

NOTES TO REVIEWERS:

Thank you for reviewing the draft!

The full revised draft ordinance text is presented here for public review and comment. Major goals of the update are implementing the action steps of the Aspinwall Borough Comprehensive Plan, adopted in 2023; simplifying and streamlining the ordinance; bringing it in alignment with today's legal landscape and best practices; and making the ordinance more accessible and user-friendly.

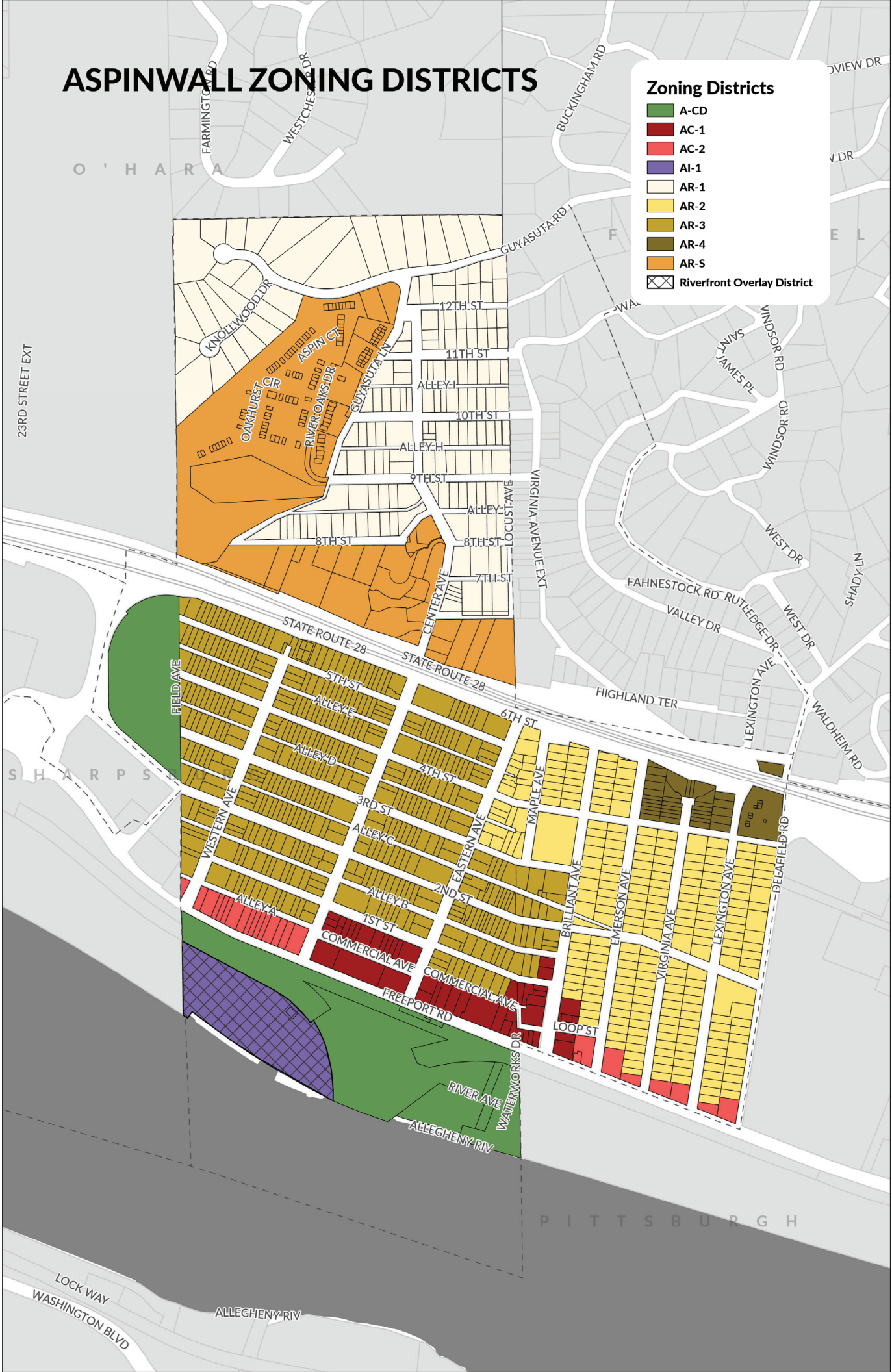
A summary of significant changes is available on aspinwallplan.com. In this document, additions or changes appear **in green**, review notes **are highlighted**, and removed text is shown in **red strikethrough**.

You can navigate to a specific part by clicking the associated PDF bookmark.

ASPINWALL ZONING DISTRICTS

Zoning Districts

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- AC-2
- AI-1
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- Riverfront Overlay District



Chapter 27 ZONING

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Part 1 GENERAL PROVISIONS

§ 27-101. Short Title.

This chapter shall be known and may be cited as the "Aspinwall Zoning Ordinance" and the district map shall be known and may be cited as the "Official Aspinwall Zoning District Map."

§ 27-102. Statement of Purposes.

The fundamental purposes of this chapter are to promote the safety, health, convenience and general welfare; to encourage the most appropriate use of land throughout the Borough; to conserve and stabilize the value of property; to prevent overcrowding of land and buildings; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate open spaces for light and air; to facilitate adequate provision of streets and highways, water, sewerage, drainage and other public facilities; to conserve life, property and natural resources; and to conserve the expenditure of funds earmarked for public improvements.

§ 27-103. Community Development Objectives.

This chapter is to render a legal basis and framework to advance the future land use plan and development goals established in the Borough's Comprehensive Plan as amended, in addition to the following development objectives: [NOTE: Updated for consistency with new comp plan; current ordinance refers to 1983 Guyasuta Joint plan.]

1. To preserve and enhance the established quality and character of the Borough's residential neighborhoods and community business district.
2. To maintain a mixture of housing types and compatible economic activities to achieve a balanced community and diversified tax base.
3. To recognize Aspinwall's role in the Fox Chapel Area School District and support cooperative approaches to the issues and problems that mutually affect the region.
4. To maintain stable residential neighborhoods by controlling incompatible land uses and potentially adverse environmental effects.
5. To develop a cohesive business district characterized by high-quality aesthetic standards and local appeal, with adequate multi-modal access and circulation.
6. To enforce suitable standards for industrial operations within Aspinwall's limited industrial area, including environmental protections and adequate vehicle access.
7. To upgrade community facilities and services in the areas of recreation and utilities, enhancing services for a broad range of age and interest groups in the community and assuring safe and reliable water and sewer systems.
8. To enhance safe, efficient and pleasant routes for pedestrian and bicycle movement.
9. To continue to integrate environmentally sustainable approaches and practices with long-term

resilience in mind.

§ 27-104. Application of the Regulations.

1. The regulations established by this chapter shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except that additional classifications may be made within any district for the purposes of: (A) making transitional provisions at or near the boundaries of districts; (B) regulating nonconforming uses and structures; (C) regulating, restricting or prohibiting uses and structures at or near major thoroughfares, their intersections and interchanges; natural or artificial bodies of water; places of relatively steep slope or grade; public buildings and grounds; places having unique historical or patriotic value or interest; floodplain areas and other places having a special character or use affecting or affected by their surroundings. Among several classes of zoning districts, the provisions for permitted uses may be mutually exclusive, in whole or in part.
2. Notwithstanding any definition or any other provision of this chapter, no definition or other provision of this chapter shall be construed, applied or interpreted in a fashion which violates the Federal Fair Housing Act, as amended and as interpreted by any court of competent and binding jurisdiction.
3. No building, structure or land shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.
4. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building, unless otherwise provided by this chapter.
5. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter. In case of subdivision or combination of lots, no lot shall be created which does not meet the requirements of this chapter.
6. It is the intention of the Borough that all property within its boundaries shall be zoned. In the event any property within the Borough has previously been left unzoned, or is currently unzoned, or in the event any property shall at any time hereafter be determined to be unzoned, or not classified as belonging to any particular zoning district by proper ordinance, the same shall nonetheless be subject to all applicable general provisions and standards of this chapter. Additionally, such property shall be subject to the use, area and bulk regulations, off-street parking requirements and other general provisions otherwise applicable to properties in the AR-4 Zoning District.
7. In the case any public building, facility or land area, such as a school, recreation area, community center or municipal building, shall cease to be used according to its intended function, the Borough Planning Commission shall study the existing zoning classification of the property on which the said use is located and shall make recommendations to the Borough

Council on any necessary zoning changes to ensure a suitable reuse of the parcel. This study and recommendation shall be made by the Planning Commission within 90 days of the notification by the appropriate public entity of the intent to terminate the existing use of the property.

§ 27-105. Interpretations.

1. Wherever the regulations within this chapter are at variance with other lawfully adopted rules, regulations, ordinances, restrictions or covenants, those which impose the most restrictive requirements shall govern.
2. No structure or use which was not lawfully existing at the time of the adoption of this chapter shall become or be made lawful solely by reason of the adoption of this chapter; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of this chapter, said structure remains unlawful hereunder.
3. Regardless of any other provision of this chapter, no land shall be used and no structure erected or maintained in violation of any state or federal environmental protection law or regulation.

§ 27-106. Wellhead Protection.

This chapter is hereby supplemented by Chapter 26 of the Aspinwall Code, Wellhead Protection, and the same shall be considered an amendment to and a part of this chapter.

Part 2 DEFINITIONS

§ 27-201. Language Interpretations.

1. For the purpose of this chapter certain terms and words used herein shall be interpreted or defined as follows:
 - A. Words used in the present tense shall include the future.
 - B. Words in the singular shall include the plural.
 - C. The word "person" includes a corporation, company, partnership and association, as well as an individual.
 - D. The word "lot" includes the words "plot" or "parcel."
 - E. The term "shall" is always mandatory.
 - F. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designated to be used or occupied."
 - G. The word "building" includes the word "structure."

§ 27-202. Definitions.

In addition to the following definitions, diagrams illustrating key lot, area and bulk and sign terms appear at the end of this section. In the event of any discrepancy between the illustration and the written definition, the definition shall govern.

ABANDONMENT — To intentionally cease the use of a property, excluding temporary or short-term interruptions during periods of remodeling, maintaining or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. An “intent to resume” can be demonstrated through continuous operation of a portion of the facility, maintenance of sewer, water, and other public utilities, or other outside proof of continuance such as bills of lading, delivery records, etc.

ACCESSORY DWELLING UNIT — A subordinate residential unit that is located on the same zoning lot as a single-family or two-family dwelling and provides complete independent living facilities, including provisions for sleeping, cooking, and sanitation. [NOTE: Definition is added and use does not appear in use table, so per §27-504.I, this use is authorized only in AI-1 Limited Industrial, effectively not permitted anywhere.]

ACCESSORY STRUCTURE OR USE — A use, building or structure, the use of which is customarily incidental and subordinate to the main or principal use, building or structure and which is located on the same lot therewith.

ADULT-ORIENTED BUSINESS — An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, tattoo parlor or body-piercing establishment as defined in Chapter 13, Part 8, of the Aspinwall Borough Code of Ordinances, Adult Oriented Businesses.

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

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

AMBIENT NOISE LEVEL — The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location without extreme atmospheric conditions such as wind greater than three meters per second or precipitation and then adjusting the noise level to eliminate any noise associated with existing developments or facilities

AMUSEMENT ARCADE — A business, or portion thereof, having on its premises for use by the public, five or more video or electronic devices ~~operated by inserting a coin or token~~, such as single- or multi-player video games, pinball machines, skill-based gaming devices, or any similar entertainment machines. This definition does not include adult-oriented entertainment establishments or those where gaming is primarily for monetary wagering regulated under state law.

ANIMAL DAYCARE — A facility that cares for pet animals for less than 12 consecutive hours in the absence of the pet owner, or a facility that cares for pet animals in training with or without the facility owner receiving compensation for such services.

ANIMAL KENNEL — Any premises where, except as accessory to an agricultural or veterinary use, dogs and/or cats over three months of age are temporarily boarded overnight. [NOTE: Regarding suggestion to prohibit keeping of exotic animals, Pashek suggests adding this under Borough Code Chapter 2: Animals so that enforcement can be immediate and continuous, allowing the Borough to expeditiously control any public safety risks. Franklin Park has [a strong example.](#)]

ANIMAL HOSPITAL AND KENNEL — An establishment owned and 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, including the accessory boarding and grooming of animals.

APARTMENT — See "dwelling, multifamily."

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for development including his/her heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT — Every application, whether preliminary, tentative or final, required to be filed pursuant to this chapter.

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

AUTO REPAIR SHOP — A facility where automobiles, light trucks, or motorcycles are serviced, maintained, or repaired, including both mechanical repair and body/collision repair. This includes, but is not limited to, mechanical repairs, body and collision repairs, and accessory uses such as offices, customer waiting areas and retail sales of parts and supplies directly related to the vehicles serviced on site. This definition does not include salvage operations or junkyards.

BASEMENT OR CELLAR — A story wholly or partly underground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

BED-AND-BREAKFAST — A private, owner-occupied residence operated primarily as a business, with no more than five guest rooms, where overnight accommodations and a morning meal are provided to transients for compensation. **A bed-and-breakfast shall not include a family boarding house, group residence, motel or hotel.**

BEST MANAGEMENT PRACTICES — State of the art mitigation measures applied to oil and natural gas drilling and production to help ensure that energy development is conducted in an environmentally responsible manner.

BILLBOARD — A sign, other than one indicating a business conducted on the premises, upon which advertising matter of any character is printed, posted or lettered; it may be either freestanding or attached to the surface of a building or other structure, or applied directly to the surface. (See also, "Sign").

BOROUGH — Borough of Aspinwall.

BOROUGH COUNCIL — The Council of the Borough of Aspinwall.

BOROUGH ENGINEER — The professional engineer licensed as such in the Commonwealth of Pennsylvania and duly appointed as the engineer of the Borough of Aspinwall, or his designee.

BOROUGH MANAGER — The Manager of the Borough of Aspinwall, or his designee, or the designee of Borough Council.

BREW PUB — **Establishment engaged primarily in the retail sale of prepared food for consumption, which includes the brewing of beer as an accessory use. The brewing operation produces beer and ale by mashing, cooking and fermenting and does not include the production of any other alcoholic beverage.**

BUFFER AREA — An area of land which may include natural or artificial land forms or a planted area with shrubs, bushes, trees, grass or other ground cover material, and within which no structure or building shall be authorized except a wall or fence which meets requirements of this chapter.

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

BUILDING AREA — The area of the lot within the building lines, bounded by the required yards; where there is no required yard, then bounded by the lot line.

BUILDING FOOTPRINT — The existing location of a building on property as delineated by the outermost location of the building's walls and foundation, **including all enclosed or covered portions of the building. This term shall not include open, uncovered porches, decks, patios, stoops, steps, or similar structures that are not enclosed by walls or screens and do not have a roof.**

BUILDING LINE — A line which designates the minimum distance that a building must be erected from a street right-of-way line. Such distance shall be measured at right angles from the front street right-of-way which abuts the property upon which said building is located and be parallel to said right-of-way line. The building line shall not include steps.

BUILDING-INTEGRATED SYSTEM — A solar photovoltaic system that is constructed as an integral

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

BUILDING-MOUNTED SYSTEM — A solar photovoltaic system attached to any part or type of roof on a building or structure that has an occupancy permit on file with the Borough and that is either the principal structure or an accessory structure on a recorded lot. This system also includes any solar-based architectural elements. This definition does not include building-integrated systems.

BUILDING SUPPLIES AND EQUIPMENT — Property used for the storage of equipment, materials, and vehicles associated with a construction, trade, or contracting business. May include contractor's office.

BUSINESS SUPPORT SERVICES — A commercial land use consisting of activities performed or products supplied to other commercial land uses. Examples include printing, photocopying, business equipment rental, and office supply.

BULK — The term used to describe the size of buildings and their relationship to one another, to open areas, and to lot lines. Requirements relating to the bulk include standards for size, including area, height and floor area of a building; the number of dwelling units in a residential building in relationship to the area of the lot; and areas in yards or other open spaces.

BUSINESS AND PROFESSIONAL OFFICE — The office of an engineer, ~~doctor, dentist,~~ attorney, real estate broker, insurance broker, **banker**, architect or other similar professional person; and any office used primarily for accounting, correspondence, design, research, editing or administration. **This use does not include medical or dental offices.**

CELL — The smallest basic solar electric device which generates electricity when exposed to light.

CLEAR SIGHT TRIANGLE — The unobstructed sight along both roads or driveways at an intersection and across their included corner for distances sufficient to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision. The minimum sight triangle may vary according to type of street and speed limit. Sight distance along the street shall be measured at the height of the driver's eye, which is assumed to be 3.75 feet above the road surface (see illustration).

CLINIC — An establishment that administers or dispenses controlled substances, according to the direction of a physician in a rehabilitative context in order to alleviate, suppress or eliminate adverse psychological or physiological symptoms of medical conditions or the continuous or sustained use of a narcotic drug. Includes dispensaries that hold a permit issued by the Pennsylvania Department of Health to dispense medical marijuana as well as clinics, institutions and other entities designed and operated to manage opioid addiction, to administer opioid addiction treatment programs and to provide detox treatment to individuals attempting to overcome an addiction to or dependence on heroin or other opioids.

CLOSED-LOOP SYSTEM — A system utilized while drilling so that various types of pits are not used and instead steel bins or closed containers are used to collect all drilling waste.

COMMERCIAL — Engaging in a business, enterprise, activity or other undertaking for profit.

COMMON OPEN SPACE — A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the development, but excluding streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATIONS ANTENNA — Any device used for the transmission or reception of radio, television, wireless, telephone, pager, commercial mobile radio service or any other wireless communications signals including, without limitation, omnidirectional or whip antenna and directional or panel antenna, owned or operated by any person or entity licensed by the Federal Communications Commission ("FCC") to operate such device. This definition includes free standing antenna, antenna mounted on communication towers ("tower-mounted communication antenna") and antenna mounted on buildings ("building-mounted communication antenna"). This definition does not include private residence mounted satellite dishes or television antenna or amateur radio equipment including, without limitation, ham or citizen band radio antenna.

COMMUNICATIONS EQUIPMENT BUILDING — Any unmanned building, court or other enclosure containing equipment or control devices for the operation of a communication antenna.

COMMUNICATIONS TOWER — A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to hold and facilitate the operation of a communications antenna.

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

COMPLETION OF DRILLING, REDRILLING AND REWORKING — The date within 60 days of the completion of drilling, redrilling or reworking of the well site.

CONDITIONAL USE — A use which may be permitted in one or more zoning districts upon approval of Borough Council who may grant approval pursuant to express standards and criteria and the provisions of this chapter.

CONSTRUCTION — The erection, renovation, repair, extension, expansion, alteration or relocation of a building, structure or site improvements including the placement of mobile homes.

CONVENTIONAL WELL or TRADITIONAL WELL — A well that produces oil or gas from a conventional formation. Conventional formations are variable in age, occurring both above and below the Elk Sandstone. While a limited number of such gas wells are capable of producing sufficient quantities of gas without stimulation by hydraulic fracturing, most conventional wells require this stimulation technique due to the reservoir characteristics in Pennsylvania. Stimulation of conventional wells, however, generally does not require the volume of fluids typically required for unconventional wells.

CORNER LOT — See "lot, corner." COUNCIL

COUNTY PLANNING AGENCY — Allegheny County Department of Economic Development or its successor.

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

COVERAGE — See "lot, coverage."

DATA CENTER — A building of not more than 25,000 square feet in floor area that is occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms.

DAY — Days shall be measured by calendar days wherever a time period is stipulated in this chapter.

DAY CARE CENTER — A facility providing care, supervision and/or instruction for six or more pre-school age children, excluding care provided by the operator to his or her relatives (child, stepchild, grandchild or foster child), and licensed to operate as such by the Pennsylvania Department of Public Welfare.

DAY CARE, FAMILY — An accessory use in which a facility provides care, supervision and/or instruction for up to six school age children, excluding care provided by the operator to his or her relatives (child, stepchild, grandchild, or foster child), and is licensed to operate as such by the Pennsylvania Department of Public Welfare.

DEVELOPER — Any landowner, agent of such landowner or tenant with the permission of such landowner, who undertakes a development.

DEVELOPMENT — Any change to real estate including, but not limited to, the erection, construction or placement of a structure or building, utilities, streets, parking and loading areas or other paved filling, grading, excavation, mining, drilling or dredging operations, or the placement of mobile homes.

DISPENSARY — See CLINIC.

DISPOSAL WELL — A nonproducing gas well used for the storage of waste water.

DRILLING — Any digging or boring of a new well to explore, develop, or produce oil, gas or other hydrocarbons or to inject gas, water or any other fluid or substance into the earth.

DRIVE-THROUGH — A feature that allows customers to receive goods or services while remaining in vehicles, typically via a designated drive lane, order station, service window, or automated machine. When accessory, the drive-through component is secondary to a principal use such as a restaurant, pharmacy, bank, or dry cleaner, and is intended to support but not replace the primary in-building customer service function.

DWELLING UNIT — A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation. It shall not be deemed to include hotels, family boarding or rooming houses, institutional facilities and residence clubs.

GARDEN DWELLING — A type of multifamily dwelling structure up to three stories in height, sometimes designed around courts or common open areas, frequently having private balconies or patios.

MULTI-FAMILY DWELLING — A residential building containing three or more separate dwelling units. Includes but is not limited to GARDEN DWELLING, MULTIFAMILY MULTI-STORY and TOWNHOUSE.

MULTI-FAMILY MULTI-STORY — A type of multifamily dwelling structure with more than three stories, but not exceeding the height limitation for the district in which it is located, with an elevator as well as stairs to all levels. All units are accessible through an entrance hall shared with other dwelling units. This term shall also include the term "mid-rise apartment."

SINGLE FAMILY DWELLING — A detached residential dwelling unit, other than a mobile home, occupied by only one family.

TOWNHOUSE — A structure consisting of three to twelve attached dwelling units separated from one another by continuous vertical walls without opening from basement to roof. **Side yards shall be adjacent to each end unit and each dwelling unit shall have independent outside access.**

TWO-FAMILY DWELLING — A detached building occupied by only two families, independent of each other, with the two units either attached side by side or one above the other.

DWELLING UNIT DENSITY — The maximum number of dwelling units authorized per acre.

EATING AND DRINKING ESTABLISHMENT — A place for the sale and consumption of food and/or beverages to the general public, which includes restaurants, bars, taverns and similar establishments.

ELECTRIC VEHICLE (EV) CHARGING STATION — **A public or private parking space that is served by battery charging station equipment and has as its primary purpose the transfer of electric energy to a battery or other energy storage device in an electric vehicle. A Level 1 system uses a standard 120-volt (V) AC plug. A Level 2 system involves a voltage range of 121 through 240 volts. A Level 3 system involves an industrial-grade outlet (208 V, 480 V or greater voltage) that allows for rapid charging.**

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

ESSENTIAL SERVICES — Underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their required buildings, owned and operated by a public utility (licensed by the Pennsylvania Public Utility Commission as such). Essential services do not include public or private incinerators, landfills or similar waste disposal facilities, or towers or other structures used for telecommunications, radio, cellular telephone, paging, television or similar uses.

EXPLORATION — Temporary geologic or geophysical activities, drilling in context with the zoning definition in this chapter, including seismic surveys, related to the search for natural gas or other subsurface hydrocarbons.

FAMILY — An individual, or two or more persons related by blood or marriage or adoption, living together in a dwelling unit; or a group of not more than three persons who need not be related by blood or marriage or adoption, living together as a single housekeeping unit in a dwelling unit, and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption; provided, however, that "family" shall not include boarding homes, family boarding homes, nursing or convalescent homes, institutional facilities, group residences, dormitories, fraternity houses, sorority houses, or similar uses.

FAMILY BOARDING HOME — ~~A facility, located in a residential area, where the resident household~~

~~provides room, board and specialized services to six or fewer unrelated persons. These individuals may be children, handicapped, elderly or otherwise in need of specialized supervision and care. A dwelling unit in a residential area where room and board are provided to six or fewer unrelated persons of any age who are permanent residents, who have disabilities as defined by the Americans with Disabilities Act of 1990, as amended, and who are in need of supervision and specialized services, including necessary staff who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents, such services being provided by a governmental agency, its licensed or certified agents or any other responsible nonprofit corporation meeting the minimum requirements of the sponsoring agency. This category shall not include facilities operated by or under the jurisdiction of any government bureau of corrections or similar institution.~~

FARMING AND PLANT CULTIVATION — An enterprise that is actively engaged in the commercial production and preparation for market of crops, flowers, and other plants, and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. This land use includes greenhouses.

FENCE — Any structure constructed of wood, metal, wire, mesh, vinyl, composite, plastic, masonry or other natural or synthetic materials erected for the purpose of screening one property from another to assure privacy, protection or confinement of the property. The term "fence" shall include screening walls and hedges exceeding 30 inches in height.

FENCES, OPEN AND SOLID — A fence shall be considered "open" if every segment of the fence (e.g., a section between posts) is composed of at least 50% open spaces and no more than 50% solid materials. All fences exceeding these amounts are considered "solid" fences.

FLOOD FRINGE AREA — The flood fringe area of the floodplain district shall be that area of the one-hundred-year floodplain not included in the floodway area. The basis for this outermost boundary of this area shall be the one-hundred-year flood elevations contained in the flood profiles of the Flood Insurance Study and as shown on the Flood Boundary and Floodway Map for Aspinwall Borough.

FLOODPLAIN — A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; and/or an area subject to the unusual and rapid accumulation or runoff of surface waters. The boundaries of the one-hundred and five-hundred-year floodplain are delineated on the Borough Flood Insurance Study.

FLOODPLAIN DISTRICT — All areas subject to the inundation by waters of the one-hundred-year flood. The basis for delineation of this district shall be the same as designated in the latest official documentations of the Flood Insurance Study, the Flood Insurance Rate Map and the Flood Boundary and Floodway Map for the Borough of Aspinwall, as prepared by the Federal Insurance Administration.

FLOODWAY — The channel of a river, stream or other watercourse capable of carrying the waters of the one-hundred-year flood without increasing the water surface elevation of that flood not more than one foot at any point. The boundaries of the floodway are delineated on the Flood Insurance Study and Flood Boundary Maps for Aspinwall Borough.

FLOWBACK WATER — The murky, salty water from fracking natural gas wells. It consists of frack fluid which returns to the surface as well as produced water.

FRACTURE or FRACKING — The process of injecting water, customized fracking fluid, steam, or gas into a gas well under pressure to improve gas recovery.

FRESH WATER or WATER SOURCE — Water obtained from a potable water source of the commonwealth such as a stream, lake, water well, spring or other source that has not been treated or utilized in commercial or industrial operations. The term shall not include any water obtained from a local water authority.

FRONT YARD — See "yard, front."

FUNERAL HOME — A building used for the preparation of the deceased for cremation or burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for the purpose of this Code, includes a funeral chapel.

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

GARDEN DWELLING — See DWELLING UNIT.

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

GAS WELL — Any well drilled for the intent of extracting gas or other hydrocarbons from beneath the surface of the earth.

GRADE — The average finished ground level adjoining a building along all exterior walls. If the ground slopes away from the building, the grade shall be taken from the lowest point within six feet of the building. If the lot line is closer than six feet, grade shall be measured to the lowest point between the building and the lot line.

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

GROUND-MOUNTED SYSTEM — A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

GROUNDWATER — Water in that portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials. Groundwater often supplies wells and springs and is often withdrawn for domestic, agricultural, municipal, industrial and other beneficial uses.

GROUP RESIDENCE — A facility located in a residential area, which provides room, board and specialized services to six or fewer unrelated persons, such as children (under 18 years), handicapped or elderly (over 60 years) individuals. The individuals must be living together as a single

housekeeping unit with one or more adults providing qualified twenty-four-hour supervision. The group residence may be operated by a governmental agent, certified agent or nonprofit corporation. This category shall not include facilities operated by or under the jurisdiction of any government bureau of corrections or similar institution.

HEIGHT, MAXIMUM — ~~The vertical distance measured from top of grade to the top of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip roof. Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar roof structures required to operate and maintain the building on which they are located shall not be included in calculating maximum height.~~ The vertical distance from the established grade of a building to the highest point of the roof, measured as follows:

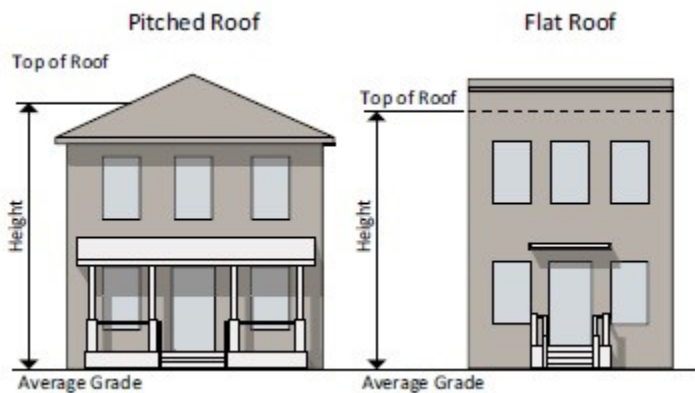
1. Flat Roof: From grade to the highest roof beam.
2. Gable, Hip, or Sloped Roof: From grade to the average (mean) height between the eaves and the ridge of the roof.

See GRADE definition for purposes of measurement.

Exclusions: The following rooftop structures are not included in maximum height calculations: chimneys; flues; stacks; fire escapes; elevator enclosures; heating, ventilation, air conditioning; skylights; water tanks, or other mechanical equipment.

[NOTE: Change is to clarify. This updated version still uses the average, as opposed to roof ridge as point of limitation, based on the committee's discussion.]

Figure 2A: Building Height



HOME OCCUPATION — See "no-impact home based business."

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

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

IMPERVIOUS SURFACE — A surface area that prevents or retards the infiltration of water into the soil and/or a hard surface area that causes water to run off the surface of the ground in greater quantities or at an increased rate of flow from the conditions prior to development, construction, building or installation.

INDUSTRIAL USE — A category of industrial uses that includes storage, distribution, warehousing, equipment yards, vehicle depots, and contractor services. These uses may involve handling goods, equipment, or waste but do not primarily engage in the physical transformation of materials. Examples include logistics hubs, truck terminals, recycling centers, and construction equipment storage.

INSTITUTIONAL FACILITY — A facility providing room and board for more than six persons who are residents by virtue of requiring specialized care and supervision relating to health, social and/or rehabilitative services. The facility shall be staffed on a twenty-four-hour basis by qualified personnel and operated in accordance with commonwealth and Allegheny County laws and regulations.

JUNK — Any discarded material, articles or things including, but not limited to, scrap, copper, brass, rope, rags, batteries, paper, trash, rubber debris, water, iron, steel and other old or scrap ferrous or non-ferrous material. Any wrecked, ruined, dismantled, abandoned, non-operable, disable or junked motor vehicles or parts thereof, or motor vehicles no longer used as such.

JUNK VEHICLE — Any vehicle which is without a currently valid license plate or state registration and is in a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative, or abandoned condition, or for which the certificate of title has been returned to the Pennsylvania Department of Transportation in accordance with the provisions of the State Vehicle Code, or which by its appearance is unsightly and not in repairable condition, or which has been declared abandoned according to the provisions of the Borough of Aspinwall, Motor Vehicle and Traffic Ordinance [Chapter 15 hereof] or the State Vehicle Code. Where a certificate of junk has been issued by the Pennsylvania Department of Transportation, such certificate shall be conclusive evidence that the subject vehicle is a junk vehicle; however, where no such certificate has been issued or applied for, the failure to have the vehicle licensed shall be prima facie evidence that the subject vehicle is a junk vehicle.

JUNKYARD — Any yard, lot or place covered or uncovered, outdoors or in an enclosed building or structure, containing junk as defined herein, upon which occurs one or more acts of buying, keeping, storing, accumulating, dismantling, processing recycling, salvaging, selling or offering for sale any such junk, in whole units or by parts, or any premises used for the storage of junk vehicles.

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

LAND DEVELOPMENT — Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

- (2) A subdivision of land.
- (3) Development in accordance with § 503(1.1) of the MPC.
- (4) As used in this definition, the term "improvement" shall include, but not be limited to, construction, reconstruction, renovation, remediation and other similar activities:
 - (a) That increase or expand the building footprint and/or outside dimensions of an existing building on the subject property.
 - (b) The cost of which is equal to or greater than 40% of the fair market value of the subject property as established by the current Allegheny County property assessment records.
 - (c) The cost of which is \$100,000 or more.

LAND DEVELOPMENT PLAN — A plan that encompasses a proposed land development, which, in addition to a plat of subdivision, if required, includes all covenants relating to the use of the land; a topographic and boundary survey of the lot or parcel, the proposed use, location and bulk of buildings and other structures; the intensity of use or density of development; vegetation, drainage, floodways, wetlands and waterways, streets, ways and parking facilities; pedestrian circulation routes, common open space and public facilities. The "land development plan" shall include all of the written and graphic information required by the Subdivision and Land Development Ordinance [Chapter 22].

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

LEED-CERTIFIED BUILDING — A building, certified under the Leadership in Energy and Environmental Design (LEED) Program of the United States Green Building Council, that meets LEED standards for either new construction and major renovation projects or core and shell projects.

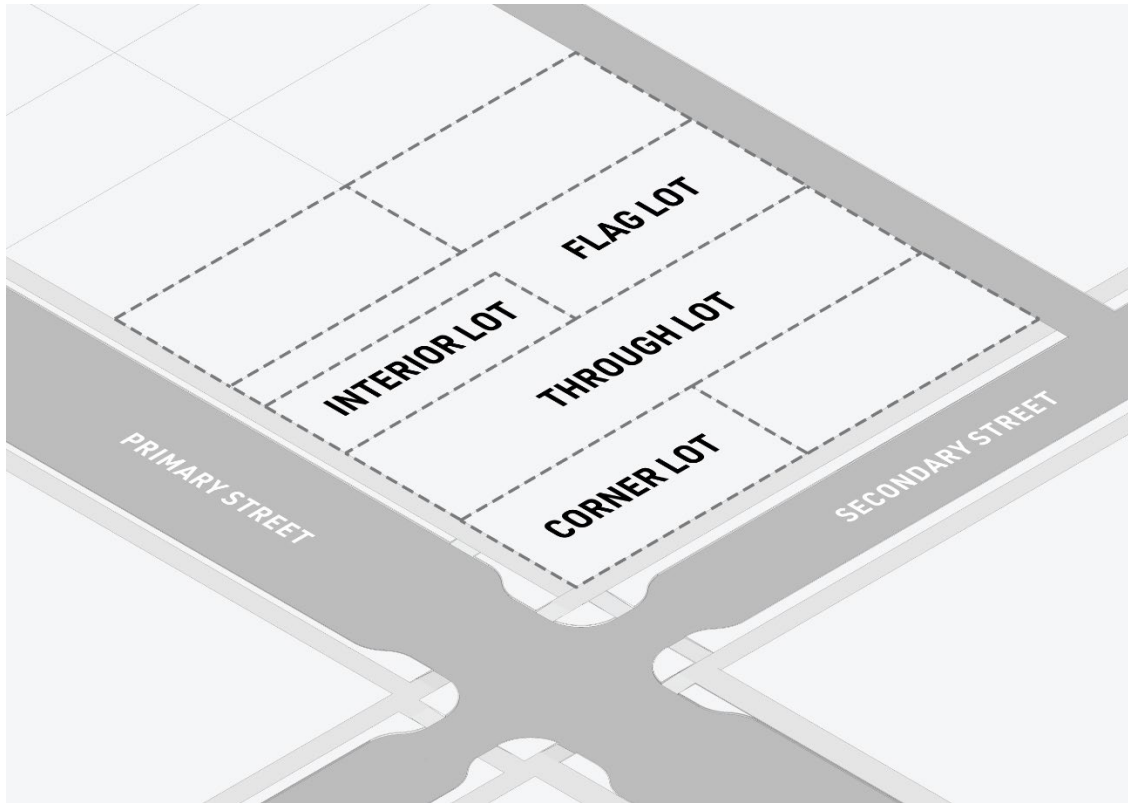
LIGHT INDUSTRIAL — A use engaged in the manufacture (predominantly from previously prepared materials) of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing, such as smelting, casting, rendering, and vulcanization.

LOADING SPACE, OFF-STREET — Space conveniently located, accessible and properly designed for the temporary use by vehicles making bulk pickups or deliveries of merchandise or materials.

LOCAL STREET OR ROAD — A public street or road, accepted by ordinance, serving abutting homogeneous land uses and providing for no truck usage except for local deliveries.

LOT — A tract of land in a plan of subdivision, consolidation or land development or any other parcel of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership. All lots shall front on a street improved to Borough Construction Standards.

Figure 2A: Lot Types



LOT AREA — The total area within the boundary of a lot but excluding the area of land bounded by any front lot line, the center line of a street right-of-way on which its fronts and the side lot lines intersecting the front lot line at its end extended to the center line of the street right-of-way.

LOT AREA PER DWELLING UNIT — The quotient obtained by dividing the total lot area by the total number of dwelling units to be located on such lot.

LOT COVERAGE — ~~That percentage of a lot which when viewed directly from above would be covered by a structure or structures, or any part thereof, excluding protecting roof eaves.~~ The area of a lot that is covered by a structure, accessory structure, parking area, driveway, walkway, or roadway, excluding protecting roof eaves. Lot coverage includes, but is not limited to, building footprints, asphalt, concrete, paving stones set in mortar or sand, gravel, crushed stone, or similar loose aggregate surfaces, and other non-engineered ground coverings. Excluded from lot coverage are grass and lawn surfaces or other vegetation, along with surfaces specifically engineered and constructed to allow stormwater infiltration, such as permeable pavement systems, infiltration beds, or similar best management practices, when designed, installed, and maintained in accordance with approved plans or applicable stormwater management standards.

LOT DEPTH — The distance between the midpoints of the front lot line and the rear lot line.

LOT, FLAG — A lot which is separated from all road rights-of-way by another lot or lots and which is connected to some right-of-way by a private access strip narrower than the minimum required lot

width for the applicable zoning district.

LOT, INTERIOR — A lot which is surrounded by other lots on all three sides, excluding a street.

LOT, THROUGH — A lot which fronts on two parallel streets or which fronts upon two streets that do not intersect at the boundaries of the lot.

LOT LINE, FRONT — A street right-of-way line forming the boundary of a lot. On a corner lot, the front lot line shall be the lot line along the street on which the principal building is addressed. The remaining street frontage shall be considered a side lot line.

LOT LINE, REAR — The lot line that is most distant from, and is, or is most nearly parallel to the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front line.

