

BOROUGH OF SEWICKLEY

ZONING ORDINANCE

Adopted: August 15, 2011

Amended: June 20, 2016

BOROUGH OF SEWICKLEY
ORDINANCE NO. 1344

**AN ORDINANCE OF THE BOROUGH OF SEWICKLEY,
ALLEGHENY COUNTY, PENNSYLVANIA, REZONING A
BLOCK AND LOT NO. 506-H-258, 416 OHIO RIVER
BOULEVARD, FROM A RESIDENTIAL R1-A ZONING
DISTRICT TO A RESIDENTIAL R-2 MULTI-FAMILY ZONING
DISTRICT**

BE IT ORDAINED and ENACTED by the Borough Council of the Borough of Sewickley, Allegheny County, PA, and it is hereby ordained and enacted by the Authority of the same as follows:

Section 1. The Borough Council finds the following facts:

- a. Clifford D. Crighton and Vickie L. Crighton, owners of 416 Ohio River Boulevard, have petitioned for rezoning of the land in accordance with the established procedures.
- b. Borough Council finds that the requested rezoning will promote the public health, safety and welfare and practical community development in the Borough of Sewickley and will be in furtherance of the Borough's Comprehensive Plan.
- c. The Borough of Sewickley Planning Commission held a Public Hearing on May 4, 2016 and recommended adoption to the Borough of Sewickley Council.
- d. Allegheny County Economic Development has provided a letter May 2, 2016 stating that the rezoning is consistent with the Comprehensive Plan.
- d. Borough Council has given due public notice, held the requisite Public Hearings, and duly notified the Allegheny County Department of Economic Development as pertains to the proposed rezoning.

Section 2. The Official Zoning Map contained in Chapter 27, Section 201 of the Code of Ordinances of the Borough of Sewickley is hereby amended to include, a 56.24' x 212.65' parcel, Block and Lot No. 506-H-258, commonly known as 416 Ohio River Boulevard, is hereby rezoned from a Residential 1-A Zoning District to a Residential R-2 Zoning District, in accordance with the maps attached hereto as Exhibit "A" and incorporated herein, with the rezoned area outlined in red.

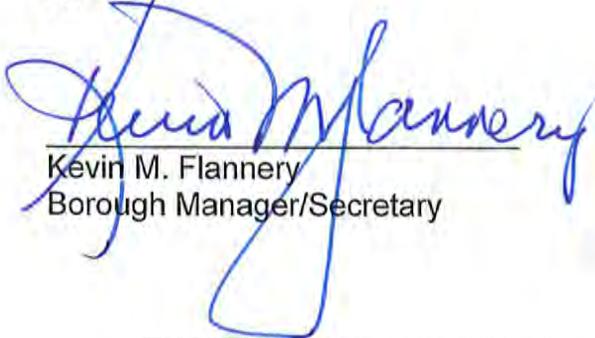
**BOROUGH OF SEWICKLEY
ORDINANCE NO. 1344
PAGE 2**

Section 3. The proper Borough officials are directed to note and delineate the zoning change on any and all official zoning maps.

Section 4. This Ordinance shall take effect immediately and shall specifically repeal any other ordinances inconsistent with this Ordinance.

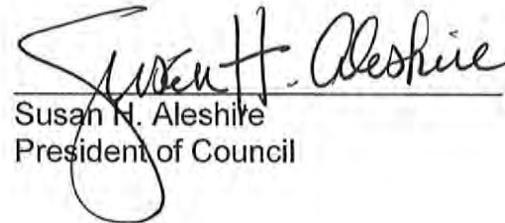
ORDAINED AND ENACTED into law this 16th day of May, 2016.

ATTEST:



Kevin M. Flannery
Borough Manager/Secretary

BOROUGH OF SEWICKLEY



Susan H. Aleshire
President of Council

EXAMINED AND APPROVED by me this 16th day of May, 2016.



Brian Jeffe
Mayor

**BOROUGH OF SEWICKLEY
ORDINANCE NO. 1343**

**AN ORDINANCE AMENDING CHAPTER 27, PART IV,
SECTION 406(B), TABLE 3 OF THE SEWICKLEY BOROUGH
CODE OF ORDINANCES, PERTAINING TO MINIMUM
DIMENSIONAL REQUIREMENTS FOR LOTS IN EACH DISTRICT**

WHEREAS, the Borough of Sewickley has adopted rules and regulations pertaining to minimum dimensional requirements for lots in the Borough's zoning districts through Ordinance 1296 passed by Borough Council on August 15, 2011, and amended by Ordinance 1300 passed on December 19, 2011; and

WHEREAS, the rules and regulations pertaining to zoning matters have been codified in Chapter 27, Sections 101 through 1702 of the Sewickley Borough Code of Ordinances; and

WHEREAS, the Borough of Sewickley wishes to protect the character and maintain the stability of its zoning districts by amending and clarifying its minimum dimensional requirements for lots in certain districts; and

WHEREAS, the Borough of Sewickley Planning Commission, at its meeting held on Wednesday, May 6, 2015, made a recommendation to Borough Council that the minimum dimensional requirements for lots in certain districts be amended and clarified as to setback requirements; and

WHEREAS, the Borough Council of the Borough of Sewickley, at its Committee of the Whole meeting held on Tuesday, June 9, 2015, voted to accept the recommendation of the Planning Commission by advertising an amendment to Chapter 27, Part IV, Section 406(B), Table 3 whereby the setback requirements for certain zoning districts would be changed and by holding a public hearing on such an amendment; and

WHEREAS, the Borough of Sewickley has advertised notice of its intent to consider for adoption the within Ordinance and the time, place and date of the public hearing thereon; and

WHEREAS, the within Ordinance was duly submitted to the Allegheny County Department of Economic Development, Planning Division for its review and comment; and

WHEREAS, a public hearing on the within Ordinance has been held this date; and

WHEREAS, in the judgment of the Borough Council of the Borough of Sewickley, the within Ordinance is consistent with the Aleppo-Sewickley-Glenn Osborne Comprehensive Plan adopted by the Borough and will promote and protect the health, safety and welfare of the inhabitants of the Borough and public at large.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Sewickley, County of Allegheny, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

Section 1. Table 3 contained in Chapter 27, Part IV, Section 406(B) of the Borough Code of Ordinances shall be amended by repealing the present Table 3 in its entirety and replacing it with a new Table 3 which shall read as follows:

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Table 3: Dimensional Table (Single Building on a Lot)

DENSITY D.U./GROSS ACRE	MIN. LOT AREA (Sq. Ft.)	MIN. LOT WIDTH	ENR. TYPE	MAX. BUILDING COVERAGE (%)	MAX. IMPERVIOUS AREA (%)	PRINCIPAL BUILDING SETBACKS (MIN. DIMENSION UNLESS OTHERWISE NOTED)			MAX. PRINCIPAL BUILDING HEIGHT (FEET)				
						FRONT (FEET)	SIDE (FEET)	REAR (FEET)	Side Lot Line Setback for Driveways (Feet)	Flat	Manard	Gable	Hip
Single-Family Residential (R-1)													
3	12,000	75'	All Uses	50%	50%	35'	25' total with 1 side not <10'	30'	2' (MIN.)	35'	42'	42'	42'
Single-Family Residential (R-1A)													
6	5,500	50'	All Uses	45%	60%	20'+	12' total with 1 side not <6'	30'	2' (MIN.)	35'	42'	42'	42'
Multi-Family Residential (R-2)													
7	5,000	40'	Detached	60%	60%	20'	14' total with 1 side not <6'	15'	2' (MIN.)	35'	42'	42'	42'
			Duplex	60%									
			Fla	45%									
			Townhouse	70%									
			Apartment	50%									
General Commercial (C-1)													
				85%	90%	10' (MAX)	0	5'	5' (MAX)	40'	45'	45'	45'
Edgeway Commercial (C-2)													
				60%	55%	15'	10'	20'	10' (MAX)	25'	30'	30'	30'
Intermodal (Int)													
				40%	75%	30'	15'	30'	15' (MAX)	40'	45'	45'	45'
Industrial (Ind)													
				85%	90%	15'	10'	20'	10' (MAX)	30'	35'	35'	35'
Open Space (OS)													
				10%	40%	30'	15'	30'	15' (MAX)	45'	45'	45'	45'
Valley Overlay (VO)													
				100%	100%	5' (MAX)	0	0	5' (MAX)	40'	45'	45'	45'

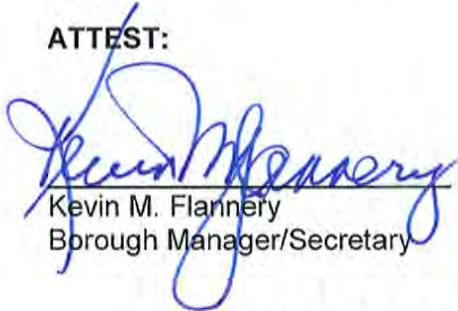
Note: See also 4/199 Multiple-Use Standard - 4.4.4.4 Neighbored Compatibility Standards

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Section 2. This Ordinance shall take effect immediately upon its adoption and shall specifically repeal any other ordinance inconsistent with this Ordinance.

ORDAINED AND ENACTED into law this 20th day of June, 2016.

ATTEST:


Kevin M. Flannery
Borough Manager/Secretary

BOROUGH OF SEWICKLEY


William Cornman
Vice President of Council

EXAMINED AND APPROVED by me this 20th day of June, 2016.


Brian F. Jeffe
Mayor

BOROUGH OF SEWICKLEY
ORDINANCE NO. 1339

AN ORDINANCE OF THE BOROUGH OF SEWICKLEY,
ALLEGHENY COUNTY, PENNSYLVANIA, REZONING A
BLOCK AND LOT NO. 506-C-239, 237 CHADWICK STREET
AND BLOCK AND LOT NO. 506-C-180, 248 OHIO RIVER
BOULEVARD, FROM A RESIDENTIAL R1-A ZONING
DISTRICT TO A HIGHWAY COMMERCIAL C-2 ZONING
DISTRICT

BE IT ORDAINED and ENACTED by the Borough Council of the Borough of Sewickley, Allegheny County, PA, and it is hereby ordained and enacted by the Authority of the same as follows:

Section 1. The Borough Council finds the following facts:

- a. NSB and K Holdings, has petitioned for rezoning of the land in accordance with the established procedures.
- b. Borough Council finds that the requested rezoning will promote the public health, safety and welfare and practical community development in the Borough of Sewickley and will be in furtherance of the Borough's Comprehensive Plan.
- c. The Borough of Sewickley Planning Commission held a Public Hearing on November 4, 2015 and recommended adoption to the Borough of Sewickley Council.
- d. Borough Council has given due public notice, held the requisite Public Hearings, and duly notified the Allegheny County Department of Economic Development as pertains to the proposed rezoning.

Section 2. The Official Zoning Map contained in Chapter 27, Section 201 of the Code of Ordinances of the Borough of Sewickley is hereby amended to include, a 75' x 130' parcel, Block and Lot No. 506-C-239, commonly known as 237 Chadwick Street, and a 75' x 145.74' parcel, Block and Lot No. 506-C-180, commonly known as 248 Ohio River Boulevard, are hereby rezoned from a Residential 1-A Zoning District to a Commercial C-2 Zoning District, in accordance with the maps attached hereto as Exhibit "A" and incorporated herein, with the rezoned area outlined in red.

Section 3. The proper Borough officials are directed to note and delineate the zoning change on any and all official zoning maps.

**BOROUGH OF SEWICKLEY
ORDINANCE NO. 1339
PAGE 2**

Section 4. This Ordinance shall take effect immediately and shall specifically repeal any other ordinances inconsistent with this Ordinance.

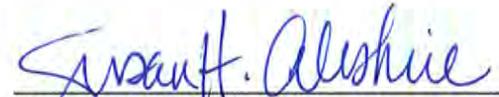
ORDAINED AND ENACTED into law this 16th day of November, 2015.

ATTEST:



Kevin M. Flannery
Borough Manager/Secretary

BOROUGH OF SEWICKLEY



Susan H. Aleshire
President of Council

EXAMINED AND APPROVED by me this 16th day of November, 2015.



Brian Jeffe
Mayor

BOROUGH OF SEWICKLEY
ORDINANCE NO. 1324

**AN ORDINANCE OF THE BOROUGH OF SEWICKLEY,
COUNTY OF ALLEGHENY, COMMONWEALTH OF
PENNSYLVANIA, AMENDING CHAPTER 27, THE BOROUGH
OF SEWICKLEY ZONING ORDINANCE, TO PERMIT MULTI-
FAMILY/VILLAGE TOWNHOUSES IN THE C-1 ZONING DISTRICT**

WHEREAS, the Borough of Sewickley Council did adopt a Zoning Ordinance No. 1300 on December 19, 2011; and

WHEREAS, the Borough of Sewickley Planning Commission held a Public Hearing on November 5, 2014, on this proposed Ordinance Amendment and did make a recommendation to the Borough Council to adopt; and

WHEREAS, the Borough of Sewickley Council held a Public Hearing, as provided by the Municipalities Planning Code on November 17, 2014; and

WHEREAS, it is the judgment of the Borough of Sewickley Council that Ordinance No. 1324 of the Borough of Sewickley, Allegheny County, PA is consistent with the overall Aleppo-Sewickley-Glen Osborne Comprehensive Plan adopted by the Borough.

NOW, THEREFORE, in consideration of the foregoing, it is hereby ordained and enacted by the authority of the Borough of Sewickley Council:

SECTION 1: Chapter 27, Section 303, Terms Defined is amended by adding:

DWELLING, MULTI-FAMILY - VILLAGE TOWNHOUSE – a *building* which contains at least three (3) but no more than eight (8) *dwelling units*, each of which are separated from the adjoining unit or units by a continuous, common wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below. Each unit will have an *access drive* separate from the *driveway* that provides the vehicular connection from the *lot* to the *public right-of-way*. Garage doors shall not face the public street.

BOROUGH OF SEWICKLEY
ORDINANCE NO. 1324
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SECTION 2: Chapter 27, Section 404, Table 1: Principal Land Uses, Residential Land Uses, by adding Item 8A Multi-family - Village Townhouse as a Permitted Use by Right in the C-1 Zoning District.

SECTION 3: Chapter 27, Section 502.H.1. of the Village Overlay Requirements is amended by adding Section 502.H.1.c) as follows:

c) Multi-Family - Village Townhouse shall be prohibited in the Village Overlay District

SECTION 4: Chapter 27, Section 1002.C.4 is amended as follows:

The *Applicant* shall obtain an electronic copy of the C-1 Parking Model from the *Zoning Officer*. The *Applicant* shall determine the proposed *development's* total non-residential square footage and/or total number of and/or total of dwelling units and/or total of *hotel* rooms and insert the appropriate numbers into the C-1 Parking Model. Village townhouse use shall be excluded from all shared parking analysis in C-1.

SECTION 5: Chapter 27, Section 1004.D Table 12, Loading Space, shall be amended by correcting:

Multi-Family – Apartment (see §1003.B) Type 1

and adding:

Multi-Family – Village Townhouse (see §1003.B) Type 1

This Ordinance shall be effective as of November 17, 2014.

**BOROUGH OF SEWICKLEY
ORDINANCE NO. 1324
PAGE 3**

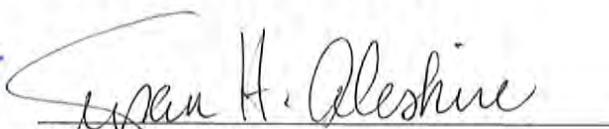
ORDAINED AND ENACTED into law this 17th day of November, 2014.

ATTEST:

BOROUGH OF SEWICKLEY



Kevin M. Flannery
Borough Manager/Secretary



Susan H. Aleshire
President of Council

EXAMINED AND APPROVED by me this 17th day of November, 2014.



Brian F. Jeffe
Mayor

BOROUGH OF SEWICKLEY
ORDINANCE NO. 1321

**AN ORDINANCE OF THE BOROUGH OF SEWICKLEY,
ALLEGHENY COUNTY, PENNSYLVANIA REZONING A
PORTION OF PROPERTY LOCATED AT BLOCK AND
LOT NO. 509-L-95 FROM AN OPEN SPACE (OS) ZONING
DISTRICT TO A RESIDENTIAL R-1 ZONING DISTRICT**

BE IT ORDAINED and ENACTED by the Borough Council of the Borough of Sewickley, Allegheny County, PA, and it is hereby ordained and enacted by the Authority of the same as follows:

Section 1. The Borough Council finds the following facts:

- a. James and Jessica Rock, of 401 Water Works Road, Sewickley did purchase 13.625 acres of Block and Lot No. 509-L-95, Parcel C-1, and have petitioned for rezoning of the land in accordance with the established procedures.
- b. Borough Council finds that the requested rezoning will promote the public health, safety and welfare and practical community development in the Borough of Sewickley and will be in furtherance of the Borough's Comprehensive Plan.
- c. Borough Council has given due public notice, held the requisite Public Hearings and duly notified the Allegheny County Department of Economic Development as pertains to the proposed rezoning.

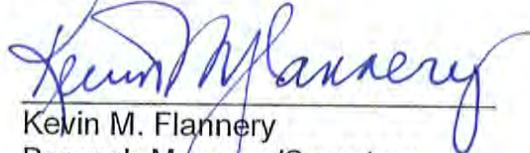
Section 2. The property located at Block and Lot No. 509-L-95, Revised Parcel C-1, Lot C-2R, a 4 acre lot, is hereby rezoned from an Open Space (OS) Zoning District to a Residential R-1 Zoning District, in accordance with the maps attached hereto as Exhibit "A" and incorporated herein, with the rezoned area outlined in red.

Section 3. The proper Borough officials are directed to note and delineate the zoning change on any and all official zoning maps.

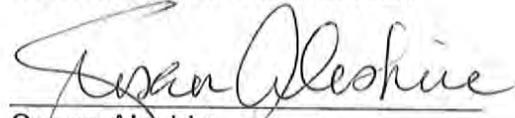
Section 4. This Ordinance shall take effect immediately and shall specifically repeal any other ordinances inconsistent with this Ordinance.

ORDAINED AND ENACTED into law this 21st day of July, 2014.

ATTEST:


Kevin M. Flannery
Borough Manager/Secretary

BOROUGH OF SEWICKLEY


Susan Aleshire
President of Council

EXAMINED AND APPROVED by me this 21st day of July, 2014.


Brian Jeffe
Mayor

BOROUGH OF SEWICKLEY
ORDINANCE NO. 1320

**AN ORDINANCE OF THE BOROUGH OF SEWICKLEY,
ALLEGHENY COUNTY, PENNSYLVANIA, REZONING A
PORTION OF PROPERTY LOCATED AT BLOCK AND LOT
NO. 508-J-361, FROM AN INSTITUTIONAL ZONING
DISTRICT TO A RESIDENTIAL R-1 ZONING DISTRICT**

BE IT ORDAINED and ENACTED by the Borough Council of the Borough of Sewickley, Allegheny County, PA, and it is hereby ordained and enacted by the Authority of the same as follows:

Section 1. The Borough Council finds the following facts:

- a. The Young Men's Christian Association of Sewickley Valley Corporation, owner of Block and Lot No. 508-J-361, has petitioned for rezoning of the land in accordance with the established procedures.
- b. Borough Council finds that the requested rezoning will promote the public health, safety and welfare and practical community development in the Borough of Sewickley and will be in furtherance of the Borough's Comprehensive Plan.
- c. The Borough of Sewickley Planning Commission held a Public Hearing on July 9, 2014, and recommended adoption to the Borough of Sewickley Council.
- d. Borough Council has given due public notice, held the requisite Public Hearings, and duly notified the Allegheny County Department of Economic Development as pertains to the proposed rezoning.
- e. Borough Council did adopt Borough of Sewickley Resolution No. 2014-008, approving the YMCA Plan of Lots Subdivision Plan, which established a 90' x 140' lot on Backbone Road.

Section 2. The property, a 90' x 140' portion of Block and Lot No. 508-J-361, commonly known as 349 Backbone Road, is hereby rezoned from an Institutional Zoning District to a Residential R-1 Zoning District, in accordance with the maps attached hereto as Exhibit "A" and incorporated herein, with the rezoned area outlined in red.

Section 3. The proper Borough officials are directed to note and delineate the zoning change on any and all official zoning maps.

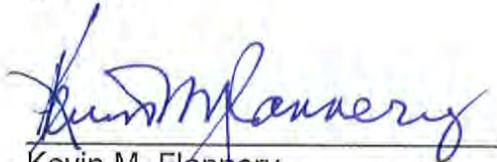
ORDINANCE NO. 1320
PAGE 2

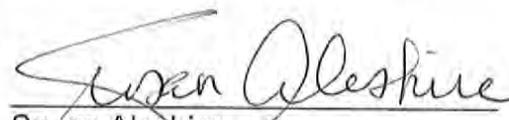
Section 4. This Ordinance shall take effect immediately and shall specifically repeal any other ordinances inconsistent with this Ordinance.

ORDAINED AND ENACTED into law this 21st day of July, 2014.

ATTEST:

BOROUGH OF SEWICKLEY


Kevin M. Flannery
Borough Manager/Secretary


Susan Aleshire
President of Council

EXAMINED AND APPROVED by me this 21st day of July, 2014.


Brian Jeffe
Mayor

**BOROUGH OF SEWICKLEY
ORDINANCE 1317**

**AN ORDINANCE AMENDING CHAPTER 27, SECTIONS 303, 502 AND 803 OF
THE SEWICKLEY BOROUGH CODE OF ORDINANCES, PERTAINING TO
VILLAGE OVERLAY DEFINITIONS AND REQUIREMENTS AND NON-
RESIDENTIAL CONDITIONAL USE PROVISIONS**

WHEREAS, the Borough of Sewickley has adopted rules and regulations pertaining to permitted and conditional uses in the Borough's zoning districts through Ordinance 1296 passed by Borough Council on August 15, 2011, and amended by Ordinance 1300 passed on December 19, 2011; and

WHEREAS, the rules and regulations pertaining to zoning matters have been codified in Chapter 27, Sections 101 through 1702 of the Sewickley Borough Code of Ordinances; and

WHEREAS, the Borough of Sewickley wishes to protect the character and maintain the stability of its Village Overlay District; and

WHEREAS, the Borough of Sewickley Planning Commission, at its meeting held on Wednesday, April 2, 2014, made a recommendation to Borough Council that definitions and non-residential conditional use provisions be added to permit a non-profit institution to utilize up to 50% of the net square footage of a ground floor for office or administrative purposes in the Village Overlay District based on certain conditions; and

WHEREAS, the Borough of Sewickley has advertised notice of its intent to consider for adoption such a proposed Ordinance and the time, place and date of the public hearing thereon; and

WHEREAS, a public hearing on the pending Ordinance has been held this date; and

WHEREAS, in the judgment of the Borough Council of the Borough of Sewickley, the within Ordinance is consistent with the Aleppo-Sewickley-Glenn Osborne Comprehensive Plan adopted by the Borough and will promote and protect the health, safety and welfare of the inhabitants of the Borough and the public at large.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Sewickley, County of Allegheny, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same;

**BOROUGH OF SEWICKLEY
ORDINANCE 1317
PAGE TWO**

Section 1. The definition of "MUSEUM/CULTURAL CENTER" in Chapter 27, Section 303 of the Sewickley Borough Code of Ordinances shall be amended by repealing the present definition of "MUSEUM/CULTURAL CENTER" and replacing it with a new definition of "MUSEUM/CULTURAL CENTER" that shall read as follows:

MUSEUM/CULTURAL CENTER - a business establishment or non-profit institution primarily engaged in creating, acquiring, studying, interpreting and/or exhibiting items for public instruction and enjoyment.

Section 2. Chapter 27, Section 303 of the Sewickley Borough Code of Ordinances shall be further amended by the addition of definitions for "INSTITUTION" and "NON-PROFIT" that shall read as follows:

INSTITUTION - a society or organization founded for non-religious educational, social, historic, cultural or civic purpose.

NON-PROFIT – a corporate entity organized under the provisions of the Internal Revenue Code, Section 501(c)(3).

Section 3. Chapter 27, Section 502(H)(1)(a) of the Sewickley Borough Code of Ordinances shall be amended by repealing the present Section 502(H)(1)(a) and replacing it with a new Section 502(H)(1)(a) that shall read as follows:

- (a) Business and *professional offices* on a *building's basement or ground floors* shall be prohibited except as provided in §803(Q)(3).

Section 4. Chapter 27, Section 803(Q) of the Sewickley Borough Code of Ordinances shall be amended by the addition of a new subsection 3 that shall read as follows:

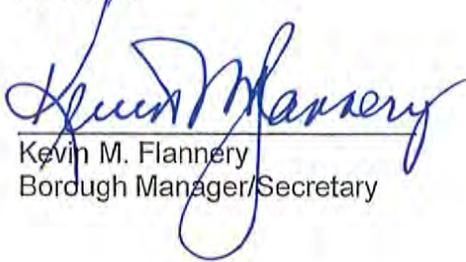
- 3. A non-profit institution may utilize a portion of the first or ground floor of a building in the Village Overlay for office or administrative needs so long as:
 - a. A minimum of fifty percent (50%) of the net square footage of said first or ground floor includes publicly accessible exhibits relating to the mission/purpose of the institution; and
 - b. Said publicly accessible exhibits are located immediately fronting on and visible from a public street.

Section 5. This Ordinance shall take effect immediately upon its adoption and shall specifically repeal any other ordinance inconsistent with this Ordinance.

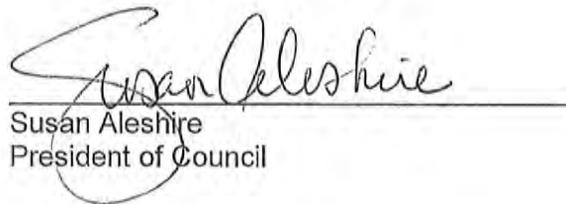
**BOROUGH OF SEWICKLEY
ORDINANCE 1317
PAGE THREE**

ORDAINED AND ENACTED into law this 21st day of April, 2014.

ATTEST:


Kevin M. Flannery
Borough Manager/Secretary

BOROUGH OF SEWICKLEY


Susan Aleshire
President of Council

EXAMINED AND APPROVED by me this 21st day of April, 2014.


Brian F. Jeffe
Mayor

**BOROUGH OF SEWICKLEY
ORDINANCE 1305**

**AN ORDINANCE AMENDING CHAPTER 27, SECTIONS 404 AND 803 OF THE
SEWICKLEY BOROUGH CODE OF ORDINANCES, PERTAINING TO ZONING
DISTRICTS IN WHICH PLACES OF WORSHIP, PLACES OF ASSEMBLY, AND
PUBLIC PARKS ARE CURRENTLY A PERMITTED OR CONDITIONAL USE**

WHEREAS, the Borough of Sewickley has adopted rules and regulations pertaining to permitted and conditional uses in the Borough's zoning districts through Ordinance 1296 passed by Borough Council on August 15, 2011, and amended by Ordinance 1300 passed on December 19, 2011; and

WHEREAS, the rules and regulations pertaining to zoning matters have been codified in Chapter 27, Sections 101 through 1702 of the Sewickley Borough Code of Ordinances; and

WHEREAS, the Borough of Sewickley wishes to protect the character and maintain the stability of its residential areas within the Borough, prevent traffic and parking congestion in its residential areas, and ensure the taxable nature of property in its residential areas; and

WHEREAS, the Borough of Sewickley wishes to ensure the availability of areas for the accommodation of places of worship, places of assembly and public parks within the Borough; and

WHEREAS, the Borough of Sewickley Planning Commission, at its meeting held on Wednesday, March 7, 2012, made a recommendation to Borough Council that Places of Public Worship, Places of Assembly, and Public Parks no longer be conditional or permitted uses in R-1 and R-1A zoning districts and that the Borough Solicitor cause an amendment to that affect to be advertised as a pending ordinance; and

WHEREAS, the Borough Council of the Borough of Sewickley, at its Committee of the Whole meeting held on Tuesday, March 13, 2012, voted to accept the recommendation of the Planning Commission by advertising its resolve to consider an amendment to Chapter 27 whereby Places of Worship, Places of Public Assembly, and Public Parks would no longer be conditional or permitted uses in R-1 and R-1A zoning districts and to hold a public hearing on such an amendment; and

WHEREAS, the Borough of Sewickley has advertised notice of its intent to consider for adoption this pending Ordinance and the time, place and date of the public hearing thereon; and

**BOROUGH OF SEWICKLEY
ORDINANCE 1305
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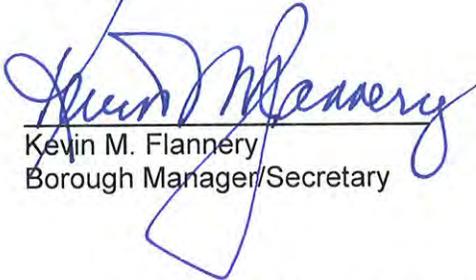
Section 2. Subsection U of Chapter 27, Section 803 of the Borough Code of Ordinances shall be repealed.

Section 3. This Ordinance shall take effect immediately upon its adoption and shall specifically repeal any other ordinance inconsistent with this Ordinance.

ORDAINED AND ENACTED into law this 16th day of April, 2012.

ATTEST:

BOROUGH OF SEWICKLEY

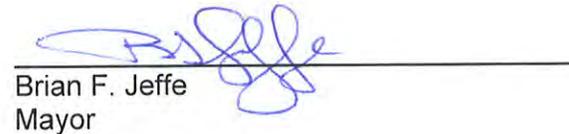


Kevin M. Flannery
Borough Manager/Secretary



Robert G. Hague
President of Council

EXAMINED AND APPROVED by me this 16th day of April, 2012.



Brian F. Jeffe
Mayor

BOROUGH OF SEWICKLEY
ORDINANCE NO. 1302

**AN ORDINANCE OF THE BOROUGH OF SEWICKLEY, REZONING A PORTION OF
PROPERTY LOCATED AT BLOCK AND LOT NO. 421-A-5 FROM A COMMERCIAL
DISTRICT C-1, VO TO A RESIDENTIAL DISTRICT R-1A ZONING DISTRICT**

The Borough of Sewickley Council ordains as follows:

Section 1. The Borough Council finds the following facts:

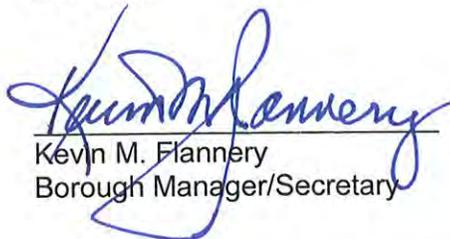
- a. Persons interested in Block and Lot No. 421-A-5 have petitioned for rezoning of the land in accordance with the established procedures.
- b. Borough Council finds that the requested rezoning will promote the public health, safety and welfare and practical community development in the Borough of Sewickley and will be in furtherance of the Borough's Comprehensive Plan; and
- c. The Borough of Sewickley Planning Commission held a Public Hearing on January 4, 2012 and recommended adoption to the Borough of Sewickley Council.
- d. Borough Council has given due public notice, held the requisite Public Hearings and duly notified the Allegheny County Department of Economic Development as pertains to the proposed rezoning.

Section 2. The property located at Block and Lot No. 421-A-5 is hereby rezoned from a Commercial District C-1, VO to a Residential District R-1A, in accordance with the maps attached hereto as Exhibit "A" and incorporated herein, with the rezoned areas outlined in red.

Section 3. The proper Borough officials are directed to note and delineate the zoning change on any and all official zoning maps.

ORDAINED AND ENACTED into law this 16th day of January, 2012.

ATTEST:


Kevin M. Flannery
Borough Manager/Secretary

BOROUGH OF SEWICKLEY


Robert Hague
President of Council

EXAMINED AND APPROVED by me this 16th day of January, 2012.


Brian Jeffe
Mayor

BOROUGH OF SEWICKLEY
ORDINANCE NO. 1300

AN ORDINANCE OF THE BOROUGH OF SEWICKLEY, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA AMENDING CHAPTER 27, THE BOROUGH OF SEWICKLEY ZONING ORDINANCE, OF THE CODIFICATION OF ORDINANCES OF THE BOROUGH OF SEWICKLEY, IN ITS ENTIRETY, AND REPEALING ALL INCONSISTENT ORDINANCES

WHEREAS, the Borough of Sewickley Council did adopt Ordinance No. 1296 on August 15, 2011; and

WHEREAS, the Borough of Sewickley Planning Commission reviewed the proposed Ordinance amendments and made a recommendation to the Borough Council on Wednesday, December 7, 2011; and

WHEREAS, the Borough of Sewickley Council held a public hearing, as provided by the Pennsylvania Municipalities Planning Code, on Monday, December 19, 2011; and

WHEREAS, the Borough of Sewickley Council advertised notice of intent to adopt the proposed ordinance and the time, place and date of the public hearing; and

WHEREAS, the proposed ordinance was submitted to the Allegheny County Department of Economic Development, Planning Division for review and comment; and

WHEREAS, in the judgment of the Borough of Sewickley Council, the proposed Borough of Sewickley Ordinance No. 1300 of the Borough of Sewickley, Allegheny County, Pennsylvania is consistent with the overall Aleppo-Sewickley-Glen Osborne Comprehensive Plan adopted by the Borough.

NOW THEREFORE, in consideration of the foregoing, it is hereby ordained and enacted by the authority of the Borough of Sewickley Council:

ORDINANCE NO. 1300

PAGE 2

SECTION 1: Chapter 27 – Borough of Sewickley Zoning Ordinance, of the Codification of Ordinances of the Borough of Sewickley, is hereby amended as set forth in Exhibit “A” attached hereto:

- §103. General Intent and Objectives.*
- §107. Repealer.*
- §201. Official Zoning Map.*
- §303. Terms Defined.*
- §402. General Intent of the Zoning Districts.*
- §403. Permitted Uses, Conditional Uses and Uses by Special Exception.*
- §404. Principal Land Uses.*
- §405. Accessory Uses.*
- §409. Multiple Principal Building Standards.*
- §501. Floodplain Overlay.*
- §502. Village Overlay.*
- §601. Accessory Uses, Buildings or Structures*
- §608. Setback Encroachments.*
- §609. General Landscaping.*
- §610. Bufferyards.*
- §611. Landscaping for Off-Street Parking and Service Structures.*
- §801. Granting and Evaluation of Conditional Uses.*
- §802. Residential Conditional Uses.*
- §904. Wall Signs.*
- §912. Marquees.*
- §913. General Provision.*
- §1001. Parking Ratios.*
- §1002. Other Parking Requirements.*
- §1003. Loading Requirements.*
- §1201. Non-conformities.*
- §1202. Non-conforming Lots of Record.*
- §1302. Requests for Reasonable Accommodation.*
- §1303. Special Exception Procedures of Approval.*
- §1304. Conditional Uses Procedure for Approval.*
- §1305. Variances.*
- §1401. Purpose of Rezoning.*
- §1403. Review of Rezoning Applications.*
- §1404. Application Criteria.*
- §1502. Occupancy Permits.*
- §1503. Temporary Use Permit.*
- §1701. Outline of Administrative Roles and Duties.*
- §1702. Enforcement Remedies.*
- Appendix B: Village Design Guidelines Overlay*

SECTION 2: It is hereby the intention of Borough Council that the Codification of Ordinances of the Borough of Sewickley shall be amended as set forth in Exhibit “A” attached to this Ordinance.

ORDINANCE NO. 1300
PAGE 3

SECTION 3: Any ordinance, or any part of any ordinance inconsistent with the provisions of this ordinance, is hereby repealed to the extent of such inconsistency.

This ordinance shall be effective as of Monday, December 19, 2011.

ORDAINED AND ENACTED this 19th day of December, 2011.

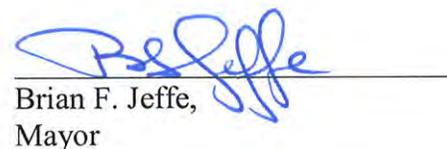
ATTEST:

BOROUGH OF SEWICKLEY


Kevin M. Flannery
Borough Manager


Robert Hague
President of Council

EXAMINED AND APPROVED by me this 19th day of December, 2011.


Brian F. Jeffe,
Mayor

BOROUGH OF SEWICKLEY

ORDINANCE NO. 1300

EXHIBIT "A"

<p>§103. <i>General Intent and Objectives.</i></p> <p>§107. <i>Repealer.</i></p> <p>§201. <i>Official Zoning Map.</i></p> <p>§303. <i>Terms Defined.</i></p> <p>§402. <i>General Intent of the Zoning Districts.</i></p> <p>§403. <i>Permitted Uses, Conditional Uses and Uses by Special Exception.</i></p> <p>§404. <i>Principal Land Uses.</i></p> <p>§405. <i>Accessory Uses.</i></p> <p>§409. <i>Multiple Principal Building Standards.</i></p> <p>§501. <i>Floodplain Overlay.</i></p> <p>§502. <i>Village Overlay.</i></p> <p>§601. <i>Accessory Uses, Buildings or Structures</i></p> <p>§608. <i>Setback Encroachments.</i></p> <p>§609. <i>General Landscaping.</i></p> <p>§610. <i>Bufferyards.</i></p> <p>§611. <i>Landscaping for Off-Street Parking and Service Structures.</i></p> <p>§801. <i>Granting and Evaluation of Conditional Uses.</i></p> <p>§802. <i>Residential Conditional Uses.</i></p> <p>§904. <i>Wall Signs.</i></p>	<p>§912. <i>Marquees.</i></p> <p>§913. <i>General Provision.</i></p> <p>§1001. <i>Parking Ratios.</i></p> <p>§1002. <i>Other Parking Requirements.</i></p> <p>§1003. <i>Loading Requirements.</i></p> <p>§1201. <i>Non-conformities.</i></p> <p>§1202. <i>Non-conforming Lots of Record.</i></p> <p>§1302. <i>Requests for Reasonable Accommodation.</i></p> <p>§1303. <i>Special Exception Procedures of Approval.</i></p> <p>§1304. <i>Conditional Uses Procedure for Approval.</i></p> <p>§1305. <i>Variances.</i></p> <p>§1401. <i>Purpose of Rezoning.</i></p> <p>§1403. <i>Review of Rezoning Applications.</i></p> <p>§1404. <i>Application Criteria.</i></p> <p>§1502. <i>Occupancy Permits.</i></p> <p>§1503. <i>Temporary Use Permit.</i></p> <p>§1701. <i>Outline of Administrative Roles and Duties.</i></p> <p>§1702. <i>Enforcement Remedies.</i></p> <p><i>Appendix B: Village Design Guidelines Overlay</i></p>
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CHAPTER 27

ZONING

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PART I – INTENT, TITLE AND PURPOSES

§101. *Title.*

- A. This Chapter shall be known as and may be cited as the “Official Zoning Ordinance of the *Borough of Sewickley*” and the map shall be known and designated as the “*Official Zoning Map of the Borough of Sewickley.*”

§102. *Authority.*

- A. This Chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, The Pennsylvania *MPC (MPC)*, July 31, 1968, as amended.

§103. *General Intent and Objectives.*

- A. This Chapter is made in accordance with an overall program, and with consideration for the character of the *Borough*, its various parts, and the suitability of the various parts for particular uses and *structures*. This Chapter is enacted for the following purposes:
1. To promote, protect and facilitate one (1) or more of the following: *public health*, safety, morals, general welfare, coordinated and practical community *development*, proper *density* of population, emergency preparedness, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and *loading space*, transportation, water, sewerage, *schools*, *public grounds* and other *public requirements*.
 2. To provide uses, *buildings* and/or *structures* compatible with the character of *development* or the *permitted uses* within the specified *zoning districts*.
 3. To protect the character and maintain the stability of residential, commercial, institutional, industrial and open space areas within the *Borough*.
 4. To prevent one (1) or more of the following: over-crowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
 5. To promote and to foster the community *development* goals and objectives, including quality *infill*, *redevelopment* and/or adaptive reuse, as identified in the Aleppo, Sewickley and Glen Osborne (ASO) Joint *Comprehensive Plan*, as amended.
 6. To identify land uses within this Ordinance that shall be considered mutually shared with all communities participating in the ASO Joint *Comprehensive Plan*.

(27) PART I
Intent, Title and Purposes

§104. Interpretation.

- A. In interpreting and applying this Chapter, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals, and general welfare of the *Borough*. Any use permitted subject to the regulations prescribed by the provisions of this Chapter shall conform with all the regulations and is not intended to interfere with, abrogate, annul, supersede or cancel any reservations contained in deeds or other agreements, but if this Chapter imposes more stringent restrictions upon the use of *buildings*, *structures* and land than are contained in the deeds or agreements, the provisions of this Chapter shall control.

§105. Application.

- A. The provisions, regulations, limitations and restrictions of this Chapter shall apply to all *structures*, *buildings*, uses, *signs* and land and their *accessory structures*, *buildings*, uses and *signs*. The requirements of this Chapter are not applicable to *temporary uses* permitted by and/or conducted by the *Borough* of Sewickley or its authorized municipal authorities to be conducted on, upon, or in *Borough* land or *structures*.

§106. Abrogation.

- A. It is not intended by this Chapter to repeal, abrogate, annul, other than enumerated in §107 herein, or interfere with any existing ordinance or enactment or with any rule, regulation, or permit adopted or issued. If this Chapter imposes greater restrictions upon the use of *buildings* or land, then the provisions of this Chapter shall control.

§107. Repealer.

- A. Ordinance 1176, as amended, is hereby expressly repealed; provided, further that nothing in this Chapter shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Chapter.

§108. Severability.

- A. If any section, subsection, paragraph, sentence, clause or phrase of this Chapter shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect, and for this purpose the provisions of this Chapter are hereby declared to be severable.

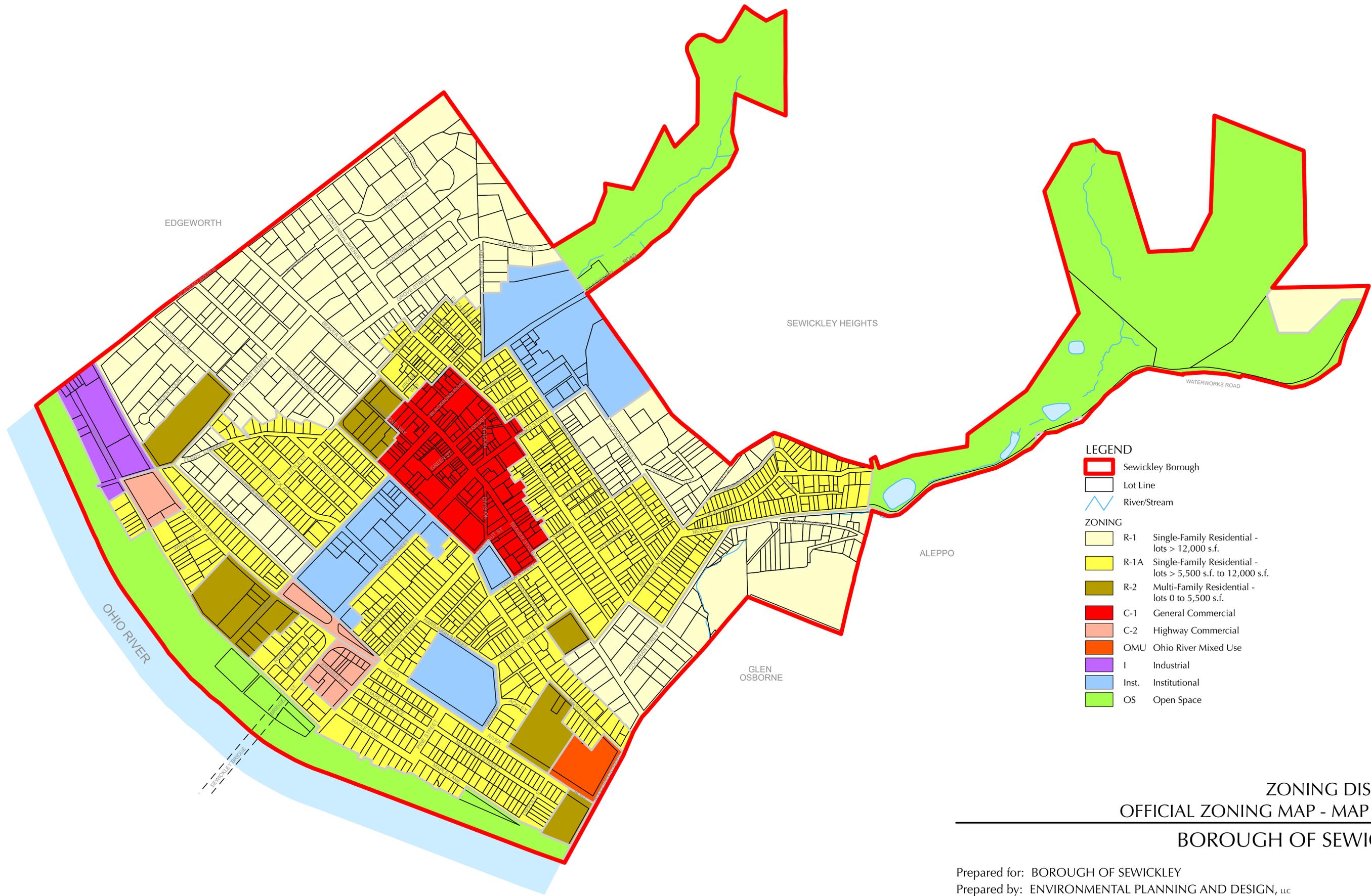
PART II – OFFICIAL ZONING MAP

§201. Official Zoning Map.

- A. The *Borough* is hereby divided into zones, or districts, and overlays as shown on the *Official Zoning Maps* of the *Borough* of Sewickley, Maps 1, 2, 3 and 4 which hereafter referred to as the *Official Zoning Map*, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.
- B. The *Official Zoning Map* shall be identified by the signature of the President of the *Borough Council*, attested by the *Borough Manager/Borough Secretary* and shall bear the seal of the *Borough* under the following words: “This is to certify that this is the *Official Zoning Map* referred to in Ordinance Number 1296 of the *Borough* of Sewickley, Allegheny County, Pennsylvania,” together with the date of adoption of this Chapter.
- C. No changes of any nature shall be made in the *Official Zoning Map* or matter shown thereon except in conformity with the procedures set forth in this Chapter. Any unauthorized change of whatever kind by any *person* shall be considered a violation of this Chapter and punishable as provided under Part XVII of this Chapter.
- D. The *Official Zoning Map*, which shall be located in Sewickley *Borough’s* Municipal *Building* Administrative Office, shall be the final authority as to the current zoning status of land and water areas, *buildings*, and other *structures* in the *Borough*.
- E. Any *amendments*, legally adopted to change any *zoning district boundaries* of the *Official Zoning Map*, shall be noted on said map by Ordinance number and date of adoption of the *amendment*.
- F. *Borough Council* may by Ordinance update the parcel lines as available from Allegheny County on the *Official Zoning Map*, noting said date and source on the map.
- G. Where uncertainty exists as to the *boundaries* of *zoning districts* as shown on the *Official Zoning Map*, the following rules shall apply:
 1. The *boundaries* between *zoning districts* are, unless otherwise indicated, either the centerlines of streets, *alleys*, rights-of-way, *lot lines*, railroads, streams or such lines extended, or lines parallel thereto.
 2. The water surface and the land under the water surface of all waterways not otherwise zoned are hereby placed in the same *zoning district* as the land which it abuts as shown on the *Official Zoning Map*. Where the *zoning districts* shown on the *Official Zoning Map* are different on opposite sides of the water area, then the *zoning district* on each side shall extend to the center line or midpoint of the water area.
 3. Where *zoning district boundaries* are not clearly fixed by the above methods, they shall be determined by the use of the scale of the *Official Zoning Map*.

(27) PART II
Official Zoning Map

- H. Where a street or *alley* shown on the *Official Zoning Map* is hereafter officially vacated by replatting or otherwise, the land formerly in such street or *alley right-of-way* shall be included within the *zoning district* of *adjoining lot(s)* on either side of said vacated street or *alley*. In the event such street or *alley* was a district *boundary* between two (2) or more different *zoning districts*, the district *boundary* shall be the former centerline of such vacated street or *alley*.
- I. When there is disagreement on the location of *zoning district boundaries*, a decision shall be rendered by the *Zoning Hearing Board*, which shall have the power and duty of interpreting the intent of said zoning map in accordance with the spirit and purpose of the Official Zoning Ordinance.
- J. Records of all *Official Zoning Map amendments* are located on file in the *Borough's* Administrative Office.



