operator licensed by the Federal Communications Commission. The pole, mast, tower or other structure shall be removed within thirty (30) days of a Borough request for nonconformance with performance standards. These standards shall not apply to Borough authorized emergency communication facilities.
 - E. Microwave dish antenna in accordance with the provisions of Section 2015.
 - F. Storage facility in accordance with the provisions of Section 2013.
 - G. Swimming pool in accordance with the provisions of Section 2014.
 - H. No-impact home-based business.
 - I. The rental of rooms within a dwelling in which the lessor resides, or in a building accessory thereto, to not more than two (2) non-transient persons with or without the provision of board for such persons.

3. Uses Accessory to Commercial, Office and Industrial Uses
 - A. Storage facility in accordance with the provisions of Section 2013.
 - B. Microwave dish antenna in accordance with the provisions of Section 2015.
 - C. Restaurant and cafeteria for use by employees of commercial, office and industrial uses in accordance with the provisions of Section 2005.
 - D. Living quarters for watchmen, caretakers and similar employees of commercial, office and industrial uses in accordance with the provisions of Section 2005.
 - E. Recreation facilities for use by the employees of commercial, office and industrial uses in accordance with the provisions of Section 2005.
 - F. Bus shelter in accordance with the provisions of Section 2018.
4. Uses Accessory to Public Parks. Customary recreational, refreshment and service uses and buildings in any public park, reservation, playground or other recreation area.

SECTION 2005 LOCATION OF ACCESSORY USES

1. Unless otherwise specified in this Ordinance, accessory uses, buildings and structures shall be located to the side or rear of the principal building.
2. Unless otherwise specified in this Ordinance, accessory uses, buildings and structures shall be setback from side and rear lot lines for a minimum distance equal to the height of the accessory buildings and structures, provided such setback shall not be less than fifteen (15) feet from a lot line.
3. The minimum distance between any accessory buildings shall be ten (10) feet. The minimum distance between any accessory building and a principal building shall be ten (10) feet if the buildings are not attached.

SECTION 2006 HOME OCCUPATION

A home occupation shall be deemed either a no-impact home based business or a major home occupation depending on compliance with the requirements and provisions of this section. A no-impact home based business shall be permitted by right. A major home occupation shall be permitted where approved by the Borough Council as a conditional use.

1. The following provisions shall apply to all major home occupations:
 - A. Major home occupations may include, but are not limited to, such uses and/or activities as:
 - (1) Professional practice of medicine, law, engineering, architecture, accounting, planning, real estate, and insurance;
 - (2) Personal services including dressmaking, millinery, barber and beauty shops;
 - (3) Cottage industries including crafts and homemade products;
 - (4) Teaching of not more than six (6) pupils simultaneously, or in the case of musical instruction, not more than two (2) pupils at a time.
 - (5) In-home day care use provided no more than six (6) children, including those living in the residence, and those from outside the family occupying the dwelling, are tended at any time.
 - B. The operation of a medical clinic, boarding home, motor vehicle repair shop, stable, kennel or mortuary shall not be deemed a home occupation.
 - C. All major home occupations shall be clearly incidental and secondary to the principal residential use.
 - D. The principal practitioner of any major home occupation must be a resident of the property on which the home occupation is practiced.

- E. No major home occupation shall involve alterations to the exterior of any principal or accessory structure except those customary to residential use of the property. The exterior of the principal residence and all accessory structures, if any, shall retain an appearance that is essentially no different than if there were no home occupation(s) conducted inside.
- F. Except for the raising of garden produce, no major home occupation shall occupy an area greater than twenty-five percent (25%) of the total floor area of the principal dwelling unit, or eight hundred (800) square feet of floor area, whichever is less.
- G. Any dwelling unit in which a major home occupation is conducted shall have its own direct access to ground level.
- H. No major home occupation shall cause any offensive or disturbing noise, smoke, odor, glare or other objectionable effects noticeable at or beyond the lot line.
- I. There shall be no sale, nor storage for sale, of chemicals or biological agents on the premises.

2. Additional Standards for Major Home Occupations

- A. No more than two (2) persons not residents of the premises may be employed by the principal practitioner of the major home occupation.
- B. In addition to the off-street parking spaces required for the residential use of the property, one (1) off-street parking space shall be provided for each employee, plus one (1) additional off-street parking space for each 400 square feet of space on the premises occupied by the home occupation, providing, however, that a total of no more than six (6) off-street parking spaces shall be permitted on one lot. Use of pervious concrete or asphalt and/or concrete or lattice block pavers for parking is encouraged. All off - street parking spaces shall be located at least ten (10) feet from any property line and shall be screened from view from neighboring residential properties.
- C. No more than two (2) business vehicles used in the practice of a major home occupation may be parked on the property on a regular basis. All business vehicles shall be parked in an enclosed

structure or in an area screened from view from neighboring properties and streets.

- D. There shall be no more than one (1) sign, non-illuminated, and no larger than four (4) square feet in aggregate area, identifying the name and occupation of the practitioner. The area of any sign on a vehicle or structure that is regularly visible from the street shall be included in calculating compliance.
- E. No major home occupation shall be permitted in a mobile home within a mobile home park.
- F. Materials, products, or equipment incidental to the practice of a major home occupation may be stored outdoors only when screened from view from neighboring properties and streets in accordance with the provisions of this Ordinance.
- G. Where permitted in connection with the practice of a major home occupation, articles sold or offered for sale shall be produced on the premise, unless incidental to the principal service or use provided.

SECTION 2007 INNS AND BED AND BREAKFAST FACILITIES

- 1. Inn or Similar Lodging. Consistent with the definition of the term "inn" and with the provisions of this Ordinance, a commercial lodging facility may be operated in accordance with the following additional standards:
 - A. An inn or similar lodging shall contain a maximum of twelve (12) rooms with each room to be occupied by no more than two (2) adult persons.
 - B. Any proposal for new construction as an inn shall demonstrate its compatibility with the character of the existing neighborhood and building facades.
- 2. Bed and Breakfast Facility The following standards shall apply to the operation of any bed and breakfast facility permitted by this Ordinance:
 - A. A bed and breakfast facility shall be permitted only in single-family detached, owner occupied dwelling units.

- B. The principal use of the property shall remain that of a single-family dwelling.
- C. No more than three (3) guestrooms may be offered on any individual residential property
- D. There shall be provided one (1) full bathroom (one (1) toilet, washbasin, bath and/or shower) for each two (2) guest rooms.
- E. The length of stay shall be not more than seven (7) uninterrupted days for any guest.
- F. Meals shall consist of breakfast only and only for guests of the establishment. Owners shall comply with federal, state and local requirements for the preparation, handling and serving of food.
- G. Any amenities (swimming pool, tennis court, etc.) shall be solely for the use of the resident owner and bed and breakfast guests.
- H. The resident owner shall maintain a current guest register.
- I. Area, dimensional and bulk standards shall be those applicable to single-family detached dwelling units within the zoning district.
- J. One (1) on-site parking space shall be provided for each guest room and shall not be located in any required yard area.
- K. One (1) sign shall be permitted in association with a bed and breakfast operation. Any such sign shall comply with the standards for a major home occupation stipulated in Section 2006.2.D of this Ordinance.

SECTION 2008 RESIDENTIAL CONVERSION

The provisions in this Section 2008 are intended to provide an alternative use for structurally sound, large and primarily older single-family detached dwelling units that are costly to maintain and offer excessive habitable area for a decreasing household size. The provisions of this Section are also intended to increase the number of smaller dwelling units and provide for an efficient use of the existing housing stock while preserving the character of dwellings that may become obsolete and the character of sound and stable residential neighborhoods.

1. Application to the Zoning Hearing Board. The Zoning Hearing Board may authorize as a Special Exception, the conversion of single-family dwellings existing at the effective date of this Ordinance into a dwelling for not more than three (3) families, where clearly necessary to permit reasonable use of the structure and subject to the following requirements:
 - A. The application to the Zoning Hearing Board for authorization of a Special Exception for residential conversion shall include the following:
 - (1) A floor plan indicating both exterior and interior modifications.
 - (2) A lot plan which identifies off-street parking and other lot improvements.
 - (3) Architectural drawings shall be submitted to the Borough for review showing the proposed construction of the conversion, including party walls, fire separation walls and ceilings, and other fire protection features. Architectural drawings shall be prepared and sealed by a professional registered in Pennsylvania..
 - B. A single-family detached dwelling that is converted to a dwelling with a greater number of dwelling units shall maintain the facade and appearance of a single-family detached dwelling with a single front entrance. The dwelling units may share the single front entrance.
 - C. Additional entrances, when required, shall be placed on the side or rear of the building. Exterior stairways and fire escapes shall be located on the rear wall in preference to either sidewall, and in no case be located on a front or sidewall facing a street.
 - D. With the exception of improvements relating to safety and access as identified in subsections B and C above, there shall be no major structural change to the exterior of the building in connection with the conversion.
 - E. The area and bulk regulations for the applicable Zoning District shall be met.

- F. The minimum floor area for an individual dwelling unit shall be six hundred (600) square feet.
- G. Each dwelling unit shall be provided separate cooking and sanitary facilities in accordance with applicable Building Codes, and subject to Chester County Health Department and DEP regulations and approvals.
- H. The number of off-street parking spaces shall be as required in Article XVI. Off-street parking lots [with five (5) or more spaces] shall be landscaped and screened from abutting lots with dwellings in accordance with the provisions of this Ordinance.
- I. Twenty-five percent (25%) of the lot area shall be designed, reserved and maintained as common open space for residents of the dwelling units. The minimum dimension of any common open space area shall be fifteen (15) feet in any direction. Stormwater detention areas shall not be counted as common open space.
- J. Utilities for each individual dwelling unit shall be separate. Public water and public sewer laterals shall be separate. Each dwelling unit shall have individual utility services and accounts.
- K. Dwelling units created as a result of residential conversion shall each be owned in fee simple title and subject to membership in a condominium agreement and/or a homeowners association, the documents for which have been approved by the Borough Council and are in conformity with the Pennsylvania Planned Community Act.

SECTION 2009 AGRICULTURAL CONTROLS

The following regulations shall apply in all zoning districts in which agricultural uses are permitted.

1. The minimum lot size for all agricultural uses shall be ten (10) acres.
2. The maximum impervious cover on any agricultural property shall be ten percent (10%) and both temporary and permanent structures shall be considered impervious surfaces.
3. Agricultural buildings (excluding dwelling units) shall comply with the following standards:

- A. The minimum lot width at the street line shall be three hundred (300) feet.
 - B. The minimum setback from all lot lines shall be one hundred (100) feet.
 - C. The minimum separation from any residential structures on the same lot shall be one hundred (100) feet.
4. Silos and bulk bins that are attached to a building shall be exempted from area and bulk regulations.
5. Manure shall not be bulk-stored within one hundred (100) feet of a property line.
6. Agricultural runoff shall be controlled according to the following requirements:
- A. Runoff from agricultural buildings and other impervious surfaces shall be directed around areas where manure is stored or otherwise concentrated.
 - B. The property shall be graded or otherwise managed so that runoff as described in Subsection A, above, shall be confined to the lot.
 - C. The storage and disposal of manure shall be prohibited in areas where continuous or intermittent contact occurs between the material and the groundwater table.
 - D. Storage areas for manure shall be a minimum of one hundred (100) feet from any water supply source and when feasible, downhill from it. Manure storage areas shall also be located a minimum of one hundred (100) feet from any lake or stream.
 - E. There shall be an eight (8) foot grass strip between any road cart way and any tilled area. Where topography or other conditions warrant, the Borough Council may modify this requirement or require additional measures to control runoff.
7. On a property being used for agricultural purposes that is ten (10) acres or greater in size, one (1) tenant house, in addition to the primary residence, shall be permitted in accordance with the following:

- A. Only one (1) such additional dwelling shall be permitted on any property regardless of the size of the property.
- B. Where a second dwelling unit already exists on the property as of the effective date of this Ordinance, it shall constitute the permissible tenant house and no additional such dwelling unit shall be constructed. Where no such dwelling exists as of the effective date of this Ordinance, a tenant house may be constructed on the property.
- C. Where a tenant house is to be constructed under the terms of this Section 2009, the structure shall be so situated such that any subsequent request to subdivide the property and create a separate parcel for the tenant house would be in conformance with the currently applicable Borough regulations governing such a request.
- D. The opportunity for the construction of a tenant house in accordance with the provisions of this Section 2009 shall be in addition to any other applicable provisions of this Ordinance.

SECTION 2010 TEMPORARY DWELLING UNITS AND TEMPORARY STRUCTURES

- 1. No temporary structure, whether fixed or mobile in nature, shall be established for any dwelling purpose for any length of time unless approved as a Special Exception by the Zoning Hearing Board. Such approval shall be granted only when the Applicant demonstrates that a permanent use, in compliance with the applicable terms of this Ordinance, is being pursued with due diligence and that the temporary dwelling will be utilized for the minimum practical time period and removed immediately upon the expiration of that period.
- 2. A Temporary Use and Occupancy Permit may however be issued by the Borough in the case of an Applicant displaced from a principal dwelling due to damage to such dwelling sufficient to make the dwelling uninhabitable during the repair or reconstruction period. Such permit shall be issued only in accordance with the provisions of Sub-section 2.13, below.

