

Green Tree Borough
Allegheny County, Pennsylvania

DRAFT ZONING ORDINANCE

May 2015

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Green Tree Zoning Map

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Introduction

Zoning is the power of a local unit of government to establish reasonable requirements to guide and coordinate the present and future land use in the community. Zoning regulations must accommodate reasonable overall community growth, and the opportunities for development of a variety of residential dwelling types as well as nonresidential uses.

Some other uses of zoning are to lessen street congestion, secure safety from fire hazards, prevent overcrowding on land, facilitate adequate provisions for community services and promote the health, safety and general growth and welfare of the community.

With the zoning powers given to them by law, municipalities may regulate and restrict the height and size of buildings and other structures, their construction, the percentage of lot they may occupy, the size of the yards, open spaces, the density of the population and location and use of the buildings, structures and land for trade, industry, residence or other purposes.

Generally speaking, to accomplish the overall goals above, the community is divided into districts. In each district, the municipality may create different regulations that apply to a specific district. However, the regulations must be uniform within each district. Thus each district may allow for a different pattern of land use.

The Borough of Green Tree first created zoning ordinance on **August 25, 1941**. There have been additions to this ordinance, and changes to comply with applicable State as well as Federal regulations. In 2010, Green Tree adopted its first Comprehensive Plan for the Borough. That Plan directed that the Borough's zoning ordinance be reviewed and updated. This ordinance, adopted by the Borough of Green Tree on (date of adoption) is the result of the review process that began in 2012.

(Excerpts from the "Citizens Guide to Pennsylvania and Local Government.")

Table 3.1: Green Tree Borough Zoning Ordinance
Draft Use Table - June 2015

Uses	Document Ref.	Single Family § 420-21	Multi-Family § 420-22	Rural Residential § 420-23	Recreation § 420-24	Mixed Use § 420-25	Neighborhood Commercial § 420-26	Office Commercial § 420-27	Service Commercial § 420-28	Light Industrial § 420-29	Heavy Industrial § 420-30
Adult-oriented establishment	Article II - § 420-14; Article III - § 450-27 Article V - § 420-48;								CU		
Agricultural operation or activities	Article II - § 420-14 Article III - § 420-21; § 420-22; § 420-23 Article V - § 420-49	CU	CU	CU							
Animal daycare	Article II - § 420-14 Article III - § 420-23; § 420-29 Article V - § 420-50			CU						P	
Animal hospital / veterinary clinic	Article II - § 420-14 Article III - § 420-29 Article IV - § 420-40 Article V - § 420-51									P	
Assisted living facility	Article II - § 420-14 Article III - § 450-25; § 420-26; § 420-27; § 420-27 Article V - § 420-52						CU	P	P	P	
Bank	Article II - § 420-14 Article III - § 420-24; § 420-25; § 420-26; § 420-27; § 420-29 Article IV - § 420-40 Article V - § 420-53					CU	CU	P	P	P	
Bar/Tavern/Drinking Establishment	Article II - § 420-14 Article III - § 420-25; § 420-26; § 420-27 Article IV - § 420-40						CU	CU	CU		
Bed and breakfast inn	Article II - § 420-14 Article III - § 420-21; § 420-24; § 420-25 Article V - § 420-54	CU				P	P				
Boarding house	Article II - § 420-14 Article III - § 420-27 Article V - § 420-55								CU		
Boat and marine sales and services	Article III - § 420-29; § 420-30									P	P
Boat storage	Article III - § 420-29; § 420-30 Article V - § 420-56									CU	CU
Bus / other transit shelter	Article II - § 420-14 Article III - § 420-21; § 420-22; § 420-23; § 420-24; § 420-25; § 420-26; § 420-27; § 420-28; § 420-29; § 420-30 Article IV - § 420-40									CU	CU
Business services	Article II - § 420-14 Article III - § 420-24; § 420-25; § 420-26; § 420-27; § 420-29					P	P	P	P	P	
Car wash	Article II - § 420-14 Article III - § 420-26; § 420-29 Article IV - § 420-40							P		P	

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Catering business	Article II - § 420-14 Article III - § 420-24; § 420-25; § 420-26; § 420-27					P	P	P	P		
Cemetery	Article II - § 420-14 Article III - § 420-21; § 420-23; § 420-28 Article V - § 420-58	P		P	P						
Church / places of worship / religious institution	Article II - § 420-14 Article III - § 420-21; § 420-23; § 420-24; § 420-25; § 420-26; § 420-27; § 420-29 Article IV - § 420-40	P		P		P	P	P	P	P	
Clinic	Article II - § 420-14 Article III - § 420-25; § 420-26; § 420-27; § 420-29 Article IV - § 420-40						P	P	P	P	
Communications antenna	Article II - § 420-14 Article III - § 420-21; § 420-25; § 420-26 Article V - § 420-59	CU					CU	CU			
Communications equipment building	Article II - § 420-14 Article III - § 420-21; § 420-25; § 420-26	CU					CU	CU			
Communications tower	Article II - § 420-14 Article III - § 420-21; § 420-25; § 420-26 Article V - § 420-59	CU					CU	CU			
Community facility	Article II - § 420-14 Article III - § 420-25; § 420-26; § 420-28				P		P	P			
Compressor station	Article II - § 420-14 Article III - § 420-30 Article V - § 420-62										CU
Construction and related building trades	Article II - § 420-14 Article III - § 420-26; § 420-27; § 420-29; § 420-30 Article V - § 420-63							CU	CU	P	P
Convenience store	Article II - § 420-14 Article III - § 420-24; § 420-25; § 420-26; § 420-27 Article IV - § 420-40 Article V - § 420-64					CU	P	P	P		
Crematorium	Article II - § 420-14 Article III - § 420-29 Article V - § 420-65									CU	
Day care center, child	Article II - § 420-14 Article III - § 420-24; § 420-25; § 420-26 Article IV - § 420-40 Article V - § 420-66					P	P	P			
Day care center, adult	Article II - § 420-14 Article III - § 420-24; § 420-25; § 420-26 Article V - § 420-66					P	P	P			
Distribution facility	Article II - § 420-14 Article III - § 420-29; § 420-30 Article V - § 420-67									P	P

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Dry Cleaner	Article II - § 420-14 Article III - § 420-25; § 420-26; § 420-27; § 420-29 Article V - 420-69						CU	CU	CU	CU	
Dwelling, Multi-family - Duplex	Article II - § 420-14 Article III - § 420-22; § 420-26 Article V - § 420-70 Article VI - § 420-116		P				P	P			
Dwelling, Multi-family - Conversion apartment	Article II - § 420-14 Article III - § 420-26 Article V - § 420-70 Article VI - § 420-116						P	P			
Dwelling, Multi-family - Garden apartment	Article II - § 420-14 Article III - § 420-22; § 420-26 Article V - § 420-70 Article VI - § 420-116		P				P	P			
Dwelling, Multi-family - Mid-rise apartment	Article II - § 420-14 Article III - § 420-22; § 420-26 Article V - § 420-71 Article VI - § 420-116		P				P	P			
Dwelling, residence over business	Article II - § 420-14 Article III - § 420-25; § 420-26					P	P	P			
Dwelling, single-family attached	Article II - § 420-14 Article III - § 420-22; § 420-24; § 420-26 Article VI - § 420-116		P			P		P			
Dwelling, single-family detached	Article II - § 420-14 Article III - § 420-20; § 420-22; § 420-23; § 420-24 Article VI - § 420-116	P	P	P		P					
Educational institution	Article II - § 420-14 Article III - § 420-21; § 420-24; § 420-26; § 420-28 Article IV - § 420-40 Article V - § 420-72	P			P	P		P			
Essential communications antenna and/or tower	Article II - § 420-14 Article V - § 420-60	P	P	P	P	P	P	P	P	P	P
Essential public service installations	Article II - § 420-14 Article III - § 420-25; § 420-26; § 420-27; § 420-28; § 420-29; § 420-30	P	P	P	P	P	P	P	P	P	P
Equipment rental and repair	Article II - § 420-14 Article III - § 420-25; § 420-26; § 420-29; § 420-30						P		P	P	P
Family Day Care Home, Adult	Article II - § 420-14 Article III - § 420-21; § 420-22; § 420-23; § 420-24 Article V - § 420-80	P	P	P		P					
Family Day Care Home, Child	Article II - § 420-14 Article III - § 420-21; § 420-22; § 420-23; § 420-24 Article V - § 420-80	P	P	P		P					
Farm equipment supply and sales	Article III - § 420-29; § 420-30									P	P

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Farmer's market	Article II - § 420-14 Article III - § 420-25; § 420-28				P		CU				
Flea market	Article II - § 420-14 Article III - § 420-29 Article V - § 420-73									P	
Food and grocery store	Article II - § 420-14 Article III - § 420-25; § 420-26 Article IV - § 420-40						P	P			
Funeral home / mortuary	Article II - § 420-14 Article III - § 420-24; § 420-25; § 420-26; § 420-29 Article IV - § 420-40 Article V - § 420-74					CU	P	P		P	
Freight terminal	Article II - § 420-14 Article III - § 420-30										P
Garage, Community	Article II - § 420-14 Article III - § 420-22; § 420-24 Article V - 420-61 Article IX - § 420-147		P			P					
Garage, Parking Structure	Article II - § 420-14 Article III - § 420-26; § 420-27; § 420-29; § 420-30 Article IX - § 420-147							P	P	P	P
Garden Center	Article II - § 420-14 Article III - § 420-26; § 420-27; § 420-29 Article IV - § 420-40 Article V - § 420-76							CU	P	P	
Gasoline Station	Article II - § 420-14 Article III - § 420-25; § 420-26; § 420-29; § 420-30 Article IV - § 420-40 Article V - § 420-77						CU	CU		CU	CU
Greenhouse, commercial	Article II - § 420-14 Article III - § 420-26; § 420-27; § 420-29 Article IV - § 420-40 Article V - § 420-91							CU	P	P	
Golf Course	Article III - § 420-27; § 420-29; § 420-30 Article IV - § 420-40 Article V - § 420-78 Article IX - § 420-148								CU	CU	CU
Golf Driving Range	Article III - § 420-27; § 420-29; § 420-30 Article IV - § 420-40 Article V - § 420-78								CU	CU	CU
Group Home	Article II - § 420-14 Article III - § 420-21; § 420-22; § 420-23; § 420-24; § 420-25; § 420-26 Article V - § 420-79	P	P	P		P	P	P			

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Group Residential Facility	Article II - § 420-14 Article III - § 420-29 Article IV - § 420-40 Article V - § 420-79									CU	
Health club	Article II - § 420-14 Article III - § 420-25; § 420-26; § 420-27; § 420-29 Article IV - § 420-40						P	P	P	P	
Home-based business, no impact	Article II - § 420-14 Article III - § 420-21; § 420-22; § 420-23; § 420-24; § 420-25; § 420-26; § 420-29	P	P	P		P	P	P		P	
Home occupation	Article II - § 420-14 Article III - § 420-21; § 420-22; § 420-23; § 420-24; § 420-25; § 420-26 Article V - § 420-80	CU	CU	CU		P	P	P			
Hospital	Article II - § 420-14 Article III - § 420-27; § 420-29 Article IV - § 420-40 Article V - § 420-81								CU	CU	
Hotel / Motel	Article II - § 420-14 Article III - § 420-26; § 420-29 Article IV - § 420-40 Article V - § 420-82							P		P	
Incinerator	Article II - § 420-14 Article III - § 420-30 Article V - § 420-83										CU
Industrial park	Article II - § 420-14 Article III - § 420-29; § 420-30									CU	CU
Independent living facility	Article II - § 420-14 Article III - § 420-26; § 420-29							P		P	
Institutional home	Article II - § 420-14 Article III - § 420-26; § 420-29 Article V - § 420-84							P		P	
Junkyard/Salvage Yard	Article II - § 420-14 Article III - § 420-30 Article V - § 420-85										CU
Kennel	Article II - § 420-14 Article III - § 420-27; § 420-29; § 420-30 Article V - § 420-86								CU	CU	CU
Laboratory	Article II - § 420-14 Article III - § 420-26; § 420-29 Article IV - § 420-40 Article V - § 420-99							P		P	
Landfill	Article II - § 420-14 Article III - § 420-30 Article V - § 420-87										CU
Laundromat	Article III - § 420-25; § 420-26; § 420-27						P	P	P		

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Library	Article III - § 420-21; § 420-24; § 420-25; § 420-26 Article IV - § 420-40	P				P	P	P			
Lumberyard	Article II - § 420-14 Article III - § 420-29; § 420-30									P	P
Manufacturing, heavy	Article II - § 420-14 Article III - § 420-30										P
Manufacturing, light	Article II - § 420-14 Article III - § 420-29; § 420-30									P	P
Methadone treatment facility	Article II - § 420-14 Article III - § 420-27 Article V - § 420-88								CU		
Municipal use	Article II - § 420-14 Article III - § 420-21; § 420-22; § 420-23; § 420-24; § 420-25; § 420-26; § 420-27; § 420-28; § 420-29; § 420-30	P	P	P	P	P	P	P	P	P	P
Municipal waste landfill	Article II - § 420-14 Article III - § 420-30										CU
Night club	Article II - § 420-14 Article III - § 420-26; § 420-29 Article V - § 420-90							CU		CU	
Nursery	Article II - § 420-14 Article IV - § 420-40 Article V - § 420-91							CU	P	P	
Nursing and Personal Healthcare Facility	Article II - § 420-14 Article III - § 420-26; § 420-27; § 420-29 Article V - § 420-92							CU	CU	CU	
Office	Article II - § 420-14 Article III - § 420-24; § 420-25; § 420-26; § 420-27; § 420-29 Article IV - § 420-40 Article VI - § 420-118					P	P	P	P	P	
Oil and Gas Wells	Article II - § 420-14 Article III - § 420-26; § 420-27; § 420-29; § 420-30 Article V - § 420-93							CU	CU	CU	CU
Parcel delivery facility	Article II - § 420-14 Article III - § 420-24; § 420-25; § 420-26; § 420-27; § 420-29; § 420-30					P	P	P	P	P	P
Parking lot	Article II - § 420-14 Article III - § 420-25; § 420-26; § 420-27; § 420-29; § 420-30 Article IV - § 420-40						P	P	P	P	P
Personal care facility	Article II - § 420-14 Article III - § 420-26; § 420-29							P		P	

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Personal and business services	Article II - § 420-14 Article III - § 420-24; § 420-25; § 420-26 Article IV - § 420-40					P	P	P			
Planned Residential Development	Article II - § 420-14 Article III - § 420-26 Article IX - § 420-144; § 420-145; § 420-146; § 420-147; § 420-148; § 420-149; § 420-150; § 420-151; § 420-152; § 420-153; § 420-154							P			
Printing and Publishing Services, Large Scale	Article II - § 420-14 Article III - § 420-29; § 420-30									P	P
Printing and Publishing Services, Limited	Article II - § 420-14 Article III - § 420-24; § 420-25; § 420-26; § 420-27					P	P	P	P		
Private club or lodge	Article II - § 420-14 Article III - § 420-25; § 420-26 Article V - § 420-95						P	P			
Recreation, commercial indoor	Article II - § 420-14 Article III - § 420-26; § 420-27; § 420-29 Article IV - § 420-40							P	P	P	
Recreation, commercial outdoor	Article II - § 420-14 Article III - § 420-26; § 420-27; § 420-29 Article V - § 420-96							P	P	P	
Recreation, municipal	Article II - § 420-14 Article III - § 420-21; § 420-22; § 420-23; § 420-24; § 420-27; § 420-28; § 420-29 Article IV - § 420-40	P	P	P	P	P			P	P	
Recycling facility	Article II - § 420-14 Article III - § 420-29; § 420-30 Article V - § 420-97									CU	CU
Repair shop, Small/Non-Vehicular	Article III - § 420-25; § 420-26; § 420-27; § 420-29; § 420-30 Article V - § 420-98						P	P	P	P	P
Repair shop, Vehicular and Heavy Machinery	Article II - § 420-14 Article III - § 420-27; § 420-29; § 420-30								P	P	P
Research and development, laboratories	Article II - § 420-14 Article III - § 420-26; § 420-27; § 420-29 Article IV - § 420-40 Article V - § 420-99							CU	CU	P	
Restaurant, carry-out	Article II - § 420-14 Article III - § 420-26 Article IV - § 420-40							CU			
Restaurant, Drive Through	Article II - § 420-14 Article III - § 420-26 Article IV - § 420-40							CU			

Table 3.1: Green Tree Borough Zoning Ordinance
Draft Use Table - June 2015

Uses	Document Ref.	Single Family § 420-21	Multi-Family § 420-22	Rural Residential § 420-23	Recreation § 420-24	Mixed Use § 420-25	Neighborhood Commercial § 420-26	Office Commercial § 420-27	Service Commercial § 420-28	Light Industrial § 420-29	Heavy Industrial § 420-30
Restaurant, full service	Article II - § 420-14 Article III - § 420-25; § 420-26 Article IV - § 420-40						CU	CU			
Restaurant, fast food	Article II - § 420-14 Article III - § 420-26 Article IV - § 420-40							CU			
Retail Uses < 7,000 sq. ft.	Article II - § 420-14 Article III - § 420-24; § 420-25; § 420-26; § 420-27 Article IV - § 420-40 Article V - § 420-100					P	P	P	P		
Retail Uses, 7,000 to 22,000 sq. ft.	Article II - § 420-14 Article III - § 420-26; § 420-27; § 420-29 Article IV - § 420-40 Article V - § 420-100						CU	P	P	P	
Retail Uses > 22,000 sq. ft.	Article II - § 420-14 Article III - § 420-26; § 420-27; § 420-29 Article IV - § 420-40 Article V - § 420-100							P	P	P	
Self-storage facility	Article II - § 420-14 Article III - § 420-29 Article IV - § 420-40									P	
Skilled Nursing Facility	Article II - § 420-14 Article III - § 420-26; § 420-29 Article V - § 420-102							CU		CU	
Theater	Article II - § 420-14 Article III - § 420-25; § 420-26 Article IV - § 420-40						P	P			
Trade, vocational, business, and commercial schools	Article III - § 420-26; § 420-27; § 420-29 Article IV - § 420-40							P	P	P	
Transit shelter	Article II - § 420-14 Article III - § 420-21; § 420-22; § 420-23; § 420-24; § 420-25; § 420-26; § 420-27; § 420-28; § 420-29; § 420-30	P	P	P	P	P	P	P	P	P	P
Transportation services	Article II - § 420-14 Article III - § 420-27; § 420-29 Article IV - § 420-40								P	P	
Truck terminal	Article II - § 420-14 Article III - § 420-29; § 420-30 Article V - § 420-104									CU	CU
Vehicle sales, repair and service	Article II - § 420-14 Article III - § 420-26; § 420-29 Article IV - § 420-40 Article V - § 420-105							CU		P	

Table 3.1: Green Tree Borough Zoning Ordinance
Draft Use Table - June 2015

Uses	Document Ref.	Single Family § 420-21	Multi-Family § 420-22	Rural Residential § 420-23	Recreation § 420-24	Mixed Use § 420-25	Neighborhood Commercial § 420-26	Office Commercial § 420-27	Service Commercial § 420-28	Light Industrial § 420-29	Heavy Industrial § 420-30
Warehouse and storage	Article II - § 420-14 Article III - § 420-26; § 420-29; § 420-30 Article IV - § 420-40 Article V - § 420-106							CU		P	P
Wholesale Establishments	Article II - § 420-14 Article III - § 420-26; § 420-27; § 420-29; § 420-30 Article V - § 420-107							P	P	P	P
Wholesale uses and distribution facilities which handle materials that are flammable, explosive, or hazardous	Article III - § 420-30										CU
Wind Energy Facilities, Small	Article II - § 420-14 Article III - § 420-21; § 420-22; § 420-23; § 420-24; § 420-25; § 420-26; § 420-27; § 420-28; § 420-29; § 420-30 Article V - § 420-108	CU	CU	CU		CU	CU	CU	CU	P	P
Wind turbine (large wind facilities)	Article II - § 420-14 Article III - § 420-30 Article V - § 420-109										CU

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Article I. General Provisions

Section 420-1 Grant of Power.

- (A) Pursuant to the Authority granted by the Commonwealth in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended, the Borough Council of the Borough of Green Tree, Allegheny County, Pennsylvania, does hereby adopt, ordain, and enact this Ordinance.
- (B) The provisions of this Ordinance shall apply to all zoning districts, lots, structures, land developments and subdivisions within the municipal boundaries of Green Tree Borough, Allegheny County, Pennsylvania.

Section 420-2 Long Title.

- (A) A Municipal Zoning Ordinance regulating the location, height, bulk, erection, construction, alteration, razing, removal, and size of structures; the percentage of lot which may be occupied; the size of yards, courts, and other open spaces; the density and distribution of population; the intensity of use of land or bodies of water for trade, industry, residence, recreation, public activities, or other purposes; and the uses of land for agriculture, water supply, conservation, or other purposes, in all portions of Green Tree Borough.

Section 420-3 Short Title.

- (A) This Chapter shall be known as the “Zoning Ordinance” or the “Zoning Code.” The map mentioned in this Chapter shall be known as the “Official Zoning District Map.”

Section 420-4 Purpose.

- (A) This Ordinance is enacted pursuant to the Green Tree Borough Comprehensive Plan and with consideration for the character of this municipality, its various parts, and the suitability of the various parts for particular uses and structures, for the following purposes:
 - (1) To realize the vision of the Green Tree Borough Comprehensive Plan;
 - (2) To promote the health, safety, morals and general welfare of the people of the Borough;
 - (3) To protect the character and stability of residential, commercial, industrial, recreational and open space areas; and
 - (4) To allow for the orderly and beneficial development of Green Tree Borough.

Section 420-5 Relationship to the Comprehensive Plan and Community Development Objectives.

- (A) This Ordinance is enacted to promote an orderly plan of development according to the goals, objectives and recommendations of the Green Tree Borough Comprehensive Plan. The Comprehensive Plan includes data on existing conditions with reasonable consideration given to the existing character of the various areas within the municipalities and their respective suitability to particular land uses.

Article I. General Provisions

- (B) Specifically, it seeks to achieve the following Community Development Goals and Objectives:
- (1) Maintain the high quality of life and municipal services, including but not limited to police, fire, EMS, and public works
 - (2) Improve the ability of the Borough to support existing businesses and industry as well as attract new investment opportunities
 - (3) Increase communication and partnerships between the Borough, the School District, residents, and other key stakeholders
 - (4) Revitalize the Greentree Road corridor to address aesthetics, setbacks, parking, mobility, and safety
 - (5) Provide a diverse mix of housing options that will appeal to young professionals, families, and older residents,
 - (6) Promote sound land use planning through the protection of open space and the enhancement of natural and recreational assets
 - (7) Ensure that all municipal ordinances are consistent and compatible with the desired future growth and development patterns
 - (8) Improve mobility to, from, and within Green Tree Borough by focusing on major transportation routes such as Greentree Road and Interstate 376 as well as pedestrian circulation and connections

Section 420-6 Conformance Required.

- (A) Following the effective date of this Ordinance, no building or land shall be used or occupied, no building or part thereof shall be erected, moved or altered and no site excavation shall take place unless in conformity with the regulations specified for the zoning district in which it is located or applicable special regulations.
- (B) The permitted uses enumerated for each zoning district are deemed to be exclusive and no other uses shall hereafter be permitted, subject to the provisions of Section 420-7. The permitted uses are as enumerated for each zoning district and further defined in Article II Definitions of this Ordinance.
- (C) 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 non-conforming and be subject to the non-conforming regulations of this Ordinance.
- (D) Following the effective date of this Ordinance, no building shall hereafter be erected or altered to exceed the height, accommodate a greater number of families, occupy a greater percentage of lot area or have narrower or smaller rear yard, front yard or side yards than are specified herein for the zoning district in which such building is located.
- (E) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

Article I. General Provisions

Section 420-7 Uses for Which No Provision Is Made.

- (A) 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 420-8 Interpretation.

- (A) In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by Borough Council, in favor of the property owner and against any implied extension of the restriction. (Pennsylvania Municipalities Planning Code §603.1).
- (B) The interpretation and application of the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.
- (C) Whenever any regulations made under authority of this Ordinance impose higher standards of compliance than are required under the provisions of any other statute, the provisions of the regulations made under authority of this Ordinance shall govern, except when preempted by Federal or Commonwealth of Pennsylvania law.
- (D) Whenever the provisions of any other statute impose higher standards of compliance than are required under this Ordinance, the provisions of the other statute shall govern.
- (E) This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with the existing provisions of other laws or ordinances, except those specifically or impliedly repealed by this Ordinance or any private restrictions placed upon property by covenant, deed, or other private agreement unless repugnant hereto.
- (F) Provisions in any other ordinances that are concerned with design standards not contained in this Ordinance and which are enacted and administered for Green Tree Borough shall not be considered to be in conflict with provisions of this Ordinance.

Section 420-9 Severability.

- (A) It is hereby declared to be the intent of the Green Tree Borough Council that:
 - (1) If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions that are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
 - (2) If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, tract of land, or other

Article I. General Provisions

structure to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the dispute and the application of any such provision to other persons, property, or situations shall not be affected.

Section 420-10 Repealer.

- (A) 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 420-11 Effective Date.

- (A) This Ordinance shall take effect immediately upon enactment by the Borough Council on the ___ day of ___, 2015.

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Section 420-12 Word Usage.

- (A) Words used in the present tense shall include the future tense.
- (B) Words used in the singular shall include the plural, and the plural shall include the singular.
- (C) The word “person” includes an individual, corporation, partnership, unincorporated association or any other similar entity.
- (D) The word “lot” includes the word “plot” or “parcel.”
- (E) The terms “shall” and “will” are mandatory and not discretionary. The word “may” is permissive.
- (F) The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged,” “designed,” or “to be used or occupied.”
- (G) The word “building” includes the word “structure.”
- (H) The word “erected” shall include the word “constructed.”
- (I) The word “moved” shall include the word “relocated.”
- (J) The masculine shall include the feminine and the neuter.
- (K) If there is a difference in meaning or implication between the text of this chapter and any caption or illustrations, the text shall control.

Section 420-13 Meanings of Words.

- (A) Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meanings herein indicated.
- (B) When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning such as the context may apply.

Section 420-14 Definitions.

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 – To cease or discontinue a use or activity without the intent to resume said use or the voluntary discontinuance of a use for a continuous period of one (1) year or more without reference to intent. This does not apply to temporary or short-term interruption to a use or activity during remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. Commercial or industrial abandonment shall be measured from the date of the last record of sale or occupancy, whichever comes first, and residential abandonment shall be measured from the last date of occupancy.

Accessory Use – A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use.

ADA – Americans with Disabilities Act of 1990, as amended.

Article II. Definitions & Terms

Adult Oriented Establishment / Adult Entertainment Uses - The term includes any use meeting the definition for this term in Title 68, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended, and without limitation, the following establishments when operated for profit, whether direct or indirect:

- (1) Adult Arcade- Any place to which the public is permitted or invited where electronically, electrically or mechanically controlled still- or motion-picture machines, projectors, video or laser disc players or other image-producing devices are maintained, which devices are coin-operated, slug-operated or operated for any other form of consideration, are not located in viewing booths and are designed to show images to five or fewer persons per machine at any one time, where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas, as defined in this section.
- (2) Adult Bookstore, Adult Novelty Store or Adult Video Store - A commercial establishment which offers for sale or rental, for any form of consideration, any one or more of the following:
 - (a) Books, magazines, periodicals or other printed matter, films, photographs, motion pictures, videocassettes, video reproductions, slides, CD-ROM discs or other computer software, or any other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, as defined in this section; or
 - (b) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities, as defined in this section.
- (3) Adult Business- An adult arcade; an adult bookstore, adult novelty store or adult video store; an adult cabaret; an adult live theater; an adult motion-picture theater; an escort agency; a nude model studio; or a sexual encounter center.
- (4) Adult Cabaret- A nightclub, bar, restaurant or other commercial establishment which regularly features any one or more of the following:
 - (a) Persons who appear in a state of nudity or seminudity, as defined in this section;
 - (b) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities, as defined in this section; or
 - (c) Films, motion pictures, videocassettes, slides or other photographic reproductions, or visual presentations of any other kind which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, as defined in this section.
- (5) Adult Live Theater- A theater, concert hall, dance hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or seminudity, as defined in this section, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities, as defined in this section.
- (6) Adult Motel- A hotel or motel presenting adult motion pictures by means of closed-circuit television, the material being presented having as a dominant theme, or being distinguished or characterized by an emphasis on, matter depicting, describing or relating to sexual conduct or nudity, as defined in this section.
- (7) Adult Motion Picture Theater- A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions or visual presentations of any kind are regularly shown, which material is

Article II. Definitions & Terms

characterized by the depiction or description of specified sexual activities or specified anatomical areas, as defined in this section.

- (8) Escort Agency- Any business which furnishes, offers to furnish or advertises to furnish, for a fee, tip or other consideration, one or more escorts who agree or offer to act as companions, guides or dates for other persons, or who agree or offer to privately model lingerie or to privately perform a striptease for another person.
- (9) Nude Model Studio- Any place where a person appears in a state of nudity or seminudity, as defined in this section, or displays specified anatomical areas, as defined in this section, and is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any other form of consideration. "Nude model studio" does not include a proprietary school licensed by the Commonwealth of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or any structure where:
 - (a) No sign is visible from the exterior of the structure and no other advertising indicates that a nude or seminude person is available for viewing;
 - (b) In order to participate in a class, a student must enroll at least three days in advance of the class; and
 - (c) No more than one nude or seminude model is on the premises at any one time.
- (10) Nudity- The showing of the human male or female genitals, pubic area, vulva, anus or anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.
- (11) Seminudity- The state of dress in which clothing partially or nonopaquely covers specified anatomical areas, as defined in this section.
- (12) Sexual Encounter Center- A business or commercial enterprise that, as one of its principal business purposes, offers, for any form of consideration:
 - (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (b) Activities between male and female persons and/or persons of the same sex, when one or more of the persons is in a state of nudity or seminudity, as defined in this section.
- (13) Specified Anatomical Areas- The human genitals, pubic region, anus, buttocks, female breasts below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.
- (14) Specified Sexual Activities - Any of the following:
 - (a) The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breasts;
 - (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or

Article II. Definitions & Terms

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

- (15) Viewing Booths – Booths, Stalls, partitioned portions of a room, rooms or other enclosures which are available for viewing films, movies, videos or visual reproductions of any kind depicting or describing specified sexual activities or specified anatomical areas, or persons who appear in a state of nudity or seminudity or who offer performances or presentations characterized by the exposure of specified anatomical areas or by specified sexual activities.

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

Agricultural Operation- An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes any enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

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.

Airport, Private – An airport that is privately owned and which is not open or intended to be open to the public.

Airport Elevation – The highest point of an airport's useable landing area measured in feet above sea level. The airport elevation of the Pittsburgh Greater International Airport is one thousand two hundred and three (1,203) feet above sea level.

Alley, Lane, or Way – A permanent public service way providing only secondary means of access to the rear or side of an abutting property and which may be used for public utility purposes, but is not intended for general traffic circulation.

Alteration- An incidental change, rearrangement, replacement or enlargement in structural parts or in means of egress, whether by extending on a side, front, or rear or increasing in height, by moving from one location or position to another or by change in use from that of one district classification to another.

Amphitheater – An outside gallery with seats for spectators.

Animal Day Care - Any premises where animals are groomed, trained, exercised and socialized, but not kept or boarded overnight, bred, sold, or let for hire.

Article II. Definitions & Terms

Animal Hospital / Veterinary Office – 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.

Antenna Height – The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna Support Structure – Any pole, telescoping mast, tower, tripod or any other structure that supports a device used in the transmitting or receiving of radio frequency energy.

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

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

Architect – An individual registered by the Commonwealth of Pennsylvania and certified by the American Institute of Architects (AIA) as a licensed architect.

Assisted Living Facility – A state-licensed facility designed to provide individual dwelling units or rooms for individuals who are independently mobile and are not in need of the level of service provided by a personal care home, and which provides on-site supervision and assistance available to residents on an occasional, “as needed” basis, and where at least one meal each day is provided in a common dining area and which includes certain design features associated with the needs of seniors which are not customary in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, transportation facilities, minimal housekeeping facilities, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

Automotive Repair - Mechanical maintenance, repair or reconditioning, collision repair, including straightening and repainting, replacement of parts and incidental services.

Bank - Financial or fiduciary institution, including savings and loan, finance companies, credit unions and other similar institutions that provide retail banking services to individuals or businesses.

Bar – A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic liquor as regulated by the Pennsylvania Liquor Control Board.

Basement - A story partly or wholly underground that has at least one-half (1/2) of its height below the average level of the adjoining ground. It shall not be counted toward the overall height of a structure.

Bed and Breakfast Inn – A residential use consisting of a single family dwelling that contains not more than six (6) guest bedrooms used for providing overnight accommodations to the public, not to exceed seven (7) consecutive nights, and in which breakfast and afternoon tea are the only meals served and are included in the charge for the room. The rented rooms do not contain kitchen facilities and do not constitute separate dwelling units.

Article II. Definitions & Terms

Boarding House (includes Rooming House) – A residential use in which, (a) a room or rooms that do not meet the definition of a lawful dwelling unit are rented for habitation, or (b) a dwelling unit that includes greater than the permitted maximum number of related persons. A boarding house shall not include a use that meets the definition of a hotel / motel, assisted living facility, bed and breakfast facility, group home or nursing home. A boarding house may involve the providing of meals to residents. A boarding house shall primarily serve persons residing on-site for five (5) or more consecutive days.

Buffer- A strip of land adjacent to a property line or district, not less in width than is designated in this Chapter, composed of natural undisturbed wood or brush and/or a landscaped area of trees, shrubbery and/or bushes, which creates a vision barrier between properties, and upon which no building or structure is permitted except a wall, fence or sign in compliance with this chapter.

Buildable Area – The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met. See Figure 1 in the Appendices.

Building – An independent and detached structure having a roof supported by columns or walls or resting on its own foundation, including but not limited to mobile homes, garages, greenhouses and other accessory buildings, and requiring permanent location on the land.

- (1) Building, Principal - A building in which the principal use of the site is conducted 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.
- (2) Building, Accessory – A detached building that is subordinate and incidental to the principal building on the same lot or premises.

Building Frontage- The linear length of a building facing the street right-of-way.

Building Height – The vertical distance measured from the average elevation of the finish grade to the highest point of the roof. 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 2 in the Appendices.

Building Code Official / Code Official – The person officially appointed by the governing body to administer and enforce the Building Code.

Building Material Facility – A retail facility for the sale of home, lawn and garden supplies and tools and construction materials such as brick, lumber, hardware and other similar materials.

Building Setback Line – An established line within a property defining the minimum required distance between the face of any building or structure and an adjacent right-of-way or property line. The face of the building includes basements, sunrooms, foyers, and any other solid projections and solid entrances. Walks, terraces, uncovered steps or stoops, porches and decks 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 1 in the Appendices.

Bus and Transit Facilities – A facility including terminals; depots; and passenger waiting, loading, and unloading stations of bus and other transit companies and districts. Also, includes facilities providing any and all types of general or specialized maintenance services or storage areas for buses and other transit vehicles of a transit company or district, public, or private, providing transportation services primarily for people, but which may transport freight as an incidental service.

Article II. Definitions & Terms

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 business services.

Canopy – A roof-like structure either projecting from a building façade 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 premise 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.

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. Uses include cemeteries, columbaria, and mausoleums, and limited associated facilities such as offices and chapels.

Centerline – An imaginary line running parallel to street or easement right-of-way lines and equidistant from the lines on each side of the street or easement, or a line following the center of a physical feature such as a stream.

Church / 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.

Clear-cutting – The indiscriminant, or complete, removal of all trees on a site, or any portion thereof greater than one-half (0.5) acre in a contiguous area, during a single timber harvesting operation or within a five (5) year period.

Clear Sight Triangle – A triangular area of unobstructed vision at the intersection of two (2) streets or of a driveway and a street defined by line of sight a given distance, according to PennDOT standards, from the intersection of the centerlines of two (2) streets or the centerlines of the driveway and the street.

Clinic – An establishment that provides patient care services, including but not limited to, medical, dental, psychological, and / or social services on an outpatient basis.

Cluster Housing - A type of subdivision where dwellings are grouped close together with a common area left for recreation or open space.

Common Open Space- A parcel or parcels of land or an area of water suitable for recreational purposes or a combination of such land and water within a development site designed and intended for the use or enjoyment of residents or occupants of the development maintained and owned jointly or commonly by the residents or occupants of the development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

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Communications Antenna – 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 – The act of installing wireless communications equipment, from more than one provider, on a single tower, building, or structure.

Communications Equipment Building – An unmanned building containing communications equipment required for the operation of communications antennas and covering an area on the ground no greater than two hundred fifty (250') square feet.

Communications Tower – 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 antennae and supportive structures for private, noncommercial, and amateur purposes including but not limited to ham radios and citizen band radios.

Communications Tower, Commercial— A communications tower, as defined in this section, which is owned and operated by any person other than an agency or authority of the Borough, the county, or the commonwealth or any police, fire, emergency medical or emergency management agency, regardless of whether there are any essential communications antennas mounted on the tower.

Communications Tower Height – The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Community Facility - A publicly, semi-publicly, or semi-privately maintained institution devoted to any of a variety of group activities - civic, social, fraternal, educational, cultural, municipal, and/or recreational with premises and facilities appropriate to such activities provided, however, that the said premises shall not include living quarters for persons other than those engaged in the institution's conduct and/or maintenance.

Comprehensive Plan – The adopted public document for Green Tree Borough, Allegheny 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.

Compressor Station – A facility designed and constructed to compress natural gas and/or oil that originates from a gas and/or oil well or collection of such wells operating as a midstream facility for delivery of gas and/or oil to a transmission pipeline, distribution pipeline, processing plant or underground storage field, including one or more natural gas and/or oil compressors, associated buildings, pipes, valves, tanks and other equipment.

Conditional Use – A use permitted or denied by the governing body in a particular zoning district, following study and recommendations by the Planning Commission, pursuant to express standards and criteria set forth in this Chapter. See Article X for more information.

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Consistency- an agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.

Construction and Related Building Trades- Businesses engaged in the building trades including: general contractors; highway and street construction; heavy construction; plumbing, heating, air conditioning; painting, paperhanging and decorating; electrical; masonry and other stonework; carpentry and flooring; roofing and sheet metal; concrete work; water well drilling; and similar trades.

Convenience Store- A retail establishment 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 no more than two arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, or film processing and the sale of liquefied petroleum gas and/or gasoline, but shall not include the repair or service of vehicles. Convenience stores shall not exceed more than four (4) fuel islands or more than eight (8) fueling positions. Convenience Stores(s) without accessory use of sale of liquefied petroleum gas and/or gasoline (including diesel and alternative fuels) shall be defined as Retail Stores.

Conversion – The remodeling or alteration of a structure in order to accommodate more leasable or saleable units or a different use than what had originally been intended for the structure. This shall include the alteration of a non-residential structure into a dwelling unit(s) for at least one family, the modification of a single-family structure to accommodate more units than originally intended, the alteration of existing dwellings into a commercial use, and the alteration of an existing dwelling into a mixed commercial and residential use.

Copy Area- The area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. For wall signs, the copy area limits refer to the message, not to the illuminated background.

Cornice - the molded and projecting horizontal member that crowns an architectural structure.

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 – Allegheny County, Pennsylvania.

County Comprehensive Plan- a land use and growth management plan prepared by the county planning commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation.

Covenant – An agreement legally binding successor owners of a property to certain conditions regarding use of property stipulated by the original owner.

Coverage - That percentage of the lot area covered by the principal and accessory structures.

Crematory – Any facility designed for the cremation of human or animal remains.