LEGEND

- Sewickley Borough
- Lot Line
- River/Stream

ZONING

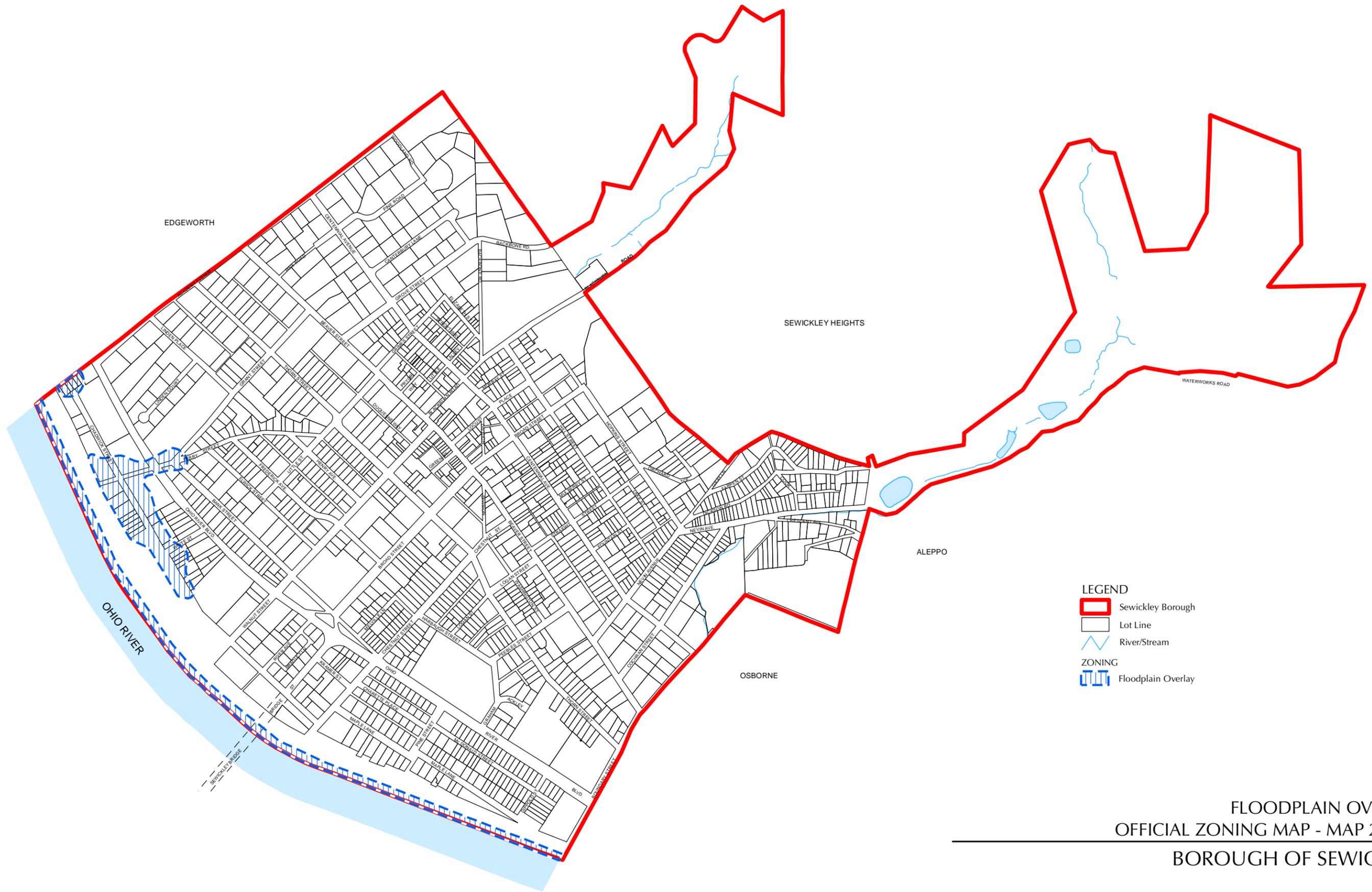
- R-1 Single-Family Residential - lots > 12,000 s.f.
- R-1A Single-Family Residential - lots > 5,500 s.f. to 12,000 s.f.
- R-2 Multi-Family Residential - lots 0 to 5,500 s.f.
- C-1 General Commercial
- C-2 Highway Commercial
- OMU Ohio River Mixed Use
- I Industrial
- Inst. Institutional
- OS Open Space

ZONING DISTRICTS
OFFICIAL ZONING MAP - MAP 1 OF 4
BOROUGH OF SEWICKLEY

Prepared for: BOROUGH OF SEWICKLEY
Prepared by: ENVIRONMENTAL PLANNING AND DESIGN, LLC

Adopted: August 15, 2011
Amended: July 21, 2014
Amended: November 16, 2015
Amended: May 16, 2016





LEGEND

- Sewickley Borough
- Lot Line
- ~ River/Stream

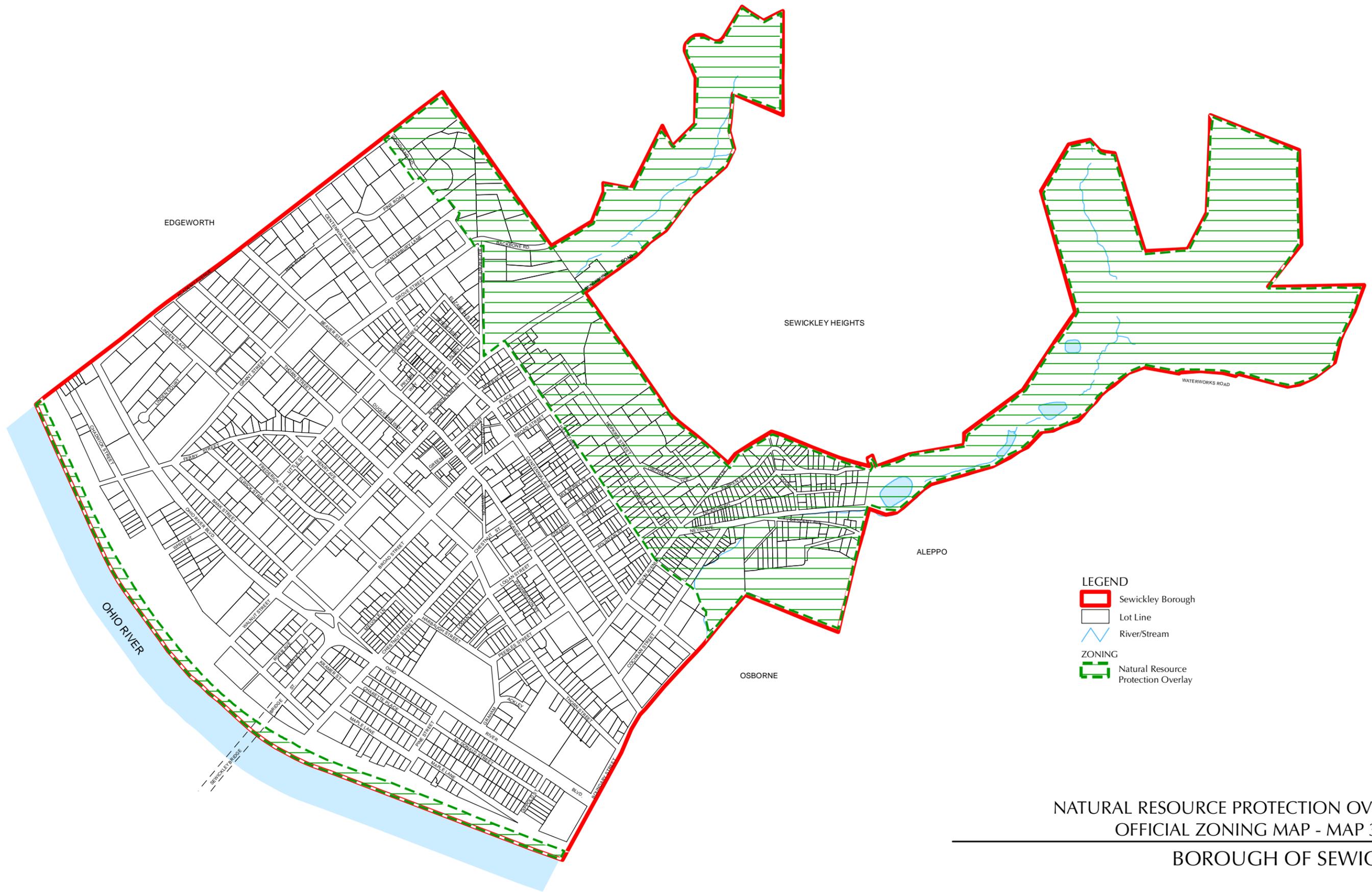
ZONING

- Floodplain Overlay

FLOODPLAIN OVERLAY
OFFICIAL ZONING MAP - MAP 2 OF 4
BOROUGH OF SEWICKLEY

Prepared for: BOROUGH OF SEWICKLEY
 Prepared by: ENVIRONMENTAL PLANNING AND DESIGN, LLC
 Adopted: August 15, 2011
 Amended: January 16, 2012





LEGEND

-  Sewickley Borough
-  Lot Line
-  River/Stream

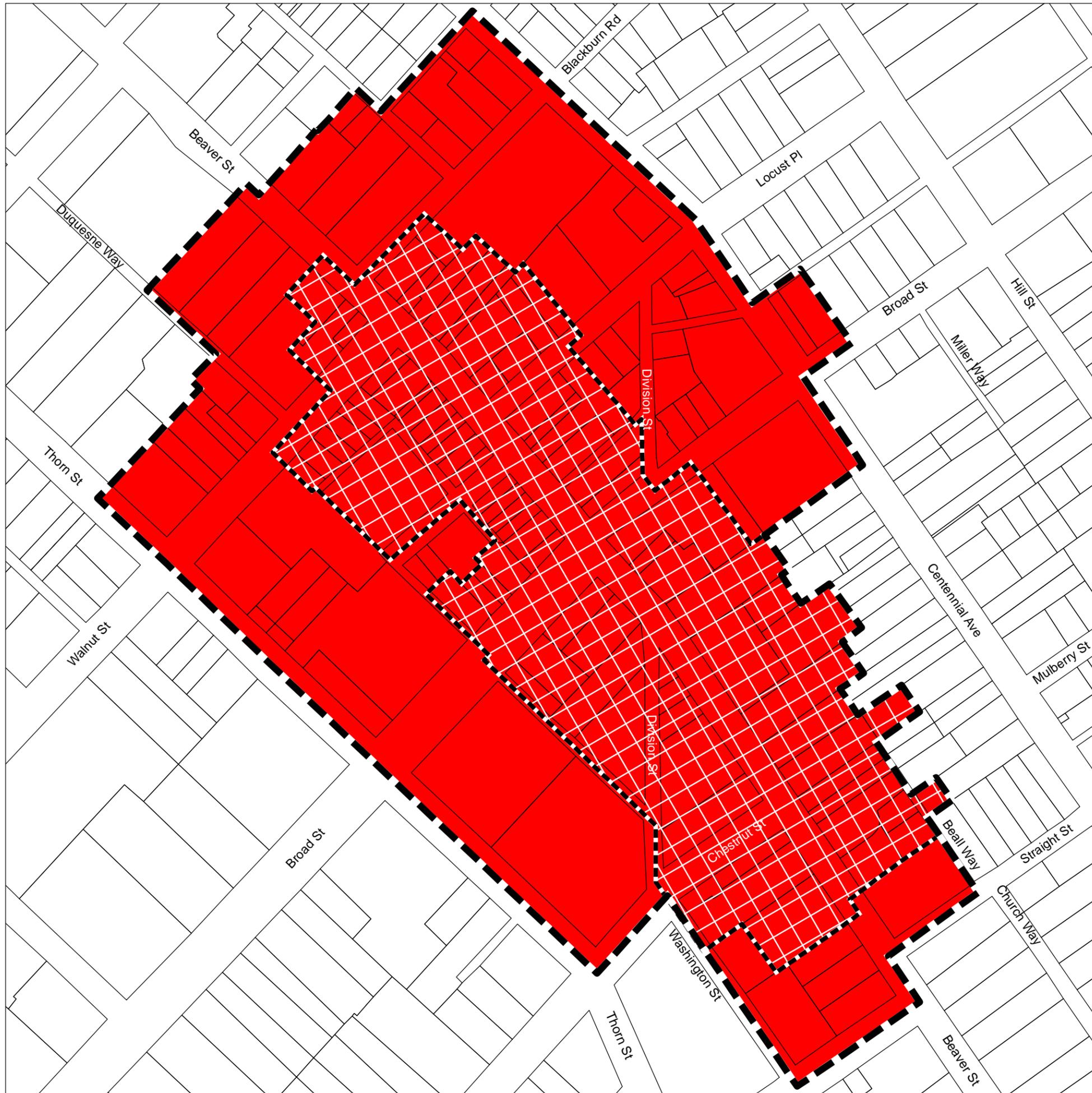
ZONING

-  Natural Resource Protection Overlay

NATURAL RESOURCE PROTECTION OVERLAY
 OFFICIAL ZONING MAP - MAP 3 OF 4
 BOROUGH OF SEWICKLEY

Prepared for: BOROUGH OF SEWICKLEY
 Prepared by: ENVIRONMENTAL PLANNING AND DESIGN, LLC
 Adopted: August 15, 2011
 Amended: January 16, 2012





- LEGEND**
-  Sewickley Borough
 -  Lot Line
 -  River/Stream
- ZONING**
-  C-1 General Commercial
 -  Sewickley Village Overlay

SEWICKLEY VILLAGE OVERLAY
OFFICIAL ZONING MAP - MAP 4 OF 4
BOROUGH OF SEWICKLEY

Prepared for: BOROUGH OF SEWICKLEY
 Prepared by: ENVIRONMENTAL PLANNING AND DESIGN, LLC
 Adopted: August 15, 2011
 Amended: January 16, 2012



PART III – DEFINITIONS

§301. *General Construction of Terms.*

For the purpose of the official Zoning Ordinance, certain terms used herein are defined. The following shall apply:

- A. Words used in the present tense include the future, words in the singular number include the plural and words in the plural number include the singular number.
- B. The word “shall” is always mandatory and not merely directory.
- C. The word “may” is permissive.
- D. The word “*structure*” shall include the word “*building*.”
- E. The word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.
- F. The word “occupied” includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.
- G. The word “land” shall include water surface.
- H. The word “*person*” includes individual, firm, corporation, association, trust, joint venture, partnership, estate, syndicate, fiduciary, government agency, two (2) or more *persons* having a joint or common interest, any combination of the preceding, and other similar entities.
- I. The word “Council Member” shall mean the elected members of the *Borough Council* of the *Borough* of Sewickley, Pennsylvania.
- J. The phrase “*Board Member*” shall mean the members of the *Zoning Hearing Board* of the *Borough* of Sewickley, Pennsylvania.
- K. The word “County” shall refer to Allegheny County, Pennsylvania.
- L. The terms “Chapter” and “Zoning Ordinance” shall refer to the “Official Zoning Ordinance of the *Borough* of Sewickley.
- M. The word “Plan” or “*Comprehensive Plan*” shall mean the Aleppo, Sewickley and Glen Osborne Joint *Comprehensive Plan*, or the future land use element and future land use plan map of the Joint *Comprehensive Plan*, respectively.
- N. The word “Manager” shall mean the *Borough Manager/Secretary* of the *Borough* of Sewickley, Pennsylvania.

(27) PART III

Definitions

- O. Any reference to the *Borough Manager/Secretary*, Borough Solicitor, *Planning Commission*, *Borough Engineer* or other administrative official of the *Borough* of Sewickley, Pennsylvania, shall include their designees.

§302. Abbreviations.

ASO	Aleppo, Sewickley, Glen Osborne Joint <i>Comprehensive Plan</i>
dBA	<i>decibel level</i>
dbh	diameter at breast height
DCED	Department of Community and Economic Development
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FIA	Federal Insurance Administration
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
GFA	gross floor area
HVAC	Heating, Ventilating, and Air Conditioning
LEED [®]	Leadership in Energy and Environmental Design [®]
MPC	<i>Pennsylvania Municipalities Planning Code</i>
PADEP	Pennsylvania Department of Environmental Protection
PennDOT	Pennsylvania Department of Transportation
SALDO	<i>Subdivision and Land Development Ordinance</i>
UCC	Uniform Construction Code
WECS	Wind Energy Conversion System

§303. Terms Defined.

ABANDONMENT - the relinquishment of the *lot(s)* or *structure*, or a cessation of the use of the *lot* or *structure* by the owner with the intention of neither transferring rights of the *lot* or *structure* to another owner or of resuming the use of the *lot* or *structure*.

ACCESS DRIVE - a vehicular throughway serving a non-residential use or *multi-family* use located within a *parking lot* which directly adjoins *parking spaces*. An *access drive* provides the vehicular connection between *parking space* area and the *driveway* which directly connects to the *public right-of-way*. The *access drive* does not include the vehicular path that connects the parking area to the *public way*.

ACCESSORY BUILDING/STRUCTURE - a *structure* greater than one-hundred (100) square feet clearly subordinate to and on the same *lot* as the principal *structure* and used exclusively for purposes constituting an *accessory use*, including, but not limited to, *private garages*, *accessory dwellings*, barns, *swimming pools*, gazebos, *utility sheds*, greenhouses and excluding *signs*, *communication towers*, communication facilities, telecommunications equipment *buildings*, collocation/shared use communication facilities and power-mounted/shared use communication facilities.

ACCESSORY DWELLING - a *dwelling unit* located on the same *lot* and smaller in square footage than the principal dwelling.

ACCESSORY USE - see Use, Accessory.

ADAPTIVE RE-USE - a process of adapting old *structures* for new purposes.

ADULT BOOK STORE - an establishment in which ten (10) percent or more of the net *retail* floor area offers for sale, for rent or lease, for loan, or for view upon the premises, of pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual presentations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers sexual devices for sale.

ADULT CABARET - an establishment, club, *tavern*, *restaurant*, *theater* or hall which features live entertainment distinguished or characterized by emphasis on sexual conduct or sexually explicit nudity.

ADULT FACILITY - includes *adult theater*, adult motion picture *theater*, adult *motel*, *adult cabaret*, *adult bookstore*, and adult video store.

ADULT THEATER - an establishment, *building* or a room within a *building* used for presenting motion picture film, video tape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

ALL OTHER USES - any land use not specified in Table 1: Principal Land Uses of §404.

ALLEY - a *public* thoroughfare not intended for general traffic circulation which may afford a secondary means for *lot* access.

ALTERATION - any change in a *structure* that increases or diminishes exterior dimensions or modifies openings in the exterior walls.

AMENDMENT - a refinement to this Chapter which includes revisions to the zoning text and/or the *Official Zoning Map* by ordinance of the *Borough Council*.

AMPHITHEATER - an outdoor gathering space typically for entertainment which is often constructed with tiers of seats or sloping surfaces that gradually rise outward from a central open

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space or stage. An *amphitheater* may include a bandshell-type *building/structure* to provide weather protection to a stage.

ANTENNA - any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any *structure*.

ANTENNA, SATELLITE DISH - a device incorporating a reflective surface that is solid, open mesh or *bar* configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, tapered rolling strip *antennas* (TAROS) and satellite microwave *antennas*.

ANTENNA HEIGHT - the vertical distance measured from the grade adjacent to the base of the *antenna* or support *structure* of the *antenna*, whichever is lower, to the top of the *antenna support structure* or *antenna*, whichever is higher. If the *antenna support structure* is on a sloped grade, then the lowest grade shall be used in calculating the *antenna height*.

ANTENNA SUPPORT STRUCTURE - any *building*, tower or *structure* used for the purpose of supporting an *antenna*.

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

APPURTENANCE - the visible, functional or ornamental objects accessory to and part of a *structure*.

ARCHITECT - an individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of architecture.

AS-BUILT PLANS - *construction* or engineering plans prepared after the completion of *construction*, by the *engineer*, *architect* and /or *landscape architects* of record, in such a manner as to accurately identify and depict the location of all on-site *improvements*, which includes but is not limited to all *buildings*, *structures*, *driveways*, governor's drives, *access drives*, lighting, parking, grading, utilities, storm water management facilities, curbs, gutters, and sidewalks as defined by this Ordinance or other *Borough Ordinances*.

AUTO DETAIL SHOP - a business establishment or portion thereof contained completely indoors in which automobile interiors and exteriors are cleaned by employees of the shop and which may contain products for sale relating to common vehicle maintenance and detailing.

AUTOMOTIVE RENTAL ENTERPRISE - a business establishment engaged in the leasing or renting of automobiles, motorcycles, and light load vehicles.

AUTOMOTIVE REPAIR FACILITY - the use of land, including any *structures* thereon, or any *building* or part thereof, that is used for the mechanical and/or body repairs of motor vehicles

and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

AUTOMOBILE SALES (USED) - the use of land and/or *buildings* primarily for the display and *retail* sale of previously used and/or owned automobiles, vans, motorcycles, and light trucks. This term includes *automotive repair facility* as an *accessory use*. All automotive repairs shall be conducted entirely within an enclosed *building*. An *automotive rental enterprise* shall not be included within said definition.

AUTOMOBILE SALES (NEW) - the use of land and/or *buildings* primarily for the display and *retail* sale and/or long-term leasing of new automobiles, vans, motorcycles, and light trucks. Long-term leasing shall mean the leasing of new vehicles for time periods of at least one (1) year. Includes *automotive repair facilities* and car washing not available to the general *public* for automobiles as an *accessory use*. All automotive repairs and car washing shall be conducted entirely within an enclosed *building*. An *automotive rental enterprise* shall not be included within said definition.

AUTOMOTIVE SERVICE STATION - a business establishment whose purpose is to repair, either the mechanical, and/or body of motor vehicles and light trucks, and/or to engage in the *retail* sale of gasoline, oil, other fuel, or accessories for motor vehicles and which may include accessory facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles but excluding a convenience store.

BAKERY, RETAIL - a business establishment engaged in the production and/or sale of baked goods including, but not limited to, pastries, cakes and breads.

BASEMENT - the space enclosed by the foundation or *ground floor* walls of a *building* partly or wholly below the average level of the adjacent ground. A *basement* shall not be counted as a *story* for purpose of height measurements unless one-half (1/2) or more of its height is above the finished *lot* grade level.

BED and BREAKFAST - a business establishment that occupies a single-family dwelling and associated *accessory structures* where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for *private* events such as weddings, parties, seminars and conferences.

BEER STORE/DISTRIBUTOR - a business establishment engaged in the sale and/or delivery of beer and ale and may include wholesale quantities for distribution to *retail* sellers.

BERM - a bank of earth generally intended to screen activity on a *lot* from activity on an adjacent *lot(s)* or vice versa or *public* way.

BIOSWALE - a linear vegetated *swale* used to partially treat water quality, attenuate flooding potential and convey stormwater away from critical infrastructure.

BLOCK - an area bounded by streets, *right-of-ways*, streams or other similar natural features.

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BLOCK FACE - the contiguous facades of *buildings* along one (1) side of a street between two (2) intersecting streets. A *corner lot* shall have two (2) *block faces*.

BOARD - any body granted jurisdiction under the *Pennsylvania Municipalities Planning Code* or a land use ordinance which has the authority to render final adjudications.

BOARDING HOUSE - a business establishment, other than a *motel, hotel* or *bed and breakfast*, where, for compensation and by pre-arrangement for definite periods of time, lodging and meals are provided for four (4) or more *persons*. A *boarding house* shall include common areas and a common kitchen available for use by guests and may include other common areas.

BOROUGH - the Borough of Sewickley, Allegheny County, Pennsylvania.

BOROUGH COUNCIL - the *governing body Borough* of Sewickley, Allegheny County, Pennsylvania.

BOROUGH MANAGER - the duly appointed Borough official designated to administer the regulations, programs and services of the *Borough* of Sewickley.

BOUNDARY - a line which may or may not follow a visible feature that defines the limits of a geographic entity such as a *block*, a *block* numbering area, a census tract, a county, a municipality, a *lot*, a district, a property or a place.

BUFFERYARD - an area of land together with trees, grass, ground cover, shrubs, bushes, or other natural landscaping material, *walls, berms* or *fences* thereon, located between different land uses to minimize potential conflicts between them.

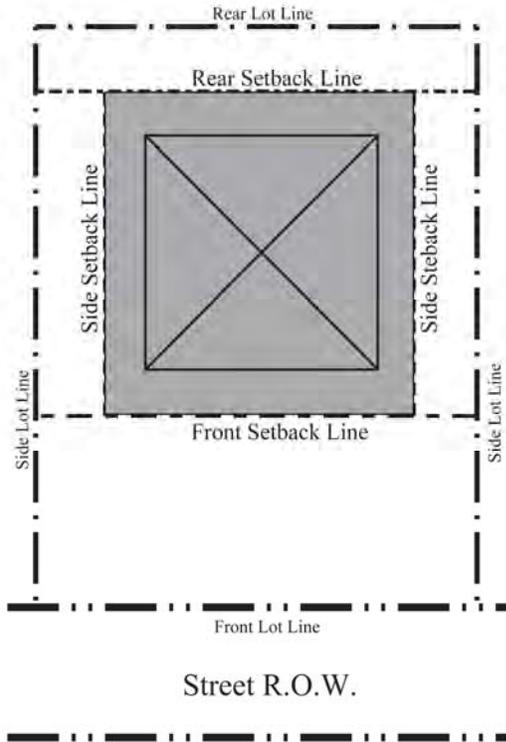
BUILDING - any fully enclosed *structure* having a roof intended for the shelter, housing or enclosure of *persons*, animals, equipment or belongings and not including Heating, Ventilating, and Air Conditioning (HVAC), mechanical equipment, electrical equipment or trash.

BUILDING COVERAGE – the horizontal area measured within the outside of the exterior wall of the *ground floor* of all principal and *accessory buildings* on the *lot* as a percent of *lot area*.

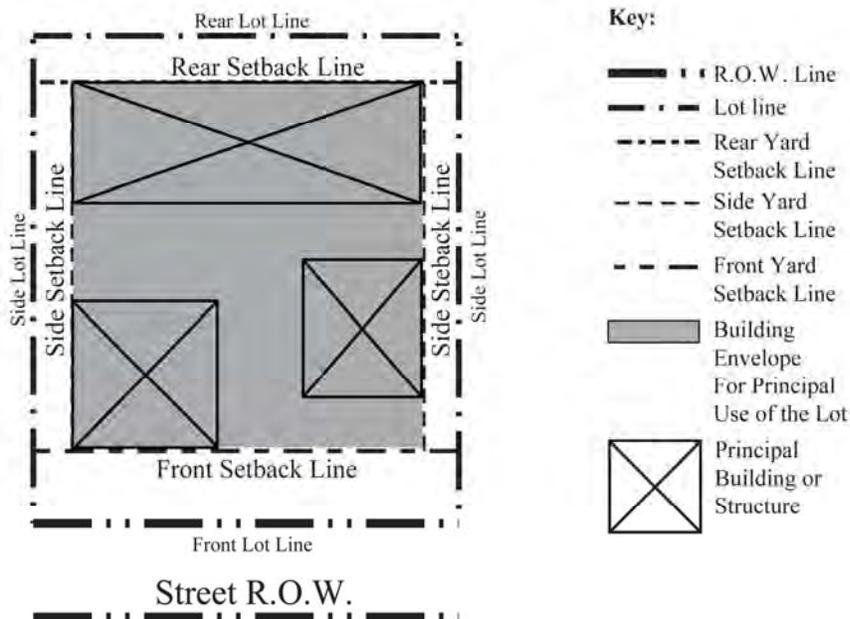
BUILDING ENVELOPE - the area of a *lot* remaining after the minimum *setback* requirements for the *building* have been met and which represents the area within which permitted *buildings* may be *erected*, used or maintained.

Figure 1: Typical *Building Envelope* for a *Principal Building Structure*

Single *Principal Building/Structure* on a *Lot*



Multiple *Principal Buildings/Structures* on a *Lot*



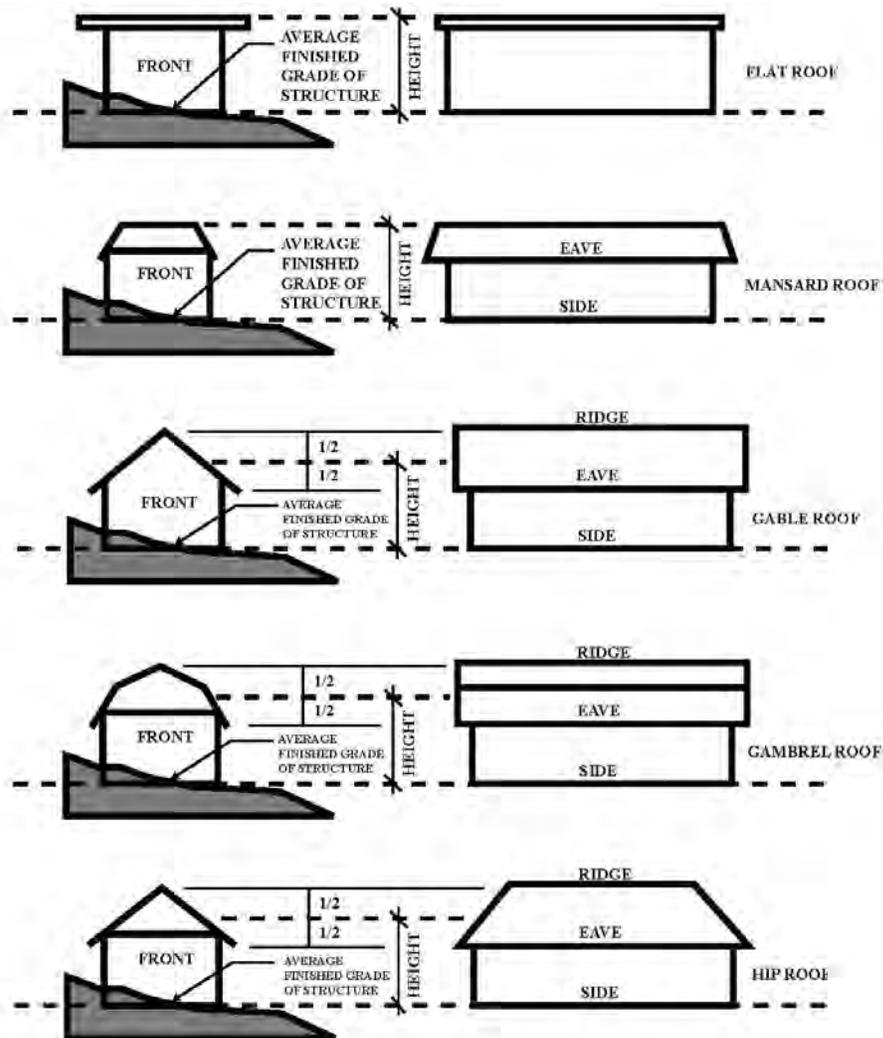
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BUILDING HEIGHT - the vertical distance measured from the average elevation of the proposed *finished grade* at the front of the *building* to the following points:

- A. Flat Roofs. The highest point of the roof.
- B. Mansard Roofs. The top of the roof.
- C. Gable Roofs. The mean height between the eaves and ridge.
- D. Hip Roofs. The mean height between the eaves and ridge.
- E. Gambrel Roofs. The mean height between the eaves and ridge.
- F. Other Types of Roofs. The highest vertical point.

Figure 2: Building Height



BUILDING LINE - a line drawn along a facade of a *building* and extends to the *lot lines* on both sides.

BUILDING PERMIT - a document issued by the *Borough* which allows *construction* to proceed.

BUILDING, PRINCIPAL - the *structure* in which the *lot's* fundamental use is conducted.

CAFÉ/COFFEE HOUSE - *restaurant* business establishment that offers primarily coffee, tea and other beverages and where light refreshments and limited menu food items that require no food preparation which utilizes an open flame or fryer may also be sold.

CANOPY - a roof-like cover with or without support from the ground that projects from the wall of a *building* over a door, entrance, window or an outdoor service area, or a free standing *structure* that covers an outdoor service area. An awning is a type of canopy.

CARPORY - a covered space, open on at least three (3) sides, for the *storage* of one (1) or more vehicles.

CEMETERY/MAUSOLEUM - a *lot* or portion of land that is reserved for the burying of the deceased and that could contain mausoleums and columbaria but not crematoriums.

CISTERN - a storage tank or similar vessel used to capture and temporarily store rainwater for various uses, including greywater reuse and irrigation.

CLEAR SIGHT TRIANGLE - an area of unobstructed vision at the intersection of two (2) streets or the intersection of a *driveway* with a street, intended to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision.

COMMERCIAL SCHOOL - a business establishment operated by a *private* or non-profit entity as a commercial enterprise where *persons* are instructed, taught or trained a specific trade, vocation, avocation or business discipline. The term *commercial school* shall include, but not be limited to, activities such as dancing, music, sports/recreation, business and technical training.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water within a *development* site, designed as and intended for the use or enjoyment by the *public* or residents of a *development*, not including streets, *off-street parking* areas, and areas set aside for *public* facilities. Storm water management facilities such as drainage ways, *swales* and storm water basins shall not be considered eligible to meet *common open space* requirements.

COMMUNICATIONS TOWER - any ground-mounted pole, spire, *structure*, or combination thereof, including supporting lines, cables, wires, braces, or masts, intended primarily for the purpose of mounting a communications *antenna* or similar apparatus above ground.

COMMUNITY AGRICULTURE - an area of land managed and maintained by an individual or a group of individuals to grow and harvest agriculture products and/or non-food, ornamental agriculture products, such as flowers, for consumption or donation other than personal use. A community agriculture area may be divided into separate plots for cultivation by one (1) or more

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individuals or may be used collectively by members of a group and may include common areas maintained and used by group members.

COMPREHENSIVE PLAN - the official Joint *Comprehensive Plan* of the Township of Aleppo and the *Boroughs* of Sewickley and Glen Osborne, as amended from time to time, adopted pursuant to the provisions of Article 3 of the *Pennsylvania Municipalities Planning Code*.

CONDITIONAL USE - a use permitted in a particular *zoning district* by the *Borough Council* upon satisfaction of all criteria enumerated in Part VIII of this Chapter and of the *Pennsylvania Municipalities Planning Code*, 53 P. S. §10601 et seq.

CONDOMINIUM - a *lot* or a portion of a *lot* where portion(s) of which are designated for separate ownership and the remainder of which is designated for common ownership solely controlled by the owners of the said portions.

CONSTRUCTION - the *construction*, reconstruction, renovation, repair, extension, expansion, *alteration*, or relocation of a *building* or *structure* including the placement of manufactured/mobile homes.

CONTRACTING ESTABLISHMENT - a *lot* or portion of a *lot* used by a general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include a *construction* site or any establishment otherwise defined or classified herein.

CONVENIENCE STORE, WITH FUEL/ENERGY RECHARGE - a business establishment that offers convenience goods for sale, such as pre-packaged or limited prepared food items, tobacco, periodicals, and other household goods in conjunction with the sale of fuel / energy recharge for vehicles.

CONVENIENCE STORE, WITHOUT FUEL/ENERGY RECHARGE - a business establishment that offers convenience goods for sale, such as pre-packaged or pre-prepared food items, tobacco, periodicals, and other household goods but does not include the sale of fuel/energy for vehicles.

CONVERSION APARTMENT - an existing *building* previously used for either a *single family* residential *dwelling unit* or a non-residential use where said *building* has been converted to three (3) or fewer *dwelling units*.

DAY CARE CENTER (YOUTH) - a business establishment that is licensed by the Pennsylvania Department of Welfare as a “day care center” where care is provided for twelve (12) or more children under sixteen (16) years of age for less than twenty-four (24) hours per day.

DAY CARE CENTER (ADULT) - any premises, that is licensed by Pennsylvania Department of Welfare as a “day care center” where care is provided for any number of adults, who are not relatives of the operator, at any one (1) time for part of a twenty-four (24) hour day.

DECIBEL - a unit for measuring the relative intensity of sounds based on an expressed a ratio of two (2) amounts of acoustic signal power equal to ten (10) times the common logarithm of this ratio.

DENSITY - the measurement of compactness of residential *development* as to the number of *dwelling units* per one (1) acre or forty-three thousand five hundred sixty (43,560) square feet.

DESK CHECK REVIEW - the process in which the Zoning Officer determines that an *Applicant* has provided the required application materials needed to obtain approvals as governed by this Chapter.

DEVELOPER - any *landowner*, agent of such *landowner*, or tenant with the permission of such *landowner*, who proposes, makes, or causes to be made a *subdivision* of land or *land development*.

DEVELOPER'S AGREEMENT - a contractual arrangement between a *developer* and the *Borough* that establishes the *developer's* responsibility regarding project phasing, the provision of *public* and *private* facilities, dedication of *public* facilities and *improvements*, covenants and restrictions of the land, home owners association by-laws and any other mutually agreed to terms and requirements.

DEVELOPMENT - any man-made change to an improved or unimproved *lot* including, but not limited to, *buildings* or other *structures*, filling, grading, paving, excavation, mining, dredging or drilling operations and the *subdivision* of land or *land development*.

DEVELOPMENT PLAN - the provisions for *development* of land 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, *driveways*, sidewalks and parking facilities, *common open space*, and *public* facilities. The phrase "provisions of *development* plan," when used in this Chapter, shall mean the written and graphic materials referred to in this definition.

DISTURBANCE - grading, excavation, *construction* and similar activities that have occurred or may occur on a *lot*.

DRIVE-THRU - an *accessory use* or *structure* that provides an *access drive* connecting to and from the *public right-of-way* for motor vehicles so as to serve patrons while in their motor vehicle(s).

DRIVEWAY - a vehicular connection from a *lot* to the *public right-of-way*. A *driveway* terminates at the *right-of-way* line and/or the *access drive*.

DWELLING UNIT - more than one (1) habitable room containing permanent heating, sanitary, sleeping, cooking and eating facilities used or intended to be used as living quarters for a single household or family.

DWELLING, SINGLE-FAMILY DETACHED - a dwelling unit designed and intended to be occupied by one (1) family that is not attached to another *dwelling unit*.

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DWELLING, MULTI-FAMILY - APARTMENT - a suite of rooms or a single room in a *building* containing three (3) or more *dwelling units*, each with its own cooking, food storage, bathing and toilet facilities and with access directly or by a common hallway to the outside.

DWELLING, MULTI-FAMILY - TOWNHOUSE - a *building* which contains at least three (3) but no more than eight (8) *dwelling units*, each of which are separated from the adjoining unit or units by a continuous, common *wall* extending from the *basement* to the roof, each unit having independent access directly to the outside and having no other units above or below.

DWELLING, TWO FAMILY ATTACHED - FLATS - a *building* containing only two (2) *dwelling units* which are constructed on top of one another and divided by a common floor/ceiling *structure* with each *dwelling unit* having direct access to the outside.

DWELLING, TWO-FAMILY ATTACHED - DUPLEX - a *building* containing only two (2) *dwelling units*, each of which are entirely separated from the other by a continuous, common *wall* extending from the *basement* to the roof with each *dwelling unit* having independent access directly to the outside.

EASEMENT - a grant of one (1) or more property rights for a portion of land by the *landowner* to and/or for the use by the *public*, a corporation, or another *person* or entity.

EMERGENCY SERVICES - a *building*, *structure* and/or *lot* used for the *maintenance*, fueling, storage, dispatching or parking of vehicles and/or equipment utilized to provide *private* and/or *public* rescue or ambulatory services, fire and/or police services.

ENGINEER - an individual licensed and registered to engage in the practice of engineering. A professional *engineer* may not practice land surveying unless licensed as set forth in P.L. 534, No. 230; however, a professional *engineer* may perform engineering land surveys.

ENGINEER, BOROUGH - a licensed and registered professional *engineer* in Pennsylvania designated by the *Borough* to perform the duties of *engineer* as herein specified.

ERECTED - anything built, constructed, reconstructed or moved on or upon any *lot*.

ESSENTIAL SERVICES - the erection, *construction*, *alteration* or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television or other telecommunications transmission lines provided by *public* or *private* entities, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such *public* utilities or municipal or other governmental agencies or for the *public* health or safety or general welfare, but not including *buildings*. *Communication towers* shall not be considered essential services for the purposes of this Chapter.

EXTERIOR LIGHTING - the illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

EXTRANEIOUS ITEMS - items which serve the purpose of advertising as an alternative to a *sign*. An example of this is items displayed for sales.

FAMILY - an individual, or two (2) or more *persons* related by blood, marriage, or adoption or foster child care, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated *persons* living together without supervision in a *dwelling unit* or not more than five (5) *persons* living together in a group living arrangements with supervision, provided that the group living arrangements meets all of the following criteria:

- A. It provides non-routine support services, including supervision, personal care, social or counseling services and transportation, to *persons* who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of a physical disability, old age, mental disability, or other handicap or disability as defined by the Fair Housing Act and the Americans with Disabilities Act;
- B. It provides for the joint occupancy of a *dwelling unit* where the residents maintain a common household and practice, on a permanent or long term basis, a joint economic, social and cultural life;
- C. Does not involve the housing of *persons* on a non-permanent basis;
- D. Does not involve the housing or treatment of *persons* accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of correction or similar institution;
- E. Family shall not include *persons* living together in a Group Care Facility, *Group Care Home*, *Boarding House*, *Personal Care Home*, as defined herein or any other supervised group living arrangement for *persons* not protected by the Fair Housing Act or the Americans with Disabilities Act or any *persons* who constitute a direct threat to others or their physical *lot*.

FENCE - an artificially constructed barrier of specified material or combination of materials *erected* to enclose or screen areas of land or portions of *buildings* or *structures*.

FILL - any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. Fill also can refer to the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

FINANCIAL ESTABLISHMENTS - a business establishment where the principal business is the receipt, disbursement, or exchange of funds and currencies such as savings, loans, credit unions or check cashing establishments.

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FLOOR AREA, GROSS - the sum of the gross horizontal areas of all of the floors of a *building* and its *accessory buildings* on the same *lot*, excluding cellar and *basement* floor areas but including the area of roofed *porches* and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FOOTCANDLE - a unit used to measure the amount of light falling on a surface at a point on a surface which is one foot from, and perpendicular to, a source of illumination that produces one (1) uniform candela.

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*.

FRONT LINE OF BUILDING – the line of that *façade* of the *principal building* that is closest to the *front lot line*.

FUNERAL HOME - a business establishment, including mortuaries, licensed by the Commonwealth of Pennsylvania that contains a suitable storage room for the deceased and may include embalming facilities and rooms for the display of burial ceremonies of the deceased, but excludes crematories.

GARAGE, PRIVATE - an *accessory structure* for storing vehicles or household items by the occupants of the *dwelling unit(s)* on the *lot*.

GARAGE, PUBLIC - any *building* used for temporary parking of motor vehicles for an established fee or reservation and where said *garage* is not associated with other *automotive retail* uses.

GARDENING - the cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

GOVERNING BODY - the *Borough Council* of the *Borough* of Sewickley, Allegheny County, Pennsylvania.

GOVERNOR’S DRIVE - a semi-circular or curved *driveway* with both ends connecting to the street at the *public right-of-way* line.

GRADE, ESTABLISHED - the elevation of the center line of the streets, as officially established by the *Borough*.

GRADE, FINISHED - the proposed or completed elevations of the land surface, including the surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GREEN ROOF - a roof of a *building* that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane, which may also include additional layers such as a root barrier and drainage and irrigation systems.

GREYWATER REUSE - the wastewater generated from domestic activities such as laundry, dishwashing, and bathing, which is recycled for uses such as landscape irrigation and toilet flushing.

GROCERY STORE - a business establishment that sells produce, dry goods, meats, baked goods, dairy items, frozen foods and the like. The term grocery store includes supermarkets, food stores, green grocers, dairies, delicatessens, but does not include convenience stores.

GROUND FLOOR - the floor of a *building* nearest in elevation to the exterior grade at the front of the *building*.

GROUP CARE FACILITY - a premises providing shelter, counseling, and other rehabilitative services in a *family*-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, family or *school* adjustment problems, or past correctional offenses require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP CARE HOME - a facility licensed by the Pennsylvania Department of Public Welfare which houses six (6) or more residents and provides twenty-four (24) hour supervision and rehabilitation services for developmentally disabled individuals (mental disability, autism, cerebral palsy, epilepsy or other similar conditions).

HABITABLE SPACE - the area of a *building* for living, sleeping, eating or cooking and comfort facilities.

HAZARDOUS WASTE - any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, residential, commercial, industrial, institutional, mining, or agricultural operations and from community activities, or any combination of these factors which, because of its quantity, concentration or physical, chemical, or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population; or
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- C. The term “*hazardous waste*” shall not include coal refuse as defined in the Coal Refuse Disposal Control Act (52 U.S.C. §§30.51-30.62). The term “*hazardous waste*” shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued under the Clean Streams Law (35 P.S. §§691.1-691.1001). The term “*hazardous waste*” shall not include solid or dissolved material in domestic sewage, or solid dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under

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§402 of the Federal Water Pollution Control Act (33 U.S.C. §1342) or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. §§2011 - 2394).

HEDGE - an artificially constructed barrier of naturally vegetated plant material installed to enclose or screen areas of land uses, *buildings*, *structures*, parking areas, *private* outdoor areas such as lawns and decks and/or *storage* areas.

HISTORIC STRUCTURE - any *building* or *structure* that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on the PA State inventory of historic places which have been approved by the Secretary of the Interior.
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved State program.

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

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

G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the *habitable space*.

H. The business may not involve any illegal activity.

HOME OCCUPATION, LOW IMPACT - a business or commercial activity carried on entirely within a *building* whose *principal use* is a *single family dwelling* whose impacts exceed those of a no-impact home-based business. The business or commercial activity must satisfy the requirements of §601(J).

HOSPITAL - a health care facility, including a laboratory or clinic that provides for the short-term care, of patients suffering from physical or mental illnesses but not including narcotics addiction or those found to be criminally insane and which may or may not include facilities for major surgery and which may be publicly or privately operated.

HOTEL - a business establishment inclusive of a *building* or portion thereof designed or used for transient rental for sleeping purposes. All room access is through interior hallways or courtyards. No cooking facilities, other than a microwave or toaster oven, may be permitted in any sleeping room. Accessory shops, *restaurants*, *swimming pool*, fitness center, spa, services and conference centers catering to the general *public* can be provided where conference rooms and banquet halls are also be available for rent. Supervision is provided in shifts twenty-four (24) hours a day by an on-site manager.

ILLUMINATION VALUE - the intensity of light or brightness to which an object or surface is illuminated and as measured by the number of *footcandles* at a particular point.

IMPERVIOUS SURFACE - any material that prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including *building*, asphalt, concrete, gravel and other surfaces.

IMPERVIOUS SURFACE COVERAGE - the portion of the *lot area* covered by *impervious surfaces*; *impervious surface coverage* shall be measured as a percentage of the total *lot area*.

IMPROVED OPEN SPACE - landscaped areas, turf areas, parks, golf course and recreation areas constructed on the *lot*, but shall not include associated *buildings*.

IMPROVEMENTS FOR DEVELOPMENT (IMPROVEMENTS) - those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to grading, *swales*, detention/retention basins, paving, curbing, street lights and *signs*, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, *driveways*, culverts, and street shade trees.

INFILL - *development* of vacant or remnant lands within an existing neighborhood.

LAND DEVELOPMENT - any of the following activities:

A. The *improvement* of one (1) *lot* or two (2) or more contiguous *lots*, tracts or parcels of land for any purpose involving:

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1. A group of two (2) or more residential or nonresidential *buildings*, whether proposed initially or cumulatively, or a single nonresidential *building* on a *lot* or *lots* regardless of the number of occupants or tenure; or
2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, *condominiums*, *building* groups or other features.

B. *Subdivision* of land;

C. “*Land development*” does not include *development* which involves:

1. The conversion of an existing *single family detached dwelling* or *single family* semi-detached dwelling into not more than three (3) *dwelling units*, unless such units are intended to be a condominium;
2. The addition of an *accessory building*, including *farm building*, on a *lot* or *lots* subordinate to an existing *principal building*; or
3. The addition or conversion of *buildings* or rides within the confines of a business establishment which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement *structures* or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

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

LANDSCAPE ARCHITECT - an individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of *landscape architecture*.

LIBRARY, PUBLIC - a building or *structure* utilized for the storage and sharing of books, media and information with the general *public*, which may or may not include areas for *public meeting* and the like.

LIFE CARE FACILITY/SENIOR LIVING CENTER - a health care facility for the transitional residency of senior and/or disabled *persons*, providing for a progression of residential living types such as from independent living in *single-family* units to assisted and/or congregate living and culminating in a full health and continuing care nursing home facility where any portion of the facility may include common dining and recreation areas and which provides supportive services, not primarily medical in nature, to facility residents for activities of daily living. A *life care facility/senior living center* may include a licensed adult day care program; such facility shall comply with all applicable federal, state and local laws, ordinances and regulations relating to housing for the elderly. This term shall not include *group care homes*.