3. A temporary structure shall be permitted only in accordance with the following standards and requirements:

A. Permitted Structures and Uses

- (1) Bloodmobile, mobile medical testing facility and similar activities related to the promotion of public health.
- (2) Office for political campaigns for a period not to exceed three (3) months.
- (3) Mobile office of the armed forces of the United States for public education or recruitment.
- (4) Offices for contractors on the site and during the period of construction only.
- (5) Temporary housing for persons displaced from a damaged principal residence wherein such principal residence is uninhabitable during the repair period.
- (6) Temporary shelter for business operations displaced due to damage from a principal structure wherein such principal structure is uninhabitable during the repair period.
- (7) Temporary seasonal sales of merchandise for a period not to exceed thirty (30) calendar days.

B. Standards

- (1) A Temporary Use and Occupancy Permit shall be required and shall not exceed six (6) months in duration, except for temporary seasonal sales that shall not exceed a thirty (30) calendar day duration. A Temporary Use and Occupancy Permit shall not be required for uses permitted under Sub-section A. 1, above, provided that such uses do not remain in the same location for a period of more than two (2) consecutive days.
- (2) In the case of temporary structures permitted under Subsections A.4, A.5 and A.6, above, such temporary structures shall remain in place only until the principal structure has been repaired or constructed or the construction project has been completed. The initial permit

may be renewed for three-month (3-month) periods provided the Applicant can demonstrate reasonable progress towards the completion of the reconstruction or construction necessitating the temporary structure.

- (3) Where applicable, a copy of the Penn DOT highway occupancy permit shall be provided to the Borough.
- (4) No display, sales or parking shall be permitted within any street right-of-way and no display, sales or parking shall obstruct pedestrian or vehicular traffic.
- (5) It shall be the responsibility of the Applicant to demonstrate the need for a Temporary Use and Occupancy Permit.
- (6) All temporary structures shall be completely removed, and the site cleared of any debris, within fifteen (15) calendar days of the expiration of the permit, except temporary structures for the seasonal sale of merchandise, which shall be completely removed, and the site cleared of any debris, with three (3) calendar days of the expiration of the permit. There shall be no cost to the Borough for removal of temporary structures and uses and clearing of debris.

SECTION 2011 DAY CARE CENTERS

A day care center, as defined by this Ordinance, shall be permitted only upon the grant of a Conditional Use approval by the Borough Council in accordance with the provisions of Article XV. In deciding upon any such request for conditional use approval, the Borough Council shall, among other factors, require that the day care center be in compliance with the following standards:

1. In the C-1 and C-2 Districts, and as an accessory to a permitted church use, a maximum of fifty (50) individuals receiving day care may be served at the facility at any one (1) time.
2. The minimum amount of outdoor play or recreation space shall be one hundred (100) square feet per individual child receiving care at any given time. This space, or any portion of it, shall not be located in any front or side yard.

3. The outdoor play or recreation space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited for active recreation due to other usage or natural constraints. Fencing or other enclosures shall be a minimum of four (4) feet in height.
4. Where the day care center property is proposed to abut a residentially-zoned property, screening shall be provided that is sufficient to protect adjacent properties from potential impacts of its operation. Compliance with the screening requirements of this Ordinance shall, in such instances, be demonstrated.
5. The owner and operator of a day care center must be registered with the Pennsylvania Department of Public Welfare (DPW), Office of Children, Youth and Families, and must demonstrate compliance with all DPW regulations.
6. Access to and from the site shall be designed to maximize the safety of individuals receiving care at the facility and the flow of traffic on existing arterial or collector roads. Compliance with the standards for access management in Article XVI of this Ordinance shall be required.
7. The use of a property for a day care center shall in all other respects comply with the regulations for the zoning district in which it is located.

SECTION 2012 INSTITUTIONS

Institutions, as defined and provided for in this Ordinance, shall comply with the following standards:

1. A minimum lot area of one hundred thousand (100,000) square feet shall be required for an institution that houses a maximum of four (4) resident/clients and any associated supervisory personnel.
2. An additional one (1) acre of lot area shall be required above the one hundred thousand (100,000) square foot minimum for every two (2) additional resident/clients and associated supervisory personnel or any portion of such increment.
3. The minimum requirements for off-street parking shall be those applicable to a single-family dwelling. The Zoning Hearing Board may require additional parking for an institution that houses more than four (4) resident/clients and associated supervisory personnel and may employ as

a guideline the standard of an additional two (2) off-street parking spaces for each additional four (4) resident/clients and associated supervisory personnel.

4. The Applicant shall demonstrate that all necessary approvals and permits from the Pennsylvania Department of Labor and Industry have been obtained or waived, particularly with respect to fire protection, safety measures, construction standards and design standards to accommodate persons with disabilities. The Zoning Hearing Board may, in the alternative, authorize approval of the Special Exception contingent upon the requisite approval form the Department of Labor and Industry being obtained.
5. The Zoning Hearing Board, in reaching its decision on any request for approval of an institution, shall consider the proximity of the proposed use to any other similar institution within the Borough and/or to similar facilities in adjacent municipalities and shall not approve any such request where resulting proximity might unduly alter the intended character of the neighborhood through the relative concentration and scale of such uses.

SECTION 2013 STORAGE

As an accessory or principal use, storage shall comply with the following standards:

1. General Provisions
 - A. All rubbish, whether organic or inorganic, shall be stored in suitable vermin-proof containers and properly disposed of as soon as practical. All rubbish or waste containers stored in centralized areas are to be screened from view on four (4) sides.
 - B. Storage of any materials or wastes shall comply with the requirements of Section 2017.
 - C. Storage for periods in excess of thirty (30) days shall be screened from view of any public right-of-way and any contiguous residential use. Screening shall consist of continuous evergreen plantings and/or include an architectural screen.
 - D. No storage shall be permitted in the front yard of a lot. Where possible, storage shall be in a rear yard rather than a side yard.

- E. No merchandise, goods, articles or equipment shall be stored, displayed or offered for sale outside of any building except seasonal articles that are too large or otherwise infeasible for storage indoors. Such articles shall be stored adjacent to the principal building housing the commercial use, and shall be enclosed by either walls or opaque fencing designed to be architecturally compatible with the building. Such enclosure shall be a minimum of six (6) feet in height. Any outdoor display area shall be considered sales floor area for purposes of computing building coverage and parking requirements.
- F. Outdoor storage facilities for fuel, natural materials, raw materials and products shall be enclosed with an approved safety fence compatible with the architectural and landscaping style employed on the lot.
- G. No material or waste shall be deposited upon a lot in such form or manner that such material or waste may be transported from the lot by natural causes or forces, nor shall water or surface water, undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any groundwater or surface water. Applicable PA. Department of Environmental Protection regulations shall apply.
- H. Outside storage shall occupy an area of less than fifty percent (50%) of the existing building coverage when serving as an accessory use. Accessory uses requiring more land area of storage shall require the grant of a Special Exception. In no case shall more than twenty-five percent (25%) of the lot area be used for outdoor storage. This provision shall not apply to storage as a principal use such as lumberyards and car dealer lots, where such storage has been approved by the Zoning Hearing Board in the form of a variance or special exception or by Borough Council as a part of a conditional use.
- I. Outside storage shall not occupy any part of street rights-of-way, pedestrian walkways, required parking spaces, required yard areas, and shall be confined to the buildable areas of the lot or parcel.
- J. Outdoor storage shall not exceed fifteen (15) feet in height.

- K. The restrictions on storage set forth in this Section are in addition to any other restrictions and limitations imposed on storage by this Ordinance and/or other applicable regulation, including without limitation the regulations and restrictions applicable to junkyards. Restrictions regarding sight distance shall also apply to storage.
- 2. Truck or Large Vehicle Parking and Storage.
 - A. In all districts, no truck-trailers, vans, motor homes, mobile homes, or any similar vehicle or equipment shall be parked or stored beyond a period of thirty (30) days which sole purpose is the storage of goods or materials. All vehicles awaiting use shall be properly licensed and shall not be parked within any yard area. Licensed empty trailers may be parked at approved freight or truck terminals beyond thirty (30) days;
 - B. The storage or parking of any commercial truck upon any residentially zoned lot or lot used principally for residential purposes is prohibited. For purposes of this Section, commercial trucks shall include those that exceed a one-ton capacity. In addition, the parking or storage of any trailer other than those accessory to a principal residential use is expressly prohibited on any residentially zoned lot or lot used principally for residential purposes.
 - 3. Storage of small vehicles: in all districts, no tent trailer, boat trailer, boat, racing vehicle, recreational vehicle or similar vehicles not expressly listed in paragraph 2, above, shall be stored outdoors within any required yard area, except when (1) owned by the property owner and currently registered; or (2) unless the vehicles are for sale at a dwelling in any location. On lots where the principal use is residential, no more than two (2) such vehicles shall be stored outside at any one time on a lot.

SECTION 2014 SWIMMING POOLS

- 1. Every swimming pool area or the entire property on which it is located shall be completely enclosed by a fence or wall so as to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height, shall be constructed with no openings, holes, or gaps, except gates, larger than four (4) inches in any dimension, and shall be maintained in good condition. A dwelling, accessory building, or other structure may be used as part of such enclosure.

2. All gates and doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping such gate or door securely closed and latched at all times when not in use.
3. A swimming pool shall only be constructed in the rear yard of any property and shall not be located in any required setback area. Swimming pools shall have a minimum clearance distance of ten (10) feet outside the rear or side building line and shall be a minimum of ten (10) feet from the property line. In no case is a swimming pool permitted in a front yard. Whenever practical swimming pools shall be centered within the permitted yard areas.
4. No swimming pool shall be constructed in the Borough except in accordance with a permit thereby previously secured from the Zoning Officer of the Borough, upon written application accompanied by a plan showing the size, shape and location of the swimming pool and its enclosure and such other information may be necessary for the Zoning Officer to determine compliance with this Ordinance.

SECTION 2015 MICROWAVE DISH ANTENNAE

The following standards shall apply specifically to microwave dish antennae:

1. The dish antennae shall be located on the same lot for which it is being used, and shall remain accessory to the principal use.
2. A free-standing dish antenna shall be located only in the rear yard area of a lot, and shall be setback a minimum of ten (10) feet from any property line or a distance equal to the overall height of the antenna structure, whichever is greater.
3. The total height of a freestanding microwave antenna and supports shall not exceed ten (10) feet in height. Such an arrangement shall be screened, in accordance with the provisions of this Ordinance. Supporting materials shall comply with applicable Building Codes.
4. When building mounted, the dish antenna shall be located on a portion of the roof sloping away from the front of the lot. No portion of a microwave dish antenna shall project above the ridgeline of the roof. Mounting techniques shall comply with applicable Building Codes. Microwave dishes of eighteen (18) inches in diameter or smaller may be mounted anywhere on a building, subject to applicable Building Codes.

5. No more than one (1) microwave dish antennae shall be permitted on any lot except where approved by the Borough Council as a conditional use.
6. Microwave dish antennae shall be used solely for the reception of radio and electromagnetic waves.

SECTION 2016 KEEPING OF ANIMALS

In any district, dogs, cats, fowl, rabbits, goats, sheep, cows, swine, ponies, horses and other animals of similar character and impact shall be kept only according to the following standards.

1. Purpose This Section has been designed to establish reasonable regulations governing the keeping of animals in order to protect human and animal health, prevent unsightly and erosion-prone land use conditions, prevent the contamination of ground and surface waters, and reduce the safety hazards of straying animals.
2. General Standards for Keeping of Animals
 - A. No animals of any kind shall be kept in any structure or enclosure or elsewhere on a property which will result in unhealthy or unsanitary conditions for humans or animals or cause excessive noise, objectionable odors, or pollution of groundwater or storm water runoff to neighboring properties.
 - B. All animals shall have appropriate and adequate facilities for food and water. Permanent shelter shall be provided for all animals not kept in the residence including dogs, rabbits, poultry, swine, and other small domestic animals. Horses, cattle, sheep, and goats shall have loafing sheds, covered feeding areas, or other appropriate facilities.
 - C. Side and rear yard setbacks shall be maintained for all structures except that buildings for more than two cows, horses, sheep, or goats, or similar animals shall be constructed or placed at least one hundred feet from any property line.

- D. All permanent shelters shall be designed for ease of manure removal and handling.
 - E. A fenced or otherwise enclosed outside area shall be provided which is capable of containing the animals kept and is of sufficient size and properly located for good sanitation practices. Materials used for fencing shall be of sufficient sturdiness and properly designed, installed and maintained so as to prevent straying.
 - F. No uncovered manure storage shall be permitted one hundred (100) feet uphill of any lot line or stream. No manure may be stored within a swale or drainage-way.
3. Standards for Keeping of Animals on Properties of Less Than Ten (10) Acres.

An individual owning less than ten acres shall comply with the general standards of Section 2016.2, above, and the following:

- A. Up to three (3) adult canines and domestic cats or like numbers or other small domestic animals of similar character and impact may be kept without regard to the standards of this subsection. Greater numbers of such animals may be kept only in accordance with these standards. No kennels shall be permitted and no more than one canine may be left outside the home or a soundproof canine building at night.
- B. One horse, cow, pig, three sheep or goats, or an additional adult canine or cat, not to exceed a total of six animals, may be kept for each acre of continuous pasture in excess of the required minimum lot area for single-family detached lots. The pasturage available to the animal(s) shall be less than a twenty percent (20%) grade, fenced (or yard area for dogs and cats), and contain no other use. Ten (10) fowl or rabbits may be kept for each acre in excess of the applicable minimum lot size, or eighty-five thousand (85,000) square feet in any District, up to a maximum of thirty (30).
- C. All pasture must consist of well-maintained grasses. Muddy, or dusty, un-grassed areas shall be stabilized to prevent erosion and unsightliness.
- D. Any permanent building placed or constructed on a property

shall be designed to serve only that number of animals which is permitted by Section 201 6.3.B on the owned property. Land leased for a term of less than twenty (20) years shall not be considered in the sizing of such a building.