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Cul-de-Sac – A street closed at one end with a vehicular turn around provided at the closed end.

Day Care Center, Adult- A facility other than a residential dwelling unit, where care and educational instructions are provided for six (6) or more adults who are not relatives of the operator, at anyone time for part of a 24 hour day, operated for profit, and which is licensed by the Pennsylvania Department of Welfare as a Day Care Center.

Day Care Center, Child- A facility, other than a residential dwelling unit, where child care and educational instructions are provided for six (6) or more children who are not relatives of the operator, at any one time for part of a 24 hour day, and which is licensed by the Pennsylvania Department of Welfare as a Day Care Center.

Decision - Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

Deck – A porch that may or may not be connected to a principal structure.

Determination – The final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) The governing body.
- (2) The zoning hearing board.
- (3) The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Development- Any man-made change to improved or unimproved lands or water area, including but not limited to buildings, structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Developable Land - That land proposed for development excluding land (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 100-year floodplain and (5) having a slope in excess of fifty percent (50%).

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 Chapter shall mean the written and graphic materials referred to in this definition.

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Distribution Facility - 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.

Driveway- A private drive providing vehicular access between a street or access drive and a parking area.

Drive-Through Aisle- A paved surface that allows vehicles to line up in a single-file manner and approach the menu board and/or receiving or pickup window(s). In all drive-through uses, the drive-through aisle shall be delineated via pavement markings from any other paved surfaces, such as entrance or exit lanes, and shall not block access to parking or the legal right-of-way.

Drive-Thru Facility- An accessory use of land, buildings, or 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 stacking lane. An ancillary drive-thru facility 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. Despite the above, a drive-thru facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.

Drive-Thru Only Facility -The use of a building to provide or dispense products or services wholly and completely through an attendant, window, or automated machine to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through-only facility is considered a primary use where customers do not have the option of receiving services or products inside a building.

Dry Cleaner - An establishment that is primarily engaged in dry cleaning and laundry services including the pressing, repair, and dry cleaning of clothing, apparel, or other fabric.

Dwelling – A permanent building, or portion thereof, affixed to land, designed for and exclusively used for residential occupancy, including one-family, two-family and multifamily dwellings. "Dwelling" does not include apartment hotels, boardinghouses, dormitories, fraternity or sorority houses, hospitals, hotels, motels, housing for the elderly, institutional facilities, nursing homes, residential clubs, rooming houses and similar structures and uses. Specifically:

- (1) Dwelling, Single-Family Detached—A detached or separate building occupied by one family only.
- (2) Dwelling, Single-Family Attached— A dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with at least one adjacent similar dwelling unit, and located in a building comprised of at least three dwelling units. This dwelling type shall include, but not be limited to, dwelling units commonly known as townhouses, rowhouses, patio homes, carriage homes, and villas.
- (3) Dwelling, Multi-Family or Multiple Family –A detached building containing three (3) or more separate dwelling units for families living independently of each other, which may provide joint services and/or facilities but separate housekeeping, sanitary and cooking facilities.
 - (a) 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.
 - (b) Conversion Apartment – Conversion of an existing single-family detached dwelling into multiple dwelling units. *See definition for Conversion.*
 - (c) Duplex – A detached or separate building designed for or occupied exclusively by two (2) families living independently of each other, with separate entrances and facilities.
 - (d) Garden Apartment – A multi-family residential building, not exceeding three (3) stories in height, in which units are arranged side to side, back to back or one above another, which

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- may have either private external entrances or common hall access and which may have a private exterior yard area for each unit.
- (e) Mid-Rise Apartment – An apartment building, which is not greater than four (4) stories in height and has no more than eight (8) units per floor for a maximum number of units of thirty-two (32). The dwelling units share a common entrance and / or common interior corridor.
 - (f) Residence over Business – A building, where the bottom floors are used for commercial use while the upper floors are used for residential dwellings, including those dwellings used for some combination of residential and commercial purposes.

Dwelling Unit- One or more rooms arranged for the use of one family as a single housekeeping unit with exclusive cooking, living, sleeping and sanitary facilities.

Easement – A right of use over the property of another.

Educational Institution – A structure or part of a structure designed and used for the training and teaching of children, youths and / or adults.

Electronic Notice - A notice given by a municipality through the internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing. [MPC §107(a)].

Engineer – A professional engineer licensed by a state or Commonwealth.

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 vehicles, trucks and trailers licensed for street use.

Essential Communications Antenna and/or Tower - Any communications antenna and/or supporting tower 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 Public Services Installation – The erection, construction, alteration or maintenance by public utilities, municipal departments or commissions, including buildings necessary for furnishing adequate services for the public health, safety or general welfare.

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).

Family - A single person occupying a dwelling unit and maintaining a household; two or more persons related by blood, marriage or adoption occupying a dwelling unit, living together and maintaining a common household, including not more than one boarder, roomer or lodger; or not more than five unrelated persons occupying a dwelling unit, living together and maintaining a common household.

Family Day Care Home (Adult) – Any single family residence, other than the adult’s own home, in which day care is provided at any time for up to five (5) adults who are not relatives to the caregiver, where the adult care areas are being used as a family residence.

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Family Day Care Home (Child) – Any single family residence, other than the child’s own home, in which day care is provided at any time for up to five (5) children who are not relatives to the caregiver, where the child care areas are being used as a family residence.

Farmer’s Market– A regularly occurring (weekly, biweekly, monthly, bimonthly, semi-annually, annually, etc.) and seasonal commercial use with an organized display, indoors or outdoors, of agricultural products in their natural state for retail sale. Such agricultural products shall comprise at least 75% of the retail space available and may or may not be produced and / or grown on the property. Other products such as processed food (dried fruit, cheese or bread, for example), or artisan handiwork or art, may comprise the remaining twenty-five percent (25%) of the retail space available.

Fence – A barrier constructed for the purpose of protection, confinement, enclosure, or privacy.

Financial Institution - Any commercial establishment that lends money or engages in a finance-related business, but not including stockbrokerage firms, investment firms and securities firms.

Flea Market– A place where any person or group of vendors, whether professional or non-professional, 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 sixty (60) days. The term “flea market” also shall not include any business or occupation that 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 by water.

Flood Insurance Rate Map (FIRM) - A map of the municipality on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the flood risk premium zones applicable to the Municipality.

Floodplain – Land adjoining a river or stream that has been or may be expected to be inundated by the flood waters of the river or stream; or any area subject to the unusual and rapid accumulation of surface waters from any source. Flood plains include any areas delineated within the 100-year flood boundary or as a special flood hazard area on a map prepared by the Federal Emergency Management Agency (FEMA).

Flood Prone Area – Any land area susceptible to inundation by floodwater from any source.

Floodway - The channel of a watercourse and portions of the adjoining floodplains reasonably required to carry and discharge the one hundred year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the one hundred year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to fifty feet from the top of the bank of the stream.

Floor Area – The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of exterior walls or from the center line of common walls separating buildings. For determining parking and loading space requirements under this Chapter, the following areas shall not be included: cellar storage areas, elevator shafts and stairwells, providing structural headroom of less than eight (8’)

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feet, floor area for mechanical equipment required to service the need of the building, open terraces, breezeways and open porches that are not enclosed. In particular, floor area includes but is not limited to the following:

- (1) Basement space, if the floor to ceiling measures seven feet (7') or more.
- (2) Elevator shafts, stairwells and attic space (whether or not a floor has been laid), providing structural headroom of eight (8') feet or more.
- (3) Roofed terraces, exterior balconies, breezeways or porches, provided that fifty percent (50%) of the perimeter of these is enclosed.
- (4) Any other floor space used for dwelling purposes, no matter where located within a building.
- (5) Accessory buildings, excluding space used for accessory off-street parking or used for loading berths.
- (6) 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, 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 Ratio (FAR) – Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Food and Grocery Store – A store that sells consumer goods, such as bakery products, dairy products, delicatessen items, produce, and meats to the public. This does not include convenience stores.

Forestry – The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

Forest Management Operations – All activities connected with growing and harvesting of forest products including site preparations, which include the construction and maintenance of roads, and the cultivation and logging of trees.

Foundation, Permanent – A full perimeter masonry or poured concrete foundation resting upon a suitable concrete footer, said footer to be at least three (3) feet below finished grade. The foundation wall shall have a minimum width of six (6) inches with the footer projecting at least three (3) inches on each side.

Freight Terminal - The premises and building(s) where cargo is stored and where railroad cars, aircraft, and trucks load and unload cargo for shipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

Frontage – Lot boundary lines that are adjacent to a street.

Front Building Line – A line parallel to the front lot line, at a distance measured perpendicular there from as prescribed in this Chapter for a required yard. Where there is no required yard then the lot line may be the front building line. See Figure 1 in the Appendices.

Fuel Dispenser – A device which dispenses vehicle fuel and/or kerosene and which may contain multiple hoses or be capable of serving more than one (1) fueling position simultaneously.

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Fuel Island – A concrete platform measuring a minimum of six (6) inches in height from the paved surface on which fuel dispensers are located.

Fueling Position – A location at which a single vehicle may be fueled from a fuel dispenser.

Funeral Home (Including Mortuaries) – A building or part thereof used exclusively for human burial services, but shall not include facilities for cremation. 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 performances 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.
- (5) The viewing of and services for the deceased.

Garage- A building, structure, or any portion thereof, in which one or more motor vehicles are housed, kept or repaired, provided such repairs are not obnoxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration or noise, not including exhibition or show rooms or the storage of new motor vehicles for sale.

- (1) Minor Garage — A garage with a capacity for not more than two power-driven vehicles, for storage only, in which space for not more than one vehicle is rented to or used by persons not occupants of the premises.
- (2) Community Garage — A group of minor garages one story in height arranged in a row or surrounding a common means of access and erected for the use of adjacent landowners having no minor garage on their individual lots or for the use of occupants of multiple dwellings, provided that such garage is erected upon a plot reserved for the purpose in the interior of a block; provided, further, that no portion of such community garage is nearer than 40 feet to the front lot line; and provided, further, that such garage has capacity for the storage of only one motor vehicle for each dwelling unit in the multiple dwelling or group of dwellings which it serves.
- (3) Major Garage — Any garage not included within the definitions of "minor garage" and "community garage."
- (4) Parking Structure — A structure of one or more floors used or intended to be used for off-street parking of operable motor vehicles which shall be restricted to residents, their guests and invitees.
- (5) Public Garage- Any garage other than a minor, community, and major garage and parking structure as defined herein, available to clients, operated for gain and which is used for the storage, repair, rental, lubricating, washing and servicing or equipping of motor vehicles.

Garage Sale/Yard Sale/Estate Sale- Any general sale, open to the public, conducted from a residential lot containing a dwelling unit for the benefit of the owner of the residential lot and dwelling unit for the purpose of selling and/or disposing of personal property of the owner of the residential lot and dwelling unit. This includes all sales in residential areas entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale" or any similar casual sale of tangible personal property. The term shall also mean any garage sale or yard sale held on Borough-owned property by a Green Tree Borough community or civic organization (the sponsoring organization) conducted for the purpose of benefiting the Borough, the community or the civic or community organization itself.

Garden Center – Land and buildings where the wholesale or retail sale of nursery stock and garden supplies take 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;

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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.

Gasoline Station – An establishment where the principal use is the retail sale of gasoline (including diesel and alternative fuels), oil, or other motor vehicle fuel and no more than fifteen (15) percent 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 Green Tree Borough Council.

Grade – The resulting level of the ground after the final landscaping where there is a cut and after normal settlement when there is a fill.

Greenhouse, Commercial – An agricultural enterprise using a controlled environment (temperature and humidity) for the commercial cultivation and production of plants.

Greenhouse, Private - A structure accessory to a residential use, 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 and does not exceed one-hundred and sixty (160) square feet, regulated as a residential storage shed.

Group Home – An establishment that provides room and board in a family environment to no more than five (5) unrelated persons who receive supervised care limited to health, social, rehabilitative or housing services. Such facilities may include child and adult services for individuals not in need of hospitalization or incarceration but who, because of age, convalescence, infirmity, disability or related circumstances, require such care.

Group Residential Facility – An establishment that provides room and board in a family environment to six (6) or more unrelated persons who receive supervised care limited to health, social, rehabilitative or housing services. Such facilities may include child and adult services for individuals not in need of hospitalization or incarceration but who, because of age, convalescence, infirmity, disability or related circumstances, require such care.

Guyed Tower – A tower which is supported by a cable, wire, rope, or other means of bracing.

Hazard to Air Navigation – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Hazardous Material / Substance – any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance and shall not include

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natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

Health Club – Any establishment including, but not limited to, an athletic club, exercise center, health spa, figure salon, gymnasium, physical fitness center, or any other establishment by any other name that provides exercise equipment and one or more of the following: steam cabinet, steam room, sauna, vapor room, vapor cabinet, toilet facilities, lavatories, showers, lockers, and dressing rooms intended for patron use, excluding facilities used by or under direct supervision and control of licensed medical personnel located in a medical facility, facilities located in athletic departments of schools, and facilities of professional athletic teams. Accessory uses within the facility may include massage therapy (properly licensed), aerobics and physical fitness services (Aerobic and strength training activities, group exercise classes, fitness assessment and counseling, and education seminars).

Height – For the purpose of determining the height limits in all zones set forth in Article III and shown on the maps incorporated therein, the datum shall be mean sea level elevation unless otherwise specified.

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

- (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.

Home Occupation –A use or a service conducted entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and which does not change the residential character thereof.

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–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 ten persons, usually individually, with or without meals, wherein the occupants are furnished hotel services, including restaurant and maid service.

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Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a boarding house and shall meet the requirements of that use.

Impervious Surface – Those surfaces which do not absorb water. They consist of all buildings, parking lots, streets, sidewalks, and any areas of concrete or asphalt or nonabsorbent material. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

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

Independent Living Facility (includes Retirement Homes/Community) - A multi-unit housing development designed to provide individual dwelling units for persons who are independently mobile and not in need of supervision, but which includes certain design features associated with the needs of persons, who because of age, convalescence, disability, or other related circumstances, require special features 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. The dwelling units are comprised of apartments, condominiums, or single-family attached structures and may or may not feature a buy-in option in addition to monthly fees for services provided but are operated and maintained under a single management organization.

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.

Institutional Home - A public or private charitable establishment devoted to the shelter, maintenance or education and care of minor children; homeless, aged or infirm persons; or members of a religious community. This definition shall not include almshouses, penal or reformatory foundations or nursing homes.

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 – See “Salvage Yard”.

Kennel – Any premises used to conduct a commercial business involving the breeding, buying, selling or letting animals for hire, boarding or training for profit.

Laboratory - A place where scientific studies are conducted, including testing, research, or analysis of medical, chemical, physical, biological, mechanical, electronic or electric nature.

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) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (b) 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

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for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

- (2) A subdivision of land
- (3) Development in accordance with the Pennsylvania Municipalities Planning Code Section 503(1.1).

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

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

Landscape Architect – A registered professional landscape architect licensed by a State or Commonwealth.

Landscaping – Improving the natural beauty of a piece of land by planting or making minor alterations to the contours of the ground.

Loading Area – A space in a building or on a lot, accessible from a street or alley, 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 permitted by law and to be used, developed or built upon as a unit.

- (1) Lot, Corner – A lot, abutting two (2) or more streets at their intersection.
- (2) Lot, Interior – A lot of which the side property lines do not abut a street.
- (3) Lot, Through – An interior lot in which the front line and rear line abut upon streets or public rights of way. 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 Area – The horizontal surface area within the lines of the lot exclusive of any portion of the right-of-way of any street, whether public or private.

Lot Coverage – The ratio of ground area covered by principal and accessory structures to the total ground area of the lot.

Lot Depth – The mean distance from the front lot line to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from front lot line to the point of intersection of the side yards.

Lot Line, Front – The line contiguous with the principal street right-of-way line.

Lot Line, Rear – The line, generally parallel to the front lot line, which defines the rear of the lot.

Lot Line, Side – Any lot line which is not a front lot line or a rear lot line.

Lot of Record – A lot that has been recorded in the Allegheny County Department of Real Estate.

Lot Width – The total horizontal distance across the lot, between the side lot lines, measured at the building line.

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Lumberyard - The principal use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

Mailed Notice - A notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing. [MPC §107(b)]

Manufactured Home – A structure that is transportable in one or more sections. In traveling mode, the home is eight feet or more in width and forty feet or more in length. A Manufactured Home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled. When erected on site, the home is at least 400 square feet; built and remains on a permanent chassis; designed to be used as a dwelling with a permanent foundation built to Federal Housing Administration (FHA) criteria. The structure must be designed for occupancy as a principal residence by a single family.

Manufacturing, Heavy – Manufacturing that includes the production, processing, cleansing, testing and distribution of materials, foods, foodstuffs or 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.

Manufacturing, Light – The processing, handling or fabrication of materials and products where no processes are involved which will produce noise, vibration, air pollution, fire hazard, noxious emission, high traffic volumes or other factors which will disturb or endanger neighboring properties.

Massage Therapy Business – An establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, licensed massage therapists or similar professional person licensed by the Commonwealth of Pennsylvania as part of a medical clinic.

Methadone Treatment Facility –A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

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, peat and crude oil and natural gas.

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.

Mobile Home – A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile homes are those built prior to June 15, 1976 and thereby not produced nor inspected as a manufactured home in accordance with the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards and Regulations during its original construction.

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Motel - A group of attached or detached buildings located on a single zoning lot designed for occupancy primarily as a temporary abiding place of individuals and transient tourists who are lodged therein with or without meals, in which building:

- (1) There are more than 50 dwelling units or sleeping rooms;
- (2) There may be meeting rooms, ballrooms, common dining facilities, swimming pools and other suitable recreation facilities; and
- (3) Services, such as maids, telephones and postal services, are provided.

Motor Home – A motor vehicle that has facilities for cooking and sleeping.

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

Municipal Use- A structure or use owned and operated by the municipality and used for the purpose of, or in affiliation with, municipal operations or affairs.

Municipal Waste – Any garbage, refuse, industrial, lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and community activities; but shall not include any sludge or hazardous waste from a municipal, commercial or institutional water supply treatment plant, sewage treatment plant or air pollution control facility.

Municipal Waste Landfill – Any facility that is designed, operated or maintained for the disposal of Municipal Waste, whether or not such facility possesses a permit from the department under the Solid Waste Management Act (P.L. 380, No. 97). The term shall not include any facility that is used for the disposal of demolition waste, sludge from sewage treatment plants or water supply treatment plants nor mine disposal materials.

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

Natural Gas Extraction – All or part of the process involved in the extraction and processing of natural gas, petroleum, or other liquid related to oil or gas production or storage, including brine disposal.

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

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 with 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.

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New Construction – Structures for which the start of construction commenced on or after the effective date of this ordinance.

Night Club – A place of assembly, other than a dwelling unit, including private clubs that may offer food, drink, and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. A nightclub may also be operated as a restaurant during all or part of its hours of operation. For the purpose of zoning district classification, an adult cabaret shall not be considered a nightclub.

Nonconforming Lot – A lot, the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, 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 a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Nursery – Any building or lot, or portion thereof, used for the cultivation or growing of plants, trees, shrubs, or flowers and for the selling of plants and landscaping / gardening supplies.

Nursing and Personal Healthcare Facility (includes Convalescent Home) – A facility licensed as a nursing home by the Commonwealth of Pennsylvania.

Occupancy Permit – A permit signed by the Zoning Officer or Building Code Official setting forth that a building, structure or parcel of land is in compliance with this Chapter and may lawfully be occupied or employed for specified uses.

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.

Oil and Gas Development/Drilling - The development and drilling of oil and gas resources as set forth in the Oil and Gas Act.

Oil and Gas Well - The drilling and operation of an oil or gas well. The Oil and Gas Well use shall be deemed to be located at the wellsite.

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.

Operator - The applicant for a conditional use approval for mineral removal and also any “well operator” or “operator” as defined in the Oil & Gas Act.

Outdoor Dining Area – An area for the dispensing, serving and consumption, but not the preparation, of food and beverages, provided such use is attached to a principal use of a restaurant.

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Parcel Delivery Facility - Any premises or part thereof used for courier and freight forwarding operations that involves collecting, temporary storage of, sorting and dispatching packages.

Parking Lot – An area utilized to meet the parking requirements of this Zoning Ordinance, including the parking aisles that provide access to the parking spaces, but not including any streets or driveways that provide access to the parking lot.

Parking Pad – An off-street space available for the parking of motor vehicles.

Parking Space – A space available for the parking of one motor vehicle exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street, alley, or aisle.

Patio - An outdoor, at-grade, living area, with or without a roof.

PennDOT- The Pennsylvania Department of Transportation.

Permit – A document issued by the governing body authorizing an applicant to undertake certain activities.

Permitted Use – A use by right which is specifically authorized in a particular zoning district.

Person- An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity which is recognized by law as the subject of rights and duties.

Personal and Business Service- A commercial establishment providing services and/or goods to individuals and businesses. This includes but is not limited to barber shops, beauty salons, dressmakers and seamstresses, tailoring, dry cleaner (as defined herein), massage therapy business (as defined herein), shoe repair, and similar such establishments.

Personal Care Facility - A facility, licensed by the Commonwealth of Pennsylvania and conducted in accordance with its requirements, providing health related care and service provided on a regular basis to more than four (4) patients who are resident individuals and who do not require hospital or 24-hour skilled nursing care, but who, because of mental, physical conditions, or age require the services under a plan of care supervised by licensed and qualified personnel. A Personal Care Facility may or may not be operated in conjunction with, or as part of, an Assisted Living Facility.

Plat- the map or plan of a subdivision or land development, whether preliminary or final.

Planned Residential Development – An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required common open space to the regulations established in any one zoning district created, from time to time, under the provisions of this Chapter.

Planning Commission – The Borough of Green Tree Planning Commission.

Porch - A roofed or unroofed, above-grade structure projecting from the front, side or rear wall of a building or structure, all sides of which are open except the side adjoining the building or structure.

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Principal Use: The major dominant use of the lot on which it is located. Principal uses permitted shall be as defined within this Ordinance.

Printing and Publishing Services, Large Scale - Establishments that exceed 7,000 square feet of floor space whose primary business is engaged in printing by letterpress, lithography, gravure, screen, offset or other common process including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade such as bookbinding, type-setting, engraving, photoengraving and electrotyping. This group also includes establishments that publish newspapers, books and periodicals, whether or not they do their own printing; and establishments manufacturing business forms and binding devices.

Printing and Publishing Services, Limited - A printing establishment whose primary business is photocopying and accessory retail-oriented services, not exceeding 7,000 square feet of floor area.

Private Club or Lodge- An organization catering exclusively to members and their guests at premises for social, recreational or athletic purpose, provided that any merchandising or commercial activities are conducted only as required generally for the membership of such organization.

Protected Structure - Any residence, commercial business, school, religious institution or other public building located within 1,500 feet of the surface location of a well that may be impacted by noise generated from drilling or hydraulic fracturing activity at a wellsite. The term shall not include any structure owned by an oil and gas lessor who has signed a lease with the Operator granting surface rights to drill the subject well or whose owner or occupants have signed a waiver relieving the Operator from implementation of the measures established in subsection (m) of this Ordinance for the owners' or occupants' benefit.

Public Hearing – A formal meeting held pursuant to public notice by the Borough Council or planning agency, 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 – Public notices as defined and published pursuant to the Pennsylvania Municipalities Planning Code.

Public Thoroughfare – A public road, street or other accessway that leads at each end to another street.

Public Use – Includes any use activity owned and/or operated by federal, state, county or local governmental units.

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.

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Recreation, Municipal- Developed or undeveloped open spaces and/or structures and facilities which are provided by a governmental body for public use for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

Recreation, Commercial Indoor- Indoor facilities for leisure-time activities that are provided as a business pursuit, including facilities open to the public and/or those requiring membership; includes indoor theaters, lodges, fraternal organizations, bowling alleys and indoor skating facilities.

Recreation, Commercial Outdoor- Outdoor facilities for leisure-time activities that are provided as a business pursuit, including outdoor facilities open to the public and/or those requiring membership; includes swimming pools, tennis courts, riding stables, drive-in theaters and golf courses.

Recreation, Private- Developed or undeveloped open spaces and/or structures and facilities which are provided by individuals or private organizations for the use of specified individuals or groups of individuals sharing common relationships or associations for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

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, auto, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

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, motor vehicle reclamation, salvage yards, junkyards or resource recovery facilities.

Refinery - A building and equipment for refining or processing oil or gas or similar products.

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.

Repair Shop, Vehicular and Heavy Machinery – Repair of heavy equipment where the repair occurs on site.

Research and Development – A structure or complex of structures designed or used primarily for research and development functions related to industry and similar fields.

Reserve Parking Area – An area that is used for parking in excess of what is required on a temporary basis for overflow.

Restaurant – The 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 consumption on or off the premises.

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Restaurant, 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.

Restaurant, 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.

Restaurant, Drive Thru – A fast-food restaurant characterized by limited menu and catering to drive-thru traffic.

Restaurant, Full Service – A restaurant where customers are served at a table or counter by a restaurant employee and given an individual menu.

Retail Store - A building, or a space within a building, wherein the principal activity is the sale of merchandise of 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 may include, but are not limited to: drug stores and pharmacies; news stands; food stores and supermarkets; candy shops; dry goods; clothing stores; boutiques and gift shops; hardware and home improvement excluding building materials facilities, home furnishings and household appliance and electronics stores (which may also include the repair of electronics); small appliance repair shops; antique shops; art and crafts galleries; tailor and dressmaking shop; pet grooming without overnight boarding; beauty shops; bicycle sales and repair shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; auto accessory stores; and music stores.

Retaining Wall- A wall designed to resist the lateral displacement of soil or other material.

Right-of-Way – Land reserved for use as a street, alley, interior walk or other public purpose and dedicated for public use; all must be recorded in the County Department of Real Estate. For purposes of this Zoning Ordinance, public right-of-way lines shall prevail over private parcel lines that are designated as falling within the public “right-of-way.” When a lot abuts a “right-of-way” of a public thoroughfare or alley, all applicable lot area and front, side and rear lot requirements shall be computed from the public right-of-way line.

Riparian Buffer – Any area within one hundred (100) feet of any stream bank.

Roof- The flat or angular top covering of a building or structure.

Roof Line- The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Salvage Yard – An area more than two hundred (200) square feet outside of a building on any lot for the handling or storage or scrap metal, paper, rags or discarded, salvaged or waste materials of any kind. This includes automobile wrecking yards, used lumber yards, junk yards and storage of salvaged house wrecking and structural steel materials and equipment, but does not include yards for the storage or sale of operable used cars or machinery or the incidental processing of used or salvaged materials where permitted, as part of the lawful manufacturing or industrial use on the same premises.

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Screen (Buffer) Planting – An arrangement of vegetative material of sufficient height and density to conceal from the view of landowners on adjoining property or in adjoining districts and the public right-of-way the structures and uses on the premises on which the screen or buffer planting is located.

Self-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.

Setback – The minimum distance that a structure can be located from a right-of-way or property line or another structure, thereby creating a required open space on a lot. In measuring the width and depth of setbacks, a cornice projecting not more than twelve (12) inches shall not be held to reduce such required dimensions.

Sewage Treatment Facility – A place or premises, including buildings, where sewage and other solid or liquid wastes are treated or screened before discharge.

Shed, Residential – a building, no more than 120 square feet, separate and detached from a residential dwelling unit located on the same lot as the dwelling unit, the use of which is clearly incidental and related to the residential dwelling unit for the storage of materials and equipment, not involving sales or the conduct of commercial trades or businesses, and not involving the storage or parking of any four-wheel vehicle that is motor-driven and capable of being licensed to operate on a public street. Sheds also include private greenhouses.

Shopping Center – A group of commercial establishments planned and developed as a unit.

Sign – All definitions relating to Signs can be found in Article VI.

Skilled Nursing Facility - A facility licensed by the Commonwealth that provides nursing care and related medical or other personal health services on a continuous twenty-four (24) hour basis for individuals not in need of hospitalization but whom, because of age, disability, illness or other infirmity, require high-intensity comprehensive planned nursing care.

Slope – The face of an embankment, fill, or cut whose surface makes an angle with the plane of the horizon. Slope can be expressed as a percentage based upon the vertical difference in feet per one hundred feet of horizontal distance.

Story – That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half- A story under a gable, hip or gambrel roof, the wall plates of which, of 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 way used or intended to be used by vehicular traffic or pedestrians, whether public or private.

- (1) Arterial - A public street intended to carry a large volume of local and through traffic to or from collector streets and expressways.
- (2) Cartway - The improved surface of a street from edge of pavement to edge of pavement.

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- (3) Collector - A street that collects and distributes traffic between local access and arterial streets. Such streets provide intra-regional connections between residential areas and shopping areas, employment centers, and other local traffic generators.
- (4) Local - A street that provides access to abutting property and connections to collector streets.
- (5) Private - Any vehicular way which is not dedicated as a public street.

Street Line – The line defining the edge of the legal width of a dedicated street right-of-way.

Structural Alteration- Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, headers or girders.

Structure- Any man-made object having ascertainable stationary location on or in land or water, whether or not affixed to the land.

- (1) Accessory Structure: A detached structure customarily incidental and subordinate to the principal structure and located on the same lot.
- (2) Principal Structure: The structure or portion thereof housing the main use of the land.
- (3) Temporary Structure: Any structure which is erected to be in place for not more than twelve months, 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.

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

Subdivision and Land Development Ordinance –The Subdivision and Land Development Ordinance of Green Tree Borough.

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

Tattoo Parlor – An establishment whose principal business activity is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Terrace- A natural or artificial embankment between a building and its lot lines.

Theater – A building or part of a building devoted to the showing of movies, musical performances, dance, or theatrical productions, usually on a paid admission basis.

Transit Facility - The property, equipment, and improvements of whatever nature owned, used, constructed, maintained, controlled, or operated to provide mass transportation for passengers or to provide for the movement of people. Rail transit facilities include rail lines, platforms, passenger waiting areas, passenger parking lots, passenger parking structures, passenger pickup and drop-off areas, tracks, bridges, tunnels and accessory retail, including areas for sales of fares. Bus transit facilities include bus

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stops, bus terminals, passenger waiting areas, passenger parking lots, passenger parking structures, passenger pickup and drop-off areas and retail including areas for sales of fares.

Transit Shelter - A small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of passengers.

Transportation Services – A facility for private taxicab, limousine, bus service and similar passenger service.

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.

Truck Terminal –A facility where trucks load and unload goods, products, cargo and / or other materials to be broken down or aggregated in different size loads and reshipped to other destinations.

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.

Use, Accessory. A use customarily incidental and subordinate to the principal use of the lot.

Variance – Relief granted pursuant to the provisions of the MPC and this Zoning Ordinance.

Vehicle – Any device in, upon or by which any person or property is or may be transported or drawn upon a street, excepting tractors, agricultural machinery, devices moved by human power or used upon stationary rails or tracks.

Vehicle Sales, Repair and Service– Vehicle maintenance, sales or display, repair or reconditioning, collision repair, including straightening and repainting, replacement of parts, and incidental services.

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

Wellsite - The wellsite shall consist of the graded pad and appurtenant area occupied by the facilities, structures and equipment necessary for or incidental to the drilling, production or operation of an Oil or Gas Well at the site, including wellsite preparation, wellsite construction, drilling, hydraulic fracturing, site restoration, water and other fluid storage, impoundment and transportation located at the site and used for such activities and installation of associated equipment, the site preparation, construction and installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities at the site associated with drilling for, production and transportation of oil and gas, but excluding any structure, facility or use constituting a Natural Gas Compressor Station or a Natural Gas Processing Plant or any other facility used primarily to refine or process gas or oil.

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.

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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.

Wind Energy Facilities, Small - A single tower, or multiple towers, situated on a lot to provide energy from a wind turbine source to an individual home, multi-family residential use, office, or business and industrial and agricultural uses located on the same lot. The wind energy is not to be provided to others for sale off-site. The small wind energy system shall follow the rules of net metering under the State policy.

Wind Turbine (Large Wind Facilities) – A device for converting wind energy into mechanical (windmill) or electrical energy.

Workover Operations - “Workover operations” shall mean work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production.

Yard – An open, unoccupied space on the same lot with a building, open and unobstructed from the ground to the sky, except as otherwise provided in this Chapter.

- (1) Yard, Front – 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.
- (2) Yard, Rear – A yard extending along the full length of the rear lot line between the rear of the principal building and the rear lot line; unoccupied other than by steps, walks, terraces, driveways, lampposts and similar improvements.
- (3) Yard, Side – 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.

Zoning Approval – Approval under the provisions of this Chapter certifying that an application for development or application for zoning approval for occupancy and use has fulfilled the requirements of this Chapter.

Zoning Hearing Board – A Board comprised of members who are appointed by the Green Tree Borough Council to examine and decide appeals for relief from strict conformance of application of this Chapter and to hear testimony regarding the validity of any regulations upon development in the municipality or regarding challenges to the decisions of the Zoning Officer.

Zoning Map – The Green Tree Borough Official Zoning District Map together with all amendments subsequently adopted.

Zoning Officer – The individual authorized by the Green Tree Borough Council having the powers and subject to the provisions set forth in the MPC, whose duty it shall be to administer this Chapter and such other Chapters that may be assigned by the Green Tree Borough Council.

Zoning Permit - A statement signed by the Code Official indicating that the application for permission to construct or alter is approved and in accordance with the requirements and terms of this Chapter.

Section 420-15 Establishment of Zoning Districts.

- (A) In order to designate, regulate and restrict the location of commerce, business, trade and industry, and the location of all buildings and structures designed, erected, altered or occupied for specific uses, the Borough is hereby divided into ten classes of districts, as follows:
- (1) R-1: Single Family Residential
 - (2) R-2: Multi-Family Residential
 - (3) RR: Rural Residential
 - (4) MU: Mixed Use
 - (5) CN: Neighborhood Commercial
 - (6) OC: Office Commercial
 - (7) SC: Service Commercial
 - (8) R: Recreation
 - (9) I-1: Light Industrial
 - (10) I-2: Heavy Industrial

Section 420-16 Zoning Map.

- (A) The location and boundaries of such districts are hereby established as shown on the Official Zoning District Map bearing the date of adoption of this Ordinance. The Map and all notations, references, subsequent amendments, and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.
- (B) Except as otherwise provided in this chapter, no building, structure or land shall be erected, altered or used for any purpose other than is permitted in the district in which such building, structure or land is located.
- (C) In cases of mixed occupancy, regulations for each use shall apply to the portion of the building, structure or land so used.

Section 420-17 District Boundaries.

- (A) Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Official Zoning District Map, the following rules shall apply:
- (1) The district boundaries are streets unless otherwise shown, and where the designation on the Official Zoning District Map indicates a boundary approximately upon a street line, such street shall be construed to be the boundary.
 - (2) Where the district boundaries are not shown to be streets and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines. Where the designation on the Official Zoning District Map indicates a distinct boundary approximately upon a lot line, such lot line shall be construed to be the boundary.

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- (3) In undivided property, the district boundary lines on the Official Zoning District Map shall be determined by use of the scale of the map.

Section 420-18 Permitted Uses.

- (A) For the purposes of this Article, the following abbreviations shall have the following meanings:
P = Permitted use by right (zoning determination by the Code Official or Zoning Officer)
CU = Conditional use (zoning decision by the Council)
- (B) Table 3.1 contains the list of uses that are permitted within each of the zoning districts.
- (C) Unless otherwise provided by State or Federal law or specifically stated in this Ordinance, any land or structure shall only be used or occupied for a use specifically listed in this Section as being allowed in the zoning district where the land or structure is located. Such use shall only be permitted if the use complies with all other requirements of this Ordinance.

Section 420-19 Uses prohibited in all districts.

- (A) Building, construction and paving material mixing plants or similar facilities and operations;
- (B) The storage, sale, distribution, reproduction, photographing, recording or printing of pornographic materials and the operation of, or engagement in, any activity which constitutes a public nuisance, including, but not limited to, live theaters, massage parlors and model studios; and
- (C) The keeping or maintenance of wild animals, including, without limitation, African lions, mountain lions, primates and poisonous snakes. This subsection shall not be construed to prohibit the keeping or maintenance of domesticated pets, such as dogs, cats, birds or fish, within any zoning district in the Borough, provided that all other applicable laws and/or ordinances in connection with such use are complied with.

Section 420-20 Use for Which No Provision is Made.

- (A) Whenever, a use is not specifically permitted in any district established under this article, and an individual makes an application for such use, the Code Official or Zoning Officer shall refer the application to the Green Tree Borough Council, who may authorize the use by conditional use.

Article III. Zoning Districts

Section 420-21 R-1: Single Family Residential.

- (A) **Purpose.** To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance, the single-family residential district is intended to provide for low to medium density single-family residential development while allowing for community and municipal facilities that are customarily found in residential districts. The requirements established for this district are to promote a safe and quiet nature for the residents and to discourage uses that would be detrimental to this intent.
- (B) **Principal Uses.** The following is a list of uses that are Permitted or permitted by Conditional Use:

<i>Single Family Residential</i>	
<i>Permitted</i>	<i>Conditional Use</i>
Bus / Other Transit Shelter	Agricultural Operation or Activity
Cemetery	Bed and Breakfast Inn
Church / Place of Worship / Religious Institution	Communications Antenna
Dwelling, Single Family - Detached	Communications Co-Location
Educational Institution	Communications Equipment Building
Essential Public Service Installations	Communications Tower
Family Day Care Home, Adult	Home Occupation
Family Day Care Home, Child	Wind Energy Equipment – Small Wind Facility
Group Home	
Home Based Business, No-Impact	
Library	
Municipal Use	
Recreation, Municipal	

- (C) **Accessory Uses.** The following accessory uses are Permitted - Permit required. See Article IV: General Regulations and Article V: Supplemental Regulations (if applicable) for:
 - Minor Garage
 - Shed
 - Parking Pad
 - Swimming Pool, Residential

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(D) Dimensional Requirements.

<i>Single Family Residential</i>		
Minimum Lot Area		6,500 square feet
Minimum Lot Width	All principal uses	50 feet measured at the street providing principal access to the lot and a width of at least 60 feet, measured at the building line of the lot
Minimum Front Yard		30 feet
Minimum Side Yard	Interior Lots	Side yard along each side lot line, one of which shall be at least 5 feet wide. Total width of both side yards shall not be less than 14 feet.
	Corner Lots	Along the interior side lot line at least 5 feet wide and a side yard at least 30 feet wide adjoining the intersecting street, which side yard may be reduced to 15 feet, provided that the lot to the rear does not face on intersecting street, and provided that this shall not reduce the buildable width of a corner lot to less than 26 feet.
Minimum Rear Yard	Principal Structures	25 feet
	Accessory Structures	See Supplemental Regulations
Maximum Building Height	Principal Structures	35 feet (2 1/2 stories)
	Accessory Structures	15 feet (1 story)
Church, library or school may have a height of 75 feet.		

Article III. Zoning Districts

Section 420-22 R-2: Multi-Family Residential District.

- (A) **Purpose.** To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance the R-2: Multi-Family District is intended to provide options for increased density in residential areas while still allowing for some low impact non-residential uses.
- (B) **Principal Uses.** The following is a list of uses that are Permitted or permitted by Conditional Use:

<i>Multi-Family</i>	
<i>Permitted</i>	<i>Conditional Use</i>
Bus / Other Transit Shelter	Agricultural Operation or Activity
Dwelling, Multi-Family - Duplex	Home Occupation
Dwelling, Multi-Family - Garden Apartment	Wind Energy Equipment – Small Wind Facility
Dwelling, Multi-Family - Mid-Rise Apartment	
Dwelling, Single Family - Attached	
Dwelling, Single Family - Detached	
Essential Public Service Installations	
Family Day Care Home, Adult	
Family Day Care Home, Child	
Garage, Community	
Group Home	
Home Based Business – No Impact	
Municipal Use	
Recreation, Municipal	

- (C) **Accessory Uses.** Accessory uses incidental to any of the principal uses listed above.

