ARTICLE 1

TITLE AND PURPOSE

§101. TITLE
This Ordinance and attached zoning map shall be known as, and may be cited as “The Borough of Apollo Zoning Ordinance” and official zoning map in accordance with and exercising the authority of the Pennsylvania Municipalities Planning Code, as amended, to:

A. Regulate and restrict the location and use of buildings, structures and land for residence, agriculture, trade, commerce, industrial and other purposes which were in existence at the time of adoption of this Ordinance and all future land and structures added within the boundaries of the Borough of Apollo.

B. Regulate the height, number of stories, size and placement of buildings and other structures which were in existence at the time of adoption of this Ordinance and all future land and structures added within the boundaries of the Borough of Apollo.

C. Divide the Borough or any portion thereof into districts of such size, shape and area, and to establish such official maps as may be deemed best suited to carry out the regulations and provide for their enforcement.

§102. SCOPE OF REGULATIONS
This Ordinance has been adopted in order to:

A. Establish Zoning Districts: Establish zoning districts and to regulate therein the use of land and structures for residential, business, light industrial and other purposes, all in accordance with the Borough of Apollo Comprehensive Plan and industrial redevelopment plan and its goals and objectives.

B. Regulate Buildings and Population Density: Regulate the location, height, bulk, use and size of buildings and structures, the size of yards, courts and open spaces; the percentage of a lot which may be occupied by a building or a structure, and the density of population.

C. Continuation of Effect: The provisions of this Ordinance, so far as they are common to those zoning regulations in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such prior regulations and not as new enactments. Such parts of the prior regulations that are omitted from this Ordinance shall be deemed as abrogated, except as they may continue to apply to uses, structures, and subdivided lots, existing legally as of the date of enactment of this Ordinance and protected by express provisions of this Ordinance.

§103. PURPOSE
Such regulations are deemed necessary in order:

A. To promote and protect the public health, safety, morals and general welfare.
B. To facilitate coordinated and practical community development.
C. To promote the proper density of population;
D. To provide adequate light and air, police protection, vehicle parking and loading space, transportation, water supply, sewerage, schools, public grounds and parks, and other public requirements;
E. To conserve and stabilize property values; and
F. To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, panic and other dangers.

§104. COMMUNITY DEVELOPMENT GOALS

The aforementioned statements are intended to further facilitate the implementation of the following selected community development goals of the Borough of Apollo, as identified in the Borough’s most recently adopted comprehensive plan:

A. To provide for all appropriate land uses necessary to the community in an attractive and functional manner which minimizes the conflict among them.
B. To provide an appropriate mix of affordable housing for all persons who live in the Borough and encourage the redevelopment of existing housing for middle income housing.
C. To maximize safety and convenience of travel in a manner which provides accessibility to all areas of the Borough of Apollo.
D. To assure that appropriate facilities are built and maintained which will meet the safety and service needs of the Borough in an affordable manner.
E. To maintain and improve existing infrastructure to assure serviceability and improve development within the constraints of fiscal responsibility.
F. To provide adequate amounts and variation of well-maintained recreational facilities for the residents of the Borough.
G. To preserve environmentally sensitive lands, watersheds and associated habitats.
H. To provide a maximum of economic opportunities for appropriate commercial and industrial growth and to promote a health economy.
ARTICLE 2
DEFINITIONS

§201. GENERAL INTERPRETATION

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Ordinance.

A. Words used in the present tense shall include the future.
B. The singular number shall include the plural, and the plural the singular.
C. The word “building” shall include the word “structure.”
D. The word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.
E. The word “shall” is mandatory and not optional.
F. The word “abut” shall include the words “directly across from.”

§202. DEFINITION OF TERMS

1. ACCESSORY USE or BUILDINGS: A use or building customarily incidental and subordinate to the principal use or principal building and located on the same lot as the principal use or building.

2. ADULT BOOK STORE: A commercial establishment having as a substantial or significant portion of its stock in trade, books, magazines, photographs or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas,” or an establishment with a segment or portion devoted to the sale or display of such material.

3. ADULT BUSINESS: Any adult bookstore, adult cabaret, adult motion picture theater, adult motel or adult sexual encounter center which offers activities or sales of products related to “specified sexual activities” or “specified anatomical areas” and which, under the State Obscenity Code, Section 5903, Title 18, PA Cons. Statutes, must exclude minors.

4. ADULT MOTION PICTURE THEATER: An establishment used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting or relating to “Specified Anatomical Areas” for observation by patrons therein.

5. AGENT FOR OWNER: Any person who can show written proof that he has authority to act for the property owner.

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

7. ALLEY: A public right-of-way which affords only a secondary means of access to the abutting property.

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

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

10. AUTOMOBILE SERVICE STATION: Any building, land area or portion thereof, used for the retail dispensing of vehicle fuels, servicing and repair of automobiles and accessory sales of tires, batteries and similar vehicle accessories. Such facilities may or may not offer convenience sales or services.

11. AWNING SIGN: A sign painted or incorporated into a roof-like cover often made of fabric, metal or glass designed and intended for protection from the weather or as a decorative embellishment which projects from a wall or roof over a window, walk or door.

12. BASEMENT: A story or that portion of a building having more than fifty percent (50%) of its story height above finished grade. A basement may be used as a dwelling unit.

13. BED AND BREAKFAST: A private owner-occupied business with guest rooms where overnight accommodations and a morning meal are provided to lodgers for compensation for stays not to exceed twenty (20) consecutive days.

14. BOARD: Any body granted jurisdiction under a land use ordinance or under this Ordinance to render final adjudications.

15. BOROUGH: The Borough of Apollo.

16. BUILDING (See also Structure): An independent structure having a roof supported by columns or walls resting on its own foundation and includes, but is not limited to, a shed, garage, stable, greenhouse, barn or other accessory building. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up.

17. BUILDING GROUP, COMMERCIAL, INDUSTRIAL: A complex of two (2) or more principal buildings, whether detached or attached by a common wall, occupying a lot or property in single ownership and having any yard, court, service or facility in common, provided that yards and other requirements shall be met for each structure as though it were on an individual lot.

18. BUILDING HEIGHT: The vertical distance measured from the mean level of the ground surrounding the building to the highest point of the roof, but not including chimneys, spires, mechanical equipment, towers, tanks and similar projections.

19. BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

20. CABARET: A club, bar, tavern, theater, hall or similar place which features topless or bottomless dancers, entertainers or employees, strippers, simulated sex acts, live or actual sex acts, or similar entertainers or entertainment.

21. CELLAR: A story or that portion of a building having fifty percent (50%) or more of its story height below the average level of adjoining ground. No portion of any cellar shall be used as a dwelling or rooming unit.
22. **CLINIC:** Any professional medical building or establishment where people are examined or treated by doctors or dentists, but are not hospitalized overnight therein.

23. **CLUB, LODGES AND FRATERNAL ORGANIZATIONS:** An establishment operated for social, recreation or educational purposes, open only to members and their guests, and not the general public, but excluding college fraternity or sorority houses.

24. **COMMERCIAL VEHICLE:** A commercial vehicle shall be any vehicle other than a private passenger vehicle, such as trucks, trailers and construction equipment.

25. **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 a development, not including streets, off-street parking areas, and areas set aside for public facilities.

26. **CONDITIONAL USE:** A use permitted in a particular zoning district by Borough Council pursuant to the provisions of this Ordinance and Article VI of the Pennsylvania Municipalities Planning Code, 53, P.S. §10601 et seq.

27. **CONSISTENCY:** An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar, connection or relationship.

28. **CONTROLLED SUBSTANCE:** A drug, substance or immediate precursor as defined in Schedule 1 through 5 of the Pennsylvania Controlled Substance, Drug Device, and Cosmetic Act, 35 P.S. §780.140, or any amendments thereto.

29. **COUNCIL:** The Council of the Borough of Apollo, Armstrong County, Pennsylvania.

30. **COVERAGE:** That percentage of the lot or site area covered by principal and accessory use structures.

31. **DAY CARE CENTER:** A commercially operated facility or a facility in a dwelling unit, licensed by the Commonwealth, if applicable, providing care for six (6) or fewer children or adults who (except for family members) do not reside in the facility, are present primarily during daytime hours, do not regularly stay overnight, and may receive basic instruction. Family members who receive care in the facility are included in the total.

32. **DECISION:** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Armstrong County.

33. **DENSITY, NET:** The term describing the result of dividing the number of dwelling units contained on a lot or group of lots into the area of said lot(s); excluding from that computation any portion of the right-of-way of any street or road contained thereon, and shall be expressed as the amount of square feet of area per family or housing unit, or the amount of families or dwelling units per net acre.

34. **DETERMINATION:** Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:
   a. The Borough Council;
   b. The Zoning Hearing Board; or
   c. The Planning Committee, only if and to the extent the Planning Committee is charged with the final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.
35. DEVELOPER: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

36. DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT: Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one (1) municipality.

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

38. DISTRICT: A district or a zone shall be any portion of the territory of the Borough of Apollo within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

39. DOMESTIC ANIMALS: Any animal that has been bred and/or raised to live in human habitation and is dependent on people for food and shelter.

40. DWELLING: Any building or portion thereof arranged, designed, or used exclusively for residential occupancy on a permanent basis but not including hotels, motels, hospitals, boarding, lodging or rooming houses, and travel trailers or like camping or recreational equipment.

41. DWELLING, SINGLE FAMILY: A detached building designed and used exclusively for occupancy by one (1) family.

42. DWELLING, TWO FAMILY: A building designed for and used exclusively for occupancy by two (2) families living independently of each other, including a duplex (one dwelling unit above the other), or a double house (two dwelling units side by side having one common wall).

43. DWELLING, MULTIPLE FAMILY, TO INCLUDE GARDEN APARTMENTS: A building or portion thereof containing or designed to contain three (3) or more separate dwelling units with or without common access facilities. (See TOWN or ROW HOUSE).

44. DWELLING UNIT: One (1) or more rooms designed for or occupied by one (1) family for living purposes and containing cooking, living, sanitary and sleeping facilities for use solely by one (1) family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

45. EDUCATIONAL CENTER: A public, private, parochial, charitable or nonprofit facility offering a variety of educational services including, but not limited to, academic, social and physical activities.

46. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, steam or water transmission distribution, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of such service by such public utilities or municipal or other governmental agencies; excluding however, buildings, storage tanks, towers, antennas, relay or transmission stations, substations and pumps.
47. **FAMILY**: One or more persons related by blood, foster relationship, marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof; or a group of not more than five persons who need not be so related, and in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder, or lodger shall not be considered a member of the family.

48. **FENCES**: An enclosure, an enclosing barrier, as one to prevent straying from within or intrusion.

49. **FLOOR AREA OR SPACE**: For the purposes of applying the requirements for off-street parking, and loading, “floor area,” in the case of offices, merchandising, or service types of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, for shop windows, for offices incident to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities, or for dressing rooms, fitting or alteration rooms.

50. **FOOTCANDLE**: One footcandle is the amount of illumination provided by one lumen uniformly distributed on one (1) square foot of surface.

51. **FOREST**: Areas or stands of trees at least twenty (20) of which are greater than twenty-four inches (24”) in caliper, covering an area at least one half (1/2) acre (21,780 square feet) in size.

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

53. **GAME COURTS**: Recreational facilities which utilize a court for participation including but not limited to tennis, basketball, horseshoe and croquet courts.

54. **GARAGE, PRIVATE**: A detached accessory building or a portion of a principal building used only for the storage of automobiles and/or farming implements by the families resident upon the premises; and further provided that such garage shall not be used for storage of more than one (1) commercial vehicle and such commercial vehicle shall not be larger than one (1) ton rated capacity.

