
*BOROUGH OF CALIFORNIA
ZONING ORDINANCE
March 2019*

**BOROUGH OF CALIFORNIA
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 562

AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING A NEW ZONING ORDINANCE; PROVIDING FOR ARTICLE I "GENERAL PROVISIONS" WITH SUBSECTIONS; PROVIDING FOR ARTICLE II "DEFINITIONS" WITH SUBSECTIONS; PROVIDING FOR ARTICLE III "ESTABLISHMENT OF (ZONING) DISTRICTS, (ZONING) MAP AND GENERAL REGULATIONS WITH SUBSECTIONS; PROVIDING ARTICLE IV "SUPPLEMENTAL REGULATIONS" WITH SUBSECTIONS; PROVIDING ARTICLE V "GENERAL REGULATIONS" WITH SUBSECTIONS; PROVIDING ARTICLE VI "NONCONFORMING LOTS, STRUCTURES AND USES" WITH SUBSECTIONS; PROVIDING ARTICLE VII "ADMINISTRATIVE PROVISIONS" WITH SUBSECTIONS; PROVIDING APPENDICES, INCLUDING A USE TABLE AND A ZONING MAP; REPEALING PRIOR ORDINANCES OR PORTIONS OF PRIOR ORDINANCES IN CONFLICT WITH THE TERMS AND CONDITIONS OF THIS ORDINANCE; CONTAINING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough Council adopted the Borough's Zoning Ordinance, Ordinance No. 496, on December 8, 2005; and

WHEREAS, the Borough Council adopted Ordinance No. 511 on October 17, 2008, which amended, in part, Zoning Ordinance No. 496; and

WHEREAS, the Borough Council adopted Ordinance No. 534 on November 1, 2012, which amended, in part, Zoning Ordinance No. 496; and

WHEREAS, the Borough Council adopted Ordinance No. 548 on January 27, 2015, which amended, in part, Zoning Ordinance No. 496; and

WHEREAS, Article VI "Zoning" of the Pennsylvania Municipalities Planning Code authorizes the Borough Council to enact, amend, and repeal Zoning Ordinances, 53 P.S. § 10601, et seq.; and

WHEREAS, the Borough Council of the Borough of California has determined it to be in the best interests of the health, safety, and welfare of the residents of the Borough of California to enact a new Zoning Ordinance with updated provisions that are more current with applicable law and land use development.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of California, County of Washington, and the Commonwealth of Pennsylvania, and it is hereby ORDAINED AND ENACTED as follows:

REPEAL OF PRIOR ORDINANCES.

Ordinance No. 496, Ordinance No. 511, and Ordinance No. 548 are repealed in their entirety by this instant Ordinance, Ordinance No. 562. Ordinance No. 534, which was for a one-time, unique situation, will remain in effect. Any and all other, prior Ordinances and/or portions of other, prior Ordinances that are in conflict with this Ordinance are hereby repealed to the extent of such conflict. Any remaining prior Ordinances and/or portions of Ordinances, not modified herein, shall remain the same.

SAVINGS CLAUSE.

Should any section of this Ordinance be, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

The Borough Council hereby declares that it would have enacted this Ordinance, and each section thereof, irrespective of the fact that any one or more sections are subsequently declared unconstitutional.

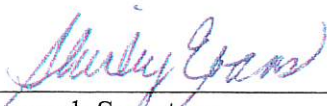
EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption by Borough Council.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this 14th day of March, 2019.

ATTEST:

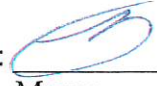
BOROUGH OF CALIFORNIA


Borough Secretary

By: 
President of Council

EXAMINED AND APPROVED by me this 14th day of March, 2019.

BOROUGH OF CALIFORNIA

By: 
Mayor

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ARTICLE I
GENERAL PROVISIONS

SECTION 101 Titles

- 101.1 Long title: "An ordinance of California Borough, Washington County, Pennsylvania, to establish zoning regulations for the use of land, watercourses, other bodies of water, and structures; defining and regulating the size, height, bulk, location, erection, construction, repair, maintenance, alteration, demolition, area, intensity of use and dimensions of land, structures, and bodies of water for agriculture, business, environment, industry, residence, public service or other purposes; the density of population and intensity of use; the provision of design specifications and performance standards; the percentage of lot which may be occupied; the size of yards and other open spaces; the establishment of legislative, administrative, enforcement, and appeal procedures; and the prescribing of remedies for violations."
- 101.2 Short title. This ordinance shall be known and cited as the "California Borough Zoning Ordinance of 2018."

SECTION 102 Compliance with Municipalities Planning Code

The California Borough Zoning Ordinance has been written to reflect the provisions of the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247, as reenacted and amended) in that zoning ordinances shall be designed:

- 102.1 To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and the proper density of population; the provisions of adequate light and air; access to incident solar energy; police protection; vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- 102.2 To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- 102.3 To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- 102.4 To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangement, mobile homes, and mobile home parks; provided, however, that this ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type.
- 102.5 To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development for a variety of residential dwelling types and nonresidential uses.

SECTION 103 Relationship to Comprehensive Plan

This ordinance is enacted to promote an orderly plan of development according to the goals, objectives, and recommendations of the California Borough Comprehensive Plan. The Comprehensive Plan includes data on existing conditions with reasonable consideration to the existing character of the various areas within the municipalities and the respective suitability to particular land uses. The zoning regulations and districts set forth in this Ordinance are intended to achieve, among others, the following purposes:

- 103.1 Expand economic development efforts by supporting existing businesses and increasing new business opportunities to strengthen the borough's tax base.
- 103.2 Revitalize the downtown business district by addressing aesthetics, parking and vacant/underutilized structures.
- 103.3 Encourage a diverse mix of housing options that will appeal to all residents.
- 103.4 Increase rehabilitation efforts and code enforcement in targeted residential neighborhoods.
- 103.5 Ensure all municipal policies and ordinances are consistent with the Comprehensive Plan's vision.
- 103.6 Create additional opportunities to provide social and recreational options for residents and visitors including improved access to the Monongahela River.

SECTION 104 General Purposes

The general purposes, which are the basis for the provisions and regulations of this ordinance, are set forth in the Borough Comprehensive Plan. The zoning regulations and districts set forth in this ordinance are made in accordance with the Comprehensive Plan for the general welfare of the municipalities and the promotion of the health, safety, morals, convenience, and order of present and future residents of California Borough and are intended, but not limited, to achieving the following objectives:

- 104.1 To implement the policy goals and strategies of the Comprehensive Plan.
- 104.2 To promote a sustainable community by ensuring that future development meets the economic and social needs of the residents in a manner that does not destroy the productivity or health of its natural systems.
- 104.3 To promote and facilitate coordinated and practical community development in relation to infrastructure facilities.
- 104.4 To provide standards to control the amount of open space and impervious surfaces within a development and to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.
- 104.5 To reduce the financial burdens imposed on the community and protect the tax base by preventing excessive or inappropriate development or uses within the municipalities.
- 104.6 To attract new businesses that will complement the existing economic structure within the region.
- 104.7 To better utilize vacant and underutilized properties.

SECTION 105 Applicability

- 105.1 The provisions of this ordinance shall apply to all zoning districts, lots, structures, land developments and subdivisions within the municipal boundaries of California Borough, Washington County, Pennsylvania.

SECTION 106 Compliance

- 106.1 In all districts, after the effective date of this ordinance, any existing land use, building, structure, or any tract of land which is not in conformity with the regulations of the district in which it is located shall be deemed as nonconforming and be subject to the nonconforming regulations of this ordinance.
- 106.2 No structure shall be located, erected, demolished, constructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all provisions of this ordinance, and the subsequent lawful issuance of all permits and certifications required by this ordinance.

SECTION 107 Interpretation

In interpreting and applying the provisions of this ordinance, these provisions shall be held to be the minimum requirements.

- 107.1 It is not intended by this ordinance to interfere with, or abrogate or annul, any ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued, except those specifically or implicitly repealed by this ordinance, or any private restriction placed upon property by covenant, deed, or other private agreement, unless repugnant hereto.
- 107.2 Whenever this ordinance imposes a greater restriction upon the use of buildings or premises, open spaces or lot areas, or imposes higher standards other than those which are required in, or under, any other statute, the provisions of the regulations made under the authority of this ordinance shall govern.
- 107.3 Provisions in any other ordinances that are concerned with design standards and which are enacted and administered for California Borough shall not be considered to be in conflict with the provisions of this ordinance.

SECTION 108 Uses for Which No Provision Is Made

- 108.1 Whenever, in any district established under this ordinance, a use is not specifically permitted and an individual makes an application to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use. The use may be permitted if it is similar to, and compatible with, permitted uses in the district and, in no way, is in conflict with the general purpose and intent of this ordinance or any provision permitting the same, provided that the same shall comply and follow all requirements of this ordinance.

SECTION 109 Severability

It is hereby declared to be the intent of the Borough Council of California Borough that:

- 109.1 If any provision, article, section, subsection, paragraph, sentence or phrase of this ordinance is for any reason held to be invalid or ineffective, in whole or in part, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance which shall continue to be separately and fully effective; and
- 109.2 If the application of any provision or provisions of this ordinance to any lot, building or any other

structure or tract of land is found to be invalid or ineffective, in whole or in part, by a court of competent jurisdiction, the effect of such a decision shall be limited to the person, property or situation immediately involved in the controversy and the application of any such provisions to other persons, property or situations shall not be affected.

SECTION 110 Repeal

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

SECTION 111 Effective Date

This Ordinance shall take effect on the 14 day of March 2019.

ARTICLE II DEFINITIONS

SECTION 201 Interpretations

For the purpose of this ordinance the following rules shall apply:

- 201.1 The particular shall control the general.
- 201.2 The words "shall" and "will" are mandatory and not discretionary. The word "may" is permissive.
- 201.3 If there is a difference in meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- 201.4 Words used in the present tense include the future tense.
- 201.5 The singular includes the plural and the plural the singular.
- 201.6 The terms "occupied" or "used" shall be construed to be followed by the words "or intended, arranged or designed to be occupied or used."
- 201.7 The word "person" includes an individual, corporation, partnership, unincorporated association or any other similar entity.
- 201.8 The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of similar kind and character.
- 201.9 The masculine shall include the feminine and the neuter.

SECTION 202 Meanings of Words

- 202.1 Unless otherwise expressly stated, the following words, for the purpose of this ordinance, shall have the meaning herein indicated. When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.

SECTION 203 Definitions

- 203.1 As used in this ordinance, the following terms shall have the meanings indicated:

ABANDONED VEHICLE — Any vehicle that is not in a building or garage and which does not have a current Pennsylvania registration and/or a current safety inspection sticker. This term shall not apply to any vehicle or equipment used in the normal operation of a farm owned or leased by the person farming the land or upon the property of a state-authorized automotive repair facility.

ABANDONMENT — An intentional and absolute relinquishment and cessation of a use for a continuous period of one year or more. Commercial or industrial abandonment shall be measured from the date of the last record of sale or occupancy, whichever occurs first, and residential abandonment shall be measured from the last date of occupancy.

ACCESSORY DWELLING UNIT (Granny Flat) — A dwelling unit, accessory to the principal residence of the landowner, for the housing of an immediate family member," either by blood, marriage or adoption", who are in need of economic or health benefits provided by persons who are concerned about their well-being, while

allowing them to live independently in an apartment converted within an existing single family dwelling or detached garage or other permanent accessory structure, located on the same lot with an existing single family dwelling.

ACCESSORY USE — An activity or use that is incidental to, and generally found in connection with, the principal use on the property. An accessory building contains an accessory use. Accessory uses shall be residential in the floodplain. Accessory uses may include: accessory dwelling units, temporary storage buildings (PODS), drive-thru, family day care, green houses, no-impact home based businesses, home occupations, motor vehicle services, parking lots, satellite dishes, backyard chickens, contractors business, equipment repair business, temporary storage of construction vehicles, solar energy systems (small), wind energy systems (small) and utilities.

AGRICULTURAL BUILDING — A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. Such structure shall not be a place of human habitation or a year-round place of employment where agricultural products are processed, treated, or packaged; nor shall it be a building or structure open year-round for use by the public. A farmers' market building will be considered an agricultural building so long as it is located on the farmstead where the products are grown.

AGRICULTURAL OPERATION — Any parcel of land which is gainfully used in the production of agricultural, horticultural, arboricultural, viticulture, and dairy products; and animal husbandry including the keeping of livestock, poultry and bee raising, including necessary farm structures and equipment.

AIRPORT — An area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. Unless indicated otherwise, "airport" shall include heliports and public airports.

PRIVATE AIRPORT — An airport that is privately owned and which is not open or intended to be open to the public.

PUBLIC AIRPORT — An airport that is either publicly or privately owned and is open to the public.

AIR RIGHTS — The ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development that is necessary or legally required for the full and free use of the ground surface.

ALLEY, LANE or WAY — Any roadway or public way dedicated for public use and 20 feet or less in width. No main building/structure shall have its frontage on an alley.

ALTERATION, STRUCTURAL — Any change or rearrangement of supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, enclosing walls, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

AMUSEMENT/RECREATION CENTER — An establishment that is not sexually oriented and offers recreation, entertainment, or games to the general public for a fee or charge.

INDOOR — An entirely enclosed facility operated as a commercial venture providing a source of amusement, entertainment, or recreation that may include bowling alleys, athletic courts, indoor swimming pool, movie theaters, playhouses, indoor golf centers, indoor batting cages or any other similar use.

OUTDOOR — A partially or entirely unenclosed facility operated as a commercial venture providing a source of amusement, entertainment, or recreation that may include miniature or pitch and putt golf courses, batting cages, swimming pools, athletic courts, or any other similar use.

ANIMAL EQUIVALENT UNIT — One thousand pounds of animal weight as designated under the Pennsylvania Nutrient Management Act.

ANIMAL FEEDING OPERATION (AFO) — An animal housing facility that stables, confines, and feeds or maintains animals for a total of 45 days or more in any twelve-month period including the facility areas that do not sustain vegetation.

ANIMAL HUSBANDRY — The raising, breeding, keeping or care of farm animals or livestock, including fowl or insects, for meat, by-products or other utility that is intended as a business or gainful occupation, or any keeping of animals for any reason beyond what is allowed in a permitted stable or kennel or under the keeping of pets. This term shall not include a bulk commercial slaughterhouse or a central commercial stockyard for animals awaiting slaughter.

APPLICANT — Any person, firm, landowner, company, or developer (including heirs, successors and assigns), who has submitted an application for development that requires a determination or decision under this Ordinance.

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

ARCHITECT — An individual registered by the Commonwealth of Pennsylvania as a licensed architect.

ARENA — A completely enclosed structure with fixed seating for not more than 20,000 persons, which is designed to accommodate sporting, entertainment and assembly events and which may include accessory dining and retail uses. An arena may be operated by a public or private agency, authority or corporation.

BACKYARD CHICKENS — The outdoor keeping of chickens as an accessory use to a single-family dwelling.

BANK/FINANCIAL INSTITUTION — An establishment that provides services such as retail banking, collection services, loan services, and tax and investment services to individuals and businesses. This use does not include check-cashing businesses.

BANNER — A sign intended to be hung either with or without a frame possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind, excluding flags, emblems, and insignias or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignia are displayed for noncommercial purposes.

BASEMENT — That portion of a building or structure that is partly or completely below grade but having half of its clear height below the average grade of the adjoining land.

BEACON — Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot or site as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST — An owner-occupied single-family dwelling that contains not more than 10 guest bedrooms used for providing overnight accommodations to the public, not to exceed 10 consecutive days, and in which breakfast is the only meal served and is included in the charge for the room.

BILLBOARD — An off-premises sign which advertises an establishment, an activity, a person, a product, or a service which is unrelated to or unavailable on the premises on which the sign is located through which the advertising matter of any character is printed, posted or lettered and may be either freestanding or attached to

the surface of a building or other structure, or applied directly to the surface.

BOARDING HOUSE – A residential use in which, (a) a room or rooms that do not meet the definition in this ordinance of a lawful dwelling unit are rented for habitation, or (b) a dwelling unit that includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of hotel / motel, bed and breakfast inn, group home, nursing home, or rooming house. A boarding house shall primarily serve persons residing on-site for five (5) or more consecutive days and may involve the providing of meals to residents. A boarding house can also be a tourist home.

BORE HOLES — Structures and appurtenant facilities to permit the introduction from the surface to underground mining operations, or in some cases the removal from underground mining operations to the surface, of electric power, water (with or without treatment facilities), rock dust for safety purposes, communicating lines, compressed facilitate the mining and removal of coal.

BOTTLE CLUB — An establishment operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board and admits patrons upon payment of a fee, cover charge or membership fee and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the Liquor Code. The permissibility of a use of land involving to any extent a bottle club shall be determined according to the principal intended use. See Place of Public Assembly.

BREWERY PUB — A facility where malt or brewed beverages are manufactured on site. The mini-brewery may sell, transport and deliver malt beverages to various off-site locations, however, the majority of the manufactured malt or brewed beverage products are sold and consumed on-premises. The facility must be licensed by the Commonwealth of Pennsylvania and conducted in accordance with commonwealth requirements. See Tavern / Drinking Establishment.

BUFFER AREA — A strip of land adjacent to the boundary of a property or district, not less in width than is designated in this ordinance, that is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no building or structure is permitted except a wall, fence or sign in compliance with this ordinance.

BUILDING — Any structure having enclosing walls and roofs and requiring a permanent location on the land.

ACCESSORY BUILDING — A detached building customarily incidental and subordinate to the principal building and located on the same lot.

PRINCIPAL BUILDING — A building in which is conducted the principal use of the site or lot on which it is situated. In all residential districts, any dwelling shall be deemed to be a principal building on the lot on which it is located.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed finished grades immediately adjacent to the front lot line to the highest point of the roof for flat roofs, to the deck line for mansard roofs, to the mean height between eaves and ridge for gable, hip and gambrel roofs. If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof. See Figure 1 in the Appendixes.

BUILDING SETBACK LINE — An established line within a property defining the minimum required distance between the face of any building or structure to be erected and an adjacent street right-of-way of a lot line. The

face of the building includes basements, decks, sunrooms, foyers, bay windows, porches, patios with footers, projecting eaves and overhangs, dormers, and any other solid projections and solid entrances. Walks, terraces, and uncovered steps or stoops attached to a structure are exempt. Building lines shall also apply to all accessory buildings and structures except for signs, fences, and walls and shall apply to all yard lines. See Figure 2 in the Appendixes.

BUSINESS SCHOOL — See Educational Facility, Trade School

BUSINESS SERVICES - Establishments engaged in rendering services to businesses and offices including, but not limited to, advertising; mailing; data processing; office supplies; building maintenance; equipment servicing, rental, leasing and sales; employment service; and other similar services.

BUS STATION / TRANSIT DEPOT — A facility, including terminals, depots, and passenger waiting, loading, and unloading stations of bus and other transit companies and districts. This term shall include both public and private entities that provide transportation services primarily for people, but which may include freight transport services incidental to its principal service. This term shall not include bus or other transit passenger stops or the long-term parking of buses.

CAMPGROUND — A publicly or privately-owned site designed, designated, maintained, intended or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in cabins, tents or recreational equipment/vehicles open to the public for free or for a fee.

CANOPY — A roof-like structure either projecting from a building facade and open on three sides, or standing alone and open on four sides, and used for the purpose of protecting pedestrians and motorists from weather-related elements.

CAR WASH — Any building, site or premises, or portions thereof, used for washing or reconditioning the interior or exterior of automobiles. An automobile car wash shall include self-operated facilities not requiring attendants or employees but shall not include incidental one-bay washing facility in an automobile repair or service station where such facilities are incidental to the operation of said automobile repair or service station. This can include pet washing facilities.

CATERING BUSINESS — An establishment used for the preparation and delivery of food and beverages for off-site consumption. This establishment may provide for on-site pickup but may not provide for on-site consumption.

CEMETERY — An area used, or intended to be used, for the burial of the deceased, including a columbarium, crematorium and mortuary.

CHRISTMAS TREE — An assemble of valves, spools, and fittings used for an oil well, gas well, water injection well, water disposal well, gas injection well, condensate well, and other types of wells.

CLEAR-CUTTING — The indiscriminate or complete removal of all trees on a site, or any portion thereof greater than 0.5 acre in a contiguous area, during a single timber harvesting operation or within a five-year period.

CLINIC, MEDICAL — A facility for the outpatient diagnosis and treatment of human ailments not involving a twenty-four hour per day operation and not involving the sale of drugs or foodstuffs on the premises.

CLUSTER DEVELOPMENT — A form of single-family residential development which permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional development and provided, further, that the resultant land area is devoted to open space.

COMMUNICATIONS ANTENNA, WIRELESS — Any device used for transmission or reception of radio, television, cellular telephone, pager, commercial mobile radio service, or any other wireless communications signals, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device.

COMMUNICATIONS CO-LOCATION, WIRELESS — The act of installing wireless communications equipment, from more than one provider, on a single tower, building, or structure.

COMMUNICATIONS EQUIPMENT BUILDING, WIRELESS — An unmanned building containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

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

COMMUNICATIONS TOWER HEIGHT, WIRELESS — The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

COMMUNITY CENTER — A structure or area used for fraternal, social, cultural, and/or recreational programs generally open to the public and designed to serve significant segments of the local community.

COMPREHENSIVE PLAN — The adopted public document for California Borough, Washington County, Pennsylvania, prepared in accordance with the Pennsylvania Municipalities Planning Code (MPC), consisting of maps, charts, and textual material that constitutes a policy guide to decisions about the physical and social development of the municipality. The Comprehensive Plan is also known as the "California Borough Comprehensive Plan."

COMPRESSOR STATION — A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells and to operate as an upstream or midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing or treatment facility or underground storage field.

CONDITIONAL USE — A use permitted in a particular zoning district pursuant to the provisions in Article VI of the MPC and the provisions set forth within this ordinance.

CONDOMINIUM — Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act.

CONTINUING CARE FACILITY — A residential facility, licensed by the Commonwealth of Pennsylvania, consisting of either a single building or a group of buildings, under common or related ownership, located on a single lot or on contiguous lots, without reference to contiguous streets, containing two or more of the following services: assisted living facility; home and community based services facility; housing for the elderly; independent living facility; nursing home; personal care home; personal support services for a continuing care facility; skilled nursing facility.

HOME AND COMMUNITY BASED SERVICES FACILITY — A facility which provides services designed to assist

elderly or disabled persons, including services such as a wellness center, therapeutic pool, geriatric assessment, rehabilitation, home health care, meals on wheels, and transportation services.

PERSONAL SUPPORT SERVICES FOR A CONTINUING CARE FACILITY — Services provided to residents of a continuing care facility, located within a main building, such as beauty shop, barbershop, gift shop, pharmacy, bank, and laundry and cleaning services and facilities.

CONTRACTOR'S BUSINESS — An area of land and any structure, which may or may not include administrative offices for an industry that provides contracting services which stores all or part of the materials, equipment or vehicles used in the industry on site. The businesses may include, but are not limited to the trades as follows: general contractors, highway and street construction, heavy construction, water well drilling; and the following building trades: plumbing, heating, air conditioning, painting, paper hanging and decorating, electrical, masonry or other stonework, carpentry and flooring, roofing, sheet metal, concrete work, and other similar trades.

CONVENIENCE STORE — A retail establishment with a sales area of 5,000 square feet or less offering for sale food products, household items, newspapers, magazines, or freshly prepared foods that may be available for on-site or off-site consumption. Accessory activities may include the operation of automated teller machine (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing and the sale of liquefied petroleum gas.

CONVENIENCE STORE WITH GASOLINE — Retail establishments meeting the criteria for a convenience store that has fueling positions on the premises for the dispensing of gasoline.

CORRECTIONAL FACILITY — A publicly or privately operated facility housing persons awaiting trial, serving a sentence after being found guilty of a criminal offense, being within the jurisdiction of a federal, state or local probation, parole or corrections agency and/or receiving treatment other than at a hospital while under the jurisdiction of such authority or agency. The term shall include but not be limited to jails, prisons, juvenile detention centers, work release centers, pre-release centers and treatment centers.

COUNTY — Washington County, Pennsylvania.

COUNTY PLANNING COMMISSION — The Planning Commission of Washington County, Pennsylvania.

COURTYARD — An open, unoccupied, and uncovered space partially or wholly surrounded by the walls of a building or a structure.

DAY-CARE CENTER — Any institution or place licensed by the Commonwealth of Pennsylvania which is maintained in whole or in part for the care of children or adults, not of common parentage, apart from their parents or guardians, during any part of a day with or without stated educational purposes. This definition shall include child day-care centers and adult day-care centers but shall not apply to public, private or parochial school systems.

CHILD DAY-CARE CENTER — A facility, other than a residential dwelling unit, where child care and educational instructions are provided for seven (7) or more children who are not relatives of the operator, at any one time for part of a 24-hour day. These centers are operated for profit and are licensed by the Pennsylvania Department of Welfare.

ADULT DAY CARE CENTER — A facility, other than a residential dwelling unit, where care and educational instructions are provided for seven (7) or more adults who are not relatives of the operator, at any one time for part of a 24-hour day. These centers are operated for profit and are licensed by the Pennsylvania Department of Welfare.

DECIBEL — A unit of measurement of the intensity (loudness) of sound.

DEVELOPABLE LAND — That land proposed for development which excludes therefrom all portions thereof (1) dedicated or to be dedicated or devoted for use as public or private streets; (2) Dedicated or to be dedicated or devoted to use as public or private improvements, including but not limited to stormwater management facilities; (3) Defined by the Pennsylvania Department of Environmental Protection as wetlands; (4) Defined by appropriate federal or state agencies as being within a one-hundred-year floodplain; and (5) Having a slope in excess of 25%.

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 PLAN — The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, way and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this ordinance shall mean the written and graphic materials referred to in this definition.

DISTRIBUTION PLANT / PARCEL DELIVERY — Any premises, or part thereof, which provide logistic support for business, such as freight management, inventory control, storage, packaging and consolidation of goods for distribution.

DOCKS – a structure extending alongshore or out from the shore into a body of water, to which boats may be moored.

DORMITORY/RESIDENCE HALL — Any structure designed solely to provide housing for college or university students, with rooms containing a number of beds and serving as communal quarters, which may include communal cooking/eating and living quarters. The building may be publicly or privately owned, leased, managed, operated or otherwise controlled. Staff and other monitors may reside therein. Dormitories shall include fraternity and sorority houses.

DRILLING - Any vertical or horizontal digging or boring of a new well or reworking of an existing well with the intention to explore, develop or produce oil, gas or other hydrocarbons or to inject gas, water or any other fluids or substances into the earth.

DRILLING AND STIMULATION EQUIPMENT – All parts and appurtenances to such structure and every piece of apparatus, machinery or equipment used, erected or maintained in connection with oil and gas drilling, as defined herein as well as the completion and stimulation/workover equipment utilized to complete the well.

DRIVE-THRU – An accessory use of land, buildings, structures or parts thereof, to provide or dispense products or services through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated lane. An ancillary drive-thru may be permitted only as an accessory use, i.e. in combination with other uses that can include, but are not limited to, a bank or financial institution, fast food restaurant, retail store, dry cleaners, laundry or pharmacy. A drive thru facility does not include a car wash, a vacuum cleaning station accessory to a car wash, or an automobile/gasoline service station.

DRIVEWAY — An impervious surface for vehicular access to a building, garage, parking facility or other vehicular facility, lot or parcel of land.

DRUG TREATMENT FACILITY – A facility for the dispensing of pharmaceuticals for the treatment of drug addiction, including but not limited to suboxone and methadone clinics.

DWELLING — Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

APARTMENT - a room or set of rooms fitted especially with housekeeping facilities and usually leased or rented as a dwelling.

MULTIFAMILY DWELLING — A dwelling or group of dwellings on one lot containing separate living quarters that is designed for occupancy by three or more families living independently of each other and containing three or more dwelling units. Such buildings shall consist of the following types:

APARTMENT BUILDING — A multifamily dwelling with direct access from the outside or through a common hall, and further provided with separate cooking, sleeping and bathroom facilities for the exclusive use of each family.

GARDEN APARTMENT — A grouping of one or more buildings, each containing not more than eight dwelling units per building, of which the principal feature of the development plan is composed of a building area, parking area, service area, landscape reservations and plantings, and other land features appropriate for its use as a dwelling, and which conforms to the standards and requirements of this ordinance.

ROW HOUSE — A detached building with the dwelling units attached side-to-side, with separate entrances and separated by an unpierced party wall.

SINGLE-FAMILY DWELLING — A detached building designated for, or occupied exclusively as, a residence by one family and containing not more than one dwelling unit.

TWO FAMILY DWELLING — A detached building occupied by two families only, independently of each other, including:

DOUBLE HOUSE — A detached building containing two dwelling units attached side-to-side, with separate entrances and separated by an unpierced party wall.

DUPLEX — A detached building containing two dwelling units, one above the other, each having a separate entrance.

DWELLING UNIT — A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT — A public or private right of use over the property of another.

CONSERVATION EASEMENT — An easement precluding future or additional development of the land for the purpose of protecting or preserving natural features.

UTILITY EASEMENT — A right-of-way granted for limited use of land for public or quasi-public purpose.

EDUCATIONAL FACILITY, HIGHER EDUCATION — A place where education beyond the secondary level is provided; primarily an education provided by a college or university.

EDUCATIONAL FACILITY, PRIMARY / SECONDARY - A place where people of different ages gain an education,

including primary-elementary schools and secondary-high schools. They provide a variety of learning environments and learning spaces.

EDUCATIONAL FACILITY, TRADE SCHOOL – A commercial enterprise involving the teaching of skills related to a specific job.

ENGINEER — A professional engineer licensed as such by the Commonwealth of Pennsylvania.

EQUESTRIAN FACILITY — Horse, donkey and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows and other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

EQUIPMENT RENTAL/REPAIR — A business providing typical household tools and lawn/garden equipment for repair (such as sharpening, or the repair of small motors or engines) or rental, including hand-operated machinery, power tools, lawn mowers, hedgers, etc. This excludes motor vehicles, trucks and trailers licensed for street use.

ESSENTIAL COMMUNICATIONS ANTENNA — Any communications antenna owned or operated exclusively by an agency or authority of the municipality or Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency or any public utility whose rates are regulated, and are providing a service regulated by the Pennsylvania Public Utility Commission.

ESSENTIAL COMMUNICATIONS TOWER — Any communications tower used exclusively to support essential communications antennas.

ESSENTIAL SERVICES — The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, and their essential buildings, communications towers and antennas as defined herein.

EXOTIC ANIMAL - A rare or unusual animal which is generally thought of as a wild species and not typically kept as a pet.

FAIR HOUSING ACT — Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3600-3620).

FAIRGROUND - An area where outdoor fairs, circuses, or exhibitions are held.

FAMILY — One individual person or more than one individual living together on a non-transitory basis, said individuals may be related by blood, marriage, adoption or have a living arrangement, which is non-transitory of a permanent nature and of a distinct and demonstrable and recognizable bond, indicative of a cohesive living arrangement within the Borough. An individual and/or more than one individual, living together, must be non-transitory and intend to become a resident(s) of the Borough of California.

FAMILY DAY-CARE HOME — An accessory use to a single-family residence, other than the child's own home, in which child day care is provided at any time for up to six children who are not relatives to the care giver where the childcare areas are not being used as a family residence.

FARM — See Agricultural Operation

FARMERS' MARKET — A place with or without buildings or structures, where fruit, vegetables, produce, dairy products, and the like are sold from more than one fruit or vegetable stand operated partially or wholly by

persons who do not reside on the property.

FENCE — A barrier constructed for the purpose of protection, confinement, enclosure or privacy. The term "fence" shall include screening walls and shall also include hedges and evergreen shrubbery exceeding thirty-six (36) inches in height.

DECORATIVE FENCE — A fence that has openings that comprise at least seventy-five percent (75%) of the surface area of the fence, including, but not limited to, split rail fences or wrought iron fences, whose purpose is to contribute to the landscaping and exterior design, rather than to enclose the property.

PRIVACY FENCE — A fence that has openings that comprise less than ten percent (10%) of the total surface area of the fence and may be erected in a rear or side yard to screen a deck, patio, or swimming pool.

SECURITY FENCE — A fence that has openings that comprise no less than twenty-five percent (25%) of the surface area of the fence, including, but not limited to, board fences, picket fences, chain link fences and the like.

FILL — Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the finished grade; the material used to make a fill.

FINISHED GRADE — the resulting level of the ground after the final grading where there is a cut, and after normal settlement where there is a fill.

FLEA MARKET — A place where any person or group of vendors, whether professional or nonprofessional, offer for sale, trade, or barter any goods regardless of whether they are new, used, antique, or homemade; and regardless of whether they are offered for sale in open air, buildings, or temporary structures. The term "flea market" does not include the offering for sale of goods by the owner thereof at owner's residence at what are commonly referred to as "garage sales" or "yard sales," providing that such sales do not occur more frequently than once every 60 days. The term "flea market" also shall not include any business or occupation which has a valid business license or special use permit pertaining to the sale, trade, or barter of goods.

FLOOD — A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, A1-30, A99, AE, AH, AO.

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

FLOOD-PRONE AREA — Any land area susceptible to being inundated by floodwater from any source.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR AREA — Sum of the gross livable area of several floors of a building or buildings measured from the face of the exterior walls, or from center lines of walls that separate two buildings. In particular, floor area includes but is not limited to the following:

- A. Basement space, if the floor to ceiling measures seven feet or more.
- B. Elevator shafts, stairwells and attic space (whether or not a floor has been laid), providing structural headroom of eight feet or more.
- C. Roofed terraces, exterior balconies, breezeways or porches, provided that over 50% of the perimeter of these is enclosed.
- D. Any other floor space used for dwelling purposes, no matter where located within a building.
- E. Accessory buildings, excluding space used for accessory off-street parking or used for loading berths.
- F. Any other floor space not specifically excluded, excluding space used for air-conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

FLOOR AREA, BUILDING — The sum of the gross horizontal areas of all floors of a building or structure and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living sleeping or business areas, but including the area of roofed porches and roofed terraces.

FLOOR AREA, GROSS — The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

FLOOR AREA, HABITABLE — The sum of the floor area of all heated, furnished rooms within a dwelling unit, used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms; hallways; closets; heated and finished basements, cellars and attics; attached garages which have been converted into an integral part of the living quarters; but does not include garages, porches whether roofed, unroofed, or enclosed; roofed terraces; unfinished and unheated basements; attics; cellars; garages, etc.

FLOOR AREA, NET USABLE — The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not intended to be occupied or leased, stairways, fire towers, elevator shafts, public lobby area, public rest rooms and mechanical rooms. For purposes of determining off-street parking requirements, under no circumstances shall the net usable floor area be less than 80% of the floor area of a building.

FLOOR AREA RATIO (FAR) — Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FLOOR AREA, RETAIL NET — All that space used by customers and retail employees to consummate retail sales, and to include display areas used to indicate the variety of goods available for sale but not to include office space and other general administrative areas.

FOUNDATION, PERMANENT — A full perimeter masonry or poured concrete foundation resting upon a suitable concrete footer, said footer to be at least three feet below finished grade. The foundation wall shall have a minimum width of six inches with the footer projecting at least three inches on each side.

FRONT BUILDING LINE — A line parallel to the front lot line, at a distance measured perpendicular therefrom as prescribed in this ordinance for a required yard. Where there is no required yard then the lot line shall be the front building line.

FRONT YARD — The open space extending across the entire width of the lot between the front line of the building and the street right-of-way. The front yard is measured perpendicular to the building at the closest point to the street right-of-way.

FRUIT AND VEGETABLE STAND — A place, with or without buildings or structures, where fruit, vegetables, produce, dairy products, and the like are sold from one fruit or vegetable stand.

FUELING POSITION — A location at which a single vehicle may be fueled from a fuel dispenser.

FUEL ISLAND — A concrete platform measuring a minimum of six inches in height from the paved surface on which fuel dispensers are located.

FUNERAL HOME (INCLUDING MORTUARIES) — a building or part thereof used exclusively for human burial services. Such building may contain space and facilities for (1) embalming and the performance of other services used in the preparation of the dead for burial; (2) the performance of autopsies and other surgical procedures; (3) the storage of caskets, funeral urns, and other related funeral supplies; and (4) the storage of funeral vehicles, but shall not include facilities for cremation.

GARAGE — A building or portion thereof completely enclosed, designed and/or used for storage of motor vehicles.

GARAGE, COMMUNITY — A group of private garages, detached or under one roof, arranged in a row or around a common means of access and erected for use of residents in the immediate vicinity.

GARAGE, PRIVATE — A garage for housing only with a capacity for not more than three motor vehicles. A garage exceeding a three-vehicle capacity, intended primarily for housing of cars belonging to the occupants of the premises, shall be considered a private garage if the lot whereupon such garage is located contains not less than 1,500 square feet for each vehicle capacity.

GARBAGE — Unwanted or discarded material, including animal and vegetable waste resulting from the handling, storage, sale and preparation, cooking and serving of food that has insufficient liquid content to be free flowing. This term includes refuse and rubbish.

GARDEN CENTER — Land and buildings where the wholesale or retail sale of nursery stock and garden supplies takes place. Such nursery stock and supplies may include any of the following: ornamental plants, flowers, shrubs and trees cultivated in a nursery; seed, fertilizer, garden pesticides and herbicides in retail quantities and packaging; garden hand tools; plant containers; garden statuary and furniture; landscape lighting; bird feeders and supplies; and seasonal ornaments and novelties such as Christmas wreaths and decorations. Such use may include the provision of landscape design and/or installation services, provided that such services are ancillary to the principal use and offered to clients whose residence or place of business exists elsewhere. Outdoor storage of lawn and garden supplies such as mulch, fertilizer, topsoil and related landscape or garden supplies, such as ornamental stone or gravel, are permitted only where expressly authorized by the regulations governing the jurisdictional zoning district.

GAS SUBSTATION — An assemblage of equipment for purposes other than generation or utilization, through which gas energy in bulk is passed for the purposes of switching or general public, provided that a gas substation permitted in a residential district shall not include rotating equipment, storage of materials, trucks or repair facilities or housing or repair crews.

GAS WELLS

CONVENTIONAL — A vertical well bore that is drilled above the base of the Elk Sandstone shale formation or

its equivalent stratigraphic interval.

UNCONVENTIONAL — A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation or that is deviated from the vertical.

GASOLINE SERVICE STATION — An establishment where the principal use is the retail sale of gasoline, oil, or other motor vehicle fuel and no more than 15% of the floor area is used for convenience and variety goods. The premises may include, as an accessory use only, facilities for polishing, greasing, washing, or otherwise cleaning, servicing, or repairing motor vehicles, but does not include liquefied petroleum gas distribution facilities.