4. Standards for Keeping of Animals on Properties Larger Than Ten (10) Acres
 - A. The general standards of Section 2016.2 shall apply to all properties.
 - B. The general standards of Section 2016.2 shall apply to all cattle, horses, and swine on less than twenty (20) acres.
 - C. No canines in excess of those permitted by Section 2016.3.A shall be permitted except in kennels or in facilities maintained for the benefit of a member supported, fox hunting association. Kennels or other suitable shelter for six (6) or more canines shall not be permitted nor located within five hundred (500) feet of any adjoining property unless permitted by Special Exception of the Zoning Hearing Board, which Board shall ensure that soundproofing, waste treatment facilities, food preparation and storage facilities, and running water are provided and that the facility will be landscaped to prevent viewing from public roads or neighboring residences.
 - D. Structures for the housing of poultry or swine in excess of the number permitted by Section 2016.3.13 shall be at least three hundred feet from any property line.
5. Nonconformities
 - A. Any nonconformity that results in pollution of ground or surface waters shall be eliminated.
 - B. Any existing building which is used for the keeping of animals and which does not meet setback standards or other standards may continue in use so long as it is not expanded.
 - C. Canines, domestic cats, horses on a property at the date of pasture of this Ordinance in excess of those permitted by this Ordinance may be kept by the owner provided the general standards of this Ordinance are met. If the general standards are violated, the property owner will have a maximum of one year from the time

of citation in which to eliminate the violation(s) or dispose of the animals. Owners of animals normally raised for food shall have six months from the passage of this Ordinance to meet the animals per acre of pasturage or total animal standards.

SECTION 2017 JUNKYARD

The following regulations shall apply to junkyards where permitted:

1. For any junkyard located within the Borough, all activity associated with the junkyard use shall be setback from the property boundary at least one hundred (100) feet and shall be completely screened from view in accordance with the provisions of this Ordinance.
2. The maximum lot coverage including storage, buildings and structures shall not exceed seventy percent (70%).
3. The area where junk or any other material is stored outside shall be enclosed with a wall or fence, at least eight (8) feet in height and designed and constructed so as to be at least ninety percent (90%) solid or opaque.
4. Storage piles shall not exceed eight (8) feet in height and no more than two adjoining rows of junked cars shall be stored together.
5. There shall be provided at least a twelve (12) foot wide access way which shall be kept clear and free at all times to provide for access to all parts of the premises for fire fighting and other safety or emergency purpose.
6. Gasoline, oil, vehicle tires, and other flammable or toxic substances shall be removed from any junk or other items stored on the premises. Such liquids and vehicle tires shall be removed and disposed in a proper manner and shall not be deposited on or into the ground.
7. No junk or other material shall be burned on the premises.
8. No garbage or other waste liable to give off a foul odor or attract vermin or insects shall be kept on the premises.
9. Positive surface drainage shall be provided and all junk shall be stored or arranged so as to prevent accumulation and/or ponding of surface water.

10. Weeds, wildflowers, grasses, etc., shall not exceed twelve (12) inches in height.
11. The premises shall generally be maintained in a safe and sanitary condition at all times.
12. It is required that vehicular tires in any quantity not be stored outdoors, where mosquito breeding can occur in rainwater trapped in tires. Such storage shall be in a completely enclosed building.

SECTION 2018 BUS SHELTERS

To provide refuge for public transit riders from adverse weather conditions, a bus shelter shall be permitted, provided all of the following requirements are satisfied:

1. Such bus shelters shall only be permitted if the entity installing the bus shelter has a written agreement with the Borough Council. Such written agreement shall specify at a minimum that:
 - A. The Borough Council shall have the right to pre-approve the location(s) of the bus shelter(s).
 - B. An acceptable process is established in advance to address liability issues, lighting, removal, and maintenance responsibilities.
2. A bus shelter regulated by this Section shall only be permitted in the I, C-1, C-2, R-4, and R-5 Zoning Districts, unless on an arterial road.
3. A bus shelter shall not be located directly abutting the lot line of an existing single-family detached dwelling.
4. The bus shelter shall be located to avoid interference with sight distances as specified in Borough ordinances or any applicable standards of the Pennsylvania Department of Transportation, whichever is more restrictive. Bus shelters shall be permitted in the street right-of-way.
5. Bus shelters shall be durably constructed. For security and safety purposes, bus shelters shall be constructed of clear Lexan®, Plexiglass®, or clear tempered safety glass. In addition, the roof may be constructed of translucent Plexiglass® or another suitable material. The view into a Bus Shelter may only be obstructed from one (1) of the bus shelter panels, or sides. Bus shelters shall not exceed forty-five (45) square feet and nine (9) feet in height.

6. All lighting of the shelter and the signs shall be installed in such a way that the source of the light is shielded from direct view of abutting properties and from foot traffic along the street(s), and so that noxious glare is not created. Illumination shall not exceed 0.5 foot-candles and shall be shielded so as to minimize the off-site impact of the illumination.
7. The only signs that shall be permitted shall be those that conform to the provisions of Article XVII and permitted by any written agreement, in addition to the maps and schedules providing information regarding the public transit service.
8. Advertising and signage in a bus shelter, except for route map and schedule information, shall be limited to one (1) double-faced panel, or side, of the bus shelter. Such advertising and signage shall conform to Article XVII of this Ordinance.

SECTION 2019 COMMUNICATIONS TOWERS AND FACILITIES

1. Purposes
 - A. To accommodate the need for communications towers and antennas, including wireless facilities, to provide communication services within the Borough while regulating their location and number.
 - B. To minimize the visual effects of communications towers and antennas and antenna support structures through proper design, siting, and vegetative screening.
 - C. To insure the structural integrity of antenna support structures in compliance with applicable industry standards and requirements.
 - D. To encourage the joint use of any new antenna support structures to reduce the number of such structures needed in the future.
 - E. To encourage the location of wireless communications facilities on existing structures, including utility poles, public utility structures, buildings, and other structures, where permitted.

- F. To preserve the rural, suburban and village character of neighborhoods adjacent to wireless communications facilities.
 - G. To protect the health, safety and welfare of the residents of the Borough.
2. Use Provisions
- A. Uses by Right
 - (1) Uses by right in the C-1 and C-2 Commercial Districts and in the I Industrial District. Antennas attached to or mounted on any existing public utility structure, existing antenna support structure, utility pole, building, or other buildings or structures, are permitted by right in the MU, C, and I Districts provided the Antenna Height does not exceed the existing structure by more than ten (10) feet. Antennas shall be constructed to simulate the architectural facade and color of the building, structure, or object to which it is attached. If a separate wireless communications equipment building is proposed, such building shall meet the dimensional requirements (area and bulk standards) of the C-1, C-2 and I Districts and shall also be constructed to simulate the architectural facade and color of the building to which the antennas are attached.
 - (2) Uses by Right on Parcels Owned or Controlled by Parkesburg Borough

Freestanding antennas, not mounted on an existing structure, or antennas mounted on an existing structure may be permitted on any parcel owned or controlled by Parkesburg Borough following review and recommendation by the Planning Commission. The location of said antennas and/or antenna support structures shall be at the discretion of the Borough, and subject to a lease agreement acceptable to the Borough in its sole discretion. Antennas mounted on an existing structure shall be constructed to simulate the architectural facade and/or color of the building, structure, or object to which it is attached. Freestanding antennas and antenna support structures shall be architecturally screened and landscaped to simulate other structures existing in the district, such as light poles, flag

poles, farm silos, or trees; structures erected adjacent to trees or woodlands shall be camouflaged to resemble woody trees with single trunks and branches. If a separate wireless communications equipment building is proposed, such building shall be constructed to simulate the architectural facade and color of adjacent buildings.

B. Uses by Special Exception in the I, Industrial District

The following additional uses when authorized by the Zoning Hearing Board as a Special Exception, subject also to the standards, herein, and to the requirements of Section 1909:

Antennas either not mounted on an existing structure or more than ten (10) feet higher than the structure on which it is mounted may be permitted in the I District following review and recommendation by the Planning Commission. Antennas and antenna support Structures shall be architecturally screened and/or landscaped to simulate other structures existing in the district, such as light poles, flag poles, or trees. If a separate wireless communications equipment building is proposed, such building shall meet the dimensional requirements (area and bulk standards) of the I District and shall also be constructed to simulate the architectural facade and color of adjacent buildings.

C. Accessory Uses

All other uses ancillary to the wireless communications facility are prohibited unless otherwise permitted in the zoning district in which the facility is located.

3. Standards for Wireless Communications Facilities

All applicants seeking approval of a wireless communications facility shall demonstrate to the Zoning Officer (where only building permit approval is required), to the Borough Council (for parcels owned or controlled by the Borough), and to the Zoning Hearing Board (where a Special Exception is required) compliance with all of the following standards. In addition, all Applicants shall comply with all other requirements of the Zoning Ordinance, the Subdivision and Land Development Ordinance and any other applicable Borough ordinances.

A. Antenna Height

The Applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily to serve the technical requirements of the Applicant. The antenna height shall, in no case, exceed one hundred and seventy (170) feet.

B. Antenna Support Structure Safety

The Applicant shall demonstrate that the proposed antenna and antenna support structure are designed and built in accordance with the Borough Building Code, are designed and constructed to the standards designated by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI/EIA/TIA-222-E Code, American National Standards Institute, Electrical Industry Association, Telecommunications Industry Tower Specifications, as amended), and that the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris. A structural engineer registered in Pennsylvania shall attest to the proposed antenna support structures ability to meet the requirements of this subsection and certify proper construction of the foundation and erection of the structure. All antenna support structures shall be fitted with anti-climbing devices, as approved by the manufacturer.

C. Landscaping

The Applicant shall provide a plan prepared by a landscape architect showing landscaping proposed to be installed to screen and buffer the wireless communications facility. The landscape plan shall incorporate the use of an eight (8) foot decorative fence surrounded by a mix of native vegetation, including evergreens, shrubbery and trees, which shall not be less than the height of the fence and shall be of sufficient density to screen the facility. Fences shall be designed and constructed in such a manner that unauthorized entry onto the site is precluded. Existing vegetation on and around the wireless communications facility shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of the Borough's Zoning Ordinance. Applicants shall submit a visual survey from mutually agreed upon vantage points in order to support the proposed landscaping plan's mitigation of visual impacts.

D. Setbacks from Base of Antenna Support Structure Unless otherwise approved by the Zoning Hearing Board upon recommendation of the Borough Planning Commission, the Applicant shall demonstrate that the setbacks from the antenna support structure and all supporting equipment and structures to any property line or right-of-way shall be consistent with the minimum setbacks in the underlying zoning district. In addition, no dwelling unit, suspended utility line, or road right-of-way shall be within one hundred and twenty-five percent (125%) of the antenna height.

E. Shared Use

In order to reduce the number of antenna support structures needed in a community in the future, the proposed antenna support structure shall be designed to accommodate a minimum of two other users, including other commercial wireless communication companies, local police, fire, and ambulance companies.

F. Licensing

If the Applicant is a commercial wireless communications company, it must demonstrate that it is licensed by the Federal Communications Commission.

G. Soil Report

A soil report complying with the standards of Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to document and verify the design specifications of the foundation for the antenna support structure.

H. Parking

If the wireless communication facility is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of parking spaces shall equal the number of people on the largest shift.

I. Lighting

No antenna support structure may be artificially lighted except when required by the FAA; and such lights shall be shielded so as to reduce intrusion upon nearby properties.

J. Removal of a Wireless Communications Facility

Any wireless communication facility that is no longer a licensed and active receiving or transmitting facility shall be removed at the owner's expense within sixty (60) days of the last date that the facility was licensed by the FCC. A bond or escrow account shall be posted with the Borough in an amount sufficient to ensure such removal, prior to the construction of the facility.

K. Need

The Applicant for an antenna or wireless communications facility is required to demonstrate, using technological evidence, that the antenna must be located where it is proposed in order to satisfy its function in the company's grid system, and demonstrate that there is a need for this facility at the proposed location.

L. Alternatives

The Applicant proposing to build an antenna support structure (as opposed to mounting the antenna on an existing structure), is required to demonstrate that he contacted the owners of structures, existing buildings, utility poles or other structures, within a one mile radius of the site proposed which are zoned to permit antennas, whether located within the Borough or outside of the Borough, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include water towers, buildings of sufficient height, support structures of other communications companies, and other structures. The Borough may deny the application to construct a new antenna support structure if the applicant has not made a good faith effort to mount the antenna on an existing structure or has failed to demonstrate that there are no other available alternatives. A good faith effort shall require that one (1) or more of the following reasons for not selecting such structure apply:

- (1) The proposed antenna and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
- (2) The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for the existing structure and the interference cannot be prevented at a reasonable cost.
- (3) Such existing structures do not have adequate zoning, location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

M. Notice

In order to encourage co-location of antennas, Applicants are required to send certified mail announcements to all other wireless communications companies, public utilities, and federal, state and local government entities, including local police, fire and ambulance companies, within a three mile radius of the proposed location indicating their sharing capabilities pursuant to the requirements of this Ordinance. All responses shall be submitted to the Borough for review. Design and/or placement of antenna support structures may not be significantly altered to accommodate additional users.

N. Design

The Applicant proposing an antenna support structure must demonstrate that the structure has been designed to blend in with or mimic existing features in the landscape such as trees, light poles, flagpoles or farm silos.