55. **GARAGE, PUBLIC**: A structure or portion thereof, other than a private garage, operated for gain and which is used for the storage, sale, hire, care, repair or refinishing of automobiles; not including a structure or part thereof used only for storage or display of automobiles for other than transients.

56. **GATEWAY SIGN**: A collective free-standing or monument sign located at the entrance to a destination area such as a downtown, recreational area or mixed use development.

57. **GROUP RESIDENCE FACILITY**: Any private residence licensed by the Commonwealth to provide care to a maximum of six (6) clients with mental or physical disabilities, on a twenty-four (24) hour basis, not including staff.

58. **HEARING**: An administrative proceeding conducted by a board pursuant to Section 909.1 of the Pennsylvania Municipalities Planning Code.

59. **HOME OCCUPATION or HOME BUSINESS**: An occupation or business conducted in a dwelling unit solely by members of the family residing on the premises.
dwelling unit for the home occupation or business shall be clearly incidental and subordinate to its use for residential purposes.

60. **HOMEOWNER'S ASSOCIATION:** An organization of property owners of lots in individual residential developments responsible for the maintenance of common open space in each plan and the payment of taxes on that land classified as commonly owned open space.

61. **HOTEL/MOTEL:** A building containing rooming units designed for or intended to be used solely or primarily to provide temporary lodging for more than ten (10) transient individuals for compensation with or without meals. A dwelling unit may be provided solely for the use of the owner, manager or similar staff whose presence on-site is necessary. If more than seventy-five percent (75%) of the total design capacity of the building excluding dwelling units, as permitted by local or state regulations, whichever are more stringent, are for college students, the building shall be classified as a dormitory.

62. **HOUSE PETS:** For the purposes of this Ordinance, a house pet shall include dogs, cats, and songbirds including parrots, canaries and parakeets.

63. **IMMEDIATE PRECURSOR:** A substance which under the regulations of the Pennsylvania Department of Health is a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used, in the manufacture of a controlled substance.

64. **IMPERVIOUS SURFACE:** Any material that prevents absorption of stormwater into the ground.

65. **INDUSTRIAL SERVICES:** Establishments providing primary service to industries such as machinery sales and repair, supply sales and warehousing, transportation services, restaurants serving industrial concerns, and the like. Industrial services shall not include the sales, salvage, or repair of passenger vehicles.

66. **LAND DEVELOPMENT:** Any of the following activities:
   a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
      1) A group of two (2) or more residential or nonresidential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
      2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
   b. A subdivision of land.
   c. Development other than those activities specified as exclusions in Section 503, Subsection 1.1 of the Pennsylvania Municipalities Planning Code, as amended.

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

68. **LIGHT MANUFACTURING:** The processing, cleaning, servicing, testing, repair or storage of material, goods or products of these types; beverages, confections, cream, all food products (exclusive of meat and fish packing), ceramics, clothing, dies, patterns, scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys,
cosmetics, tobacco products, drugs and of products from the following previously prepared materials: wood, glass, textiles, cork, leather, bone, horn, shell, fur, feathers, hair, rubber, paper, metals, when conducted wholly within an enclosed structure.

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

   a. **Lot Types**:
      1) **Lot, Corner**: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same streets, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees (135°). The point of intersection of the street lot lines is the “corner.”
      2) **Lot, Interior**: A lot other than a corner.
      3) **Lot, Through**: A lot other than a corner or interior lot with frontage on more than one (1) street.

   b. **Lot Lines**: The boundary line describing the limits of a property and separating it from adjacent properties or a public street or right-of-way.
      1) **Lot Lines, Front**: The line separating the lot boundary from a street right-of-way.
      2) **Lot Line, Rear**: The lot boundary line opposite and most distant from the front lot boundary line.
      3) **Lot Line, Side**: Any lot boundary line other than a front or rear lot line.

   c. **Lot, Depth**: The minimum horizontal distance between the front and rear lot lines.

   d. **Lot, Width**: The least horizontal distance between the side lot lines, measured at right angles to the lot depth.

   e. **Lot Area**: The area of a horizontal plane measured at grade and bounded by the front, side and rear lot lines.

   f. **Building Line**: A line located a fixed distance from the front lot line and interpreted as being the nearest point that any part of a building, excluding steps, shall be constructed to the front lot line.

70. **LOT OF RECORD**: Any lot which, individually or as part of a subdivision, has been recorded in the office of the Recorder of Deeds of Armstrong County.

71. **MASSAGE**: Any method of treating the superficial soft parts of the human body for remedial, hygienic or other purposes, consisting of rubbing, stroking, kneading or any similar treatment accomplished by hand or by the use of any instrument.

72. **MASSAGE PARLOR**: Any building or structure or portion thereof, located within the Borough of Apollo, which is open to members of the general public, with or without the payment of a fee, at which massage services are offered.

73. **MASTER SIGNAGE PLAN**: Graphics and text describing all types of signs proposed to be erected on a site, including the sizes, colors, materials, illumination, content and exact locations.

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

75. **MINERALS**: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and
stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

76. **MIXED-USE STRUCTURE:** A building designed for general or specialty retail, or office use, on the first floor, residential or office use on the second floor, and residential use only above.

77. **MOBILE OR MANUFACTURED HOME:** A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives as a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

78. **MOBILE OR MANUFACTURED HOME LOT:** A parcel of land in a mobile or manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile or manufactured home.

79. **MOBILE OR MANUFACTURED HOME PARK:** A parcel or contiguous parcels of land which has been so designed and improved that it contains two (2) or more mobile or manufactured home lots for the placement thereon of mobile or manufactured homes.

80. **MODEL STUDIO:**
   a. Any premises on which there is conducted the business of furnishing figure models who pose in the nude for the purpose of being observed, sketched, drawn, sculptured, photographed or otherwise similarly depicted for persons who pay a fee, compensation or gratuity for the right or opportunity to so depict said model.
   b. Also, any premises where there is conducted the business of furnishing, providing or procuring, for a fee or other consideration, figure models who pose in the nude to be observed, sketched, painted, drawn, photographed, sculptured or otherwise depicted.
   c. Exception - the term “model studio” does not include:
      1) Any studio which is operated by a university, college, public school or governmental agency wherein the operators have met the requirements established by the Commonwealth of Pennsylvania for the issuance or conferring of a diploma.
      2) Any premises where there is conducted the business of furnishing, providing or procuring figure models solely for any studio described in Subsection 1) of this definition.
      3) Any studio operated by a tax exempt, nonprofit corporation devoted to art and its appreciation.

81. **MONUMENT SIGN:** A sign in which a stone or brick structure is used to mount the sign area on, in or as an integral part of such structure. The permissible sign area of such sign shall begin at a height of not greater than four feet (4’) above normal grade.

82. **MOTION PICTURE FILM:** Includes any film or plate negative; film or plat positive; film designed to be projected on a screen or other surface for exhibition; films, glass slides or transparencies, either in negative or positive form, designed for exhibitions by projection on a screen or other surface, and video tape or any other medium used to electronically reproduce images on a screen or other surface.
83. **MUNICIPAL AUTHORITY:** A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipality Authorities Act of 1945.”

84. **MUNICIPAL ENGINEER:** A Professional Engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for a municipality, planning agency, or joint planning commission.

85. **MUNICIPALITY:** Any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

86. **NONCONFORMING LOT:** A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

87. **NONCONFORMING STRUCTURE:** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

89. **NUDE:** Completely without clothing, or showing the human male or female genitals, pubic area or buttocks with less than a full opaque covering or showing the female breast with less than a fully opaque covering or any portion thereof below the top of the areola or showing the covered male genitals in a discernibly turgid state.

90. **OFFICIAL MAP:** A map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

91. **OFF-SITE ADVERTISING SIGN:** A billboard or sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

92. **OFF-STREET PARKING AREA, PRIVATE:** An open area for the same uses as a private garage or carport, and regulated as such together with properly related access to a public or private street or alley.

93. **OFF-STREET PARKING AREA, PUBLIC:** An open area, other than a street or other public way, improved and used for the parking of automobiles, and available to the public whether for a fee, free or as an accommodation for employees, clients or customers, together with properly related access to a public or private street or alley.

94. **OFF-STREET PARKING SPACE:** An off-street space having dimensions of nine feet (9’) in width and eighteen feet (18’) in depth and an area of not less than one hundred and sixty-two (162) square feet, whether inside or outside of a structure, for the temporary standing of an automotive vehicle to be used exclusively as a parking stall for one (1) automotive vehicle.

95. **OVERLAY ZONING DISTRICT:** A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements in addition to or as a supplement to those required in the underlying zone.
96. **PERSONAL CARE HOME:** A home licensed by the Commonwealth in which bed care and in-patient services are provided to aged or infirm individuals for compensation, not including clinics or institutions devoted to the diagnosis and treatment of the sick or injured.

97. **PERSONAL SERVICE:** A commercial business providing individual services related to personal needs including, but not limited to, beauty and barber shops, shoe repair, tailoring or therapeutic massage.

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

99. **PLANNING COMMITTEE:** The Planning Committee of the Borough of Apollo.

100. **PRINCIPAL PERMITTED USE:** The single primary or predominant use to which a property is or may be devoted and to which all other uses on the property are accessory.

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

102. **PRIME AGRICULTURAL LAND:** Land used for agricultural purposes that contains soils of the first, second, or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

103. **PROFESSIONAL OFFICE (or Service):** The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical or agricultural in which a professed knowledge or skill in some area of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.

104. **PUBLIC GROUNDS:** Includes:

   a. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
   
   b. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
   
   c. Publicly owned or operated scenic and historic sites.

105. **PUBLIC HEARING:** A formal meeting held pursuant to public notice by Borough Council or Planning Committee, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

106. **PUBLIC MEETING:** A forum held pursuant to notice under 65 Pa. C. S. CH 7 (Relating to open meetings.)

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

108. **PUBLICATION:** Includes any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording or motion picture film which is displayed or
contained in an area open to the public or is offered for sale or exhibited in a coin operated machine.

109. **RECREATION:**
   a. **Recreation, Commercial:** Recreational facilities operated as a business and open to the general public for a fee.
   b. **Recreation, Private, Noncommercial:** Clubs or recreation facilities operated by a nonprofit organization and open only to bona fide members of such organization.
   c. **Recreation, Public:** Recreation facilities operated as a nonprofit enterprise by the Borough or any other governmental entity which is open to the general public.

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

111. **RENOVATION NARRATIVE:** A proposal by a property owner or agent of a property owner to undertake renovation activities or improvements to existing buildings or developed land in the Town Center Overlay District.

112. **REPORT:** Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.¹

113. **RIVERFRONT PLANNED DEVELOPMENT:** A development which maximizes the use and benefit of its proximity to the river, which is planned and built as a single unified entity for a mixture of specified uses appropriate to the enjoyment of the riverfront, on a parcel of land not less than two (2) acres in area, which shall not include land beyond the shoreline of the Kiskiminetas River, and which is controlled by a landowner or a group of landowners acting as a single entity.

114. **RIVERFRONT PLANNED DEVELOPMENT PLAN:** A graphic and written presentation of a Riverfront Planned Development meeting the requirements of this Ordinance, including a plat of subdivision, and all provisions relating to use, location, and bulk of structures, intensity of development, streets, ways, and parking facilities, common open space, private facilities and utilities, and public utilities and facilities.