(D) Dimensional Requirements.

Multi-Family		
Minimum Lot Area	1 family dwellings	4,000 square feet
	2 family dwellings	2,500 square feet
	Multiple dwellings	1,500 square feet
Minimum Lot Width		Each lot shall have as its principal frontage a width of at least 40 feet.
Minimum Front Yard		25 feet
Minimum Side Yard		
Interior Lots	1 family, 2-family, or double house	Side yard along each side lot line, one of which shall be at least 5 feet wide. Total width of both side yards shall not be less than 14 feet.
	Other buildings or dwellings	10 feet, except side yards for multiple dwellings constructed as row houses shall be at least 25 feet wide.
Corner lots		5 feet along the interior side, and at least 25 feet wide adjoining the intersecting street.
Minimum Rear Yard		25 feet
Maximum Building Height	Main building or structure	45 feet (3 stories) except that a church, library or school, which may be 75 feet.

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Section 420-23 R-R: Rural Residential.

- (A) **Purpose.** To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance the R-R: Rural Residential District is intended to provide sites for low-density residential land uses in areas of the borough where such activity has been established or is most likely to occur. These regulations are designed to ensure adequate light, air, privacy and open space for dwelling sites consistent with residential use requirements, to maintain desirable residential qualities within the district and to prevent the encroachment of land uses that are not compatible with the existing land uses.
- (B) **Principal Uses.** The following is a list of uses that are Permitted or permitted by Conditional Use:

Rural Residential	
<i>Permitted</i>	<i>Conditional Use</i>
Bus / Other Transit Shelter	Agricultural Operation or Activity
Cemetery	Animal Daycare
Church / Place of Worship / Religious Institution	Home Occupation
Dwelling, Single Family - Detached	Wind Energy Equipment, Small Wind Facility
Essential Public Service Installations	
Family Day Care Home, Adult	
Family Day Care Home, Child	
Group Home	
Home Based Business – No Impact	
Municipal Use	
Recreation, Municipal	

- (C) **Accessory Uses.** Accessory uses incidental to any of the principal uses listed above.
- (D) **Dimensional Requirements.**

Rural Residential		
Minimum Lot Area		1.5 acres
Minimum Lot Width		None
Minimum Front Yard		45 feet
Minimum Side Yard		45 feet
Minimum Rear Yard		25 feet
Maximum Building Height		The height of any building erected or enlarged shall not exceed 45 feet.

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Section 420-24 MU: Mixed Use District.

- (A) **Purpose.** To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance the MU – Mixed Use District is intended to provide for an appropriate mix of compatible residential, commercial, and professional offices that will allow for the existing mix of residences and businesses to continue while providing for a transition between residential areas and the commercial areas. It is also meant to provide for more flexible use of properties while still protecting the character of the Borough.
- (B) **Principal Uses.** The following is a list of uses that are Permitted or permitted by Conditional Use:

<i>Mixed Use</i>	
<i>Permitted</i>	<i>Conditional Use</i>
Bed and Breakfast Inn	Bank
Bus/Other Transit Shelter	Convenience Store
Business Services	Funeral Home / Mortuary
Catering Business	Wind Energy Equipment – Small Wind Facility
Church / Place of Worship / Religious Institution	
Community Garage	
Day Care Center, Adult	
Day Care Center, Child	
Dwelling, Residence over Business	
Dwelling, Single Family - Attached	
Dwelling, Single Family - Detached	
Educational Institution	
Essential Public Service Installations	
Family Day Care Home, Adult	
Family Day Care Home, Child	
Group Home	
Home Based Business, No-Impact	
Home Occupation	
Library	
Municipal Use	
Office	
Parcel Delivery Facility	
Personal and Business Services	
Printing and Publishing Services, Limited	
Recreation, Municipal	
Retail Stores < 7,000 Square Feet	

- (C) **Accessory Uses.** Accessory uses incidental to any of the principal uses listed above.

(D) Dimensional Requirements.

<i>Mixed Use</i>		
Minimum Lot Area		6,500 sf
Minimum Lot Width		50 feet
Minimum Front Yard		30 feet
Minimum Side Yard	Interior	5 feet
	Corner	30 feet from the line abutting intersecting street
Minimum Rear Yard		25 feet
Maximum Building Height		45 feet or 3 stories

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Article III. Zoning Districts

Section 420-25 NC – Neighborhood Commercial.

- (A) **Purpose.** To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance the NC Neighborhood Commercial District is intended to provide for a concentrated mix of business and commercial uses at higher intensities that allow for continued economic growth and development of the commercial core, while providing for the safe and orderly flow of traffic and pedestrians through the district.
- (B) **Uses.** The following is a list of uses that are Permitted or permitted by Conditional Use:

<i>Neighborhood Commercial</i>	
<i>Permitted</i>	<i>Conditional Use</i>
Bed and Breakfast Inn	Assisted Living Facility
Bus/Other Transit Shelter	Bank
Business Services	Bar / Tavern / Drinking Establishment
Catering Business	Communications Antenna
Church / Place of Worship / Religious Institution	Communications co-location
Clinic	Communications equipment building
Community Facility	Communications tower
Convenience Store	Dry Cleaner
Day Care Center, Adult	Farmer's Market
Day Care Center, Child	Gas Station
Dwelling, Multi-Family – Duplex	Restaurant, Full Service
Dwelling, Multi-Family – Conversion Apartment	Retail Stores between 7,000 and 22,000 square feet
Dwelling, Multi-Family – Garden Apartment	Wind Energy Equipment – Small Wind Facility
Dwelling, Multi-Family – Mid Rise Apartment	
Dwelling, Residence over Business	
Essential Public Service Installations	
Food and Grocery Store	
Equipment Rental and Repair	
Funeral Home / Mortuary	
Group Home	
Health Club	
Home Based Business, No-Impact	
Home Occupation	
Laundromat	
Library	
Municipal Use	
Office	
Parcel Delivery Facility	
Parking Lot	
Personal and Business Services	
Printing and Publishing Services, Limited	
Private Club or Lodge	
Repair Shop, Small / Non-Vehicular	
Retail Stores < 7,000 Square Feet	
Theater	

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(C) **Accessory Uses.** Accessory uses incidental to any of the principal uses listed above.

(D) **Dimensional Requirements.**

<i>Neighborhood Commercial</i>		
Minimum Lot Area	Non residential	1/4 acre
	Residential	750 square feet per dwelling unit
Minimum Lot Width		50 feet
Minimum Front Yard		15 feet
Minimum Side Yard	Interior	5 feet
	Corner	15 feet for side of lot abutting intersecting street
Minimum Rear Yard		15 feet
Maximum Building Height		45 feet or 3 stories

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Article III. Zoning Districts

Section 420-26 OC – Office Commercial District.

- (A) **Purpose.** To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance the OC - Office Commercial District is intended to create an area for more intense, concentrated nonresidential uses, including commercial amenities with larger footprints and business uses.
- (B) **Principal Uses.** The following is a list of uses that are permitted or permitted by Conditional Use:

<i>Office Commercial</i>	
<i>Permitted</i>	<i>Conditional Use</i>
Assisted Living Facility	Bar / Tavern / Drinking Establishment
Bank	Communications Antenna
Bus / Other Transit Shelter	Communications Co-Location
Business Services	Communications Equipment Building
Car Wash	Communications Tower
Catering Business	Construction and Related Building Trades
Church / Place of Worship / Religious Institution	Dry Cleaner
Clinic	Garden Center
Community Facility	Gas Station
Convenience Store	Greenhouse, Commercial
Day Care Center, Adult	Institutional Home
Day Care Center, Child	Night Club
Dwelling, Multi-Family - Duplex	Nursing and Personal Healthcare Facility
Dwelling, Multi-Family - Conversion Apartment	Oil and Gas Wells
Dwelling, Multi-Family - Garden Apartment	Research and Development, Laboratories
Dwelling, Multi-Family - Mid-Rise Apartment	Restaurant, Carry-Out
Dwelling, Residence over Business	Restaurant, Drive-Through
Dwelling, Single Family - Attached	Restaurant, Full Service
Educational Institution	Restaurant, Fast Food
Essential Public Service Installations	Skilled Nursing Facility
Food and Grocery Store	Vehicle Sales, Repair and Service
Funeral Home / Mortuary	Warehouse and Storage
Garage, Parking Structure	Wind Energy Equipment – Small Wind Facility
Group Home	
Health Club	
Home Based Business, No-Impact	
Home Occupation	
Hotel / Motel	
Independent Living Facility	
Laundromat	
Library	
Municipal Use	
Office	
Parcel Delivery Facility	
Parking Lot	

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<i>Office Commercial (Con't)</i>	
<i>Permitted</i>	<i>Conditional Use</i>
Personal Care Facility	
Personal and Business Services	
Planned Residential Development	
Printing and Publishing Services, Limited	
Private Club or Lodge	
Recreation, Commercial Indoor	
Recreation, Commercial Outdoor	
Repair Shop, Small / Non-Vehicular	
Retail Stores < 7,000 sq. ft.	
Retail Stores 7,000 to 22,000 sq. ft.	
Retail Stores > 22,000 sq. ft.	
Theater	
Trade, Vocational, Business and Commercial Schools	
Wholesale Establishments	

(C) **Accessory Uses.** Accessory uses incidental to any of the principal uses listed above.

(D) **Dimensional Requirements.**

<i>Office Commercial</i>		
Minimum Lot Area		10,000 square feet
Minimum Lot Width		50 feet
Minimum Front Yard		25 feet from a public thoroughfare. 25 feet from any other thoroughfare.
Minimum Side Yard		15 feet
Minimum Rear Yard		25 feet
Maximum Building Height	All buildings	80 feet
<p>The following structures may be constructed above the roofline and shall not be included in determining building height provided that no materials, supplies or property of any kind is stored therein or occupies any space therein:</p> <ul style="list-style-type: none"> • A machinery room, not exceeding 20 feet in height, containing elevator machinery and other mechanical equipment; • An enclosed air-conditioning tower • Entrances to stairwells • Chimneys not exceeding 20 feet in height • Cupolas or steeples not exceeding 20 feet in height • Antennas not exceeding 20 feet in height 		

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Section 420-27 SC - Service Commercial.

- (A) **Purpose.** To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance the SC – Service Commercial District is intended to promote development of businesses which incorporate a mix of industrial and commercial activities, including light manufacturing and research and development, while accommodating a wide range of other employment activities.
- (B) **Uses.** The following is a list of uses that are Permitted or permitted by Conditional Use:

<i>Service Commercial</i>	
<i>Permitted</i>	<i>Conditional Use</i>
Assisted Living Facility	Adult Oriented Establishment
Bank	Bar / Tavern / Drinking Establishment
Bus / Other Transit Shelter	Boarding House
Business Services	Construction and Related Building Trades
Catering Business	Dry Cleaner
Church / Place of Worship / Religious Institution	Golf Course
Clinic	Golf Driving Range
Convenience Store	Hospital
Essential Public Service Installations	Kennel
Equipment Rental and Repair	Methadone Treatment Facility
Garage, Parking Structure	Nursing and Personal Healthcare Facility
Garden Center	Oil and Gas Wells
Greenhouse, Commercial	Research and Development, Laboratories
Health Club	Wind Energy Equipment – Small Wind Facility
Laundromat	
Municipal Use	
Office	
Parcel Delivery Facility	
Parking Lot	
Printing and Publishing Services, Limited	
Recreation, Commercial Indoor	
Recreation, Commercial Outdoor	
Recreation, Municipal	
Repair Shop, Small / Non-Vehicular	
Repair Shop, Vehicular and Heavy Machinery	
Retail Stores < 7,000 sq. ft.	
Retail Stores 7,000 to 22,000 sq. ft.	
Retail Stores > 22,000 sq. ft.	
Trade, Vocational, Business and Commercial Schools	
Transportation Services	
Wholesale Establishments	

- (C) **Accessory Uses.** Accessory uses incidental to any of the principal uses listed above.

(D) Dimensional Requirements.

<i>Service Commercial</i>	
Minimum Lot Area	30,000 square feet
Minimum Lot Width	150 feet
Minimum Front Yard	35 feet
Minimum Side Yard	15 feet
Minimum Rear Yard	40 feet
Maximum Building Height	80 feet
<p>Following structures may be constructed above the roofline and shall not be included in determining building height provided that no materials, supplies or property of any kind is stored therein or occupies any space therein:</p> <ul style="list-style-type: none"> • A machinery room, not exceeding 20 feet in height, containing elevator machinery and other mechanical equipment; • An enclosed air-conditioning tower • Entrances to stairwells • Chimneys not exceeding 20 feet in height • Cupolas or steeples not exceeding 20 feet in height • Antennas not exceeding 20 feet in height 	

Section 420-28 R – Recreation.

- (A) **Purpose.** To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance the R – Recreation District is intended to provide for the protection of recreation and open space areas in the Borough.
- (B) **Uses.** The following is a list of uses that are Permitted or permitted by Conditional Use:

<i>Recreation</i>	
<i>Permitted</i>	<i>Conditional Use</i>
Bus / Other Transit Shelter	
Cemetery	
Community Facility	
Educational Institution	
Essential Public Service Installations	
Farmer's Market	
Municipal Use	
Recreation, Municipal	

- (C) **Accessory Uses.** Accessory uses incidental to any of the principal uses listed above.
- (D) **Dimensional Requirements.**

<i>Recreation</i>	
Minimum Front Yard	35 feet
Minimum Side Yard	15 feet
Minimum Rear Yard	25 feet
Maximum Building Height	35 feet

Article III. Zoning Districts

Section 420-29 I-1 – Light Industrial.

- (A) **Purpose.** To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance the I-1 – Light Industrial District is intended to provide for the location and grouping of light industrial enterprises. Uses located in this district shall be free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants.
- (B) **Uses.** The following is a list of uses that are Permitted or permitted by Conditional Use:

<i>Light Industrial</i>	
<i>Permitted</i>	<i>Conditional Use</i>
Animal Daycare	Boat Storage
Animal Hospital / Vet Clinic	Bus and Transit Facility
Assisted Living Facility	Crematorium
Bank	Dry Cleaner
Boat and Marine Sales and Services	Gas Station
Bus / Other Transit Shelter	Golf Course
Business Services	Golf Driving Range
Car Wash	Group Residential Facility
Church / Place of Worship / Religious Institution	Hospital
Clinic	Industrial Park
Construction and Related Building Trades	Institutional Home
Distribution Facility	Kennel
Essential Public Service Installations	Night Club
Equipment Rental and Repair	Nursing and Personal Healthcare Facility
Farm Equipment Supply and Sales	Oil and Gas Wells
Flea Market	Recycling Facility
Funeral Home / Mortuary	Skilled Nursing Facility
Garage, Parking Structure	Truck Terminal
Garden Center	
Greenhouse, Commercial	
Health Club	
Home Based Business, No-Impact	
Hotel / Motel	
Independent Living Facility	
Laboratory	
Lumberyard	
Manufacturing, Light	
Municipal Use	
Office	
Parcel Delivery Facility	
Parking Lot	
Personal Care Facility	
Printing and Publishing Services, Large Scale	
Recreation, Commercial Indoor	
Recreation, Commercial Outdoor	
Recreation, Municipal	
Repair Shop, Small / Non-Vehicular	

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<i>Light Industrial (Con't)</i>	
<i>Permitted</i>	<i>Conditional Use</i>
Repair Shop, Vehicular and Heavy Machinery	
Research and Development, Laboratories	
Retail Stores 7,000 to 22,000 sq. ft.	
Retail Stores > 22,000 sq. ft.	
Self-Storage Facility	
Solar Powered Facility	
Trade, Vocational, Business and Commercial Schools	
Transportation Services	
Vehicle Sales, Repair and Service	
Warehouse and Storage	
Wholesale Establishments	
Wind Energy Equipment, Small	

(C) **Accessory Uses.** Accessory uses incidental to any of the principal uses listed above.

(D) **Dimensional Requirements.**

<i>Light Industrial</i>		
Minimum Lot Area		30,000 square feet
Minimum Lot Width		50 feet
Minimum Front Yard		15 feet
Minimum Side Yard		15 feet
Minimum Rear Yard		25 feet
Maximum Building Height	Principal Structure	80 feet
<p>The following structures may be constructed above the roofline and shall not be included in determining building height provided that no materials, supplies or property of any kind is stored therein or occupies any space therein:</p> <ul style="list-style-type: none"> • A machinery room, not exceeding 20 feet in height, containing elevator machinery and other mechanical equipment; • An enclosed air-conditioning tower • Entrances to stairwells • Chimneys not exceeding 20 feet in height • Cupolas or steeples not exceeding 20 feet in height • Antennas not exceeding 20 feet in height 		

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Section 420-30 I-2 – Heavy Industrial.

(A) **Purpose.** The Heavy Industrial District was established to provide areas in the borough where heavy industrial, manufacturing, and extractive uses may be located in an environment which protects them from encroachment of commercial and residential uses, and which reduces the effect of undesirable characteristics such as odor, dust, and noise upon surrounding residential and/or commercial areas.

(B) **Uses.** The following is a list of uses that are Permitted or permitted by Conditional Use:

<i>Heavy Industrial</i>	
<i>Permitted</i>	<i>Conditional Use</i>
Boat and Marine Sales and Services	Boat Storage
Bus / Other Transit Shelter	Bus and Transit Facility
Construction and Related Building Trades	Compressor Station
Distribution Facility	Gas Station
Essential Public Service Installations	Golf Course
Equipment Rental and Repair	Golf Driving Range
Farm Equipment Supply and Sales	Incinerator
Freight Terminal	Industrial Park
Garage, Parking Structure	Kennel
Lumberyard	Landfill
Manufacturing, Heavy	Municipal Waste Landfill
Manufacturing, Light	Oil and Gas Wells
Municipal Use	Recycling Facility
Parcel Delivery Facility	Printing and Publishing Services, Large Scale
Parking Lot	Junkyard / Salvage Yard
Printing and Publishing Services, Large Scale	Truck Terminal
Repair Shop, Small / Non-Vehicular	Wholesale uses and distribution facilities which handle materials that are flammable, explosive, or hazardous
Repair Shop, Vehicular, Heavy Machines	Wind Turbine, Large Wind Facility
Warehouse and Storage	
Wholesale Establishments	
Wind Energy Equipment – Small Wind Facility	

(C) **Accessory Uses.** Accessory uses incidental to any of the principal uses listed above.

(D) Dimensional Requirements.

<i>Heavy Industrial</i>		
Minimum Lot Area		30,000 square feet
Minimum Lot Width		150 feet
Minimum Front Yard		45 feet
Minimum Side Yard		40 feet
Minimum Rear Yard		25 feet
Maximum Building Height	Principal Structure	80 feet
<p>These may be constructed above the roofline and shall not be included in determining building height provided that no materials, supplies or property of any kind is stored or occupies any space:</p> <ul style="list-style-type: none"> • A machinery room, not exceeding 20 feet in height, containing elevator machinery and other mechanical equipment; • An enclosed air-conditioning tower • Entrances to stairwells • Chimneys not exceeding 20 feet in height • Cupolas or steeples not exceeding 20 feet in height • Antennas not exceeding 20 feet in height 		

Article IV. General Regulations

Section 420-31 Purpose.

- (A) The purpose of this Article is to establish zoning standards and policies for all uses in all districts. These regulations shall serve as general development standards by establishing uniform criteria for fencing, landscaping, lighting, off-street parking and loading, and similar criteria that are ancillary aspects to all uses within Green Tree Borough. The provisions for this Article shall apply in addition to any other applicable zoning regulations.

Section 420-32 Accessory Structures or Uses.

- (A) All accessory structures or uses shall require a permit.
- (B) There must be a principal structure on the lot prior to the issuance of a permit for an accessory structure.
- (C) No use that is to be carried on in an accessory structure shall be in violation of the permitted uses in the district in which the principal structure is located.
- (D) All accessory structures shall comply with the side and rear yard setback requirements for the district in which the principal structure is located.
- (E) No accessory structures shall be closer than five (5) feet to a principal structure.

Section 420-33 Essential Public Service Installations.

- (A) Essential Public Service Installations shall be permitted in all zoning Districts subject to the restrictions recommended by the Planning Commission in regard to screening, yards, and height regulations.

Section 420-34 Fences. – **Note: Additional information regarding fences can be found in Article V: Supplemental Regulations**

- (A) Permit and maintenance requirements- A permit must be obtained from the Code Official for the erection of any fence. The Landowner shall be responsible for maintaining any fence in a safe condition and keeping it in good repair.
- (B) Placement
 - (1) Fences may be placed within the side or rear yard only, and may extend up to the midpoint of the principal structure.
 - (2) Side yard fences may extend up to the mid-point of the width of the house.
 - (3) No fence shall be erected in a right-of-way.
 - (4) Retaining wall, masonry or concrete fences, or any fence of a permanent nature, shall not be located within any easement. Any other fences constructed in an easement shall require a certification by the owner that the owner agrees to remove the fence at the request of the owner of the easement and that the Borough shall be relieved of any liability relating thereto.

Article IV. General Regulations

- (5) Notwithstanding the foregoing, on a corner lot, authorized fences shall not extend beyond the lines of the building, but may extend to the rear and side lot line, but not adjacent to a street.
- (6) Fences shall not obstruct the clear sight distances at street or driveway intersections. The required clear sight distance shall be determined by the Code Official, consistent with applicable PennDOT standards (67 Pa. Code Chapter 441).
- (C) Materials- Fencing may be constructed of wood, masonry, concrete, metal, vinyl, plastic composite, a minimum ten-gauge wire mesh or similar materials, including fences of interwoven material construction such as the basket-weave type. Fences constructed of barbed wire, or other fences with sharp points or edges protruding therefrom, and electrical fences shall not be permitted in residential districts.
- (D) Height Restrictions- No fences shall be erected, altered, or placed so as to exceed a height of those listed below.
 - (1) Residential districts. The following restrictions shall apply:
 - (a). Masonry or concrete fences shall not exceed three feet in height.
 - (b). Any other type of fence shall not exceed six feet in height.
 - (2) Nonresidential districts. The following restrictions shall apply:
 - (a). Masonry or concrete fences shall not exceed three feet in height.
 - (b). Any other type of fence shall not exceed 10 feet in height, provided any fence exceeding six feet in height shall have a ratio of solid to open portion of at least 1:4.
- (E) General requirements.
 - (1) All fences shall be in harmony with their general surroundings.
 - (2) The finished side of the fence shall always face the abutting properties or street. All structural supports, such as posts, rails and framing, shall face the applicant's property.

Section 420-35 Porches.

- (A) Porches may be erected in residential districts in the front, side or rear yard, provided they are not constructed closer to an adjoining property line than the minimal required width of the yard.

Section 420-36 Flood Hazards.

- (A) No building, structure, or use shall be located in any manner, or built in any way, as to constitute a flood hazard within a flood plain or in a flood prone area as established by the Federal Emergency Management Agency, the Pennsylvania Flood Plain Management Act, and Borough Ordinances established to comply with the Federal and State Regulations.
- (B) Refer to the Green Tree Flood Plain Ordinance for further information.

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Section 420-37 Landscaping, Buffering, and Screening. – Note: Additional information regarding landscaping, buffering and screening can be found in Article V: Supplemental Regulations

(A) Landscaping Generally.

- (1) Any part of a tract that is disturbed and not used for buildings or other structures, shall be planted.
- (2) Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.
- (3) Wherever possible, the landscape plan shall preserve and utilize such areas of healthy natural vegetation (such as woodlands and meadows) which may have existed upon a given site prior to development activity.
- (4) 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. The selection of plant materials shall be based upon the Borough of Green Tree's climate and soils, and the selection of native and indigenous plant materials is strongly encouraged.
- (5) All shade trees, buffer yards and other landscaping required by this Ordinance shall be perpetually maintained by the Landowner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current Landowner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.
- (6) No certificate of occupancy will be issued for a premises upon which buffering and site landscaping is required as a component of development plan approval 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 ten percent (110%) of the estimated cost of installation. Buffering and site landscaping shall be installed within nine (9) months of the borough's receipt of the performance guaranty.

(B) Buffer Yards.

- (1) Buffer yards and plant screening complying with the following standards shall be required as shown in Table 4.1, further defined in Article V: Supplemental Regulations by district.
- (2) No buffer yard shall be permitted where it may impose a threat to the public safety by obstructing the view of motorists to oncoming traffic or pedestrians.
- (3) A buffer yard may be used for passive recreation or stormwater management. It may contain pedestrian, bike or equestrian trails, provided that no plant material is eliminated, the total width of the buffer yard is maintained and all other regulations of this chapter are met. In no case shall this relieve the Landowner from the responsibility of providing and maintaining the required plantings.
- (4) Buffer yards shall fall into one of the following categories:
 - (a) Buffer yard A. A landscaped area comprised of two (2) rows of planting shall be provided which is at least twenty (20) feet in depth, as measured from the property line. Each row shall contain a mix of thirty

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(30) percent deciduous and seventy (70) percent evergreen plant material spaced within the row no more than ten (10) feet apart. The rows shall include a mix of high-level and low-level plantings that provide a year round visual screen. No structures, buildings, parking spaces, driveways, or lighting devices shall be located within the required buffer yard, subject to Subsection (B)(3) above.

- (b). Buffer yard B. A landscaped area comprised of one (1) row of planting shall be provided which is at least fifteen (15) feet in depth, as measured from the property line. Each row shall contain a mix of thirty (30) percent deciduous and seventy (70) percent evergreen plant material spaced within the row no more than ten (10) feet apart. The rows shall include a mix of high-level and low-level plantings that provide a year round visual screen. No structures, buildings, parking spaces, driveways, or lighting devices shall be located within the required buffer yard.
- (c). Buffer yard C. A landscaped area comprised of one (1) row of planting shall be provided which is at least five (5) feet in depth, as measured from the property line. Each row shall contain a mix of thirty (30) percent deciduous and seventy (70) percent evergreen plant material spaced within the row no more than ten (10) feet apart. The rows shall include a mix of high-level and low-level plantings that provide a year round visual screen. No structures, buildings, parking spaces, driveways, or lighting devices shall be located within the required bufferyard.

Table 4.1: Required Buffer Yards Between Uses.

<i>Proposed New Use</i>	<i>Adjacent Use</i>				
	<i>Single-family use</i>	<i>Attached single-family / duplex use</i>	<i>Multi-family use</i>	<i>Commercial use</i>	<i>Industrial use</i>
<i>Single-family uses</i>	None	None	C	C	C
<i>Attached single-family / duplex use</i>	None	None	C	B	A
<i>Multi-family use</i>	B	B	None	B	A
<i>Commercial use</i>	A	A	A	C	C
<i>Industrial use</i>	A	A	A	B	C

(C) Parking Lot Landscaping.

- (1) Parking lots should be effectively landscaped with 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 of parking lots.
- (2) Suitable and appropriate landscaping and screening shall be provided in and/or around the periphery of all off-street parking areas containing three or more

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stalls. Such planting and screening shall be consistent with the use of adjoining properties and zoning districts

- (3) A planter-type divider at least three feet wide shall be provided between any sidewalk and parking area and shall not be located within the right-of-way of any public thoroughfare.
- (4) Where specific requirements for buffer landscaping are prescribed in other sections of this article, the plantings described in this section shall be required in addition to such plantings or landscaping.
- (5) If a lot will include 30 or more new parking spaces, one (1) landscaped island shall be provided for every 15 parking spaces within each lot. Otherwise, the trees may be planted around the parking area.
- (6) Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
- (7) Planting and Maintenance. Required trees shall be:
 - (a). Required trees shall be planted with good landscaping practices, with adequate unpaved surface around each for water and air, and be properly protected by curbs, curbstops, distance or other devices from damage from vehicles.
- (8) The landscaped areas shall not obstruct sight distances for motorists or pedestrians, nor shall such landscaping create any potential hazard to public safety.

Section 420-38 Lighting. – Note: Additional information regarding lighting can be found in Article V: Supplemental Regulations

- (A) This section shall only regulate exterior lighting that spills across lot lines or onto public streets.
- (B) This Section shall not apply to:
 - (1) Street lighting that is owned, financed or maintained by the Borough or the State, or
 - (2) An individual porch light of less than six (6) feet total height in a front yard setback (not including a spot light).
- (C) No luminaire, spotlight or other light source that is within two hundred (200) feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding thirty-five (35) feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities.
- (D) All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- (E) All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.

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- (F) Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
- (G) Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot. Minimum lighting in any commercial district shall be at a minimum of ½-footcandle for security purposes.
- (H) Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
- (I) For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas, lighting fixtures shall be aimed downward and shall include full cut-off measures as needed to properly direct the light and to meet the maximum spillover requirements of Subsection (G) and to prevent glare onto streets. The municipality may require that light fixtures for non-residential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots.
- (J) For lighting of predominantly non-horizontal surfaces such building walls and wall signs, lighting fixtures shall be fully shielded and shall be aimed so as to not project light towards neighboring residences or past the object being illuminated or skyward. Any lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Lighting of a billboard should be attached to the top of the billboard and project downward. However, lighting shall be allowed of the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag. Note: Additional information regarding signs can be found in Article VI: Signage Regulations.

Section 420-39 Lot and Yard Requirements.

- (A) Lots having frontage on more than one (1) street shall provide the required front building setback on every street.
- (B) Structures attached to the principal structure, whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum side yard.
- (C) In measuring the width and depth of the yards prescribed in this ordinance, a cornice projecting not more than 12 inches, or a fence, shall not be held to reduce such required dimension.
- (D) Porches may be erected in residential districts in a front, side or rear yard, provided that they are not constructed closer to an adjoining property line than the minimum required width of the side yard.

Section 420-40 Off-Street Parking, Loading, and Unloading Regulations. Note: Additional information regarding parking can be found in Article V: Supplemental Regulations

- (A) At the time of the erection of any main building or structure, or whenever any main building or structure, except a one-family dwelling or a duplex, is enlarged or increased in capacity, off-street parking space, with adequate means of ingress and egress so as not to interfere with or hinder the normal flow of traffic on public roads, shall be provided. The following general regulations apply to the required parking, loading and unloading areas.

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- (1) Availability of Facilities. The off-street parking, loading, and unloading areas shall be available throughout the hours of operation of the land use and/or activity for which such facilities are provided. In addition, off-street space(s) shall be provided for the parking of delivery vehicles awaiting loading or unloading and arriving after the hours of operation of the land use or activity for which such facility is provided.
- (2) Parking Space Design.
 - (a). For Detail width and length of stall see Figures 3 and 4 in the Appendices.
 - (b). Parking spaces for use by persons with disabilities shall meet ANSI Standards as may be enacted and amended from time to time. All commercial, public, and industrial uses shall provide handicapped parking spaces for the physically challenged as follows in *Table 4.2: Accessible Parking Standards*:

Table 4.2: Accessible Parking Standards

<i>Total Parking Spaces</i>	<i>Required Handicap Accessible Spaces</i>	<i>Required Van Accessible Spaces</i>
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	1
301-400	8	1
401-500	9	2
501-1000	2% of total spaces	
over 1000	20 plus 1 per 100 spaces over 1,000	

- (i). One (1) parking access aisle of no less than five (5) feet in width shall be provided for each handicap accessible parking space and shall be a part of the accessible route of no less than three (3) feet in width to the building or facility entrance.
- (ii). Additionally, one (1) in every eight (8) handicap accessible spaces, but not less than one (1), shall be served by an access aisle with a minimum width of eight (8) feet and shall be designated “Van Accessible”.
- (iii). All handicap parking spaces shall be at least nineteen (19) feet in length and at least eight (8) feet wide and shall provide minimum vertical clearance of eight (8) feet two (2) inches at the parking space and along at least one (1) vehicle access route to such spaces from the site entrance(s) and exit(s). Parking access aisles

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shall be part of an accessible route to the building or facility entrance and shall be five (5) feet wide, except parking spaces reserved for vans, which shall be eight (8) feet wide. Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce clear width of an accessible route. Parking spaces and access aisle shall be level with surface slopes not exceeding 1:50 (two (2) percent) in all directions.

- (iv). Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

(3) Arrangement.

- (a). The required parking area shall be measured exclusive of interior drives or maneuvering areas.
- (b). All parking areas shall be designed to be accessible year-round.
- (c). Required parking areas shall be asphalt, except where an alternative paving material is permitted or required by the Borough upon the recommendation of the Borough Engineer. Parking spaces shall have an approved all-weather surface.
- (d). Reserve parking areas may be permitted or required to comprise precast porous paver blocks (such as “grasscrete”), gravel, grass or other approved material, depending upon the degree of anticipated use, based upon the recommendation of the Borough Engineer.
- (e). Parking spaces shall be clearly delineated by suitable markings. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings or signage.

- (4) Wheel Stops. Wheel stops shall be provided for parking lots with a slope of more than three (3) percent, except that the installation of wheel stops is optional for parking stalls oriented at right angles to the direction of slope. Wheel stops are also required on the perimeter of parking lots which are adjacent to walls, fences, or pedestrian walkways.

(5) Lighting. **Note: See Section 420-38 for additional lighting regulations.**

- (a). Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of any Residential Zoning District or residential use and away from any streets or highways. Light standards shall not exceed fifteen (35) feet in height. The lighting system shall furnish an average minimum of ½ footcandle during hours of operation and shall be designed with a full cut-off luminaries with a cutoff angle of ninety (90) degrees.

(6) Signing.

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- (a). For purposes of safety, all traffic movements (vehicular and pedestrian) and parking movements shall be controlled and/or separated utilizing signing (on pole standards or pavement marking), striping, and/or various forms of curbing.
 - (b). The traffic movement patterns and signage shall be approved by the Borough.
 - (7) Maintenance of Off-Street Parking and Loading Areas.
 - (a). Owners of all parking and loading/unloading areas shall be required to maintain both the number and the quality of such parking and/or loading/unloading areas, parking aisles, standby/stacking lanes, driveways, and access drives in accordance with the conditions, standards, and requirements set forth in this Ordinance for as long as the principal use for which these facilities are required is in existence. They shall be required to keep these areas free of trash, debris, vehicle repair operations or display, and advertising uses.
 - (8) Planting and screening areas.
 - (a). Suitable and appropriate landscaping and screening shall be provided in and/or around the periphery of all off-street parking areas containing three or more stalls. Such planting and screening shall be consistent with the use of adjoining properties and zoning districts.
 - (b). A planter-type divider at least three feet wide shall be provided between any sidewalk and parking area and shall not be located within the right-of-way of any public thoroughfare.
 - (c). Where specific requirements for buffer-type plantings or landscaping are prescribed in other sections of this chapter, the plantings described in this section shall be required in addition to such plantings or landscaping.
 - (9) Underground / Subsurface Garages. A garage or similar structure used as an off-street parking and/or loading/unloading area may be constructed under a side yard or rear yard.
 - (a). The space above the underground/subsurface garage may be regarded as part of the required yard space (open space) of the lot on which it is located provided that a minimum of three (3) sides of the underground garage are below the level of the exterior grade of the surrounding yard.
- (B) Parking Structure.**
- (1) Shall be included in all building coverage calculations.
 - (2) Shall be illuminated in conformance to the requirements of Section 420-38 (A) (5).
 - (3) Shall not be located any closer to a right-of-way line or a property line than what is permitted by the building setbacks defined for the Zoning District in which it is located.
 - (4) Buffer yard B as provided for in Section 420-35 (B) shall be required.

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- (C) Any structure or building hereafter erected or enlarged for any of the following uses or combination of uses or any open areas hereafter used for one or several uses shall be provided with not less than the minimum off-street parking spaces as set forth below. Parking facilities required for special exception or conditional uses may apply to existing structures whose use has changed. Said parking spaces shall be developed in accordance with applicable General Regulations within this Article. Fractional numbers of parking spaces shall be increased to the next whole number. Where a lot or a structure contains more than one (1) use, the total of all parking requirements for all uses shall apply. NOTE: Uses listed below are defined under Article II of this Ordinance-

<i>Residential</i>	
Group residential facility and group home	1 stall for every 3 rooms, plus 1 per employee on largest shift
Hotel / motel / lodge	1 1/2 stalls for each dwelling unit, provided that at least 75% of the gross floor area is devoted to dwelling units and the corridors, maids' rooms, linen closets, laundry rooms and the like that are used for immediate access and service to them. If more than 25% of the gross floor area is devoted to other uses, including, but not limited to, administration, management, lobbies, public corridors, restaurants and retail sales, additional stalls shall be provided at the rate of one stall for each 80 square feet of gross floor area in excess of 25%.
Multi-family (3 bedroom unit or less)	Multifamily residences: 1 1/2 stalls per dwelling unit. Minor garages, where permitted, shall conform to the requirements for interior parking. All parking stalls shall be within 300 feet of the building.
Multi-family (3 bedroom unit or more)	Multifamily residences: 1 1/2 stalls per dwelling unit. Minor garages, where permitted, shall conform to the requirements for interior parking. All parking stalls shall be within 300 feet of the building.
Single-family	2 stalls per dwelling unit
All other residential uses	2 stalls per dwelling unit

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<i>Services</i>	
Clinic	1 stall for every 350 sf of GFA
Funeral home or mortuary	1 stall for every 50 sf of GFA in the parlors plus 1 stall per 300 sf of remaining GFA
Hospital	2.2 stalls for each bed proposed
Offices	General office buildings: 1 stall per 275 square feet of gross floor area. 3/4 of the stalls required for the first floor shall be 10 feet wide and adjacent to an entrance
Personal and business services	1 stall for every 174 sf of GFA
Animal Hospital / Veterinary clinic	1 stall for every 200 sf of GFA
All other nonresidential noncommercial uses	1 stall for every 150 sf of GFA
<i>Educational and Religious</i>	
Art gallery / museum	1 stall for every 325 sf of GFA in exhibit area or gallery space
Church / places of worship / religious institution	1 stall for every three seats or one stall per 75 square feet of gross floor area, whichever is greater.
Day care center (child or adult)	1 stall for every employee on duty during largest shift plus 1 stall for every 5 children in attendance when the facility is operating at maximum capacity
Library	1.2 stalls for every 1,000 sf of GFA
Educational Institution	1 stall for every 3 employees plus 1 stall for every 10 students residing on campus and / or 1 stall for every 5 students not residing on campus
All other institutional uses	1 stall for every 500 sf of GFA

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<i>Commercial</i>	
Bank	1 stall for every 250 sf of GFA plus 3 stalls for each ATM not located in a drive-through
Food and grocery store and / or Convenience store	1 stall for every 250 sf of GFA
Greenhouse, commercial and / or Garden center and / or Nursery	1 stall for every employee on largest shift plus 1 stall for every 400 sf of growing and display area accessible to the public
Restaurant / Tavern / Bar (including outdoor decks, patio and/or seating areas)	1 stall for each 55 square feet of gross floor area devoted to the preparation and serving of food or beverages.
Retail uses	one stall per 275 square feet of gross floor area. Three-quarters of the number of stalls required for the first floor shall be 10 feet wide and adjacent to an entrance
All other commercial uses	1 stall per 275 square feet of gross floor area. Three-quarters of the number of stalls required for the first floor shall be 10 feet wide and adjacent to an entrance
<i>Industrial</i>	
Car wash	3 parking stalls for a car wash structure containing 2,000 feet or less of gross floor area and 1 additional parking stall for each additional 1,000 square feet or less of gross floor area.
Gas station	1 stall for each employee on duty during largest shift plus 2 for each service bay plus 1 per 250 sf of GFA of convenience store
Heavy manufacturing	1 stall for every 400 sf of GFA of office space, plus 1 stall per 2,000 sf of GFA of warehouse, assembly, or storage space
Industrial and Warehouse Buildings	1 stall per 500 sf of GFA or 1 stall for each two employees, whichever is greater. Where zoning permits a higher use, the applicant shall show provisions for future expansion of the parking lot to accommodate the higher use.