GOVERNING BODY — The Borough Council of California Borough, Washington County, Pennsylvania.

GRADE — The average elevation of the proposed finished grade line of the ground at the front of street side of the proposed building.

GRADE, NEW OR FINISHED — The resulting level of the ground after the final grading where there is a cut, and after normal settlement where there is a fill.

GRADING — The stripping or excavation of any material; the filling of any existing ground with natural or man-made material; and/or the relation on any lot, tract or parcel of each or other material. Except for the surface stripping of coal, topsoil, rock and other commonly mined substances, such grading constitutes a change in use of the land.

GREENHOUSE — A structure consisting primarily of glass, clear plastic, or other light-transmitting material in which temperature and humidity can be controlled for the cultivation or protection of plants or seedlings for personal use, research or instruction and not for sale.

COMMERCIAL GREENHOUSE — An agricultural enterprise using a controlled environment (temperature and humidity) for the commercial cultivation and production of plants.

GROUP HOME — A residential facility used as living quarters by a maximum of five unrelated persons, consisting of children or adults requiring special care, and their attending supervisors. A group home is specifically designed to create a single-family residential setting. The individuals requiring special care must be deemed permanent residents and their supervisors must provide twenty-four-hour or full-time equivalent coverage of the facility. A group home in a residential district shall not be used for meetings by staff that is not on duty.

GROUP RESIDENTIAL FACILITY — A facility that functions as a single housekeeping unit providing shelter, counseling, and other rehabilitative services for more than six but fewer than 15 residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or incarceration. A group residential facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

HABITABLE AREAS, BASEMENT — Any basement which meets the criteria for habitable space, which has a stairway as a means of ingress and egress, and in which the ceiling area at a height of 7' 4" feet above basement floor is no less than 100 square feet.

HABITABLE AREAS, FLOOR — Any floor usable for living purposes which includes sleeping, eating, cooking, recreation, or any combination thereof. A floor used only for storage purposes is not a habitable floor.

HABITABLE AREAS, ROOM OR SPACE — Space in a structure for living, sleeping, eating or cooking, bathroom toilet compartments, closets, foyers, halls, storage or utility space, and similar areas are not considered habitable space.

HANDICAPPED INDIVIDUAL — A person with a physical or mental impairment (blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, mental illness, alcoholism, drug addiction, chronic fatigue, learning disabilities, and head injury) that substantially limits one or more major life activities (seeing, hearing, breathing, walking, working, speaking, caring for yourself, and learning).

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

HOME OCCUPATION — Occupation carried on within the principal dwelling or ancillary structure by the resident thereof, as a customary accessory use in connection with which there is no more than one (1) person employed, no display, other than a nameplate, no mechanical equipment; provided such use does not occupy more than twenty-five percent (25%) of the total floor area of one floor, and does not require internal or external structural alterations or involve construction features not customary in dwellings and has an off-street area to accommodate patrons.

HORIZONTAL OIL AND GAS WELL — A well that is turned horizontally at depth, providing access to oil and gas reserves at a wide range of angles. This type of well is used to gain access to unconventional sources of reserves.

HOSPITAL — An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and abnormal physical and mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities, as defined in current state licensure requirements.

HOTEL/MOTEL — A building or group of buildings where, for consideration, rooms or suites of rooms with no culinary facilities are used for temporary lodging of more than 10 persons, usually individually, with or without meals, wherein the occupants are furnished hotel services, including restaurant and maid service. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a boarding house and shall meet the requirements of that use.

IMPERVIOUS COVERAGE — That portion or percentage of the lot or lot area covered by buildings, paved areas, or other hard-surfaced areas, which do not absorb rainfall.

IMPERVIOUS SURFACE — Any material placed on or above the earth, the artificial impacting of the earth, or any material change in the natural surface of the earth which substantially reduces or prevents the natural percolation of water or which reduces the undisturbed open space areas on a lot which has a coefficient of runoff of 0.65 or greater. Area required to be left in pervious surfaces may be located in a different zoning district than the use, provided that such land area is abutting or adjacent and that is deed restricted from further development. Examples include but are not limited to structures, including eaves, roofs and roof overhangs; parking areas (whether hard surfaced or not); driveways; sidewalks; patios and decks; sport courts; and pools.

IMPERVIOUS SURFACE RATIO — This is also the "maximum impervious coverage" and is measured by dividing the total areas of all impervious surfaces within the site by the total site area.

INCINERATOR — An enclosed device using controlled combustion for the primary purpose of thermally breaking down solid waste, and that is equipped with a flue for the sole purpose of providing incineration service to the public.

INDEPENDENT LIVING FACILITY — A facility designed to provide individual dwelling units for elderly persons who are independently mobile and not in need of supervision, but which includes certain design features associated with the needs of the elderly which are not customary in the construction of conventional dwelling units, such as emergency call services, common dining facilities, common laundry facilities, transportation services and similar supporting services for the convenience of the residents.

INDUSTRIAL PARK — An area of land arranged and/or constructed in accordance with a plan for a group of industrial purposes, having separate building sites designed and arranged on streets and having utility services, setbacks, side yards, and covenants or other such regulations controlling or restricting uses.

INDUSTRY — A use engaged in the processing of raw materials or the manufacture of materials or products.

JUNK — Any worn, cast off or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use.

JUNKYARD — An area or land, with or without buildings, where scrap, dismantled or discarded materials are bought, sold, exchanged, abandoned or stored.

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

LAND DEVELOPMENT — Any of the following activities: (1) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features; (3) a subdivision of land; or (4) development in accordance with Section 503(1.1) of the MPC.

LANDFILL — See "solid waste disposal area."

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/she is authorized under the lease to exercise the right of the landowner, or other person having a proprietary interest in land.

LANDSCAPE ARCHITECT — A registered professional landscape architect licensed as such by the Commonwealth of Pennsylvania.

LAUNDROMAT — A commercial establishment where self-service washing machines and clothes dryers are available for public use on the premises to wash and/or dry clothing, apparel, or other fabric.

LOADING SPACE — A space, accessible from a street or alley in a building or on a lot for the temporary use of vehicles while loading or unloading merchandise or materials.

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

LOT AREA — The acreage contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. For the purposes of compliance with minimum lot area requirements, the following shall be excluded: any area used for gas, oil, natural gas, electric, water or communications; or any area within a street or other transportation right-of-way, existing or proposed; or any area within a permanent drainage easement.

LOT, CORNER — A lot at the junction of and abutting two or more intersecting streets, where the interior angle of intersection is less than 135°. A lot abutting a curved street or streets shall be considered a corner lot if the tangents to the curve at the points of intersection of the lot lines with the street intersect at an interior angle of less than 135°. Each yard abutting a street shall be considered a front yard. If a lot is adjacent to two intersecting streets, then a front yard shall be provided adjacent to each of those streets. Every corner lot shall include one rear yard, which shall be identified as the yard opposite the front yard as determined by the Zoning Officer.

LOT COVERAGE — The area of a lot or parcel that is covered by principal and/or accessory buildings or structures. See Figure 2 in the Appendixes.

LOT DEPTH — The average distance between the street right-of-way and the rear lot line, measured perpendicular or radial to the right-of-way.

LOT, DOUBLE FRONTAGE — A lot with front and rear street frontage.

LOT, FLAG — A lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at a distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street from the buildable area of the lot which lies behind another property which fronts on the public street.

LOT FRONTAGE — That side of a lot abutting on the street right-of-way and regarded as the front of the lot.

LOT, INTERIOR — A lot where the side property lines do not abut a street.

LOT LINE — A line bounding a lot that divides one lot from another or from a street or any other public or private space. See Figure 2 in the Appendixes.

FRONT LOT LINE — The dividing line between the street and the lot. The street lot line shall be the same as the legal right-of-way, provided, where a future right-of-way width for a road or street has been established, that width shall determine the location of the street lot line.

REAR LOT LINE — Any lot line which is parallel to or within 45° of being parallel to a street lot line, except for a lot line that is itself a street lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines are not considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line farthest from any street shall be considered a rear lot line. Where there is only one lot line other than street lot lines, it shall be considered the rear lot line.

SIDE LOT LINE — Any lot boundary line that is not a street lot line or a rear lot line. In the case of a triangular lot those lot lines other than the street lot line shall be considered side lot lines.

LOT MEASUREMENTS —

LOT DEPTH — The mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the sidelines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

LOT, MINIMUM WIDTH — The minimum lot width at the building setback line.

LOT WIDTH — The distance measured between side lot lines, at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot lines or street line.

LOT, THROUGH — An interior lot in which the front line and rear line abut upon streets. Where a single lot under individual ownership extends from a street to a street, the widest street shall be deemed the street upon which the property fronts.

LOT OF RECORD — A lot that has been recorded in the office of the Recorder of Deeds.

LOT WIDTH — The horizontal distance between side lot lines measured along a straight line parallel to the front lot line at the minimum required building setback line.

LUMBER / BUILDING MATERIAL FACILITY — A facility for the sale of home, lawn and garden supplies and tools and construction materials such as brick, lumber, hardware and other similar materials either within or without an enclosed building.

MANUFACTURED HOME — A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on site, is 640 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. §§ 5401-5445).

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

HEAVY MANUFACTURING — Manufacturing that includes the production, processing, cleansing, testing and distribution of materials, foods, foodstuffs and products that, due to the nature of the materials, equipment or process utilized, is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

LIGHT MANUFACTURING — Manufacturing that includes the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products that, by the nature of the materials, equipment and process utilized, is considered to be clean, quiet, and free of any objectionable or hazardous elements.

MEDICAL MARIJUANA — Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

MEDICAL MARIJUANA DISPENSARY — A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

MEDICAL MARIJUANA, GROWING / PROCESSING — A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to grow and process medical marijuana.

METHADONE TREATMENT FACILITY — See Drug Treatment Facility.

MIDSTREAM FACILITY — An oil and/or gas related facility which typically hosts activities such as compressing, processing, storage and transportation of hydrocarbon liquids and/or natural gas where said activities are typically classified based upon their relationship to upstream and/or downstream facilities.

MINE — Underground areas contained within a continuous barrier of undisturbed minerals and openings to the surface from those areas where the extraction of minerals or stones from the earth is used for commercial

purposes.

MINERAL — Any aggregate or mass of mineral matter, whether or not coherent. This term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, and peat.

MINERAL EXTRACTION — All or part of the process involved in the extraction and processing of minerals such as coal, ores, rock, sand and gravel, including mining, drilling, digging, and quarrying. This includes surface and underground mining operations but does not include gas well drilling (see Gas Wells, Conventional and Unconventional).

MINING ACCESSORY STRUCTURE — Any accessory structure to mining use, which is incidental, and subordinate thereto, including coal tipples, disposal areas, and ventilation shafts.

MINING, OPEN PIT — Includes all activity which removes from the surface or beneath the surface of the land some material, mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired materials from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, rock, topsoil, limestone, sandstone, coal, clay, shale, and iron ore for commercial or industrial consumption.

MINING PORTAL — Structures and appurtenant facilities utilized for the access and egress of men and materials in deep mine operations.

MIXED USE STRUCTURE — A building or structure in which the configuration of the building includes a space for commercial use on the primary or first floor and additional upper floors dedicated to residential use.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. These units do not qualify under the definition of a manufactured home in the National Manufactured Housing Construction and Safety Standards Act of 1974, as units categorized, as mobile homes are primarily those units built before 1976, when HUD standards became effective.

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

MOTOR VEHICLE - Any device in, upon or by which any person or property is or may be transported or drawn upon a street or water body, excepting devices moved by human power or used upon stationary rails or tracks. This definition includes cars, trucks, buses, boats and marine equipment, motorcycles, campers, motor homes, recreational vehicles, farm equipment, construction equipment.

MOTOR VEHICLE REPAIR / SERVICE — Any building or lot used for the maintenance, servicing, repair, or painting of motor vehicles. This use can be primary or accessory as permitted in Article III.

MOTOR VEHICLE SALES / SERVICE— Any facility or lot used for the sale and/or repair of motor vehicles.

MOVIE THEATER — A facility that provides fixed seating for customers to view motion pictures, including

accessory snack and/or food and beverage services.

MPC — The Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247, as reenacted and amended).

MUNICIPAL FACILITIES — Any building, structure, or other facility designed or intended to facilitate the offering of municipal services to the borough, including but not limited to municipal buildings, storage facilities, police stations, equipment garages, sewage facilities and pump stations and public parks and playgrounds.

NATURAL GAS COMPRESSOR — A device used alone or in series to raise the pressure of natural gas and/or by-products to create a pressure differential to move or to compress a liquid, vapor or gas.

NATURAL GAS COMPRESSOR STATION - A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells and to operate as an upstream or midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing or treatment facility or underground storage field.

NATURAL GAS PROCESSING AND TREATMENT PLANT — A facility designed and constructed to separate and/or remove materials such as water, water vapor, ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or is appropriate for transmission or distribution to commercial markets.

NATURAL STATE — A condition of property in which it is substantially retained in the condition which exists at the time of submission of any preliminary site plan; provided, however, that any clearing, grubbing, planting, grading and filling within the area to be retained in its natural state shall be approved by the municipality and shall only be authorized if the municipality shall determine that the work would improve the buffering characteristics of the area to be retained in its natural state.

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

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process 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.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

NONCONFORMING BUILDING OR STRUCTURE — A building, structure or part thereof manifestly not designed to comply with the applicable use or extent of use provisions in this ordinance or amendments heretofore or hereafter enacted, where such building or structure lawfully existed prior to the enactment of such ordinance or

amendment, or prior to the application of this ordinance or amendments to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING LOT — A lot, the area or dimension of which was lawful prior to the adoption or amendment of this ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING USE — A use, whether of land or of structure, which does not comply with the applicable use provisions in this ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NON-TRANSITORY – Not passing across, as from one thing or another to person; not passing with time of short duration; permanent; lasting; not temporary.

OFFICE — An establishment primarily engaged in providing professional, financial, administrative, management, clerical or other services not involving the manufacture, assembly or repair of goods, or the storage or direct transfer of goods to the customer on the premises, except as may be incidental to a service provided on the premises.

OFFICE, MEDICAL - An office in which business is conducted primarily by physicians and surgeons (including dentists, optometrists and chiropractors).

OFFICE, PROFESSIONAL— An office in which business is conducted by lawyers, members of the clergy, architects, insurance agents, insurance adjusters, realtors, engineers, or other similar professions.

OFFICIAL MAP — A map adopted by ordinance pursuant to Article IV of the MPC.

OIL AND GAS - Crude oil, condensate, natural gas liquids, drip gas, natural gas, coal bed methane gas, propane, butane and/or any other constitutes or similar substances that are produced by drilling a well of any depth into, through and below the surface of the earth.

OIL AND GAS DRILLING AND PRODUCTION – The removal of oil and gas resources from the ground by means of drilling, as defined herein, in accordance with a valid permit issued by the Pennsylvania Department of Environmental Protection (PA DEP) under the provisions of the PA Oil and Gas Act (58 P.S. § 601.101- § 602.605), as now or hereafter amended.

OIL AND GAS DRILLING SUBSURFACE ACTIVITIES - Activities performed under the surface of the ground that are part of the operation of oil and gas drilling and production, as defined herein, whether or not located on properties within the unit for a particular well site, but that are not included in the well site, including, but not limited to: horizontal drilling and hydraulic fracturing zones, underground production, gathering and transmission pipelines established in accordance with the Public Utility Commission (PUC) and other industry guidelines, water distribution lines and similar underground facilities incidental to oil and gas drilling.

OPEN SPACE — Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

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

PRIVATE OPEN SPACE — Common open space held in common ownership in which the use is normally limited to occupants of a single dwelling or building.

PUBLIC OPEN SPACE — Lands dedicated to and/or owned by the Borough or other public entity and maintained by it for the use and enjoyment of the general public.

OPERATOR - Any person, partnership, company or corporation and its subcontractors and agents who have an interest in land for the purpose of exploring for or drilling for, producing, or transporting oil or gas.

PARK — A parcel of ground along with its buildings and fixtures intended primarily for beautification and aesthetic improvement and designated as recreational land.

PRIVATE PARK FOR PUBLIC USE — Privately owned property available for use by the public and containing recreational uses authorized pursuant to this ordinance.

PARKING LOT — An open portion of land with an impervious surface designed and used for parking of motor vehicles including parking spaces, aisles and maneuvering areas.

PARKING LOT, STANDALONE — An open area, other than a street or other public way, used for the parking of motor vehicles and available to the public whether for a fee, free or as an accommodation for clients and customers

PARKING LOT, ACCESSORY — An open area, other than a street or other public way, used for the parking of motor vehicles in conjunction with the primary or accessory use of the property.

PARKING SPACE — An all-weather surfaced area, not in a street or alley, having an area not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley.

PARKING STRUCTURE, COMMERCIAL – A building or structure consisting of more than one level and used to temporarily park or store motor vehicles, whether for a fee, free or as an accommodation for clients and customers.

PATIO — An area consisting of natural or man-made material constructed at or near grade level, intended for use as an outdoor living area, and not enclosed by a permanent roof or awning.

PERMANENT RESIDENCE – The place to where a person’s habitation is fixed and to which, whenever he is absent, he intends to return.

PERMIT — A document issued by the governing body authorizing an applicant to undertake certain activities.

BUILDING PERMIT — A permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any building code that may be adopted by the municipality and authorizing an applicant to commence with construction, alteration or reconstruction. Such a permit shall not be confused with a zoning permit as required under the terms of this ordinance.

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

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

PERSONAL CARE FACILITY — A facility, licensed by the commonwealth and conducted in accordance with commonwealth requirements, providing health-related care and service provided on a regular basis to more than three patients who are resident individuals and who do not require hospital or skilled nursing care, but who, because of mental or physical conditions or age, require the services under a plan of care supervised by licensed and qualified personnel.

PERSONAL SERVICES — An establishment occupied by a business which performs services on-site related to the care of the personal self, household pets, clothing, jewelry or other smaller items. Activities include but are not limited to barbershops; beauty parlors; self-service laundry and dry-cleaning establishments; radio and television repair; repair shops for home appliances, tools, bicycles, guns, locks, shoes and watches; tattoo studios; tailor and dressmaking shops; and pet grooming with no overnight boarding. This does not include massage parlors or related services.

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

PHOTOGRAPHIC STUDIO — a workspace to take, develop, print and duplicate photographs. ... The studio may have a darkroom, storage space, a studio proper where photographs are taken, a display room and space for other related work.

PLACE OF PUBLIC ASSEMBLY — Any place designated for, or used in whole or in part for, the congregation or gathering of persons in one building whether such gathering is of public, restricted or private nature including an assembly hall, recreation hall, pavilion, place of amusement, dance hall, opera hall, theater, establishment for the consumption of food or drink, bottle clubs or other similar establishment.

PLACE OF WORSHIP/RELIGIOUS INSTITUTION — A church, synagogue, temple, mosque or other building used exclusively for public religious worship, including customary, incidental, educational and social activities in conjunction therewith.

PLANNED RESIDENTIAL DEVELOPMENT — See California Borough Subdivision and Land Development Ordinance (Ordinance #475).

PORCH — A roofed or unroofed structure projecting from the front, side or rear wall of a building, not having walls more than 30 inches high, and open on all sides, except the side(s) adjoining the building.

OPEN PORCH — A roofed, open structure projecting from the front, side or rear wall of a building and having no enclosed features of glass, wood, or other material more than 30 inches above the floor thereof, except the necessary columns to support the roof.

PRIVATE CLUB — An association, corporation, person or persons that assemble for a common social, educational, or recreational nonprofit purpose, but not including groups organized primarily to render a service that is customarily carried on as a business. This definition includes the buildings and facilities owned and operated by the association, corporation, person or persons.

PRESERVATION or PROTECTION — When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining, or other lawful uses of natural resources.

PROCESSING PLANT — A facility designed and constructed to separate and/or remove materials such as water, water vapor, ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or is appropriate for transmission or distribution to

commercial markets.

PROTECTED STRUCTURE – A dwelling being used as a residence or intended for human occupancy, and, also, any commercial business, school, religious institution or any public building and / or facility located within the minimum set back footage of the different oil and gas operation uses as indicated herein in this ordinance. Accessory structures that are not the primary use of the property are not considered as protected structures unless the accessory structure houses animals as part of the agricultural operations on the property.

PUBLIC GROUNDS — Land designated or maintained for parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; or publicly owned or operated for scenic or historic sites.

PUBLIC HEARING — A formal meeting held pursuant to public notice by Borough Council intended to inform and obtain public comment, prior to taking action in accordance with the MPC.

PUBLIC MEETING — A forum held pursuant to notice under 65 Pa.C.S. Ch. 7 (relating to open meetings).

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

PUBLIC UTILITY — An enterprise regulated by the Pennsylvania Public Utility Commission or a government agency, or an activity offered by an authority or municipally owned agency, that renders a public service deemed necessary for public health, safety, and welfare, excluding police, fire and similar emergency services and is required by law to: (1) serve all members of the public upon reasonable request; (2) charge just and reasonable rates subject to review by a regulatory body; (3) file tariffs specifying all of its charges; and (4) modify or discontinue its service only with the approval of the regulatory agency.

PUBLIC UTILITY FACILITY/STRUCTURE — Any tank, structure, building or part of a building used for the provision of gas, electricity, broadcasting, television and telecommunication services to serve the local area.

PUBLIC UTILITY TRANSMISSION TOWER — A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

QUARRY; SAND PIT; GRAVEL PIT; BORROW PIT — Land or part thereof from which stone, sand, clay, gravel, or topsoil is or are extracted primarily for sale, but not including a lot which is graded in preparation for the construction of a building for which application for a building permit has been made.

QUASI GOVERNMENTAL BUILDINGS – Any building, structure, or other facility designed or intended to facilitate the offering of services to the borough, including but not limited to fire stations, ambulance services, post offices, libraries, museums, art galleries and historical societies.

RADIO AND TELEVISION STUDIO — Any premises or station authorized by the appropriate regulating agency used for the purpose of providing broadcasting services for general reception.

RECREATIONAL VEHICLE — A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or units include, but are not limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, autos, buses or trucks adapted for vacation use, snowmobiles, minibikes, all-terrain vehicles, go-carts, boats, boat

trailers, and utility trailers.

INDEPENDENT UNIT — A unit containing a built-in toilet, lavatory and kitchen sink connected directly to the park water supply and sewer system or to permanently installed water and holding tanks of not less than 20 gallons' capacity each. Any such unit, if occupied at any time during the months of December, January, or February, shall be considered a dependent unit.

DEPENDENT UNIT — Any unit other than an independent unit.

RECREATIONAL VEHICLE PARK — A plot of ground designed and laid out for occupancy by recreational vehicles, including tents on a temporary basis, to be used as living quarters.

RECREATION, PRIVATE — Developed or undeveloped open spaces and/or structures and facilities that are provided by individuals or private organizations for the use of specified individuals or private organizations sharing common relationships or associations for the purposes of play, amusement or relaxation.

RECREATION, PUBLIC — Developed or undeveloped open spaces and/or structures and facilities that are provided by a governmental body for the purposes of play, amusement or relaxation by the public that may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

RECREATION SPACE — Open space for active and passive recreation.

ACTIVE RECREATION AREAS — Include major paved pedestrian ways, tennis courts, swimming and boating areas, shuffleboard courts, bridle paths, play lots, playgrounds and playfields.

PASSIVE RECREATION AREAS — Include outdoor sitting areas such as sundecks, roofs, gardens, parks, natural areas for walking and picnicking and areas abutting minor pedestrian walkways.

RECYCLING FACILITY — A facility that accepts recyclable material from the public by donation, redemption, or purchase and separates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for, or a supplement to, virgin raw materials. The term does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

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

RESEARCH AND DEVELOPMENT LAB — A structure or complex of structures designed or used primarily for research and development functions related to industry and similar fields.

RESIDENTS — All such individuals who occupy a home or dwelling, and have the present intent to remain within the Borough and manifest the geniuses together with indicia that is his/her physical presence is something other than merely transitory in nature.

RESOURCE RECOVERY FACILITY — A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into fuel products. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include (1) any composting facility; (2) methane gas extraction from a municipal waste landfill; (3) any separation and collection center, drop-off or collection center from recycling, or any source separation or collection center for composting leaf waste; (4) any facility,

including all units in the facility, with a total processing capacity of less than 50 tons per day.

RESTAURANT — That part or the whole of any building, structure or facility which is used for the preparation or processing of food for sale to the general public for the consumption on or off premises. Restaurants may be classified as:

CARRY OUT — An establishment whose principal business is the sale of food, desserts, or beverages to the customer in a ready-to-consume state, in edible or disposable containers, which is primarily consumed off the premises.

DRIVE THRU — A fast-food restaurant characterized by limited menu and catering to drive-thru traffic.

FAST FOOD — An establishment whose principal business is the sale of food or beverages to the customer in a ready-to-consume state, either at seating facilities within the restaurant or carry-out consumption off the premises, and whose method of operation includes the serving of food in edible or disposable containers.

SIT DOWN, LOW TURNOVER — A restaurant where customers are served at a table or counter by a restaurant employee and given an individual menu. Included in this group are restaurants that serve cocktails or have cocktail lounges.

RETAIL STORES — A building wherein the principal activity is the sale of merchandise at retail to the general public, and where such merchandise is typically sold in small quantities and broken lots, and not in bulk. Retail stores and shops shall include drugstores; newsstands; food stores and supermarkets; candy shops; dry goods, notions and clothing stores; boutiques and gift shops; hardware, home furnishings and household appliance and electronics stores; antique shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; auto accessory stores; and music stores.

RIGHT-OF-WAY — An easement for public or private use, usually granting the right to cross over the land of another and/or to install utilities such as gas, electric, sewer or water lines or communication systems.

RIPARIAN BUFFER — Any area within 100 feet of any stream bank.

ROOMING HOUSE - Any dwelling or dwelling unit, for one or more unrelated persons, who are not a permanent resident of the borough and is transitory in nature, that contains separate living quarters or living accommodations provided for compensation and has common or individual areas for sanitation and may have common areas for cooking and congregation. Said dwellings shall comply with all other Borough of California ordinances, including but not limited to, permits, square footage requirements and safety regulations. This definition expressly excludes assisted living facilities, boarding houses, continuing care facilities, domiciliary care homes, dormitory / residence halls (including fraternities and sororities), family care homes, group care facilities, group homes, halfway houses, housing for the elderly, hotels / motels, independent living facilities, institutions, institutional homes, personal care facilities, and temporary shelters.

SALVAGE YARD — SEE JUNKYARD.

SCREENING — The use of plant materials, fencing and/or earthen berms to aid in the concealment of such features as parking areas and vehicles within them, and to provide privacy between two or more different land uses which abut one another.

SEXUALLY ORIENTED BUSINESS - the definition for this term and for all uses included under this term shall apply as are provided in Title 68, Part II, Subpart E, Chapter 55, Section 5502 of the Pennsylvania Consolidated Statutes, as amended. Such definitions in Pennsylvania Statutes are hereby included by reference, including but not limited

to, the definitions for “Adult Bookstore,” “Adult Entertainment,” “Adult Mini-Motion Picture Theater,” “Adult Motion Picture Theater,” “Sexual Activities,” “Specified Anatomical Areas,” and “Specified Sexual Activities.”

SHOPPING CENTER — A group of commercial establishments planned and developed as a unit.

SIGN — Any letter, numeral, symbol, emblem (including device, symbol, logo, or trademark), flag (including banner or pennant), or any other device, figure or similar character used to announce, inform, identify, advertise or otherwise make anything known which is visible from outside the building or structure.

BUILDING SIGN — A sign attached to and deriving its major support from a building.

CANOPY OR AWNING SIGN — A building sign displayed on any structure made of cloth and metal frame attached only to a building and projecting from the same when so erected as to permit its being raised to a position flat against the building when not in use.

MARQUEE SIGN — A building sign attached to a covered structure projecting from, or extended from, a building facade when such canopy, or covered structure, is supported by the building, including signs mounted on a cantilever where there is no other structural purpose for the cantilever.

WALL SIGN — A sign attached to the wall of the building.

WINDOW SIGN — A sign attached to a display window, visible through a display window, or any sign regardless of its location or intent that can be read from the street or adjoining property on or through the window of an establishment.

DIGITAL SIGN - Also known as an Electronic Variable Message Sign is an electrically activated sign, whose message content is alphabetical, numeric and or still images only, and either whole or in part, may change by means of electronic programming.

DIRECTIONAL SIGN — A sign conveying instructions or directions with respect to the use of the premises or a portion of the premises on which it is maintained or a use or practice being conducted on the premises; or directional, informational, or public service signs such as those advertising availability of rest rooms, conveniences, and street address numbers.

FREESTANDING SIGN — A sign supported by upright structural members on or by supports on or in the ground, not attached to any building.

BULLETIN BOARD SIGN — A freestanding sign listing the names, uses and location of various services, offices, or activities within a building or group of buildings of a public use; a charitable use; a professional or semiprofessional use; a medical center; a clinic or hospital; or signs listing church services and religious activities.

MONUMENT SIGN — A sign having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick.

POLE SIGN — A freestanding sign greater than eight feet in height. Pole signs may be supported by a single pole structure, or by two or more uprights or braces placed in the ground.

INCIDENTAL SIGNS — A flag, sign, pennant, valance, or advertising display that is to be displayed for a limited time.

FLAG — A display of fabric without frame which moves with the movement of the wind and which advertises no product, service, or entertainment. This shall not be deemed to include a flag or insignia of the United States, the Commonwealth of Pennsylvania, Washington County, or California Borough.

PENNANT — A display of fabric which moves with the movement of the wind and which advertises a product, a service or an entertainment.

TEMPORARY SIGN — A sign not permanently attached to a structure or the ground that can be easily transported to any location.

TEMPORARY EXTERIOR SIGN — A sign which offers premises for sale, rent or development, advertises the services of professionals or building trades during promotional sales or events, construction or alteration of the premises upon which the sign is located or advertises a special nonrecurring event.

TEMPORARY INTERIOR SIGN — A sign whose intended use is to promote products or services of special interest reduced process or notification to the public and which is being erected or affixed primarily to attract the public outside of the building.

PORTABLE SIGN — A temporary sign that by its description or nature will be, or may be, moved from one location to another.

SANDWICH BOARD SIGN — A temporary exterior sign with two faces that are adjoined at the top and displayed at an angle, which is not permanently anchored or secured.

VEHICLE-MOUNTED SIGN — A temporary sign painted or attached to a vehicle that is related to the business activity, use, service, or product of the owner of the vehicle or to the sale of the vehicle, and which sign is incidental to the primary use of the vehicle.

SIGN FACE — The plane upon, against or through which an advertisement or display is illustrated.

SIGN, GROSS SURFACE AREA OF — The entire area with a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. The gross surface area of signs having more than one surface visible to the public (double-faced or multiple-faced signs) shall have only one side considered, provided that both faces are identical and not more than 36 inches apart. If the interior angle formed by both faces of a double-faced sign is greater than 45°, both sides of the sign shall be used in computing the sign area.

SIGN HEIGHT — The vertical distance measured from ground level to the highest point on the sign and its supporting structure.

SKILLED NURSING FACILITY — A facility which provides nursing care and related medical or other personal health services on a continuous twenty-four-hour basis for individuals not in need of hospitalization but who, because of age, illness or other infirmity, require high-intensity comprehensive planned nursing care. The facility shall be licensed by the appropriate state agency.

SLAUGHTERHOUSE — A place where livestock is slaughtered and may be cut, packaged, and/or processed.

SLOPE — The face of an embankment, fill, or cut whose surface makes an angle with the plane of the horizon. Slope is expressed as a percentage based upon the vertical difference in feet per 100 feet of horizontal distance.

SOLAR ENERGY SYTEM — An energy conversion system, including appurtenances, which convert solar energy to a usable form of energy to meet all or part of the energy or heating requirements of the onsite user, or which is sold to a utility company to be used by others, or sold directly to other users. A solar energy system may be

ground mounted (i.e., placed on top of the ground surface) or roof mounted (i.e. placed on or as an integral part of a building).

SMALL SOLAR ENERGY SYSTEM – Solar energy systems installed for personal use as an accessory use to the principal use of the property.

LARGE SOLAR ENERGY SYSTEM – Solar Energy systems installed on large parcels of land for the purpose of generating revenue.

SOLID WASTE DISPOSAL AREA — An area permitted for use for the disposal of solid waste under the Solid Waste Management Act (35 P.S. §§ 6018.101 to 6018.1003).

SPECIAL EXCEPTION — A use permitted in a particular zoning district granted by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the MPC and this ordinance.

SPUD - The actual start of the drilling of a gas well.

STABLE — A building, structure or portion thereof which is used for the shelter or care of horses, cattle or other similar animals either permanently or transiently.

COMMERCIAL BOARDING STABLE — A building and premises used for the keeping and/or riding and training of horses or other similar animals for the purpose of monetary gain but prohibiting their rental to the general public.

PRIVATE STABLE — A detached accessory building for the keeping of not more than two animals, horses, cattle or other similar animals, owned by the occupants of the premises and not kept for hire or sale.

RIDING/RENTAL STABLE — A building and premises used for the keeping and/or riding and training of horses or other similar animals, which exceed a total number of 10 animals per acre, for the purpose of monetary gain, including the rental of animals and instruction in the art of horseback riding to the general public.

STAGING FACILITY – A facility or location on a permitted site for the storage of equipment and vehicles used to support development activities at other permitted sites.

STORAGE FACILITY — An establishment that rents storage space for personal use by the renter and where no materials of a hazardous nature (toxins, highly inflammable, etc.) are stored. The warehousing of wholesale and/or retail materials and/or products shall not be permitted.

STORY — The portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, then the space between such floor and the ceiling above it.

STORY, HALF — A story under a gabled, hipped or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the finished floor of such story.

STREET — A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

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

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether

or not affixed to the land.

ACCESSORY STRUCTURE — A detached structure customarily incidental and subordinate to the principal structure and located on the same lot.

PRINCIPAL STRUCTURE — The structure or portion thereof housing the main use of the land.

TEMPORARY STRUCTURE — Any structure, including but not limited to tents, air-supported structures, portable bandstands, reviewing stands, bleachers, mobile office units, construction sheds, sales offices for lots or dwellings or other structures of a similar character or PODS.

STUDIO, DANCING OR MUSIC — The use of a premises by a teacher of art, music and/or dance where students are taught these arts for a fee and where more than one student may be taught in a class at one time. This term is synonymous with "dancing school" and "music school" and similar terms.

SWIMMING POOL — Any structure which demands a permanent location in or on the soil which is devoted or intended to be devoted to the art or sport of swimming or diving and the within definition is intended to include swimming pools regardless of whether the same are portable or nonportable, containing in excess of six inches of water.

COMMERCIAL SWIMMING POOL — A swimming pool operated for profit and open to the public upon payment of a fee.

PRIVATE SWIMMING POOL — A swimming pool that is an accessory structure appurtenant to a one-family or a two-family dwelling and used only by persons residing on the same lot and their private guests.

PUBLIC SWIMMING POOL — A swimming pool operated by a unit of government for the general public.

SEMIPUBLIC SWIMMING POOL — A swimming pool that is an accessory structure appurtenant to a multiple-family dwelling, hotel, motel, church, club, etc., and used by persons who reside or are housed on the same lot or who are regular members of such organizations.

TAVERN/DRINKING ESTABLISHMENT — An establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises and that derives in a six-month period less than 50% of its gross revenues from the sale of food and beverages for consumption on the premises. This term also includes bars and brew pubs.

TEMPORARY SHELTER — A structure, or part thereof, operated on a nonprofit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment-related relocation activities, or who have bona fide emergency housing needs.

TRANSIT STOP — A place on a bus or other transit route, usually marked by a sign or shelter, at which buses or other transit vehicles stop for passengers to load and unload.

TRANSITORY — Passing across, as from one thing or person to another; passing with time of short duration; permanent; not lasting; temporary.

TRAVEL PLAZA — A facility that provides auto and/or truck fuel and convenience items and includes more than four fuel islands and more than eight fueling positions; or facilities that are intended for use by cargo transportation. Accessory activities may include the operation of video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing,

showers, and restaurants.

TRAVEL TRAILER — A portable, vehicular structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term use. This term shall include portable campers that can be attached to the bed of pickup trucks.

USABLE OPEN SPACE — A portion of a lot used for residential purposes, exclusive of required front and side yard areas, which is not covered by buildings or parking areas and is suitable for use as outdoor open space for the residents thereon.

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

VARIANCE — Relief granted pursuant to the provisions of this ordinance and Articles VI and IX of the MPC.

VERTICAL OIL AND GAS WELL - A well that is not turned horizontally at depth, allowing access to oil and gas reserves located directly beneath the surface access point. Vertical well drilling is considered a conventional method.

VETERINARY CLINIC — A facility where animals are given medical or surgical treatment. Use as a kennel shall be prohibited except for animals or pets undergoing medical or surgical treatment.

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

WELL HEAD LOCATION - The precise point of entry into the ground where spudding takes place and is indicated by the casing head or the Christmas Tree for the well.

WELL SITE - All of the area occupied by the drilling equipment, as defined herein, and all surface facilities including roads, structures, water and other fluid storage impoundments and storage tanks and associated equipment including tanks, meters and other permanent or temporary structures and equipment incidental to oil and gas drilling and production, as defined herein, including facilities and equipment necessary for site preparation, site construction, drilling, hydraulic fracturing, site restoration, production and operation of the well upon completion of drilling.

WETLANDS — Lands regulated as wetlands by the Pennsylvania Department of Environmental Protection and/or the U.S. Army Corps of Engineers. Such areas are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WILD OR EXOTIC ANIMAL — Any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania. It shall include any animal that is wild, fierce, dangerous, noxious or naturally inclined to do harm. "Wild animals," however domesticated, shall also include but not be limited to (1) Dog family (Canidae): all except domesticated dogs, including wolf, fox, coyote, dingo, wolf hybrids, etc. (2) Cat family (Felidae): all except commonly accepted domestic cats, including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc. (3) Bears (Ursidae): all bears, including grizzly bears, brown bears, black bears, etc. (4) Weasels (Mustelidae): all, including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, etc. (5) Raccoons (Procyonidae): all raccoons and civets (6) Porcupine (Erethizontidae): all porcupines; (7) Skunks (8) Snakes: all venomous and constricting snakes

(9)Venomous lizards (10) Crocodilians: all alligators, caimans, crocodiles, gavials, etc. (11) Venomous fish and piranha (12) Venomous invertebrates

WIND ENERGY SYSTEM (LARGE) - All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads and one or more wind turbines, which has a rated nameplate capacity of greater than 60 KW .