115. **ROOMING HOUSE, TO INCLUDE A BOARDING, LODGING OR TOURIST HOME:** A building other than a dormitory, hotel, fraternity or sorority house containing not more than one (1) dwelling unit occupied by a family and providing, for compensation, rooming units for the lodging of not more than ten (10) individuals in addition to the family.

116. **ROOMING UNIT:** A room or rooms constituting a separate, independent housekeeping unit that is physically separated from any other rooms, dwelling units, or rooming units in the same structure. The rooming unit shall contain living and sleeping facilities but not cooking or eating facilities and shall be occupied by no more than one (1) family.

¹ Ordinance 550.
117. **SETBACK:** The distance between the building and any lot line. Setbacks establish the required yards, front, rear and side.

118. **SETBACK LINE:** That line which is the required minimum distance from any lot line and that establishes the area within which the principal structure must be placed.

119. **SIGN:** A “sign” is a name, identification, description, display or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, persons, institution, organization, or business. However, the above definition of a “sign” shall not prohibit the display of any official court, or public office notices nor any official or municipal traffic control or parking sign or device, nor shall it include the flag, emblem or insignia of a nation, state, county, municipality, school, or a religious group. A “sign” shall not include a sign located completely within an enclosed building. Each display surface of a sign shall be considered to be a “sign.”

A. **Address Markers:** The following signs shall be considered “address markers”:

1. Signs indicating address and/or name of residential properties and the occupants. Such sign shall not exceed two (2) square feet in area.

2. Address markers shall be provided on every parcel in every Commercial or Industrial Zoning District. Such signs shall:
   a. be located at every entrance, or in front of any building or fence.
   b. have a white background and dark letters.

B. **Banner:** Any sign intended to be hung, either with or without frames, of lightweight material such as paper, plastic or fabric of any kind. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

C. **Canopy Sign:** A sign attached to a roof extension of a building with or without support, but no walls.

D. **Directional sign:** A sign that provides on-site directional assistance or instruction to vehicular or pedestrian traffic relative to parking area, entrances and exits. Such sign shall contain no advertising other than the business name or logo.

E. **Freestanding Sign:** The general term for any on-site sign which is supported from the ground and not attached to a building. The sign may be attached to a pole, mast, frame or other structure that is not itself an integral part of, or attached to, a building.

F. **Nonconforming Sign:** Any sign that does not conform to the requirements of this Article 15.

G. **Marquee:** A permanent structure other than a roof attached to, supported by, and projecting from, a building, and providing protection from natural elements.

H. **Marquee Sign:** A sign attached to, and made a part of, a marquee or any other similar projection from a building.

I. **Off-Premises sign/Billboard:** Any sign which communicates information, or a message or a business activity which is provided at a location other than the premises on which the sign is located.
J. Political Sign: A temporary sign directly associated with any national, state or local election.

K. Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or designed to be transported.

L. Temporary Sign: Any sign that is displayed only for a specified period of time.

M. Wall Sign: Any sign attached to a wall of a building and parallel to the Wall.

110. SPECIAL EXCEPTION: A use permitted in a particular zoning district pursuant to the provisions of Article VI and IX of the Pennsylvania Municipalities Planning Code.

111. SPECIALTY RETAIL: Uses which are linked together by an architectural, historic or geographic theme or a commonality of goods and services and whose shops cater to a specific market.

112. SPECIFIED ANATOMICAL AREAS:
   A. Less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola; or
   B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

113. SPECIFIED ANATOMICAL ACTIVITIES:
   A. Human genitals in a state of sexual stimulation or arousal.
   B. Acts of human masturbation, sexual intercourse or sodomy; and
   C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

114. STORY: That portion of a building included between the surface of any floor and the surface of the floor and the ceiling next above it.

115. STREET: The following street classifications shall apply to streets in the Borough of Apollo and shall be applied as defined in the “Comprehensive Plan for the Borough of Apollo, Armstrong County, Pennsylvania.”

   A. Arterial - Arterials accommodate intercommunity traffic flow and afford connections to other communities or secondary regional traffic generators with direct access to adjoining property being a secondary function. The average length of trip of such highway normally exceeds three (3) miles.

   B. Collector - These roads serve to funnel traffic onto arterials and to provide linkage on an intercommunity basis. Providing access to properties abutting a collector street is likewise a secondary function. The primary function of a collector street is to accept the traffic generated on local streets with which they may be interlinked.

   C. Local - Such roadways are intended primarily to serve properties fronting on their right-of-way. These roads generally do not carry major traffic volumes since their function is to serve that traffic generated from the residential properties.

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

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

116. SUBSTANTIALLY COMPLETED: Where, in the judgment of the Borough Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted pursuant to the requirements the Borough's Subdivision and Land Development Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

117. SWIMMING POOL: A water-filled enclosure, either permanently constructed or portable, having a depth of more than eighteen inches (18”) below the level of the surrounding land or an above-surface pool having a depth of more than thirty inches (30”), designed, used, and maintained for swimming and bathing.

118. TEMPORARY USE PERMIT: Authorization issued by the Zoning Officer to conduct short term activities, special events or seasonal sales within the Borough.

119. TOWN CENTER OVERLAY DISTRICT RENOVATION DESIGN GUIDELINES: A set of guidelines and preferred standards applied by the Town Center Association to all Renovation Narratives for existing buildings or developed land in the Town Center Overlay District.

120. TOWNHOUSE OR ROW HOUSE: Three (3) to eight (8) separate dwelling units attached to each other by party or common walls, with each unit having individual access and rear common or private garden orientation.

121. TRADITIONALLY EXCLUSIVE USE: A use which is primary and inherent as opposed to secondary and incidental, and is associated with certain knowledge or beliefs derived from statements of contemporary persons and handed down through a considerable period of time.

122. TRAVEL UNIT: A portable vehicle or structure built on a chassis and designed to be used as a temporary dwelling for travel and recreation purposes, having a body width not exceeding eight feet (8’) and a body length not exceeding twenty-five feet (25’). A travel unit shall include a travel trailer, collapsible trailer, pick-up camper, chassis-mount camper, tent trailer, motor home, and conversion unit. Such units shall not be utilized for permanent human habitation.

123. VARIANCE: Relief granted pursuant to the provisions of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

124. VISUAL HAZARD: Any fixed or temporary physical object or structure which, because of its presence, causes danger, risk, or peril to motor vehicles operators or pedestrians by making it difficult or impossible for:
   a. Motorists to see each other clearly;
   b. Pedestrians to see motorists clearly;
   c. Motorists to see pedestrians clearly;
   d. Pedestrians to see pedestrians clearly.

124. WATER SURVEY: An inventory of the source, quantity, yield and use of groundwater and surface water resources within the Borough.

125. YARD: An open space, as may be required by this Ordinance, of uniform width, or depth on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line, and is
unoccupied and unobstructed from thirty inches (30") above the ground upward except as herein permitted.

a. **Yard, Front:** An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

b. **Yard, Rear:** The area of any property between the rear line of the property and the rear setback line parallel to it.

c. **Yard, Side:** The area of any property bounded by the required front and rear yards and the side property line and parallel side setback line.

126. **ZONING HEARING BOARD:** A board appointed by Borough Council to examine appeals for relief from strict conformance to application of this Ordinance, to consider special exceptions and to hear testimony regarding the validity of any regulations upon development in the Borough.

127. **ZONING MAP:** The official plan of zoning districts in the Borough, a part of this Ordinance, showing precisely the boundaries and title of each zoning district.

128. **ZONING OFFICER:** The administrative officer appointed by Borough Council who shall administer and enforce the provisions of this Ordinance.
ARTICLE 3

ZONING DISTRICTS AND ZONING MAP

§301. DESIGNATION OF ZONING DISTRICTS

For the purpose of this Ordinance, the Borough is hereby divided into six (6) zoning districts, differentiated according to permitted uses and building regulations. These eleven (11) zoning districts are designated as follows:

R-1 Residential District
R-2 Residential District
B-1 General Business District
BT Business Transition District
IC Light Industrial/Commerce District
TCO Town Center Overlay

§302. ZONING MAP

The location and boundaries of said zoning districts are hereby established as shown on the Official Zoning District Map adopted by the Borough, and on file in the office of the Borough Secretary. Said Official Zoning District Map, together with any map inserts, amendments, notations, references or designation shown thereon is hereby made a part of this Ordinance as if the same were all fully described and set forth herein.

§303. INTERPRETATION OF BOUNDARIES

A. Designation of Zone Boundaries: The zone boundary lines are intended to follow the right-of-way lines of streets, existing lot and property lines, and Borough corporation lines, all as shown in the Zoning District Map; but where a zone boundary line does not follow such a line, its position is shown in the Zoning District Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated, or by reference to a contour line delineated on the United States Geological Survey Maps.

B. Determination of Locations for Boundaries: In the event of uncertainty as to the true location of a zoning boundary line in a particular instance, any decision of the Zoning Officer may be appealed before the Zoning Hearing Board by any affected property owner. It shall be the duty of the Board to render its determination with respect thereto.

C. Division of a Lot or Parcel in Single Ownership: Where a zoning boundary line divides a lot or parcel in single ownership at the time of passage of this Ordinance, any use authorized or permitted in either zone may be extended a distance not to exceed fifty feet (50’) beyond the boundary of the zone in which such use is authorized or permitted.

§304. LIMITATION OF LAND USE

Except as provided in this Ordinance, no building or part thereof or other structure shall be erected, altered, added to or enlarged; nor shall any land, building, structure or premises be
used, designated, or intended to be used for any purpose other than for the uses hereinafter listed as permitted in the zone in which such buildings, land or premises is located.

§305. CLASSIFICATION OF ANNEXED LANDS

A. Any land annexed to or made a part of the Borough subsequent to the adoption of this Ordinance, shall immediately be classified as an R-1 Residential District, as of the effective date of annexation.

B. Within sixty (60) days from the effective date of any annexation proceedings, the Borough Planning Committee shall prepare and submit to Borough Council, a report and study of its recommendations for rezoning of the annexed territory. The Planning Committee shall hold at least one (1) public hearing thereon before submitting its final report to the Council.

C. At its next regular meeting following receipt of the final report of the Planning Committee, Borough Council shall authorize the necessary legislation to amend the Zoning Ordinance and/or map in accordance with Article 20 hereof.

§306. LAND USE CATEGORIES

The principal, accessory, and conditional uses for each zoning district are enumerated by district, beginning with Article 4. Uses given in the following schedules shall be according to the common meaning of the terms or according to definitions as given in Article 2. A procedure for the granting of a special exception by the Zoning Hearing Board is included in Article 12.
ARTICLE 4

R-1 RESIDENTIAL DISTRICT

§401. PURPOSE

The purpose of the R-1 Residential District is to provide areas for single family residential neighborhoods with other compatible uses.

§402. PERMITTED USES

A. Permitted Principal Uses

1. Churches and other places or worship, including parish houses.
2. Essential services (See Section 1102)
3. Public recreation facilities.
5. The keeping of domestic animals in this District shall be limited to house pets, as defined, and shall not include any activity of a commercial nature such as a kennel, stable or coop.
6. Day care center.
7. Nursery school.
8. Educational centers for before and after school care, tutoring, driver education, and general education.