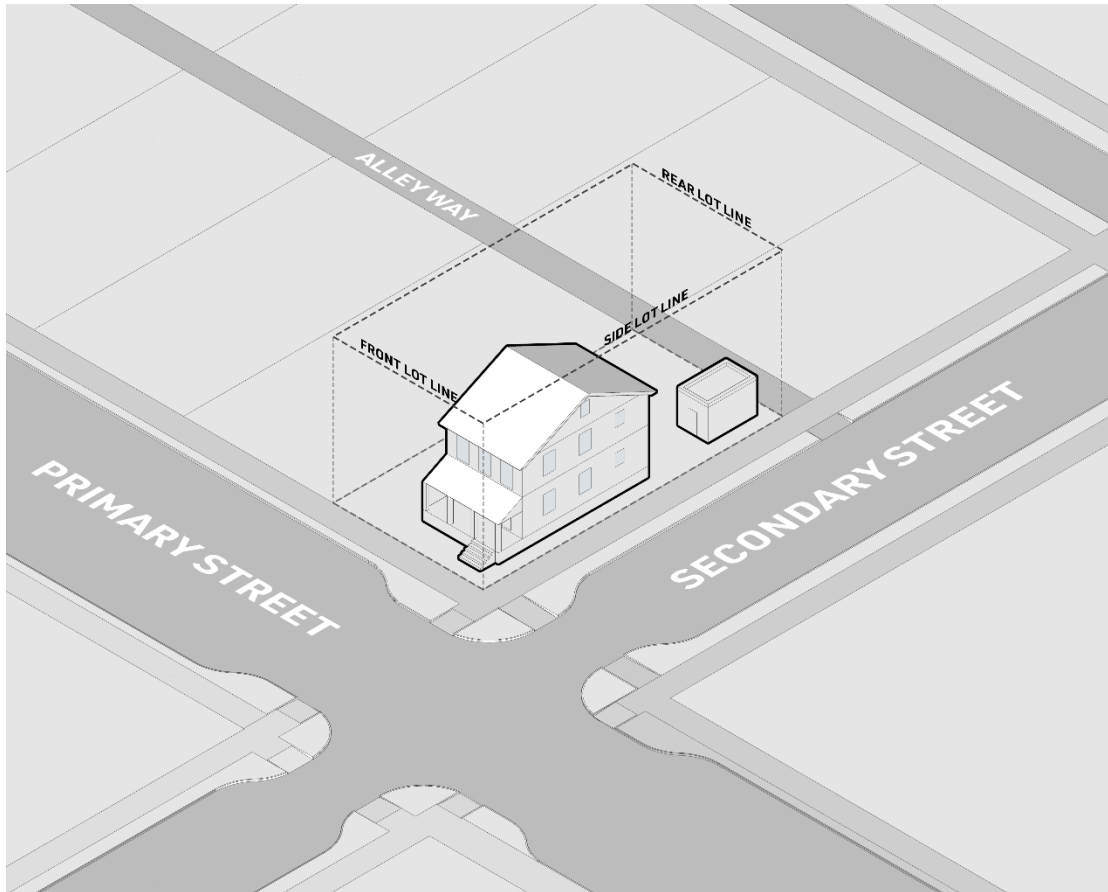
LOT LINE, SIDE — A lot line which is neither a front lot line nor a rear lot line.

LOT OF RECORD — A lot which is part of a subdivision recorded in the office of the Recorder of Deeds of Allegheny County or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH — The distance between the side lot lines measured at right angles to the lot depth at the established front building line.

LOT, CORNER — A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°.

Figure 2B: Lot Lines



MANUFACTURING — The mechanical or chemical transformation of raw materials or substances into new products, including the assembly of component parts, the creation of products from raw materials, and processing of semi-finished goods. This use typically involves machinery and equipment and may generate noise, vibration, smoke, odors, or other impacts. Examples include food processing plants, electronics assembly, metal fabrication, and textile production.

MANUFACTURED HOME — A **factory-built** structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or when erected on a site, it is 320 or more square feet. It shall be built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and including the plumbing, heating, air conditioning and electrical system contained therein. The term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standard established by the Pennsylvania Manufactured Housing Construction and Safety Standards Authorization Act, 35 P.S. § 1656.1 et seq. (See also, "mobile home.") **A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purpose of this title, a manufactured home shall be considered the same as any site-built, single-family detached dwelling.**

MANUFACTURING — The mechanical or chemical transformation of materials or substances into new products, or the assembling of component parts of manufactured items if the project is neither

a structure or other fixed improvement.

MEDIATION — A voluntary negotiating process in which parties to a dispute mutually select a neutral mediator to assist them in jointly exploring their differences, culminating in a written agreement that the parties themselves create and consider acceptable.

MEDICAL OR DENTAL OFFICE — A facility for the examination and treatment of ill and afflicted human outpatients, provided that patients are not kept overnight.

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

MEDICAL MARIJUANA PROCESSING FACILITY — A facility used to convert marijuana to usable marijuana and marijuana-infused products, owned by a person (including a natural person, corporation, partnership, association, trust or other entity or combination thereof) that holds a permit from the Pennsylvania Department of Health to grow and process marijuana.

MEDICAL SUPPLIES AND EQUIPMENT SALES AND SERVICE — A commercial establishment primarily engaged in the retail or wholesale sale, rental, or servicing of medical, surgical, or therapeutic equipment and supplies. This use may include on-site consultation, equipment demonstration, repair, and limited storage, but does not include patient diagnosis or treatment.

MIXED USE OR OCCUPANCY — The conduct or carrying on of two or more uses of one building.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly and constructed so that it may be used with or without a permanent foundation. **The term does not include recreational vehicles, shipping containers or travel trailers.**

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MODULAR UNIT — A unit transported on a removable or nonremovable frame, in which some or all of the component parts are fabricated, formed or assembled off-site in a factory, transported to the building site for assembly, and installed on the building site. The term includes "module," "prefab," "factory built," "panel-built," and similar terms. The completed unit shall comply with Borough Building Code Standards (Chapter 5) for conventionally constructed units. The modular unit is considered real property. **The term does not include shipping containers.**

MODULE — The smallest protected assembly of interconnected PV cells.

MULTIFAMILY, MULTI-STORY BUILDING — **See DWELLING UNIT.**

MULTIPURPOSE TRAIL — A way designed for and used by a variety of equestrians, pedestrians, and cyclists using nonmotorized bicycles.

MUNICIPALITIES PLANNING CODE (MPC) — The Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, as amended, 53 P.S. § 10101 et seq.

NO-IMPACT HOME-BASED BUSINESS — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery

or removal functions to or from the premises, in excess of those normally associated with residential use; and which otherwise complies with the requirements of § 27-412.

NONCONFORMING BUILDING or STRUCTURE — A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this chapter, its predecessors or any amendments thereto, such as minimum yard, maximum lot coverage, maximum height and off-street parking requirements, where such structure lawfully existed prior to enactment of this chapter, its predecessors or amendments thereto. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING LOT— A lot the area or dimension of which was lawful prior to the adoption of this chapter, its predecessor or any amendments thereto, but which fails to conform to the requirements of the zoning district in which it is located, such as minimum lot area requirements, by reasons of such adoption or amendments.

NONCONFORMING USE — A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter, its predecessor or any amendments thereto, where such use was lawfully in existence prior to enactment of this chapter, its predecessors or amendments thereto.

NURSING OR CONVALESCENT HOME — An institution for the care of children, the aged or infirm, duly licensed by the commonwealth to provide intermediate or skilled care, but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism or narcotics addiction.

OCCUPANCY PERMIT — A permit issued by the Zoning Officer before the occupancy of any new or remodeled building, use of land, or change of use, which certifies that all the requirements of this chapter and other applicable ordinances have been met.

OIL AND GAS DEVELOPMENT FACILITY or FACILITY —

- (1) **NATURAL GAS COMPRESSOR STATION** — A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.
- (2) **NATURAL GAS PROCESSING PLANT** — A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow the natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor oil or naturally occurring liquids from natural gas.
- (3) **GATHERING SYSTEM FACILITY** — A facility associated with a gathering system or water collection line, such as a drip station, vent station, pigging facility, chemical injection station or transfer pump station.
- (4) **PRODUCTION FACILITY** — A facility related to the production of gas which utilizes motors and/or engines.

OIL AND GAS DEVELOPMENT or DEVELOPMENT — The well site preparation, well site construction, drilling, fracturing, and/or site restoration associated with an oil and gas well; water and other fluid storage; gas reservoir; impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines, not regulated by the Pennsylvania Public Utility Commission or United States Department of Transportation, Office of Pipeline Safety, and associated equipment; and all other equipment and activities associated with the exploration for, production of and transportation of oil and gas, including natural gas compressor stations and natural gas processing plants, structures, defined as other support facilities or structures performing similar functions that operate as midstream facilities.

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

OPEN SPACE — Public or private land used for recreation, resource protection, amenity and/or buffers, not including any area of a lot, any part an existing or future street right-of-way, easement of access or areas set aside for public or private utilities, stormwater facilities and easements.

OUTDOOR CAFÉ — A subordinate dining area on the public right-of-way immediately in front of a restaurant or café, or on an adjacent plaza, where food and beverages are served exclusively via table service to patrons of the main establishment. Service must be limited to seated customers. Alcohol consumption is allowed by seated patrons only in conformance with state and local laws.

PAD or WELL PAD — An area which includes the perimeter of the surface area of drilling operations.

PARKING SPACE — An off-street space available for parking of a motor vehicle and which has a hard, all-weather surface and is at least an area nine feet wide by 18 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

PARKS AND PUBLIC RECREATION SPACE — A lot or parcel owned by a government agency (federal, state, county or local), devoted to passive recreation and/or active recreation.

PERIMETER — The outer boundary of a development site or area.

PERMITTED USE — An authorized use allowed by right, which may be granted by the Zoning Officer upon compliance with the requirements of this chapter.

PERSONAL SERVICE — An establishment providing nonmedical related services, including beauty and barber shops, clothing rental, dry-cleaning pickup stores, laundromats, psychic readers, shoe repairs shops and tanning salons. This use may also include accessory retail sales of products related to the services provided.

PHOTOVOLTAIC (PV) — A semiconductor-based device that converts light directly into electricity.

PLANNING COMMISSION — The Aspinwall Borough Planning Commission.

PLACE OF WORSHIP — A building used as a place of religious worship or teaching (except rescue

mission, temporary revival structure, or retreat house).

PLAT — A map or plan, either preliminary or final, presented to the Borough for approval, indicating the subdivision, consolidation or redivision of land or a land development.

PORCH — An open roofed or enclosed exterior appendage to a main or accessory structure, projecting from the front, side or rear walls of the structure. For purposes of this chapter, porches shall include structures and home additions commonly referred to as patios, sunrooms, sun porches, decks and similar structures or construction. Stoops or slabs which extend beyond the front, side or rear walls of a main structure a distance of more than four feet and/or exceed the length of six feet along said front, side or rear walls are deemed to be porches by definition. Permanent or temporary awnings which extend beyond five feet from the front, side or rear walls of the main structure, or which are partially or wholly supported by posts, poles, spires or similar construction or structures set beyond the walls of the main structure are deemed to be porches by definition.

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

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

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

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

PROTECTED STRUCTURE — Any occupied structure. The term shall not include any structure whose owner has signed a waiver relieving the operator from implementation of the measures established herein or other applicable provisions of the Code of the Borough of Aspinwall. In the waiver, the owner must acknowledge that the operator is explicitly relieved from complying with the regulations applicable to a protected structure. The waiver must be notarized.

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

PUBLIC IMPROVEMENTS — All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities to be dedicated to or maintained by the Borough and comply with the Borough's Construction Standard Details or other public entities.

PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more

than 30 days and the second publication no less than seven days from the date of the hearing.

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

REAR YARD — See "yard, rear."

RECREATION FACILITY — A building, structure or area designed and equipped for the conduct of sports and/or leisure activities that attract a large number of users. Activities and improvements associated with a recreation facility include: indoor/outdoor swimming pools; indoor/outdoor ice skating rinks; and any other recreation facilities.

RESEARCH AND DEVELOPMENT — Any establishment, including laboratories, that 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 supporting storage and transportation facilities as an accessory use.

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

RETAIL, GENERAL — Commercial establishments engaged in selling merchandise directly to customers for personal or household consumption and rendering services incidental to the sale of goods.

RETAIL, BUILDING SUPPLIES AND EQUIPMENT — A commercial use involving the sale of building materials and supplies to contractors, tradespeople, and the general public. Typical products include lumber, hardware, paint, plumbing fixtures, heating and cooling equipment, electrical components, roofing, siding, and similar construction or renovation materials. This use may include indoor and outdoor display or storage of merchandise, and incidental equipment rental or delivery services.

RIVER — The Allegheny River.

RIVERFRONT DEVELOPMENT — Riverfront infill developments and riverfront planned developments.

RIVERFRONT DEVELOPMENT PLAN — The provisions for riverfront development, including a riverfront planned development or riverfront infill 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, ways and parking facilities, common open space and public facilities. The phrase "provisions of the riverfront development plan," when used in this chapter, shall mean the written and graphic materials referred to in this chapter.

RIVERFRONT INFILL DEVELOPMENT — An area of land, controlled by a landowner, to be developed as a single entity for a single use or a combination of uses, up to five acres in area, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this chapter.

RIVERFRONT PLANNED DEVELOPMENT — An area of land, controlled by a landowner, to be developed as a single entity for a single use or a combination of uses, of five acres or more, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density,

or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this chapter.

RIVER-ORIENTED RECREATION AND COMMERCIAL — A category of land use that includes recreational, entertainment, and commercial activities that depend on or are enhanced by direct access to the riverfront. Uses may include but are not limited to boat rentals and launches, fishing piers, riverfront restaurants, outfitters, guided tour services, waterfront lodging, and similar uses that support active or passive enjoyment of the river. These uses are intended to preserve public access, enhance the scenic or environmental quality of the river corridor, and promote tourism or outdoor recreation-based economic development.

ROOMING HOUSE — A residential building other than a hotel in which part or parts are kept, used or held out to be a place where sleeping accommodations are offered for hire for three or more persons.

SCHOOL — Any public, private or parochial place of instruction, not including institutions of higher learning, having regular sessions, with regularly employed instructors, which teaches those academic subjects that are fundamental and essential in general education and which provide pre-primary and/or kindergarten through twelfth grade or a vocational school, all meeting the requirements of the Department of Education of the Commonwealth of Pennsylvania, but excluding any privately operated school of trades, vocations, avocations or business.

SCREEN — Decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation.

SENSITIVE NATURAL RESOURCES — Unique and environmentally fragile lands that are susceptible to negative ecological impacts created by land development.

SERVICE BUSINESS — Commercial establishment providing wide variety of services for individuals, business and government establishments and other organizations.

SEXUALLY ORIENTED BUSINESS — See ADULT-ORIENTED BUSINESS.

SHIPPING CONTAINER — A standardized, reusable steel box originally designed for intermodal freight transport. When used for accessory storage, a shipping container shall be subject to applicable zoning regulations, including use, design, and location standards.

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

A-FRAME SIGN — A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians.

AWNING SIGN — An exterior sign mounted on an awning.

INFLATABLE SIGN — A sign that is expanded to its full dimension or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure. Includes devices comprising a long tube attached to a fan which causes the tube to move in a dancing or flailing motion.

FREESTANDING SIGN — A sign on a freestanding frame, mast or poles and not attached to any building. Also known as a ground or detached sign. Includes both pylon and monument sign types.

MARQUEE SIGN — A sign that is either attached to or hung from a marquee, a type of structure that projects from and is supported by a building

MONUMENT SIGN — A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

OUTDOOR ADVERTISING SIGN — See "billboard."

PROJECTING SIGN — A sign mounted on the wall, window, face or other surface of a structure and departing angularly from the plane of such surface.

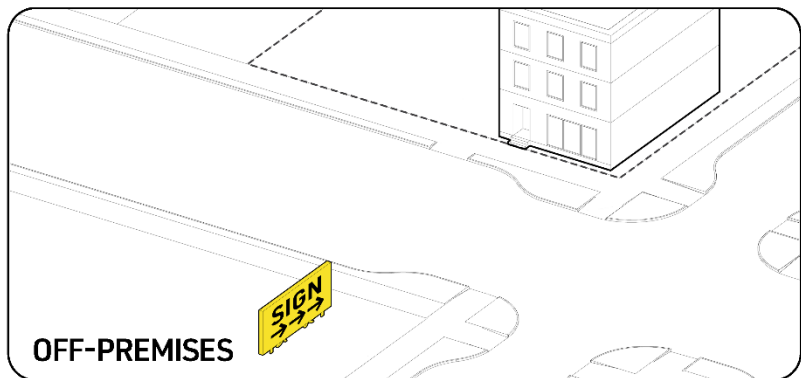
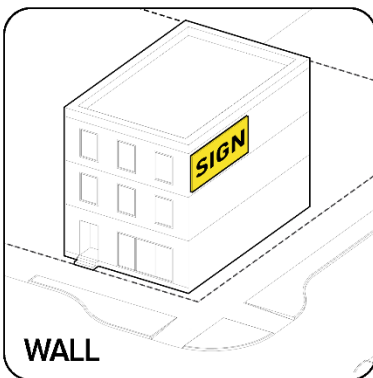
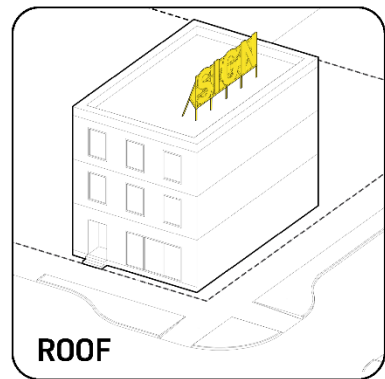
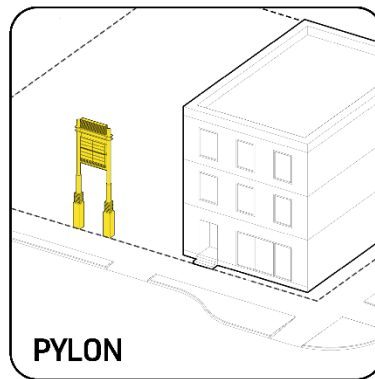
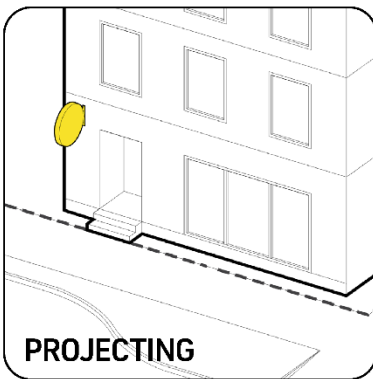
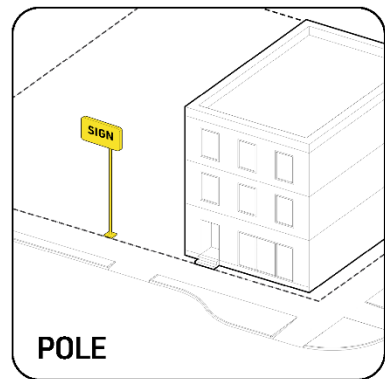
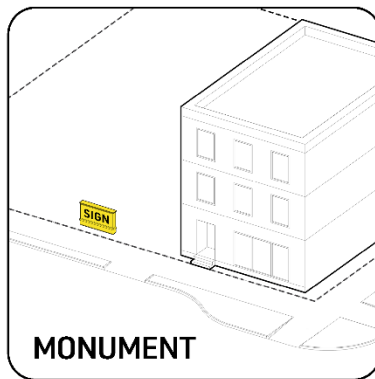
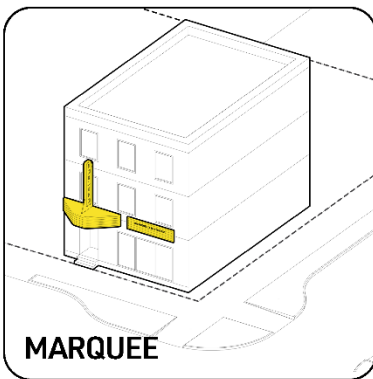
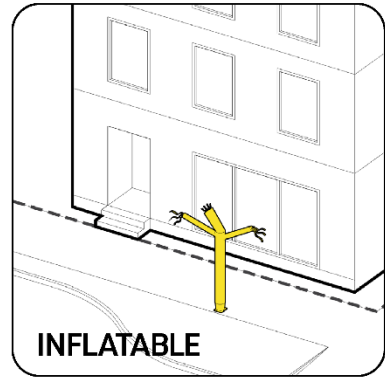
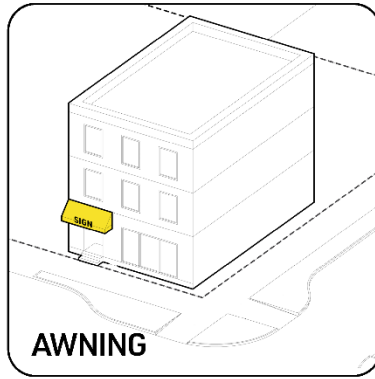
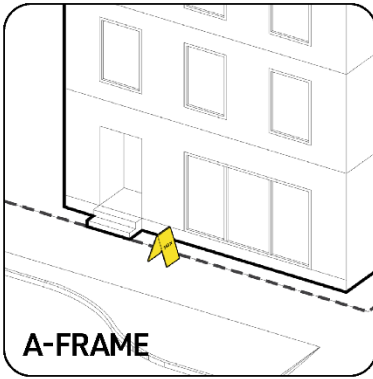
PYLON SIGN — A freestanding outdoor sign with either one or two poles for support.

ROOF SIGN — A sign that is attached to or above a building's roof or parapet.

TEMPORARY SIGN — A sign which offers the premises for sale, rent or development; or advertises the services of professionals or building trades during sale, construction or alteration of the premises upon which the sign is located, or advertises special short-term activities.

WALL SIGN — A sign attached to or erected against a wall of a building, with the face horizontally parallel to the building wall.

Figure 2C: Sign Types



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

SIGN BACKGROUND AREA — The entire area of a sign on which copy could be placed, as opposed to the copy area, when referred to in connection with a wall sign.

SIGN COPY AREA — The entire area of the smallest geometric figure which describes the area enclosed by the actual copy, advertising message, announcement or decoration of the sign.

SIGNABLE WALL AREA — The total area of a building face on which a wall sign may be installed. For a one-story building, it shall equal the total area between the lintel bar(s) and the parapet. For a multi-story building, it shall be equal to one of the following options, based upon the selected location for the proposed sign(s): (1) the total area between the lintel bar(s) and the floor level of the floor above; or (2) the total area between the lintel bar(s) of the top floor and the parapet (see illustration).

SITE PLAN — A plan of a proposed development or use on which is shown topography, location of all buildings, structures, roads, right-of-ways, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Borough or prescribed by this chapter.

SKETCH PLAN — An informal plan, not necessarily to exact scale, indicating topographic and other salient existing features of a tract of land and its surroundings and general layout of the proposed subdivision or land development.

SMOKE/VAPE SHOP — A retail establishment dedicated to the display, sale, distribution, delivery, offering, marketing or use of tobacco, tobacco products, alternative nicotine products/instruments, or cannabidiol (CBD), or any combination thereof, including but not limited to cigarettes, cigars, e-cigarettes (vapes), hookahs, or electronic smoking liquid (e-liquid or vape juice). This definition does not include gasoline service stations, grocery stores, or similar retail that carries conventional tobacco items as ancillary sales.

SOLAR PHOTOVOLTAIC (PV) RELATED EQUIPMENT — Items, including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations, used for or intended to be used for collection of solar energy.

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

SOLAR-BASED ARCHITECTURAL ELEMENT — A structural/architectural element that provides protection from weather, that includes awnings, canopies, porches or sunshades, and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment.

SPECIAL EXCEPTION — Approval for a particular use granted by the Zoning Hearing Board, according to the provisions contained in this chapter.

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

STORMWATER MANAGEMENT — The collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, groundwater, and/or runoff, together with applicable managerial (nonstructural) measures.

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

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

STREET GRADE — The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

STREET LINE — The line defining the edge of the legal width of a dedicated street right-of-way.

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

STREET, ARTERIAL — A public street which serves large volumes of local and through traffic and which collects and distributes traffic from collector streets through the region.

STREET, COLLECTOR — A public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

STREET, LOCAL — A street designed to provide access to abutting lots and to discourage through traffic.

STRUCTURE — Any assembled, erected or constructed object having a stationary location on or in land or water, whether or not it is affixed to the land. This includes but is not limited to, gazebos, storage sheds or containers, free standing posts, communications equipment buildings, communications towers, pillars and similar objects.

SUBDIVISION — The division or redivision 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SWIMMING POOL — A body of water in an artificial or semi-artificial receptacle or other container, whether located in or out of doors, used as a recreational facility for swimming, bathing or wading and having a depth of 24 inches or more. A swimming pool shall be deemed to include all building, equipment and appurtenances incidental to such a pool.

TOWNHOUSE DWELLINGS — See DWELLING, TOWNHOUSE.

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

TRAILER — A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes having a body width not exceeding eight feet.

UNCONVENTIONAL FORMATION — A geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

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

UNREGULATED YARD AREA — Area not within a building and not in a defined setback or yard area.

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

VARIANCE — Permissive waivers from the terms of this chapter, granted by the Zoning Hearing Board in cases where a literal enforcement of provisions of this chapter will result in unnecessary hardship, due to special conditions that are not self-imposed, and are determined not to be contrary to the public interest and the spirit and intent of this chapter, and as otherwise set forth in the Municipalities Planning Code.

VEHICULAR REPAIR — A use involving the maintenance, servicing, or mechanical repair of motor vehicles, including but not limited to engine repair, tire and brake services, oil changes, transmission work, exhaust system repairs, and similar mechanical or electrical work. This use may also include incidental towing and vehicle storage for service purposes, but does not include vehicle dismantling, salvage, or long-term outdoor storage of inoperable vehicles.

VETERINARY OFFICE — See **ANIMAL HOSPITAL AND KENNEL**.

WATER IMPOUNDMENT, FRESH — A lined depression, excavation pit or facility situated in or upon the ground, whether natural or artificial, used to store fresh water.

WATER IMPOUNDMENT, WASTE — A lined depression, excavation pit or facility situated in or upon the ground, whether natural or artificial, used to store waste water fluid including but not limited to brine, fracturing fluid, produced water, recycled water, impaired water, flowback water or any other fluid that does not satisfy the definition of "fresh water."

WELL OPERATOR OR OPERATOR OR APPLICANT — Any person, partnership, company, corporation and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing or transporting oil or gas. The person designated as the well operator or operator on the permit application or well registration. If the owner is a separate entity than the operator, then the owner shall also be listed. Where a permit or registration was not issued, the term shall mean any person who locates, drills, operates, alters or plugs any well or reconditions any well with the purpose of production there from. In cases where a well is used in connection with the underground storage of gas, the term also means a storage operator.

WELL SITE — Shall consist of the area occupied by any of the facilities, structures and equipment associated with or incidental to the construction, drilling, fracturing, production, or operation of an oil or gas well. If multiple areas are used, then the total combined areas shall be considered the well site.

WELLHEAD — The precise point of entry into the ground where the drilling of a gas well takes place.

WHOLESALE BUSINESS — Commercial establishment primarily engaged in selling merchandise to retailers; to industrial, commercial, educational, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for, or selling merchandise to, such persons or companies.

YARD — An open space on a lot which is unoccupied and unobstructed from the ground upward, except as otherwise provided herein (see illustrations).

YARD, FRONT — A yard extending along the full length of a front lot line and back to the required building line setback. On a corner lot, the registered mailing address of the principal structure shall designate the front yard.

YARD, REAR — The required open space extending from the rear of the main building to the rear lot line (not necessarily a street line) across the entire width of the lot.

YARD, SIDE — The required open space between the side (face) of any building and the side lot line, extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed as a side line.

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

ZONING OFFICER — The official designated by Borough Council to administer and enforce this chapter.

ZONING PERMIT — A permit, issued by the Zoning Officer stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this chapter for the zoning district in which it is located or is to be located.

Part 3
ZONING DISTRICTS

§ 27-301. Establishment of District Classifications.

The Borough of Aspinwall is hereby divided into the following zoning districts. The specific purpose of each district shall serve as guidance for regulating development. All land within the Borough is classified within one of the following zoning districts hereby established and designated on the Official Zoning Map:

AR-1	Single-Family Lower-Density Residential
AR-2	Mid-Density Residential
AR-3	Single and Multiple Family Higher-Density Residential
AR-4	Multifamily Residential
AR-S	Special Residential
AC-1	Community Business District
AC-2	General Commercial
AL-1	Limited Industrial
A-CD	Conservation District
ARO	Riverfront Overlay District

§ 27-302. Zoning District Map and Boundaries.

1. The boundaries of the various zoning districts are hereby established on the map entitled "Official Zoning Map" on file in the office(s) of the Zoning Officer and the Borough Manager. This map with all explanatory matter thereon is hereby made a part of this chapter. The Official Zoning Map shall be dated and shall carry the signature of the President of the Borough Council and the Borough Manager certifying that it is the true map adopted by the Council, and the map shall be sealed with the official Borough Seal. All amendments shall be identified on the map and similarly certified.
2. The boundaries between districts are, unless otherwise indicated, either the center line of streets or such lines extended, or parallel lines thereto, or property lines, or other physical boundaries, and delineations. Where streets, property lines, or other physical boundaries and delineations are not applicable, boundaries shall be determined by scale shown on the Official Zoning Map.
3. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not specifically covered above, the Zoning Hearing Board shall interpret the district boundaries.
4. In the event that a street, alley or other way shown on the Zoning District Map is vacated, the property formerly in said street right-of-way shall be included within the zoning district of the adjoining property on either side of said vacated street or way. Where said street forms a zoning

district boundary, the new district boundary shall be the new property line created by the former center line of said vacated street.

§ 27-303. Base District Use Tables.

1. Classification of Uses. Principally permitted and conditional uses are listed in the following Use Tables. Blank cells indicate where uses are not permitted in a given district. The following symbols are used in the table and defined as follows:
 - P: Permitted principal use. A use is permitted in the zoning district as a principal use. The use is also subject to all other applicable requirements of this code.
 - C: Conditional principal use. A use is permitted at the discretion of Borough Council subject to applicable specific requirements and the review process outlined in this Chapter.
2. Uses which are not specifically listed as permitted or conditional uses in any zoning district may be authorized in the AI-1 Limited Industrial District by the Aspinwall Borough Council as conditional uses according to the standards at § 27-504.I.
3. If the Zoning Officer determines that a proposed use is similar to an existing use, the regulations governing the similar listed use shall apply to the unlisted use. If the Zoning Officer determines that a proposed use is not similar to a listed use, then it shall be classified as not specifically listed and subject to the standards at § 27-504.I. The decision of the Zoning Officer may be appealed to the Zoning Hearing Board according to the procedure within this Chapter.

TABLE A: Table of Principal Uses by District *(review note: This summary table is new.)*

	AR-1	AR-2	AR-3	AR-4	AR-S	AC-D	AC-1	AC-2	AI-1	Additional Standards
<i>Residential Uses</i>										
Bed-and-breakfast			C							§ 27-504.D
<i>Dwellings</i>										
Single-family dwelling	P	P	P	P						
Two-family dwelling	P	P	P	P						
Multi-family dwelling (3-6 units)		C	C	P						
Garden dwelling				P						
Multi-family multi-story dwelling				P						
Group residence / Family boarding home	P	P	P	P	P	P	P*	P		
Nursing or convalescent home						C		P		§ 27-504.Q
Existing single- and two-family dwellings					P					
<i>Unified development:</i>										
New single- and two-family dwellings					P					
Townhouse					P					
Garden dwelling					P					
Manufactured homes and parks					P					
<i>Civic Uses</i>										
Communications antenna (co-located)	P	P	P	P	P	P	P	P	P	§ 27-404.6
Communications tower						C			C	§ 27-504.G
Essential services							C	C	P	§ 27-504.K
Municipal office building and similar uses							P	P		
Municipal uses (parks/rec, utilities, storage, etc.)	P	P	P	P	P	P	P	P	P	
Place of worship	C	C	C							§ 27-504.U
Recreation facility (publicly owned)			C	C		C	P	P		§ 27-504.V
Schools (excluding dormitories)	C	C	C	C						§ 27-504.Y
<i>Commercial and Other Uses</i>										
Adult-oriented business									C	§ 27-504.B
Amusement arcade								C		§ 27-504.A
Animal daycare									P	
Animal kennel									P	
Animal hospital and kennel									P	
Brewpub							P	P		
Building supplies and equipment									P	
Business and professional offices							C*	C		§ 27-504.E
Business support services							P	P		

* This use is permitted only on upper floors in the AC-1 District.

	AR-1	AR-2	AR-3	AR-4	AR-S	AC-D	AC-1	AC-2	AI-1	Additional Standards
Clinic									C	§ 27-504.F
Data center									C	§ 27-504.H
Day care center						C	P*	P	C	§ 27-504.I
Eating and drinking establishment							P	P		
Farming and plant cultivation						C	P	P		§ 27-504.L
Funeral home			C					P		
Gasoline service station, auto repair and car wash								C		§ 27-504.M, C
General retail							P	P		
Industrial uses									P	
Manufacturing									C	§ 27-504.N
Medical, dental offices							C	C		
Medical marijuana processing facility									C	§ 27-504.O
Medical supplies and equipment sales and service								P		
Oil and gas development (conventional or unconventional)									C	§ 27-504.R
Parking lot (principal use)							C	P	P	
Parking structure							C	C	C	§ 27-504.T
Personal services							P	P		
Private club							P*	P		
Private school							P*	P		
Railway facilities and terminals									P	
Recreation facility (commercial)							C	P		§ 27-504.V
Retail building supplies and equipment								P		
River-oriented recreation and commercial						C				§ 27-504.X
Smoke/vape shop						C				§ 27-504.AA
Storage (principal use)									C	§ 27-504.BB
Wholesale business									P	
<i>Uses not specifically listed</i>									C	§ 27-504.CC

* This use is permitted only on upper floors in the AC-1 District.

TABLE B: Table of Accessory Uses by District *(review note: This summary table is new.)*

	AR-1	AR-2	AR-3	AR-4	AR-S	AC-D	AC-1	AC-2	AI-1	Additional Standards
Children's play equipment	P	P	P	P	P	P	P	P		
Day care, family	C	C	C							
Drive-through								C		
Electric vehicle (EV) charging station	P	P	P	P	P	P	P	P	P	§ 27-504.J
Fence	P	P	P	P	P	P	P	P	P	§ 27-407
Garage	P	P	P	P	P	P	P	P	P	
Greenhouse	P	P	P	P	P	P	P	P	P	
Multi-family dwellings as accessory to commercial							P*	C		§ 27-504.P
Outdoor café						C	C	C		§ 27-504.S
Outdoor mechanical vending devices						P	P	P	P	§ 27-416
Outdoor storage								C	C	
No-impact home-based businesses	P	P	P	P	P	P	P	P	P	§ 27-412
Parking lot	C	C	C	P	P	P	C	P	P	
Parking structure						C	C	P		§ 27-504.T
Private recreation facility	P	P	P	P	P	P				
Radio or satellite antenna	P	P	P	P	P	P	P	P	P	§ 27-413
Shed	P	P	P	P	P	P	P	P	P	
Shipping container (storage, retail or eating/drinking)						C			C	§ 27-504.Z
Signs	P	P	P	P	P	P	P	P	P	§ 27-408
Swimming pool, private	P	P	P	P	P					
Solar panels	P	P	P	P	P	P	P	P	P	§ 27-419

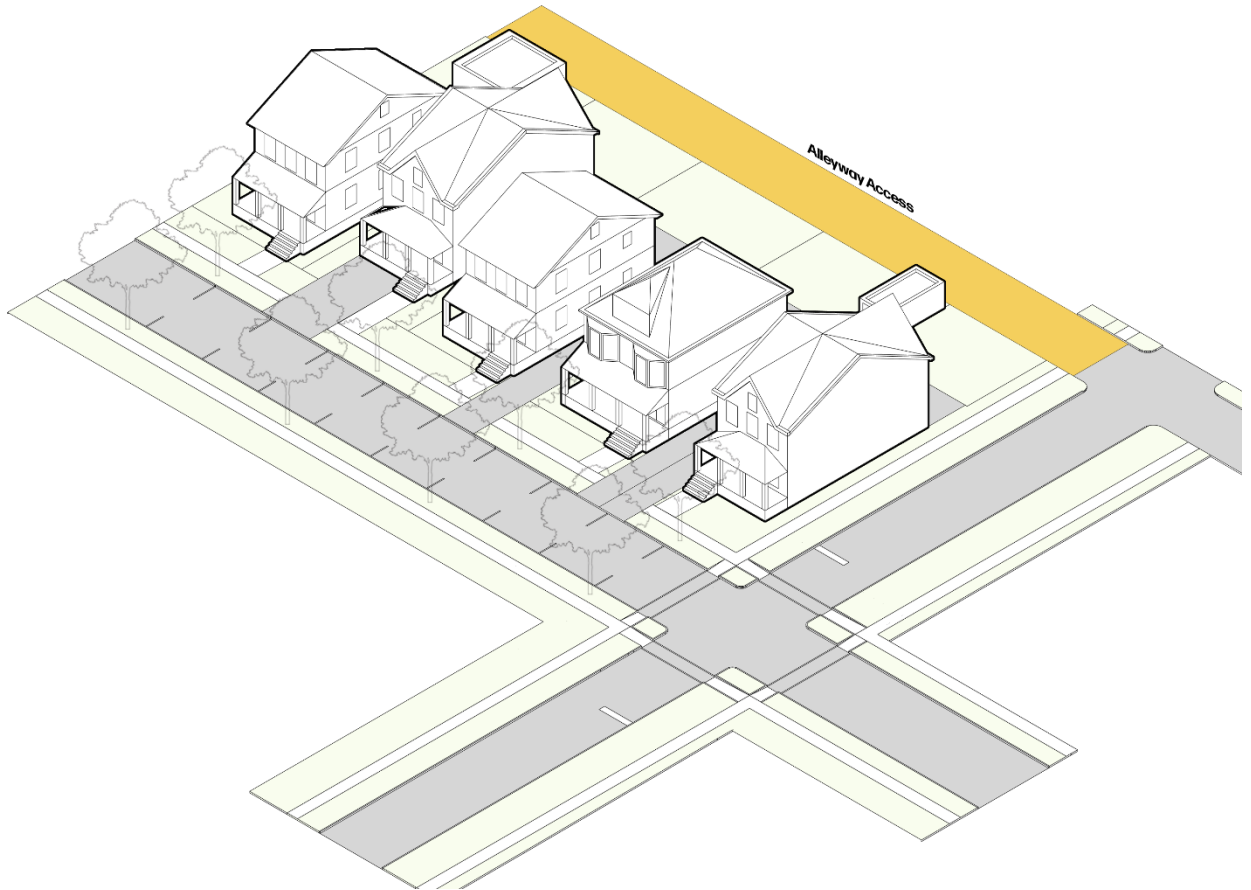
§ 27-303. AR-1 Lower-Density Residential District.