LIGHT MANUFACTURING FACILITY - a business establishment that produces finished products or parts, predominantly from previously prepared materials, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

LOADING BERTH/SPACE - an on- or off-street area for the temporary parking of a commercial vehicle while *loading* or *unloading* merchandise or materials.

LOADING PLAN - a scaled graphical depiction of the proposed *loading* areas associated with the *development* of a *lot*, or a portion thereof that accurately depicts existing and proposed buildings, streets, *driveways*, rights-of-way, *easements*, parking facilities, open space, *public* facilities and utilities and *setbacks* ultimately representing how the *development* will meet minimum *loading* requirements.

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

LOT, ADJOINING - a *lot* which is directly adjoining to and on the same side of a street *right-of-way* as a *subject lot*.

LOT AREA - the area contained within the *lot lines* of a *lot* excluding space within any rights-of-way(s) of *public* streets and ways.

LOT, CORNER - a *lot* at the junction of and adjoining two (2) or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than one hundred thirty-five (135) degrees or the radius of the *street line* is less than ten (10) feet.

LOT, DEPTH OF - the average horizontal distance between the *front* and *rear lot lines*.

LOT, DOUBLE CORNER - a *lot* at the junction of and adjoining more than two (2) intersecting streets .

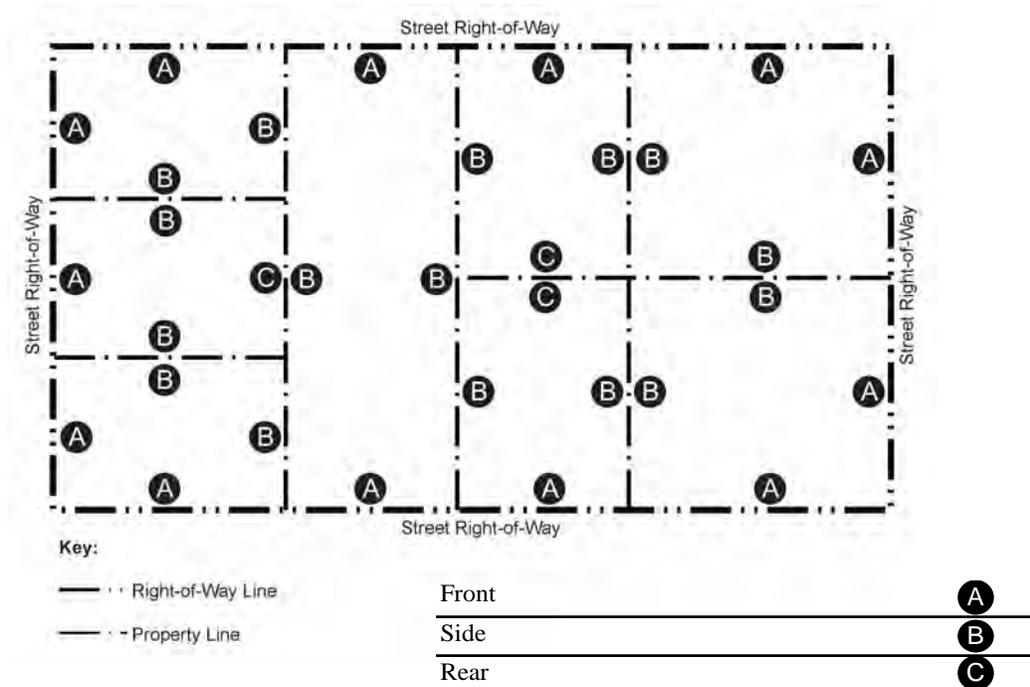
LOT, FLAG - a *lot* that is located at least partially behind another (intervening) *lot* and does not have the majority of its required *lot width* fronting a street. *Flag lots* access streets by narrow extensions of the *lot* (the pole) which connect to the street.

LOT, INTERIOR - a *lot* other than a *corner lot* with only one frontage on a street.

LOT LINES - the lines indicating the *boundaries* of the *lot*.

- A. LOT LINE, FRONT - the *boundary* line separating the *lot* from the street. In the case of *corner* and *through lots*, *front lot lines* shall be established along each street.
- B. LOT LINE, REAR - the *boundary* of a *lot* which is most distant and is most nearly parallel to the *front lot line*.
- C. LOT LINE, SIDE - any *boundary* of a *lot* which is not a front or *rear lot line*.

Figure 3: Typical Lot Line Locations



LOT OF RECORD - a lot which has been properly recorded in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania.

LOT, SUBJECT - a lot on which *development, infill, replacement* and/or *redevelopment* is identified to occur.

LOT, THROUGH - a lot other than a *corner lot* with frontage on more than one (1) street.

LOT WIDTH - the horizontal distance between both *side lot lines* measured at the required minimum front *setback*.

LUMBER YARD - a *building, structure* or *lot* where processed wood timbers and products are stored for bulk and *retail* sale. The term *lumber yard* does not include the sawing, shaving, chipping, stripping or otherwise processing of logs and wood timbers.

LUMENS - a unit used to measure the actual amount of visible light which is produced by a lamp or luminaries.

MAINTENANCE / STORAGE / SERVICE YARD - an area of land used for the storage of materials, supplies, etc.

MARQUEE - any type of permanent *construction* cantilevered from the wall of a *building* above an entrance and extending over a street or sidewalk, or part thereof, and not supported by ground posts.

MEDIAN - a narrow, often landscaped space between travel lanes, which give refuge to pedestrians crossing a street and calm traffic.

MEDICAL / DENTAL CLINIC - a business establishment where two (2) or more licensed medical professionals provide diagnostic health, medical, surgical and/or psychiatric services and/or treatment diagnosis and treatment to the general *public* without overnight accommodation and may include uses such as reception areas, waiting areas, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses of access only from the interior of the *building* or *structure*, and provided further that any facility for methadone treatment or other narcotic treatment programs approved by the Pennsylvania Department of Health shall be considered a *medical clinic*.

MIXED USE - a *lot* or *building* on or in which various land uses, such as *office*, commercial, institutional and/or residential are combined as an integrated *development*. A “single site” may include contiguous but unconsolidated *lots*.

MONOPOLE - an *antenna support structure* consisting of a single pole or spire constructed without guy wires or ground anchor.

MOTEL - a business establishment whether detached or in connected units which consists of a *building* or group of buildings, used as individual sleeping units with separate exterior entrances, open year-round and designed for temporary occupancy, primarily for transient automobile travelers. *Structures* shall provide for accessory *off-street parking* areas. Supervision is provided in shifts by twenty-four (24) hour on-site manager.

MULTI-FAMILY - see *dwelling, multi-family*.

MUNICIPAL BUILDING/USE - any *building, structure* or *lot* used by the *Borough*, a municipal-related use or a municipal authority/commission created by the *Borough*. These uses shall include an administrative facility, firehouse and/or emergency medical service facility.

MUSEUM/CULTURAL CENTER - a business establishment or institution primarily engaged in creating, acquiring, studying, interpreting and/or exhibiting items for *public* instruction and enjoyment.

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

NONCONFORMING STRUCTURE - a *structure* or part of a *structure* manifestly not designed to comply with the applicable use or extent of use provisions of the Zoning Ordinance or *amendment* heretofore or hereafter enacted, where such *structure* lawfully existed prior to the enactment of such ordinance or *amendment* or prior to the application of such ordinance or

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amendment to its location by reason of annexation. Such *nonconforming structures* include, but are not limited to, nonconforming signs.

NONCONFORMING USE - a use, whether of land or of *structure*, which does not comply with the applicable use provisions of the 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.

OBSCENE MATERIALS - any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written, visual media or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and taken as a whole, appeals to the prurient interest; and taken as a whole, does not have serious literary, artistic, political or scientific value.

OBSTRUCTION - any wall, dam, wharf, embankment, levee, dike, pike abutment, projection, excavation, channel, rectification, culvert, *building*, *fence*, stockpile, refuse, *fill*, *structure*, or matter in, along, across, or projecting into any channel, watercourse, or floodprone area, which may impede, or change the direction of the flow of water either in itself by catching or collecting debris carried by such water or is placed where the flow of water might carry the same downstream to the damage of life and a *lot*.

OCCUPANCY PERMIT - a certificate issued by the *Zoning Officer*, that the *construction* and use for which the permit applies, may be occupied.

OFFICE PARK - a *development* which contains a number of separate *office buildings*, *accessory uses*, and open space all designed, planned, constructed, and maintained on a coordinated basis.

OFFICES - as defined herein, *offices* shall be limited to the following:

- A. *Business Office* - a business establishment which generally operates on a first-come, first-served basis and which has relatively high pedestrian or customer traffic throughout the entire year, including *utility* payments, etc.
- B. *Professional Office* - a business establishment which generally serves clients and operates on an appointment basis, with relatively low pedestrian or vehicular traffic, including *offices* of accountants, *architects*, attorneys, consultants, designers, *engineers*, insurance agents, medical professionals, realtors, and the like.
- C. *Medical / Dental Office* - a use where at least one (1) licensed or professionally certified medical professional provides diagnostic health, medical, surgical, psychological and/or psychiatric services and/or treatment diagnosis and treatment to the general *public* without overnight accommodation and may include uses such as reception areas, waiting areas, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses of access only from the interior of the *building* or *structure*.

OFFICE BUILDING - a *building* designed or used primarily for medical and/or *professional office* purposes.

OFFICIAL ZONING MAP - the map setting forth the *boundaries* of the *Zoning Districts* of the *Borough* which shall be part of this Chapter.

OPAQUE - not *transparent* or translucent; impenetrable to light; not allowing light to pass through.

OUTDOOR CAFÉ - an area of land used for *outdoor dining* that adjoins a *restaurant* and is located entirely within the *boundaries* of said *lot*.

OUTDOOR DINING - a dining area with seats and/ or tables located outdoors of a *restaurant*, coffee shop, or other food service establishment and which is contiguous to said establishment *restaurant*.

OUTDOOR STORAGE - the location of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed *building* for a continuous period longer than twenty-four (24) hours.

PACKAGE LIQUOR STORE - a business establishment licensed by the Pennsylvania Liquor Control *Board* and whose principal business is the *retail* sale alcohol beverages in sealed containers and not for consumption on the premises.

PARKING LOT - any *public* or *private lot* or portion of a *lot*, including *access drive(s)* that provide access to the *parking spaces*.

PARKING PLAN - a scaled drawing that graphically depicts the proposed parking associated with a *development* of a *lot*, parcel or tract of land accurately depicting existing and proposed *buildings*, streets, *driveways*, rights-of-way, *easements*, parking facilities, open space, *public* facilities and utilities and *setbacks* ultimately representing how the *development* will meet minimum parking requirements. Such plans shall include tabular data outlining quantities of shared parking and *off-street parking* facilities.

PARKING SPACE - an area of land reserved within a dedicated street *right-of-way*, *public garage* or a *parking lot*, for the parking or *storage* of one (1) motorized vehicle.

PARKING SPACE, OFF-STREET - an area wholly outside any *public right-of-way*, constructed to accommodate the *storage* of a vehicle as required by this Chapter and, which is connected to a *public* street by a *driveway*.

PARKING SPACE, ON-STREET - an area wholly within a *public* street *right-of-way* constructed to accommodate the *storage* of a vehicle as required by this Chapter.

PARTY WALL - a common *wall* between two (2) attached *structures*, *buildings* or *dwelling units*.

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PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) - the *Pennsylvania Municipalities Planning Code*, Act 247 as amended, which is an Act that empowers municipalities to plan their growth and *development* as well as to govern the same by zoning, *subdivision* and *land development* ordinances, by official maps, to promote conservation of energy; to establish *Planning Commissions*, Planning Departments and *Zoning Hearing Boards*.

PERSON - an individual(s), partnership(s), co-partnership(s), association(s), corporation(s), limited liability company(ies), limited liability partnership(s), and any and all other entities.

PERSONAL CARE HOME - any premise in which food, shelter and personal assistance or home supervision are provided for a period exceeding twenty four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility but who do require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self administration.

PERSONAL SERVICES - a business establishment providing domestic commodities and services pertaining to the *person*, their apparel or personal effects including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repairing, barbershops, beauty parlors, massage therapy establishments and related activities.

PERSONAL SUPPORT SERVICES - uses accessory to the primary residential uses within a *Life Care Facility/Senior Living Center* and designed to provide a variety of services primarily to the residents of a *Life Care Facility/Senior Living Center* including, but not limited to, beauty and barber shops, assembly areas, gift shops, *post office*, bank, *pharmacy*, *medical office*, laundry and *adult* or *child day care center*.

PHARMACY - a business establishment substantially devoted to the sale of sundries and pharmaceutical items, supplies and equipment such as prescription drugs.

PHOTOMETRIC PLAN - a lighting plan that indicates:

- A. Night-time illumination levels proposed for a site as measured in *footcandles*.
- B. Details of any proposed light fixtures.
- C. Tabular and point calculations of the:
 1. Maximum to minimum uniformity ratio.
 2. Average initial or average maintained *footcandles*.
 3. Minimum *footcandle*.
 4. Maximum *footcandle*.

PLACE OF ASSEMBLY - a *building* and/or *lot* that is designed for the assembly or collection of *persons*, for civic, political, religious, educational, or social purposes, and where recreation,

amusement, or dining may occur as accessory activities. A *place of assembly* does not include a *private club*.

PLACE OF WORSHIP - a *building* use and/or *lot* where people regularly observe, practice, or participate in religious or spiritual services, meeting and/or activities.

PLANNING COMMISSION - the Sewickley *Borough Planning Commission*, appointed by the *Borough Council* in accordance with the *Pennsylvania Municipalities Planning Code*, Act 247, as amended.

PLAT - a map or layout plan that indicates the location, *boundaries*, and ownership of any land, *lot*, tract, street or parcel that has been or is planned to be subdivided. The individual properties shall conform to *lots* as designated on the *Official Zoning Map*.

PORCH - a roofed *structure* projecting from the front, side, and/or rear wall of a *building* where said *structure* is an entrance and/or transition between the exterior and interior of the principal *structure* of the *lot*.

PORTABLE STORAGE UNIT - any container designed for the storage of personal property where said container is transportable by vehicle and is typically rented for *temporary use*. *Portable storage units* shall not include *shipping containers*.

POST OFFICE - a *building* or *structure* used and maintained by the Postal Service of the United States of America for the purpose of collecting and/or distributing mail to the *public*.

PRINCIPAL BUILDING - a *building* or *structure* on a *lot* containing the primary use.

PRINTING FACILITY - a business establishment that provides duplicating services using blueprinting, engraving or offset printing processes on paper, fabric or other materials and includes the collating and binding of books, booklets, reports and pamphlets, but does not provide self-serve facilities or accommodate walk-in trade. Duplicating services provided by photocopying or like technological processes are not included and are considered a consumer services establishment.

PRIVATE - not publicly owned, operated, or controlled.

PRIVATE CLUB - a for-profit or not-for-profit establishment operated by a *private* organization for social, recreational, educational or fraternal purpose, but open only to members and their guests and not to the general *public*.

PRIVATE OFF-STREET PARKING - an area of land other than a *public* street or *alley* used for the temporary parking of two (2) or more motor vehicles that is available for *private* use whether free, for compensation, or as an accommodation for clients, customers, employees or residents.

PROFESSIONAL OCCUPATION - the practice of a licensed or certified professional including, but not limited to, attorney, accountant, actuary, financial planner, insurance agent, medical occupation, *engineer*, surveyor, *architect*, *landscape architect*, planner or similar profession as entitled to practice under the laws of the Commonwealth of Pennsylvania.

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PUBLIC - owned, operated or controlled by a government or authorized entity (Federal, State, or local, including a *school*, corporation and/or board created by law for the performance of certain specialized governmental functions).

PUBLIC HEARING - a formal meeting held pursuant to *public notice* by the *Borough Council* or *Planning Commission*, intended to inform and obtain *public* comment, prior to taking action in accordance with the *Pennsylvania Municipalities Planning Code*, Act 247, as amended.

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P. L. 388, No. 84), known as the “Sunshine Act,” 53 P. S. §271 et seq.

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

PUBLIC OFF-STREET PARKING - an area of land other than a street or right of way used for the temporary parking of two (2) or more motor vehicles and available for *public* use whether free or for compensation.

PUBLIC PARK - a *lot* or portion of land specifically defined or set aside for use by and for the general *public* in both active or passive recreational uses; and includes all landscaping, facilities and apparatus, playing fields, utilities, *buildings* and other *structures* that are consistent with the general purposes of *public* parkland, and whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the *public* authority owning the land.

PUBLIC UTILITY FACILITY - a *building, structure, lot* or portion of a *lot*, which under *public* franchise or other lawful relationship provides the *public* with transmission and communications services, electric distribution or other similar facilities or services.

PUBLIC WORKS FACILITIES - a *building, structure, lot* or portion of a *lot* utilized for the provision of *maintenance* and *construction* of *public* facilities as conducted by the *Borough* and any *Borough* related municipal authority.

RAIN BARREL – a barrel used as a *cistern* to hold rainwater.

RAIN GARDEN - a depressed area of ground that is landscaped with vegetation, allowing runoff from *impervious surfaces* the opportunity to be collected and infiltrated into the soil or returned to the atmosphere through evaporation and evapotranspiration.

RECREATION FACILITY - a business establishment generally intended for use by all ages that provides recreation or entertainment including but not limited to *swimming pools*, dance halls, bowling alleys, billiard and pool halls, video and other coin-operated game parlors, miniature golf courses, indoor rifle range and indoor archery range.

A. **COMMERCIAL** - said establishment typically owned by a private-sector entity(ies).

- B. NOT-FOR-PROFIT PRIVATE - said establishment typically owned by a not-for-profit entity(ies).
- C. PUBLIC - said establishment owned and/or operated by a *Borough* entity or representative of the *Borough*.

RECREATIONAL VEHICLE - a vehicle with or without an engine for operation and with or without wheels that is utilized for leisure and/or travel purposes and not for use as a *dwelling unit* which is:

- A. Built on a single chassis.
- B. Less than or equal to four-hundred (400) square feet.
- C. Designed to be self-propelled or permanently towable by a light-duty truck.
- D. Not intended for use as a permanent dwelling but rather as temporary living quarters for recreational, camping, travel or seasonal use.
- E. Includes motor homes.
- F. Includes truck campers - camping unit that is loaded onto, or affixed to, the bed or chassis of a pickup.

REDEVELOPMENT - the act of improving by renewing and restoring; the act or process of rehabilitating or rejuvenating a blighted area or accommodating new *development* within the context of existing streets and *buildings*.

REPLACEMENT - the act of removing an existing *building/structure* and constructing a new *building/structure*.

RESEARCH AND DEVELOPMENT LABORATORY - an establishment which carries on investigation in the natural, physical or social sciences or engineering and *development* as an extension of such investigation with the objective of creating end products and which may include the initial manufacturing of developed product as an *accessory use*.

RESIDENTIAL BUILDING - a *building* containing one or more of the following *dwelling units*: *Single Family Detached*; *Two Family Attached – Flats*; *Two-Family Attached – Duplex*; *Multi-Family – Apartment and/or Multi-Family - Townhouse*.

RESTAURANT, SITDOWN - a business establishment where food is prepared and intended to be served to patrons at tables for consumption on the premises. Such business may or may not include *drive-thru* facilities.

RESTAURANT, TAKE-OUT - a business establishment which serves ready-to-eat food, desserts or beverages available upon a short waiting time, generally in disposable containers or wrappers for immediate consumption off the premises, typically including a *public* service area with counter and queuing areas, and no table service.

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RETAIL, LARGE-SCALE - a business establishment located entirely within an enclosed *building* equal to or more than seven thousand (7,000) gross square feet which sells goods, services or merchandise to the general *public* for personal, household or *office* consumption and which may include wholesaling but shall not include manufacturing or processing of the goods offered for sale.

RETAIL, SMALL-SCALE - a business establishment located entirely within an enclosed *building* less than seven thousand (7,000) gross square feet which sells goods, services or merchandise to the general *public* for personal, household or *office* consumption and which shall not include wholesaling, manufacturing or processing of the goods offered for sale.

RIGHT-OF-WAY (ROW) - an area of land that is legally described for the *public* or *private* provision of access.

ROOF LINE - the top ridge of the roof or the top of the parapet, whichever forms the top line of the *building* silhouette.

SCHOOL/ACADEMY - an institution, *building* or *structure* operated by an organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, post-secondary, undergraduate and/or graduate collegiate education. This definition shall not include privately operated, for-profit trade, vocation, avocation or business *schools*.

SEDIMENTATION - the process by which soil, mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is typically referred to as "sediment."

SETBACK - the minimum distance from a *lot line* required by this Chapter where a *building* or *structure* may be built. See Figure 1, 5, 6 and 10.

SHARED PARKING AGREEMENT - a legal agreement between two (2) parties providing leased *parking spaces* to satisfy the provision of *off street parking spaces* required by this Chapter. A *shared parking agreement* shall specify the quantity of spaces, location, lease terms and uses to be served by the *off-site parking spaces*, as well as any other mutually agreed to term requirements and signatures.

SHIPPING CONTAINER - any heavy-gauge steel container designed for transporting cargo on a marine freighter vessel, flatbed truck or flatbed railroad car, or a container manufactured to the same strength and weight specifications that is similar in design or function to such a container, but excluding a *portable storage unit*.

SIDEWALK CAFÉ - any *outdoor dining* area located in a *public* sidewalk or *right-of-way* that is associated with and accessory to an adjacent *restaurant* or other eating and drinking establishment.

SIGN - any letter, word, model, banner, flag, device, *structure*, representation or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the *public*, including the following types:

A-FRAME - any sandwich board or *sign structure* with a triangular cross-section.

ADA SIGNS - any *sign* needed for a facility or *building* to achieve compliance with the requirements of the American Disabilities Act.

AWNING SIGN - an awning with advertising and/or graphic content.

BANNER - a *sign* intended to be hung across or within a *public* right-of way, and includes pennant or streamer designs.

BILLBOARD - a *sign* with a changeable message or display which pertains to a business, organization, event, *person*, place, service or product not principally located or sold on the premises upon which said *sign* is located.

BULLETIN BOARD - a non-electronic *structure* constructed with flat face(s), used for posting notices.

DIRECTIONAL SIGN - a *sign* directing traffic but bearing no advertising matter.

DIRECTORY - a *sign* listing businesses or occupants of a *building*. A directory is located at or near an entrance to a *building*.

FLAG - a piece of cloth or bunting varying in size, color and design, used as a symbol, *sign*, signal, emblem or advertisement.

GROUND SIGN - any *sign* supported by uprights or braces placed upon the ground and not attached to any *building* or the *structure*, having no more than two (2) faces, and not exceeding ten (10) feet above the surrounding ground surface.

HOME OCCUPATION SIGN - a *sign* permitted in association with an occupation conducted on the premises within a *dwelling unit* occupied by the operator of the business.

ILLUMINATED SIGN - any *sign* which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the *sign* proper.

MOBILE SIGN - *signs* on wheels, runners, casters, parked trailers, parked vehicles or other mobile devices.

MOTION SIGN - any illuminated or non-illuminated *sign* on, or in, which the light source or elements of the *sign* itself are not constant or stationary.

POLE SIGN - a freestanding *sign erected* on a *lot* on a pole or pylon, the bottom edge of which is high enough to provide visibility for motorists and allow for safe pedestrian circulation underneath it.

PROJECTING SIGN - a two (2) sided *sign* attached perpendicular to the *building* face.

RESIDENTIAL DISTRICT SIGN - a *sign* located in any residential *zoning district* R-1, R-1A or R-2.

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ROOF SIGN - any *sign erected*, constructed and maintained wholly upon or over the roof or parapet wall of any *building* or the topside of a *marquee* with the principal support on the roof *structure* or the *marquee*.

TEMPORARY SIGN - a wall, window, awning, projecting or ground *sign* relating to brief activity but not to exceed fifteen (15) days.

WALL SIGN - any *sign* painted on, attached to or *erected* against the wall of a *building*, the front or sides of a *marquee* or *canopy* with the exposed face of the *sign* in a plane parallel to the plane of the wall or the *marquee* or canopy so that only (1) side is visible.

WINDOW SIGN - a *sign* attached to, placed upon or painted on the interior or exterior of a window or door of a *building* or otherwise intended for viewing from the outside of the *building*.

SIGN PERMIT - a certificate issued by the *Zoning Officer* attesting that the proposal for the design, *construction* and maintenance of a *sign* has been reviewed and approved in accordance with the requirements of this Chapter.

SIGNABLE AWNING AREA - that portion of an awning parallel with the *building* facade.

SIGNABLE WALL AREA - a continuous portion of a *building* unbroken by doors, windows, any other *sign* or architectural features extending more than twelve (12) inches from the face of the *building* on any one (1) face of the *building*. It is calculated by drawing a rectangle within the area and computing the square footage of the rectangle.

SITE PLAN - a scaled drawing that graphically depicts the proposed *development* of a *lot*, parcel or tract of land describing all covenants assigned, as well as, accurately depicting the use, location, and bulk of all *buildings* and *structures*, intensity of use or *density* of *development*, streets, *driveways*, *drive-thru* locations, sidewalks rights-of-ways, *easements*, parking facilities (including handicapped spaces), open space, *public* facilities and utilities, all required *setbacks* and materials and other such data necessary for municipal officials to determine compliance with this Chapter and appropriate provisions of other such ordinances, as they may apply.

SMALL APPLIANCE AND MECHANICAL REPAIR - a business establishment specializing in the rehabilitation of appliances, small engines, outboard motors, go-carts, bicycles, guns, locks, electrical devices and small business machines.

SOLAR ENERGY - radiant energy, including direct, diffused and reflected, produced by the sun.

SOLAR ENERGY SYSTEM - any solar collector or other *solar energy* device, or any structural design feature, mounted on a *building*, *structure* or on the ground, and whose primary purpose is to provide for the collection, storage and distribution of *solar energy* for space heating or cooling for water heating or for electricity.

SPA - a business establishment, which employs therapists licensed by the Pennsylvania State *Board* of Message Therapist whose services include massage and body or facial treatments.

Salons, food service, *retail* and health/beauty-related consultation/application may also be provided as additional services.

STORY - that portion of any *building* included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. A *basement* shall be counted as a *story* when more than one-half (1/2) of such *basement* height is above the *finished grade* level.

STREET GRADE - the officially *established grade* of the street upon which a *lot* fronts or, in its absence, the established grade of the other streets upon which the *lot* abuts, at the midpoint of the frontage of the *lot* thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the *street grade*.

STREET LINE - the *right-of-way* line of a street.

STREET WIDTH - the distance between *street lines* measured at right angles to the centerline of the street.

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

STUDIO - a business establishment used by an artist, photographer, or artisan or used for radio or television broadcasting.

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

SUBSTANTIAL DAMAGE - damage from any cause sustained by a *structure* whereby fifty (50) percent or more of the gross floor area (GFA) of the *structure* has been damaged.

SUBSTANTIAL ENLARGEMENT - the increase in GFA occupied by the use of the *structure* by more than twenty-five (25) percent of the GFA existing on the date of enactment of this Chapter.

SUBSTANTIAL IMPROVEMENT - any reconstruction, rehabilitation, addition or other improvement of a *structure*, in which the finished floor area of the *structure* is increased, the cost of which equals or exceeds fifty (50) percent of the assessed value of the *structure* (as taken from the Allegheny County Property Assessment) before the “start of *construction*” of the improvement. This term includes *structures* which have incurred “*substantial damage*,” regardless of the actual repair work performed. The term does not, however, include any project to correct existing violations of State or local health, sanitary or safety and *building* codes specifications which have been identified by the *Zoning Officer* and which are the minimum necessary to assure safe living conditions.

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Definitions

SWIMMING POOL - a water-filled enclosure, permanently constructed or portable, used and maintained for swimming and bathing.

TAVERN/BAR/PUB - a business establishment which provides on-site alcoholic beverage sales for drinking on the premises, where food is served only as *accessory use*, where live entertainment (non-*adult facility*-oriented) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian.

TEMPORARY STRUCTURE - a *structure* without any foundation or footings and, which by the type and materials of its *construction*, is not permanent in nature.

THEATER - a *building* or *structure* operated as a not-for-profit or business establishment, inside a completely enclosed *building* devoted to showing pictures and/or live dramatic or musical performances. A *theater* may contain an auditorium in addition to other performance-related facilities. *Adult theaters* are excluded in this definition.

TRANSPARENT - the condition/state of being clear, unobstructed by signage, interior graphic elements, reflective coating, translucent or textured finish, racking or any type of fixed furniture that can be seen through from both the interior and exterior of the *structure*.

TRANSPARENCY - the degree to which something is *transparent*.

TRUCK TERMINAL - a *building*, *structures*, *lot* or portion or a *lot* for the purpose of storing, servicing, repairing or *loading* trucks or transport trailers as licensed by the Pennsylvania Public Utilities Commission.

UNDEVELOPED LAND - any *lot* or portion of a *lot* which has not been graded, improved or prepared for the *construction* of a *building*, *structure* or *improvement*.

USE - the purpose or activity for which land or a *building* is designated, arranged, intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY - a use customarily incidental and subordinate to the *principal use* of the principal *structure* and located on the same *lot* with such *principal use* or principal *structure*.

USE, PERMITTED - any use allowed by right in a *zoning district* as regulated by this Chapter.

USE, PRINCIPAL - the primary use of the *lot*, *building* or *structure*. There may be more than one (1) principal or main use on a *lot* when permitted by district regulations.

USE, TEMPORARY - a use requiring utilities, established for more than seven (7) but less than one hundred (100) consecutive days with the intent to discontinue upon the expiration of a specified time period.

UTILITY - a facility operated for the general public, for distributing water, gas, electricity, oil or steam, or collecting sanitary sewage by means of a network of overhead or underground conduits and requiring at various locations, to maintain efficiency of the system, *pumping*, *regulating*, *transforming*, *switching* or other devices or *structures*, but not including *business offices*.

VARIANCE - relief granted by the *Zoning Hearing Board* from requirements of this Chapter and as authorized by the *Pennsylvania Municipalities Planning Code*.

VETERINARY FACILITY - a business establishment operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals but excluding the boarding and grooming of animals not subjected to medical or surgical treatment.

VILLAGE OVERLAY DESIGN MANUAL - the manual of Written and Graphic Design Guidelines for the Village Overlay on file with the *Borough*. This manual is adopted pursuant to the powers granted to the *Borough* in Parts VI and VII-A of the *MPC*.

WALL - see "*Fence*."

WEIGHTED SOUND LEVEL - the total *sound level* in decibels of all sound as measured with a *sound level* meter with a reference pressure of twenty (20) micro-pascals using the "A" weighted network (scale) at slow response. The unit of measurement shall be defined as *decibel level* (dBA).

WETLANDS - those areas which are inundated by water, with sufficient frequency to support an assemblage of organisms that is adapted to saturated or seasonally saturated soil conditions for growth and reproduction including, but not necessarily limited to, swamps, marshes, bogs, sloughs, wet meadows, river floodplains, mud flats and wet prairies.

WHOLESALE BUSINESS - a business establishment primarily engaged in selling merchandise, dry goods and food stuffs to retailers, institutional, commercial or professional business customers or other wholesalers, not to the general public. The activities may include the merchandise warehousing and distribution.

WIND ROTOR - the blades, plus hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The *wind rotor* is used on a pole or tower and along with other generating and electrical storage equipment forming a wind energy conversion system.

WIND TURBINE - a device which converts wind energy by means of a *wind rotor* to mechanical or electrical energy. *Wind turbines* may also be known as a wind generator or a wind mill and include the rotor blades, nacelle and tower.

YARD - the portion of a *lot* between the *principal building/structure* and the *lot line*. Where the configuration of a *principal building/structure* or a *lot* make it difficult to discern the location of yards, the *Zoning Officer* shall establish such yards.

- A. FRONT YARD - the space extending the full width of the *lot* and situated between the *front lot line* and the front of the *principal building/structure*. In the case of a *lot* with multiple *buildings/structures*, the *front yard* shall be set in accordance with the *principal building/structure* in closest proximity to the *front lot line*.

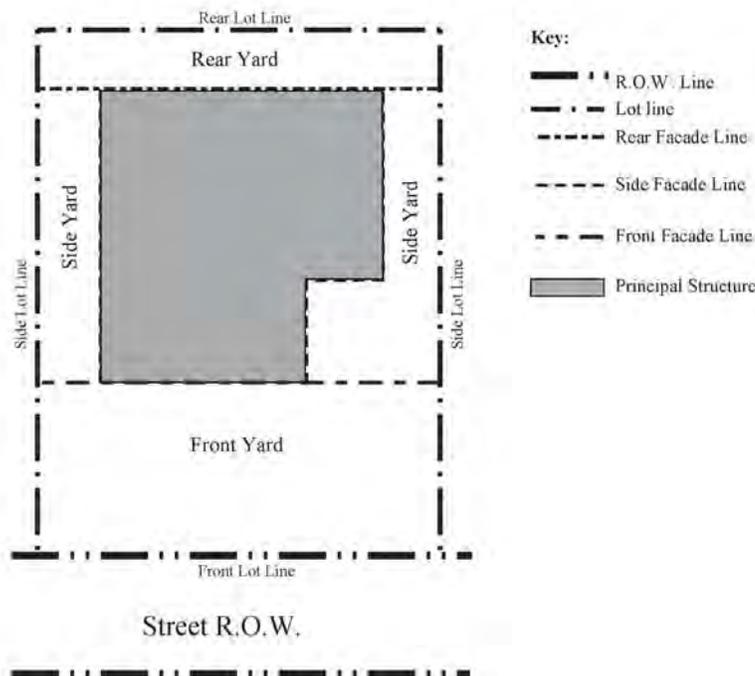
(27) PART III

Definitions

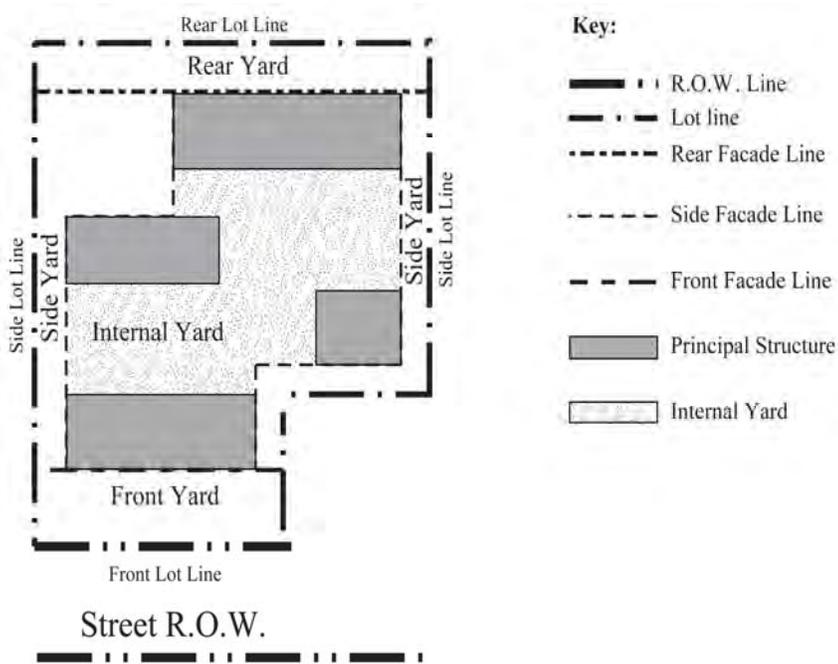
- B. INTERNAL YARD – any area on a *lot* with multiple *principal buildings/structures* where said area is located between two (2) *building/structure* facades, and/or between a *building/structure* facade and another prescribed *internal yard*, and/or between two (2) *internal yards*.
- C. REAR YARD – the space extending the full width of the *lot* and located between the *rear lot line* and the rear of the *principal building/structure*. In the case of a *lot* with multiple *principal buildings/structures*, the *rear yard* shall be set in accordance with the *building/structure* in closest proximity to the *rear lot line*.
- D. SIDE YARD - the space located between the *side lot line* and the side of the *principal building/structure* and extending from the *front yard* to the *rear yard*. In the case of a *lot* with multiple *principal buildings/structures*, the *side yard* shall include any remaining area not defined as an *internal yard*, *front yard* or *rear yard*.

Figure 4: Typical Yard Location:

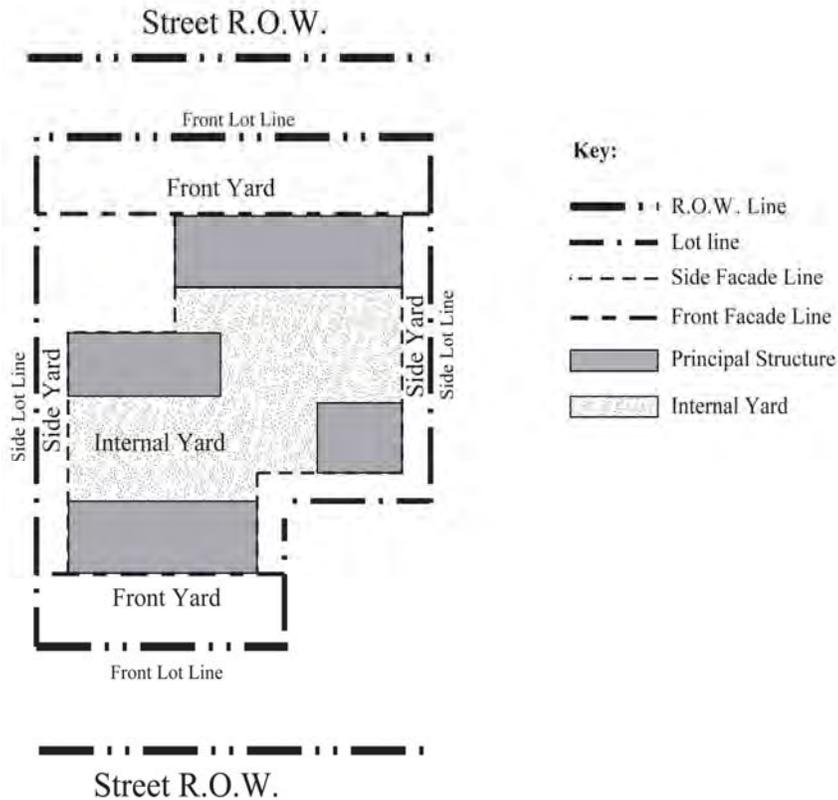
Single *principal building/structure*



Multiple *principal buildings/structures* – single *right-of-way* frontage



Multiple *principal buildings/structures* – multiple *right-of-way* frontages



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Definitions

ZONING DISTRICT - a geographical area with *boundaries* that includes surface areas as indicated on the *Official Zoning Map*.

ZONING HEARING BOARD - the Borough *Zoning Hearing Board* appointed by the *Borough Council* in accordance with the *Pennsylvania Municipalities Planning Code*, Act 247, as amended.

ZONING OFFICER - the duly appointed *Borough* official designated to administer and enforce this Chapter.

PART IV – ZONING DISTRICT REGULATIONS

§401. Establishment of Zoning Districts.

For the purposes of carrying out the provisions of this Chapter, Sewickley *Borough* is divided into a series of *Zoning District* and Overlays, which are shown by the *zoning district boundaries* on Map 1 of 4 of the *Official Zoning Map*.

§402. General Intent of the Zoning Districts.

In order to maintain the *Borough's* established historic integrity within all *zoning districts*, all proposed *development* whether new, *infill*, adaptive reuse or *redevelopment* shall maintain compatible *building* orientation, *building* form, parking, massing location, and pedestrian connectivity. The general intent of each *zoning district* is outlined below:

- A. Single-Family Residential (R-1). This district is intended to protect, preserve and enhance the character and lifestyle of the existing larger *lot(s)*, low *density* single *family* neighborhoods.
- B. Single-Family Residential (R-1A). This district is intended to protect, preserve and enhance the existing character and lifestyle of moderate *density* single *family* residential *development*.
- C. *Multi-Family* Residential (R-2). This district is intended to protect, preserve and enhance the existing higher *density* housing opportunities available by allowing small *lot development* and multifamily dwellings.
- D. General Commercial (C-1). This district is intended to protect, preserve and enhance the character and vibrancy of the community's business environment for small-scale enterprises and consumer services.
- E. Highway Commercial (C-2). This district is intended to protect, preserve and enhance the existing larger business establishments located along Ohio River Boulevard that support the broader needs of surrounding communities as well as the residents of the *Borough* of Sewickley.
- F. Institutional (Inst.). This district is intended to accommodate civic-oriented uses and a limited range of privately owned and operated services and facilities necessary to serve the *Borough*.
- G. Industrial (Ind.). This district is intended to accommodate land uses for research and *development*, light manufacturing and limited commercial uses including those which require substantial amount(s) of open air storage.
- H. Open Space (OS). This district is intended to accommodate *public* activities, outdoor recreation and/or the preservation of open space.

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Zoning District Regulations

- I. Ohio River Boulevard *Mixed Use* (OMU). This district is intended to accommodate integrated *development/redevelopment* of land for various non-residential and residential land uses that are consistent with the existing character of the overall Ohio River Boulevard corridor within the *Borough*.
- J. Flood Plain Overlay (FPO). This Overlay is intended to encourage the utilization of appropriate *construction* practices in order to prevent or minimize flood damage in the future.
- K. Village Overlay (VO). This Overlay is intended to maintain and enhance the character of the *Borough's* "Village" area as authorized by the Pennsylvania *MPC* Article VI and Article VIIA.
- L. Natural Resource Protection Overlay (NRP). This Overlay is intended to mitigate potential hazards, prevent potential impacts on the region's water and stream quality and protect *private* property from potential damages that may occur due to the uncontrolled *development* of lands with sensitive natural resources.

§403. Permitted Uses, Conditional Uses and Uses by Special Exception.

- A. No *building, structure* or *lot* shall be constructed, improved or used for any purpose or in any manner other than for a *permitted use* in the *Zoning District* in which such *building, structure* or *lot* is located.
- B. In addition to the basic zoning requirements defined by Part IV of this Chapter, all uses by special exception shall conform to all applicable requirements and provisions defined by Part VII of this Chapter. All *conditional uses* shall conform to all applicable requirements and provisions defined by Part VIII of this Chapter.
- C. To promote the continuing retention of the *Borough's* established urban form and character as well as to encourage sustainable *development* and resource conservation, a *landowner* and/or *developer* shall demonstrate the following as part of any proposed land use activity, *lot improvement* and/or *building* improvement.
 - 1. Feasibility of *adaptive re-use* of an existing *building* or *structure*.
 - 2. Consistency with the principles of sustainability for existing *buildings*, new *construction*, *neighborhood development* and/or other types of *development*.

§404. Principal Land Uses.

No *building, structure* or land within any *zoning district* may be used, and no *building* or *structure* may be *erected*, constructed, reconstructed or altered on or after the effective date of this Chapter unless intended or designed to be used for any uses enumerated in Table 1.

- A. The letter “P” denotes a permitted *principal use* by right, subject to the requirements specified by this Chapter. The *Borough’s Permitted Use* procedure is described on Application Diagram A found on record in the Sewickley *Borough Municipal Building Administrative Office*.
- B. The letter “C” denotes a *principal use* that is conditional, subject to the requirements specified by Part VIII of this Chapter. The *Borough’s Conditional Use* procedure is described on Application Diagram B found on record in the Sewickley *Borough Municipal Building Administrative Office*.

(27) PART IV
Zoning District Regulations

Table 1: Principal Land Uses

Legend P = Permitted Use by Right C = Conditional Use

Residential Land Uses	R-1	R-1A	R-2	C-1	C-2	INST.	I	OS	VO	OMU
1 Bed and Breakfast			C	P					P	C
2 Boarding House			C							P
3 Conversion Apartment			P							P
4 Group Care Facility			C							
5 Group Care Home	C	C	C		P					C
6 Life Care Facility/Senior Living Center			C		P					C
7 Multi-Family - Apartment			P	C					C	P
8 Multi-Family - Townhouse			P							P
9 Personal Care Home			C		P					C
10 Single Family Detached Dwelling	P	P	P							P
11 Two-Family Attached Dwelling - Duplex			P							P
12 Two-Family Attached Dwelling - Flat			P							P
Non-Residential Land Uses	R-1	R-1A	R-2	C-1	C-2	INST.	I	OS	VO	OMU
1 Auto Detail Shop					P		P			
2 Automobile Sales - New and Used					P		P			
3 Automotive Service Station				C	P		P			
4 Bakery, Retail				P	P		P		P	
5 Beer Store/Distributor				C	P		P			
6 Billboard							C			
7 Business Office				C	P	P			C	P*
8 Café/Coffee House				P	P				P	
9 Cemetery/ Mausoleum						P				
10 Commercial School				C	P	P			C	
11 Communications Tower							C	C		
12 Community Agriculture	C	C								
13 Contracting Establishment							P			
14 Convenience Store with Fuel/Energy Recharge					P		P			
15 Convenience Store without Fuel/Energy Recharge				P	P		P		P	
16 Day Care Center/Nursery (Youth/Adult)					P					
17 Emergency Services					P	P				
18 Essential Services	C	C	C	C	C	C	C	C	C	C
19 Financial Establishments w/o Drive-thru				P	P				P	
20 Financial Establishments with Drive-thru					C					
21 Forestry	P	P	P	P	P	P	P	P	P	P
22 Funeral Home				C	P		P		C	
23 Grocery Store				P	P		P		P	
24 Hospital						P				
25 Hotel				C	P				C	C
26 Library, Public						P				
27 Light Manufacturing Facility							P			

* When located within 200 feet of the northerly right of way line of Ohio River Boulevard

Table 1: Principal Land Uses Continued

Legend P = Permitted Use by Right C = Conditional Use

Non-Residential Land Uses (Cont'd)	R-1	R-1A	R-2	C-1	C-2	INST.	I	OS	VO	OMU
28 Lumber Yard							P			
29 Maintenance/Storage/Service Yard							P			
30 Medical/Dental Clinic				C	P	P	P		C	P*
31 Medical/Dental Office				C	P	P	P		C	P*
32 Mixed Use				C					C	
33 Motel					P					C
34 Municipal Building						P				P*
35 Museum/Cultural/Art Center				C	P	P			C	
36 Office Park					P		P			
37 Off-Street Parking, Private				C	P	C	P	C		C
38 Off-Street Parking, Public				C	P	C	P	C	C	
39 Outdoor Amphitheater								P		
40 Outdoor Café				P	P				P	
41 Package Liquor Store				P	P		P		P	
42 Parking Garage, Public				P	P	P			P	
43 Personal Services				P	P		P		P	
44 Pharmacy with Drive-Thru					C					
45 Pharmacy w/o Drive-Thru				P	P				P	
46 Place of Worship	C	C				P				
47 Place of Assembly	C	C				P				
48 Post Office				P					P	
49 Printing Facility							P			
50 Private Club				C	P		P		C	
51 Professional Office				C	P	P			C	P*
52 Public Park	P	P	P	P	P	P		P	P	P
53 Public Utility Facility							P	C		
54 Public Works Facility						C	P	C		
55 Recreation Facility, Commercial							P	C		
56 Recreation Facility, Not-For-Profit Private					P	P		C		
57 Recreation Facility, Public				P		P		P	P	
58 Research and Development Laboratory							P			
59 Restaurant, Take-out (w/o Drive-thru)				P	P		P		P	
60 Restaurant, Sitdown with Drive-thru					C		C			
61 Restaurant, Sitdown w/o Drive-thru				P	P		P		P	
62 Retail, Large-scale					P		P			
63 Retail, Small Scale				P	P		P		P	
64 School/Academy						P				
65 Small Appliance & Mechanical Repair					P		P			
66 Spa				P	P				P	
67 Studio				P	P		P		P	
68 Tavern/Bar/Pub				C	P		P		C	

* When located within 200 feet of the northerly right of way line of Ohio River Boulevard

(27) PART IV
Zoning District Regulations

Table 1: Principal Land Uses Continued

Non-Residential Land Uses (Cont'd)	R-1	R-1A	R-2	C-1	C-2	INST.	I	OS	VO	OMU
69 Theater				C	P				C	
70 Truck Terminal							C			
71 Veterinary Facility					P		P			
72 Wholesale Business							P			
73 All Other Uses							C			

§405. Accessory Uses.

Table 2: Accessory Uses (See also §601)

The following table identifies the districts in which *Accessory Uses* are permitted by the Borough. If the letter “A” is denoted, said use may be located within the respective *Zoning District*.