O. Visual Impact

Any antenna support structure shall be designed and constructed so as to mitigate the visual impact from public roads and nearby uses.

P. Interference

The applicant proposing any antenna shall produce technical evidence, an "intermod" study and written certification that no radio frequency interference will exist with any transmitter and receiver that will con-exist at, on or near the same structure. In the event the wireless communications facility causes interference with the radio or television reception of any Borough resident for a period of three (3) continuous days, the resident shall notify the Applicant of such interference and the Applicant, at the Applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected.

Q. RF Emissions Certification.

The Applicant proposing any antenna shall produce a written certification that the total maximum permissible emissions (MPE) do not exceed the limits set forth in Section 704 of the Telecommunications Act of 1966 and the regulations promulgated pursuant to the Act, Title 29 of the Code of Federal Regulations (CFR), Parts 1910 and 1926. If the results of the tests indicate the MPE will be exceeded, the Applicant shall supply a written approved Occupational Safety and Health Administration (OSHA) Safety Plan that includes Right-to-Know notification to all employees of the Applicant Company as well as Borough employees who should visit the site.

SECTION 2020 NEW AND USED MOTOR VEHICLE SALES

The following regulations shall apply to new and used motor vehicle sales uses where permitted:

1. All vehicle parking areas, whether for sales display, customer or employee parking, and loading and unloading areas shall be set back a minimum of thirty (30) feet from the ultimate street right-of-way line.
2. All such parking and loading areas shall be physically defined by a raised curb or wall at the setback line in order to provide access only at permitted entrance/exit locations.

SECTION 2021 TIMBER HARVESTING

Where required by this Ordinance, a timber harvesting plan, prepared in accordance with this section, shall be approved by the Borough prior to any harvesting operations.

Timber Harvesting Plan

- A. The timber harvesting plan shall address all applicable erosion and sedimentation control and stream crossing regulations as provided in Chapter 102, Erosion Control Rules and Regulations, issued under Act of June 22, 1937, P. L. 1987 (Clean Streams Law), and Chapter 105, Dam and Waterway Management Rules and Regulations, issued under Act of 1978, P.L. 1375, No. 325 (Dam Safety and Encroachments Act).

- B. The timber harvesting plan shall address, in specific detail, the following:
 - (1) Design of haul and skid road system, and skid trails.
 - (2) Water control structures.
 - (3) Stream crossings.
 - (4) Log landings.
 - (5) Maintenance.
 - (6) Road and log landing retirement.
 - (7) Location of anticipated operation in relation to Borough and State roads, including ingress and egress.
 - (8) Location of property boundaries of the tract on which the harvesting will take place and the boundaries of the proposed harvest area.
 - (9) Description of the harvesting method to be employed.

- (10) Total existing basal area.
 - C. The timber harvesting plan shall be available at all times at the harvesting site.
 - D. The Zoning Officer shall be notified at least five (5) working days prior to the start of the harvesting and within five (5) prior to the completion of the harvesting.
2. The following requirements shall govern all timber harvesting operations:
- A. The boundaries of the area to be harvested shall be clearly marked by attaching posters to the boundary trees prior to the harvest to avoid inadvertent harvest off-site.
 - B. Felling or skidding on or across any public road is prohibited without the express written consent of the Borough or the Pennsylvania Department of Transportation whichever is responsible for the maintenance of such roads.
 - C. No tops or slash shall be left within seventy-five (75) feet of a public road or adjacent property boundary.
 - D. A harvesting setback of seventy-five (75) feet shall be established along any public road or adjacent property boundary, and harvesting shall be limited to one third (1/3) of the basal area of the harvest in a ten (10) year period.
 - E. Litter resulting from a timber harvesting operation shall be completely removed from the site before vacated by the operator.
 - F. All haul roads, skid roads, skid trails and log landings shall be retired properly including seeding of herbaceous species as recommended by the Chester County Conservation District or the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry.

ARTICLE XXI

ADMINISTRATION

SECTION 2100 PURPOSE

This Article XXI provides the procedures and regulations by which the Borough Zoning Ordinance shall be administered. Procedures for obtaining and regulating permits, amending the Ordinance, and the responsibilities of the Zoning Officer are included herein.

SECTION 2101 ZONING OFFICER

1. The provisions of this Article shall be administered and enforced by the Zoning Officer who shall be appointed by, and meet the qualifications of, the Borough Council. The duties of The Zoning Officer may include, but are not limited to the following:
 - A. To enforce the provision of this Ordinance and all amendments thereto.
 - B. To keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action- taken on each such complaint. Record and file all applications for permits with accompanying plans and documents.
 - C. To issue stop, cease, and desist orders and order; in writing, corrections to all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this Ordinance.
 - D. To receive and examine all applications for zoning and other permits, referring applications to the Planning Commission when deemed advisable, and issue building and other permits only when there is compliance with the provision of this Ordinance and with other Borough ordinances.

- E. To issue permits for special exception or variance applications only upon written order of the Zoning Hearing Board. Permits requiring approval by the Borough Council, including but not limited to Conditional Use approval, shall be issued only when authorized by Borough Council.
- F. To receive applications for appeals and variances and forward these applications to the Zoning Hearing Board for action thereon.
- G. To conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance.
- H. To maintain or cause to have maintained an Official Zoning Map showing the current zoning classification of all land in the Borough.
- I. To issue use and occupancy permits.

SECTION 2102 CAUSE OF ACTION

1. In case any building, structure, landscaping or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Borough Council or the Zoning Officer or any aggrieved owner or tenant of the real property who shows that their property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of this action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint to the Zoning Officer. No such action may be maintained until such notice is given.
2. Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Officer who shall record such complaint, investigate, take action thereon, as provided by this Article, and report to the Borough Council regarding the complaint and the action thereon.

SECTION 2103 NOTICE OF VIOLATION

1. If it appears to the Borough that a violation of any provision of this Ordinance, any amendment thereto, any statement or plan approved under the provisions and any amendments thereto, any conditions of a variance or special exception granted by the Zoning Hearing Board, any condition of a conditional use granted by the Borough Council has occurred or is occurring, the Zoning Officer shall initiate enforcement proceedings by sending notice thereof as provided in this Article. By means of the enforcement notice, the Zoning Officer may order the discontinuance of the illegal use of land or structure(s), removal of illegal structure(s), or discontinuance of any illegal work being done.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive such a notice regarding that parcel, and to any other person requested in writing by the owner of record of the parcel.
3. The enforcement notice shall state at least -the following:
 - A. The name of the owner of record and any other person against whom the municipality intends to take action.
 - B. The location of the property, in violation.
 - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this Ordinance.
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

SECTION 2104 ENFORCEMENT REMEDIES

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 hereunder, shall pay a judgment of not more than five hundred (\$500) dollars, plus all court costs, including reasonable attorney's fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. In the event that any such person against whom a judgment has been rendered by the District Justice neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable Pennsylvania Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for such person, partnership, or corporation violating this Ordinance to have believed that there was no such violation. In that latter event, there shall be deemed to have been only one (1) such violation until the fifth (5th) calendar 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 over to the Borough.

SECTION 2105 ZONING PERMIT

1. A zoning permit shall be required prior to the erection, structural alteration or demolition of any building, structure or portion thereof, and prior to the initial use or for changing use of a building or land and prior to the change, increase or extension of a nonconforming use.
2. A zoning permit shall also be required before a major home occupation, home professional office or home business office is added as an accessory use to an existing residential principal use, or conducted as a part of a new residential use; in the latter case, the zoning permit shall specially identify the principal and accessory use. However, a zoning permit is not required for repair to a structure other than a nonconforming structure, when such repair does not change the nature or intensity of the existing uses. A zoning permit is required for the conversion of a dwelling to a group home use.
3. Zoning permits shall expire if work or the change in use is not commenced within one hundred eighty (180) days from the date of the permit and a new permit shall be required before such Work or change of use commences, provided, however, that the Zoning Officer may extend the zoning permit for one (1) additional one (1) year period if the applicant is actively engaged in completing the erection or alteration at the time the application is made for an extension and the initial permit has not expired.

4. A zoning permit shall not be required for alterations to the interior of an existing building, provided that the use of such building is not changed, or where the entire construction, erection or alteration affects fifty (50) square feet or less of floor area.

SECTION 2106 ZONING PERMIT APPLICATION

Applications for permits shall be made to the Zoning Officer on such forms provided by the Borough. Each application shall contain all information necessary for the Zoning Officer to ascertain whether the proposed erection, alteration, use or change of use complies with the provisions of this Ordinance. The application shall include at least the following information and such other information as may be required by the form provided by the Borough:

1. A written statement, including:
 - A. An identification of the proposed use of the building, structure, or land.
 - B. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, heat, vibration, glare, air pollution, water pollution, fire hazards, traffic congestion, or other safety hazards.
 - C. A description of the method(s) to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
 - D. Any other data deemed necessary by the Zoning Officer, to enable determining the compliance of the proposed development with the terms of this Ordinance.
2. A site plan drawn to scale, showing:
 - A. The location, dimensions and height of existing and proposed buildings, structures or uses in relation to the property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout and use of the entire property:

- B. The location, dimensions, arrangement and capacity of all open spaces and yards and buffer areas, including proposed landscaping and plant materials and screening methods.
 - C. The location, site arrangement and capacity of all areas to be used for motor vehicle access, off-street parking and provisions proposing lighting for such areas.
 - D. The size, dimensions, location and method(s) of illumination of signs, if applicable.
- 3. The application must be acknowledged by the Applicant and proof establishing the Applicant's standing to make the application must be submitted as part of the application.
 - 4. No zoning permit application is complete unless it is accompanied by the requisite fee. Applications found to be incomplete will not be accepted or processed.
 - 5. Public notice of said application for a zoning permit shall be conspicuously posted on the affected tract or parcel(s) of land at least one (1) week prior to the hearing along with written notice as provided in Section 21 10.3.A(1).

SECTION 2107 ISSUANCE OF ZONING PERMITS

- 1. It shall be the duty of the Zoning Officer to either issue or deny issuance of a zoning permit within thirty (30) days of the filing of a completed application and payment of prescribed fees. The Zoning Officer shall issue a permit only upon the determination that the application is in compliance with the terms of this Ordinance. If the application or plans do not conform to the provisions of this Ordinance, the Zoning Officer shall deny such application in writing to the Applicant, with a detailed statement as to the reasons for denial.
- 2. No zoning permit for any new use or construction which will involve the on-site disposal of sewage or waste, and no zoning permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, shall be issued until a certificate of approval has been issued by the Pennsylvania Department of Environmental Protection, or its authorized agent.

SECTION 2108 USE AND OCCUPANCY PERMITS REQUIRED

It shall be unlawful for any person to use or occupy any building or other structure or land until a certificate of occupancy has been duly issued. Use and Occupancy Permits shall issued by the Borough.

SECTION 2109 ISSUANCE OR REFUSAL OF PERMITS

If the Zoning Officer determines that an application is in compliance with the provisions of this Ordinance, the permit shall be issued appropriately. If the Zoning Officer determines that an application is not in compliance with the provisions of this Ordinance, a statement shall be issued to the Applicant detailing the reasons for such refusal, in which case the Applicant shall be instructed as to the method of appeal to the Zoning Hearing Board. No permit shall be issued to any applicant until any and all fees incurred which are payable to the Borough are paid in full.

SECTION 2110 CONDITIONAL USES

1. This Section provides for certain conditional uses to be permitted within the district regulations of this Ordinance, under procedures established in Article XV. These uses may not be appropriate at every location within a zoning district, and the following standards, procedures, and criteria have been established for the evaluation of conditional use applications. Because these uses have the potential for substantial impacts on the community, they shall comply with the regulations herein. Failure of any proposed conditional use to comply with any of these regulations shall be grounds for denial of a conditional use application. The power to grant a conditional use shall be exclusive to the Borough Council.

2. Application.
 - A. When a conditional use permit required by this Ordinance is associated with a proposed subdivision and/or land development, all applications for conditional use shall be filed and all plans, documents, and other materials required to accompany the application shall be filed with the Borough simultaneously with the filing of a preliminary plan for subdivision and/or land development, in compliance with the Parkesburg Borough Subdivision and Land Development Ordinance. Such application shall be filed with the Zoning Officer on such forms as provided by the Borough for such purpose with the required fee.

- B. Where a preliminary subdivision and/or land development plan is not associated with an application for conditional use approval, such application shall be filed with the Zoning Officer on such forms as provided by the Borough for such purpose. The application shall be accompanied by the required fee and the following information:
- (1) Application Information.
 - a. The name, signature, and address of the Applicant.
 - b. The name, signature, and address of the owner of the property to be affected by the proposed conditional use application.
- C. A description and location of the property on which the conditional use is proposed.
- d. A statement of the present use, zoning classification, and improvements thereon of the property in question.
 - e. A statement of the Section of this Ordinance, or amendment thereof, which authorizes the conditional use.
- (2) The application for conditional use shall be accompanied by a proposed site plan that contains the following:
- a. A site plan showing the size and location of the
 - b. All proposed buildings and all proposed accessory facilities, including location, dimensions, use, coverage, height, and any proposed improvements where applicable, in relation to property and street lines.