1. Purpose. The AR-1 District is intended to be principally single- and two-family homes on individual lots with customary residential accessory uses. Certain residentially-related uses will be permitted as conditional uses provided that they meet the criteria contained in this chapter.
2. Area and Bulk Regulations.

Lot Dimensions	Minimum	Maximum
Lot size (square feet)	Single-family dwelling: 5,000 sf Two-family dwelling: 2,750 sf / dwelling School, church or place of worship: 10,000 sf / use	-
Lot width (feet)	-	-
Height and Coverage	Minimum	Maximum
Height	-	2.5 stories or 35 feet
Lot coverage (aggregate)	-	40%
Lot Setbacks	Minimum	Maximum
Front yard setback (feet)	See § 27-405 of this chapter	-
Side yard setback (feet)	Single-family: Two yards totaling 8 feet, but none less than 2 1/2 feet. Two family: Two yards totaling 10 feet, but none less than 3 feet. Corner Lot: On a corner lot for a single- or two-family dwelling, the minimum side yard abutting a public street shall be 10 feet. Other uses: Two side yards, each 15 feet, for any principal structure or use.	-
Rear yard setback (feet)	15% of the total lot depth	25 feet
Accessory Structures		
Location	See § 27-406 of this chapter	
Height		15 feet
Off-Street Parking		
Design and minimum spaces	See § 27-409 of this chapter	

§ 27-304. AR-2 Mid-Density Residential District.

1. Purpose. This district provides for single- and two-family residential units on smaller lots than AR-1 districts. It also includes multifamily dwellings of up to six units as a conditional use.



2. Yard expansion. The following shall not constitute a permitted principal use of land in the AR-2 District:
 - A. Vacant lots maintained or used solely as open space, lawn, yard, garden, or for any purpose accessory to an adjacent lot unless otherwise authorized under this Ordinance.
 - B. Vacant lots maintained solely to satisfy setback, yard, or open space requirements for a principal use located on another lot.

3. Area and Bulk Regulations.

Lot Dimensions	Minimum	Maximum
Lot size (square feet)	Single-family dwelling: 4,000 sf Two-family dwelling: 2,000 sf / dwelling Multifamily: 2,000 sf / unit Group residence, family boarding home: 5,000 sf School, church, nursing home, convelescent home, or institutional facility: 10,000 sf	5,000 sf

Lot width (feet)		
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Height and Coverage	Minimum	Maximum
Height	-	(1) Structures with one to four dwelling units: 35 feet or 2 1/2 stories above mean ground level. (2) Multifamily dwellings (over four units), other uses: 45 feet or four stories above mean ground level.
Lot coverage (aggregate)	-	70%

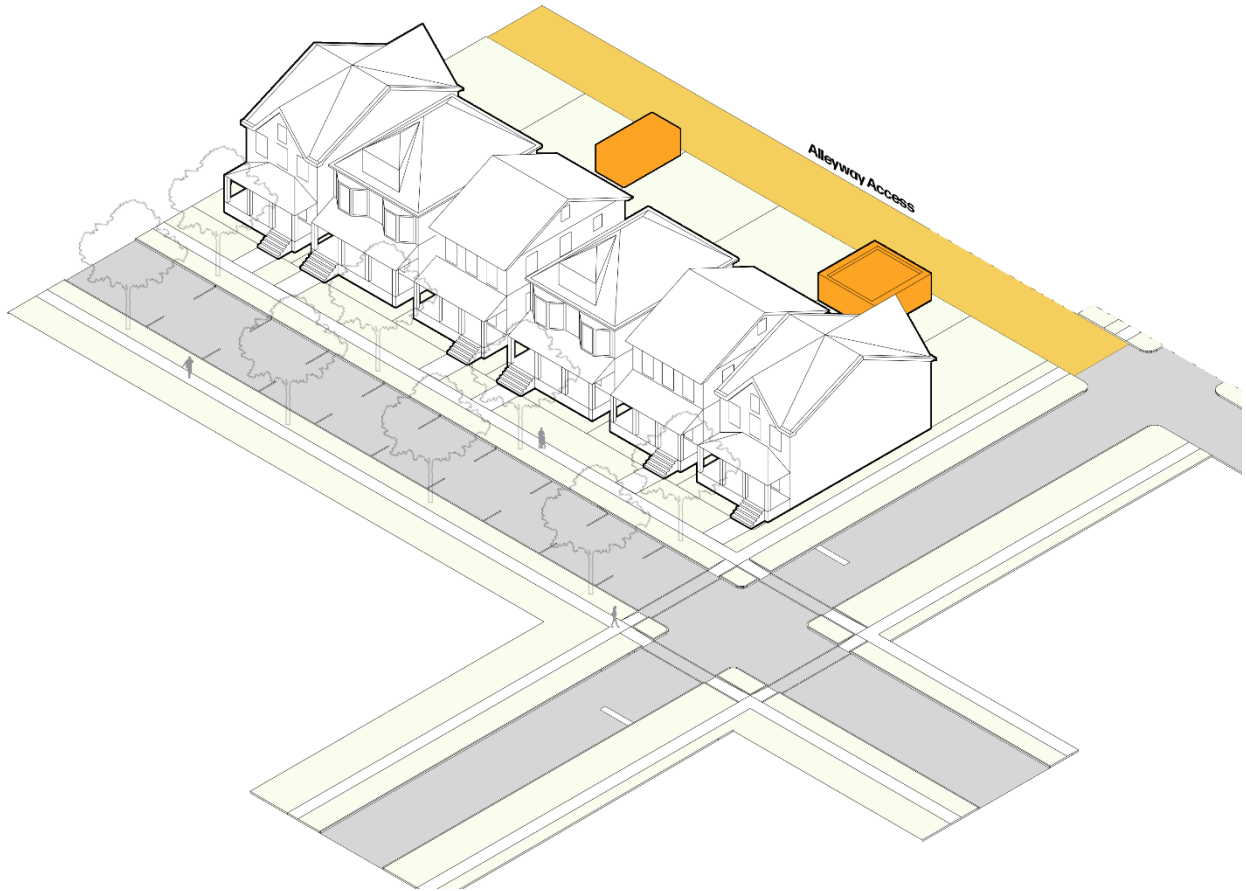
Lot Setbacks	Minimum	Maximum
Front yard setback (feet)	See § 27-405 of this chapter	
Side yard setback (feet)	Single and two family residences: two side yards totaling eight feet; provided, no side yard shall be less than 2 1/2 feet and that no principal structure may be closer than five feet of any adjacent structure. On a corner lot, the minimum side yard abutting a street shall be 10 feet. Multifamily and other uses: 10 feet each side yard	-
Rear yard setback (feet)	15% of the total lot depth	25 feet

Accessory Structures		
Location	See § 27-406 of this chapter	
Height		15 feet

Off-Street Parking		
Design and minimum spaces	See § 27-409 of this chapter	

§ 27-305. AR-3 Higher-Density Residential District.

1. Purpose. This district is similar to the AR-2 District except that residential uses are allowed at higher densities, consistent with the existing development pattern.



2. Conversions. The conversion of a detached single-family dwelling into two-family dwellings or multi-family dwellings shall be expressly prohibited within this district. *[NOTE: There is legal precedent in PA for prohibiting conversions in specific districts provided that such restrictions are reasonable, non-arbitrary and serve a legitimate governmental purpose. In this particular case, the purpose is preserving further intensification of this district, which should be defensible given the variety of housing types permitted in other residential districts. Verify that Borough Solicitor agrees.]*
3. Yard expansion. The following shall not constitute a permitted principal use of land in the AR-3 District:
 - A. Vacant lots maintained or used solely as open space, lawn, yard, garden, or for any purpose accessory to an adjacent lot unless otherwise authorized under this Ordinance.
 - B. Vacant lots maintained solely to satisfy setback, yard, or open space requirements for a principal use located on another lot.

4. Area and Bulk Regulations.

A. Lot Area. *[LEFT TEXT IN FOR NOW TO HIGHLIGHT CHANGES, TABLE IS ON FOLLOWING PAGE]*

(1) Minimum lot area in the AR-3 district shall be as follows:

- a) Single family and two family: 2,500 square feet/unit.
- b) Multifamily: ~~1,250 square feet per unit for a conversion of an existing structure~~; 1,500 square feet per unit ~~for a new structure~~.
- c) Other uses: ~~8,000~~ 3,000 square feet.

(2) Maximum lot area in the AR-3 district shall be 5,000 square feet. *[NOTE: We talked about setting a limit to discourage lot consolidation in this district. The typical block is 115' deep and the typical residential lot is narrow, 24' or so facing numbered streets and 30-50' facing Western, Center or Eastern. 115x24 = 2,760, and even the larger end-cap lots are around 4K. This would make some existing lots nonconforming, but this shouldn't limit ability to add improvements, only further expand – discuss any other implications.]*

Lot Dimensions	Minimum	Maximum
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Lot size (square feet)	Single family and two family: 2,500 sf / unit. Multifamily: 1,500 sf Other uses: 3,000 square feet.	5,000 sf
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Lot width (feet)		
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Height and Coverage	Minimum	Maximum
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Height	-	(1) Structures with one to four dwelling units: 35 feet or 2 1/2 stories above mean ground level. (2) Multifamily dwellings (over four units), other uses: 45 feet or four stories above mean ground level.
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Lot coverage (aggregate)	-	70%
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Lot Setbacks	Minimum	Maximum
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Front yard setback (feet)	See § 27-405 of this chapter	
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Side yard setback (feet)	Single-family and two family: two side yards totaling eight feet; provided, that no side yard shall be less than 2 1/2 feet and that no principal structure may be closer than five feet of any adjacent structure. On a corner lot, the minimum side yard abutting a street shall be 10 feet. Multifamily and other uses: five feet each side yard.	-
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Rear yard setback (feet)	15 feet	
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Accessory Structures		
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Location	See § 27-406 of this chapter	
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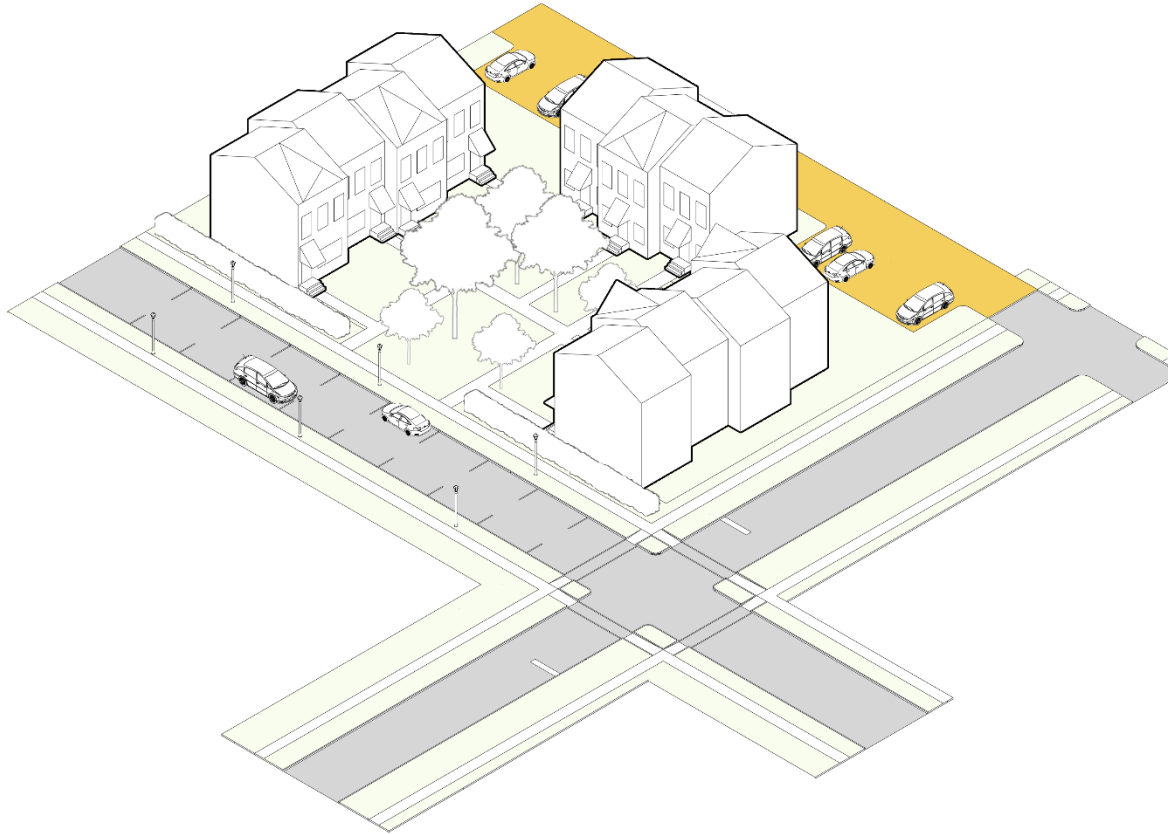
Height		15 feet
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Off-Street Parking		
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Design and minimum spaces	See § 27-409 of this chapter	
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§ 27-306. AR-4 - Multifamily Residential District.

1. Purpose. This district denotes suitable areas for higher density multifamily dwellings, including mid-rise buildings. Dwellings in either new or converted buildings are permitted provided they meet the site standards contained in this chapter.

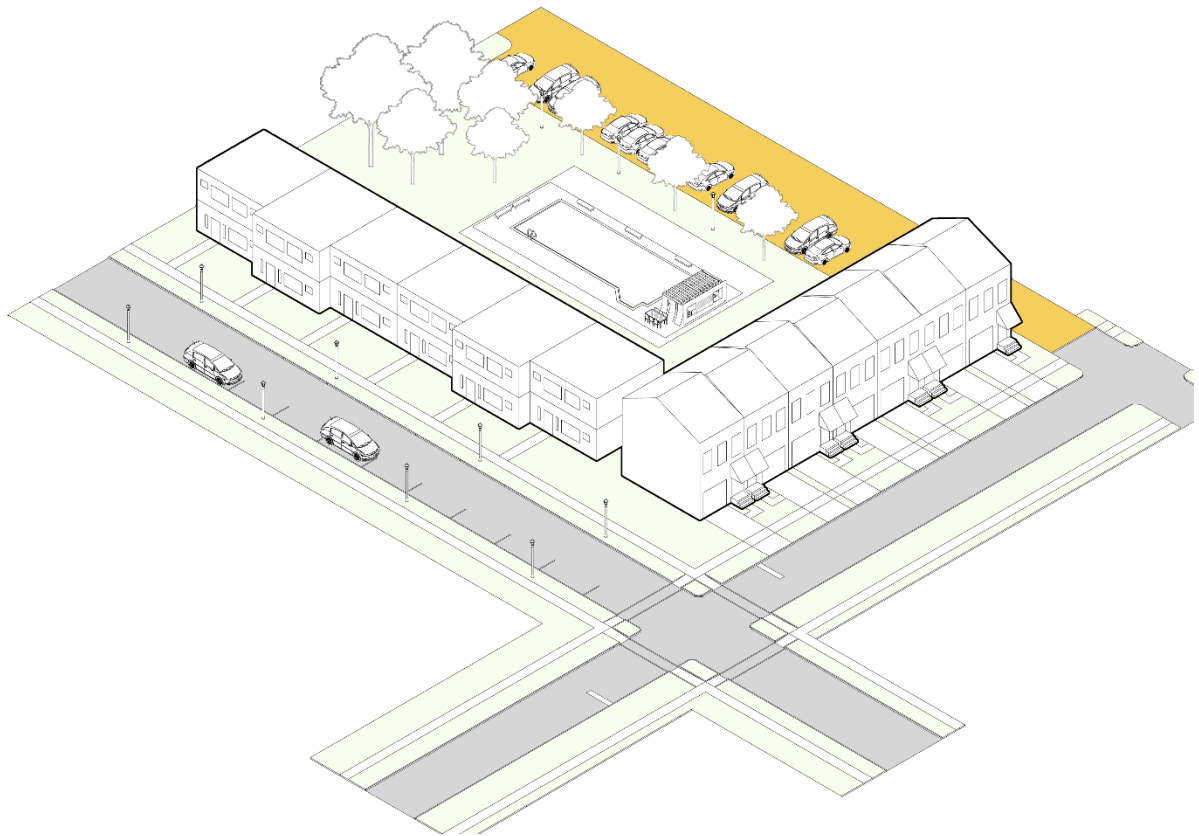


2. Area and Bulk Regulations.

Lot Dimensions		
	Minimum	Maximum
Lot size (square feet)	Single family and two family: 4,000 sf / unit. Multifamily: 1,250 sf / unit Other uses (excluding public recreation): 5,000 sf	
Lot width (feet)		
Height and Coverage		
	Minimum	Maximum
Height	-	(1) Single family and two family townhouses: 35 feet or 2 1/2 stories. (2) Garden, multistory dwellings, other uses: 50 feet or five stories. (3) Accessory structures: 15 feet.
Lot coverage (aggregate)	-	50%
Lot Setbacks		
	Minimum	Maximum
Front yard setback (feet)	Front yard, single-family and two family: 20 feet; multifamily and other uses: 30 feet Single-family and two family: two yards totaling eight feet; provided, that no principal structure is within five feet of any structure on an adjacent property.	
Side yard setback (feet)	Multifamily, other uses: 10 feet each side yard. On a corner lot, the minimum side yard abutting a street shall be 10 feet. Multifamily and other uses: five feet each side yard.	
Rear yard setback (feet)	Single-family and two family: 15% of lot depth but no more than 25 feet. Multifamily: 25 feet	15 feet
Accessory Structures		
Location	See § 27-406 of this chapter	
Height		15 feet
Off-Street Parking		
Design and minimum spaces	See § 27-409 of this chapter	

§ 27-307. AR-S Special Residential District.

1. Purpose. This district is designed to provide for unified residential developments which may include a variety of housing types constructed in accordance with an integrated plan for the site. The purpose of these developments is to encourage sound, creative design and site planning, to assure that land developments are compatible with the natural features of the site, and to preserve and protect open space and areas with natural environmental constraints (e.g., steep slopes, landslide-prone soils, stream valleys).



2. Area and Bulk Regulations.

Lot Dimensions		
	Minimum	Maximum
Lot size (square feet)	(1) Minimum site requirement: 2.0 contiguous acres. (2) Lot area per dwelling unit: 1,000 square feet per unit	
Lot width (feet)		
Height and Coverage		
	Minimum	Maximum
Height	-	45 feet
Site coverage	-	A maximum of 80% of the total site area may be devoted to residential uses including principal and accessory structures, streets, parking areas, and private open spaces abutting residences (e.g., patios, courts). A minimum of 20% of the total site area must be devoted to open space and/or open-air recreation uses, which may include sensitive environmental areas (slopes, etc.) preserved as part of the development.
Lot Setbacks		
	Minimum	Maximum
Front yard setback (feet)	Minimum yard or setback requirements are not specified for individual uses/structures within a unified development, except that no structure/use shall be located within 25 feet of the property boundaries. All yards and setbacks shall comply with those shown on the approved final site plan for the development. Spacing between buildings or groups of buildings should be designed to preserve visual and auditory privacy, adequate light and air exposure, and accessibility by emergency vehicles.	
Side yard setback (feet)		
Rear yard setback (feet)		
Accessory Structures		
Location	See § 27-406 of this chapter	
Height		15 feet
Off-Street Parking		
Design and minimum spaces	See § 27-409 of this chapter	

3. Other Development Standards.

A. Screening. Screens shall be provided along perimeter lines of the unified development site including public rights-of-way. Such screens shall be one, or a combination, of the following:

- (1) A continuous planted strip of at least four feet in width and not less than six feet in height, and of such species and size of plants so as to provide an effective year-round visual screen within three years of planting.
- (2) Natural or artificial land forms, including natural slopes and wooded areas, may be used to achieve visual screening, provided such areas are preserved from future development by easement, deed restriction, covenant or similar measure.
- (3) Decorative fencing may be used as a screen along public rights-of-way.
- (4) The maintenance plan for common open space and facilities in the development shall include provisions for the continuing maintenance of all planted screens and fencing. If any plant dies within the one year of planting, it shall be replaced.
- (5) Clear sight triangles, as specified by this chapter, shall be maintained.
- (6) Additional screening may be required during the site plan review where necessary to shield adjacent lots from on-site lighting, headlights and otherwise to reduce the visual encroachments of multiple dwellings.

B. Street and Parking Areas.

- (1) Off-street parking areas shall be in accordance with the provisions of § 27-409 of this chapter.
- (2) The construction of roads, parking areas and pedestrian ways, whether or not they are to be dedicated to the Borough, shall conform to the provisions of Chapter 1 of this Code. However, the Planning Commission, during the site plan review, may waive or modify certain standards where it finds that such specifications are not consistent with the site or overall design and that such modifications are not inconsistent with the interests of the entire Borough.

C. Stormwater Management and Erosion/Sedimentation Control. Controls to prevent erosion/ sedimentation during and after construction and to provide safe stormwater management shall comply with Part 4 of this chapter.

D. Common Open Space, Improvements and Facilities.

- (1) Common open space must be appropriate to the scale and character of the development considering its size, density, anticipated population, topography and types of dwelling unit and consistent with the minimum requirements of Subsection 7D(3) below.
- (2) It must be suitably improved for its intended use, but open space containing natural

features worthy of preservation may be left unimproved. Any structures or improvements which are added shall conserve and enhance the amenities of the open spaces and be properly related to their topography and natural condition.

- (3) All common open space and recreation areas must be conveyed in one of the following ways, as approved by the Borough: (a) in part or totally to the Borough; or (b) in part or totally to an organization for ownership and maintenance according to applicable state statutes.

E. Maintenance of Common Open Space and Facilities.

- (1) In cases where the Borough will not be accepting dedications of streets, sidewalks, utilities, drainage facilities, recreation areas or open spaces, or other common areas, the land owner shall provide for a homeowners organization, trust or another mechanism for ownership and continuing maintenance. The owner shall submit a plan describing the proposed method, its organization, its powers, rights, dues, responsibilities in regard to the ownership and continuing maintenance of common facilities and open space. This plan must be approved as part of the final site plan.
- (2) Whether common facilities and open spaces are to be owned privately or in trust, or dedicated to the Borough, the landowner shall be required to post financial security to guarantee the structural integrity and functioning of such common areas. Such financial security shall be in accordance with the Pennsylvania Municipalities Planning Code for guaranteeing improvements for subdivisions and land developments. The term for the security shall be 18 months from the date of acceptance of ownership and shall equal to 14% of the actual cost of installation of the improvements, facilities and open spaces.

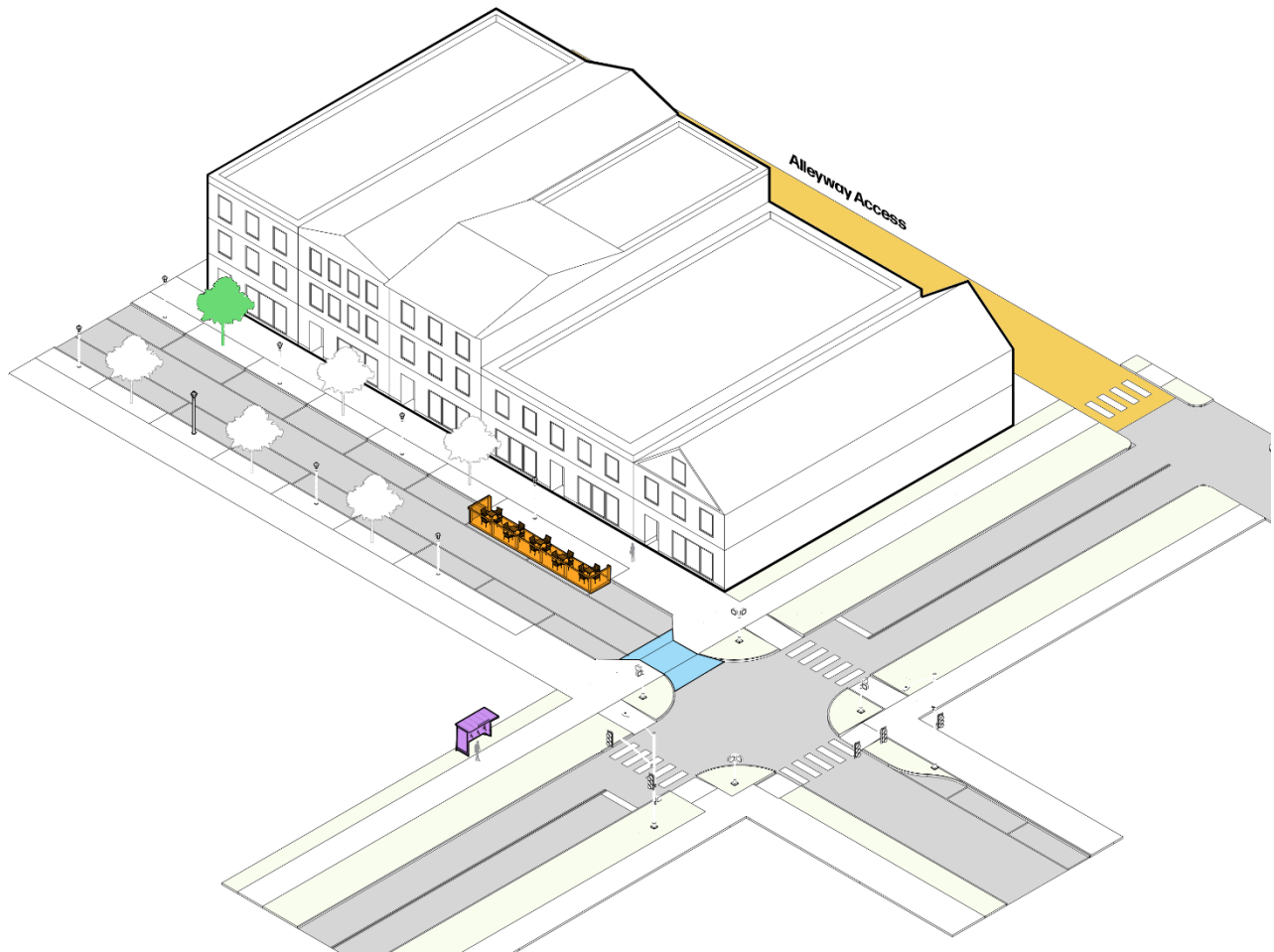
4. Manufactured (or Mobile) Home/Parks within Unified Development. Manufactured homes within park clusters may be included within a unified development, provided the total unified development includes a mix of other conventional housing types and manufactured units do not equal more than 30% of all dwelling units in the total unified development. Manufactured homes/parks shall comply with the following standards, in addition to other applicable provisions of this Part and other portions of this chapter.

- A. A manufactured home area shall have access from a street or highway capable of handling the individual mobile units without impairing the normal traffic operations of the street or highway.
- B. Area shall be set aside for common open space, including recreation areas, community buildings, storage facilities for residents, laundry facilities, management offices and storage of maintenance equipment.
- C. All roads and parking areas shall be improved with an all-weather, dust-free surface. Roads shall be designed to meet anticipated traffic loads and shall have a minimum cartway width of 28 feet.
- D. Planted and/or visual screening area shall be provided to separate it from other portions of the development and from abutting properties.

- E. Landscaping and planting shall be provided throughout the mobile home area at a ratio of at least two deciduous trees and four deciduous and/or evergreen shrubs per mobile home.
- F. No individual mobile home shall be closer than 15 feet to any street right-of-way or to any property line of the development. Nor shall any unit be located within a one-hundred-year floodplain as designated on the Zoning Map.
- G. The following lot area and setback requirements shall apply for individual home lots:
 - (1) Lot area: 5,000 square feet.
 - (2) No mobile home unit shall be sited to be within 15 feet of any other unit or accessory structure.
- H. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure. The hitch which is employed for the normal movement of the unit shall be removed.
- I. No mobile home shall be erected on a mobile home lot except upon a mobile home pad. Each mobile home unit shall have its own separate pad.
 - (1) Each mobile home pad shall be at least equal in length and width to the dimensions of the mobile home to be placed on the pad.
 - (2) The pad, at least six inches in thickness, shall be constructed from either concrete, asphalt concrete or other material adequate to support the mobile home and to prevent abnormal settling or heaving under the weight of the home. In order to prevent wind overturn and rocking, the corners of the mobile homes shall be secured with at least six tiedowns such as concrete "dead men," screw augers, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds.
 - (3) Each mobile home shall be set level on sturdy and substantial supports.
- J. Two off-street parking spaces shall be provided for each mobile home lot. Parking areas shall comply with § 27-409 of this chapter.
- K. The design, installation and construction and maintenance of the storage and handling of liquefied petroleum gases shall conform to the Act of Pennsylvania Legislature 1951, December 27, P.L. 1793, as it may be amended, and to all applicable regulations of the Pennsylvania Department of Labor and Industry.

§ 27-308. AC-1 Community Business District.

1. Purpose. This district ~~provides for a broad range of retail and service commercial uses and offices typical of a community's central business area. Businesses in this district should be compatible in terms of general market and operating characteristics.~~ is intended to preserve and promote the borough's traditional walkable, mixed-use commercial center. encompasses the historic heart of the community, characterized by a fine-grained pattern of closely spaced buildings, pedestrian-oriented streetscapes, and a diverse mix of shops, services, restaurants, and civic spaces. Development within the AC-1 district shall support high-quality architecture, active ground-floor uses, and a built form that reinforces walkability and compatibility with surrounding historic buildings.



2. Area and Bulk Regulations.
 - A. Minimum lot area: 2,500 square feet. Maximum lot area 5,000 square feet.
 - B. Minimum yard requirements - no required front or side yard. Rear yard shall be 10 feet. Provided, however, that in the block of Center Avenue bounded by Commercial Avenue

and First Street, the minimum yard requirements for front yards shall be 20 feet.

- C. Maximum lot coverage: ~~70%~~100%.
 - D. Minimum height: 24 feet or two stories.
 - E. Maximum height: 40 feet or four stories above mean ground level, as defined by this chapter.
3. Off-Street Parking and Loading Requirements.
- A. All uses: as required by §§ 27-409 and 27-410 of this chapter.
4. Special Use Requirements.
- A. In the AC-1 District, certain uses are permitted by right or conditionally permitted only on upper floors, with the intent of focusing first-floor uses on those that most effectively reinforce an active and vibrant public realm. As indicated in the principal use table in § 27-302, uses restricted to second floor or higher in this district include residential, business and professional office, day care center, private club and private school. Medical and dental offices are permitted on all floors. If a ground-floor residential unit is needed to comply with the Federal Fair Housing Act in a non-elevator building, such residential units must be set back a minimum of 20' from the primary frontage with access from the side or rear of the building or from an internal lobby or hallway.
5. AC-1 Design Standards.
- A. Purpose. These standards are intended to maintain and enhance the historic character of Aspinwall's walkable core traditional business nodes; ensure that new buildings and alterations are compatible with the traditional building forms, materials, and streetscape patterns of the borough; support an attractive, pedestrian-oriented environment that promotes business vitality and walkability; and integrate form-forward elements to promote consistent urban design and a harmonious public realm.
 - B. Applicability. Within the AC-1 District, these standards apply to:
 - (1) All new principal buildings.
 - (2) Additions exceeding 25% of the existing building gross floor area.
 - (3) Exterior renovations affecting more than 50% of any street-facing façade.
 - (4) New construction on vacant lots.

These standards do not apply to rear facades or internal courtyards not visible from a public street.
 - C. Building Placement and Orientation.
 - (1) The front facade shall be located within 0 to 5 feet of the public sidewalk.
 - (2) The principal building facade shall face the primary street and include a public entrance.

- (3) Corner buildings shall have facades addressing both street frontages. Entrances at the corner are encouraged.

D. Façade Design.

- (1) Transparency. Ground-floor commercial facades must provide clear glass windows covering at least 60% of the facade between 2 feet and 8 feet above sidewalk grade. Upper-story windows shall be vertically proportioned with a minimum of 25% window coverage on upper floors.
- (2) Vertical Articulation: Facades wider than 40 feet shall include elements (pilasters, columns, facade offsets, or material changes) to express the traditional module of historic downtown storefronts, typically 20 to 30 feet in width.
- (3) Horizontal Articulation: A distinct horizontal expression (such as a belt course or cornice) shall separate the ground floor from upper stories. A prominent cornice or parapet shall define the building's upper edge.

- E. Roof Design. Flat roofs shall be concealed by a parapet or traditional cornice. Sloped roofs visible from the street shall use historically appropriate materials (e.g., standing seam metal, slate, or dimensional shingles) and pitch.

- F. Materials. Primary materials for street-facing facades should include brick, natural stone, wood, terra cotta, or fiber cement. Prohibited materials for street-facing facades include vinyl siding, exterior insulation finish system (EIFS), reflective glass, unpainted concrete block and synthetic stone.

- G. Entrances. Each building shall have a primary, pedestrian-scaled entrance on the front facade. Recessed entries (not more than 5 feet) are permitted and encouraged to create a welcoming storefront zone.

- H. Mechanical Equipment and Utilities. All ground-mounted mechanical equipment shall be screened from public view. Utility meters shall not be installed on primary facades. Rooftop equipment shall be screened by parapets or otherwise concealed from the public right-of-way.

§ 27-309. AC-2 General Commercial District.

- 1. Purpose. This district designates locations where, in addition to shopper's goods, personal and business services, other types of commercial uses, such as building supplies or vehicular sales, are also appropriate. Uses in this district usually require direct automobile access, customer parking and/ or loading and frequently larger lots and buildings than uses in AC-1 District.
- 2. Additional Conditional Uses.
 - A. Any permitted or conditional use which does not meet the off-street parking requirements of §§ 27-409 and 27-410 of this chapter; provided the requirements of §§ 27-503 and 27-504, Subsection 1H, of this chapter are met.

3. Area and Bulk Regulations; Permitted and Conditional Uses.
 - A. Minimum lot area: 3,000 square feet.
 - B. Minimum Yard Requirements.
 - (1) Front yard: 20 feet for any new or reconstructed use.
 - (2) Side yard: none.
 - (3) Rear yard: 10 feet.
 - C. Maximum lot coverage: 70%.
 - D. Maximum height: 30 feet above mean ground level.
4. Off-Street Parking and Loading Requirements.
 - A. All uses: as required by §§ 27-409 and 27-410 of this chapter.
5. (Reserved)

§ 27-310. AI-1 Limited Industrial District.

1. Purpose. This district identifies suitable areas for new and expanded industrial uses which comply with the performance standards of this chapter, and which are consistent with the predominately residential development in Aspinwall Borough.
2. Area and Bulk Regulations.
 - A. Minimum lot area: 6,000 square feet.
 - B. Minimum Yard Requirements.
 - (1) Front yard: 25 feet.
 - (2) Side yard: 10 feet or 20 feet if abutting a residential or commercial zone or a public or private recreation facility.
 - (3) Rear yard: 10 feet.
 - C. Maximum lot coverage: 60%.
 - D. Maximum height: 45 feet above mean ground level.
3. Off-Street Parking and Loading Requirements. As specified by §§ 27-409 and 27-410 of this chapter.
4. Other Standards.
 - A. All operations, activities and storage shall be conducted wholly inside a building, or buildings, except that storage may be maintained outside a building in a side or rear yard if such storage area is separated from public streets or other property by screening (refer to § 27-407 for screening requirements).

- B. All premises shall be furnished with all-weather, hard-surface walks, parking and loading areas, and the grounds shall be planted and landscaped.
- C. No building shall be used for residential purposes, except that a watchman or custodian may reside on the premises.

§ 27-311. A-CD Conservation District.

1. Purpose. The district includes natural and environmentally sensitive areas, such as floodplains or steep slopes, which require special regulations to assure their protection, preservation and/or safe use.
2. Area and Bulk Regulations.
 - A. Minimum lot area: 6,000 square feet.
 - B. Minimum yard requirements: all yard and setback requirements will be established by Borough Council during the review of the conditional use application, based on the type of use proposed, site access, connection required to adjacent uses or properties, and similar conditions.
 - C. Maximum lot coverage: total impervious surfaces shall not exceed 30% of lot area.
 - D. Maximum height: 25 feet.
3. Off-Street Parking Requirements. As specified by § 27-409 of this chapter.

§ 27-312. Riverfront Overlay District.

1. Purpose. This district furthers the policy of the Borough to provide flexibility and promote ingenuity and creativity in the design and development of land along the Allegheny River due to its exceptional location. Land situated near or having access to the Allegheny River or its frontage should:
 - A. Be developed in consistency with the Borough Comprehensive Plan;
 - B. Utilize and enhance the amenities of the river and maintain, preserve and make these natural assets accessible to the public;
 - C. Permit certain, limited commercial and residential development; and
 - D. Be developed through planned projects where the developer provides public access to the riverfront and installs appropriate amenities and improvements, including, but not limited to, walkways, planting, benches, lights, landscaping, marinas, picnicking and sports areas, bicycle trails, fishing access, and promenades along the river.
2. Location of Overlay. The Riverfront Overlay District is located and bounded as shown on the Official Zoning Map.
3. Permitted Uses.
 - A. Uses shall be permitted by right within the Riverfront Overlay District as defined within the

- underlying zoning district in accordance with Part 3 of this chapter.
- B. Riverfront planned development, pursuant to the review and approval procedures and criteria set forth in § 27-418 of this chapter.
- 4. Conditional Uses.
 - A. Conditional uses shall be permitted within the Riverfront Overlay District as defined within the underlying zoning district in accordance with Part 3 of this chapter.
 - B. Riverfront infill development.
 - 5. Area and Bulk Regulations; Permitted and Conditional Uses.
 - A. Uses permitted in the underlying zoning district shall comply with the applicable area and bulk regulations set forth in Part 3 of this chapter.
 - B. Riverfront infill development: as specified by § 27-504 of this chapter.
 - C. Riverfront planned development: as specified by § 27-418 of this chapter.
 - 6. Off-Street Parking Requirements. As specified by § 27-409 of this chapter.
 - 7. Required Improvements.
 - A. Implementation of Riverfront Overlay District Requirements. The required improvements set forth in this section shall be provided for the following activities within the Riverfront Overlay District:
 - (1) Any construction, installation or modification of an improvement or structure that requires a building permit.
 - (2) Any expansion, alteration, increase in density, or other change to a use or structure that alters the number of parking spaces required by this chapter.
 - (3) Any change in use that requires a new occupancy permit.
 - B. Required Improvements. The following improvements shall comply with any standards as may be specified and required in Chapter 22 of the Aspinwall Borough Code of Ordinances, Subdivision and Land Development, or other Borough federal, county or state law or regulation.
 - (1) Off-street parking spaces and off-street loading spaces shall be provided in accordance with this chapter. Council may approve alternate design standards for off-street parking where the requirements of §§ 27-503 and 27-504, Subsection 1H, of this chapter are met.
 - (2) In addition to any applicable requirements in § 27-409 or § 27-410, parking lots having an area of 4,000 square feet or more shall be landscaped with trees, shrubs and other plantings, appropriate in hardiness to their location, in accordance with the following:
 - (a) The lot's perimeter shall be bordered with a landscaped border not less than five

feet in width, and the lot shall be screened from every adjacent residential use.