WIND ENERGY SYSTEM (SMALL) - All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes but is not limited to, storage, electrical collection and supply equipment, transformers and one wind turbine, which has a rated nameplate capacity of 60 KW or less.

WINERY — A facility designed for crushing, pressing, fermenting, bottling and cellaring wine for retail and wholesale purposes that produces less than 50,000 cases of wine a year.

WHOLESALE ESTABLISHMENT — An establishment primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling to, such individuals or companies.

YARD — An open space at grade between the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

FRONT YARD — A yard extending along the full width along the front lot line and back to a line drawn parallel to the front lot line at a horizontal distance therefrom equal to the depth of the required front yard. On a corner lot, the Zoning Officer shall have the authority to determine which yard is the front yard, based upon the predominate pattern in the area.

REAR YARD — A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a horizontal distance therefrom equal to the depth of the required rear yard.

SIDE YARD — An area between any building and side lot line, as defined herein, extending from the front yard to the rear yard, or on through lots, from one front lot line to the other lot line.

YARD SALE — A sale of limited duration conducted from the yard, porch or garage of a single-family or two-family dwelling but including no sales in a public right-of-way. Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises. Yard, porch or garage sales shall be considered an accessory use and not a home occupation, and shall be limited to not more than 12 days or any part of a day in a calendar year.

ZONING APPROVAL — Approval under the provisions of this ordinance certifying that an application for development or application for zoning approval for occupancy and use has fulfilled the requirements of this ordinance.

ZONING HEARING BOARD — The Zoning Hearing Board of California Borough.

ZONING MAP — The California Borough Zoning Map together with all amendments subsequently adopted.

ZONING OFFICER — The person appointed by the governing body of California Borough, having the powers and subject to the provisions set forth in the MPC, whose duty it shall be to administer this ordinance and such other ordinances that may be assigned by the governing body.

ARTICLE III
ESTABLISHMENT OF DISTRICTS, MAP AND GENERAL REGULATIONS

SECTION 301 Establishment of Zoning Districts

301.1 The municipality is divided into the zoning districts hereunder and shown by the zoning district boundary lines on the zoning district map:

- A-1 Agricultural District
- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential
- C-1 General Commercial District
- C-2 Downtown District
- MU Mixed Use District
- M-1 Manufacturing District
- I-1 Main Campus District
- I-2 College Farm District
- I-3 Old Harris Farm District
- I-4 California Area School District

SECTION 302 Establishment of Overlay Districts

302.1 In addition to the base zoning districts, this ordinance establishes a overlay districts. The overlay districts shall be superimposed where applicable over the basic districts. The overlay districts are designed to reflect two or more zone districts regulating the same area. The uses permitted by the underlying district are to be allowed subject to the additional regulations imposed by the overlay district, which are as follows:

- DO Downtown Overlay District
- FP Floodplain – See Borough of California Ordinance No. 553 for regulations regarding floodplains.

SECTION 303 Establishment of the Zoning District Map

303.1 A map entitled the "California Borough Municipal Zoning Map" has been adopted as part of this ordinance that identifies the boundaries of the zoning districts. The zoning district map and all notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if they were all fully set forth or described herein. The original, properly attested zoning district map shall be available for examination at the California Borough municipal building and shall be reviewed annually by the governing body, the Zoning Hearing Board and others as applicable, and amended as deemed necessary by the governing body. All approved changes to zoning districts shall be recorded on the Zoning Map and shall adhere to the requirements set forth under this ordinance.

SECTION 304 Interpretation of District Boundaries

304.1 The district boundaries on the zoning district map are intended to follow property lines; center lines of roads, watercourses, or railroads; other identifiable physical features; or measured distances from property lines, center lines or identifiable physical features.

- 304.2 Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, said district boundary line should be determined as follows:
- 304.2.1 The district boundaries are center lines of public rights-of-way unless otherwise shown, and where the indicated boundaries on the Zoning Map are approximately public rights-of-way, said center lines of public rights-of-way shall be construed to be the boundaries.
 - 304.2.2 Where the district boundaries shown are not on or approximately on public rights-of-way but are on or approximately on lot lines of property that has been or is hereafter subdivided, the district boundaries shall be construed to be such lot lines; provided, however, that where such district boundaries substantially deviate from such lot lines the district boundary line as shown on the Zoning Map shall control.
 - 304.2.3 In unsubdivided property, the district boundary lines, unless otherwise shown, shall be determined by use of the scale on the Zoning Map.
 - 304.2.4 A street, way, alley, lane, railroad or railroad right-of-way, watercourse, channel, or body of water included on the Zoning Map shall, unless otherwise indicated, be included within the district of the adjoining property on either side thereof; and where such street, way, alley, lane, railroad or railroad right-of-way, watercourse, channel, or body of water serves as the boundary between two or more districts, a line midway in such street, way, alley, lane, railroad or railroad right-of-way, watercourse, channel, or body of water, and extending in the general direction of the long dimension thereof shall be considered the boundary between districts.
 - 304.2.5 In the event that a street, way, alley, or lane shown on the Zoning Map is vacated, the property formerly in said street, way, alley or lane shall be included within the district of the adjoining property on either side of said vacated street, way, alley or lane. In the event said street, way, alley, or lane was a boundary of one or more districts, said new district boundary or boundaries shall be the former center line of said vacated street, way, alley, or lane.
- 304.3 The following shall apply when a district boundary line divides a lot held in single or separate ownership at the effective date of this ordinance:
- 304.3.1 Where the lot is large enough to be subdivided into two or more lots, each with a single zoning district, no zoning approval will be given for any authorized use which would utilize any portion of the lot other than that portion of the lot in which the principal use is located. Further development will require a subdivision; or
 - 304.3.2 The permitted use on the lot is limited to those uses permitted in the zoning district in which the largest part of the lot is located, and the smaller part of the lot located in another zoning district will be subject to the zoning ordinance provisions where the largest portion of the lot is located.
 - 304.3.3 Where this section creates an undue hardship, the Zoning Hearing Board has jurisdiction to grant such relief as deemed necessary.

SECTION 305 Zoning District Regulations

- 305.1 The provisions, restrictions, and controls intended to regulate development in each district are set forth in the following sections and apply to all zoning districts and all lots. Except when stated, all provisions

of this ordinance shall apply to all uses.

- 305.2 All approved changes to zoning districts shall be promptly recorded on the Zoning Map and these changes must follow the procedures established in this ordinance.
- 305.3 Any land that is annexed into the municipalities after the effective date of this ordinance shall be automatically classified as an R-1 Low Density Residential District, and shall remain so classified until the governing body has adopted a zoning plan for the annexed area.

SECTION 306 Explanation of Use Categories

- 306.1 The following are classifications of zoning uses established in this ordinance, which vary in their impact upon the municipalities and in the procedures by which the uses are authorized:
- 306.1.1 Uses by Right: Authorized uses for which zoning approval will be issued by the Zoning Officer upon review of the application and certification of compliance with this ordinance. Principal uses within each district, the purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business, or operation carried on in a building, other structure, or tract of land.
- 306.1.2 Conditional Uses: Authorized uses that are permitted by approval of the governing body in accordance with this ordinance and the requirements of the MPC.
- 306.1.3 Special Exceptions: Authorized uses that are permitted by approval of the Zoning Hearing Board in accordance with this ordinance and the requirements of the MPC.
- 306.1.4 Uses Not Specifically Listed: Where a use is proposed, which is similar in nature and intent to those already listed in a zoning district, but not actually listed therein, the Zoning Officer shall refer the request to the Zoning Hearing Board who shall approve or deny the request based upon: (a) The purpose and intent of this ordinance; and (b) The similarity of the use to the listed uses and intent of the district.

SECTION 307 Application of Regulations

- 307.1 No building or land shall be used or occupied and no building or part shall be erected, moved or altered unless in conformity with the regulations specified for the district in which it is located.
- 307.2 No yard or other open space provided around any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- 307.3 Uses in each category shall be according to the definitions set forth in Article II of this ordinance. For those uses not defined in this ordinance their meanings shall be according to the common meaning of the term.
- 307.4 Only one principal use per lot in any district shall be permitted.

SECTION 308 Permitted Uses, Special Exceptions, and Conditional Uses

- 308.1 The permitted uses, special exceptions and conditional uses for each district are found in the tables within this section. Tables 3-1 through 3-12.
- 308.2 Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the

express standards and criteria of this ordinance and the Pennsylvania Municipalities Planning Code.

- 308.3 Conditional uses may be granted or denied by Borough Council in accordance with the express standards and criteria of this ordinance and the Pennsylvania Municipalities Planning Code.

SECTION 309 Lot, Yard and Height Requirements.

- 309.1 The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for each district shall be as specified herein.

SECTION 310 "A-1" - Agricultural District

- 310.1 It is the intent of the A-1 Agricultural District to encourage and protect land suitable for farming, dairy, livestock, forestry operations and other agricultural activities while providing for limited, low-density residential development; protect land used for food production and other agricultural uses from encroachment by untimely and unplanned development; protect the rural character of the land and encourage rural conservation by preserving natural features, such as watersheds, forests and watercourses, to perpetuate the rural atmosphere, open space and scenic landscapes; preserve productive agricultural land resources; and encourage residential development that will blend with agricultural uses.
- 310.2 Authorized uses, principal and accessory, permitted by right (P), special exception (SE) and/or conditional use (CU) are listed in Table 3-1a and 3-1b. Area and bulk regulations are listed in Table 3-1c. Parking and other regulations shall conform to the requirements established in Article V of this ordinance.
- 310.3 The development of any parcel of ground in this zoning district shall conform to the requirements established in this ordinance and any other adopted policies or ordinances related to land development in the borough.

Table 3-1a
Principal Permitted Uses, Special Exceptions and Conditional Uses
A-1 Agricultural District

USE	
Agricultural Operation	P
Airport	SE
Amusement / Recreation Center (Indoor)	CU
Amusement / Recreation Center (Outdoor)	SE
Bed and Breakfast	P
Campground	P
Cemetery	P
Communication Non-Tower, Wireless	CU
Communication Tower, Wireless (Inside ROW)	CU
Communication, Wireless (Outside ROW)	CU
Compressor Station	CU
Day Care Center	CU
Dwelling, Multi-Family	CU
Dwelling, Single Family, Detached	P

Dwelling, Two Family	CU
Educational Facility, Primary / Secondary	SE
Equestrian Facility	P
Essential Communications Tower / Antenna	P
Essential Services	P
Fairground	P
Farmers' Market	P
Flea Market	P
Forest Management Operations	P
Fruit and Vegetable Stand	P
Gas Wells (Conventional)	CU
Gas Wells (Unconventional)	CU
Group Home	P
Group Residential Facility	CU
Kennel	SE
Manufactured Home/Mobile Home	CU
Medical Marijuana Growing / Processing	CU
Mineral Extraction	SE
Mobile Home Park	CU
Motor Vehicle Repair/Service	CU
Motor Vehicle Sales/Service	SE
Municipal Facilities	P
Park	P
Personal Care Facility	SE
Place of Public Assembly	SE
Place of Worship	SE
Recreational Vehicle Park	SE
Solar Energy System, Large	CU
Storage Facility	SE
Transit Stop	P
Veterinary Clinic	P
Wind Energy System, Large	CU
Winery	P

Table 3-1b

**Accessory Permitted Uses, Special Exceptions and Conditional Uses
A-1 Agricultural District**

Accessory Dwelling Unit	CU
Accessory Uses common in residential areas (such as swimming pools, sheds, play structures, garages, gazebos, etc.)	P
Backyard Chickens	P
Contractor's Business	P
Equipment Repair	P
Family Day Care Home	P
Greenhouse (non-commercial)	P
Home Occupation	CU

Motor Vehicle Repair	P
No-Impact Home-Based Business	P
Parking Lot, Accessory	P
Satellite Dishes	P
Solar Energy System, Small	P
Temporary Storage Buildings (PODS)	P
Temporary Storage of Construction Vehicles	P
Wind Energy System, Small	P

Table 3-1c
Area and Bulk Regulations
A-1 Agricultural District

Minimum Lot Area	1 acre
Minimum Lot Width	200 ft.
Minimum front yard setback	75 ft.
Minimum side yard setback	40 ft.
Minimum rear yard setback	50 ft.
Maximum structure height	45 ft.
Maximum lot cover (as % of total area)	40%

NOTES:

Any building in excess of the height standards set forth herein must be approved by a variance by the Zoning Hearing Board. In no event shall a variance be approved to permit a building in excess of 75 feet in any district for any reason.

The side-yard setback requirements shall not apply to townhouses, row houses, cluster houses, or any other such connected housing in any district.

In the A-1 Zoning district, any existing parcel, less than one (1) acre in size, shall meet the setback requirements for front, side and rear yards established in the ordinance for the R-1 zoning district

SECTION 311 “R-1” - Low Density Residential District

- 311.1 It is the intent of the R-1 Single-Family Residential District to provide for the development and maintenance of single-family residential neighborhoods within the Borough, together with such activities that are compatible and normally associated with residential neighborhoods.
- 311.2 Authorized uses, principal and accessory, permitted by right (P), special exception (SE) and/or conditional use (CU) are listed in Table 3-2a and 3-2b. Area and bulk regulations are listed in Table 3-2c. Parking and other regulations shall conform to the requirements established in Article V of this Ordinance.
- 311.3 The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the borough.

Table 3-2a
Principal Permitted Uses, Special Exceptions and Conditional Uses
R-1 Low Density Residential District

Bed and Breakfast	SE
Cemetery	SE
Communications Non-Tower, Wireless	CU
Communications Tower, Wireless (Outside ROW)	CU
Day Care Center	CU
Dwelling, Multi-Family	CU
Dwelling, Single Family	P
Dwelling, Two-Family	CU
Educational Facility, Primary / Secondary	SE
Essential Communications Tower / Antenna	P
Essential Services	P
Gas Wells (Conventional)	CU
Gas Wells (Unconventional)	CU
Group Home	P
Municipal Facilities	P
Place of Public Assembly	SE
Place of Worship	SE
Planned Residential Development	SE
Transit Stop	P

Table 3-2b
Accessory Permitted Uses, Special Exceptions and Conditional Uses
R-1 Low Density Residential District

Accessory Dwelling Unit	CU
Accessory Uses common in residential areas (such as swimming pools, sheds, play structures, garages, gazebos, etc.)	P
Backyard Chickens	P
Family Day Care Home	P
Greenhouse (non-commercial)	P
Home Occupation	CU
No-Impact Home-Based Business	P
Parking Lot, Accessory	P
Satellite Dishes	P
Solar Energy System, Small	P
Temporary Storage Buildings (PODS)	P
Wind Energy System, Small	P

Table 3-2c
Area and Bulk Regulations
R-1 Low Density Residential District

Minimum Lot Area	5,000 sq. ft.
Minimum Lot Width	50 ft.
Minimum front yard setback	30 ft.
Minimum side yard setback	15 ft.
Minimum rear yard setback	30 ft.
Maximum structure height	30 ft.
Maximum lot cover (as % of total area)	40%

NOTES:

Any building in excess of the height standards set forth herein must be approved by a variance by the Zoning Hearing Board. In no event shall a variance be approved to permit a building in excess of 75 feet in any district for any reason.

The side-yard setback requirements shall not apply to townhouses, row houses, cluster houses, or any other such connected housing in any district.

SECTION 312 “R-2” – Medium Density Residential District

- 312.1 It is the intent of the R-2 Medium Density Residential District to provide various alternatives to single-family development within areas that have acceptable levels of infrastructure and access and to maintain the appropriate density of development for the region. The Multifamily Residential District shall serve to support the community of California University of Pennsylvania by providing housing opportunities to support off-campus living by students of the University, and shall provide the residents of the Borough a more diverse array of housing opportunities within the community.
- 312.2 Authorized uses, principal and accessory, permitted by right (P), special exception (SE) and/or conditional use (CU) are listed in Table 3-3a and Table 3-3b. Area and bulk regulations are listed in Table 3-3c. Parking and other regulations shall conform to the requirements established in Article V of this ordinance.
- 312.3 The development of any parcel of ground in this zoning district shall conform to the requirements established in this ordinance and any other adopted policies or ordinances related to land development in the borough.

Table 3-3a
Principal Permitted Uses, Special Exceptions and Conditional Uses
R-2 Medium Density Residential District

Amusement / Recreation Center (Indoor)	CU
Amusement / Recreation Center (Outdoor)	SE
Bed and Breakfast	P
Communications Non-Tower, Wireless	CU
Communications Tower, Wireless (Outside ROW)	CU

Community Center	SE
Day Care Center	CU
Dwelling, Multi-Family	CU
Dwelling, Single Family Detached	P
Dwelling, Two Family	P
Educational Facility, Primary / Secondary	P
Essential Communications Tower / Antenna	P
Essential Services	P
Funeral Home / Mortuary	SE
Gas Wells (Conventional)	CU
Gas Wells (Unconventional)	CU
Group Home	P
Group Residential Facility	CU
Independent Living Facility	P
Municipal Facilities	P
Office	SE
Park	P
Personal Care Facility	SE
Personal Services	SE
Place of Public Assembly	SE
Place of Worship	SE
Planned Residential Development	SE
Public Utilities Structure	SE
Skilled Nursing Facility	SE
Transit Stop	P

Table 3-3b
Accessory Permitted Uses, Special Exceptions and Conditional Uses
R-2 Medium Density Residential

Accessory Dwelling Unit	CU
Accessory Uses common in residential areas (such as swimming pools, sheds, play structures, garages, gazebos, etc.)	P
Backyard Chickens	P
Family Day Care Home	P
Greenhouse (non-commercial)	P
Home Occupation	CU
No-Impact Home-Based Business	P
Parking Lot, Accessory	P
Satellite Dishes	P
Solar Energy System, Small	P
Temporary Storage Buildings (PODS)	P
Wind Energy System, Small	P

**Table 3-3c
Area and Bulk Regulations
R-2 Medium Density Residential**

Minimum Lot Area	7,500 sq. ft.
Minimum Lot Width	65 ft.
Minimum front yard setback	25 ft.
Minimum side yard setback	10 ft.
Minimum rear yard setback	25 ft.
Maximum structure height	30 ft.
Maximum lot cover (as % of total area)	40%

NOTES:

Any building in excess of the height standards set forth herein must be approved by a variance by the Zoning Hearing Board. In no event shall a variance be approved to permit a building in excess of 75 feet in any district for any reason.

The side-yard setback requirements shall not apply to townhouses, row houses, cluster houses, or any other such connected housing in any district.

SECTION 313 “R-3” – High Density Residential District.

- 313.1 It is the intent of the R-3 High Density Residential District to provide areas for high density residential and serve to support the community of California University of Pennsylvania by providing housing opportunities to support off-campus living by students of the University. This district shall provide the residents of the Borough a more diverse array of housing opportunities within the community.
- 313.2 Authorized uses permitted by right (P), special exception (SE) and/or conditional use (CU) are listed in Table 3-4a and Table 3-4b. Area and bulk regulations are listed in Table 3-4c. Parking and other regulations shall conform to the requirements established in Article V of this ordinance.
- 313.3 The development of any parcel of ground in this zoning district shall conform to the requirements established in this ordinance and any other adopted policies or ordinances related to land development in the borough.

**Table 3-4a
Principal Permitted Uses, Special Exceptions and Conditional Uses
R-3 High Density Residential District**

Amusement / Recreation (Indoor)	CU
Apartments (2 nd Story and above)	SE
Bed and Breakfast	P
Boarding House	CU
Business Services	SE
Cemetery	SE
Clinic, Medical	SE
Communications Non-Tower, Wireless	CU

Communications Tower, Wireless (Outside ROW)	CU
Community Center	SE
Day Care Center	CU
Dwelling, Multi-Family	CU
Dwelling, Single Family Detached	P
Dwelling, Two Family	P
Educational Facility, Primary / Secondary	P
Essential Communications Tower / Antenna	P
Essential Services	P
Funeral Home / Mortuary	SE
Group Home	P
Group Residential Facility	CU
Independent Living Facility	P
Municipal Facilities	P
Office	SE
Park	P
Personal Care Facility	SE
Personal Services	SE
Place of Public Assembly	SE
Place of Worship	SE
Planned Residential Development	SE
Public Utilities Structure	SE
Restaurant	SE
Retail Stores	SE
Rooming House	CU
Skilled Nursing Facility	SE
Transit Stop	P

Table 3-4b
Accessory Permitted Uses, Special Exceptions and Conditional Uses
R-3 High Density Residential

Accessory Dwelling Unit	CU
Accessory Uses common in residential areas (such as swimming pools, sheds, play structures, garages, gazebos, etc.)	P
Backyard Chickens	P
Contractor's Business	P
Equipment Repair	P
Family Day Care Home	P
Greenhouse (non-commercial)	P
Home Occupation	CU
No-Impact Home-Based Business	P
Parking Lot, Accessory	P

Satellite Dishes	P
Solar Energy System, Small	P
Temporary Storage Buildings (PODS)	P
Wind Energy System, Small	P

**Table 3-4c
Area and Bulk Regulations
R-3 High Density Residential**

Minimum Lot Area	7,500 sq. ft.
Minimum Lot Width	65 ft.
Minimum front yard setback	25ft.
Minimum side yard setback	10ft.
Minimum rear yard setback	25 ft.
Maximum structure height	30 ft.
Maximum lot cover (as % of total area)	40%

NOTES:

Any building in excess of the height standards set forth herein must be approved by a variance by the Zoning Hearing Board. In no event shall a variance be approved to permit a building in excess of 75 feet in any district for any reason.

The side-yard setback requirements shall not apply to townhouses, row houses, cluster houses, or any other such connected housing in any district.

SECTION 314 “C-1” – General Commercial District.

314.1 It is the intent of the C-1 General Commercial District to create an economically viable district providing a range of commercial and service activities oriented to the immediate community and contiguous vicinity served by highway systems; provide for the development of uses which are intended and designed to serve the local traveling public; prevent areas near interchanges from developing at an intensity which is beyond the capability of the intersecting roadways serving the highway to accommodate traffic generated by such development; and enhance public safety by preventing excessive curb cuts, regulating the location and spacing of ingress and egress points, and establishing appropriate sight distances along intersecting roadways serving the highways.

314.2 In addition to the goals set forth in §104, General purposes, the districts established in these regulations are intended to achieve the following:

314.2.1 To provide sufficient space for a variety of commercial and service establishments including the adequate provision for merchandising requirements and off-street parking facilities while insuring safe circulation of pedestrian and vehicular traffic.

314.2.2 To encourage land uses and building development that promote commercial development, enhance the character of commercial areas, protect nearby residential districts and conserve the value of land and buildings, and promote increased tax revenues.

314.3 Authorized uses, principal and accessory, permitted by right (P), special exception (SE) and/or

conditional use (CU) are listed in Table 3-5a and Table 3-5b. Area and bulk regulations are listed in Table 3-5c. Parking and other regulations shall conform to the requirements established in Article V of this ordinance.

- 314.4 The development of any parcel of ground in this zoning district shall conform to the requirements established in this ordinance and any other adopted policies or ordinances related to land development in the borough.

Table 3-5a
Permitted Uses, Special Exceptions and Conditional Uses
C-1 General Commercial District

Amusement / Recreation (Indoor)	P
Amusement / Recreation (Outdoor)	SE
Bank/Financial Institution	P
Car Wash	P
Clinic, Medical	P
Communication Non-Tower, Wireless	CU
Communication Tower, Wireless (Inside ROW)	CU
Communication Tower, Wireless (Outside ROW)	CU
Community Center	SE
Contractor's Business	P
Convenience Store	P
Convenience Store with Gasoline	P
Day Care Center	P
Dwelling, Multi-Family	CU
Dwelling, Single Family Detached	P
Educational Facility, Trade School	P
Equipment Rental / Repair	P
Essential Communications Tower / Antenna	P
Essential Services	P
Farmers' Market	P
Flea Market	P
Fruit and Vegetable Stand	P
Funeral Home / Mortuary	P
Garden Center	P
Gas Wells (Conventional)	CU
Gas Wells (Unconventional)	CU
Gasoline Service Station	P
Group Residential Facility	CU
Hospital	SE

Hotel / Motel	P
Independent Living Facility	SE
Laundromat	P
Mixed Use Structure	P
Motor Vehicle Repair / Service	CU
Motor Vehicle Sales / Service	P
Municipal Facilities	P
Office	P
Park	P
Parking Lot, Standalone	P
Parking Structure, Commercial	P
Personal Services	P
Pharmacy	P
Photographic Studio	P
Place of Public Assembly	P
Place of Worship	P
Private Club	P
Public Utilities Structure	P
Quasi Governmental Buildings	P
Restaurant	P
Retail Stores	P
Shopping Center	P
Skilled Nursing Facility	SE
Storage Facility	SE
Studio	P
Tavern / Drinking Establishment	P
Transit Stop	P
Travel Plaza	P
Veterinary Clinic	P

Table 3-5b
Accessory Permitted Uses, Special Exceptions and Conditional Uses
C-1 General Commercial District

Accessory Dwelling Unit	CU
Accessory Uses common in residential areas (such as swimming pools, sheds, play structures, garages, gazebos, etc.)	P
Backyard Chickens	P
Contractor's Business	P
Drive Thru	P
Equipment Repair	P

Family Day Care Home	P
Greenhouse (non-commercial)	P
Home Occupation	CU
Motor Vehicle Repair / Service	P
No-Impact Home-Based Business	P
Parking Lot, Accessory	P
Satellite Dishes	P
Solar Energy System, Small	P
Temporary Storage Buildings (PODS)	P
Temporary Storage of Construction Vehicles	P
Wind Energy System, Small	P

Table 3-5c
Area and Bulk Requirements
C-1 General Commercial District

Minimum Lot Area	8,000 sq. ft.
Minimum Lot Width	50 ft.
Minimum front yard setback	N/A
Minimum side yard setback	N/A
Minimum rear yard setback	N/A
Maximum structure height	50 ft.
Maximum lot cover (as % of total area)	50%

NOTES:

“N/A” means not applicable or no requirement.

Any building in excess of the height standards set forth herein must be approved by a variance by the Zoning Hearing Board. In no event shall a variance be approved to permit a building in excess of 75 feet in any district for any reason.

The side-yard setback requirements shall not apply to townhouses, row houses, cluster houses, or any other such connected housing in any district.

SECTION 315 “C-2” - Downtown Commercial District

- 315.1 It is the intent of the C-2 Downtown District to promote the development of land within the established commercial areas of the Borough, traditionally referred to as the "downtown" or "business district" areas, by permitting a mix of land uses that will be compatible with the established character of the community, the existing nature of the buildings and structures located in the area, and provide development potential for commercial sites to serve the immediate daily needs of the surrounding neighborhoods. These areas shall be limited in size and activity and not be permitted to expand into area-wide centers.
- 315.2 Authorized uses permitted by right (P), special exception (SE) and/or conditional use (CU) are listed in Table 3-6a and Table 3-6b. Area and bulk regulations are listed in Table 3-6c. Parking and other regulations shall conform to the requirements established in Article V of this ordinance.
- 315.3 The development of any parcel of ground in this zoning district shall conform to the requirements established in this ordinance and any other adopted policies or ordinances related to land development in the borough.

Table 3-6a
Permitted Uses, Special Exceptions and Conditional Uses
C-2 Downtown Commercial District

Amusement / Recreation (Indoor)	P
Apartments (2 nd Story and Above)	P
Bank/Financial Institution	P
Bed and Breakfast	P
Boarding House	CU
Bus Station / Transit Depot	P
Business Services	P
Catering Business	P
Clinic, Medical	P
Communication Non-Tower, Wireless	CU
Communication Tower, Wireless (Inside ROW)	CU
Communication Tower, Wireless (Outside ROW)	CU
Community Center	P
Contractor's Business	P
Convenience Store	CU
Convenience Store, with gasoline	CU
Day Care Center	P
Docks	P
Dwelling, Multi-Family	CU
Educational Facility, Primary / Secondary	P
Educational Facility, Trade School	P
Equipment Rental / Repair	P
Essential Communications Tower / Antenna	P
Essential Services	P
Farmers' Market	P
Fruit and Vegetable Stand	P
Funeral Home / Mortuary	P
Garden Center	P
Hotel / Motel	P
Laundromat	P
Mixed Use Structure	P
Motor Vehicle Repair / Service	CU
Motor Vehicle Sales / Service	P
Municipal Facilities	P
Office	P

Park	P
Parking Lot, Standalone	SE
Parking Structure, Commercial	SE
Personal Services	P
Pharmacy	P
Photographic Studio	P
Place of Public Assembly	P
Place of Worship	P
Private Club	P
Public Utilities Structure	P
Quasi Governmental Buildings	P
Restaurant	P
Retail Stores	P
Rooming House	CU
Skilled Nursing Facility	P
Studio	P
Tavern / Drinking Establishment	P
Transit Stop	P
Veterinary Clinic	P

Table 3-6b
Accessory Permitted Uses, Special Exceptions and Conditional Uses
C-2 Downtown Commercial District

Accessory Uses common in residential areas (such as swimming pools, sheds, play structures, garages, gazebos, etc.)	P
Drive-Thru	P
Family Day Care Home	P
Greenhouse (non-commercial)	P
Home Occupation	CU
No-Impact Home-Based Business	P
Parking Lot, Accessory	P
Satellite Dishes	P
Solar Energy System, Small	P
Temporary Storage Buildings (PODS)	P
Temporary Storage of Construction Vehicles	P
Wind Energy System, Small	P

Table 3-6c
Area and Bulk Regulations
C-2 Downtown Commercial District

Minimum Lot Area	N/A
Minimum Lot Width	25 ft.

Minimum front yard setback	N/A
Minimum side yard setback	N/A
Minimum rear yard setback	25 ft.
Maximum structure height	50 ft.
Maximum lot cover (as % of total area)	50%

NOTES:

“N/A” means not applicable or no requirement.

Any building in excess of the height standards set forth herein must be approved by a variance by the Zoning Hearing Board. In no event shall a variance be approved to permit a building in excess of 75 feet in any district for any reason.

The side-yard setback requirements shall not apply to townhouses, row houses, cluster houses, or any other such connected housing in any district.

SECTION 316 “MU” - Mixed Use District

- 316.1 It is the intent of the MU Mixed Use District to create an area for development of an integrated land use region, including the existing California Technology Park and surrounding land, which will promote flexible and innovative land use in this region of the Borough. The Mixed Use District shall permit the development of commercial, and light industrial uses, as well as higher density, nontraditional housing in a harmonized manner, and shall encourage the integration of services and other uses which support the Mixed Use District. These areas shall be limited in nature and shall contain regulations to protect the public safety and encourage orderly land use development.
- 316.2 Authorized, permitted and accessory, uses permitted by right, special exception and/or conditional use are listed in Table 3-7a and Table 3-7b. Area and bulk regulations are listed in Table 3-7c. Parking and other regulations shall conform to the requirements established in Article V of this ordinance.
- 316.3 The development of any parcel of ground in this zoning district shall conform to the requirements established in this ordinance and any other adopted policies or ordinances related to land development in the borough.

**Table 3-7a
Permitted Uses, Special Exceptions and Conditional Uses
MU Mixed Use District**

Amusement / Recreation Center (Indoor)	P
Amusement / Recreation Center (Outdoor)	P
Bank/Financial Institution	P
Bus Station / Transit Depot	P
Business Services	P
Car Wash	P
Clinic, Medical	P
Communication Non-Tower, Wireless	CU
Communication Tower, Wireless (Inside ROW)	CU
Communication Tower, Wireless (Outside ROW)	CU
Community Center	SE
Contractor’s Business	P
Convenience Store	P
Convenience Store, with gasoline	CU

Distribution Plant, Parcel Delivery	P
Drug Treatment Facility	CU
Dwelling, Multi-Family	CU
Dwelling, Single Family Detached	P
Educational Facility, Primary / Secondary	P
Educational Facility, Higher Education	P
Educational Facility, Trade School	P
Equipment Rental / Repair	P
Essential Communications Tower / Antenna	P
Essential Services	P
Gas Wells (Conventional)	CU
Gas Wells (Unconventional)	CU
Gasoline Service Station	SE
Group Residential Facility	CU
Hotel / Motel	P
Industrial Park	P
Lumber / Building Material Facility	SE
Manufacturing, Light	P
Medical Marijuana, Dispensary	CU
Motor Vehicle Repair / Service	CU
Motor Vehicle Sales / Service	P
Municipal Facilities	P
Office	P
Park	P
Parking Lot, Standalone	P
Parking Structure, Commercial	P
Personal Care Facility	P
Personal Services	P
Pharmacy	P
Place of Public Assembly	P
Place of Worship	P
Public Utilities Structure	P
Quasi Governmental Buildings	P
Radio and Television Studio	P
Research and Development Lab	P
Restaurant	P
Retail Stores	P
Shopping Center	P
Studio	P
Transit Stop	P
Warehouse	SE
Wholesale Establishment	SE
Winery	SE

Table 3-7b
Accessory Permitted Uses, Special Exceptions and Conditional Uses
MU Mixed Use District

Accessory Dwelling Unit	CU
Accessory Uses common in residential areas (such as	P

swimming pools, sheds, play structures, garages, gazebos, etc.)	
Backyard Chickens	P
Contractor's Business	P
Drive Thru	P
Equipment Repair	P
Family Day Care Home	P
Greenhouse (non-commercial)	P
Home Occupation	CU
No-Impact Home-Based Business	P
Parking Lot, Accessory	P
Satellite Dishes	P
Solar Energy System, Small	P
Temporary Storage Buildings (PODS)	P
Temporary Storage of Construction Vehicles	P
Wind Energy System, Small	P

Table 3-7c
Area and Bulk Regulations
MU Mixed Use District

Minimum Lot Area	5,000 sq.ft.
Minimum Lot Width	50 ft.
Minimum front yard setback	25 ft.
Minimum side yard setback	10 ft.
Minimum rear yard setback	25 ft.
Maximum structure height	50 ft.
Maximum lot cover (as % of total area)	40%

NOTES:

Any building in excess of the height standards set forth herein must be approved by a variance by the Zoning Hearing Board. In no event shall a variance be approved to permit a building in excess of 75 feet in any district for any reason.

The side-yard setback requirements shall not apply to townhouses, row houses, cluster houses, or any other such connected housing in any district.

All of the dimensional requirements of the MU Mixed Use District may be adjusted to accommodate innovative development within the district, upon proper approval of the land development plan of the Zoning Hearing Board.

SECTION 317 "M-1" - Manufacturing District.

- 317.1 It is the intent of the M-1 Manufacturing District to provide a flexible zoning district in specific areas to allow for a variety of planned industrial and commercial uses, as well as industrial activities of an intrusive nature which are normally not compatible with, or which detract from the viability of, other uses due to high levels of traffic generation, noise, vibrations, odor, aesthetic and/or related considerations; provide areas within the municipality where earth extraction shall be a permitted use; and reduce conflict in residential, commercial and agricultural areas, and provide for design to enhance public safety by preventing excessive curb cuts, regulating the location and spacing of ingress and egress points, and establishing appropriate sight distances along intersecting roadways serving the highways.

- 317.2 In addition to the intent set forth in Section 317.1 the district established in these regulations is intended to achieve the following:
- 317.2.1 To provide sufficient space for the development of activities to support the economy of the municipalities through the creation of employment opportunities, the processing, manufacturing, distribution, storage, and trade of goods and services.
 - 317.2.2 To minimize the impacts to surrounding districts and to the municipal infrastructure system.
 - 317.2.3 To ensure that public improvements are consistent with the anticipated developments in these districts.
 - 317.2.4 To promote high standards for landscaping and design of buildings and structures.
 - 317.2.5 To provide a mix of uses within these districts to ensure future sustainability of the municipal tax base.
- 317.3 Authorized, permitted and accessory uses permitted by right, special exception and/or conditional use are listed in Table 3-8a and Table 3-8b. Area and bulk regulations are listed in Table 3-8c. Parking and other regulations shall conform to the requirements established in Article V of this ordinance.
- 317.4 The development of any parcel of ground in this zoning district shall conform to the requirements established in this ordinance and any other adopted policies or ordinances related to land development in the borough.

Table 3-8a
Permitted Uses, Special Exceptions and Conditional Uses
M-1 Manufacturing District

Airport	SE
Bus Station / Transit Depot	P
Car Wash	P
Communication Non-Tower, Wireless	CU
Communication Tower, Wireless (Inside ROW)	CU
Communication Tower, Wireless (Outside ROW)	CU
Compressor Station	CU
Contractor's Business	P
Correctional Facility	CU
Distribution Plant, Parcel Delivery	P
Drug Treatment Facility	CU
Essential Communications Tower / Antenna	P
Essential Services	P
Equipment Rental / Repair	P
Gas Wells (Conventional)	CU
Gas Wells (Unconventional)	CU
Incinerator	P
Industrial Park	P
Junkyard	P
Kennel	SE

Lumber / Building Material Facility	P
Manufacturing, Heavy	CU
Manufacturing, Light	P
Medical Marijuana, Dispensary	CU
Medical Marijuana, Growing / Processing	CU
Mineral Extraction	P
Municipal Facilities	P
Parking Lot, Standalone	P
Parking Structure, Commercial	P
Processing Plant	CU
Public Utilities Structure	P
Recycling Facility	P
Sexually Oriented Business	SE
Solid Waste Disposal Area	SE
Transit Stop	P
Warehouse	SE
Wholesale Establishment	SE

Table 3-8b
Accessory Permitted Uses, Special Exceptions and Conditional Uses
M-1 Manufacturing District

Drive - Thru	P
Greenhouse (non-commercial)	P
No-Impact Home-Based Business	P
Parking Lot, Accessory	P
Satellite Dishes	P
Solar Energy System, Small	P
Temporary Storage Buildings (PODS)	P
Wind Energy System, Small	P

Table 3-8c
Area and Bulk Regulations
M-1 Manufacturing District

Minimum Lot Area	N/A
Minimum Lot Width	100 ft.
Minimum front yard setback	25 ft.
Minimum side yard setback	10 ft.
Minimum rear yard setback	25 ft.
Maximum structure height	50 ft.
Maximum lot cover (as % of total area)	50%

NOTES:

“N/A” means not applicable or no requirement.

Any building in excess of the height standards set forth herein must be approved by a variance by the Zoning Hearing Board. In no event shall a variance be approved to permit a building in excess of 75 feet in any district for any reason.

The side-yard setback requirements shall not apply to townhouses, row houses, cluster houses, or any other such connected housing in any district.

SECTION 318 I-1 - Main Campus District.