B. Permitted Accessory Uses

1. Game courts, erected on the same lot as the principal structure, shall be setback fifteen feet (15') from all property lines and constructed only in the rear yard of lot.
2. Home occupations and home based businesses.
3. Other accessory structures and uses customarily appurtenant to a permitted use.
4. Private garages and parking areas.
5. Private home gardening and the seasonal sale of produce grown on the property.
6. Private swimming pools, permanent and portable regulated as follows, except that these regulations shall not apply to portable swimming pools which shall not be more than three feet (3') in depth nor more than fifteen feet (15') in length.
   a. Shall be erected only on the same zoning lot as the principal structure.
   b. Shall be erected only in the rear yard of such structure, and shall be distant not less than twenty feet (20') from rear lot line nor less than ten feet (10') from any side yard line, principal structure or accessory structure attached thereto.
   c. There shall be erected a minimum of four foot (4') high chain link or other solid type fence which completely encloses any portable or permanent swimming pool. Such fencing shall be equipped with a self-closing and self-locking gate, operable from the inside only and/or by detachable key from the outside.
d. All pumping, cleaning, filtering and screening devices and water supply and discharge shall be of a type and source approved by local and/or State Health officials.

7. Signs. (See Article 15).

§403. CONDITIONAL USES

See Article 12.

A. Clubs, lodges and fraternal organizations. (See Section 1217).
B. Nursing homes, retirement homes and convalescent homes for more than five (5) persons situated on a lot of not less than twenty thousand (20,000) square feet, screened in accordance with Section 1108, and meeting all other State and local requirements. (See Section 1214).
C. Conversion apartment. (See Section 1221).
D. Municipal and community uses. (See Section 1222).

§404. LOT, YARD, BULK AND HEIGHT REGULATIONS

For Permitted, Conditional Uses and Uses by Special Exception.

A. Minimum lot area - 6,000 square feet
B. Minimum lot width - 50 feet measured at the building setback line
C. Minimum width each side yard - 7 feet
D. Minimum front yard - 25 feet
E. Minimum rear yard - 35 feet
F. Maximum building coverage (percent of gross lot area) - 30%
G. Maximum building height - 2 ½ stories or thirty-five feet (35')
ARTICLE 5

R-2 RESIDENTIAL DISTRICT

§501. PURPOSE
The purpose of the R-2 Residential District is to provide areas for moderate density residential use with other compatible uses.

§502. PERMITTED USES
A. Permitted Principal Uses
   1. Churches and other places of worship, including parish houses.
   2. Essential services (See Section 1102).
   4. Public recreational facilities.
   5. Single family detached dwelling.
   6. The keeping of domestic animals in this District shall be limited to house pets, as defined, and shall not include any activity of a commercial nature such as a kennel, stable or coop.
   7. Two-family dwelling, multiple family dwelling, townhouse or row house.
B. Permitted Accessory Uses
   1. Game courts, erected on the same lot as the principal structure, shall be setback fifteen feet (15’) from all property lines and constructed only in the rear yard of the lot.
   2. Home occupations and home based businesses.
   3. Other accessory structures and uses customarily appurtenant to a permitted use.
   4. Private garages and parking areas.
   5. Private swimming pools, permanent and portable regulated as described in Section 402, Subsection B6.
   6. Signs (See Article 15)

§503. CONDITIONAL USES
See Article 12.

A. Bed and breakfast (See Section 1211)
B. Group residence facility (See Section 1210)
C. Personal care homes (See Section 1212)
D. Rooming houses, boarding and lodging houses.
E. Schools, public, private and parochial, provided such schools are chartered or licensed by the Commonwealth (See Section 1209)
F. Clubs, lodges and fraternal organizations. (See Section 1217)

G. Nursery schools and day care centers for more than six (6) persons situated on a lot of not less than twenty thousand (20,000) square feet, screened in accordance with Section 1108, and meeting all other State and local requirements. (See Section 1215)

H. Nursing homes, retirement homes and convalescent homes for more than five (5) persons situated on a lot of not less than twenty thousand (20,000) square feet, screened in accordance with Section 1108, and meeting all other State and local requirements. (See Section 1214)

§504. LOT, YARD, BULK AND HEIGHT REGULATIONS

For Permitted, Conditional Uses and Uses by Special Exception.

A. Minimum lot area - 5,000 square feet per dwelling unit except as otherwise specified

B. Minimum lot width - 50 feet measured at the building setback line

C. Minimum width each side yard - 7 feet and 20 feet total in both yards

D. Minimum front yard - 20 feet, front yard and/or side yard abutting a street - 30 feet

E. Minimum rear yard - 40 feet

F. Maximum building coverage (percent of gross lot area) - 40%

G. Maximum building height - 2 ½ stories or thirty-five feet (35’)

Borough of Apollo
Zoning Ordinance
ARTICLE 6

B-1 GENERAL BUSINESS DISTRICT

§601. PURPOSE
The purpose of the B-1 general Business District is to provide for a variety of retail and commercial uses in the downtown area. While concentrations of commercial and service land use exist, the character of adjacent residential use and convenience of pedestrian and vehicular traffic shall be maintained.

§602. PERMITTED USES
A. Permitted Principal Uses
   1. Amusement centers when conducted within the confines of a building.
   2. Bakeries for retail sales on the premises only.
   3. Banks, offices and studios.
   4. Combination commercial/residential uses with dwelling units above the first floor (See Section 1208). All present combination commercial/residential uses in commercial districts are considered to be in compliance with permissible occupancy standards. All subsequent commercial/residential uses, whether rooming or dwelling units, must comply with the permissible occupancy standards of the R-1 Residential District from this Chapter's effective date of passage.
   5. Essential services (See Section 1102).
   6. Personal and professional offices and clinics.
   7. Printing establishments.
   8. Restaurants.
   9. Retail sales and services, excluding automotive sales and services.
   10. Riverfront Planned Development. (See Article 10)
B. Permitted Accessory Uses
   1. Other accessory uses and structures customarily appurtenant to a permitted use.
   2. Public and private garages and parking areas.
   3. Signs (See Article 15).

§603. CONDITIONAL USES
See Article 12.

A. New or used car sales (See Section 1207B).
B. Automotive service stations and the usual business practices of same excluding the storage and dismantling of inoperative and junk vehicles (See Section 1207A).
C. Eating and drinking establishments with drive-in or drive-through facilities on a minimum lot area of eighteen thousand (18,000) square feet (See Section 1206).
D. Motels and hotels. (See Section 1205)
E. Riverfront Planned Development. (See Article 10)

§604. LOT, YARD, BULK AND HEIGHT REGULATIONS

A. Minimum lot area - 3,000 square feet
B. Minimum lot width - 20 feet measured at the building setback line
C. Minimum width each side yard - None
D. Minimum front yard - None
E. Minimum rear yard - 25 feet
F. Maximum building coverage (percent of gross lot area) - 70%
G. Maximum building height - 3 stories, 40 feet

§605. PERFORMANCE STANDARDS

See Article 16.
ARTICLE 7

BT BUSINESS TRANSITION DISTRICT

§701. PURPOSE
The purpose of the BT Business Transition District is to provide areas with access to high volume streets and roadways for a variety of neighborhood scale commercial and service uses, where such land also functions as a transition from higher intensity commercial or light industrial use to moderate density residential use.

§702. PERMITTED USES

A. Permitted Principal Uses
   1. Banks, offices and studios.
   2. Churches, education buildings and other places of worship.
   3. Clubs, lodges and fraternal organizations, social halls.
   4. Eating and drinking establishments on a minimum lot area of eight thousand (8,000) square feet.
   5. Essential services. (See Section 1102).
   6. Funeral homes.
   8. Mixed use structures.
  11. Personal and professional services.

B. Permitted Accessory Uses
   1. Other accessory uses and structures customarily appurtenant to a permitted use.
   2. Public parking garages and public and private parking areas. (See Section 1904).
   3. Signs. (See Article 15).

§703. CONDITIONAL USES
See Article 12.

A. Riverfront Planned Development. (See Article 10).
B. Hospitals, clinics and philanthropic institutions. (See Section 1216).

§704. LOT, YARD, BULK AND HEIGHT REGULATIONS

A. Minimum lot area - 5,000 square feet
B. Minimum lot width - 30 feet measured at the building setback line
C. Minimum width each side yard - none
D. Minimum front yard - none
E. Minimum rear yard - 25 feet
F. Maximum building coverage (percent of gross lot area) - 60%
G. Maximum building height - 3 stories, 40 feet

§705. PERFORMANCE STANDARDS

See Article 16.
ARTICLE 8

IC LIGHT INDUSTRIAL/COMMERCE DISTRICT

§801. PURPOSE
The purpose of the IC Light Industrial/Commerce District is to provide areas for light manufacturing, assembly, transportation and high-technology uses with access to high volume roadways.

§802. PERMITTED USES
A. Permitted Principal Uses
   1. Assembly and fabrication.
   2. Outdoor recreation facilities. (See Section 1204)
   3. Essential services. (See Section 1102).
   4. Commercial indoor recreation facilities. (See Section 1204)
   5. Light manufacturing as defined.
   7. Offices.
   8. Contractor supply yards but not including scrap or junk yards.
   9. Warehousing.
  10. Wholesale businesses.
  11. Riverfront Planned Development. (See Article 10).

B. Permitted Accessory Uses
   1. Other accessory uses and structures customarily appurtenant to a permitted use.
   2. Public parking garages and loading areas.
   3. Signs. (See Article 15).

§803. CONDITIONAL USES
See Article 12.

A. Adult businesses. (See Section 1202).
B. Cellular transmission towers. (See Section 1203).
C. Bus and motor freight terminals. (See Section 1218).
D. Industrial services. (See Section 1220).
E. Research laboratories. (See Section 1219)
F. Multi-use retail center. (See Section 1221).

§804. LOT, YARD, BULK AND HEIGHT REGULATIONS
A. Minimum lot area - 10,000 square feet
B. Minimum lot width - 100 feet measured at the building setback line
C. Minimum width each side yard - 20’ from any property or street right-of-way line
D. Minimum front yard - 20 feet
E. Minimum rear yard - 20 feet
F. Maximum building coverage (percent of gross lot area) - 70%
G. Maximum building height - 5 stories, 50 feet

§805. PERFORMANCE STANDARDS

See Article 16.
ARTICLE 9

TOWN CENTER OVERLAY DISTRICT

§901. PURPOSE
The purpose of the TCO Town Center Overlay District is to provide for a selection of commercial and service uses which provide employment opportunities in the central core of the Borough's Commercial Districts and which in turn will stimulate redevelopment and the adaptive reuse of existing structures which abut high-volume roadways.

§902. LOCATION AND DISTRICT BOUNDARIES
Recorded parcels in the TCO Town Center Overlay District are identified on the Borough's Official Zoning Map and generally include land situated north of the North Warren Avenue right-of-way where the underlying zone is B-T Business Transition and the Pennsylvania Avenue right-of-way east to the Second Street right-of-way, south to the Kiskimenetas River and the Clifford Avenue right-of-way, and west to the Apollo Borough municipal boundary line.

§903. PERMITTED USES
A. Permitted Principal Uses
   1. Business services including, but not limited to, office and copy centers, electronics repair, certified public accountants, and equipment rental stores.
   2. Delicatessens and coffee shops.
   3. Discount department stores.
   4. Financial institutions.
   5. General and medical offices.
   6. General retail including, but not limited to, drug stores, the sale of electronics, clothing and shoe stores, furniture stores, florist shops and hardware stores.
   7. Hotels and motels whether economy or full service facilities.
   9. Multi-use, multi-level structures with commercial and office uses on the first floor and residential or office uses above.
   11. Personal services including, but not limited to, barber and beauty shops, tax preparation, physical therapy and dry cleaning (drop-off and pick-up only).
   12. Restaurants without drive-through facilities.
   13. Specialty retail including, but not limited to, the sale of antiques, sporting goods, crafts, gifts and books, and musical instruments.
   14. Riverfront Planned Developments. (See Article 10)
B. Permitted Accessory Uses
   1. On-site parking.
2. Satellite dishes.
3. Signs.
4. Storage facilities.
5. Uses customarily incidental to principal permitted uses and located on the same lot.