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<i>Industrial (Con't)</i>	
Light manufacturing	1 stall for every 400 sf of GFA of office space, plus 1 stall per 1,500 sf of GFA of warehouse, assembly, or storage space
Research and development and / or Laboratory	Commercial, retail, professional, research and general office buildings: 1 stall per 275 square feet of gross floor area. Three-quarters of the number of stalls required for the first floor shall be 10 feet wide and adjacent to an entrance.
Self-storage facility	1 stall for every 40 storage units or bays
Bus / other transit facility	1 stall for every 150 sf of waiting area
Truck terminal	1 stall for 1,000 sf of GFA plus 1 stall for each employee on duty during largest shift
Vehicle repair	1 stall for every 200 sf of GFA
Vehicle sales, rental, and service	1 stall for every 180 sf of GFA
Warehouse and / or Distribution facility	1 stall per 500 square feet of gross floor area or one stall for each two employees, whichever is greater. Where zoning permits a higher use, the applicant shall show provisions for future expansion of the parking lot to accommodate the higher use.
Wholesale establishment	1 stall for each 3,500 sf of GFA plus 1 stall for each employee on the largest shift
All other industrial uses	one stall per 500 square feet of gross floor area or one stall for each two employees, whichever is greater. Where zoning permits a higher use, the applicant shall show provisions for future expansion of the parking lot to accommodate the higher use.

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<i>Recreation</i>	
Bowling alleys	5 stalls for each alley.
Driving range (golf) / miniature golf	1 stall for each practice green, one stall for each practice tee and one stall per 275 square feet of gross floor area devoted to the golf pro shop.
Golf course	Golf courses, except when a part of a country club: four stalls for each tee.
Health club	1 stall for every 100 sf of GFA
Ice skating rinks	1 stall for each 40 sf of GFA.
Movie theater	1 stall for every 3 seats
Park pavilion	1 stall for each picnic table
Recreation, municipal or private (5-10 acres)	1 stall for the first 2 acres and 1 stall for each additional acre plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation, municipal or private (over 10 acres)	5 stalls for the first acre and 1 stall for each additional 10 acres plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation, indoor	1 for every 250 sf of GFA
Tennis clubs or tennis courts	8 stalls for each court.
Theater or Auditorium	Theaters, country club houses, club houses for fraternal or civic organizations, stadiums, churches and other similar places of assembly: 1 stall for every 3 seats or 1 stall per 75 sf of GFA, whichever is greater. All spaces shall be within 500 feet of the building.
All other recreational uses	To be determined by the Zoning Hearing Board (ZHB) or Council.

- (D) Areas provided for the loading and unloading of delivery trucks and other vehicles and for the servicing of shops by refuse collection, fuels, and other service vehicles shall be arranged so that they may be used without:
 - (1) Blocking or interfering with the use of accessways, automobile parking facilities, or pedestrian ways during the hours of operation of the land use or activity of the facility, or
 - (2) Backing out into a street.
- (E) All off-street loading areas shall be adequately buffered from adjacent streets and properties and landscaped in accordance with the provisions of this Ordinance.

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- (F) In any district, in connection with every building or building group or part thereof that is to be occupied by commercial, industrial or other nonresidential uses that rely on the delivery or distribution of materials or merchandise, there shall be provided and maintained on the same lot with such buildings off-street loading areas in accordance with the following:
- (1) Non-residential uses: at least one (1) loading area
 - (2) Industrial/Warehousing uses: at least two (2) loading areas

Section 420-41 Outdoor Storage.

- (A) Outdoor storage may or may not be permitted on a limited basis. Please reference Article III: Districts for more information.

Section 420-42 Residential Storage Shed.

- (A) Application of section.
- (1) All residential storage sheds shall comply with the provisions of this Chapter and other applicable Borough ordinances.
 - (2) All residential storage sheds shall require a shed permit issued in accordance with the provisions of this Section.
- (B) Zoning restrictions. A residential storage shed shall be permitted as an accessory use only to a residential dwelling unit.
- (C) General regulations.
- (1) Size. No residential storage shed shall exceed a gross floor area of 120 square feet measured from the exterior perimeter, nor exceed 12 feet in height measured from the lowest exterior ground elevation along the perimeter of the residential storage shed. A cellar or basement area is prohibited.
 - (2) Location/placement. All residential storage sheds shall be located in the rear yard and shall be no closer than three feet to the side lot line and the rear lot line, and no portion of such a shed shall be closer than 15 feet to any residence on an adjoining lot.
 - (3) Number. Only one residential storage shed shall be allowed for each lot upon which a dwelling unit is located, whether such dwelling unit is a single-family, duplex or multiple-family dwelling.
 - (4) Construction, maintenance and removal.
 - (a). All residential storage sheds shall conform to the applicable provisions of the Uniform Construction Code.
 - (b). All residential storage sheds shall be maintained at all times in a safe, presentable and good structural condition, including the repair, painting, repainting and cleaning required for its proper maintenance.
 - (c). Residential storage sheds allowed hereunder shall be constructed of wood, masonry, metal, vinyl, plastic or composite, with appropriate roofing materials, and must be securely fastened to the ground or foundation in a manner and method to be approved by the Borough's Code Official.

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- (d). No residential storage shed shall be used for a habitable purpose, nor shall such a storage shed be used for the housing of animals, either on a temporary or permanent basis.
 - (e). No storage shed shall be used for the storage of any four-wheel vehicle used that is motor-driven and capable of being licensed to operate on a public street.
 - (f). If any storage shed deteriorates to any unsightly or hazardous condition, the Borough's Code Official shall be authorized to order it repaired, replaced or removed in accordance with the provisions of Section 420-153. Failure to comply with such order within 30 days of the mailing of the notice shall be a violation of this Ordinance.
 - (g). There shall be no storage of any items of any nature on the exterior of the residential storage shed.
- (D) Permits and fees.**
- (1)** No residential storage shed shall be erected, constructed, reconstructed, altered or relocated, unless a residential storage shed permit has been issued by the Borough's Code Official and the appropriate fee paid.
 - (2)** Application for a residential storage shed permit shall be submitted in the prescribed form to the Borough's Code Official. Permits shall be issued or denied by the Borough's Code Official.
 - (3)** A permit for a residential storage shed shall become null and void if the erection of the storage shed is not commenced within 90 days after the date of its issuance or if the erection, construction, reconstruction, alteration or relocation is not completed within 120 days after the date of its issuance.
 - (4)** Appeals from the denial of a storage shed permit shall be taken in accordance with Section 420-144.
 - (5)** The fee for a residential storage shed permit shall be in accordance with the Borough's fee schedule.

Section 420-43 Dumpster Enclosures.

- (A)** Refuse and waste collection areas appropriate to serve all uses are required; and such areas shall be visually screened from adjacent properties and the public way by an approved screen constructed of material similar to the principal structure on the property or by mature landscape material. Such screening shall follow general guidelines established in Section 420-35. The screening requirement shall not apply to a single-family detached residential dwelling or duplex. Adequate provision shall be made for access to the refuse and waste collection area by disposal agency equipment. No person shall use any refuse and waste collection area unless such area complies with these provisions.

Section 420-44 Temporary Buildings or Structures.

- (A)** A permit may be issued for a temporary building which is incidental to the development and erection of buildings or structures provided that the permit shall not allow the use of such a temporary building for a period of more than 12 months from the date of such permit.

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- (B) A permit may be issued for the keeping and maintenance of horses, cattle, farm animals and fowl, together with suitable buildings accessory thereto, on any parcel of land containing five acres or more in a residential district, provided that such accessory buildings are not located within 200 feet of the property line.
- (C) A permit may be issued for temporary tents or shelters that are erected for special events provided that the permit shall not allow the use of such a temporary tent or shelter for a period of more than ten days from the date of such permit.

Section 420-45 Residential Driveways and Parking Pads. Note: See Article V: Supplemental Regulations for borough standard details referenced in this ordinance.

- (A) All driveways and parking pads for residential lots shall comply with the provisions of this chapter and other applicable Borough ordinances.
- (B) The construction, reconstruction, or modification of a driveway or parking pad shall require a permit issued in accordance with the provisions of this section, unless said driveway or parking pad construction is included as part of a valid building permit for a new residential structure or as part of a zoning permit for an accessory structure to a single family dwelling.
- (C) No part of a public sidewalk or street can be used for all or any part of a parking pad.
- (D) Commercial driveways and parking lots are governed under other sections of the Borough Ordinances, and are not included in this Chapter.
- (E) Driveways shall be a minimum of 9 feet wide. Parking pads shall be a minimum of 9 feet wide and 19 feet long.
- (F) All driveways and parking pads shall be installed on the property which they are serving. Shared driveways or parking pads will require a written agreement signed by all affected Landowners and recorded in the Allegheny County Department of Real Estate. Evidence of such Agreement shall be submitted with the Permit Application for the shared driveway or parking pad.
- (G) A maximum of two (2) curb cuts on each Borough street bordering a particular property will be permitted. Corner and thru lots are permitted to have four (4) curb cuts, two (2) on each Borough street bordering the property. Curb cuts on State or County streets shall be permitted by the governing agency prior to issuance of a Borough Permit for the installation of a driveway or parking pad.
- (H) All intersections with Borough streets shall be constructed in accordance with Borough Standard Details P-3 and P-4, which can be found in the Appendices.
- (I) If public sidewalks are affected by the installation of the driveway or parking pad, all construction within the public right-of way shall be in accordance with Borough Standard Details P-10 and P-14, which can be found in the Appendices.
- (J) Driveways and parking pads shall be constructed of asphalt, poured concrete, concrete pavers or brick for a minimum of 40 feet beyond the intersection with a street. Beyond 40 feet, the driveway may be constructed of gravel or other approved all-weather surface.
- (K) The maximum side-to-side slope of a parking pad constructed parallel to a street shall be 8%. Parking pads and driveways constructed perpendicular to a street shall have a positive slope between 2% and 8% for a minimum of 5 feet as indicated on Borough Standard

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Detail P-3, which can be found in the Appendices. The slope of the driveway or parking pad parallel to the street shall match that of the adjacent curb, sidewalk or road surface.

- (L) Driveway and parking pads shall be maintained in good functional condition at all times, and shall not be permitted to become deteriorated to the point that they are impassible or that there is rubble and debris carried into the street. If mud begins to be pumped through cracks in the surface or joints between pavers and is being carried into the street, the driveway or parking pad shall be rebuilt so as to eliminate the condition. If any driveway or parking pad deteriorates to an unsightly or hazardous condition, the Borough's Code Official shall be authorized to order it repaired, replaced or removed in accordance with the provisions of Section 420-131. Failure to comply with such order within 30 days of the mailing of the notice shall be a violation of this chapter.
- (M) A permit shall be required for the installation of a new driveway or reconstruction of an existing driveway if the work includes installing a new surface for the full width of the driveway within the first 40 feet measured from the edge of the street. The construction of a new parking pad or replacement of an existing parking pad shall require a permit. All work requiring a permit, as defined herein, shall be in accordance with the requirements of this chapter. No work shall begin on a driveway or parking pad requiring a permit unless a driveway/parking pad permit has been issued by the Borough's Code Official and the appropriate fee paid.
- (N) Application for a driveway/parking pad permit shall be submitted in the prescribed form to the Code Official. Permits shall be issued or denied by the Code Official.
- (O) A permit for a driveway or parking pad shall become null and void if construction is not commenced within 90 days after the date of its issuance or if the construction is not completed within 120 days after the date of its issuance.
- (P) Appeals from the denial of a driveway or parking pad permit shall be taken in accordance with 420-132.

Section 420-46 Keeping of Animals.

- (A) A permit is required for the keeping and maintenance of horses, cattle, farm animals and domestic fowl, together with suitable buildings accessory thereto, on any parcel of land containing five acres or more in a residential district, provided that such accessory buildings are not located within 100 feet of the property line.
- (B) Notwithstanding the above:
 - (1) There must be a minimum lot size of 20,000 square feet.
 - (2) No more than one chicken for each 5,000 square feet of lot area.
 - (3) No roosters.
 - (4) No structure used to house the animals may be closer than 100 feet from a lot line.
- (C) Borough Council may impose other restrictions on the number and kind of animals permitted in any district and may require further information about the conditional use request.

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Section 420-47 Purpose.

- (A) The purpose of this Article is to establish standards and policies for uses in all districts that require particular considerations. These regulations will supplement general development standards by establishing uniform criteria for each use – whether a permitted use by right or a conditional use – and are set forth to achieve compatibility with the principal uses permitted in a zoning district. The provisions for this Article shall apply in addition to any other applicable zoning regulations.
- (B) In addition to the supplemental regulations listed below, Borough Council may require such additional reasonable conditions as it deems necessary for approval for any use.
- (C) All conditional uses shall comply with the following performance standards in order to determine whether or not a proposed use so complies. Council may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant seeking approval of such proposed use.
 - (1) Fire protection. Fire-prevention and fire-fighting equipment acceptable to the American Insurance Association shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
 - (2) Electrical disturbance. No activity shall cause an electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
 - (3) Noise. Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled. However, fire sirens and related apparatus used solely for public purposes are exempt from this requirement.
 - (4) Vibrations. Vibrations detectable without instruments on neighboring property in any district are prohibited.
 - (5) Odors. Malodorous gas or matter which is discernible on any adjoining lot or property is prohibited.
 - (6) Air pollution. Pollution of the air by fly ash, dust, smoke, vapors or other substances harmful to human or animal health, vegetation or other property is prohibited.
 - (7) Glare. Lighting devices which produce objectionable direct or reflected glare on an adjoining property or thoroughfare are prohibited.

Section 420-48 Adult-Oriented Establishments / Adult Entertainment Uses.

- (A) Adult entertainment establishments / adult entertainment uses shall not be located within five-hundred (500) feet of any residential structure; within five hundred (500) feet of any church, school, day care, nursery school, park or playground; or within five hundred (500) feet of any other adult entertainment establishment / adult entertainment use as measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of the above listed uses.

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- (B) Advertisements, displays, or other promotional materials for adult entertainment facilities shall not be shown or exhibited so as to be visible to the public from any street, sidewalk, or other public place other than the business identification sign authorized by this ordinance.
- (C) All building openings, entries, exits, or windows for adult entertainment facilities shall be located, covered, or screened in such a manner as to prevent a view into the interior from any street, sidewalk, or other public place.
- (D) In the case of an adult drive-in motion picture theater, viewing screens shall be situated and screened so as to prevent observation from any street or adjoining property.
- (E) A buffer area at least 50 feet in depth, as measured from the property line, shall be provided along all property lines which adjoin a residential zoning district, in which no structures or parking spaces shall be permitted other than a fence or wall, and in which a combination of evergreen and deciduous plantings shall be installed which shall provide a year-round visual screen at least six feet in height at the time of planting.
- (F) There shall be no vehicular access from the site of an adult business to any street along which the majority of lots contain single-family or two-family dwellings.
- (G) No music, entertainment of any type or nature, excessive sound, loudspeakers or disturbance shall be allowed or permitted outside the premises.
- (H) An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult business permit, of a church; public or private pre-elementary, elementary or secondary school; public library; day-care center or nursery school; public park; or single-family or two-family dwelling within 500 feet. This provision applies only to the renewal of a valid permit and shall not apply when an application for a permit is submitted after a permit has expired or has been revoked.
- (I) The owner or operator of an adult business which has a maximum permitted occupancy of 100 persons or more shall provide security, licensed under the laws of the commonwealth.
- (J) Liquor or intoxicating beverages shall not be sold or consumed on the premises of an adult business subject to the rules and regulations of the Pennsylvania Liquor Control Board (LCB).
- (K) Any adult business, other than an adult motel, which exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than 100 square feet of floor space, a film or videocassette or other video or image production or reproduction which depicts nudity or sexual conduct, as defined herein, shall comply with the following:
 - (1) At least one employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.
 - (2) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding rest rooms. Rest rooms shall not contain video reproduction or viewing equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this paragraph shall be by direct line of sight from the manager's station.

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- (3) It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times, and to ensure that no patron is permitted access to any area of the premises which has been designated in the application submitted to the Borough as an area in which patrons will not be permitted.
- (4) No viewing room shall be occupied by more than one person at any time. No connections or openings to an adjoining viewing room shall be permitted.
- (5) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.
- (6) If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area, and the viewing area shall not be accessible to the performers, and the performers shall not have easy access to the viewers present.
- (L) Owners or operators of adult businesses shall obtain a license to operate from the Borough. In addition, such owners or operators shall supply to the Zoning Officer such information regarding ownership and financing of the proposed business as is required by the Borough's licensing application. Applications for licensing shall be filed with the Zoning Officer. A valid license shall be a condition precedent to obtaining a certificate of occupancy.
- (M) The adult business shall be initially licensed upon compliance with all requirements of this section and all provisions of the required licensing application. For each year thereafter that the adult business intends to continue, the owner or operator shall seek a renewal of the license. The application for renewal shall be submitted to the Zoning Officer by November 1 of the year preceding the year for which renewal is sought. The lack of a license or the failure to renew such license in a timely fashion shall be a violation of this article and shall be grounds for denial or revocation of the certificate of occupancy for the adult business.
- (N) No adult business, as defined in Article II, shall be open for business before 11:00 a.m., Monday through Saturday, or after 11:00 p.m., Monday through Saturday, and such business shall be closed at all times on Sundays and legal holidays.

Section 420-49 Agricultural Operation.

- (A) All agricultural practices shall comply with the Pennsylvania Department of Environmental Protection (DEP) standards regarding nutrient management.
- (B) Commercial composting is prohibited. Any on-site composting shall be limited for use on premises on which such composting is made and produced.
- (C) 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.

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- (D) Surface water run-off shall be diverted away from adjacent properties and shall not contaminate downstream watercourses.
- (E) No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- (F) 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.
- (G) 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.
- (H) 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.
- (I) 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 Allegheny County Conservation District, if said plan is applicable.

Section 420-50 Animal Daycare.

- (A) Animal daycares shall be licensed by the Commonwealth of Pennsylvania.
- (B) The number of pets / animals to be permitted shall no greater than ten (10).
- (C) Kennels / overnight boarding facilities shall not be permitted unless submitted as part of an application for kennels / boarding facilities.
- (D) Such uses shall be located at least twenty-five (25) feet from any property line adjoining an existing residential district.
- (E) Hours of operation shall be between 6 AM and 8 PM.
- (F) Outdoor runs and similar facilities shall be constructed in the rear yard only, and shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a six (6) foot high compact hedge or one hundred (100) percent opaque fence on all sides which are visible from an existing residential lot or a public right of way.
- (G) At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.

Section 420-51 Animal Hospital.

- (A) Such uses must comply with the setback, side yard and front yard requirements for the District in which they are located.
- (B) Such uses shall be located at least one hundred (100) feet from any property line adjoining a residential use or zoning classification.
- (C) Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with self-latching gates and shall be screened by Buffer Yard A as defined in Section 420-35 (B). Such runs shall be located behind the principal structure.

Section 420-52 Assisted Living Facility.

*Green Tree Zoning Ordinance
Draft: August 2014*

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- (A) The minimum site shall be five (5) acres
- (B) The maximum dwelling unit density shall be twelve (12) units per acre.
- (C) The facility shall include the following supporting uses:
 - (1) Common leisure and / or recreational areas
 - (2) Common dining area
- (D) In addition, the facility may include one (1) or more of the following supporting uses, subject to approval by the Borough:
 - (1) Postal station for the use of residents and staff only;
 - (2) Banking facility for the use of residents and staff only;
 - (3) Pharmacy and / or medical offices for the use of the residents only;
 - (4) Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities, and dry cleaning valet;
 - (5) Florist / gift shop for the use of the residents and their invited guests only;
 - (6) Taxi, van or similar transportation services for the residents.
- (E) Buffer yard B, as set forth in Section 405 (B), is required.
- (F) Off-street parking shall be required by the provisions set forth in Section 420-38.

Section 420-53 Bank.

- (A) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- (B) Drive-through facilities, if proposed, shall be subject to Section 420-68 of this ordinance.

Section 420-54 Bed and Breakfast Inn.

- (A) 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.
- (B) Breakfast and / or afternoon tea shall be the only meals provided, and shall be provided only to guests of the Bed and Breakfast. There shall be no separate cooking facilities in the guestrooms.
- (C) 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.
- (D) In addition to the parking requirements in Section 420-38 of this Ordinance, there shall be one (1) off-street parking space per guest room and one (1) space for each non-resident employee. The off-street spaces shall be screened from adjacent residential properties by fencing or natural vegetation in accordance with Section 420-35 (C) of this Ordinance.

Section 420-55 Boarding House.

- (A) Boarding homes and group quarters shall be licensed by the Commonwealth of Pennsylvania.
- (B) The building shall meet the legal requirements of the community as to building codes and fire protection and emergency vehicle access.

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- (C) Persons being kept in group quarters shall not be bedfast or suffering from any communicable disease.
- (D) No separate kitchen shall be installed for any person being kept in boarding homes or group quarters.

Section 420-56 Boat Storage.

- (A) Boats must be no more than thirty-five (35) feet in length.
- (B) Boats must be stored in an enclosed building or on a rack or licensed trailer.
- (C) All boats and their storage apparatus must be located at least five (5) feet from the side and rear property lines.
- (D) Any on site boat maintenance should be done in an enclosed structure.

Section 420-57 Car Wash.

- (A) The lot proposed for a car wash shall contain at least ten thousand (10,000) square feet and shall provide an off-street paved parking lot.
- (B) Off-street parking shall be required by the provisions set forth in Section 420-38.
- (C) Each bay of a car wash shall have the following vehicle stacking capacity:
 - (1) Three (3) stacking spaces for each bay in a self-service car wash
 - (2) Six (6) stacking spaces for each in-bay automatic or conveyor car wash.
- (D) The lot proposed for the car wash shall front on, and have direct access to, an arterial or collector street.
- (E) The ingress and egress points of a car wash, or any driveway thereon, shall not be located so to impede the safe operation of any intersection.
- (F) Access points and driveways shall be planned and shared between properties to the greatest extent possible.
- (G) The circulation system shall provide the continuous traffic flow and conflicts between major pedestrian movement and vehicular circulation shall be minimized.
- (H) Any trash or service area of a car wash shall be fully screened from other properties and public streets.
- (I) To the extent practical, wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned property.
- (J) If accessory vacuuming facilities are provided, a minimum of one (1) parking space shall be provided for each vehicle capable of being serviced at any one time.
- (K) Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives.
- (L) All car washes are required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water being used by such a car wash.

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Section 420-58 Cemetery.

- (A) A minimum site of ten (10) acres is required.
- (B) A ground water study prepared by a hydrologist or registered professional engineer qualified to perform such studies shall be submitted with the application.
- (C) Plans for ingress / egress shall be referred to local police officials for comments regarding public safety.
- (D) All property lines adjoining residential use or zoning classification shall be screened by buffer yard C as defined in Section 420-35 (B).
- (E) Parking shall be provided for in accordance with the requirements in Section 420-38.
- (F) All equipment shall be properly stored in an enclosed building when not in use.
- (G) No burial sites or burial structures shall be located within twenty-five (25) feet from an adjacent property line.

Section 420-59 Communications Antennas on Existing Buildings, Existing Public Utility Storage or Transmission Towers or Approved Communications Towers.

- (A) Building-mounted antennas shall not be permitted on any single-family or duplexes, except for personal media usage not to exceed two (2) feet in diameter.
- (B) Building-mounted antennas shall be permitted to exceed the height limitations of the district by no more than 20 feet. Antennas mounted on public utility structures shall be permitted to project no more than 20 feet beyond the height of the public utility structure.
- (C) Omnidirectional or whip antennas shall not exceed 20 feet in height or seven inches in diameter.
- (D) Directional or panel antennas shall not exceed five feet in height or two feet in width.
- (E) Satellite and microwave dish antennas mounted on the roof of a building or on a self-supported communications tower shall not exceed six feet in diameter.
- (F) Satellite and microwave dish antennas mounted on a monopole communications tower or an existing public utility structure shall not exceed two feet in diameter.
- (G) The applicant proposing a building-mounted antenna shall submit evidence from a structural engineer certifying that the proposed installation will not exceed the structural capacity of the building, considering wind and other loads associated with the antenna's location.
- (H) Evidence of lease agreements and easements necessary to provide access to the building or structure for installation and maintenance of the antennas and placement of the equipment cabinet or equipment building shall be provided to the Borough.
- (I) The placement of the equipment cabinet or equipment building shall not obstruct the free flow of traffic on the site, shall not reduce any parking required or available for other uses on the site, and shall not obstruct any right-of-way or easement without the permission of the owner or grantor of the right-of-way or easement.
- (J) Unless located within a secured building, the equipment cabinet or equipment building shall be fenced by a ten-foot-high chain link security fence with a locking gate.

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- (K) If vehicular access to the equipment cabinet or equipment building is not provided from a public street or paved driveway or parking area, an easement or right-of-way shall be provided which has a minimum width of 20 feet and which shall be improved with a dust-free all-weather surface for its entire length.
- (L) At least one off-street parking space shall be provided on the site within a reasonable walking distance of the equipment cabinet or equipment building to facilitate periodic visits by maintenance workers. This parking space shall be in addition to the parking required for any other use or uses on the property.

Section 420-60 Communications Towers (Essential and Commercial) and Equipment Buildings.

- (A) The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications tower.
- (B) The applicant shall demonstrate that the proposed communications tower and the electromagnetic fields associated with the antennas proposed to be mounted thereon comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).
- (C) The applicant for the communications tower shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable airport zoning regulations.
- (D) On property owned by the Borough of Green Tree in the Single Family Residential District, the maximum height of an essential communications tower shall be 75 feet. In all other districts where an essential communications tower is authorized, the maximum height of an essential communications tower shall be 125 feet.
- (E) In all districts, where authorized, the maximum height of a commercial communications tower shall be 125 feet.
- (F) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to function effectively.
- (G) In all Residential Districts, all parts of an essential communications tower, including guy wires, if any, shall be set back from any adjoining residentially zoned property at least 100 feet. Where the communications tower is located on a parcel leased from the Borough, the setback shall be measured from the property line which separates the adjoining residentially zoned property from the Borough property, rather than from the boundaries of the leased parcel. The setback required from property lines which adjoin property that is not zoned residential shall be at least 50 feet, except for guyed towers, which shall be setback a distance equal to the height of the tower.
- (H) In all other districts, all parts of any essential communications tower or any commercial communications tower, including guy wires, if any, shall be set back from the property line at least 100 feet, except for guyed towers, which shall be set back a distance equal to the height of the tower.
 - (1) If the communications tower is located on property which adjoins a residential zoning district, the setback shall be 200 feet.
 - (2) Where the communications tower is located on a leased parcel within a larger tract, the setback shall be measured from the property line which separates the adjoining property from the larger tract controlled by the lessor, rather than from the boundaries of the leased parcel.

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- (I) The tower and all appurtenances, including guy wires, if any, and the equipment cabinet or equipment building shall be enclosed by a minimum ten-foot-high chain link security fence with a locking gate.
- (J) The applicant shall submit evidence that the tower and its method of installation have been designed by a registered engineer and are certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with the Uniform Construction Code and accepted engineering practice.
- (K) The tower shall be equipped with anticlimbing devices as approved by the manufacturer for the type of installation proposed.
- (L) At least one off-street parking space shall be provided on the site to facilitate periodic visits by maintenance workers.
- (M) Equipment cabinets and equipment buildings shall comply with the height and yard requirements of the zoning district for accessory structures.
- (N) Access shall be provided to the tower and the equipment cabinet or equipment building by means of a public street or a right-of-way to a public street. The right-of-way shall be a minimum of 20 feet in width and shall be improved with a dust-free all-weather surface for its entire length.
- (O) Recording of a plat of subdivision shall not be required for the leased parcel on which the tower is proposed to be constructed, provided the equipment building is proposed to be unmanned and the required easement agreement for access is submitted for approval by the Borough.
- (P) The exterior finish of the tower shall be compatible with the immediate surroundings. The tower, the equipment cabinet or equipment building and the immediate surroundings shall be properly maintained.
- (Q) The owner of any communications tower which exceeds 50 feet in height shall submit to the Borough proof of an annual inspection conducted by a structural engineer at the owner's expense and an updated tower maintenance program based on the results of the inspection. Any structural faults shall be corrected immediately and reinspected and certified to the Borough by a structural engineer at the owner's expense.
- (R) The owner of the communications tower shall notify the Borough immediately upon cessation or abandonment of the operation. The owner shall dismantle and remove the communications tower within six months of the cessation of operations, if there is no intention to continue operations, evidenced by the lack of an application to the Borough to install antennas on the existing tower.
- (S) There shall be no lighting, signs or other advertising on the tower, other than that required by the FCC or the FAA.
- (T) In January of each year, the owner of the communications tower shall submit written verification to the Borough Zoning Officer that there have been no changes in the operating characteristics of the communications tower as approved by the Borough, including, at a minimum:
 - (1) A copy of the current FCC license;
 - (2) The name, address and emergency telephone number of the operator of the communications tower;

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- (3) A copy of a certificate of insurance at a level of coverage acceptable to the Borough Solicitor, naming the Borough as an additional insured on the policy; and
- (4) A copy of the annual inspection report and updated maintenance program.
- (U) At any time during the calendar year, if an amendment to the FCC license is issued, a copy of the amended license shall be submitted to the Borough Zoning Officer.

Section 420-61 Community Garage.

- (A) Access for community garages shall be off of alleys or shared driveways only.
- (B) Parking shall be available for up to six (6) cars.
- (C) No machinery or industrial equipment, chemicals or pollutants or otherwise hazardous substances may be stored in the garage structure.
- (D) Outside storage is strictly prohibited.
- (E) Community garages shall not exceed one story in height.
- (F) Community garages shall be an accessory use to residential uses only.

Section 420-62 Compressor Station.

- (A) A company desiring to operate a compressor station or processing plant shall obtain all permits required by any governmental or regulating agency.
- (B) Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of municipal roads. The following standards apply:
 - (1) Any newly established private easements/roadways constructed on the parcel containing the facility shall be located at least 50 feet from any property line unless written consent is obtained from the adjoining property owner(s);
 - (2) The access road to the facility, beginning with its intersection with a municipal road, shall be paved for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or accessway is less than 200 feet in length, the entire access road or accessway shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
 - (3) All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.
- (C) Prior to development, the applicant shall provide to the Borough a copy of its emergency response plan. Also, the applicant/operator shall, at its sole cost and expense, provide to Emergency Services appropriate site orientation with adequate information and ongoing training on dealing with any potential dangerous conditions that may result from development activities.

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- (D) Noise-generating equipment, exceeding municipal ordinance standards, shall be fully enclosed in a sound reduction structure that conforms to the character of the zone in which it exists. All applicable development plans, permits and regulations shall apply to the enclosure. During normal operations, the structure shall remain fully enclosed, with all doors and windows remaining closed unless during times of egress.
- (E) Compressors and other power-driven equipment shall utilize sparkless electric motors, when practicable, as an alternative to internal-combustion engines, unless the applicant can demonstrate that the alternative engines are not inconsistent with the objectives of any Borough ordinance. All electrical installations and equipment shall conform to Borough ordinances and the applicable national codes.
- (F) The applicant agrees to reimburse the Borough for all reasonable and direct professional consultant fees incurred by the Borough related to the site inspection, including, but not limited to, the Borough Engineer, Borough Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit.
- (G) A secured entrance gate on the access road shall be required and all gates are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain-link fence. Standards for the chain-link fence and secured gate are as follows:
 - (1) The chain-link fence shall be at least eight feet in height;
 - (2) Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
 - (3) The chain-link shall be dark green or black steel wire;
 - (4) The chain-link fence shall have, at a minimum, eleven-gauge thickness;
 - (5) Posts and rails shall be black or dark green standard socket construction or similar design;
 - (6) Tension rods shall be three-eighths-inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six-inch minimum take-up. Tension bars shall have minimum thickness of 1/4 inch by 3/4 inch;
 - (7) All chain-link fences shall be equipped with at least two gates. At least one of the gates shall meet the following specifications:
 - (a) The gates shall be of black or dark green chain-link construction that meets the applicable specifications or of other approved material that, for safety reasons, shall be at least as secure as the chain-link fence;
 - (8) Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by the Borough. Color of materials shall be uniform and complementary to the color of the fence and painted equipment.

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Approved colors shall include, but not be limited to, green, brown, tan, and black.

- (H) No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.
- (I) Building permits, zoning certificates and certificates of occupancy, where applicable, shall be obtained from the Borough, and applications must include:
 - (1) A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
 - (2) Anticipated construction start and completion date;
 - (3) A plot plan of the site showing a clearly marked scale, all property lines, all buildings, waterwells, water sources and rights-of-way;
 - (4) The applicant shall apply for a Borough-assigned address at the time of building permit application;
 - (5) Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
 - (6) A grading permit, if applicable, must be obtained per the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.
- (J) The applicant shall apply for a road use maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth in the agreement.
- (K) The standards shall be determined during the conditional use hearing.
- (L) The following minimum setback distances must be adhered to:
 - (1) The minimum distance to any protected structure shall be 1,500 feet;
 - (2) A setback reduction approval may be authorized by the Borough Council, provided that the applicant can submit compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purposes of this Ordinance;
 - (3) All aboveground equipment including compressor engines and any structure in which they are enclosed must be set back a minimum of 100 feet from any adjacent property lines or rights-of-way.
- (M) The facility signage shall be clearly visible for all 911 Emergency Services, at the location where the access road intersects with the Borough - or State-owned road and at the entrance gate to each facility. The signage must include:

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- (1) Applicant name.
 - (2) Unit name.
 - (3) Municipal -assigned address.
 - (4) Emergency contact phone number.
- (N) No compressor station shall be constructed on soil that is classified as either Class 1 or 2 by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service and published in the Allegheny County Soil Survey.
- (O) The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Borough immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Borough -issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.
- (P) The applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as keep a record/log of actual use which may be requested from time to time by the Borough Council. In conjunction with the Borough, the applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Borough roads, or portion thereof, other than the specified portion of Borough roads for which security has been provided.

Section 420-63 Construction and Building Related Trades.

- (A) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or person.
- (B) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship between the buildings and grounds of the proposed use and adjacent buildings and properties.
- (C) The proposed use shall produce a total visual impression and environment which are consistent with the environment of the neighborhood in which the proposed use will be located.
- (D) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood. To restrict vehicular access, entrance and exit shall be provided, but not necessarily separately.
- (E) The proposed use shall preserve the objectives of this chapter and shall be consistent with the community development objectives set forth in Section 420-5 of this ordinance.

Section 420-64 Convenience Store.

- (A) No outdoor unenclosed storage of palettes or other items offered for sale is permitted.

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- (B) Dumpsters and all trash areas shall be totally screened from the public view.
- (C) All loading areas shall be at the rear of the building.
- (D) Automotive service, including car wash, shall not be permitted.
- (E) Hours of operation are limited to 5:30 a.m. to 1:00 a.m.

Section 420-65 Crematorium.

- (A) Crematoriums (including pet crematoriums) shall only be permitted as accessory uses to funeral homes / mortuaries. Crematoriums of any kind shall not be permitted as a “stand alone” principal use in any zoning district.
- (B) Crematoriums shall meet any and all state and federal regulations, including Pennsylvania Department of Environmental Protection standards. They shall not emit any noticeable odor or particulates.
- (C) Crematoriums shall have emission stacks that shall be covered or shrouded with materials safe for such uses and that are compatible with the existing or proposed funeral home or mortuary structure and / or the building housing the crematorium. The crematorium and emission stack shall be compatible with the surrounding neighborhood.
- (D) Buffer yard C as defined by Section 420-35 (B) shall be required.
- (E) Decorative fencing at least ten (10) feet in height should be required between the crematory and any adjacent residential properties.

Section 420-66 Day Care Centers, Adult and Child.

- (A) The facility operator(s) shall abide by all provisions of Chapter 3290 - Family Child Day Care Homes of the Pennsylvania Code, as amended.
- (B) A day care facility operator shall forward a copy of the current certificate of registration as issued by the Department of Welfare to the Borough.
- (C) Off-street parking is provided at a rate of one (1) space per employee plus one (1) parking space for every four (4) clients in attendance at any given time. In no instance shall clients or those picking up or dropping off clients idle in the street right-of-way or otherwise block public traffic patterns.
- (D) Additionally, sixty-five square feet of usable and accessible open space shall be provided for each client on the same lot as the use and at a minimum twenty-five (25) percent of the lot shall be landscaped and developed as an open space/recreational area in less than eight (8) percent slope for the clients.

Section 420-67 Distribution Facility.

- (A) All principal use and activities associated with the distribution center shall be conducted within an enclosed building or loading dock zone that complies with the appropriate building code requirements adopted by Green Tree Borough.

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- (B) The landowner shall provide Green Tree Borough and the emergency service responders (police, fire and ambulance) with a complete list of materials, chemical and/or substances that are typically stored or maintained on the property that could be considered hazardous or dangerous to the employees, visitors and/or emergency service responders.
- (C) Where overnight parking is permitted, the trucks or commercial vehicles utilizing the facilities shall not be kept running or idling for a period of time that exceed the provisions specified by the Pennsylvania Diesel Powered Motor Vehicle Act and other state or federal laws.
- (D) All lighting shall conform with the requirements of Section 420-36 of this Ordinance.
- (E) All proposed signs for the warehouse and distribution shall comply with the provisions specified in Article VI of this Zoning Ordinance.
- (F) The use and related activities shall not emit noise, glare, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat and/or other perceptible or objectionable nuisances that would impact neighboring properties, or be noticeable at or beyond the property line.
- (G) Exterior storage areas for trash and rubbish shall comply with the provisions specified under Section 420-41 of this Zoning Ordinance.
- (H) Buffer yard A as defined by Section 420-35 (B) shall be required.
- (I) The disposal of all materials and wastes shall be accomplished in a manner that complies with local, state and federal laws. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer, and shall provide evidence demonstrating continued compliance with these requirements.

Section 420-68 Drive Through.

- (A) All businesses which propose drive through facilities, as defined by this ordinance, as accessory uses or principal uses shall meet all of the following requirements:
 - (1) General Regulations
 - (a). A drive-through facility at or near an intersection may be approved only if it is demonstrated that the drive-through will not significantly increase traffic congestion.
 - (b). No more than one drive-through aisle may be approved for any single drive-through facility.
 - (c). Entries to and exits from a drive-through facility shall be a minimum of 150 feet from the street center line of any intersection or from another drive-through facility on the same side of the street.
 - (d). A drive-through facility including drive-through 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.

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(2) Parking and Circulation

- (a). No part of a drive-through aisle shall be closer than 100 feet from the property line of any residential use.
- (b). Pedestrian walkways that intersect the drive-through aisles shall have clear visibility.
- (c). Drive-through aisles shall have a minimum twelve-foot width on curves and a minimum eleven-foot width on straight sections.
- (d). Drive-through aisles shall provide 120 feet behind the ordering point. From the ordering point to the pickup window there shall be 100 feet.
- (e). No drive-through aisle shall exit directly into a public right-of-way. A drive-through aisle shall be integrated with the on-site circulation and shall merge with the driveway.
- (f). A drive-through facility shall be designed so that vehicles in the stacking lane may safely exit the drive-through aisle without having to drive by the pickup window.

(3) Screening and Landscaping

- (a). Any drive-through 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.
- (b). 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.
- (c). Landscaping shall screen drive-through aisles from the public right-of-way and shall be used to minimize the visual impacts of menu board ordering devices of any nature.
- (d). Menu boards shall be a maximum of 45 square feet, with a maximum height of seven feet, measured from ground level.

Section 420-69 Dry Cleaner.