- 318.1 It is the intent of the I-1 Main Campus District to provide zoning regulations and to authorize land use on property comprising California University of Pennsylvania Main Campus. District regulations are intended to complement the necessary functions of the University community by providing for necessary land uses within the district, while preventing land use in conflict within the remainder of the community or which would permit land use not otherwise compatible with the community zoning scheme.
- 318.2 Authorized, principal and accessory, uses permitted by right, special exception and/or conditional use are listed in Table 3-9a and Table 3-9b. Area and bulk regulations are listed in Table 3-9c. Parking and other regulations shall conform to the requirements of Article V of this ordinance.
- 318.3 The development of any parcel of ground in this zoning district shall conform to the requirements established in this ordinance and any other adopted policies or ordinances related to land development in the borough.

Table 3-9a
Permitted Uses, Special Exceptions and Conditional Uses
I-1 Main Campus District

Bus Station / Transit Depot	P
Clinic, Medical	P
Communication Non-Tower, Wireless	CU
Communication Tower, Wireless (Inside ROW)	CU
Communication Tower, Wireless (Outside ROW)	CU
Convenience Store	P
Docks	P
Dormitory	P
Educational Facility, Higher Education	P
Essential Communications Tower / Antenna	P
Essential Services	P
Municipal Facilities	P
Office	P
Park	P
Parking Lot, Standalone	P
Parking Structure, Commercial	P
Place of Public Assembly	P
Place of Worship	P
Radio and Television Studio	P
Restaurant	P
Retail Stores	P
Transit Stop	P

Table 3-9b
Accessory Permitted Uses, Special Exceptions and Conditional Uses
I-1 Main Campus District

Drive Thru	P
Greenhouse (non-commercial)	P

No-Impact Home-Based Business	P
Parking Lot, Accessory	P
Solar Energy System, Small	P
Wind Energy System, Small	P

**Table 3-9c
Area and Bulk Regulations
I-1 Main Campus District**

Minimum Lot Area	N/A
Minimum Lot Width	100 ft.
Minimum front yard setback	25 ft.
Minimum side yard setback	10 ft.
Minimum rear yard setback	25 ft.
Maximum structure height	N/A
Maximum lot cover (as % of total area)	N/A

NOTES:

“N/A” means not applicable or no requirement.

Any building in excess of the height standards set forth herein must be approved by a variance by the Zoning Hearing Board. In no event shall a variance be approved to permit a building in excess of 75 feet in any district for any reason.

The side-yard setback requirements shall not apply to townhouses, row houses, cluster houses, or any other such connected housing in any district.

SECTION 319 I-2 - College Farm District

- 319.1 It is the intent of the I-2: College Farm District to provide zoning regulations and to authorize land use on property comprising Vulcan Village and Roadman Park facilities at California University. Institutional District regulations are intended to complement the necessary functions of the University community by providing for necessary land uses within the district, while preventing land use in conflict within the remainder of the community or which would permit land use not otherwise compatible with the community zoning scheme.
- 319.2 Authorized, principal and accessory, uses permitted by right, special exception and/or conditional use are listed in Table 3-10a and Table 3-10b. Area and bulk regulations are listed in Table 3-10c. Parking and other regulations shall conform to the requirements of Article V of this ordinance.
- 319.3 The development of any parcel of ground in this zoning district shall conform to the requirements established in this ordinance and any other adopted policies or ordinances related to land development in the borough.

**Table 3-10a
Permitted Uses, Special Exceptions and Conditional Uses
I-2 College Farm District**

Amusement / Recreation Center (Outdoor)	P
Arena	P
Communication Non-Tower, Wireless	CU
Communication Tower, Wireless (Inside ROW)	CU

Communication Tower, Wireless (Outside ROW)	CU
Dormitory	P
Educational Facility, Higher Education	P
Essential Communications Tower / Antenna	P
Essential Services	P
Gas Wells (Conventional)	CU
Gas Wells (Unconventional)	CU
Municipal Facilities	P
Park	P
Parking Lot, Standalone	P
Transit Stop	P

Table 3-10b
Accessory Permitted Uses, Special Exceptions and Conditional Uses
I-2 College Farm District

Greenhouse (non-commercial)	P
No-Impact Home-Based Business	P
Parking Lot, Accessory	P
Solar Energy System, Small	P
Wind Energy System, Small	P

Table 3-10c
Area and Bulk Requirements
I-2 College Farm District

Minimum Lot Area	N/A
Minimum Lot Width	100 ft.
Minimum front yard setback	25 ft.
Minimum side yard setback	10 ft.
Minimum rear yard setback	25 ft.
Maximum structure height	N/A
Maximum lot cover (as % of total area)	N/A

NOTES:

“N/A” means not applicable or no requirement.

Any building in excess of the height standards set forth herein must be approved by a variance by the Zoning Hearing Board. In no event shall a variance be approved to permit a building in excess of 75 feet in any district for any reason.

The side-yard setback requirements shall not apply to townhouses, row houses, cluster houses, or any other such connected housing in any district.

SECTION 320 I-3 - Old Harris Farm District

- 320.1 It is the intent of the I-3 Old Harris Farm District to provide zoning regulations and to authorize land use on property comprising the SAI facilities at California University. Institutional District regulations are intended to complement the necessary functions of the University community by providing for necessary land uses within the district, while preventing land use in conflict within the remainder of the community or which would permit land use not otherwise compatible with the community zoning scheme.

- 320.2 Authorized, principal and accessory, uses permitted by right, special exception and/or conditional use are listed in Table 3-11a and Table 3-11b. Area and bulk regulations are listed in Table 3-11c. Parking and other regulations shall conform to the requirements of Article V of this ordinance.
- 320.3 The development of any parcel of ground in this zoning district shall conform to the requirements established in this ordinance and any other adopted policies or ordinances related to land development in the borough.

Table 3-11a
Permitted Uses, Special Exceptions and Conditional Uses
I-3 Old Harris Farm District

Agricultural Operation	CU
Communication Non-Tower, Wireless	CU
Communication Tower, Wireless (Inside ROW)	CU
Communication Tower, Wireless (Outside ROW)	CU
Educational Facility, Higher Education	P
Equestrian Facility	CU
Essential Communications Tower / Antenna	P
Essential Services	P
Gas Wells (Conventional)	CU
Gas Wells (Unconventional)	CU
Municipal Facilities	P
Parking Lot, Standalone	P
Parking Structure, Commercial	P
Place of Public Assembly	P
Research and Development Lab	P
Solar Energy System, Large	CU
Transit Stop	P
Wind Energy System, Large	CU

Table 3-11b
Accessory Permitted Uses, Special Exceptions and Conditional Uses
I-3 Old Harris Farm District

Greenhouse (non-commercial)	P
No-Impact Home-Based Business	P
Parking Lot, Accessory	P
Solar Energy System, Small	P
Wind Energy System, Small	P

Table 3-11c
Area and Bulk Requirements
I-3 Old Harris Farm District

Minimum Lot Area	N/A
Minimum Lot Width	100 ft.
Minimum front yard setback	25 ft.

Minimum side yard setback	10 ft.
Minimum rear yard setback	25 ft.
Maximum structure height	N/A
Maximum lot cover (as % of total area)	N/A

NOTES:

“N/A” means not applicable or no requirement.

Any building in excess of the height standards set forth herein must be approved by a variance by the Zoning Hearing Board. In no event shall a variance be approved to permit a building in excess of 75 feet in any district for any reason.

The side-yard setback requirements shall not apply to townhouses, row houses, cluster houses, or any other such connected housing in any district.

SECTION 321 I-4: California Area School District

- 321.1 It is the intent of the I-4: California Area School District to provide zoning regulations and to authorize land use on property comprising of the California Area School District. Institutional District regulations are intended to complement the necessary functions of the School District by providing for necessary land uses within the district, while preventing land use in conflict within the remainder of the community or which would permit land use not otherwise compatible with the community zoning scheme.
- 321.2 Authorized, principal and accessory, uses permitted by right, special exception and/or conditional use are listed in Table 3-12a and Table 3-12b. Area and bulk regulations are listed in Table 3-12c. Parking and other regulations shall conform to the requirements of Article V of this ordinance.
- 321.3 The development of any parcel of ground in this zoning district shall conform to the requirements established in this ordinance and any other adopted policies or ordinances related to land development in the borough

**Table 3-12a
Permitted Uses, Special Exceptions and Conditional Uses
I-4 California Area School District**

Amusement / Recreation Center (Indoor/Outdoor)	P
Arena	P
Communication Non-Tower, Wireless	CU
Communication Tower, Wireless (Inside ROW)	CU
Communication Tower, Wireless (Outside ROW)	CU
Compressor Stations	CU
Educational Facility, Primary/Secondary	P
Essential Communications Tower / Antenna	P
Essential Services	P
Gas Wells (Conventional)	CU
Gas Wells (Unconventional)	CU
Municipal Facilities	P
Park	P
Transit Stop	P

Table 3-12b
Accessory Permitted Uses, Special Exceptions and Conditional Uses
I - 4 California Area School District

Greenhouse (non-commercial)	P
No-Impact Home-Based Business	P
Parking Lot, Accessory	P
Solar Energy System, Small	P
Wind Energy System, Small	P

Table 3-12c
Area and Bulk Requirements
I - 4 California Area School District

Minimum Lot Area	N/A
Minimum Lot Width	100 ft.
Minimum front yard setback	25 ft.
Minimum side yard setback	10 ft.
Minimum rear yard setback	25 ft.
Maximum structure height	N/A
Maximum lot cover (as % of total area)	N/A

NOTES:

"N/A" means not applicable or no requirement.

Any building in excess of the height standards set forth herein must be approved by a variance by the Zoning Hearing Board. In no event shall a variance be approved to permit a building in excess of 75 feet in any district for any reason.

The side-yard setback requirements shall not apply to townhouses, row houses, cluster houses, or any other such connected housing in any district.

SECTION 322 Downtown Development Overlay District.

322.1 It is the intent of the Downtown Development Overlay District to help implement the land use and development policies of the California Borough Comprehensive Plan and create new opportunities for the development or expansion of properties in the overlay district Borough officials wish to encourage economic development through infill development, the redevelopment of underutilized property, and adaptive reuse of existing buildings in the downtown area. The goal is to find a balance of uses where people can live, work, shop and recreate within a convenient walking distance.

322.2 Boundaries: The Downtown Development Overlay District shall consist of following area, located entirely within the C-2 Zoning District, which is described as follows:

Beginning at the intersection of Ash Street and Second Street and proceeding east along Second Street to a point on Second Street approximately fifty feet (50') past its intersection with Union Street. Then proceeding south approximately one hundred and fifty feet (150') to Strawberry Alley. Then proceeding east along Strawberry Alley to its intersection with Rugs Alley. Then proceeding north along Rugs Alley to its intersection with Second Street. Then proceeding east approximately ninety feet (90') to a point along Second Street. Then proceeding north a distance of approximately two hundred seventy-five feet (275'). Then proceeding west, a distance of approximately twenty feet (20'). Then proceeding north, a distance of approximately one hundred feet (100') to First Street. Then proceeding

east along First Street to its intersection with Wood Street Then proceeding south along Wood Street to its intersection with Temperance Alley. Then proceeding east along Temperance Alley to its intersection with Green Street. Then proceeding south along Green Street to its intersection with Monroe Alley. Then proceeding west along Monroe Alley to its intersection with Wood Street. Then proceeding south along Wood Street to its intersection with Fourth Street. Then proceeding west on Fourth Street to its intersection with Peach Alley. Then proceeding north along Peach Alley to its intersection with Monroe Alley. Then proceeding west on Monroe Alley to its intersection with Liberty Street Then proceeding North along Liberty Street to its intersection with Third Street. Then proceeding west along Third Street to its intersection with Ash Street. Then proceeding north on Ash Street to the intersection of Ash Street and Second Street, which is the place of beginning.

- 322.3 Authorized principal and accessory uses permitted by right, special exception and/or conditional use are listed in Tables 3-13a and 3-13b. Area and bulk regulations are listed in Table 3-13c. Parking and other regulations shall conform to the requirements of Article V of this ordinance.

Table 3-13a
Permitted Uses, Special Exceptions and Conditional Uses
Downtown Development Overlay District

Amusement / Recreation (Indoor)	P
Apartments (2 nd Story and Above)	P
Bank/Financial Institution	P
Bed and Breakfast	P
Business Services	P
Catering Business	P
Clinic, Medical	P
Communication Non-Tower, Wireless	CU
Communication Tower, Wireless (Inside ROW)	CU
Communication Tower, Wireless (Outside ROW)	CU
Community Center	P
Convenience Store (without gas pumps)	P
Day Care Center	P
Dwelling, Multi-Family	CU
Essential Communications Tower / Antenna	P
Essential Services	P
Farmers' Market	P
Fruit and Vegetable Stand	P
Funeral Home	P
Garden Center	P
Hotel / Motel	SE
Laundromat	P
Mixed Use Structure	P
Municipal Facilities	P

Office	P
Park	P
Parking Lot, Standalone	P
Personal Services	P
Pharmacy	P
Photographic Studio	P
Place of Public Assembly	P
Place of Worship	P
Private Club	P
Public Utilities Structure	P
Quasi Governmental Buildings	P
Restaurant	P
Retail Stores (less than 25,000 sq. ft.)	P
Retail Stores (greater than 25,000 sq. ft.)	SE
Rooming House	CU
Studio	P
Tavern / Drinking Establishment	P
Transit Stop	P

Table 3-13b

**Accessory Permitted Uses, Special Exceptions and Conditional Uses
Downtown Development Overlay District**

Accessory Uses common in residential areas (such as swimming pools, sheds, play structures, garages, gazebos, etc.)	P
Drive-Thru	P
Family Day Care Home	P
Greenhouse (non-commercial)	P
Home Occupation	CU
No-Impact Home-Based Business	P
Parking Lot, Accessory	P
Satellite Dishes	P
Solar Energy System, Small	P
Temporary Storage Buildings (PODS)	P
Wind Energy System, Small	P

Table 3-13c

**Area and Bulk Requirements
Downtown Development Overlay District**

Front Yard Setback	None The primary façade of the building may be set back no more than fifteen (15) feet from the property line on a public thoroughfare for use of landscaping,
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	courtyards, outdoor seating, etc.
Side Yard Setback	None
Rear Yard Setback	25'
Building Height	Maximum 50'
Lot Coverage	100%

NOTES:

Any building in excess of the height standards set forth herein must be approved by a variance by the Zoning Hearing Board. In no event shall a variance be approved to permit a building in excess of 75 feet in any district for any reason.

The side-yard setback requirements shall not apply to townhouses, row houses, cluster houses, or any other such connected housing in any district.

320.4 Design Standards

322.4.1 Building Orientation and Entrances

322.4.1.1 The front façade of buildings shall be oriented towards the main street on which they are located with the main public pedestrian entrance on this front façade.

322.4.1.2 When buildings are located on corners, the entrance may be located on the corner with an appropriate building articulation to distinguish the entry.

322.4.1.3 All primary building entrances shall have clearly defined, highly visible customer entrances with features such as canopies, porticos, arches, overhangs, etc.

322.4.2 Windows

322.4.2.1 At least forty percent (40%) of the ground floor front façade shall consist of windows, glass doors, or other transparent building surfaces to provide a visual connection from the outside to the inside of the building.

322.4.2.2 Display windows shall begin between twenty-four inches (24") inches to thirty-six inches (36") above ground level and shall end between seventy-eight inches (78") and one hundred and eight inches (108") above ground level.

322.4.2.3 Upper story windows of front facade shall not be boarded or covered and shall comprise a minimum of thirty percent (30%) of the facade above ground level.

322.4.2.4 Reflective, black glass or glass tinted more than forty percent (40%) in windows and doors is prohibited on the ground floor façade.

322.4.3 Building Materials and Covers

- 321.4.3.1 Building materials shall be of commercial grade and the materials at the base of buildings shall be durable, heavy duty and impact resistant.
- 321.4.3.2 Exterior building colors are recommended to be compatible with color palettes that are appropriate for the California region, available at major paint retailers in order to create a harmonious look between downtown buildings.

322.4.4 Awnings

- 322.4.4.1 Awnings are encouraged to provide sun protection for display windows, shelter for pedestrian visual interest, and an exterior sign panel for businesses.
- 322.4.4.2 Awnings must be constructed of durable, protective and water repellant materials, such as canvas or vinyl or architectural materials that are intended to complement the design of the building. Plastic or fiberglass awnings are prohibited.
- 322.4.4.3 The minimum height from ground level to the lowermost portion shall be eight feet (8').
- 322.4.4.4 The maximum horizontal projection shall be no closer than two feet (2') from the back of the curb. Such awning may project over a public sidewalk only and shall not extend over any other portion of the cartway.
- 322.4.4.5 Awnings existing at the time of the passing of this ordinance update, which do not conform to the requirements, shall be considered nonconforming. Nonconforming awnings shall not be rebuilt, enlarged, changed or altered in size, location or appearance. Nonconforming awnings may only be replaced with awnings that conform to the provisions of this ordinance.

322.4.5 Franchise Architecture

- 322.4.5.1 Branded" building design that is trademarked or identified with a particular chain or corporation is prohibited.
- 322.4.5.2 Large logos and/or proprietary colors used over large expanses of buildings are discouraged.
- 322.4.5.3 Building materials should be of high quality and well maintained.
- 322.4.5.4 Variation in building design should be utilized to allow thematic consistency.

322.4.6 Off-Street Parking

- 322.4.6.1 Non-Residential: There shall be no minimum off-street parking requirement.
- 322.4.6.2 Residential: Shall provide one (1) space per dwelling unit. Parking may be provided off site, if a lease is provided.
- 322.4.6.3 Any parking provided shall be to the rear of the building.
- 322.4.6.4 Service areas shall be to the rear of the building.
- 322.4.6.5 Safe provisions for pedestrian access to and through a parking lot shall be provided, to include night lighting.

322.4.7 Lighting

- 322.4.7.1 Building and signage lighting must be indirect with the light sources hidden from direct pedestrian and motorist view.
- 322.4.7.2 All exterior lighting shall be designed to prevent glare onto adjacent properties and shall be designed so that the illumination is a minimum of 0.6 foot candles and a maximum of 1.0 foot candles.
- 322.4.7.3 The maximum height for lighting fixtures shall be thirty feet (30') for parking areas and fifteen feet (15') for pedestrian walkways.

322.4.8 Screening

- 322.4.8.1 Any outdoor refuse area shall be located to the rear of the building and be entirely screened from view.
- 322.4.8.2 All mechanical, electrical, communication, and service equipment, including satellite dishes, air conditioning units, large vents and vent pipes; heat pumps and mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view and ground level by parapets, walls, fences, landscaping or other approved means.
- 322.4.8.3 Location of Screening: A continuous planting, hedge, fence, wall or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material or vehicular use area, landscaping material of such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such

material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.

- 322.4.8.4 Protection of Screening Material: Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen inches (18") from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be twelve feet (12') to allow service vehicles access to the container.

322.4.9 Signage

- 322.4.9.1 Signage must conform to Section 515 of this ordinance.

322.4.9.2 Sign Materials

322.4.9.2.1 Sign materials shall be consistent with and complement the construction materials and architectural style of the building façade on which they are displayed.

322.4.9.2.2 Every sign shall be constructed of durable materials, using non-corrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the PA Uniform Construction Code, and shall be maintained in safe condition and good repair at all times so that the sign information is clearly legible.

322.4.9.3 Permitted Sign Types

322.4.9.3.1 Canopy or Awning Signs

1. Shall be securely fastened by metal supports to the building surface and meet all applicable building codes.
2. May not extend above the parapet wall and shall maintain a clear height of eight feet (8') above the ground level.
3. No canopy or awning sign shall be wider than the building wall or tenant space it identifies.
4. If canopies or awnings are used as the primary building sign (i.e. wall sign), the area of such sign may not exceed twenty-five percent (25%) of the surface of the canopy or awning or six (6) square feet, whichever is less.

5. Sign copy may only appear on the vertical face of the awning or canopy.
6. If canopies or awnings are used as a secondary sign in addition to a wall sign, lettering may be placed on the edge of a canopy or awning hanging perpendicular to the street if the lettering is nine inches (9") or less in height.
7. If the canopy or awning is mounted on a multi-tenant building, all canopy or awning signs shall be similar in terms of height, projection and style across all tenants in the building.

322.4.9.3.2 Marquee Signs

1. One (1) marquee sign shall be permitted on a lot occupied by one or more authorized nonresidential uses, and shall be located above the principal entrance of a building facing a public street or parking lot.
2. No marquee shall be wider than the entrance it serves, plus two feet (2') on each side thereof.
3. Marquee signs shall be permitted over the public right-of-way clear of street trees and street lighting but shall be no closer than two feet (2') to the back of the curb.
4. A minimum overhead clearance of eight feet (8') from the sidewalk to the bottom of the marquee structure is required, and no portion of a marquee sign shall extend vertically above the eave line.
5. A marquee shall allow for clear visibility of traffic signals and regulatory signs.

322.4.9.3.3 Wall Signs

1. The maximum area of wall signs, including religious symbols for places of worship, along the frontage of any building shall be equal to two (2) square foot of sign age for each one (1) lineal foot of building frontage, but shall not exceed fifty (50) square feet or any greater limitation established in the Ordinance.
2. All wall signs shall be oriented to face the street by being mounted on the building façade generally parallel or perpendicular to the street.
3. In the Downtown Development Overlay District, the following regulations for wall signs shall apply:
 - a. One (1) indirectly illuminated or internally illuminated wall sign shall be permitted for authorized nonresidential uses.

- b. For buildings with multiple tenants, one (1) additional wall sign may be permitted to be used as a directory sign, provided such signs do not exceed twenty-four (24) square feet and shall be located within six feet (6') of the doorway serving such uses. Such signs may include changeable copy.

322.4.9.3.4 Window Signs

1. Permanent window signs shall not exceed fifteen percent (15%) of the area of the window through which the sign may be seen or six (6) square feet, whichever is less.
2. Permanent window signs shall be "see-through" with a transparent background.
3. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building.
4. Businesses shall be permitted to erect one (1) or more temporary window signs on each window of the premises, but the total area of all window signs in any one (1) window shall not exceed ten percent (10%) of the area of that window. Such temporary window signs shall be displayed for no longer than thirty (30) days.

322.4.9.3.5 Sandwich Board Signs

1. Sandwich board signs shall not exceed eight (8) square feet.
2. Sandwich board signs are permissible along the sidewalk, provided that a minimum walking distance of five feet (5') shall be maintained to allow a pathway for pedestrians
3. Only one (1) sandwich board sign is permitted in front of the business it advertises.
4. Sandwich board signs shall be weighed at the base so that the sign cannot be moved by strong winds.
5. Sandwich board signs shall be taken inside at the close of business each day

322.4.9.3.6 Signs on buildings with frontage on multiple public streets (alleys are not considered public streets)

1. A sign on each face of the building is treated independently for type of sign install and for meeting requirements of this Ordinance.

321.4.9.3.7 Digital signs

1. Permitted as a conditional use.

322.4.10 Landscaping

- 322.4.10.1 Landscaping shall be provided on any portion of the site that is not developed for buildings or parking.
- 322.4.10.2 All year areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses shall be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between a November 1st through April 1st time period, In such case, the required sodding or seeding shall occur within two (2) weeks of April 1st.
- 322.4.10.3 All applicants shall submit a landscaping plan, in addition to a site plan, showing initial sizes, locations and species of plantings.
- 322.4.10.4 Wherever possible, the landscaping plan shall preserve and utilize existing areas of healthy natural vegetation.
- 322.4.10.5 New planting materials shall be chosen to prevent soil erosion and subsequent sedimentation and shall be disease free and suitable for the local climate. All new planting materials shall be healthy nursery stock.
- 322.4.10.6 Except as otherwise noted, all new trees shall be balled and burlapped and shall have a minimum size of not less than 1.5 inches caliper diameter breast height (dbh).
- 322.4.10.7 All landscaping required by this Ordinance shall be perpetually maintained by the property owner. Any landscaping that dies, is removed or is severely damaged shall be replaced by the current property owner on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of one hundred and fifty (150) days.
- 322.4.10.8 No certificate of occupancy shall be issued for the premises upon which landscaping is required until it has been installed. In the event that the season is not appropriate for such installation, a performance guarantee shall be posted with the Borough in an amount equal to one hundred and ten percent (110%) of the estimated cost of installation. Landscaping shall be installed within nine (9) months of the Borough's receipt of the performance guarantee.
- 322.4.10.9 Parking Lot Landscaping (for standalone lots)
- 322.4.10.9.1 Parking lots shall be effectively landscaped with deciduous trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights; to delineate driving lanes, and to define rows of parking. Furthermore, parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics.
- 322.4.10.9.2 Deciduous trees required by this section shall meet the

following standards:

1. Trees shall shade paved areas; be resistant to disease, road salt and air pollution, and be attractive.
2. The trunk diameter {measured at a height of six inches (6") above finished grade) shall be a minimum of 1.5 inches (1.5") or greater.
3. Trees shall be planted in conformance with good landscaping practices; have adequate unpaved surface around each for water and air, and be properly protected by curbs, curbstops, distance, or other devices from damage from vehicles.
4. Landscaped areas shall not obstruct sight distances for motorists or pedestrians, nor shall such landscaping create any potential hazard to public safety.

322.4.11 The development of any parcel of ground in this zoning district shall conform to the requirements established in this ordinance and any other adopted policies or ordinances related to land development in the municipalities.

ARTICLE IV
Supplemental Regulations

SECTION 401 Accessory Dwelling Unit

- 401.1 Accessory dwelling units are an accessory use to the principal residence on the lot and are permitted as a conditional use in the A-1, R-1, R-2, R-3, C-1 and MU zoning districts.
- 401.2 Applicants shall provide proof of relations and the economic or health benefits to be provided by the persons occupying the accessory dwelling unit.
- 401.3 All detached accessory dwelling unit structures which are detached from the principal residence shall meet the setbacks for accessory structures in that zoning district.
- 401.4 All detached accessory dwelling unit structures which are detached from the principal residence shall be served by approved public utilities.
- 401.5 All detached accessory dwelling unit structures which are detached from the principal residence shall have the structure removed or returned to an otherwise accessory use permitted by the ordinance, once the need for such use has ceased to exist.
- 401.6 All accessory dwelling uses, which are located within the principal residence dwelling, can be approved as a dwelling, two family residence, and can apply for a zoning permit as a conditional use in the A-1 and R-1 zoning district and as a Permitted use in the R-2, R-3 zoning districts.

SECTION 402 Agricultural Operation

- 402.1 Minimum lot size for an Agricultural Operation is five (5) acres.
- 402.2 All agricultural practices shall comply with the Pennsylvania Department of Environmental Protection (DEP) standards regarding nutrient management.
- 402.3 Commercial composting is prohibited. Any on-site composting shall be limited for use on premises on which such composting is made and produced.
- 402.4 Solid and liquid wastes shall be disposed of frequently in a manner to avoid creating insect or rodent problems, or a public nuisance. No emission of noxious, unpleasant gases shall be permitted in such quantities as to be offensive outside the lot lines of the tract occupied by an agricultural user.
- 402.5 Surface water run-off shall be diverted away from adjacent properties and shall not contaminate downstream watercourses.
- 402.6 No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- 402.7 Structures may be erected for a private stable, pen, barn, shed, or silo for raising, treating, and storing products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.
- 402.8 Standings under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding, or other potential nuisances.

- 402.9 Fences for pens, corrals, or similar enclosures for livestock must be of sufficient height and strength to retain the animals. No pen, corral, or similar enclosure may be closer than twenty-five (25) feet to an adjacent property line.
- 402.10 Any new operation as part of an existing agricultural operation shall not be approved by the Borough until erosion and sedimentation control plan has been prepared and found satisfactory by the Washington County Conservation District, if said plan is applicable.

SECTION 403 Backyard Chickens

- 403.1 The outdoor keeping of chickens shall be permitted as an accessory use to a single family dwelling homes, provided the following requirements are met:
- 403.1.1 A minimum lot size of 2,000 square feet is required. For properties with a minimum of two thousand (2,000) square feet in size, the property owner is permitted to keep three (3) chickens. For every additional one thousand (1,000) square feet of property, the owner is permitted one (1) additional chicken.
- 403.1.2 The maximum number of chickens permitted on any lot shall be six (6).
- 403.1.3 No mature roosters shall be permitted.
- 403.1.4 All structures related to the housing of chickens shall be at least six (6) square feet in size and a minimum of two (2) square feet per additional chicken.
- 403.1.5 All structures and roaming areas shall be kept sanitary and free from accumulation of animal excrement and objectionable odor.
- 403.1.6 Outdoor roaming areas for chickens shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic, and to minimize external impacts of the outdoor roaming areas.
- 403.1.7 All structures, including fences, necessary for and related to the keeping of chickens shall be subject to any required setbacks of the underlying zoning district., but shall in all cases be a minimum of ten (10) feet from any property line.
- 403.1.8 The killing or dressing of animals raised on the premises shall be prohibited

SECTION 404 Bed and Breakfast

- 404.1 No more than six (6) guest rooms suitable to accommodate twelve (12) guests shall be provided. No guests shall be accommodated for more than seven (7) consecutive nights.
- 404.2 There shall be no separate cooking facilities in the guestrooms.
- 404.3 Amenities provided by the Bed and Breakfast such as swimming pools, porches, or decks shall be limited for the use of the guests of the facility only.
- 404.4 In addition to the parking requirements in Section 510 of this Ordinance, there shall be one (1) off-street, indoor or outdoor parking space per guest room and one (1) space for each non-resident or resident employee. The off-street spaces shall be screened from adjacent residential properties by fencing or natural vegetation in accordance with Section 510 of this Ordinance.

SECTION 405 Cemetery

- 405.1 A minimum site of ten (10) acres is required. Any building or area used for storage of equipment shall be setback a minimum of 50 feet from any lot in a residential district.
- 405.2 A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
- 405.3 A ground water study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application.
- 405.4 Plans for ingress/egress to the site shall be referred to the Borough Police Department for comments regarding public safety.
- 405.5 All maintenance equipment shall be properly stored in an enclosed building when not in use.
- 405.6 Burial sites shall comply with the setbacks required for principal structures in the Zoning District and burial structures shall not be located within one hundred (100) feet of any property line adjoining residential use or Zoning District classification.
- 405.7 The applicant shall submit legal provisions for review by the Borough to show that an acceptable system will be in place to assure the long-term maintenance of the cemetery.

SECTION 406 Camping or Recreational Vehicle Storage

- 406.1 Trailers, including travel trailers, pick-up coaches, motorized homes and boat trailers, may be parked or stored subject to the following requirements:
 - 406.1.1 At no time shall such parked or stored camping and recreation equipment be occupied or used for living, sleeping, or housekeeping purposes.
 - 406.1.2 Parking and storing of camping and recreational equipment shall be limited to the interior of automobile garages, other available on-lot accessory building or to that portion of the lot to the rear of the principal building.
 - 406.1.3 All recreational vehicles parked on a residential lot shall have current registration and state inspection.
 - 406.1.4 Recreational vehicles shall only be parked on property owned by the registered owner of the vehicle. No recreational vehicle may be parked on a public street or alley within the Borough, except where authorized by Borough Council.

SECTION 407 Compressor Station

- 407.1 Permitted in the AG, MI and I-4 Districts as a conditional use.
- 407.2 The minimum site area of ten (10) acres shall apply to compressor stations in any zoning district they are provided for as a conditional use.

- 407.3 To minimize impacts of on-going compressor station noise on surrounding land uses, a compressor station shall not be located any closer than two thousand five hundred (2,500) feet to another existing or proposed compressor station independent of who owns/operates the adjacent compressor station. If noise-controlling structures or technologies reduce on-site noise levels, said distance may not be applicable to said proposed compressor station as reviewed by the Borough Planning Commission and approved by the Borough Council.
- 407.4 All principal buildings and accessory structures shall be set back at least one thousand five hundred (1,500) feet from any protected structure including a minimum of one hundred (100) feet from any property line. To ensure health, safety and welfare of Borough residents and businesses, the Borough reserves the right to increase the minimum necessary set back distance from a property line based upon existing and/or proposed site conditions and/or in context of surrounding land use activity. These apply to electric-, gas- or petroleum-powered compressors.
- 407.5 Compressors shall be located within a completely enclosed building. During periods of normal operations, doors, windows and similar operations shall remain closed.
- 407.6 The building or noise abatement enclosure surrounding the engines and compressors shall be sound-proofed as necessary to meet the maximum allowable noise levels permissible as specified by the Borough's Ordinances, State and Federal law or/and regulations.
- 407.7 All property lines shall be screened by buffer areas for the distance necessary to screen buildings, structures, parking areas, storage areas and equipment.
- 407.8 The operator must provide a plan for the transmission of gas, water, oil or other substances to and from the station. The operator shall identify the location of, but not limited to, gathering lines, compressors, and other mid and downstream facilities located within the Borough and extending eight (800) feet beyond the Borough boundary. The Operator shall provide the Borough with all state and federal permits that have been acquired, and bonding agreements, and proof of ability to operate such lines.
- 407.9 The Operator shall provide all material safety data sheets (MSDSs) for all materials produced, stored or distributed on site to the Borough Emergency Management Coordinator a minimum of thirty (30) days prior to their use.
- 407.10 The Operators shall provide a site orientation for Borough's emergency first responders regarding operations, equipment and chemicals present at the facility.
- 407.11 The Operator shall provide a prioritized call list with names, addresses, and phone numbers for 24-hour emergency contact.
- 407.12 Heavy truck traveling to and from the compressor station shall be permitted only between the hours of 7:00 a.m. and 7:00 p.m., prevailing time. Emergency vehicles and field maintenance vehicles are exempted from this limitation.
- 407.13 Tracking of mud, dirt and debris onto Borough streets shall not occur. In the event of such occurrence, measures shall be taken to clean any mud, dirt and debris from Borough streets immediately upon notification.

- 407.14 The Operator shall demonstrate continued compliance with all applicable local, State and Federal permits and regulations.
- 407.15 No person shall place, deposit, discharge or cause to be placed, deposited or discharged any oil, petroleum, asphalt, tar, hydrocarbon substance or any refuse including wastewater or brine from any natural gas processing or treatment facility or the contents of any container used in connection with any natural gas processing facility into, or upon any public right-of-way, alley, street, lot, storm drain, ditch or sewer, sanitary drain, lake, pond, creek or similar body of water or any private property without permits from the appropriate regulatory agencies.
- 407.16 The site shall be secured by a minimum eight (8) foot high chain link fence with a locking gate that shall be kept locked when employees are not on the premises.
- 407.17 The applicant / site developer shall maintain a current list of all subcontractors working on the site and each subcontractor's contact information. Said list shall be provided to the Borough on at least a monthly basis.
- 407.18 All equipment and facilities shall comply with applicable performance standards of the Borough and if the equipment and facilities exceed the limits established by the Borough, the Borough may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance with the standards.
- 407.19 Lighting on the site shall be directed downwards and shielded so as to avoid glare on public roads and adjacent properties. Lighting shall not exceed 0.2 foot-candles when measured ten (10) feet from any property line. To the extent permitted by safety considerations, exterior lighting shall be turned off between dusk and dawn, except during maintenance activities on the site.
- 407.20 Compressor stations shall have an adequate area improved with a dust-free all-weather surface which shall be provided on the site for parking maintenance vehicles during routine visits.
- 407.21 The Borough reserves the right to impose the requirement of a risk assessment report related to the facility's safety and/or any and all reasonable safeguards or conditions necessary to implement the intent of this ordinance and shall review the particular facts and circumstance of each proposed conditional use application in terms of the applicable use standards.
- 407.22 Operator shall take any and all appropriate measures and efforts to control and to curtail dust emanating from the site.
- 407.23 A waiver form from a property owner(s) may be signed relieving the operator from implementation of the measures established in this Section of the Ordinance or other applicable provisions of California Borough. In the waiver, the owner must acknowledge that the operator is explicitly relieved from complying with the regulations applicable to this Section. The waiver form must be notarized and provided to the Borough.

SECTION 408 Communications Tower / Antenna

- 408.1 General Requirements for all Tower-Based Wireless Communications Facilities.

The following regulations shall apply to all Tower-Based Wireless Communications Facilities, which

shall require conditional use approval by the Borough:

- 408.1.1 Standard of Care – The WCF applicant shall present documentation that the Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electric Safety Code, National Electric Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
- 408.1.2 Wind – Any Tower-Based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA 222-E Code, as amended).
- 408.1.3 Public Safety Communications – No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- 408.1.4 Maintenance – The following maintenance requirements shall apply:
 - 408.1.4.1 Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be only visited for maintenance or emergency repair.
 - 408.1.4.2 Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.
 - 408.1.4.3 All maintenance activities shall utilize nothing less than the best available technology for preventing any failures and accidents.
- 408.1.5 Radio Frequency Emissions – No Tower-Based WCF may, by itself or in conjunction with other WCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- 408.1.6 Historic Buildings or Districts – No tower-based WCF may be located on a building, structure, or site that is listed on either the National or Pennsylvania Register of Historic Places or the Official Historic Structures and/or Historic Districts Lists maintained by the Borough or that have been designated by the Borough as being of historic significance.
- 408.1.7 Identification – All tower-based WCFs shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Borough.

- 408.1.8 Lighting – Tower-based WCFs shall not be artificially lighted, except as required by law and as may be approved by the Borough. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
- 408.1.9 Appearance – Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.
- 408.1.10 Noise – Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of the applicable noise standards under Pennsylvania law and Borough regulations, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- 408.1.11 Aviation Safety – Tower-based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- 408.1.12 Notice – Upon receipt of an application for a tower-based WCF, the Borough shall mail notice thereof to the owner or owners of every property within 500 linear feet of the property or parcel of the proposed facility.
- 408.1.13 Retention of Experts – The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this ordinance. The applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- 408.1.14 Timing of Approval – Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Borough, the Borough shall notify the applicant in writing of any information that may be required to complete such application. As conditional use approval is required, the governing body shall render a decision within 45 days after the last hearing before the governing body. All other applications, including land development, for tower-based WCFs shall be acted upon within 90 days of the receipt of a fully completed application for the approval of such tower-based WCFs, and the Borough shall advise the applicant in writing of its decision. If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the ninety-day review period.
- 408.1.15 Nonconforming Uses – Nonconforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this ordinance.
- 408.1.16 Removal – In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

408.1.16.1 All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six months of the cessation of operations at the site, unless a time extension is approved by the Borough.

408.1.16.2 If the WCF and/or accessory facility is not removed within six months of the cessation of operations at a site, or within any longer period approved by the Borough, the Borough may issue a violations notice or proceed with enforcement remedies.

408.1.16.3 Any unused portions of tower-based WCFs, including antennas, shall be removed within six months of the time of cessation of operations. The Borough must approve all replacements of portions of a tower-based WCF previously removed.