- (b) A landscaped island of not less than 100 square feet shall be installed to separate long rows of parking stalls into groups of 10 or fewer stalls. Each island shall contain at least two three-and-one-half-inch-caliper trees and shall be planted in grass or other groundcover.
 - (c) Parking areas that abut a street, structure or open space shall provide a landscaped hedgerow, low wall, or similar landscaping device to screen parked cars from view of the street or adjacent use.
- (3) Streetlights shall be provided in accordance with § 22-506 of the Subdivision and Land Development Ordinance [Chapter 22].
 - (4) Streets shall be provided in accordance with § 22-504 and § 22-604 of the Subdivision and Land Development Ordinance [Chapter 22].
 - (5) Storm sewers and drainage facilities shall be provided by the developer and shall be constructed in accordance with § 27-402, Subsection 7, of this chapter, Chapter 22 of the Aspinwall Borough Code of Ordinances. Subdivision and Land Development, and the Design Standards of Part 6³ and the Borough Construction Standards [Part 9].
 - (6) Pedestrian walks shall be required to assist circulation or provide access throughout the development and its open space, along the riverfront and to community facilities. Walkways shall either be provided between the river and any structure located beside the river or in a convenient and attractive location around the building. Walkways shall have a paved width of not less than four feet and shall be so improved as to assure accessibility to handicapped persons.
 - (7) A multipurpose trail shall be provided along the riverfront. This trail shall connect with adjacent trails and form a continuous trail along the riverfront.
 - (8) Bikeways, where provided, shall meet the requirements of the Pennsylvania Department of Transportation's Highway Design Manual (Publication 13M), Chapter 16.
 - (9) Erosion and Sedimentation Control. When topsoil has been removed from the surface on a slope where erosion may cause a displacement of loose material, the area shall be seeded or otherwise treated as soon as possible to prevent damage to adjacent property or streets.
 - (10) Utilities shall all be located underground.

Part 4
SUPPLEMENTAL REGULATIONS

§ 27-401. General Intent.

The regulations contained in this Part are intended to apply to all zoning districts, uses, structures or lots except as otherwise provided in this chapter.

§ 27-402. General Provisions and Exceptions.

1. Pending Building Permits.
 - A. Nothing in this chapter shall require any change in construction or use of any structure for which a building permit was lawfully issued prior to the effective date of this chapter, or any amendment thereto; provided, that construction has begun or a contract or contracts have been let pursuant to the permit issued prior to the effective date of this chapter.
 - B. However, any building permit which was issued 30 days prior to the adoption of this chapter shall be declared void at the time of adoption of this chapter, if the structure or use does not conform to the provisions of this chapter and if no substantial construction has begun or contract(s) let.
2. Principal Building. In any AR-1, AR-2 or AR-3 Districts, there shall be only one principal building on each zoning lot.
3. Mixed Uses. Land, buildings and structures shall be designed and used only for authorized uses within respective zoning districts.
4. Dwelling in a Basement. No dwelling unit or units shall be contained in a basement or cellar.
5. Trash and Garbage Disposal Storage. In all AR-4, AR-S, AC-1, AC-2, AI-1, A-CD Districts, exterior trash or garbage storage shall be screened from a public street or adjacent property by a solid screen not less than six feet in height, unless otherwise stated in this chapter.
6. Floodplain Districts. The floodplain districts (including floodway and flood fringe areas), as established by the Borough's Floodplain Ordinance (Chapter 8 of this Code), shall be an overlay to the underlying zoning districts shown on the Official Zoning Map. The provisions for a floodplain district shall supplement the underlying district provisions contained in this chapter. No zoning use or occupancy permit shall be issued to any use or structure unless the required floodplain building permit has been obtained.
7. Stormwater Management. Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required:
 - A. To assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities.
 - B. To manage the quantity, velocity and direction of resulting stormwater runoff in a manner

which otherwise adequately protects health and property from possible injury.

If the development site is located within a watershed for which a stormwater management plan has been adopted in accordance with the Pennsylvania Stormwater Management Act (167 of 1978), then any proposed stormwater control measures shall be consistent with the watershed plan. The control measures for an individual development or site shall be approved by the Borough Engineer. All calculations of pre- and post-development stormwater runoff and storage requirements shall be done using the U.S. Soil Conservation Service Soil Cover Complex Method or other method approved by the Borough Engineer.

§ 27-403. General Height Provisions and Exceptions.

1. Measurement of Height. The authorized height of buildings shall be measured in accordance with the definition of "height, maximum" in this chapter.
2. Height Exceptions. Chimneys, flues, smoke stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar rooftop structures required to operate the building, as well as flagpoles, television aerials, water towers and tanks, church spires and towers, electric transmission towers may exceed the maximum height standard. No such object shall exceed a height of 75 feet, and the required side yards shall be increased one foot for each five feet such object exceeds 45 feet.

§ 27-404. General Lot Area Provisions and Exceptions.

1. Lot Area. Any lot together with the required yards and open areas on it shall be equal to or exceed the minimum lot area established for the zoning district in which the lot is located.
2. Required Lot Area.
 - A. A portion of a lot once designated as a yard, or a lot area, or portion thereof, used in calculating the number of dwelling units permitted on that lot shall not be used again as a factor in determining the required area for another lot or building, nor shall it be sold as a lot or parcel thereof, separate from the lot of which it is a part.
 - B. Any portion of a lot which is recorded or otherwise reserved for future street purposes shall not be used as a factor in determining lot area per dwelling unit or yard dimensions.
3. Front Yard Exception.
 - A. In AR-1, AR-2, AR-3 or AR-4 districts, the front yard setback of a single or two family structure may be reduced to the average of the front yards of the two abutting structures, where the lot is situated between two lots on which the principal structures have maintained a lesser setback since the enactment of this chapter.
 - B. Where the lot adjoins only one lot having a main building that projects beyond the established front yard line, then the front yard on such lot may be the average of the front yard of the existing building and the established front yard line.
4. Unenclosed Porches.

- A. In any residential district, an unenclosed porch may be erected in a required front yard; provided, it does not extend more than 10 feet into a required yard and does not exceed 14 feet or one story in height. An unenclosed porch may also be erected in a required side or rear yard, provided it does not extend more than 14 feet into a required yard and does not exceed 14 feet or one story in height.
 - B. An unenclosed front porch may be partially enclosed, provided it maintains a ratio of 60% open area to 40% closed area and is not designed to serve as a year-round living area. The open area may include louver windows.
 - C. An unenclosed rear porch may be enclosed for year-round living use.
5. Projections Into a Permitted Yard. A buttress, chimney, cornice, pier or pilaster, not projecting more than 18 inches from the wall of a building, as well as unenclosed fire escapes, may project into a required yard.
6. Regulations Governing Communications Antenna and Communications Equipment Buildings.
- A. A building-mounted communications antenna shall not be located on any single-family dwelling or two family dwelling.
 - B. A building-mounted communications antenna shall be permitted to exceed the height limitations of the applicable zoning district by no more than 20 feet.
 - C. An omnidirectional or whip communications antenna shall not exceed 20 feet in height and seven inches in diameter.
 - D. A directional or panel communications antenna shall not exceed five feet in height and three feet in width.
 - E. Any applicant proposing a communications antenna to be mounted on a building or the structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and the loads associated with the antenna location.
 - F. Any applicant proposing a communications antenna to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antenna will be mounted on the building or structure for review by the Borough Engineer for compliance with Chapter 5 of the Aspinwall Borough Code, Building Construction, and other applicable laws.
 - G. Any applicant proposing a communications antenna to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antenna is to be mounted so that installation and maintenance of the antenna and any communications equipment building can be accomplished.
 - H. A communications antenna shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

- I. A communications antenna shall not cause radio frequency interference with communications facilities located in the Borough.
- J. Any communications equipment building where the building footprint is equal to or less than 100 square feet shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure. Any communications equipment building where the building footprint is greater than 100 square feet shall be subject to the height and setback requirements of the applicable zoning district for a principal building or structure.
- K. The owner or operator of any communications antenna shall be licensed by the Federal Communications Commission to operate such antenna.

§ 27-405. Front Building Line Setbacks.

- 1. In AR-1, AR-2 and AR-3 districts, front building line setbacks, or minimum front yards, shall be established by street location. Building line setbacks shall be measured from the street right-of-way line. In other districts, the front building lines shall conform to the applicable provisions of Part 3.

- A. AR-1 District.

Street	Setback (feet)
Seventh Street, northern side	20
Eighth Street, northern side	14
Ninth Street	18
Tenth Street	18
Eleventh Street	18
Twelfth Street	18
Guyasuta Road, northern side	25
Guyasuta Road, southern side from Guyasuta Lane to easterly Borough boundary	20
Knollwood Drive	25
Guyasuta Lane, eastern side	10
Center Avenue, eastern side from Route 28 to Guyasuta Road	20
Center Avenue, western side from Route 28 to Eleventh Street	20
Center Avenue, western side, Eleventh to Twelfth Streets	12

- B. AR-2 District.

Street	Setback (feet)
Delafield, Lexington, Virginia, Emerson Avenues, from southerly zoning district boundary to Fourth Street	25
Emerson Avenue, western side, from Fourth to Sixth Streets	25

Street

Brilliant Avenue, eastern side, from zoning district boundary to Sixth Street	25
Brilliant Avenue, from Third to Sixth Streets	25
Maple Avenue, eastern side	25
Maple Avenue, western side, from Third to Fourth Streets	10
Maple Avenue, western side, from Fourth to Sixth Streets	15
Eastern Avenue, eastern side, from Third to Sixth Streets	20
Second Street, from Brilliant to Delafield	15
Fourth Street, northern side, from Eastern to Emerson Avenues	15
Fourth Street, southern side, from Eastern Avenue to Delafield Road	10
Sixth Street, from Brilliant to Emerson Avenue	10

C. AR-3 District.

Street	Setback (feet)
Brilliant Avenue, western side, Alley "B" to Third Street	25
Eastern Avenue, from First to Sixth Streets	20
Center Avenue, from First to Sixth Streets	20
Western Avenue, from Alley "A" to Sixth Street	20
First Street, from westerly Borough boundary to eastern zoning district boundary (includes only northern side of First Street between Eastern and	15

Center Avenues)

Second Street, from westerly Borough boundary to Brilliant Avenue	15
Third Street, from Field to Eastern Avenue	15
Fourth Street, northern side, from Field to Eastern Avenue	15
Fourth Street, southern side, from Field to Eastern Avenue	10
Fifth Street, northern side	15
Fifth Street, southern side	10
Sixth Street, from Center to Brilliant Avenue	10

§ 27-406. Accessory Uses.

1. Permitted Accessory Uses. A permitted accessory use must comply with the definition of "accessory use" contained in Part 2 of this chapter. ~~Examples of permitted uses are:~~
2. ~~Accessory uses shall be permitted in accordance with § 27-303. Base District Use Tables. [NOTE to reviewers: This allows more specificity on accessory uses by district, for example, permitting drive-throughs conditionally in AC-2 only.]~~
 - ~~A.—Garage, carport, shed or building for domestic storage, or storage of a boat, trailer or camper.~~
 - ~~B.—Child's playhouse, garden house, gazebo and private greenhouse.~~
 - ~~C.—Private residential swimming pool or private recreational facility.~~
 - ~~D.—Civil defense shelter for not more than two families.~~
 - ~~E.—Storage of merchandise normally carried in stock on the same lot with a permitted retail, service or business use, unless such storage is excluded by the district regulations.~~
 - ~~F.—Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities unless such storage is excluded by the district regulations.~~
 - ~~G.—Off-street motor vehicle parking areas and loading and unloading facilities.~~
 - ~~H.—Signs where permitted by this chapter.~~
 - ~~I.—Employee restaurants and cafeterias when located in a permitted business or manufacturing building.~~
 - ~~J.—Building-mounted and ground-mounted solar panels in accordance with § 27-419 of this chapter.~~
3. ~~Accessory uses shall be permitted only on properties on which there exists a principal use to which the proposed accessory use is customarily incidental and subordinate.~~
4. Prohibited Accessory Uses.
 - A. Outdoor storage or overnight parking of trucks or buses, campers, boats and trailers or other recreational vehicles, construction vehicles or equipment, except as permitted by the provisions of Chapter 15 of this Code.
 - B. Outdoor storage, except as specifically permitted by the district regulations (Part 3).
5. Location of Accessory Uses. Unless otherwise stipulated by this chapter, the following standards shall apply:
 - A. Residential Districts (AR-1, -2, -3, -4, AR-S).
 - (1) Front Yard. Accessory uses, with the exception of permitted signs, shall not be located in the required front yard of any zoning lot.

- (2) Side and Rear Yards. Accessory uses are permitted; provided, they are no closer than 2 1/2 feet of any lot line and comply with the requirements of Subsection C below. On a corner lot, an accessory use, located in a side or rear yard, must maintain the same setback from the street right-of-way line as the principal structure.
- B. Commercial, Industrial and Conservation Districts. (AC-1, -2, AI-1, A-CD).
 - (1) Front Yard. In addition to permitted signs, which are in compliance with this chapter, off- street parking areas are permitted in a required front yard. The parking area must maintain a minimum three foot, landscaped setback from the street right-of-way or sidewalk line, and it shall comply with the applicable screening provisions of § 27-409 of this chapter.
 - (2) Side and Rear Yards. Accessory uses are permitted. If the yard abuts a residential district, the accessory use must maintain a minimum three foot setback, screened in accordance with § 27-407 of this chapter.
 - C. No part of any accessory structure shall be located closer than 10 feet to any principal structure, unless it is attached to or forms a part of such principal structure. No accessory structure shall be located closer than three feet to another accessory structure on an abutting property.
 - D. Accessory structures and uses shall otherwise comply with the bulk regulations applicable in the district in which they are located.
6. Use Limitations.
- A. All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.
 - B. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.
7. Permit and Maintenance Requirements.
- A. A zoning permit must be obtained from the Borough Zoning Officer for any new, expanded or altered accessory use or structure. The owner is responsible for maintaining the accessory use/ structure in safe condition in accordance with all applicable regulations.
 - B. If the Zoning Officer finds that an accessory structure is not being used for its intended purpose or not being maintained, the Zoning Officer shall give written notice to the owner to repair or remove it within 15 days from the receipt of the notice. In the event the owner fails to comply with the Zoning Officer's written notice, the owner shall be considered in violation of this chapter and subject to all of the penalties contained herein.

§ 27-407. Fencing and Screening, Retaining Walls.

- 1. Unless otherwise stipulated, the following standards shall apply:
 - A. Placement, Materials, Height.

- (1) Fences, walls (other than retaining) or screens may be erected only in a side or rear yard, and within lot boundaries, in any zoning district.
- (2) A retaining wall shall be erected along any property line where it is required to prevent a landslide or other hazardous conditions.
- (3) A fence or screen shall not be erected in a public or dedicated right-of-way.
- (4) Solid fences may only be erected in rear yards to enclose a pool, patio or similar area for privacy and security.
- (5) Fences, walls or screens shall not exceed 78 inches in height, as measured from the ground level at the base of the structure, except that in a side yard on a corner lot, a fence, wall or screen shall be limited only to open fences with a maximum height of 48 inches.
- (6) The location and height of a security fence for a school, park or other public facility/use shall be established by the Planning Commission.

B. Performance Standards for Fences, Walls and Screens.

- (1) In any district, trees, shrubs and other planting are permitted in any front yard provided they do not block a clear view or vision for vehicular traffic.
- (2) Authorized fences and screens whether publicly or privately owned, shall not obstruct the clear sight distances at street intersections. A "clear sight triangle" shall be maintained including the entire triangular area as measured 75 feet from the intersection center line of street (or driveway) intersection.
- (3) Fences shall not contain barbs or similar types of injurious hazards, unless specifically approved by the Planning Commission for security reasons.

C. Screening, Fencing for Commercial, Industrial Uses. Wherever this chapter requires screening of a commercial or industrial use, or portion thereof, the following standards shall apply:

- (1) A planted screen shall be of sufficient density and type of planting material to provide a year-round visual barrier, within two growing seasons of planting. The minimum height shall be five feet, but the Planning Commission may require additional height where it is necessary to achieve adequate visual screening of the use.
- (2) Walls, fences or other visual screens may be used in accordance with the provisions of § 27-407 of this chapter.
- (3) Screening of off-street parking and loading areas shall be in accordance with § 27-409 of this chapter.
- (4) The property or business owner shall be responsible for the continuing maintenance of any planted screen, fence or wall.
- (5) Water towers, storage tanks, processing equipment, fans, cooling towers, vents and any other structures or equipment that rise above the roof line, other than a radio or

television antenna, shall be effectively shielded from view of any public or private street by an architecturally sound method.

D. Permit and Maintenance Requirements.

- (1) A zoning permit must be obtained from the Zoning Officer for the erection of any fence, wall or screen.
- (2) If a fence, wall or screen is not maintained in a safe condition and in accordance with Borough regulations, the Zoning Officer shall give written notice to owner to repair or remove the fence within 15 days of receipt of the notice. In the event the owner fails to comply with the order, the owner shall be considered in violation of this chapter and subject to the penalties contained herein.
- (3) If a fence, wall or screen is destroyed or deteriorates beyond 50% of its total linear displacement, then it must be removed within 15 days of receipt of written notice from the Zoning Officer.

§ 27-408. Signs.

1. Application. No sign shall be erected, altered, painted, relocated, remodeled, expanded or maintained in any manner that is inconsistent with the provisions of this chapter and all other applicable Borough ordinances. A zoning permit must be obtained from the Zoning Officer prior to the erection or alteration of any sign. The Planning Commission shall review and approve all sign applications, except temporary sign applications, prior to issuance of the necessary zoning permit. The Zoning Officer shall review and approve all temporary sign applications.

2. Permitted Signs, Size and Placement Requirements.

A. The following signs are permitted in all zoning districts:

- (1) Nameplates or identification signs not exceeding one square foot and attached to a wall of the structure, which may indicate the occupants of the structure, or in the case of a multiple-occupancy structure, the name of the management agency.
- (2) Real estate signs not exceeding 12 square feet, advertising the premises for sale or lease, which are to be removed within 20 days of the sale or lease of the premises, or when the last unit of a multi-unit development is sold or leased.
- (3) Construction signs advertising the development or improvement of a property by a builder, contractor or similar person provided that not more than one such sign shall be permitted for a development or property. The sign shall not exceed 12 square feet, and it shall be removed within 15 days of the completion of work.

B. In AR-1, -2, -3, -4, AR-S Districts, a multifamily development, any authorized conditional use, or a planned residential development may have one principal identification sign subject to the following:

- (1) The sign shall not exceed 12 square feet in surface area.
- (2) The sign may be either attached to a building or a free-standing monument sign.

- (3) If free-standing, the height shall not exceed six feet, as measured from ground level at the base of the sign, and the sign shall be set back at least five feet from the street right-of-way line and 10 feet from a side lot line.
 - (4) A free-standing sign may be single or double face, but no face may exceed the maximum size limitation.
- C. In AC-1 and A-CD Districts, business identification signs are permitted for any lawful commercial or industrial establishment, which announce the services or products sold on the premises, subject to the following:
- (1) Number and Size. Two signs shall be permitted for each business establishment indicating the services or products sold on the premises. The aggregate sign area shall not exceed 40% of the signable wall area, as defined by this chapter.
 - (2) Type. The principal identification signs may include one awning or one canopy sign and one of the following types: (a) a wall sign attached to a main building; or (b) permanent window-based sign.

~~(3) —Wall Signs. If attached to the structure, the sign shall be attached to a front or side wall of the building, parallel to the facade of the building, and not projecting more than 12 inches from the wall. For a one-story building, wall signs shall be placed in the wall area between the lintel bar(s) of the doors and windows and the parapet. For a multi-story building, wall signs shall be placed in one of the following locations: (a) in the wall area between the lintel bar(s) and the floor level of the floor above; or (b) in the wall area between the lintel bar(s) of the top floor and the parapet. Such sign shall be erected so that all portions of the sign are at least nine feet above grade at the entrance to the establishment. No sign shall be painted directly on the surface of the wall.~~

~~Provided, however, if the location of a porch roof on an existing structure prevents the wall sign from being placed in accordance with the above requirements, then the wall sign shall be attached to the front first floor wall of the building so that no portion of the sign is located above the height of the door frame on that wall of the building.~~

~~[Note: Rewritten for clarity below – lintel-bar placement can be inconsistent]~~

Wall Signs.

- (a) Wall signs shall be attached to a front or side wall, parallel to the façade, projecting no more than 12 inches. Signs shall not be painted directly on the wall.
- (b) Height and Placement. Wall signs shall not cover or obscure significant architectural features, including and not limited to doors, windows, transom windows, cornices, and pilasters. Signs shall be placed within 9 and 15 feet above sidewalk grade on the ground floor or within similar horizontal bands on upper floors, aligned with architectural features such as sign bands, spandrels, or window bays.
- (c) Porch Roof Exception. Where architectural projections prevent placement in the designated zone, signs may be mounted below the projection but must

remain parallel to the wall and respect architectural features and pedestrian sightlines.

- (d) Minimum Clearance. All portions of a wall sign shall be at least nine feet above grade at the main entrance to the establishment.
- (4) Awning, Canopy Sign. Where an awning or canopy sign is used, only individual cut-out letters and/or symbols may be attached to, painted, stenciled or otherwise placed on the awning or canopy. An awning or canopy shall not extend into any public right-of-way.
- (5) Permanent Window Based Signs. A permanent window-based sign shall only include the following types of signs: (1) window graphics permanently applied to the glass surface of a window; or (2) a sign permanently mounted inside the building and visible from and through the outside of the window (i.e. neon window sign). A permanent window-based sign shall not exceed the sign area stated in Subsection 2C(1), above, nor more than 30% of the total window area.
- (6) Double Frontage. Where a business establishment fronts on more than one public street, it may locate two signs, one of which shall be an awning or canopy sign, on each street frontage; each public street frontage shall be considered a separate signable wall area for the purpose of this chapter and shall comply with the size and type limitations in Subsections 2C(1) and (2), above. The permissible sign size for one frontage shall not be combined with that for another frontage for the purpose of placing the combined sign area on one frontage.
- (7) Multiple Occupancy Buildings.
 - (a) Where several businesses occupy a building, each business shall be entitled to a share of the building's allowable sign area, based ~~on signable wall area, which share shall be equal to the proportionate amount of the floor area that the business leases to total leasable floor area of the building~~ on the width of the street-facing frontage occupied by the tenant. [Note: Easier to enforce]
 - (b) Where multiple tenants share a single building entrance or upper floors, signage may be consolidated on a directory panel, marquee, or common sign band, provided the total sign area does not exceed the building's maximum.
 - (c) Businesses that occupy upper floors or basement areas may also post a permanent window-based sign which shall be of a type referenced in Subsection 2C(5) above but shall not exceed six square feet in area.
 - (d) Nameplates, not exceeding five square feet in area, identifying building occupants may also be attached to a wall of the structure adjacent to the principal entrance or permanently painted or applied to a window in the door of the structure.
 - (e) It shall be the responsibility of the owner or management agent of a multiple occupancy building to provide all occupants with suitable sign space that is consistent with the provisions of this chapter. The failure of the owner/agent to

do so shall not constitute a basis for granting a variance to any sign requirements.

- (8) Incidental, Temporary Window Signs. Incidental signs which announce brand name products sold on the premises, credit cards accepted, official notices required by law, or trade affiliations or temporary signs announcing special business promotional activities are permitted to be displayed in store windows; provided, that at any one time they do not exceed 30% of the establishment's total window area including any permanent window-based signs.
- D. In AC-2 and AI-1 Districts, any business identification sign authorized in AC-1 Districts shall be permitted. In addition to one of the signs allowed by § 27-408, Subsection 2C(2), a business in this district may have one free-standing sign subject to the following requirements:
 - (1) The business fronts on a public street; the principal structure or building is set back at least 30 feet from the street right-of-way; and, the zoning lot has a frontage of 100 feet or more.
 - (2) A free-standing sign shall be set back a minimum of 15 feet from the street right-of-way and at least 10 feet from any side lot line. No free-standing sign shall be closer than 100 feet to any other free-standing sign that is six square feet or more in size.
 - (3) A free-standing sign shall not exceed 30 square feet in area and 12 feet in height, as measured from ground level at the base of, or below, the sign to the highest element of the sign.
 - (4) A free-standing sign shall not obstruct the required clear sight distance at any street or driveway intersection.
 - E. Billboards, or outdoor advertising signs, which are not related to the use of the property on which they are located, shall be permitted only in AI-1 Districts. Only one such sign shall be permitted per property or lot, and it shall not exceed 40 square feet in area and shall comply with the setback and height standards for AI-1 Districts. No billboard shall be placed so as to face a lot on the same street on which a church, public use or building, park, playground, scenic area, or river frontage is located.
3. Additional Sign Requirements: The following requirements shall apply to all signs in all zoning districts:
 - A. Rotating free-standing signs, swinging signs or signs projecting over a right-of-way are prohibited. Flags are prohibited, except as provided for in § 27-408, Subsection 5.
 - B. Banners, pennants, search lights, twirling signs, sandwich board signs, ~~sidewalk or curb signs~~, balloons or other gas-figures shall not be used on a permanent basis. **Such signs shall not be placed within the public right-of-way unless specifically approved by the Zoning Officer.**
 - C. Signs that are animated or have flashing illumination are prohibited in all districts.
 - D. Lighting.

- (1) Signs may be illuminated internally, indirectly, by floodlights, or by neon or LED tube illumination.
 - (2) The total luminous output of any illuminated sign shall not exceed 250 lumens per square foot of sign area. Signs near residential areas may be limited to 150 lumens per square feet of sign area. Color temperature for a lighted sign shall not exceed 3000K to minimize blue light and glare.
 - (3) LED signs shall remain static in intensity and color unless otherwise approved. LED modules or strips may not be replaced with higher-lumen or color-changing LEDs without approval from the Zoning Officer. LED signage shall occupy no more than 50 percent of the permitted wall sign area. Automatic dimming is required between 9:00 p.m. and 6:00 a.m., or at dusk when ambient light is low, to minimize light pollution.
 - (4) Shielding and direction. Illuminated signs shall be designed and placed so as not to interfere with, distract, confuse or blind operators of motor vehicles. Floodlighting shall be placed so that it is not visible from any point off the lot and only the sign is directly illuminated. External illumination must be fully shielded, aimed directly at the sign face, and not visible from off the lot.
- E. No sign shall be attached to any tree or utility pole on public or private property, except as permitted by Subsection 6.
 - F. No sign shall be erected upon or applied to any roof or project above the cornice line of a flat roof or above the gutter line of a sloped roof building. No sign shall project beyond any property line and/or be located within a road right-of-way except as permitted by Subsection 6.
 - G. No free-standing sign shall obstruct safe, clear sight distance at any street or driveway intersection. No free-standing sign shall have more than two faces: sign areas stated in this chapter shall be the maximum for one face. All free-standing signs shall be ~~set permanently in concrete to a depth of at least three feet.~~ designed and constructed to safely support the sign's height, area, weight, and wind loads. At the determination of the Zoning Officer, the structural design, including overall height, total sign weight, and foundation or anchoring system, shall be certified by a professional engineer licensed in the Commonwealth of Pennsylvania.
 - H. Every authorized sign must be constructed of durable materials in conformance with the Borough Building Code (Chapter 5) and must be maintained in good condition and repair, including the replacement of defective parts, painting, repainting, cleaning and maintenance of structural supports.
 - I. If any sign becomes dilapidated to the point that it constitutes an unsightly or hazardous condition, then the Zoning Officer shall order it repaired or removed within 15 days. In the event the owner fails to comply with the order, the owner shall be considered in violation of this chapter and subject to the penalties contained herein. This violation shall be in addition to any imposed by the Borough Building Code.
 - J. If a use ceases for a period of six months, all signs for that use, including any supporting structures, must be removed. If the signs are not removed, the Zoning Officer shall notify

the building owner who shall have 15 days from date of notification to remove the signs. In the event the owner fails to comply with the order, the owner shall be considered in violation of this chapter and subject to the penalties contained herein.

4. Temporary Signs. Temporary outdoor signs advertising special business promotional activities, business openings or closings, temporary activities such as a church carnival or a street fair or festival are permitted, provided:
 - A. The temporary sign receives a permit from the Zoning Officer; the period of the permit shall not exceed 30 days and the sign shall be removed immediately upon the expiration of the permit. Another permit for a temporary sign for the same use or zoning lot shall not be issued within 60 days of the expiration date of the first permit.
 - B. The sign is only located on the premises where the special activity is taking place, and only one such sign shall be permitted for the premises.
 - C. The sign does not exceed 12 square feet on any one face.
 - D. The sign is not animated or flashing, and any illumination for the sign does not create an unsafe condition for motorists or glare on surrounding properties.
5. Exemptions to Sign Requirements. The following signs shall be exempt from the requirements of this section:
 - A. Flags or emblems of a government, political, civic, philanthropic, educational or religious organization displayed on private property.
 - B. Signs placed by a governmental body, including traffic or directional devices, legal notices and warning, instructional or regulatory signs.
 - C. Address numerals and other signs required to be maintained by law or governmental regulation; provided, that the content and size of the sign does not exceed the requirements of such law or regulation.
 - D. Small directional signs, not exceeding five square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances and the like.
 - E. Residentially zoned properties with single-family dwelling units shall be permitted to have one yard sign not to exceed six square feet in size, and six feet in height, that shall be exempt from all permit requirements. This sign shall be located in the property's front or side yard and is not required to be a monument-style sign.
 - F. Temporary election signage that is required by state or federal statute to contain an advertising disclaimer are exempt from regulation except with regard to election signs placed in publicly owned and publicly maintained rights-of-way. Election signs in publicly owned and publicly maintained rights-of-way can be placed 90 days before an election and must be removed no later than seven days after an election.
6. Banner Signs. Banner signs advertising community events and/or commemorative activities are permitted to be attached to utility poles within the Borough right-of-way for Brilliant Avenue

between the intersections with Freeport Road and Fourth Street subject to the following requirements, regulations and restrictions:

- A. Type. The banner signs shall be constructed of weather-resistant material such as cloth or plastic. The banner signs shall not be digital, animated, flashing or illuminated.
- B. Number. No more than one banner sign shall be attached to a utility pole at any one time. In order to provide a uniform banner scheme along Brilliant Avenue, the applicant shall provide banners at a minimum of nine utility pole locations along Brilliant Avenue between the intersections with Freeport Road and Fourth Street.
- C. Size. A banner sign shall not exceed six square feet in surface area. The length of a banner sign shall not exceed two feet and the width of the banner sign shall not exceed three feet.
- D. Height. The banner sign shall be located on the utility pole so that the bottom of the banner sign and any related bracket or arm is at least seven vertical feet above ground level.
- E. Attachment to Utility Poles. All signs erected pursuant to this subsection shall be mounted on the utility poles using a bracket and arm design and construction approved by the Borough Engineer and the owner of the utility pole.
- F. Utility Pole Owner Consent. The applicant shall obtain written approval and/or consent from the owner of the utility pole.
- G. Sign Permit and Duration. The applicant shall apply for and obtain a sign permit for any banner signs permitted by this subsection. Only one permit shall be issued at a time for banner signs along Brilliant Avenue in order to provide a uniform banner scheme. The period of the permit shall not exceed 90 days and the banner signs shall be removed immediately upon the expiration of the permit. An applicant shall not be permitted more than two display periods in any single twelve-month period. The duration and permit period restrictions within this subsection shall not apply to banner signs installed by the Borough.
- H. Indemnification Agreement. Prior to the issuance of a sign permit for any banner signs permitted by this subsection, the sign permit applicant shall execute an indemnification agreement with the Borough in a form acceptable to the Borough Solicitor.

§ 27-409. Off-Street Parking Requirements.

- 1. Application.
 - A. Unless specifically exempted by the provisions of this chapter, all structures and uses shall provide off-street parking areas in accordance with this section.
 - B. When an existing structure or use is expanded, altered, increased in density or otherwise changed, parking spaces for the area or capacity of such expansion shall be required in accordance with this section. The expansion or alteration shall not result in the elimination of any existing required off-street parking spaces.
 - C. When an existing structure or use not in conformity with the off-street parking requirements of this chapter is expanded, altered, increased in density or otherwise

changed, the entire structure or use shall be brought into compliance with the off-street parking requirements of this chapter.

- D. A subdivision or combination of lots shall not result in the elimination of any required parking spaces for an existing structure or use.

2. General Provisions.

- A. Utilization. Required off-street parking facilities shall be solely for the parking of motor vehicles in operating condition of patrons, occupants or employees of such use.

- B. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. This provision is not applicable for dwellings where a driveway is utilized to meet off-street parking requirements.

- C. Enclosed Parking. Enclosed parking facilities containing off-street parking shall be subject to the area and bulk requirements applicable in the district in which they are located, unless otherwise specified in this chapter.

- D. Design and Maintenance.

- (1) Size. ~~Parking spaces and drive aisles shall conform to the following minimum dimensions. Handicapped parking shall conform to standards of the Americans with Disabilities act and be marked appropriately. The minimum dimensions for a conventional parking space will be nine feet in width by 18 feet in length, exclusive of curbs and maneuvering space. For a handicapped parking space, the size shall be 12.5 feet in width by 20 feet in length.~~

Parking space angle	Minimum width (feet)	Minimum length (feet)	Minimum drive aisle width (feet)
Parallel parking	10	22	12
Parallel parking (two-way travel)	9	22	22
90°	9	18	22
60°	9	20	16
45°	9	18	12

- (2) Design. ~~The minimum dimension of interior driveways and parking aisles shall be 25 feet.~~ Driveways and aisles shall be designed so that each vehicle may have ingress and egress from the space without moving any other vehicle. All access ways shall be designed so as to provide safe exit and entrance from the public street, in accordance with applicable Borough standards or PennDOT specifications.

- (3) Surfacing. All parking areas, including those for single and two family dwellings, shall be graded and paved or otherwise improved with an all-weather material of asphalt, concrete, grouted brick or paving blocks approved by the Borough. Permeable pavement, including but not limited to pervious concrete, porous asphalt, permeable interlocking pavers, or reinforced turf systems, shall be permitted for parking lots, drive aisles, and pedestrian pathways provided that permeable pavement areas are capable of supporting anticipated vehicular loads. Permeable pavement areas must be maintained to preserve permeability.
- E. Screening. ~~All open off-street parking areas containing more than eight parking spaces shall be effectively screened on each side by a wall, fence or densely planted compact evergreen hedge not less than four feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, such wall, fence or hedge. Clear sight triangles, as defined by this chapter, shall be maintained. Open parking areas for 10 or more cars shall be interspersed with land forms or other appropriate landscape or planted area.~~ [NOTE to reviewers – moved and expanded upon in K.]
- F. Lighting. Any lighting used to illuminate off-street parking areas and driveways shall be directed away from residential properties or public street in such a way as not to interface with such uses. The lighting system shall furnish minimally an average of two foot candles during hours of operation with lighting standards being located not more than 80 feet apart.
- G. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
- ~~H. Multiple Parking Occupancy. When a number of different uses or businesses are proposed within a structure, facility or complex on the same zoning lot, and when it can be demonstrated that one or more of such uses require parking spaces at times other than normal business or operating hours for other uses, the applicant may present to the Planning Commission a written report stating that a maximum combination of all such uses will not require that total accumulative parking spaces required by this chapter. If the Planning Commission, after review, determines that a reduced overall parking requirement can satisfy the off-street parking needs of the combined facilities, the applicant shall be permitted to reduce the parking spaces provided in accordance with the plan approved by the Planning Commission.~~ [Note: Made obsolete by rewrite of the following section.]
- I. Location.
- (1) All off-street parking spaces required to serve structures or uses shall be located on the same zoning lot as the structure or use served or within 600 feet of a main entrance to the structure or use served.
- (2) If not located on the same zoning lot, the required off-street parking spaces shall be located on a zoning lot owned by or leased to the owner of the zoning lot on which the principal use is located. If the off-site, off-street parking spaces are leased, the term of the lease shall be for a period of not less than 20 years. No property located in a residential zone may be used for off-site, off-street parking; however this restriction shall not apply to Borough- owned or - controlled property.

- (3) Evidence of ownership or lease rights shall be presented to the Borough in the form of a deed, contract of sale, option agreement or lease.
 - (4) The continued ownership or lease of the approved off-site, off-street parking spaces shall be a condition to occupancy of the principal use which the parking spaces serve.
- J. Required parking may be provided in a garage, carport or open-air paved area, located and designed in accordance with this chapter. A driveway for a dwelling unit may count for one off- street space, provided it does not inhibit access to other required off-street spaces.
- K. Landscaping and greening. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare from headlights, and parking lot lights; to delineate driving lanes; and define rows of parking. Furthermore, parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat, to allow surface infiltration of stormwater runoff, and to improve the aesthetics of parking lots.
- (1) Interior landscaping requirements shall apply to new parking lots of at least 5,000 square feet and parking lots where expansion will increase the number of parking spaces to or beyond 5,000 square feet. The minimum required interior landscaping area of parking lots shall be a percentage of the total vehicle use area as follows:

Vehicle use area, square feet	Minimum interior landscaping area (percentage of vehicle use area)
0 – 4,999	0%
5,000 – 14,999	6%
15,000 or greater	10%

- (2) The minimum ground coverage and canopy coverage of planting material, as determined by the design canopy/ground coverage of the plant species proposed, shall be 85% of the designated interior landscaping area.
- (3) The applicant shall propose the number and species of plant materials to satisfy the requirements above, provided that a minimum of two shade or canopy trees are provided in a planting island or planting strip for each 340 square feet of interior landscape areas provided or fraction thereof. Such shade or canopy trees shall be distributed throughout the parking lot to ensure well-distributed canopy coverage of the vehicular use areas. At least 25%, but no more than 50%, of the plant materials shall be evergreen.
- (4) The applicant shall provide the number and locations of planting areas, planting islands and planting strips. Planting islands and planting areas should be distributed throughout the parking lot to maximize tree canopy coverage over the entire parking lot. Large canopy trees shall be required to meet this requirement.