- (A) All dry cleaning establishments shall follow the rules and regulations imposed by the Pennsylvania Dry Cleaning Law (No. 1990-214).
- (B) All materials and equipment shall be stored within a completely enclosed building.

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- (C) The manufacture of hazardous or potentially hazardous materials shall not be permitted.

Section 420-70 Dwelling, Multi-Family; Conversion; Multi-Family, Duplex; Dwelling, Multi-Family, Garden Apartment.

- (A) Minimum yard, maximum building height and lot coverage plus gross residential density requirements shall be complied with.
- (B) Off-street parking facilities, comprising one (1) parking space per dwelling unit shall be provided.
- (C) All waste disposal storage areas shall be located twenty-five (25) feet from nearest residential unit and shall be enclosed by screening and fencing as provided for in Section 420-32.
- (D) Buffer yard B as provided for in Section 420-35 (B) shall be required.
- (E) Each dwelling unit shall contain the following:
 - (1) Separate entrance.
 - (2) Separate sanitary facilities, cooking, and dining accommodations.
 - (3) A minimum of three (3) rooms including a bathroom.

Section 420-71 Dwelling, Multi-Family, Mid-Rise Apartment.

- (A) The area and bulk regulations under the applicable zoning district shall apply.
- (B) Mid-rise apartment dwellings consisting of multiple buildings shall adhere to the following regulations:
 - (1) The maximum length of a mid-rise building shall be one hundred and seventy five (175) feet.
 - (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.
 - (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.
 - (4) Buildings within the development shall be designed to provide individual dwelling units with views and direct access to required open space areas.
 - (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.
 - (6) Buildings must be setback a minimum of twenty-five (25) feet from property boundaries.
 - (7) Sidewalks shall be provided to connect dwellings with parking areas, recreational areas/open space and refuse facilities.
- (C) All lighting shall conform to the requirements of Section 420-36 of this Ordinance.
- (D) Buffer yard C as defined by Section 420-35 (B) shall be required.

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- (E) Required parking shall adhere to those standards set forth in Section 420-38. 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.
- (F) Circulation and access shall be as provided in this ordinance and in the Green Tree Subdivision and Land Development Ordinance.

Section 420-72 Educational Institution.

- (A) The minimum lot size shall be twenty-six thousand (26,000) square feet.
- (B) Point of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- (C) The location, orientation and lot circulation shall be coordinated with the Borough in order to minimize the disturbance of surrounding open space.
- (D) All waste disposal storage areas shall be screened as outlined in Section 420-41.
- (E) Buffer yard C as provided for in Section 420-35 (B) shall be required.

Section 420-73 Flea Market.

- (A) The flea market shall have maintained restroom facilities and shall comply with Pennsylvania Department of Environmental Protection, Regional Office facilities regulations.
- (B) The flea market shall have adequate on-site parking, including areas for customer parking and vendor loading/unloading. Required parking shall be one (1) space for every two hundred (200) square feet of indoor / outdoor sales area.
- (C) The flea market shall maintain an opaque fence of at least six (6) feet in height around the perimeter of the market area (parking areas may or may not be excluded).

Section 420-74 Funeral Home.

- (A) The minimum lot area shall be one (1) acre.
- (B) The site shall have frontage on and direct vehicular access to an arterial or collector street.
- (C) All off-street parking areas which adjoin residential zoning classification shall be screened by a six (6) foot dense, compact evergreen hedge.
- (D) 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 420-75 Garage, Yard or Estate Sale

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- (A) Garage sales or yard sales shall be conducted by residents on the residential lot where their permanent dwelling unit is located.
- (B) Garage sales or yard sales conducted pursuant to this section shall not require any permit or temporary occupancy permit for such a use.
- (C) In any calendar year, no more than two garage sales or yard sales shall be permitted on the same residential lot.
- (D) In any calendar year, no more than two garage sales or yard sales shall be permitted by the same sponsoring organization on Borough-owned property.
- (E) Garage or yard sales shall be considered an accessory use and not a home occupation.
- (F) Garage sales or yard sales conducted pursuant to this section shall only be permitted on Saturday and Sunday during the hours of 8:00 a.m. and 6:00 p.m. For purposes of Subsections C and D above, a garage sale or yard sale conducted on a Saturday or Sunday of the same weekend shall be deemed one garage sale or yard sale.

Section 420-76 Garden Center.

- (A) All outdoor display areas shall be set back at least fifteen (15) feet from the street right-of-way.
- (B) Items sold 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.
- (C) The provision of landscape design and or installation services may be included in the use, provided that such services are ancillary to the principal use and offered to clients whose residence or place of business exists elsewhere.
- (D) 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.
- (E) A liner of impermeable materials or fabric shall be required underneath the outdoor storage of lawn and garden supplies such as mulch, fertilizer, topsoil and related landscape or garden supplies to limit groundwater contamination.

Section 420-77 Gasoline Station.

- (A) Any gasoline service station shall not be less than five hundred (500) feet along the front property line from another gasoline service station, and shall not be less than fifty (50) feet from a residential lot or residential zoning district.
- (B) Equipment above surface or ground for the service of motor vehicles shall be no closer than fifteen (15) feet to any property line.
- (C) The width of any entrance driveway leading from the public street to such service station shall not exceed thirty (30) feet at its intersection with the street line, unless otherwise dictated by the Pennsylvania Department of Transportation.

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- (D) No two driveways leading from a public street to such service station shall be within fifteen (15) feet of each other at their intersection with the street line, unless otherwise dictated by the Pennsylvania Department of Transportation.
- (E) Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or onto streets.
- (F) Buffer yard B as provided for in Section 420-35 (B) shall be required.
- (G) All lighting shall conform to the requirements of Section 420-36 of this Ordinance.
- (H) With the exception of gasoline dispensing, the display and sale of wares and repair of vehicles shall be restricted to the inside of a permanent structure.

Section 420-78 Golf Course / Golf Driving Range.

- (A) All property lines adjoining a residential use or zoning district shall be screened as provided in Article IV.
- (B) All principal structures such as pools, bath houses, restaurants, or clubhouses shall be set back at least 100 feet from the front lot line and at least 50 feet from other lot lines.
- (C) Outdoor lighting for buildings and facilities may be approved, provided it is directed away from residential uses and public rights-of-way.
- (D) Activities which produce an objectionable level of noise to surrounding residential properties shall not be permitted.
- (E) The Council may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation, and other such matters as they deem necessary to ensure that there is no adverse impact on the functioning of the zoning district or adjacent parcel.
- (F) Hours of operation are limited from 5:30 a.m. to 12:00 Midnight.

Section 420-79 Group Residential Facility and Group Home.

- (A) A minimum of one (1) acre is required for this type of development, and total density shall not exceed ten (10) residents per acre.
- (B) A group residential home shall not include business or professional offices (other than incidental offices), business activities, fraternal or social clubs, hospitals, clinics or other such activities.
- (C) Lot, yard and all other dimensional requirements of the zoning district in which the facility is located shall be met, except that such requirements may be reduced by the governing body when the building proposed to house the facility is an existing structure that has been established as appropriate for a similar institution through a pre-existing use.
- (D) On-site parking facilities as provided in Section 420-38 shall be required.
- (E) Whenever a party or parties seeks to occupy a dwelling or other building as a group residential facility, the party or parties shall file a detailed statement of intent describing

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the proposed use of the dwelling or building, which statement shall detail the proposed number and nature of anticipated occupants, with the Borough. A license or certification shall be obtained from the Commonwealth of Pennsylvania prior to the issuance of an occupancy permit.

- (F) The landowner shall comply with any additional standards, as determined by Borough Council that are needed to protect the public health, safety and welfare, or to address unique characteristics of a particular lot.

Section 420-80 Home Occupation.

- (A) Official residence shall be maintained by the occupant who may be the owner, a renter, or a lessee.
- (B) This use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- (C) The exterior appearance of the dwelling unit is constructed and maintained as a residential use.
- (D) The use shall only be within the principal structure or an integral attached garage.
- (E) There shall be no more than three (3) employees employed on the premises.
- (F) Off-street parking shall be provided for as required in Section 420-38.
- (G) 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.
- (H) Permitted home occupations.
 - (1) The storage of automobiles, boats, travel trailers, motor homes, and nonhazardous materials within fully enclosed structure(s).
 - (2) 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.
 - (3) 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.
 - (4) Family Day Care Homes, as provided for in Article V of this Ordinance.
 - (5) Professional, technical, or business pursuits that involve only office-related functions and practices
 - (6) Light handicrafts, sewing, and photography
 - (7) Other Home Occupations are subject to approval by Council.

Section 420-81 Hospital.

- (A) The property shall be served by public water and public sewers.
- (B) 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.
- (C) Water pressure and volume shall be adequate for fire protection.
- (D) Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.

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- (E) The parking and circulation plan shall be provided to the Green Tree Police and volunteer fire company regarding traffic safety and emergency access.
- (F) Buffer yard A as provided for in Section 420-35 (B) shall be required.
- (G) All lighting shall conform to the requirements of Section 420-36 of this Ordinance.
- (H) 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).
- (I) 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 420-82 Hotel / Motel.

- (A) Each guest room shall contain not less than two hundred fifty (250) square feet of floor area.
- (B) All waste disposal storage areas shall be screened as outlined in Section 420-41.
- (C) Buffer yard B as provided for in Section 420-35 (B) shall be required.
- (D) All lighting shall conform to the requirements of Section 420-36 of this Ordinance.
- (E) Off-street parking shall be provided as required in Section 420-38 of this Ordinance.

Section 420-83 Incinerator.

- (A) A certified incinerator shall be permitted only when it is necessary to accommodate the solid waste management needs of the area which it is intended to serve.
- (B) Location.
 - (1) The incinerator shall be located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.
 - (2) The incinerator shall not be located within fifteen (15) feet of any building or structure and generally should be positioned so that there is not direct exposure to buildings, wood fences, or piled combustible materials in the event of failure of the spark arrestor. The incinerator shall be located so that a nuisance is not created by reason of its smoke.

Section 420-84 Institutional Home.

- (A) The institutional home shall be owned and sponsored by a governmental agency, a public or private charitable organization, their licensed or certified agent or a non-profit social service corporation.
- (B) Supervision shall be provided by adults who are certified to provide such supervision by the owner of the service.
- (C) Supervision shall be provided by a minimum of two (2) adults on a 24-hour a day basis while residents are on the premises.
- (D) The number of residents shall be limited to no more than fourteen (14) persons including clients, staff and family of staff. Client residents shall be limited to ten (10) persons.

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- (E) All minimum front yard, side yard and rear yard requirements as well as maximum lot coverage as defined in the applicable zoning district shall be complied with. Nonconforming structures shall not be used as an institutional home.
- (F) Minimum off-street parking spaces shall comply with Section 408.
- (G) Exterior open space, usable and accessible to the clients, shall be provided at a minimum rate of sixty-five square feet per client.
- (H) All waste disposal storage areas shall be located within the rear yard in compliance with applicable setback requirements and shall be enclosed by screening and fencing as provided for in Section 410.
- (I) Buffer yard B, pursuant to Section 405 (B) shall be required.
- (J) All lighting shall conform to the requirements of Section 420-36 of this Ordinance.

Section 420-85 Junkyard / Salvage Yard.

- (A) 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. Fencing shall conform to the requirements of Section 420-32 of this Ordinance.
- (B) Buffer yard A, as provided for in Section 420-35 (B) shall be required.
- (C) All lighting shall conform to the requirements of Section 420-36 of this Ordinance.
- (D) All completely-enclosed buildings used to store junk shall be set back at least fifty (50) feet from all property lines.
- (E) No material may be stored or stacked so that it is visible from adjoining properties and roads.
- (F) 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.
- (G) 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.
- (H) No material shall be burned at any time.
- (I) No junkyard / salvage yard shall be located on land with a slope in excess of five percent (5%).
- (J) All additional Federal and State laws, rules and regulations shall be satisfied.
- (K) 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 420-86 Kennel.

- (A) 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.

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- (B) Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of twenty-five (25) feet from any principal structure on adjacent lots.
- (C) Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a minimum six (6) foot high compact hedge or one hundred (100) percent opaque fence on all sides which are visible from an existing residential lot or a public right of way.
- (D) Any structure used to house animals shall be equipped with code-approved nontoxic noise-dampening material or acoustic tile. If adjacent properties are developed as residential lots, the kennels shall be soundproofed to minimize noise impact on adjacent properties.
- (E) All kennels shall operate under a plan approved by the Borough for the disposal of animal waste.
- (F) At no time shall animals be permitted to run loose on the lot other than in a completely enclosed area.

Section 420-87 Landfill.

- (A) 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:
 - (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.
 - (2) The yard or storage area shall be completely enclosed with an opaque fence as provided in Section 420-32. Access to the yard or storage area through this visual screen shall be controlled in such method as shall be approved by Borough Council.
 - (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.
 - (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.
 - (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.
 - (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

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insects shall be stored outdoors and enclosed in containers which are adequate to eliminate such hazards.

- (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.
- (8) The site contains one (1) entrance and one (1) exit each less than thirty (30) feet in width.
- (9) Off-street parking shall be provided within the site enclosure and shall be enclosed within the site's visual screening.

(B) All lighting shall conform to the requirements of Section 420-36 of this Ordinance.

Section 420-88 Methadone Treatment Facility.

- (A) A methadone treatment facility shall not be permitted within five hundred (500) feet of property line of an existing school, public playground, 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.
- (B) Buffer yard A, as provided for in Section 420-35 (B) shall be required.

Section 420-89 Minor Garage.

- (A) A minor garage built as an integral part of a dwelling or attached thereto. Such garages are permitted if constructed so as to be fireproof inside. When separated from the dwelling, a minor garage shall be permitted, provided that it is not closer than three feet from the side lot line and 60 feet from the front lot line. On through lots, no portion of the garage, except the cornice, shall be nearer to the rear lot line than the building line fixed by this Chapter on adjoining lots and in no case nearer to the rear lot line than 20 feet. In the case of corner lots, no wall of the garage shall be nearer to the side street line than the line fixed by this Chapter for the main building. A minor garage may exceed a two-vehicle capacity, provided that the area of the lot whereon such minor garage is located is comprised of not less than 3,000 square feet for each vehicle stored.

Section 420-90 Night Club.

- (A) Nightclubs shall cease operations between the hours of 2:00 AM and 5:00 PM.
- (B) There shall be no noise or vibration discernable along any property line greater than the average noise level occurring on adjacent streets and properties.
- (C) All operations shall be conducted within a completely enclosed building and doors and windows shall remain closed during hours when entertainment is presented.
- (D) The owner / operator of the nightclub shall provide private security, licensed under the laws of the Commonwealth of Pennsylvania if the maximum permitted occupancy allowed by the Building or Fire Codes for the nightclub exceeds one hundred (100) persons.
- (E) Any nightclub that proposes a maximum permitted occupancy allowed by the Building or Fire Codes of two hundred (200) or more persons shall be located at least five hundred (500) feet from any property line that adjoins a residential zoning classification.
- (F) Any nightclub that offers adult entertainment, as defined in Article II, shall conform to the requirements set forth therein.

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Section 420-91 Nursery / Greenhouse.

- (A) The raising, of plants, trees, flowers, and shrubs shall be clearly the primary use of the property and shall not include retail sales of materials.
- (B) Impervious surface coverage shall not exceed 60%.
- (C) No greenhouse shall be located closer than 100 feet to the nearest property line.
- (D) Hours of operation are limited to 5:30 a.m. until 12:00 midnight.

Section 420-92 Nursing and Personal Healthcare Facility.

- (A) 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.
- (B) The maximum dwelling unit density shall be twenty-four (24) rooms per acre.
- (C) The facility may include the following supporting uses:
 - (1) Common leisure and/or recreational areas
 - (2) Common dining area
- (D) 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 Green Tree 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.
- (E) 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.
- (F) Off-street parking shall be as required by the provisions set forth in Section 420-38 of this Ordinance. All off-street parking and loading areas shall be effectively screened in accordance with the provisions set forth in Section 420-38 (A) of this Ordinance.
- (G) Waste disposal storage areas shall be located within the rear yard in compliance with all setback requirements of the applicable zoning district and shall be screened in accordance with Section 420-41 of this Ordinance.
- (H) Buffer yard B, as provided for in Section 420-35 (B) shall be required.
- (I) All lighting shall conform to Section 420-36 of this Ordinance.

Section 420-93 Oil and Gas Wells.

- (A) Operator shall comply with any generally applicable bonding and permitting requirements for Borough roads that are to be used by overweight vehicles and equipment for Oil and Gas Development/Drilling activities. For state roads located within the Borough, Operator shall provide a copy of the Highway Occupancy Permit for overweight vehicles to the Borough.
- (B) Operator shall ensure that all public roads utilized remain free of dirt, mud and debris resulting from Oil and Gas Development/Drilling activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur on them during the said development/drilling.

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- (C) Operator shall take all necessary precautions to ensure the safety of persons in areas established for pedestrian road crossing and/or adjacent to roadways. Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with Oil and Gas Development/Drilling, Operator will provide flagmen to ensure the safety of pedestrians and include adequate signs and/or other warning measures for truck traffic, vehicular traffic, and pedestrian traffic.
- (D) On any application, for development/drilling of gas well operation, the Operator shall show the proposed routes of all trucks to be used and the estimated weights of such trucks. All road weight limits shall be followed, unless a bond and an excess maintenance agreement is provided to and accepted by the Borough for the protection of its roads.
- (E) Operator shall not clear brush or trees by way of burning, and shall chip, grind or remove all tree stumps from properties it clears for Oil and Gas Development/Drilling purposes and shall promptly remove such debris to prevent the creation of any health hazard or public safety issue.
- (F) Prior to Oil and Gas Development/Drilling, Operator shall provide to the Borough's Police Department, its Fire Department Emergency Medical Services Provider, and its Emergency Management Director ("First Responders") and to the Borough's Zoning Officer, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan that is satisfactory to the Borough.
- (G) Before drilling, the Borough shall ascertain whether the Borough's Police, Fire Department Emergency Medical Services Provider and its Emergency Management Director have secured adequate information to deal with any potential dangerous conditions that may result due to Oil and Gas Development activities. First Responders shall have on-site orientation and be provided adequate information on the site set-up and operation of the Development. Upon request from the Borough, Operator will, prior to drilling of an Oil and Gas well, make available to it with at least sixty (60) days notice, at Operator's sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall also be made available immediately after any substantial modification to the Oil and Gas Development/Drilling or wellsite, but not less than annually during the period when the Operator anticipates drilling activities in the Borough.
- (H) Operator shall develop and implement an appropriate dust control program, which must be approved by the Borough prior to implementation.
- (I) As the specific location of equipment and facilities is an important and integral part of Oil and Gas Development/Drilling, as part of the planning process, Operator shall strive to consider location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Borough residents' enjoyment of their property and future Borough development activities.
- (J) As adequate and appropriate lighting is essential to the safety of those involved in Oil and Gas Development/Drilling, the Operator shall direct site lighting downward and inward toward the drillsite, wellhead, or other area being developed so as to prevent glare or spillover on public roads and adjacent buildings and lands.
- (K) Oil and Gas drilling activities and associated equipment shall comply with all applicable federal and state safety standards.
- (L) Vehicular access to a natural gas well, oil well, or well pad solely via a residential street is discouraged. Vehicular access to a natural gas well, oil well, or well pad via a collector street is encouraged.

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- (M) The applicant shall make reasonable efforts to avoid and / or mitigate any disruption or loss of radio, telephone, cellular phone, television, or similar signals, and shall mitigate any harm caused by the oil and gas use in a timely manner. Signal impairment to the Borough of Green Tree communications system shall not occur under any circumstances.
- (N) The well bore shall be located a minimum setback distance, dependent on the use of the adjacent property, as follows:
- (1) Well bore shall be setback 200 feet from any of the following:
 - (a). Any right of way line of the nearest public or private road respectively;
 - (b). From property line of publicly owned land;
 - (c). Designated Pennsylvania Department of Conservation and Natural Resources (DCNR) trailheads or boating/canoe launch points; and
 - (d). Building or sites registered or eligible to be registered on the National Register of Historic Places or the Pennsylvania Register of Historic Places.
 - (2) All other setbacks for structures, buildings, and production equipment shall comply with Article III.
 - (3) Side and rear setback requirements shall not apply to well pads where common law, contractual rights or statutory provisions authorize the surface use to cross property lines.
 - (4) The setback requirements of this section may be reduced when the applicant submits information acceptable to the Borough establishing, where applicable, the literal compliance with the setback requirement is shown to be unreasonable, would cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results.
- (O) Thirty (30) days prior to drilling any Oil and Gas Well in the Borough, the Operator shall provide the following information to each landowner/tenant located within one thousand five hundred (1,500) feet of the planned surface location of the well(s):
- (1) A copy of the wellsite survey plat showing the location(s) of the planned well(s);
 - (2) A detailed description of the planned operations at the planned wellsite and associated equipment to be used in the Oil and Gas Development of the wellsite;
 - (3) The telephone contact information for the Operator; and
 - (4) The dates, times and locations of the Operator's availability to meet with the said landowners/tenants to present Operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to wellsite construction.
- (P) Upon the filing of an Application for Conditional Use under this Section, the Operator shall provide to the Borough Manager:
- (1) A map showing the planned access route to the wellsite by use of public roads;
 - (2) Copies of all applicable leases, contracts, and waivers enabling the conditional use;
 - (3) Information on the status of road bonding;
 - (4) The Operator's Erosion & Sedimentation Plan;
 - (5) The well survey plat showing the planned surface location(s) of the well(s) including DEP permit numbers, if available at submittal, or if not available at submittal, provided when issued later;
 - (6) The telephone contact information for the Operator; and

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- (7) A detailed site plan. The Proposed Site Development Plan shall be a topographic plan, prepared by a professional engineer registered in the Commonwealth of Pennsylvania, to a scale no greater than 1 inch = 200 feet, on a standard sheet size of 24”H x 36”W, to include the following:
- (a). Title block giving name of development, landowner, developer, north point, key location map, registration stamp, date and scale on a standard sheet size of 24”H x 36”W, with index;
 - (b). Property lines, zoning ordinance district boundary lines and total acreage of parcel proposed for development;
 - (c). All existing streets, right of ways, and easements related to the development;
 - (d). Owners of adjacent properties, including the location of any existing structures and driveway locations;
 - (e). The location of relevant natural features on site, including, but not limited to, streams or other natural water courses and adjacent areas which are subject to flooding, and significant stands of existing trees;
 - (f). The location of relevant natural features abutting properties within 300 feet, including, but not limited to, streams or other natural water course and adjacent areas which are subject to flooding, and significant stands of existing trees;
 - (g). The location of structures on abutting property within 300 feet of common property lines and the location of any Protected Structures as defined above;
 - (h). The location of all mineral removal structures, facilities, equipment or buildings;
 - (i). The location of existing structures, buildings and accessory uses on site;
 - (j). The location of vehicle and equipment cleaning and tire cleaning areas.
 - (k). A program for removing dirt, mud and other site debris from the public roads;
 - (l). The location of proposed access roads and proposed haul roads;
 - (m). The location of stormwater and sediment controls or any water impoundment facilities;
 - (n). A copy of any permit or permit application issued by or submitted to the Pennsylvania Department of Environmental Protection; and
 - (o). The location, depth and profile of any proposed pipelines for water, gas, oil or other substance.

(Q) For any Oil and Gas Well, the Operator shall:

- (1) Install temporary safety fencing at least six (6) feet in height around drilling and hydraulic fracturing equipment and permanent fall protection fencing in accordance with OSHA standards around any pits or open areas that contain or could contain any fluids greater than two (2) feet in depth.
- (2) Install adequate warning signs around the perimeter of the wellsite giving notice of the potential hazards existing at the wellsite.
- (3) Maintain at least one security guard 24 hours/day at all times when a drilling rig or hydraulic fracturing equipment is on the wellsite.

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- (R) As Oil and Gas Development/Drilling is accompanied by inherent noise, the regulations in this section are intended to establish a process for reasonable noise control, provide for a response to individual complaints, and require that undue noise be addressed and abated, where feasible, without the Borough dictating the particular operational steps that must be taken. The Operator shall take the following steps to minimize, to the maximum extent practicable, the noise resulting from the Development:
- (1) Prior to drilling an Oil and Gas Well, the Operator shall establish a continuous 72 hour ambient noise level at the nearest Protected Structure property line or 100 feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure. The sound level meter used in conducting any evaluation shall meet the requirements of ANSI 51.4-1974. All such tests shall be conducted in accordance with ASTM E1014-08. For the purposes of this section, a “Protected Structure” shall be any occupied residence, commercial business, school or church located within 1,500 feet of the surface location of an Oil or Gas Well that may be impacted by noise generated from drilling or hydraulic fracturing activity at an Oil or Gas Well, excluding any structure owned by an oil and gas lessor who has signed a lease with the Operator granting surface drilling rights to drill the subject well or whose owner (or occupants) have signed a waiver relieving the Operator from implementation of the measures established in this section of this Ordinance for the owner’s or occupant’s benefit.
 - (2) The Operator shall provide a report developed in accordance with Section 9 of ASTM E 1014-08 documenting the measured ambient noise level required under (1) above to the Borough’s zoning officer within two (2) business days of the conclusion of the test, or at any other time upon a request from the Zoning Officer.
 - (3) The noise generated during drilling and hydraulic fracturing activities when measured at the nearest Protected Structure property line or 100 feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average ambient noise level (as determined by the 72 hour evaluation).
 - (a). During drilling activities, by more than 7 decibels during the hours of 7:00 a.m. to 9:00 p.m.;
 - (b). During drilling activities, by more than 5 decibels during the hours of 9:00 p.m. and 7:00 a.m.; or
 - (c). By more than 10 decibels during hydraulic fracturing operations.
 - (d). The Operator shall provide for ongoing regular noise level monitoring at a station to be located at or near the nearest Protected Structure property line or 100 feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure. The noise monitoring data acquired at this station shall be made available to the Borough upon request. All measurements shall be taken following the procedures outlined in ASTM E1014-08.

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Permitted Increase (dBA)	Duration of Increase (minutes)*
5	15
10	5
15	1
20	1
*Cumulative minutes during any one hour.	

- (4) Adjustments to the foregoing noise limits may be permitted in accordance with the following:
- (5) If a complaint is received by the Borough from any person, whether a resident or user of any Protected Structure, located within 1500 feet from the wellhead or equipment generating noise during drilling or hydraulic fracturing activities, the Operator shall, within 24 hours of receipt of the complaint from the Borough continuously monitor for a 48 hour period at a point which is the closer to the complainant's building of:
 - (a). The complainant's Protected Structure property line nearest to the wellsite or equipment generating the noise; or
 - (b). One hundred (100) feet from the Protected Structure.
- (6) When the monitoring is complete, Operator will provide the monitoring data to the Borough and will meet with Borough representatives and affected landowners or users to discuss what noise abatement measures are warranted and if the permitted levels set forth herein were exceeded. If permitted levels are exceeded, the Operator shall utilize the services of a person with expertise in noise measurement, remediation and abatement and in gas and oil well drilling and operation, to study, with the involvement and input of the Borough Engineer, any possible remedial measures, including but not limited to construction of sound walls and placement of acoustic blanketing for sound insulation. The results of the study shall be provided in a written report to the Borough as to whether any such remedial measures are effective and feasible based on all the relevant circumstances, including the noise level, the extent that the permitted noise level is exceeded, the number of Protected Structures adversely affected and their location, the nature and type of drilling equipment being utilized, and whether the use of any such remedial measures would create a safety hazard or be contrary to state or federal regulation.
- (7) Exhaust from any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment or used in Development shall not be discharged into the open air unless it is equipped with (i) an exhaust muffler or (ii) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. All such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to the manufacturer's specifications.
- (8) All workover operations shall be restricted to the hours of 6:00 a.m. to 10:00 p.m., except as necessary, as reasonably determined by the Operator. The Borough shall be provided with reasonable notice of any workover operations.
- (9) In cases where noise has exceeded permitted levels and gas and oil well drilling rigs can be outfitted with acoustic barrier insulation blankets, such barriers shall be installed in accordance with best management practices in the industry provided,

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however, that no such acoustic barrier shall be required where its use would be contrary to a pre-empted applicable state or federal regulation, or where its use would create a safety hazard in the opinion of the Borough Engineer or of any regulatory agency with jurisdiction.

- (S) Subsection (R) shall not apply to such Oil and Gas Wells that are planned to involve drilling of a single well on a wellsite for no more than seven consecutive days total in any calendar year.
- (T) In order for the Borough to appropriately enforce the conditions imposed by this Ordinance, to make certain that the health, safety and welfare of its residents and landowners are met and to determine if the use remains compatible with various zoning districts in the Borough, if the Operator engages in any noise testing as required by this Ordinance, Operator will provide the final results to the Borough within two (2) business days of the Operator's receipt of those final results.

Section 420-94 Outdoor Dining

- (A) Each outdoor dining area shall be physically attached to at least one wall of the building containing the restaurant use for which the outdoor dining area is an accessory use.
- (B) An outdoor dining area shall be located a minimum of 100 linear feet on all sides from any residential dwelling located in any zoning district. The outdoor dining area shall be permitted only in the rear or the side yards of the building containing the primary restaurant use.
- (C) The outdoor dining area shall be restricted to the interior of a structure, the perimeter of which structure shall be screened on all sides with a planting area or other type of screening providing a minimum of three feet in height above the floor elevation of the outdoor dining area. This screening device must be in addition to any railing or guards required under the applicable building code.
- (D) The use of any outdoor dining area shall be limited to the hours of 11:00 a.m. through 11:00 p.m., prevailing time.
- (E) Lighting devices for the outdoor dining area shall not in any way produce objectionable, direct or reflected glare on any adjoining property or thoroughfare and, where necessary, appropriate full shielding of the lighting devices servicing the outdoor dining area may be required to achieve this goal.
- (F) Any outdoor dining area shall be located so as to comply with any and all regulations regarding rear and side yard requirements set forth in the zoning district in which the principal use is located.
- (G) No outdoor dining area shall cause or permit any sound, noise, music or audio of any type or nature to generate an A-weighted sound level in excess of 68 dB when measured at any of the property lines on which the designated outdoor dining area is located.
- (H) The gross floor area of the outdoor dining area shall be added to the gross floor area of the restaurant building to which it is attached for any and all purposes authorized under the Zoning Ordinance, including:
 - (1) The building occupancy approval;
 - (2) The calculation of the required number of off-street parking stalls; and
 - (3) The calculation of the maximum lot coverage for each district, if applicable.
- (I) All outdoor dining areas must meet the minimal accessibility requirements of the applicable building code.

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- (J) Neither signage nor advertisement of any type shall be visible from the exterior of the outdoor dining area.
- (K) An outdoor dining area shall only be located at the floor level of the primary dining area of the principal restaurant to which it is attached, but in no event shall any outdoor dining area be located a distance greater than eight feet above grade.

Section 420-95 Private Club or Lodge.

- (A) Any establishment that includes a restaurant shall further be subject to the off-street parking requirements of Section 420-38 of this Ordinance for the portion of the building devoted to restaurant use.
- (B) Any rental of the facility to non-members shall require on-site management and / or security personnel during the event.
- (C) Activities on the site and within the building shall comply with the noise standards specified in any applicable Borough nuisance or noise standards.
- (D) All off-street parking that adjoins residential zoning classifications shall be screened by buffer yard A as defined by Section 420-35 (B) of this Ordinance.
- (E) Any private club or lodge that offers adult entertainment, as defined in Article II, shall conform to the requirements set forth therein.

Section 420-96 Recreation, commercial outdoor.

- (A) The facility area and lot boundaries shall be landscaped as required by the Green Tree Planning Commission to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
- (B) All structures shall not be less than twenty-five (25) feet from any property line.
- (C) All facilities shall abut a public road and have a permanent access thereto.
- (D) Alcoholic beverages without a state liquor control board license, amplified music, and juke boxes shall be prohibited on the premises.
- (E) Operating hours for such facility shall be no earlier than 7 A.M. and no later than 11 P.M., prevailing time. The Green Tree Planning Commission may limit hours within this time frame based on the use and location of the facility.
- (F) All pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
- (G) Tennis courts shall be protected by a permanent fence ten (10) feet in height behind each base line extending ten (10) feet beyond the playing area in each direction.
- (H) All waste disposal storage areas shall be located in the rear yard in compliance with all setback requirements of the applicable zoning district and shall be screened as provided for in Section 420-41 of this Ordinance.
- (I) All fences, unless otherwise noted in Subsections (F) and (G) above, shall be as prescribed by Section 420-32 of this ordinance.
- (J) Buffer yard A as provided for in Section 420-35 (B) shall be required.

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Section 420-97 Recycling Facility.

- (A) Recycling facilities are required to be indoor and comply with the dimensional requirements contained in the Pennsylvania Solid Waste Management Act, 35 P.S. §§ 6018.101, et. seq., and implementing regulations PA. Code §§ 271.1 et. seq., and any applicable permit issued by the Pennsylvania Department of Environmental Protection, unless such dimensional requirements are waived as provided for in the Pennsylvania Solid Waste Management Act, 35 P.S. §§ 6018.101, et. seq., and implementing regulations, PA. Code §§ 271.1 et. seq.
- (B) No recycling facility shall be located within two hundred (200) feet of any existing residence except for the residence of the facility owner.
- (C) All recycling facilities shall be located a minimum of one-hundred twenty-five (125) feet from any street right-of-way.
- (D) Buffer yard A as provided for in Section 420-35 (B) shall be required.
- (E) A fence around the perimeter facility shall also be provided. The fence shall be a minimum eight (8) foot high privacy fence.
- (F) All lighting shall conform to the requirements in Section 420-36 of this Ordinance.
- (G) 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.

Section 420-98 Repair Shop, Non-vehicular.

- (A) No portion of a repair or service shop or any part of their appurtenances or accessory uses, shall be placed within twenty-five (25) feet of any residential dwelling.
- (B) Parts or materials shall not be stored outside of any principal or accessory structure unless specifically permitted by the Green Tree Planning Commission. Any outside storage areas permitted shall be effectively screened from adjacent properties using one of the fencing materials prescribed in Section 420-32.
- (C) All waste disposal storage areas shall be located in the rear yard in compliance with the setback requirements in the applicable zoning district and shall be screened as provided for in Section 420-41 of this Ordinance.
- (D) Buffer yard A as provided for in Section 420-35 (B) shall be required.

Section 420-99 Research and Development, Laboratories.

- (A) No activities shall be permitted that involve the handling, testing, processing or other use of waste materials resulting from residential, municipal, commercial, industrial, institutional, mining or agricultural operations or from any combination of the above. Such waste materials shall include but not be limited to garbage, refuse, sludge and other discarded materials, including solid, liquid, semisolid or contained gaseous materials.
- (B) No activities or substances of a hazardous nature shall be employed, stored or utilized in a manner that will constitute a danger to the health, safety or general welfare of site

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occupants, adjacent areas or the community at large. All such activities, storage and handling must comply with all federal, state and local laws, rules and regulations regarding hazardous materials and substances. Where reasonable cause for concern is raised by borough officials, residents or other affected parties, the applicant for a conditional use shall be required to certify that no such conditions will be present.

Section 420-100 Restaurant / Taverns / Bars

- (A) The hours of operation shall be limited to between 5:30 a.m. and 2:00 a.m. of the next day, prevailing time.
- (B) Buildings for such conditional use shall be limited as follows:
 - (1) The maximum overall height shall be limited to one story. However, the height of such building may not exceed 32 feet measured from the lowest exterior ground elevation along the perimeter of the building.
 - (2) The total floor area, exclusive of any basement used solely for storage, shall not exceed 10,000 square feet.
- (C) The dispensing, serving and consumption of food and beverages shall be restricted to the inside of the building. However, the serving and consumption, but not the preparation, of food and beverages, may be permitted in a designated outside area.
- (D) Any designated outside area for service and consumption of food and beverages shall strictly comply with the following requirements:
 - (1) One side of the designated outside area must be attached to the building containing the conditional use;
 - (2) The designated outside area shall be located so that no side abuts a residential district or use;
 - (3) The designated outside area shall be screened on all sides with a planting area or other type of screening providing a minimum of three feet in height above the floor elevation of the designated outside area. This screening device must be in addition to any railing or guards required under the applicable building code;
 - (4) Neither music, entertainment of any type or nature, nor excessive noise, sound or disturbance shall be allowed or permitted in the designated outside area;
 - (5) Lighting devices which produce objectionable, direct or reflected glare on an adjoining property or thoroughfare are strictly prohibited; and
 - (6) The hours of operation of the designated outside area must be limited to between 5:30 a.m. and 2:00 a.m. of the next day, prevailing time.
- (E) Off-street parking as set forth in Article IX must be provided not only for the principal building containing the conditional use but also for any designated outside area. In calculating the outside area for purposes of off-street parking, the gross exterior dimensions of such designated outside area devoted to the consumption and service of food and beverages, exclusive of any buffer area or screening devices, shall be added to the gross floor area.
- (F) The parking area where the off-street parking is located must be:

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- (1) Constructed of asphalt or concrete;
- (2) Striped for each parking stall with designated areas for ingress and egress; and
- (3) Be provided on the building lot.

Section 420-101 Retail Stores (all sizes).

- (A) A traffic impact study shall be submitted if requested by the Green Tree Planning Commission.
- (B) 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.
- (C) 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.
- (D) 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.
- (E) Trash receptacles for patron use shall be provided outside of any establishment with take-out service or convenience shopping.
- (F) 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.
- (G) All off-street parking shall conform to the standards set forth in Section 420-38 of this Ordinance.
- (H) 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 as provided for in Section 420-41 of this Ordinance.
- (I) Buffer yards shall be provided as set forth in Table 4.1 in Section 420-35 (B) of this Ordinance.
- (J) All lighting shall conform to the requirements in Section 420-36 of this Ordinance.

Section 420-102 Self-Storage Facility.

- (A) The storage of hazardous materials such as toxic or explosive substances is prohibited.
- (B) Wholesale or retail sales, garage sales, flea market, or outside storage is prohibited.
- (C) The maximum size of the individual storage units shall be five hundred (500) square feet.
- (D) All areas designed for circulation shall be paved in accordance with Borough paving standards.
- (E) 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.
- (F) Vehicular access to the lot shall be limited to one (1) two-way or two (2) one-way driveways.

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- (G) All one-way driveways shall have a minimum of one (1) ten (10) foot parking lane, plus one (1) fifteen (15) foot travel lane.
- (H) 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.
- (I) Buffer yard A as provided for in Section 420-35 (B) shall be required.
- (J) Fencing as prescribed in Section 420-32 shall be provided around the exterior of the property at the edge of each buffer yard.
- (K) Storage units shall not be equipped with water or sanitary sewer service.
- (L) No business activity other than rental of storage units shall be conducted on the premises.

Section 420-103 Skilled Nursing Facility.

- (A) 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.
- (B) All off-street parking and loading areas shall be effectively screened in accordance with the provisions set forth in Section 420-38 (A) of this Ordinance.
- (C) All waste disposal storage areas shall be located in the rear yard in compliance with all the setback requirements of the applicable zoning district and shall be screened as provided for in Section 420-41 of this Ordinance.
- (D) Buffer yard A as provided for in Section 420-35 (B) shall be required.

Section 420-104 Swimming Pool, Residential.

- (A) A swimming pool shall only be located at the rear of the building and never in the front or on the side thereof.
- (B) In no case shall the pool structure be closer than 25 feet to the rear lot line and 15 feet to the side lot line.
- (C) The pool structure shall, for purposes of this section, include the pool itself, all pool decks and all sidewalk areas adjacent to the pool.
- (D) Reference the building code for fencing requirements.

Section 420-105 Truck Terminal.