A=Accessory Use

Land Use	R-1	R-1A	R-2	C-1	C-2	INST.	I	OS	VO	OMU
1 Accessory Building/Structure	A	A	A		A	A	A	A		A
2 Accessory Dwelling	A	A								
3 Car Wash					A		A			
4 Communications Antennae	A	A	A	A	A	A	A	A	A	A
5 Day Care Center/Nursery (Youth/Adult)	A	A		A		A				
6 Electronic and Satellite Dish Antenna	A	A	A	A	A	A	A	A	A	A
7 Essential Services	A	A	A	A	A	A	A	A	A	A
8 Home-based Business, No Impact	A	A	A	A					A	A
9 Home Occupation, Low Impact	A	A	A							A
10 Off-Street Parking, Private			A	A	A	A	A	A	A	A**
11 Off-Street Parking, Public				A	A	A	A	A	A	
12 Outdoor Cafes				A	A				A	
13 Parking Garage, Public				A	A	A			A	
14 Personal Support Services			A		A					A
15 Sidewalk Cafes				A	A				A	
16 Solar Energy Systems, Solar Collectors and Solar-related Equipment	A	A	A	A	A	A	A	A	A	A
17 Swimming Pools	A	A	A			A	A			A
18 Wind Energy Conversion Systems	A	A	A	A	A	A	A	A	A	A

** *Private Off-Street Parking* for non-residential uses shall be within 200’ of the northerly *right-of-way* line of Ohio River Boulevard.

§406. Minimum Lot Size and Dimensions.

A. The *Borough* seeks to:

1. Create compatibility in the urban form and character for uses and *buildings* in relationship to existing *development* for:
 - a) *Infill development*;
 - b) *Redevelopment*;
 - c) *Building replacement*; or
 - d) *Building additions*;
 - e) *Adaptive re-use*;
 - f) Preserve and protect the integrity of *buildings*, or other *structures* and the streetscape;
 - g) Reduce conflict and prevent blighting caused by incompatible *development*, and to promote new compatible *development*; and
 - h) Foster civic pride.

B. The minimum dimensional requirements for *lots* in each district shall be provided as shown in Table 3.

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Zoning District Regulations

Table 3: Dimensional Table (Single Building on a Lot*)

DENSITY D.U./ GROSS ACRE	MIN. LOT AREA (Sq. Ft.)	MIN. LOT WIDTH	UNIT TYPE	MAX. BUILDING COVERAGE (%)	MAX. IMPERVIOUS AREA (%)	MIN. PRINCIPAL BUILDING SETBACKS (UNLESS OTHERWISE NOTED)			MAX. SIDE LOT LINE SETBACK FOR DRIVEWAYS (FEET)	MAX. PRINCIPAL BUILDING HEIGHT (FEET)				
						FRONT (FEET)	SIDE (FEET)	REAR (FEET)		ROOF TYPE				
										Flat	Mansard	Gable	Hip	Gambrel
Single Family Residential (R-1)														
3	12,000	75'	All Uses	35%	50%	35'	25' total with 1 side not less than 10'	30'	4'	38'	42'	42'	42'	42'
Single-Family Residential (R-1A)														
6	5,500	50'	All Uses	45%	60%	20'***	12' total with 1 side not less than 6'	20'	institutional uses 4'; all other uses 2.5'	38'	42'	42'	42'	42'
Multi-Family Residential (R-2)														
7	5,000	40'	Detached	40%	60%	20'	14' total with 1 side not less than 6'	15'	4'	38'	42'	42'	42'	42'
			Duplex	40%	60%									
			Flat	45%	70%									
			Townhouse	45%	70%									
			Apartment	50%	75%									
General Commercial (C-1)														
				85%	90%	10'	0'	5'	5' (MAX)	40'	45'	45'	45'	45'
Highway Commercial (C-2)														
				60%	85%	15'	10'	20'	10'	25'	30'	30'	30'	30'
Institutional (Inst.)														
				40%	75%	30'	15'	30'	15'	40'	45'	45'	45'	45'
Industrial (Ind.)														
				85%	90%	15'	10'	20'	10'	30'	35'	35'	35'	35'
Open Space (OS)														
				10%	40%	30'	15'	30'	15'	45'	45'	45'	45'	45'
Village Overlay (VO)														
				100%	100%	5' (MAX)	0'	0'	5' (MAX)	40'	45'	45'	45'	45'

Note: See also *§409 Multiple Building Standards and ** §408 Neighborhood Compatibility Standards

Table 3: Dimensional Table Continued

DENSITY D.U./ GROSS ACRE	MIN. LOT AREA (Sq. Ft.)	MIN. LOT WIDTH	UNIT TYPE	MAX. BUILDING COVERAGE (%)	MAX. IMPERVIOUS AREA (%)	MIN. PRINCIPAL BUILDING SETBACKS (UNLESS OTHERWISE NOTED)			MAX. SIDE LOT LINE SETBACK FOR DRIVEWAYS (FEET)	MAX. PRINCIPAL BUILDING HEIGHT (FEET)				
						FRONT (FEET)	SIDE (FEET)	REAR (FEET)		ROOF TYPE				
										Flat	Mansard	Gable	Hip	Gambrel
Ohio River Boulevard Mixed Use District (OMU)														
7	0 TO 5,500 S.F.	40'	Detached	40%	60%	25'	14 ft. total w/ 1 side not <6 ft.	20'	4'	38'	38'	38'	38'	38'
			Duplex/Flat	45%	70%				4'					
			Townhouse	45%	70%				4'					
			Apartment	50%	75%				4'					
NA	NA	NA	Non-Residential	85%	90%	15	5	15	10'	40'	40'	40'	40'	40'

§407. Additional Lot Requirements.

- A. *Building Coverage* includes all *structures* with a roof measured at the exterior wall.
- B. *Impervious Surface Coverage* includes the *building coverage* as well as all other *impervious surfaces* calculated using the *Impervious Surface Coverage Worksheet*.
- C. The following Figures illustrate typical corner setbacks.

Figure 5: Typical Corner Lot Setbacks

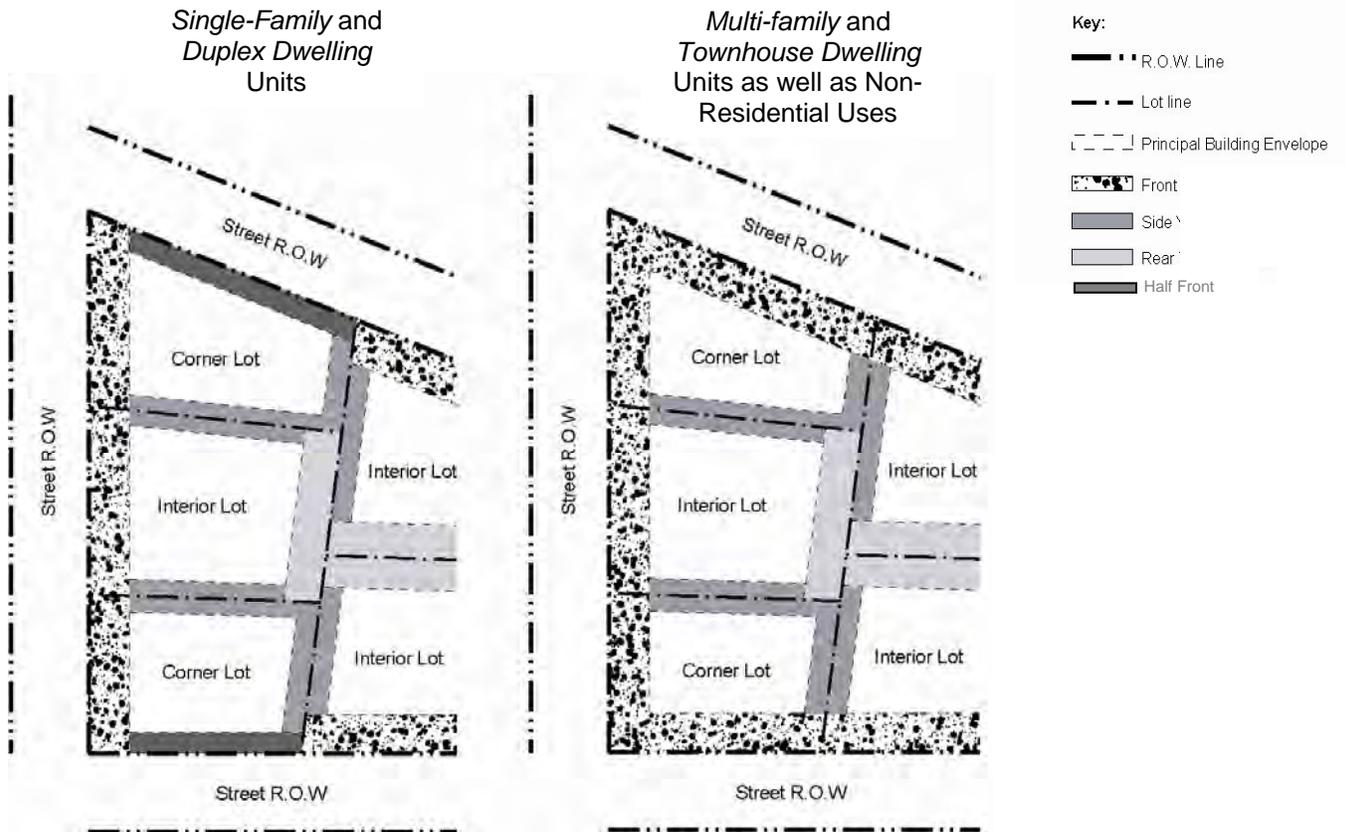
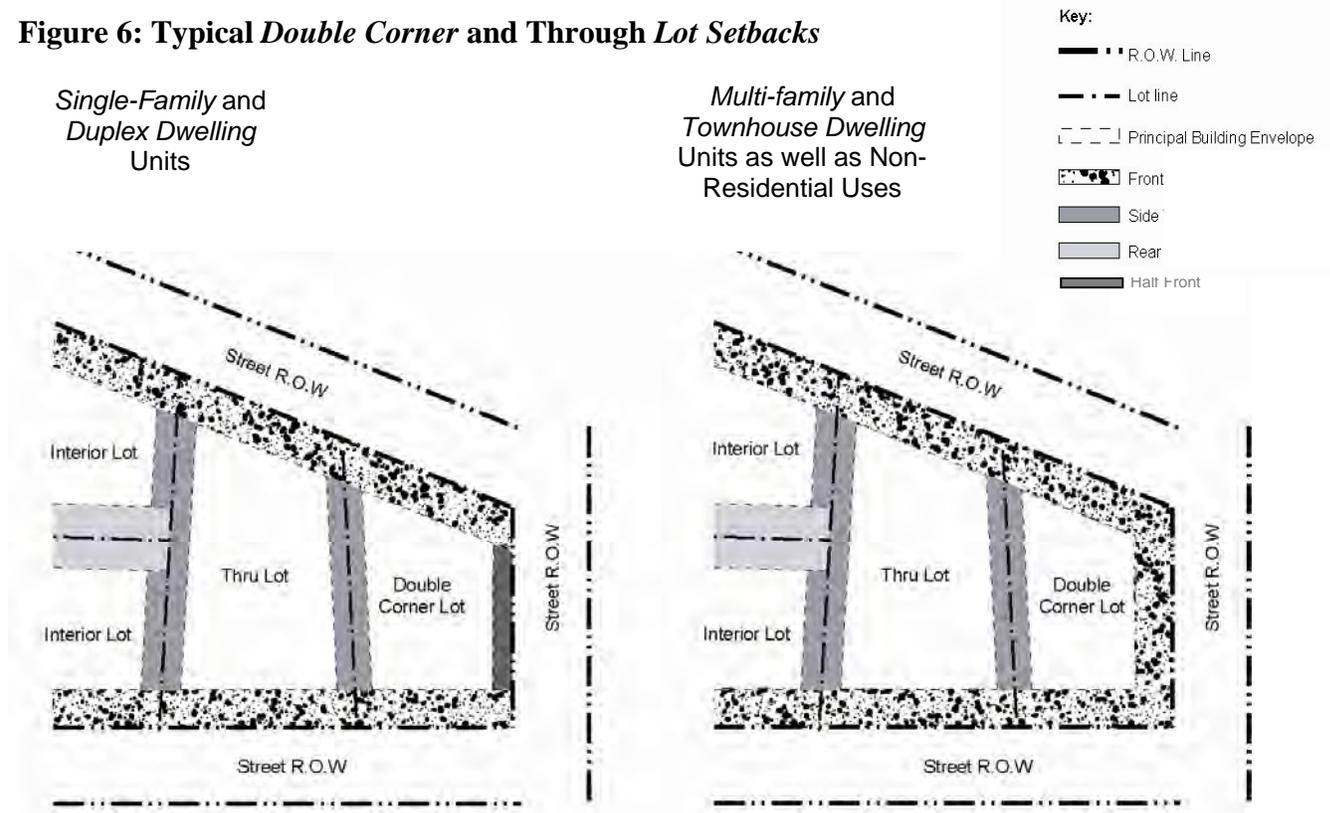


Figure 6: Typical Double Corner and Through Lot Setbacks



D. *Clear Sight Triangle*. Notwithstanding *setback* requirements or other dimensional standards provided in this Chapter, a *clear sight triangle* must be maintained. A *clear sight triangle* shall be measured at the height of a driver's eye, which is assumed to be three and seventy-five hundredths (3.75) feet above the road surface, between points at a given distance from the intersection of the center lines of the two (2) streets or of a street and *driveway* as specified in this Chapter and the *Borough's Subdivision and Land Development Ordinance (SALDO)*.

§408. Neighborhood Compatibility Standards.

A. General.

1. The *Borough* shall designate the principal street and the secondary street(s). This designation shall be completed on a *principal building-by-principal building* basis.
2. The facade facing the designated principal street shall contain the *building's* primary entry. On the remaining street frontage(s), said secondary facade(s) shall be designed to a level comparable to the front facade but shall not necessarily include a *building* entry. The secondary facade(s) shall have the following design characteristics which are consistent in scale and detail to the front facade:
 - a) *Building* articulation;
 - b) Window openings; and

- c) Other architectural elements.
- 3. The majority of the front *principal building/structure* façade(s) should be parallel to the *front lot line* unless the *Applicant* demonstrates that the majority of the *building* on the *block face* is not parallel to the *block face*.
- 4. For new *construction*, the front façade(s) of the *principal building(s)* shall be parallel to the principal *right-of-way*.
- 5. In all single *family zoning districts*, vehicular garage doors shall face the secondary street or *alley* as defined by the *Borough*. Exceptions shall only be made when:
 - a) A majority of the *buildings* on said *block face* have garage doors facing the principal street. Those exceptions shall demonstrate that only twenty-five (25) percent of the front *building* face length shall be taken up as a garage door.
 - b) A completely detached garage that is located entirely behind the *principal building*.
- 6. Where multiple *buildings* are located on a *lot* no more than two (2) curb cuts shall be permitted per street.

B. Front *Setbacks*.

- 1. Front *setbacks* for the R-1A District shall be a minimum of twenty (20) feet; however, provided the *Applicant* can prove that the *median setback* of all other *principal buildings* making up the *block face* where such *building* shall be located is less than twenty (20) feet, the front *setback* may be reduced to such *median setback*. Any *Applicant* proposing less than the *median setback* of the *block face* must obtain a *variance* from the *Zoning Hearing Board*.
- 2. In the case of a *corner lot*, in the R-1A *zoning district*, the full front *setback* shall be calculated as outlined in subsection B.1 above. The half front *setback* shall be the full front *setback* divided by two but no less than ten (10) feet.
- 3. See Figure 5 and 6 for front *setback* locations.

C. Except for those established prior to the date of this Ordinance, *flag lots* are expressly prohibited.

D. *Height Exemptions*.

- 1. Scenery lofts, towers, cupolas, steeples and domes not exceeding thirty (30) percent of the gross roof area, and flagpoles, airplane beacons, chimneys, stacks, water tanks, *antenna* and communications equipment meeting Federal Communications Commission (FCC) requirements, satellite dishes and roof *structures* used only for ornamental or mechanical purposes may exceed the permissible *height* limit in any district by no more than thirty (30) percent unless specified.

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2. Parapet walls may extend not more than five (5) feet above the allowable *height* of a *principal building*.
3. If *structures* defined in §408.D.1.a exceed fifty-five (55) feet in *height* above the ground, they shall not be approved unless application for *construction* is accompanied by a written opinion of a registered professional *engineer* attesting that the *structure* has sufficient strength to withstand maximum forces that may be imposed upon it by wind, ice and snow loads. Working drawings and specifications of free standing towers of excess *height* shall accompany the professional *engineer's* opinion.
4. No sign of any kind shall be attached to a tower.
5. The height of a *principal building* on a *lot* shall be measured as defined in §303, Terms Defined, under “*Building Height*” excluding mechanical equipment.

§409. Multiple Principal Building Standards.

- A. Multiple *buildings* may be constructed only on *lots* situated within the R-2, C-1, C-2, Institutional, Industrial and OMU Districts. Multiple *principal buildings* in the OMU shall comply with standards established in the SALDO and shall not be subject to the other provisions of this Section.
- B. In the case of a *lot* that contains multiple *principal buildings/structures*, the term and provisions associated with “*principal building/structure*” as used in this Ordinance shall apply unless otherwise specifically noted in this Section.
- C. Minimum *lot width* for multiple *buildings* shall be:
 1. R2 District = 85’
 2. C1, C2, Inst. and Ind. District = 95’
- D. Internal Roads/Circulation.
 1. R2 District:
 - a) Any road internal to a *land development* that serves three (3) or more *dwelling units* shall be a dedicated *public* street and use the standards for a Lane.
 - b) A maximum of twenty (20) *dwelling units* shall be permitted on a Lane that ends in a cul-de-sac.
 - c) There shall be no limit to the number of *dwelling units* on a Lane which has more than one (1) point of access with no dead ends.
 - d) A maximum of two (2) *dwelling units* shall be accessed by a *private driveway*.

2. C1, C2, Inst. and Ind. District: Any internal *private* road servicing a *land development* that contains two (2) or more *buildings* shall use the standards for a Lane and shall comply with the design standards established in the SALDO.
 3. The dimensions of a Lane shall be as defined in the *Borough* SALDO.
 4. Every *dwelling unit*/tenant space shall have direct access to a minimum of one (1) *public right-of-way*. If proposed *building(s)* in a residential *land development* can be situated in a manner to obtain direct access to an existing *public right-of-way* on the perimeter of the *lot*, no internal road shall need to be dedicated to the *Borough*.
 5. When a lane is proposed, a five (5) foot landscape *easement* shall be required on both sides of the lane. The *easement* may coincide with the *building setback*.
- E. No *building* shall be located closer than ten (10) feet from the defined *right-of-way* line of a Lane.
- F. *Garages*:
1. In the case of a *land development* that contains multiple *buildings* with integral *garages*, no *garages* shall face the existing *public right-of-way* situated on the perimeter of the *lot*.
 2. *Garages* may face an internal lane of the *development*.
- G. Landscape *Easement*:
1. Within the landscape *easement*, street trees shall be provided for a minimum of seventy-five (75) percent of the total length of the Lane (each side of *right-of-way*). *Planning Commission* may make recommendations regarding said minimum and Council shall have the right to modify the seventy-five (75) percent ratio based upon specifics of the Site.
 2. R2 District = one (1) street tree per *dwelling unit* shall be planted within said area.
 3. C1, C2, Inst. and Ind. District = one (1) tree per every one thousand (1,000) square feet of non-residential square footage shall be planted within said area.
 4. A maintenance agreement regarding said maintenance of trees within a landscape *easement* along a lane and access to said *easement* shall be prepared and signed by applicable parties.
- H. Parking.
1. Parking requirements shall be calculated based upon the ratios defined in this Ordinance. In the case of a fraction of a space, round up to the nearest whole number.

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2. No *on-street parking* is permitted on or along a Lane. Each *single family dwelling* shall provide at least two (2) *off-street parking spaces* unless visitor parking may be provided in the *driveway*.
3. On a *lot* in the R2, C-1, C-2 Inst. and/or Ind. Districts, the first ten (10) feet of a *driveway* measured from the *right-of-way* to the *front line of the building* shall not be used to satisfy *off-street parking* requirements.
4. In addition to the parking requirements for each *dwelling unit* on the *lot*, for every three (3) *dwelling units*, one (1) off-street visitor space shall be provided.
5. *Off-street parking spaces* shall be located outside of the *public right-of-way*.
6. Non-residential parking requirements shall be provided in accordance with base district requirements.

I. *Setbacks and Building Spacing*.

1. Perimeter *setbacks* on a *lot* shall be calculated in accordance with the standards of the base *zoning district*.
2. Residential yard and internal *building* spacing:
 - a) Minimum distance from Lane *right-of-way* = ten (10) feet.
 - b) Between *Single Family dwellings* = twelve (12) feet.
 - c) Between *Two Family Duplex/Flat dwellings* = twelve (12) feet.
 - d) Between *Townhouse (end unit) dwellings* = fifteen (15) feet.
 - e) Between *Apartment dwellings* = eighteen (18) feet.
 - f) Between two (2) of the uses in subsection H.2.a-e above, the larger distance of the two (2) is required.
3. Non-residential yard and internal *building* spacing:
 - a) *Building* spacing = ten (10) feet.
 - b) Minimum distance from Lane *right-of-way* = fifteen (15) feet.

§410. Impervious Surface Requirements.

A. Purpose and intent.

1. To decrease storm water runoff volumes and increase the storm water infiltration and groundwater recharge.

2. To reduce peak storm water discharge rates significantly by diverting storm water into the ground and away from the pipe-and-pond/*cistern* storm water management system.
3. To improve site appearance by encouraging the installation of vegetation or other permeable surfaces where there would otherwise be only hard pavement or impermeable surfaces.
4. To increase a *lot's* effective developable area by downsizing the need for a piped storm water management system.
5. To provide a *landowner* and/or *developer* flexibility in complying with *Borough*, Allegheny County and Commonwealth of Pennsylvania regulations related to storm water management.

B. Applicability.

1. The *impervious surface coverage* requirements shall apply to all zoning applications, *land development plans* and *building permit* applications.
2. All horizontal surfaces on a *lot* shall be accounted for. Horizontal surfaces shall include but may not be limited to roofs, patios, decks, terraces, stoops, sidewalks, *swimming pools*, ponds, *driveways*, parking areas and sport courts.

C. Methodology.

1. The *Applicant* shall assign a surface material type as outlined in Table 4 to all surface materials indicated on the *site plan*. This includes both existing surface materials as well as proposed surface materials.
2. All surface material assignments shall be denoted on the *site plan*.
3. A table itemizing the total square footage of each surface material (surface area) and the total square footage of the *lot* (total *lot area*) shall be depicted on the *site plan*.
4. In a situation where a horizontal surface such as a deck, is suspended or supported above another horizontal surface, in the calculation the *Applicant* shall account for the surface with the greatest surface area.
5. An *Applicant* shall compute the square footage of a roof's surface area based on the *building* footprint.
6. The maximum permitted *impervious surface coverage* for each *zoning district* shall be in accordance with Table 4.
7. The rate of imperviousness for each surface material denoted on the *site plan* shall be based on Table 5. An *Applicant* can provide an alternative imperviousness rate based on a Professional *Engineer's* statement and computation. The *Borough* reserves the

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- right to evaluate the proposed alternative imperviousness rate and to accept or reject the proposal.
8. No allowances or deductions shall be made for tree canopy except as associated to a woodland; see Table 5.
 9. Details shall be provided so compliance may be determined.
 10. The total surface area for all surface material assignments shall be equal to the total *lot area*.
 11. In addition to the data indicated on the *site plan*, the *Applicant* shall complete the *Impervious Surface Coverage Worksheet* provided by the *Borough*; see Table 6. The Worksheet shall be submitted to the *Zoning Officer* as part of a preliminary *land development* application or a *building permit* application.
 12. All required storm water designs and calculations as regulated by the *Borough* of Sewickley and/or Allegheny County need to consider the impacts of frozen ground conditions.

Table 4: Permitted *Impervious Surface Coverage*

Zoning District	Permitted Max. Impervious Surface Coverage
R-1	50%
R-1A	60%
R-2	
Detached or Duplex	60%
Townhouse	65%
Apartment or Other Multi-Family	75%
C-1	80%
C-2	65%
Institutional	75%
Industrial	80%
Village Overlay	100%
OMU	90%

Table 5: Impervious Surface Ratings

	Surface Materials	Rate of Imperviousness¹ (% impervious)
1	Asphalt, Rubber or Metal Roofing Roof; Conventional Concrete Pavement; Conventional Asphalt Pavement; Open Water Body; Gravel Roof	0.95
2	Stone, Concrete or Brick Pavers with Grouted Joints on Concrete Base; Compacted Angular Aggregate Pavement; Wood or Composite Wood Deck	0.75
3	Green Roof <=4" depth; Stone, Concrete or Brick Pavers with UngROUTED Joints on Sand and/or Aggregate Base	0.50
4	Uncompacted Non-angular Aggregate Pavement; Green Roof >4-8" depth; Open-celled Concrete Grid with Lawn or Non-Angular Aggregate Fill	0.30
5	Open-celled Plastic Grid with Lawn or Non-Angular Aggregate Fill; Lawn; Green Roof >8" depth; Permeable Concrete Pavement; Permeable Asphalt Pavement; Field	0.20
6	Woodland	0.15

Footnote:

¹ Based on slopes between 0 and 3%. Reduce the impervious rating of each surface material by .05 for surfaces located on slopes >3% to 10%. Reduce the impervious rating of surface material by .15 for surfaces on slopes >10%.

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Table 6: Impervious Surface Coverage Worksheet

	<i>Column A</i>	<i>Column B</i>	<i>Column C</i>	<i>Column D</i>
	Surface Material	Total Square Feet of Surface	Rate of Imperviousness (see Table 5)	Adjusted Square Feet of Surface Material (Column B x C)
<i>Line 1</i>	Asphalt, Rubber or Metal Roofing Roof; Conventional Concrete Pavement; Conventional Asphalt Pavement; Open Water Body; Gravel Roof	_____ x	0.95	= _____
<i>Line 2</i>	Stone, Concrete or Brick Pavers with Grouted Joints on Concrete Base; Compacted Angular Aggregate Pavement; Wood or Composite Wood Deck	_____ x	0.75	= _____
<i>Line 3</i>	Green Roof <=4" depth; Stone, Concrete or Brick Pavers with UngROUTED Joints on Sand and/or Aggregate Base	_____ x	0.50	= _____
<i>Line 4</i>	Uncompacted Non-angular Aggregate Pavement; Green Roof >4-8" depth; Open-celled Concrete Grid with Lawn or Non-Angular Aggregate Fill	_____ x	0.30	= _____
<i>Line 5</i>	Open-celled Plastic Grid with Lawn or Non-Angular Aggregate Fill; Lawn; Green Roof >8" depth; Permeable Concrete Pavement; Permeable Asphalt Pavement; Field	_____ x	0.20	= _____
<i>Line 6</i>	Woodland	_____ x	0.15	= _____
<i>Line 7</i>	<i>Sum of Lines 1+2+3+4+5+6</i>	<u>_____</u> Total Lot Area		<u>_____</u> Adjusted Impervious Surface Total

Maximum Permitted Impervious Surface Coverage (per Table 4) = _____

Percent of Impervious Surface Coverage (Adjusted Surface Area/Total Lot Area) = _____

D. Bonuses

1. An *Applicant* may increase the maximum permitted *impervious surface coverage* of a *lot* as defined by Table 5 by implementing any one or a combination thereof of the following Permeability Enhancements:

Table 7: Permeability Enhancement

Permeability Enhancement	Increase to Permitted Impervious Surface Coverage
a. Installation of a cistern	15%
b. Installation of a rain garden or series of rain gardens	10%
c. Installation of a bio-swale	5%

2. All Permeability Enhancements shall be designed and engineered by a professional *engineer* or *landscape architect* and shall be supported by plans and storm water calculations as required by the *Borough Engineer*.
3. All Permeability Enhancements shall be designed and engineered in accordance with the *Borough* of Sewickley's Storm Water Ordinance and all appropriate Allegheny County and Commonwealth of Pennsylvania regulations.

PART V – OVERLAYS

§501. Floodplain Overlay.

- A. See *Borough* of Sewickley Code Chapter 8 Floodplains.

§502. Village Overlay.

- B. Purpose.

1. Expanding upon the provisions outlined in the Pennsylvania *MPC* Article VI and Article VII-A, the purpose of these provisions is to promote the *public* health, safety and welfare of the *Borough* by maintaining and enhancing the character of the *Borough's* “Village” area.

- C. Concept.

1. The Village Overlay District shall be deemed to be an overlay on the C-1 *Zoning District* and enacted to regulate the use of *buildings, structures* and land within the *Borough's* “Village” area. All requirements related to the Village Overlay shall supersede the requirements of the underlying C-1 *Zoning District*.

- D. Applicability.

1. It shall be unlawful for any *person, partnership, business or corporation* to undertake or cause to be undertaken, any *construction or development* within the Village Overlay unless an approved *building permit* has been obtained from the *Zoning Officer* in accordance with this and all other existing Ordinances.
2. A *building permit* shall not be required for minor repairs to existing buildings or *structures*, provided that no structural changes or modifications are involved.

- E. Definition of Village Overlay.

1. The Village Overlay shall consist of an area generally bounded by *lots* fronting Beaver, Broad, Division and Walnut Streets from Blackburn Road and Walnut Street to Straight and Logan Streets as shown on Map 4 of the *Official Zoning Map*.

- F. *Boundary* Interpretation.

1. Where an interpretation is needed as to the exact location of the *boundaries* of the Village Overlay in relation to a given *lot*, an initial determination shall be made by the *Zoning Officer*. Any *person* seeking such a determination may submit any pertinent documentation for consideration.

G. Appeal of *Boundary* Interpretation.

1. Any *person* aggrieved by any such determination of the *Zoning Officer* under this Chapter may appeal to the *Zoning Hearing Board*. The appellant contesting the location of the Village Overlay *boundary* shall have the burden of proof in case of any such appeal.

H. Village Overlay Requirements.

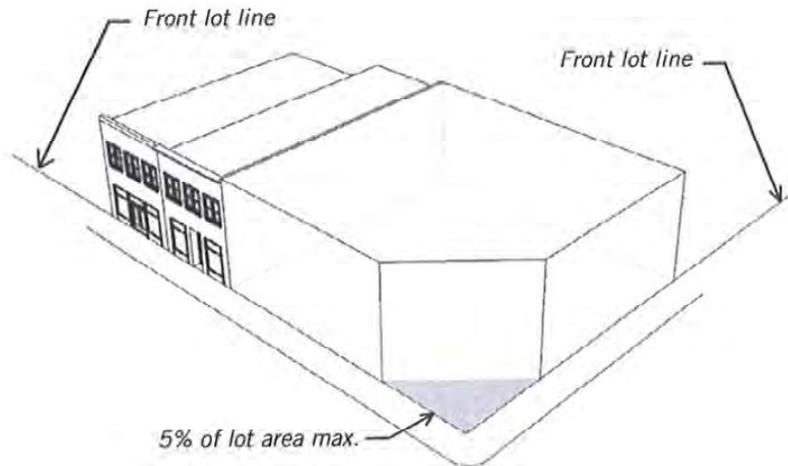
1. Use. In addition to the use restrictions imposed on the C-1 *Zoning District*, the following restrictions shall apply:
 - a) Business and *professional offices* on a *building's basement* or *ground floors* shall be prohibited; and
 - b) *Multifamily/apartments* on a *building's basement* or *ground floors* shall be prohibited.
2. Additional Requirements.
 - a) Parking.
 - (i) No parking shall be permitted between any *front line of a building* and the *street lines* of Beaver, Broad, Chestnut and Walnut Streets.
 - b) A *private driveway* providing access to Beaver Street, Broad Street or Walnut Street is permitted only as a *conditional use* subject to the following, but not exclusively:
 - (i) Alternate means of access is nonexistent, unavailable or detrimental to the *public safety, health and welfare*.
 - (ii) Access will not be detrimental to neighboring *lots* or injurious to the *public safety, health and welfare*.

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c) *Clear sight triangle.*

- (i) On a *corner lot*, an area of open space may be provided at the intersection of the *front lot lines*.
- (ii) The total area of the open space shall not exceed five (5) percent of the total *lot area* provided that the *clear sight triangle* requirements are met.

Figure 7: Village Overlay District *Clear Sight Triangle*



d) *Transparency standards.*

- (i) The facade of a *principal building* abutting a *public right-of-way* shall meet the *transparency* standards of this Chapter.
- (ii) On each facade, above the *ground floor*, each *story* shall have a *transparency* of at least thirty-five (35) percent of the gross square footage of the facade of that *story*.
- (iii) All *ground floor* facades shall have a minimum *transparency* of sixty (60) percent of the gross square footage of the *ground floor* facade. Within this *ground floor* facade, a minimum of forty-five (45) percent of the gross square footage of the facade from an elevation of three (3) feet to an elevation of eight (8) feet above the grade of adjoining sidewalks shall be *transparent*.
- (iv) No more than thirty (30) percent of a *ground floor* window area may be obscured by a permitted *sign*, shelving, other *opaque* surfaces or a combination thereof that would affect views into or out of the *building* or *structure*, unless such a building or *structure* is used for the display of merchandise visible to patrons from the street. Upper floors may have curtains, blinds or other window treatments which limit *transparency*.

Figure 8: Transparency

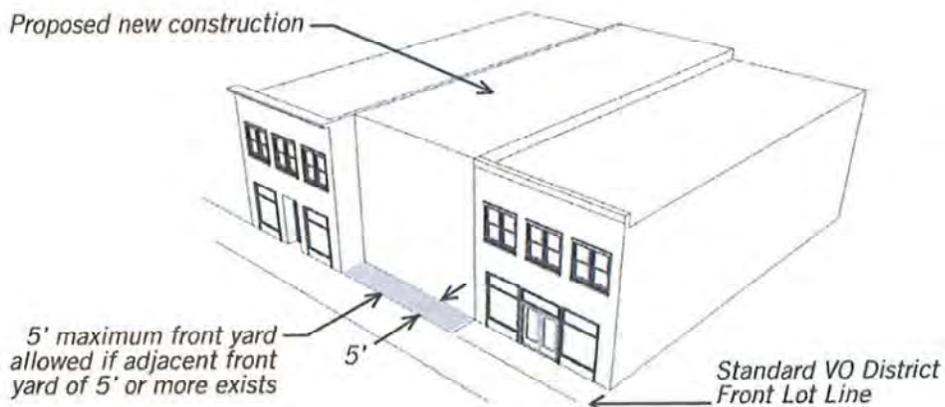


Overview of transparency requirements.

e) *Front lines of building.*

- (i) The *front line of a building or structure* may be established between the *front lot line* and the *front line* of an immediately adjacent building, but in no event greater than five (5) feet from the *front lot line*. In the case of a *corner lot* that is adjacent to three (3) *public rights-of-way*, the *Applicant* shall have the right to designate one (1) yard as a *rear yard*, not to be designated on Beaver Street, Broad street, Chestnut Street or Walnut Street.
- (ii) For *lots* with a *front lot line* of thirty (30) feet or greater, a maximum of twenty-five (25) percent of the front face of the *building* may be set back a maximum of three (3) feet from the *front line* of the building.
- (iii) No *accessory building or structure* shall be located between the *front line of a building* and the *front lot line*.

Figure 9: Village Overlay District Front Setback Maximum



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- f) Prohibited materials.
 - (i) Within the Village Overlay, the following materials are prohibited from use on any facade of a *building* or *structure* that is visible from a *public right-of-way*:
 - (a) Particle board, plywood and plastic sheathing;
 - (b) Asphalt and fiberglass shingles as siding;
 - (c) Vinyl and aluminum siding;
 - (d) Mirrored glass; that is glass coated in such a way that it prevents view to the *building's* interior;
 - (e) Industrial metal panels;
 - (f) Concrete masonry units, including prefinished types;
 - (g) Exposed aggregate pre-cast concrete block;
 - (h) Exterior finish insulation systems (EFIS); and
 - (i) Simulated brick.
 - g) Minimum height and *building* usage.
 - (i) Any new *principal building* or *structure* or expansion of an existing *principal building* visible from a *public right-of-way* shall contain a minimum of two (2) *stories* from grade. Each *story* shall be capable of occupancy by a use permitted in the Village Overlay.
- 3. *Land Development* Plan.
 - a) Review of a *Land Development* Plan shall be required when there is:
 - (i) *Construction* or *development* of a new *building* or *structure*; or unimproved site;
 - (ii) Proposed changes to an existing *building* or *structure's* points of ingress/egress (vehicular and pedestrian);
 - (iii) The removal or demolition of all or part of a *building* or *structure*;
 - (iv) Addition to a *building* or *structure*.
 - b) The *Land Development Plan* shall be reviewed prior to the issuance of a *building permit* related to building any *structure* or *land development* within the Village Overlay.

- c) In reviewing a *land development* plan or a *site plan* as required by this Chapter, the *Village Overlay Design Manual* attached hereto as an Appendix and made a part of this Chapter shall be used.
- d) The *Land Development* Plan shall be reviewed by the *Planning Commission* to determine compliance with the requirements of this Chapter prior to the issuance of a *building permit* for any *structure* or *land development* within the Village Overlay.

4. Facade Renovations.

- a) Any *Applicant* who seeks to make structural changes to twenty-five (25) percent or more of the total area of the facade of an existing *building* in the Village Overlay shall submit a *conditional use* application to the *Borough*. A facade renovation shall meet, at a minimum, the conditions required by §502.G.2.d, *Transparency* Standards, and §502.G.2.f, *Prohibited Materials*.

I. *Building Permits*.

- 1. All *land development* requirements, code/ordinance regulations, and zoning reviews shall be satisfied before a *building permit* shall be issued for any *lot* within the Village Overlay.

J. *Changes*.

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

§503. *Natural Resource Protection Overlay*.

A. *Purpose*.

- 1. The Natural Resource Protection Overlay provides a rational methodology for:
 - a) Inventorying, mapping and evaluating the carrying capacity of a *lot* based on the existing natural resources found on said *lot*; and
 - b) Establishing standards to define and determine the amount of *development* that a *lot* can reasonably support. The net buildable area, as determined by this overlay process, is the total acreage and general location(s) of permitted *disturbance* on a *lot*.
- 2. The use of the Natural Resource Protection Overlay process is intended to enable:
 - a) *Landowners* and/or *developers* to identify, early in the *development* process, the *lot's development* capacity and, subsequently, its *development* opportunities; and

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- b) The protection of *persons* and *lots* from hazards resulting from the inappropriate *development* of land in areas that contain sensitive existing natural resources.

B. Applicability.

1. The Natural Resource Protection Overlay is designated on Map 3 of the *Official Zoning Map*.
2. A Resource Protection Analysis shall:
 - a) Be completed and submitted as part of any minor or major *land development* and/or any activity requiring excavation as defined in the *Borough*. Said information shall be accompanied by a sealed and signed letter by an *engineer* and/or *landscape architect* licensed within the Commonwealth acknowledging the review and submission of the related site information.
 - b) Not be necessary for any area in the Overlay where *development* requires only a *building permit* with no excavation, said *development* shall be in conformance with the following:
 - (i) Steep slopes are those areas sloping more than fifteen (15) feet vertical over a distance of one hundred (100) feet horizontal.
 - (ii) All grading shall be minimized.
 - (iii) Finished slopes of all cuts and *fills* shall not exceed thirty-three (33) percent unless the *Applicant* can demonstrate that steeper slopes can be stabilized and maintained adequately.
 - (iv) A statement, signed and sealed by one or more of the following registered professionals (in the Commonwealth of Pennsylvania); geologist, *engineer* and or *architect* as appropriate, for the type of work involved in the project, containing the following items of information:
 - (a) A written explanation, in narrative form, of the *building* methods to be used in overcoming foundation and other *structural* problems and preventing soil erosion and excessive surface water runoff to neighboring properties and/or *streets*.
 - (b) A geotechnical engineering report, of the soil types and underlying geology of the site as appropriate for the proposed type of *construction*.
 - (c) A plan, a profile and typical cross-sections of any proposed *driveway*. This material shall have the seal of a registered professional *engineer* affixed thereon.
 - (d) A plan indicating proposed and existing *impervious surfaces*, storm water drainage facilities, drainage calculations based on a fifty-year storm,

retaining walls, ground cover and the location of trees and ornamental shrubs.

- (e) Architectural plans, elevations and sections.
 - (v) A statement signed by the *landowner* and/or *developer* that there is a full understanding of any difficulties associated with the access stemming from steep slopes, and that risk of landslides, ground shift or other instabilities caused by the nature of the geologic, subsurface and steep slope conditions shall be the responsibility of the *landowner* and/or *developer*.
 - (vi) A *building permit* shall not be issued until the *landowner* and/or *developer* or contractor posts financial security in the form of a bond, an irrevocable letter of credit, or other type of financial security agreeable to the *Borough* and the Borough Solicitor, to be held by the *Borough* as security against landslides, rockfalls, water runoff damages, etc. that may adversely affect *Borough* property, streets, rights-of-way or drainage. Financial security will be posted in an amount, up to a maximum of \$20,000, as determined by the *Borough Engineer* or Borough Building Inspector based on his review of the type and cost of project, location of the project site, slope of the project site, geological *structure* underlying the site, and proximity of the site to *Borough* property, streets or *right-of-way(s)*. Financial security shall be maintained in effect until an *occupancy permit* has been issued. Release, discontinuance or expiration of the posted financial security will be permitted upon substantial completion of the proposed *construction* activities. In addition to any remedies in law or equity, the *Borough* may exercise its rights to obtain the proceeds from the financial security posted by the owner or contractor to correct or restore damage to *Borough* property, streets, rights-of-way(s) or drainage that are not corrected by the *landowner* and/or *developer* or contractor within twenty-four (24) hours from occurrence of the damage.
 - (vii) The issuance of any *building permit* for any *construction* or land *disturbance* within or affecting the Natural Resource Protection Overlay shall occur only after all of the above special requirements have been satisfied.
3. The Resource Protection Analysis shall be completed on the official *Borough* forms provided by the *Zoning Officer*. The official forms required by this Chapter and other applicable analyses defined by the *Borough* shall be completed and submitted as part of any application other than a *building permit*. No application shall be processed or accepted unless or until the *Zoning Officer* determines that the Resource Protection Analysis has been properly completed.
 4. This Chapter does not imply that areas outside those encumbered by steep slopes will always be totally free from the adverse effects of erosion or other effects of nearby steep slopes.

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5. The granting of any permit pursuant to the regulations of this Chapter shall not constitute a representation, guarantee, or warranty of any kind by the *Borough*, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the *Borough*, its officials or employees.

C. Existing Natural Resources.

1. A Natural Resource Protection analysis shall be conducted to assess the following natural resources:
 - a) Steep Slopes;
 - b) Floodplains and Floodways;
 - c) Springs;
 - d) Vernal Pools;
 - e) *Wetlands*;
 - f) Hydric soils;
 - g) Natural Drainage Ways;
 - h) Lakes/water bodies;
 - i) Colluvial Soils; and,
 - j) Red Bed Soils.
2. The *Applicant* shall contact the following agencies for information regarding previous land *disturbances* of a *lot*. Additional contact information is available at the *Borough office*; however, the *Applicant* is responsible for contacting or referencing all sources, listed below or otherwise, to obtain information related to the assessment of existing natural resources.
 - a) Commonwealth of Pennsylvania;
 - b) Bureau of Topographic and Geologic Survey;
 - c) PADEP, Southwest Regional *Offices*;
 - d) Allegheny County Division of Computer Sciences Geographic Information Systems Groups; and
 - e) National Wetland Inventory.

D. *Development Ratios.*

1. Protection of the *Borough's* existing natural resources is governed by the *development* ratio for each sensitive existing natural resource. Initial *development* ratios represent the maximum amount of *disturbance* or *alteration* that a sensitive existing natural resource can sustain without posing a hazard to *persons* or a *lot*. *Development* ratios are specific to the existing natural resources and are further affected by the slope of the natural topography where a sensitive existing natural resource may be found.
2. For the purposes of this Chapter, slopes used in Table 8: Resource Protection Worksheet shall be at least twenty-five (25) feet in length, measured on a horizontal plane.

E. Analysis Procedures and Implementation.

1. The Resource Protection Analysis is designed to determine the location and amount of *development* permitted within any given *lot* or contiguous *lots* under common ownership or control, which shall be determined in the following manner:
 - a) Create a 1"=100' scale Slope Map based on a contour interval of not more than five (5) feet where the slope is greater than fifteen (15) percent and at intervals of not more than two (2) feet where the slope is fifteen (15) percent or less. The Slope Map shall delineate the location and extent of the following four (4) slope categories:
 - (i) 0-15%;
 - (ii) >15-25%;
 - (iii) >25-40%; and
 - (iv) 40%.
 - b) Indicate the location and extent of the following existing natural resources on the Slope Map. Each existing natural resource shall be uniquely illustrated on the Slope Map.
 - (i) Floodways, floodplains and *wetlands*/hydric soils.
 - (ii) Inventory natural drainage ways and lakes/water bodies including all land within fifty (50) feet from the centerline of any natural drainage ways or fifty (50) feet from the normal pool elevation of any lakes or water bodies, whichever is greater.
 - (iii) Inventory natural springs and vernal pools including all land within fifty (50) feet from the waterline as established from a normal pool elevation.

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- (iv) Inventory any areas containing colluvial soils and red bed soils.
- c) Official copies of Table 8: Resource Protection Worksheet as described below are available through the *Zoning Officer* and shall be completed to determine the initial net buildable area of the *lot*.

Table 8: Resource Protection Worksheet

Sensitive Existing Conditions		Gross Lot/Site Area (acres)	Permitted Disturbance Ratio	Net Buildable Area (acres)
Line 1	All floodplains, wetlands, and hydric soils	_____ x	0.0 =	0.00
Line 2	All lakes and waterbodies, and natural drainageways/streams	_____ x	0.0 =	0.00
Line 3	All springs and vernal pools (including 100 ft. buffer)	_____ x	0.0 =	0.00
Line 4	Colluvial Soils and Red Beds on slopes	<25% _____ x	0.4 =	0.00
		>25% _____ x	0.1 =	0.00
Line 5	Other Areas on slopes 0-25% not calculated as part of Lines 1 through 4 above	_____ x	1.0 =	0.00
Line 6	Other Areas on slopes >25% but <40% not calculated as part of Lines 1 through 4 above	_____ x	0.4 =	0.00
Line 7	Other Area on slopes >40% not calculated as part of Lines 1 through 4 above	_____ x	0.1 =	0.00
Line 8	Sum of Lines 1+2+3+4+5+6+7	0.00 (Total Gross Lot/Site Area)		0.00 (Total Net Buildable Area)

- 2. The layout of all proposed buildings, *structures*, streets and utilities shall occur only within the portions of a *lot* that do not contain sensitive existing natural resources documented as part of this Part as well as determined by the *Borough* represented by the individual permitted *disturbance* ratios and the Total Net Buildable Area (Table 8: Resource Protection Worksheet).

F. Net Buildable Area Increases.

- 1. Purpose. To promote the efficient use of land, infrastructure and economic resources; to provide *development* flexibility; and to enhance *development* quality and longevity, two (2) methods of increasing the net buildable area of a *lot* shall be available to a *developer* and/or *landowner*. Net buildable area increases shall be granted in return for *development* enhancements. The two (2) methods include the following:
 - a) Storm water run-off reduction measures; and
 - b) *Green roof construction*.

2. Applicability.

- a) Net buildable area increases shall be permitted only in areas located on slopes between zero (0) percent and twenty-five (25) percent in gradient. Net buildable area increases shall utilize the existing natural resources in reverse order of sensitivity in accordance with Table 8 of this Chapter, whereas least sensitive resource areas shall be utilized first.
- b) A *landowner* and/or *developer* may incorporate one (1) or more of the methods outlined in Subsection F.3 below to a *land development plan*.
- c) When multiple methods are combined as prescribed in §504.G.3, the combined total net buildable area increase shall not exceed twenty-five (25) percent of the *lot's* "Total Net Buildable Area" as calculated in Line 8 of the Resource Protection Worksheet.
- d) Net buildable area increases shall occur on the same *lot* where the *development* enhancement(s) are provided.
- e) Prior to receiving *Borough Council* approval of a *green roof* related buildable area increase, the *landowner* and/or *developer* shall complete a preliminary and/or final slope stability investigation report in conformance with *Borough* standards.