408.1.17 Permit fees – The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the conditional use application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs.

408.1.18 Bond – Prior to the issuance of a permit, the owner of a tower-based WCF shall, at its own cost and expense, obtain a bond from a surety licensed to do business in Pennsylvania and maintain said bond, or other form of security acceptable to the Borough Solicitor, in an amount of \$100,000.00 to assure the faithful performance of the terms and conditions of this ordinance. The bond shall provide that the Borough may recover from the principal and surety any and all damages incurred by the Borough for violations of this section, after reasonable notice and opportunity to cure has been provided. The owner shall file a copy of the bond with the Borough.

408.2 Tower-Based Facilities Outside the Rights-of-Way.

The following regulations shall apply to tower-based wireless communications facilities located outside the rights-of-way:

408.2.1 Development regulations:

408.2.1.1 Conditional use in all zoning districts – Applicants seeking to construct a tower-based WCF must first apply to the Borough to determine if a suitable site is available on Borough-owned and/or controlled land or structures, irrespective of zoning district. If the facility is not to be located on Borough-owned and/or controlled facilities, said use must be approved by the Borough.

408.2.1.2 Gap in Coverage – An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least-intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Borough's decision on an application for approval of tower-based WCFs.

- 408.2.1.3 Height – Any tower-based WCF outside of the rights-of-way shall be designed at the minimum functional height and shall not exceed a maximum total height of 150 feet, which height shall include all subsequent additions or alterations. All tower-based WCF applicants must submit documentation to the Borough justifying the total height of the structure.
- 408.2.1.4 Sole Use on a Lot – A tower-based WCF can be permitted as a sole use on a lot, subject to the minimum lot area and yards, complying with the requirements for the applicable zoning district.
- 408.2.1.5 Combined with another use – A tower-based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:
 - 408.2.1.5.1 The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the communications facility.
 - 408.2.1.5.2 Minimum lot area - The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting.
 - 408.2.1.5.3 Minimum setbacks - The tower-based WCF and accompanying equipment building shall not be located in the minimum front, rear, or side yard setbacks for the applicable zoning district. Further, no tower-based WCF shall be located within 200 feet of any occupied building.
 - 408.2.1.5.4 Vehicular access to the tower-based WCF shall not interfere with parking or circulation on the site.
- 408.2.2 Co-location – An application for a new tower-based WCF shall not be approved unless the Borough finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Borough that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
- 408.2.3 Design Regulations:

- 408.2.3.1 The WCF shall employ the most-current camouflaging methods available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the camouflaging methods chosen by the WCF applicant shall be subject to the approval of the Borough.
 - 408.2.3.2 Where the proposed site abuts a residential zoning district, tower-based WCFs shall be permitted only where they are disguised by attaching them to an existing tall structure where the proposed tower-based WCF does not increase the height of the existing structure or by disguising the tower-based WCF so it resembles a tree, a silo, or a church steeple so that it will fit in with the residential character of the community.
 - 408.2.3.3 Any height extensions to an existing tower-based WCF shall require prior approval of the Borough.
 - 408.2.3.4 Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for future users.
- 408.2.4 Surrounding Environs:
- 408.2.4.1 The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
 - 408.2.4.2 The WCF applicant shall submit a soil report to the Borough complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.
- 408.2.5 Fence/Screen:
- 408.2.5.1 A security fence having a maximum height of six feet shall completely surround any tower-based WCF, guy wires, or any building housing WCF equipment.
 - 408.2.5.2 An evergreen screen that consists of a hedge, or a row of evergreen trees shall be located along the perimeter of the security fence.
 - 408.2.5.3 The WCF applicant shall submit a landscape plan for review and approval by the Borough for all proposed screening.
- 408.2.6 Accessory equipment:
- 408.2.6.1 Ground-mounted equipment associated with, or connected to, a tower-based WCF shall be underground. In the event that an applicant can demonstrate that the equipment cannot be located

underground to the satisfaction of the Borough Engineer, then the ground-mounted equipment shall be screened from public view using camouflaging methods, as described above.

408.2.6.2 All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

408.2.7 Additional Antennas – As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate antennas on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennas without obtaining the prior written approval of the Borough.

408.2.8 Access Road/Lease Area – An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCFs. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Borough that the property owner has granted an easement and/or signed a lease agreement for the proposed facility.

408.2.9 Site Plan Required – In order to determine that the requirements of the conditional use and this section are met, the applicant shall present a site plan showing, at a minimum, the following items:

408.2.9.1 Locations of all existing uses and proposed WCFs.

408.2.9.2 Elevations and drawings of any existing uses and proposed tower-based WCFs, showing proposed width, depth, height, architectural style and structural data for any towers, antenna, etc., proposed.

408.2.9.3 Site boundary, lease area boundary, zoning data, setbacks/yards, and adjacent uses.

408.2.9.4 Vehicular access, fencing, landscaping, utility and/or access easements.

408.2.10 Inspection – The Borough reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this section and any other provisions found within the Borough's regulations, Pennsylvania or Federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

408.3 Tower-Based Facilities in the Rights-of-Way.

The following regulations shall apply to tower-based wireless communications facilities located in the rights-of-way:

- 408.3.1 Conditional use, but is prohibited in Rights-of-Way of Neighborhood Collectors and Residential Access Streets and in the Borough's Residential Zoning Districts. No tower-based WCF shall be located within the rights-of-way or future rights-of-way of any neighborhood collector or residential access street as designated by the Borough, nor will any tower-based WCF be located within a residential zone or within 500 feet of a lot in residential use or a residential boundary.
- 408.3.2 Gap in Coverage – An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least-intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Borough's decision on an application for approval of tower-based WCFs in the ROW.
- 408.3.3 Height – Any tower-based WCF in rights-of-way shall be designed at the minimum functional height and shall not exceed a maximum total height of 35 feet, which height shall include all subsequent additions or alterations. All tower-based WCF applicants must submit documentation to the Borough justifying the total height of the structure.
- 408.3.4 Co-location – An application for a new tower-based WCF in the ROW shall not be approved unless the Borough finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a tower-based WCF in the ROW shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Borough that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
- 408.3.5 Time, Place and Manner – The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all tower-based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
- 408.3.6 Equipment location – Tower-based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:
- 408.3.6.1 In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.
- 408.3.6.2 Ground-mounted equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.

- 408.3.6.3 Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
- 408.3.6.4 Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.
- 408.3.6.5 Any underground vaults related to tower-based WCFs shall be reviewed and approved by the Borough.
- 408.3.7 Design Regulations.
 - 408.3.7.1 The WCF shall employ the most-current camouflaging methods available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the camouflaging methods chosen by the WCF applicant shall be subject to the approval of the Borough.
 - 408.3.7.2 Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for future users.
- 408.3.8 Additional Antennas – As a condition of approval for all tower-based WCFs in the ROW, the WCF applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate antennas on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennas without obtaining the prior written approval of the Borough.
- 408.3.9 Relocation or Removal of Facilities – Within 60 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a tower-based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - 408.3.9.1 The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
 - 408.3.9.2 The operations of the Borough or other governmental entity in the right-of-way;
 - 408.3.9.3 Vacation of a street or road or the release of a utility easement; or
 - 408.3.9.4 An emergency as determined by the Borough.

408.3.10 Compensation for ROW Use – In addition to any permit fees, every tower-based WCF in the ROW is subject to the Borough's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Borough. The owner of each tower-based WCF shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above. The annual ROW management fee for tower-based WCFs shall be determined by the Borough and authorized by resolution of the Borough Council and shall be based on the Borough's actual ROW management costs as applied to such tower-based WCFs.

408.4 General Requirements for all Non-Tower Wireless Communications Facilities.

408.4.1 If the application for a non-tower wireless communications facility WCF is a co-location, modification, or a replacement AND meets all of the criteria listed below in i-v, then the requirements contained in subsection 5(b) below will be applicable. Should the application not be considered a co-location, modification, or replacement or if all the following criteria are not met, then the applicant shall be subject to the requirements of subsection 5(c) below.

408.4.1.1 The proposed co-location, modification, or replacement of a non-tower WCF does not substantially change the physical dimensions of the wireless support structure to which the non-tower WCFs are attached.

408.4.1.2 The proposed co-location, modification, or replacement of a non-tower WCF does not further increase the height of a wireless support structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

408.4.1.3 The proposed co-location, modification, or replacement does not increase the dimensions of the equipment compound previously approved by the Borough.

408.4.1.4 The proposed co-location, modification, or replacement complies with the applicable conditions of approval applied to the initial tower-based WCF, equipment compound, and wireless support structure.

408.4.1.5 The proposed co-location, modification, or replacement does not exceed the applicable wind loading and structural loading requirements for the wireless support structure.

408.4.2 The following regulations shall apply to all non-tower wireless communications facilities that are considered a co-location, modification, or replacement and that meet ALL of the criteria outlined in subsection a above:

- 408.4.2.1 Permitted as a conditional use in all Zoning Districts Subject to Regulations. Non-tower WCFs are permitted in all zoning districts, subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Borough.
- 408.4.2.2 Standard of Care – Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most-recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
- 408.4.2.3 Wind – Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed 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, as amended). A copy of the structural analysis, signed and sealed by a registered engineer in the Commonwealth of Pennsylvania, shall be submitted to the Borough as a portion of the original application.
- 408.4.2.4 Public Safety Communications – No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- 408.4.2.5 Aviation Safety – Non-tower WCFs shall comply with all Federal and Pennsylvania laws and regulations concerning aviation safety.
- 408.4.2.6 Radio Frequency Emissions – No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- 408.4.2.7 Removal – In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned non-tower WCFs or portions of non-tower WCFs shall be removed as follows:

- 408.4.2.7.1 All abandoned or unused non-tower WCFs and accessory facilities shall be removed within three months of the cessation of operations at the site, unless a time extension is approved by the Borough.
 - 408.4.2.7.2 If the non-tower WCF or accessory facility is not removed within three months of the cessation of operations at a site, or within any longer period approved by the Borough, the Borough may issue a violation notice and/or proceed with enforcement remedies.
 - 408.4.2.8 Timing of Approval – Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Borough, the Borough shall notify the applicant in writing of any information that may be required to complete such application. As conditional use approval is required, the governing body shall render a decision within 45 days after the last hearing before the governing body. All other applications, including land development, for tower-based WCFs shall be acted upon within 90 days of the receipt of a fully completed application for the approval of such tower-based WCFs, and the Borough shall advise the applicant in writing of its decision. If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the ninety-day review period.
 - 408.4.2.9 Permit fees – The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a non-tower WCF or \$1,000.00, whichever is less.
- 408.4.3 The following regulations shall apply to all non-tower wireless communications facilities that are not considered co-locations, modifications, or replacements OR do not meet all the requirements of the criteria listed in subsection a:
 - 408.4.3.1 Permitted as a conditional use in all zoning districts subject to regulations. Non-tower WCFs are permitted in all zoning districts, subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Borough.
 - 408.4.3.2 Upon receipt of an application for any non-tower WCF, the Borough shall mail notice thereof to the owner or owners of every property within 500 linear feet of the parcel or property of the proposed facility.
 - 408.4.3.3 Standard of Care – Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the

most-recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.

- 408.4.3.4 Wind – Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed 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, as amended).
- 408.4.3.5 Public Safety Communications – No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- 408.4.3.6 Historic buildings – Non-tower WCFs may not be located on a building or structure that is listed on either the National or Pennsylvania Register of Historic Places or the Official Historic Structures and/or Historic District List maintained by the Borough or has been designated by the Borough as being of historic significance.
- 408.4.3.7 Aviation Safety – Non-tower WCFs shall comply with all Federal and Pennsylvania laws and regulations concerning aviation safety.
- 408.4.3.8 Maintenance – The following maintenance requirements shall apply:
 - 408.4.3.8.1 The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - 408.4.3.8.2 Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.
 - 408.4.3.8.3 All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- 408.4.3.9 Radio Frequency Emissions – No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC

Guidelines for Human Exposure to Radio Frequency
Electromagnetic Fields," as amended.

- 408.4.3.10 Removal – In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned non-tower WCFs or portions of non-tower WCFs shall be removed as follows:
- 408.4.3.10.1 All abandoned or unused non-tower WCFs and accessory facilities shall be removed within three months of the cessation of operations at the site, unless a time extension is approved by the Borough.
- 408.4.3.10.2 If the non-tower WCF or accessory facility is not removed within three months of the cessation of operations at a site, or within any longer period approved by the Borough, the Borough may issue a violations notice and/or proceed with enforcement remedies.
- 408.4.3.11 Timing of Approval – Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Borough, the Borough shall notify the applicant in writing of any information that may be required to complete such application. As conditional use approval is required, the governing body shall render a decision within 45 days after the last hearing before the governing body. All other applications, including land development, for tower-based WCFs shall be acted upon within 90 days of the receipt of a fully completed application for the approval of such tower-based WCFs, and the Borough shall advise the applicant in writing of its decision. If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the ninety-day review period.
- 408.4.3.12 Retention of experts – The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the non-tower WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the non-tower WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- 408.4.3.13 Bond – Prior to the issuance of a permit, the owner of each individual non-tower WCF shall, at its own cost and expense, obtain a bond from a surety licensed to do business in Pennsylvania and maintain said bond, or other form of security

acceptable to the Borough Solicitor, in an amount of \$5,000.00 for each individual non-tower WCF, to assure the faithful performance of the terms and conditions of this section. The bond shall provide that the Borough may recover from the principal and surety any and all compensatory damages incurred by the Borough for violations of this section, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Borough.

- 408.4.3.14 Permit fees – The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a non-tower WCF, as well as related inspection, monitoring and related costs.

408.5 Non-Tower Wireless Facilities Outside the Rights-of-Way.

The following additional regulations shall apply to non-tower wireless communications facilities located outside the rights-of-way that do not meet the criteria in Subsection 5(a):

- 408.5.1 Development Regulations – Non-tower WCFs shall be co-located on existing structures, such as existing buildings or previously approved wireless support structures, subject to the following conditions:
 - 408.5.1.1 Such non-tower WCF does not exceed a maximum height of 150 feet, inclusive of its support structure.
 - 408.5.1.2 If the non-tower WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - 408.5.1.3 A six-foot-high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
- 408.5.2 Design Regulations.
 - 408.5.2.1 Non-tower WCFs shall employ camouflaging methods and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the camouflaging methods chosen by the non-tower WCF applicant shall be subject to the approval of the Borough.
 - 408.5.2.2 Non-tower WCFs which are mounted to a building or similar structure may not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the non-tower WCF applicant obtains an additional permit.

- 408.5.2.3 All non-tower WCF applicants must submit documentation to the Borough justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
- 408.5.2.4 Antennas, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.

408.5.3 Removal, Replacement, Modification.

- 408.5.3.1 The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the non-tower WCF is permitted, so long as such repair or upgrade does not increase the overall size of the non-tower WCF or the number of antennas.
- 408.5.3.2 Any substantial modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.

408.5.4 Inspection – The Borough reserves the right to inspect any non-tower WCF to ensure compliance with the provisions of this section and any other provisions found within the Borough’s regulations or Pennsylvania or Federal law. The Borough and/or its agents shall have the authority to enter the property upon which a non-tower WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

408.6 Non-Tower Wireless Facilities in the Rights-of-Way.

The following additional regulations shall apply to all non-tower wireless communications facilities located in the rights-of-way that do not meet the criteria in Subsection 5(a):

- 408.6.1 Co-location – Non-tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.
- 408.6.2 Design Requirements:
 - 408.6.2.1 Non-tower WCF installations located above the surface grade in the public ROW, including, but not limited to, those on streetlights and joint utility poles, shall be compatible in scale and proportion to the structures upon which they are mounted. Non-tower WCFs in the ROW may not exceed a height of six feet above the structure upon which they are mounted, unless the applicant receives an additional permit. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - 408.6.2.2 Antennas and all support equipment shall be treated to match the supporting structure. Non-tower WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually

compatible with the support structure upon which they are mounted.

- 408.6.3 Equipment Location – Non-tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:
- 408.6.3.1 In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.
- 408.6.3.2 Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the Borough Engineer, that ground-mounted equipment cannot be placed underground, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
- 408.6.3.3 Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
- 408.6.3.4 Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.
- 408.6.3.5 Any underground vaults related to non-tower WCFs shall be reviewed and approved by the Borough.
- 408.6.4 Time, Place and Manner – The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
- 408.6.5 Relocation or Removal of Facilities – Within 60 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a non-tower WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any non-tower WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- 408.6.5.1 The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;

- 408.6.5.2 The operations of the Borough or other governmental entity in the right-of-way;
- 408.6.5.3 The vacating of a street or road or the release of a utility easement; or
- 408.6.5.4 An emergency as determined by the Borough.

408.7 Compensation for ROW Use – In addition to permit fees as described above, every non-tower WCF in the ROW is subject to the Borough's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Borough. The owner of each non-tower WCF shall pay an annual fee to the Borough to compensate the Borough for its costs incurred in connection with the activities described above. The annual ROW management fee for non-tower WCFs shall be determined by the Borough and authorized by resolution of Borough Council and shall be based on the Borough's actual ROW management costs as applied to such non-tower WCF.

SECTION 409 Contractor's Business (Primary Use)

- 409.1 All applications for this use shall submit a site plan to be reviewed and approved by the Planning Commission and Borough Council.
- 409.2 The site must contain a permanent building designated for use by the business.
- 409.3 That portion of the lot intended or utilized for storage of contractor's equipment or building materials shall be located at least twenty five (25) lineal feet in any direction from any adjoining lot line, and in no circumstance shall storage be located in the front yard.
- 409.4 Outdoor storage and inventory areas shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- 409.5 All outdoor storage and inventory areas shall be enclosed and surrounded by a fence or wall at least six (6) feet in height and eight (8) feet if approved by borough council.
- 409.6 A contractors business that adjoins a residential zoning district or any existing adjacent residential use shall not begin mechanical operations until 7:00 AM and shall cease mechanical operations by 10:00 PM.
- 409.7 All storage of new, used or discarded parts or materials shall be within an enclosed structure.
- 409.8 Ingress and egress shall be designed so as not to create hazardous conditions or unnecessary congestion of traffic in the immediate area. All provisions for traffic movement shall be satisfactorily documented as a part of the application and be subject to acceptance by the Borough Council as part of the approval process.
- 409.9 All storage and handling of fuel, oil and similar substances shall be carried out in accordance with all legal and accepted safety requirements.

SECTION 410 Contractor's Business (Accessory Use)

- 410.1 Official residence shall be maintained by the occupant who may be the owner, a renter, or a lessee.

- 410.1.1 This use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- 410.1.2 The exterior appearance of the dwelling unit is constructed and maintained as a residential use.
- 410.1.3 The contractor's business shall be limited to the building trades
- 410.1.4 The use shall only be within an accessory structure located on the property or an attached garage, as a part of the dwelling.
- 410.1.5 There shall be no more than one (1) employee employed on the premises.
- 410.1.6 Off-street parking shall be provided for as required in Section 510.
- 410.1.7 No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the business shall be met off the street.
- 410.1.8 All storage of contractor's equipment and materials and supplies shall be inside an accessory building.
- 410.1.9 Licensed vehicles used in the business may be stored outside on the property.

SECTION 411 Day Care Center, Adult and Child

- 411.1 All day care centers must be licensed by the PA Department of Public Welfare and must operate in accordance with the requirements of the Department.
- 411.2 A day care center operator shall forward a copy of the current certificate of registration as issued by the PA Department of Public Welfare to the Borough.

SECTION 412 Digital Signs

- 412.1 A Digital sign may be permitted as a Conditional Use in the C-1, C-2, Downtown Overlay District, MU, M-1, I-1, I-2, I-3 and I-4 Zoning districts when approved by the Borough Council, after review by the planning commission, provided that all of the following requirements are met:
 - 412.1.1 Information content shall advertise the business or use being conducted on the premises.
 - 412.1.2 Information content shall be alphabetical, numeric and or still images only. No animation is permitted.
 - 412.1.3 Sign change of message shall be subject to the following regulations:
 - 412.1.3.1 The time interval used to change from one complete message to the next message shall be a maximum of one (1) second.
 - 412.1.3.2 There shall be no appearance of visual dissolve or fading, in which any part of one electronic message appears simultaneously with any part of a second electronic message.
 - 412.1.3.3 There shall be no appearance of flashing, sudden bursts of light or change of intensity of light, and no appearance of animation.

412.1.3.4 Any Illumination, intensity, or contracts of light level shall remain constant.

- 412.2 The hours of operation for a digital sign shall be determined by borough council. If the borough council determines that the sign may operate 24 hours per day, it shall be equipped with an automatic day/night dimming software, to reduce the illumination intensity of the sign from the time of business closing to 7:00 AM.
- 412.3 A digital sign shall not exceed one square foot of sign area for each linear feet of lot frontage up to a maximum sign area of 100 square feet. The sign area of a digital sign shall not be included in the maximum cumulative sign area permitted in section 515 of this ordinance.
- 412.4 The maximum height of a digital sign is 25 feet.
- 412.5 The sign shall be located a minimum distance of 10 feet from the street right-of way line.
- 412.6 Only 1 permanent digital sign shall be permitted on a lot.
- 412.7 Public Service Announcements: The owner of every digital sign shall coordinate with local authorities to display, when appropriate, emergency information important to the general public, including, but not limited to AMBER Alerts or alerts concerning the protection of the general public. Emergency information shall remain in the advertising rotation according to the protocols of the local authority that issues the information.
- 412.8 The borough council may grant a modification to the requirements of one or more provisions of this section if the literal enforcement will exact undue hardship, provided that such modification will not be contrary to the public interest and the purpose and intent of the ordinance is observed.
- 412.9 All requests for a modification shall be in writing and shall accompany and be a part of the application. The request shall state the full grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this section involved and the minimum modification necessary.
- 412.10 The request for modification shall be referred to the planning commission for advisory comments and recommendations.
- 412.11 The borough council shall keep written records of all action on all requests for modifications.

SECTION 413 Drive – Thru (Accessory Use)

All businesses which propose drive thru facilities, as defined by this ordinance, as accessory uses or principal uses shall meet all of the following requirements:

413.1 General Regulations

- 413.1.1 A drive-thru facility at or near an intersection may be approved only if it is demonstrated that the drive-thru will not significantly increase traffic congestion.
- 413.1.2 No more than one drive-thru aisle may be approved for any single drive-thru facility.
- 413.1.3 Entries to and exits from a drive-thru facility shall be a minimum of 150 feet from the street center line of any intersection or from another drive-thru facility on the same side of the street.

413.1.4 A drive-thru facility including drive-thru aisles shall provide landscaping to buffer adjacent uses and provide lighting which does not produce any objectionable direct or reflected glare on any adjoining property or thoroughfares.

413.2 Parking and Circulation

413.3.1 No part of a drive-thru aisle shall be closer than 100 feet from the property line of any residential use.

413.3.2 Pedestrian walkways that intersect the drive-thru aisles shall have clear visibility.

413.3.3 Drive-thru aisles shall have a minimum twelve-foot width on curves and a minimum eleven-foot width on straight sections.

413.3.4 Drive-thru aisles shall provide 120 feet behind the ordering point. From the ordering point to the pickup window there shall be 100 feet.

413.3.5 No drive-thru aisle shall exit directly into a public right-of-way. A drive-thru aisle shall be integrated with the on-site circulation and shall merge with the driveway.

413.3.6 A drive-thru facility shall be designed so that vehicles in the stacking lane may safely exit the drive-thru aisle without having to drive by the pickup window.

413.3 Screening and Landscaping

413.3.1 Any drive-thru aisle that abuts a landscape area shall be separated from the landscape area by a six-inch-high, poured-in-place, concrete curb or other suitable protective device meeting Borough approval.

413.3.2 No sound, noise, music or audio of any type or nature in excess of an A-weighted sound level of 68 dB when measured at the property line of any adjoining property shall be permitted.

413.3.3 Landscaping shall screen drive-thru aisles from the public right-of-way and shall be used to minimize the visual impacts of menu board ordering devices of any nature.

413.3.4 Menu boards shall be a maximum of 45 square feet, with a maximum height of seven feet, measured from ground level.

Section 414 Drug Treatment Facility

414.1 A drug treatment facility shall not be established or operated within 500 feet of an existing school, public playground, park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship prior to the proposed methadone treatment facility.

414.2 The provisions established in Subsection 414.1 shall apply whether or not an occupancy permit or certificate of use has been issued to the owner or operator of a drug treatment facility for a location that is within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

414.3 Notwithstanding Subsection 414.1, a drug treatment facility may be established and operated

closer than 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed drug treatment facility if, by majority vote, the governing body votes in favor of the issuance of an occupancy permit or certificate.

414.4 Prior to the governing body voting on whether to approve the issuance of an occupancy permit or certificate of use for a drug treatment facility at a location that is closer than 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed drug treatment facility, one or more hearings regarding the proposed drug treatment facility location shall be held within the municipality following public notice.

414.5 All owners of property located within 500 feet of the proposed location shall be provided written notice of said public hearings at least 30 days prior to the public hearings occurring.

SECTION 415 Dwelling, Multi-Family

415.1 The area and bulk regulations under the applicable zoning district shall apply.

415.2 Multi-family dwellings consisting of multiple buildings shall adhere to the following regulations:

415.2.1 The maximum length of a mid-rise building shall be one hundred and seventy-five (175) feet.

415.2.2 Mid-rise buildings are encouraged to be located in clusters which create common areas, rather than situated parallel to one (1) another. Where clustering is not feasible due to site conditions, there shall be no more than three (3) abutting buildings parallel to each other within the development.

415.2.3 Staggered setback of dwelling units and a variation in façade design shall be encouraged to offer visual variety, individualism, and some private yard area. It is recommended that no more than two (2) contiguous units shall have the same façade setback within a building. Changes in setbacks shall be a minimum of four (4) feet.

415.2.4 Buildings within the development shall be designed to provide individual dwelling units with views and direct access to required open space areas.

415.2.5 Buildings shall be set back a minimum of fifteen (15) feet from common parking areas and shall be set back a minimum of twenty-five (25) feet from common refuse areas.

415.2.6 Buildings must be setback a minimum of twenty-five (25) feet from property boundaries.

415.2.7 Sidewalks shall be provided to connect dwellings with parking areas, recreational areas/open space and refuse facilities.

415.2.8 Required parking shall adhere to those standards set forth in Section 510. Parking areas shall be adequately landscaped to provide shade, to screen vehicles from

public streets, and to reduce glare and noise within the development. Parking lots shall be setback a minimum of twenty-five (25) feet from any right-of-way and shall be screened with landscaping. Landscaping shall be provided around the perimeter of all parking areas, except for access points and walkways.

415.2.9 Circulation and access shall be as provided in this ordinance and in the California Subdivision and Land Development Ordinance.

SECTION 416 Educational Facility (any type)

- 416.1 The minimum lot size shall be 0.5 acres.
- 416.2 Point of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood at the Borough's discretion.
- 416.3 The location, orientation and lot circulation shall be coordinated with the Borough in order to minimize the disturbance of surrounding open space at the Borough's discretion.
- 416.4 No outdoor play areas or facilities shall be within 15 feet of a residential lot line.
- 416.5 The use shall not include a dormitory unless specifically permitted in that District.
- 416.6 One (1) parking space per three (3) seats or one (1) space per 150 sq.ft. of floor area, whichever is greater, shall be provided.

SECTION 417 Equipment Rental / Repair (Primary Use)

- 417.1 All applications for this use shall submit a site plan to be reviewed and approved by the Planning Commission and Borough Council.
- 417.2 All repairs must be conducted entirely within a building.
- 417.3 All discarded parts must be stored at the rear of the building and barricaded from sight by such fencing and/or shrubbery approved by borough council.
- 417.4 All discarded parts must be removed from the premises within 30 days.
- 417.5 Salvage parts must be stored inside the building.
- 417.6 All storage of rental equipment shall be located in an enclosed building or barricaded from sight from the public street and all adjoining property owners.
- 417.7 All storage and handling of fuel, oil and similar substances shall be carried out in accordance with all legal and accepted safety requirements.
- 417.8 Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or onto streets.

SECTION 418 Equipment Rental (Accessory Use)

- 418.1 Official residence shall be maintained by the occupant who may be the owner, a renter, or a lessee.
- 418.1.1 This use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- 418.1.2 The exterior appearance of the dwelling unit is constructed and maintained as a residential use.
- 418.1.3 The use shall only be within an accessory structure located on the property or an attached garage, as a part of the dwelling.
- 418.1.4 There shall be no more than one (1) employee employed on the premises.
- 418.1.5 Off-street parking shall be provided for as required in Section 510.
- 418.1.6 No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the business shall be met off the street.
- 418.1.7 The accessory use is for Equipment Repair only and shall not include Equipment rental.
- 418.1.8 All work shall be done inside the building.
- 418.1.9 There shall not be any outside storage of equipment and all discarded parts shall be promptly removed from the premises

SECTION 419 Family Day Care Home

- 419.1 Family day care homes, as defined in Article II, shall only be permitted in single family detached dwellings or single-family semi-detached dwellings and the operator / care giver shall be a permanent resident of the dwelling unit.
- 419.2 Family day care homes must hold an approved and currently valid Department of Public Welfare (DPW) registration certificate. In addition, all day care homes shall comply with all current DPW regulations, including those standards governing adequate indoor space, accessible outdoor play space, and any applicable state or local building and fire safety codes.
- 419.3 The operator of a family day care homes will allow appropriate representatives of the Borough to enter the property at reasonable times to inspect such use for compliance with the requirements of this section and all other applicable municipal and state ordinances and regulations.
- 419.4 Any addition or improvement to an existing residential structure or property for purposes of child day care shall preserve its residential character. The scale, bulk, height, and roof pitch of any addition and the building materials used shall be compatible with the existing structure.
- 419.4.1 Any improvements to the structure shall be in compliance with all other applicable municipal regulations relating to building and/or zoning permits.
- 419.5 One (1) on-site drop-off space for clients shall be provided. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely

accommodate a parked vehicle. If a driveway is used for the drop-off area and the proposed use fronts on an arterial or major collector street, an on-site turnaround area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, an on-site drop-off space shall be provided.

419.5.1 In cases where the drop-off area cannot be accommodated on the site, the applicant shall demonstrate that there is on-street parking or some other available parking area located within two hundred fifty (250) feet of the property line of the proposed facility.

419.5.2 The required drop-off area may be waived by the municipality if the applicant can demonstrate that the clients of the family day care home will walk to the facility, thereby eliminating the need for the additional parking space.

419.6 The operator shall demonstrate that the children in the family day care home can safely, quickly, and easily vacate the premises in case of emergency.

419.7 The hours of drop-off and pick-up of clients and of outdoor play shall be limited to between 7:00 a.m. and 7:00 p.m

SECTION 420 Funeral Home

420.1 The minimum lot area shall be one (1) acre.

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

420.3 All off-street parking areas which adjoin residential zoning classification shall be screened by a six (6) foot dense, compact evergreen hedge.

420.4 Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.

SECTION 421 Gas Wells, Unconventional

421.1 All activities conducted in association with, and as a part of, oil and gas wells shall be in accordance with the laws of the Commonwealth of Pennsylvania existing, and, as amended, any applicable Federal laws, and in compliance with all applicable Borough Ordinances.

421.2 The proposed oil and gas well(s) shall be located a minimum of five hundred (500) feet for a Horizontal Oil and Gas Well and three hundred (300) feet for a Vertical Oil and Gas Well from the Well Head Location on either type of well to a protected structure. To ensure health, safety and welfare of Borough residents and businesses, the Borough reserves the right to increase the minimum necessary set back distance from a property line based upon existing and/or proposed site conditions and/or in context of surrounding land use activity. A gas well is a conditional use that may only be constructed within the following Zoning Districts: A1, R1, R2, C1, MU, MI, I-2, I-3 and I-4 Districts.

- 421.3 The oil and gas drill sites shall only be permitted to occur on property in all zoning configurations and with a minimum of ten (10) contiguous acres or larger. Multiple property owners can combine adjoining parcels to achieve the minimum ten (10) acres required.
- 421.4 A conditional use application shall be accompanied with written permission from the property owner(s) who have a legal or equitable title in and to the surface of the drill site.
- 421.5 Lighting on the site shall be directed downwards and shielded so as to avoid glare on public roads and adjacent properties. Lighting shall not exceed 0.2 foot-candles when measured ten (10) feet from any property line. The property line in this case is referenced not only as on the ground itself, but when projected vertically at ninety (90) degrees. This light must be contained internally upon the applicant's site and not come within ten (10) feet in any direction of this threshold.
- 421.6 The applicant shall have obtained from the Commonwealth, Borough, Federal regulatory agencies or authorities all permits required to be issued in accordance with applicable laws and regulations for the proposed use and the specific number of proposed wells to be drilled at the applicant's site and said permits shall be provided to the Borough prior to any activity taking place. Any suspension or revocation of permits by PA DEP shall be reported to the Borough and shall constitute a violation of Borough zoning approval and may result in the suspension or revocation of zoning approval.
- 421.7 The applicant shall provide the Borough with a plan for the transportation of materials and substances (e.g., gas, water, oil) and equipment to construct and operate the proposed pad and facility. When using Borough roads, the Applicant shall obtain the necessary permits and sign a heavy hauling agreement, and, where applicable, an excess maintenance agreement and provide any bonds required by the Borough. Access directly to State roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit approval. Prior to initiating any work at a drill site, the Borough shall be provided a copy of the Highway Occupancy Permit.
- 421.8 The Borough reserves the right to designate required truck hauling routes throughout the Borough. Use of Borough roads for hauling equipment (e.g. water, etc.) shall not be permitted when roads are being used to transport students to and from school. The operators shall coordinate their efforts with the local school district and any private schools.
- 421.9 The applicant shall provide screening for any material that is to be stored outside of an enclosed structure in the event that any of the materials are readily visible from adjoining occupied residential properties.
- 421.10 The applicant shall provide and will continue to update a State approved Preparedness, Prevention and Contingency Plan applicable to well leakage, spill containment, vandalism, creating unknown conditions, defective casing or cementing, potential communications between the well and public water supply and any other relevant area required to be addressed by said Plan.
- 421.11 All driveways or entrances accessing the drill site shall be paved with an impervious material from the paved public street for a distance of fifty (50) feet into the drill site. The impervious material shall be in place prior to the commencement of the drilling operation.
- 421.12 Prior to well spud, the applicant shall meet with the Borough safety control individuals, including, but not specifically limited to the Fire Chief, State Police, Code Inspector, Borough Engineer and County Emergency Management appointee to discuss or provide information regarding any

proposed emergency responses to the Preparedness, Prevention and Contingency Plan. All associated materials shall be distributed to meeting attendees and the Borough's Municipal Administrative Office no less than one week prior to said meeting.

- 421.13 The applicant shall supply proof of any bonds posted or being held by the Pennsylvania Department of Environmental Protection (DEP) to ensure proper plugging when the well is classified as inactive by the DEP.
- 421.14 The applicant shall provide a schedule to the Borough identifying dates for site preparation, anticipated drilling activity, anticipated completion, and anticipated stimulation or fracturing work to begin. The Borough recognizes that said dates may be dependent upon variables such as the weather, availability of equipment, leasing permitting production and the like. However, such scheduling shall be updated and provided to the Borough on a periodic basis (generally weekly) as requested by the Borough.
- 421.15 The applicant, from the start of construction operations to the completion of operations, shall provide twenty-four (24) hour security, seven (7) days a week at the access road. Further, if required by the Borough safety and security personnel, the applicant will address all means necessary to protect its site and wellhead in a reasonable manner satisfactory to the Borough.
- 421.16 The operator must provide a plan for the transmission of gas, water, oil, or other substances to and from the well site. The operator shall identify the location of, but not limited to, gathering lines, compressors, and other mid and downstream facilities located within the Borough and extending 800 feet beyond the Borough boundary. The Operator shall provide the Borough with all state and federal permits that have been acquired, and any bonding agreements, and proof of ability to operate such lines. Operator shall provide the name and address of the owners, operators, and those in charge of maintenance and provide the information of the contact person for each.
- 421.17 The proposed access road to the well site shall be an improved, dust free, all weather surface constructed and maintained in such a manner that no water, sediment, or debris will be carried onto any public street. The applicant shall implement measures necessary (e.g. vacuum truck, wheel washers and the like) to ensure that no water, sediment, dust or debris is carried onto any public street. If through time, originally installed surfacing and/or implemented measures result in water, sediment, or debris being carried onto any public street, said surfacing and measures shall be re-evaluated and re-constructed with paving at lengths appropriate to achieve Borough-stated results.
- 421.18 The applicant shall provide off-site parking area for transportation of materials and substances (e.g., gas, water, oil) and equipment to wait or be positioned while gaining entrance to the access road and such parking shall be adequate so that it does not disrupt the normal flow of traffic on Borough roadways.
- 421.19 The public street entrance on which a drill site is located shall at all times be kept free of mud, debris, trash or other waste materials. This shall apply to all applicants' activities including their contractors and sub-contractors with regard to the Compressor Station; Natural Gas Processing and/or Treatment Facilities; and, Oil and Gas Drilling Sites, Pads, and other Related Activities.
- 421.20 There shall be no activities associated with the proposed use that will emit electrical disturbances adversely affecting the operation of radios or any equipment not located at the subject property.

- 421.21 The applicant shall comply with and meet all sound level regulations for both Borough and State while operating at the Compressor Station; Natural Gas Processing and/or Treatment Facilities; and, Oil and Gas Drilling Sites, Pads, and other Related Activities.
- 421.22 There are to be no activities associated with the proposed use that will result in malodorous gas or matter discernible at any point on or beyond any line(s) of disturbance that have occurred on the site.
- 421.23 The applicant / site developer shall maintain a current list of all subcontractors working on the site and each subcontractor's contact information. Said list shall be provided to the Borough on at least a monthly basis.
- 421.24 There is to be no visible smoke emission, except testing or emergency flares as regulated by DEP. The Applicant shall comply with all applicable DEP and Environmental Protection Agency (EPA) air quality regulations.
- 421.25 All earth moving activities and storm water management on the subject property shall be subject to the terms and conditions of a DEP approved erosion and sedimentation control plan and all related applicable permits. A copy of said Plan and Permit are to be provided to the Borough for review prior to such work is to begin and shall be on file at the construction site.
- 421.26 Within the terms and conditions of the Borough Zoning Ordinance and any other applicable Ordinances of California Borough, Federal laws and Commonwealth laws, rules and regulations and statutes, the requested conditional use shall not be adverse to the public health, safety and welfare of Borough residents and will comply with all ordinances, rules, regulations and statutes as noted above.
- 421.27 Unless otherwise identified by the Borough Heavy Hauling Agreement, the applicant shall, prior to any construction or activity, improve the street/road on which the development exists with such improvements including, but not necessarily limited to, widening in certain areas, upgrading base and topcoat construction and resurfacing. Said improvements and maintenance shall continue throughout the course of activity taking place on the site. The proposed improvements shall be provided to the Borough for review and approval, prior to such activity taking place. Said improvements, construction and resurfacing shall begin and be completed before paid construction commences.
- 421.28 All drilling operations shall be conducted in such a manner to minimize dust, vibration or noxious odors and shall be in accordance with the best accepted practices. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful effects are minimized by the operations carried on at the drill site to avoid adverse impact to persons living in the vicinity.
- 421.29 If the applicant receives a complaint or question from an affected resident concerning water qualities or quantities the applicant shall address such complaint. In all cases the Borough must receive notification.
- 421.30 With regard to the operation or maintenance of the Compressor Station; Natural Gas Processing and/or Treatment Facilities; and, Oil and Gas Drilling Sites, and any transmission or transportation lines, the applicant shall provide the Borough with contact information which will identify

representatives of the applicant to be contacted twenty-four (24) hours a day, seven (7) days a week to address any issue, complaint and/or emergency.