- (5) When planting areas are provided within interior parking lot landscaping, including planting strips or planting islands, they shall have curbs, wheel stops, or bollards for protection from erosion or automobile damage; however, openings shall be included which direct rainwater to the planting areas.
- (6) The construction or installation of new parking lots with more than 20 parking spaces shall incorporate bioretention elements into the parking lot design. The Township Engineer shall approve the functional design of the area(s) and determine if bioretention areas can be utilized to demonstrate compliance with Chapter 23, Stormwater Management. In addition to the standards above, the bioretention area shall include at least one large canopy tree or three understory trees per 100 square feet of bioretention area and a minimum of six large shrubs or 12 small shrubs and eight grasses per 200 square feet of bioretention area.
- (7) All off-street parking areas containing more than eight parking spaces shall be effectively screened on each side by a wall, fence, or densely planted compact evergreen hedge not less than four feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, such wall, fence or hedge. Clear sight triangles, as defined by this chapter, shall be maintained.

3. Required Spaces by Type of Use.

- A. The actual number of off-street parking spaces required by any use or development shall be calculated during the site plan review by the Planning Commission or the review of the conditional use application by Borough Council based on the standards set forth below in this subsection. In the event neither site plan review nor conditional use is required, the actual number of off-street parking spaces shall be calculated by the Zoning Officer, based on the standards set forth in this subsection.
- B. Properties shall be required to provide the following number of off-street parking spaces as follows:
 - (1) One parking space for every two residential dwelling units on the property.
 - (2) No fixed minimum number of off-street parking spaces shall be required for non-residential uses. Instead, off-street parking shall be provided in a quantity demonstrated to meet actual demand, as determined through a parking demand study prepared in accordance with this section.
 - ~~(3) One parking space for every 500 square feet of gross floor area (GFA) of nonresidential use on the property; except that industrial, manufacturing, or warehouse uses shall be required to provide and maintain one parking space for every 2,500 square feet of GFA.~~
 - (4) In determining the required number of parking spaces, fractional spaces are rounded to the nearest whole number, with 1/2 or more counted as an additional space.
 - ~~(5) Where multiple uses exist on the same lot, Planning Commission may reduce the off-street parking requirement per § 27-409.H.~~

C. Parking Demand Study.

- (1) Any application for non-residential land use, including a change of use, shall include a parking demand study. This study shall:
 - (a) Estimate anticipated parking demand based on the specific proposed use, hours of operation, employee counts, customer or visitor volumes, and peak demand periods;
 - (b) Evaluate the availability and utilization of existing on-street and off-street parking within 600 feet of a main entrance to the structure or use served;
 - (c) Analyze opportunities for shared parking, including complementary land uses with differing peak demand periods;
 - (d) Identify any leased, reserved, or otherwise legally available off-site parking, including documentation of enforceable agreements; and
 - (e) Demonstrate that the proposed parking supply, whether on-site, shared, leased, or some combination thereof, is sufficient to meet projected demand without creating unsafe or unreasonable impacts on surrounding streets or properties.
- (2) Review and determination. Planning Commission shall review the parking demand study and may approve, approve with conditions, or require modifications to the proposed parking supply where necessary to ensure that adequate parking is provided. The Borough may require periodic monitoring or post-occupancy adjustments if actual parking demand differs from what the study projected.
- (3) Where off-street parking is provided through a shared parking arrangement:
 - (a) The shared or leased parking shall serve uses with different or offset peak demand periods.
 - (b) A recorded agreement, lease, or easement shall be placed on file with the Borough to demonstrate long-term availability of the spaces.
 - (c) Should a change in use, intensity, or hours of operation result in overlapping or increased peak parking demand, the Borough may require the applicant or property owner to submit an updated parking demand study. If the study demonstrates that the shared parking arrangement no longer adequately meets demand, the Borough may require modification of the parking plan, including the provision of additional on-site, shared, or leased parking, or other mitigation measures.

Use-Type

Residential

Commercial

Minimum-Required-Spaces

Two-spaces-per-dwelling-unit

Automotive Repair	One per 150 square feet of GFA
Bank, Savings & Loan Association	One per 200 square feet of gross floor area (GFA)
Bank, Drive-in with Drive-Through	One per 1/4 exterior teller window and four for each interior teller window
Bed-and-Breakfast	One per guest room, plus two additional spaces for the primary residence
Business & Professional Offices (other than medical or dental offices)	One per 300 square feet of GFA
Day Care Center, Pre-Primary School	One per staff member, plus one space per six children
Doctor and Dentist Offices	One per examining room, plus one for each two chairs in waiting room, plus one per physician and staff member
Eating and Drinking Establishments (sit-down type)	One per four seats at tables and one per two seats at a bar or counter, plus one per two employees
Gasoline Service Station	Two spaces per service bay, plus one per employee
Laundromats	One per three washing or dry cleaning machine (exclusive of dryers)
Medical and Dental Clinic or Laboratory	One per 200 square feet of GFA
Mortuary	One per three seats in any chapel or seating area and not less than five spaces for each viewing area or room
Motel or Hotel	One per guest room plus parking requirements for any restaurant, bar or other facilities as required by this chapter
Personal Service & Repair Establishment	One per 100 square feet of GFA plus one for each two employees
Private School for Art, Music, Crafts, Dance, Etc.	One per staff member, plus one per three students
All Commercial Uses Not Specifically Listed	One per 200 square feet of GFA
Restaurants (Drive-In or Fast Food)	One per two seats, plus one per employee
Theater	One per four seats
Veterinary Office or Clinic or Hospital	One per 150 square feet of GFA, plus one per staff member
Commercial Recreation	

Bowling Alleys	Four per alley
Swimming Pools and Clubs	One space per 38 square feet of water area
Tennis, Racquetball Courts, etc.	4.5 spaces per court
Other Commercial Recreational Facilities Not Specifically Mentioned	One per 200 square feet of GFA
Industrial	
Manufacturing, Warehouse and Wholesale	One per two employees on the two largest shifts combined
Public-Quasi-Public	
Churches	One per three fixed seats, plus one per employee
Elementary, Junior or Senior High School	Two per classroom plus one for each five students 16 years of age or older
Colleges, Universities and other Special Institutions	Two per classroom plus one for each five students 16 years of age or older
Hospitals	One and 1/2 per bed plus one for each staff physician and one for each two other employees
Nursing or Convalescent Homes	One per three beds plus one for each two other employees
Private Clubs and Lodges	One per 1.5 members
Public or Nonprofit Recreation	One per four persons of design capacity for the facility
Public Utilities	One per two employees on two largest shifts combined

§ 27-410. Off-Street Loading Requirements.

1. Applicability. In any zoning district, all structures and uses which require the receipt or distribution of materials or products by trucks or similar vehicles, shall provide accessory off-street loading spaces as required by this chapter. When an existing structure is expanded, accessory off-street loading spaces shall be provided in accordance with the following regulations for the area of such expansion. Off-street loading requirements may be modified or waived during the site plan or conditional use review where the applicant can show that existing site constraints limit the application of these standards.
2. General Provisions.
 - A. Location. All required loading spaces or berths shall be located on the same lot as the use served, and no portion of the vehicle shall project into any traffic lane. All motor vehicle loading berths which abut or are adjacent to a residence district or use shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, door, planted screen or any combination thereof, not less than six feet nor more than eight feet

in height. No permitted or required loading space or berth shall be located within 40 feet of the nearest point of intersection of any two public streets or highways. No loading space or berth shall be located in a required front yard, and any loading space or berth located in a required rear yard shall be open to the sky.

- B. Area. Unless otherwise specified, a required off-street loading space shall be 10 feet in width by at least 50 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 16 feet. The required length may be reduced by 10 feet, if the applicant certifies that the off-street loading use will only be single-unit trucks or smaller.
- C. Access. Each required off-street loading space shall be designated with appropriate means of vehicular access to a street, highway or alley in a manner which will least interfere with traffic movement.
- D. Surfacing. All open off-street loading shall be improved with a compacted select gravel base, not less than seven inches thick, surfaced with an all-weather material.
- E. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any off-street loading facilities.
- F. Utilization. Space allocated for any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

3. Required Off-Street Loading Spaces.

Use	Required Berth (Based on Gross Floor Area)
Manufacturing	One berth for every 10,000 square feet
Wholesale, Other Uses	One berth for every 8,000 square feet
Business and Professional Offices	One berth for every 10,000 square feet, not exceeding a total of two required stalls
Food Stores and Other Retail Stores	One berth for every 5,000 square feet up to a maximum of two stalls and then one berth for every 20,000 square feet or fraction thereof

Uses for which off-street loading facilities are required by this section, but which are located in buildings that have a floor area that is less than the minimum for which off-street loading facilities are required, shall provide adequate receiving facilities, accessible by motor vehicle, from any adjacent alley, service drive or open space on the same lot, in accordance with the provisions of this chapter.

§ 27-411. Environmental Performance Standards.

- 1. All uses hereafter established in any zoning district shall comply with the performance standards contained in this section. The performance standards shall apply to an existing use or structure, or portion thereof, when it is extended, enlarged, moved, structurally altered or

reconstructed.

- A. Fire and Explosive Hazards. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion and adequate fire-fighting equipment as specified by the Department of Labor and Industry and the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the Borough's Building Code (Chapter 5) and all other applicable Borough ordinances.
- B. Radioactivity or Electrical Disturbances. There shall be no activities which emit radioactivity at any point above the most recent background limits set by state and/or federal regulations. There shall be no radio or electrical disturbance adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance.
- C. Smoke, Ash, Dust, Fumes, Vapors and Gases. There shall be no emission of smoke, ash, dust, fumes, vapors or gases which violates applicable federal, state or Allegheny County laws and regulations.
- D. Liquid and Solid Wastes. There shall be no discharge at any point into any public or private sewerage system, or watercourse or into the ground, of any materials in such a way or of such a nature, as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws and regulations of the Commonwealth of Pennsylvania and Allegheny County. All required discharge and disposal permits shall be obtained.
- E. Glare. No direct reflected glare whether from any lighting source or production operation shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level. Glare shall be defined as direct or indirect light from such activities of greater than 0.5 foot candle at habitable levels.
- F. Lighting cutoff angle. In all zoning districts, all lighting devices located within 100 feet of a property line adjoining a residential use or any zoning district that has a residential use as a listed permitted use shall be designed with shields, reflectors or refractor panels that direct and cut off light at a cutoff angle that is less than 90°. "Cutoff angle" is defined as the angle formed by a line drawn from the direction of the light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
- G. Odor. There shall be no emission of odorous gases or other matter in such quantities as to be offensive on adjoining streets or adjacent lots. Odor thresholds shall be measured in accordance with ASTM D-1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)."
- H. Noise.
 - (1) No operation or activity shall cause or create noise in excess of the sound levels prescribed below. The noise shall be measured on an A-weighted scale of a sound-pressure-level meter which conforms to the standards prescribed by the American National Standards Institute (ANSI), New York, New York, in Specifications for Sound Level Meters, S1.4-1971, or latest revised edition. If an A-weighted sound device is not present, a violation will be

deemed to have occurred if the sound is audible to any degree to a police officer or a Code Enforcement Officer located a distance of not less than 75 feet from the source of the sound.

- (a) Residential districts. At no point beyond the boundary of any lot within the AR-1, AR-2, AR-3, AR-4 or AR-S districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 68 decibels (dBA). In residential zoning districts, the sound level generated by mechanical equipment such as air-conditioning units, exhaust fans, generators, or similar devices, as measured at the property line, shall not exceed 55 dBA between 7:00 AM and 10:00 PM or 50 dBA between 10:00 PM and 7:00 AM.
 - (b) Commercial, conservation and industrial districts. At no point on or beyond the boundary of any lot within the A-CD, AC-1, AC-2, and AI-1 districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 65 dBA for more than eight hours during any twenty-four-hour period.
 - (c) Where two or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.
- (2) The following uses or activities shall be exempted from the noise regulations:
- (a) Noises emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m.
 - (b) Noises caused by safety signals, warning devices and other emergency-related activities or uses.
 - (c) Noises emanating from public recreational uses between 7:00 a.m. and 11:00 p.m.
 - (d) Noises emanating from the delivery of public services such as street maintenance, snow removal and solid waste and recycling pickup.

~~(1) No operation or activity shall cause or create noise in excess of the sound levels prescribed below. For the purposes of this chapter, the noise level will be measured in decibels (dBA) which indicate the sound pressure level obtained from a frequency weighting network corresponding to the A-scale on a standard sound level meter.~~

~~(e) Residential and Conservation Districts. At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 75 dBA for more than one hour per 24 hours.~~

~~(f) AC-1 and AC-2 Districts. At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 75 dBA for more than eight hours per 24 hours.~~

~~(g) A-1 Districts. At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located~~

~~on such lot exceed a maximum of 75 dBA.~~

~~(h) Where two zoning districts in which different noise levels are prescribed, share a common boundary, the most restrictive of the noise level standards shall govern.~~

~~(2) The following uses or activities shall be exempted from the noise regulations: (a) noises emanating from construction and/or maintenance activities between 7:00 a.m. and 9:00 p.m.; and, (b) noises caused by safety signals, warning devices and other emergency-related activities or uses.~~

(3) In addition to these regulations, all uses or activities within the Borough shall conform to any applicable county, state or federal noise regulations.

I. Vibrations.

(1) Vibration shall be measured at or beyond any adjacent lot line or residential district line as indicated in Table A below and such measurements shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

(2) The maximum vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$P.V. = 6.28 F \times D$$

P.V. = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration, inches

(3) The maximum particle velocity shall be the vector sum of the three individual components recorded. Such particle velocity shall not exceed the values given in Table A. Where vibration is produced as discrete impulses, and such impulses do not exceed a frequency of 100 per minute, then the values in Table A may be multiplied by 2.

Table A

Maximum Ground Transmitted Vibration By Zoning District

Particle Velocity in Inches/Second

Vibration Measured in:	Adjacent Lot Line	Residential and Conservation Districts
-------------------------------	--------------------------	---

Residential and Conservation Districts	0.02	0.02
Commercial Districts	0.06	0.02
Industrial Districts	0.1	0.02

J. Storage. All garbage, trash and rubbish shall be stored in covered, vermin proof containers, and also shall be screened from public view.

K. Determination of Compliance.

(1) If during the review of a zoning application it appears that the proposed use or development may violate the performance standards contained in this section, the Borough may initiate an investigation and may require the applicant to submit such data and evidence as is needed to make an objective determination. The evidence may include such items as:

- (a) Plans of the existing or proposed construction and development.
- (b) A description of the existing or proposed machinery, processes and products.
- (c) Specifications for the mechanisms and techniques used or proposed to be used in restricting the possible emission of any of the dangerous and objectionable elements as set forth in this Part.
- (d) Measurements of the amount or rate of emission of said dangerous and objectionable elements.

(2) In order to determine compliance, the Borough may seek assistance from any county, state or federal agency having interest in or jurisdiction for the particular environmental issue. The Borough may also require the applicant to submit a report from a qualified technical expert certifying that the proposed use does comply with the performance standard(s). The technical expert shall be persons or firms mutually acceptable to the Borough and applicant; in the event agreement cannot be reached on the technical expert, the Borough shall make the selection. The cost of the expert's study and report shall be borne by the applicant. A negative report by the technical expert, as to the proposed use's compliance with the performance standard(s), and the applicant's refusal or inability to make alterations to ensure compliance, shall be a basis for denying approval of the zoning application.

L. Continuing Enforcement.

(1) The Zoning Officer shall investigate any purported violation of the performance standards and, if necessary, request the Borough employ qualified experts to assist in the determination of a violation. The costs for the services of such experts shall be paid by the owner or operator of the facility accused of the violation.

(2) If the facility is found to be in violation, the owner or operator shall be given a reasonable length of time to correct the violation. If at the conclusion of this time period the violation still exists, and the Borough has agreed to no time extension, the owner or operator shall be in violation of this chapter and subject to the legal

penalties and remedies contained herein.

§ 27-412. No-Impact Home-Based Business.

1. No-impact home-based businesses, which comply with the definition and standards of this chapter, shall be permitted as an incidental use to any principal dwelling unit in all residential zoning districts as long as the business or commercial activity satisfies the following requirements, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of the land, nor any master deed, bylaw or other document applicable to a common interest ownership community:
 - A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - B. The business shall employ no employees other than family members residing in the dwelling.
 - C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - D. There shall be no outside appearance of a business use, including but not limited to, parking, signs or lights.
 - E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - H. The business may not involve any illegal activity.

§ 27-413. Radio or Television Antenna and Satellite Dish Antenna.

1. Radio or Television Antenna.
 - A. A radio or television antenna accessory to a principal residential use may be installed or used only in a rear yard; provided, that said structure shall not be located in the minimum required rear yard and further provided that such antenna be located a minimum of 20 feet from any property line, has a maximum height of 30 feet, is screened from adjacent properties by large evergreen trees, and to the extent possible is painted black, dark green or brown.
 - B. Such an antenna may be mounted on the roof provided it has a maximum height of 13 feet above the roof line as measured from the highest point of the roof for flat roofs, deck line for mansard roofs or the mean height between eaves and ridge for gable, hip and gambrel roofs, and is painted as specified above.
 - C. No radio or television antenna shall be installed or used before securing a building permit.

- D. No radio or television antenna shall be lighted.
- E. This section shall not be construed as authorizing the construction or use of a tower or other structure for any commercial, institutional or governmental telecommunications, radio, cellular telephone, paging, television or similar use.

2. Satellite Dish Antenna Structures.

- A. A satellite dish antenna structure may be installed or used only in a rear yard; provided, such structure is not located in the minimum required rear yard; and further provided, such structure is located a minimum of 20 feet from any property line; has a maximum height of 13 feet above the ground when positioned vertically, a maximum diameter of 10 feet, is screened from adjacent properties by evergreen vegetation to the maximum extent possible without interfering with the antenna's line of sight and to the extent possible is painted black, dark green or brown.
- B. The satellite dish antenna may be located on the roof of a structure only if the owner establishes that
 - (1) Placement of the satellite dish antenna in the rear yard as required by this section would effectively preclude reception from any transmitting satellite.
 - (2) The roof of the structure in question can safely support the load of the satellite dish antenna.
 - (3) Design of the satellite dish antenna and its proposed placement on the roof are such that the satellite dish antenna will remain safely secured to the roof during wind gusts of up to 75 miles per hour.
 - (4) The maximum height of the satellite dish antenna is 13 feet above the roof line as measured from the highest point of the roof for flat roofs, deck line for mansard roofs, or the mean height between eaves and ridge for gable, hip and gambrel roofs.
 - (5) The maximum diameter of the satellite dish antenna is 10 feet.
 - (6) To the extent possible the satellite dish antenna is painted black, dark green or brown.
- C. No satellite dish antenna structure shall be installed or used before securing a building permit.

§ 27-414. Subdivision of Dwellings Erected Prior to January 1, 1991.

Any double house or other multi-family residential dwelling unit erected and used for such purposes on or before January 1, 1991, may be subdivided along a party wall notwithstanding the fact that the minimum yard requirements of this chapter may not be met as a result of said subdivision. Any such subdivision shall comply with all other applicable requirements of this chapter, the subdivision and land development regulations [Chapter 22] and other Borough ordinances. [This should move to SALDO]

§ 27-415. Commercial Trading Hour Restrictions.

All business, commercial and trading activities and/or uses in the commercial zoning districts of the

Borough shall comply with the trading hour regulations contained in Part 4 of Chapter 13 of the Aspinwall Borough Code of Ordinances, Trading Hours in Commercial Districts, which are incorporated herein by reference.

§ 27-416. Outdoor Mechanical Vending Devices.

1. Application. No outdoor mechanical vending device (as defined in § 21-407 of the Aspinwall Borough Code of Ordinances) shall be placed, displayed, erected, altered, relocated, remodeled, expanded or maintained in a manner that is inconsistent with the provisions of this chapter and any other applicable Borough ordinances. The following regulations on the placement and display of outdoor mechanical vending devices shall neither replace nor substitute the Borough's sign regulations of this chapter or any other applicable Borough ordinances.
2. Permitted Outdoor Mechanical Vending Devices, Size and Placement Requirements.
 - A. Zoning District Regulations. Outdoor mechanical vending devices shall only be permitted in the following zoning districts: AC-1; AC-2; AI-1 and A-CD.
 - B. Number. No more than two outdoor mechanical vending devices shall be permitted on a lot, as designated by the Allegheny County Block and Lot System.
 - C. Size. Outdoor mechanical vending devices shall not exceed the following dimensions: Height - six feet; Width - three feet; and Depth - three feet.

§ 27-417. Riverfront Developments.

1. Riverfront developments shall comply with the following criteria.
 - A. Comprehensive Plan. The proposed riverfront development shall preserve the community development objectives of this chapter and shall be consistent with the Borough Comprehensive Plan and Allegheny Places, the Allegheny County Comprehensive Plan.
 - B. Compatibility. The proposed riverfront development shall physically integrate with the larger community of which it is a part in the following ways:
 - (1) A system of public streets is designed and constructed in a way so as to ensure coordination with streets outside of the development.
 - (2) All utilities are designed and installed in a manner which ensures coordination with the infrastructure systems serving the Borough.
 - (3) Physical access is provided throughout the development in order to connect the community with the riverfront.
 - C. Riverfront. The proposed riverfront development shall incorporate plans and means for improving public access to, use of, and enjoyment of the scenic and other assets of the Allegheny River and further the goals of the Borough relative to the use and preservation of riverfront property.
 - D. Comparable Departure. Where the proposed riverfront development departs from the

requirements of this chapter, Chapter 22 of the Aspinwall Borough Code of Ordinances, Subdivision and Land Development, or other regulations otherwise applicable to the subject property, such departures must be shown to be in the public interest and promote the health, safety, and general welfare of the public.

- E. Common Open Space. The proposals for the maintenance and conservation of any proposed common open space shall be reliable, and the amount and extent of improvements of such common open space shall be adequate with respect to the purpose, use, and type of development proposed.
- F. Infrastructure. The physical design of the proposed riverfront development shall adequately provide for public services, pedestrian and vehicle traffic facilities and parking, light, air, recreation and visual enjoyment.
- G. Safety. No use or design feature in the proposed riverfront development shall involve any element or cause any condition or traffic hazard that may be dangerous, injurious, or noxious to any other property or persons. Consideration of potential traffic hazards shall include, but not be limited to, the effect of the riverfront development on traffic congestion on the roads, streets, and highways affected by the riverfront development.
- H. Timing. In the case of a riverfront development plan that proposes development over a period of years, the riverfront development will provide at each stage of development a proportion of open space, planned facilities and amenities, and other improvements equal to the stage's proportion of the entire development. Conditions as required in this chapter and as intended to protect the interests of the public and of the residents of the riverfront development and the integrity of the riverfront development plan shall also be met.

2. Bonuses for Riverfront Developments.

- A. Purpose. Bonuses are offered in order to encourage riverfront developments to achieve the community development objectives of the Borough and fulfill objectives of this chapter.
- B. Sustainable Development Bonus.
 - (1) Purpose. Green buildings improve air and water quality, reduce solid waste, conserve natural resources, reduce operation costs, optimize life-cycle economic performance and minimize the strain on local infrastructure. Given that buildings are responsible for a large portion of energy and resource use, the provisions of this section are intended to promote sustainable developments that reduce the impact of the built environment in the Borough.
 - (2) Applicability. The following bonuses for sustainable development may be permitted in all riverfront developments.
 - (3) Density and Height Bonuses. In the event that a building or structure is determined by the United States Green Building Council to be a LEED-certified building, the maximum permitted density may be increased by 20%. Also, in the event that a building or structure is determined to be a LEED-certified building, the maximum

height of the building or structure may exceed the permitted height but shall not exceed an additional 20% of the permitted height.

- (a) Structures utilizing the height bonus may not exceed a maximum height of 48 feet or four stories. Council shall only authorize this increased structure height if there is a finding of fact that the taller structure will not negatively affect views from surrounding areas, if the average floor area of such structure is no greater than 15,000 square feet, and if there is no more than one such structure for every two acres of site area in the riverfront development.

§ 27-418. Riverfront Planned Development.

1. Development Plan. No riverfront planned development may be approved or recorded, no lot shall be sold nor any structure built, altered, moved or enlarged in any riverfront planned development unless and until a land development plan has been approved and recorded and until the improvements required in connection therewith have either been constructed or guaranteed, as herein provided.
2. Compliance with Other Provisions. The provisions of this section for approval of a riverfront planned development shall be a modification to and in lieu of procedures for approvals otherwise required in this chapter, Chapter 22 of the Aspinwall Borough Code of Ordinances, Subdivision and Land Development, and Articles V and VI of the MPC. Failure to comply with the provisions of this section with respect to a recorded development plan shall be deemed to constitute a violation of this chapter.
3. Application and Review Procedure. All riverfront planned developments shall require submission, review and approval of an application for tentative approval and an application for final approval in accordance with the procedures and requirements set forth in this section.
4. Concept Plan.
 - A. Prior to submission of an application for tentative approval, the developer is encouraged to present a schematic plan of the proposed development to the Planning Commission to assure mutual agreement on the location, extent, functioning, public orientation and goals of the proposed riverfront planned development, but such agreement shall not be legally binding. Time deadlines applicable to applications for tentative or final approval shall not apply to concept plans.
 - B. In the case of a riverfront planned development that proposes development of only a portion of the parcel owned or controlled by the developer, the developer shall provide a concept plan that clearly delineates the proposed future development of all remaining portions of such parcel. This concept plan may be submitted as a part of the application for tentative approval.
5. Tentative Approval Application Procedure.
 - A. An application for tentative approval shall be filed with the Zoning Officer, on forms prescribed by the Borough, with not fewer than six full-scale copies and 15 half-scale copies of all required maps, and 15 copies of all other application material, at least 14 days

prior to the regular meeting of the Planning Commission. An application for tentative approval shall not be considered to be administratively complete until all items required by this chapter, including the application and/ or deposit, have been received by the Borough.

- B. The Zoning Officer shall review the application to determine whether all materials required by this chapter have been submitted by the applicant. If all such materials have not been submitted, then the Zoning Officer shall reject the application as being administratively incomplete and shall notice the applicant, in writing, citing the specific deficiencies and the specific requirements of this chapter that have not been met.
- C. Within five days of receipt of an administratively complete application, the Zoning Officer shall forward one copy each of the tentative application and any materials submitted therewith to each member of the Planning Commission, each member of Borough Council, the Borough Engineer, the Borough Solicitor, the County Health Department, and the County Planning Agency.
- D. Planning Commission Recommendation. The Planning Commission shall review the application and forward its recommendation to the Borough Council within 45 days of the date of the Borough's receipt of an administratively complete application.
- E. Borough Council Action.
 - (1) Council shall commence, hold and conduct a public hearing in accordance with Section 708 of the MPC, 53 P.S. § 10708.
 - (2) Council shall render its decision, provide official written communication of its decision, and provide findings of fact and conclusions of law in accordance with Section 709 of the MPC, 53 P.S. § 10709.
 - (3) Council shall grant tentative approval to a riverfront planned development if, and only if, it is found to meet the criteria set forth in this section.
 - (a) The developer may reject any conditions in accordance with Section 709 of the MPC, 53 P.S. § 10709.
 - (b) The grant of tentative approval may be revoked in accordance with Section 710(c) of the MPC, 53 P.S. § 10710(c).
 - (c) Where tentative approval has been granted, it shall be deemed an amendment to the Zoning Map, effective upon final approval, and shall be noted on the Aspinwall Borough Zoning Map in accordance with Section 710(a) of the MPC, 53 P.S. § 10710(a).

6. Final Plan Application Procedures.

- A. An application for final approval shall be filed with the Zoning Officer, on forms prescribed by the Borough, with not fewer than six full-scale copies and 15 half-scale copies of all required maps, and 15 copies of all other application material, at least 14 days prior to the

regular meeting of the Planning Commission. An application for final approval shall not be considered to be administratively complete until all items required by this chapter, including the application and/ or deposit, have been received by the Borough.

- B. The Zoning Officer shall review the application to determine whether all materials required by this chapter have been submitted by the applicant. If all such materials have not been submitted, then the Zoning Officer shall reject the application as being administratively incomplete and shall notice the applicant, in writing, citing the specific deficiencies and the specific requirements of this chapter that have not been met.
- C. Within five days of receipt of an administratively complete application, the Zoning Officer shall forward one copy each of the tentative application and any materials submitted therewith to each member of the Planning Commission, each member of Borough Council, the Borough Engineer, the Borough Solicitor, the County Health Department, and the County Planning Agency.
- D. An application for final approval may be for all the land included in a riverfront planned development or, to the extent set forth in the tentative approval, for a section thereof. Application for final approval of each phase shall be filed with the Zoning Officer not later than 12 months following the grant of tentative approval, unless otherwise specified by Council, provided that Council may approve an extension of this time period on written request of the developer.
- E. Planning Commission Recommendation. The Planning Commission shall review the application and forward its recommendation to the Borough Council within 45 days of the date of the Borough's receipt of an administratively complete application.
- F. Borough Council Action.
 - (1) A public hearing on an application for final approval of the riverfront planned development, or part thereof, shall not be required, provided the riverfront planned development, or the part thereof, submitted for final approval is in compliance with the riverfront development plan given tentative approval and with any specified conditions attached thereto.
 - (2) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this chapter and the official written communication of tentative approval, Council shall grant such riverfront planned development final approval in accordance with Section 711(b) of the MPC, 53 P.S. § 10711(b).
 - (3) In the event the riverfront development plan as submitted for final approval contains variations from the riverfront development plan given tentative approval, Council may refuse to grant final approval in accordance with Section 711(c) of the MPC, 53 P.S. § 10711(c). In the event of such refusal, the developer may pursue the options set forth in Section 711(c) of the MPC, 53 P.S. § 10711(c), in accordance with the time limitations and requirements set forth therein.
- G. Recording. A riverfront development plan, or any part thereof, which has been given final approval shall be so certified without delay by Council and shall be filed of record in

accordance with Section 711(d) of the MPC, 53 P.S. § 10711(d). Upon the filing of record of the riverfront development plan, the zoning and subdivision and land development regulations otherwise applicable to the land included in such shall not apply.

- H. Abandonment of Plan. In the event that a riverfront development plan or a section thereof is given final approval and thereafter the developer shall abandon the plan or the section thereof that has been finally approved, the developer shall so notify Council in writing; or, in the event that the developer shall fail to commence and carry out the riverfront planned development in such reasonable period of time as may be specified in the development agreement (see § 27-418, Subsection 13), no development or further development shall take place on the property included in the riverfront planned development until a new subdivision or development plan has received final approval from Council.
 - I. Modifications. Modifications may be allowed only by Council approval in accordance with Section 706 of the MPC, 53 P.S. § 10706, when the modifications are minor, do not negatively impact the plan and are in the public interest.
7. Plan Contents and Requirements. All riverfront planned developments shall submit applications for tentative and final approval according to the following:
- A. Application for Tentative Approval. The application for tentative approval shall include the following:
 - (1) A location map clearly showing the location, area and zoning of the tract proposed for development, the area and zoning of adjacent properties and the location and relative distance to existing adjacent streets.
 - (2) A site analysis study, including review and analysis of natural and geotechnical features, existing and potential scenic views, and structures or features of an archaeological or historic interest.
 - (3) A proposed riverfront development plan, prepared by a registered engineer, architect, registered professional land surveyor, or landscape architect, showing the entire tract and all lands within 100 feet of its boundaries and the following data:
 - (a) Property lines and total acreage of the tract;
 - (b) The location of any existing bodies of water or watercourses, using normal pool level as defined by United States Army Corps of Engineer data;
 - (c) All existing streets, rights-of-way, and easements related to the development;
 - (d) The location of existing driveways on adjacent properties;
 - (e) The location of natural features, including, but not limited to, streams or other natural watercourses, lands subject to flooding, including adjacent land within 100 feet of the site, wetlands, landslide-prone soils, and significant stands of existing trees;
 - (f) The location of existing structures, including structures located on abutting property if within 50 feet of the common property line;

- (g) Existing cultural features within 100 feet of the site, such as trails, bike lanes, marinas, parks, boat docks, fishing piers, or other water access points, or recreational amenities;
 - (h) Required front, side and rear yard lines, and any required building line;
 - (i) Existing contour lines at two-foot intervals;
 - (j) Location, dimensions, total square footage and ground-floor plans of proposed structures, walkways, driveways, entrances, parking facilities, loading spaces, landscaping, signs, lighting facilities, fences or walls, fire hydrants and fire lanes and other site improvements or amenities;
 - (k) Proposed contour lines at two-foot intervals;
 - (l) Spot elevations on sites where the overall slope is less than 2%.
 - (m) Location and approximate size of existing and proposed utilities to serve the development;
 - (n) Schematic elevations at an appropriate architectural scale;
 - (o) Surface water runoff controls; and
 - (p) Title block, giving name of municipality, name of development, property owner, developer, North point, date and scale (minimum one inch equals 50 feet).
- (4) The proposed riverfront development plan shall include such maps, at a scale no smaller than one inch equals 50 feet, and text needed to clearly show the following:
- (a) A written narrative explaining the purpose of the proposed development, what is proposed, how it is consistent with the Borough Comprehensive Plan and community development objectives, a discussion of any requested modifications and how such modifications, if granted, will not be contrary to the purposes of the Borough Riverfront Zoning Overlay;
 - (b) The name of the proposed development and names and addresses of the developer and the persons who prepared the plan;
 - (c) The proposed street pattern, including the names, proposed ownership (public or private), paving widths, and rights-of-way of all streets, and the widths and locations of easements;
 - (d) The layout of lots or parcels, where appropriate, including dimensions, number, and building lines;
 - (e) The location, use, height, bulk, and number of families to be housed for every structure proposed;
 - (f) The location of all off-street parking spaces and the total number of spaces to be provided;

- (g) The location, size, and kind of improvements proposed for all common open space, together with proposed ownership and maintenance arrangements for such open space;
 - (h) The location and design for all landscaping and screening proposed, showing the height and type of screening;
 - (i) The location and width of walks, sidewalks and trails, points of connection with existing or planned trails (or other pedestrian movement systems), and the use of trails where they are not limited to pedestrian use;
 - (j) The substance of covenants, grants, easements, or other restrictions proposed;
 - (k) A listing of Borough, county, state or federal approvals and permits required by the proposed development.
- (5) A certification of water systems prepared in accordance with § 22-303, Subsection 1D, of the SALDO.
 - (6) A traffic impact study prepared in accordance with § 22-303, Subsection 1E, of the SALDO.
 - (7) An engineering report prepared by a registered engineer and including the following data, wherever pertinent:
 - (a) Profiles, cross sections and specifications for proposed street improvements.
 - (b) Profiles and other explanatory data concerning installation of water distribution systems, stormwater management facilities and sanitary sewers.
 - (c) A report on the feasibility of connection to the existing sanitary sewerage system, including distances to the nearest public sewer, service load of the development and the capacity of the treatment plant.
 - (8) A list of modifications, including the required modifications to the municipal land use regulations otherwise applicable to the subject property per Section 707(4)(viii) of the MPC.
 - (9) A phasing schedule, where the development plan calls for development over a period of years. The phasing schedule shall show the proposed times within which applications for final approval of all phases of the planned riverfront development are intended to be filed. This phasing schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
 - (10) The substance of covenants, grants and easements or other restrictions proposed, in a form and manner acceptable to the Borough Solicitor.
 - (11) Where the Borough Engineer deems necessary, any of the additional requirements listed in § 22-303, Subsection 2, of the SALDO.
- B. Application for Final Approval. The application shall be at the same scale and in the same format as the tentative plan and shall be comprised of one reproducible copy and

12 prints of the riverfront planned development for the phase, including a site plan and supplementary data, a development agreement, and a certificate of completion of improvements or a guarantee of improvements as required by this chapter, as well as any conditions set forth in the official written communication at the time of tentative approval.

8. Authorized Uses. The following uses, and only the following uses, are authorized in a riverfront planned development, provided their design, arrangement, landscaping, relationship to adjacent properties and uses, and construction form a compatible and harmonious group of uses, afford reasonable protection to adjacent development, and otherwise meet all requirements set forth in this chapter.

A. Residential Uses:

- (1) Single-family dwellings;
- (2) Townhouses;
- (3) Two-family dwellings;
- (4) Garden dwellings; and
- (5) Mid-rise apartments.

B. Commercial and Office Uses:

- (1) Retail stores having no more than 5,000 square feet of gross floor area;
- (2) Personal service businesses;
- (3) Business and professional offices;
- (4) Restaurants; and
- (5) River-oriented recreation and commercial uses, such as marinas, boat docks, storage and launching facilities, fishing piers or areas, observation areas, restaurants, specialty shops, and similar uses.

C. Other Uses:

- (1) Parks and public recreation space.

D. Industrial Uses:

- (1) Light industrial; and
- (2) Research and development facilities.

9. Area and Bulk Requirements. Riverfront planned developments shall adhere to the following:

A. Maximum Density Requirements.

- (1) Residential Uses: 12 units per gross acre of land assigned to residential usage.
- (2) Nonresidential Uses: 18,000 square feet of gross floor area per acre.

- (3) Mixed-Use Structures: 18 dwelling units per acre. Nonresidential uses shall count every 1,000 square feet of gross floor area dedicated to nonresidential use as one dwelling unit.

B. Maximum Lot Coverage: 50% for all uses.

- 10. Arterial Street Access. The site must provide for access directly from an arterial street to ensure convenient and safe access that will not cause undue congestion or safety hazards on local streets. Council may approve access using a service street to connect to an arterial street where there is a finding of fact and recommendation by the Planning Commission that such service street meets the goals of this section.
- 11. Mandatory Common Recreation/Open Space Dedication. Public access throughout the riverfront shall be ensured through the provision of common open space along such frontage. Not less than 20% of the total site area shall be set aside for common open space. At least 50% of the required common open space shall be developed to include marinas, walkways, bike trails, landscaping and appropriate recreational facilities. The common open space shall be so dedicated or otherwise preserved and maintained so as to always remain open and available for use by the users and occupants of the riverfront development. The common open space, including all improvements and facilities, shall be either:
 - A. Dedicated for public use to a public body which agrees to operate and maintain the dedicated land and facilities; however, no public body is obliged by this chapter to accept such dedication; or
 - B. Deeded to an organization representing the property owners of the development, which organization shall covenant to operate and maintain land and facilities. Such organization may not be dissolved nor dispose of the common open space unless the maintenance of the common open space is otherwise guaranteed to the Borough's satisfaction; or
 - C. If the common open space includes a trail, deeded to an organization such as the Friends of the Riverfront.
- 12. Guarantee of Improvements.
 - A. Completion of improvements prior to final approval, requirements for guarantee of improvements, financial security, release from improvement security, and remedies to effect completion shall be in accordance with MPC Sections 509-511.
 - B. Financial security to ensure satisfactory completion of required public improvements and maintenance, inspection and release procedures shall conform to Chapter 22 of the Aspinwall Borough Code of Ordinances, Subdivision and Land Development.
- 13. Development Agreement. At the time of final approval, the developer shall sign a development agreement in accordance with the form and content required by Chapter 22 of the Aspinwall Borough Code of Ordinances, Subdivision and Land Development, the terms of the approval, and the terms of this chapter.