- (A) A truck terminal shall provide a designated overnight parking area that is screened by the truck terminal building, a fence or evergreen hedge as prescribed in Section 420-32 and Section 420-38 (C) of this Ordinance.
- (B) No outdoor storage of materials, truck or trailer equipment or parts, or truck cargo shall be permitted, unless placed within the screened parking area as required in (A) above.
- (C) Truck terminals shall be located no closer than one thousand (1,000) feet from any other truck terminal.

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- (D) Buffer yard A as provided in Section 420-35 (B) shall be required.
- (E) All lighting shall conform to the requirements of Section 420-36 of this Ordinance.

Section 420-106 Vehicle Sales, Repair and Service.

- (A) All storage of new, used or discarded parts or materials shall be within an enclosed structure.
- (B) Except for fuel dispensing, all production, repairs, servicing and processing shall take place within completely enclosed buildings.
- (C) 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.
- (D) No junked or abandoned vehicle shall be parked outdoors.
- (E) 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.
- (F) 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.
- (G) All outdoor display areas for new and used vehicles, including self-propelled or towed recreational units and farm or construction and utility equipment, shall be paved and illuminated.
- (H) All storage and handling of fuel, oil and similar substances shall be carried out in accordance with all legal and accepted safety requirements.
- (I) Buffer yard A as provided in Section 420-35 (B) shall be required.
- (J) Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or onto streets.
- (K) All lighting shall conform to the requirements of Section 420-36 of this Ordinance.

Section 420-107 Warehouse and Storage, Commercial.

- (A) A traffic impact study shall be submitted if required by the Green Tree Planning Commission.
- (B) No manufacturing or major assembly of products shall occur on the premises.
- (C) Any goods available for sale shall be incidental to the warehouse or storage use.
- (D) Areas associated with loading shall be screened with landscaping or fencing from neighboring use(s) as provided for in Section 420-32 and Section 420-35 (A).
- (E) Buffer yard A as provided in Section 420-35 (B) shall be required.
- (F) Off-street loading shall be provided for as prescribed in Section 420-38 of this Ordinance.
- (G) All lighting shall conform to the requirements of Section 420-36 of this Ordinance.

Section 420-108 Wholesale Establishments.

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- (A) There shall be no open storage of junk or salvage materials of any type in conjunction with the operation.
- (B) 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.
- (C) 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.
- (D) Areas associated with loading shall be screened with landscaping or fencing from neighboring use(s) as provided for in Section 420-32 and Section 420-35 (C) of this Ordinance.
- (E) Buffer yard A as provided in Section 420-35 (B) shall be required.
- (F) Off-street loading shall be provided for as prescribed in Section 420-38 of this Ordinance.
- (G) All lighting shall conform to the requirements of Section 420-36 of this Ordinance.

Section 420-109 Wind Energy Facilities, Small.

- (A) Any small wind energy facilities authorized by this Ordinance shall be considered accessory structures and the generation of energy as an accessory use to the principal use in any zoning district.
- (B) Wind energy equipment shall be located on the same lot as the principal use.
- (C) Power generated by wind energy equipment shall not exceed fifty (50) kilowatts of maximum 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 government regulations.
- (D) No wind energy equipment shall be located in the front yard.
- (E) Wind energy equipment shall comply with all setback requirements of the applicable zoning district.
- (F) Wind energy equipment shall not exceed a height of one hundred and twenty-five (125) 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.
- (G) The wind energy equipment shall meet and be installed in accordance with all applicable federal, state and local regulations and requirements.
- (H) Wind energy facilities shall be set back from any occupied building, property line, street, utility, utility line, and fuel source at 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.
- (I) Wind energy facilities shall not be artificially lighted
- (J) Only a single pole structure shall be permitted for the wind energy facility. The pole shall be self-supporting upon its foundation without the use of guy wires or other supports.

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- (K) Wind energy equipment shall comply with all applicable requirements of the Federal Aviation Administration (FAA).

Section 420-110 Wind Turbine, Large Facility.

- (A) No wind turbines, or addition of a wine turbine to an existing wind energy facility shall be constructed, operated, or maintained within Green Tree Borough without a permit.
- (B) 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 energy facilities will be located.
- (C) No wind turbines shall be located where the center of the tower(s) is a distance less than 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 a 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 Allegheny County, Pennsylvania.
 - (1) Such easement or 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 impacts or flickering reflections and/or 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.
 - (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 for approval.
 - (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.
- (D) 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 requirement:
 - (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 of the tower(s) and its components and the developer shall submit such report to the municipal governing body and landowner upon receipt.

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- (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.
- (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.
- (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:
 - (a) The salvage value of the turbine(s) and its components may be utilized to off-set the cost of decommissioning, removal and site restoration; and,
 - (b) If the developer or then owner fails to remove the turbine(s) and restore the site within a reasonable time, after said tower(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 decommissioning, removal and restoration.
- (4) The estimated cost of decommissioning will be updated every fifth year, to take into account 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.
- (5) 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.
- (6) Any funds in excess of the Required Decommissioning Funds will be returned to the developer after decommissioning, removal and restoration.
- (7) 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 the removal and restoration.
- (8) 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.

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- (9) All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient breaking system for overspeed protection.
- (10) All electrical components of the Wind Turbine shall conform to relevant and applicable local, state, and municipal codes, and relevant and applicable international standards.
- (11) Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.
- (13) The applicant shall cooperate with local emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facilities and shall provide a copy of the project summary and site plan to local emergency services.
- (14) Lighting shall be screened or shielded from any adjacent residential use or district, in accordance with the provisions set forth in Section 420-36 of this Ordinance.
- (15) Noise and shadow flicker shall be minimized to the greatest extent possible.

Section 420-111 Purpose:

Green Tree Borough has determined that the control of signage associated with various land uses in the Borough is an essential part of protecting the health, safety and welfare of Borough residents. This determination has been made in part based on the desire to minimize traffic hazards from signs which distract a driver's attention from the road. It cannot be disputed that a sign's whole purpose is to call attention to its advertisement and to the extent it is successful, a motorist's powers of observation are diverted from those things which he may injure or which may bring injury to him. Additionally, the Borough recognizes that appearance of the Borough helps drive its economy, and so it is important to protect that appearance. These regulations are specifically intended to achieve these objectives.

It is also important to note that the provisions contained herein are not intended to regulate any type of lawful speech and shall be applied universally and unilaterally to all advertising displays.

Furthermore, it should also be noted that both the Planning Commission and Borough Council have taken great time and effort to design the provisions contained in this Article to ensure that competing interests have been balanced without eliminating the opportunity for outdoor advertising in the Borough. To that end, the purpose of the following sections is to establish minimum regulations for the display of signs.

Section 420-112 Definitions.

As used in this article, the following terms shall have the meanings indicated:

Architectural Blade - A roof sign with no legs or braces and designed to look as though it could have been part of the building structure rather than suspended from or standing on the building.

Awning - A shelter supported entirely from the exterior wall of a building and composed of nonrigid material, such as canvas, except for the supporting framework.

Awning Sign - A sign consisting of individual cut-out letters and/or symbols which are painted, stenciled or otherwise placed on a nonpermanent awning.

Banner Sign - A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

Billboard - A sign, other than one indicating a business conducted on the premises, upon which advertising matter of any character is printed, posted or lettered. It may be either freestanding, attached to the surface of a building or other structure or applied directly to the surface.

Building Frontage - The linear length of a building facing the street right-of-way.

Bulletin Sign - A sign with permanent or changeable type face for purposes of providing current information of public importance.

Canopy or Marquee - A permanent roof-like shelter attached to the ground and/or part or all of a building face extending over a pedestrian or vehicular area or right-of-way and constructed of some durable material such as metal, glass or plastic.

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Canopy Sign or Marquee Sign - A sign placed on the face of any canopy or marquee.

Copy Area - The area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. For wall signs, the copy area limits refer to the message, not to the illuminated background.

Development Sign - A sign which by symbol or name identifies a development such as a subdivision, multifamily complex or office complex. It may also contain an index of uses (tenants) included in the development.

Directional Off-Lot Sign - A sign which conveys instructions or directions to a business, commodity or service conducted, sold or offered elsewhere than on the premises where the sign is displayed.

Directional On-Lot Sign - A sign which conveys instructions or directions with respect to the use of the lot or building on which the sign is located, including, but not limited to, signs which indicate street addresses and the availability of parking, loading areas, telephones, rest rooms and other conveniences for the general public.

Double – Faced Sign - A sign constructed to display a message on the outer surfaces of two identical and opposite parallel planes.

Flashing / Animated Sign - Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times.

Freestanding Sign - A sign erected on a freestanding frame, mast or pole and not attached to any building. It is also known as a ground, detached, pole or pylon sign.

Height of Sign - The vertical distance measured from the average finished grade level at the base of the sign to the highest point of such sign.

Identification Sign - A sign indicating only the name of the individual, business or organization occupying the premises, the profession of the occupant, the name and/or address of the building or management thereof, or the name of the major enterprise or principal product or service conducted on the premises.

Incidental Sign - A minor sign announcing brand name products sold on the premises, credit cards accepted, official notices required by law, trade affiliations or similar matters incidental to the operation of a particular business establishment.

Nameplate - A sign attached to a building announcing the name, address, business or profession of each occupant of the premises or the name of the building.

Parapet or Parapet Wall - The vertical extension of a building wall that rises above the roof level.

PennDOT - The Pennsylvania Department of Transportation.

Portable Sign - Any sign not permanently attached to the ground or a building.

Projecting Sign - Any sign supported by a building wall and/or roof attached along one edge by a bracket, perpendicular to the wall surface or hung from a support attached to a building wall.

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Roof - The flat or angular top covering of a building or structure.

Roof Line - The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Roof Sign - Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

Sign - A structure that is arranged, intended, designed or used to advertise, announce or direct, or any device, illustration, description or identification posted, painted or placed in some fashion on a building, structure or surface for such a purpose. For the purpose of removal, signs shall also include all sign structures.

Sign Area - The area defined by the frame or edge of a sign, excluding the necessary supports or uprights on which the sign may be placed. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the copy of letters of such sign. If the sign consists of more than one section or module, all areas shall be totaled.

Sign Illumination - A method of lighting a sign of which there are two types:

- (1) "Directly illuminated sign" means a sign designed to give forth artificial light directly (or through a transparent or artificial material) from a source of light internal to the sign, including neon and exposed lamp signs.
- (2) "Indirectly illuminated sign" means a sign with a light or lights external to the sign, such that the light shines on or illuminates the sign and in such a way that no direct rays therefrom are visible elsewhere on the property.

Sign Structure - Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

String Pennant - A string of small flags, often triangular and multicolored, used to call attention to a property or use.

Temporary Sign - A sign, the purpose of which is to identify or announce a short-term, temporary activity or use of a premises.

Wall Sign - A sign attached to or erected against a wall of a building with the face parallel to the building wall. Wall signs include a sign made of self-contained letters that are mounted on a building.

Window Graphic Sign - A sign which is permanently painted on or similarly applied to the inside or outside of a window.

Window Sign - A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

Section 420-113 Application of Chapter.

- (A) All signs shall comply with the provisions of this article and other applicable Borough ordinances.
- (B) All signs, whether permanent or temporary, shall require a sign permit issued in accordance with the provisions of this article, unless otherwise specified herein.
- (C) No sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this Chapter and in accordance with a sign permit issued by the Code Official. Repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.

Section 420-114 Exempt signs.

- (A) The following signs shall be exempt from the requirements of this Chapter, except for the provisions of Section 420-100 (A) (3) (clear sight distance at intersections), which shall apply:
 - (1) Address numerals;
 - (2) Traffic or directional signs, legal notices or similar instructional or regulatory signs erected by a unit or agency of government;
 - (3) Flags of the United States, the Commonwealth or a political subdivision of the Commonwealth; provided, however, that the flagpole or other supporting structure shall not exceed the applicable height limitations of the zoning district in which it is located; and provided, further, that the flag shall not exceed 50 square feet; and
 - (4) Temporary signs placed inside the window of a business establishment advertising specials, sales, available products and similar short-term information.

Section 420-115 General regulations.

- (A) Location/placement.
 - (1) All signs shall be located on the same lot containing the use or structure to which the sign relates, except for authorized off-lot directional signs.
 - (2) No sign shall be attached to a utility pole. No sign, other than those authorized by Section 420-101 (A) (3), shall be attached to a fence, tree, rock or other natural feature, whether on private or public property.
 - (3) No sign shall be erected at a street or driveway intersection in such a way as to interfere with safe sight distance along the intersecting streets. The required clear sight distance shall be determined by the Borough Engineer, consistent with applicable PennDOT standards.
 - (4) No sign shall be erected in or project over any public right-of-way unless specifically authorized by this Chapter.
 - (5) Any sign located along a Federal interstate or primary-aid system highway shall comply with all applicable regulations, and the necessary approvals and/or permits shall be obtained from PennDOT.
- (B) Prohibited signs. The following types of signs are prohibited in all zoning districts:
 - (1) Flashing or animated signs;

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- (2) String pennants, bare bulb or light strings or searchlights;
 - (3) Flags (other than those authorized by Section 420-99 (A) (3), banners, sidewalk or curb signs, balloons or other gas-filled figures, sandwich board signs and portable or wheeled signs, other than as temporary signs;
 - (4) Signs attached to automobiles, trucks, vans, trailers or similar vehicles. This paragraph is not intended to prohibit any form of vehicular sign, such as a sign lettered or attached to a vehicle where the basic purpose of the sign is not to serve as the principal identification sign for the business or to advertise any special promotion or sale of products sold on the premises;
 - (5) Signs which, by reason of color, shape, location or other characteristics, might be confused with legitimate traffic-control devices, and signs that use admonitions such as "stop," "go," "slow" or "danger," which may also be so confused;
 - (6) Signs which emit audible sound, odor or visible matter; and
 - (7) Signs which bear or contain statements, words or pictures of an obscene, pornographic or immoral character.
- (C) Illumination.
- (1) Illuminated signs shall be designed and placed so as not to interfere with, distract or blind operators of motor vehicles or to create glare on adjacent properties.
 - (2) No sign shall be illuminated after 11:00 p.m., except a business identification sign, which may be illuminated until the business closes. However, if the business provides food service, fuel or lodging, then the signage for that business may remain illuminated for the time which the business actually remains open and actually provides one of such services.
 - (3) Signs may be illuminated either directly or indirectly in accordance with the regulations for the zoning district in which they are located and as defined in this subsection.
- (D) Double frontage, corner lots. Where a building fronts on or is visible from more than one public street, it may locate one sign on each street frontage. Each sign shall comply with size and other applicable requirements. The permissible sign size for one frontage shall not be combined with that for the other frontage for the purpose of placing the combined sign area on one frontage.
- (E) Double-face signs. Double-face signs are permitted. In computing the square-foot area of a double-face sign, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than 45°, then both sides of such sign shall be considered in calculating the sign.
- (F) Construction, maintenance and removal of signs.
- (1) In addition to the provisions of this Chapter, all signs shall conform to the applicable provisions of the Uniform Construction Code.
 - (2) Every sign shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, repainting, cleaning or other acts required for the proper maintenance of the sign and supporting structure.
 - (3) If any sign deteriorates to an unsightly or hazardous condition, the Code Official shall order it repaired, replaced or removed in accordance with the notice provisions of Article IX. However, in cases of emergency, the Code Official,

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with the approval of the Borough Manager, may cause the immediate removal of a dangerous or defective sign without notice.

- (4) If a use ceases operation for a period of six months, all signs pertaining to it, including any supporting structures, shall be deemed to be abandoned and shall be removed by the owner.
- (5) If the signs are not removed, the Code Official shall notify the owner, who shall have 30 days to remove the signs. Failure to comply with the order shall be a violation of this Chapter.
- (6) Any sign removed by the Borough pursuant to the provisions of this section shall become the property of the Borough and may be disposed of in any appropriate manner by the Borough. The cost of removal and disposal of the sign shall be considered a debt owed to the Borough by the owner of the sign and the owner of the property and may be recovered in an appropriate legal action by the Borough.

(G) Multiple-occupancy buildings.

- (1) Where several businesses or uses occupy a building, each business shall be entitled to a share of the building's allowable sign area at the owner's discretion.
- (2) In any commercial or industrial district, nameplates, not exceeding five square feet in area, identifying building occupants may be authorized in addition to the occupant's individual business identification signs. The nameplate shall be attached to a wall of the structure adjacent to the principal entrance or permanently painted or applied to a window in the door of the structure.
- (3) The owner/agent of a multiple-occupancy building shall develop signing guidelines for the building, which guidelines shall promote the use by individual occupants of signs of similar or compatible size, type, style, color, lighting and other design characteristics.
- (4) It shall be the responsibility of the owner or management agent of a multiple-occupancy building to provide all occupants with suitable sign space that is consistent with the provisions of this article. The failure of the owner/agent to do so shall not constitute a basis for granting a variance to any sign requirements.

Section 420-116 Signs permitted in all zoning districts.

- (A) The following signs are permitted in any zoning district subject to the stated requirements.
 - (1) Nameplates, limited to one such sign per structure, not exceeding two square feet, attached to a wall of the structure and indicating the occupants of the structure; a permitted home occupation; or, in the case of a multiple-occupancy structure, the name of the building, the owner and/or the management agency;
 - (2) Memorial or historical signs or tablets, placed by a public or nonprofit organization, not exceeding eight square feet;
 - (3) Off-lot directional signs directing persons to the facilities of a nonprofit organization (e.g., a place of worship, school, park or hospital), not to exceed six square feet in area. Such signs may be erected on public or private property, subject to the approval of the landowner.
 - (4) On-lot directional signs displayed on private property, not exceeding six square feet per sign and six feet in height. No more than two such signs may be placed at any entrance or exit point with a public street. A plan showing the type, location and size of proposed on-lot directional signs shall be approved by the Code Official. In reviewing the plan, the Code Official shall consider the natural terrain and internal circulation pattern of the site, the number of key decision

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points for motorists or pedestrians and the degree to which proposed signage promotes user convenience and safe traffic and pedestrian movements.

- (5) Warning, no-trespassing, private property or similar signs displayed on private property, not exceeding five square feet per sign.
 - (6) Temporary signs authorized in accordance with Section 420-106.
- (B) The signs set forth in Subsection A hereof shall be nonilluminated in any residential district but may be indirectly illuminated in any other zoning district.

Section 420-117 Single Family, Multi-Family, Rural Residential, Mixed Use and Recreation Districts.

- (A) Permitted signs and size limitations in Single Family, Multi-Family, Rural Residential, Mixed Use and Recreation Districts shall be as follows:
- (1) One development or identification sign for a subdivision (plan of lots), multifamily structure or development, not to exceed 20 square feet;
 - (2) One identification sign, not to exceed 24 square feet per building that contains any non-residential use permitted in that district; and
 - (3) One bulletin sign for a place of worship, school, public building or use or other location certified by the Planning Commission as a public information center, not to exceed 24 square feet.
- (B) Regulations for such signs shall be as follows:
- (1) Only one sign shall be permitted in connection with any use or property unless specifically authorized herein.
 - (2) All signs shall be wall signs or designed as part of an architectural feature of a building, except that development or bulletin signs may be freestanding signs, provided they do not exceed six feet in height and do not project into any required setback.
 - (3) Signs may be either non-illuminated or indirectly illuminated.

Section 420-118 Neighborhood Commercial District.

- (A) Permitted signs and size limitations in the Neighborhood Commercial District shall be as follows:
- (1) Except as authorized by Section 420-100 (D) or Subsection A (3) hereof, a building housing a single business establishment may have one of the following types of identification signs in addition to a free standing sign:
 - (a) A wall sign, not to exceed one square foot for every three feet of building frontage, but not more than 50 square feet;
 - (b) An awning sign of one foot for every three feet of building frontage not to exceed 50 square feet;
 - (c) A window graphic sign, not exceeding more than 30% of the total window area with a maximum copy area of 50 square feet;
 - (d) A canopy or marquee sign with a copy area not to exceed three square feet per linear foot of canopy front and sides and subject to the provisions of Subsection B (2) hereof; or
 - (e) A freestanding sign is permitted, in addition to one of the other signs, not to exceed 40 square feet, and subject to the provisions of Subsection B (1) hereof.

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- (2) Except as authorized by Section 420-100 (D) or Subsection A(3) hereof, a multi-tenant building may have one of the following types of identification signs, excluding a freestanding sign:
 - (a) One freestanding sign which identifies the name of the building (or complex) and/or individual business occupants, not to exceed one square foot for every three feet of building frontage in the building but not more than 100 square feet, is permitted.
 - (b) In addition to the building's principal identification sign, each business within the building may have an identification sign (excluding a freestanding sign) in compliance with Subsection A (1) hereof. Each business within the building may have an identification sign, such as an awning sign, canopy sign, marquee sign, or window graphic in compliance with A (1) above, excluding a freestanding sign.
 - (3) Signs for multifamily structures, places of worship, schools and public uses and/or buildings shall comply with the requirements for residential districts.
 - (4) Incidental signs may be displayed in a window or attached to a freestanding sign structure, provided the total area of all such signs does not exceed 10 square feet.
- (B) Regulations for such signs shall be as follows.
- (1) Freestanding signs.
 - (a) A freestanding sign shall be authorized only when:
 - i. The business fronts on a public street.
 - ii. The principal structure is set back 25 feet or more from the street right-of-way.
 - iii. The lot has a frontage of 100 feet or more.
 - (b) All freestanding signs shall be set back at least 10 feet from a street right-of-way and 10 feet from any side lot line, and no such sign shall exceed 12 feet in height (including the sign and its supporting structure). No freestanding sign shall be closer than 50 feet to another freestanding sign.
 - (2) Canopy or marquee signs. No portion of a canopy, marquee or sign thereon shall be closer than five feet to a vertical line from the street right-of-way.
 - (3) Illumination. Signs may be non-illuminated, directly, or indirectly illuminated.

Section 420-119 Office Commercial, Service Commercial, Light Industrial and Heavy Industrial Districts.

- (A) Permitted signs and size limitations in Office Commercial, Service Commercial, Light Industrial and Heavy Industrial Districts shall be as follows:
 - (1) Except as authorized by Section 420-100 (D) or Subsection A (3) hereof, each single-tenant building in which an individual business establishment operates may have one of the following types of identification signs:
 - (a) A wall sign, not to exceed one square foot for every three feet of building frontage;

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- (b) An awning sign not to exceed 50 square feet;
 - (c) A canopy or marquee sign with a copy area not to exceed three square feet per linear foot of canopy front and sides and subject to the provisions of Section 420-103 (B)(2);
 - (d) A window graphic sign, not to exceed 50% of the total window area;
 - (e) A freestanding sign, not to exceed one square foot for every one foot of building frontage, but not more than 150 square feet, subject to Subsection (B) (1) hereof; and
 - (f) A roof sign, subject to Subsection (B) (2) hereof.
- (2) Development and identification signs for multi-tenant buildings, shopping centers or unified commercial/office complex are permitted in accordance with the following:
- (a) One freestanding sign which identifies the name of the center (or complex) and/or individual business occupants, not to exceed one square foot for every three feet of building frontage in the center but not more than 150 square feet, is permitted.
 - (b) In addition to the center's principal identification sign, each business within the center may have an identification sign (excluding a freestanding sign) in compliance with Subsection (A) (1) hereof.
 - (c) A roof sign, subject to Subsection (B) (2) hereof.
- (3) Signs for places of worship, schools, recreational facilities, public uses and/or buildings shall comply with the requirements of Section 420-102.
- (4) Incidental signs may be displayed in a window or attached to a freestanding sign structure, provided the total area of all such signs does not exceed 10 square feet.
- (B) Regulations for such signs shall be as follows:
- (1) Freestanding signs.
 - (a) For a single-tenant building, a freestanding sign shall be authorized only when all of the following requirements are met:
 - i. The business fronts on a public street; and
 - ii. The principal structure is set back 35 feet or more from the street right-of-way; and
 - iii. The lot has a frontage of 100 feet or more.
 - (b) A freestanding sign may be erected in addition to another identification sign authorized by Subsection (A) (2) hereof where the lot is larger than 1/2 acre and meets the criteria of Subsection (B) (1) (a) hereof.
 - (c) All freestanding signs shall be set back at least 10 feet from a street right-of-way and at least 10 feet from any side lot line and shall not exceed 25 feet in height.
 - (d) Where a premises fronts on more than one public right-of-way (excluding alleys and service ways) having a frontage of 100 feet or more, one freestanding sign may be authorized by the Planning Commission for each frontage, subject to the provisions of Subsection (B) (1) (a) through (c) hereof.
 - (2) Roof signs.

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- (a) Roof signs shall be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be a part of the building itself. No visible guy wires, braces or secondary supports are to be used, and there shall be no visible angle iron support structure.
- (b) The maximum height of a roof sign from the top parapet of a flat roof shall be 10 feet.
- (c) All roof signs shall be set back a distance of four feet from all the outside walls of the building.
- (d) A roof sign may be attached to the face of or located on the sloping roof of a structure, but shall not exceed four feet in height, and the top of the sign shall be a minimum of one foot below the top roofline.
- (e) Roof signs shall not exceed 200 square feet unless designed to be viewed from I-376, in which case they shall not exceed 300 square feet.

- (3) Illumination. Signs may be non-illuminated or directly or indirectly illuminated.

Section 420-120 Billboards.

- (A) Permitted location and size.

- (1) Billboards shall be permitted in the Light Industrial District only.
- (2) The size of any one billboard shall be limited to a maximum area of one square foot of sign area for every lineal foot of property frontage on the street right-of-way, up to 400 square feet. For sites with more than 400 feet of lot frontage and a minimum lot area of three acres, the maximum sign area shall not exceed 700 square feet.

- (B) Regulations.

- (1) A sign structure shall contain no more than one double-faced billboard.
- (2) If attached to a building, no billboard shall project above the ridgeline of a sloping roof or the eave line of a flat roof.
- (3) No billboard shall exceed 35 feet in height if freestanding, except that any billboard on a lot with frontage along I-376, may be 50 feet in height, as measured at ground level at the base of the sign.
- (4) No billboard shall be closer than 2,000 feet to any other billboard or within 100 feet of a place of worship, school, recreational facility (public or nonprofit) or residential district.
- (5) No billboard shall be painted directly on the wall of any building.
- (6) There shall be no more than one billboard structure placed on a zoning lot.
- (7) No billboard shall be located within 100 feet of the nearest edge of any street right-of-way, except that any billboard on a lot with frontage along I-376, shall comply to the front yard required depth of the zoning district in which the billboard is located and shall comply with all state and federal setback requirements.
- (8) All applications for the erection of a billboard shall be accompanied by evidence of landownership or a lease or other permission from the landowner to erect the billboard.
- (9) The sign face of a billboard sign shall be perpendicular to the street right-of-way on which it is installed.
- (10) Billboards may be illuminated, subject to the following:

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- (a) A flashing, moving or intermittent light or lights are prohibited, except for light-emitting diodes.
- (b) Signs shall not cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.
- (c) Signs shall not be illuminated so as to interfere with the effectiveness or obscure an official traffic sign, device or signal.
- (d) All billboard lighting shall comply with state and federal regulations.

Section 420-121 Temporary signs.

- (A) All temporary signs, unless otherwise indicated, require a temporary sign permit. The following types of temporary signs are permitted subject to these requirements:
 - (1) The authorized period for a temporary sign shall not exceed 15 days, unless otherwise authorized herein, and the sign shall be removed immediately upon expiration of the permit. Permits for temporary signs for the same use on any single premises shall not be issued more than four times in any calendar year.
 - (2) Off-lot directional signs are signs directing persons to a temporary event, exhibit, show or similar activity sponsored by a nonprofit organization. Such signs shall not exceed 20 square feet in area, shall not be posted earlier than four weeks before the event and shall be removed within one week of its termination. Evidence of the permission of the owner of the property on which the sign is to be located shall be submitted with the permit application.
 - (3) Off-lot directional signs directing persons to a new real estate development in which units or lots are currently being sold or leased shall not exceed six square feet in area and shall not be posted for longer than six months. Evidence of the permission of the owner of the property on which the sign is to be located shall be submitted with the permit application.
 - (4) Real estate signs advertising the premises on which they are located for sale or lease do not require a permit. Such signs shall not exceed 12 square feet in residential districts or 32 square feet in nonresidential districts. No more than one sign shall be placed on the property, except on a corner lot, where a real estate sign may be placed on each street frontage. Such signs may remain on the premises so long as the property is available for sale or lease, but shall be removed within 15 days of the sale or lease of the premises or when the last unit of a multiunit development is sold or leased.
 - (5) Construction signs advertising the services of professionals or building trades during sale, construction or alteration of a premises do not require a permit. Only one such sign may be located on a development site or property. The sign shall not exceed 12 square feet, and it shall be removed within 15 days of the completion of work.
 - (6) Political campaign signs do not require a permit and may only be posted on private property only with the permission of the owner. Such a sign shall not be displayed more than 30 days before the election and shall be removed within one week following the date of the election.
 - (7) A sign announcing a garage and/or yard sale does not require a permit. It may be placed on the property where the sale is to be held. Such a sign shall not exceed

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four square feet, shall not be erected more than one week prior to the sale, and shall be removed within 24 hours of its completion.

- (8) A sign announcing a grand opening of a business must be placed on the property where the grand opening is to occur and shall not exceed 32 square feet. Such signs shall not be displayed for more than 45 days. Evidence of the permission of the owner of the property on which the sign is to be located shall be submitted with the temporary sign permit application.

Section 420-122 Nonconforming signs.

- (A) The lawful use of a sign existing at the time of the adoption of this ordinance, although such sign does not conform to this article, may be continued as long as the advertised use is continued.
- (B) A legal nonconforming sign shall immediately lose its legal nonconforming designation and shall be removed if any of the following are true:
 - (1) The sign is altered or relocated in any way which tends to or makes the sign less in compliance with the requirements of this Chapter.
 - (2) The sign is replaced.
 - (3) Whenever any use of the building or structure or land or combination of buildings, structure or land ceases, all signs accessory to such use shall be deemed to become nonconforming and shall be removed within 30 days.
- (C) Nothing in this section shall relieve the owner or user of a legal nonconforming sign or the owner of the property on which such sign is located from the responsibility of complying with the provisions of this Chapter and the Uniform Construction Code regarding safety, maintenance and repair of signs. No repainting, cleaning or other normal maintenance or repair of a sign or sign structure shall modify the sign or structure in any way which makes it more nonconforming. If such modification takes place, the sign may lose its legal nonconforming status.

Section 420-123 Permits and fees.

- (A) Unless otherwise authorized by this article, no sign, whether permanent or temporary, shall be erected, constructed, reconstructed, altered, converted, changed or displayed unless a sign permit has been issued and the appropriate fee paid.
- (B) Applications for sign permits shall be submitted in the form prescribed by the Borough. Sign permits shall be issued by the Code Official.
- (C) The permit for a sign shall expire and become null and void if the erection of the sign has not commenced within 90 days after the date of its issuance or if the erection of the sign is not fully completed within 180 days from the issue date of the sign permit.
- (D) Appeals from the denial of a sign permit shall be taken in accordance with Article IX of this Ordinance.
- (E) The fees for signs or sign permits shall be established from time to time by resolution of Council.

Article VII. Nonconformities

Section 420-124 Purpose.

- (A) This purpose of this Chapter is to set forth standards and regulations regarding nonconforming uses, structures, and lots. These standards shall apply to all nonconforming uses, structures and lots, as defined by this Ordinance. 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 or any amendment thereto.

Section 420-125 Nonconforming Uses

- (A) The lawful use of land existing at the time of the adoption of this Chapter, although such use does not conform to this Chapter, may be continued. However, if such nonconforming use is discontinued, any future use of such land shall comply with the current zoning requirements.
- (B) Whenever a district is hereafter rezoned, any existing nonconforming use in such rezoned district may be continued provided that no structural alterations are made other than those ordered by an authorized public officer to ensure the safety of the building or structure.
- (C) Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Chapter.
- (D) When a nonconforming use of a structure and/or lot is discontinued or abandoned for twelve (12) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located, except that when the discontinuance was beyond the control of the owner or tenant and was without intent to abandon the use, the Zoning Hearing Board may, when application is made not later than one (1) year from the date the use was discontinued, approve an extension of not more than one (1) additional year within which the use may be resumed. Additional extensions may be approved at the Zoning Hearing Board's discretion.
- (E) In the case of nonconforming uses, other than dwellings, when damage or destruction of a structure in which the nonconforming use is conducted involves fifty percent (50%) or less of the gross floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within eighteen (18) months of the date of destruction. No enlargement or expansion of the nonconforming structure shall be permitted. The Zoning Hearing Board may, when application is made, not later than eighteen (18) months from the date when the damage or destruction of the structure occurred, approve an extension of not more than eighteen (18) additional months within the use may be resumed. Additional extensions may be granted at the Zoning Hearing Board's discretion.
- (F) In the case of nonconforming uses other than dwellings, when the structure in which the nonconforming use is conducted is damaged or destroyed by fire or other means to an extent of more than fifty percent (50%) of its gross floor area, the structure shall be reconstructed only to house a conforming use.

Section 420-126 Nonconforming Structures

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- (A) The lawful use of a structure existing at the time of the adoption of this Chapter may be continued, although such use does not conform to this Chapter, provided that no structural alterations shall be made, other than those ordered by an authorized public officer to ensure the safety of the structure.
- (B) Any nonconforming structure that has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing structure footprint provided that the repair or reconstruction and the occupancy of the structure occurs within eighteen (18) months of the date that the original structure was damaged or destroyed. Additional extensions may be approved at the Zoning Hearing Board's discretion.
- (C) Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the Zoning District in which it is located.

Section 420-127 Nonconforming Signs (note: Additional requirements regarding signs are included in Article VI: Signs)

- (A) No nonconforming advertising sign, billboard, commercial advertising structure or statuary shall be moved to another position on the building or lot on which it is located after the effective date of this Ordinance or amendment thereto.

Section 420-128 Nonconforming Lots

- (A) Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.
- (B) Where structures exist on adjacent nonconforming lots of record that have front yards less than the minimum depth required, the minimum front yard for an adjacent nonconforming lot of record shall be no less than the average depth of the nonconforming front yards on the adjacent nonconforming lots in the same block on the same side of the street.

Section 420-129 Lots of Record

- (A) A lot which is of public record in single and separate ownership at the time of enactment of this Ordinance may be used for a permitted use in the district in which it is located; provided, however, that the minimum and maximum regulations of this district shall be met.
- (B) Reduction of Lot Area. No lot shall be so reduced that the area of the lot or the dimensions of the required open spaces shall be less than prescribed by this Ordinance.
- (C) Projection into Required Yards. No building and no part of a building shall be erected within or shall project into any required yard in any district, except that:
 - (1) A porch / deck, not more than fourteen (14') feet in height, cannot encroach a distance of more than twelve (12') feet into a required front or rear yard, provided that in no case shall this encroachment extend into such front or rear yard more than one-half (1/2) the required depth of the yard.
 - (2) A patio, which does not extend above the level of the first floor of the building cannot encroach a distance of more than twelve (12') feet into a required yard,

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provided that this encroachment is not more than fifty (50%) percent of the required depth or width of the yard.

- (3) A porte-cochere, or carport, may be erected over a driveway in a required side yard, provided that such structure is:
 - (a). Not more than fourteen (14') feet in height and twenty (20') feet in length.
 - (b). Entirely open on at least three (3) sides, exclusive of the necessary supporting columns and customary architectural features.
 - (c). At least three (3') feet from the side lot line.
- (4) A buttress, chimney, cornice, pier, or pilaster of a building may not project more than twelve (12") inches into a required yard.
- (5) Open, unenclosed fire escapes, bay windows and balconies may project not more than three (3') feet into a required yard.
- (6) An unattached garage, which is accessory to a residential building, may be erected within the required rear or side yards provided that it meets the following requirements:
 - (a). The maximum height of such garage be limited to fifteen (15') feet.
 - (b). Side yards shall be required of no less than three (3') feet each.
 - (c). In those instances where a side yard setback is not provided, a two (2) hour rated firewall shall be constructed on the side of the structure abutting the neighboring property.
 - (d). The distance from the rear lot line shall not be less than three (3') feet.

Article VIII: Solar Photovoltaic Systems

Section 420-130 Purpose.

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

Section 420-131 Definitions.

A used in this article, the following terms shall have the meanings indicated:

Array - Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

Building-Integrated System - A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

Building-Mounted System - A solar photovoltaic system attached to any part or type of roof on a building or structure that has an occupancy permit on file with the Municipality and that is either the principal structure or an accessory structure on a recorded lot. This system also includes any solar-based architectural elements.

Cell - The smallest basic solar electric device which generates electricity when exposed to light.

Drip line - The outermost edge of a roof including eaves, overhangs and gutters.

Ground-Mounted System: A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

HVAC - Equipment used to heat, cool or ventilate a structure.

Interconnection - The technical and practical link between the solar generator and

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the grid providing electricity to the greater community.

Kilowatt (kW) - A unit of electrical power equal to 1,000 Watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. 1,000 kW is equal to 1 megawatt (MW).

Module - A module is the smallest protected assembly of interconnected PV cells.

Net Metering Agreement: An agreement with a local electric utility that allows customers to receive a credit for surplus electricity generated by certain renewable energy systems.

Photovoltaic (PV): A semiconductor based device that converts light directly into electricity.

Solar-based Architectural Element - Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment.

Solar Photovoltaic (PV) Related Equipment - Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

Solar Photovoltaic (PV) System - A solar collection system consisting of one or more building- and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system is a generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations and do not produce excess on-site energy greater than currently permitted by Pennsylvania Public Utility Commission guidelines.

Tracking System - A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

Unregulated Yard Area - Area not within a building and not in a defined setback or yard area.

Section 420-132 Applicability.

- (A) This Ordinance applies to building-mounted and ground-mounted systems installed and constructed after the effective date of the Ordinance.

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- (B) Solar PV systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Ordinance.
- (C) Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of this Ordinance.

Section 420-133 Permitted Zoning Districts.

- (A) Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use or accessory use on the same lot upon issuance of the proper permit pursuant to Chapter 144, Article II and upon compliance with all requirements of this Article and as elsewhere specified in this Ordinance.
- (B) Building-integrated systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance.

Section 420-134 Location within a lot.

- (A) Building-mounted systems are permitted to face any rear, side and front yard or any unregulated yard area as defined in Article II of this Ordinance. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
- (B) Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

Section 420-135 Design and Installation Standards.

- (A) The solar PV system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
- (B) All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania.
 - (1) For ground-mounted systems, all exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit.
- (C) The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the Commonwealth of Pennsylvania.

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Section 420-136 Setback Requirements.

- (A) Ground-mounted systems. Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.

Section 420-137 Height Restrictions.

- (A) Notwithstanding the height limitations of the zoning district:
 - (1) For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge of the system.
 - (2) For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
- (B) Notwithstanding the height limitations of the zoning district:
 - (1) For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six (6) feet above the roof to which it is attached.
- (C) Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar PV system is to be installed.
- (D) Any solar installation approved after the date of this Ordinance and that exceeds the maximum building height of the zoning district, shall not constitute a non-conformity so long as it complies with other provisions of this Ordinance.

Section 420-138 Screening and Visibility.

- (A) Building-mounted systems on a sloped roof shall not be required to be screened.

Section 420-139 Impervious Lot Coverage Restrictions.

- (A) The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the property lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious

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surface, it shall not be calculated as part of the property lot coverage limitations for the zoning district.

Section 420-140 Non-conformance.

(A) Building Mounted Systems:

- (1) If a building-mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system may be granted an administrative approval by the Code Official so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted.
- (2) If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system may be granted administrative approval by the Code Official so long as there is no expansion of any setback or lot coverage non-conformity.

(B) Ground Mounted System:

- (1) If a ground-mounted system is to be installed on a property that is non-conforming because the required minimum setbacks are exceeded, the proposed system may be granted an administrative approval by the Code Official so long as the proposed installation does not increase the setback non-conformance of the lot. If a ground-mounted system is to be installed on a property that is non-conforming because it violates any other district requirements not mentioned herein, a variance must be obtained for the proposed installation.