- 421.31 If a reasonable complaint is registered with the Borough, the applicant will address said complaint within 24 hours of notification to it and take whatever reasonable means necessary to alleviate and to cure said complaint should it be found to be with merit.
- 421.32 California Borough reserves the right to impose any other additional conditions necessary to protect the public health, safety and welfare of its residents in order to address any unique characteristics of a particular drilling site.
- 421.33 All applicants for Compressor Station; Natural Gas Processing and/or Treatment Facilities; and/or Natural Oil and Gas Drilling Sites, Pads, and other Related Activities shall reimburse California Borough in addition to the fees enumerated in Section 413.47, all professional consultant fees, advertising, and costs of public hearings incurred by the Borough related to application for activities authorized by this ordinance. Additionally, all applicants shall reimburse the Borough for consulting fees and costs incurred in enforcing this ordinance upon a finding of violation by a judicial decision.
- 421.34 The applicant shall provide flagmen, traffic control devices, etc. along the route to maintain the safe flow of traffic along said Borough route.
- 421.35 The applicant acknowledges that if it fails to meet and maintain any condition as set forth by the Borough or determined to be reasonable by any Court of competent jurisdiction, then the conditional use permit may be revoked and all activity on said property ceased.
- 421.36 The applicant acknowledges and indicates that all contractors and subcontractors are retained according to Total Recordable Injury Rate (TRIR) Standards and contracts only with those individuals or contractors who have favorable TRIR.
- 421.37 The applicant acknowledges that if complaints regarding sound are received and that its activities exceed sound decibel levels greater than defined by any Borough Ordinance at receptor sites, the applicant shall take steps necessary to install sound muffling measures including sound walls, blankets, baffles, etc. to alleviate the noise.
- 421.38 The applicant, contractor and sub-contractors shall inform their operators that jake brake usage on trucks is prohibited. These applicants shall place signs along the access routes advising drivers of this restriction.
- 421.39 The applicant shall maintain at the property and file with the Borough, a current list and Material Safety Data Sheet (MSDS) for all chemicals used in the drilling and fracturing operation.
- 421.40 The Borough shall not in any matter assume any liability for any actions or non-actions committed by the applicant, its representatives, contractors or subcontractors at the proposed site subject to the conditional use.
- 421.41 The applicant shall comply with all Borough Ordinances related to construction activity, and activity for the construction of the proposed well pad or access road, shall take place only during the hours of between 7:00 a.m. to 7:00 p.m. Monday through Saturday.

- 421.42 Truck idling on the site shall not exceed five (5) minutes.
- 421.43 Sound impact assessment or testing shall be provided to the Borough as part of the Conditional Use Application.
- 421.44 Operator shall take any and all appropriate measures and efforts to control and to curtail dust emanating from the site.
- 421.45 A waiver form from a property owner(s) may be signed relieving the operator from implementation of the measures established in this Section of the Ordinance or other applicable provisions of California Borough. In the waiver, the owner must acknowledge that the operator is explicitly relieved from complying with the regulations applicable to this Section. The waiver form must be notarized and provided to the Borough.

421.46 Noise Limits

- 421.46.1 As part of oil and gas related activities, an Applicant shall establish a continuous seventy-two (72) hour ambient baseline noise level at the nearest protected structure, property line or one hundred (100) feet from the nearest protected structure (as measured from the closest exterior point of the building), whichever is closer to the protected structure. The baseline shall be established over a seventy-two (72) hour period with at least one (1) twenty-four hour reading on a Saturday or Sunday. In lieu of establishing the seventy-two (72) hour ambient baseline noise level, the applicant may assume for the purposes of compliance with this condition a default ambient baseline noise level of 55 dB(A).
- 421.46.2 The noise generated from operations measured at the locations described above shall not exceed the seventy-two (72) hour ambient baseline noise level as part of operations by more than ten (10) decibels.
- 421.46.3 Operations are permitted to generate noise in addition to the ten (10) decibels above the seventy-two (72) hour ambient baseline during the hours of 7:00 a.m. to 9:00 p.m. according to the following:

Increase	Duration of Increase
(dBA)	(Cumulative minutes in one hour)
5	15
10	5
15	3
20	1

421.47 Fees

- 421.47.1 All applications submitted by an Applicant for a permit for Compressor Station; Natural Gas Processing and/or Treatment Facilities; and/or, Natural Oil and Gas Drilling Sites, Pads, and other Related Activities authorized by this ordinance shall be

made on the application form provided by California Borough and shall submit an application fee in the amount of \$1,500.00, which fee shall be applied to the costs.

- 421.47.2 This fee will cover any administrative Borough costs, but will not cover costs the Borough has to expend to attempt to enforce provisions of this Ordinance or to hire independent individuals and/or firms to determine continued compliance with the terms of this Ordinance.
- 421.47.3 The Borough Council may, at any time by way of resolution, amend this Ordinance to set and/or change fees, including application fees.

421.48 Water Impoundments

- 421.48.1 All freshwater, waste water impoundments must be constructed, maintained in accordance with the DEP regulations and any State or Federal laws.

SECTION 422 Gasoline Service Station

- 422.1 Equipment above surface or ground for the service of motor vehicles shall be no closer than 15 feet to any property line.
- 422.2 The width of any entrance driveway leading from the public street to such service station or other drive-in use shall not exceed 30 feet at its intersection with the curblin e or edge of pavement.
- 422.3 No two driveways leading from a public street to such service station or other drive-in use shall be within 15 feet of each other at their intersection with the curb or street line.
- 422.4 Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or onto streets.

SECTION 423 Home Occupation

- 423.1 Official residence shall be maintained by the occupant who may be the owner, a renter, or a lessee.
- 423.2 This use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- 423.3 The exterior appearance of the dwelling unit is constructed and maintained as a residential use.
- 423.4 The use shall only be within the principal structure or an integral attached garage.
- 423.5 There shall be no more than one (1) employee employed on the premises.
- 423.6 Off-street parking shall be provided for as required in Section 510.
- 423.7 No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.

423.8 Permitted home occupations.

423.8.1 Beauty parlors and barber shops, provided that no more than two (2) stylist or barber chairs are provided and all other provisions of this Ordinance are met.

423.8.2 Instructional services, provided that a maximum of two (2) musical students may be instructed at any one time. Non-music instruction shall be limited to no more than four (4) students at any one time.

423.8.3 Family Day Care Home, as provided for in Article IV of this Ordinance.

423.8.4 Professional, technical, or business pursuits that involve only office-related functions and practices

423.8.5 Light handicrafts, sewing, and photography

423.8.6 Other Home Occupations are subject to approval by Council.

SECTION 424 Hospital

424.1 The property shall be served by public water and public sewers.

424.2 All hospitals and / or medical centers shall be licensed by the Commonwealth and the license shall be maintained throughout the occupancy. Failure to maintain the license shall be grounds for revocation of the Certificate of Occupancy.

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

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

424.5 The parking and circulation plan shall be provided to the Police and volunteer fire company regarding traffic safety and emergency access.

424.6 Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

424.7 If a private use helipad for air emergency vehicles shall be proposed, it shall meet all requirements and certifications of the Federal Aviation Administration (FAA).

SECTION 425 Hotel / Motel

425.1 Each guest room shall contain not less than two hundred fifty (250) square feet of floor area.

425.2 Off-street parking shall be provided as required in Section 510 of this Ordinance.

SECTION 426 Junkyard

- 426.1 The outdoor area devoted to the storage of junk shall be completely enclosed with a fence with a minimum height of eight (8) feet with a self-latching gate.
- 426.2 All completely-enclosed buildings used to store junk shall be set back at least fifty (50) feet from all property lines.
- 426.3 No material may be stored or stacked so that it is visible from adjoining properties and roads.
- 426.4 Any person or owner proposing to store waste tires or tire derived materials shall obtain PA Department of Environmental Protection (DEP) approval prior to such storage.
- 426.5 Such premises shall be maintained in a manner so as not to cause a public or private nuisance, a menace to the health or safety of persons on or off the premises, offensive or noxious sounds or odors, the breeding, harboring, or infestation of rats, rodents, or vermin, or a violation of any hazardous substance, health or sanitation law, ordinance, or regulation of any governmental body.
- 426.6 No material shall be burned at any time.
- 426.7 No junkyard / salvage yard shall be located on land with a slope in excess of five percent (5%).
- 426.8 All additional Federal and State laws, rules and regulations shall be satisfied.
- 426.9 All material or wastes which may cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise unattractive to rodents or insects shall be stored outdoors and enclosed in containers which are adequate to eliminate such hazards.

SECTION 427 Kennel

- 427.1 The operator or owner of a kennel shall hold all current state and local licenses and permits for the location, activity and number of animals so specified.
- 427.2 Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of 150 feet from any principal structure on adjacent lots.
- 427.3 The perimeter of the exterior exercise area must be fenced with a weatherproof material, a minimum of five feet in height, accessible only through a self-latching gate.
- 427.4 Any structure used to house animals shall be equipped with code-approved nontoxic noise-dampening material or acoustic tile.
- 427.5 No kennel may be established within 1/2 of a mile of an existing kennel.
- 427.6 Hours of operation for outdoor areas associated with a kennel shall be 8:00AM to 8:00PM.

SECTION 428 Manufactured Home/Mobile Home

- 428.1 A manufactured home shall be placed on a permanent foundation within 30 days of arrival on its lot. This period may be extended an additional 30 days by the Zoning Officer upon good cause shown for

the need for additional time to permit the placement of the home on a foundation. The foundation shall be at least four masonry piers set on a concrete footer, with a continuous masonry peripheral wall. The bottom of the mobile home shall be securely tied to its foundation by over-the-top or built in steel straps or cables sufficient to hold the mobile home to its foundation under high wind conditions. The spacing between the home's floor and the ground below shall be well ventilated and the continuous masonry wall maintained in good condition.

- 428.2 Before a mobile home can be occupied, the approved third party agency, shall inspect the premises and shall determine that the sewage disposal and water supply systems have been installed and are in working order before issuing an occupancy permit.
- 428.3 Before a mobile home is removed from its lot, the occupant shall present to the Zoning Officer receipts showing that all local, county, state and school district taxes have been paid in full. When a mobile home has been removed, and a second mobile home shall not immediately replace it on the same foundation, the lot owner shall backfill the site to the original grade within 60 days after removal of the home.
- 428.4 Any mobile home brought into the municipality after the effective date of this ordinance shall display evidence that it complies with the National Manufactured Housing Construction and Safety Standards Act, and amendments thereto.
- 428.5 A solid weatherproof material shall continuously skirt any mobile home lawfully preexisting this ordinance with appropriate cross ventilation and maintained in good condition.

SECTION 429 Motor Vehicle Repair / Service (Primary Use)

- 429.1 All applications for this use shall submit a site plan to be reviewed and approved by the Planning Commission and Borough Council.
- 429.2 All repairs must be conducted entirely within a building.
- 429.3 All discarded parts must be stored at the rear of the building and barricaded from sight by such fencing and/or shrubbery approved by borough council.
- 429.4 All discarded parts must be removed from the premises within 30 days.
- 429.5 Salvage parts must be stored inside the building.
- 429.6 All storage of new, used or discarded parts or materials shall be within an enclosed structure.
- 429.7 No more than six (6) vehicles that are parked or stored for the purpose of pending repair shall remain outside the premises after business hours. In no circumstance, shall vehicles be parked or stored on a public right of way.
- 429.8 No junked or abandoned vehicle shall be parked outdoors.
- 429.9 Any business engaged in towing services shall dispose of junked or wrecked vehicles within twenty-four (24) hours, unless they are stored inside a building.
- 429.10 Ingress and egress shall be designed so as not to create hazardous conditions or unnecessary congestion of traffic in the immediate area. All provisions for traffic movement shall be satisfactorily documented as a part of the application and be subject to acceptance by the Borough Council as part of the approval process.

- 429.11 All storage and handling of fuel, oil and similar substances shall be carried out in accordance with all legal and accepted safety requirements.
- 429.12 Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or onto streets.

SECTION 430 Motor Vehicle Repair / Service (Accessory Use)

- 430.1 Official residence shall be maintained by the occupant who may be the owner, a renter, or a lessee.
- 430.2 This use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- 430.3 The exterior appearance of the dwelling unit is constructed and maintained as a residential use.
- 430.4 The use shall only be within an accessory structure located on the property or an attached garage, as a part of the dwelling.
- 430.5 There shall be no more than one (1) employee employed on the premises.
- 430.6 Off-street parking shall be provided for as required in Section 511.
- 430.7 No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the business shall be met off the street.
- 430.8 A maximum of 2 customer vehicles shall be kept outside of the building during off hours.

SECTION 431 Motor Vehicle Sales / Service

- 431.1 All applications for this use shall submit a site plan to be reviewed and approved by the Planning Commission and Borough Council.
 - 431.1.1 The business shall include a permanent building on site for offices, display and or repair. A trailer shall not meet this requirement.
 - 431.1.2 Areas for vehicular display and customer parking shall be paved or otherwise improved and shall maintain at least a five foot landscaped setback from all property lines.
 - 431.1.3 If Motor Vehicle Repair/Service is accessory to the Motor Vehicle Sales operation, all conditions required herein for said use shall be met

SECTION 432 Place of Worship

- 432.1 If a residential facility (such as a convent or monastery) is proposed as part of a church, no more than ten (10) persons shall be housed.
- 432.2 A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of this Ordinance for single family dwellings in the Zoning District can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.
- 432.3 One (1) parking space per three (3) seats or one (1) space per 150 sq.ft. of floor area, whichever is greater, shall be provided.
- 432.4 Permitted accessory uses may include:

- 432.4.1 Primary or Secondary School
- 432.4.2 Day Care Center
- 432.4.3 Gymnasium / recreational facility
- 432.4.4 Kitchen
- 432.4.5 Parsonage, parish house or rectory
- 432.4.6 Other uses that are customarily accessory to religious uses and places of worship and other accessory uses as permitted by the district in which the use is located.

432.5 Other accessory uses as permitted by the district in which they are located.

SECTION 433 Processing Plant

- 433.1 Permitted in the MI District as a conditional use.
- 433.2 The minimum lot area of ten acres shall apply to natural gas processing and/or treatment facilities.
- 433.3 All principal buildings and accessory structures shall be set back at least one thousand five hundred feet (1,500) feet from a protected structure including a minimum of one hundred (100) feet from any property line. To ensure health, safety and welfare of Borough residents and businesses, the Borough reserves the right to increase the minimum necessary set back distance from a property line based upon existing and/or proposed site conditions and/or in the context of surrounding land use activity.
- 433.4 All property lines adjoining property in all Zoning Districts except in MI shall be screened by a buffer area for the distance necessary to screen buildings, structures, parking areas, storage areas and equipment.
- 433.5 The operator must provide a plan for the transmission of gas, water, oil, or other substances to and from the station. The operator shall identify the location of, but not limited to, gathering lines, compressors, and other mid and downstream facilities located within the Borough and extending 800 ft. beyond the Borough boundary. The Operator shall provide the Borough with all state and federal permits that have been acquired, and bonding agreements, and proof of ability to operate such lines.
- 433.6 The Operator shall provide all material safety data sheets (MSDSs) for all materials produced, stored or distributed on site to the Borough Fire Department and to the Borough Emergency Coordinator a minimum of thirty (30) days prior to their use.
- 433.7 The Operator shall provide a site orientation for the Borough's emergency first responders regarding operations, equipment, and chemicals present at the facility.
- 433.8 The Operator shall provide the name, address and phone number for 24 hour emergency contact.
- 433.9 All waste disposal and storage of gases or by-products shall be in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection (PA DEP) and any other applicable Federal, State or local agency.

- 433.10 The site shall be secured by a minimum eight (8) foot high chain link fence with a locking gate that shall be kept locked when employees are not on the premises.
- 433.11 The Operator shall demonstrate continued compliance with all applicable local, State and Federal permits and regulations.
- 433.12 Heavy truck traffic traveling to and from the Processing Facility shall be permitted only between the hours of 7:00 a.m. and 7:00 p.m., prevailing time. Emergency vehicles and field maintenance vehicles are exempted from this limitation.
- 433.13 All equipment and facilities shall comply with the standards of the Borough Code.
- 433.14 Lighting on the site shall be directed downwards and shielded so as to avoid glare on public roads and adjacent properties. Lighting shall not exceed 0.2 foot-candles when measured ten (10) feet from any property line. To the extent permitted by safety considerations, exterior lighting shall be turned off between dusk and dawn, except during maintenance activities on the site.
- 433.15 The applicant / site developer shall maintain a current list of all subcontractors working on the site and each subcontractor's contact information. Said list shall be provided to the Borough on at least a monthly basis.
- 433.16 Site activities must abide by the Borough's regulations in terms of maximum sound level.
- 433.17 Natural gas processing and/or treatment facilities shall be subject to the design and parking requirements in this Ordinance.
- 433.18 The Borough reserves the right to impose a risk assessment report related to the facility's safety and/or any and all reasonable safeguards or conditions necessary to implement the intent of this Ordinance and shall review the particular facts and circumstances of each proposed conditional use application in terms of the applicable use standards.
- 433.19 Operator shall take any and all appropriate measures and efforts to control and to curtail dust emanating from the site.
- 433.20 A waiver form from a property owner(s) may be signed relieving the operator from implementation of the measures established in this Section of the Ordinance or other applicable provisions of California Borough. In the waiver, the owner must acknowledge that the operator is explicitly relieved from complying with the regulations applicable to this Section. The waiver form must be notarized and provided to the Borough.

SECTION 434 Retail Stores (any size)

- 434.1 A traffic impact study shall be submitted if requested by the Planning Commission.
- 434.2 Architectural style shall be coordinated to create visual cohesiveness. Within the development collectively constituting the large retail establishment, all buildings, the principal structure, accessory structures, canopies, parking lots and other open spaces as well as signs shall be of a unified design.

- 434.3 Façades greater than one hundred (100) feet in length shall incorporate wall plan projections or recesses having a depth of at least three percent of the length of the façade and extending at least twenty (20) percent of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.
- 434.4 Establishments furnishing shopping carts shall provide defined areas on the site for the storage of such carts that shall be clearly marked and designed for such use.
- 434.5 Trash receptacles for patron use shall be provided outside of any establishment with take-out service or convenience shopping.
- 434.6 Sidewalks shall be provided along all street frontage, in front of all stores and commercial uses, and pedestrian access to sidewalks on or adjacent to the property.
- 434.7 All off-street parking shall conform to the standards set forth in Section 516 of this Ordinance.
- 434.8 All waste disposal storage areas shall be located in the rear yard in compliance with the setback requirements of the applicable zoning district and shall be screened.

SECTION 435 Sexually Oriented Business

- 435.1 No sexually oriented business shall be in operation without an approved permit.
 - 435.1.1 An application for a permit to operate a sexually oriented business must be made on a form provided by the Zoning Officer of the municipality. The application must be accompanied by a sketch or diagram showing the floor plan and plot plan configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn marked with dimensions of the interior of the premises to any accuracy of plus or minus six inches.
 - 435.1.2 The applicant must be qualified according to the provisions of this ordinance and the premises must be inspected and found to be in compliance with the law by the Zoning Officer and the Fire Chief.
 - 435.1.3 A person, who wishes to operate a sexually oriented business as an individual, must sign the application for a permit as the applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has 10% or greater interest in the business must sign the application for a permit as an applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of 10% or greater in the corporation must sign the application for a permit as applicant.
 - 435.1.4 The fact that a person possesses another type of municipal permit does not exempt the person from the requirement of obtaining a sexually oriented business permit.
- 435.2 Issuance of Permit
 - 435.2.1 The municipal Zoning Officer shall approve the issuance of a permit to an applicant within 30 days after receipt of an application unless he finds one or more of the following to be true:

- 435.2.1.1 An applicant is overdue in his/her payment to the municipality of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually oriented business.
- 435.2.1.2 An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
- 435.2.1.3 The premises to be used for the sexually oriented business have been reviewed and have been disapproved by either the Zoning Officer or Fire Chief as not being in compliance with the applicable laws and ordinances.
- 435.2.1.4 The permit fee required by this ordinance has not been paid.
- 435.2.1.5 An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.
- 435.2.1.6 An individual applicant or any individual holding a direct or indirect interest or more than 10% of a corporate applicant, or any of the officers and directors of the corporate applicant, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, or the manager or other person in charge of the operation of the applicant's business, has or have been convicted of an offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania. In order for approval to be denied pursuant to this subsection, the person's or persons' convictions or release in connection with the sexual misconduct offense must have occurred within two years of the date of application in the event of a misdemeanor and within five years of the date of application in the event of a felony.
- 435.2.2 The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
- 435.2.3 The Zoning Officer and Fire Chief shall complete their certification that the premises are in compliance or not in compliance within 20 days of receipt of the application by the Zoning Officer. The certification shall be promptly presented to the Zoning Officer.
- 435.3 The annual fee for a sexually oriented business permit will be set by resolution of the governing body.

435.4 Inspection

- 435.4.1 An applicant, or permittee, shall permit representatives of the Police Department, Fire Department, Zoning Officer, or other municipal departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time that the sexually oriented business is occupied or open for business.
- 435.4.2 If the municipal Zoning Officer denies renewal of a license, the applicant shall not be issued a permit for one year from the date of denial, except that, after 90 days have elapsed since the date of denial, the applicant may be granted a permit if the Zoning Officer finds that the basis for denial of the renewal permit has been corrected or abated.

435.5 Suspension of Permit

- 435.5.1 The Zoning Officer shall suspend a permit for a period not to exceed 30 days if he/she determines that a permittee or employee of a permittee has:
- 435.5.1.1 Violated or is not in compliance with any section of this ordinance.
- 435.5.1.2 Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises.
- 435.5.1.3 Refused to allow inspection of the sexually oriented business premises as authorized by this ordinance.
- 435.5.1.4 Knowingly permitted gambling by any person on the sexually oriented business premises.

435.6 Revocation of Permit

- 435.6.1 The Zoning Officer shall revoke a permit if a cause of suspension set forth in this ordinance occurs and the permit has been suspended within the preceding 12 months.
- 435.6.2 The Zoning Officer shall revoke a permit if he/she determined that:
- 435.6.2.1 A permittee, or any persons specified in this ordinance, is or has been convicted of the offenses specified.
- 435.6.2.2 A permittee gave false or misleading information in the material submitted to the municipality during the application process.
- 435.6.2.3 A permittee or an employee of a permittee has knowingly allowed possession, use, or sale of a controlled substance on the premises.

- 435.6.2.4 A permittee or an employee of a permittee has knowingly allowed prostitution on the premises.
- 435.6.2.5 A permittee or an employee of the permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended.
- 435.6.2.6 A permittee is delinquent in payment to the municipality or state of any taxes or fees related to the sexually oriented businesses.
- 435.6.3 When the Zoning Officer revokes a permit, the revocation shall continue for one year, and the premises shall not be issued a sexually oriented business permit for one year from the date the revocation became effective, except that if the revocation is pursuant to any provisions of the ordinance otherwise specified, the revocation shall be effective for two years in the event of a misdemeanor or five years in the case of a felony.
- 435.6.4 After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or licensee or permittee shall have the right to appeal said action and to seek prompt judicial review of such administrative action in any court of competent jurisdiction.
- 435.7 A permittee shall not transfer his permit to another person. A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.
- 435.8 Exemptions
 - 435.8.1 It is a defense to prosecution under this ordinance that a person appearing in a state of nudity did so in a modeling class operated:
 - 435.8.1.1 By a proprietary school licensed by the Commonwealth of Pennsylvania, or a college, junior college or university supported entirely or partly by taxation;
 - 435.8.1.2 By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - 435.8.1.3 In a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - 435.8.1.4 Where, in order to participate in class a student must enroll at least three days in advance of the class; and

435.8.1.5 Where not more than one nude model is on the premises at any one time.

435.9 Minimum Spacing and Proximity Requirements

435.9.1 No sexually oriented business shall be located within 1,000 feet of any other sexually oriented business.

435.9.2 No sexually oriented business shall be located within specified distances of certain land uses as set forth below:

435.9.2.1 No such establishment shall be located within 1,000 feet of a dwelling.

435.9.2.2 No such establishment shall be located within 1,000 feet of any parcel of land which contains any one or more of the following specified land uses: amusement park, camps (for minors' activities), child care facilities, church, library, community center, museum, park, playground, school and school bus stops, and other lands where minors congregate.

435.9.3 The distance between any two sexually oriented businesses shall be in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment and any land use specified in this ordinance; shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the sexually oriented business to the closest on the property line of said land use.

SECTION 436 Skilled Nursing Facility

436.1 No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Pennsylvania Department of Social Services, the Pennsylvania Department of Health, and other such appropriate local, state and federal agencies which may have authority in a particular case.

436.2 The maximum dwelling unit density shall be twenty-four (24) rooms per acre.

436.3 The facility may include the following supporting uses:

436.3.1 Common leisure and/or recreational areas

436.3.2 Common dining area

436.4 No such use shall be established except on a lot fronting on, and having access to, a road designated as a major collector (or higher) unless the Zoning Hearing Board finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

436.5 No structure used for or in conjunction with such use shall be located closer than one hundred (100) feet to any lot line in any Residential District.

SECTION 437 Solar Energy System, Large

- 437.1 The minimum lot size or any large solar energy system shall be five acres.
- 437.2 Large solar energy systems shall be set back a minimum of 100 feet from any public right-of-way, any lot line, and/or any residential use.
- 437.3 Notwithstanding lot coverage limitations set forth in the base zoning district(s), the maximum impervious coverage for a large solar energy system and any accessory or appurtenant structure shall be 20% of the lot area.
- 437.4 All mechanical equipment associated with and necessary for the operation of the large solar energy system that is not mounted on a building wall, including any structure for batteries or storage cells, shall be enclosed within a six-foot-high fence or evergreen planting of equal height. Evergreen plantings shall be of a type that is to be approved by the Borough. The fence shall be made of wood, masonry, durable plastic or other decorative material approved by the municipality. Chain link fences shall not be permitted unless they are fully screened from view by evergreen plantings.
- 437.5 Solar energy systems shall not be artificially lighted except to the extent required for safety or by applicable federal, state or local authority.
- 437.6 Solar energy systems and appurtenant or accessory structure shall be not display any advertising except for reasonable identification of the panel or other equipment manufacturer, and the facility owner.
- 437.7 Solar energy systems shall be located where there is a means of vehicular access from a public or private street.
- 437.8 A solar energy system shall be located to ensure solar access without reliance on adjacent properties. Where any applicant desires to ensure that solar access to a solar energy system shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e., by plating or growth of vegetation, new construction, etc.) it shall be the responsibility of the owner of the solar energy system to obtain appropriate solar access easement(s) from neighboring property owner(s) and to notify the Borough upon recording of any such easement(s). All solar access easements shall be recorded in the office of the Washing County Recorder of Deeds.
- 437.9 Solar collectors shall be installed so as to prevent glare of concentrated solar radiation as may otherwise be directed onto other properties or onto roadways such that a nuisance situation is created. Antireflective surface materials or coatings shall be used to preclude glare to the extent feasible. The applicant or the installer or manufacture of the solar energy system shall submit with the application for permit, as applicable, a signed statement including the following:
- 437.9.1 Certification that the proposed system shall not produce glare or reflect concentrated solar radiation visible beyond the property lines of the property upon which the solar energy system shall be located such that the nuisance situation is created.
- 437.9.2 Acknowledgement that should any glare or concentrated solar radiation produced prove to be visible beyond the property lines of the property upon which the solar energy system shall be located at any time subsequent to the installation of the system such that, in the opinion of the Zoning Office, a nuisance situation or safety hazard arises for another property owner or the traveling public, the Borough may at its discretion require mitigation action or

may require the removal of the system or portion thereof generating the glare or reflected solar radiation.

437.9.3 Acknowledgement that shall any mitigation or system removal deemed necessary by the Borough fail to be dealt with in accordance with the Borough's determination within six months of notification of the landowner and/or system owner, or immediately in any case determined to be a safety hazard, the Borough may implement such mitigation or remove any such systems as it deems necessary, costs thereof to be reimbursed within 90 days and, if not, a commensurate lien shall be placed upon the property.

437.9.4 Acknowledge that the obligation set forth herein shall continue so long as the subject solar energy system remains in operation and that any subsequent property owner shall be so notified.

437.10 A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

437.11 If the solar energy system is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the solar energy system within six months from the date the system enters such a state or immediately in any case determined to be a safety hazard.

437.12 If a ground-mounted solar system is ever removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and reseeded to the satisfaction of the Borough.

437.13 Any large solar energy system shall comply with applicable standards for a land development in Ordinance #475, Subdivision and Land development, as amended.

SECTION 438 Solar Energy System, Small

A small energy system shall be permitted as an accessory use in specific areas subject to the following minimum standards:

438.1 All solar energy equipment shall be located on the parcel or plot of land recorded in which the principal use is located, with exception that power lines or any related equipment to the solar energy system may be located on an adjoining parcel or plot of land of record, provided that it will comply with applicable virtual net metering laws of the public utility provider.

438.2 Power generated by the solar energy system shall provide only for the principal use in which it services; any excess power generated by the solar system shall only be sold or acquired by a public utility in accordance with law or other governmental regulations.

438.3 All mechanical equipment associated with and necessary for the operation of the solar energy system, which is ground-mounted, including any structure for batteries or storage cells, shall be enclosed within a six-foot-high fence or evergreen plantings of equal high. Evergreen plantings shall be of a type that is to be approved by the Borough. The fence shall be made of wood, masonry, durable plastic or other decorative material approved by the municipality. Chain link fences shall not be permitted unless they are fully screened from view by evergreen plantings.

438.4 Solar access easements. A solar system shall be located to ensure solar access without reliance on adjacent properties. Where any particular desires to ensure access the solar energy system shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e., by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the solar energy system to obtain appropriate solar access easement(s) from

neighboring property owner(s). All solar access easements shall be recorded in the office of the Washington County Recorder of Deeds.

- 438.5 Solar collectors shall be installed so as to prevent glare or concentrated solar radiation as may otherwise be directed onto other properties or onto roadways such that a nuisance situation is created. Antireflective surface materials or coatings shall be used to preclude glare to the extent feasible. Should any glare or concentrated solar radiation prove to be visible beyond the property line at any time subsequent to the installation of the system such that, in the opinion of the Zoning Officer, a nuisance situation or safety hazard arises for another property owner or traveling public, the Borough may at its discretion require mitigating action or the removal of the system or portion thereof generating the glare or reflective solar radiation. Should any mitigation or removal deemed necessary by the Borough fail to be dealt with in accordance with the Borough, determination within six months of notification of the landowner, the Borough may implement such mitigation or removal as it deems necessary, cost thereof to be reimbursed within 90 days and, if not, a commensurate lien shall be placed upon the property.
- 438.6 The solar energy shall be kept in good repair and sound condition. Upon abandonment of the use, the solar panels and any related structures and equipment shall be dismantled and removed from the lot within 60 days.
- 438.7 Ground Mounted Systems:
- 438.7.1 No part of a ground-mounted solar energy system shall be located any closer than 15 feet from any side or rear property lines. No part of a ground-mounted shall solar energy system shall be located between the principal structure on the property and the public street right-of-way, notwithstanding the aforesaid requirement.
 - 438.7.2 Ground-mounted energy system shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater convenience system.
 - 438.7.3 Ground-mounted solar systems shall not be placed in a manner that would cause a violation of any other section of the Zoning Ordinance, such as minimum parking required buffer yards or other requirements, maximum impervious coverage limitations or any other applicable standards.
 - 438.7.4 Ground-mounted panels of a solar energy shall be counted toward a given property maximum impervious coverage requirements unless the applicant can demonstrate that stormwater will infiltrate into the ground beneath the solar panel at a rate equal to that of the infiltration rate prior to placement of panels.
 - 438.7.5 Ground-mounted solar energy systems shall not exceed a height of 20 feet.
- 438.8 Roof Mounted Systems:
- 438.8.1 Roof-mounted energy systems shall not extend beyond the peak elevation of the top of the roof on which the panels are constructed.
 - 438.8.2 If the solar panels are to be constructed on a flat roof, no part of the solar energy system shall exceed beyond the maximum height requirements for the zoning district in which the building is located.
 - 438.8.3 Roof-mounted solar energy systems shall be counted as any impervious coverage calculation.

SECTION 439 Solid Waste Disposal Area (Landfill)

- 439.1 No land area on a lot or land parcel in excess of one hundred (100) square feet or any water body shall be used beyond seven (7) days as a storage area disposal site or refuse and collection area, for any organic or nonorganic material within any Zoning District unless specifically permitted and in accordance with Pennsylvania Act 97 of 1980, known as the Solid Waste Management Act, and the Rules and Regulations of the Bureau of Solid Waste Management, Pennsylvania Department of Environmental Resources, and the following conditions shall also apply:
- 439.1.1 The site is located a minimum of two hundred (200) feet from an adjoining residential structure or a residential zoning district, and a minimum of fifty (50) feet from any public road or right-of-way. Such set-back area shall be kept free of weed and scrub growth unless the adjoining property is wooded.
- 439.1.2 The yard or storage area shall be completely enclosed with an opaque fence. Access to the yard or storage area through this visual screen shall be controlled in such method as shall be approved by Borough Council.
- 439.1.3 All material within the yard or storage area shall be arranged so as to permit access by firefighting equipment, to prevent the accumulation of water, and stored no more than six (6) feet in height unless enclosed within a structure or building.
- 439.1.4 The yards and storage areas shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds, vibrations, or odors, nor to cause the breeding or harboring of pests, rodents, or other vectors.
- 439.1.5 No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces; nor shall any substance which can contaminate a stream or water course or otherwise render such stream or water course undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or water course.
- 439.1.6 All material 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 and enclosed in containers which are adequate to eliminate such hazards.
- 439.1.7 The disposal of unwanted materials shall be controlled by the Borough's Ordinances in regard to burning, dumping, etc., as well as the controls of such disposal by the Pennsylvania Department of Environmental Protection.
- 439.1.8 The site contains one (1) entrance and one (1) exit each less than thirty (30) feet in width.

- 439.1.9 Off-street parking shall be provided within the site enclosure and shall be enclosed within the site's visual screening.

SECTION 440 Storage Facility

- 440.1 The storage of hazardous materials such as toxic or explosive substances is prohibited.
- 440.2 Wholesale or retail sales, garage sales, flea market, or outside storage is prohibited.
- 440.3 The maximum size of the individual storage units shall be five hundred (500) square feet.
- 440.4 All areas designed for circulation shall be paved in accordance with Borough paving standards.
- 440.5 Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- 440.6 Vehicular access to the lot shall be limited to one (1) two-way or two (2) one-way driveways.
- 440.7 All one-way driveways shall have a minimum of one (1) ten (10) foot parking lane, plus one (1) fifteen (15) foot travel lane.
- 440.8 All two-way driveways shall provide a minimum of one (1) ten (10) foot parking lane, plus two (2) twelve (12) foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.
- 440.9 Storage units shall not be equipped with water or sanitary sewer service.
- 440.10 No business activity other than rental of storage units shall be conducted on the premises.
- 440.11 Outside storage of vehicles, RVs, etc. may be stored outside in the Agricultural District only. Proper screening or fencing of outdoor storage must be provided and approved by the Zoning Hearing Board.

SECTION 441 Swimming Pools (Private)

- 441.1 Swimming pools are permitted in accordance with the following requirements:
- 441.1.1 No swimming pool may be located within 15 feet of any property line, nor shall any swimming pool be located in any front yard on any property within the Borough.
- 441.1.2 The swimming pool shall be walled or fenced so as to prevent uncontrolled access from the street or from an adjacent property and said fence shall not be less than four feet in height and shall be maintained in good condition. An aboveground pool that has a top edge four feet above the ground completely around the perimeter of the pool will not require an additional fence. Access to an above ground swimming pool is to be removed or locked when the swimming pool is unattended.
- 441.1.3 Swimming pools shall be equipped with an adequate filtration system.

- 441.1.4 Permanent in-ground swimming pools, for motels, apartments, private swimming clubs, shall be no closer than 30' to any street, and 20 feet along all other property lines and must be reviewed by the Zoning Hearing Board for special screening, fencing and safety requirements.

SECTION 442 Warehouse

- 442.1 A traffic impact study shall be submitted if required by the Planning Commission.
- 442.2 No manufacturing or major assembly of products shall occur on the premises.
- 442.3 Any goods available for sale shall be incidental to the warehouse or storage use.
- 442.4 Off-street loading shall be provided for as prescribed in Section 510 of this Ordinance.

SECTION 443 Wholesale Establishments

- 443.1 There shall be no open storage of junk or salvage materials of any type in conjunction with the operation.
- 443.2 All incident or accessory storage is within the confines of an enclosed building. Wholesale uses shall also include space for administrative offices, customer services, and interior display.
- 443.3 Any loading docks or semi-trailer sized overhead doors shall not face upon a public road, or if no practical option is demonstrated, loading doors shall be setback at least seventy (70) feet from the front lot line or be structurally obscured from view.
- 443.4 Off-street loading shall be provided for as prescribed in Section 516 of this Ordinance.