§ 27-419. Building-Mounted and Ground-Mounted Solar Panels.

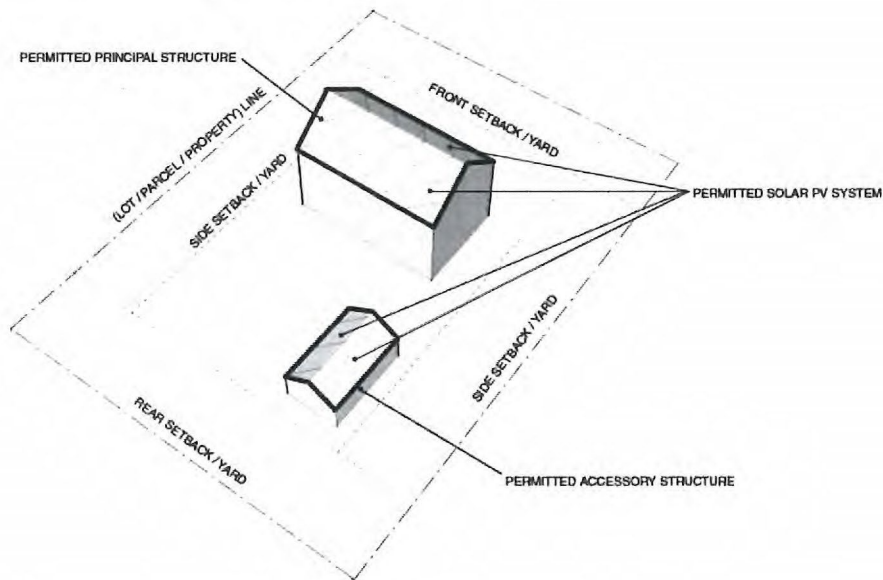
- 1. Applicability and Permitting.

- A. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of this section.
- B. Before any construction or installation on any solar PV system shall commence, a permit issued by the Borough shall be obtained to document compliance with this chapter.

2. Location Within a Lot.

- A. Building-mounted systems are permitted to face any rear, side and front yard, or any unregulated yard area as defined in § 27-202 of this chapter.
- B. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures and shall comply with all applicable requirements for accessory

PERMITTED LOCATION: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC



uses.

- C. Ground-mounted systems shall comply with all applicable requirements for accessory uses and structures.

3. Design and Installation Standards.

- A. The solar PV system must be constructed to comply with Chapter 5 of the Aspinwall Code of Ordinances, Code Enforcement, as amended, and any applicable codes, standards and regulations incorporated into the Aspinwall Borough Code of Ordinances, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
- B. All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania.
- C. For ground-mounted systems, all exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit.
- D. The solar PV system must be constructed to comply with the most-recent fire code as

amended and adopted by the Commonwealth of Pennsylvania.

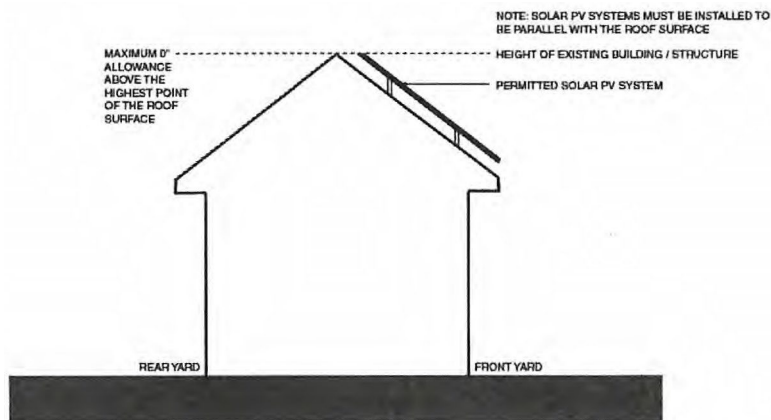
4. Setback Requirements.

- A. Ground-mounted systems must comply with the applicable accessory structure setback requirements, as set forth in § 27-406 of this chapter.
- B. The required setbacks are measured from the lot line to the nearest part of the system.
- C. No part of a ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.

5. Height Restrictions.

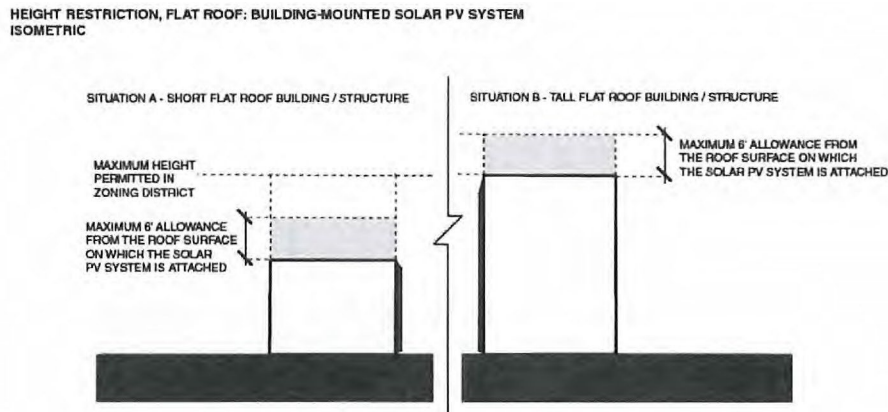
A. Notwithstanding the height limitations of the zoning district:

- (1) For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of 18 inches between the roof and highest edge or surface of the system.



- (2) For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
- (3) For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six feet above the roof to which it is attached.

- (4) Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar PV system is to be installed.



6. Screening and Visibility.

- A. Building-mounted systems on a sloped roof shall not be required to be screened.
- B. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a twenty-six-foot radius of the property, exclusive of an alley as defined by this chapter, at a level of five feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening, such as a building parapet, or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way within a twenty-six-foot radius when measured at a distance of five feet from the ground.

7. Impervious Coverage Restrictions. The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the parcel lot coverage limitations for the zoning district. If the ground-mounted system is mounted above an impervious surface, it shall not be calculated as part of the parcel lot coverage limitations for the zoning district.

8. Nonconformance.

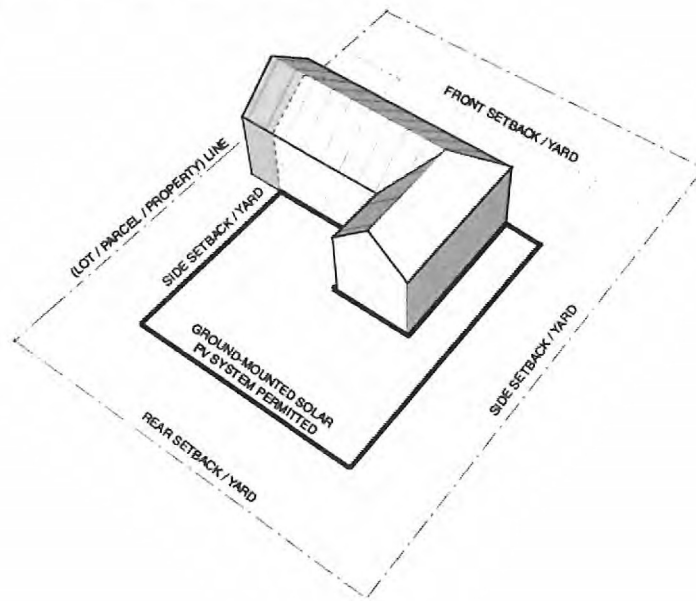
A. Building-Mounted Systems:

- (1) If a building-mounted system is to be installed on any building or structure that is nonconforming due to height, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this chapter.
- (2) If a building-mounted system is to be installed on a building or structure on a nonconforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage nonconformity and so long as it complies with all other provisions of this chapter.

B. Ground-Mounted Systems:

- (1) If a ground-mounted system is to be installed on a lot containing a structure that is nonconforming because it does not meet all minimum required setbacks, a ground-mounted system that complies with all other provisions of this chapter shall be permitted if the system does not increase any encroachment into setbacks.
- (2) If a ground-mounted system is to be installed on a lot that is nonconforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

NON-CONFORMING LOT, SETBACKS: GROUND-MOUNTED SOLAR PV SYSTEM
ISOMETRIC



9. Signage and/or Graphic Content. No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than 36 square inches in size.
10. Performance Requirements. All solar PV systems are subject to compliance with applicable performance standards provided in § 27-411 of this chapter.
11. Inspection, Safety and Removal.
 - A. The Borough reserves the right to inspect a solar PV system for building or fire code compliance and safety.
 - B. If, upon inspection, the Borough determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Borough may order the landowner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the landowner of his or her right to appeal such determination.

- C. If a landowner fails to repair or remove a solar PV system as ordered, and any appeal rights have been exhausted, the Borough may enter the lot, remove the system and charge the landowner for all costs and expenses of removal, including reasonable attorneys' fees, or pursue other legal action to have the system removed at the landowner's expense.
- D. In addition to any other available remedies, any unpaid costs resulting from the Borough's removal of a vacated, abandoned or decommissioned solar PV system shall constitute a lien upon the lot against which the costs were charged. Legal counsel of the Borough shall institute appropriate action for the recovery of such cost, plus attorneys' fees, including, but not limited to, filing of municipal claims pursuant to 53 P.S. § 7107 et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due, plus attorneys' fees, and costs incurred by the Borough in connection with the removal work and the filing of the Borough's claim.

12. Vacation, Abandonment and/or Decommissioning.

- A. Discontinuation/abandonment is presumed when a solar PV system has been disconnected from the net metering grid for a period of six continuous months without being connected to a battery system or has not produced electricity for a period of six months. The burden of proof in the presumption of discontinuation/abandonment shall be upon the Borough.
- B. A solar PV system, including its solar PV related equipment, must be removed within 12 months of the date of the discontinuance or abandonment or upon the termination of the useful life of the solar PV system.
- C. For ground-mounted and building-mounted systems, removal includes removal of all structural and electrical parts of the ground- or building-mounted system and any associated facilities or equipment and removal of all net metering equipment.
- D. If the property owner fails to remove or repair the vacated, abandoned or decommissioned solar PV system within six months, the Borough reserves the right to enter the lot, remove the system and charge the property owner for all costs and expenses, including reasonable attorneys' fees, or pursue other legal action to have the system removed at the property owner's expense.
- E. Any unpaid costs resulting from the Borough's removal of a vacated, abandoned or decommissioned solar PV system shall constitute a lien upon the lot against which the costs were charged. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens.

§ 27-420. Landscaping and Buffering.

- 1. **Purpose.** The purpose of the landscaping regulations contained in this section is to benefit environmental quality, including ecological and natural systems, heat island control, stormwater management, to reduce the visual impact of development on abutting properties, to provide a high-quality public realm that supports the Borough's architectural and urban design character.
- 2. **Applicability.** The following requirements apply to:

- A. All new principal non-residential or mixed-use buildings.
 - B. New parking lots with five or more spaces.
 - C. Expansions of buildings or parking lots where expansion exceeds 20% of existing floor area or lot coverage.
 - D. Outdoor storage, loading, or service areas.
3. As a requirement of zoning approval, a landscape plan shall be submitted to and approved by the Zoning Officer in accordance with all standards set forth in this section. The landscape plan shall designate all required buffer areas with proposed plantings, all required planting independent of any buffer area requirements, any existing trees or vegetation to be preserved, and any existing trees or vegetation that will be removed. The plan shall identify the type, size and relative location of trees and vegetation.
4. Preservation. The preservation of plants and trees that exist on a site shall count toward the requirements of this code, provided that:
- A. Existing preserved trees must be greater than a six-inch diameter caliper;
 - B. Existing vegetation is clearly indicated on the landscaping plan;
 - C. Existing vegetation is not an invasive species; and
 - D. Existing vegetation is in good health or can reasonably be brought into good health.
5. Street Frontage Landscaping.
- A. A minimum planting strip of 3 feet in width shall be provided between any surface parking lot or loading area and a public street.
 - B. Street trees shall be planted at a rate of one tree per 20 linear feet of frontage. Tree plantings shall not be placed in the clear sight triangle for visibility at street intersections. Street tree species shall be selected for compatibility with utility lines where applicable.
 - C. Where site conditions make a planting strip infeasible, decorative fencing, planters, or other vertical landscape elements shall be used to soften the streetscape.
6. Buffering Use Transitions.
- A. Where a non-residential use abuts a residential district (AR-1, AR-2, AR-3, AR-4 or AR-S), a buffer shall be provided along the shared lot line consisting of:
 - (1) A continuous solid fence or wall (six feet high); or
 - (2) A landscaped buffer strip at least five feet wide with evergreen plantings or a mix of canopy and understory vegetation designed to achieve year-round visual screening.
 - (3) When required by Chapter 25, Stormwater Management, stormwater management facilities and structures may be located within a buffer area; however, the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements in the buffer area.

7. Plant Material Standards.
 - A. All plant material shall be of species suited to urban conditions (salt-tolerant, drought-tolerant, pollution-resistant).
 - B. All landscape installations shall incorporate species from the most current version of the PA Native Plant List where possible.
 - C. All landscaping required to be installed herein shall be maintained in accordance with an approved landscape plan with landscaped areas maintained with plantings in good health and free of refuse and debris. It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease, or other reasons for the discontinued growth of the required trees, shrubs and bushes.
8. Alternatives. The Zoning Officer may approve alternative buffering or landscaping plans where full compliance is impractical due to lot size, urban context, or access constraints, provided the alternative meets the purpose of this section.

§ 27-421. Rooftop-Mounted Equipment and Appurtenances.

1. For all non-residential uses, mixed uses, and multi-family dwelling uses, all rooftop-mounted equipment and other similar appurtenances such as stairwells, air-conditioning units, large vents, heat pumps, and mechanical equipment shall, to the maximum extent feasible, be inconspicuously sited on the roof, screened via use of parapets, walls, fences, landscaping, or other approved screening, or integrated to be within the roof form, such that views from adjacent street rights-of-way (excluding alleys) are minimized. All architectural features to be used to screen rooftop equipment shall be designed to be architecturally compatible with the principal building (including design, materials, and colors). [NOTE: Added this language after June committee meeting.]

Part 5 CONDITIONAL USES

§ 27-501. Applicability.

Applications for conditional uses, when listed as permissible by this chapter, shall be approved or denied by Borough Council in accordance with the standards and criteria of this Part.

§ 27-502. Application Procedure.

1. Review Procedure.

- A. An application for conditional use approval shall be filed with the Zoning Officer, on forms as prescribed by the Borough, at least 14 days prior to the regular meeting of the Planning Commission. A conditional use application shall not be considered to be administratively complete until all items required by this chapter, including the application fee and/or deposit, have been received by the Borough.
- B. The Zoning Officer shall review the application to determine whether all materials required by this chapter have been submitted by the applicant. If all such materials have not been submitted, then the Zoning Officer shall reject the application as being administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this chapter that have not been met.
- C. Within five days of receipt of an administratively complete application, the Zoning Officer shall submit one copy of the application and any materials submitted therewith to the Borough Solicitor; the Borough Engineer; each member of the Planning Commission; and each member of the Borough Council.
- D. The Planning Commission shall review the application and forward its recommendation to the Borough Council within 45 days of the date of the Borough's receipt of an administratively complete application.
- E. Borough Council shall hold a public hearing, pursuant to public notice, within the time periods and procedures required by the MPC. The public hearing shall commence within 60 days of the date of the filing of an administratively complete application. Public hearings shall be conducted and held in accordance with the applicable provisions of the MPC.
- F. Borough Council shall render a written decision on the conditional use application within 45 days of the last hearing. Where the application is contested or denied, the Borough Council decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this chapter or any other rule, regulation, ordinance or statute shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter and the MPC.
- G. A copy of the final decision or, where no decision is called for, of the findings shall be

delivered to the applicant personally or mailed to him not later than the day following its date.

- H. All development, construction and use shall be in accordance with the approved conditional use plan unless a revised conditional use application is submitted, approved and filed. The approved conditional use plan shall consist of the application, as submitted, together with all of its attachments and exhibits, as finally approved by the Borough Council, and conditions attached by the Borough Council. Any development contrary to the approved conditional use plan shall constitute a violation of this chapter.

2. Application Content.

- A. All applications for conditional use approval shall demonstrate compliance with the applicable express standards and criteria of this Part and the applicable lot and yard requirements of the zoning district in which the use is proposed.

- B. All applications for conditional use approval shall be submitted to the Zoning Officer, in the form prescribed from time to time by the Borough, with not fewer than six full scale copies and 15 half scale copies of all required maps, and 15 copies of all other application material. An application for conditional use approval shall not be considered administratively complete until all items required by this chapter, including the application fee and/or deposit, have been received by the Zoning Officer.

- C. All applications for conditional use approval shall contain the following:

- (1) A land development plan, as defined by this chapter, and
- (2) Construction plans, where renovations or modification of an existing building is immediately contemplated, showing the scope, nature and extent of said renovation or modification.

- 3. Expiration of Approval. The grant of a conditional use shall expire one year after the date of the Borough Council's written decision unless: (1) the applicant has applied for and obtained a building permit and commenced construction, or (2) in a case where the conditional use does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the conditional use. Expiration of conditional use approval under this section shall require the applicant to re-apply for conditional use approval.

§ 27-503. General Standards and Criteria.

- 1. Before approving a conditional use application, Council shall determine that the proposed use will not alter the established character and use of the neighborhood or district in which it is located, and that it will not substantially impair the use or development of adjacent properties. Council shall use the following general standards, among other things, in its evaluation. These standards shall be in addition to any other requirements in this chapter for a specific type of use or development.

- A. The proposed use complies with all applicable provisions and requirements for that type of use contained in this chapter, unless a variance to any provision has been granted by

the Zoning Hearing Board, and with other applicable Borough, county and commonwealth and federal ordinances, laws and regulations. The proposed use shall obtain applicable permits, licenses, approvals from the Borough, Allegheny County, Pennsylvania and federal agencies before final approval of the conditional use application shall be granted.

- B. The proposed use is compatible with the surrounding land uses. It does not have a negative impact on the existing neighborhood or development in terms of air and water quality, noise, illumination and glare, restrictions to natural light and air circulation or other hazardous conditions that could endanger surrounding residents or impair the use of surrounding properties.
- C. The proposed site for the conditional use is suitable in terms of topography and soil conditions and size, based on number of projected users and the frequency of use of the proposed use.
- D. The proposed use and site provides for safe, adequate vehicular and pedestrian access. It has access from a street capable of handling the traffic generated by the proposed use, and it will not result in undue traffic congestion and hazardous conditions on adjacent streets. The use provides for safe, efficient internal circulation and sufficient off-street parking and loading.
- E. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, storm drainage, solid and toxic waste storage and disposal.
- F. The proposed use provides screening or buffer areas as required by this chapter.
- G. The proposed use/development conforms to the scale, character and exterior appearance of existing structures and uses in the neighborhood in which it is located.

§ 27-504. Special Standards and Criteria. For the types of uses identified in this section, Council shall also determine that the proposed use complies with these additional standards:

- A. Amusement Arcades.
 - 1) No video game or amusement arcade, as defined by this chapter, shall be located within 500 feet of a public or private school, public building or fire station, church, public recreation area or establishment licensed or supervised by the Pennsylvania Liquor Control Board.
 - 2) The proposed facility shall comply with all provisions of Chapter 13 of this Code providing for the regulation and licensing of arcades.
- B. Adult-Oriented Businesses.
 - 1) Adult-oriented businesses may be established and operated only in the AI-1 Limited Industrial District.
 - 2) Persons or owners who intend to open an adult-oriented business must obtain from the Borough a license to operate such an enterprise pursuant to Chapter 13, Part 8, of the Aspinwall Borough Code, Adult-Oriented Businesses, and must pay to the Borough

an investigation fee as may be set from time to time by resolution of Borough Council. In addition, such persons or owners must supply to the Borough detailed information as to the ownership and financing as required pursuant to Chapter 13, Part 8, of the Aspinwall Borough Code, Adult-Oriented Businesses.

- 3) No adult-oriented business may be opened or operated if the establishment would be within 300 feet of a pre-existing school, hospital, nursing home, group care facility, park, place of worship, or establishment which is licensed to and does sell alcoholic beverages or other adult business.
- 4) An adult-oriented business shall be initially licensed, where it has met the requirements set forth in Chapter 13, Part 8, of the Aspinwall Borough Code, Adult-Oriented Businesses, through December 31 of the year in which the license is issued. For each year thereafter that the adult oriented business intends to continue as an adult-oriented business, it must seek from the Borough a renewal of the license. The lack of a valid license at any time shall be a proper basis for the Borough to deny or revoke an occupancy permit to an adult-oriented business.
- 5) Any adult -oriented business found to be in violation of this section, as amended, shall be subject to the enforcement penalties of both Part 7 of this chapter, Administration and Enforcement, and Chapter 13, Part 8, of the Aspinwall Borough Code, Adult-Oriented Businesses.

C. Auto Repair Facilities and Car Wash.

- 1) All repair services shall be conducted within an enclosed building which complies with state and Borough regulations for such uses.
- 2) All automotive parts and supplies shall be stored within an enclosed building.
- 3) All refuse must be stored within a building or enclosed area.
- 4) No vehicle shall be stored outdoors during nonbusiness hours; nonoperable vehicles shall not be stored in the open at any time.
- 5) Off-street parking spaces shall be provided in accordance with § 27-409 of this chapter.

D. Bed-and-Breakfast.

- 1) Bed-and-breakfast establishments are allowed as conditional uses only in the zoning district listed in this chapter.
- 2) In order to prevent the concentration of such uses in a neighborhood and to avoid impacting existing residences, no bed-and-breakfast establishment shall be located within the same block or within 1,000 feet, whichever separation is greater, of another bed-and- breakfast establishment.
- 3) The building used for a bed-and-breakfast establishment shall be at least 5,000 square feet in gross floor area.
- 4) The bed-and-breakfast establishment shall provide parking in compliance with § 27-

409 of this chapter; and off-street parking areas, regardless of the number of cars, shall be screened as prescribed by § 27-409, Subsection 2E.

- 5) The bed-and-breakfast establishment shall be maintained so that its appearance remains that of a single-family dwelling.
- 6) The owner of the bed-and-breakfast establishment shall be responsible for the operation of the establishment and shall occupy the property as a primary residence.
- 7) No more than five guest rooms shall be rented for bed-and-breakfast purposes, and there shall be no more than a total of 10 overnight guests at any one time.
- 8) Guest rooms shall have at least one toilet, one bath/shower, and one washbasin separate from those required for the primary residence portion of the dwelling.
- 9) An overnight guest shall not occupy the bed-and-breakfast establishment for more than 14 consecutive nights in any thirty-day period.
- 10) Breakfast shall be the only food prepared or served on the premises, and it shall only be served to overnight guests.
- 11) There shall be no cooking facilities, such as, without limitation, stoves, microwave ovens, toaster ovens, and hot plates, available to overnight guests.
- 12) No goods or merchandise shall be publicly displayed for sale on the premises.
- 13) All patios, terraces, and other outside guest and common areas shall be landscaped and screened from adjacent lots in accordance with § 27-407 of this chapter.
- 14) Trash and garbage storage are to be enclosed and shall be screened from a public street or adjacent property by a solid screen not less than six feet in height that complies with § 27-407 of this chapter.
- 15) The bed-and-breakfast establishment and its related activities shall not create or generate a nuisance to adjacent properties.

E. Business and Professional Offices.

- (1) Business and professional office uses shall be designed and located to maintain compatibility with the character of surrounding buildings and land uses.
- (2) Off-street parking areas shall be located to the side or rear of buildings whenever feasible and screened from street views.
- (3) In the AC-1 District, business and professional offices shall be located only on upper floors.

F. Clinics.

- 1) Any facility dispensing medical marijuana must be legally registered in the commonwealth and possess a current valid medical marijuana permit from the Department of Health. Such a facility may only dispense medical marijuana in an indoor,

enclosed, permanent and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

- 2) Any proposed methadone or suboxone treatment facility shall include with its submission of a zoning permit application a development narrative that accurately describes the nature of medical services to be provided and the names of the medical practitioners providing said services. A licensed physician shall be on duty at this type of facility during its hours of operation.
- 3) A clinic that dispenses medical marijuana may not operate on the same site as a facility used for growing and processing medical marijuana.
- 4) Clinics shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of controlled substances and unauthorized entrance into areas where they are stored.
- 5) A clinic that dispenses medical marijuana shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of 25% of the gross floor area.
- 6) A clinic that dispenses medical marijuana shall:
 - a) Not have a drive-through service;
 - b) Not have outdoor seating areas;
 - c) Not have outdoor vending machines;
 - d) Prohibit the administering of or the consumption of medical marijuana on the premises; and
 - e) Not offer direct or home delivery service.
- 7) A clinic may dispense controlled substances only to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
- 8) A clinic that dispenses medical marijuana shall not be located within 1,000 feet of the property line of a public, private or parochial school or a day care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.
- 9) A clinic that dispenses medical marijuana shall be a minimum distance of 1,000 feet from the next nearest clinic. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of the municipality in which it is located. This separation distance does not apply to the distance between the grower/processor and the specific dispensary he or she serves or with which he or

she partners.

10) Any clinic lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care facility.

G. Communications Tower.

- 1) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower and communications antenna, as applicable.
- 2) The applicant shall demonstrate that the proposed communications and communications antenna proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 3) A communications antenna shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.
- 4) Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antenna on an existing building, structure or communications tower. A good faith effort shall require all owners of potentially suitable building, structure or communications tower within a 1/4 mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such building, structure or communications tower apply:
 - a) The proposed antenna and related equipment would exceed the structure capacity of the existing building, structure or communications tower and its reinforcement cannot be accomplished at a reasonable cost.
 - b) The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure or communications tower and the interference cannot be prevented at a reasonable cost.
 - c) Such existing building, structure or communications tower do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - d) Addition of the proposed antenna and related equipment would result in electromagnetic radiation from such building, structure or communications tower exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - e) A commercially reasonable agreement could not be reached with the owners of such building, structure or communications tower.

- 5) Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. Any such easement shall be a minimum of 20 feet in width and shall be paved to a width of at least 10 feet with concrete, bituminous asphalt or bituminous seal coat for its entire length and in accordance with applicable Borough ordinances governing the construction of public streets.
- 6) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function. For any proposed communications tower with a height in excess of 75 feet, the applicant shall deposit with the Borough an engineering review deposit as may be deemed appropriate by the Borough Engineer, which deposit shall be in addition to any other required application and/or engineering fees. This deposit shall be used by the Borough to retain an independent, certified engineer knowledgeable in the field of communications towers to review the application and to express an opinion as to the minimum height necessary for the proposed communications tower to perform its function. In the event that the fees actually incurred for said engineering review exceed the amount of the deposit, the applicant shall tender payment of the amount owed. In the event that the fees actually incurred for said engineering review are less than the amount of the deposit, the balance shall be refunded and/or credited to the applicant.
- 7) The foundation and base of any communications tower shall be set back from the nearest adjoining property or lease lines, whichever is closer to the proposed communications tower, a distance equivalent to the height of the proposed tower.
- 8) The maximum height of any communications tower shall be 75 feet; provided, however, that such height may be increased by no more than an additional 75 feet as long as an independent, certified engineer retained under Subsection 1F, above, expresses an opinion that the additional height necessary for the proposed communications tower to perform its function. Regardless of height, all communications towers shall remain subject to the setback requirements of Subsection 1G, above.
- 9) There shall be a maximum of one communications tower per lot, regardless of lease lines.
- 10) The base of the communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
- 11) The communications tower building shall comply with the required yard and height requirements of the applicable zoning district for an accessory structure; provided, that the building footprint of the communications equipment building is equal or less than 100 square feet. If the building footprint of the communication equipment building is greater than 100 square feet, the building shall comply with the required yard and height regulations of the applicable zoning district for a principal building or structure.
- 12) The applicant shall submit certification from a Pennsylvania registered professional engineer that any proposed communications tower will be designed and constructed

in accordance with the current structural standards for Steel Antenna Towers and Antenna Supporting Structures published by the Electrical Industrial Association/ Telecommunications Industry Association and applicable requirements of Chapter 5 of the Aspinwall Borough Code, Building Construction.

- 13) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address, emergency telephone number for the operator of the communications tower; and a certificate of insurance evidence general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and any communications antenna located thereon.
- 14) All guy wires associated with a guyed communication tower shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- 15) The site of a communications tower shall be secured by a fence with a minimum height of four feet and a maximum height of eight feet and containing only self-latching gates to limit accessibility by the general public.
- 16) No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
- 17) A communications tower shall be protected and maintained in accordance with the requirements of Chapter 5 of the Aspinwall Borough Code, Building Construction, and Chapter 5 of the Aspinwall Code, Property Maintenance.
- 18) If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six months of the expiration of such twelve-month period.
- 19) Two off-street parking spaces shall be provided within the fenced area.
- 20) All tower structures shall be fitted with anti-climbing devices as recommended by the tower manufacturer for the type of installation proposed.

H. Day Care Centers, Private Schools for Pre-Primary Age Children.

- 1) The operator of the day care center shall obtain the required licenses and approvals from the appropriate commonwealth agencies prior to approval of the conditional use application and/or the occupancy permit.
- 2) The proposed facility shall provide parking in compliance with this chapter, and parking areas, regardless of the number of cars, shall be screened as prescribed by § 27-409, Subsection 2E, of this chapter.

I. Data Centers.

- 1) **Setback.** Data centers shall be set back a minimum of 500 feet from all residential zoning districts. Each data center shall be set back a minimum of 2,000 feet from any other data center.

- 2) Buffer. A landscape buffer is required between data centers and any adjoining residential zoning districts or public roadways. The landscape buffer shall comply with the following requirements.
 - a) The landscape buffer shall be at least 30 feet in width and may be part of the minimum required setback distance.
 - b) Buffer plantings shall consist of native or adaptive species planted as follows:
 - 1) One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.
 - 2) One (1) deciduous canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of 2½ inch caliper at the time of planting.
 - 3) One ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2½ inch caliper at the time of planting for single-stemmed varieties.
 - 4) Five (5) shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of three feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% being evergreen.
 - c) Existing plants may count toward the required buffer plantings, as long as the size and type requirements are met.
- 3) Screening and Fencing.
 - a) To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, that is located within 300 feet of a public roadway or residential zoning districts shall be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:
 - 1) The landscape buffer required by subsection (B) above.
 - 2) By existing vegetation that will remain on the property.
 - 3) By the principal data center building or an accessory building.
 - 4) A berm averaging a minimum of five (5) feet in height above the adjacent average ground level with a maximum side slope of 3:1, provided that the berm shall be covered by a well-maintained all season natural ground cover and any required screening plantings shall be arranged on the outside and top of the berm.

- 5) A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.

b) Noise and Vibration.

- 1) The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by a Data Center during normal operations shall be limited to a maximum daytime (7:00 a.m. to 8:00 p.m. Monday-Friday) decibel level of 67 dB(A) and a maximum nighttime and weekend (8:00 p.m. to 7:00 a.m. Monday-Friday and all day Saturday and Sunday) decibel level of 57 dB(A) as measured from the property line of the use. Such sound study shall be conducted using Sound Level Meters described in ANSI S1.4-2104 and generally accepted methodology. A sound study shall be conducted at the following phases:

- a) A preliminary study shall be conducted as part of the land development review process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits.
- b) An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the Data Center or accessory uses depicted on the building plans. Any sound reducing materials or systems recommended by interim sound study shall be incorporated into the construction plans for the use.
- c) An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study may also be required thereafter by Council. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance.

- c) Maximum decibel levels specified herein shall not apply during times of power outage, however the sound studies shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.

- d) The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, associated accessory uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

4) Water and Sewer.

- a) If the use will be served by a public water supply, the applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed.
- b) If the use is to rely upon nonpublic sources of water, the applicant shall provide a

water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity. No Data Center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The water feasibility study shall include the following information at a minimum:

- 1) The projected water demands of the Data Center;
- 2) The source of water to be used;
- 3) A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage);
- 4) The long-term safe yield of the water source;
- 5) A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;
- 6) A geologic map of the area with a radius of at least one mile from the site;
- 7) The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells;
- 8) The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary;
- 9) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters and the groundwater table;
- 10) A statement of the qualifications and the signature(s) of the person(s) preparing the study.

- c) The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.

5) Power Supply.

- a) If the applicant proposes to connect the data center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that that the necessary capacity is available and that electric service provider will serve the Data Center. Known impacts on electric rates or availability for other uses directly attributable to the Data Center project shall be noted.
- b) Any energy generation system designed or used to supply power directly to a data

center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be evaluated for approval according to the zoning regulations applicable to such use.

6) Emergency Management.

- a) The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
 - 1) Be reviewed and accepted by the local fire department and emergency management services as part of the land development process;
 - 2) Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - 3) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - 4) Ensure that all first responders receive adequate training specific to the installed system; e. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the data center.
- b) Any data center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
- c) No data center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

J. Electric Vehicle (EV) Charging Station.

- 1) Applicability. The following conditions apply to the installation of Level 2 or Level 3 charging stations and associated vehicle charging equipment at publicly accessible vehicular parking spaces. Privately owned and operated charging stations with access restricted to authorized persons are exempt from the standards of this ordinance but shall be installed by a qualified professional and shall meet all other local, state, and federal requirements.
- 2) A publicly accessible electric vehicle charging station is permitted as an accessory use to principal multi-family uses, civic uses, and commercial or industrial uses and shall be Level 2 or Level 3.
- 3) EV charging stations shall be accessory to a permitted principal use on the lot.
- 4) Design standards.

- a) Publicly accessible EV charging stations shall meet the National Electrical Code Article 625 (or as amended) standard for installation of electric vehicle charging systems, and installation shall be by qualified professional and shall meet all other local, state, and federal requirements. An annual safety inspection shall be undertaken by a certified professional electrical inspector and a report submitted to the Borough Code Officer.
- b) Publicly accessible EV charging stations shall have charging equipment compatible with all electric vehicle models.
- c) Publicly accessible EV charging stations shall be demarcated by paint and signage. Signage shall be limited to regulatory or instructional signage necessary for the safe operation of the equipment and shall comply with the Borough's sign regulations.
- d) Publicly accessible EV charging stations shall be separated from charging spaces by 3 to 4 feet high bollards with concrete footings placed to protect the station from accidental impact and to prevent damage from snow removal equipment. Non-mountable curbing may be used in lieu of bollards if the station is set back a minimum of 24 inches from the face of the curb.
- e) Electric vehicle outlets and connector devices shall be no less than 36 inches and no more than 48 inches from the ground or pavement surface where mounted.
- f) Pedestal, pole, and wall-mounted charging stations may have electronic informational screens displaying operational information not to exceed 64 square inches. Screens larger than 64 square inches shall be considered a sign and must comply with all applicable sign regulations.
- g) The station shall contain a connector cord management device to minimize the potential for cord entanglement, user injury, or cord damage. Cords shall be retractable or have a place to hang the connector cord above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, ADA accessible route, or passenger unloading area.
- h) The location and design of the station shall minimize visual impacts on adjacent residential properties. Where visible from public streets or adjacent residential uses, EV charging equipment, associated electrical equipment, and any canopy structures shall be screened with landscaping or decorative architectural elements consistent with the character of the site and district.
- i) Lighting of the charging station area shall be full cut-off, downcast, and designed to avoid glare or light spillover onto adjacent properties.
- j) Publicly accessible EV charging stations may be installed with Borough Council approval in the Borough right-of-way, provided that such stations shall be no farther horizontally than 10 inches from the face of a curb. Charging spaces in the right-of-way shall be designated with time limitations for charging and shall be accessible for people with disabilities in compliance with ADA standards. Station signage shall meet ADA requirements for sidewalk accessibility.

- 5) When only one publicly accessible EV charging station is provided, it shall be accessible for people with disabilities in accordance with ADA parking standards. When more than one publicly accessible EV charging station is provided, at least one station shall be ADA accessible. Canopies, solar panels, structures, awnings, and supports over charging stations shall not impede access to stations and shall comply with all other applicable codes and regulations.
- 6) EV charging stations shall not be located within required front yard setbacks unless otherwise approved by Borough Council.
- 7) Stations located in off-street parking areas shall not obstruct pedestrian pathways, public sidewalks, clear sight triangles, or required accessible routes.
- 8) EV charging stations and associated equipment shall comply with the Borough's noise standards at the property line.
- 9) Decommissioning. If the EV charging station ceases operation for more than twelve (12) consecutive months, the owner or operator shall remove all and restore the site to its prior condition.

K. Essential Services.

- 1) The design, scale, and placement of any structures or equipment shall be compatible with surrounding land uses and the character of the area.
- 2) Facilities shall be screened from adjacent residential uses and public rights-of-way with landscaping, fencing, or architectural elements.
- 3) Where appropriate, fencing shall be designed to be compatible with the character of the surrounding area (e.g., wrought iron, decorative metal, or masonry).
- 4) All lighting shall be the minimum required for security and operations and shall be fully shielded to prevent glare on adjacent properties or roadways.

L. Farming and Plant Cultivation.

- 1) Structures such as hoop houses, greenhouses, tool sheds, cold frames, raised beds, and compost bins shall be permitted, subject to applicable building codes. Such structures shall not exceed 12 feet in height except by Council approval.
- 2) Composting shall be allowed only for materials generated on-site and for the purposes of soil improvement. Composting operations shall be set back at least 10 feet from property lines and shall be maintained to prevent odors, pests, and runoff.
- 3) Borough Council may require testing and remediation of soils on formerly industrial or commercial sites, or where contamination is suspected, prior to the start of cultivation for edible crops.
- 4) The applicant shall demonstrate access to a water supply sufficient for the proposed use. Farming and cultivation shall not create off-site stormwater impacts, soil erosion, or water runoff that negatively affects adjacent properties.
- 5) Any on-site sales, education, or events shall be conducted only during hours approved

by Borough Council and appropriate for the context of the surrounding neighborhood. Regular cultivation and maintenance may occur daily.

- 6) All operations shall comply with the Borough's applicable noise and nuisance standards. The use shall not produce noxious odors detectable on neighboring properties.
- 7) Limited on-site sales of produce or plants may be permitted, provided the scale is clearly subordinate to the cultivation use and compatible with the surrounding area.
- 8) The applicant shall demonstrate how parking, access, and neighborhood compatibility will be addressed for any public events or markets held on site.
- 9) Maintenance. Sites shall be maintained in an orderly condition and shall not contain the accumulation of trash, debris, or inoperative equipment. Plantings shall be maintained in a healthy condition or removed if dead or diseased.