3. Methods.

- a) Storm water run-off reduction measures. Upon incorporating any two (2) of the following storm water run-off reduction measures into a proposed *land development*, a *landowner* and/or *developer* shall receive a maximum ten (10) percent net buildable area increase. No preliminary or final slope stability investigation report shall be required to obtain the ten (10) percent net buildable area increase.
 - (i) Provide area(s) for groundwater recharge through on-site storm water infiltration for an amount of impervious area equal to one (1) times the net buildable area increase. The minimum required recharge volume shall be equal to one and one-half (1.5) inches of run-off for the area defined.
 - (ii) Preserve existing trees whose combined canopy area is equal to one (1) times the net buildable area increase. A preserved tree shall be a minimum of eight (8) inches in diameter at breast height (dbh).
 - (iii) Install additional landscaping area(s) equal to one and one-half (1.5) times the net buildable area increase. This additional landscaping may be used to treat any cut or fill slopes; to increase the habitat value of any on-site storm water management facility; to re-establish streamside buffers or for other on-site uses. Lawn or turf areas shall not constitute additional landscaping.

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Habitat value and related landscaping shall be defined as Pennsylvania native species.

- (iv) Utilize porous pavement to reduce storm water runoff. Porous paving, with proof by engineering calculation/soils analysis, may be used if the *landowner* and/or *developer* can demonstrate that this method will produce zero (0) increased storm water runoff. The *Borough Engineer* shall review proposed design and engineering of the pavement to verify *construction* is in accordance with acceptable industry standards and United States Environmental Protection Agency's (EPA) Porous Pavements Phase I – Design and Operational Criteria.
- (v) Propose on-site environmental mitigation of equal or greater environmental value. Mitigation shall include but may not be limited to the removal of landfilled hazardous materials, the remediation and treatment of abandoned mine drainage, or the establishment of quality *wetlands*. When such mitigation measures are proposed, the *Borough Engineer* shall review the proposed mitigation measures and shall make a recommendation on the relative value of the proposed mitigation to the *Planning Commission* and the *Borough Council*.

b) *Green roof construction.*

- (i) A *landowner* and/or *developer* that utilizes *green roof construction* in a building design may receive a buildable area increase equal to a maximum of forty (40) percent of the total surface area of the *green roof*.
- (ii) *Green roof construction* shall be in accordance to the standards defined by the United States Green *Building Council's* Leadership in Energy and Environmental Design (LEED) program.
- (iii) *Green roofs* may be incorporated into either the principal or *accessory building* or *structure* of the *lot*.

G. *Cluster Lot Development.*

- 1. Cluster *lot development* shall be permitted only within the *boundaries* of the Natural Resource Protection Overlay.
 - a) No portion of any Cluster *Lot Development* shall be outside the *boundary* of the Natural Resource Protection Overlay.
 - b) If a *lot* is situated in such a manner that only a portion of that *lot* is within the Natural Resource Protection Overlay only that portion located within the Overlay may utilize Cluster *Lot Development* as described in this Chapter.
 - c) In no case may a *lot* contain more units than is prescribed by the base *zoning district's* maximum *density* regulations.

2. Cluster *lot development* is voluntary and not required. However, if a *landowner* and/or *developer* does not wish to utilize the cluster *development* regulations, the net *density* for a *land development* contained within the *boundaries* of the Natural Resource Protection Overlay shall be calculated by multiplying the buildable area, as defined by the Natural Resource Protection Worksheet, by the permitted gross *density* stated within the applicable *zoning district* where the *lot* is located. Minimum *lot* size permitted in the applicable *zoning district* may be reduced a maximum of twenty five (25) percent.
3. Cul-de-sacs shall be permitted to access cluster *developments* within the Natural Resource Protection Overlay *boundaries*. Roadways ending in a cul-de-sac shall be a minimum of two hundred-fifty (250) feet but no longer than five hundred (500) feet in length.
4. The balance of the land not utilized for residential *lots* shall be reserved as *common open space*. Ownership of the *common open space* shall be determined and approved by *Borough Council* prior to final application approval.

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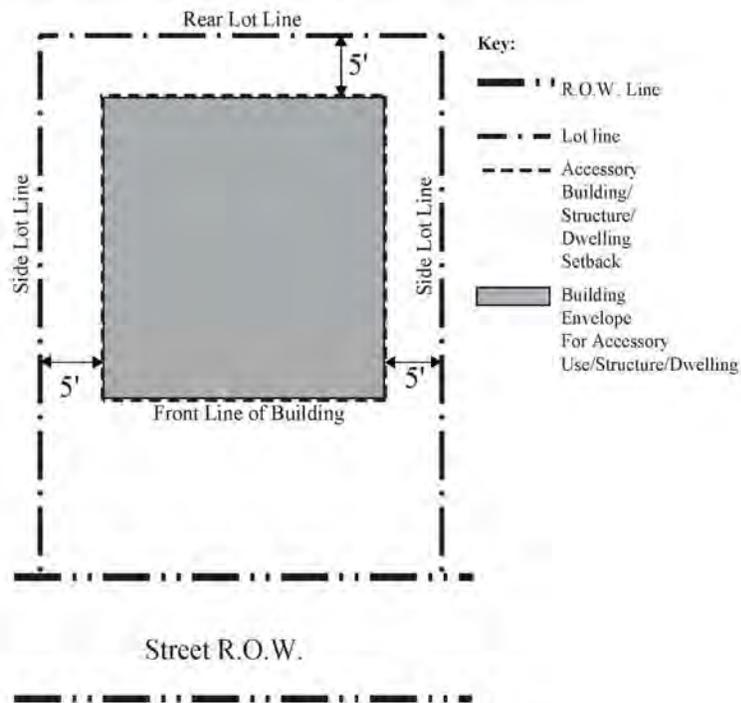
PART VI – SUPPLEMENTAL REGULATIONS

§601. Accessory Uses, Buildings or Structures.

A. General.

1. Unless otherwise defined below, the maximum height of an *accessory building* for residential uses shall be eighteen (18) feet.
2. No permanent *accessory use* shall be constructed on a *lot* prior to the time of *construction* of the principal land use to which it is accessory.
3. Unless otherwise defined below, no *accessory use* shall be located in a *front yard*.
4. *Accessory buildings* without utilities that are one hundred (100) square feet or less are exempt from *building permits*.
5. Parking requirements of Part X shall be applicable to *accessory uses*.
6. *Accessory buildings/structures* shall be placed in the *building envelope* (See Figure 1) except for the following which may meet the *setbacks* in Figure 10.
 - a) *Accessory Dwelling*;
 - b) *Garage, Private*;
 - c) *Off-Street Parking, Private*;
 - d) *Off-Street Parking, Public*.

Figure 10: Reduced Accessory Buildings/Structures Setbacks



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7. See Part X *Off-Street Parking and Loading* for applicable parking requirements.

B. *Accessory Building/Structure.*

The following provisions shall apply to an *accessory building/structure* not otherwise identified in §601.C through §601.S.

1. A *building* attached to the *principal building* by a covered passage, or having a *wall* or a part of a *wall* in common with it, shall be considered an integral part of the *principal structure* and not an *accessory building*.
2. A *carport* and/or *garage* not attached to the *principal building* shall be considered an *accessory building* and shall be subject to the requirements of §601.
3. An *accessory building* shall not be permitted to contain a *dwelling unit(s)*, except if it is an *accessory dwelling* as defined herein.
4. Access to the *accessory building/structure* shall be internal to the *lot* or from a *Borough-approved public right-of-way*.

C. *Accessory Dwelling.*

1. An *accessory dwelling* shall contain a maximum of one (1) dwelling. Said dwelling shall be on the second floor of a *garage* only.
2. The *habitable space* of an *accessory dwelling* shall be at least five hundred (500) square feet but not more than one thousand two hundred (1,200) square feet.
3. The maximum height of the *building* utilized as a *dwelling unit* shall not exceed twenty-five (25) feet and shall not be more than two (2) *stories*.
4. Either the *principal building* or the *accessory dwelling* must be occupied by the owner of the *lot*.
5. A *Site Plan* and Floor Plan shall be submitted at the time of the Application for said use.

D. *Car Wash.*

1. Car washes shall only be permitted as an *accessory use* to *Automobile Sales*.
2. Such use shall only serve the customers of the *automobile sales* to which it is accessory and shall not be open to use by the general *public*.

3. Other than for general safety of site circulation, no signage associated with such use shall be displayed or *erected*.

E. Communications *Antennae*.

1. Communications *antenna* shall comply with the requirements of the FCC.
2. Omnidirectional or whip *antennas* shall not surpass seven (7) inches in diameter and shall not exceed twenty (20) feet in *height* above the existing mounting *antenna*. Omnidirectional and whip *antennas* are only permitted on existing *structures* that are a minimum of thirty-five (35) feet from grade.
3. Directional or panel *antennas* shall not exceed five feet in *height* or three feet in width.
4. No *sign* or other advertising shall be allowed on any *antenna* including the name of the communication company. However, a commercial communication *antenna* may be allowed on any legally permitted permanent billboard or outdoor advertising *sign* as long as the other requirements of the chapter are met. The communication company is allowed a *sign* not to exceed two square feet for identification and notification purposes in case of an emergency.
5. No illumination is permitted on commercial communication *antennas* unless required by the FCC, Federal Aviation Administration (FAA) or other state or federal agency of competent jurisdiction. If lighting is required, the *Zoning Officer* shall review the available lighting alternative(s) and approve the design that would cause the least *disturbance* to the surrounding uses and views.
6. Accessory roof *structures* required for the operation of the *antenna* shall be of a material or color which matches the exterior of the building or *structure*.

F. Day Care Center/Nursery (Youth/Adult)

1. An accessory *day care center/nursery* shall only be permitted when conducted on a *lot* with a *place of worship*.
2. The facility shall be licensed by the Commonwealth of Pennsylvania and shall follow applicable code requirements for number of *persons* permitted within said facility.
3. Ingress and egress to the use shall be designed to assure safety and safe areas for discharging and picking up youth or adults, and shall be provided so that said pick-up and discharge area shall not interfere with the free flow of traffic on adjacent streets.
4. Outdoor play areas shall be provided for youth-oriented *day care centers/nurseries* and be secured by a *fence* with a self-latching gate.
5. Outdoor play areas which adjoin residential *lots* shall be screened by a five (5) foot *bufferyard*.

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6. A plan for emergency access and general safety of the site shall be submitted for *Borough* review.
7. If permitted within a district, signage for the *Day Care Center/Nursery* shall not exceed thirty (30) percent of the *sign* area applicable to signage for the *principal use* of the *lot*.

G. Electronic and *Satellite Dish Antenna*

1. Parabolic or satellite dishes (television, telephone and computer reception and transmission and the like) shall be permitted as *accessory structures* in any *zoning district*. A *variance* and permit will be required for parabolic or satellite dishes that cannot meet the following requirements:
 - a) No more than one such *antenna* shall be located on any one (1) *lot*.
 - b) The *antenna* is located within the buildable area of the *lot*.
 - c) All parabolic or satellite dishes shall be registered with the *Borough* prior to installation. Registration shall be made upon forms provided by the *Zoning Officer*.
 - d) The maximum diameter of any parabolic or *satellite dish antenna* in any residential district shall be eighteen (18) inches.
 - e) The maximum diameter of any parabolic or *satellite dish antenna* in any commercial, institutional or industrial district shall be six (6) feet.
 - f) No such *antenna* shall be directly attached to the front face of a *principal building* located on an interior or *through lot* or the front and permitted side faces of a *principal building* located on a *corner lot*.
 - g) Such a *structure* may be mounted on a roof provided the maximum *height* is no higher than the highest point of the *building* and the overall *height* does not exceed existing *Borough height* limitations.
 - h) The maximum *height* of a ground-mounted *antenna* in any residential district shall be no more than sixty-four (64) inches measured from the ground.
 - i) The maximum *height* of a ground mounted *antenna* in any commercial, institutional or industrial district shall be no more than eight (8) feet measured from the ground.
 - j) Where ground mounted *antennae* and associated equipment would otherwise be visible from the a *public right-of-way* or *adjoining lots*, evergreen screening shall be provided in said area so that, at a minimum at time of planting, species are at least half (1/2) the *height* of the *antenna*.

H. *Essential Services.*

1. The *landowner* and/or *developer* shall demonstrate that co-location/sharing of *essential services* with existing *development/structures* is physically infeasible prior to the erection of new essential services.
2. All *essential services* shall follow the requirements of the Public Utility Commission and any applicable authority.

I. *Home-Based Business, No Impact.*

1. All active and operational *home-based businesses* shall file an application annually with the *Zoning Officer*.
2. See §303 Definitions *Home-Based Business, No Impact*.

J. *Home Occupation, Low Impact.*

1. All active and operational *home-based businesses* shall file an application annually with the *Zoning Officer*.
2. The *home occupation* shall be carried out completely within the *dwelling unit* or *accessory building/structure*.
3. Not more than two (2) *persons* other than the occupants of the *dwelling unit* shall be employed on the premises.
4. As demonstrated by the floor plan(s) of the *structure(s)* on the *lot*, no more than twenty-five (25) percent of the total floor area of the principal and/or *accessory structure(s)* shall be devoted to a *home occupation*.
5. Parts sold or offered for sale shall be limited to those produced on the premises or to articles which are clearly incidental to the *home occupation* and directly related thereto, such as hair care products by a barber or beautician. If the gross sales of articles not produced on the premises exceed twenty-five (25) percent of the gross receipts from the *home occupation* and sales of articles produced on the premises, such sales shall not be deemed to be incidental to the *home occupation*, and shall not be permitted. It shall be the *home occupation* operator's responsibility to annually file an accurate and attested annual report of gross business receipts with the *Zoning Officer* to serve as proof of compliance with this provision.
6. There shall be no exterior display, no exterior *storage* of materials, and no other exterior indication of the *home occupation* or variation of the residential character of the main *building*. One (1) exterior *sign* of not more than two (2) square feet shall be permitted and shall comply with Part IX "Signage Regulations".

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7. As regulated by Part XI, "Performance Standards," no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
8. A *home occupation* shall, under no circumstances, be interpreted to include *retail* goods, kennels or any *occupation* where the principal activity involves sales offered across the counter.

K. *Off-Street Parking, Private*

1. *Off-street private* parking shall conform to the requirements of Part X.
2. The entrance/exit points to said parking shall be from the secondary street or as designated by the *Borough*.
3. The number of entrance/exit points shall be defined by the *Borough* based upon the number of *parking spaces* provided and surrounding land use(s).
4. Entrance and exits shall be clearly designated with signage. The cumulative square footage for all signage serving the parking area shall not exceed four (4) square feet.
5. Landscaping/*bufferyards* as defined in §611 shall be applicable to said use.

L. *Off-Street Parking, Public.*

1. *Off-street public parking* shall conform to the requirements of Part X.
2. The entrance/exit to said parking shall be from the secondary street or as designated by the *Borough*.
3. Entrance and exits shall be clearly designated with signage. Signage shall not exceed four (4) square feet total designating entrance(s) and exit(s) of said use.
4. Landscaping/*bufferyards* as defined in §611 shall be applicable to said use.

M. *Outdoor Café.*

1. The purpose of the *outdoor café* regulations is to:
 - a) Enhance the vitality of the *Borough's* commercial districts including the Village;
 - b) Define minimum operational standards; and
 - c) Provide safeguards related to the movement of people and goods.

2. *Fences and walls.* *Fences and walls* shall meet all barrier requirements defined below:
 - a) The maximum height of *walls* or *fences* located on the *front lot line* shall be three (3) feet.
 - b) *Fences* located adjacent to a residential use shall be at least six (6) feet high with a maximum of five (5) percent *transparency*. Any *fence* or *wall* located along any other side or *rear lot line* shall not be higher than three (3) feet and with a maximum of five (5) percent *transparency* unless said *wall* or *fence* is located along a *lot line* adjacent to an *alley* or building. In said case, the *wall(s)* or *fence(s)* may be up to eight (8) feet in height.
 - c) *Fences* located along *public right-of-way* shall be made of ornamental metal to complement the existing character established in the Village.
 - d) *Walls* are encouraged to be constructed of stone or brick masonry to complement the existing character of the Village.
 - e) Any requirements of the Pennsylvania Liquor Control *Board* as applicable.
3. In addition to the *exterior lighting* requirements stated in §603.C. the maximum on-site *illumination value* during non-operating hours shall be three-quarters (0.75) of one *footcandle*.
4. The hours of operation of an *outdoor café* shall coincide with that of the *restaurant* use.
5. Once the square footage of the *outdoor café* seating area exceeds fifty (50) percent of the indoor seating area, the *outdoor café* seating area shall be included in the determination of the *off-street parking* requirements. Until then the *outdoor café* shall not be used to determine parking requirements.

N. Parking *Garage, Public.*

1. See §1002.H.

O. *Personal Support Services.*

1. Said use shall only be permitted with a *life care facility/senior living center* and a *personal care home*.
2. The entrance to said services shall be internal to the *principal use* of the *lot*.

P. *Sidewalk Cafés.*

1. The purpose of these *sidewalk cafe* regulations is to:
 - a) Enhance the vitality of the *Borough's* commercial districts including the Village;
 - b) Define minimum operational standards; and

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- c) Provide safeguards related to the movement of people and goods.
2. *Sidewalk cafés* shall be permitted as *accessory uses* in the C-1 District including the Village Overlay District.
3. The operation of such a *sidewalk café* shall not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, *alleys* or sidewalks.
4. Any such *sidewalk café* shall be in compliance with all applicable state and local regulations.
5. No awning, canopy or covering of any kind, except individual table umbrellas, shall be allowed over any portion of the open-air dining area located within a *public right-of-way*.
6. There shall be maintained a minimum of five (5) foot clear distance of *public* sidewalk, free of all *obstructions*, to allow adequate pedestrian movement. The minimum distance shall be measured from the portion of the open-air dining area nearest either the curb-line or the nearest *obstruction*.
7. No perimeter *structures* such as *fences*, railings, planters or other such barriers shall surround the open-air dining area. Moreover, no barrier separating the *sidewalk café* from *public* areas shall be permanently fixed to the ground.
8. All equipment used for the operations of a *sidewalk café* shall be removed from the *sidewalk café* area after hours.
9. The *sidewalk café* area shall be kept free from all trash, refuse and debris.
10. The hours of operation of a *sidewalk café* shall coincide with that of the *restaurant* use.
11. No *off-street parking* shall be required for the seating area in the *sidewalk café*.

Q. *Solar Energy Systems, Solar Collectors and Solar-related Equipment.*

1. Purpose.
 - a) The purpose of these provisions is to promote the use of *solar energy* and to provide for the *development*, installation and operation of *solar energy systems* in Sewickley subject to conditions that will protect the *public* health, safety and welfare.
 - b) A *solar energy system* shall be allowed in any *zoning district* and may be installed upon receipt of the necessary *construction*, electrical and/or mechanical permit(s).

2. Applicability.

- a) These provisions apply to *solar energy systems* to installed and constructed after the effective date of this Chapter, and all applications for *solar energy systems* on existing *structures* or properties. *Solar energy systems* constructed prior to the effective date of this Chapter shall not be required to meet the requirements of this Chapter.
- b) Any upgrade, modification or structural change that materially alters the size or placement of an existing *solar energy system* shall comply with the following provisions.

3. Design and Installation.

- a) The design of the *solar energy system* shall conform to applicable industry standards. A *building permit* shall be obtained for a *solar energy system* per the Uniform Construction Code (UCC) of 1999 as amended and the regulations adopted by the Pennsylvania Department of Labor and Industry. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local *utility* provider shall be contacted to determine grid interconnection and net metering policies.
- b) If a ground-mounted *solar energy system* has been abandoned (meaning not having been in operation for a period of three (3) months) or is defective or is deemed to be unsafe by the Building Inspector, the *solar energy system* shall be required to be repaired to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Building Inspector. If the Owner fails to remove or repair the defective or abandoned *solar energy system*, the *Borough* may pursue legal action to have the system removed at the owner's expense.

4. *Setbacks* and Height Restrictions.

- a) Ground mounted *solar energy system*.
 - (i) A *solar energy system* must comply with all *setback* and height requirements for the *zoning district* where the *solar energy system* is to be installed.
 - (ii) All exterior electrical and/or plumbing lines must be buried underground and installed according to all applicable *building* and electrical codes.
 - (iii) A ground-mounted *solar energy system* must comply with the accessory *setback* restrictions contained in the *zoning district* where the ground mounted *solar energy system* is located.
- b) Notwithstanding §408(D), a roof mounted *solar energy system* shall be no more than six (6) feet above the existing *roof line* of the *principal building*.

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R. *Swimming Pools, Hot Tubs and Saunas.*

1. *Swimming pools*, hot tubs and saunas shall have a *fence*, barrier or enclosure at least four (4) feet in height with self-closing, self-latching gates that can be locked to prevent unauthorized entry.
2. The *swimming pool*, hot tubs and/or sauna and adjacent lounging area shall be effectively screened to prevent visual access at ground level from abutting *lots*.
3. *Swimming pools*, hot tubs, saunas and pump filter installations are permitted only within the *building envelope* of the *principal building*.
4. All outdoor lighting, including pool lights, shall meet the requirements of Part XI, "Performance Standards."

S. Wind Energy Conversion Systems (WECS).

1. The purpose of the following wind energy conversion provisions is as follows:
 - a) To encourage the use of alternative energy sources;
 - b) To minimize the impacts of noise and vibration generated by WECSs and their related equipment; and
 - c) To safeguard against damage to life and property.
2. Windmills, *wind turbines*, windwheels, or WECS shall be permitted as *accessory uses* in all *zoning districts* subject to the following conditions:
 - a) No said systems or equipment shall be *erected* within a front or *side yard* or outside the *building envelope*. All windmills, *wind turbines* and windwheels shall maintain a *setback* from any adjoining side or *rear lot line* equivalent to one hundred and twenty-five (125) percent of the maximum height of the windmill, *wind turbine* and/or wind wheel as measured from its point of anchoring to the outer tip of its rotor blade. In no case, shall a windmill, *wind turbine* or windwheel exceed forty-five (45) feet in height.
 - b) The *structure* supporting the *wind rotor* unit, including any necessary guideposts and supporting cables shall be certified by a professional *structure engineer* licensed as such in Pennsylvania.
 - c) All owners of a WECS shall provide the *Borough* with a structural safety assessment report prepared by a professional structural *engineer* licensed as such in Pennsylvania every five (5) years. Said reports shall be provided to the *Zoning Officer* on the anniversary date of when the zoning certificate was issued.
 - d) The minimum distance between grade and the lowest point of a rotor blade shall be twenty (20) feet.

- e) All electric lines/*utility* wires shall be buried underground and installed in accordance with applicable *building* and electrical codes.
 - f) Any mechanical equipment associated and necessary for operation, including a *building* or *structure* for batteries and storage cells, shall be enclosed by an eight (8) foot high *fence* with screening planting in accordance with this Chapter. When a building or *structure* is necessary for storage cells or related mechanical equipment, the building or *structure* shall not exceed one hundred fifty (150) square feet.
 - g) One (1) windmill, *wind turbine*, windwheel shall be permitted per *lot*.
- 3. The supporting *structure* and generating unit shall be kept in good repair and sound condition. Upon *abandonment* of use, the supporting *structure* and related *structures* shall be dismantled and removed from the *lot* within three (3) months.
 - 4. The *Applicant* shall demonstrate that any noise from the wind generating unit shall not exceed forty-five (45) dBA when measured at the nearest *lot line*.
 - 5. No signage, logos or other graphic designs shall be permitted to be visually displayed on said wind generating unit rotors or supporting *structure*.

§602. Temporary Structures.

- A. A *temporary structure*, shall be determined to be for a use which is permitted in the *zoning district*. Said *structure* shall not be a permanent use. *Temporary structures* may include but are not limited to, a kiosk, tent, shed or trailer that is temporarily used for *construction* purposes or seasonal sales, such as Christmas trees, but excluding sales by itinerant merchants of flowers, flea markets or any other products in which sales are conducted. Such *structures* shall not disturb or impair traffic ingress/egress, the *clear sight triangle* at intersections of *driveways* and streets or the intersection of streets and fire lanes and shall be authorized, in writing, by the owner of the *lot(s)*.
- B. A *temporary structure*, other than a *construction* trailer or shed associated with an active *building permit* as specified in E. below, may be permitted on *private* property, for a period of one (1) day to forty-five (45) days. An extension of time may be requested by the *landowner* and/or *developer* in writing to the *Zoning Officer*, provided the purpose for which the *temporary structure* has been permitted still actively being used. In no case shall more than two (2) forty-five (45) day extensions be permitted.
- C. A *temporary structure* which is proposed in the C-1, C-2, OMU, Inst, Ind and OS *zoning districts* shall not alter the movement of traffic or parking arrangement of cars in a designated *parking lot*.
- D. A *portable storage unit* shall be subject to the following:
 - 1. *Portable storage units* shall not be permitted in the *front yard*.

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2. *Portable storage units* and containers, including but not limited to "Portable On Demand" (PODs) units, may be kept upon a *lot* for up to one (1) year if there is an active *building permit* for *construction*, or until the issuance of a certificate of occupancy or completion, whichever occurs first. *Portable storage units* not associated with an active permit for *construction* on the same *lot* shall be limited to thirty (30) days within any six (6) month period.
 3. An *Applicant* with an active *building permit* for *construction* may request an extension for up to one (1) year for the *portable storage unit* until the *construction* is complete or an *occupancy permit* is issued.
 4. An *Applicant* shall obtain a permit for said placement of a *portable storage unit*.
 5. *Portable storage units* shall not be used as living quarters within the *Borough*.
- E. Temporary *construction* trailers or sheds shall be permitted in all *zoning districts* subject to the following conditions:
1. Temporary *construction* trailers or sheds shall not be permitted in the *front yard*.
 2. Temporary *construction* trailers or sheds shall be permitted only during the period that the *construction* work is in progress. A permit for the *temporary structure* shall be obtained from the *Zoning Officer* prior to the commencement of *construction* and shall be renewed every twelve (12) months.
 3. Temporary *construction* trailers or sheds shall be located on the *lot* in which the *construction* is progressing and shall not be located within ten (10) feet of any *lot line* adjoining an existing residential use.
 4. Temporary *construction* trailers or sheds shall be used only as temporary field *offices* and for *storage* of incidental equipment and supplies and shall not be used for any dwelling use.
 5. A temporary *construction* trailer may be permitted for use as a sales center for residential *lots*. The maximum GFA of such a temporary sales center shall be five hundred (500) square feet. A zoning certificate for the temporary trailer shall be obtained from the *Zoning Officer*.
 6. No combustible materials shall be stored in temporary *construction* trailers, sheds or sales centers.

§603. Exterior Lighting.

1. The purpose of the *exterior lighting* provisions is as follows:
 - a) To minimize light trespass from *buildings, structures* and *lot improvements*;
 - b) To reduce night-time light pollution that causes sky-glow; and

- c) To reduce visibility impairing glare.
2. The *Applicant* shall submit a *Photometrics Plan* to measure the light impact of the *exterior lighting* improvements in accordance with the *Borough's SALDO*. The *Photometrics Plan* shall describe the maximum *illumination values* and average *illumination value* required herein as part of the submission.
3. Low voltage and light emitting diode (LED) lighting systems are encouraged.
4. Four (4) lighting zones and the applicable *zoning district* as well as the respective illumination levels for each zone are as follows:
 - a) Light Zone 1 - Open Space.
 - (i) There shall be a maximum *illumination value* of three (3) horizontal and vertical *footcandles* at all *lot lines* when measured three (3) feet above the ground surface.
 - (ii) The maximum on-site *illumination value* shall be three (3) *footcandles* and the average on-site *illumination value* shall be less than or equal to one (1) *footcandle* when measured three (3) feet above the ground surface.
 - (iii) Zero (0) percent of the fixture's *lumens* shall be emitted at a ninety (90) degree angle or greater from nadir.
 - b) Light Zone 2 - R-1, R-1A, R-2 and OMU Residential Use.
 - (i) There shall be a maximum *illumination value* shall be one-tenth (0.10) horizontal and vertical *footcandles* at all *lot lines* when measured three (3) feet above the ground surface.
 - (ii) The maximum on-site *illumination value* shall be three (3) *footcandles* and the average on-site *illumination value* shall be less than or equal to one (1) *footcandle* when measured three (3) above the ground surface
 - (iii) No more than five (5) percent of the fixture's *lumens* shall be emitted at a ninety (90) degree angle or greater from nadir.
 - c) Light Zone 3 - Inst. and I.
 - (i) There shall be a maximum *illumination value* of two-tenths (0.20) horizontal and vertical *footcandles* at all *lot lines* when measured three (3) feet above the ground surface.
 - (ii) The maximum on-site *illumination value* shall be five (5.0) *footcandles* and the average on-site *illumination value* shall be less than or equal to one and one-half (1.5) *footcandles* when measured three (3) feet above the ground surface.

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(iii) No more than ten (10) percent of the fixture's *lumens* shall be emitted at a ninety (90) degree angle or greater from nadir.

d) Light Zone 4 - C-1, C2, Village Overlay, OMU Non-residential

(i) There shall be a maximum *illumination value* of two-tenths (.20) horizontal and vertical *footcandles* at all *lot lines* when measured three (3) feet above the ground surface.

(ii) The maximum on-site *illumination value* shall be twelve (12) *footcandles* and the average on-site *illumination value* shall be less than or equal to three (3) *footcandles* when measured three (3) feet above the ground surface.

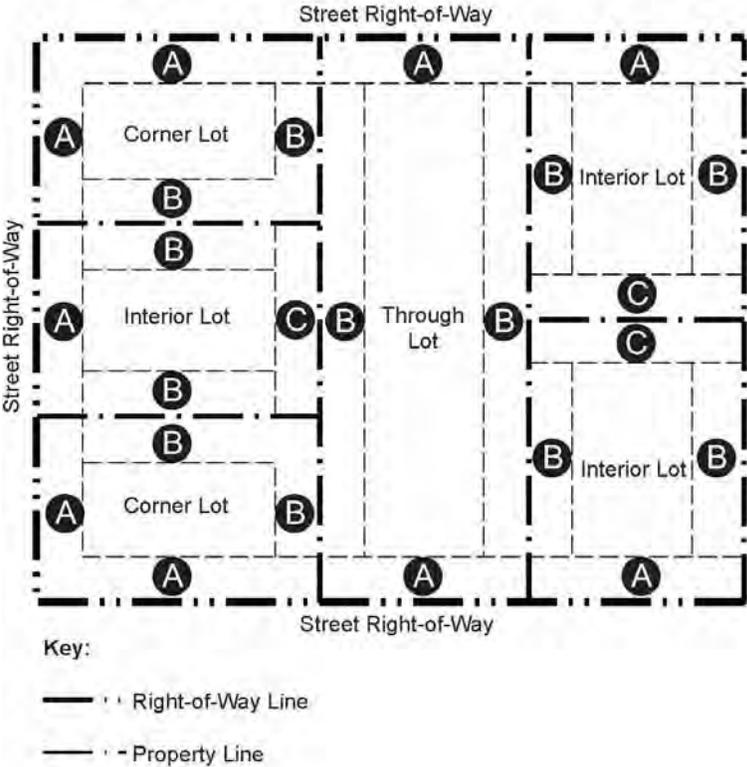
(iii) No more than ten (10) percent of the fixture's *lumens* shall be emitted at a ninety (90) degree angle or greater from nadir.

§604. Fences, Walls and Hedges.

A. The height and *transparency* regulations shall apply to any *fence, wall* located or proposed to be located in any *front yard* or in any *side yard* between the *front yard* and a line drawn along the *rear yard* or in any *side yard* between the *rear lot line* and a line drawn along the *rear building line*.

Figure 11: Fence and Wall Regulations by Location.

Location of Fence, Wall and Hedge Regulations by Area*			
Percentage of Minimum Transparency			
Height	A	B	C
3 1/2 feet	0%	0%	0%
4 feet	40%	0%	0%
5 feet	Not Permitted	0%	0%
6 feet	Not Permitted	5%	0%
7 feet	Not Permitted	8%	0%
8 feet	Not Permitted	10%	0%



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- A. *Fences and walls* located in a *rear yard* shall not exceed eight (8) feet in height and shall have no restrictions on *transparency*.
- B. *Hedges* shall be exempt from any height or *transparency* regulations except the *clear sight triangle* requirements set forth in this Chapter.
- C. The following regulations shall apply to all *fences and walls*:
 - 1. No *fence* or *wall* shall be *erected*, added to, replaced or relocated until a *building permit* has been issued by the *Zoning Officer* in accordance with §1501 of this Chapter relating to *building permits*. Prior to applying for a *building permit*, a property owner shall provide written notice to all adjoining property owners of his or her intention to erect, add to, replace or relocate a *fence* or *wall* and shall provide proof of the sending of such notices with the application for a *building permit*. No *building permit* to erect, add to, replace or relocate a *fence* or *wall* shall be issued without proof of the sending of such notices.
 - 2. The *replacement* of a *fence* or *wall* with a new *fence* or *wall* of the same design and materials shall not require the attainment of a new certificate of appropriateness from the Historic Review Commission or the attainment of a new *variance* from the *Zoning Hearing Board* if the *Applicant* provides proof that such a certificate and/or *variance* was obtained in connection with the building of the prior *fence* or *wall*.
 - 3. Any *fence* or *wall* with poles or posts must be constructed so that the poles or posts are on the side of the *fence* or *wall* facing the *lot* of the *landowner/ developer* constructing such *fence* or *wall*, except for *fences* or *walls* where the poles or posts are an integral part of the *fence* or *wall* so that both sides of the *fence* or *wall* are identical.
 - 4. If any *fence* or *wall* is painted, both sides of the *fence* or *wall* must be painted the same color.
 - 5. Any chain-link, chicken-wire or other metal mesh *fence* or all *erected* in the *side yard* or *rear yard* of a *lot* shall be galvanized or otherwise treated to prevent the formation of rust.
 - 6. No *fence* or *wall* containing barbed wire, razor wire, and/or razor ribbon may be *erected* on any *lot* in or abutting an R-1, R-1A or R-2 Residential *Zoning District*.
 - 7. No electrified *fence*, *fence* or *wall* containing barbed wire, razor wire, and/or razor ribbon shall be permitted within any residential *zoning district* nor upon any land(s) abutting a residential use. However, nothing contained in this provision shall prohibit *fences* consisting of underground electrical wiring and commonly referred to as "silent" or "invisible" *fences* used to control pets. No *building permit* shall be required to build such silent or invisible *fences*.
 - 8. No chain-link, chicken-wire or other metal mesh *fence* or *wall* may be *erected* in any *front yard* of a *lot*. For *corner lots*, no chain-link, chicken wire or other metal mesh

fence or *wall* may be *erected* along the area which abuts the *front yard* of an *adjoining lot*.

9. All *fences* or *walls* shall be maintained in a sturdy and good condition. *Fences* or *walls* that overturn, collapse, fall, deteriorate or become loose or rotted, whether in whole or in part, shall be repaired, replaced or removed within sixty (60) days of notice of said condition.
10. No *fence* or *wall* shall be constructed in any *public right-of-way*.
11. All *fences* must meet the *clear sight triangle* requirements set forth in this Chapter.

§605. Dumpster Enclosures.

- A. Dumpsters existing as of the effective date of this Part and dumpsters constructed subsequent to the effective date of this Part shall comply with the following:
 1. No dumpster or dumpster enclosure shall be located within a required landscape *bufferyard* and may be located within a required yard only if a street or dedicated *alley* separates the *lot* from any adjacent residential *lot*. Required enclosures shall be defined by the *Borough* based upon review of proposed dumpster location and service area access in relationship to *public right-of-way*, building locations and vehicular/pedestrian circulation routes.
 2. Dumpsters shall be maintained free of jagged or sharp edges or inside parts that could prevent the free discharge of their contents and closed lids.
 3. All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or bollards shall be permanently affixed to the pad at least one foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection. The base of the enclosure must be poured concrete. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt.
- B. Businesses shall be encouraged to share dumpsters.

§606. Outdoor Display and Storage Within Non-Residential Zoning Districts.

- A. All *outside storage* shall be incidental to the *principal use*.
- B. Except for *retail/wholesale landscape centers*, building supply, wholesale – building material, garden supply store, hardware/*lumber/construction* material, auto dealers and similar businesses which require *outside storage* of materials, the storage and display of materials outside a completely enclosed *structure* shall not be permitted. In the case of said businesses, outside display and storage areas shall be completely enclosed by a security *fence* and shall be screened by *fence* or *hedge* which is at least six (6) feet in height and is zero (0) percent *transparent* unless otherwise defined by this Chapter.

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- C. All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from *public* view by a *fence* or *hedge* which is at least six (6) feet in height and does not exceed fifteen (15) percent *transparency*.

§607. Reduction of Required Areas Prohibited.

- A. No *lot* shall be reduced in area that decreased any yard, *setback*, parking area, *bufferyard* or dimension to less than the required minimum determined by this Chapter.

§608. Setback Encroachments.

- A. Unless otherwise prohibited by the *building* code or if the *side yard* on a *lot* measures six (6) feet or less, the following may encroach into required *setback* defined in this Chapter, as provided:
1. Awnings, *canopies*, eaves, wing walls, chimney, bay windows, steps, ramps and the like as follows:
 - a) Roof overhangs and projections of any principal *structure* may encroach up to two (2) feet into any required *setback*; and
 - b) Canopies, open balconies, pivoted or casement sash, cornices, eaves, bay windows and similar architectural features may encroach:
 - (i) Not more than four (4) feet into the front *setback* if eight (8) feet or more of clear headroom is provided under such projection; and
 - (ii) Not more than three (3) feet into any side or rear *setback* if seven (7) feet or more of clear headroom is provided under such projection;
 - c) Chimneys may encroach no more than two (2) feet into any side or rear *setback* if the portion of chimney *structure* that is encroaching into said *setback* is not more than six (6) feet wide.
 2. *Driveways*.
 - a) The *setback* of a *driveway* from a *lot line* shall conform to the requirements outlined in Table 3 Dimensional Table.
 - b) Every *lot* shall be permitted to have one (1) *driveway*.
 - c) A *lot* may have a governor's drive, either connected to or independent from any permitted *driveway*, provided it meets the following requirements:
 - (i) In no event shall more than two (2) curb cuts per *lot* on any one (1) street be authorized.
 - (ii) The distance between the center lines of the governor's drive along the front property line shall be spaced at least seventy (70) feet apart.

- (iii) The governor's drive shall be no more than twelve (12) feet in width and have no turnaround areas.
 - (iv) The central portion of the governor's *driveway* shall be located within twelve (12) feet of an entrance to the *principal building*.
 - (v) The dimensional criteria for *driveway setbacks* in Table 3 shall apply.
- d) *Driveway* access to a *lot* shall be located on the secondary *right-of-way* of a *lot* unless more than half the *lots* on said *block* obtain *driveway* access from the principal *right-of-way*.
 - e) All *private garages* and all *off-street parking* enclosed within a *principal building* shall be connected directly to a *public street*, *public alley* by a *private driveway* no wider than twelve (12) feet. Where there are multiple *off-street parking spaces* in a *private garage* or enclosed within the *principal building*, the *driveway* may be widened to access said *parking spaces*.
 - f) The entire flare of any return radius on a *driveway* shall fall within the *right-of-way*.
3. *Fences, walls and hedges* subject to district regulations.
 4. Landscaping.
 5. Sanitary Sewer or water lift stations.
 6. *Signs*, subject to Part IX, "Signage Regulations".
 7. Irrigation water pumps, wells, *utility* meters and similar above ground telephone and cable company equipment typically found on single-family residential *lots*.
 8. Underground utilities, including stormwater pipes, culverts, septic tanks, and drainfields.
 9. *Utility* poles, transmission lines and service lines.
 10. Other *utility*-related items.
 - a) All utilities for *lots* that have *improvements* or are redeveloped shall be located underground unless otherwise approved by the *Borough Council*.
 - b) *Utility* connections such as gas meters, electric meters, phone, and cable shall be located so as to minimize their visibility from the street.
 - c) HVAC condenser units shall be located so as to minimize their visibility from the street.

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11. *Private off-street parking* areas in other than residential *zoning districts* that are located no more than two hundred (200) feet from the northerly right of way line of Ohio River Boulevard.

§609. General Landscaping.

- A. A Conceptual Landscape Plan, shall be prepared and submitted as part of any Application that involves excavation or *building* expansion. The Conceptual Landscape Plan shall include, and illustrate at scale, the location of trees, shrubs and groundcovers for the following:
 1. All required *bufferyards* with proposed plantings;
 2. All required planting independent of any *bufferyard* requirements;
 3. Any planting in excess of the requirements of this Chapter;
 4. Any existing trees or vegetation which are to be preserved;
 5. Any existing trees or vegetation which will be removed; and
 6. The location and species of all existing trees six (6) inches in dbh. *Applicants* are encouraged to maximize the retention of all healthy existing trees six (6) inches or more dbh.
- B. General landscaping shall be required as defined in the Sewickley *Borough Subdivision and Land Development Ordinance*.

§610. Bufferyards.

A. A *bufferyard* shall be established by the *landowner* and/or *developer* of the following subject uses to buffer adjacent uses and shall have the following required depths:

Table 9: Bufferyards

		Subject Use									
		Single Family Residential		Multi Family Residential		Commerical		Industrial		Institutional	
		Building	Parking Lot	Building	Parking Lot	Building	Parking Lot	Building	Parking Lot	Building	Parking Lot
Adjacent Use	Single Family Residential			5'	10'	5'	10'	10'	10'	5'	10'
	Multi Family Residential					5'	10'	10'	10'	5'	10'
	Commerical										
	Industrial										
	Institutional										

 Not Required; installation at Applicant's Discretion

1. *Bufferyards* shall be located entirely on the *lot* of the subject use and may be constructed within the required *setbacks* defined for the *lot*.
2. All *bufferyards* shall be planted with shrub and tree plantings and/or installed with *walls/* as permitted by this Chapter in a pattern that creates no less than twenty (20) percent *transparency* unless otherwise specified by this Chapter. Plant materials used in *bufferyards* shall be at least three (3) feet in height when planted, shall be planted no more than three (3) feet apart, and be of such species that will produce within three (3) years a complete year-round visual screen of at least six (6) feet in height. Trees that are used in the planting of a *bufferyard* and elsewhere on the *lot* shall be in accordance with *Borough* standards. In addition, grass or ground cover shall be planted on the ground surface of the *bufferyard*. *Bufferyards* shall be maintained and kept free of all debris and rubbish. The *bufferyards* shall be maintained permanently and any plant material which perishes shall be replaced by the *landowner* and/or *developer* within one (1) year.
3. No *structure*, manufacturing or processing activity, or *storage* of materials shall be permitted in *bufferyards*. However, *utility easements* not more than thirty-five (35) feet in width, access roads, service *driveways* and sidewalks are permitted to cross a *bufferyard* but shall not reduce the *bufferyard* by more than twenty (20) percent.
4. No parking shall be permitted in *bufferyards*.

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5. A *clear sight triangle* shall be maintained at all street intersections and at all points where vehicular access ways intersect *public* streets.
6. *Walls/fencing* shall be permitted to comprise no more than sixty (60) percent of the required perimeter length of the *bufferyard*. See also §604.
7. In instances where the existing principal and/or *building* or *structure* is located within the area to be set aside as the required *bufferyard*, the *bufferyard* may be reduced in depth to the distance from the existing *building* or *structure* to the *lot line*. This reduced *bufferyard* width shall apply only to the yard area upon which the existing *structure* encroaches. If the existing *building* or *structure* is located within the required *bufferyard* on one (1) side of the building or *structure*, the required *bufferyard* as determined by Table 9, *Bufferyards*, shall apply on all other sides where a *bufferyard* is required.

§611. Landscaping for Off-Street Parking and Service Structures.

- A. Except in the case of a single-family *lot*, OMU non-residential uses, and approved ingress and egress points, a five (5) foot wide strip of ground cover, shrubbery, trees or other landscape or decorative materials shall be provided between the *right-of-way* and *off-street parking* areas. Said strip shall be landscaped and maintained to prohibit vehicular and pedestrian access. Landscaping species at their mature heights shall not obstruct visibility for traffic entering or leaving the *lot* or traveling on the *public street/alley*.
- B. *Off-Street Parking* Areas.
 1. For any land use, within an *off-street parking* area that contains fewer than thirty (30) *parking spaces*, the planting of trees shall not be required. For an *off-street parking* area that contains thirty (30) or more *parking spaces*, all parking bays (commonly known as a line of contiguous *parking spaces*) shall be terminated on each end with a landscaped island constructed to be a minimum of nine (9) feet in width and the depth of the typical *parking space* in said parking area. Each said island shall contain a minimum of one (1) deciduous tree with a minimum of a two and one-half (2.5) inches dbh at the time of planting. Said trees shall not be calculated as part of any required buffer yard.
 2. Unless otherwise approved by the *Borough Engineer* for promoting sustainable storm water management practices, all landscape islands shall be enclosed by appropriate curbing or a similar device at least five (5) inches wide and six (6) inches in height above the paving surface.
- C. Landscaping for service *structures* for non-residential uses.
 1. All service *structures* shall be fully screened with a minimum of twenty (20) percent *transparency*. For the purposes of this subsection, service *structures* shall include propane tanks, generators, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a *building* or a *lot*. See Sewickley *Borough SALDO*.

§612. Vegetation Preservation.

- A. Vegetation preservation.
 - 1. Vegetation preservation is governed by the specifications in this Chapter and the provisions of the Pennsylvania *MPC*. The removal of trees, shrubbery, foliage, grass or other natural growth shall be permitted when in conformance with the provisions of this Chapter or any other *Borough* Ordinance regulating land use, *development* and *forestry*.
- B. All *forestry* activities shall comply with the applicable *Borough* and/or State Ordinances.

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PART VII – SPECIAL EXCEPTIONS

§701. Granting and Evaluation of Special Exceptions.

- A. General criteria for evaluation of special exception uses.
1. In evaluating an application for a special exception use, the *Borough* shall apply the guidelines and procedures set forth in the Pennsylvania *MPC* and the applicable criteria outlined in Part VIII.
 2. The granting of a special exception use by the *Zoning Hearing Board* shall be predicated on:
 - a) The *Applicant's* submission of a written application, together with a *site plan* of the proposal to the *Zoning Officer*;
 - d) Any recommendation from the *Zoning Officer* and/or *Zoning Hearing Board Solicitor*; and
 - e) Testimony, whether written or spoken, from the *Planning Commission* may also be requested and considered.
 3. The written submission shall demonstrate that the *development* for which the special exception use is sought will meet the primary criteria outlined below:
 - a) Will not endanger the *public* health, safety and welfare if located where proposed and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration as regulated by Part XI of this Chapter;
 - b) Meets all other requirements of this Chapter in the *zoning district* where the use is proposed;
 - c) Is in general conformity with the *ASO Joint Comprehensive Plan*;
 - d) The Special Exception approval shall expire without written notice to the *Applicant*, if an application for *development*, *grading*, *building permit*, or an *occupancy permit* has not been received by the *Borough* within eighteen (18) months of the written decision. Before the expiration date, two (2) extensions may be granted upon receipt of a written request from the *applicant*;
 - e) If all permits and other approvals have not been obtained in such period as defined in subsection (e) above, the approval of the special exception use shall be null and void;
 - f) Approval of a new special exception shall deem any prior special exception for the *lot* null and void.

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4. All of the presentation of testimony, documentation, and other evidence to the *Zoning Hearing Board* to obtain a special exception rests upon the *Applicant*. The burden of proof that the proposed use will not endanger the *public* health, safety and welfare of the community and complies with the Chapter, rests entirely upon the *Applicant*.
 5. A scaled *site plan* of the *subject lot(s)* shall indicate the location, height and use of the *structures, driveways, parking areas, signs, lighting, bufferyards, topography* and/ or natural features of the *lot*. Elevations shall be submitted for all new *buildings*.
- B. The *Zoning Hearing Board* may attach reasonable conditions, in order to protect the *public's* health, safety, and welfare. These reasonable conditions may, include but are not limited to increased screening and/or *setbacks*.
- C. Approval of all uses by special exception contained in this Chapter shall be subject to periodic inspections by the *Zoning Officer* to insure compliance with the required conditions of approval.

PART VIII – CONDITIONAL USES

§801. *Granting and Evaluation of Conditional Uses.*

- A. All *conditional uses* shall be reviewed with the standards and criteria of §1304 and the criteria listed in this Part. In granting a *conditional use*, the *Borough Council* may attach such reasonable conditions and safeguards, as necessary to implement the purposes of this Part and the Pennsylvania *MPC*.
- B. The following general criteria shall be used in granting all *conditional uses*:
 - 1. Whether a new *building* or an adaptive reuse, the *developer* or owner shall maintain the attributes of the historical nature of the existing neighborhood including but not limited to massing, *building heights*, and exterior historic characteristic.
 - 2. Parking areas shall be located, arranged, constructed and designed to minimize the impact of vehicles and lighting on the right of way and adjoining residential *lots*.
 - 3. A traffic impact study acceptable to the *Borough Engineer*, shall be submitted where the proposed *development*, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes according to the Institute of Transportation Engineers (ITE) standard.