- c. Features that present compliance with all applicable area, width, coverage, yard, and design standards as regulated within this Ordinance.
 - d. The location, dimension, and arrangements of proposed facilities including sidewalks, roads, access drives, off-street loading and unloading, and parking areas.
 - e. The location, dimensions, and arrangement of any areas devoted to open space, buffer areas, landscaping, or recreation.
 - f. Provisions for handling of stormwater drainage, disposal of wastewater, and supply of water.
- (3) The Zoning Officer shall review the application to determine if it is complete. If the application is deficient in any way, the Zoning Officer shall notify the Applicant in writing, specifying any and all deficiencies. If such deficiencies are not remedied in the form of a resubmitted application rectifying such identified deficiencies, this shall constitute sufficient grounds for denial of the application by the Borough Council subsequent to public hearing should the Council deem such deficiencies to be substantially at variance with the requirements of this or other applicable Borough ordinances.
- (4) Any substantial revisions to the application or plan subsequent to filing shall be subject to review and recommendation by the Borough Planning Commission as specified in Section 2110.3, prior to the public hearing before Borough Council. In such event, the Zoning Officer shall secure from the Applicant a sixty (60) day written extension of the date within which the Borough Council must hold a public hearing pursuant to Section 2110.3.B. If the Applicant fails to execute the extension, Borough Council shall decide the conditional use application on the basis of the plan and application as originally filed.

3. Procedure - Upon receipt of an application for conditional use, the Zoning Officer shall submit the application to the Borough Planning Commission and the following shall occur:
 - A. The Borough Planning Commission shall review and consider the application and all supporting materials for compliance with all applicable Borough ordinances and shall schedule, advertise, and hold a public information meeting at which the application shall be considered for public review and comment. Such meeting shall be held within thirty (30) days of the filing of the application being considered for approval in accordance with the following requirements:
 - (1) Notification of the public information meeting shall be published in a newspaper of general circulation in the Borough in accordance with the requirements for public notice in the Municipalities Planning Code, as amended. Public notice of said public meeting shall be conspicuously posted on the affected tract or parcel(s) of land at least one (1) week prior to the meeting in conjunction with written notice to all adjacent property owners.
 - (2) Parties to the public meeting shall include the Applicant and owner of the tract or parcel(s) containing the proposed conditional use, the Borough Planning Commission, and the hearing shall be open to the general public. The Borough Planning Commission shall have the power to require that all persons who wish to be considered parties to enter appearances in writing on forms provided by the Borough.
 - (3) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 - (4) The Borough shall keep a record of the public information meeting proceedings and copies of written or graphic material received in evidence shall be made available to any party at cost.
 - (5) The Borough Planning Commission shall render a written recommendation to Borough Council within ten (10) days after the public information meeting. The decision shall be accompanied by findings of fact and conclusions based thereon, together with any reasons therefor.

- (6) Where the Borough Planning Commission fails to render a decision within the period required by this Section or fails to commence, conduct, or complete the required meeting as provided in this Section, the application shall be forwarded to Borough Council by the Borough Zoning Officer within five (5) days.
- (7) The applicant and the parties that were seen before Borough Planning Commission shall receive a copy of the recommendation; delivered to them personally or mailed to them concurrently with submission of the recommendation to Borough Council.

B. Upon receipt of the Planning Commission's recommendations, the Borough Council shall schedule, advertise, and hold a public hearing at which the application shall be considered for public review and comment. The hearing shall be conducted by the Borough Solicitor or the Borough Council may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Borough Council. However, the Appellant or the Applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive a decision or findings by the Borough Council and accept the decision or findings of the hearing officer as final. Such hearing shall be held in accordance with the following requirements:

- (1) The first hearing before the Borough Council or hearing officer shall be commenced within sixty (60) days from the date of receipt of the Applicant's application, unless the Applicant has agreed in writing to an extension of time. Each subsequent hearing before the Borough Council or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the Applicant in writing or on the record. An Applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon request of the Applicant, the Borough Council or hearing officer shall assure that the Applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing.

Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the Applicant's case-in-chief. An Applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the Applicant and Borough, be granted additional hearing to complete their opposition to the application provided the Applicant is granted an equal number of additional hearings for rebuttal.

- (2) Notification of the public hearing shall be published in a newspaper of general circulation in the Borough in accordance with the requirements for public notice in the Municipalities Planning Code, as amended. Public notice of said public hearing shall be conspicuously posted on the affected tract or parcel(s) of land at least one (1) week prior to the hearing in conjunction with written notice to all adjacent property owners.
- (3) Parties to the hearing shall include the Borough, any person affected by the application who has made a timely appearance of record before the Borough Council and any other persons, including civic or community organizations, permitted, by the Borough Council, to appear. The Borough Council shall have the power to require that all persons who wish to be considered parties to enter appearances in writing on forms provided by the Borough.
- (4) The President, or Vice-President of Borough Council, or the hearing officer presiding, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- (5) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

- (6) The Borough shall keep a stenographic record of the hearing proceedings and copies of written or graphic material received in evidence shall be made available to any party at cost.
- (7) Borough Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Borough Council. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this Ordinance or of any ordinance, rule, or regulation shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- (8) The Applicant and the parties that were seen before the Borough Council shall receive a copy of the final decisions, delivered to them either personally or mailed to them not later than the day following the date of the decision.
- (9) If, after the conclusion of the public hearing, the application is amended or revised, the Borough Council may hold one (1) or more public hearings as may be necessary and shall issue a new decision thereon in conformance with the regulations in this Section.
- (10) Where the Borough Council fails to render a decision within the period required by Section 2110.3.B (7), or fails to commence, conduct, or complete the required hearing as provided in Section 2110.3.13 (1), the decision shall be deemed to have been rendered in favor of the Applicant unless the Applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the Applicant because of the failure of the Borough Council as herein above provided to meet or render a decision required by this Section, the Borough Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Section 2110.3.B (2). If the Borough Council shall fail to provide such notice, the Applicant may do so. Nothing in this Section shall prejudice the rights of any party opposing the application to appeal the decision to a court of competent jurisdiction.

(11) Appeals from a determination of the Borough Council pursuant to any application of a conditional use shall be only as prescribed within such times permitted by the applicable provisions of the Municipalities Planning Code, as amended.

- C. In granting or denying a conditional use or establishing conditions upon the grant of the use, Borough Council shall determine compliance with the regulations in this Ordinance to be mandatory and may attach reasonable conditions and safeguards as necessary and appropriate to insure compliance with this Ordinance and to protect the health, safety, and general welfare of the community. Such conditions may include, but are not limited to, specific modifications to area and bulk requirements; provisions for additional utility or traffic safety facilities; securing of additional easements or property to assure proper sight design; the minimization of noise, glare, and noxious, offensive or hazardous elements; or modification to any applicable design standards. The burden of establishing compliance with those enumerated standards shall be upon the Applicant by a fair preponderance of credible evidence unless any rule of law shifts that burden to the protestants. The standards required by this Ordinance shall be deemed a part of the definitional aspect under which a conditional use may be granted, and the failure of the Applicant to establish compliance with all of the standards shall constitute sufficient basis for denial of the application.
- D. Nothing in this Section shall be construed to relieve the Applicant for a conditional use approval from obtaining other required approvals mandated by the Borough Subdivision and Land Development Ordinance and any other applicable Borough, state, or federal regulations.
- E. Any approved conditional use application and site plan shall accompany any subsequent application for subdivision of land or land development as prescribed by the Borough Subdivision and Land Development Ordinance in addition to the requirements normally required and any application for a building permit.

- F. Any grant of conditional use approval shall be deemed null and void six (6) months from the date of such approval if, within that period, no application is made for a building permit, a use and occupancy permit, or subdivision or land development approval, as appropriate, unless the Borough Council shall grant an extension.
4. Standards for Review of Proposed Conditional Use - The following standards shall be used in evaluating a proposed conditional use:
- A. The proposed use shall meet all of the specific standards and regulations for eligibility which appear in the Sections of this Ordinance authorizing and governing the proposed conditional use, including Article XV, Conditional Use Process, Article XIV, General Provisions, and Article XX, Supplemental Regulations.
 - B. The proposed use is consistent with the purpose of the Article whereby it is permitted, the overall purposes of the Zoning Ordinance as contained in Article I, and the Borough Comprehensive Plan policies. The proposed use will satisfy all of the relevant provisions and requirements of the Borough Subdivision and Land Development Ordinance and any other applicable ordinance, code and/or regulations.
 - C. The proposed use shall be limited to those authorized as conditional uses within the zoning district in which the lot or parcel is located.
 - D. Consideration of the character and the type of development in the area surrounding the location for which the request is made, and a determination that the proposed change will constitute an appropriate use in the area and will not injure or detract from the use or value of the surrounding properties or from the character of the neighborhood.
 - E. If the development is to be carried out in successive stages, compliance with the intent of this Ordinance shall be achieved at the completion of each stage.
 - F. The development, if more than one (1) building, will consist of a harmonious grouping of buildings or other structures.
 - G. The proposed use will be in the public interest and serve the health, safety, and general welfare of the community.

- H. The proposed use is consistent with, and will have no adverse effect upon, the logical extension of public services and utilities, such as public water, public sewer, police and fire protection, recreational opportunities, open space, and public schools.
- I. The proposed new construction and proposed change in use of existing buildings will be compatible with and in keeping with the existing character of the neighborhood.
- J. The proposed use reflects an environmentally sensitive approach to land planning and design, and will be sited in a manner sensitive to existing site conditions including streams, vegetation, and other natural resources.
- K. The proposed use will provide safe and adequate access to roads, existing or proposed, and will not result in excessive traffic volumes, exacerbation of existing problems or improvements needed to guarantee compatibility with adjacent streets and public services shall be made.
- L. The interior traffic circulation for the proposed use shall provide safe and convenient circulation for all users including vehicular, bicycle and pedestrian modes. Emergency design considerations will be addressed in the proposed plan.
- M. If appropriate, the use will demonstrate an ability to encourage the use of public transit.
- N. The adequacy of sanitation and public safety provisions shall be adequate and a certificate of adequacy of sewage and water facilities from a governmental health agency shall be provided where required or deemed necessary.
- O. The proposed use will be developed using effective stormwater management techniques and soil erosion and sedimentation control techniques.
- P. Sufficient land area is available to effectively screen the proposed conditional use from adjoining different uses if required by Borough Council.

SECTION 2111 MUNICIPAL LIABILITY

The granting of any permit under this Ordinance shall create no liability upon, or a cause of action against, any Borough official or employee for damages or injury that may occur from the use, construction, or enlargement of structures or the use of land.

SECTION 2112 FEES

1. Fees for all permits and applications for permits required and/or authorized under this Zoning Ordinance and for all applications and appeals to either the Borough Council or the Zoning Hearing Board, pursuant to this Ordinance, shall be in accordance with a fee schedule adopted and amended by resolution of Borough Council. The fee schedule shall be posted in the office of the Zoning Officer.
2. Fees so established for any application or appeal, pursuant to this Ordinance and paid to the Zoning Officer, shall accompany the application or appeal upon submission. The Zoning Officer shall have the sole discretion to determine the total amount due for an application or appeal.
3. No action on any application or appeal shall be taken until all required fees are paid in full.
4. If, at any time, the charges then made against the Applicant's deposit shall render the balance insufficient to ensure payment of all expenses that may accrue in the disposition of the pending appeal or application, the Zoning Officer shall obtain from the Applicant additional deposits to assure adequate funds to pay such expenses as they may accrue. Prior to final disposition of the matter, the amount of the deposit shall not be less than fifteen percent (15%) of the initial deposit amount. The failure of the Zoning Officer to require and obtain additional deposits from time to time shall not relieve the Applicant from liability for expenses in excess of deposits.
5. Where a permit is required by this Ordinance, but the work is commenced or the use is commenced or changed prior to obtaining such permit, and after notice by the Borough, the fees set forth by the fee schedule adopted by Borough Council for such a permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Borough resulting from the need to inspect the property, respond to complaints, issue any enforcement notices and/or process the application as soon as it is received. The payment of such increased fee shall not relieve any person from complying with all requirements of this ordinance or any other applicable Borough ordinances or from any penalties or enforcement actions authorized by this Ordinance or the Act.

ARTICLE XXII

AMENDMENTS

SECTION 2200 POWER OF AMENDMENT

The Borough Council may from time to time amend, supplement, change, modify or repeal this Zoning Ordinance including the Zoning Map, in accordance with the Pennsylvania Municipalities Planning Code, and this Article.

SECTION 2201 PLANNING COMMISSION REFERRAL

In the case of an amendment other than that prepared by the Borough Planning Commission, the Borough Council shall refer each petition or proposal for change or amendment whether under this Article or under another Article to the Borough Planning Commission and County Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment, in accordance with the Pennsylvania Municipalities Planning Code, as amended. The Borough Planning Commission shall consider whether or not such proposed change or amendment would be, in the view of the Commission, consistent with and desirable in furtherance of the Borough Comprehensive Plan upon which this Ordinance is based, as the same may be modified from time to time. The Commission shall transmit its conclusion thereon, together with its reasons therefor, to the Borough Council within thirty (30) days of receiving the proposed amendment. The Borough Council shall take such conclusion and reasons into consideration in reaching its decision, but shall not be bound thereby. In all cases, the Borough Council shall submit a proposed amendment to the Chester County Planning Agency for recommendations at least thirty (30) Days prior to the public hearing for recommendations.