M. Gasoline Service Stations.

- 1) No gasoline service station shall be located within 1,000 feet of a similar facility.
- 2) Access driveways to the service station shall be at least 30 feet from the intersection of any public streets.
- 3) Fuel pumps, air towers and water outlets may be located outside an enclosed building, provided that no portion of these facilities shall be closer than 15 feet of any property line.
- 4) Inspections, lubrication, oil changes, tire changes and similar minor repairs are permitted if conducted entirely within a building.
- 5) All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than five feet from the pumps.
- 6) All refuse shall be stored within a building or enclosed area.
- 7) No vehicle shall be stored outdoors during non-business hours; non-operable vehicles shall not be stored in the open at any time.
- 8) Automobiles, vans (less than 20 feet) or utility trailer rental is an authorized accessory use, provided that no more than three vehicles are visible on the premises at any time.
- 9) Off-street parking spaces shall be provided in accordance with § 27-409 of this chapter.
- 10) The station shall comply with applicable requirements of Chapter 13 of this Code.
- 11) Buildings and canopy structures shall reflect architectural design elements compatible with surrounding development, with quality materials and appropriate scale. The height of the canopy shall not exceed 24 feet above grade.
- 12) Dumpster and equipment areas shall be fully screened.
- 13) Outdoor lighting shall be full cut-off, downcast, and designed to avoid glare or light

spillover onto adjacent properties or roadways.

14) The use of outdoor loudspeakers or amplified sound is prohibited.

15) Car washes, retail sales, or food service uses may be permitted as accessory uses if expressly authorized by the zoning district and included in the conditional use approval. Accessory uses shall comply with applicable performance standards and not adversely affect traffic circulation or neighborhood compatibility.

N. Manufacturing.

1) The use shall not include the on-site storage of toxic chemicals, nuclear materials or wastes or other hazardous materials, unless they comply with all applicable Allegheny County, Pennsylvania and federal laws and/or regulations.

2) Where the use includes fuel storage and distribution tanks and related facilities, the minimum lot area shall be two acres and the use shall comply with applicable Borough and Allegheny County fire-prevention requirements.

O. Medical Marijuana Processing Facility.

1) A medical marijuana grower/processor may grow medical marijuana only in an indoor, enclosed and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

2) The maximum floor area of a medical marijuana processing facility shall be limited to 20,000 square feet, of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product, and marijuana-related materials used in production or for required laboratory testing.

3) There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.

4) Marijuana remnants and by-products shall be secured and properly disposed of in accordance with the Department of Health policy and shall not be placed within any unsecure exterior refuse containers.

5) The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.

6) Grower/processors may not locate within 1,000 feet of the property line of a public, private, or parochial school or day-care facility.

7) A buffer planting is required where a medical marijuana grower/processor adjoins a residential use or district.

P. Multi-Family Dwellings as Accessory to Commercial.

1) Residential units may be located on upper floors or in a separate rear or side building,

provided that street-facing ground-floor frontage is occupied by the principal commercial use. If a ground floor residential unit is needed to comply with the Federal Fair Housing Act in a non-elevator building, such residential units must be set back a minimum of 20' from the primary frontage with access from the side or rear of the building or from an internal lobby or hallway.

- 2) The design and scale of residential components shall be compatible with the character of the district and surrounding properties.
 - 3) Off-street parking shall be provided in accordance with applicable Borough standards. Borough Council may reduce the minimum off-street parking requirements based on the walkable character of the district and availability of on-street or shared parking.
 - 4) Safe and separate access shall be provided for residential tenants, distinct from access to the commercial use.
 - 5) Emergency access for residents shall be clearly marked and maintained.
 - 6) The residential component shall be designed to minimize noise, odor, and light spillover impacts from the commercial use or adjacent businesses.
- Q. ~~Group Residences, Family Boarding Homes,~~ Nursing Homes and ~~Institutional Convalescent~~ Facilities. **[NOTE to reviewers: Per Fair Housing Act, group residences and family boarding homes for six or fewer people with disabilities must be treated the same as single-family homes]**
- 1) ~~Group residences, family boarding homes,~~ Nursing homes and ~~institutional convalescent~~ facilities are allowed as conditional uses only in the zoning districts listed in this chapter.
 - 2) In order to prevent the concentration of such uses in a neighborhood and to avoid impacting existing residences, ~~no group residence, family boarding home,~~ nursing home or ~~institutional convalescent~~ facility may be located within the same block or within 1,200 feet, whichever is more, of another ~~group residence, family boarding home,~~ nursing home or ~~institutional convalescent~~ facility.
 - 3) The number of off-street parking spaces required for a single-family home shall apply for an ~~group residence, family boarding home or~~ institutional facility; provided, that at least one space is provided per resident-supervisor or full-time staff member, and one space per two residents where the facility includes residents capable of operating a motor vehicle. Nursing homes shall comply with the space requirements of § 27-409, Subsection 3.
 - 4) Area and bulk requirements shall be as prescribed for the district where the property is located, unless otherwise stated in this chapter. In the case of a group residence or family boarding home, Borough Council may reduce these dimensions when such use is to be located in an existing structure.
 - 5) Change of ownership or sponsorship or of any other condition contained in the original approval of the ~~group residence, family boarding/~~institutional facility or nursing home shall constitute a new use, and the procedure for obtaining conditional use approval of a new facility shall be executed.

- 6) The operator of the ~~group residence, family boarding home,~~ institutional facility or nursing home shall obtain any required licenses or certifications from the appropriate commonwealth or county agency prior to the conditional use approval. In no case shall an occupancy permit be granted for the facility until proof of such licenses or certifications has been filed with the Borough.

R. Oil and Gas Development.

- 1) Conditional Use Application. A person or entity desiring approval of a conditional use application pursuant to this section shall submit a written application in a form to be prescribed by the Borough. Before submitting the application, the applicant is strongly encouraged to meet with the Borough Manager to determine the requirements of and the procedural steps for the application. The intent of this process is for the applicant to obtain necessary information and guidance before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation. The application shall not be considered to be complete and properly filed unless and until all items required by this section, including the application fee, have been received. Such application shall include the following:
 - a) Payment of an application fee in an amount to be determined from time to time by the Council of the Borough of Aspinwall. Said fee shall also include a requirement to deposit escrow funds to be drawn from by the Borough for reimbursement of administrative and engineering and other professional fees associated with review and inspections to ensure compliance with this section. The Borough may adjust the escrow amount from time to time in its reasonable discretion.
 - b) Fourteen paper copies and one electronic copy of the completed application form supplied by the Borough along with supporting documentation as identified in this section.
 - c) Written permission from the property owner(s) who has legal or equitable title in and to the proposed development or facility or demonstrable documentation of the applicant's authority to occupy the property.
 - d) The GIS location and 911 address of any well site.
 - e) Copies of any and all permits and applications submitted to all applicable local, county, state and federal agencies. Permits and plans shall include but not be limited to the Pennsylvania Department of Environmental Protection ("PADEP") Well applications and permit, Erosion and Sediment Control General Permit-2, and all other required erosion and sedimentation, air, water and waste management permits.
 - f) A site plan prepared by a registered professional engineer or surveyor licensed in Pennsylvania shall be provided to establish compliance with all applicable regulations. All drilling and production operations, including derricks, vacuum pumps, compressors, storage tanks, vehicle parking, structures, machinery, temporary housing, ponds and pits, and ancillary equipment on the well site shall

be identified. All protected structures within 1,500 feet of the property lines of the well site shall be identified. All roads related to the development or facility must also be shown. A sufficient number of copies of the site plan shall be provided for review and comment by all Borough of Aspinwall emergency service organizations.

- g) Traffic Study.
 - 1) A description of plans for the transportation and delivery of equipment, machinery, water, chemicals, products, materials and other items to be utilized in the siting, drilling, stimulating, completion, alteration and operation of the development or facility. Such description shall include a map showing the planned vehicular access roads and the transportation infrastructure being proposed and the type, weight, number of trucks and delivery schedule necessary to support each phase of the development.
 - 2) An inventory, analysis and evaluation of existing road conditions on Borough roads along the proposed transportation route identified by the application, including digital photography, video and core boring as determined to be necessary by the Borough Engineer.
- h) To the extent that the same is not otherwise included or provided on copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide a water withdrawal plan for the development identifying the source of water, how many gallons will be used and withdrawn each day, the origination of the water, proposed truck routes and all permits issued by the Commonwealth of Pennsylvania or any other governmental body. The applicant shall obtain all required easements and rights-of-way for water withdrawal and truck routes prior to the commencement of drilling. If the development is to be supplied by way of waterlines, the locations of all proposed waterlines are to be identified. The site for the treatment and disposal of the water shall also be identified. The use of nonpotable water sources is highly encouraged. The use of injection wells for disposal of fracking fluid is prohibited. The applicant is required to use best management practices.
- i) To the extent that the same is not otherwise included or provided on copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall identify the means and availability of the site for disposal of cuttings, fracturing fluids, oil, toxic materials, hazardous materials and other waste products. Improvements for the purpose of storing and/or treating fracking related fluids is prohibited. All such fluids shall be hauled/removed from the Borough for treatment/ disposal at an alternate location.
- j) The applicant shall provide a plan for the transmission of gas from the development. The plan will identify but not be limited to gathering lines, compressors and other mid and downstream facilities located within the

Borough and extending 800 feet beyond the Borough boundary.

- k) The applicant shall provide a sufficient number of copies to the Borough of the preparedness, prevention and contingency ("PPC") plan as defined in the PADEP document, "Guidelines for the Development and Implementation of Environmental Emergency Response Plans," or the most recent applicable guidance document, to be distributed to the Borough Manager, the Fire Chief and any other emergency service providers for the Borough. Prior to any construction activity, the applicant shall meet with Borough safety control individuals designated by the Borough Council to discuss or provide information regarding any proposed emergency responses to the preparedness, prevention and contingency plan.
- l) Noise Management Plan.
 - 1) An acoustics study shall be prepared and submitted with the application. The study shall be prepared by an acoustics expert(s) acceptable to the Borough. The study shall identify the existing background level of noise and the anticipated noise impact from the proposed use. The report shall contain measures of existing ambient measurements, estimates of the noise measurements to be anticipated from the type of operations and equipment that are proposed for the use and if there are any significant increases in those noise levels. The report shall also contain specific proposals that are intended to reduce noise levels emanating from the site.
 - 2) If the acoustics study shows that the operator anticipates that the operations and equipment proposed for use shall result in an average ambient noise level above 70 dBA when measured at the nearest protected structure property line or 100 feet from the nearest protected structure (as measured to the closest exterior point of the building), the application shall be denied.
 - 3) The study shall be based upon actual sound level measurements and estimates of potential noise impact at the property lines of the site of the proposed use; or the applicant shall submit a statement prepared by a registered professional engineer warranting that the nature of the use will produce no impact on acoustics, in regards to the standards of this section.
 - 4) The noise level shall be established based on a test performed during a continuous seventy-two-hour time span which shall include at least one twenty- four-hour reading during either a Saturday or Sunday. The testing shall be done by a qualified noise control engineer or other qualified person approved by the Borough and shall be in accordance with specifications ANSI S12.18-1994 Method II and ANSI S1.4-1971, as they may be amended and/or updated. The Borough reserves the right to hire a third-party consultant to witness testing and review the results at the sole expense of the applicant. The sound level meters used shall meet the American

National Standard Institute's standard for a Type I sound level meter.

- m) Environmental Impact Analysis. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an environmental impact analysis. The environmental impact analysis shall describe, identify and analyze all environmental aspects of the site and of neighboring properties that may be affected by the proposed operations or the ultimate use proposed to be conducted on the site. The limits of the impact area to be studied shall be reviewed and approved by the Planning Commission and the Council. The environmental impact study shall include, but not be limited to, all critical impact areas on or off-site that may be impacted by the proposed or ultimate use of the facility, including the impact on the critical areas, the protective measures and procedures to protect the critical areas from damage, and the actions to be taken to minimize environmental damage to the critical areas on the site and surrounding areas during and after completion of the operation. Critical impact areas include, but are not limited to, stream corridors; streams; wetlands; slopes in excess of 25%; sites where there is a history of adverse subsurface conditions or where available soils information or other geotechnical data, including data from the Bureau of Mines indicates the potential for landslides, subsidence or other subsurface hazards; Class I agricultural lands; highly acidic or erodible soils; carbonate or highly fractured bedrock; aquifer recharge and discharge areas; areas of unique or protected vegetation, wildlife habitat, and areas of historic, cultural and/or archaeological significance.
- n) Air Quality Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an air quality study. The study shall be prepared by experts acceptable to the Borough and submitted with the application and shall include an analysis of the existing and predicted air quality levels, including smoke, odors, fumes, dust and pollutants at the site. This report shall contain the sources of the information, the data and background tests that were conducted and the conclusions and recommendations of the professionals preparing the report that would be required to maintain the air quality at a level equal to or better than the existing background level prior to the proposed use.
- o) Hydrological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units, and herewith submitted or where no such permit is required, the applicant shall provide a hydrological study. The study shall be prepared by a hydrogeologist acceptable to the Borough. The study shall evaluate the existing surface and subsurface hydrogeology, based upon historical data and on-site investigation and studies. The study shall identify groundwater discharge and recharge areas that may be affected by the proposed

use, map the groundwater table and analyze and delineate the effects of the proposed use on the hydrology, including surface and ground water quantity and quality. Acceptance of the study is subject to final approval by the Council. If the study shows an alteration to the groundwater, the application shall be denied.

- p) Pre-Development and Post-Development Soil Testing. Prior to beginning any oil and gas development activities, the operator shall be responsible for testing soil conditions within 300 feet of each well site. The purpose of testing is to determine the baseline soil conditions surrounding the proposed well site and address resultant changes that may occur or have an impact on the soils of the site and surrounding area.
 - 1) Pre-drilling testing results shall be submitted as part of the conditional use application.
 - 2) Post-hydraulic fracturing testing shall be completed no sooner than one month after hydraulic fracturing activities have ceased and no later than two months after hydraulic fracturing activities have ceased.
 - 3) The results shall be submitted to the Borough and PA DEP within 10 days of their receipt.
 - 4) The operator shall be responsible for all costs associated with testing and testing shall be done by an independent state-certified testing laboratory agreed upon by the Borough.
- q) The applicant shall provide any and all waivers from owners of protected structures.
- r) Scheduling.
 - 1) The applicant shall provide a schedule of development phases with the application indicating the anticipated beginning and ending dates for the following activities:
 - a) Well site preparation;
 - b) Drilling activity;
 - c) Completion (perforating);
 - d) Stimulation (hydraulic fracturing);
 - e) Production work;
 - f) Plugging; and
 - g) Site restoration.
 - 2) The Borough recognizes that, pending approval of the development, said dates may be dependent upon variables such as weather, availability of equipment, leasing, permitting, production and the like. However, such scheduling shall be updated and provided to the Borough on a periodic

basis (no less than monthly) as requested by the Borough.

- s) Insurance. Applicant shall furnish to the Borough a certificate of liability insurance naming the Borough as an additional insured with respect to operations conducted within the Borough, showing proof of liability insurance covering commercial, personal injury, and general liability in amounts not less than \$25,000,000 per occurrence. The applicant shall fully defend, protect, indemnify, and hold harmless the Borough, its departments, agents, officers, employees, or volunteers from and against such and every claim, except for those claims relating to any negligent, willful or intentional acts of the Borough, its department, agents, officers, employees, or volunteers. The insurance coverage may consist of a combination of self- insurance, excess coverage and umbrella coverage.
- 2) Indemnification and express negligence provisions. The applicant shall fully defend, protect, indemnify, and hold harmless the Borough, its departments, officials, officers, agents, Engineer, Solicitor, employees and contractors from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, legal and expert fees, and expenses incurred in defense of the Borough, including, without limitation, personal injuries and death in connection therewith which may be made or asserted by any third parties on account of, arising out of, or in any way incidental to or in connection with the acts or omissions of the applicant, its contractors, subcontractors or their respective employees, officers and agents.
- 3) Conditional use approval is nontransferable without consent from Council and shall automatically terminate, unless extended, if drilling is not commenced within one year from the date of the approval. The conditional use approval may be extended by the Council upon written request by the operator, after notice and hearing. The operator shall provide proof that the requested conditional use permit for such location has not changed and that the operator meets all applicable criteria contained in this subsection.
- 4) General Standards.
 - a) Best management practices shall be followed.
 - b) The uses regulated by this subsection are determined to be land developments and subject to the applicable provisions of the Borough's Subdivision Regulations.
 - c) Any hazardous or toxic material shall be securely contained, stored and removed in accordance with applicable state or federal regulations. On-site disposal is prohibited. All hazardous materials stored must be clearly marked, identifying the contents, chemicals, and hazards as required by the OSHA Hazard Communication Standard 29 CFR 1910.1200 and National Fire Protection Association ("NFPA") Code 104 - Standard System for the identification of the Hazards of Materials for Emergency Response. All regulated tanks are to be labeled to a NFPA specification.

- d) Open fracture fluid storage ponds, open pits and reserve pits are prohibited. Closed- loop systems and other related best management practices, including but not limited to the use of netting over fracture fluid ponds, shall be used during the drilling or completion of any well. Permanent improvements for the purpose of storing and/or treating fracking related fluids or any other hazardous material are prohibited. All such fluids and hazardous materials shall be hauled/removed from the Borough for treatment/disposal at an alternate location.
- e) Fresh water storage ponds are permitted. The use of nonpotable water is strongly encouraged.
- f) All operations shall be in accordance with applicable Federal laws and regulations, the Pennsylvania Oil and Gas Act (58 P.S. §§ 601.101 et seq.), as amended, and pursuant to all other applicable rules, regulations and procedures adopted pursuant thereto. If the applicant receives a notice of violation from any state or federal agency of any such law or regulation causing a public safety or serious environmental hazard in the Borough, it shall give the Borough notice as soon as practical, but in no event later than 24 hours of the applicant receiving notice.
- g) The operator shall be responsible for prevention and prompt removal of spills involving waste materials, oil and toxic or hazardous materials.
- h) Multiple well pad sites on any one oil and gas development shall be prohibited, unless the operator proves to the satisfaction of the Borough that the underlying geology makes using a single well pad impractical.
- i) Changes in the site plan, including but not limited to any expansion of the ground surface area used and/or devoted towards drilling operations, requires a new conditional use approval pursuant to the terms and conditions of this subsection.
- j) Except for emergency and governmental compliance activity, hours of operation are limited to Monday through Saturday, 7:00 a.m. to 6:00 p.m. All deliveries and pickups incidental to the oil and gas development or facility must occur during the defined hours of operation.
- k) At least 30 days prior to any development activity at the development or facility, the operator shall provide the following information to each property owner within 1,000 feet of the planned surface location of the development or facility.
 - 1) A copy of the site plan submitted as part of the conditional use application;
 - 2) A general description of the planned operations at the development or facility and associated equipment to be used;
 - 3) The contact information for the operator; and
 - 4) The availability of the operator to hold a meeting locally with such residents to present the operator's plans for the development or facility and to allow for questions and answers. The meeting(s) shall be held prior to the commencement of development activity.

- l) A duly authorized representative of the Borough, trained by the operator or agents of the operator, shall have the authority in relation to the enforcement of this subsection to enter upon the property of a development or facility for the purpose of inspecting the equipment and all other aspects of the site necessary to assure compliance with this subsection. All costs of inspection shall be borne by the applicant.
- m) The operator of any development or facility shall notify the Borough Manager and Borough Engineer no less than 90 days prior to the startup and abandonment or shutdown of any well site. The applicant shall provide proof of the blanket bond, or other financial security, provided or being held by the PA DEP to ensure proper plugging when the well is classified as inactive by the DEP.
- n) Wellheads shall be located not less than 1,000 feet from any protected structure and not less than 500 feet from the nearest property line.
- o) There shall be no bunk houses, employee trailers or any such employee residential type housing of employees on site. However, a temporary on-site outpost, during vertical and horizontal drilling or fracking, for essential personnel not to exceed three individuals to provide twenty-four-hour supervision/security/safety, is permitted, provided that the applicant shall provide the Borough with clearances required by PA Act 153 of 2014 for said employee(s) and/or contractor(s) residing onsite during those activities.
- p) Applicant shall provide the Borough with a list of contractors and subcontractors who will be accessing the well site. Applicant shall notify such contractors and subcontractors that they will be responsible for and shall remedy any damages they may cause to public or private property within the Borough. In the event the Borough notifies the applicant of a damage claim, applicant will cooperate with the Borough in identifying the potentially responsible contractor or subcontractor.
- q) All contractors and subcontractors that are retained by applicant should have a favorable total recordable injury rate (TRIR) when compared to industry standards.
- r) Existing gas infrastructure plan. The applicant shall provide a full capacity build-out plan for the transmission of gas from the development. The plan will include, but not be limited to, identification of gathering lines, compressors and other mid-stream and down-stream facilities located within the Borough and extending 800 feet beyond the Borough boundary.
- s) Any aboveground gas production equipment (well head, separator, condensate, tanks, etc.) shall be painted an earth tone color to blend in with the surrounding area, as approved by the Borough. The location or placement of all tanks and aboveground storage shall be identified to the Borough. The Borough shall be informed of the contents and capacity of all tanks and aboveground storage.
- t) Traffic Impact.

- 1) Applicant shall provide the Borough with a route plan for the transportation of materials and equipment to construct and operate the proposed pad and facility. The proposed routes must be designed to minimize the impact on streets within the Borough. The Borough reserves the right to designate alternate routes in the event that the applicant's proposed routes are deemed inadequate, unsafe or overly disruptive to normal vehicular traffic by the Borough. Vehicles are to operate on state roads and may only use municipal roads when the use of state roads is not feasible.
- 2) Applicant agrees to restrict heavy truck traffic (three or more axles) on a Borough road during those periods of time in which schools serving residents of the Borough schedule morning and afternoon school bus drop-off and pick-up on that road. The applicant shall coordinate truck routes with the school bus schedule so as to minimize interference with transportation of students to and from school. Applicant shall also provide a contact to the school transportation office.
- 3) At the discretion of the Borough and on a case-by-case basis, additional police details for the monitoring and directing of traffic routes and traffic controls may be required, at the applicant's expense.
- 4) Applicant shall, prior to any construction or activity, improve Borough roads proposed to be used for overweight truck access to the site with such improvements including, but not limited to, widening in certain areas, upgrading base and top coat construction and resurfacing. Any and all said improvements shall be first submitted to the Borough for review and approval, prior to such activity taking place.
- 5) Prior to the commencement of any activity at the development or facility, the operator shall enter into a municipal roadway maintenance and repair agreement with the Borough, in a form acceptable to the Borough, regarding maintenance, repair and bonding of municipal roads that are to be used by vehicles for development activities ("road use maintenance agreement"). The road use maintenance agreement shall apply to any and all Borough roads proposed to be used by the applicant to access the site and shall provide the Borough with the applicable financial security for the same. Said agreement and financial security shall continue to remain in place and active so long as applicant or its successor and assigns access the site using overweight vehicles. The applicant shall take all necessary corrective action and measures as directed by the Borough pursuant to the road use maintenance agreement to ensure the roadways are repaired and maintained during and at the conclusion of all development activities. The applicant shall be responsible for all damage to any Borough roadways and rights of way caused by the activity of the applicant and its subcontractors. Said damage shall be determined by the Borough's appointed Engineer. Costs associated with the road inspection shall be the responsibility of the applicant.

- 6) The operator shall take the necessary safeguards to ensure that the municipal roads utilized remain free of dirt, mud and debris and chemical and/or radioactive materials resulting from development activities. The operator shall promptly sweep and clean all dirt, mud and debris from municipal roads. The operator shall alert the Borough to any chemical or radioactive material spills and/or contamination of municipal roads and shall take appropriate steps to immediately remediate any risk to the public health. Applicant will provide adequate and obvious truck route signage, including no well traffic on unpermitted roads signage, where necessary, to ensure the approved truck routes are utilized. Additionally, applicant shall notify all subcontractors, suppliers, and vendors of the approved truck route.
- 7) The operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and or/adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and allowed, during periods of anticipated heavy or frequent truck traffic associated with the development of the facility, the operator will provide flagmen to ensure the public safety and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
- 8) Applicant shall continue to review the efficiency and safety of all traffic plans and routes and will meet with Borough representatives, including Borough police, to address issues regarding said plan or route, including traffic flow and safety, at applicant's expense.
- 9) There will be no staging of trucks or equipment on local roads. All staging on the well access road shall not exceed the staging area provided in the subject application. Additionally, the applicant shall comply with the idling limitations contained in the Pennsylvania Diesel-Powered Motor Vehicle Idling Act, Act 124 of 2008.⁶
- 10) Applicant shall inform its operators and subcontractors that Jake brake[®] usage on trucks is to be restricted. Upon request by the Borough, the applicant shall place signs along designated transportation routes advising of this restriction. Additionally, applicant shall notify all subcontractors, suppliers and vendors of the Jake brake[®] restrictions.
- 11) A traffic control plan in conformance with PennDOT standards shall be provided.
- 12) Applicant shall ensure that all Borough personnel shall have constant and uninterrupted access to the Borough Public Works facility located in the AI-1 District.
- 13) Applicant is prohibited from accessing the development via the Allegheny River and is prohibited transporting equipment, byproducts or fluids to and

from the development by boat, barge, or any means requiring water access.

- 14) Applicant is prohibited from accessing the development by train and is prohibited from transporting equipment, byproducts or fluids to and from the development by any means requiring rail access.

u) Visual.

- 1) The oil and gas development or facility shall be located, designed and constructed to minimize the removal of trees and shrubs, protect all natural resources, and minimize the amount of surface disturbance. Where trees are removed, the operator shall replace or reforest the area, with the notification and approval of the Borough.
- 2) The operator shall not clear brush or trees by way of burning and shall chip, grind or remove all tree stumps from properties it clears for development purposes.
- 3) The location and design of structures and site improvements shall be integrated with the natural color, form and texture of the surrounding area.

- v) Lighting. No well site lighting used for or associated with well site construction, drilling operations or post-drilling production shall be positioned in a manner such that it shines directly on public roads, protected structures, or any property within 1,000 feet of the well site. Well site lighting must be directed downward and shielded to prevent glare on public roads and adjacent properties.

w) Air and Water Quality.

- 1) Air-contaminant emissions shall be in compliance with all municipal, county, state and federal regulations, including, without limitation, the provisions of the Borough of Aspinwall Code of Ordinances, as amended, and all applicable regulations for smoke, ash, dust, fumes, gases, odors and vapors.
- 2) The operator shall take the necessary safeguards to ensure appropriate dust-control measures are in place to prevent visible plumes of dust from crossing the property line or adversely impacting neighboring properties.
- 3) Applicant shall conduct appropriate water analysis and comply with all state law requirements, including the necessary notification and testing of all potable water sources in accordance with Chapter 32 of the Oil and Gas Act, as amended. Sixty days prior to drilling, the operator shall notify all surface landowners and water purveyors whose water supplies are within 1,000 feet of the proposed well location or, in the case of an unconventional well, within 3,000 feet of the proposed unconventional vertical well bore, of the operator's intentions to drill. The operator shall provide proof of notice to the Borough. Applicant shall address complaints and/or questions from affected residents concerning the results of the

water testing, including retesting and additional testing if necessary and reasonable.

- 4) All condensate tanks, compressor stations, processing plants and other production facilities shall be equipped with vapor recovery and/or vapor destruction units.
- 5) There shall be no activities associated with the proposed use that will result in malodorous gas or matter discernible at any point on or beyond the property line(s).
- 6) Applicant shall utilize best practices to maintain the quality of the adjacent Allegheny River.

x) Noise, Vibrations, and Electrical Disturbances.

- 1) The Borough recognizes and acknowledges that oil and gas development is accompanied by inherent noise. A noise management plan shall be provided with the conditional use application, as detailed in Subsection N(1)(l) above. In addition, the operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the development:
 - a) Prior to drilling of an oil and gas well, the operator shall establish a continuous seventy-two-hour ambient noise level at the nearest protected structure property line or 100 feet from the nearest protected structure (as measured to the closest exterior point of the building), whichever is closer to the protected structure or, alternatively, and in lieu of establishing the above seventy-two-hour ambient noise level, the operator may assume and use, for the purposes of compliance with this section, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
 - b) The operator shall provide documentation of any established, seventy- two-hour evaluation relied upon to establish an ambient noise level greater than 55 dBA to the Borough's Zoning Officer within three business days of such a request from the Zoning Officer.
 - c) The noise generated during construction, drilling and hydraulic fracturing activities when measured at the nearest protected structure property line or 100 feet from the nearest protected structure (as measured to the closest exterior point of the building), whichever is closer to the protected structure, shall not exceed the average ambient noise level (as determined by the seventy-two-hour

evaluation) or default level, whichever is higher:

- (i) During drilling activities by more than seven decibels during the hours of 7:00 a.m. to 6:00 p.m.
- (ii) During drilling activities by more than five decibels during the hours of 6:00 p.m. to 7:00 a.m.; or
- (iii) By more than 10 decibels during construction, hydraulic fracturing operations.

The operator shall inform the Borough of which level (average ambient noise level or default level) is being used.

- d) Adjustments to the foregoing noise limits may be permitted in accordance with the following:

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

* Cumulative minutes during any one hour.

- e) If a complaint is received by the Borough from any person, whether a resident or otherwise using the protected structure as defined herein for any lawful purpose, regarding noise generated during construction, drilling or hydraulic fracturing activities, the operator shall, within 24 hours of receipt of the complaint from the Borough, continuously monitor for a forty-eight-hour period at a point which is the closer to the complainant's building of:
 - (i) The complainant's protected structure property line nearest to the wellsite or equipment generating the noise; or
 - (ii) One hundred feet from the protected structure.
- f) If the operator engages in any noise testing as required by this section, it will provide preliminary data to the Borough no later than 10 business days following completion of the noise testing. Once the monitoring is complete, operator will meet with Borough

representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded.

- g) Exhaust from any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment or used in development shall not be discharged into the open air unless it is equipped with an exhaust muffler or an exhaust box. The exhaust muffler or exhaust box shall be constructed of noncombustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.
 - h) All workover operations shall be restricted to the hours of 7:00 a.m. to 6:00 p.m., except in the extent of an emergency, as reasonably determined by the operator. "Workover operations" shall mean work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production.
 - i) The noise restrictions contained in this subsection shall also apply to natural gas compressor stations and natural gas processing plants.
- 2) There shall be no physical vibrations associated with the proposed operations detectible without instruments on any lot lines shared with adjacent properties.
 - 3) There shall be no activities associated with the proposed use that will emit electrical disturbances adversely affecting the operation of radio or other equipment not located at the subject property.
- y) Hazards.
 - 1) The operator shall, prior to drilling its first gas well in the Borough, make available with at least 30 days' notice, at the applicant's sole cost and expense, an appropriate group training program for emergency responders and the Borough Code Enforcement Office. Such training shall be made available at least annually during any year that drilling activities take place at the oil and gas development or facility. Training should cover each phase of the development from site work to well completion. The Borough shall require a minimum of four hours of annual training, with additional hours added at the recommendation of the Fire Chief. If additional wells are drilled at the site, the operator, Borough Manager, and emergency responders will determine if additional training is required.
 - 2) The applicant shall maintain at the property and on file with the municipality a current list and the material safety data sheets ("MSDS") for all chemicals used in the drilling operations (including, but not limited to

types of additives, acids, polymers, salts, surfactants and solvents) and in any fracturing operations.

- 3) The Borough's first responders shall be given means to access the well site in case of an emergency via lock box or a Borough-approved equivalent. The applicant must provide the Allegheny County 911 Communications Center with necessary information to access the development or facility in case of an emergency.
- 4) Warning signs shall be placed on the fencing surrounding the development or facility, providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the well site.
- 5) The applicant shall provide the Borough with contact information which will allow representatives of the applicant to be contacted 24 hours a day, seven days a week to address an emergency as well as other issues and complaints.
- 6) At least 30 days prior to drilling an oil and gas well or multiple oil and gas wells at a location, the operator shall provide the following information to each resident located in the area over which any horizontal drilling may occur, but in no event less than 3,000 feet:
 - a) A copy of the well survey plat showing the location(s) of the planned well(s);
 - b) A general description of the planned operations at the planned well(s) and associated equipment used in the development of the well(s);
 - c) "Response center" contact information for the operator, which will allow representatives of the applicant to be contacted 24 hours a day, seven days a week to address an emergency as well as other issues and complaints. The "response center" contact information shall also be clearly posted at the entrance to the site and on signs along the truck routes to the site. If a reasonable complaint is registered with the Borough, the applicant will respond to said complaint within 24 hours of notification and take whatever reasonable means necessary to alleviate and cure said complaint, should it be found to be with merit; and
 - d) The availability of the operator to hold a meeting with such residents to present operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to well site construction.
- 7) If a reasonable complaint is registered with the Borough, the applicant will respond to said complaint within 24 hours of notification and take whatever reasonable means necessary to alleviate and cure said complaint, should it be found to have merit.

- z) Access.
 - 1) Beginning with its intersection with a public street, any ingress or egress point for the development or facility shall be paved for the first 50 feet and improved with limestone or other material for the next 100 feet in a manner that no water, sediment, or debris will be carried onto any public street. If any amount of mud, dirt or other debris is carried onto public or private rights-of-way from the well site, the operator shall immediately clean the roads and implement a remedial plan as directed by the Borough to keep the streets continuously clean.
 - a) The first 50 feet from the existing edge of pavement extending into the site shall consist of the following material:
 - (i) Compacted subgrade.
 - (ii) PennDOT Class 4 geotextile fabric.
 - (iii) Eight inches of AASHTO No. 1 crushed aggregate base course.
 - (iv) Two inches of PennDOT 2A aggregate.
 - (v) Six inches of Superpave 25 millimeter base course.
 - (vi) Two inches of Superpave 19 millimeter binder course.
 - (vii) Two inches of Superpave 9.5 millimeter wearing course.
 - b) The remainder of the driveway to the well pad shall be constructed with the following material:
 - (i) Eight inches of AASHTO No. 1 crushed aggregate base course.
 - (ii) Two inches of PennDOT 2A aggregate.
 - 2) Ingress and egress points for all public and private driveways or roadways shall be located and improved in order to:
 - a) Meet Pennsylvania Code 67, Chapter 441, Access to and Occupancy of Highways by Driveway and Local Roads, PennDOT Design Manual 2.
 - b) Ensure adequate capacity for existing and projected traffic volume.
 - c) Provide efficient movement of traffic, including appropriate turning radii and transition grades.
 - d) Minimize hazards to highway users and adjacent property and human activity.
 - 3) All applicable permits or approvals must be obtained, including, without limitation:

- a) Access or driveway permits to state or county roads.
 - b) Overweight or oversize loads.
 - c) Required rights-of-way over any railroad tracks or crossings.
- 4) The applicant, during drilling operations and completion operations, shall provide twenty-four-hour security, seven days a week at the access road. All other times the applicant shall secure the site as necessary.

(aa) Geophysical Exploration.

- 1) For any areas of the Borough where the applicant intends to conduct seismic testing, a licensed geologist must provide a report regarding the potential of the land to subside due to the proposed operations. This report must detail the amount of risk of seismic activity because of existing subsurface conditions and with the introduction of drilling and fracking.
- 2) The applicant shall post a bond or other security in a form to be approved by the Borough in the amount of \$1,000,000 to cover the cost of any damages as a result of seismic testing.
- 3) Borough residents located within 500 feet of said testing must be notified 48 hours in advance of the seismic testing.

(bb) Storage of Equipment.

- 1) No equipment, including drilling, re-drilling, re-working or other portable equipment, shall be stored on the development or facility which is not essential to the everyday operation of the development or facility. This includes the removal of idle equipment unnecessary for the operation of wells.
- 2) Lumber, pipes, tubing and casing shall not be left on the development or facility except when drilling or well-servicing operations are being conducted on the site.
- 3) It shall be illegal to park or store any vehicle or item of machinery on any Borough street, right-of-way or in any driveway, alley or on the development or facility which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires, except that equipment which is necessary for the maintenance of the development or facility or for the gathering or transporting of hydrocarbon substances from the site.

(cc) Fencing, Screening and Buffering.

- 1) Security fencing consisting of a permanent galvanized chain-link fence, a minimum of eight feet in height, topped with either razor or barbed wire shall be installed prior to the commencement of any activity at every well site to secure wellheads, storage tanks, separation facilities, water or

liquid impoundment areas, and other mechanical and production equipment and structures on the well site.

- 2) Security fencing shall be equipped with lockable gates at every access point, and having openings no less than 12 feet wide. Gates shall be kept locked except when being used for access to the site. Additional lockable gates used to access the well site, freshwater ponds or open pits by foot may be allowed, as necessary. The fence posts shall be set in concrete at sufficient depths to maintain the stability of the fence.
 - 3) In construction of the oil and gas development or facility, the natural surroundings shall be considered and attempts made to preserve existing trees and other native vegetation. Existing trees and respective root systems should not be disturbed whenever possible.
 - 4) All oil and gas developments and facilities shall have a minimum front, side and rear yard setback of a minimum of 200 feet from the pad.
 - 5) Any development which abuts a residential use shall provide a ten-foot buffer strip along the affected boundary line(s). All plants shall be selected from species that are hardy in the area and shall be of sound nursery stock. The applicant will have two options for the buffer strip:
 - a) Type I Buffer. To consist of a double row of native evergreen conifers and/or American holly planted at oblique lines to one another so that a continuous screen is provided. All trees shall be a minimum of six feet in height at the time of planting. Trees which die shall be promptly replaced.
 - b) Type II Buffer. A Type II buffer shall consist of a single row of any species of coniferous tree, shrub or plant that will block a line of sight from the level of existing grade to at least six feet in height at time of planting.
 - 6) In addition to screening, the applicant shall submit a general landscaping plan that incorporates existing, and if necessary, new vegetation where practical and in accordance with applicable permit and regulatory requirements, to provide a buffer in connection with any permanent facilities at the well site, including foundation planting around structures. Any landscaping strip along a Borough right-of-way shall be composed of plantings that will not impact views for vehicles entering or leaving the premises.
- (dd) Structure Height. Permanent structures of the oil and gas developments and facilities (both principal and accessory) shall comply with the height regulations of the applicable zoning district.
- (ee) Oil and Gas Development Facilities.
- 1) The following requirements shall apply to oil and gas development

facilities which employ the use of compressors, motors or engines as part of the operations and/or produce air-contaminant emissions or offensive odors, subsurface facilities, including horizontal drilling facilities, gathering system facilities and production facilities.