§802. *Residential Conditional Uses.*

- A. *Borough Council* shall review and/or approve residential *conditional uses* subject to the following requirements.

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1. An adaptive reuse of a *building* for a residential *conditional use* shall be submitted with their application the following information:
 - a) Lighting Plan.
 - b) *Loading Plan*.
 - c) *Site Plan*.
 - d) Floor Plan.
 - e) Landscaping/*Fencing* Plan.
 - f) *Parking Plan*.
 - g) Signage Plan.
 - h) Circulation/Access Plan.
2. New *buildings* for a residential *conditional uses* shall comply with the provisions of the *Borough* ordinance for *land development*.

B. *Bed and Breakfast*.

1. No more than one exterior *sign* shall be permitted on the premises.
2. Service of meals shall be limited to breakfast only to overnight guests of the facility.
3. Overnight guests shall not occupy the facility for more than fourteen (14) consecutive nights in a thirty-day (30) period.
4. The dwelling may not include a publicly accessible *restaurant* as a related use.
5. Overnight lodging shall occur within individual sleeping rooms, each of which is accessible from the interior of the principal *structure* and does not contain cooking facilities.
6. New *construction, alteration, or reconstruction* of any *structure* shall also be governed by said Chapter.
7. The owner of said use shall be a permanent resident on the site.
8. To protect the surrounding uses from detrimental noise, dust and other *disturbances*, screening and buffering of parking areas and outdoor common spaces equivalent to one hundred twenty (120) percent of the base zoning standard must be provided along any respective *lot line* shared with a residential use.

C. *Boarding House.*

1. No more than one exterior *sign* shall be permitted on the premises.
2. Overnight guests shall not occupy the facility for more than three (3) consecutive months in a twelve (12) month period.
3. To protect the surrounding uses from detrimental noise, dust and other *disturbances*, screening and buffering of parking areas and outdoor common spaces equivalent to one hundred twenty (120) percent of the base zoning standard must be provided along any respective *lot line* shared with a residential use.
4. The owner of said use shall be a permanent resident on the site.

D. Group Care Facility.

1. The *Applicant* of said use shall file a detailed statement of intent with the *Borough Council* describing the proposed use. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to the surrounding *lots* and neighborhood.
2. Twenty-four (24) hour supervision of residents by a facility employee approved by the Pennsylvania Department of Public Welfare shall be required.
3. The minimum *lot* size shall be one-half (1/2) acre.

E. Group Care Home.

1. The *Applicant* of said use shall file a detailed statement of intent with the *Borough Council* describing the proposed use. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to the surrounding *lots* and neighborhood.
2. Twenty-four (24) hour supervision of residents by a facility employee approved by the Pennsylvania Department of Public Welfare shall be required.

F. *Life Care Facility.*

1. The minimum *lot* size shall be at least one (1) acre.
2. A useable open space area of one hundred (100) square feet per bed shall be provided exclusive of the front *setback*, *bufferyards* and parking area.
3. The *lot* shall be served by frontage on a *public* street.
4. Off-street access and areas for discharging and picking up guests shall be provided.
5. Maximum height of lighting for any outdoor parking area and/or roadway shall be twenty (20) feet from grade.

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6. If the parking area adjoins a residential use or contains more than ten (10) *parking spaces* the following shall apply:
 - a) An additional ten (10) foot *setback* from the respective *lot line* shall be provided along the *parking lot's* perimeter to minimize the impact of inappropriate noise, dust, light and other *disturbances* on adjacent residential property *development*.
 - (i) One and one-half (1.5) times the required number of plants for buffering *off-street parking* and *loading* areas; or
 - (ii) A *berm* shall be installed along the parking area proposed adjacent to the *lot line* shared with the residential use, a minimum of three and one-half (3.5) feet in height at its peak, and the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The *berm* shall be landscaped with plants that provide four (4) seasons of vegetated cover not including turf grass.
7. The facility shall meet all state requirements for life care or nursing/convalescent care facilities (or the defined equivalent) in addition to those defined in this subsection.

G. *Multi-Family - Apartment*.

1. An apartment's *off-street parking* area shall be located no more than two hundred (200) feet from the *building's* principal pedestrian entrance.
2. If the parking area adjoins a residential *lot* or use or contains more than ten (10) *parking spaces* the following shall apply:
 - a) An additional ten (10) foot *setback* for the respective *lot line* shall be provided along the *parking lot's* perimeter to minimize the impact of inappropriate noise, dust, light and other *disturbances* on adjacent residential *development*.
 - (i) One and one-half (1.5) times the required number of plants for screening and buffering *off-street parking* and *loading* areas; or
 - (ii) A *berm* shall be installed along the parking area proposed adjacent to the *lot line* shared with the residential use, a minimum of three and one-half (3.5) feet in height at its peak, and the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The *berm* shall be landscaped with plants that provide four (4) seasons of vegetated cover not including turf grass.
3. For a use proposed to occupy an existing residential *structure*, no exterior changes to the front facade(s) shall occur as part of said re-use unless otherwise required by the *building code*.

H. *Personal Care Home.*

1. Along any *lot line* shared with a residential use, screening and buffering of parking areas and outdoor common spaces equivalent to eight (8) feet must be provided to protect the existing neighborhood from inappropriate noise and other *disturbances*.
2. One half *off-street parking space* for each non-staff resident and one *off-street parking space* for each staff resident shall be provided. A minimum of two *on-site parking spaces* shall be paved.
3. Facility management and administration shall meet all Federal, State and local health, welfare, safety and fire protection standards including, but not limited to, standards established by the Pennsylvania Department of Labor and Industry and standards defined in the *building* and fire protection codes as adopted by the *Borough* as such standards apply to an *personal care home* even if such standards are applicable and enforced.
4. The owner(s) and administrator(s) of a *personal care home* shall be responsible for the conduct and safety of the occupants and shall register with the Police a manager or supervisor who at all times shall be available to respond to inquiries and promptly quell any *disturbances* caused by the occupants.

§803. Non-residential Conditional Use Provisions.

A. *Borough Council* shall review and/or approve all non-residential *conditional uses* subject to the following requirements.

1. Any adaptive reuse of a *building* for a non-residential *conditional use* shall submit with their application the following information:
 - a) Lighting Plan.
 - b) *Loading Plan*.
 - c) *Site Plan*.
 - d) Floor Plan.
 - e) Landscaping/*Fencing* Plan.
 - f) *Parking Plan*.
 - g) Signage Plan.
 - h) Circulation/Access Plan.
2. New *buildings* for a non-residential *conditional uses* shall comply with the provisions of the *Borough* ordinance for *land development*.

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B. *Automotive Service Station.*

1. An *automotive service station*'s hours of operation and activities must be scheduled to protect the existing neighborhood from detrimental noise, dust, odor, vibration, light or other *disturbance* or interruption. Said hours shall be limited to 7am to 9pm Monday through Saturday.
2. The owner(s) and operator(s) of an *automotive service station* shall provide the *Zoning Officer* and the Fire Chief notice of the equipment, materials storage and processes used as part of the service station activities.

C. *Beer Store/Distributor.*

1. A plan for product delivery and *off street parking* for patrons shall be submitted and approved by the *Borough* to ensure conflicts be minimized between customers, deliveries and land uses.
2. Dumpster locations shall be designed and accessed so as to not conflict with *off-street parking* areas.
3. The hours of operation shall be limited to 7am to 9pm.
4. *Loading* and *unloading* of all products shall occur on site.

D. *Billboard.*

1. Number permitted: one (1) per *lot*.
2. Minimum *lot* size: six thousand (6,000) square feet.
3. Minimum *lot width*: sixty (60) feet.
4. *Setback* requirements:
 - a) Front: fifty (50) feet.
 - b) Side: abutting an industrial *zoning district* twenty-five (25) feet; abutting a residential *zoning district*, two hundred (200) feet; abutting all other *zoning districts*, one hundred (100) feet.
5. Maximum height of billboard: twelve (12) feet above the ground level upon which the billboard is located or twelve (12) feet above the elevation of the centerline of pavement of the closest adjacent *public* street at the point nearest the *sign*.
6. Maximum size of billboard:
 - a) Non-electronic: one hundred twenty (120) square feet.
 - b) Electronic: seventy-five (75) square feet.

7. No billboard shall be located within five hundred (500) feet of any other billboard.
8. Any electronic billboard shall not be externally illuminated.
9. A non-electronic *sign* face that rotates to display multiple *sign* face images shall be permitted providing that each image is displayed for at least thirty (30) consecutive seconds every time it is shown.
10. Lettering and other images on the billboard shall be displayed for at least thirty (30) consecutive seconds every time it is shown.
11. Landscaping Requirements:
 - a) Height of landscaping shall be measured from grade.
 - b) A five (5) foot deep landscaped strip of native plants measuring at least one half (1/2) the height of the billboard's supporting *structure* shall be located immediately adjoining the supporting *structure* of the billboard in all directions.
 - c) The rear side of a single-faced billboard shall be of one (1) color and screened by existing or otherwise new native evergreen species at least six (6) feet tall.

E. *Business Office.*

1. No *business office* shall be located in a *building's basement*, first and/or *ground floor* levels when situated within the Village Overlay.
2. Unless shared parking is approved by *Borough Council*, a *business office's off-street parking* area shall be located no more than seven hundred (700) feet from its principal entrance.

F. *Communications Tower.*

1. A telecommunication tower more than twelve (12) feet in height or that is not mounted to an existing *structure* is only permitted as a *conditional use* in designated *Zoning Districts*.
2. Ground transformer, generator and related ground equipment are permitted on the same *lot* as said tower but ancillary uses such as *business office*, vehicular storage and maintenance *buildings* are prohibited unless otherwise permitted in said *zoning district*.
3. The height of any *antenna* on said tower shall not exceed the height of the *structure* by more than twelve (12) feet. If the *antenna* is to be mounted on an existing tower, a permit shall not be required.
4. The owner of the communication tower must demonstrate by competent expert testimony and submitted, signed and sealed statement that the location of the tower

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(or *antenna*, whatever the case may be) is necessary to prevent a gap in reasonable and acceptable transmission or reception service under prevailing industry standards.

5. For all new tower installations.
 - a) It is required to demonstrate that it contacted the owners of tall *structures* within a one (1) mile radius of the *lot* proposed, asked for permission to install the *antenna* on those *structures* and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall *buildings*, *antenna support structures* of other communication phone companies, other communications (fire, police, etc.), and other tall *structures*. The *Borough* may deny the application to construct a new tower if the *Applicant* has not made a good faith effort to mount the *antenna* on an existing *structure*.
6. Tower Height.
 - a) The *Applicant* shall submit justification that the proposed tower does not exceed the minimum height required to function according to reasonably acceptable industry standards. Industry standards shall be submitted as part of the *conditional use* application. The height of the tower shall be determined by the distance from grade to top of the support tower.
7. Tower *setbacks*.
 - a) If a new communication tower support *structure* is constructed, the minimum distance between the base of the support *structure* and any *lot line* or street *right-of-way* shall be one hundred fifteen (115) percent of the tower's height but in no case less than thirty (30) feet. Associated supports and guide wires shall not be located within the required *setbacks*.
8. The communication tower must be *erected* to comply with manufacturer requirements and accepted engineering standards and the *Applicant* must submit certification by a duly licensed *engineer*, competent in the field, that the tower is structurally sound for the purposes intended. The communication tower shall be securely anchored in a fixed location on the ground, and the *Applicant* shall provide qualified documentary evidence that the proposed *structure* will withstand wind, snow, ice and other natural forces. The *Applicant* shall also demonstrate that the proposed tower and support *structure* are safe and adequate clear area according to industry standards is available in case of support *structure* failure, radio frequency, falling ice or other debris. The communication tower shall meet radio emission standards adopted by the FCC. All of the foregoing shall be certified by a duly licensed *engineer*, competent in the field, and by an expert competent in radio emission standards.
9. The communication tower, or the yard area containing the communication tower, shall be protected and secured to guarantee the safety of the general *public*. *Fencing* shall consist of galvanized chain link, eight (8) feet in height, and installation of anti-climbing safety devices will be required at a minimum to demonstrate compliance with this Chapter.

10. The *Applicant* shall submit a *site plan* or survey of the *lot* certified by an *Engineer* or *Architect*.
11. Only one (1) communication tower shall be permitted per *lot*.
12. The *Applicant* shall have the burden of proof to demonstrate a high degree of probability that the placement and use of the tower will not endanger the health, safety and welfare of the *public*.
13. The *Applicant* will provide, at the *Borough's* request, copies of FCC licenses for all users of the facility. *Conditional use* approval is contingent upon the maintenance of FCC licenses for all users. Any grant of *conditional use* hereunder will automatically expire if said license ever expires.
14. Communication tower owners shall be responsible for removing all *antennas* whose licenses have expired. Removal of the tower shall occur within six (6) months following the expiration date of the license(s). Such activity shall be subject to bonding as defined by the *Borough*.
15. Landscaping. Outside of the required *fencing*, a landscaping screen of evergreen trees planted ten (10) feet on center and a minimum six (6) feet in height shall be required on all sides of said *fencing* except where an opening/access way exists.
16. In order to reduce the number of *antenna* support *structures* needed in the community in the future, the proposed support *structure* shall be required to accommodate other users, including other cellular phone companies, and police, fire and ambulance companies and other *public* and emergency management entities. The *Applicant*, its successor(s) or assign(s) shall file written certification that said requirements will be complied with and agrees that if the *Applicant* fails to do so, the *conditional use* shall become null and void.
17. Communication tower and support *structures* fewer than two hundred (200) feet in height should be painted silver or have a galvanized finish retained in order to reduce the visual impact. Where a communication tower and support *structure* are located within an existing woodland setting, the communication tower and support *structure* shall be painted dark green.
18. Additional Standards. In addition to the foregoing, the following standards shall also apply to *communication towers* and the applications for *conditional use*:
 - a) Inspection. The *Borough Council* may require periodic inspections of *communication towers* to insure structural integrity. Such inspections may be required by owners as follows:
 - (i) *Monopole* Towers - at least once every three (3) years;
 - (ii) Self-Support Towers - at least once every three (3) years;
 - (iii) Guyed Towers - at least once every three (3) years.

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- b) Inspections shall be conducted by an *Engineer* licensed by the Commonwealth of Pennsylvania. The result of such inspections shall be provided to the *Borough*. Based upon results of an inspection, the *Borough* may require repair or removal of a communication tower.
- c) Equipment in a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. The *Applicant* shall provide a written statement describing anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise, or safety impact of such maintenance. Where the *lot* abuts or has access to a collector and local street, access for maintenance vehicle shall be exclusively the means of the collector street. A surfaced and maintained *driveway* with parking inside the *fence boundaries* must also be constructed.
- d) When lighting is required and permitted by the FAA or other federal or state authority, it shall be oriented inward so as not to project onto a surrounding *lot*.
- e) Review letters from Allegheny County and/or FAA shall be submitted that determine any flight path hazards, prior to the *site plan* approval.
- f) *Applicants* will be required to execute a *Developer's Agreement* with the *Borough Council* in a form acceptable to the Borough Solicitor. Such Agreement may be subject to bonding as defined by the *Borough*.

G. *Commercial School*.

- 1. Hours of operation shall be 7am to 9pm.
- 2. All instruction associated with *Commercial School* shall be conducted indoors.
- 3. A *site plan* acceptable to the *Borough Engineer* shall be submitted to demonstrate that adequate delivery and associated circulation areas do not conflict with *Borough development* and circulation patterns, or affect the health and safety of the community.
- 4. The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

H. *Community Agriculture*.

- 1. A use less than one hundred (100) square feet shall be exempt from these provisions.
- 2. *Community agriculture*-related roofed *buildings* shall be located a minimum of twenty (20) feet from any *lot line*.

3. *Community agriculture*-related non-roofed *structures*, such as, but not limited to, raised-bed *gardens* or composting bins shall be located a minimum of six (6) feet from any *lot line*.
4. Open-air composting piles shall be prohibited.
5. As regulated by Part XI, "Performance Standards," no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced. The impacts of traffic and environmental conditions shall also be considered as part of the *Borough's* evaluation.
6. At a minimum, a *fence* or *hedge* four (4) feet in height shall be placed either on the side and *rear lot lines* or within the side and *rear yards* if desired.
7. If more than one (1) trash receptacles greater than fifty (50) gallons is located on the site the receptacle shall meet the minimum requirements for dumpsters and screening contained in §605 and §611 respectively.
8. Any new operation as part of an existing agricultural operation shall not be approved by the *Borough* until an erosion and *sedimentation* control plan has been prepared and found satisfactory by the Allegheny County Conservation District, if said plan is equal to or greater than eleven thousand (11,000) square feet.
9. No *retail* sales or the raising of poultry shall be permitted to occur on the *lot* where *community agriculture* occurs.

I. *Essential Services*.

1. The *Applicant* shall demonstrate that co-location of proposed and existing facilities is not feasible from a safety and health standpoint.

J. *Financial Services with Drive Thru*.

1. No *drive-thru* window, customer automated teller machine (ATM), or the like shall be located in a *front yard*.
2. The *drive-thru* shall have direct access to a *public right-of-way*.
3. A minimum of three (3) stacking spaces shall be provided for each *drive-thru* lane.
4. Stacking shall not interfere with the normal traffic flow within the *lot* nor shall it cause the stopping of vehicles on any *public right-of way*.

K. *Funeral Home*.

1. There shall be no crematory or receiving vaults, nor any external display of merchandise on the premises.

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2. One off-street *loading space* shall be provided for every ten thousand (10,000) square feet of GFA.
3. No *loading* and *unloading* of merchandise and cadavers shall occur, under any circumstances, on *public* property or shall be visible from the *public right-of-way*.
4. An occupancy or *building permit* shall not be issued unless they are filed with the written consent of sixty (60) percent of the residential *lot* owners within two hundred (200) feet of the proposed *structure*. *Lot(s)* owned by the *Applicant* shall not be included in such consents.

L. *Hotel*.

1. The maximum number of rental rooms or suites permitted in any one (1) *hotel* is one hundred fifty (150).
2. If provided, whether for customers of the *hotel* or the general *public*, service of meals and/or beverages (alcoholic and nonalcoholic) must be secondary to the *principal use* of the room or suite rental, service of meals and/or beverages (alcoholic and nonalcoholic) must be accessory to the *principal use* of hotel guest suite/room rental.
3. Accessory eating establishments serving alcoholic beverages or secondary *taverns* must be licensed by the Pennsylvania State Liquor Control *Board*.
4. To protect the surrounding uses from detrimental noise, dust and other *disturbances*, screening and buffering of parking areas and outdoor common spaces equivalent to one hundred twenty (120) percent of the base zoning standard must be provided along any respective *lot line* shared with a residential use.
5. Rental of rooms or suites shall not be based on an hourly rate, but shall be based upon a per night rate.
6. Off-street *loading spaces* shall be designed to accommodate vehicles without the need for maneuvering within *public* rights-of-way.
7. A primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
8. The owner(s) and operator(s) of a *hotel* shall be responsible for the conduct and safety of the renters or guests and shall be available to respond to inquiries and promptly quell any *disturbances* caused by the renters or guests.

M. *Medical/Dental Clinic*.

1. No *medical* and *dental offices* shall be located in a *building's basement*, first and/or *ground floor* levels when situated within the Village Overlay.

2. All *off-street parking spaces* must be within seven hundred (700) feet of said use.
3. A *site plan* acceptable to the *Borough Engineer* shall be submitted to demonstrate that adequate delivery and associated circulation areas do not conflict with existing *Borough development* and circulation patterns.

N. *Medical/Dental Office.*

1. No *medical* and *dental offices* shall be located in a *building's basement*, first and/or *ground floor* levels when situated within the Village Overlay.
2. All *off-street parking spaces* must be within seven hundred (700) feet of the main entrance of the *office building*.
3. A *site plan* acceptable to the *Borough Engineer* shall be submitted to demonstrate that adequate delivery and associated circulation areas do not conflict with *Borough development* and circulation patterns or effect the health and safety of the community.

O. *Mixed Use.*

1. If residential *dwelling units* are constructed in conjunction with a non-residential use, the residential land use shall not be located on the first floor.
2. Each residential *dwelling unit* shall have separate access from any other use or unit either through an internal hallway or directly to the outside.
3. Residential *dwelling units* shall be supplied with dedicated parking stalls as required by Part X, "*Off-Street Parking and Loading*," and shall not share spaces with other uses. Parking for residential uses shall not be further than two hundred (200) feet from primary entrance of the *dwelling units*; parking for non-residential uses shall not be further than seven hundred (700) feet from primary entrance of the *dwelling units*.
4. *Loading* required for the *mixed use* shall conform to the provisions of Part X, "*Off-Street Parking and Loading*."

P. *Motel.*

1. The maximum number of rental rooms or suites permitted in any one *motel* is seventy-five (75).
2. If provided, whether for customers of the *motel* or the general *public*, service of meals and/or beverages (alcoholic and nonalcoholic) must be secondary to the *principal use* of the room or suite rental.
3. To protect the surrounding uses from detrimental noise, dust and other *disturbances*, screening and buffering of parking areas and outdoor common spaces equivalent to one hundred twenty (120) percent of the base zoning standard must be provided along any respective *lot line* shared with a residential use.

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4. Rental of rooms or suites shall not be based on an hourly rate, but shall be based upon a per night rate.
5. Off-street *loading spaces* shall be large enough to accommodate the type of vehicles that will serve the *motel* without the need for maneuvering within *public* rights-of-way.
6. A primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
7. Outdoor *swimming pools* shall be completely surrounded by a *fence* designed to prevent unauthorized access a minimum of five (5) feet in height with self-closing, self-latching gates. Said *fence* shall maintain a minimum distance of ten (10) feet from the edge of the pool.
8. A *hedge* shall also be provided around the perimeter of said pool *fencing* and shall be designed to grow to a minimum of three and one-half (3.5) feet in height within one (1) year of planting. *Hedge* material shall be of the type and variety and planted close enough to each other in order to provide one continuous barrier within two (2) years of planting.
9. The owner(s) and operator(s) of a *motel* shall be responsible for the conduct and safety of the renters or guests and shall be available to respond to inquiries and promptly quell any *disturbances* caused by the renters or guests.

Q. *Museum/Cultural Center.*

1. The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
2. The points of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

R. *Off-Street Parking, Private.*

1. To protect the surrounding uses from detrimental noise, dust and other *disturbances*, screening and buffering of parking areas and outdoor common spaces equivalent to one hundred twenty (120) percent of the base zoning standard must be provided along any respective *lot line* shared with a residential use.
2. *Private off-street parking* shall not be the *principal use* of any *lot* in the V-O district.

S. *Off-Street Parking, Public.*

1. The area shall meet all *setbacks* and be sufficiently screened and buffered from adjacent uses. Along any *lot line* shared with a residential use, screening and buffering of parking areas and outdoor common spaces equivalent to one hundred twenty (120) percent of the base zoning standard must be provided.

T. *Pharmacy with drive thru.*

1. No *drive-thru* window or the like shall be located in a *front yard*.
2. The *drive-thru* shall have direct access to a *public right-of-way*.
3. A minimum of three (3) stacking spaces shall be provided for each *drive-thru* lane.
4. Stacking shall not interfere with the normal traffic flow within the *lot* nor shall it cause the stopping of vehicles on any *public right-of way*.

U. *Place of Worship/Place of Assembly.*

1. The *landowner* and/or *developer* shall demonstrate that the primary visitor drop-off and pick-up area is located in a manner that does not cause undue traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
2. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the *Borough Engineer* to ensure employee and visitor safety.
3. If the parking area is adjacent to a residential use, the following shall apply:
 - a) An additional ten (10) foot *setback* for the respective *lot line* shall be provided along the *parking lot's* perimeter to minimize the impact of inappropriate noise, dust, light and other *disturbances* on adjacent residential use.
 - (i) One and one-half (1.5) times the required number of plants for screening and buffering *off-street parking* and *loading* areas; or
 - (ii) A *berm* shall be installed along the parking area proposed adjacent to the *lot line* shared with the residential use, a minimum of three and one-half (3.5) feet in height at its peak, and the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The *berm* shall be landscaped with plants that provide four (4) seasons of vegetated cover not including turf grass.
4. The *landowner* and/or *developer* shall coordinate site drainage so that site *development* and grading do not create any adverse effects on adjacent properties. The *landowner* and/or *developer* shall provide a signed and sealed *engineer's*

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stormwater management plan approved by the *Borough Engineer* and compliant with the stormwater ordinance.

V. *Private Club.*

1. To protect the surrounding uses from detrimental noise, dust and other *disturbances*, screening and buffering of parking areas and outdoor common spaces equivalent to one hundred twenty (120) percent of the base zoning standard must be provided along any respective *lot line* shared with a residential use.
2. A *private club* may operate between 7am and 11pm to protect the existing neighborhood from detrimental noise, *disturbance* or interruption.
3. The owner(s) and operator(s) of a *private* membership club shall be responsible for the conduct and safety of the members or guests and shall be available to respond to inquiries and promptly quell any *disturbances* caused by the members or guests.

W. *Professional Office.*

1. No *professional office* shall be located in a *building's basement*, first and/or *ground floor* levels when situated within the Village Overlay.
2. *Off-street parking* shall be provided in accordance with the provisions of Part X, "*Off-Street Parking and Loading.*" Parking shall be located no more than seven hundred (700) feet from said use.
3. Buffering of parking and *loading* areas shall be provided in accordance with this Chapter.
4. A *site plan* acceptable to the *Borough Engineer* shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing *Borough development* and circulation patterns.

X. *Public Utility Facility.*

1. The *principal building* shall be located not less than fifty (50) feet from the *street line*.
2. Sufficient *setback*, screening and buffering of *off-street parking* and *loading* areas or outdoor service and *storage* spaces must be provided to protect the existing neighborhood from inappropriate noise, dust, odor, vibration, light or other *disturbance* or interruption. If the parking, *loading*, *outdoor* service or *storage* areas are adjacent to a residential use, the following shall apply:
 - a) One and one-half (1.5) times the required number of plants for screening and buffering of *off-street parking* and *loading* areas; or

- b) A *berm* shall be installed along the parking area proposed adjacent to the *lot line* shared with the residential use, a minimum of three and one-half (3.5) feet in height at its peak, and the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The *berm* shall be landscaped with plants that provide four (4) seasons of vegetated cover not including turf grass.
3. No *storage* or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted. In addition, the owner(s) and operator(s) of a *public utility facility* shall provide the *Zoning Officer* and the Fire Chief notice of the type, quantity and storage on the premises, as well as the equipment, materials and processes used as part of the activities by including such information as part of any *land development* application or any permit application for *new construction*.

Y. *Public Works Facility*.

1. The *principal building* shall be located a minimum of twenty (20) feet from the *street line*.
2. To protect the surrounding uses from detrimental noise, dust and other *disturbances*, screening and buffering of parking areas and outdoor common spaces equivalent to one hundred twenty (120) percent of the base zoning standard must be provided along any respective *lot line* shared with a residential use.
3. The *storage* of *Borough* owned vehicles shall only be permitted within areas for off-street parking.

Z. *Recreation Facility, Commercial or Not-For-Profit Private*.

1. These provisions shall apply to both indoor and outdoor facilities.
2. To protect the surrounding uses from detrimental noise, dust and other *disturbances*, screening and buffering of parking areas and outdoor common spaces equivalent to one hundred twenty (120) percent of the base zoning standard must be provided along any respective *lot line* shared with a residential use.
3. If the parking area is adjacent to a residential use, or any parking areas contain more than ten (10) automobiles, the following shall apply:
 - a) an additional ten (10) foot *setback* for the respective *lot line* shall be provided along the *parking lot's* perimeter to minimize the impact of inappropriate noise, dust, light and other *disturbances* on adjacent residential *development*..
 - (i) One and one-half (1.5) times the required number of plants for screening and buffering *off-street parking* and *loading* areas; or

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- (ii) A *berm* shall be installed along the parking area proposed adjacent to the *lot line* shared with the residential use, a minimum of three and one-half (3.5) feet in height at its peak, and the sides do not exceed a four (4) foot

horizontal to one (1) foot vertical (4:1) change in elevation. The *berm* shall be landscaped with plants that provide four (4) seasons of vegetated cover not including turf grass.

4. Any activity not included within a fully enclosed *structure* shall have hours of operation limited to 7am to 9pm Monday through Saturday.

AA. *Restaurant, sitdown, with drive thru.*

1. No *drive-thru* window or the like shall be located in a *front yard*.
2. The *drive-thru* shall have direct access to a *public right-of-way*.
3. A minimum of three (3) stacking spaces shall be provided for each *drive-thru* lane.
4. Stacking shall not interfere with the normal traffic flow within the *lot* nor shall it cause the stopping of vehicles on any *public right-of way*.

BB. *Tavern/Bar/Pub.*

1. A *tavern, bar* or *pub* shall comply with the minimum distance separation requirements as defined by the Pennsylvania State Liquor Control *Board* (PA LCB).
2. The owner(s) and operator(s) of a *tavern/bar/pub* shall be responsible for the conduct and safety of the patrons and shall be available to respond to inquiries and promptly quell any *disturbances* caused by the patrons.

CC. *Theater.*

1. The *landowner* and/or *developer* shall demonstrate that the primary visitor drop-off and pick-up area is located in a manner that does not cause undue traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
2. Any additional standards that are needed to protect *public* health, safety, and welfare or to address unique characteristics of a particular *lot* defined by the *Borough* shall be complied with by the *lot* owner and/or *developer*.

DD. *Truck Terminal*

1. Stacking shall not interfere with the normal traffic flow within the *lot* nor shall it cause the stopping of vehicles on any *public right-of way*.
2. No parking shall be located between the front façade of the *principal building* and the *front lot line*.

EE. *All Other Uses*. A use not expressly listed within Table 3 of Part IV, may be considered for a *conditional use* application in the Industrial District upon the *Applicant's* demonstration that the proposed use:

1. Impacts the neighborhood and adjacent streets, circulation and *lots* equal to or less than any use specifically listed in the *Zoning District*. In making such determination, the following characteristics shall be considered:
 - a) The number of employees.
 - b) The floor area of the *building*, gross area of the *lot* and/or scale of *development* in devoted to the proposed use.
 - c) The type of products, materials, equipment and/or processes involved in the proposed use.
 - d) The magnitude of walk-in trade.
 - e) The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this Chapter.
 - f) The hours of operation.
 - g) The extent of pervious and *impervious surfaces* in relationship to that currently present on adjacent *lots* and the overall *block* in which *development, infill, reuse* and/or *redevelopment* is proposed.
 - h) Elevations and *site plans* must be provided with the application.
2. Will not endanger the *public* health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
3. Is in general conformity with the adopted ASO Joint *Comprehensive Plan* and harmony with the area in which it is proposed.
4. Complies with any applicable standards and criteria specified in this Part for the most nearly comparable *conditional uses* or use by special exception specifically listed in the *Zoning District* in which it is proposed is in compliance with all other standards of this Chapter and all other applicable *Borough Ordinances*.

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PART IX – SIGNAGE REGULATIONS

§901. General.

- A. The purpose of this Chapter is to create the legal framework for a comprehensive and balanced system of street, business information and wayfinding graphics. It is intended to foster effective and pleasant communication and identification which is appropriate to a variety of *zoning districts*. With this purpose in mind, it is the intention of this Chapter to authorize and regulate the use of signage that will be:
1. Compatible with their surroundings and enhance their immediate environment.
 2. Appropriate to the type of activity to which they pertain.
 3. Expressive of the identity of individual properties and of community standards overall.
 4. Thoughtfully designed, well secured and well maintained.
 5. Equitably distributing the privilege of using the *public* environs to communicate *private* items of information.
 6. Legible in the circumstances in which they are seen.
 7. Protective of the *public* health, safety, welfare, property and the community's visual environment, especially in terms of design, *construction* and placement. To advance these purposes, anyone contemplating a *sign* is encouraged to contact the *Borough* for advice and assistance during the design stage of a planned sign, in addition to utilizing professional assistance.
- B. Billboards. See Part VIII “*Conditional Uses*” for specific requirements.

§902. Prohibited Signs.

- A. *A-Frame Signs*. No A-frame type *signs* shall be *erected* in a *public right-of-way(s)*.
- B. *Canopy Signs*. No *canopy signs* shall be *erected* in a *public right-of-way(s)*.
- C. *Extraneous Items*. *Extraneous items* are not permitted in any front or *side yard* in any residential district, nor beyond the *building line* in any other district.
- D. *Mobile Signs*.
- E. *Pole Signs*.
- F. *Residential District Signs*. Residential district *signs* displayed for a fee, or placement of off-site commercial advertisements on residential *lots* are prohibited:

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- a) *Signs* pertaining to legally existing nonconforming business uses in residential districts shall be permitted on the nonconforming premises.
 - b) *Signs* conforming to “Permit Exemptions” requirements as outlined herein are permitted in residential districts.
- G. *Roof Signs*. No roof *signs* shall be *erected*, constructed or maintained in the *Borough*.
- H. *Signs Obscuring Official Highway Signs*. No *sign* shall be permitted which in any way approximates or obscures an official highway *sign* or signal.
- I. *Signs on Public Property*. No *sign* shall be permitted on *public* property without the prior written approval of the *Borough Manager* or his designated representative, and in no case shall political signs be permitted on *public* property.

§903. Permits.

- A. *Permit Required*. No *person* shall erect, alter or relocate within the *Borough* any *sign* or other advertising *structure*, except those exempted in §903C. “Permit Exemptions” without first obtaining a *sign permit* from the *Zoning Officer* and making payment of the required fees as set by resolution of *Borough Council*.
- B. *Application for Permit*. Application for *sign permits* shall be made upon forms provided by the *Zoning Officer* and shall contain or have attached thereto the following information:
- 1. The name, address and telephone number of the *Applicant* and owner or operator of the premises.
 - 2. The address and *lot* and *block* number of the *building*, *structure* or *lot* to which or upon which the *sign* or other signable *structure* is to be attached or *erected*.
 - 3. The position of the *sign* or other signable *structure* in relation to nearby *buildings* or *structures* and a *site plan* and elevation rendering for ground *signs*.
 - 4. Scaled drawings accurately rendered including graphics, colors, plans and specifications, the method of *construction* and attachment to the *building* or the method of installation in the ground, using a standard architectural scale.
 - 5. The name of the *person* or company contracted to erect the *structure*.
 - 6. Written consent of the owner of the *building*, *structure* or *lot* to which or upon which the *structure* is to be *erected*.
 - 7. Such other information as the *Zoning Officer* shall require to show full compliance with this Chapter and all other ordinances of the *Borough*.

C. *Permit Exemptions.* The permit provisions of this Chapter shall not apply to the following *signs*, such *signs*, however, are still subject to the regulations provided for in this Chapter:

1. Non-illuminated real estate *signs* not exceeding six (6) square feet in area which advertise the sale, rental or lease of the premises upon which such *signs* are located. Real estate *signs* announcing that the premises upon which such *signs* are located have already been placed under contractual agreement, sold, rented or leased shall be removed within thirty (30) days.
2. Non-illuminated *signs* not exceeding twenty (20) square feet in area which advertise the sale or *development of lot subdivisions* containing an area of not less than three (3) *lots, erected* upon the *lot* so developed and advertised for sale, for a period not to exceed one (1) year.
3. Name plates not exceeding two (2) square feet in area, containing only the name of the occupant, the title of the *person* practicing a profession, the name of the *building* or property, the name of the agent and the hours and days of operation.
4. Signs in residential districts noting *home occupations*, provided that there is not more than one (1) such *sign* per *dwelling unit*, that each *sign* does not exceed two (2) square feet in area, and each *sign* is limited to not more than the resident's name, street address, *home occupation* and phone number.
5. Bulletin boards not exceeding twenty (20) square feet in area *erected* upon the premises of a *place of worship, funeral home* or *public* institution for the purpose of displaying the name of the institution and its activities or services.
6. *Signs* denoting the *architect, engineer* or contractor when placed upon work under *construction*, and not exceeding twelve (12) square feet in area as long as the *sign* is removed with ten (10) business days after completion of work.
7. Memorial *signs* or plaques, names of *buildings* and dates of erection, provided that such *signs* do not exceed two (2) square feet in area.
8. Danger *signs*, emergency *signs*, legal notices, non-advertising *signs*, railroad crossing *signs*, temporary *signs*, traffic or other municipal *signs*, as may be approved by *Borough Council*.
9. Interior *signs* which are not in the window showcase.
10. Temporary *signs* as provided in §909 "Temporary *Signs*."
11. *Signs* announcing or advocating candidates for political *office* or ballot questions, provided that each *sign* does not exceed twelve (12) square feet in area, provided that the total number of *signs* does not exceed eight on any *lot*, and; provided such *signs* are removed within forty-eighty (48) hours of the closing of the polls at which the

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- relevant candidate or ballot question was considered. Such *signs* shall not be permitted to be placed on any municipally owned *lot*.
12. *Signs* directing traffic on *private lot(s)* but bearing no advertising matter, provided that each *sign* does not exceed two (2) square feet in area and provided the total number of *signs* is limited to three (3).
 13. *Signs* expressing notice of “no solicitation” not to exceed twelve (12) inches in length and four (4) inches in height, and not more than one (1) *dwelling unit* or place of business.
 14. Decals, stickers, painted or otherwise applied insignias and lettering, placed in windows or doors, designed to be viewed by pedestrians immediately nearby on abutting sidewalks. This exemption applies only to those decals, stickers, painted or otherwise applied messages less than one hundred (100) square inches in area. Examples include: credit cards accepted, health care plans excepted, “open” message with product advertising, “pull” message with product advertising, security system installed notice/ warning, no smoking, civic/business association membership, county health department inspection stickers, products, etc. The area covered by these *signs* shall count against the allowable display area permitted in §907.A.2.
- D. Number of Permitted *Signs*. Not more than two (2) wall, window, ground, awning or projecting *signs*, but not more than one (1) of each type, shall be permitted on each facade on a street to which a *building* has access. Each of the two (2) *signs* may display ten (10) items of information per *sign* face. If only one (1) *sign* is *erected*, it may display fifteen (15) items of information per *sign* face. For *buildings* with multiple tenants, one (1) *sign*, of either type, per business occupant is allowed per *building* facade on a street to which a *building* has access. Additionally, *buildings* with multiple tenants are permitted to have a directory at or near each entrance which is intended for *public* use. In no event shall the total area of wall *signs* exceed forty (40) percent of the signal wall areas, nor shall the total area of a *building* facade covered by awnings exceed ten (10) percent of the area of the facade.

§904. Wall Signs.

- A. Wall *signs* shall be permitted in the C-1, C-2, VO, OMU for non-residential uses, Industrial and Institutional districts. Wall *signs* are not permitted in any residential *zoning district*.
- B. The following limitations and requirements apply:
 1. Wall Openings. No wall *sign* shall cover, wholly or partially, any wall opening.
 2. Projection from *Building*. No face of any wall *sign* shall project beyond the ends or top of the *building* wall to which it is attached, nor extend more than six (6) inches from the face of the *building* to which it is attached.

3. Display Area. The graphic display shall not exceed forty (40) percent of the *signable wall area*. Only thirty (30) percent of the signable wall area is permitted in the Village Overlay district. In the C-1, C-2, OMU, Industrial and Institutional districts, internally illuminated wall *signs* are limited to twenty (20) percent of the *signable wall area*. In the VO district, internally illuminated wall *signs* are limited to ten (10) percent of the *signable wall area*.
4. Erection. All wall *signs* shall be safely and securely attached to the *building* wall by means of metal anchors, bolts or expansion screws. However, such *signs* may rest on, or be bolted to, strong metal brackets set not over six (6) feet apart, each of which shall be securely fixed to the wall as herein provided. In no case shall any wall *sign* be secured with wire, strips of wood or nails. In all cases attachment to the *building* shall be done in a manner which is secure by the method which constitutes the least invasion of the facade of the *building* and is in compliance with the latest adopted *building* code for the *Borough*.
5. Lighting. Lighting shall be permitted upon wall *signs*.
6. Internal Illumination. Internal illumination of wall *signs* is permitted.

§905. Ground Signs.

- A. Ground *signs* shall be permitted in the C-1, C-2, VO, OMU for non-residential uses, Industrial and Institutional *Zoning Districts*. Ground *signs* are not permitted in residential *zoning districts*. The following limitations and requirements apply.
 1. Location. In all districts in which ground *signs* are permitted, the location of said *sign* shall be based upon agreement between the *landowner* and/or *developer* and the *Borough*. In no case, shall the location of said *sign* endanger health, safety or welfare of *persons* on the *lot*, on the adjacent *lot(s)* or any adjacent *right-of-way*. No ground *sign* shall be permitted on or over any *public* property without written approval of the *Borough Manager*.
 2. Size Limitation. In a district in which a ground *sign* is permitted, no ground *sign* larger than twenty (20) square feet in area per *sign* face, nor higher than ten (10) feet above ground level at its highest point, shall be *erected*. Only one (1) ground *sign* may be displayed per *lot* and such *sign* may not be closer than eighty (80) feet to any other ground *sign*.
 3. Construction. All letters, figures, characters or representatives in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon, any *sign* shall be safely and securely built or attached to the *sign structure*. Not more than two (2) supporting posts shall be used in support of the *sign*.
 4. Lighting. Lighting shall be permitted upon ground *signs*.
 5. Internal Illumination. Internal illumination of ground *signs* is permitted. However, internally illuminated *signs* shall not exceed ten (10) square feet in area per *sign* face.

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§906. Awning Signs.

- A. Awning *signs* shall be permitted in the C-1, C-2, VO, OMU for non-residential uses, Industrial and Institutional *Zoning Districts*. Awning *signs* are not permitted in any residential *zoning districts*. The following limitation and requirements apply.
1. *Setback from Curb Lines*. No awnings shall be permitted to extend beyond a point which is the lesser of six and one-half (6.5) feet perpendicular to the *building line* or two (2) feet back from the curb line.
 2. *Height Above Sidewalk For Awnings*. All awnings shall be constructed and *erected* so that the lowest point thereof is not less than seven (7) feet above the level of the sidewalk.
 3. *Construction of Awnings*. Awnings shall be constructed of fabric; frames and supports shall be of rigid material. Every awning shall be securely attached to and supported by a *building*. Posts or columns beyond *building lines* shall not be permitted for awnings. Each awning shall be attached in compliance with the UCC, as may be amended from time to time.
 4. *Display Area*. The graphic shall not be considered *signs*.
 5. *Awnings Without Advertising*. Awnings without advertising shall not be considered *signs*.
 6. *Awning Size*. An *awning* containing advertising shall not cover more than ten (10) percent of any *building facade*.
 7. *Projection From Buildings*. An awning containing advertising shall project a minimum of three (3) feet from the face of the *building facade* to which it is attached.
 8. *Projection Over Public Property*. *Awnings* are permitted to project over a *public right-of-way(s)* within the Village Overlay.
 9. *Internal Illumination*. An *awning* with internal illumination shall not cover more than five (5) percent of any *building facade*.

§907. Window Signs.

- A. Window *signs* shall be permitted in the C-1, C-2, VO, OMU for non-residential uses, Industrial and Institutional *Zoning Districts*. Window *signs* are not permitted in any residential *zoning districts*. The following limitations shall apply:
1. *Projections From Window*. An exterior window *sign* shall not extend more than one-sixteenth (1/16) of an inch from the exterior face of the window to which it is affixed. Nor shall a window *sign* extend beyond the perimeter of the *transparent* area of a window.

2. Display Area. The graphic display area shall not exceed forty (40) percent of the window area. Internally illuminated window *signs* are limited to twenty (20) percent of the window area.
3. Lighting. Lighting shall be permitted upon window *signs*.
4. Internal Illumination. Internal illumination of window *signs* is permitted.

§908. Projecting Signs.

- A. Projecting *signs* shall be permitted in the C-1, C-2, VO, OMU for non-residential uses, Industrial and Institutional *Zoning Districts*. Projecting *signs* are not permitted in any residential *zoning districts*. Projecting *signs* are subject to the following limitations and requirements:
 1. Size Limitations. A projecting *sign* shall be limited in area to not more than twelve (12) square feet for each face. However, an additional three (3) inch border or frame may be permitted to provide ornamental design. The maximum horizontal dimension shall be four and one-half (4.5) feet.
 2. Projection Over *Public Property*. Every projecting *sign* shall be placed so that its lowest point shall be at least eight (8) feet above the *public* sidewalk over which it is *erected*, and at a distance not greater than two (2) feet from the face of the wall to which it is attached, measuring from the point of the *sign* nearest hereto, nor shall any *sign* or part thereof extend nearer the curb line than two (2) feet.
 3. *Obstructions* to Doors, Windows or Fire Escapes. No projecting *sign* shall be *erected*, relocated or maintained so as to prevent free ingress/egress to or from any door, window or fire escape.
 4. Lighting. Lighting shall be permitted on projecting *signs*, provided that illumination is concentrated upon the area of the *sign* so as to prevent glare upon the street or adjacent *lot*.
 5. Internal Illumination. Internal illumination of projecting *sign* is permitted. However, if *signs* are internally illuminated the *sign* shall be limited in area to no more than six (6) square feet for each face. The maximum horizontal dimension shall be four and one-half (4.5) feet.

§909. Temporary Signs.

- A. Temporary *signs* are signs which conform to all physical size requirements of this Chapter for the type of *sign* being installed, (for example wall *sign*, ground *sign*, awning *sign*, window *sign*, projecting *sign*). A temporary *sign* however does not require a permit. Temporary *signs* are permitted on any *lot*. No more than two (2) temporary *signs* are permitted at any time on any single *lot*.

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§910. Banners.

- A. Banners are special types of *signs* intended to be hung across or within a *public right-of-way(s)*. The appropriate application must be submitted to the *Borough Manager* for approval by *Borough Council*.
1. Permit Conditions. Applications for banners hung across or in a *public right-of-way(s)* will not be approved unless the *Applicant signs* a written agreement to hold the *Borough* harmless and to release and indemnify the *Borough* from any liability, claim, damages, costs, expenses (including attorney's fees incurred by the *Borough*) that may result from the *Borough's* grant of permission for a banner or as result of any agreement that the *Borough* enters into with the Pennsylvania Department of Transportation (PennDOT) in order to obtain permission for the installation of such a banner. Banners must be hung in accordance with all PennDOT and *Borough* regulations. The *Applicant* must also present a certificate of liability insurance, in an amount satisfactory to the *Borough Manager*, which will provide coverage for any claim arising from the installation of a banner.

§911. Flags and Flagpoles.

- A. Flags are special types of *signs* intended to be hung upon a flagpole. The maximum flagpole height permitted shall be thirty (30) feet, measured from the ground line of the flagpole and its foundation to the flagpole's uppermost point, including ornamental features. No flag shall exceed fifteen (15) square feet. One (1) flag type (U.S., Pennsylvania, County of Allegheny, *Borough* or corporate logo) shall be displayed per flagpole without permitting.

§912. Marquees.

- A. *Marquees* shall be permitted in the VO. *Marquees* are subject to the following limitations and requirements.
1. Projection Over *Public* Property. Every *marquee* shall be placed so that its lowest point shall be at least eight (8) feet above the *public* sidewalk over which it is *erected*, and nor shall any *marquee* or part thereof extend nearer the curb line than two (2) feet.
 2. *Obstructions* to Doors, Windows or Fire Escapes. No *marquee* shall be *erected*, relocated or maintained so as to prevent free ingress/egress to or from any door, window or fire escape.
 3. Lighting and signage. Lighting shall be permitted on a *marquee*, provided that illumination is concentrated upon the area of the *sign* so as to prevent glare upon the street or adjacent *lot*. Based upon the unique nature and scale of a potential *marquee*, the following types of lighting and signage shall be reviewed and approved/denied on an application-by-application basis by the *Borough*: LED, digital board, neon, moving/scrolling. In addition to permitted wall *signs*, *marquees* may be permitted to have *signs* with changeable copy. Such changeable copy *signs* may cover no more

- than one square foot of *sign* area for each linear foot of *building* frontage. Other non-changeable copy signs may be attached to or mounted on top of a *marquee*.
4. No portion of a *marquee* or *signs* affixed to said *marquee* shall exceed the parapet of the *building*.
 5. The minimum distance between any two *marquees* shall be three hundred (300) feet.
 6. A *marquee*, designed and affixed to the *principal building*, shall be integral to the design of the *building* façade. The scale of the *marquee* and associated signage shall be designed in context of the scale of the *principal building* as a whole. The length of a *marquee* shall not exceed the length of the *principal building* facade.

§913. General Provision.