SECTION 2202 PUBLIC HEARING AND NOTICE

The Borough Council shall hold a public hearing on any proposal for amendment in compliance with the following:

1. The Borough shall fix the time and place of a public hearing on the proposed amendment or appeal, and shall cause notice to be given as follows:

- A. The Borough Council, before voting on the enactment of a zoning amendment, shall hold a public hearing thereon, pursuant to public notice, published in one newspaper of general circulation in the Borough not more than sixty (60) days nor less than seven (7) days prior to the meeting at which passage will be considered, and consistent with the requirements set forth in Sections 609, 609.1, 609.2, and 610 of the Pennsylvania Municipalities Planning Code, as amended.
- B. The notice shall state the nature of the proposed amendment to be addressed, including either the full text or a summary thereof setting forth the principal provisions in reasonable detail, the time and place of the public hearing, and a reference to the place in the Borough where copies of the proposed amendment can be examined.
- C. At any public hearing on a proposed amendment, opportunity to be heard shall be given to any citizen under the standing rules of the governing body.
- D. Where the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens at least one week prior to the date of the hearing. The affected tract or area shall be posted in accordance with the provisions of the Municipalities Planning Code, as amended. In addition, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date, and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. Where the map changes constitute a comprehensive rezoning, the posting requirements shall not apply (MPC Subsection 609(b) (2)(ii)).
- E. If after the public hearing held upon the proposed amendment, said amendment is changed substantially, or is revised to include land not previously affected by it, the Borough Council shall, at least ten (10) days prior to voting on enactment, re-advertise, in one newspaper in one newspaper of general circulation in the Borough, a brief summary setting forth all provisions in reasonable detail together with a summary of the amendments.

- F. Borough Council shall re-advertise any proposed amendment where the scheduled date of enactment is more than ninety (90) days following the date of last advertisement of the proposed amendment.
2. The Borough Council shall have the power to adopt general or special rules of procedure for the conduct of any such hearing provided that the hearings shall be conducted in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended, and the following procedures:
- A. The Borough Council shall conduct a hearing thereon within sixty (60) days of the receipt of written request, unless the applicant has agreed in writing to an extension of time.
 - B. The President of the Borough Council, or in the President's absence, the Vice-President, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - C. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses.
 - D. Even though formal rules of evidence shall not apply, irrelevant, immaterial or unduly repetitious evidence may be excluded.
 - E. The Borough Council shall keep a stenographic record of the proceedings and copies of graphic or written material received in evidence shall be made available at cost to any party.

SECTION 2203 DECISIONS OF THE BOROUGH COUNCIL

The Borough Council shall take the recommendations of the Borough Planning Commission and the Chester County Planning Commission into consideration in reaching its decision, but shall not be bound thereby. Enactments of amendments to the Zoning Ordinance or Zoning Map shall be made at public meetings of the Borough Council and copies can be examined at the Borough Hall during regular business hours. The Borough Council shall make a decision within forty-five (45) days after the close of the last hearing on the request unless the time is extended by mutual consent by the landowner and the Borough

Council. When a decision has been made by the Borough Council, a written copy of the decision shall be delivered to the landowner personally or mailed to that landowner not later than the day following the date of its decision. To all other persons or entities who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

SECTION 2204 CURATIVE AMENDMENT PROCEDURES

- A. Landowner Curative Amendments - A landowner who desires to challenge, on substantive grounds, the validity of this Zoning Ordinance or Zoning Map, or any provision thereof which prohibits or restricts the use or development of land in which such landowner has an interest, may submit a curative amendment to the Borough Council with a written request that their challenge and proposed amendment be heard and decided as provided in sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code, as amended.

- B. Borough Curative Amendments - If the Borough Council determines that this Zoning Ordinance or any portion thereof or amendment thereto is substantially invalid, it shall have the right to prepare a curative amendment in accordance with the procedure set forth in section 609.2 of the Pennsylvania Municipalities Planning Code, as amended.

**APPENDIX A
Parkesburg Borough**

Recommended Street Trees:			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Acer ginnala</i>	American Maple	<i>Acer rubrum</i> "Red Sunset"	Red Maple
<i>Acer rubrum buergerianum</i>	Trident Maple	<i>Acer rubrum triflorum</i>	Three Flower Maple
<i>Acer saccharum</i> "Green Mountain"	Sugar Maple	<i>Celtis occidentalis</i> *	Common Hackberry*
<i>Gleditsia triacanthos</i> "inermis"	Thornless Honey Locust	<i>Platanus acerifolia</i>	London Plane Tree (Liberty or Columbia varieties)
<i>Fraxinus americana</i>	White Ash	<i>F. Pennsylvania lanceolata</i>	Green Ash
<i>Ginkgo biloba</i>	Ginkgo (male)	<i>Liriodendron tulipifera</i>	Tulip tree
<i>Quercus alba</i>	White Oak	<i>Quercus borealis</i>	Red Oak
<i>Quercus coccinea</i> *	Scarlet Oak*	<i>Quercus macrocarpa</i> or <i>Quercus phellos</i>	Willow Oak
<i>Tilia cordata</i> or <i>Tilia euclhora</i>	Linden or Littleleaf Linden	<i>Quercus rubra</i> *	Northern Red Oak*
<i>Quercus shumardii</i>	Shumard Oak	<i>Zelkova serrata</i>	Japanese Zelkova
<i>Gleditsia triacanthos inermis</i>	Honey Locust or Shademaster Locust	<i>Acer campestre</i>	Hedge Maple
<i>Carpinus betulus</i>	European Hornbeam	<i>Carpinus caroliniana</i> *	American Hornbeam*
<i>Crataegus crusgalli inermis</i>	Thornless Cockspur Hawthorn	<i>Koelreuteria paniculata</i>	Goldenrain Tree
<i>Prunus serrulata</i> "Kwanzan"	Kwanzan Cherry	<i>Prunus sargentii</i>	Sargent Cherry
<i>Sophora japonica</i>	Scholar Tree	<i>Syringa reticulata</i>	Japanese Tree Lilac
<i>Prunus yedoensis</i>	Yoshino Cherry		

Note: Any other trees proposed for street planting shall be approved by the Borough Council, upon recommendation of the Planning Commission.

* Species marked with an asterisk (*) are also suitable for planting in riparian or natural areas.

APPENDIX A
Parkesburg Borough

Recommended Native Trees for General Use:			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Acer saccharum</i>	Sugar Maple	<i>Cercis canadensis</i>	Redbud
<i>Cornus alternifolia</i>	Pagoda Dogwood	<i>Cornus florida</i>	Flowering Dogwood
<i>Diospyrus virginiana</i>	Common Persimmon	<i>Fagus grandifolia</i>	American Beech
<i>Fraxinus americana</i>	White Ash	<i>Ilex opaca</i>	American Holly
<i>Liriodendron tulipifera</i>	Tulip Poplar	<i>Prunus serotina</i>	Black Cherry
<i>Quercus alba</i>	White Oak	<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus falcata</i>	Spanish Oak	<i>Quercus prinus</i>	Chestnut Oak
<i>Quercus rubra</i>	Red Oak	<i>Quercus velutina</i>	Black Oak
<i>Sassafras albidum</i>	Sassafras		

Recommended Native Trees for Moist Soils and Streambanks:			
Scientific Name	Common Name	Scientific Name	Common Name
<i>Acer negundo</i>	Box Elder	<i>Acer rubrum</i>	Red or Swamp Maple
<i>Acer saccharinum</i>	Silver Maple	<i>Alnus serrulata</i>	Common Alder
<i>Amelanchier canadensis</i>	Downy Shadblow or Serviceberry	<i>Asimina triloba</i>	Pawpaw
<i>Betula lenta</i>	Sweet Birch	<i>Betula nigra</i>	River Birch
<i>Carpinus caroliniana</i>	American Hornbeam (Ironwood)	<i>Carya cordiformis</i>	Bitternut Hickory
<i>Chionanthus virginicus</i>	Fringetree	<i>Fraxinus pennsylvanica</i>	Green Ash

**APPENDIX A
Parkesburg Borough**

Recommended Native Trees for Moist Soils and Streambanks:			
Scientific Name	Common Name	Scientific Name	Common Name
Liquidambar styraciflua	Sweetgum	Magnolia virginiana	Sweetbay Magnolia
Nyssa sylvatica	Black Gum	Platanus occidentalis or Phellodendron amurense	American Sycamore, Buttonwood
Populus heterophylla	Swamp Cottonwood	Quercus bicolor	Swamp White Oak
Quercus nigra	Water Oak	Quercus palustris	Pin Oak
Quercus phellos	Willow Oak	Salix nigra	Black Willow
Tilia americana	American Linden		

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 Appendices prepared by The Grafton Association.

APPENDIX B

Parkesburg Borough R-4 Residential Zoning District

Traffic Impact Study

A. General Requirements

The Traffic Impact Study shall include an identification of the relationship of the transportation and circulation system needs of the proposed development to the existing street and highway network. The discussion of this relationship shall be in narrative form and shall include factors such as methods to be used for traffic control within the tract and at points of ingress to and egress from it and expected traffic volumes on existing streets for both peak hour and non-peak hour traffic conditions. In addition, there shall be a discussion of the physical condition of existing streets which will service the development and proposed improvements to remedy any deficiencies.

B. Peak Hour Traffic Volumes

The analysis of the traffic conditions in a Traffic Impact Study shall be based on the analysis of vehicular characteristics in the critical morning and afternoon peak hours. The peak hours shall be determined based upon Manual Turning Movement counts at the respective intersections in the study area. Manual Turning Movement counts shall be provided with the study. Actual Manual Turning Movement counts shall be tabulated by 15 minute periods to establish the respective morning and afternoon peak hour traffic movements with the respective counting periods. Counts shall be placed on a map of the study area in combination with the results of the Automatic Traffic Recorder counts. From this information, an updated estimate of current morning and afternoon peak hour traffic movements at each of the intersections shall be prepared.

C. Volume Capacity Analysis

Levels of Service in Tables I and 2 are volume/capacity standards in accordance with the standard techniques in the "Highway Capacity Manual". By definition, capacity represents the maximum number of vehicles which can be accommodated, given the constraints of roadway geometry, environment, traffic characteristics and controls. For an intersection, the relationship of roadway volumes to capacity on the various approach legs is expressed as a ratio for the various levels of service. The respective ratios are shown in Tables I and 2. To be operating within acceptable limits, intersections should operate at a level of service of "C" or better.

D. Evaluation of a Development's Impact on Traffic and Roadway Systems

The traffic impact of the proposed development shall be determined from an estimate of daily and peak hour traffic generated by the project, distribution of this traffic to the area roadway network, addition of the generated traffic to existing traffic to produce future traffic forecasts and evaluation of total future traffic volumes.

Detailed volume/capacity analysis at intersections will be completed under the traffic forecast conditions. This analysis will establish a matrix of roadway improvements which are necessary to accommodate the various development assumptions in a time-phased manner.

E. Standards for Evaluation of a Development's Impact on the Road Network

The applicant shall establish by a fair preponderance of credible evidence that the capacity of the road net providing access to the development when the incremental increase in traffic attributable to the proposed use is superimposed upon the existing use of the road net shall not lower the level of service of the road or any portions thereof below level of service "C".

The applicant shall establish by a fair preponderance of credible evidence that the interior traffic circulation for the proposed use at the proposed location, including but not limited to, acceleration and deceleration lanes where required at the proposed entrances to the location, shall be

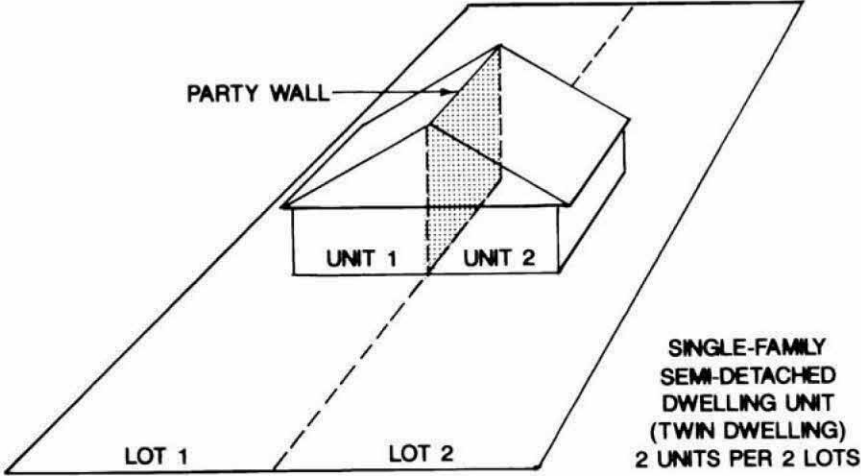
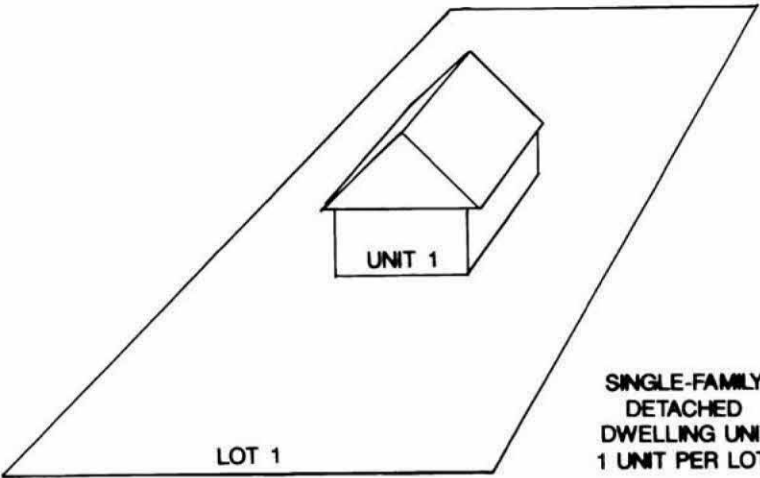
¹ Highway Research Board, Special Report 87, Highway Capacity Manual, 1965, published by the Highway Research Board, Washington, D.C., 1965.