§904. MINIMUM DIMENSIONAL STANDARDS

A. Minimum lot area - no minimum.
B. Minimum lot width - no minimum.
C. Minimum front setback - no minimum.
D. Minimum side yard - no minimum.
E. Minimum rear yard - 30 feet.
F. Maximum impervious surface - 80% of the gross lot or parcel area.
G. Maximum height - 4 stories or 45 feet.

§905. PARKING AND LOADING

See Article 14. Required parking and loading areas in the TCO District shall be consistent with standards enumerated in Tables I and II, Article 9, and signage requirements, Article 15.

§906. APPLICABILITY

A single lot in single ownership or a number of lots in single or joint ownership may be proposed for development or redevelopment in compliance with the land development provisions of the Borough's Subdivision and Land Development Ordinance. The operators, owners, or tenants of all uses permitted in the Town Center Overlay District shall become members of the Town Center Association at the time of occupancy, established by the Borough to coordinate advertising, theme marketing, promotional events, hours of operation and shared parking.

§907. DESIGN AND MAINTENANCE STANDARDS

All structures accommodating uses permitted in the TCO Town Center Overlay District shall adhere to a general design theme or incorporate certain design elements as recommended by the Apollo Business Association and approved by Borough Council. All facades, sidewalks, plantings, on-site parking areas, exterior lighting and signage shall be maintained in good condition. Failure to maintain all exterior premises within the TCO Town Center Overlay District in good condition shall constitute a violation of this Ordinance and subject the operator, owner or tenant to civil enforcement proceedings.

§908. NEWSRACKS

At no more than one (1) location within the Town Center Overlay District, self-service or coin-operated newsracks, newstands, or periodical kiosks, shall be permitted. Such newsracks shall be situated or grouped together at the location selected, and shall not utilize external lighting or sound to attract attention.
§909. VENDING MACHINES

No vending machine shall be placed on the exterior of a structure located on a lot which is partly or wholly within the boundaries of the Town Center Overlay District.

§910. SCREENING

In the Town Center Overlay District, where the underlying district is residentially zoned, a lot or lots proposed for development shall provide a planted screen, a minimum of ten feet (10’) in width around the perimeter boundaries of the abutting rear and side yards as follows:

A. Abutting developed residential lot: Planting shall consist of forty percent/sixty percent (40%/60%) mix of deciduous and evergreen trees a minimum of two inches (2”) diameter at breast height (dbh), planted on ten foot (10’) centers, plus a low level hedge between trees.

B. Abutting developed commercial lot: Planting shall consist of a fifty percent/fifty percent (50%/50%) mix of deciduous and evergreen trees, a minimum of two inches (2”) at breast height (dbh) planted on a minimum fifteen foot (15’) center.

C. Abutting undeveloped lot: Planting shall consist of a fifty percent/fifty percent (50%/50%) mix of deciduous and evergreen trees, a minimum of two inches (2”) at breast height (dbh) at a ratio of one (1) tree per twenty (20) linear feet of lot boundary line.

D. All screened areas shall be landscaped in addition to the planting of trees, which shall be provided in clusters rather than a uniform in-line configuration. In addition, the ground plane shall be enhanced with groundcover including, but not limited to, ornamental grasses and/or seeded turf of a type indigenous to the region.
ARTICLE 10

RIVERFRONT PLANNED DEVELOPMENT

§1001. PURPOSE

This article is enacted to further the policy of Borough Council that land having river frontage in any nonresidential zoning district should be utilized to enhance the amenities of the river and maintain, preserve and make these natural assets accessible to the general public, and to permit certain, limited commercial and appropriate residential development in planned projects where the developer provides access to the riverfront for the general public. Specific improvements are to be provided which may differ from standards in other areas of the Borough because of the developments exceptional location along the riverfront. Flexibility is provided to encourage and promote ingenuity and creativity in the design of the development.

§1002. PRINCIPAL PERMITTED USES

The following uses, and only the following uses, are permitted in a RPD 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 Ordinance:

A. Permitted Principal Uses:
   1. Business and professional offices;
   2. Business service shops, including but not limited to, real estate and insurance sales and travel agencies;
   3. Commercial recreation uses, as appropriate to the riverfront location, including walkways, overlooks, excursion boat landings and launching facilities;
   4. Essential services.
   5. Light manufacturing and industrial services;
   6. Marina, including appropriate accessory uses such as boat sales and service, restaurants, and recreational facilities;
   7. Marine equipment sales and service;
   8. Museums, galleries or similar cultural facilities;
   9. Personal service shops, including but not limited to, barber and beauty shops; dressmaker, tailor and milliner shops; laundries, shoe repair shops and travel agencies;
   10. Private clubs;
   11. Public parking facilities;
   12. Public recreation, exclusive of public boat launching;
   13. Restaurants, excluding drive through;
   14. Retail stores including, but not limited to, such businesses as book, periodical and stationery stores, florists, hardware stores and music stores;
   15. Specialty or convenience food markets having no more than five thousand (5,000) square feet gross floor area.
16. Where the Pennsylvania Department of Environmental Protection issues appropriate clearances for multi-family residential construction.

B. Accessory uses;
   1. Uses incidental to and supplemental to permitted principal uses.

§1003. LOT, YARD, BULK AND HEIGHT REQUIREMENTS

A. Minimum Size: The minimum lot area for a Riverfront Planned Development shall be as follows:
   1. For development plans with two (2) uses proposed - two (2) acres or 87,120 square feet.
   2. For development plans with three (3) or more uses proposed - two and a half (2 1/2) acres or 108,900 square feet.

B. River Frontage: The site shall have frontage on the Kiskiminetas River, or shall be contiguous with an existing RPD through which accessibility to the river frontage is assured.

C. Minimum Building Setback: No structure shall be located closer than fifty feet (50’) to any boundary of the site or to the shoreline of the Kiskiminetas River, provided however that not more than twenty percent (20%) of the length (linear footage) of all principal permitted buildings fronting on the river may be extended into this required setback and be located on or near the river’s shore. Any structure exceeding thirty-five feet (35’) in height shall be set back one (1) additional foot for every two feet (2’) of height that exceeds thirty-five feet (35’).

D. Building Spacing: The requirements determining the spacing of buildings shall be flexible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air and emergency access. The minimum distance between the nearest points of any exterior building walls shall be not less than thirty feet (30’).

E. Maximum Height of Structure:
   1. No structure shall have a height greater than that allowed in the subject zoning district except as provided for herein. Chimneys, spires, towers, tanks, or similar projections may exceed the prescribed height limitation by not more than ten feet (10’).
   2. Structures not exceeding fifty feet (50’) in districts other than the IC Light Industrial/Commerce District, may be authorized by Borough Council if there is a finding of fact that the taller structure will not negatively affect views from surrounding areas, and if the average floor area of such structure is no greater than fifteen thousand (15,000) square feet.

F. Building Size: No residential structure, where permitted, shall have a length or depth greater than one hundred and fifty feet (150’) Nonresidential structures shall be of a size and scale relative to the other structures of the RPD which promotes and enhances the safety, convenience and comfort of pedestrians enjoying the riverfront setting. As a guideline, the gross floor area of retail stores shall be no greater than five thousand (5,000) square feet. Borough Council may approve larger retail stores and large structures where the structure is designed and sited to appear as a part of an architectural theme, and when the developer provides additional amenities in the design features of the structure and its surroundings.
§1004. GENERAL PROVISIONS

A. Applicability: Riverfront Planned Developments (RPD) shall be considered a permitted use in the BT, B-1 and IC zoning districts where the subject lot, tract or parcel has frontage on the Kiskiminetas River.

B. Compliance: No RPD may be finally approved, no lot shall be sold in any RPD, nor any structure built, altered, moved or enlarged in any RPD unless and until the improvements required in connection therewith have either been constructed, or their construction guaranteed, as herein provided.

C. Exception: The provisions of this Article for approval of a RPD shall be in lieu of the procedures and provisions for approvals required in the remainder of this Ordinance and the Borough of Apollo Subdivision and Land Development Ordinance. Failure to comply with the provisions of this Article with respect to a RPD shall be deemed to constitute a violation of the Zoning and/or Subdivision and Land Development Ordinances.

§1005. PROCEDURES FOR REVIEW AND APPROVAL

A. Procedures for Riverfront Planned Developments:
   1. RPD shall require submission, review and approval of a preliminary application, and of a final application in accordance with the following procedures and requirements.
   2. All applications, preliminary and final, shall be submitted to the Zoning Officer in the form specified by this Ordinance. No preliminary or final application shall be deemed accepted or duly filed until the Zoning Officer determines that all plans and documents are complete and in accordance with the requirements of this Ordinance. No application shall be placed on the agenda of the next regular meeting of the Planning Committee unless it is received and accepted by the Zoning Officer at least ten (10) days prior to such meeting.

B. Concept Plan:
   1. Prior to submission of a preliminary application, the developer is encouraged to present a schematic plan of the proposed development to the Planning Committee to assure mutual agreement on the location, extent, function, public orientation and goals of the proposed RPD, but such agreement shall not be legally binding. Time deadlines applicable to tentative or final approval shall not apply to concept plans.
   2. In the case of a RPD which proposes development of only a portion of the parcel owned or controlled by the developer, the developer shall provide a concept plan which clearly delineates the proposed future development of all remaining portions of such parcel. This concept plan may be submitted as a part of the preliminary application.

C. Preliminary Application: The preliminary application shall include a Location Map, Site Analysis Study, Site Map, development narrative, Traffic Impact Analysis, and Engineering Report. The plan shall be prepared by a registered professional engineer, landscape architect or professional land surveyor. The application shall be submitted to the Zoning Officer with not less than six (6) copies of all plans and maps and shall be accompanied by a fee as established by Borough Council.
   1. A Location Map shall clearly show the location, area and zoning of the tract proposed for development, with respect to local roads and bridges.
2. A Site Analysis Study shall include review and analysis of natural, cultural and geotechnical features, existing and potential scenic views, and structures or features of an archeological or historic interest.

3. A Site Map shall cover the entire tract and all lands within one hundred feet (100') of its boundaries and shall clearly and accurately show the following data:
   a. Property lines, north arrow and total acreage of the tract;
   b. The location of the riverfront normal pool level as defined by the U.S. 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 relevant natural features, including, but not limited to, streams or other natural watercourses and adjacent lands which are subject to flooding, and significant stands of existing trees;
   f. The location of existing structures, including structures located on abutting property if within one hundred feet (100') of the common property line;
   g. Required front, side and rear yard lines, and any required building line;
   h. Contour lines at two foot (2') intervals where average slope is ten percent (10%) or less, and five foot (5') intervals where average slope exceeds ten percent (10%).
   i. Property owners of all adjacent parcels, including those across roadways;
   j. Title block giving name of development, property owner, developer, north point, date and scale (minimum 1" = 50');
   k. Zoning designation of all parcels shown;
   l. All existing utilities; and
   m. Such other information as may be required by the Zoning Officer, at the request of the Borough Engineer, or by the Borough Engineer directly to facilitate review and understanding of the plan.