SECTION 444 Wind Energy System, Large

- 444.1 No wind turbine generators shall be constructed, operated, or maintained within the Borough of California, without a permit.
- 444.2 The applicant must provide written notice of application to all property owners and tenants occupying property within two thousand (2,000) feet of the boundaries of the property upon which the Wind Turbine Generators will be located.
- 444.3 No wind turbine generator(s) shall be located where the center of tower(s) is a distance of five (5) times the height of the tower from the base to the hub of the rotor from any off-site occupied residence or occupied commercial structure existing at the time of the filing of nonresidential subdivision plan, unless the owner of such existing residential or commercial structure shall have executed a non-disturbance easement, covenant or consent which has been recorded in the Office of the Recorder of Deeds of Washington County, Pennsylvania.
- 444.3.1 Such easement of covenant shall run with the land and at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impact or flickering reflection and/r shadows which may arise as a result of the location of a wind turbine generator(s) within the established

- setback distance of an existing residential or commercial structure on the property of the owner executing same.
- 444.3.2 Such easement, covenant or consent before recording shall be submitted to the governing body for approval at the same time the nonresidential land development plan is submitted.
- 444.3.3 Such easement, covenant or consent shall meet such requirements as to form and content consistent with this Ordinance as may be required by the municipal governing body.
- 444.4 Unless satisfactory evidence is furnished to the municipal governing body that the developer has included in a lease agreement or other agreement with landowner a provision for sufficient security for the decommissioning and removal of tower facilities and restoration of the site at the time when the turbine generator facilities no longer have a useful life, which provisions are at least as stringent as the requirement herein imposed, and unless satisfactory evidence has been furnished to the governing body that such security has in fact been provided, the developer shall meet the following requirements:
- 444.4.1 The developer shall immediately following the first year of operation and every fifth year thereafter, at its own expense, retain an independent engineer acceptable to the municipal governing body to estimate the cost of decommissioning and removal of the tower facilities and restoration of the site, net of any expected salvage value and restoration of the site, net of any salvage value of tower(s) and its components and the developer shall submit such report to the municipal governing body and landowner upon receipt.
- 444.4.2 If the independent engineer concludes that such decommissioning, removal and restoration will cost in excess of the estimated salvage value, the developer shall set aside funds ("required decommissioning funds") sufficient for decommissioning and restoration by either providing a performance bond, a surety bond, a letter of credit or by depositing required decommissioning funds sufficient to off-set any shortfall in salvage value into an escrow account to be held by an escrow agent acceptable to the Developer and the property owner for the benefit of the property owner, as well as the Developer, subject to claims of the landowners.
- 444.4.3 The escrow agent shall provide those funds to the party removing such turbine(s) and restoring the property in the event the cost of disassembling and removal thereof from the premises and restoration of the premises exceeds the salvage value of the improvement.
- 444.4.4 The submission of a nonresidential land development plan shall constitute the agreement and consent of the developer and owner of the property, their respective heirs, successors and assigns that:
- 444.4.4.1 The salvage value of turbine(s) and its components may be utilized to off the cost of decommissioning, removal and site restoration and,
- 444.4.4.2 If the developer or then owner fails to remove the turbine(s) and restore the site within reasonable time, after said owner(s) has ceased to be in operation for a period of twelve

(12) months, then the municipality may dispose of the tower(s) and its related components and apply the salvage value to the costs of developing removal and restoration.

- 444.4.5 The estimated cost of decommissioning will be updated every fifth year, to take into account the inflation or other factors deemed relevant by the independent engineer including, but not limited to any increase or decrease of the market value of the structure and its related components being decommissioned and the cost of labor to perform the decommissioning.
- 444.4.6 The deposit, bonds or letters of credit shall be adjusted accordingly to the current required decommissioning funds and any sum necessary to make prior contribution equal to the Required Decommissioning Funds necessary to perform the decommissioning removal and restoration.
- 444.4.7 Any funds in excess of the Required Decommissioning Funds will be returned to the developer after decommissioning removal and restoration.
- 444.4.8 Any costs of decommissioning, removal and restoration in excess of the decommissioning shall be promptly paid by the developer or then owner of the turbine(s) to the contractor retained for removal and restoration
- 444.4.9 Any performance bond, surety bond or letter of credit, if used, in lieu of a deposit of cash shall contain such terms and provisions as shall be acceptable to the municipal governing body

- 444.5 Lighting shall be screened or shielded from any adjacent residentially zoned or residentially used property, in accordance with conditions set by borough council.

SECTION 445 Wind Energy System, Small

- 445.1 Any small wind energy system equipment authorized by this ordinance shall be considered an accessory structure and the generation of energy as an accessory use to the principal use in any zoning district
- 445.2 All associated equipment shall be located on the same lot as the principal use.
- 445.3 Power generated by wind energy equipment shall not exceed fifty (50) Kilowatts output capacity for residential uses or one hundred (100) Kilowatts of maximum output capacity for non residential uses. There shall be no commercial use of wind energy equipment for generation of energy, except for energy purchased by a public utility in accordance with law or other governmental regulations.
- 445.4 No wind energy equipment shall be located in the front yard.
- 445.5 Wind energy equipment shall comply with all setback requirements of the applicable zoning district.
- 445.6 Wind energy equipment shall not exceed a height of one hundred and forty five (145) feet. The height of a wind turbine shall be measured from the average approved finished grade at the perimeter of the base of the turbine to the highest vertical point of the rotor at its maximum vertical position.
- 445.7 Only a single pole structure shall be permitted for the wind turbine. The pole shall be self-

supporting upon its foundation without the use of guy wires or other supports.

- 445.8 Wind Turbines shall not be artificially lighted
- 445.9 Wind energy equipment shall comply with all applicable requirements of the Federal Aviation Administration (FAA).
- 445.10 Wind turbines shall be setback from any occupied building, property line, street, utility, utility line and fuel source a distance of not less than 1.5 times the height measured from the average approved finished grade at the perimeter of the base to the highest vertical point of the rotor at its maximum vertical position
- 445.11 The wind energy equipment shall meet and be installed in accordance with the applicable Uniform Construction Codes.

ARTICLE V
General Regulations

SECTION 501 Application of Yard Requirements

- 501.1 Corner lots: For corner lots, the required front yard setback will be required for the short side which fronts upon a street; the yard requirements on the long side shall be reduced by 30%.
- 501.2 Where a structure exists on an adjacent lot and is within 150 feet of the proposed structure, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district; where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures.
- 501.3 All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports or platforms above normal grade level, shall not project into any minimum front, side or rear yards except as noted in this section. Cornices, eaves, gutters, balconies, steps, stoops, bay windows or chimneys may project into required space provided such projection is not more than 24 inches.
- 501.4 A retaining wall or fence or paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. Only decorative fencing, up to four (4) feet, may be erected in the front yard of any property. Decorative, security or privacy fencing up to six (6) feet may be erected in the side or rear yard. In the Manufacturing District, fences up to eight (8) feet may be erected with approval from the Zoning Hearing Board.
- 501.5 In any residential district, no building to the rear of, and on the same lot, with a principal building shall be erected and used for residence purposes except as permitted by this ordinance.
- 501.6 Location of any accessory building shall adhere to the side yard requirements and shall be no less than five feet (5') from any rear lot line or the principal structure.

SECTION 502 Temporary Structures

- 502.1 Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. The temporary structures must be removed within 30 days of project completion.
- 502.2 Storage PODs are permitted by permit for up to two months. A permit may be renewed with the permission of the zoning officer for one additional two month period.

SECTION 503 Height Limitations

- 503.1 When the following conditions are met, height limits may be increased:
- 503.1.1 Structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all minimum front, side and rear yard depths are increased by one foot for each additional foot of height; however, such increase shall be limited to no more than 10 additional feet.

- 503.1.2 The following structures are exempt from height regulations, provided they do not constitute a hazard: communications towers, church spires, chimneys, elevator bulk heads, smoke stacks, conveyors, flag poles, standpipes, elevated water tanks, derricks and similar structures.
- 503.1.3 However, for the above structures, all yard and setback requirements must be met; in addition, any structure with a height in excess of 50 feet will first be referred to the Municipal Engineer relative to public safety considerations.
- 503.1.4 For all residential uses, accessory buildings shall not exceed 24 feet in height.

SECTION 504 Basement Structures

- 504.1 Residing in basements or foundation structures before any structure is complete shall not be permitted.

SECTION 505 Lot Area Measurements

- 505.1 The measurement of lot area shall conform to the definition of "lot area" found in Article II of this ordinance.

SECTION 506 Performance Standards

- 506.1 No use of land or structure in any district shall involve any element, or cause any condition, that may be dangerous, injurious, or noxious to any other property or person in the municipality. Furthermore, every use of land or structure in any district must observe the following performance requirements:
- 506.1.1 Fire protection. Fire-protection and -fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.
- 506.1.2 Electric disturbance. No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area.
- 506.1.3 Noise. Noise, which is determined to be objectionable because of volume or frequency, shall be muffled or otherwise controlled. In no event shall any steady-state noise be permitted in excess of 70 decibels, as measured at the property line. In residential districts, no such noise shall be permitted in excess of 65 decibels, as measured at the property line. These regulations shall not apply to fire sirens and related apparatus used solely for public safety purposes.
- 506.1.4 Smoke. To be governed by the standards of the Department of Environmental Protection.
- 506.1.5 Odors. To be governed by the standards of the Department of Environmental Protection.
- 506.1.6 Glare. Lighting devices which produce objectionable direct or reflected glare on

adjoining properties or thoroughfares shall not be permitted.

- 506.1.7 Erosion. No erosion by wind or water shall be permitted which carries objectionable substances onto neighboring properties.
- 506.1.8 Water pollution. The discharge of all wastewater shall be in accordance with the standards of the Pennsylvania Department of Environmental Protection and/or the municipality, and comply with any and all applicable regulations of the United States. Wastewater discharge shall be acceptable under the provisions of the United States. Wastewater discharge shall be acceptable under the provisions of Pennsylvania Act 537, and other state and municipal regulations as the same may be amended from time to time.

SECTION 507 Exotic Animals

- 507.1 The keeping of exotic animals are prohibited within the Borough; because of the imminent threat to the health, safety and welfare of the public.

SECTION 508 Oversized Equipment Storage

- 508.1 Commercial equipment, including trucks, ten-ton capacity or larger, tandems, tractor-trailers, tractors, buses, recreational vehicles in excess of 25 feet, or other commercial or construction and cargo moving vehicles or equipment, shall not under any conditions be stored or parked overnight in any residential district.

SECTION 509 Temporary Storage of Construction Vehicles

- 509.1 Temporary storage of construction vehicles on private property is permitted by permit during the length of the construction period in the C-1, C-2, MU and Ag Districts. The permit must be renewed after one year.

SECTION 510 Off-Street Parking

- 510.1 All building and structures erected and all uses of land established after the adoption of this section shall be provided with off-street parking spaces as set forth in this section.
- 510.2 The provisions of this section, except where there is a change of use, shall not apply to any existing building or structure.
- 510.3 Whenever a building or structure constructed before the effective date of this section is changed or enlarged, in floor area, number of employees, number of housing units, seating capacity or otherwise to create a need for an increase in the number of parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. If a building or structure existing prior to the effective date of this section is enlarged to the extent of 50% or more in floor area or number of housing units it shall then and thereafter comply with the full parking requirements set forth herein.
- 510.4 Off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this section.
- 510.5 The following regulations shall govern the location of off-street parking spaces and areas:

- 510.5.1 Parking spaces for all detached residential uses shall be located on the same lot as the use that they are intended to serve. Each required off-street parking space shall have direct access to a public right-of-way.
- 510.5.2 Parking spaces for apartments, dormitories or similar residential uses shall be located not more than 300 feet from the principal use.
- 510.5.3 Nonresidential off-street parking shall not be located within the first 40 feet from the right-of-way adjoining such lot or site. No portion of said 40 feet shall be paved for any reason except for access drives to the site and pedestrian walkways.
- 510.6 A parking space shall have minimum rectangular dimensions of not less than nine feet in width and 18 feet in length, exclusive of driveways, aisles and other circulation areas. Parallel parking spaces shall have a dimension of eight feet in width and 23 feet in length.
- 510.7 Driveways and traffic aisles serving individual parking spaces shall not be less than 25 feet wide for ninety-degree parking, 12 feet wide for parallel parking, 17 1/2 feet for sixty-degree parking and 13 feet for forty-five-degree parking. If lines indicate parking spaces with angles other than 90°, then traffic lanes shall be restricted to one-way, permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than 12 feet in width.
- 510.8 Pedestrian walkways. In parking lots over 10 parking spaces, separate pedestrian walkways shall provide safe access from buildings to parking lots, adjacent properties and sidewalks. These walkways shall be generally oriented perpendicular to and between parking bays. The following guidelines apply to the development of walkways:
 - 510.8.1 One walkway can serve as a collector for up to four parking bays of parked cars.
 - 510.8.2 Walkways shall be constructed in accordance with the standards established by the municipality.
 - 510.8.3 Walkways shall be integrated with existing sidewalks and pedestrian ways.
- 510.9 Common shared parking lots:
 - 510.9.1 Common shared parking lots are preferred and encouraged. The required off-street parking spaces for two or more uses may be provided collectively on one lot if the total number of spaces is not less than the sum of the spaces required for each use individually.
 - 510.9.2 The developer shall provide a reciprocal parking and access easement agreement between owners and operators of the facilities generating the need for common shared parking lots.
 - 510.9.3 Any modification to the required number of parking spaces shall be supported by a parking needs analysis documenting anticipated parking needs based on the combined utilization of all facilities on site simultaneously or demonstrating the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility. The parking needs analysis shall be prepared by a person or firm trained or certified to perform such duties. The modification shall be granted by the Zoning Hearing Board.

- 510.10 The required off-street parking spaces for any number of separate buildings, structures or uses may be provided collectively on one lot, provided that the total number of such spaces shall not be less than the sum of the requirements for the various individual buildings, structures, or uses computed separately in accordance with this section.
- 510.11 On development sites where a combination of large scale assembly uses requiring parking for 2,000 vehicles or more, including at least one commercial recreation use, are permitted, parking requirements may be met for each use through a reciprocal parking and access easement agreement between the owners and operators of the facilities generating the need for such parking. In such cases, at the governing body's discretion, each facility shall provide onsite a minimum of 50% of the required number of off-street parking spaces determined at peak utilization for each use.
- 510.12 A parking needs analysis shall be submitted to the municipality which documents anticipated parking needs based on the combined utilization of all facilities on site simultaneously. Said analysis shall be prepared by a person or firm trained or certified to perform such studies.
- 510.13 When two or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.
- 510.14 All off-street parking lots required by this section shall be used only for the parking of vehicles of occupants, patrons, visitors or employees and shall not be used for any kind of loading, sales, servicing or continuous storage of a vehicle for more than 48 hours.
- 510.15 Every parcel of land hereafter used as a public or private off-street parking lot capable of accommodating five or more vehicles shall be developed and maintained in accordance with the following requirements:
- 510.15.1 Each off-street parking space shall have direct access to an aisle or driveway, and all required off-street parking lots shall have vehicular access to a street so designed to minimize interference with pedestrian and traffic movement.
- 510.15.2 All off-street parking lots including loading areas and service areas shall be paved with asphalt or concrete and shall be provided with bumper guards or barrier curbs where needed.
- 510.15.3 The number of off-street parking spaces required is set forth in Table 5-1 of this section. In the case of any building, structure, or premises which is not specifically mentioned herein, the Zoning Hearing Board shall determine the amount of off-street parking required.

Table 5-1
Off-Street Parking Requirements
Minimum Required Off-Street Parking

Use	Minimum Required Off-Street Parking Spaces
Bowling lanes	5 spaces for each lane
Churches, synagogues and religious use	1 space for each 5 seats except as noted in Subsection E
Community buildings, country clubs, social halls, lodges, fraternal organizations and similar uses	1 space for each 500 square feet of floor area occupied by all principal and accessory structures

Doctors and dentists in other than office buildings	2 spaces for patients' use for each exam room
Motels and hotels	1 space for each unit
Funeral homes and mortuaries	5 spaces for each parlor
Hospitals	1 space for every 2 beds, 1 space for every 3 employees, plus 1 space per doctor
Nursing, convalescing, old age and rest homes	1 space for each 3 beds
Manufacturing, industrial, and general commercial uses not otherwise specified herein	1 space for each 2 employees in the maximum working shift
Offices	1 space for every 500 square feet of floor area
Restaurants, bars and cafes	1 space for each 3 seats
Retail stores, store groups, shops, etc.	1 space for each 300 square feet of floor area where the floor area exceeds 1,000 square feet
Wholesale establishments or warehouses	1 space for each 2 employees on maximum shift
Schools, elementary, public and private	2 spaces for every 3 teachers, employees or administrators, 1 additional space for every 6 seats in assembly hall
Home occupation uses other than those listed	1 space per employee in addition to 1 space for each 300 square feet of home occupation use
High schools, colleges universities or other institutions of higher learning	1 space for every 2 teachers, employees or administrators, 1 space for each 10 students
Banks	1 space for each 300 square feet of floor
Laundromats	1 space for each 2 washing machines
Beauty parlors and barbershops	1 space for each chair
Multifamily dwelling units	2 spaces for each dwelling unit
Single-family/two-family residences	1 space per dwelling unit
Dormitory or Rooming House	1 space for each resident
Day-care centers	1 space for every 2 teachers and employees

SECTION 511 Off-Street Loading and Unloading

- 511.1 In any district, in connection with every building, or building group or part thereof hereafter erected, which is to be occupied by manufacturing or commercial uses for distribution by vehicles of material or merchandise, where required, there shall be provided and maintained, on the same lot with such building, off-street loading berths in accordance with the requirements of Table 5-2. Each loading space shall be not less than 10 feet in width, 45 feet in length, exclusive of access or turning lanes, and have a minimum clearance of 14 feet and may occupy all or any part of any required yard.

Table 5-2
Off-Street Loading and Unloading Requirements

Uses	Square Feet of Total Floor Area	Required Off-Street Loading Berths
Schools	15,000 or more	1
Hospitals (in addition to space for ambulances)	From 10,000 to 30,000 For each additional 30,000 or major fraction thereof	1 1 additional
Undertakers and funeral parlors	5,000 For each additional 5,000 or major fraction thereof	1 1 additional
Offices; hotels; retail, commercial, wholesale, manufacturing, storage, and miscellaneous uses	From 10,000 to 25,000 From 25,000 to 40,000 From 40,000 to 60,000 From 60,000 to 100,000 For each additional 50,000 or major fraction thereof	1 2 3 4 1 additional

SECTION 512 Joint Facilities for Parking or Loading

512.1 Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Zoning Hearing Board in accordance with the purposes and procedures set forth herein.

SECTION 513 Developments and Maintenance of Parking Areas, Structures and Loading Areas

513.1 Every parcel of land hereafter used as a public or private parking area for five or more cars, or structure used as a parking garage or loading area, including a commercial parking lot, shall be developed and maintained in accordance with the requirements of this article. Plans for such areas shall be reviewed by the Zoning Officer and Borough Engineer to ensure compliance with the following regulations:

- 513.1.1 Off-street parking areas and structures for five or more vehicles and off-street loading areas shall be effectively screened by a fence or hedge. The screening shall be on the sides that adjoin, abut, are adjacent to or face premises situated in any residential zones or institutional buildings.
- 513.1.2 No off-street loading area or parking area or part thereof for five or more vehicles shall be closer than five (5) feet to any dwelling located on an adjoining or adjacent lot.
- 513.1.3 Any off-street parking or off-street loading area shall be surfaced with an asphalt or Portland cement, concrete, pavement or similar durable and dustless surface. All areas shall be marked so as to provide for the orderly and safe loading, parking and storage of automobiles or trucks.

- 513.1.4 Any lighting used to illuminate any off-street parking or loading area shall be so arranged as to reflect the light away from adjoining premises. Off-street parking facilities for multifamily structures containing three or more families shall be adequately lighted.
- 513.1.5 Any off-street parking area and off-street loading area shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses.
- 513.1.6 Parking shall be permitted on the roof of any structure, provided that a four-foot reinforced masonry wall is constructed around the perimeter of the roof.
- 513.1.7 Maximum grade of parking floors shall be 6%.
- 513.1.8 Maximum grade of ramps shall be:
 - 513.1.8.1 Covered ramps shall have a maximum grade of 15%.
 - 513.1.8.2 Uncovered ramps shall have a maximum grade of 12%.
- 513.1.9 Minimum number of elevators on multilevel facilities shall be one for each 250 parking spaces.
- 513.1.10 Number and location of ingress/egress shall be determined by municipality governing body based upon a traffic analysis.
- 513.1.11 Minimum ramp and aisle width and other design requirements shall be the same as for other parking lots.

SECTION 514 Accessible Parking Requirements

- 514.1 Accessible parking spaces for the physically challenged shall be provided for multiple-family and nonresidential uses as follows:
 - 514.1.1 Minimum number of spaces. The minimum number of required accessible parking spaces shall be as outlined in Table 5-3.
 - 514.1.2 A minimum of 25% of the required accessible parking spaces shall be van accessible.
 - 514.1.3 The minimum number of van accessible parking spaces shall be one.
 - 514.1.4 Design of accessible spaces shall be completed in accordance with the Americans with Disabilities Act Architectural Guidelines and include the following:
 - 514.1.4.1 Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible structure. In parking facilities not serving a particular structure, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
 - 514.1.4.2 Accessible parking spaces shall be at least eight feet wide.
 - 514.1.4.3 One parking access aisle of no less than five feet in width shall be

provided for each accessible parking space and shall be a part of the accessible route of no less than three feet in width to the building or facility entrance. A parking access aisle may be shared between two accessible parking spaces. Access aisles shall be clearly designated and identifiable by line painting, curbing, and other similar means.

- 514.1.4.4 Van accessible parking spaces shall be at least eight feet wide with an access aisle of no less than eight feet in width.
- 514.1.4.5 Parking spaces and access aisles shall be level with surface slopes not exceeding 2% in all directions.
- 514.1.4.6 Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Such signs shall be located so as not to be obscured by a vehicle in the space.

Table 5-3
Required Accessible Parking Spaces

Total Parking Spaces in Lot	Minimum Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20, plus 1 per 100 over 1,000

SECTION 515 Signs

515.1 The following regulations shall apply to all permitted signs in all zoning districts:

515.1.1 No sign hereafter shall be erected, moved, enlarged, replaced, illuminated or altered except in accordance with the provisions of this ordinance and any other ordinances and/or regulations enacted by the municipality. The completion of an application and the subsequent issuance of a permit by the Zoning Officer are required. Further, no sign hereafter, shall be erected, moved, enlarged, replaced, illuminated or altered, which requires a building permit under the Uniform Construction Code until the building permit is issued by the Borough approved third party agency.

515.1.2 General repair and maintenance of any sign shall not, in and of itself, be considered an

alteration.

- 515.1.3 All such applications must be accompanied by the appropriate fee, plans in duplicate, drawn to scale, showing the exact size, shape and dimensions of such signs and their proposed location or placement upon any land, building, structure or premises.
- 515.1.4 Any application for a zoning permit for the erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the Borough approved third party agency for review for compliance with the Uniform Construction Code.
- 515.1.5 A person shall not erect, install, remove or replace any sign for which a permit is required under the provisions of this ordinance until proof of liability insurance coverage in an amount not less than \$50,000 for injury to one person and \$100,000 for injury to two or more persons caused by or resulting from said sign has been filed. A person shall not maintain any sign for which a permit is required under the provisions of this ordinance until there has been filed with coverage naming the municipality as additional insured, in an amount of not less than \$100,000 for injury to two or more persons caused by or resulting from said sign.
- 515.1.6 All signs shall conform to the minimum yard requirements of the zone in which they are permitted.
- 515.1.7 No signs except those deemed as official traffic signs by the municipality, county or state, on streets within their respective jurisdiction, shall be erected within two feet of any street, or within any public right-of-way. All signs located on properties adjacent to the legal right-of-way shall allow adequate clearance for motor vehicles and pedestrians. Signs, architectural projections, or sign structures projecting over vehicular access areas must be, at a minimum, 17 feet six inches above the finished grade, which conforms to the minimum height clearance limitations, set forth in PennDOT regulations. Any signs over pedestrian access areas must be at least seven feet above the finished grade.
- 515.1.8 Signs as referred to in this section or elsewhere in this ordinance shall be constructed of durable materials and shall be kept in good condition and repair. Permitted signs shall be adequately maintained so as to not show evidence of deterioration, which includes, but is not limited to, peeling, rust, dirt, fading, discoloration or holes. Signs requiring illumination will be illuminated as specified in the ordinance. All signs located in a commercial district may be illuminated internally or by directed or reflected light, provided that the source of light is not visible and does not directly illuminate the adjoining premises, and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. The lighting shall not be directed towards a residential zoning district or residential building or be located less than 100 feet from the boundary line of the residential zoning district.
- 515.1.9 All signs shall be located on the property containing the land use identified by the sign.
- 515.1.10 No sign shall have flashing or intermittent illumination, change colors, vary in intensity or hue or emit any sound. Signs shall be nonmoving stationary structures and shall have nonmoving components except where permitted by this Ordinance. Signs which contain sound, audible messages and music are also prohibited.

- 515.1.11 No sign shall be erected containing information that states or implies that a property may be used for any purpose not permitted under the provision of this ordinance.
- 515.1.12 Nonconforming signs. Any sign which was lawfully in existence prior to the effective date of this ordinance, or of any amendment to such ordinance heretofore or hereafter enacted; or prior to the application of such ordinance or amendment thereto to its location by reason of annexation, and which did not conform or comply with the provisions of the said ordinance or amendment at the time of their enactment, shall be considered a legal nonconforming sign and may continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:
- 515.1.12.1 Alteration or moving. A nonconforming sign of any type shall not be moved to another position or location upon the building, structure or lot on which it is located, nor shall the size or area of such nonconforming sign be altered or increased or its structure or construction be altered or changed.
- 515.1.12.2 Damage, destruction or replacement. Whenever any nonconforming sign has been damaged or destroyed by any means to the extent of 50% of its market value at the time of destruction or damage, such sign shall not be restored or replaced, unless it conforms to all provisions of this ordinance.
- 515.1.12.3 Discontinuance. Whenever a nonconforming sign is discontinued for a continuous period of more than six months, then such nonconforming sign, together with its panel cabinet, supports, braces, anchors, and electrical equipment, shall be removed within 14 days from the end of the aforesaid six-month period and the use of the signs upon such building, structure or land shall not be resumed except in accordance with the provisions of this ordinance.
- 515.1.13 No permit for any advertising sign, light string, exterior portable sign or an exterior wind or power device of display or flags or pennants used for gaining attention shall be issued.
- 515.1.14 A temporary interior sign shall cover a maximum of 25% of the window area on which the sign is affixed.
- 515.1.15 A business or identification sign mounted to the face of a building shall conform to the following standards:
- 515.1.15.1 A minimum letter, number or symbol area of 50% of the sign area.
- 515.1.15.2 The maximum height of a letter, number or symbols shall be 10% of the height of the first story or 2 1/2 feet, whichever is less.
- 515.1.15.3 The sides of individual back-lighted letters, numbers or symbols shall be constructed of an opaque material that is different from the material used for the front of the letter, number or symbol.
- 515.1.16 Real estate signs related to prospective sale, rent or lease of the land or building in any zoning district within the municipality, provided that the sign area on one side of a single face sign not to exceed six square feet, or one double-face sign not to exceed a total of 12 square feet. Such signs shall be removed within 15 days following the sale of the

building or property.

515.1.17 All political signs must be removed within seven days after the date of either the primary or general election.

515.1.18 All banners are temporary signs and must be removed after 30 days.

515.2 Sign Area

515.2.1 The area of a sign shall include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This will not include any supporting framework and bracing that are incidental to the display itself. The computation of the sign area will be the smallest rectilinear, circular, or triangular shape, or the sum of the combination of regular geometric figures, which comprise the sign face.

515.2.2 Where the sign consists of individual letters, numerals or symbols attached to or painted on a surface, building, wall or window, the sign area shall be that of the smallest rectangle or other regular geometric shape that can enclose such letters or symbols.

515.2.3 In computing the area of a double-face sign, the requirements found in the definition of gross surface area of a sign shall be used.

515.3 Prohibited Signs

515.3.1 The following devices and locations are prohibited in all districts:

515.3.1.1 Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic. Also, signs that make use of words such as "Stop," "One Way," "Danger," "Yield" or similar words, phrases or symbols, lights or characters, in such a manner as to interfere with, mislead or confuse traffic.

515.3.1.2 Except as provided for elsewhere in this Code, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of way.

515.3.1.3 Portable signs except as permitted as temporary signs.

515.3.1.4 Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:

515.3.1.4.1 The primary purpose of such vehicle or trailer is not the display of signs.

515.3.1.4.2 The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.

515.3.1.4.3 The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets and actively used or available for use in the daily function of the business to which such signs relate.

515.3.1.4.4 Vehicles and trailers shall not be used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

515.4 Signs in residential districts (R-1, R-2 and R-3)

515.4.1 Signs as hereafter provided are permitted in residential districts:

515.4.1.1 Identification signs for public, charitable, educational and religious uses: one (1) free standing sign not over twenty (20) square feet in area or one (1) wall sign (size??).

515.4.1.2 Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

515.4.1.3 House numbers: minimum three inches, maximum six inches in letter height.

515.4.1.4 Nameplates not exceeding two square feet in area, bearing only the resident's name.

515.4.1.5 Nameplates of multifamily dwelling complexes, either illuminated or nonilluminated, not exceeding six square feet in area, bearing only the complex name and no advertising matter.

515.4.1.6 Nonconforming signs. No sign may be enlarged or altered in a way that increases its nonconformity.

515.4.1.7 Home Occupations are permitted one (1) non-illuminated wall not to exceed three (3) square feet in size.

515.4.1.8 Permitted non-residential uses are permitted one (1) free standing sign not to exceed twenty (20) square feet in area or one (1) wall sign not to exceed six (6) square feet in area.

515.5 Signs in the commercial districts – C-1, C-2, MU, I-1, I-2, I-3 and I-4.

515.5.1 Signs in the C-1 and MU Zoning Districts:

515.5.1.1 Within this district the intent of the sign regulations is to ensure the visual compatibility with the scale and character of the surrounding architecture. The sign must be readable by pedestrians and people in slow moving vehicles.

515.5.1.2 Types of Signs

515.5.1.2.1 Wall Signs – Illuminated or non illuminated business sign(s) directly relating to a use conducted on the premises and mounted on the wall of the building for each business provided that the total area in square feet of each sign shall not exceed two (2) times the linear feet of the street frontage.

515.5.1.2.2 Free-standing Signs – One (1) monument or one (1) pole sign is permitted, in addition to wall signs, for businesses that are set back from the property line by twenty (20) feet or more. Monument signs can be as large as fifteen (15) square feet in sign area with a maximum height of five (5) feet from the ground to the top of the sign. Pole signs can be as large as ten (10) square feet in sign area with a maximum height of ten (10) feet from the ground to the top of the sign. In either case, the sign must be set back a minimum of ten (10) feet from the property line.

515.5.1.2.3 Projecting Signs – These signs shall be a maximum of two (2) feet by three (3) feet in size.

515.5.1.2.4 Window Signs – These signs shall not cover more than seventy-five (75) percent of the total window area of the principal façade. Lettering can be up to eight (8) inches in height and must be see through.

515.5.1.2.5 Digital Signs – Permitted as conditional use.

515.5.1.2.6 Sign Trees – Permitted for shopping centers.

515.5.2 Signs in the C-2, Downtown Business Overlay, I-1, I-2, I-3 and I-4 Districts

515.5.2.1 See Section 321 (Downtown Business Overlay District)

515.6 Signs in the Industrial District

515.6.1 Signs as hereafter provided are permitted in the M-1 District:

515.6.1.1 Wall Signs – One (1) non illuminated non flashing or one illuminated non flashing business sign directly relating to a use conducted on the premises and mounted on the wall of the building may be permitted for each business provided that the total are in square feet of such signs shall not exceed two (2) times the linear feet of street frontage.

515.6.1.2 Pole Signs – Are permitted in addition to a wall sign and may be as large as ten (10) square feet in sign area with a height maximum of ten (10) feet from the ground to the top of the sign. The sign must be set back

ten (10) feet from the property line.

515.6.1.3 Digital Signs – Permitted as conditional use.

515.6.1.4 One nonilluminated, nonflashing business sign, directly relating to a use conducted on the premises and mounted on the wall of the building, may be permitted on each business, provided that the total area in square feet of such sign shall not exceed two times the linear feet of street frontage, or one nonilluminated, nonflashing and one illuminated, nonflashing business sign, directly related to a use conducted on the premises and mounted on the wall of the building, may be permitted on each business establishment, provided that the total area in square feet of such sign shall not exceed two times the linear feet of street frontage and shall not extend more than 12 inches therefrom.

515.6.1.5 No sign shall project over a public right of way. Projecting of freestanding signs on private property shall be permitted within the total sign area permitted in this ordinance, provided that the maximum area of the sign does not exceed 32 square feet.

515.6.1.6 No sign shall exceed 28 feet in height.

515.7 Signs Exempt from Regulation Under This Ordinance

515.7.1 Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance.

515.7.2 Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located.

515.7.3 Works of art that do not include a commercial message.

515.7.4 Holiday lights and decorations with no commercial message.

515.7.5 Traffic control or incidental signs on private property, such as "Stop," "Yield," and similar signs, the face of which meet Pennsylvania Department of Transportation standards and which contain no commercial message of any sort.

515.7.6 Emergency warning signs erected by governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

515.7.7 Memorial signs or tablets denoting the date of erection of a building.

515.7.8 Signs and banners erected by a governmental body or under the direction of the governing body.

515.7.9 Flags in residential districts, provided that they do not exceed 15 square feet, do not promote or advertise the sale of products or merchandise, and do not contain pornographic, obscene or offensive language or symbols.

515.7.10 Signs located in the Institutional District.

SECTION 516 Sign Permits

- 516.1 One permit is good for the life of the sign.
- 516.2 Any changes made to an existing sign, even if already permitted, require a new sign permit.
- 516.3 All signs currently in use are permitted under this ordinance; however, any modifications to the signs require the filing of a sign permit and must be in conformance with this ordinance.
- 516.4 Each application for a sign permit shall be accompanied by a drawing showing the design proposed and the size, character, and color of letters, lines, and symbols and the method of illumination and the exact location of the sign in relation to the building and property, and details and specifications for construction. The appropriate fee shall accompany each application for a sign permit.

SECTION 517 Illumination

- 517.1 The following requirements shall apply to the illumination of signs, advertising structures and premises:
 - 517.1.1 Area lighting used in parking areas and yard areas shall be designed and used to eliminate glare on public streets and ways and/or other private property.
 - 517.1.2 All signs and advertising structures, except hereinafter modified, may be illuminated internally or by reflected light, provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.
 - 517.1.3 No illumination involving movement or causing the illusion of movements by reason of the lighting arrangement or other devices shall be permitted except where permitted by Ordinance.

SECTION 518 Grading

- 518.1 A grading permit is required only when no building permit is required. The grading permit is included with the zoning permit for new construction or additions.
- 518.2 All applications for grading permit must include a scaled drawing of the property to be graded, indicating the exact location and extent of the area to be affected and the proposed maximum grades at completion of the work, together with the location of surface drainage systems and proposed treatment of graded surfaces where not paved or otherwise occupied by structures. Whenever applicable, the application must demonstrate compliance with all Borough stormwater management ordinances and/or regulations, be accompanied by an approved stormwater management plan, and demonstrate approval by any relevant county or state environmental regulatory agency.
- 518.3 Graded slopes shall not exceed the following maximums:

Where earth materials are excavated from areas where the surface has not been altered for at least two years, the maximum grade shall not exceed one foot vertical rise to each 1 1/2 feet of horizontal run (1:1.5).

Where earth materials are placed upon previously undisturbed soil or grading is carried out in areas where previous earthmoving has occurred less than two years before, the maximum grade shall not exceed one foot vertical rise to each two feet of horizontal run (1:2).

Where soil conditions apparently will tolerate steeper grades without risk to the stability of the graded slope and the areas the slope supports, the developer shall provide a report by a registered professional engineer, bearing his Pennsylvania seal, attesting that the soil conditions in the area to be disturbed will tolerate grades up to a maximum slope established by the engineer, and which may exceed the limits provided hereunder.

- 518.4 Areas to be built up through grading shall be keyed in to preexisting undisturbed earth and well compacted in layers not to exceed eight inches in thickness. The toe of a slope shall be either graded to a natural existing drainage way or storm drain system. Where a slope continues upward beyond the limits of grading, the top of the graded area shall be protected from the accumulation of stormwater by a bench sloped to a storm drain system.
- 518.5 Slope areas not to be paved or built upon shall be planted with erosion-resisting plant materials immediately upon completion of grading work. Areas of the property not to be occupied by buildings or paved surfaces shall be landscaped and maintained upon completion of development.

ARTICLE VI

NONCONFORMING LOTS, STRUCTURES, USES

SECTION 601 Intent and Purpose

- 601.1 If there exist lots, structures, or uses that were lawful prior to the enactment of this ordinance, that would be prohibited or restricted under the requirements established by this ordinance, it is the intention of the Borough to permit these lots, structures or uses to continue as they existed prior to the enactment, or any subsequent amendments, of this ordinance. However, all changes in such lots, structures, or uses shall only be as allowed in this article.
- 601.2 Whenever a nonconforming use, in or on the land, or within a building or structure or portion thereof, has been discontinued for a continuous period of more than 12 months, such discontinuance shall be deemed to be an abandonment of such nonconforming use. Any subsequent use thereof shall conform to the applicable provisions of this ordinance or any amendments and the prior nonconforming use shall not thereafter be resumed, unless it is in accordance with the applicable provision of this ordinance or any amendments.
- 601.2.1 When the Zoning Officer has made a determination, that a use has been discontinued for a continuous period of twelve (12) months or more and has been abandoned, the Zoning officer shall bring the case before borough council, at a duly authorized meeting of council, who shall make the final determination, upon majority vote of council, and authorize the zoning officer, to enforce the ordinance according to the applicable provisions of the ordinance.
- 601.3 Whenever any nonconforming use shall have been changed or altered so as to conform to the provisions of this ordinance or its amendments, then such nonconforming use shall no longer be nonconforming to the extent to which it then conforms to this ordinance or its amendments, and the prior nonconforming use shall not thereafter be resumed; provided, however, that if any subsequent amendments to this ordinance should make the use as so changed or altered nonconforming with its provisions then such use as changed or altered shall become a new nonconforming use to the extent of such nonconformance or noncompliance.
- 601.4 Any use for which a conditional use or special exception is approved in accordance with the applicable requirements found in this ordinance shall not be deemed a nonconforming use but shall, without further action, be deemed a conforming use in such zoning district.
- 601.5 One-family dwellings existing at the effective date of this ordinance are not to be considered as nonconforming uses, but may not be enlarged to decrease yard areas below the minimum authorized by this ordinance or to increase height above the maximum authorized by this ordinance.
- 601.6 If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Zoning Hearing Board, with by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such a change, the Zoning Hearing Board, may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

SECTION 602 Nonconforming Lots

- 602.1 Any existing lots in any district where single-family dwellings are permitted may be used for the erection of a single-family dwelling, residential garages, additions and accessory buildings, even though its area and width is less than the minimum requirements. Front, rear and side yards for existing lots of record shall not be less than three feet or rear yards less than five feet and cannot encroach any closer than the existing building on the front.
- 602.2 Where two or more adjacent lots of record with less than the required area and width are held by one owner, on or before the date of enactment of this ordinance, the request for a permit shall be referred to the Zoning Hearing Board which shall require replotting to fewer lots, which would comply with the minimum requirements of this ordinance.