- A. *Signs* Not to Constitute Traffic Hazard. No *sign* or other advertising *structure* as regulated by any of the provisions of this Chapter shall obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with, any authorized *sign*, signal or device; or which makes use of the word “STOP,” “LOOK,” “DRIVE-IN,” “DANGER,” or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- B. Removal of Certain *Signs*.
 1. Any *sign* now or hereafter existing which no longer advertises a bona fide business conducted upon the premises, or which no longer serves the purpose for which it was intended, shall be taken down and removed by the owner, agent, or *person* having the beneficial use of the *building* or *structure* upon which such *sign* is found, within thirty (30) days after written notification from the *Zoning Officer*.
 2. Notice shall be given in accordance with this Chapter’s enforcement and violation provisions.
 3. Upon failure to comply with such notice within the time specified in such order, the *Zoning Officer* is hereby authorized to cause removal of such *sign*, and any expense incident thereto shall be paid by the owner of the *building* to which such *sign* is attached, which cost shall become a lien upon the property until paid.
 4. Failure to remove a *sign* pursuant to a proper order shall be a violation subject to the remedies and penalties set forth in accordance with this Chapter’s enforcement and violation provisions.
- C. Unsafe and Unlawful *Signs*. If the *Zoning Officer* finds that any *sign* or other advertising *structure* herein is unsafe or insecure, or is a menace to the public, or has been constructed or *erected* or is being maintained in violation of any of the provisions of this Chapter, notice shall be given in accordance with this Chapter’s enforcement and violation procedures. The *Zoning Officer* may cause any *sign* or other advertising

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structure which is an immediate peril to *persons* or property to be removed summarily and without notice and will revoke the existing *sign permit*.

- D. Longevity of *Sign Space*. No new business entity or enterprise is entitled to existing *sign* space. A new *sign* application and permit shall be required when a new business entity or enterprise begins operation. Maintenance or refacing of an existing *sign* by an existing business entity or enterprise is permitted.
- E. Maintenance. The owner of any *sign* or the owner of any premises containing a *sign* regulated by this Part is hereby required to properly maintain in good condition and repair all parts and supports of the *sign*.
- F. Responsibility for Violation. Where a *sign* upon a premises is in violation of this Chapter, the owner of the *sign*, the owner of the premises, and the *person* in possession of the premises shall each be deemed to be responsible for such violation and subject to any sanctions, penalties, civil judgments and other remedies that may be ordered or decreed as a result of the violation.

§914. Penalties for Violation.

- A. Penalties for violation shall be in accordance with this Chapter's enforcement and violation provisions.
- B. Nothing herein contained shall prevent the *Borough* from taking such other lawful action as necessary to prevent or remedy any violation.

PART X – OFF STREET PARKING AND LOADING

§1001. Parking Ratios.

A. General Standards. The *parking spaces* in all *zoning districts*, except those areas specified in Table 10B shall be provided according to the following regulations.

Table 10A: Required Parking

Authorized Land Uses	Min. Off-Street Parking Requirement (# of spaces)
Residential Land Uses	
1 Bed and Breakfast	1:guest room + 2
2 Boarding House	1:2 beds + 2
3 Conversion Apartment	2:D.U.
4 Group Care Facility	1:4 beds + 1 employee space
5 Group Care Home	1:4 beds + 1 employee space
6 Life Care Facility/Senior Living Center	1:3 beds or D.U.
7 Multi-Family - Apartment	1:bedroom
8 Multi-Family - Townhouse	1:D.U. (residents) + 1:3 D.U. (guests)
9 Personal Care Home	1:3 beds or D.U.
10 Single Family Detached Dwelling	1:D.U.
11 Two-Family Attached Dwelling - Duplex	1:D.U.
12 Two-Family Attached Dwelling - Flat	1:D.U.
Non-Residential Land Uses	
1 Auto Detail Shop	1: service stall
2 Automobile Sales - New and Used	1:400 s.f. of g.f.a. servicing customers + 1: each full time employee
3 Automotive Service Station	1: service stall
4 Bakery, Retail	1: 500 s.f. g.f.a.
5 Beer Store/Distributor	1: 400 SF g.f.a. of building
6 Billboard	1: billboard
7 Business Office	1: 400 SF g.f.a. of building
8 Café/Coffee House	1: 300 SF g.f.a. of building
9 Cemetery/ Mausoleum	Not Applicable
10 Commercial School	15:classroom
11 Communications Tower	Not Applicable
12 Community Agriculture	Not Applicable
13 Contracting Establishment	1: 400 SF g.f.a. of building
14 Convenience Store with Fuel/Energy Recharge	1: 400 SF g.f.a. of building
15 Convenience Store without Fuel/Energy Recharge	1: 400 SF g.f.a. of building
16 Day Care Center/Nursery (Youth/Adult)	1: classroom
17 Emergency Services	Not Applicable
18 Essential Services	Not Applicable

(27) PART X
Off-street Parking and Loading

Table 10A: Required Parking Continued

Authorized Land Uses	Min. Off-Street Parking Requirement (# of spaces)
Non-Residential Land Uses (Cont'd)	
19 Financial Establishments w/o Drive-thru	1:300 s.f. of g.f.a. + 1: on duty employee
20 Financial Establishments with Drive-thru	1:300 s.f. of g.f.a. + 1: on duty employee
21 Forestry	Not Applicable
22 Funeral Home	1:5 seats within a viewing room
23 Grocery Store	1: 400 SF g.f.a. of building
24 Hospital	1:bed + 1: 2 full-time employees or aides
25 Hotel	1.25 for each rental room or suite
26 Library, Public	1: 400 SF g.f.a. of building
27 Light Manufacturing Facility	1: 400 SF g.f.a. of building
28 Lumber Yard	1: 1,000 s.f. of g.f.a.
29 Maintenance/Storage/Service Yard	2:1,000 s.f. of g.f.a.
30 Medical/Dental Clinic	1.25: each exam room
31 Medical/Dental Office	1.25: each exam room
32 Mixed Use	As determined by the Borough
33 Motel	1.25: each rental room or suite
34 Municipal Building	As determined by the Borough
35 Museum/Cultural/Art Center	1: 1,000 SF g.f.a. of building
36 Office Park	1: 400 SF g.f.a. of building
37 Off-Street Parking, Private	Not Applicable
38 Off-Street Parking, Public	Not Applicable
39 Outdoor Amphitheater	1: 5 seats provided for visitor use
40 Outdoor Café	1: 400 SF g.f.a. of building
41 Package Liquor Store	1: 400 SF g.f.a. of building
42 Parking Garage, Public	Not Applicable
43 Personal Services	1: 400 SF g.f.a. of building
44 Pharmacy with Drive-Thru	1: 400 SF g.f.a. of building
45 Pharmacy w/o Drive-Thru	1: 400 SF g.f.a. of building
46 Place of Worship	1: 10 seats provided for members or 1: 200 SF g.f.a. to serve members/guests, whichever is greater
47 Place of Assembly	1: 10 seats provided for members or 1: 200 SF g.f.a. to serve members/guests, whichever is greater
48 Post Office	1: service window + 1: employee on largest shift
49 Printing Facility	3: 4 employees on largest shift
50 Private Club	1: 400 SF g.f.a. of building
51 Professional Office	1: 400 SF g.f.a. of building
52 Public Park	As determined by the Borough
53 Public Utility Facility	Not Applicable
54 Public Works Facility	Not Applicable

Table 10A: Required Parking Continued

Authorized Land Uses	Min. Off-Street Parking Requirement (# of spaces)
Non-Residential Land Uses (Cont'd)	
55 Recreation Facility, Commercial	As determined by the Borough
56 Recreation Facility, Not-For-Profit Private	As determined by the Borough
57 Recreation Facility, Public	As determined by the Borough
58 Research and Development Laboratory	1:1,000 SF g.f.a. of building
59 Restaurant, Take-out (w/o Drive-thru)	1: 800 SF g.f.a of building
60 Restaurant, Sitdown with Drive-thru	1: 300 SF g.f.a. of building
61 Restaurant, Sitdown w/o Drive-thru	1: 300 SF g.f.a. of building
62 Retail, Large-scale	1: 300 SF in excess of 7,000 SF of g.f.a.
63 Retail, Small Scale	Not applicable
64 School/Academy	1:2,500 s.f. of g.f.a. + 1:classroom for K-8th grade; 1:1,000 g.f.a. + 10:classroom for 9th - 12th grade
65 Small Appliance & Mechanical Repair	1:500 s.f. of g.f.a.
66 Spa	1: visiting room
67 Studio	1:500 s.f. of g.f.a.
68 Tavern/Bar/Pub	1:500 s.f. of g.f.a.
69 Theater	1: 5 seats provided for visitor use
70 Truck Terminal	Not Applicable
71 Veterinary Facility	1: exam room
72 Wholesale Business	1:1,000 s.f. of office area + 1:500 s.f. of showroom
73 All Other Uses	As determined by the Borough

Table 10B: OMU Required Parking and Loading

		Parking	Loading
1	Residential Use	1.5 off-street parking spaces: 1 dwelling unit	No minimum requirements
2	Non-Residential Use	No minimum requirements for establishments less or equal to 12,000 square feet of gross floor area of a building used for servicing customers; 1 off-street parking space for every 300 square feet in excess of 12,000 square feet; in addition, 1 off-street parking space for each full-time employee	1 space: < 25,000 sq ft 2 spaces: 25,001-40,000 sq. ft. 3 spaces: 40,001-150,000 sq. ft.

(27) PART X

Off-street Parking and Loading

§1002. Other Parking Requirements.

A. *Private off-street parking areas.*

1. *Private off-street parking* areas shall be used exclusively for the parking of non-commercial vehicles and motorcycles owned and used by the occupants of the premises, including residents, tenants, employees and employers.
2. Unenclosed *private off-street parking* of boats, commercial vehicles, *construction* equipment, *recreational vehicles* and/or trailers owned and used by the occupants of the premises, including residents, tenants, employees and employers shall not be permitted for more than an aggregate of seventy-two (72) hours in any three (3) month period. After such time, the vehicle, implement and/or trailer shall either be moved from the *lot* or parked in an enclosed area where the vehicle, implement and/or trailer is not visible from any *adjoining lot*, *public* sidewalk or *public right-of-way*.

B. *Public parking areas.*

1. *Public off-street parking* areas shall be available to the general *public* for the parking of noncommercial vehicles. Boats, commercial vehicles, *construction* implements, *recreational vehicles* and trailers shall not be parked in *public off-street parking* areas for more than seventy-two (72) consecutive hours in any three (3) month period.
2. On street parking areas shall be available to the general *public* for the parking of noncommercial vehicles and motorcycles. Boats, commercial vehicles, *construction* implements, *recreational vehicles* and trailers shall not be parked on-street for more than seventy-two (72) consecutive hours in any three (3) month period. After such time period, the vehicle must be moved from the street.

C. Shared Parking Analysis for C-1 (see Table 10C).

1. The purpose of the shared parking analysis shall be to:
 - a. Optimize available parking resources within the C-1 District;
 - b. Minimize *construction* and maintenance costs associated with *parking spaces*;
 - c. Enhance existing character of the community such as its pedestrian friendly streets and neighborhoods and traditional downtown; and
 - c) Maximize the land available for the *development of buildings* and/or *structures*.
2. The shared parking analysis assesses the amount of *development* square footage and the calculated number of *parking spaces* based on the typical hourly demands for all land uses situated within the proposed *land development* simultaneously.

3. For all proposed non-residential uses located within the C-1 District, the *Applicant* shall prepare a shared parking analysis or provide parking on the *lot*. *Development* less than two thousand (2,000) square feet in area shall not be required to provide parking if said *development* is within three hundred (300) feet of a *public off-street parking lot*.
4. The *Applicant* shall obtain an electronic copy of the C-1 Parking Model from the *Zoning Officer*. The *Applicant* shall determine the proposed *development's* total non-residential square footage and/or total number of *dwelling units* and/or total number of *hotel* rooms and insert the appropriate numbers into the C-1 Parking Model.
5. To identify the peak hour demand, the Applicant shall submit one (1) electronic and one (1) hard copy of the completed C-1 Parking Model to the Zoning Officer.
 - a) The *Applicant* shall submit a proposed *Parking Plan* demonstrating how the *off-street parking* requirements will be met. *Borough Council* reserves the right to accept the proposed parameters contained with the *Applicant's Parking Plan*. Any *Parking Plan* that does not satisfy the demand calculated by the C-1 Parking Model shall be grounds for denial.
 - (i) If a proposed *parking plan* satisfies all or a portion of the *off-street parking* requirements through off-site facilities, the *Applicant* shall be responsible for obtaining a *Shared Parking Agreement*. The final *Shared Parking Agreement* shall be submitted and shall be made a part of the Final *Developer's Agreement* (if applicable).
 - (ii) The *landowner* shall be responsible for providing a certification that the *Shared Parking Agreement* remains in effect on an annual basis. Annual certifications shall be provided to the *Zoning Officer* by January 2nd of each calendar year or the first business day thereafter by the current *landowner*.
 - (iii) If the Agreement outlined above is changed, the *landowner* shall amend the final *land development* plan.

D. Shared Parking for C-2, OMU and/or Institutional *Zoning Districts*.

1. *Borough Council* may approve an application for a joint *parking plan* submitted by two (2) or more uses in C-2, OMU, and/or Institutional *zoning districts* where one (1) or more of the uses needs to count shared *off-street parking spaces* in order to meet its *parking space* requirements. Analysis shall be completed in accordance with Subsection C above.

E. Handicapped-Accessible *Parking Space* Requirements.

1. As per the UCC and the Pennsylvania Vehicle Code.

(27) PART X

Off-street Parking and Loading

F. Parking for R-1, R-1A, R-2 and C1/VO Districts.

1. No *off-street parking spaces* in the R-1, R-1A and R-2, C-1/VO zoning districts shall be located within the required *front yard* of the zoning district in the area immediately in front of a *principal building* or *structure*.
2. *Private Garages* and *Enclosed Off-Street Parking Spaces*.
 - a) No *private garage* or *carport* may be constructed in a *front yard*, or at any location closer to the *front lot line* than the *principal building*. A *private garage* may be constructed in a rear or *side yard* that adjoins a *public alley*. The *private garage* shall be located at least five (5) feet from the *public alley* or way and not closer than five (5) feet to either *side lot line*. Detached *private garages* on *interior lots* shall be at least five (5) feet from rear and *side lot lines*.
 - b) All *private garages* and all *off-street parking* enclosed within a *principal building* shall be connected directly to a street, *public alley* or way by a *private driveway* no wider than twelve (12) feet. Where there are multiple *off-street parking spaces* in a *private garage* or enclosed within the *principal building*, the *driveway* may be widened to access the enclosed *parking spaces*.
3. *Open Off-Street Parking*.
 - a) No open *off-street parking* may be constructed in a *front yard* or at any location closer to the *front lot line* than the *principal building*. When the rear or *side lot line* is adjoining or adjacent to a *public alley* or way, the open *off-street parking* may be constructed in this yard at least three (3) feet from the *public alley* or way and not closer than five (5) feet to either *side lot line*. Off street parking on *interior lots* shall be at least five (5) feet from rear and *side lot lines*.
 - b) All open *off-street parking* shall be connected directly to a street, *public alley* or way by a single *private driveway* no wider than twelve (12) feet.
 - c) The open *off-street parking* on any *single family*, duplex, and townhouse lot shall not exceed four hundred (400) square feet per *dwelling unit*, exclusive of a single *private driveway*.
4. *Private Driveways*.
 - a) There shall be no more than one *private driveway* connecting an *off-street parking* area, whether open or enclosed or any combination thereof, directly with the street forming the *front lot line* of said lot. Where one or both of the *side lot lines* and/or the *rear lot line* are streets, *public alleys* or ways, one additional *private driveway* connecting said *off-street parking spaces* to such additional street, *public alley* or way shall also be permitted but shall be considered a *structure* and included in lot coverage.
5. See §610 *Bufferyards* for applicable and/ or additional *bufferyard* dimensions.

Table 10C: Parking Model (Applicant)

	Square Feet of Office	Square Feet of Bank	Number of Rental-Occupied Residential Units	Number of Owner-Occupied Residential Units	Number of Hotel Rooms	Square Feet of Retail	Square Feet of Restaurant	Square Feet of Take-Out Restaurant	Square Feet of Other	
Proposed Development	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Required Parking Ratio ¹	2.80	2.00	1.50	2.00	1.00	3.80	8.00	2.00	2.00	
Gross Parking Spaces Required by Use (before sharing)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/> Total Parking Spaces Required by Use (before sharing)

Time Periods	Office		Bank		Rental-Occupied Residential		Owner-Occupied Residential		Hotel/Conference Center		Retail		Restaurant		Take-Out Restaurant		Other		Net Required Spaces (after sharing)	Time Periods
	% of Peak Parking Ratio	Total # of Active Office Spaces	% of Peak Parking Ratio	Total # of Active Bank Spaces	% of Peak Parking Ratio	Total # of Active Residential Spaces	% of Peak Parking Ratio	Total # of Active Residential Spaces	% of Peak Parking Ratio	Total # of Active Hotel Spaces	% of Peak Parking Ratio	Total # of Active Retail Spaces	% of Peak Parking Ratio	Total # of Active Restaurant Spaces	% of Peak Parking Ratio	Total # of Active Take-Out Restaurant Spaces	% of Peak Parking Ratio	Total # of Active Other Spaces		
8:00	70%	0	50%	0	90%	0	90%	0	30%	0	0%	0	0%	0	5%	0	0%	0	0	8:00
9:00	80%	0	90%	0	50%	0	50%	0	60%	0	5%	0	5%	0	10%	0	5%	0	0	9:00
10:00	90%	0	100%	0	10%	0	10%	0	60%	0	15%	0	15%	0	15%	0	15%	0	0	10:00
11:00	90%	0	50%	0	10%	0	10%	0	60%	0	20%	0	25%	0	25%	0	20%	0	0	11:00
Noon	85%	0	50%	0	10%	0	10%	0	65%	0	30%	0	40%	0	60%	0	40%	0	0	Noon
1:00	85%	0	50%	0	10%	0	10%	0	65%	0	35%	0	40%	0	60%	0	35%	0	0	1:00
2:00	82%	0	70%	0	10%	0	10%	0	65%	0	25%	0	35%	0	50%	0	25%	0	0	2:00
3:00	75%	0	50%	0	10%	0	10%	0	65%	0	20%	0	20%	0	30%	0	20%	0	0	3:00
4:00	65%	0	80%	0	20%	0	20%	0	65%	0	20%	0	15%	0	25%	0	20%	0	0	4:00
5:00	50%	0	100%	0	20%	0	20%	0	100%	0	20%	0	20%	0	60%	0	20%	0	0	5:00
6:00	35%	0	0%	0	45%	0	45%	0	100%	0	40%	0	40%	0	85%	0	40%	0	0	6:00
7:00	15%	0	0%	0	70%	0	70%	0	100%	0	60%	0	60%	0	85%	0	60%	0	0	7:00
8:00	10%	0	0%	0	95%	0	95%	0	100%	0	40%	0	70%	0	50%	0	40%	0	0	8:00
9:00	5%	0	0%	0	98%	0	98%	0	100%	0	20%	0	50%	0	30%	0	20%	0	0	9:00
10:00	0%	0	0%	0	99%	0	99%	0	50%	0	10%	0	30%	0	20%	0	10%	0	0	10:00
11:00	0%	0	0%	0	100%	0	100%	0	0%	0	5%	0	10%	0	10%	0	5%	0	0	11:00
Peak Hour Required Parking Spaces (after sharing)																			0	

Notes:
1. As per the Sewickley Zoning Ordinance.

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Off-street Parking and Loading

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G. Parking Area Specifications.

1. *Off-street parking spaces* shall not be located any closer than five (5) feet to a sidewalk or *public right-of-way* line or the cartway edge of a *private* road. The area between the *public right-of-way* and *off-street parking spaces* shall be seeded and planted with shrubbery, *hedges*, trees or other landscaped barrier that will prevent the shining of lights from the parking area onto the roadway.
2. One (1) *off-street parking space* shall be a minimum of nine (9) feet by eighteen (18) feet exclusive of the *access drive* or *driveway*. One (1) *on-street parking space* shall be a minimum of nine (9) feet by twenty (20) feet.
3. Handicapped *parking spaces*, *driveways* and accessible routes, except for a *parking space* accessory to a single-family or duplex dwelling unit, shall conform to the Americans with Disabilities Act Accessibility Guidelines, U.S. Access *Board*.
4. See §610 *Bufferyards* for applicable *bufferyard* dimensions and requirements.

H. Compact Car Parking.

1. Compact *parking spaces* shall be eight (8) feet in width and sixteen (16) feet in length.
2. All compact *parking spaces* shall be denoted with a pole *sign* located at the head of each *parking space*.
3. No compact spaces shall be permitted as parallel *parking spaces*.

I. Parking *Garage* Specifications.

1. No parking *garage/structure* shall exceed thirty-five (35) feet in height above the average ground level immediately adjacent to the parking *garage/structure*.
2. Parking *garages/structures* shall be illuminated in conformance to the requirements of this Chapter.
3. Ingress and egress to a parking *garage/structure* shall be to a *public* street and not an *alley*. If there is a change of use, parking ratios shall be recalculated according to the *lot's* proposed use(s).

J. Bicycle Parking Facilities.

1. A minimum of one (1) percent of all *off-street parking spaces* shall be satisfied by the provision of a dedicated bicycle parking stall, rack or locker.

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Off-street Parking and Loading

2. No bicycle parking stalls shall be permitted within a *public right-of-way*; bicycle parking stalls, racks and lockers shall be permitted within any required *setbacks*.

§1003. Loading Requirements.

- A. General standards. In all *zoning districts* other than OMU, C-1 and in VO, the proportion of *loading spaces* for all non-residential use shall be provided in accordance with the following Table. See Table 12 for *loading* requirement in the C-1 and VO *zoning districts*. See Table 10B for *loading* requirement in the OMU.

Table 11: General Loading Requirements.

Floor Area of Building	Number of Spaces
Less than 25,000 S.F.	1
Greater than 25,000 - 40,000 S.F.	2
Greater than 40,000 - 125,000 S.F.	3
Greater than 125,000 S.F.	1 for every 75,000 S.F. or fraction thereof

- B. For *multi-family dwelling units*, off-street *loading spaces* shall be provided according to the following:
 1. No off-street *loading space* shall be required for *buildings* containing nine (9) or fewer *multi-family dwelling units*;
 2. One (1) off-street *loading space* shall be required per *building* for any *building* containing ten (10) to twenty (20) *multi-family dwelling units*;
 3. If a *building* contains more than twenty (20) *multi-family dwelling units*, one (1) additional off-street *loading space* per *building* shall be required for each additional twenty (20) units, or fraction thereof, shall be provided.

- C. Adequate area (screened from *public* view) shall be provided for dumpsters and the disposal of waste. Off-street *loading* and *unloading space(s)* with proper and safe access from the street, service street, or *parking lot*, shall be provided on each *lot* in accordance with Table 11 and 12. Each *loading space* shall:
1. Accommodate the size vehicles expected to frequent the site, providing adequate clearance and maneuvering area in accordance with good engineering practices.
 2. Have a paved surface to provide safe and convenient access during all weather conditions.
 3. Not be located between any *public right-of-way* and a *building line*.
 4. Not use required *parking spaces* or aisles for *loading* and *unloading* purposes, except during hours when business operations are suspended.
 5. Be designed so that vehicles do not back into or out on to any *public right-of-way*.
 6. Not in any way *block* the effective flow of *persons* or vehicles or block any fire lane or fire protection apparatus.
- D. Unless otherwise specified, a *loading space* shall be at least forty (40) feet in length and ten (10) feet in width exclusive of aisle and maneuvering space.
1. No permitted or required off-street *loading space* shall be located within thirty (30) feet of the nearest point of intersection of any two (2) streets.
 2. For all *zoning districts*, except Industrial or defined by §1004, no off-street *loading space* shall be located in a *front yard* and any off-street *loading space* located in a rear or *side yard* shall have ingress and egress from the *rear yard* only.
 3. For the Industrial *Zoning District*, off-street *loading spaces* shall be permitted in a *front yard*. In addition, any off-street *loading area* located in a *front yard* shall be permitted to have ingress and egress from the *front yard*.
- E. All *driveways* and off-street *loading spaces* shall be surfaced with a bituminous, brick, concrete or stone paving block material.
- F. No vehicle repair work or service shall be permitted in an off-street *loading space*, except in emergency or sudden breakdown of vehicles.
- G. For uses other than those prescribed in Table 10A and by special exception, the number and size of required off-street *loading spaces* shall be determined by the *Zoning Hearing Board*.

(27) PART X

Off-street Parking and Loading

§1004. Loading in the C-1 and VO Districts.

A. Purpose and Intent.

1. In order to provide adequate *loading* and service areas for establishments within the C-1 and VO *Zoning Districts* while protecting the unique character and vitality of this *mixed use* district, minimum *loading* and service area standards are defined as part of this Section.

B. Applicability.

1. All *land development* and any change in use within the C-1 and VO *Zoning Districts* must conform to the requirements of this Section. The location of designated *loading* areas is on file at the Sewickley *Borough Municipal Building* Administrative Office.

C. For purposes of determining appropriate *loading* requirements in the C-1 and VO *Zoning Districts*, all permitted land uses have been categorized into two (2) types based on the general nature of each uses' deliveries and shipments. The types of *loading space* are as follows:

- a) Type 1 - A use that requires a dedicated off-street *loading space*.
- b) Type 2 - A use that can utilize a dedicated, but common or shared, on-street *loading space* or that requires no *loading space* whatsoever.

D. The *loading space* requirements for the permitted land uses for the C-1 and VO *Zoning Districts* are classified as per the following:

Table 12: Loading Space Requirements within the C-1 and VO Zoning Districts

Land Use	Type 1	Type 2
Automotive Service Station		•
Bakery, Retail	•	
Bed and Breakfast		•
Beer Store/Distributor	•	
Business Office		•
Café/Coffee Shop		•
Communications Antennae		•
Convenience Store without Fuel Sales	•	
Essential Services	•	
Financial Establishments w/o Drive-thru		•
Forestry	•	
Funeral Home	•	
Grocery Store	•	
Home Occupation, Low Impact		•
Home-Based Business, No Impact		•
Hotel	•	
Medical Office		•
Medical / Dental Clinic		•
Mixed Use (based on proposed uses)		
Multi-Family - Apartment (see §1002.B.)	•	
Museum / Art Center	•	
Package Liquor Store	•	
Personal Services		•
Pharmacy w/o drive-thru	•	
Post Office	•	
Private Club		•
Professional Office (less than 2,500 GFA)		•
Professional Office (greater than 2,500 GFA)	•	
Public Park		•
Public Recreation Facility		•
Restaurant w/o drive-thru	•	
Retail less than 7,000 GFA		•
Retail greater than 7,000 GFA	•	
Spa		•
Studio (photography, artistic or musical)		•
Taver/Bar/Pub		•
Theater, Performance		•

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Off-street Parking and Loading

E. General requirements.

1. *Permitted uses* within the C-1 Zoning District requiring a Type 1 *loading spaces* shall provide one (1) off-street *loading space* for every twenty-five thousand (25,000) square feet of GFA or a fraction thereof.
2. Uses that require a Type 2 *loading space* shall be located within two hundred (200) feet of a dedicated on-street *loading space* as measured from the nearest point of the *loading space* to the *lot*.
3. The *Applicant* shall submit a proposed *Loading Plan* demonstrating how *loading space* requirements will be met. *Borough Council* reserves the right to accept the specific parameters of the proposed *Loading Plan*. An unsatisfactory *Loading Plan* shall be grounds for denial Plan approval.
4. If a proposed *Loading Plan* utilizes a Type 2 *loading space*, the location of the Type 2 *loading space* shall be made a part of the *Final Developer's Agreement*.
5. If an *Applicant* is unable to meet the requirements of this Section as related to *loading spaces*, a *variance* from this Part must be requested to the *Zoning Hearing Board*.

F. On-street Type 2 *Loading Spaces*.

1. In order to assist *landowners* and/or *developers* in meeting the *loading* requirements within the C-1 Zoning District, the *Borough* has designated On-Street Type 2 *loading spaces* within the C-1 Zoning District. The locations of these *loading spaces* are on file at the Sewickley *Borough Municipal Building* Administrative Office.

PART XI – PERFORMANCE STANDARDS

§1101. Compliance Required.

- A. All uses shall comply with the requirements of this Chapter and the *landowner* and/or *developer* shall demonstrate that a proposed use shall comply with the standards below prior to the *Borough* issuing approval and operation commencing on the *lot*. Compliance shall be determined by the *Zoning Officer* with respect to *permitted uses*, by the *Zoning Hearing Board* with respect to special exceptions and by the *Borough Council* with respect to *conditional uses*. In order to determine whether a proposed use will conform to the requirements of this Part, the *Borough* may obtain a qualified consultant's report, whose cost for services shall be borne by the *Applicant*.
- B. All uses that require new facilities or expansion of existing facilities, such as sewers, storm drains, fire hydrants, potable water, *public* streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. No availability of *essential services* shall be permitted to be grounds for denying permits for additional *development* until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the *landowner* and/or *developer*, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full conformance with the jurisdiction's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.

§1102. Fire Protection.

- A. Fire protection and fire-fighting equipment, procedures and safety protocols acceptable to the *Borough* Fire Standards and National Fire Protection Association shall be readily available and followed where there is any activity involving the handling or storage of flammable or explosive material.

§1103. Radioactivity; Electrical Disturbances.

- A. Unless otherwise permitted by the *Borough* for medical purposes, no activity shall emit radioactivity at any point or cause electrical *disturbance* adversely affecting the operation of radio or other equipment in the vicinity.

§1104. Noise.

- A. Fire sirens, *place of worship* bells and related apparatus used solely for *public* purposes shall be exempt from this requirement. Within the C-1, C-2, Institutional, and Industrial *zoning districts* when adjoining a residential *lot*, noise in excess of seventy-five (75) *decibels* between 7:00am and 11:00pm and fifty (50) *decibels* between 11:00pm and 7:00am as measured on a *decibel* or *sound level* meter of standard quality and design operated on the A-weighted scale shall not be permitted. Industry standards and equipment shall be utilized for measuring such noise at any and all *lot lines* of the *subject*

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lot on which the noise source is located. Proof of such current compliance shall be presented to the *Borough* upon the request of the *Zoning Officer*. This standard shall not have any effect on the disturbing of the peace ordinance enforced by the police. In addition it shall not have any influence on complaints among neighbors regarding HVAC equipment or gas generators.

§1105. Vibrations.

- A. Except temporary vibration result from *construction* activity, vibrations detectable without instruments on any adjacent *lot* in any *zoning district* shall be prohibited.

§1106. Odors.

- A. Other than municipally authorized *public* sewage treatment, no malodorous gas or matter shall be permitted which is discernible on any adjacent *lot* or property.

§1107. Smoke.

- A. The maximum amount of smoke emission permitted shall be determined by the use of the Standard Ringelmann Chart issued by the United States Bureau of Mines or most recent industry standard. No smoke of a shade darker than No. 2 shall be permitted.

§1108. Air Pollution.

- A. No pollution of air by fly ash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling of property.

§1109. Erosion.

- A. No erosion by wind or water shall be permitted which will carry or deposit objectionable substances onto neighboring properties. Provisions required by the Allegheny County Conservation District shall be applicable to all *development* or *redevelopment*.

§1110. Excavation, Filling and Grading.

- A. Excavation, filling or grading activities which will produce a slope(s) greater than fifteen (15) percent shall not be permitted.

PART XII – NONCONFORMING USES, STRUCTURES AND *LOTS*

§1201. *Nonconformities.*

A. General.

1. Within the *zoning districts* established by this Chapter, there exist uses and *lots* of land that were lawful before this Chapter's adoption but which are now prohibited, regulated or restricted under the terms of this Chapter. It is the intent of this Chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are considered incompatible with the *permitted uses* in the *zoning districts* involved.
2. A non-conforming *structure* may be modified, expanded and/or enlarged, so long as:
 - a. The modification, expansion and/or enlargement is for a legal use;
 - b. The modification, expansion and/or enlargement is not for a non-conforming use;
 - c. The modification, expansion and/or enlargement does not increase the existing non-conformity(ies) associated with the *lot*.
3. A *nonconforming use* may be extended throughout a *building* that was designed and arranged specifically for the *nonconforming use*, but the *nonconforming use* shall not be permitted to occupy land outside the *building*. If the use of any such *nonconforming structure* or *lot* ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of the *structure* or *lot* shall conform to the regulations specified by this Chapter for the *zoning district* involved.

§1202. *Nonconforming Lots of Record.*

- A. In any *zoning district* in which single-family *residential buildings* are permitted, a single-family *residential building* and associated *accessory buildings* may be *erected* on any single *lot of record* existing on the date of adoption or *amendment* of this Chapter. Such a *lot* must be in separate ownership and not of continuous frontage with other *lots* in the same ownership. This provision shall apply even though the *lot* fails to meet the *zoning district's* requirements for area or width, or both, provided that the *lot* conforms to the *zoning district's setback* dimensions and other requirements not involving area or width, or both. *Variance* of area, width and *setback* requirements shall be obtained only through action of the *Zoning Hearing Board*.
- B. If two or more *lots* or combinations of *lots* and portions of *lots* with continuous frontage in single ownership are of record at the time of passage or *amendment* of this Part, and if all or part of the *lots* do not meet the requirements for *lot width* and area as established by this Part, the lands involved shall be considered to be an undivided parcel for the purposes of this Part, and no portion of the parcel shall be used or sold which does not

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Nonconforming Uses, Structures and Lots

meet *lot width* and area requirements established by this Part, nor shall any division of the parcel be made which leaves remaining any *lot* with *width* or area below the requirements stated in this Part.

PART XIII – GENERAL APPLICATION AND REVIEW PROCESS

§1301. Schedule of Fees.

- A. The *Borough Council* shall by resolution establish a schedule of fees and shall post said schedule conspicuously in the *Borough Building*.
- B. No permit, certificate, application or *variance* shall be issued unless, or until such costs, charges, fees or expenses as established by such resolution have been paid in full; nor shall any action be taken by the *Borough Council* and/or *Zoning Hearing Board* take action unless or until preliminary charges and fees have been paid in full.
- C. A zoning certificate shall be required prior to the establishment, change or *alteration* of any use, or the *construction*, enlargement, expansion or *alteration* of any *structure*. A *building permit* may also be required under the Sewickley *Borough Code* relating to *building codes/construction*.

§1302. Requests for Reasonable Accommodation.

- A. *Persons* with a claim for reasonable accommodation under the Fair Housing *Amendments Act* or the Americans with Disabilities Act shall submit an application for a special exception to the *Zoning Hearing Board*. The *Zoning Hearing Board* shall require the information outlined in §1303 Special Exception Procedures of Approval to process the application.
- B. The *Zoning Hearing Board* may hold any meeting(s) and/or hearing(s) necessary in its discretion to elicit information or argument pertinent to the request for accommodation.
- C. The *Zoning Hearing Board's* decision shall be in writing.
- D. The *Zoning Hearing Board* shall issue its written decision to the *Applicant* and the *Borough Council* within thirty (30) days of filing of the request for accommodation or at the next regularly scheduled *Zoning Hearing Board* meeting, whichever is the later of the two (2).
- E. A request for reasonable accommodation should be directed to the *Zoning Hearing Board*. In considering a request for reasonable accommodation, the *Zoning Hearing Board* shall, with the advice of the counsel of the *Borough Solicitor* and/or *Zoning Hearing Board Solicitor*, apply the following criteria.
 - 1. Whether the *Applicant* is handicapped or disabled within the meaning of the Federal Fair Housing Act *Amendments* or the Americans with Disabilities Act.
 - 2. The degree to which the accommodation sought is related to the handicap or disability of the *Applicant*.

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3. A description of hardship, if any, that the *Applicant* will incur absent provisions of the reasonable accommodation requested.
4. The extent to which the requested accommodation is necessary to afford the *Applicant* an opportunity equal to a non-handicapped or non-disabled *person* to use and enjoy the dwelling in question.
5. The extent to which the proposed accommodation may impact other *landowners* in the immediate vicinity.
6. The extent to which the proposed accommodation may be consistent with or contrary to the zoning purposes promoted by the ASO Joint *Comprehensive Plan*, and the community *development* objectives set forth in the Zoning Ordinance.
7. The extent to which the requested accommodation would impose financial and administrative burdens upon the *Borough*.
8. The extent to which the requested accommodation would impose an undue hardship upon the *Borough*.
9. The extent to which the accommodation would require a fundamental *alteration* in the nature of the *Borough's* regulatory policies, objectives and regulations.
10. The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or non-disabled *persons*.
11. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when they are no longer needed to provide handicapped or disabled *persons* equal opportunity to use and enjoy the dwelling in question.
12. The extent to which the requested accommodation will increase the value of the *lot* during and after its occupancy by *Applicant*.

§1303. Special Exception Procedures of Approval.

- A. The *Borough's* Special Exception procedure is described on Application Diagram D found on record in the Sewickley *Borough's Municipal Building* Administrative Office.
- B. Approval of Uses by Special Exception.
 1. The *Zoning Hearing Board* shall hear and decide requests for uses by special exception in accordance with the provisions of the Pennsylvania *MPC*.
- C. Requests for Reasonable Accommodation. The *Applicant* shall provide the following:
 1. Specific citation of the Zoning Ordinance provision from which reasonable accommodation is requested.

2. The specific description of the reasonable accommodation sought and the particulars, including exact admonitions of any proposed structural or location-based accommodation.
 3. The condition of the *Applicant* for which reasonable accommodation is sought.
 4. A description of the hardship that the *Applicant* will incur absent provision of the reasonable accommodation requested.
 5. A description of any alternative methods of relieving the claimed hardship that have been considered and the reason, why the *Applicant* has rejected such alternatives.
 6. A statement describing why the requested accommodation is necessary to afford the *Applicant* an opportunity equal to a non-handicapped or non-disabled *person* to use and enjoy the dwelling in question.
 7. A description of the manner in which the accommodation, if granted, will be terminated or removed if said accommodation is no long applicable.
 8. A statement of any facts indicating whether or not non-handicapped or non-disabled *persons* would be permitted to utilize the *lot(s)* in question in a manner similar sought by the *Applicant*.
- D. A written application for special exception shall be submitted in accordance with the Application Requirements and associated Application Process defined by the *Borough*.
- E. Conditions and safeguards.
1. In considering an application for approval of a use by special exception, the *Zoning Hearing Board* may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Chapter. A violation of such conditions and safeguards, when made part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Chapter.
- F. Expiration of Approval of Use by Special Exception.
1. Approval of a use by special exception shall expire automatically without written notice to the *Applicant* if an application for a *building permit* or zoning certificate to undertake the *construction* for the authorized occupancy described in the application for approval of the use by special exception is not submitted within twelve (12) months of said approval.
- G. The *Zoning Hearing Board*, in their sole discretion, may grant an extension of the special exception upon receipt of a written request by the *Applicant* prior to the expiration date of approval. Only a one (1) time twelve (12) month extension may be granted.
- H. Expiration of Approval of Use by Special Exception Granted Prior to Effective date of this Chapter. Approval of a use by special exception granted prior to the effective date of

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this Chapter shall expire automatically without written notice to the *Applicant* if an application for a grading permit, *building permit* or zoning certificate to undertake the *construction* or authorize the occupancy described in the application for approval of the use by special exception is not received submitted within twelve (12) months of the effective date of this Chapter or as specified in the approval.

§1304. Conditional Uses Procedure for Approval.

- A. The *Borough's Conditional Use* procedure is described on Application Diagram B found on record in the Sewickley *Borough's Municipal Building* Administrative Office.
- B. The *Borough Council* shall hear and decide requests for *conditional uses* within the time periods and according to the procedures set forth in the Pennsylvania *MPC* §913.2. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this Chapter or any other Ordinance 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. See also Part VIII.
- C. A written application for *conditional use* shall be submitted in accordance with the Application Requirements and associated Application Process defined by the *Borough*.
 1. Where the *Borough Council* fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in §908 (1.2) of the Pennsylvania Municipalities Code, the decision shall be deemed to have been rendered in favor of the *Applicant* unless the *Applicant* has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the *Applicant* because of failure of the *Borough Council* to meet or render a decision as hereinabove provided, the *Borough Council* shall give *public notice* of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the *public notice* requirements of this act. If the *Borough Council* shall fail to provide such notice, the *Applicant* may do so.
 2. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the *Applicant* personally or mailed to him no later than the day following its date.
 3. In granting a *conditional use*, the *Borough Council* may attach such reasonable conditions and safeguards in addition to those expressed in this Chapter, as necessary to implement the purposes of the *MPC* and this Chapter.
 4. *Borough Council* shall review a *conditional use* application and may approve, deny or attach additional conditions, in order to protect the *public's* health, safety and welfare.

5. In making its decision, *Borough Council* shall consider the *Planning Commission's* recommendation, all information and the application submitted by the *Applicant* and any relevant *Borough* ordinances.
- D. Expiration of *Conditional Use* Approval. *Conditional use* approval shall expire automatically without written notice to the *Applicant* if no application for a grading permit, *building permit* or *occupancy permit* to undertake the *construction* or authorize the occupancy described in the application for *conditional use* approval is submitted within twelve (12) months of said approval. The *Borough Council* may extend *conditional use* approval upon written request of the *Applicant* received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.
- E. Expiration of *Conditional Use* Approval Granted Prior to Effective Date of this Chapter. *Conditional use* approval granted prior to the effective date of this Chapter shall expire automatically without written notice to the *Applicant* if no application for a grading permit, *building permit* or *occupancy permit* to undertake the *construction* or authorize the occupancy described in the application for *conditional use* approval is submitted within twelve (12) months of the effective date of this Chapter or as specified in the approval. The *Borough Council* may extend *conditional use* approval upon written request of the *Applicant* received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.

§1305. Variances.

- A. The *Borough's Variance* procedure is described on Application Diagram C found on record in the Sewickley *Borough's Municipal Building* Administrative Office.
- B. The *Zoning Hearing Board* shall hear requests for *variances* where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the *applicant*. The *Zoning Hearing Board* may by rule prescribe the form of application and may require preliminary application to the *Zoning Officer*. The *Zoning Hearing Board* may grant a *variance*, provided that all of the following 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 provisions of the zoning ordinance in the neighborhood or district in which the property is located.
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a *variance* is therefore necessary to enable the reasonable use of the property.
 3. That such unnecessary hardship has not been created by the appellant.

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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.
- C. In granting any *variance*, the *board* may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance.
- D. A *variance* from the terms of this Chapter shall not be granted by the *Zoning Hearing Board* unless and until:
1. A written application for the *variance* is submitted:
 2. The required fees are paid.
 3. *Public notice* by advertising shall be given at least two weeks in advance of the hearing. The owner of the property for which the *variance* is sought or his agent shall be notified by mail.
 4. The hearing shall be held. Any party may appear in *person*, or by agent or by attorney.
 5. The *Zoning Hearing Board* shall make findings that the requirements of this Section, have been met by the *applicant* for the *variance*.
 6. The *Zoning Hearing Board* shall further make a finding that the reasons set forth in the application justify the granting of the *variance*, and that the *variance* is the minimum *variance* that will make possible the reasonable use of the land, *building* or *structure*.
 7. *Zoning Hearing Board* shall further make a finding that the granting of the *variance* will be in harmony with the general purpose and intent of this Chapter and will not be injurious to the neighborhood, or otherwise detrimental to the *public* welfare.
- E. In granting any *variance*, the *Zoning Hearing Board* may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violation of such conditions and such safeguards, when made a part of the terms under which the *variance* is granted, shall be deemed a violation of this Chapter and subject to §1702 Enforcement Remedies.
- F. Under no circumstances shall the *Zoning Hearing Board* grant a *variance* to allow a use not permissible under the terms of this Chapter in the district involved, or any use expressly or by implication prohibited by the terms of this Chapter in said district.

PART XIV – REZONING

§1401. Purpose of Rezoning.

- A. The purpose of rezoning is to protect the safety, capacity and efficiency of the *Borough's* existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the ASO Joint *Comprehensive Plan*. See also the Pennsylvania Municipal Planning Code §609.
- B. Rezoning considerations shall be based on the projected benefits and/or detrimental effects to the Aleppo, Sewickley, Glen Osborne planning region as a whole.

§1402. Rezoning Application Forms.

- A. All rezoning applications shall be completed on the official forms provided by the *Zoning Officer*.
- B. All *Applicants* submitting rezoning applications shall be required to prepare a series of plans, analyses and reports as enumerated in §1404 to demonstrate the compatibility of a rezoning proposal.

§1403. Review of Rezoning Applications.

- A. The *Borough's* Rezoning procedure is described on Application Diagram E found on record in the Sewickley *Borough's Municipal Building* Administrative Office.
- B. The *Zoning Officer* shall review the application in compliance with the following procedural guidelines:
 - 1. Upon receipt of a rezoning application, the *Zoning Officer* will perform a desk check review of the package to determine the completeness of the application.
 - 2. The *Zoning Officer* will provide the *Applicant* a letter within seven (7) business days stating that the application has been submitted with all required information attached.
 - 3. If the *Zoning Officer* finds the application to be incomplete or insufficient, the rezoning application will be returned to the *Applicant*.
 - 4. When the rezoning application is found to be complete, the *Zoning Officer* shall compile a report and forward the application package and report to the *Planning Commission* for review.
- C. As part of the rezoning approval process, the *Planning Commission* and *Borough Council* shall consider the motivation and implications of each plan, analysis and report.
- D. The *Planning Commission* shall review the application in compliance with the following procedural guidelines:

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Rezoning

1. If the rezoning proposal is found to be generally consistent with the *Comprehensive Plan*, the *Planning Commission* shall consider any projected beneficial and/or detrimental effects on the *Borough*. The *Planning Commission* may host a *public hearing* on the application if they deem it applicable.
 2. Based on these analyses, the *Planning Commission* shall submit a written recommendation either in favor or not in favor of the rezoning proposal including a specific statement as to whether or not the proposed rezoning is in accordance with the objectives of the *ASO Joint Comprehensive Plan*.
- E. The final recommendation of the *Planning Commission* shall be forwarded to the *Borough Council*.
- F. Upon receipt of the *Planning Commission's* final recommendations, the *Borough Council* shall host a *public hearing* on the application. The *Borough Council* shall compose a brief summary explanation of its decision and forward the decision and explanation to the *Applicant*. The *Borough Council* may deny the rezoning proposal and shall provide a brief summary explanation of the decision to the *Applicant*. Upon approval of the rezoning proposal the *Zoning Officer* shall update the *Official Zoning Map* accordingly. See also §1601.

§1404. Application Criteria.

- A. Application Requirements. The following outlines the plans, analyses and reports that a *landowner* and/or *developer* shall submit as part of rezoning applications. The plans, analyses and reports to be submitted include:
1. Sketch Plan.
 2. Estimated infrastructure (sanitary sewer and potable water) demands (gallons per day).
 3. *Off-street parking* projections (number of *parking spaces*) available on site.
 4. A summary of anticipated impacts on *adjoining lots* including but not limited to noise, vibration, night-time lighting, service area locations and visibility, hours of operation.
 5. Depending upon the location of *lot* access, infrastructure service/demands and impacts identified in §1404.A.4. on *adjoining lots*, the *Borough Council* may require a *landowner* and/or *developer* to prepare other potential related studies.

§1405. Additional Information.

The *Planning Commission* and the *Borough Council* reserve the right to request additional information as part of the rezoning review and approval process in order to evaluate the applicability of the rezoning.

PART XV – PERMITS

§1501. *Building Permits.*

- A. No *building* or *structure* shall be *erected*, added to or structurally altered until a *permit* has been issued by the *Zoning Officer*. No *building permit* shall be issued for any *building* where said *construction*, addition or *alteration* or use thereof would be in violation of any of the provisions of this Chapter, except after written order from the *Zoning Hearing Board*. Any *building permit* issued in conflict with the provisions of this Chapter shall be null and void.
- B. All applications for *building permits* shall be accompanied by plans in duplicate as determined by the *Zoning Officer*, drawn to scale, showing the actual dimensions and shape of the *lot* to be built upon; the exact sizes and locations on the *lot* of *building* already existing, if any; and the location and dimensions of the proposed *building* or *alteration*. The application shall include such other information as lawfully may be required by the *Zoning Officer*, including existing or proposed uses of the *building* and land; the number of households, housekeeping units or rental units the *building* is designed to accommodate; conditions existing on the *lot*; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Chapter.
- C. A *building permit* for any *building* or use may be revoked and withdrawn by the *Zoning Officer* if the holder of the *building permit* has failed to comply with the requirements of this Chapter or with any conditions attached to the issuance of the permit, and the holder of the *building permit* may be subject to penalties as provided by §612 of this Chapter.
- D. The *Zoning Officer* shall act upon an application for a *building permit* no later than thirty (30) days after receiving the application. Failing to act within this time the *applicant* may request the *Borough Council* to issue the *building permit*.
- E. One copy of the plans shall be returned to the *applicant* by the *Zoning Officer*, after the *Zoning Officer* has marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the *Zoning Officer*.
- F. If the work described in any *building permit* has not begun within ninety (90) days from the date of issuance thereof, or ninety (90) days after the effective date of this Chapter, said permit shall expire; it shall be canceled by the *Zoning Officer*; and written notice thereof shall be given to the *persons* affected.
- G. If the work described in any *building* has not been substantially completed within two (2) years of the date of issuance thereof, said permit and any other zoning relief shall expire and be canceled by the *Zoning Officer*, and written notice thereof shall be given to the *persons* affected, together with notice that further work as described in the canceled permits shall not proceed unless and until a new *building permit* and any other zoning relief have been obtained. *Applicant* shall have ten (10) days to apply for renewal of

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Permits

zoning relief and issuance of new *building permit*. Failure to do so is violation of this Chapter subject to the enforcement remedies described in §611.