4. The proposed RPD shall comprise such maps, at a scale no smaller than one inch equals fifty feet (1" = 50'), and text needed to clearly show the following:
   a. The name of the proposed development and names and addresses of the developer and the persons who prepared the plan;
   b. The proposed street pattern, including the names, paving widths, and rights-of-way of all streets, and the widths and locations of easements;
   c. The layout of lots or parcels, where appropriate, including dimensions, number, and building lines;
   d. The location, use, height, bulk, and number of families to be housed for every structure proposed;
   e. The location of all off-street parking spaces and the total number of spaces to be provided;
   f. The location, calculated requirements, size, and kind of improvements proposed for all common open space, together with proposed ownership and maintenance arrangements for such open space;
g. The location and design for all landscaping and screening proposed showing the height and type of screening;
h. The location and width of walks, sidewalks and trails, and the use of trails where they are not limited to pedestrian use;
i. The substance of covenants, grants, easements, or other restrictions proposed;
j. The extent to which the proposed RPD varies from land use and other regulations otherwise applicable to the subject property;
k. A schedule, where development is to be phased over a period of years, showing proposed times for the filing of applications for final approval for each phase of the proposed RPD; the time scheduled for initiation and completion of each phase, and the phasing for completion of public improvements, public recreational use and common open space (Drawings shall be included to illustrate the extent of development proposed for each stage.);
l. A statement of public interest submitted in writing by the developer setting forth the reasons why the proposed RPD is in the public interest and is consistent with the Comprehensive Plan and any other plans, laws or ordinances that may be approved by the Borough;
m. A management plan for the operation and maintenance of all recreation facilities, both public and commercial;
n. 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;
o. Contours and sufficient elevations to show proposed gradings and data to show gradient of access drives, parking facilities and surface water run-off;
p. Location and approximate size of utilities to serve the development;
q. Schematic elevations at an appropriate architectural scale;
r. Surface water runoff controls; and
s. A list of Borough, County, State or Federal approvals and permits required by the proposed development.

5. An Engineering Report shall be prepared by a Registered Professional Engineer and shall include 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 existing sanitary sewerage system, including distances to the nearest public sewer, service load of the Riverfront Planned Development and the capacity of the treatment plant.
   d. A report on the feasibility of connection to existing public water delivery system, including distance to nearest water delivery system.

6. The Traffic Impact Statement shall be prepared by a Registered Professional Engineer in traffic engineering and shall show with specificity the number of new trips
which will be generated by the proposed development and the feasibility of accommodating such traffic on adjacent streets. The study shall:

a. Detail the short term and long term impact of the proposed RPD on the street system of the Borough.

b. Include data on existing street conditions in the impact area, including roadway width, condition, traffic volume and flow, projected levels of service, operating speeds, land use conflicts and safety.

c. Provide five (5) year and twenty (20) year forecasts of the average daily vehicle trips which will be generated by the proposed RPD and distribute and assign these trips to the most probable travel paths over the adjacent street system.

d. Identify measures needed to safely accommodate the future traffic and the means for implementation of such measures, including measures for providing safe and adequate railroad crossings.

e. Include all data, computations and information pertinent to the Traffic Impact Statement and such supplementary information and projections as Borough Council or the Borough Engineer may require to clarify or justify the findings of the Traffic Impact Statement.

D. Review of Preliminary Plan: The Zoning Officer shall forward one (1) copy each of the preliminary application to the Planning Committee, the Borough Engineer, and the Armstrong County Department of Planning and Development. The Borough Council shall not approve the preliminary application until reports from each of these agencies have been received, or until the expiration of thirty (30) days from the date the copies of the application for development were forwarded to said agencies.

E. Borough Council Action on Preliminary Plan: The Borough Council shall hold a public hearing pursuant to required public notice within sixty (60) days of the filing of such preliminary application. The Borough Council may continue such hearing, or refer the application back to the Planning Committee, but shall complete the hearing within sixty (60) days of the initial hearing. The Borough Council shall render their decision and provide official written communication of its decision to the developer not later than sixty (60) days after the conclusion of the public hearing.

1. The Borough Council shall:
   a. Grant tentative approval of the RPD as submitted; or
   b. Grant tentative approval of the RPD subject to specified conditions not included in the RPD as submitted; or
   c. Deny tentative approval to the RPD.

2. The Borough Council shall give tentative approval to a Proposed RPD if, and only If, It is found to meet the criteria set forth in this Article.

F. Grant or Denial of Tentative Approval: The grant or denial of tentative approval shall include findings of fact related to the proposed RPD as submitted for approval, and the reasons for the decision shall be set forth, with particularity in what respect the proposed RPD would or would not be in the public interest as set forth in this Article and including, but not limited to, each of the cited criteria:

1. In the event a RPD is granted tentative approval, with or without conditions, Borough Council may set forth in the official written communication the time within which an application for final approval of the RPD shall be filed or, in the case of a RPD which
provides for development over a period of years, the periods of time within which
application for final approval of each RPD thereof shall be filed.

2. The decision of Borough Council shall be in writing and shall be given to the
developer personally, or mailed to him at his last known address, not later than five
(5) working days following the decision.

3. Failure of Borough Council to render a decision and, to communicate it to the
Applicant in the time and in the manner required, shall be deemed an approval of the
application and terms as presented, unless the applicant has agreed in writing to an
extension of time or change in the prescribed manner of presentation or of
communication of the decision, in which case, failure to meet the extended time or
change in manner of presentation and communication shall have like effect.

4. If the developer chooses to reject any conditions attached to the grant of tentative
approval and so notifies Borough Council within thirty (30) days of the date he
receives the official written communication, it shall be deemed that the application for
tentative approval was denied.

5. The grant of tentative approval may be revoked by Borough Council if it is notified by
the developer of his intention to abandon the proposed RPD. The grant of tentative
approval shall be deemed to be revoked if the developer does not submit an
application for final approval within the time limits required by this Article.

6. The grant of tentative approval shall be promptly indicated on the Borough's Zoning
Map, and shall constitute an amendment to the Zoning Map to the effect that the
provisions of the subject zoning district shall no longer apply to the area granted
tentative approval.

G. Final Application:

1. An application for final approval may be for all the land included in a RPD 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 twelve
(12) months following the grant of tentative approval, unless otherwise specified by
Borough Council provided that Borough Council may approve an extension of this
time period on written request of the developer.

2. The application shall be at the same scale and in the same format as the preliminary
plan and shall be comprised of one (1) reproducible copy and six (6) prints of the
RPD for the phase, including a site plan and supplementary data, a development
agreement, and a certificate of completion of improvement or a guarantee of
improvements as required by this Article, as well as any conditions set forth in the
official written communication at the time of tentative approval.

H. Final Approval: A public hearing on an application for final approval of the RPD, or part
thereof, shall not be required provided the RPD, or the part thereof submitted for final
approval, is in compliance with the RPD theretofore given tentative approval and with
any specified conditions attached thereto.

1. 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
the Ordinance and the official written communication of tentative approval, Borough
Council shall, within forty-five (45) days of such filing, grant such RPD final approval.

2. In the event the RPD as submitted contains variations from the RPD given tentative
approval, Borough Council may refuse to grant final approval and shall, within
forty-five (45) days from the filing of the application for final approval, so advise the
developer in writing of said refusal, setting forth the reasons why one (1) or more of said variations are not in the public interest. In the event of such refusal, the developer may either:

a. Refile his application for final approval without the variations objected; or
b. File a written request with the governing body that it hold a public hearing on his application for final approval. If the developer wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the developer was advised that the RPD was not in substantial compliance. In the event the developer shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the RPD.

3. Any such public hearing requested by the developer shall be held within thirty (30) days after the request for the hearing is made by the developer. Within thirty (30) days after the conclusion of the hearing, Borough Council shall by official written communication either grant final approval of the RPD or deny final approval. The grant or denial of final approval of the RPD shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval.

I. Recording: An RPD, or any part thereof, which has been given final approval, shall be so certified without delay by Borough Council and shall be filed on record, within ninety (90) days, by the developer, in the office of the Recorder of Deeds of Armstrong County before any development shall take place in accordance therewith. Upon the filing of record of the RPD that has been finally approved, no modification of the provisions of said RPD or part thereof, as finally approved, shall be made, except with the consent of the Borough.

J. Abandonment of Plan: In the event that an RPD or a section thereof, is given final approval and thereafter the developer shall abandon such plan or the section thereof that has been finally approved, and shall so notify Borough Council in writing; or, in the event that the developer shall fail to commence and carry out the RPD with such reasonable period of time as may be specified in the development agreement, no development or further development shall take place on the property included in the RPD until a new subdivision or development plan has received final approval from Borough Council.

§1006. CRITERIA FOR APPROVAL

A. Criteria for Approval: Riverfront Planned Developments may be allowed or denied by Borough Council after written recommendation by the Planning Committee in accordance with the procedures set forth in this Article.

1. Riverfront: The proposed RPD incorporates plans and means for improving public access to, use of, and enjoyment of the scenic and other assets of the Kiskiminetas River, and furthers the goals of the Borough relative to the use and preservation of riverfront property.

2. Comprehensive Plan: The proposed RPD preserves the community development objectives of this Ordinance, and is consistent with the Comprehensive Plan.

3. Modifications: Where the proposed RPD departs from specific Borough of Apollo Subdivision and Land Development regulations, such as dimensional standards for required improvements, which are 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.

4. Open Space: A proposal for the maintenance and conservation of any proposed common open space shall be submitted with the required information and the amount and extent of improvements of such open space is adequate with respect to the purpose, use, and type of development proposed.

5. Infrastructure: The physical design of the proposed RPD adequately provides for public services, pedestrian and vehicle traffic facilities and parking, light, air, recreation and visual enjoyment.

6. Neighborhood: The design and layout of the proposed RPD is harmonious and consistent with the character of the neighborhood in which it is located, and the long term development of any unused portion of the land owned or controlled by the developer shall be consistent in the design and layout with the portion of the land proposed for approval.

7. Environment: The proposed RPD shall afford a greater degree of protection of natural watercourses, topsoil, trees, and other features of the natural environment, than if subject property were developed in accordance with the provisions of this Borough of Apollo Zoning Ordinance and the Borough of Apollo Subdivision and Land Development Ordinance which otherwise apply.

8. Balanced Development: When mixed uses are proposed, the RPD shall provide a balance or ratio between the residential and commercial uses. Notwithstanding the foregoing, total residential development would be acceptable.

9. Safety: No use or design feature in the proposed RPD 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 RPD on traffic congestion on the roads, streets, and highways affected by the RPD.

10. Timing: In the case of a RPD which proposes development over a period of years, the plan will provide at each stage of development a sufficient proportion of open space, planned facilities and amenities, and other improvements and conditions as required in this Article and as intended to protect the interests of the public and of the residents and property owners of the RPD.

§1007. STANDARDS FOR RIVERFRONT PLANNED DEVELOPMENT PLANS

Riverfront Planned Developments: RPDs may be approved under provisions of this Ordinance if, and only if, they comply with the following standards and provisions.

A. Ownership: The entire site for the RPD shall be owned or controlled by a single owner or developer.

B. Highway Access:

1. The site must provide for access from an arterial street to ensure convenient and safe access which will not cause undue congestion or safety hazards on local streets. Borough Council may approve access using a service road to connect to an arterial street where there is a finding of fact and recommendation by the Planning Committee that such service road meets the goals of this Section.
2. Where the traffic impact statement indicates that the traffic to be generated by the proposed RPD is likely to constitute a hazard to safety, the RPD shall not be approved except in phases which correspond to the limits on capacity and to any programmed improvements designed to mitigate such hazard. A hazard to safety shall be deemed to occur when traffic at any part of any intersection would function at or below a level of service "D" as defined by the Pennsylvania Department of Transportation Design Manual, Part 2, Highway Design, 1981.