- a) All noise-generating equipment and processes shall be contained within a completely enclosed building, and windows and doors shall remain closed during operations.
 - b) Adequate public utilities shall be available to meet the demands of the facility.
 - c) The front, rear and side yard requirements shall be a minimum of 200 feet.
- 2) The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent streets and properties.
 - 3) The storage, handling, transportation and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the Borough of Aspinwall Code of Ordinances, the PADEP and the United States Environmental Protection Agency.
 - 4) Secondary containment shall be provided at sites utilizing liquid separators.
 - 5) Compressors and other power-driven equipment shall use sparkless electrical motors, as an alternative to internal combustion motors.
 - 6) If an internal combustion engine is used, it shall not be discharged into the open air unless it is equipped with an exhaust muffler or mufflers or an exhaust muffler box constructed of noncombustible materials sufficient to suppress noise to less than 60 dBA and eliminate disruptive vibrations and the ignition of carbon or soot. All such equipment shall be maintained in good operating condition according to manufacturer's specifications.
 - 7) A security fence, as specified in Subsection 1N(4)(cc), Fencing, screening and buffering, of this subsection, shall be set back at least 10 feet from the property line and 20 feet from a public right-of-way.
 - 8) Any and all gathering system facilities located at the well site shall obtain all local, state or federal approvals and evidence of the same shall be provided to the Borough.

S. Outdoor Cafes.

- 1) Outdoor cafes shall be conditionally permitted as an accessory use in certain districts subject to the following standards:
 - a) The applicant must submit a site plan to the Zoning Officer that depicts the layout of all tables, chairs, umbrellas, structures and other features. The site plan must

indicate seating capacity, pedestrian clearances, and door access, as well as any barrier or rail placement. The Borough will review the site plan per adopted building code requirements in addition to zoning regulations.

- b) Pedestrian circulation must be maintained at all times with a minimum sidewalk clearance of four feet unobstructed path.
- c) The Borough may require bollards, reflective markings, directional or safety signage, or other features to preserve public safety.
- d) The owner must supply proof of liability insurance to cover patron use within public space and/or proof of compliance with state alcohol service license requirements as applicable.
- e) Council may revoke conditional use approval at any time if violations repeatedly occur.
- f) The owner must keep the space clear of trash and debris and maintain directional signage as needed.

T. Parking Structures.

- 1) The structure shall be located to minimize disruption to the existing urban fabric, pedestrian circulation, and streetscape.
- 2) The exterior facade of the parking structure shall incorporate architectural treatments, materials, and articulation compatible with surrounding buildings. Facades visible from public streets shall avoid large expanses of blank walls; use of screening, windows, artwork, or other features shall be required.
- 3) Lighting of the structure shall be designed to prevent glare visible from public rights-of-way or adjacent properties.
- 4) Where located in the AC-1 District, the structure's ground floor frontage along primary streets shall incorporate active uses such as retail, commercial, or public facilities, or shall be designed to allow future buildout of such uses.
- 5) Entrances and exits shall be located and designed to minimize disruption to pedestrian safety and vehicular traffic flow.
- 6) The structure shall be designed and operated to minimize noise from vehicles, mechanical systems, and patrons, particularly near residential areas.
- 7) Lighting shall be provided to ensure safety for users, but shall be fully shielded and directed away from adjacent properties.
- 8) Borough Council may encourage or require green roofing or other sustainable features in the structure's design.
- 9) Clear, well-lit pathways shall be provided from parking areas to adjacent streets and uses.

U. Place of Worship.

- 1) The size and location of the site shall be suitable for the proposed place of worship, considering access, circulation, and potential impacts on surrounding properties.
- 2) Customary accessory uses such as fellowship halls, classrooms, offices, and limited housing for clergy may be permitted, provided they are clearly subordinate to the principal religious use.
 - a) Any accessory structures, such as fellowship halls, offices, or rectories, shall be designed as an integrated part of the overall site plan.
 - b) Other accessory uses (such as day care centers, schools, or social service centers) may require separate conditional use approval.
- 3) Adequate ingress and egress shall be provided to minimize congestion and protect pedestrian safety.
- 4) Outdoor lighting shall be fully shielded and directed away from nearby residential uses and public rights-of-way.
- 5) Regular worship services and related activities shall be conducted at times compatible with the surrounding neighborhood. Borough Council may place limits on hours of operation for accessory uses or special events if necessary to protect neighboring properties.
- 6) Occasional special events (e.g., weddings, festivals, religious holidays) are permitted, provided that traffic, noise, and parking impacts on adjacent properties are minimized. Borough Council may require an operations plan for events expected to attract large crowds or unusual activity levels.

V. Recreation Facilities.

- 1) The facility area and lot boundaries shall be landscaped in a manner acceptable to Borough Council to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
- 2) No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- 3) Operating hours for private and commercial facilities shall be no earlier than 7:00 a.m. and no later than 11:00 p.m., prevailing time. Borough Council may limit hours within this time frame based on the use and location of the facility. "Operating hours," for the purpose of this section, shall mean the period of time that the recreational or athletic activity is occurring.
- 4) All pools shall be surrounded by a fence at least six feet in height, the entrance to which shall be kept locked when an attendant is not present, and shall be constructed in accordance with all applicable state requirements.
- 5) Tennis courts shall be protected by a permanent fence at least 10 feet in height behind each base line extending 10 feet beyond the playing area in each direction.

W. Riverfront Infill Development.

- 1) Authorized Uses. The following uses, and only the following uses, are authorized in a riverfront infill development, provided their design, arrangement, landscaping, relationship to adjacent properties and uses, and construction form a compatible and harmonious group of uses, afford reasonable protection to adjacent development, and otherwise meet all requirements set forth in this chapter.
 - a) Residential Uses:
 - 1) Single-family dwellings;
 - 2) Townhouses;
 - 3) Two-family dwellings;
 - 4) Garden dwellings; and
 - 5) Mid-rise apartments.
 - b) Commercial and Office Uses:
 - 1) Retail stores having no more than 5,000 square feet of gross floor area;
 - 2) Personal service businesses;
 - 3) Business and professional offices;
 - 4) Restaurants; and
 - 5) River-oriented recreation and commercial uses, such as marinas, boat docks, storage and launching facilities, fishing piers or areas, observation areas, restaurants, specialty shops, and similar uses.
 - c) Other Uses:
 - 1) Parks and public recreation space.
 - d) First Floor: The first floor of structures shall be dedicated to food service or retail uses only.
- 2) Area and Bulk Requirements. Riverfront infill developments shall adhere to the following:
 - a) Maximum Density Requirements.
 - 1) Residential Uses: 10 units per gross acre of land assigned to residential usage.
 - 2) Nonresidential Uses: 10,000 square feet of gross floor area per acre.
 - 3) Mixed-Use Structures: 10 units per acre. Nonresidential uses shall count every 1,000 square feet of gross floor area dedicated to nonresidential use as one dwelling unit.
 - b) Maximum lot coverage: 30% for all uses.

X. River-Oriented Recreation and Commercial.

- 1) The proposed use shall be capable of meeting applicable commonwealth and federal standards for river usage. The applicant shall submit copies of these governmental agencies' reviews and approvals.
- 2) The use, to the maximum extent feasible, shall provide or maintain public access to the river.
- 3) The use shall not construct, install or locate any structure or facility which blocks the view of, or restricts access to, the river by another existing use.
- 4) All uses shall endeavor to preserve and maintain the natural features and vegetation of the riverfront area.
- 5) Suitable landscaping shall be provided in accordance with the provisions of this chapter. However, Council may attach additional requirements during the review of the conditional use application.
- 6) Suitably-improved accessways (streets, walkways, etc.) shall be provided. Council may assess the applicant a proportional share of the cost for the improvement of any public right-of-way.
- 7) A riverfront use may place a directional sign, not exceeding two square feet, along Freeport Road, indicating the access to the use. Documentation of the approval of the property owner, where the sign is to be located, must be submitted with the conditional use application.

Y. School.

- 1) A school shall have direct access to an arterial, major collector, or minor collector street. The point of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- 2) Facility location, orientation and lot circulation shall be coordinated with the Borough in order to minimize the disturbance of surrounding open space.
- 3) Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood. Borough Council may require an operations plan for major events or regular evening use of the site.
- 4) Customary accessory uses such as administrative offices, cafeterias, libraries, and staff housing (if proposed) are permitted, provided they are subordinate to the educational function. Other accessory uses such as a day care center, adult education programs, or community center may require separate conditional use approval.

Z. Shipping Containers.

- 1) Shipping containers shall be conditionally permitted as accessory storage containers or conversion to retail or eating and drinking establishment use in the Limited Industrial District and the Conservation District, subject to the following standards:

- a) Shipping containers shall meet applicable setback requirements and must be placed on concrete, asphalt, or a level, compacted surface.
- b) Shipping containers shall not be stacked above the height of a single container.
- c) Shipping containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.
- d) Shipping containers shall not be located in the front yard of the principal structure of the property.
- e) Shipping containers shall not occupy required off-street parking, loading, rights-of-way, or landscaping areas.
- f) All containers shall have the appropriate placard(s), and the property owner shall possess on site the safety data sheet(s) in accordance with "NFPA 704: Standard System for the Identification of the Hazards of Materials for Emergency Response" from the U.S.-based National Fire Protection Association.
- g) Shipping containers are required to be fenced or screened from residential neighborhoods adjacent to the property unless other measures are employed by the property owner to mitigate the visual impacts of such containers.
- h) The total gross floor area of all shipping containers shall not be more than 1/2 of the gross floor area of the principal structure.

AA. Smoke/Vape Shops.

- 1) Smoke/vape shops shall be conditionally permitted in the AC-D district subject to the following standards:
 - a) Signage for smoke/vape shops shall not include feather flag or blade signs, banners, or any type of electronic signage, including neon, LED, or digital displays, advertising any vape, tobacco, CBD, THC or similar products or brands in windows, doors, or on exterior premises.
 - b) No smoke/vape shop shall be located within 1,000 feet of a school or place of worship or within 500 feet of another smoke/vape shop.
 - c) Council may apply additional protections as warranted to mitigate potential nuisance and protect the public welfare.

BB. Storage (Principal use).

- 1) Buildings shall be designed to be compatible with surrounding structures in scale, materials, and architectural character, especially in mixed-use or urban areas.
- 2) Facades facing public streets or residential uses shall include architectural treatments and screening to reduce visual impacts.
- 3) Access points shall be designed to minimize traffic conflicts and provide safe ingress and egress.

- 4) Site lighting shall be designed to provide safety while minimizing glare and light spillover onto adjacent properties.
- 5) Hazardous materials shall not be stored on site unless specifically approved and compliant with applicable regulations.
- 6) The site shall provide security measures such as fencing, lighting, and surveillance to prevent unauthorized access and vandalism.
- 7) Storage as a principal use shall not adversely affect nearby residential or sensitive uses through noise, traffic, or visual impacts.

CC. Uses Not Specifically Listed as Permitted or Conditional Uses.

- 1) In order to obtain a conditional use under this section, the applicant bears the burden of establishing the following to the satisfaction of the Borough Council:
 - a) The proposed use must be fully consistent and in harmony with the purpose of the district in which it will be located.
 - b) The impact of the use on the environment and adjacent streets is equal to or less than any use specifically permitted as a permitted or conditional use in the subject district.
 - c) In determining the impact on the environment and adjacent properties, the Borough Council shall consider such development characteristics as the number of employees, the floor area of the proposed building devoted to the proposed use, the type of products involved, the materials, equipment or services involved, the magnitude of walk-in trade, traffic generation, parking demand, environmental impacts, and any other information that Borough Council determines will aid in determining the impact of the use.
 - d) The proposed use shall comply with the expressed standards and criteria of the zoning district in which the use is to be located and all other requirements of this chapter and Chapter 22 of the Aspinwall Borough Code, subdivision and land development regulations.
 - e) The proposed use shall be in accordance with the community objectives of this chapter and the Comprehensive Plan of the Borough of Aspinwall, as adopted and amended.
- 2) Prior to the public hearing before the Borough Council, the applicant shall submit all studies, documents and testimony which applicant wishes to be considered in connection with the conditional use application, for review and recommendation by the Borough Planning Commission.
- 3) When granting a conditional use pursuant to this section, the Borough Council may impose any reasonable conditions it believes are necessary to ensure compliance with this chapter and Chapter 22 of the Aspinwall Borough Code, subdivision and land development regulations.

DD. Uses Which Do Not Meet Off-Street Parking Requirements in the AC-1 and AC-2 Zones. [Made redundant by changes to off-street parking requirements for commercial uses]

- ~~1) In the event a use permitted as either a permitted use or a conditional use in the AC-1, Community Business District or the AC-2 General Commercial District does not comply with the off-street parking requirements of §§ 27-409 and 27-410 of this chapter, said use may be permitted as a conditional use, provided the applicant complies with the requirements of § 27-503 and this subsection of this chapter.~~
- ~~2) In order to obtain a conditional use under this section, the applicant bears the burden of establishing to the satisfaction of the Borough Council that the applicant has made alternative arrangements for adequate off-street parking. The applicant may do so by establishing, individually or in combination, to the satisfaction of Borough Council, that:
 - ~~a) The applicant has secured the required number of off-street parking spaces on the property or within 600 feet, and although the applicant may not own or has not procured a lease of a term required by this chapter, the applicant has otherwise adequately demonstrated that the spaces will be available for applicant's use.~~
 - ~~b) The applicant has secured the required number of off-street parking spaces, and although all or portion of the same are located more than 600 feet from the entrance to the subject property, the applicant has shown that adequate arrangements for valet parking or shuttle bus service will be provided.~~
 - ~~c) The applicant submits a traffic/parking study prepared by a qualified traffic/parking engineer demonstrating that the nature and use of the subject property is such that the number of off-street parking spaces to be provided by the applicant is adequate to service the proposed use.~~
 - ~~d) The applicant submits a traffic/parking study prepared by a qualified traffic/parking engineer demonstrating that because of the anticipated time and days of usage of the subject property, adequate parking spaces are available on-street or in public parking lots to adequately service both the proposed use as well as current and projected baseline demand for on-street and public parking lot spaces.~~
 - ~~e) The applicant has made alternative arrangements for the parking of vehicles to be operated by the applicant, applicant's employees, vendors or others so that these individuals will not be utilizing on-street or public parking lot spaces or the off-street parking spaces otherwise being dedicated to the proposed use.~~
 - ~~f) The applicant has made adequate valet parking arrangements to alleviate any deficiency in required off-street parking spaces.~~
 - ~~g) The applicant can demonstrate that any deficiency in parking spaces will be accommodated by the use of a public transit stop located within 600 feet of the entrance to the subject property.~~~~

- ~~h) The applicant has made other arrangements satisfactory to the Borough Council establishing that the off-street parking to be provided by the applicant will be adequate:~~
- ~~3) The applicant shall comply with all other requirements of this chapter applicable to the use and zoning district in question and all other requirements of Chapter 22 of the Aspinwall Borough Code, subdivision and land development regulations.~~
- ~~4) Prior to the public hearing before the Borough Council, the applicant shall submit all studies, documents and testimony which applicant wishes to be considered in connection with its conditional use application for review and recommendation by the Borough Planning Commission.~~
- ~~5) When granting a conditional use pursuant to this section, the Borough Council may impose any reasonable conditions it believes are necessary to ensure that adequate off-street parking will be provided by the applicant and to ensure that the use otherwise complies with all applicable requirements of this chapter and Chapter 22 of the Aspinwall Borough Code, subdivision and land development regulations.~~

Part 6 NONCONFORMITIES

§ 27-601. Continuation.

Subject to the provisions of this section, a nonconforming lot, nonconforming building or structure or nonconforming use may be continued even though such does not conform with the provisions of these regulations for the district in which it is located. The Zoning Officer may keep and maintain a list of all nonconforming lots, buildings and structures or uses existing at the time of the passage of this chapter, its predecessors or amendments thereto, and which may come to exist in the future.

§ 27-602. Alterations, Repair, Enlargement, Reconstruction of Nonconforming Buildings and Structures.

1. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
2. A nonconforming building or structure (excluding signs) may be altered, improved or reconstructed provided that the total cost of such work does not exceed 50% of the fair market value of the structure at the time of the requested alteration and that the work does not make the structure any more nonconforming in any aspect. This cost limitation does not apply to the extent the work involves bringing the structure into conformance with applicable zoning regulations.
3. If a nonconforming building or structure, or use thereof, is destroyed totally or partially by fire, collapse, explosion or other disaster, it may be reconstructed (and the nonconforming use thereof continued), if work commences within one year of the date of destruction and is pursued diligently to completion. However, reconstruction shall not make the building, structure or use more nonconforming, in any aspect, than it was prior to destruction. Reconstruction must comply with applicable state and local building codes.

§ 27-603. Alteration, Enlargement or Expansion of a Nonconforming Use.

1. Residential Districts. In any residential district, nonconforming uses may expand up to 25% of the gross floor area utilized for the nonconforming use (measured in square feet), to allow for continuation and reasonable growth of the use; provided, however, any such expansion shall comply with all other provisions of this chapter including, but not limited to, all applicable area and bulk requirements and off-street parking and loading requirements. Nothing in this section shall be construed as authorizing the expansion of a nonconforming building or structure or a nonconforming lot.
2. Commercial, Industrial Districts. In any commercial or industrial district, a nonconforming use may expand up to 50% of the original building or lot area (measured in square feet), in accordance with the same conditions stated in Subsection 1.

§ 27-604. Change of Use.

A nonconforming use may be changed to a similar nonconforming use within the same type of use category. When a nonconforming use is changed to a permitted one, it shall not be subsequently changed to a nonconforming use. A change of one nonconforming use to another nonconforming

use required review and approval by the Zoning Hearing Board, in accordance with § 27-705, Subsection 6F, of this chapter.

§ 27-605. Construction Approved Prior to Adoption.

Nothing in this chapter or any amendment thereto shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued prior to the adoption of this chapter or amendment thereto and the construction of which shall have been diligently prosecuted within six months of the date of the issuance of such permit, and the entire building completed according to approved plans within one year of the enactment of this chapter or any applicable amendment thereto.

§ 27-606. Abandonment.

1. A nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when one or more of the following conditions apply:
 - A. The intent of the owner to discontinue the use is apparent.
 - B. A nonconforming use has been discontinued for a period of six months, unless other facts show intention to resume the nonconforming use.
 - C. It has been replaced by a conforming use.
 - D. It has been changed to another nonconforming use as authorized by the Zoning Hearing Board.

§ 27-607. Unlawful Use Not Authorized.

Nothing in this chapter shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this chapter, its predecessors or any amendment thereto.

§ 27-608. District Changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to a district of a different classification, the foregoing provisions shall apply to any nonconforming uses, nonconforming buildings or structures or nonconforming lots existing therein.

§ 27-609. Nonconforming Lot.

1. In any residential district, notwithstanding the regulations imposed by any other provision of this chapter, a single-family detached dwelling which complies with all applicable zoning restrictions except for lot area may be erected; provided that the following requirements are met:
 - A. The lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, at such location, was not prohibited by any zoning ordinance or chapter then in effect.

- B. The lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by this chapter.
- 2. Construction permitted by the above shall comply with all the regulations, except lot area and minimum yard requirements, applicable to single-family dwellings in the zoning district in which the lot in question is located. However, the following minimum yard requirements shall apply:
 - A. Front Yards. As prescribed by the regulations for the zoning district in which the lot is located or by the provision for front yard exceptions in Part 4 of this chapter.
 - B. Side Yards. The dwelling shall be placed on the lot so as to provide two side yards. A side yard shall not be less than the smaller of: (1) 2 1/2 feet; or, (2) the minimum side yard prescribed by the regulations for the applicable zoning district.
 - C. Rear Yard. A rear yard shall not be less than the smaller of (1) the minimum rear yard prescribed by the regulations for the zoning district in which the lot is located; or, (2) 10 feet.

§ 27-610. Status of Conditional Uses.

- 1. Any use, for which a conditional use permit has been issued as provided by this chapter, shall not be deemed to be a nonconforming use, but it shall be deemed a lawful conforming use.
- 2. Where a use exists at the effective date of this chapter and is permitted by this chapter only as a conditional use in the zoning district in which it is located, then it shall be deemed to be a lawful conforming use in such zoning district.

§ 27-611. Termination of Nonconforming Signs.

- 1. Any existing signs which are now or may hereafter constitute nonconforming signs under the provisions of this chapter shall not be enlarged or altered in any aspect, except to make safety improvements or changes which will make the sign conforming, or more conforming, to the provisions of this chapter or amendment thereto.
- 2. If at any time the owner or operator of a nonconforming sign, either voluntarily or through municipal enforcement action, proposes or is required to remodel, reconstruct, alter, expand or repair a nonconforming sign, the cost of which work is reasonably estimated to be 50% or more of the estimated cost to construct a new sign of like size and design at the same location, then such sign shall be brought into conformance with this chapter or amendment thereto as part of the work.
- 3. Any nonconforming sign which shall fall into disrepair shall be deemed to be abandoned upon the expiration of 30 days from the date of any notice of the Zoning Officer to bring such sign into proper maintenance and condition. After any such abandonment, the nonconforming sign shall be made conforming under this chapter or amendment thereto prior to any reuse of the sign

Part 7 ADMINISTRATION AND ENFORCEMENT

§ 27-701. Zoning Officer.

1. Appointment. The Zoning Officer shall be appointed by Borough Council and shall administer and enforce this chapter.
2. Duties of the Zoning Officer. In order to administer and enforce properly this chapter, the Zoning Officer shall:
 - A. Receive all applications for zoning use and zoning occupancy permits and maintain records thereof. Forward to the Planning Commission all applications requiring site plan review in accordance with Part 5 of this chapter and all applications for signs.
 - B. Receive, file and forward to Borough Council all applications for conditional uses and maintain records thereof.
 - C. Issue zoning use and zoning occupancy permits for all applications that have been reviewed and approved according to the provisions of this chapter and other applicable ordinances.
 - D. Receive, review and issue permits for: (1) applications for zoning use and zoning occupancy permits that do not require a site plan review or conditional use approval; and, (2) applications for fences, accessory uses (excluding signs) and temporary uses.
 - E. Receive, file and forward to the Zoning Hearing Board the records in all appeals and all applications for variances and changes of nonconforming uses and maintain records thereof.
 - F. Inspect buildings, structures and uses of land to determine compliance with the provisions of the chapter.
 - G. Issue enforcement notices for violation of any provision of this chapter to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record of the parcel. The enforcement notice shall be delivered personally or by certified mail. The enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom the municipality intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - (4) The date before which steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 10 days of receipt of the enforcement notice pursuant to the procedures set forth in this chapter.

- (6) That failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.
- H. Initiate civil enforcement proceedings for failure to comply with enforcement notices unless the Borough Council, after receipt of the enforcement notice, directs to the contrary by motion or resolution.
- I. Institute, with approval of or at direction of Borough Council, appropriate equitable enforcement action to prevent, restrain, abate or correct any violation of this chapter.
- J. Revoke any order or zoning use or zoning occupancy permit issued under a mistake of fact or contrary to the provisions of this chapter.
- K. The Zoning Officer may make and maintain accurate and current records of all legal nonconformities under this chapter.

§ 27-702. Required Zoning Permits.

1. General.

- A. No use of land shall be made or any building or structure constructed, altered, remodeled, sold, leased, occupied or used, nor any existing use of a building, structure of land be changed until a zoning use permit and a zoning occupancy permit have been issued by the Zoning Officer.
- B. The improvements of land preliminary to any use of such land shall not be commenced prior to the issuance of the zoning use permit.
- C. Any permit issued in conflict with the provisions of this chapter shall be null and void.

2. Permit Application and Issuance Procedure.

- A. Whenever the proposed activity, whether new construction or alteration of an existing use requires a building permit (under the Borough Building Code, Chapter 5), the applications for the zoning use permit and zoning occupancy permit shall be made prior to or simultaneously with the application for the building permit. However, the building permit shall not be issued until the zoning use permit has been granted.
- B. When no building permit is required, the application for the zoning use permit and zoning occupancy permit may be made at any time prior to the use or occupancy of the structure or land.
- C. Permit applications shall be submitted in writing on such forms or in such format as established by the Borough. The Zoning Officer may request any information necessary to determine the application's compliance with this chapter.
- D. The Zoning Officer shall not issue the zoning use permit or zoning occupancy permit unless the property complies with this chapter, the Borough Building Code [Chapter 5, Part 1], the Borough Property Maintenance Code [Chapter 5, Part 2], the Borough Subdivision and Land Development Ordinance [Chapter 22], and all other applicable Borough, county,

state and federal laws, ordinances and regulations, and until all other required approvals and permits have been obtained from applicable Borough, county, state and federal agencies. The applicant shall submit copies of all such required approvals and permits to the Zoning Officer.

- E. Where approvals are not required by other Borough agencies or governmental entities, the Zoning Officer shall review and approve or disapprove the application. However, the Zoning Officer may seek the advice and recommendations of the Planning Commission on any application.
 - F. An application for a zoning use permit does not permit occupancy. A zoning occupancy permit is also required. Under certain circumstances, application for any approval of a zoning use permit and zoning occupancy permit may be combined.
 - G. Upon completion of the applied-for work, the applicant shall notify the Zoning Officer who shall examine the building, structure or use of land involved. If the Zoning Officer shall find that such construction, erection, structural alteration or use of building and land has been completed in accordance with the provisions of this chapter and other applicable ordinances, the zoning occupancy permit shall be issued.
 - H. As a precondition to the issuance of any zoning use permit or zoning occupancy permit, a landowner shall permit the Zoning Officer to inspect both the exterior and interior of the property, as deemed necessary by the Zoning Officer. Any failure or refusal to permit such inspection shall result in denial of any application for zoning use permit or zoning occupancy permit.
 - I. The Borough shall not issue a no-lien letter in connection with the sale of any property in the Borough unless and until either the proposed buyer or proposed seller has applied for and obtained a zoning occupancy permit in connection with the sale of the property.
3. Period of Validity.
- A. A zoning use permit shall become null and void within six months of the date of issuance unless the construction, altering, remodeling of a building or structure is commenced or a use of land or building is commenced.
 - B. A nonresidential zoning occupancy permit shall be valid for a period of one year. The landowner shall be responsible for applying for a renewed permit prior to the expiration of an existing permit. The Zoning Officer shall be responsible for scheduling inspections related thereto.
4. Temporary Zoning Use and Zoning Occupancy Permits. The Zoning Officer may issue a temporary zoning permit which may allow the use or occupancy of a building or structure during structural alteration thereof or may permit the partial use or occupancy of a building or structure during its construction or erection; provided, however, that such a temporary permit shall be valid only for a period not exceeding six months from its issuance and shall be subject to such restrictions and provisions as may be deemed necessary by the Zoning Officer to ensure the safety of persons using or occupying the building, structure or land involved.

§ 27-703. Schedule of Fees.

Borough Council shall establish, from time to time, fees and charges for all permits and applications required by this chapter. This schedule, along with an explanation of the collection procedure, shall be posted in the offices of the Borough Manager. All fees and charges shall be adopted by resolution of Borough Council at any regular or special meeting.

§ 27-704. The Planning Commission.

1. The Aspinwall Planning Commission shall be appointed by Borough Council as prescribed by the Pennsylvania Municipalities Planning Code and Chapter 1, Planning Commission, of this Code.
2. The Planning Commission shall perform the following duties:
 - A. Submit by March 1 of each year a report to Borough Council outlining any substantive or administrative problems that have been identified in this chapter along with recommended changes to correct the problems; and any recommended changes in this chapter to reflect changes in development conditions, land uses, population, public services and facilities or similar conditions.
 - B. Prepare and make recommendations to Borough Council on proposed amendments to this chapter and the Zoning Map.
 - C. Review and approve or deny all applications for signs, except temporary signs.
 - D. Review and make recommendations to Borough Council on conditional use applications.
 - E. ~~Review and make recommendations to the Zoning Hearing Board on applications for variances.~~ [NOTE: Pashek recommends removing this, as ZHB is quasi-judicial – it’s supposed to operate as an independent fact-finding body, so courts could find procedural unfairness or violation of due process if PC appears to take a side in an active case by recommending for or against a variance.]
 - F. Provide technical and consultative assistance to other Borough boards, commissions and officials in exercise of their duties relating to this chapter.
 - G. Maintain accurate and current records of all actions taken by it in relation to the provisions of this chapter.
 - H. Where requested by the Zoning Officer pursuant to § 27-702 of this chapter, render advice and recommendations on any application.

§ 27-705. Zoning Hearing Board.

1. Membership of the Board. The membership of the Board shall be three residents of the Borough appointed by Borough Council. Their terms of office shall be three years and so fixed that the term of office of one member shall expire each year. The Borough Council may appoint alternate members of the Board pursuant to the constraints of the MPC, who shall serve according to the restrictions of the MPC. The Board shall promptly notify Borough Council of any vacancies

which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members and alternate members of the Board shall hold no other office in the Borough.

2. **Removal of Members.** Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of Borough Council, taken after the member has received 15 days' advance notice of the intent to take such a vote. A public hearing shall be held in connection with the vote if the member shall request it in writing.
3. **Organization of the Board.** The Board shall elect its officers from its own membership, who shall serve annual terms and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and parties may waive further action by the Board as provided in Subsection 5A below. The Board may make, alter and rescind rules and forms for its procedure consistent with the ordinances of the Borough and laws of the commonwealth. The Board shall keep full public records of its business which records shall be the property of the Borough, and submit a report of its activities to Borough Council as requested by Borough Council.
4. **Expenditures for Services.** Within the limits of funds appropriated by Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, zoning officers, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of Borough Council.
5. **Conduct of Public Hearings.** The public hearing shall commence within 60 days' of the filing of an administratively complete application. Public notice, as defined herein, of the public hearing shall be advertised and posted as required by the MPC, and in addition thereto the Zoning Hearing Board shall post at least one copy of the notice on the affected property and shall mail a copy of the notice by regular mail at least one week prior to the hearing to each adjoining property owner, including those located across a public right-of-way. Public hearings shall be conducted and held in accordance with the applicable provisions of the Municipalities Planning Code. The Zoning Hearing Board shall comply with all requirements of Article IX of the Municipalities Planning Code regarding the conduct of hearings.
6. **Board Decisions.**
 - A. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application in accordance with the requirements of the MPC and within 45 days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Conclusions based on any provisions of this chapter or any other land use ordinance, rule or regulation or any provision of the Municipalities Planning Code shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his/her decision or findings are final, the Zoning Hearing Board shall make his/her report and recommendations available to the parties within 45 days, and the parties shall be entitled

to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the hearing officer.

- B. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

7. Functions of the Board.

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

- (1) Substantive challenges to the validity of this chapter, except those challenges brought before the Borough Council pursuant to §§ 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.
- (2) Challenges to the validity of this chapter raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of this chapter or any amendment thereto.
- (3) Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any enforcement notice or the registration or refusal to register any nonconforming use, structure or lot.
- (4) Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of Chapter 8 of the Aspinwall Borough Code, "Floodplain Management."
- (5) Applications for variances from the terms of this chapter and Chapter 8 of the Aspinwall Borough Code, "Floodplain Management."
- (6) Appeals from the Zoning Officer's preliminary opinion determination as authorized by § 916.2 of the Pennsylvania Municipalities Planning Code.
- (7) Changes in nonconforming uses pursuant to the provisions of this Part and Subsection 6F of this Part.
- (8) Appeals from a determination of the Planning Commission regarding the approval or denial of a sign application.

- B. Variances.

- (1) Application. The Board shall hear requests for variances where it is alleged that the strict application of the provisions of this chapter inflict unnecessary hardship upon the applicant. Application for a variance shall be made in writing on the prescribed form obtained from the Zoning Officer. The Zoning Officer shall forward the application to the Board, which shall determine a time and place of the hearing.

- (2) Standards for Variances. The Board may grant a variance, provided that all the following findings are made where relevant in a given case:
- (a) That there are unique physical circumstances or conditions including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
 - (b) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter; and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (c) That such unnecessary hardship had not been created by the applicant.
 - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
 - (e) That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue.

(3) Procedure for Variances. The Board shall request the review and comments of the Planning Commission on any variance application, which shall be made part of the public record. In granting any variances, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code. [NOTE: See comment on 152]

- C. Changes of Nonconforming Uses. In accordance with Part 6 of this chapter, the Zoning Hearing Board shall hear requests for a change of one nonconforming use to another nonconforming use. Before approving an application, the Board shall determine that:
- (1) The proposed use is within the same type of use category as the original nonconforming use, such as one personal service business to another. In making a determination of similar uses, the Board shall be guided by the definitions in this chapter or, where not so defined, Federal Office of Management and Budget's Standard Industrial Classification Manual (current edition).
 - (2) The proposed use will not be any more objectionable than the original nonconforming use in terms of traffic generation and requirements for off-street parking and loading; outdoor storage of wastes, materials, supplies and equipment; minimum yard, height, area and volume of all structures.
 - (3) The proposed use can comply with the applicable performance standards for noise, air and water quality, glare, odors, fire and explosive hazards, vibrations, screening, Stormwater and floodplain management contained in Part 4 of this chapter.

8. Parties Appellant Before the Board. Appeals under Subsection 7A(1), (2),(3), (4), (6) and (7) of this chapter may be filed with the Board in writing by the landowner affected, by any officer or agency of the Borough or any person aggrieved. Requests for a variance under Subsections 7A(5) and 7C of this section may be filed with the Board only by a landowner or any tenant with the permission of such landowner.
9. Time Limitations.
 - A. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Borough officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
 - B. The failure of anyone, other than the landowner, to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this chapter or Zoning Map pursuant to § 916.2 of the Pennsylvania Municipalities Planning Code, shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.
 - C. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued, except appeals of the Zoning Officer's issuance of an enforcement notice, which shall be filed within 10 days after receipt of the enforcement notice.
10. Stay of Proceedings.
 - A. Upon filing of any proceeding referred to in Subsection 7 of this section and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property. In this case, the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.
 - B. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the board by persons other than the applicant, the applicant may petition the Allegheny County Court of Common Pleas to order such persons to post a bond as a condition to continuing the proceedings before the board, pursuant to provisions of the Pennsylvania Municipalities Planning Code.

§ 27-706. Jurisdiction of Borough Council.

1. The Borough Council shall have exclusive jurisdiction to hear and render final adjudications in

the following matters:

- A. Applications for conditional uses under the express provisions of Part 5 of this chapter and § 603(c)(2) of the Pennsylvania Municipalities Planning Code.
- B. Applications for curative amendments to this chapter pursuant to §§ 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.
- C. Applications for riverfront planned developments under the express provisions of § 27-418 of this chapter and Article VII of the Pennsylvania MPC.

§ 27-707. Amendments to the Zoning Ordinance or Map.

1. Amendments of this chapter may be initiated by Borough Council, by the Planning Commission, or by a petition of a landowner within the Borough in accordance with the following provisions:
 - A. Petitions for amendment by landowners, other than curative amendments under § 27-708 of this chapter, shall be filed in writing with the Zoning Officer, and the petitioner, upon such filing, shall pay a filing fee and/or review deposit in accordance with the schedule fixed by resolution of Borough Council.
 - B. Any proposed amendment other than one proposed by the Planning Commission shall be referred to the Planning Commission for review. The Planning Commission shall review the proposed amendment and report its findings and recommendations, in writing, to the Borough Council and to the petitioner.
 - C. In the event the Planning Commission recommends approval of the proposed amendment, in whole or in part, or if a public hearing is requested by at least one member of the Borough Council, a public hearing will be scheduled on the proposed amendment and a copy of the same submitted to the Allegheny County Planning Agency at least 30 days prior to the public hearing in accordance with the requirement of the Municipalities Planning Code.
 - D. If the proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the Borough at points deemed sufficient by it along the tract to notify potentially interested citizens. The affected tract shall be posted at least one week prior to the date of the hearing.
 - E. Notice of any proposed zoning map change shall also be mailed by the Borough at least 30 days prior to the public hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This subsection shall not apply to a comprehensive rezoning.
 - F. If, after any public hearing held upon an amendment, the proposed amendment is substantially revised or further revised to include land previously not affected by it, then the Borough Council shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment.
 - G. The Borough Council shall act on a proposed amendment to this chapter within 90 days of

the date of the meeting at which the public hearing on the amendment is closed. If the Borough Council fails to so act within the said 90-day period, then the proposed amendment shall be deemed denied.

- H. Within 30 days after enactment, a certified copy of the amendment to this chapter shall be forwarded to the Allegheny County planning agency.
- I. The proposed amendment shall also be published, advertised and made available to the public in accordance with the requirements of the Municipalities Planning Code.

§ 27-708. Landowner Curative Amendments.

1. Any landowner who wishes to challenge, on substantive grounds, the validity of this chapter or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he/she has an interest may prepare and submit a curative amendment to the Borough Council, in the form he/she proposes it be adopted, together with a written request that his/her challenge and proposed amendment be heard and decided in accordance with the requirements of the MPC. The Borough Council shall hold a public hearing, pursuant to public notice, on the matter within 60 days of receiving an administratively complete curative amendment request. Public notice of the public hearing shall be given by the Borough in accordance with the requirements of the MPC. Public hearings shall be conducted and held in accordance with the applicable provisions of the MPC. The Borough Council shall comply with all applicable requirements of the MPC regarding the conduct of hearings and decisions related thereto.
 - A. Referral to Planning Commission. The curative amendment and challenge shall be referred to the Planning Commission and the Allegheny County planning agency or its designee at least 30 days prior to the public hearing for review and comment.
 - B. Declaration of Invalidity by the Court. If the Borough does not accept a landowner's curative amendment brought in accordance with this section 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 but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
 - C. Evaluation of Merits of Curative Amendment. If the Borough Council determines that a validity challenge has merit, then the Borough Council may accept a 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, schools and other public service facilities.
 - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully

excluded by the challenged provisions of this chapter or the Zoning Map.

- (3) The suitability of the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features for the intensity of the proposed uses.
- (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.
- (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to the public's health, safety and welfare.

§ 27-709. Municipal Curative Amendments.

If the Borough Council determines that this chapter or a portion thereof is substantially invalid, it may implement the procedure for municipal curative amendments provided for in § 609.2 of the Municipalities Planning Code.

§ 27-710. Enforcement Remedies.

1. Civil Enforcement Proceedings.

- A. Except where a different penalty is provided, 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 appeals the judgment in a timely manner, 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.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgement.
- C. Enforcement Notice. The requisite enforcement notice, initiating a civil enforcement proceeding, shall contain the following information, in addition to any other information required by the MPC:
 - (1) The name of the owner of record and any other person against whom the Borough intends to take action.

- (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has a right to appeal to the Zoning Hearing Board within 10 days of receipt of the enforcement notice pursuant to the procedures set forth in this chapter.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.
2. Equitable Enforcement Proceedings. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter, the Zoning Officer and/or the Borough Solicitor, with the approval of the Borough Council, may institute in the name of the Borough any appropriate equitable action or proceeding to prevent, restrain, correct or abate such buildings, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. These remedies shall be in addition to any other remedies provided by law.
 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.

Part 8
ZONING MAP AMENDMENTS

§ 27-801. Zoning Map Amendments

[Reserved]