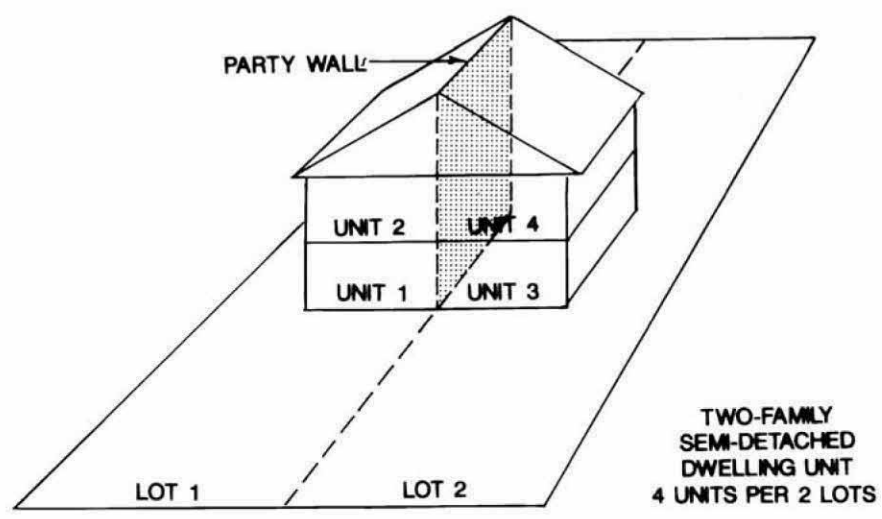
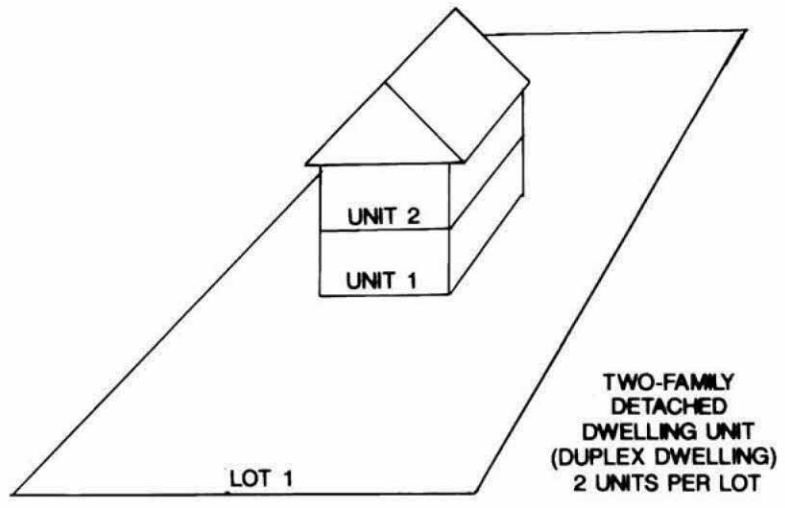
adequate to provide safe and convenient circulation for users of the facility, visitors to the facility, employees of the facility and all emergency vehicles that may require entrance thereon.

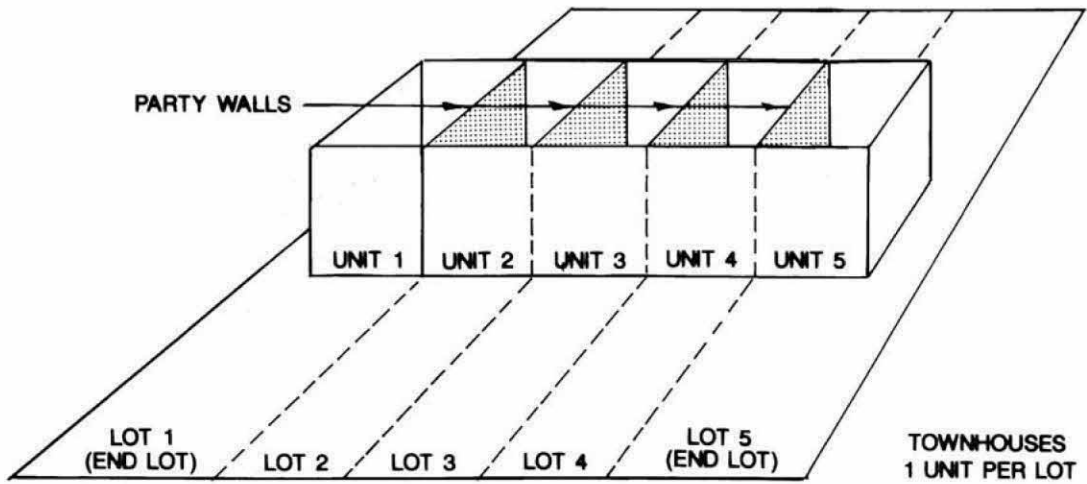
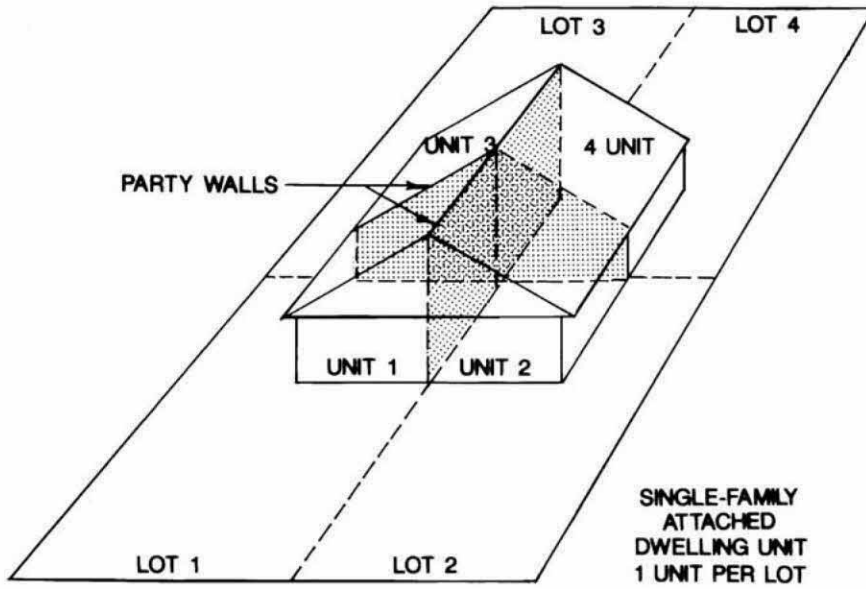
The applicant shall establish by a fair preponderance of credible evidence that the facility provides safe and convenient pedestrian access and internal circulation within the grounds of the facility and particularly for points of access from the facility to the parking areas.

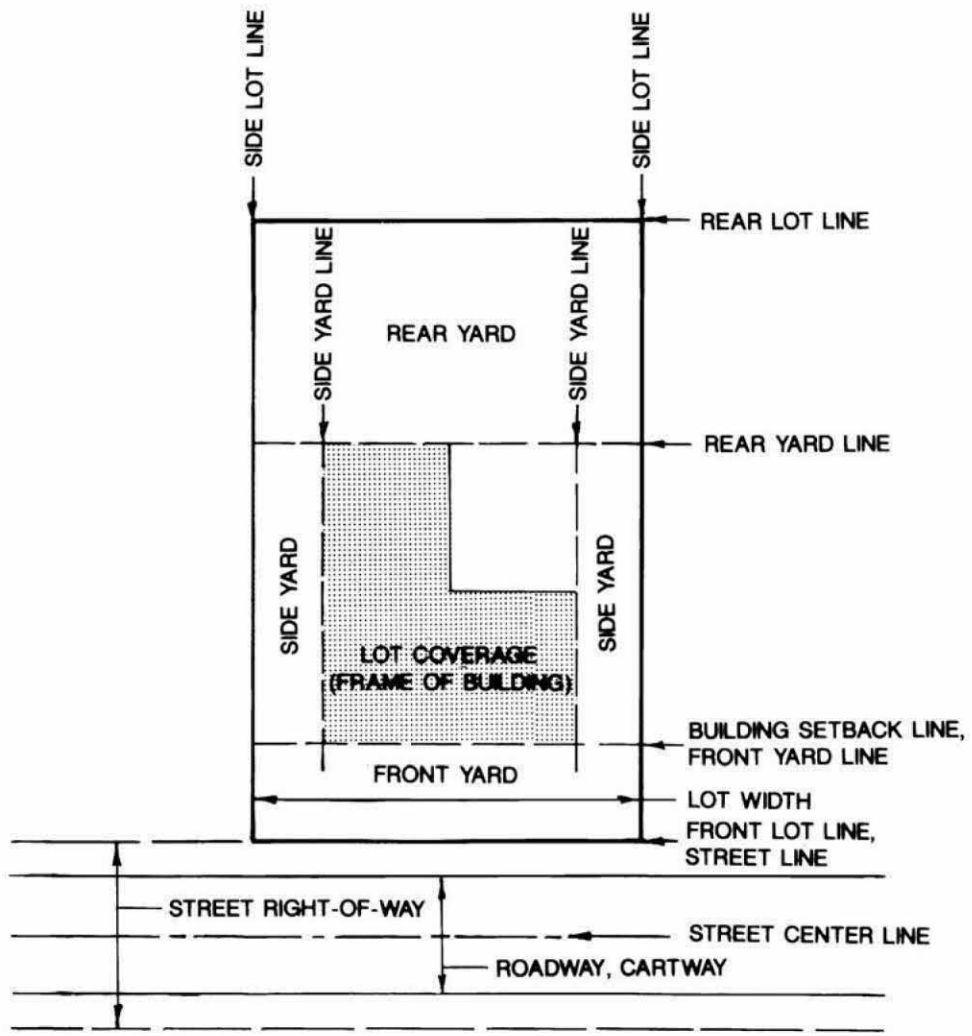
APPENDIX C

<u>Diagram</u>	<u>Page</u>
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Townhouse Dwelling Unit	C - 4
Lot Coverage	C - 5
Buildable Area	C - 6
Loop Road	C - 7
Cul-de-Sac Street	C - 7