Section 420-141 Signage or Graphic Content.

- (A) No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

Section 420-142 Performance Requirements.

- (A) All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance.

Section 420-143 Vacation, Abandonment and/or Decommissioning.

- (A) Discontinuation/abandonment is presumed when a solar PV system has been disconnected from the net metering grid for a period of six (6) continuous months without being connected to a battery system or has not produced electricity for a period of six (6) months. The burden of proof in the

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presumption of discontinuation/abandonment shall be upon Green Tree Borough.

- (B) A solar PV system including its solar PV related equipment must be removed within twelve (12) months of the date of discontinuation or abandonment or upon the termination of the useful life of the solar PV system.
- (C) For ground-mounted and building-mounted systems, removal includes removal of all structural and electrical parts of the ground or building-mounted system and any associated facilities or equipment and removal of all net metering equipment.
- (D) If the owner fails to remove or repair the vacated, abandoned or decommissioned solar PV system within six (6) months, the Municipality reserves the right to enter the property, remove the system and charge the landowner and/or facility owner and operator for all costs and expenses including reasonable attorney's fees or pursue other legal action to have the system removed at the owner's expense.
- (E) Any unpaid costs resulting from the Municipality's removal of a vacated, abandoned or decommissioned solar PV system shall constitute a lien upon the property against which the costs were charged. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens.

Section 420-144 Permit Requirements.

- (A) Before any construction or installation on any solar PV system shall commence, the Applicant shall obtain a Permit to document compliance with this Ordinance as issued by Green Tree Borough.

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Section 420-145 Defined.

- (A) A “Planned Residential Development” is an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units.

Section 420-146 Statement of Community Development Objectives.

- (A) The purposes of these planned residential development (PRD) regulations are to permit residential development which is more innovative than is generally possible under conventional zoning district regulations and subdivision requirements; to encourage greater variety in design and layout of residential development; to encourage a more efficient use of land and public services while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site and preserving the natural scenic qualities of open space; to encourage walking and the use of public transportation; to facilitate access to places of employment; and to improve access to existing or future transit service.

Section 420-147 Applicability and Relationship to Other Ordinances and Statutes.

- (A) A planned residential development shall be permitted in the Office Commercial Zoning District within the Borough, subject to the standards, criteria, restrictions and procedures outlined in this article.
- (B) The provisions of this article for approval of a planned residential development shall be a modification to and in lieu of procedures and criteria for approvals otherwise required in the Office Commercial Zoning District and the Borough's Subdivision and Land Development Ordinance. Editor's Note: See Ch. 300, Subdivision and Land Development. To the extent this article references any other articles of the Zoning Code or the Borough's Subdivision and Land Development Ordinance, and there is a conflict between this article and the referenced article, the language in this article shall govern. Failure to comply with the provisions of this article with respect to a recorded development plan shall be deemed to constitute a violation of this article.
- (C) To the extent any part of this article materially conflicts with Article VII, Planned Residential Development, of the Pennsylvania Municipalities Planning Code. Editor's Note: See 53 P.S. § 10101 et seq. ("Article VII"), the language of Article VII shall govern.

Section 420-148 Site area, Use, Density and Other Requirements.

- (A) Minimum site size. The minimum site required for a planned residential development shall be 10 contiguous acres. Public easements or rights-of-way and public or private streets shall not be construed as an interruption or division of a site proposed for a planned residential development.
- (B) Permitted uses.
 - (1) The following uses shall be permitted in a planned residential development:
 - (a) Townhouse dwelling.

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- (b) Cluster house dwelling.
 - (c) Multistory cluster house dwelling.
 - (d) High-rise apartment dwelling.
 - (e) Ancillary maintenance and/or storage facility.
 - (f) Garage.
 - (g) Parking structure.
 - (h) Common open space and the recreational areas and facilities permitted therein.
 - (i) Any combination thereof of the above uses.
- (2) In addition to the above-listed uses permitted in a PRD, recreation facilities designed for the use of the residents of the PRD shall be permitted.
- (3) The definitions set forth in Article II of this chapter are hereby incorporated in this Subsection B.
- (C) Lot size. There shall be no minimum lot size, required yards, lot width, or maximum coverage for lots, except as follows:
- (1) Townhouse if designed with yards.
 - (a) Lot area. The lot area shall be a minimum of 1,800 square feet.
 - (b) Lot width. The lot width shall be a minimum of 20 feet.
 - (c) Lot depth. The lot depth shall be a minimum of 90 feet.
 - (d) Front yard. There shall be a front yard having a depth of not less than 15 feet from the curblines of a public or private street to the townhouse structure. If there is a private garage which is accessed by a private driveway, the front yard shall have a depth of not less than 20 feet from the sidewalk to the private garage entrance or, if there is not a sidewalk, the depth shall be measured from the curblines. Additional appurtenances, including, but not limited to, bay windows, porches, patios or portions of the roof, may extend into the setback from the structure or garage not more than three feet.
 - (2) Side yard. The requirements for side yards are as follows:
 - (a) Interior lots. There shall be no side yard requirements.
 - (b) End or corner lots. On corner lots, there shall be a side yard not less than 20 feet wide adjoining the intersecting street, which side yard can be reduced to 15 feet, provided that the lot to the rear does face on such intersecting street. On end lots, a side yard shall not be required.
 - (3) Rear yard. There shall be a rear yard having a depth of not less than 15 feet.
- (D) Required buffer area.
- (1) A buffer area shall be provided along all property lines as follows:
 - (a) Abutting any nonresidential district or use: 50 feet.
 - (b) Abutting any residential district or use: 50 feet.

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- (2) To the greatest extent possible, the natural vegetation in any required buffer areas shall remain untouched except for routine maintenance.
 - (3) Any buffer area that is disturbed during construction or is not adequately vegetated to provide reasonable screening shall be a planted buffer area. Hiking, biking and/or exercise trails are permitted in the buffer areas, provided they are not impervious to water.
 - (4) The planted buffer area shall contain two rows of plantings. Each row shall consist of a mixture of 30% deciduous and 70% evergreen plantings spaced within the row a maximum of 15 feet apart, measured from the vertical center lines of adjacent trees. The two rows shall be staggered in a manner which shall result in adjacent trees or two different rows being no more than 10 feet apart, measured from the vertical center lines of the trees. Trees shall be no less than six feet in height at the time of planting.
 - (5) This Subsection D shall not apply to any municipal boundary where the applicant, its successors and/or assigns own or control the parcel adjacent to the municipal boundary and the applicant intends to utilize the adjacent parcel for residential purposes connected with the proposed planned residential development.
- (E) Building size and spacing. The following requirements shall apply to all buildings within a planned residential development.
- (1) Maximum building height: 100 feet.
 - (a) The height of any building erected or enlarged shall not exceed 100 feet, measured from the mean exterior ground elevation along the perimeter of the building.
 - (b) The height of the building shall be measured to the highest point of the main roof. Only the following structures may be constructed above the main roofline, and the same shall not be included in determining the height of the building, provided that no material, supply or property of any kind is stored therein or occupies any space therein:
 - (i) Machinery rooms not exceeding 20 feet in height, containing elevator machinery and/or other mechanical equipment;
 - (ii) Enclosed air-conditioning cooling towers;
 - (iii) Entrances to stairwells;
 - (iv) Chimneys not exceeding 20 feet in height;
 - (v) Antennas not exceeding 20 feet in height; and
 - (vi) Cupolas, dormers, gables, steeples, ridgelines, hips, mansards or any other protrusion, not exceeding 20 feet in height, provided that this does not include any living space.
 - (2) Maximum building length: 250 feet.
 - (3) Minimum building spacing: 20 feet between buildings.
 - (4) Minimum setback from any public street to the structure (not a garage): 15 feet from the curblines.

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- (5) Minimum setback from any public or private street to a driveway leading toward a private garage: 20 feet from the sidewalk or, if there is not a sidewalk, 20 feet from the curbline.
 - (6) Minimum setback from any private street to the structure (not a garage): 15 feet from the curbline.
 - (7) Minimum setback from any PRD boundary line (nonresidential): 50 feet.
 - (8) Minimum setback from any PRD boundary line (residential): 50 feet.
 - (9) Maximum length of a plane of the building front facade (this requirement does not apply to high-rise apartment dwellings): The length of one townhouse unit in a cluster house dwelling, or one dwelling in a multistory cluster house dwelling, but in no event may the length of a plane of a single townhouse or dwelling unit exceed 40 feet.
 - (10) Minimum setback from municipal boundary where the buffer area set forth in Subsection D is not required: No structure shall be located within five feet of a municipal boundary line.
- (F) Access. The site of a planned residential development shall have frontage on and vehicular access to a public street either directly or through a private easement which may not be less than 26 feet in width. The projected traffic volumes associated with the proposed PRD shall be capable of being accommodated by the adjacent street network.
- (G) Density. The site shall not have more than an average of 17 dwelling units per acre. Where the site is bisected by a municipal boundary line and the applicant controls adjacent parcels located in each municipality and intends to use each adjacent parcel as part of the planned residential development, the total gross density of the parcel located in the Borough of Green Tree shall not exceed the total of 17 dwelling units times the total acres located in the Borough of Green Tree.

Section 420-149 Required site improvements.

- (A) Each planned residential development shall provide the following improvements.
 - (1) Building design.
 - (a) The front facade of any cluster house dwelling or multistory cluster house dwelling shall have a single plane no longer than the dimension specified in § 420-148E. The front facade shall have offsets, returns and recesses, so that no two adjacent townhouses or dwellings in the same cluster house dwelling or multistory cluster house dwelling have the same plane. The front building facade shall be designed with prominent or recessed entrances and prominent or recessed dwelling units or townhouses to create a facade that has a third dimension, gives an overall appearance of multiple dwelling units that share only a portion of a common wall, and does not create a flat or barn-like appearance. The use of bay or bow windows are encouraged, but the use of bay or bow windows along an

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- otherwise flat front facade shall not satisfy the requirement for prominent or recessed offsets.
- (b) The roofline of any cluster house dwelling or multistory cluster house dwelling shall have dormers, protrusions, recesses, projections, peaks, gables and/or valleys that are consistent with Subsection A(1) above so as to produce a front facade with the appearance of multiple townhouses or multiple units that do not share a common roofline.
 - (c) The exterior design of any cluster house dwelling or multistory cluster house dwelling shall have a common architectural theme. While similar and compatible building materials shall be used on the exterior surfaces of all buildings, including residential, recreational and meeting buildings, the use of different but compatible exterior materials are encouraged for each adjoining unit that is part of a cluster house dwelling or multistory cluster house dwelling.
- (2) Site improvements. Site improvements, whether public or private, including, but not limited to, streets, storm and sanitary facilities, sidewalks, utilities, street signs, streetlights and other improvements, shall be installed in accordance with Article VI, Principles and Standards of Construction, and Article VII, Improvements, of Chapter 300, Subdivision and Land Development, of the Code.
- (3) Parking. There shall be 1 1/2 off-street parking stalls per unit. The parking requirements set forth in Article XXIV of this chapter shall apply unless they are inconsistent with this article or otherwise specifically excepted. Specifically, §§ 420-204 as related to the number of required stalls per use; 420-209, Planting and screening areas; and 420-210, Off-street loading and unloading, shall not apply to this article. The general requirements regarding stall size and maneuvering aisles shall apply as set forth in § 420-202.
- (4) Common open space areas required. Within a planned residential development, the following percentages of the total gross site area shall be devoted to the specified uses indicated:
- (a) "Common open space" is a parcel of land or area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of the residents of the PRD, not including streets, off-street parking areas, and decorative landscaping adjacent to buildings. As used in this article, "common open space" includes both "natural common open space" and "usable common open space."
 - (b) Natural common open space. A minimum of 15% of the total site area shall be set aside and preserved for natural common open space. Natural common open space shall be designated, maintained and provided throughout and/or surrounding the PRD. An area designated, provided or maintained for natural common open space shall be in its natural, undisturbed condition or its maximum, restored undisturbed condition. Where significant or unique natural amenities exist on the site, the Borough Council shall have the authority to enforce and require the preservation of such amenities as part of the required natural common open space. These amenities may include, but

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are not limited to, natural features such as rock outcroppings, virgin timber, woodlands, ravines, ponds, stream beds and stream valleys. Areas of land where underground facilities and/or utilities are located and the areas used for stormwater retention ponds may be used for natural common open space. Hiking, biking and exercise trails may be permitted in the natural common open space, provided they are not impervious to water. This area may include the required buffer areas as well as nonbuildable areas of the site.

- (c) Usable common open space. A minimum of 20% of the total site area shall be set aside and preserved for usable common open space which shall be in addition to any area designated as natural common open space as required by Subsection D(2) above. The following uses may be located within the usable common open space: hiking, biking or exercise trails; golf course or putting green; picnic pavilions; tennis, paddle tennis, basketball, volleyball or other playing courts; swimming pool and related facilities; community building for meetings and social activities; and other active and passive recreational uses deemed consistent with the uses set forth above. The buffer areas may not be used in the calculation of the usable common open space. Not more than 1/2 of the area identified as usable common open space shall be used for items which are impervious to water.
 - (d) The common open space shall be identified as parcels of land in the development plan in order that their locations and areas can be readily calculated and in order that these areas can be regulated and maintained.
 - (e) Upon the issuance of 65% of the total occupancy permits to be issued for the development, the applicant shall commence construction of the recreational areas and facilities to be located in the usable common open space and at the same time post a bond with the Borough to guarantee the completion of said recreational areas and facilities.
 - (f) No more than 65% of the total site area shall be devoted to residential use, which shall include buildings, streets, driveways, parking areas, and private yards and courts which abut and serve residences.
- (5) Maintenance and protection of common open space.
- (a) Common open space in a planned residential development shall be protected by adequate covenants running with the land or by conveyance or dedication. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan for the permanent care and maintenance of such common open space and the recreational areas and facilities located therein. No such instrument shall be acceptable until approved by the Borough Council as to legal form and effect. In cases where the Borough will not be accepting dedications of common open space and the recreational areas and facilities

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located therein, the applicant shall provide for an organization or trust for ownership and maintenance of said common open space and the recreational areas and facilities located therein.

- (b) In the event that the organization or trust established to own and maintain the common open space and the recreational areas and facilities located therein, or any successor thereto, shall at any time after approval of the final development plan fail to maintain the common open space and the recreational areas and facilities located therein in reasonable repair and condition in accordance with the development plan granted final approval, the Borough may take remedial action to cause the common open space and the recreational areas and facilities located therein to be properly maintained, as provided for in § 705(f)(2) of the Pennsylvania Municipalities Planning Code, as may be subsequently amended, 53 P.S. § 10705(f)(2).
- (6) Trees and landscaping. Trees shall be provided every 50 feet along the public or private streets. Trees shall be planted in nontraveled areas of the street rights-of-way. Trees shall be readily available and in accordance with the American Standard for Nursery Stock requirements.
- (7) Sidewalks. Sidewalks shall be installed on at least one side of all streets within the planned residential development at a minimum distance of four feet back from the rear edge of the curb of the street. Sidewalks shall be constructed in accordance with the Borough's Standards of Construction SC-4.
- (8) Streetlights. Streetlights shall be installed in accordance with § 300-48 of the Subdivision and Land Development Chapter. However, the applicant has the right to submit a lighting plan which shall include decorative lights, provided they are consistent with the architecture set forth in the development plan. The Borough shall approve the lighting plan as part of the final approval, provided it is compatible with the overall architecture scheme set forth in the development plan and does not increase costs for the Borough. However, approval of the plan shall not require nor mandate that the Borough assume any future maintenance costs for such lighting.

Section 420-150 Site Ownership.

- (A) Prior to submitting an application for tentative approval, the applicant shall demonstrate ownership of all land within the proposed site of the PRD or the legal right to act on behalf of any other landowner within the PRD. Legal or equitable ownership also shall be demonstrated coincident with approval of the final development plan.

Section 420-151 Administration and Procedure.

- (A) The PRD provisions of this article shall be administered by the Borough Council. The Planning Commission shall review all applications on the basis of the standards specified in this article and make a recommendation to the Borough Council. The Borough Council shall conduct public hearings as required by the

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Pennsylvania Municipalities Planning Code and § 420-152 herein and shall have the authority to approve, approve with conditions, or disapprove a PRD.

- (B) Preapplication conference. An applicant may confer with the Zoning Officer to schedule a preapplication conference. Upon written request of the applicant, the Zoning Officer shall schedule a preapplication conference. The conference may include such members or designated representatives, as each party may request.
- (C) Application for tentative approval.
 - (1) Twelve copies of an application for tentative approval of the development plan for a planned residential development shall be submitted to the Planning Commission along with payment of the application fee as prescribed by Council.
 - (2) The application, at a minimum, shall contain the following information:
 - (a) The location, size and topography of the site and the nature of the applicant's interest in the land proposed to be developed;
 - (b) The density of land use to be allocated to parts of the site to be developed;
 - (c) The location and size of the common open space and the form of organization proposed to own and maintain the common open space;
 - (d) The use and the approximate height, bulk and location of buildings and other structures;
 - (e) The feasibility of proposals for water supply and the disposition of sanitary waste and stormwater;
 - (f) The substance of covenants, grants of easements, or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities;
 - (g) The provisions for parking of vehicles and the location and width of proposed streets and public ways;
 - (h) The required modifications in the municipal land use regulations otherwise applicable to the subject property;
 - (i) The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources; and
 - (j) In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
 - (3) The application for tentative approval of a planned residential development shall include a written statement by the applicant setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the Comprehensive Plan for the development of the Borough.

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Section 420-152 Public Hearing Reapplication for Tentative Approval.

- (A) Within 60 days following the submission of an application for tentative approval of a PRD which contains all of the required documentation, a public hearing pursuant to public notice shall be held by the Borough Council. At least 14 days prior to the hearing, the Zoning Officer shall mail a copy of the notice by mail to each landowner within 300 feet of the entire perimeter of the property, including those located across a street right-of-way. Additionally the notice of the hearing shall be posted conspicuously along the property in accordance with Chapter IX, § 908, of the Municipalities Planning Code. 53 P.S. § 10908. The cost of mailing the notices shall be paid by the applicant. The public hearing shall be conducted in the manner prescribed in § 908, and all references to the Zoning Hearing Board in § 908 shall apply to the Borough Council.

Section 420-153 Tentative Approval.

- (A) Within 60 days following the conclusion of the public hearing, or within 180 days after the date of filing of the application for tentative approval, whichever occurs first, the Borough Council shall, by official written communication, either:
- (1) Grant tentative approval of the development plan as submitted;
 - (2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - (3) Deny tentative approval to the development plan.
- (B) Failure to act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the applicant may, within 30 days after receiving a copy of the official written communication of the Borough Council, notify the Borough Council of his refusal to accept all said conditions, in which case, the Borough Council shall be deemed to have denied tentative approval of the development plan. In the event that the landowner does not, within said period, notify the Borough Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
- (C) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
- (1) In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the municipality;
 - (2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 - (3) The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the

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- adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
- (4) The physical design of the development plan and the manner in which said design does or does not make adequate provisions for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation, and visual enjoyment;
 - (5) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
 - (6) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.
- (D) In the event a development plan is granted tentative approval, with or without conditions, the governing body may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the applicant, the time so established between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a development plan shall not be less than 12 months.

Section 420-154 **Status of Plan after Tentative Approval.**

- (A) The official written communication provided for in this article shall be certified by the Borough Manager and shall be filed in his office, and a certified copy shall be mailed to the applicant. Where tentative approval has been granted, it shall be deemed an amendment to the Official Zoning District Map, effective upon final approval, and shall be noted on the Official Zoning District Map.
- (B) Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the applicant (and provided that the applicant has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Borough pending an application or applications for final approval, without the consent of the applicant, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.
- (C) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the applicant shall elect to abandon said development plan and shall so notify the governing body in writing, or in the event the applicant shall fail to file application or applications for final approval within the required

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period of time or times, as the case may be, the tentative approval shall be deemed to be revoked, and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto, as they may be amended from time to time, and the same shall be noted on the Official Zoning District Map and in the records of the Borough Manager.

Section 420-155 Application for Final Approval.

- (A) After the development plan is granted tentative approval by the Borough Council, the applicant shall submit the Application for Final Approval, which shall consist of detailed plans for all land included in the development or, to the extent set forth in the tentative approval, for a section thereof. A public hearing on an Application for Final Approval of the development plan, or a part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto. No building permit shall be issued until Final Approval has been granted by Borough Council to the submitted Application.
- (B) Final approval of development plan; variations from tentatively approved plan
 - (1) In the event that an application for final approval has been filed, together with all drawings, specifications and other documentation in support thereof, in accordance with the requirements of this article and the official written communication of tentative approval, the Borough Council shall, within 45 days from the date of the regular meeting of the Borough Council or the Planning Commission, whichever first reviews the application next following the date the application is filed, grant final approval to the development plan; provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the forty-five-day period shall be measured from the 30th day following the day the application has been filed.
 - (2) Procedure when variations are made.
 - (a) In the event that the final development plan as submitted contains variations from the development plan granted tentative approval, the Borough Council may refuse to grant final approval and shall, within 45 days from the date of the regular meeting of the Borough Council or the Planning Commission, whichever first reviews the application next following the date the application is filed, so advise the applicant in writing of said refusal, setting forth in the notice the reasons why one or more of said variations are not in the public interest; provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the forty-five-day period shall be measured from the 30th day following the day the application has been filed. In the event of such refusal, the applicant may either:
 - (i) Re-file the application for final approval without the variations objected to; or

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- (ii) File a written request with the Borough Council that it hold a public hearing on the application for final approval.
 - (b) If the applicant wishes to take either alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the applicant was advised that the development plan was not in substantial compliance. If the applicant fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan.
 - (c) Any public hearing held on an application for final approval shall be held pursuant to public notice within 30 days after the request for the hearing is made by the applicant, and the hearing shall be advertised and conducted in the manner prescribed in this article for public hearings on an application for tentative approval.
- (3) Within 30 days after the conclusion of the public hearing, if any, the Borough Council shall, by official written communication, either grant or deny final approval to the development plan. The grant or denial of final approval of the development plan shall, in cases where a public hearing is required, be in the form and contain the findings required for an application for tentative approval as set forth in § 240-153C. Failure of the governing body or agency to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- (C) Changes, including, but not limited to, changes in the location and placement of buildings and structures deemed minor by the Borough Council, may be authorized without additional public hearings if required by engineering after tentative approval or caused by other reasons or circumstances not foreseen at the time of tentative approval. However, density established at the time of tentative approval shall not be changed without a public hearing.
- (D) The application for final approval shall comply with all applicable provisions of this article, and the development plan shall include, at a minimum, the following:
- (1) Payment of the application fee as prescribed by Council.
 - (2) All data required by the Pennsylvania Municipalities Planning Code, as may be amended subsequently, and any information required by this article or any other referenced sections of the Borough's Planning and Zoning Code. Editor's Note: The Planning and Zoning Code consists of Chs. 84, Planning Commission; 300, Subdivision and Land Development; and this chapter, Zoning, of the Code.

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- (3) All information required by Article IV (Preliminary Plats) and Article V (Final Plats) of Chapter 300, Subdivision and Land Development, of the Code.
 - (4) All information required by Chapter 287 (Stormwater Management) of the Code.
 - (5) A complete traffic impact study describing the impact of traffic generated by the development on adjacent streets and intersections and any mitigation action to be taken by the applicant if any mitigation is needed. To the extent the proposed development encourages walking and the use of public transportation, facilitates access to places of employment, and improves access to existing or future transit service, these factors shall be considered in any traffic study or report.
- (E) A final development plan, or any part thereof, which has been granted final approval shall be so certified without delay by the Borough Council and shall be the file of record in the Allegheny County Department of Real Estate before any development shall take place in accordance therewith. Certification for recording shall be subject to posting of the financial security required by the Borough's Subdivision and Land Development Ordinance for public and private improvements located within the development.
- (F) In the event that a development plan, or section thereof, is given final approval and thereafter the applicant shall abandon such plan, or section thereof, that has been finally approved, and shall so notify the Borough Council in writing, or in the event that the applicant shall fail to commence and carry out the planned residential development in accordance with the time provisions stated in § 508 of the Pennsylvania Municipalities Planning Code (53 P.S. § 10508) after final approval has been granted, no development or further development shall take place on the property included in the development plan until after said property is reclassified by enactment of an amendment to the Borough's Zoning Ordinance.

Article X. Administration & Enforcement Procedures

Section 420-156 Purpose.

- (A) The purpose of this Article is to describe the procedures for administration and enforcement of this Ordinance and the duties and responsibilities of the Planning Commission, Zoning Hearing Board, Zoning Officer, and Borough Council.

Section 420-157 Duties of the Planning Commission.

- (A) Green Tree Borough shall retain a municipal planning commission that shall review all applicable matters relating to lot line changes, subdivisions, land developments, planned residential developments, or any other matter of a planning or zoning nature as prescribed within the Pennsylvania Municipalities Planning Code.

Section 420-158 Zoning Hearing Board.

- (A) There is hereby established a Zoning Hearing Board, to consist of five members who are residents of the Borough and who shall be appointed by Council in accordance with Article IX of the Pennsylvania Municipalities Planning Code.
- (B) The terms of office shall be five years and shall be so fixed that the term of office of one member shall expire each year.
- (C) Members of the Board are removable, for cause, by Council upon written charges and after a public hearing. Vacancies on the Board shall be filled by the appointing authority for the unexpired term of a member who vacates his or her office.
- (D) The Zoning Hearing Board shall adopt rules to govern its procedure not inconsistent with this Article. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or, in his or her absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if a member is absent or fails to vote, indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the offices of the Board and kept as a public record.
- (E) Any person aggrieved by any action or decision of the Code Official involving administration of the provisions of this Chapter may appeal to the Zoning Hearing Board. Notice of such appeal shall be filed, in writing, within 30 days after the decision or action of the Code Official.
- (F) Upon receipt of such appeal, the Board shall conduct a hearing on the appeal and render a decision on such appeal in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code.
- (G) Zoning appeals to court shall be taken to the Court of Common Pleas of the County in accordance with the procedures prescribed in Article X-A of the Pennsylvania Municipalities Planning Code.

Section 420-158 Zoning Hearing Board Functions.

- (A) The Zoning Hearing Board shall hear and decide appeals where it is alleged by the Applicant that the Code Official has failed to follow prescribed procedures or has

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misinterpreted or misapplied any provision of this Ordinance or the Official Zoning District Map or any valid rule or regulation governing the action of the Code Official. Nothing contained herein shall be construed to deny the applicant the right to proceed directly to court.

- (B)** The Zoning Hearing Board shall hear challenges to the validity of this Ordinance or the Official Zoning District Map except when:

 - (1) The challenge is of an alleged defect in the process of enactment or adoption of this Ordinance and the Official Zoning District Map. Such challenge/appeal shall be taken directly to the Court and filed not later than thirty (30) days from the effective date of this Ordinance or Official Zoning District Map.
 - (2) The challenge to the validity of this Ordinance or Official Zoning District Map is submitted to the Borough Council together with a curative amendment.
 - (3) In all such challenges the Zoning Hearing Board shall take evidence and make a record of the findings. At the conclusion of the hearing the Zoning Hearing Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become a part of the record on appeal to the Court.

- (C)** The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant.

 - (1) The landowner shall file a written request for a Variance upon a form furnished by the Zoning Hearing Board and shall pay a fee in accordance with the schedule fixed by resolution by the Borough Council. No application shall be considered officially received until the application is completed in full and the fee is paid.
 - (2) The hearing shall be conducted in accordance with the Pennsylvania Municipalities Planning Code.
 - (3) A variance applies only to that particular piece of property for which it is granted.

- (D)** The Zoning Hearing Board shall hear appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

- (E)** The Zoning Hearing Board shall hear appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.

- (F)** The Zoning Hearing Board shall hear appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision, land development or planned residential development applications.

Section 420-159 Responsibility of Code Official.

- (A)** The Code Official is hereby charged with the duties of administering and enforcing this Chapter. The Code Official shall have the power to:

 - (1) Keep a record of all plans and applications for permits and all permits issued with notations as to special conditions attached thereto. All records shall be open for public inspection.
 - (2) Review applications for permits for erections or alterations of structures or changes of use; determine whether such construction or use is in accordance

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with the general requirements of this Ordinance, all other applicable ordinances, and with the laws and regulations of the Commonwealth. The Code Official shall issue no permit unless it conforms to all applicable ordinances, statutes, and regulations.

- (3) Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance. In carrying out such surveys, the Code Official or his or her representative may enter upon any land or building.
- (4) Make written orders requiring compliance with the provisions of this Ordinance to be served personally or by certified mail.
- (5) Maintain the Official Zoning District Map showing the current zoning classification of all land.
- (6) Participate in all proceedings before a Zoning Hearing Board, presenting facts and information to assist the Board in reaching a decision that shall be compatible with this Ordinance.
- (7) Institute civil enforcement procedures when the provisions of Green Tree Borough's ordinances are not being followed.
- (8) The Code Official shall not have the power to permit any use or change of use unless it also conforms to the requirements of all other ordinances of Green Tree Borough and with the laws of the Commonwealth of Pennsylvania.
- (9) In the course of administering and enforcing this Ordinance and reviewing applications for zoning certificates, temporary use permits, sign permits or variances, the Code Official may register nonconforming uses, nonconforming structures and nonconforming lots as they become known through the application and enforcement process. Registration and proof of nonconforming uses, structures and lots shall be the burden of the property owner.

Section 420-160 Appeals.

- (A) Any person aggrieved by any action or decision of the Code Enforcement Officer or Zoning Officer involving administration of the provisions of this Chapter may appeal to the Zoning Hearing Board. Notice of such appeal shall be filed, in writing, within 30 days after the decision or action of the Code Enforcement Officer or Zoning Officer.
- (B) Upon receipt of such appeal, the Board shall conduct a hearing on the appeal and render a decision on such appeal within 45 days of the last hearing in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code.
- (C) Zoning appeals to court shall be taken to the Court of Common Pleas of the County in accordance with the procedures prescribed in Article X-A of the Pennsylvania Municipalities Planning Code.

Section 420-161 Building Permit; Use and Occupancy Permit.

- (A) All applications for building permits shall be accompanied by a plat of approved size, in duplicate and drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and such other information as may be necessary. A file of such applications and plats shall be kept in the office of the Zoning Officer.
- (B) Building permits will be required as designated in the Construction Codes Section of the Codified Ordinances of the Borough of Green Tree.
- (C) A use and occupancy permit shall be required prior to any of the following:

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- (1) Each change in use of any commercial or industrial building or property where a building permit is not applicable.
 - (2) Use of land or change in the occupancy use thereof, except that the placing of vacant land under cultivation shall not require a use and occupancy permit.
 - (3) Change in use of any nonconforming use where a building permit is not applicable.
 - (4) Each change of tenant or occupant of any commercial or industrial building even if the general type of use does not change.
- (D)** No building, structure or land shall be used or changed in use until a certificate of occupancy and compliance therefore has been first approved by the Building Code Official and issued by the Building Code Official, stating that the building, structure or land and the proposed use of the same complies with this Chapter.
- (E)** Such a certificate shall be issued for the purposes of maintaining, renewing, changing or extending a nonconforming use. Certificates of occupancy and compliance, either for the whole or a part of a building or structure, shall be applied for coincident with the application for a building permit and shall be issued within 10 days after the erection or structural alteration of such building, structure or part thereof has been completed in conformity with this Chapter. Such a certificate shall be applied for and issued before an existing use of a building, structure or land is changed to any other use. A record of all such certificates shall be kept on file in the office of the Building Code Official, and copies thereof shall be furnished, on request, to any person having a proprietary or tenancy interest in the building, structure or land affected.
- (F)** No permit to excavate for or to erect a building, structure or part thereof or to repair or alter a building or structure shall be issued before application has been made for a certificate of occupancy and compliance.
- (G)** No certificate of occupancy and compliance shall be issued until the applicant has paid the required fee to the Borough for the issuance of the said certificate of occupancy and compliance. The fee shall be established from time to time by resolution of Green Tree Borough Council.
- (H)** Upon request, the Building Code Official may issue a temporary occupancy permit for the completion of a structure, building and/or lot, or portion thereof, before the total development covered by the permit shall have been completed, provided such portion may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. Such temporary certificates shall be for the period of time to be determined by the Building Code Official, in no case for a period exceeding six months.

Section 420-162 Application for a Permit.

- (A)** All applications for permits shall be made in writing by the owner or authorized agent and shall be filed with the Zoning Officer or Building Code Official, as deemed appropriate.

Section 420-163 Permit Expiration.

- (A)** Every permit issued under the authority of this Ordinance shall expire and become invalid if the authorized work or utilization of the property has not commenced within one (1) year after issuance of the permit, or if the authorized work or utilization of the property has been

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suspended or abandoned for a period of one (1) year or more after the commencement of work or utilization of the property.

- (B) Upon completion of the work authorized by any permit, the applicant for the permit shall notify the appropriate Borough Official of such completion. No work shall be considered as complete or as permanently effective until the appropriate Borough Official has noted on the use and occupancy permit that the work has been inspected and approved as being in conformity with the provisions of the ordinance.

Section 420-164 Permit for Temporary Structure.

- (A) Permits for temporary structures related to construction work authorized under a valid building permit may be issued by the Building Code Official only for the time that construction work is in progress. All temporary structures shall be removed upon completion of construction.

Section 420-165 Uses by Right, Conditional Uses and Uses not Permitted.

- (A) A use listed by right is permitted subject to the requirements for the district in which it is located, after approval has been granted in accordance with the requirements of the Subdivision and Land Development Ordinance, if applicable.
- (B) A use listed as a use permitted as a conditional use may be permitted as such provided the Council has received a positive recommendation from the Planning Commission, has granted the conditional use subject to any expressed standards set forth in Chapter 5 of this Ordinance, and after approval has been granted subject to the requirements of the Subdivision and Land Development Ordinance, if applicable, and such further restrictions as the Council may impose to ensure protection of adjacent uses or the health, safety, and general welfare.
- (C) A use not listed as being permitted by right or conditional use in a particular zoning district is not permitted in that zoning district.

Section 420-166 Conditional Use.

- (A) In deciding all applications for conditional uses the Green Tree Borough Council shall be guided by the following standards and criteria:
 - (1) The proposed use conforms to the applicable regulations of the district.
 - (2) The proposed use should not cause undue noise, glare or pollution of the surrounding areas, as determined by Council, upon recommendation by the Borough Engineer and Borough Planning Commission.
 - (3) Anticipated levels of traffic congestion, noise, glare, and pollution created by the proposed use will be similar to the levels created by the uses permitted in that district.
 - (4) In granting a conditional use, Council 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.

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Section 420-167 Variances.

- (A) In accordance with Section 910.2 of the MPC, the Zoning Hearing Board, upon appeal, shall have power to authorize variances from the provision 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.
- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provision of the zoning ordinance in the neighborhood or district in which the property is located.
 - (2) 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 the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Section 420-168 Violations and Penalties.

- (A) Whoever violates or fails to comply with any of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment consistent with Chapter I – General Provisions, Article I, Section 1-2 of the Codified Ordinances of the Borough of Green Tree, plus court costs, including reasonable attorneys' fees incurred by the Borough. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the court.
- (B) If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to applicable rules of civil procedure.
- (C) 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 this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that the violation continues shall constitute a separate violation.
- (D) All judgments, costs, and reasonable attorney fees collected for the violation of this Ordinance shall be paid to Green Tree Borough.
- (E) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per-diem fine pending a final adjudication of the violation and judgment.

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- (F) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

Section 420-169 Notice of Violation.

- (A) When written notice of the violation of any of the provisions of this Ordinance shall have been served, by registered mail or otherwise, by the Code Official on the owner, agent or occupant, contractor or builder involved, such violation shall be discontinued within thirty (30) days. However, if in the opinion of the Code Official the violation creates an imminent danger to life and property or is willful and deliberate, the violator shall be ordered to discontinue such violation immediately.
- (B) Whenever the Code Official determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or of any regulation adopted pursuant thereto, the Code Official shall give notice of such alleged violation. The notice shall be sent to the owner of record, 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 at least the following:
- (1) The name of the owner of record and any other person against whom the Borough intends to take action;
 - (2) The location of the property in violation;
 - (3) The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Ordinance;
 - (4) The date by which steps for compliance must commence and when such steps must be completed;
 - (5) The recipient's right to appeal to the Zoning Heard Board in accordance with the procedures contained in this Chapter; and
 - (6) That failure to comply with the notice within the specified times, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

Section 420-170 Additional Remedies.

- (A) 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 Chapter, the Code Official with the approval of Council, or any aggrieved owner or tenant of real property who shows that his or her property or person will be substantially affected by the alleged violation, may, in addition to other remedies, institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.
- (B) When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on Council. No such action may be maintained until such notice has been given.

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Section 420-171 Amendment by a Governing Body.

- (A) The Green Tree Borough Council may, from time to time, amend this Ordinance and/or the Official Zoning District Map by proceeding in the manner set forth in this section and as otherwise required by law.
- (B) An amendment proposed by the Green Tree Borough Council shall be prepared by the Green Tree Borough Solicitor, Zoning Officer or Planning Commission. If a Board-proposed amendment is not prepared by the Planning Commission, said proposed amendment shall be referred to the Planning Commission for review and comments at least 30 days prior to the public hearing.
- (C) The proposed amendment shall be referred to the Allegheny County Economic Development-Planning Division for review and comment at least 45 days prior to the public hearing.
- (D) If the proposed amendment would effect a change in the Official Zoning District Map, the following is required:
 - (1) Notice of said public hearing shall be conspicuously posted by the Code Official at points deemed sufficient by the Borough along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
 - (2) Notice of the public hearing must be mailed by the Borough at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidences by tax records within the possession of the municipality. The notice shall include the location, date and time of the public hearing. This shall not apply when the rezoning constitutes a comprehensive rezoning.
- (E) After advertising (and posting of the property, if any) has occurred, Borough Council shall hold a public hearing thereon pursuant to public notice, and pursuant to mailed notice and electronic notice to an owner of a tract or parcel of land or an owner of the mineral rights in a tract or parcel of land who has made a timely request in accordance with Section 109 of the MPC.

Section 420-172 Landowner Curative Amendments.

- (A) A landowner who desires to challenge on substantive grounds the validity of this zoning ordinance or Official Zoning District Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Green Tree Borough Council with a written request that the challenge and proposed amendment be heard and decided. The Green Tree Borough Council shall commence a hearing thereon within 60 days of the request. The curative amendment and challenge shall be referred to the Green Tree Planning Commission and the Allegheny County Department of Economic Development, Planning Division and notice of the hearing thereon shall be given as required by Subsection 610 and 916.1 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).
- (B) The hearing shall be conducted in accordance with Subsection 908 of the Pennsylvania Municipalities Planning Code (Act 247, as amended) and all references therein to the zoning hearing board shall, for purposes of this section be references to the governing

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body: provided, however, that the provisions of Subsection 908 (1.2) and (9) of the Pennsylvania Municipalities Planning Code (Act 247, as amended) shall control. If a municipality does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and Official Zoning District Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

Section 420-173 Valuation of Merits of Landowner Curative Amendment.

- (A) If the governing body determines that a validity challenge has merit, the governing body may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the challenged defects. The governing body shall consider the curative amendments, plans, and explanatory material submitted by the landowner and shall also consider:
- (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities
 - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this ordinance or Official Zoning District Map.
 - (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features.
 - (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features; the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

Section 420-174 Procedure for Municipal Curative Amendments.

- (A) If Green Tree Borough Council determines that its zoning ordinance or any portion thereof is substantially invalid, it shall take the following actions:
- (1) Borough Council shall declare by formal action, its zoning ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal Green Tree Borough Council shall:
 - (a). By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include:
 - (i). references to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (ii). reference to a class of use or uses which require revision; or
 - (iii). reference to the entire ordinance which requires revisions.