3. Where two (2) or more Riverfront Planned Developments are proposed, whether initially, in phases, or separately, a common primary point of access from the abutting arterial street shall be provided. In addition, a unified interior vehicular circulation system within the proposed RPD's shall be designed and constructed where such circulation does not conflict with structure placement or utility location.

C. Safety: The development and the site shall be of such a character so as to avoid danger to health or peril from fire, flood, or other hazard. Land exhibiting characteristics which present or provide hazards to life, health and property, such as quarries, open ditches, land subject to flooding, subsidence, landslide prone, or underground fires shall not be subdivided or developed until such hazards have been eliminated or adequate safeguards are provided under the RPD.

D. Density of Development Limits:

1. Residential development within a Riverfront Planned Development shall be located on land which is not constrained by Pennsylvania Department of Environmental Protection standards, or which has been given clearance for such development by the Pennsylvania Department of Environmental Protection.

2. The maximum number of dwelling units for residential uses shall not exceed ten (10) units per gross acre of land assigned to residential usage, and shall conform to the following schedule:

<table>
<thead>
<tr>
<th>Maximum Residential Density</th>
<th>Units Per Gross Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplex, triplex and quadruplex structures</td>
<td>6</td>
</tr>
<tr>
<td>Townhouses</td>
<td>8</td>
</tr>
<tr>
<td>Garden Apartments</td>
<td>10</td>
</tr>
</tbody>
</table>

3. Land assigned to residential usage shall include street rights-of-way, buffers and that portion of the required open space serving the residential areas. Land area located underwater and beyond the shoreline of the river shall not contribute to lot area for density calculations nor to open space calculations.

4. Density for residential units located within a structure containing stores, shops or offices shall count every one thousand (1,000) square feet of gross commercial area within the structure as a dwelling unit.

5. The maximum building coverage for development shall not be greater than fifty percent (50%) of the total lot area, exclusive of streets and pavement, assigned to such use.

E. Open Space Requirements: Public access throughout the riverfront shall be insured through the provision of common open space along such frontage. Not less than twenty percent (20%) of the total site area shall be set aside for common open space. At least fifty percent (50%) of the required common open space shall be developed to a degree
commensurate with its location and probable usage, including 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 development. The common open space, including all improvements and facilities, shall be either:

1. Dedicated for public use to a public body which agrees to operate and maintain the dedicated land and facilities; however, no public body is obligated by this Ordinance to accept such dedication; or

2. 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 Township’s satisfaction.

F. Common Open Space Maintenance:

1. If the organization established to own and maintain common open space, or any successor organization, fails to maintain such common open space in reasonable order and condition in accordance with the RPD, the Borough may serve written notice upon such organization or upon the residents of the RPD setting forth the maintenance deficiencies, requiring correction of deficiencies within thirty (30) days, and stating the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies so set forth shall not be corrected within the specified time limit, the Borough, in order to preserve the taxable values of the properties within the RPD and to prevent the common open space from becoming a public nuisance, may enter upon and maintain the common open spaces for one (1) year. This maintenance shall not constitute a taking nor vest in the public any rights to use the common open space. Before the expiration of the year, Borough Council shall set a public hearing where such organization or residents of the RPD may show cause why maintenance by the Borough should not continue for another year. If Borough Council determines that such organization is ready and able to maintain said common open space in reasonable condition, the Borough shall cease to maintain said common open space at the end of said year. If Borough Council determines that such organization is not ready and able to maintain said common open space in a reasonable condition, the Borough may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

2. The cost of such maintenance by the Borough shall be assessed ratably against the properties within the RPD that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Borough, at the time of entering upon said common open space for the purpose of maintenance, shall file with the County a notice of lien upon properties affected. The Borough may take any other steps, at law or in equity, to recover the cost of such maintenance from the owners of the properties within the RPD.

G. Screening:

1. A planted visual barrier, or landscape screen shall be provided and maintained by the developer on every yard between any contiguous commercial and residential uses. This screen shall be not less than ten feet (10’) in depth and composed of both
evergreen and deciduous plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of trees planted with specimens having a minimum caliper not less than three and one half inches (3 1/2”), and planted at intervals that will assure a visual screen within two (2) years of planting which blocks not less than fifty percent (50%) of the structures and facilities on the commercial site. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than two feet (2’), placed in alternating rows to produce a dense visual barrier. Any plant not surviving three (3) years after planting shall be replaced.

2. A masonry wall or earth mound not less than five feet (5) in height and a landscape screen shall be provided and maintained by the developer on every yard between any contiguous industrial and residential uses and adjacent to every railroad right-of-way. The screen shall conform to the requirements of this Article.

H. Building Grouping: Structures for dwelling units shall be oriented so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each structure shall be so arranged and oriented as to avoid significant exposure to areas designed for concentrated loading or parking facilities.

I. Signs: No sign shall be permitted in a RPD except in strict conformance with Article 15 of this Ordinance, provided however, that signs for residential uses in such plan shall conform to the regulations applicable to residential zoning districts, and signs for commercial uses shall comply with regulations applicable to commercial zoning districts. Following final approval of a RPD, every existing nonconforming sign shall be removed.

J. Staging Development: The density of development within various portions of the RPD may vary, provided that at every point during construction, the completed portion of the RPD will meet all requirements of this Ordinance regarding the pro rata percentage of each use by phase. It is further required that proposals for the construction of areas of greater density than permitted in individual phases, are in proportion to the number of dwelling units and commercial uses to be constructed cumulatively in each phase. As an alternative, the Borough may require the reservation of open space by grant, easement, or covenant in favor of the Borough in an amount and location necessary to balance the excess development density of each phase.

§1008. REQUIRED IMPROVEMENTS

The following required improvements shall be completed in connection with every RPD, and such improvements will be in conformance with standards as may be specified and required in the Borough of Apollo Subdivision and Land Development Ordinance or other Borough, County or State law.

A. Off-street parking spaces and off-street loading spaces shall be provided in accordance with the provisions of this Ordinance. Borough Council may approve alternate design standards for off-street parking in response to specific site conditions such as attendant parking, indoor parking, interaction between different abutting uses, or a clearly documented difference between expected parking load and required parking spaces.

B. Parking lots having an area of four thousand (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:
1. The lot's perimeter shall be bordered with a landscaped border not less than ten feet (10') in width, and the lot shall be screened from every adjacent residential use.

2. A landscaped island of not less than one hundred (100) square feet shall be installed to separate long rows of parking stalls into groups of ten (10) or less stalls. Each island shall contain at least two (2) three and one half inch (3.5") caliper trees and shall be planted in grass or other groundcover.

3. Parking areas which abut a street, structure or open space may be required to provide a landscaped hedgerow, low wall, or similar landscaping device to adequately screen parked cars from view of the street or adjacent use.

C. Street lights shall be provided by the developer throughout the RPD. Lighting standards for pedestrian areas and walkways shall not be higher than twelve feet (12') above ground level; lighting standards for parking areas and streets shall not be higher than eighteen feet (18') above ground level; and the level of illumination shall conform to Borough requirements. Street lights shall be located to ensure adequate illumination in order to protect the safety of the visitors and residents of the RPD.

D. Streets shall be related to street plans or parts thereof as have been officially adopted by the Borough. Proposed streets shall conform to the requirements herein as well as to any other plans, statute, ordinance, law or regulation applicable thereto. Streets shall be logically related to the topography in order that usable sites and reasonable grades shall be produced. Provisions will be required to accommodate traffic from adjacent areas, but minor streets should be laid out so as to discourage through traffic.

E. Where a RPD abuts or contains an existing or proposed major traffic street, Borough Council may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with major streets, and separation of local and through traffic.

F. Drainage structures, culverts, storm sewers, ditches and related installations shall be provided to ensure adequate drainage of all points along the streets.

G. Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the RPD. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear, and at all angles and property lines of lots and at all other lot comers.

H. Pedestrian walks shall be required where necessary 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. Such interior walks shall have a paved width of not less than four feet (4') and be so improved as to assure accessibility to handicapped persons.

I. Bikeways, where provided, shall meet the requirements of the Pennsylvania Department of Transportation.

J. Erosion and sedimentation control measures shall conform to the program manual of the Pennsylvania Department of Environmental Protection and SCS review procedures.

K. Utilities located within a RPD shall all be located underground.

L. Guarantee of Improvements:
1. No RPD shall be finally approved unless all improvements required by all applicable Borough ordinances have been installed in strict accordance with the standards of those ordinances or a guarantee that the improvements will subsequently be installed by the developer, as per the provisions of Section 509 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, in the form of a bond, letter of credit, deposit of funds or securities in escrow which are acceptable to Borough Council and are in an amount equal to one hundred and ten percent (110%) of the estimated cost of all required improvements. The guarantee shall also ensure completion of amenities which include, but are not limited to, the installation of trees, shrubbery, and other plant materials, installation of sidewalks, fences or other landscape materials, the provision of driveways, pathways or other related remedy to circulation, and the demolition and removal of any structure or nonconforming signs as required by this Ordinance or which the developer has agreed, as a condition of approval, to provide and install. Such bond or other security shall provide for, and secure to the public, the completion of all declared improvements within a period of three (3) years from the date of final approval of the plan.

2. Surety, in a form approved by the Borough Solicitor, to ensure satisfactory completion of required improvements and maintenance, inspection procedures and acceptance of any public rights-of-way shall conform to the requirements of the Borough of Apollo Subdivision and Land Development Ordinance. Transportation improvements required by the Pennsylvania Department of Transportation in connection with the issuance of a Highway Certificate of Occupancy, shall be exempt from the requirements for the posting of financial security.

M. Release of Improvement Bond: The Borough Council shall promptly release the developer from the improvement bond if, and only if, the Borough Engineer certifies in writing that all improvements have been completed in accordance with all agreements set forth as a condition of the required zoning approval. The Borough Council may authorize partial release of the improvement bond after certification of proportionate completion of required improvements.

N. Developer's Agreement: Following approval of the final plan application, but prior to the issuance of any building, grading, or other Borough permit, the developer shall sign a Development Agreement in accordance with the form and content required by the Borough. Such agreement shall be recorded to run with the deed to the subject property.
ARTICLE 11

SUPPLEMENTAL REGULATIONS

§1101. SUPPLEMENTAL LOT, HEIGHT AND YARD REGULATIONS

A. Zone Lot Regulations:

1. Existing Lots of Record: In any R-District a single family dwelling may be erected on a nonconforming lot of official record at the effective date of this Ordinance or any amendments thereto regardless of its area or width, the owner of which does not own any adjoining property which would create a conforming lot if all or part of said property were combined with subject zone lot, provided, however, that no lot or lots in single ownership shall hereafter be reduced so as to create one (1) or more nonconforming lots, and provided further that on any nonconforming lot no side yard adjoining a side street shall be less than ten feet (10'); provided further that the rear yard of any such lot shall in no case be less than that required in the specific zoning district, and the side and front yards shall also be as required in the specific zoning district.

2. Corner Lots: At all street intersections, no obstructions to vision (other than an existing building, post, column or tree) exceeding thirty inches (30") in height above the established grade of the street shall be erected or maintained on any lot within the clear sight triangle. (See the current Borough Subdivision and Land Development Ordinance.)

3. Through Lots: Where a single lot under individual ownership extends from a street to an alley, the widest street shall be deemed the street upon which the property fronts and no principal structures and no dwelling shall be erected on the rear of such lot.

4. Required Area or Space Cannot be Reduced: The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Ordinance; and, if already less than the minimum required by this Ordinance, said area or dimension may be continued and shall not be further reduced.

B. Height Regulations:

1. General Application: No building or structure shall have a greater number of stories than are permitted by this Section in the specific zoning district in which the proposed building or structure is situated, provided further that the aggregate height of such buildings or structures shall not exceed the number of feet permitted except as otherwise provided.