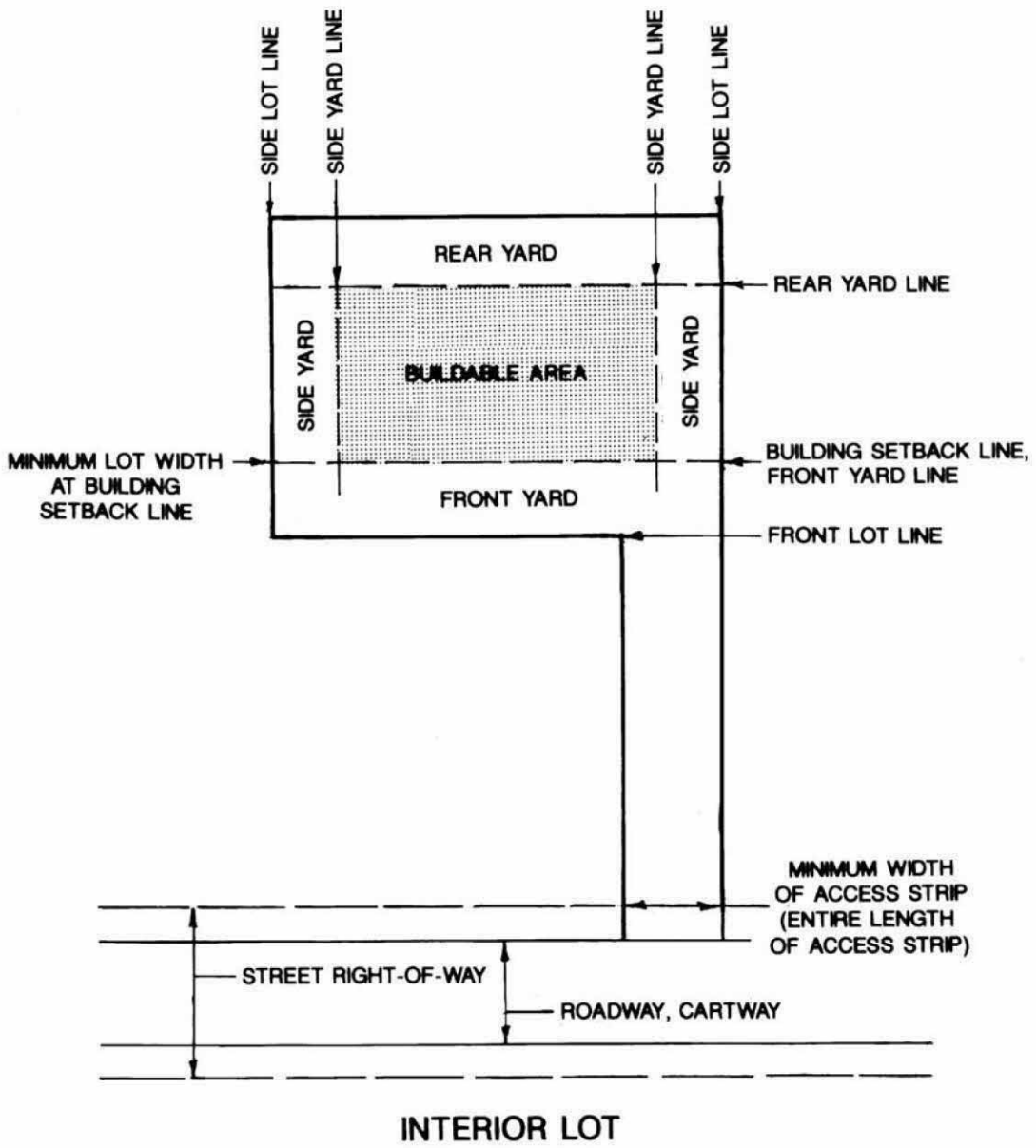


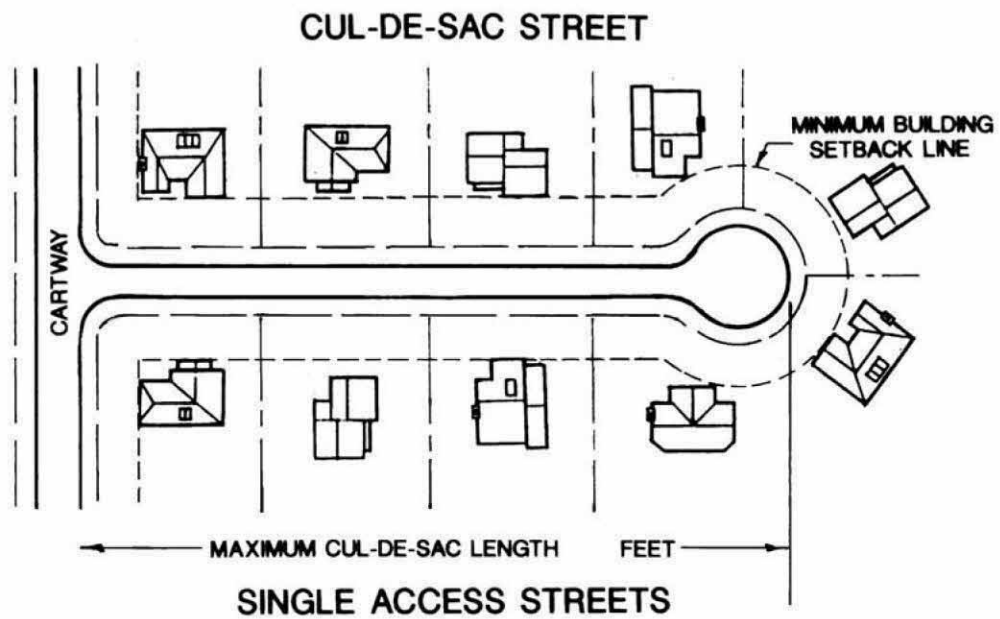
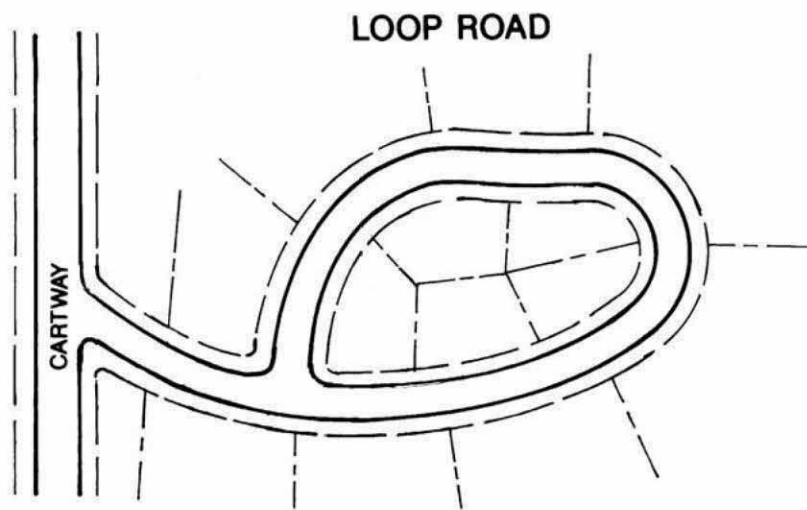


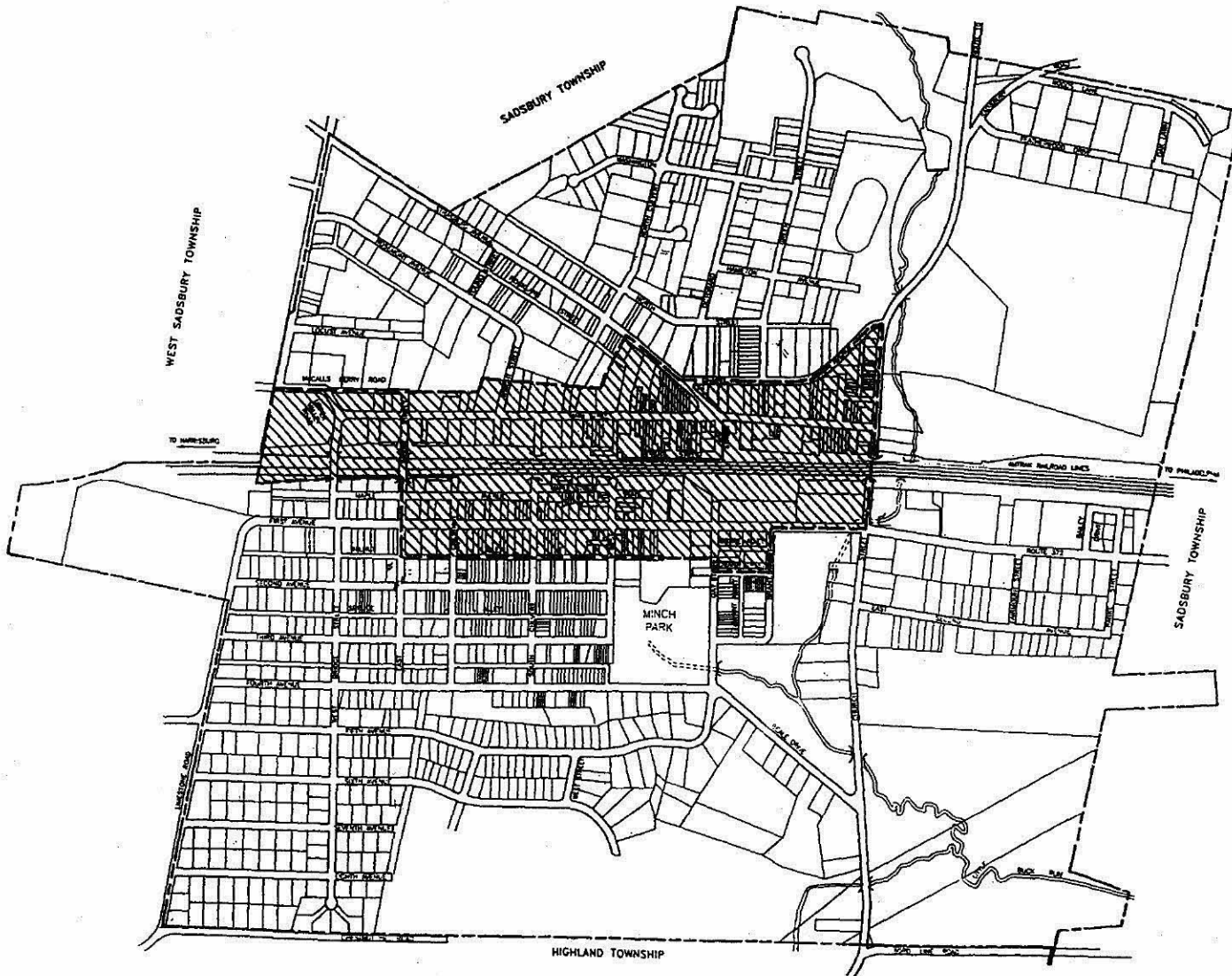




STREET FRONTAGE LOT







LEGEND

 HISTORIC DISTRICT



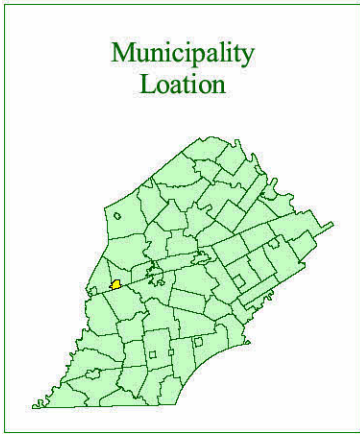
GRAPHIC SCALE
1" = 800'

**PARKESBURG BOROUGH
CHESTER COUNTY, PENNSYLVANIA**



**HISTORIC
DISTRICT**

P. O. BOX 568, URBANVILLE, PENNSYLVANIA 19375
PHONE: 610-889-2101 FAX: 610-889-0622



TOWNSHIP OFFICE
 315 WEST FIRST AV., BLDG. 1
 PARKESBURG, PA 19365
<http://www.parkesburg.org>



BOROUGH OF PARKESBURG

Municipal Zoning Map

Zoning Adopted: September 20, 2005
 Map Created: May 5, 2008

Parkesburg Zoning Districts

- C-1 - Commercial-Neighborhood
- C-2 - Commercial-General
- I - Industrial
- R-1 - Residential
- R-1A - Residential
- R-2 - Residential
- R-3 - Residential
- R-4 - Residential
- R-5 - Residential
- Road Centerlines
- Parcel Boundaries
- Railroad lines

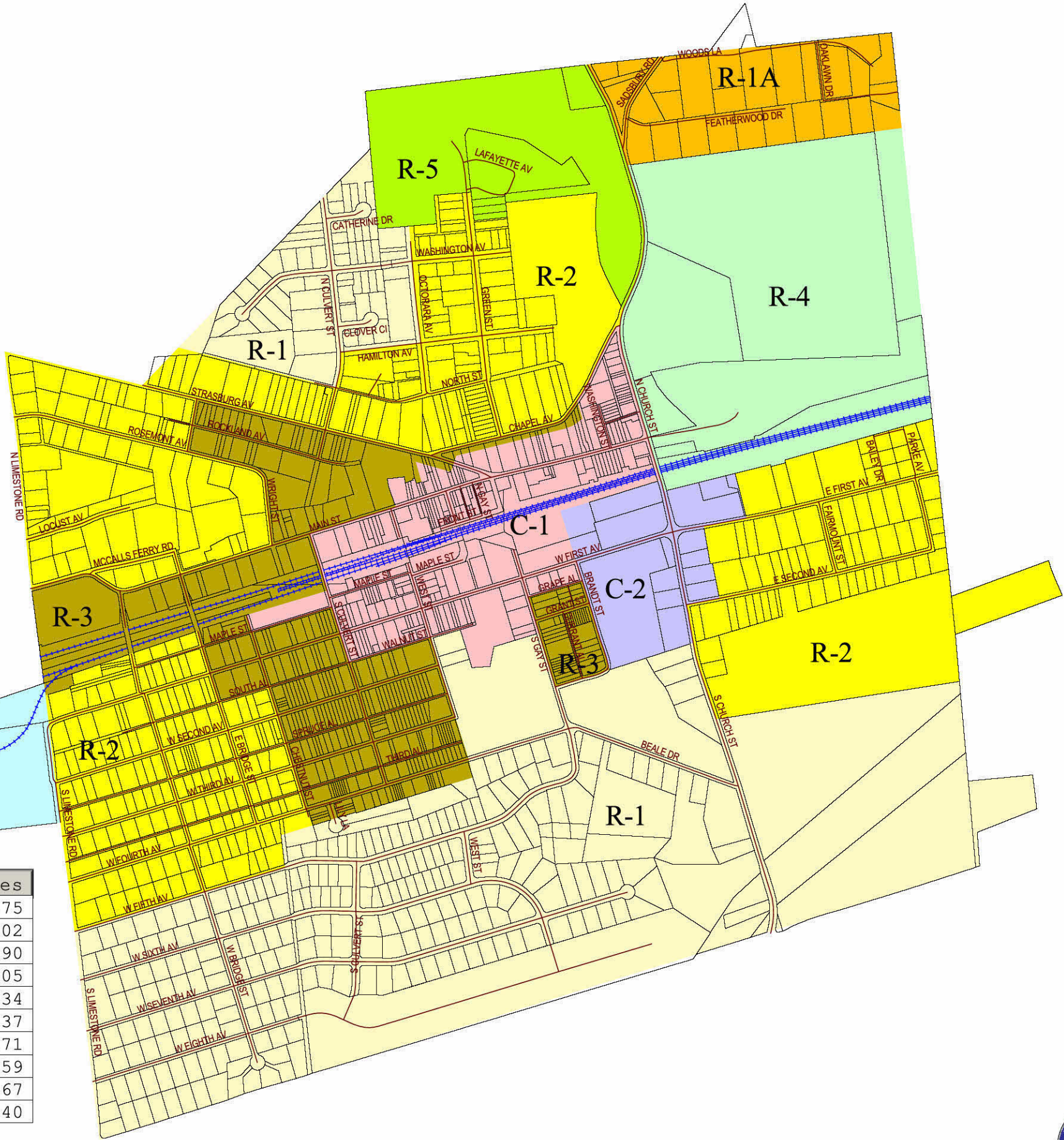
IMPORTANT NOTICE:
 The Official Zoning Map in the municipal building shall be the final authority regarding the current zoning status of land, buildings, and other structures.

NOTES: Not for engineering purposes.
 Landbase Source: Planimetric features have been compiled to meet the National Map Accuracy Standard of 1:24,000 scale mapping using first order, fully analytical digital stereoplotters, from aerial photography dated spring, 2005, controlled analytically from ground points captured using first order GPS equipment. Planimetric coordinates were based on the PA State Plane Coordinate System South Zone and North American Datum 1983.

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Zone	Acres
C-1	52.75
C-2	22.02
I	26.90
R-1	258.05
R-1A	29.34
R-2	221.37
R-3	78.71
R-4	89.59
R-5	36.67
TOTAL	815.40