SECTION 603 Nonconforming Structures

- 603.1 Any nonconforming building which has been damaged or destroyed by fire or any other means may be reconstructed and used as before, if such reconstruction is performed within 12 months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content. If approved by the Zoning Hearing Board, a reconstructed structure may exceed its original lot coverage and cubic content but must meet the minimum yard requirements of the district in which the structure is located, and in such cases it must meet the off-street loading and parking requirements of this ordinance.
- 603.2 In the event that any nonconforming use, conducted in a structure or otherwise, ceases, for whatever reasons, and the landowner has shown intent to abandon the use, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this ordinance.
- 603.3 The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this ordinance. A nonconforming building or structure may, with the approval of the Zoning Hearing Board, be extended, enlarged or replaced if such structures meet the minimum yard coverage regulations and height restrictions of the district in which the structure is located. The use must meet all off-street parking and loading requirements of this ordinance.
- 603.4 Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this ordinance and where construction is complete within six months from the date of issuance of the permit.
- 603.5 Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this article shall also apply to any uses that thereby become nonconforming.

SECTION 604 Nonconforming Uses

- 604.1 A nonconforming use, which occupies a portion of a structure or premises, may be extended within such structure or premises as they existed when the provision to prohibit the use took effect, but not in violation of the area and yard requirements of the district in which structure or premises is located.
- 604.2 The Zoning Hearing Board may approve an enlargement or expansion of the use if it is deemed to be necessary as part of the natural expansion and growth of trade of the nonconforming use.
- 604.3 The Zoning Hearing Board may impose such conditions as deemed necessary for the protection of

adjacent property and public interest. No changes of a nonconforming use shall entail structural alterations beyond those required by law for the purpose of safety and health.

- 604.4 Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

SECTION 605 Repairs and Maintenance

- 605.1 Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the municipality.
- 605.2 Any modification, alteration, structural alteration, reconstruction, or improvement of any kind to an existing structure located within a one-hundred-year floodplain, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

SECTION 606 Registration of nonconforming uses, structures and lots

- 606.1 All nonconforming uses, buildings/structures, and lots/properties, in all zoning districts within the Borough of California, must be registered.
- 606.2 The property owners having any claimed nonconforming uses, buildings/structures, or lots/properties shall be required to file applications and registration with the Borough Code Enforcement Officer and nonconforming application forms provided by the Borough within six (6) months of the enactment of this Ordinance.
- 606.3 These applications and registration will be reviewed by the Borough Code Enforcement Officer and written approval or disapproval shall be given to each applicant within thirty (30) days of filing.
- 606.4 Failure to request the nonconforming use, building/structure, or lot/property shall result in being subject to "Enforcement Procedures; violations and penalties," as set forth in Section 706 of this Ordinance.
- 606.5 In addition to the fines for violating the registration requirement for nonconforming uses, buildings/structures, or lots/properties, the Borough of California shall have the right to seek injunctive relief to prevent the continued nonconformity until the owner of the nonconforming use, buildings/structure, and lot/property complies with the registration provisions.

ARTICLE VII
ADMINISTRATIVE PROVISIONS

SECTION 701 Appointment of Zoning Officer

- 701.1 The municipality shall appoint the Zoning Officer who shall administer and enforce the provisions of this ordinance, and shall do so in accordance with the provisions of the Pennsylvania Municipalities Planning Code (MPC). No zoning permit of any kind shall be granted by the Zoning Officer except in compliance with the literal provisions of this ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment granted by the municipality.

SECTION 702 Duties of Zoning Officer

- 702.1 The Zoning Officer shall have such duties and powers as are conferred on him by this ordinance and are reasonably implied for that purpose. It shall be the duty of the Zoning Officer to:
- 702.1.1 Receive, examine and process all applications for building, occupancy and zoning permits for all uses including signs.
 - 702.1.2 Issue permits only where there is compliance with the provisions of this ordinance, with other municipal ordinances, and with the laws of the commonwealth and the federal government. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits for conditional uses requiring approval by the municipality shall be issued only after receipt of approval from the governing body. Permits for development required by the Subdivision and Land Development Ordinance #475, as amended, shall only be issued after a review and approval by the planning commission and borough council.
 - 702.1.3 Receive applications for conditional uses, curative amendments and zoning changes, forwarding such requests to the governing body, or other appropriate agencies.
 - 702.1.4 Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for actions thereupon.
 - 702.1.5 Examine, or cause to be examined, all structures and/or land for which an application has been filed for a zoning permit, and he may conduct such inspections from time to time, during and at completion of the work for which a zoning permit has been issued.
 - 702.1.6 Conduct inspections and surveys to determine compliance or noncompliance with the terms of this ordinance.
 - 702.1.7 Issue stop, cease and desist orders, and order, in writing, correction of all conditions found to be in violation of the provisions of all applicable regulations. 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 issued lawfully by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this ordinance.
 - 702.1.8 With the approval of the governing body or when directed by them, institute in the name of the municipality any appropriate actions or proceedings to: (1) Prevent unlawful erection, construction, reconstruction, alteration, repair, conversion maintenance or use of a building,

structure or property; (2) Restrain, correct or abate any such violation so as to prevent the occupancy or use of any such building, structure or land; and/or (3) Prevent any illegal act, conduct, business or use in or about such premises.

- 702.1.9 Revoke any order or zoning permit issued under mistake of fact, or contrary to the law, of the provisions of this ordinance.
- 702.1.10 Record and file all applications for zoning permits with accompanying plans and documents.
- 702.1.11 Maintain a map or maps showing the current zoning classification of all land in the municipality.
- 702.1.12 Keep an up-to-date list of all nonconforming uses in accordance with Article VII of this ordinance.
- 702.1.13 Keep and maintain an up-to-date Register of Historic Properties within the Borough.

SECTION 703 Zoning Permits

- 703.1 Until the Zoning Officer has issued a zoning permit applicable thereto, no person shall:
 - Occupy or use any vacant land.
 - Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged.
 - Change the use of a structure or land to a different use.
 - Change or alter a nonconforming use.
- 703.2 The zoning approval shall state that the proposed use of the structure or lot conforms to the requirements of this ordinance. In accordance with the provisions of this ordinance, owners of nonconforming uses, structures, or lots or their agents, may apply for zoning approval. Issuance of such zoning approval by the Zoning Officer shall constitute registration of the nonconforming use, structure, and/or lot.
- 703.3 Application fees. Each applicant for a zoning permit shall present, with the application, a plan of the property showing clearly and completely the location, dimensions and nature of any structure involved and any other information the Zoning Officer may require so as to comply with this ordinance, together with a filing fee in accordance with a schedule of fees as adopted by Borough Council by resolution.
- 703.4 Records. The Zoning Officer shall maintain a permanent file of all zoning permits and applications as public record.
- 703.5 A zoning permit shall expire one year from the date of issuance; provided, however, that the same might be extended for a period not to exceed an additional one year.
- 703.6 All zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit display shall occur within five days of permit issuance or prior to the commencement of actual work on the site, whichever comes first. The zoning permit shall be displayed continuously until a certificate of occupancy is issued for the subject property.

SECTION 704 Building Permits

- 704.1 Until the Zoning Officer has authorized the issuance of a building permit (for applications not requiring a building permit as defined by the Uniform Construction Code, the zoning permit shall serve as the building permit) no person shall:
- Build, construct, or otherwise modify any structure or accessory structure.
 - Build, construct or otherwise modify any driveway, sidewalk or patio.
 - Renovate, remodel, or perform any construction activity, as defined under the Uniform Construction Code, at any location within the Borough.
- 704.2 The building permit shall state that the proposed structure or modification conforms to the requirements of this ordinance, and to any other requirements provided under federal or state law. No permit may issue until the applicant has submitted a complete application, as provided by the Borough or approved third party agency, including all such accompanying material as deemed necessary and appropriate by the Zoning Officer.
- 704.3 Application fees. Each applicant for a building permit shall present with the application a filing fee, where a Uniform Construction Code permit is required as determined by the approved third party agency and approved by Borough Council.
- 704.4 Records. The Zoning Officer shall maintain a permanent file of all building permits and applications as public record.
- 704.5 A building permit shall expire twelve (12) months from the date of issuance; provided, however, that the same might be extended for a period not to exceed an additional six months.
- 704.6 All building permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit display shall occur within five days of permit issuance or prior to the commencement of actual work on the site, whichever comes first. The permit shall be displayed continuously until a certificate of occupancy is issued for the subject property.

SECTION 705 Certificates of Occupancy

- 705.1 No use of vacant land shall be made, nor shall any building or structure hereafter constructed, erected, or structurally altered be occupied or used, nor shall any existing use of a building, structure, or land be changed until a certificate of occupancy shall have been issued by the Zoning Officer or the approved third party agency.
- 705.2 In the event that a building permit is required for the construction, erection or structural alteration of any building or structure, an application for a certificate of occupancy shall be made simultaneously with the application for the building permit at no additional cost to the applicant. The applicant shall notify the Zoning Officer of the date on which such construction, erection, or structural alteration shall have been completed in conformity with the provisions of this ordinance and the Zoning Officer shall examine the building or structure involved within 10 days of the completion. If the Zoning Officer or approved third party agency finds that the construction, erection, or structural alteration has been completed in accordance with the provisions of this ordinance, a certificate of occupancy shall be issued. The approved third party agency shall be responsible for issuing occupancy permits for work completed under the provisions of the UCC and occupancy permits for change of uses not involving the issuance of a building permit.
- 705.3 Temporary certificate of occupancy. The Zoning Officer or approved third party agency may issue a

temporary certificate of occupancy which may permit the use or occupancy of a building or structure during structural alteration thereof or may permit the partial use or occupancy of a building or structure during its construction or erection. The temporary certificate shall be valid for a period of six months from its issuance and shall be subject to such restrictions and provisions that may be deemed necessary by the Zoning Officer to adequately insure the safety of persons using or occupying the structure, building, or land involved.

- 705.4 All applications for certificates of occupancy shall be made on forms provided by the Zoning Officer and the municipality and shall contain accurate information as to the size of and location of the lot, the locations of the buildings and structures on the lot, the dimensions of all yards and open spaces, and such other information that is required by the Zoning Officer as necessary to provide for the enforcement of this ordinance.
- 705.5 The Zoning Officer shall act on applications for certificate of occupancy in a manner established by requirements of the state or the municipality.
- 705.6 No certificate shall be issued until the premises in question has been inspected and found by the Zoning Officer or approved third party agency to be in compliance with this ordinance.
- 705.7 The issuance of a certificate of occupancy in no way absolves the owner or authorized agent from compliance with the intent of this ordinance.

SECTION 706 Enforcement Procedures; Violations and Penalties

- 706.1 When it appears to the municipalities or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:
- The name of the owner of record and any other person against whom the municipality intends to take action.
 - The location of the property in violation.
 - The specific violation with a description of the requirements that have not been met, citing, in each instance, the applicable provisions of the ordinance.
 - The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this ordinance.
 - That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation.
- 706.2 In any appeal of an enforcement notice to the Zoning Hearing Board, the municipality shall have the responsibility of presenting its evidence first.
- 706.3 Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the municipality if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

- 706.4 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 municipality, the Zoning Officer, or any aggrieved owner or tenant of real property who shows that his/her 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 violation. When a landowner or tenant institutes any such action, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body. No such action may be maintained until such notice has been given.
- 706.5 Magisterial District Judges shall have initial jurisdiction over proceedings brought under this section.
- 706.6 Any persons, or the partners, owners, managers or members of any partnership or corporation, who or which have violated or permitted violation of the provisions of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the municipality 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 Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this ordinance shall be paid over to the municipality.
- 706.7 Fines levied for violation of this ordinance shall be paid over to the Borough of California.
- 706.8 Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the municipality, its Solicitor, its Code Enforcement Officer or its Zoning Officer the right to initiate or prosecute any action for enforcement pursuant to this section.

SECTION 707 Appeals

- 707.1 The procedure and time limitations for appeal from any ordinance, decision, determination or order of the governing body, Zoning Officer, Zoning Hearing Board, or other applicable agency or officer of the municipality, in the enactment of administration of this ordinance, shall be in conformance with the provisions of the MPC.
- 707.2 Any person or municipal official aggrieved or affected by any provision of this ordinance or by any determination of the Zoning Officer may appeal to the Board within 30 days, as provided by the rules of the Zoning Hearing Board, by filing a notice of appeal specifying the grounds thereof. The Zoning Hearing Board shall have the power to hear and decide appeals from any order, requirement, decision, grant or refusal made by the Zoning Officer in the administration of this ordinance.
- 707.3 Where the Zoning Hearing Board has jurisdiction over a matter, it shall also hear appeals that an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Zoning Hearing Board shall have no power to pass upon the nonzoning issues, but shall take evidence and make a record thereon, as

provided in Section 908 of the MPC. At the conclusion of the hearing, the Zoning Hearing Board shall make findings on all relevant issues of fact that shall become part of record on appeal to court.

SECTION 708 Fees

- 708.1 The Borough shall determine a schedule of fees, to be adopted by resolution, as well as a collection procedure for permits and applications for variances, special exceptions, amendments and other matters pertaining to this ordinance.
- 708.2 The Borough shall reevaluate the fee schedule from time to time and make the necessary changes to it. These changes shall not be considered an amendment to this ordinance and may be adopted at a public meeting by resolution.
- 708.3 All fees shall be paid to the treasury of the Borough of California. Special exceptions, variances and amendments shall be acted upon only after the required fees have been paid in full and the Zoning Hearing Board shall not take any action on appeals until the necessary charges have been paid in full.

SECTION 709 Zoning Hearing Board

- 709.1 In accordance with Article IX of the MPC, a Zoning Hearing Board shall be appointed and organized. This Zoning Hearing Board shall hold meetings, keep minutes, and, pursuant to public notice, conduct hearings, compel the attendance of witnesses, take testimony under oath and render decisions, all as required by law. For filing of any appeal or proceeding with the Zoning Hearing Board, a fee shall be charged in accordance with the schedule.
- 709.2 Except as provided in the MPC, the Zoning Hearing Board shall have no power to pass upon the validity of any provisions of an ordinance or a map.

SECTION 710 Zoning Hearing Board Administrations and Procedures

- 710.1 Membership and organization. The membership and organization of the Board and the appointment of alternate members to the Board shall be as follows:
 - 710.1.1 The membership of the Board shall be three persons, who are residents of the Borough of California and who may hold no other elected or appointed Borough office. Members of the Board shall be appointed to staggered three-year terms, so that the term of one member expires the first Monday of January each year. Members may be reappointed at the discretion of the Borough Council, and Council may make appointments to fill the unexpired term of any member upon the occasion of a vacancy.
 - 710.1.2 Members of the Zoning Hearing Board shall organize and shall elect from their members a Chairman and Vice Chairman, and may appoint a Secretary, who may be a member of the Board or a clerical employee.
 - 710.1.3 The Borough Council may appoint one alternate member, who shall meet the qualifications required for Board membership, and who may, at the call of the Chairman, replace a regular member who is unable to participate in the disposition of a matter pending before the Board. During such proceedings, the alternate member shall function with the full authority of a regular member of the Board.
- 710.2 Rules and regulations. The Board may make, alter and rescind rules, regulations, and forms for its procedures such as are consistent with the Borough Code and the laws of the commonwealth. Copies of rules, regulations and forms adopted by the Board shall be prepared and shall be made available for

inspection by any interested persons in the offices of the Board and the municipalities.

- 710.3 Notice hearing and decisions. The Board shall conduct hearings and render decision, after giving such notice as required by law, in the manner prescribed by the MPC, as now established or hereafter amended.
- 710.4 Jurisdiction of the Zoning Hearing Board. The jurisdiction of the Zoning Hearing Board shall be as set forth in the MPC, as amended, and other applicable law.
- 710.5 All appeals and applications made to the Zoning Hearing Board shall be in writing on forms prescribed by the governing body.
- 710.6 Every appeal or application shall refer to the specific provision of the ordinance involved, and shall set forth exactly the interpretation that is claimed, the use for which the special permit is sought or the details of the variance should be granted.
- 710.7 The hearings shall be conducted in accordance with Section 908 of the MPC. The Zoning Hearing Board 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 Zoning Hearing Board and accept the decision of the hearing officer as final.
- 710.8 The Borough Council shall appropriate such funds to the Board as necessary to provide secretarial, stenographic, legal, technical, or other consulting services incident to the business of the Board.
- 710.9 No attorney retained as Municipal Solicitor to the Borough may provide legal services to the Zoning Hearing Board.

SECTION 711 Special Exceptions

- 711.1 In any instance where the Board is required to consider a special exception in accordance with the provisions of this ordinance, the Board shall apply the following standards:
The Board shall determine if the applicant has shown that the proposed special exception will not substantially injure or detract from the use of the neighboring property or from the character of the neighborhood, and that the use of property adjacent to the area included in the proposed change or plan is adequately safeguarded.
- 711.2 The Board shall determine if the applicant has shown that the proposed special exception will serve the best interests of the Borough, the convenience of the community and the public welfare.
- 711.3 The Board shall determine if the applicant has shown that the effect of the proposed special exception will facilitate the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and public schools.
- 711.4 In granting a special exception, the Board may attach such reasonable conditions and safeguards, which conditions may include, but are not limited to, harmonious design of buildings, plantings and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking, and sanitation, as it may deem necessary to implement the purpose of this ordinance.

SECTION 712 Variances

- 712.1 In accordance with Section 910.2 of the MPC, the Zoning Hearing Board, upon appeal, shall have power to authorize variances from the provisions of this ordinance. The applicant must provide evidence to

the Zoning Hearing Board of the need for the variance based upon all the following criteria and the Zoning Hearing Board may grant a variance provided that all of the findings are made where relevant in a given case:

- That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this ordinance in the neighborhood or district in which the property is located.
- That, because of such physical circumstances or condition, there is no possibility that the property can be developed in strict conformity with the provisions of this ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- That such unnecessary hardship has not been created by the appellant.
- That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- 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.

SECTION 713 Nonconforming Uses

- 713.1 The Zoning Hearing Board shall have the power to authorize changes in lawful nonconforming uses as follows in accordance with this ordinance:
- 713.1.1 A nonconforming use, which occupies a portion of a structure or premises, may be extended within such structure or premises as they existed when the provision to prohibit the use took effect, but not in violation of the area and yard requirements of the district in which structure or premises is located.
- 713.1.2 The Zoning Hearing Board may impose conditions deemed necessary for the protection of adjacent property and public interest. No changes of a nonconforming use shall entail structural alterations beyond those required by law for the purpose of safety and health.

SECTION 714 Mediation Option

- 714.1 In accordance with Section 908.1, Mediation option, of the MPC, authorized parties may utilize mediation as a method to facilitate such proceedings.

SECTION 715 Conditional uses

- 715.1 Within this ordinance, it is provided that certain uses may be permitted as conditional uses and must be approved by the governing body of the municipality. These conditional uses may be allowed or denied by the governing body pursuant to the standards, criteria and conditions set forth in this ordinance or incorporated herein by reference.

- 715.2 In addition to the information required on the zoning permit application, the conditional use application must show ground floor plans and elevations of proposed structures, names and addresses of property owners within 300 feet including those directly across a public right-of-way, a scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this ordinance, and a written description of the proposed use in sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this ordinance.
- 715.3 No conditional use shall be approved except pursuant to public notice and hearing held on the application for any such use by the governing body.
- 715.4 The applicant shall provide photographs of the present site and the surrounding contiguous area of up to 200 feet from the property line.
- 715.5 The applicant must demonstrate compliance with the following:
- The proposed use shall be consistent with the purpose and intent of this ordinance as well as the Comprehensive Plan.
- The proposed use will not impact or change the character of the surrounding neighborhood.
- Adequate public facilities are available to serve the proposed use.
- If the development is in a designated floodplain, it complies with all necessary requirements.
- The proposed use will not be detrimental to the community.
- 715.6 The governing body may attach reasonable conditions and safeguards that are considered necessary to protect the public welfare, that may be more restrictive than those established for uses in the same zoning district. The governing body may require that such conditions be incorporated into a plan of lots or other appropriate recordable form and filed in the Washington County Recorder of Deeds' office. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this ordinance and be subject to the penalties described in this ordinance. Each situation shall be deemed to be separate and individual, and the disposition made by the governing body shall apply only to that particular application and in no way be construed to establish precedent.
- 715.7 During the evaluation of the conditional use application, the governing body shall consider the effect and overall compatibility of the proposed use based on:
- Density of population.
 - Height, shape, size, and location of proposed buildings/structures.
 - Adequacy and location of off-street parking facilities.
 - Potential for increased traffic.
 - Existence and location of natural and artificial buffering.
 - Lighting.
 - Odors and noise.
 - Signs and other display devices.
- 715.8 Unless otherwise specified by the governing body, or by law, a conditional use permit shall expire if the applicant fails to obtain a zoning permit within 12 months from the date of authorization thereof by the governing body or by the court if such conditional use approval has been granted after an appeal, or fails to complete any erection, construction, reconstruction, alteration, or change in use authorized by the conditional use approval within 18 months from the date of authorization thereof by the governing

body or by the court if such conditional use approval has been granted after an appeal. The Zoning Officer may extend the approval for an additional period of up to one year in the event that the applicant has shown good cause for the delay.

SECTION 716 Amendments

- 716.1 The municipality may introduce and/or consider amendments to this ordinance and to the Zoning Map, as proposed by a member of the Borough Council, or by a petition of a person residing or owning property within the Borough.
- 716.2 All amendments shall conform to Section 609, Enactment of zoning ordinance amendments, and Section 610, Publication, advertisement and availability of ordinance, of the MPC and all subsequent amendments to the MPC (including Acts 67 and 68). The notification of proposed amendments shall be in accordance with (Act 2 of 2002) of the MPC.
- 716.3 Petitions for amendments shall be filed with the Zoning Officer and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with the fee schedule. The Zoning Officer, Borough Engineer, Borough Solicitor, and the Washington County Planning Commission shall review the proposed amendment and report their findings and recommendations in writing to the Borough Council.
- 716.4 Before acting upon a proposed amendment, the Borough Council shall hold a public hearing thereon. Notice of such public hearing, containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined, shall be published once a week for two consecutive weeks in a newspaper of general circulation in the municipality. The first publication shall be not more than 30 days and the second publication not less than seven days from the date of the hearing.

SECTION 717 Landowner Curative Amendments

- 717.1 A landowner who desires to challenge on substantive grounds the validity of this ordinance or map, or any provision thereof, which prohibits or restricts the use of development of land in which he/she has an interest, may substitute a curative amendment to the Borough Council with a written request that his/her challenge and proposed amendment be heard and decided as provided in Section 609.1, Procedure for landowner curative amendments, and Sections 916.1 and 610 of the MPC. As with other proposed amendments, the curative amendment shall be referred to the Zoning Officer, Borough Engineer, Borough Solicitor and the Washington County Planning Commission at least 30 days before the hearing is conducted.

SECTION 718 Municipal Curative Amendments

- 718.1 In the instance that municipalities would determine that this ordinance or the Zoning Map, or any provision thereof, is substantially invalid, the municipality can take action as provided for in Section 609.2, Procedure for municipal curative amendments, of the MPC.

APPENDICES

California Use Table
Primary Uses - March 2019

USE	A1: Ag	R1: Low Den Res	R2: Med Den Res	R3: High Den Res	C1: Gen Commercial	C2: Down town	Down town Overlay	MU: Mixed Use	M1: Manufacturing	I1: Main Campus	I2: College Farm	I3: Old Harris Farm	I4: Cal Area School Dist
Agricultural Operation	P											CU	
Airport	SE								SE				
Amusement / Recreation Center (Indoor)	CU		CU	CU	P	P	P	P					P
Amusement / Recreation Center (Outdoor)	SE		SE		SE			P			P		P
Apartments (2nd Story and above)				SE		P	P						
Arena											P		P
Bank/Financial Institution					P	P	P	P					
Bed and Breakfast	P	SE	P	P		P	P						
Boarding House				CU		CU							
Bus Station / Transit Depot						P		P	P	P			
Business Services				SE		P	P	P					
Campground	P												
Car Wash					P			P	P				
Catering Business						P	P						
Cemetery	P	SE		SE									
Clinic, Medical				SE	P	P	P	P		P			
Communication Non- Tower, Wireless	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Communication Tower, Wireless (Inside ROW)	CU				CU	CU	CU	CU	CU	CU	CU	CU	CU

California Use Table
Primary Uses - March 2019

USE	A1: Ag	R1: Low Den Res	R2: Med Den Res	R3: High Den Res	C1: Gen Commercial	C2: Down town	Down town Overlay	MU: Mixed Use	M1: Manufacturing	I1: Main Campus	I2: College Farm	I3: Old Harris Farm	I4: Cal Area School Dist
Communication Tower, Wireless (Outside ROW)	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Compressor Station	CU								CU				CU
Community Center			SE	SE	SE	P	P	SE					
Contractor's Business					P	P		P	P				
Convenience Store					P	CU	P	P		P			
Convenience Store with gasoline					P	CU		CU					
Correctional Facility									CU				
Day Care Center	CU	CU	CU	CU	P	P	P						
Distribution Plant, Parcel Delivery								P	P				
Docks						P				P			
Dormitory										P	P		
Drug Treatment Facility								CU	CU				
Dwelling, Multi-Family	CU	CU	CU	CU	CU	CU	CU	CU					
Dwelling, Single Family Detached	P	P	P	P	P			P					
Dwelling, Two Family	CU	CU	P	P									
Educational Facility, Primary / Secondary	SE	SE	P	P		P		P					P
Educational Facility, Higher Education								P		P	P	P	
Educational Facility, Trade School					P	P		P					

KEY: P = Permitted by Right, SE = Special Exception, CU = Conditional Use

California Use Table
Primary Uses - March 2019

USE	A1: Ag	R1: Low Den Res	R2: Med Den Res	R3: High Den Res	C1: Gen Commercial	C2: Down town	Down town Overlay	MU: Mixed Use	M1: Manufacturing	I1: Main Campus	I2: College Farm	I3: Old Harris Farm	I4: Cal Area School Dist
Equestrian Facility	P											CU	
Equipment Rental / Repair					P	P		P	P				
Essential Communications Tower / Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P
Fairground	P												
Farmers' Market	P				P	P	P						
Flea Market	P				P								
Forest Management Operations	P												
Fruit and Vegetable Stand	P				P	P	P						
Funeral Home / Mortuary			SE	SE	P	P	P						
Garden Center					P	P	P						
Gas Wells (Conventional)	CU	CU	CU		CU			CU	CU		CU	CU	CU
Gas Wells (Unconventional)	CU	CU	CU		CU			CU	CU		CU	CU	CU
Gasoline Service Station					P			SE					
Group Home	P	P	P	P									
Group Residential Facility	CU		CU	CU	CU			CU					
Hospital					SE								
Hotel / Motel					P	P	SE	P					
Incinerator									P				

California Use Table
Primary Uses - March 2019

USE	A1: Ag	R1: Low Den Res	R2: Med Den Res	R3: High Den Res	C1: Gen Commercial	C2: Down town	Down town Overlay	MU: Mixed Use	M1: Manufacturing	I1: Main Campus	I2: College Farm	I3: Old Harris Farm	I4: Cal Area School Dist
Independent Living Facility			P	P	SE								
Industrial Park								P	P				
Junkyard									P				
Kennel	SE								SE				
Laundromat					P	P	P						
Lumber / Building Material Facility								SE	P				
Manufactured Home/Mobile Home	CU												
Manufacturing, Heavy									CU				
Manufacturing, Light								P	P				
Medical Marijuana, Dispensary								CU	CU				
Medical Marijuana, Gowing / Processing	CU								CU				
Mineral Extraction	SE								P				
Mixed Use Structure					P	P	P						
Mobile Home Park	CU												
Motor Vehicle Repair / Service	CU				CU	CU		CU					
Motor Vehicle Sales/Service	SE				P	P		P					
Municipal Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P
Office			SE	SE	P	P	P	P		P			
Park	P		P	P	P	P	P	P		P	P		P
Parking Lot, Standalone					P	SE	P	P	P	P	P	P	
Parking Structure, Commercial					P	SE		P	P	P		P	

California Use Table
Primary Uses - March 2019

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Personal Care Facility	SE		SE	SE				P					
Personal Services			SE	SE	P	P	P	P					
Pharmacy					P	P	P	P					
Photographic Studio					P	P	P						
Place of Public Assembly	SE	SE	SE	SE	P	P	P	P		P		P	
Place of Worship	SE	SE	SE	SE	P	P	P	P		P			
Planned Residential Development		SE	SE	SE									
Private Club					P	P	P						
Processing Plant									CU				
Public Utilities Structure			SE	SE	P	P	P	P	P				
Quasi Governmental Buildings					P	P	P	P					
Radio and Television Studio								P		P			
Recreational Vehicle Park	SE												
Research and Development Lab								P				P	
Recycling Facility									P				
Restaurant				SE	P	P	P	P		P			
Retail Stores				SE	P	P	P / SE (> 25,000sf)	P		P			
Rooming House				CU		CU	CU						
Shopping Center					P			P					
Skilled Nursing Facility			SE	SE	SE	P							

California Use Table
Primary Uses - March 2019

USE	A1: Ag	R1: Low Den Res	R2: Med Den Res	R3: High Den Res	C1: Gen Commercial	C2: Down town	Down town Overlay	MU: Mixed Use	M1: Manufacturing	I1: Main Campus	I2: College Farm	I3: Old Harris Farm	I4: Cal Area School Dist
Sexually Oriented Business									SE				
Solar Energy System, Large	CU											CU	
Solid Waste Disposal Area									SE				
Storage Facility	SE				SE								
Studio					P	P	P	P					
Tavern / Drinking Establishment					P	P	p						
Transit Stop	P	P	P	P	P	P	P	P	P	P	P	P	P
Travel Plaza					P								
Veterinary Clinic	P				P	P							
Warehouse								SE	SE				
Wholesale Establishment								SE	SE				
Wind Energy System, Large	CU											CU	
Winery	P							SE					

California Use Table
Accessory Uses -March 2019

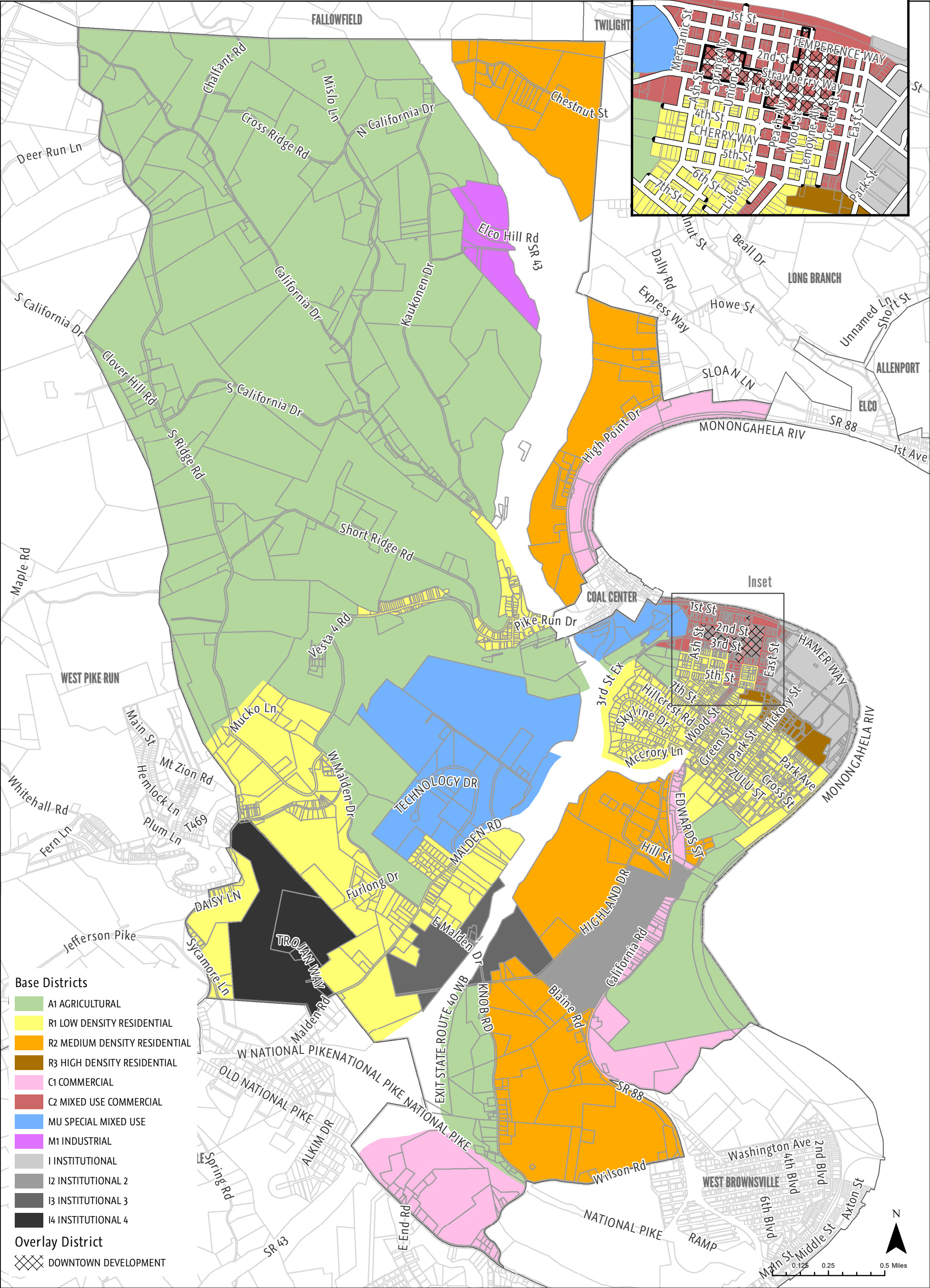
USE	A1: Ag	R1: Low Den Res	R2: Med Den Res	R3: High Den Res	C1: Gen Commercial	C2: Down Town	Down town Overlay	MU: Mixed Use	M1: Manufacturing	I1: Main Campus	I2: College Farm	I3: Old Harris Farm	I4: Cal Area School Dist
Accessory Dwelling Unit	CU	CU	CU	CU	CU			CU					
Accessory Uses common in residential districts (such as swimming pools, sheds, play structures, garages, gazebos, etc.)	P	P	P	P	P	P	P	P					
Backyard Chickens	P	P	P	P	P			P					
Contractor's Business	P			P	P			P					
Drive Thru					P	P	P	P	P	P			
Equipent Repair	P			P	P			P					
Family Day Care Home	P	P	P	P	P	P	P	P					
Greenhouse, Non- Commercial	P	P	P	P	P	P	P	P	P	P	P	P	P
Home Occupation	CU	CU	CU	CU	CU	CU	CU	CU					
Motor Vehicle Repair / Service	P				P								
No-Impact Home-Based Business	P	P	P	P	P	P	P	P	P	P	P	P	P
Parking Lot, Accessory	P	P	P	P	P	P	P	P	P	P	P	P	P
Satellite Dishes	P	P	P	P	P	P	P	P	P				
Solar Energy System, Small	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Storage Buildings (PODS)	P	P	P	P	P	P	P	P	P				
Temporary Storage of Construction Vehicles	P				P	P		P					
Wind Energy System, small	P	P	P	P	P	P	P	P	P	P	P	P	P

KEY: P = Permitted by Right, SE = Special Exception, CU = Conditional Use

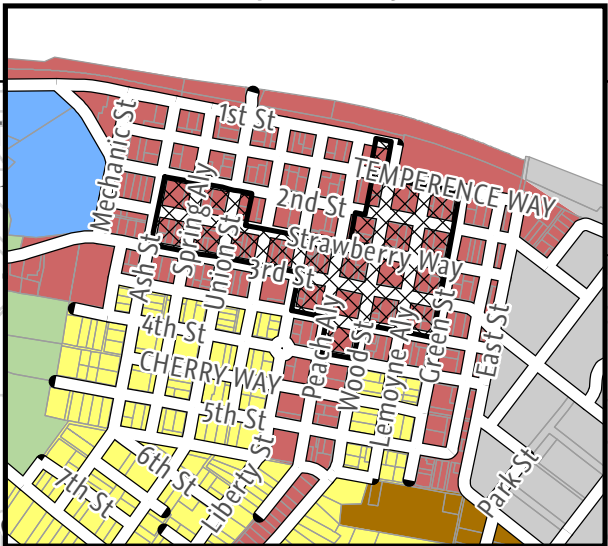
Revised Draft Zoning Update

California Borough

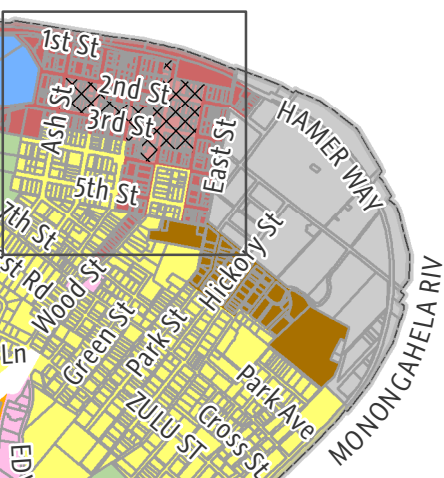
Map Date: March 2019



Inset: Downtown Development Overlay



Inset



- Base Districts
- A1 AGRICULTURAL
 - R1 LOW DENSITY RESIDENTIAL
 - R2 MEDIUM DENSITY RESIDENTIAL
 - R3 HIGH DENSITY RESIDENTIAL
 - C1 COMMERCIAL
 - C2 MIXED USE COMMERCIAL
 - MU SPECIAL MIXED USE
 - M1 INDUSTRIAL
 - I INSTITUTIONAL
 - I2 INSTITUTIONAL 2
 - I3 INSTITUTIONAL 3
 - I4 INSTITUTIONAL 4
- Overlay District
- DOWNTOWN DEVELOPMENT

- California Boundary
- Parcel Boundary



0.125 0.25 0.5 Miles