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- (2) Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.
- (B) The procedures, protections and restrictions outlined in the Municipalities Planning code shall apply.

Section 420-175 Applications for Amendment.

- (A) Applications for amendment of this Ordinance shall be presented or postmarked and shall contain the materials specified below, unless the applicant is proceeding for curative amendment or appeal within this Ordinance. In the latter cases, the applicant shall be bound by the requirements contained therein.
- (B) The applicant's name and address and his representative and the interest of every person represented in the application;
- (C) A fee as specified by the participating municipal fee schedule charged to any person or persons desiring to amend this Ordinance;
- (D) A plan showing the extent of the area to be rezoned; streets bounding and intersecting the area; the land use and zone classifications of abutting districts, and photographs of the area to be rezoned and abutting areas;
- (E) A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning;

Section 420-176 Legal Status of Comprehensive Plans.

- (A) Whenever the governing body, pursuant to the procedures provided in section 302 of the MPC, has adopted a comprehensive plan or any part thereof, any subsequent proposed action of the governing body, its departments, agencies and appointed authorities shall be submitted to the planning agency for its recommendations when the proposed action relates to:
 - (1) The location, opening, vacation, extension, widening, narrowing or enlargement of any street, public ground, pierhead or watercourse;
 - (2) The location, erection, demolition, removal or sale of any public structure located within the municipality; adoption, amendment or repeal of an official map, subdivision and land development ordinance, zoning ordinance or provisions for planned residential development, or capital improvements program; or
 - (3) The adoption, amendment or repeal of an official map, subdivision and land development ordinance, zoning ordinance or provisions for planned residential development, or capital improvements program: or
 - (4) The construction, extension or abandonment of any water line, sewer line or sewage treatment facility.
- (B) The recommendations of the planning agency including a specific statement as to whether or not the proposed action is in accordance with the objectives of the formally adopted comprehensive plan shall be made in writing to the governing body within 45 days.
- (C) Notwithstanding any other provision of this act, no action by the governing body of a municipality shall be invalid nor shall the same be subject to challenge or appeal on the basis that such action is inconsistent with, or fails to comply with, the provision of a comprehensive plan.

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- (D) Municipal zoning, subdivision and land development regulations and capital improvement programs shall generally implement the municipal and multi-municipal comprehensive plan or, where none exists, the municipal statement of community development objectives.
- (E) Following the adoption of a comprehensive plan or any part thereof by a county, pursuant to the procedures in section 302, any proposed action of the governing body of a municipality, its departments, agencies and appointed authorities within the county shall be submitted to the county planning agency for its recommendations if the proposed action relates to:
 - (1) the location, opening, vacation, extension, widening, narrowing or enlargement of any street, public ground, pier head or watercourse;
 - (2) the location, erection, demolition, removal or sale of any public structures located within the municipality;
 - (3) the adoption, amendment or repeal of any comprehensive plan, official map, subdivision or land ordinance, zoning ordinance or provisions for planned residential development; or
 - (4) the construction, extension or abandonment of any water line, sewer line or sewage treatment facility.
- (F) The recommendation of the planning agency shall be made to the governing body of the municipality within 45 days and the proposed action shall not be taken until such recommendation is made. If, however, the planning agency fails to act within 45 days, the governing body shall proceed without its recommendation.

Section 420-177 Notice and Conduct of Hearings.

- (A) Notice.
 - (1) Written notice of the hearing shall be given to the public, the applicant, the Zoning Officer, the Borough Council, the Planning Commission and to any person who has made timely request for the same. A notice of the hearing shall be given to other persons at such a time and in such manner as the Council or the Zoning Hearing Board shall designate.
 - (2) Public notice, as defined herein, shall be given for the public hearing. In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the public hearing.
 - (3) In addition, at least fourteen (14) days prior to the public hearing, written notices shall be sent by first class mail to the addresses to which real estate tax bills are sent for all real property located within three hundred (300) feet of the property line boundaries of the property for which the appeal is filed including properties across any street right-of-way. The names and addresses shall be provided by the appellant.
- (B) The Zoning Hearing Board shall conduct hearings in accordance with the following requirements:
 - (1) The first hearing shall be commenced within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
 - (2) Each subsequent hearing before the Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the

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presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. And the applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- (3) The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- (4) The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
- (5) The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- (6) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (7) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- (8) The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. Fees for the stenographer and transcript are shared equally by the applicant and the Zoning Hearing Board. The cost of additional copies shall be paid by the party requesting such copy or copies.
- (9) The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

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- (10) The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant and to all other persons who have filed their names and addresses with the Board personally or by mail not later than the day following its date.

Section 420-178 Failure to Render a Decision.

- (A) Where the Zoning Hearing Board fails to render a decision within the required forty-five (45) day period or fails to commence or complete the required hearing as provided in this Chapter, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.
- (B) When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided herein. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

Section 420-179 Fees and Expenditures.

- (A) Each applicant for any permit required under this Ordinance or for any variance from or special exception to this Ordinance shall, at the time of making application, pay to the Zoning Officer for the use of Green Tree Borough a fee or fees in accordance with the fee schedule adopted by resolution of the Council.
- (B) The Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- (C) The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer

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or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

Section 420-180 Time Limitations.

- (A) No person shall file any proceeding before the Zoning Hearing Board later than thirty (30) days after a preliminary or final application for development has been approved by an appropriate Borough officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- (B) The failure of anyone, other than the landowner, to appeal from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or Official Zoning District Map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- (C) All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

Section 420-181 Stay of Proceedings.

- (A) Upon filing of any proceeding and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, that may be granted by the Zoning Hearing Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the Court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.
- (B) All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Allegheny County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by Subsection 908(9) of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

Article XI. Airport Overlay District

Section 420-182 Purpose.

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

Section 420-183 Relation to Other Zone Districts.

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

Section 420-184 Definitions.

- (A) The following words and phrases when used in this Overlay District ordinance shall have the meaning given to them in this section unless the context clearly indicates otherwise.

Airport Elevation: The highest point of an airport's useable landing area measured in feet above sea level. The airport elevation of the Pittsburgh International Airport is one thousand two hundred and three (1,203) feet above sea level.

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

Airport Hazard Area: Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Overlay District and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

Approach Surface (Zone): An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on **Figures 5 and 6** in the Appendices, is derived from the approach surface.

Conical Surface (Zone): An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of four thousand (4,000) feet. The conical surface zone, as shown on **Figures 5 and 6** in the Appendices, is based on the conical surface.

Department: Pennsylvania Department of Transportation.

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

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Height: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface (Zone): An imaginary plane one hundred and fifty (150) feet above the established airport elevation and extends two hundred (200) feet from each runway end that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is ten thousand (10,000) feet. The horizontal surface zone, as shown on **Figures 5 and 6** in the Appendices, is derived from the horizontal surface.

Larger Than Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500 pounds) maximum gross weight and jet powered aircraft.

Non-Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Overlay District.

Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface (Zone): An imaginary surface longitudinally centered on the runway, extending two hundred (200) feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on **Figures 5 and 6** in the Appendices, is derived from the primary surface.

Runway: A defined area of an airport prepared for landing and takeoff of aircraft along its length.

Transitional Surface (Zone): An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on **Figures 5 and 6** in the Appendices, is derived from the transitional surface.

Tree: Any object of natural growth.

Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

Section 420-185 Establishment of Airport Zones.

- (A) There are hereby created and established certain zones within the Airport District Overlay ordinance, defined in Section 420-184 and depicted on **Figures 5 and 6** in the Appendices and illustrated on the Pittsburgh International Airport Hazard Area Map, hereby adopted as part of this Overlay District, which include:
- (1) Approach Surface Zone
 - (2) Conical Surface Zone
 - (3) Horizontal Surface Zone
 - (4) Primary Surface Zone
 - (5) Transitional Surface Zone

Section 420-186 Use Restrictions.

- (A) Notwithstanding any other provisions of this ordinance, no use shall be made of land or water within the Airport District Overlay that:
- (1) Creates electrical interference with navigational signals or radio communications between the airport and aircraft
 - (2) Makes it difficult for pilots to distinguish between airport lights and others
 - (3) Impairs visibility in the vicinity of the airport
 - (4) Creates bird strike hazards
 - (5) Otherwise endangers or interferes with the landing, takeoff or maneuvering of aircraft utilizing the Pittsburgh International Airport.

Section 420-187 Height Restrictions.

- (A) Any of the following types of construction or alteration within the boundaries of this Overlay District must comply with applicable FAA and PENNDOT regulations regarding height restrictions in the designated zones:
- (1) Any construction or alteration of more than two hundred (200) feet in height above the ground level at its site.
 - (2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
 - (a). One hundred (100) to one (1) for a horizontal distance of twenty thousand (20,000) feet from the nearest point of the nearest runway.
 - (b). Twenty-five (25) to one (1) for a horizontal distance of five thousand (5,000) feet from the nearest point of the nearest landing and takeoff area of each heliport.
 - (3) Any highway, railroad, or other traverse way for mobile objects, of a height which would exceed a standard of Subsection (A) (2) (a) or (b) above as adjusted in the following manner:
 - (a). Seventeen (17) feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of seventeen (17) feet vertical distance
 - (b). Fifteen (15) feet for any other public roadway

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- (c). Ten (10) feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road
- (d). Twenty-three (23) feet for railroad
- (e). An amount equal to the height of the highest mobile object that would normally traverse a waterway or any other traverse way not previously mentioned

Section 420-188 Pre-Existing Non-Conforming Uses.

- (A) The regulations prescribed by this Overlay District ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a non-conforming use.
- (B) No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated as defined and provided for in this Chapter may only be reestablished consistent with the provisions herein.

Section 420-189 Permit Applications.

- (A) As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade) within the height restrictions as outlined in § 420.219 (Height Restrictions) in the vicinity of the Pittsburgh Hazard Area of the Pittsburgh International Airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least thirty (30) days prior to commencement thereof.
- (B) The Department's BOA response must be included with this permit application for it to be considered complete.
- (C) If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay ordinance.
- (D) If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in § 420-153 (Variances).
- (E) No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

Section 420-190 Variances.

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

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- (1) *No Objection:* The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
 - (2) *Conditional Determination:* The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in § 420-177 (*Obstruction Marking and Lighting*).
 - (3) *Objectionable:* The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.
- (B) Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this ordinance.

Section 420-191 Obstruction Marking and Lighting.

- (A) Any permit or variance granted pursuant to the provisions of this Overlay District may be conditioned according to the process described in § 420-167 (Variances) to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

Section 420-192 Violations and Penalties.

- (A) Failure to comply with the requirements set forth in this Overlay District shall be subject to § 420-168 of this Chapter (Violations and Penalties).

Section 420-193 Appeals.

- (A) Any person aggrieved by any action or decision of the Zoning Officer or Code Enforcement Officer involving administration of the provisions of this Overlay District may appeal following the procedure and requirements set forth in § 420.160 of this Chapter (Appeals).

Section 420-194 Conflicting Regulations.

- (A) Where there exists a conflict between any of the regulations or limitations prescribed in this Overlay District and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

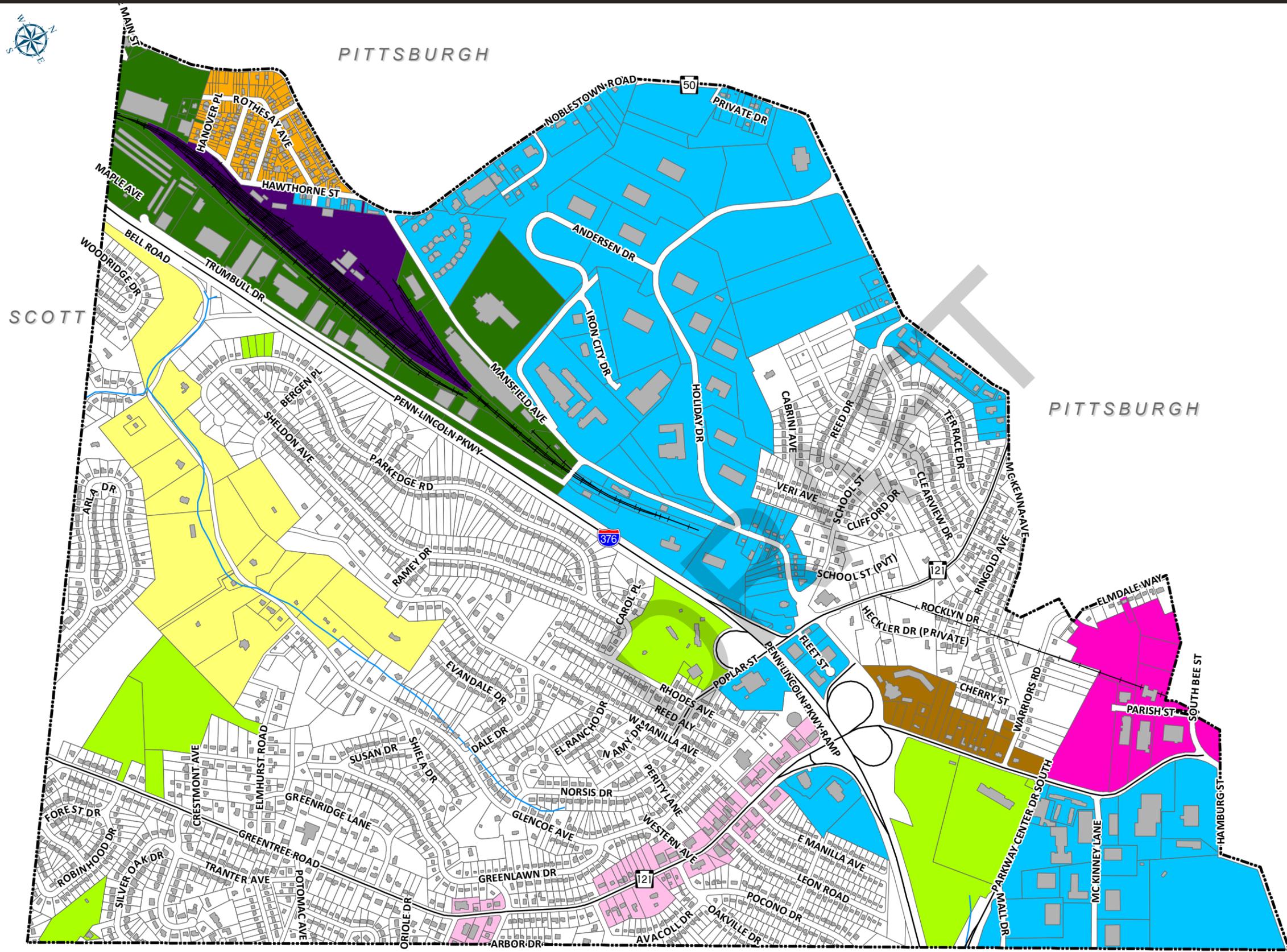
Section 420-195 Severability.

- (A) If any of the provisions of this Overlay District or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or

Article XI. Airport Overlay District

applications of the Overlay District which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

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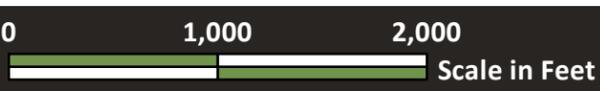


Legend

- Borough Boundary
- Major Road
- Railroad
- Stream
- Building

Proposed Zoning Districts

- Recreation
- Rural Residential
- Single Family Residential
- Multi-Family
- Mixed Use
- Neighborhood Commercial
- Office Commercial
- Service Commercial
- Light Industrial
- Heavy Industrial



Source: GIS data was provided by Green Tree Borough.

Figure 1. Buildable Area, Building Setback, Building Line.

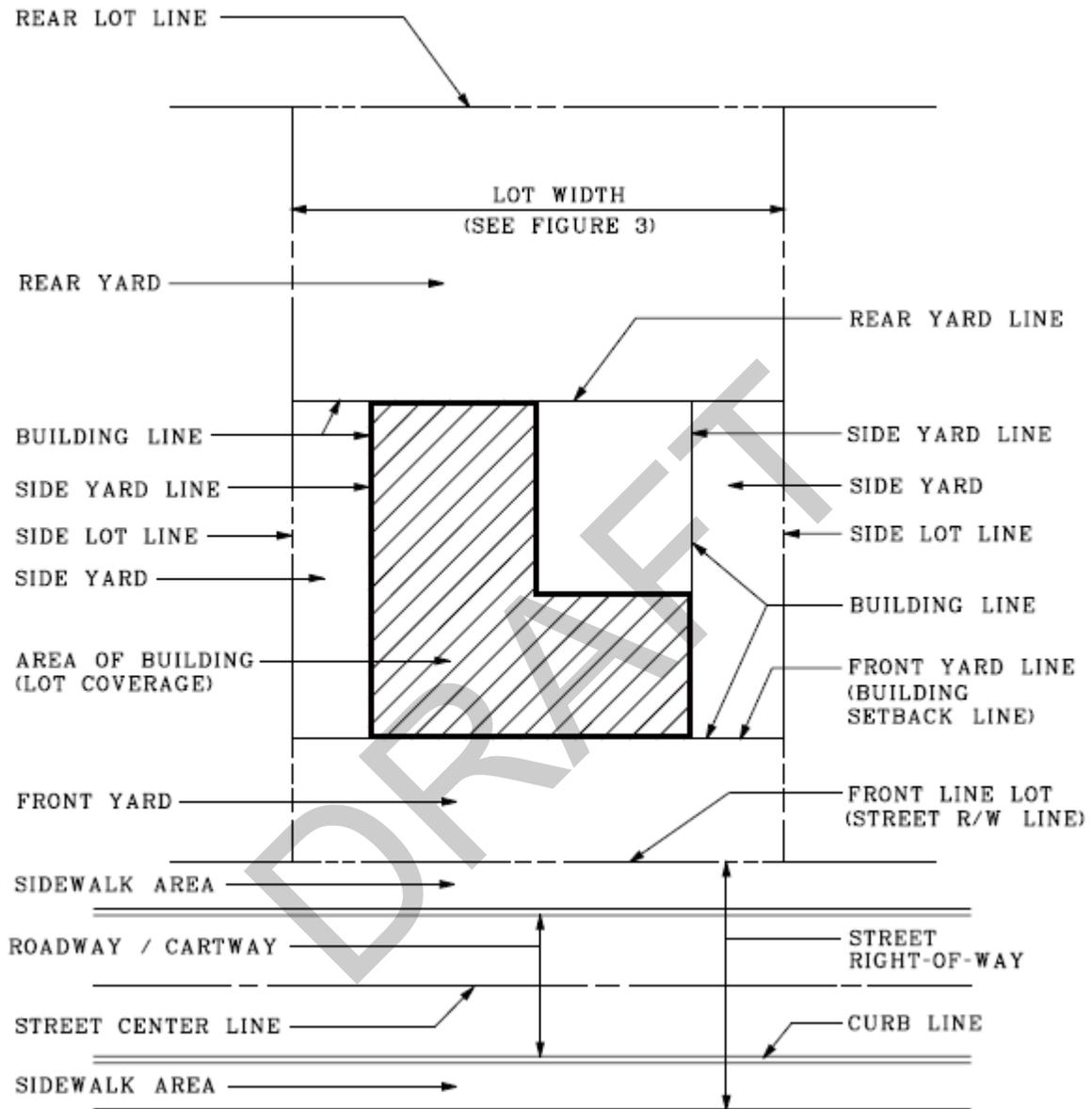


Figure 2. Building Height.

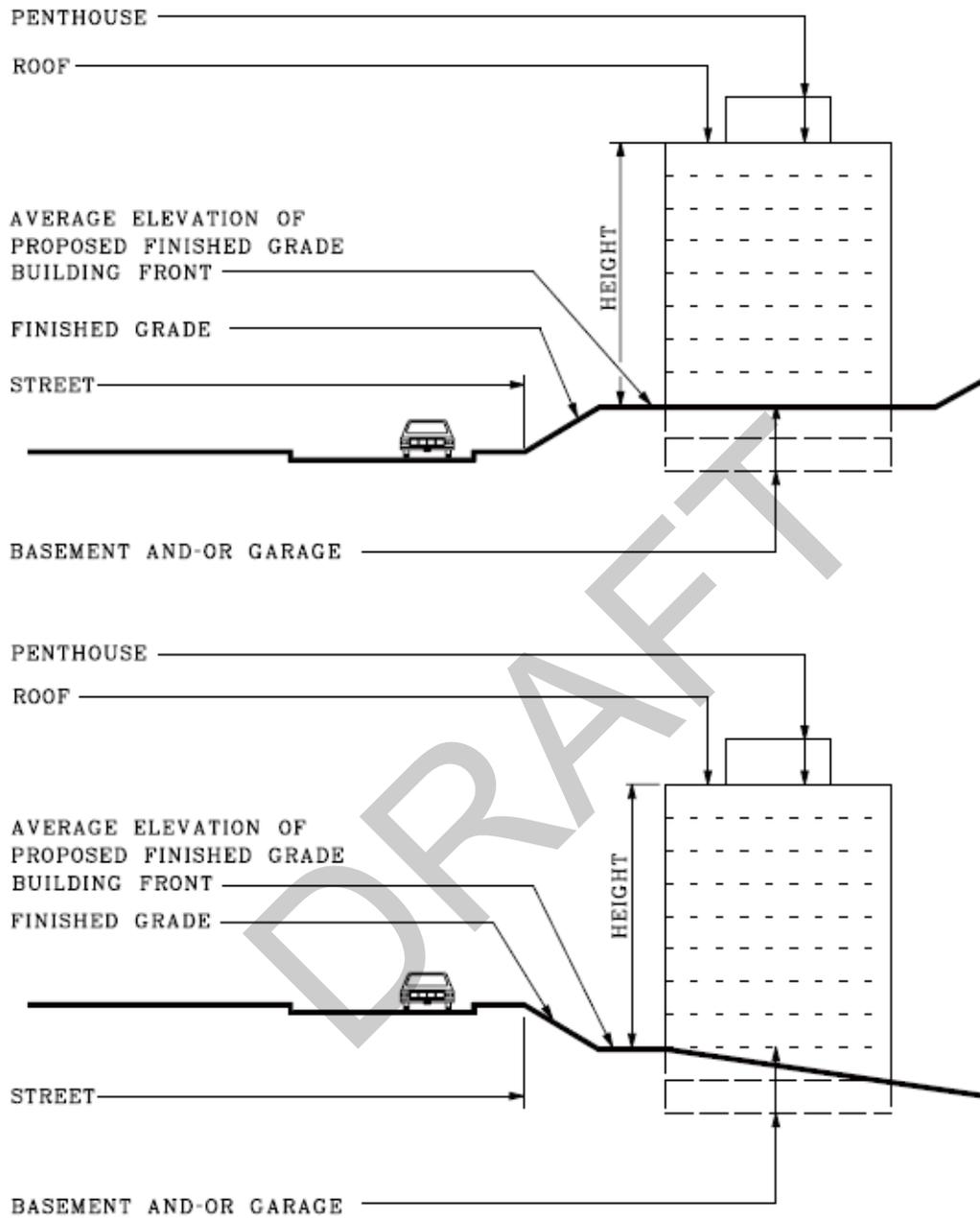
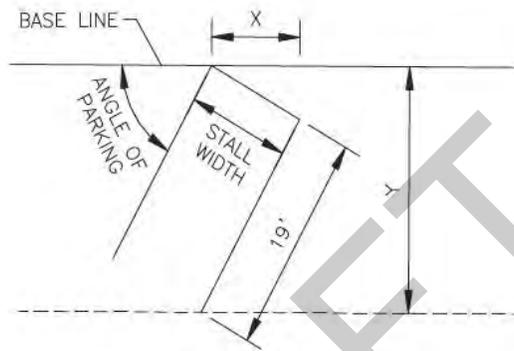


Figure 3. Parking Requirements.

Angle of Parking	10-Foot Stall		9-Foot Stall		Maneuvering Aisle Width	
	X	Y	X	Y	One-Way	Two-Way
0°	23.0	10	22.0	9.0	11	18
30°	20.0	18.2	18.0	17.3	11	19
45°	14.1	20.5	12.7	19.8	12	19
60°	11.5	21.5	10.4	21.0	17	19
75°	10.4	21.0	9.3	20.7	19.5	21
90°	10.0	19.0	9.0	19.0	22	22

*All dimensions are in feet.



X=Stall length parallel to base line
Y=Stall depth perpendicular to base line

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Figure 4. Herringbone Parking.

Angle of Parking	Dimension Y	
	10-Foot Stall	9-Foot Stall
30°	14.6	14.1
45°	17.7	17.3
60°	19.7	19.4
75°	20.4	20.2

*All dimensions are in feet.

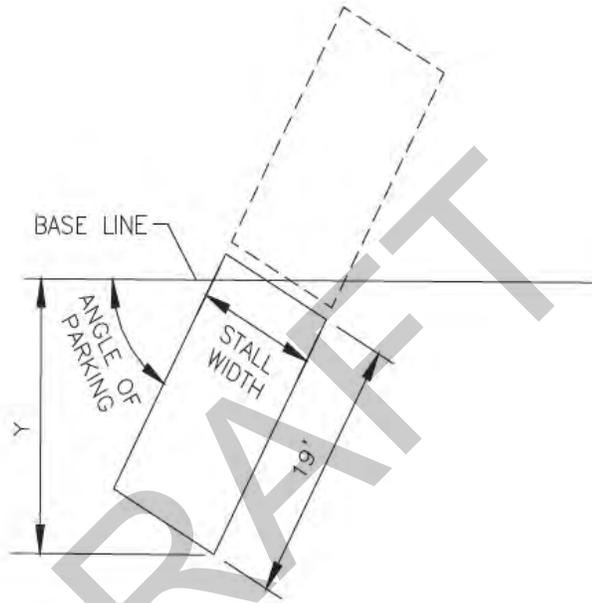


Figure 5. Part 77 Surface Areas.

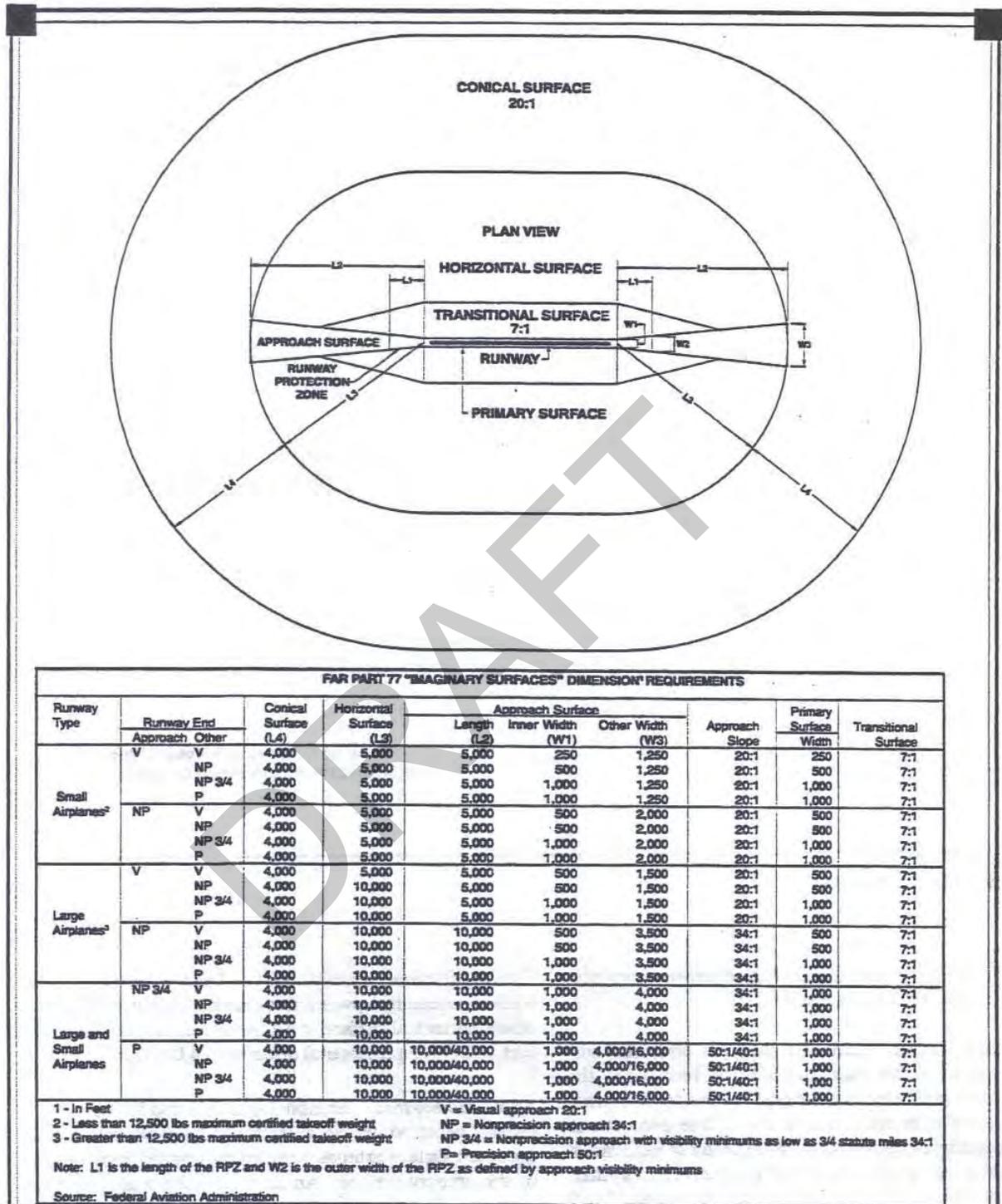
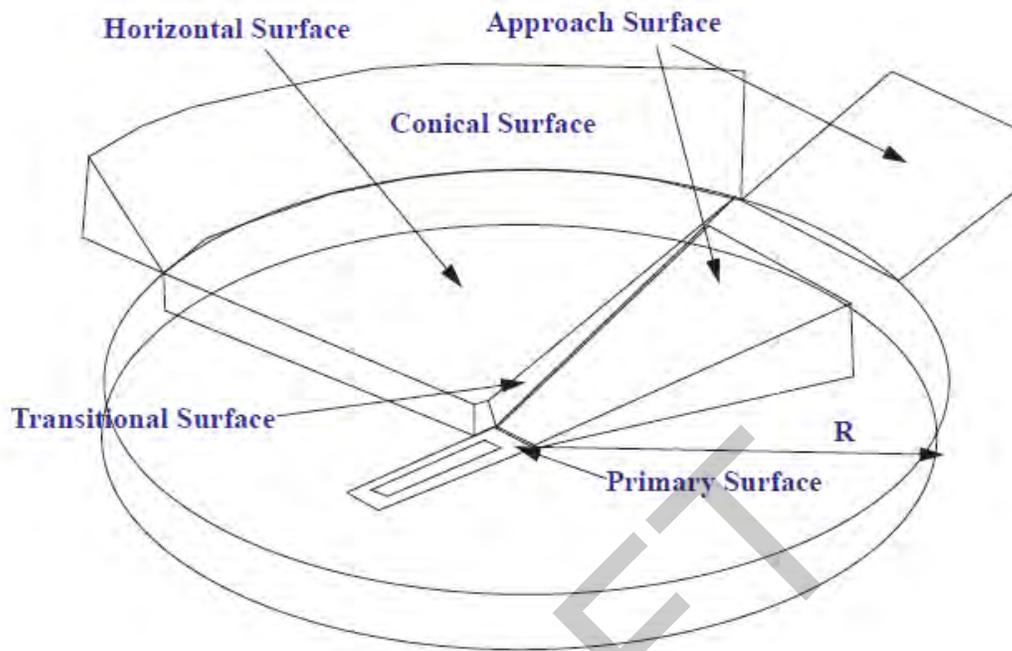
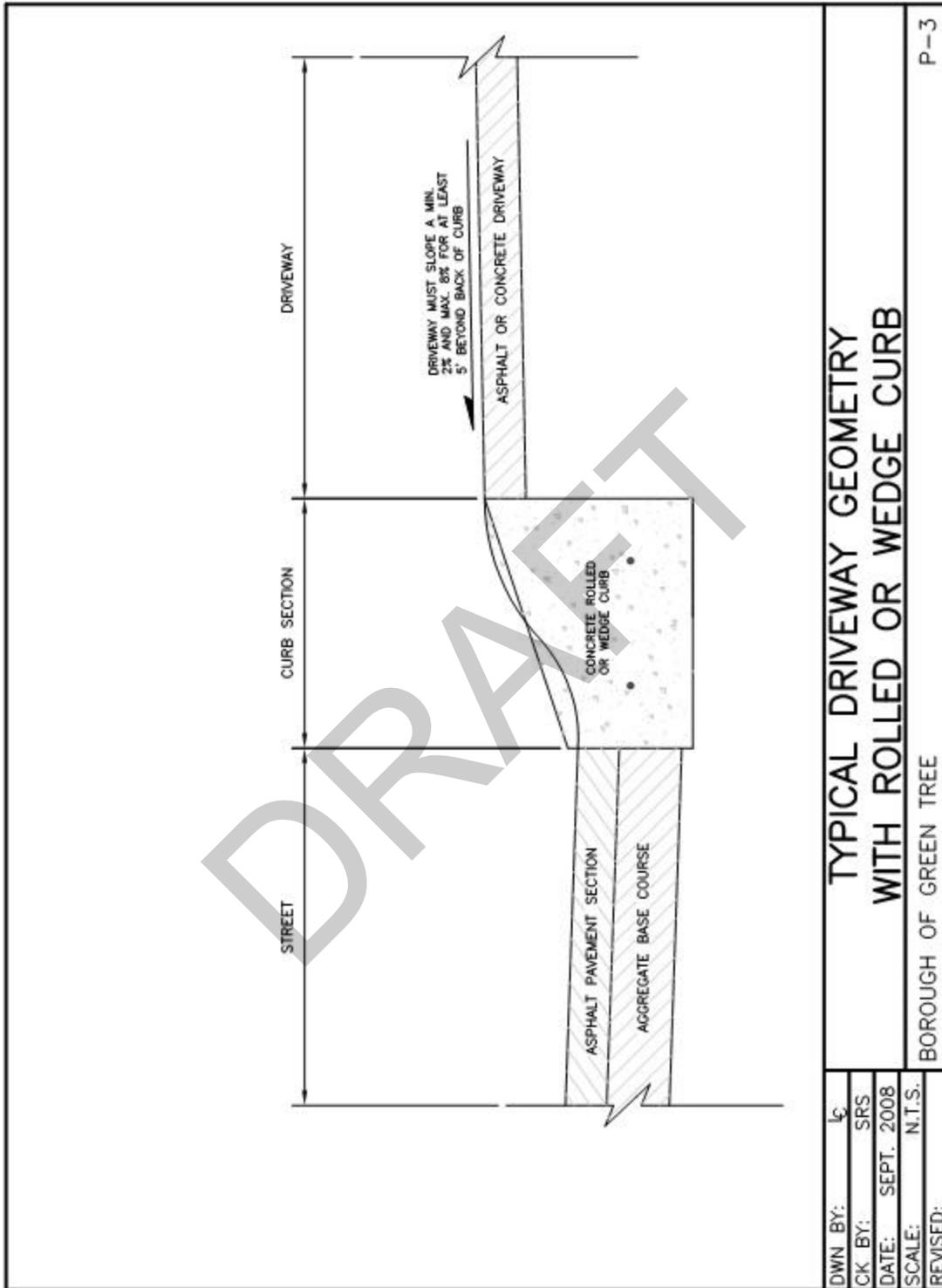
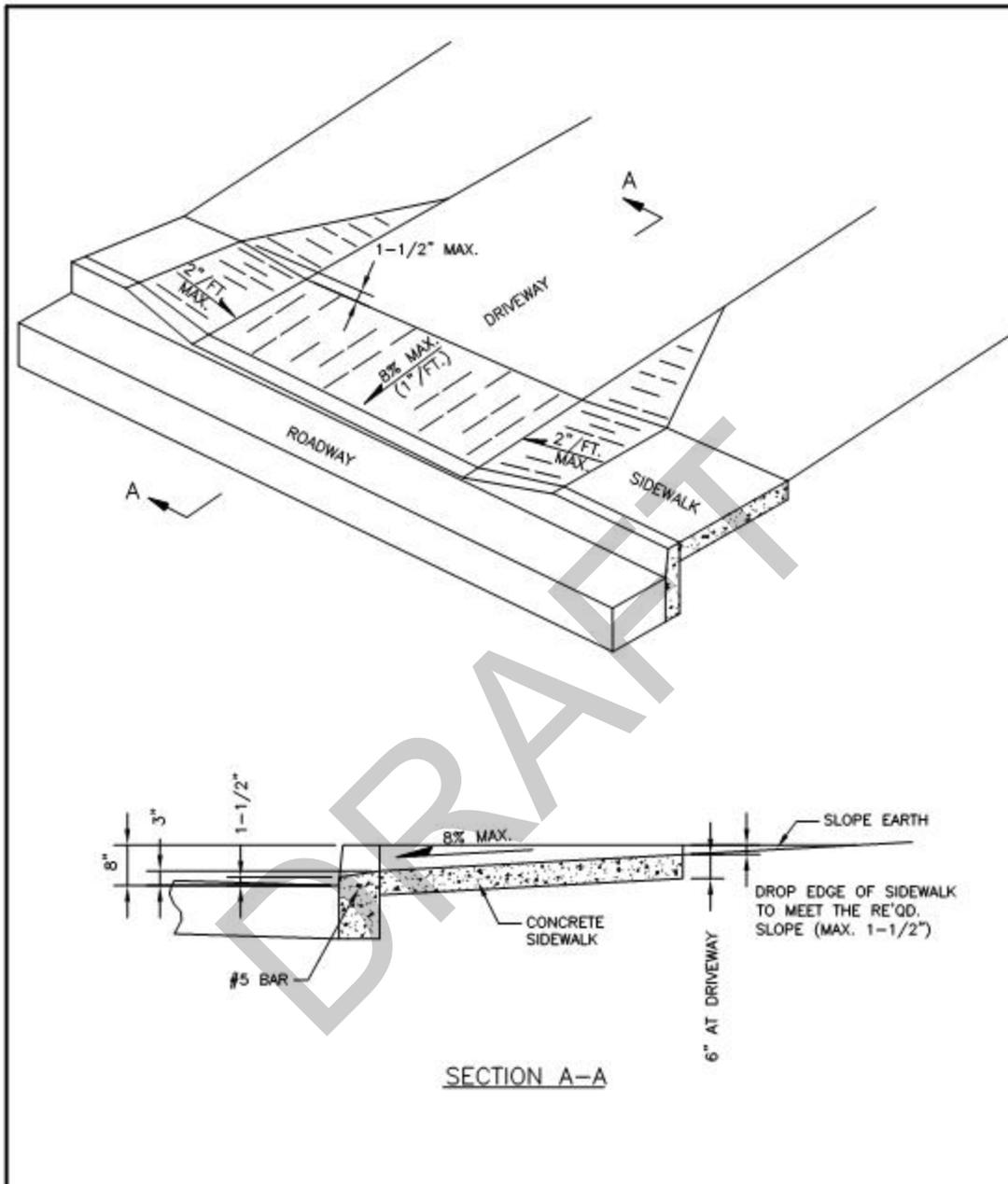


Figure 6. Graphic Representation of Overlay Zones.



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SECTION A-A

REFERENCE: PENNSYLVANIA CODE, TITLE 67, CHAPTER 441 - ACCESS TO AND OCCUPANCY OF HIGHWAYS BY DRIVEWAYS AND LOCAL ROADS.

DWN BY: lc	TYPICAL DRIVEWAY TRANSITION
CK BY: SRS	
DATE: MAY 2005	
SCALE: N.T.S.	
REVISED:	BOROUGH OF GREEN TREE