- H. All *buildings* for which permits have been obtained and the *construction* of which has begun, or for which a contract or contracts have been let pursuant to a permit issued prior to the date of adoption of this Chapter may be completed and used in accordance with the plans on which said permit was granted, and provided further that all permits issued prior to the approval of this Chapter for buildings or uses which do not conform to the provisions of this Chapter are hereby declared void if at the time of the approval of this Chapter no *construction* of such building shall have been made or no contracts have been let pursuant to such a permit.
- I. All *public* and *private construction*, demolition and grading work and related activities performed pursuant to a *building permit* shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, and no such work shall be performed at any time on Sundays, unless the permittee obtains written consent from the *Borough Manager*, and/or his or her agent, to do the work at an earlier or later hour or on a Sunday. Such permission shall be granted in the case of an emergency, special work issue or in the event that work authorized by the permit is to be performed in a traffic congested area.
- J. In connection with the granting of any permit, the *Zoning Officer* and/or the *Borough Manager* may, in his or her discretion, attach such conditions thereto as may be reasonably necessary to prevent damage to *public* or *private* property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance including, but not limited to, the following:
1. Limitations on the period of the year in which the work may be performed.
 2. Restrictions as to the size, weight and type of equipment.
 3. Designation of routes upon which materials may be transported.
 4. Designation of the place, manner and routes of disposal of excavated material.
 5. Requirements for the *storage* of equipment and materials.
 6. Requirements as to the control of dust, the cleaning of streets, the prevention of noise and all other conduct injurious to the neighborhood, the general *public* or any portion thereof.
 7. Regulations as to the use of streets in the course of the work in the *Borough*.
 8. Regulations as to the use of a mechanical device for the breaking of pavement, such as a hydra-hammer or headache ball, which will be permitted only with special written permission from the *Zoning Officer* and/or the *Borough Manager*.
 9. Requirements that the *building permitted* area be completely *fenced* in, with a designated point of ingress and egress, and with such *fencing* to be of sufficient height and *transparency* so as to protect *public* health, welfare and safety.

§1502. Occupancy Permits.

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or *lot*, or part thereof, hereinafter *erected*, connected or wholly or partly altered or enlarged in its size or *structure* until an *occupancy permit* has been issued therefore by the *Zoning Officer*. Said *occupancy permit* shall state that the proposed use of the building or land conforms to the requirements of this Chapter.
- B. No *nonconforming use* shall be changed or extended until an *occupancy permit* has been issued by the *Zoning Officer* therefore.
- C. *Occupancy permits* shall be applied for coincident with the application for a *building permit* and shall be issued within five working days after the erection or *alteration* has been completed and inspected by the *Zoning Officer* and approved by said the *Zoning Officer* as complying with the provisions of this Chapter.
- D. Application for *occupancy permits* for a new or changed use of land where no *building permit* is required shall be made directly to the office of the *Zoning Officer*. *Occupancy permits* to be issued, as well as written notices stating why an *occupancy permit* cannot be issued, shall be given to the *applicant* no later than 10 days after the application has been received by the *Zoning Officer*.
- E. A temporary *occupancy permit* for owner occupied *development* may be issued by the *Zoning Officer* for a period not exceeding six months during *alterations* as partial occupancy of a *building* pending its completion, provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the *public*.
- F. Failure to obtain an *occupancy permit* shall be in violation of this Chapter and subject to §1702 Enforcement Remedies.
- G. The *Zoning Officer* shall maintain a record of all *occupancy permits* and copies shall be furnished upon request, to any *person* having a proprietary or tenancy interest in the *building* or *lot* affected.

§1503. Temporary Use Permit.

- A. The purpose of a *Temporary Use Permit* is to ensure compatibility of the *temporary use* with surrounding *lots*.
- B. A *Temporary Use Permit* application is available from the *Zoning Officer*.
- C. Areas to be reviewed as part of the permit process may include but not be limited to traffic circulation, parking, *public* conveniences, *signs* and any other special operating characteristics.

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Permits

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PART XVI – AMENDMENTS

§1601. Enactment of Zoning Ordinance Amendments.

- A. The *Borough Council* may amend, supplement, or repeal any of the regulations and provisions of this Chapter as set forth in *Pennsylvania MPC*.
- B. The *Borough Council* will conduct hearings and make decisions in accordance with the *Pennsylvania MPC*. Before voting on the enactment of an *amendment*, the *Borough Council* shall hold a *public hearing* thereon, pursuant to *public notice*.
- C. In the case of an *amendment* other than that prepared by the *Planning Commission*, the *Borough Council* shall submit each such *amendment* to the *Planning Commission* to provide the *Planning Commission* an opportunity to submit recommendations.
- D. If, after any *public hearing* held upon an *amendment*, the proposed *amendment* is changed substantially, or is revised, to include land previously not affected by it, the *Borough Council* shall hold another *public hearing*, pursuant to *public notice*, before proceeding to vote on the *amendment*.
- E. Prior to the *public hearing* on the *amendment* by the *Borough Council*, the *amendment* shall be forwarded to Allegheny County, surrounding municipalities and to representatives of the Aleppo, Sewickley, Glen Osborne Intergovernmental Cooperation Agreement for recommendations.
- F. A copy of the adopted *amendment* to this Chapter shall be forwarded to Allegheny County for record.

§1602. Procedure for Landowner Curative Amendments.

- A. A *landowner* and/or *developer* who desires to challenge on substantive grounds the validity of this Chapter or the *Official Zoning 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 *Borough Council* with a written request that his challenge and proposed *amendment* be heard and decided as provided in §916.1 of the *Pennsylvania MPC* (hereinafter “*MPC*”), 53 P. S. §10916.1. The curative *amendment* and challenge shall be referred to the *Planning Commission* and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §610 and §916.1 of the *MPC*, 53 P. S. §10609, 10610, and 10916.1.
- B. The *Borough Council* will conduct hearings and make decisions in accordance with the *Pennsylvania MPC*. If the *Borough* does not accept a *landowner* and/or *developer’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 this entire Chapter and *Official Zoning Map*, but only for those provisions which specifically relate to the *landowner’s* curative *amendment* and challenge.

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- C. The *Borough Council*, if it determines that a validity challenge has merit, may adopt *landowner's curative amendment*, with or without revision, or may adopt an alternative *amendment* which will cure the challenged defects. The *Borough Council* 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, *school* 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 Chapter or *Official Zoning Map*.
 3. The suitability of the *lot* for the intensity of use proposed by the *lot's* soils, slopes, woodlands, *wetlands*, floodplains, aquifers, natural resources and other natural features;
 4. The impact of the proposed use on the *lot'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.

§1603. Procedure for Borough Curative Amendments.

- A. If the *Borough* determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:
1. The *Borough* shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a *curative amendment* to overcome such invalidity. Within thirty (30) days such declaration and proposal the *Borough Council* shall:
 - a) By resolution make specific findings setting forth the declared invalidity of this Chapter 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 requires revision; or,
 - (iii) Reference to this entire Chapter which requires revisions.
 - b) Begin to prepare and consider a *curative amendment* to this Chapter to correct the declared invalidity.
 2. The *Borough Council* will conduct hearings and make decisions in accordance with the Pennsylvania *MPC*.

§1604. Content of Public Notice.

- A. *Public notices* of proposed zoning ordinances and *amendments* shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the *Borough* where copies of the proposed ordinance or *amendment* may be examined, in addition to the time and place of hearing. If the proposed *amendment* involves a zoning map change, notice of said *public hearing* shall comply with *MPC* §609(2)(i).

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PART XVII – ADMINISTRATION AND ENFORCEMENT

§1701. *Outline of Administrative Roles and Duties.*

A. *Borough Council.*

1. The *Borough Council*. Under this Chapter the *Borough Council* shall have the duties of considering and adopting or rejecting proposed *amendments* or the repeal of this Chapter, as provided by law; and of establishing a schedule of fees and charges. Under no circumstances shall the duties of the *Borough Council* include hearing and deciding questions of enforcement that may arise.
2. Appoint the members of the *Planning Commission*, the *Zoning Hearing Board* and the *Zoning Officer*.
3. Receive and consider the recommendations of the *Planning Commission* on matters the Commission reviews pursuant to this Chapter.
4. Ask for recommendations of the *Planning Commission* on the adoption or *amendment* of this Chapter if such recommendations are not prepared by the *Planning Commission*. In accordance with §303(a) of the Pennsylvania MPC, the *Borough Council* must ask for recommendations from the *Planning Commission* for proposed actions related to:
 - a) The location, opening, vacation, extension, widening, narrowing or enlargement of any street, *public* ground, pierhead or watercourse;
 - b) The location, erection, demolition, removal or sale of any *public structure* located within the municipality;
 - c) The adoption, *amendment* or repeal of an official map, SALDO, zoning ordinance or provisions for planned residential *development*, or capital improvements program: or
 - d) The *construction*, extension or *abandonment* of any water line, sewer line or sewage treatment facility.
5. Advertise and host a *public hearing* before adopting a zoning ordinance or any *amendment* thereto.
6. May remove members of the *Planning Commission*, the *Zoning Hearing Board* or the *Zoning Officer* from their positions upon just cause and after a formal hearing.
7. Establish fees for the issuance of *land development*, *building*, occupancy and *sign permits*. In accordance with MPC §717.3(e), the Council may also prescribe fees for *conditional use* applications, *landowner curative amendments*, municipal curative *amendments* and for hearings before the *Zoning Hearing Board*.

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8. The Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - a) All applications pursuant to §508 of the *MPC*, 53 P. S. §10508, for approval of *subdivisions* or *land developments* under Part V of the *MPC*, 53 P. S. §10501 et seq.
 - b) Applications for *conditional use* under the express provisions of this Chapter.
 - c) Applications for curative *amendment* to this Chapter or pursuant to §609.1 and 916.1(a) of the *MPC*, 53 P. S. §10609.1, 10916.1(a).
 - d) All petitions for *amendments* to land use ordinances, pursuant to the procedures set forth in §609 of the *MPC*, 53 P. S. §10609.
 - e) Appeals from the determination of the *Zoning Officer* or the *Borough Engineer* in the administration of any land use ordinance or provisions thereof with reference to *sedimentation* and erosion control and storm water management as enabled by the *MPC*.

B. *Planning Commission*.

1. The *Planning Commission* shall at the request of the *Borough Council* have the power and shall be required to:
 - a) Prepare the *comprehensive plan* for the *development* of the *Borough* as set forth in this act, and present it for the consideration of the *Borough Council*.
 - b) Maintain and keep on file records of its action. All records and files of the *Planning Commission* shall be in the possession of the *Borough Council*.
2. The *Planning Commission* at the request of the *Borough Council* may:
 - a) Make recommendations to the *Borough Council* concerning the adoption or *amendment* of an *Official Zoning Map*.
 - b) Prepare and present to the *Borough Council* a zoning ordinance, and make recommendations to the *Borough Council* on proposed *amendments* to it as set forth in this act.
 - c) Prepare, recommend and present *subdivision* and *land development* and planned residential *development* regulations for the consideration of the *Borough Council*.
 - d) Prepare and present to the *Borough Council* a *building* code and a housing code and make recommendations concerning proposed *amendments* thereto following review and approval by the Pennsylvania Department of Labor and Industry.

- e) Review and present recommendation to the *Borough Council* on *conditional uses* applications.
 - f) Complete other actions, including to but not limited to the review and recommendation on *conditional use* application to *Borough Council*, or make such studies as may be necessary to fulfill the duties and obligations imposed by this Chapter.
 - g) Prepare and present to the *Borough Council* an environmental study. Submit to the *Borough Council* a recommended capital improvements program.
 - h) Prepare and present to the *Borough Council* a water survey which shall be consistent with the State water plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any *public* water supplier in the area to be surveyed.
 - i) Promote *public* interest in, and understanding of, the *Comprehensive Plan* and planning.
 - j) Make recommendations to individuals, governmental, civic and *private* agencies as to the effectiveness of such agencies' proposals.
 - k) Hold *public hearings* and *meetings*.
 - l) Present testimony before any *board*.
 - m) Require from other departments or agencies of the *Borough* such available information as relates to the work of the *Planning Commission*.
 - n) In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.
 - o) Prepare and present to the *Borough Council* a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the *Borough*.
 - p) Review the zoning, *subdivision* and *land development* ordinance, *Official Zoning Map* of the *Borough* of Sewickley, provisions for planned residential *development*, and regulations governing the *development* of land no less frequently than it reviews the *comprehensive plan*.
3. Provide recommendations for proposed actions related to:
- a) The location, opening, vacation, extension, widening, narrowing or enlargement of any street, *public* ground, pierhead or watercourse;
 - b) The location, erection, demolition, removal or sale of any *public structure* located within the municipality;

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- c) The adoption, *amendment* or repeal of an official map, SALDO, zoning ordinance or provisions for planned residential *development*, or capital improvements program; or
- d) The *construction*, extension or *abandonment* of any water line, sewer line or sewage treatment facility.

C. *Zoning Hearing Board.*

1. *Zoning Hearing Board.* The *Borough Council* shall appoint a *Zoning Hearing Board* in accordance with the provisions of §3207 of the *Borough's Code of Ordinances* and §901 of the *PA MPC*. The *Zoning Hearing Board* shall have the following powers:
 - a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the *Zoning Officer* in the enforcement of this Chapter.
 - b) To hear and decide all *variances* to the terms of this Chapter the *Zoning Hearing Board* is required to act under provisions of this Chapter including approval of the expansion, extension or enlargement of *nonconforming uses* only as provided for in this Chapter.
 - c) To authorize upon appeal in specific cases such *variance* from the terms of this Chapter as will not be contrary to the *public* interest, where owing to special conditions a literal enforcement of the provisions of this Chapter would result in an unnecessary hardship, and so that the spirit of the this Chapter shall be observed and substantial justice done.
 - d) To hear and decide substantive challenges to the validity of any land use ordinance, except those brought before the *governing body* pursuant to sections 609.1 and 916.1(a)(2) of the *PA MPC*.
 - e) To hear and decide appeals from a determination by a municipal *engineer* or the *zoning officer* with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 - f) To hear and decide appeals from the *zoning officer's* determination under section 916.2 of the *PA MPC*.
 - g) To hear and decide appeals from the determination of the *zoning officer* or municipal *engineer* in the administration of any land use ordinance or provision thereof with reference to *sedimentation* and erosion control and storm water management insofar as the same relate to *development* not involving Article V or VII applications prescribed within the *PA MPC*.
2. In exercising the above mentioned powers, such *Zoning Hearing Board* may, in conformity with the provisions of this Part, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may

make such order, requirement, decision or determination as in its opinion ought to be made. Notice of such decision shall forthwith be given to all parties in interest and shall be filed immediately with the *Zoning Officer*.

D. *Zoning Officer*

1. The day-to-day administrative procedures provided for in this Chapter are the responsibility of the *Zoning Officer*. The *Zoning Officer's* duties generally involve receiving, reviewing, and issuing *building* and *zoning permits* and certificates of occupancy, maintaining records of applications and *permits*, performing inspections to determine compliance with this Chapter, notify *persons* violating this Chapter, keeping this Chapter and map up-to-date and accepting applications for and presenting facts at hearings before the *Zoning Hearing Board*. *Borough Council* may amend the duties of the *Zoning Officer* as deemed necessary for the health, safety and welfare of the residents. The *Zoning Officer* must administer this Chapter by its literal terms; the *Zoning Officer* does not have any discretionary power and can neither waive nor tighten any requirement of the Chapter. The *Zoning Officer* is required to meet qualifications established by the *Borough* and the Pennsylvania *MPC* and must be able to demonstrate a working knowledge of the municipal zoning. The *Zoning Officer* may also serve as the Building Inspector.

E. Building Inspector.

1. The Building Inspector shall enforce this Chapter by issuing *building permits* and *occupancy permits* for only such *structures* and uses that comply with the provisions of this Chapter. The Building Inspector shall conduct all inspections necessary to determine compliance with the Chapter and shall maintain records thereof.
2. The Building Inspector shall be responsible for:
 - a) Maintaining all of the records of this Chapter including, but not limited to, all maps, *amendments* and *variances*, *nonconforming uses* appeals and applications thereof and hearing thereon.
 - b) Collecting fees which shall accompany applications for building and *occupancy permits* and *variances*.
 - c) Receiving, filling and forwarding to the *Borough Council* and the *Planning Commission* for action all applications for *amendments* to this Chapter.
 - d) Receiving, filing and forwarding to the *Zoning Hearing Board* all applications for *variances* and appeals in accordance with the provisions of this Chapter.
3. The Building Inspector may also serve as the *Zoning Officer*.

§1702. Enforcement Remedies.

A. Enforcement Notice.

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1. If it appears to the *Borough* that a violation of this Chapter has occurred, the *Borough* shall initiate enforcement proceedings by sending an enforcement notice as provided in this Chapter.
2. The enforcement notice shall be sent to the owner of the *lot* on which the violation has occurred, to any *person* who has filed a written request to receive enforcement notices regarding that *lot*, and to any other *person* requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
 - a) The name of the owner of record and any other *person* against whom the *Borough* intends to take action.
 - b) The location of the *lot* in violation.
 - c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
 - d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - e) That the recipient of the notice has the right to appeal to the *Zoning Hearing Board* within the timeframe as defined by the enforcement notice.
 - f) That failure to comply with the notice within the time specified, unless extended by appeal to the *Zoning Hearing Board*, constitutes a violation, with possible sanctions clearly described.

B. Remedies.

1. Any *person*, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the *Borough*, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the *Borough* as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the *Borough* may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the *person*, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the *Borough*.

2. 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.
3. 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.

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APPENDIX**Appendix A: Worksheet Examples****Resource/Protection Worksheet Example**

Sensitive Existing Conditions		Gross Lot/Site Area (acres)	Permitted Disturbance Ratio	Net Buildable Area (acres)
Line 1	All floodplains, wetlands, and hydric soils	<u>0.55</u> x	0.0 =	0.00
Line 2	All lakes and waterbodies, and natural drainageways/streams	<u>0.40</u> x	0.0 =	0.00
Line 3	All springs and vernal pools (including 100 ft. buffer)	<u>0.10</u> x	0.0 =	0.00
Line 4	Colluvial Soils and Red Beds on slopes			
	<25%	<u>0.10</u> x	0.4 =	0.04
	>25%	<u>0.20</u> x	0.1 =	0.02
Line 5	Other Areas on slopes 0-25% not calculated as part of Lines 1 through 4 above	<u>1.15</u> x	1.0 =	1.15
Line 6	Other Areas on slopes >25% but <40% not calculated as part of Lines 1 through 4 above			
		<u>2.05</u> x	0.4 =	0.82
Line 7	Other Area on slopes >40% not calculated as part of Lines 1 through 4 above	<u>0.45</u> x	0.1 =	0.05
Line 8	Sum of Lines 1+2+3+4+5+6+7	<u>5.00</u>		2.08
		(Total Gross Lot/Site Area)	(Total Net Buildable Area)	

(27) Appendix

Impervious Surface Coverage Worksheet: Zone R-1 Lot #2

	<i>Column A</i>		<i>Column B</i>		<i>Column C</i>		<i>Column D</i>
	Surface Material		Total Square Feet of Surface		Rate of Imperviousness (see Table 2)		Adjusted Square Feet of Surface Material (Column B x C)
<i>Line 1</i>	Asphalt, Rubber or Metal Roofing Roof; Conventional Concrete Pavement; Conventional Asphalt Pavement; Open Water Body; Gravel Roof		<u>4,974.0</u>	x	0.95	=	<u>4,725.30</u>
<i>Line 2</i>	Stone, Concrete or Brick Pavers with Grouted Joints on Concrete Base; Compacted Angular Aggregate Pavement; Wood or Composite Wood Deck		<u>0.0</u>	x	0.75	=	<u>0.00</u>
<i>Line 3</i>	Green Roof <=4" depth; Stone, Concrete or Brick Pavers with UngROUTED Joints on Sand and/or Aggregate Base		<u>0.0</u>	x	0.50	=	<u>0.00</u>
<i>Line 4</i>	Uncompacted Non-angular Aggregate Pavement; Green Roof >4-8" depth; Open-celled Concrete Grid with Lawn or Non-Angular Aggregate Fill		<u>0.0</u>	x	0.30	=	<u>0.00</u>
<i>Line 5</i>	Open-celled Plastic Grid with Lawn or Non-Angular Aggregate Fill; Lawn; Green Roof >8" depth; Permeable Concrete Pavement; Permeable Asphalt Pavement; Field		<u>4,226.0</u>	x	0.20	=	<u>845.20</u>
<i>Line 6</i>	Woodland		<u>11,150.00</u>	x	0.15	=	<u>1,672.50</u>
<i>Line 7</i>	<i>Sum of Lines 1+2+3+4+5+6</i>		<u>20,350.00</u>				<u>7,243.00</u>
			Total Lot Area				Adjusted Impervious Surface Total

Maximum Permitted Impervious Surface Coverage (per Dimensional Table) = **50.0%**

Percent of Impervious Surface Coverage (Adjusted Surface Area/Total Lot Area) = **35.6%**

PARKING MODEL (EXAMPLE)

	Square Feet of Office	Square Feet of Bank	Number of Rental Residential Units	Number of Owner-Occupied Residential Units	Number of Hotel Rooms	Square Feet of Retail	Square Feet of Restaurant	Square Feet of Take-Out Restaurant	Square Feet of Other
Proposed Development	2,800			6		2,400	3,900		
Current Actual Parking Ratio ¹	2.80	2.00	1.50	2.00	1.00	3.80	8.00	2.00	2.00
Net Parking Spaces Required by Use	8	0	0	12	0	9	31	0	0

60

Time Periods	Office		Bank		Rental Residential		Owner-Occupied Residential		Hotel/Conference Center		Retail		Restaurant		Take-Out Restaurant		Other		Required Spaces	Time Periods
	% of Peak Parking Ratio	Total # of Active Office Spaces	% of Peak Parking Ratio	Total # of Active Bank Spaces	% of Peak Parking Ratio	Total # of Active Residential (A) Spaces	% of Peak Parking Ratio	Total # of Active Residential (C) Spaces	% of Peak Parking Ratio	Total # of Active Hotel Spaces	% of Peak Parking Ratio	Total # of Active Retail Spaces	% of Peak Parking Ratio	Total # of Active Restaurant Spaces	% of Peak Parking Ratio	Total # of Active Take-Out Restaurant Spaces	% of Peak Parking Ratio	Total # of Active Other Spaces		
8:00	70%	5	50%	0	90%	0	90%	11	30%	0	0%	0	0%	0	5%	0	0%	0	16	8:00
9:00	80%	6	90%	0	50%	0	50%	6	60%	0	5%	0	5%	2	10%	0	5%	0	14	9:00
10:00	90%	7	100%	0	10%	0	10%	1	60%	0	15%	1	15%	5	15%	0	15%	0	14	10:00
11:00	90%	7	50%	0	10%	0	10%	1	60%	0	20%	2	25%	8	25%	0	20%	0	18	11:00
Noon	85%	7	50%	0	10%	0	10%	1	65%	0	30%	3	40%	12	60%	0	40%	0	23	Noon
1:00	85%	7	50%	0	10%	0	10%	1	65%	0	35%	3	40%	12	60%	0	35%	0	24	1:00
2:00	82%	6	70%	0	10%	0	10%	1	65%	0	25%	2	35%	11	50%	0	25%	0	21	2:00
3:00	75%	6	50%	0	10%	0	10%	1	65%	0	20%	2	20%	6	30%	0	20%	0	15	3:00
4:00	65%	5	80%	0	20%	0	20%	2	65%	0	20%	2	15%	5	25%	0	20%	0	14	4:00
5:00	50%	4	100%	0	20%	0	20%	2	100%	0	20%	2	20%	6	60%	0	20%	0	14	5:00
6:00	35%	3	0%	0	45%	0	45%	5	100%	0	40%	4	40%	12	85%	0	40%	0	24	6:00
7:00	15%	1	0%	0	70%	0	70%	8	100%	0	60%	5	60%	19	85%	0	60%	0	34	7:00
8:00	10%	1	0%	0	95%	0	95%	11	100%	0	40%	4	70%	22	50%	0	40%	0	38	8:00
9:00	5%	0	0%	0	98%	0	98%	12	100%	0	20%	2	50%	16	30%	0	20%	0	30	9:00
10:00	0%	0	0%	0	99%	0	99%	12	50%	0	10%	1	30%	9	20%	0	10%	0	22	10:00
11:00	0%	0	0%	0	100%	0	100%	12	0%	0	5%	0	10%	3	10%	0	5%	0	16	11:00

Peak Hour Required Parking Spaces 38

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SEWICKLEY VILLAGE OVERLAY DESIGN MANUAL

SEWICKLEY PLANNING COMMISSION
SEWICKLEY, PENNSYLVANIA
NOVEMBER 16, 2009

Architecture
Workplace Design
Urban Design
Preservation

PFAFFMANN + ASSOCIATES

Suite 800
223 Fourth Avenue
Pittsburgh, Pennsylvania 15222
412.471.2470



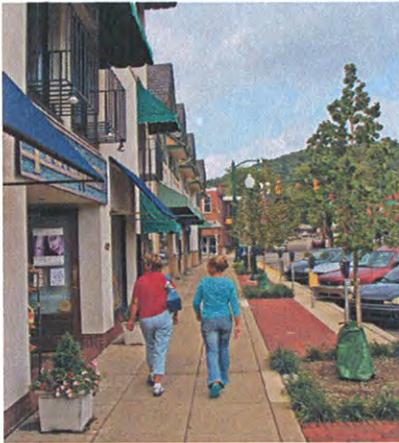
DESIGN GUIDELINES FOR THE VILLAGE OVERLAY DISTRICT

INTRODUCTION

PURPOSE

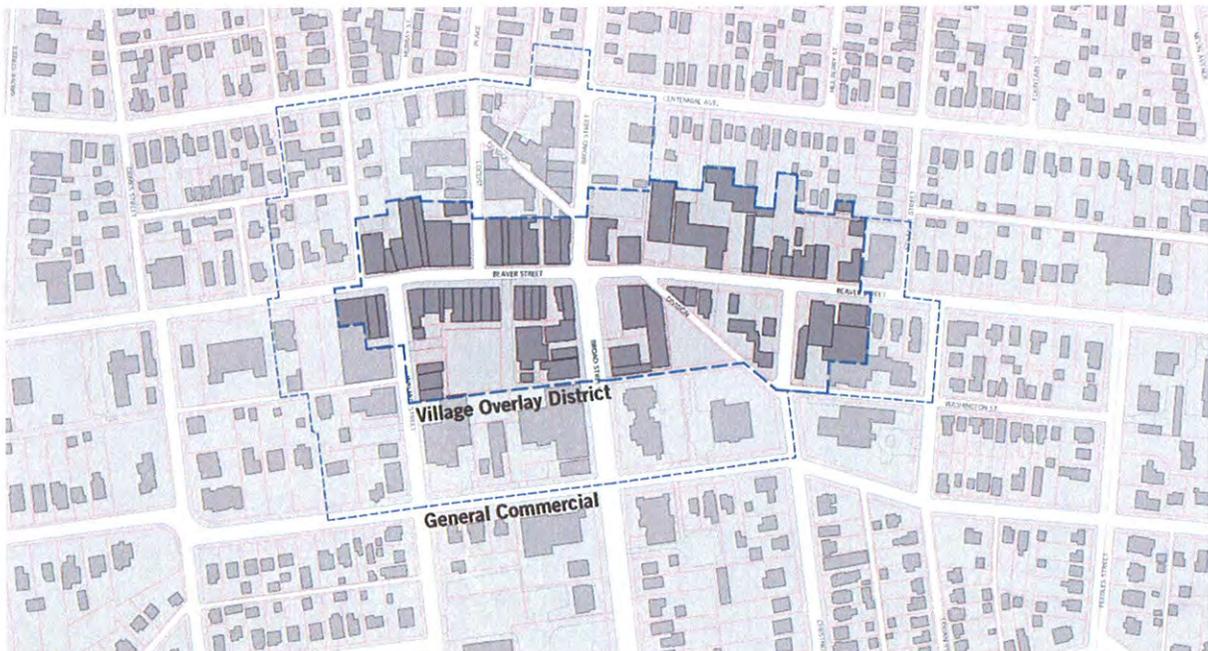
This manual provides direction to property owners, developers and design professionals who undertake new construction or renovate an existing building in the Village Overlay District. Basic design principles are introduced in the text of the manual, and are supported by illustrated examples and guidelines for proper interpretation.

USING THE MANUAL



Property owners, realtors, developers, tenants and architects should use the guidelines when first considering a project. This will help establish appropriate design directions, while minimizing planning delays and the need to redesign projects later.

The Borough will use this manual as part of its formal review of proposed projects within the Village Overlay District. Design requirements are mandatory and are contained in the Zoning Ordinance. These requirements are triggered for any applicant seeking new construction or structural changes to an existing building (see the Zoning Ordinance, Chapter 27, of the Borough Code, for full details). Design requirements may be reviewed simultaneously with a Land Development application.



Boundaries of the Village Overlay District

RATIONALE



Buildings play a critical role in defining and activating streets. Their location, size, materials and relationship to one another help determine if a street environment is going to be socially and visually stimulating. An active street life—both day and night—is a defining element of the Village Overlay District. Fostering this energy is important for business vitality, safety and character.

Renovations and new construction should support active, pedestrian-oriented uses along the street and should reflect the architectural features that define the Village core. Retail uses should have a high degree of transparency along the street, and these uses should be clearly visible to pedestrians. Street amenities should enhance this setting by providing comfort, active uses, human scale and visual interest.

BENEFITS

- Active and attractive streetscapes.
- Economic diversity and vitality.
- Appropriate Village-scale projects based on traditional lot sizes and building patterns.
- Visual cohesion that allows design expression based on common architectural patterns.



PRESERVING VILLAGE CHARACTER

HISTORY



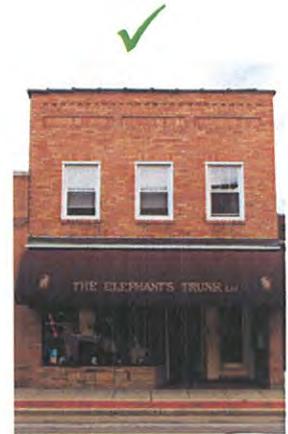
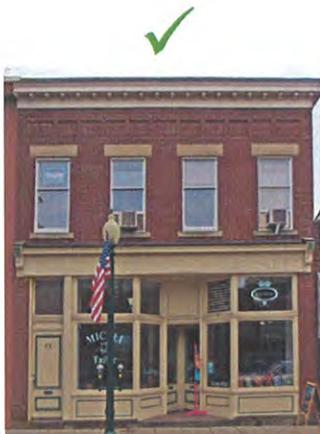
Sewickley has had a well-established commercial Village core for over a century, having emerged in the mid-19th century as a mixed residential and retail community with rail connections to Pittsburgh. Strong streetscapes and urban proportions of the past have been maintained and give the current Village a strong sense of identity and uniqueness:

- Buildings in this zone historically fronted the sidewalk and were built on narrow deep lots.
- They were typically 20-25 feet wide, two-stories high, with commercial storefronts on the ground level. Although the upper floors were often residential in the past, most of these upper levels have now been converted to office use.
- Retail displays were typical on lower levels; upper levels typically used vertical double-hung punched windows.
- Brick and wood construction and detailing predominated.

CURRENT ASSETS

Today, the Village retains many distinctive and historic buildings, many of which have been well maintained.

- The Village has some creative infill development, such as the courtyard nestled between two older structures.
- It is pedestrian in scale, and its density and high activity levels make it a pleasant (if sometimes congested) environment.
- Where alleys exist, they provide good access to the backs of lots for parking and service.
- The proximity of residential and institutional areas supports pedestrian activity and boutique retail opportunities.



Examples of buildings with desirable architectural characteristics.

BUILDING MASSING

OBJECTIVES

MASSING — *The apparent bulk of a building. Massing is affected by factors such as proportion and scale.*

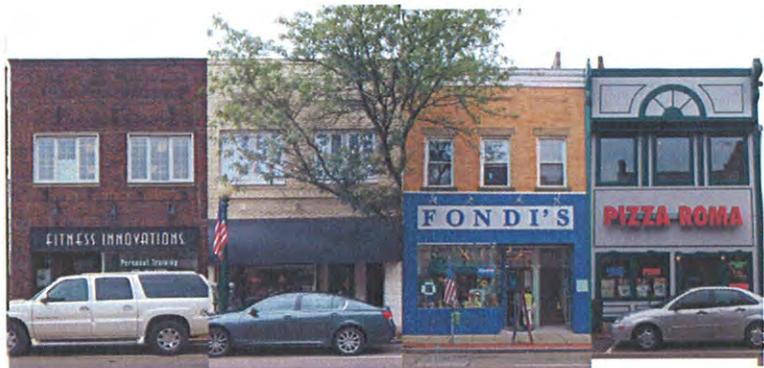
Vertically proportioned buildings are preferred. This means buildings that are taller than they are wide, or which have a façade design that emphasizes vertical proportions (such as bays, emphasizing height on a horizontal facade).

Building massing should be broken up whenever possible into human-scaled elements.

Additionally, any new principal building or expansion of an existing principal building visible from the public right-of-way shall contain a minimum of two stories from grade. Each story shall be capable of occupancy by a use permitted in the Village Overlay District.



These two local buildings use similar material and color choices, but different massing and detailing strategies. The structure to the right demonstrates the preferred approach towards massing—using vertically-oriented bays, glazing, materials and colors to break up the horizontal facade



Four buildings on Beaver Street with similar massing.

CONTEXT

The guiding principle of this manual is that renovations and new construction in the Village Overlay District should be similar to that of nearby buildings and reflect the historic characteristics that help define the District.

FRONT YARD & FRONT LINE OF BUILDING

OBJECTIVE

The location of facades in relation to the street is an important element in defining the character of a community. Front yards and front lines of buildings should create visually cohesive streetscapes.

FRONT YARD — A yard extending across the full width of the lot and abutting the front lot line. The depth of the front yard shall be the horizontal distance between the front lot line and a line parallel thereto known as the front line of the buildable area of the lot.

FRONT LINE OF A BUILDING — The line of that face of the building nearest the front line of a lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps or recessed entrances.

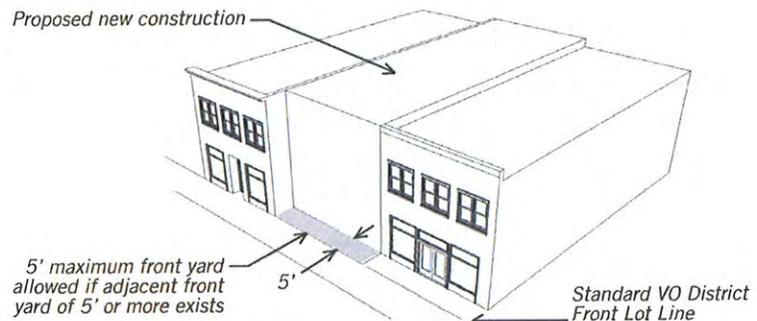


A similar village main street shows how similarities in the location of facades, windows, doors, cornices and other elements help define character.

GENERAL REQUIREMENTS (SEE CHAPTER 27 OF THE SEWICKLEY CODE OF ORDINANCES FOR COMPLETE DETAILS)

In the Village Overlay District, the following requirements exist:

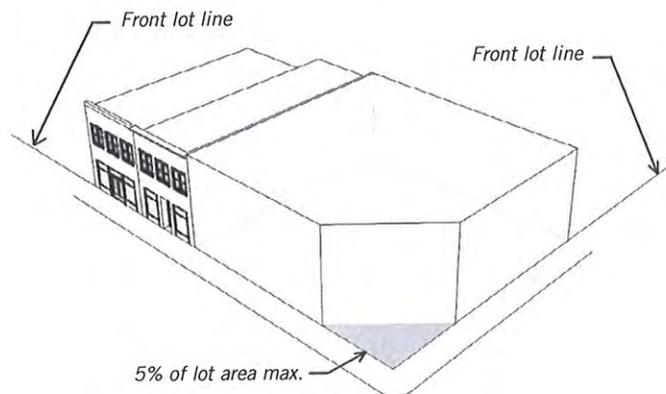
- The front line of a building may be established between the front lot line and the front line of an immediately adjacent building, but in no event greater than five (5) feet from the front lot line. In the case of a corner lot that is adjacent to three (3) public rights-of-way, the owner shall have the right to designate one (1) yard as a rear yard, not to be designated on Beaver, Broad, Chestnut or Walnut Streets.
- For properties with a front lot line of thirty (30) feet or greater, a maximum of twenty-five percent (25%) of the front face of the building may be set back a maximum of three (3) feet from the front line of the building.
- No accessory structure shall be located between the front line of a building and the front lot line.



CORNER LOTS

OPEN SPACE AT CORNER LOTS

On a corner lot, an area of open space may be provided at the intersection of the front lot lines. The total area of the open space shall not exceed five percent (5%) of the total area provided that the clear sight area requirements must be met.



OBJECTIVES FOR CORNER LOTS IN GENERAL

Corner development sites are prominent streetscape elements and should be given special consideration. The secondary (or side) façade may be simpler than the main façade, but should encourage street level activity and maintain visual interest to pedestrians. For instance, window and door patterns and architectural details should be continued from the front. Corner entrances are encouraged, and corner glazing that faces both streetscapes is preferred.



Example of a strong corner building acting as an anchor or "bookend" to the rest of the block. For new construction on a corner site such as this, the creation of open space at the corner would enhance pedestrian movement and views and soften the corner.

FACADE COMPOSITION

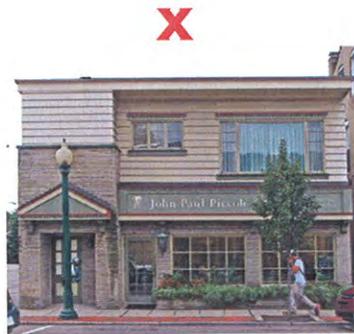
OBJECTIVES

FACADE COMPOSITION — *The relationship of a building's various exterior parts to each other. Facade composition (along with massing) helps to establish the visual interest of a building and determine how it blends with its surroundings.*

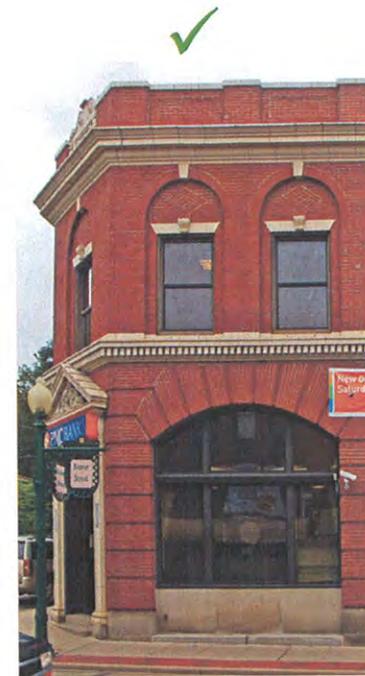
GLAZING — *Panes of glass set in frames, i.e., windows or doors.*

FENESTRATION — *The location of windows and doors in the facade of a building.*

Windows and doors on the ground level should ensure an active and attractive streetscape. Doors that provide direct access to public spaces or sidewalks are preferred, as are large storefront window displays. On upper levels, double-hung and vertically oriented punched openings are preferred, and should be residential in style rather than commercial.



These local buildings are very similar in massing, but use different compositional strategies. The right image demonstrates preferred glazing styles, fenestration patterns, finish materials and colors, and facade detailing.



These two buildings have similar scale and massing, but very different facade compositions. The example on the right shows preferred fenestration patterns, finish materials and proportions.

TRANSPARENCY

OBJECTIVE The facades of buildings, especially those facing the street, should have a sense of openness or transparency. This helps ensure connections between shops and passersby and encourages pedestrian activity and economic vitality.



Two local storefronts demonstrate the difference that facade transparency makes from the pedestrian's perspective.

**GENERAL REQUIREMENTS
(SEE ZONING CODE FOR
COMPLETE DETAILS)**

Transparency requirements can be found in Chapter 27 of the Sewickley Borough Code of Ordinances:

- The façade of a principal building facing a street, shall meet the transparency standards of the Zoning Code.
- On each façade, above the ground floor, each story shall have a transparency of at least 35% of the gross square footage of the façade of that story.
- No more than 30% of a ground floor window area may be obscured by a permitted sign, shelving, other opaque surfaces or a combination thereof that would affect views into or out of the structure, unless such a structure is used for the display of merchandise visible to patrons from the street. Upper floors may have curtains or other window treatments which limit transparency.

Continued on next page.

TRANSPARENCY (CONTINUED)

**GENERAL REQUIREMENTS
(CONTINUED)**

- All ground floor façades shall have a minimum transparency of 60% of the gross square footage of the ground floor facade. Within this ground floor façade, a minimum of 45% of the gross square footage of the façade from an elevation of 3 feet to an elevation of 8 feet above walkway grade shall be transparent.



Overview of transparency requirements.

TRANSPARENCY (CONTINUED)



0%



21%



22%



23%



30%



33%

Analysis of eight facades along Beaver and Broad Streets demonstrating a range of overall facade transparency levels from 0% to 68%.



35%

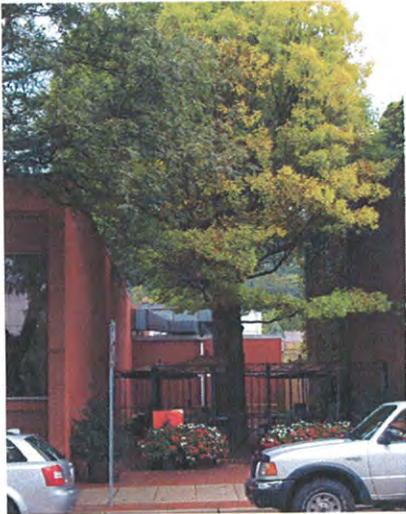


68%

PUBLIC OUTDOOR SPACE

OBJECTIVES

The apparent massing of buildings and streetscapes should be reduced by creating variations in spaces and uses along the street. One way to accomplish this is through useable public outdoor space, which is encouraged in the Village Overlay District. Street amenities should be well-designed, enhance pedestrian activities and provide visual interest.



The following principles should be considered:

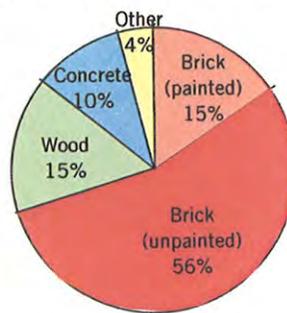
- Spaces should be intentionally planned and programmed for active uses. Benches that front on the street and café seating are encouraged, as are other amenities that provide comfort.
- Spaces must be maintained by the owner, and should provide trash and recycling receptacles as appropriate.
- Spaces should be human in scale and also in scale with buildings and other open spaces in the village, and respect the front lines of adjacent buildings.
- Streetscape principles, such as sidewalks, landscaping, street furniture, and lighting, should be incorporated. Suburban-style open space surrounding a building, or open space given over to parking or empty landscaping, should be avoided.
- To the extent possible, parking should not be visible from public streets (see Zoning Code for complete details).



BUILDING MATERIALS

OBJECTIVES

In order to ensure active and attractive streetscapes and promote visual cohesion, a common architectural language is encouraged. This means that buildings should relate to one another by using similar materials, especially materials that have been historically used throughout the district.



Analysis of facade materials along primary streets in the Village Overlay District. New construction should be compatible with these materials.

The following principles should be considered:

- Primary building facades should use durable, high-quality materials, with brick and wood preferred. Masonry, stone and terra cotta are also acceptable. Preferred secondary materials include appropriately detailed stucco, curtain wall systems, and wood detailing.
- These materials are encouraged on all facades visible from public streets (this is especially so for corner sites).

PROHIBITED MATERIALS

The following materials are prohibited from use on any building façade visible from a public right-of-way:

- Particle board, plywoods and plastic sheathing
- Asphalt and fiberglass shingles as siding
- Vinyl and aluminum siding
- Mirrored glass; that is glass coated in such a way that it prevents views to the building's interior
- Industrial metal panels
- Concrete masonry units, including prefinished types
- Exposed aggregate pre-cast concrete block
- Exterior finish insulation systems (EFIS)
- Simulated brick

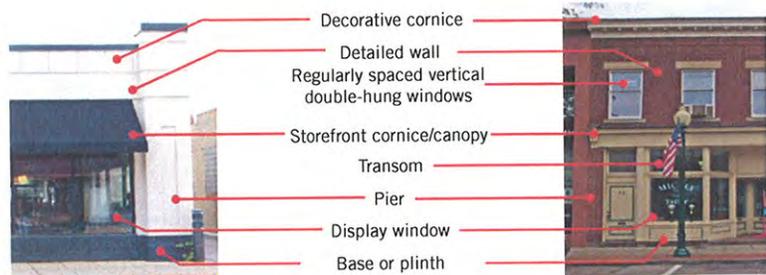
STREETSCAPE

The streetscape includes the natural and man-made elements in or near the street right-of-way. It includes buildings, sidewalks, landscaping, street furniture, lighting, and public open spaces. The guidelines are intended to ensure an attractive and visually unified streetscape while encouraging design diversity.

DETAILING

OBJECTIVES

Building detailing should be compatible with the façade elements used on nearby buildings, and historically throughout the District. Material texture and relief is encouraged. Edge articulation through cornice lines, frieze elements and trimming is especially important. Window detailing should incorporate setbacks, frame openings, and articulate lintels and sills.



Two examples of local buildings that use preferred detailing.



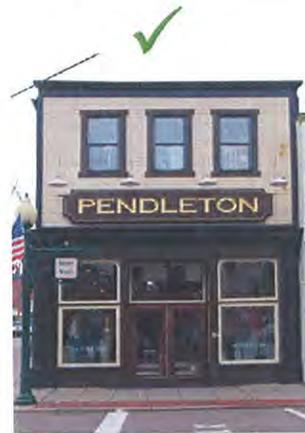
Postcard of Broad and Beaver Streets showing the types of historic detailing that is generally desired today.

INNOVATION AND DIVERSITY

Diversity of building design can add to the visual interest and vitality of a commercial district. However, innovative designs should respect guidelines for contextual massing, glazing styles and rhythms, and material selection. New designs should enhance, rather than detract from, investments in nearby historic renovations.

COLORS

OBJECTIVES Muted or earth-toned colors are encouraged as primary building colors. Bright colors can enhance smaller areas, details, and highlights. Colors should complement adjacent structures to reinforce the cohesiveness of the district.



An example of earth-tones on a building in the Overlay District.

RENOVATIONS

OBJECTIVES Whenever possible, existing structures should be renovated to maintain and restore the historic character of the village and make a positive contribution to the cohesiveness of the streetscape. Original architectural details should be maintained or restored, rather than covered or removed.

The following principles should be considered:

- Doors and windows are essential elements of the overall design and architectural style. Original door and window openings should be maintained. Replacement elements should either restore lost items or be both contextual and innovative.
- New construction should be sensitive to the historic context of the village. Design innovation is preferred over literal imitation of historic styles. Infill sites should balance new and old design characteristics.

Any applicant who seeks to make structural changes to 25% or more of the total area of the facade of an existing building in the Village Overlay shall submit a conditional use application to the Borough. A facade renovation shall meet, at a minimum, the conditions required by Chapter 27 Part 4 Section 404.7B(4), Transparency Standards, and Section 404.7B(6), Prohibited Materials.

For additional information, contact the Borough of Sewickley Zoning Officer at (412) 741-1762, or visit the Borough of Sewickley website at www.sewickleyborough.org