2. Permitted Exceptions: Height limitations stipulated elsewhere in this Ordinance shall not apply to church spires, belfries, cupolas and domes, silos, monuments, water towers, chimneys, smokestacks, flag poles, radio and television masts and aeraials; parapet walls extending not more than four feet (4’) above the roof level of the building, and other appurtenances extending above the roof level and not intended for human occupancy.
C. Yard Regulations:

1. Side Yards:
   a. **Side Yard Width May be Varied:** Where the side wall of a building is not parallel with the side lot line or is broken or irregular, the side yard may be varied. In such cases, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any point than one-half \((1/2)\) the otherwise required minimum width.
   
   b. **Side Yard of Corner Lot:** The side street setback line of any corner lot as it existed at the time of adoption of this Ordinance or any corner lot shown on any subdivision plat which received final approval prior to the adoption of this Ordinance shall not be less than one-half \((1/2)\) of the depth of the minimum front yard required on any adjoining lot fronting on a side street. However, any corner lot delineated by subdivision after the adoption of this Ordinance shall provide a side street setback line which shall not be less than the minimum front yard required on any adjoining lot fronting on a side street.

   c. **Corner or Double Frontage Lots:** Lots which front on or abut more than one \((1)\) street shall provide the required front yards along every street.

2. Front Yard Exception (Single Family and Two-Family Dwelling Only): When an unimproved lot is situated between two \((2)\) improved lots, each having a principal building within twenty-five feet \((25')\) of any side lot line of such unimproved lot, the front yard may be reduced to the greatest depth of the front yard of the two \((2)\) adjoining improved lots, but shall not be less than fifteen feet \((15')\); provided, however, that where any lot shall front on a right-of-way which is proposed, on the Official Map of the Borough to be widened by the Borough or any lawful County, State or Federal Highway Agency, the front yard of such lot shall be as required by the applicable provision of the subject zoning district, and shall be measured from such proposed future right-of-way.

3. Projections into Required Yards: Certain architectural features may project into required yards as follows:
   a. Cornices, canopies, eaves or other architectural features may project into required yards a distance not exceeding two inches \((2")\) per one foot \((1')\) of required yard depth but may not exceed a total of three feet \((3')\).
   b. Fire escapes may project into required yards a distance not exceeding four feet, six inches \((4'-6")\).
   c. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding four feet \((4')\), provided that such features do not occupy, in the aggregate, more than one-third \((1/3)\) of the length of the building wall on which they are located.

4. No required front or side yard in a residentially zoned district shall be used for the temporary or permanent parking or storage of vehicles except on a driveway constructed for access to a garage which is conforming as to location and size.

D. **More Than One Principal Structure on a Lot Permitted:** In any district, more than one \((1)\) principal structure housing a permitted use, conditional use or special exception may be erected on a single lot provided that yard and all other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. The
individual lot so described shall consist of a full-sized lot and shall not involve any exceptions as to required yard widths.

E. Accessory Structures:

1. Maximum Permitted Height and Number of Structures:
   a. In the R-1 and R-2 Residential Districts: No accessory structure shall exceed a maximum of one and one-half (1 1/2) stories or fifteen feet (15’). No more than two (2) accessory structures, including a private garage, shall be permitted on each residential lot.
   b. In the B-1, BT and IC Districts: No accessory structure shall exceed a maximum of two and one-half (2-1/2) stories or thirty feet (30’). No more than five (5) accessory structures shall be permitted per lot.

2. Minimum Yard Regulations:
   a. Unattached Accessory Structures in R-Districts: Accessory structures which are not attached to a principal structure may be erected in accordance with the following requirements:
      1) Front Yard - no closer to front property line than building line.
      2) Side Yard (interior lot) - three feet (3’) from property line.
      3) Side Yard (corner lot) - same as for principal structure.
      4) Rear Yard - three feet (3’); if fronting on an alley, ten feet (10’) from property line.
      5) No closer to a principal structure than ten feet (10’).
   b. Attached Accessory Structure in R-Districts: When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Article applicable to the principal building.
   c. Non-Dwelling Accessory Structure in Other Districts: Non-dwelling accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall not be closer to any rear property line than ten feet (10’).

F. General Landscaping Regulations:

1. Enclosed Uses: Any enclosed use as may be required by this Ordinance to be landscaped in accordance with this subsection shall provide a planted screened area, as per the provisions of Section 1108.
2. Unenclosed Uses: Any use which is not conducted within a completely enclosed building, except for nurseries, and the display for sales purposes of new or used cars, trucks, or trailers, in operative condition, shall be entirely enclosed by a fence maintained in good condition or a 50%/50% mix of evergreen and deciduous trees a minimum of three inches (3”) in diameter at breast height, spaced at intervals of not more than ten feet (10’).

G. Miscellaneous Building Regulations:

1. Unenclosed IC Uses: All IC District uses which are not conducted wholly within a completely enclosed building shall not be less than one hundred feet (100’) from any R-District zoning boundary line.
2. Uses to be Enclosed: All B District uses shall be conducted wholly within a completely enclosed building except for off-street parking and loading facilities, new
and used car lots, service stations (repairs shall be conducted inside), terminals, storage yards, nurseries, and similar uses.

3. **Air Conditioning System:** In residential districts, any outdoor installation constructed or placed on a lot in connection with an air conditioning system designed to air condition all or part of a residence shall be located in either the rear yard or side yard of the lot and shall not be located closer than ten feet (10') to any property line, provided, however, that nothing in this subsection shall be construed to apply to the use and/or location of a window-mounted air conditioner designed to air condition a single room of a residence.

H. **Parking and Storage of Certain Vehicles:** Automotive vehicles or trailers of any kind or type without current license plates or valid State inspection sticker shall not be parked or stored on any residentially zoned property other than in a completely enclosed building(s).

I. **Temporary Storage of Furniture:** The temporary relocation or storage of furniture designed and constructed for indoor use, including but not limited to, upholstered couches, stuffed chairs, sectional sofas, davenports or recliners on the exterior of any lot or parcel is hereby prohibited in all zoning districts.

### §1102. ESSENTIAL SERVICES

Performed use in all districts.

A. **Essential Services, Enclosed or Permanent Structures:** Such uses shall include public utility services such as electric substations, transformers, switches and auxiliary apparatus serving a distribution area, meter pits, telephone exchanges and pumping stations and shall be subject to the following regulations:

1. Such facility shall be so located as to draw a minimum of vehicular traffic to and through local residential streets.
2. The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
3. Adequate fences, barriers, and other safety devices shall be provided, and shall be landscaped in accordance with the provisions of Section 1108.
4. Noise emitted from electric substations shall not be greater than permitted in accordance with the performance standards set forth in Article 16.

B. **Essential Services, Open:**

1. Such uses shall be limited to the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, or underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Where applicable, the landscaping regulations of Section 1108 shall apply.

2. In the event that any public utility shall desire to replace or relocate any existing poles, frames or structures in the public streets upon which are located any electric
light, electric power, telephone or telegraph wires, the said public utility involved shall notify Borough Council of such intention to replace or relocate poles, frames or structures.

3. When any lot or tract of ground in the Borough of Apollo is serviced by a public utility whose facilities have been placed underground, all electric light, electric power, telephone and telegraph wires thereafter installed to service any buildings on such lot or tract of ground, shall be placed underground in such manner as may be directed by the public utility involved.

C. Essential Services, Police Stations, Emergency Service and Fire Stations: Such facilities shall be permitted in either R District provided that:

1. Such facility is necessary to serve the surrounding residential area where it is not possible nor practical to serve such area from a facility located in less restrictive districts;
2. Such facility shall not be located on a local residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets;
3. Where applicable, the landscaping regulations of Section 1108 shall apply; and
4. Such facility shall be designed and constructed consistent with the general character of the neighborhood.

§1103. FENCES

Fences constructed for the purpose of enclosing any portion of the area of any zoned lot or tract of land, shall be a maximum height of eight feet (8’) and shall meet the following requirements for location with respect to existing or established lot or boundary lines. Any fence over four feet (4’) in height shall require a building permit.

A. Front: No closer to the front property line than the building setback line established by either:

1. The setback line of an existing building.
2. The building setback line established by the provisions of Article 12.
3. Non-opaque decorative fences a maximum of three feet (3’) in height may be located in a required front yard, no closer than ten feet (10’) to the abutting right-of-way line, or within five feet (5’) of the abutting right-of-way line in the TCO District.

B. Rear: Not less than one foot (1’) from the rear property line, unless the property line can be located accurately, in which case the fence may be erected on the property line.

C. Side: Not less than one foot (1’) from each property line, unless the property line can be located accurately, in which case the fence may be erected on the property line.

D. Side (Corner Lot): No closer to the exterior side lot line than the building setback line established by either:

1. The setback line of an existing building; or
2. The building setback line established by the provisions of Article 16.

E. All in-ground or above ground swimming pools with access at grade, shall be enclosed by a minimum four foot (4’) high fence with a self-latching gate.
§1104. RECREATION USES

A. Commercial Indoor Recreation, including but not limited to, Bowling Alleys, Ice and Roller Skating Rinks, Video Arcades, Theaters and Similar Places of Amusement and Recreation: Permitted in the IC District.

1. Such uses shall be conducted entirely within an enclosed structure, except as otherwise required.
2. Parking areas shall be screened from adjoining residential properties in accordance with Section 1108.
3. Any principal structure shall not be less than twenty feet (20’) from any property boundary line.
4. No offensive noise or vibration, except as may be in accordance with the performance standards set forth herein, shall be permitted.

B. Outdoor Recreation Facilities: Permitted in the IC District.

1. Such uses shall include miniature golf courses, ice-skating rinks, swimming pools, tennis courts and amusement buildings or parks.
2. Unenclosed recreation facilities shall be located not less than twenty-five feet (25’) from any property line except where greater distances are otherwise required herein and shall be effectively screened from adjoining residential uses in accordance with the provisions of Section 1108.
3. Illuminated signs and other lights shall be directed away, or shielded from adjoining residential properties, in such a way as not to disturb the occupants thereof.
4. No public address system shall be permitted except where such a system will not be audible at any adjoining residential property line.

§1105. RESIDENTIAL CONVERSION

Residential conversion of single family residences to provide two-family and multi-family occupancy, where permitted, shall comply with the following:

A. The lot, yard and height requirements and all other requirements of this Zoning Ordinance for the applicable zoning district shall apply.

1. Studio dwellings shall comply after conversion.
2. Such structure shall contain no less square feet of living space per habitable unit than provided in the following: apartment (one bedroom/living room, kitchenette and bath) - 340 square feet.
3. One-bedroom apartment (one living room/dining, kitchen and bath, or one living room, kitchenette and bath) - 450 square feet.
4. Two-bedroom apartment (same facilities as one bedroom apartment) - add one hundred and thirty (130) square feet for each bedroom over two (2).
5. All alterations shall be done in accordance with the Pennsylvania Uniform Construction Code. Where a structure has deficiencies with respect to the applicable codes, said deficiencies shall be corrected at the time of conversion.

§1106. SERVICE STATIONS AND PARKING GARAGES

A. Points of Access: No automobile service station, parking garage for five (5) or more motor vehicles and automobile repair garages, or any vehicular access thereto, shall be
located along the same street and the same block as schools, playgrounds, churches, hospitals, public libraries, and day care facilities for dependents or for children.

B. **Vehicular access** to said automotive uses shall not be closer to the intersection of any two (2) street right-of-way lines than twenty-five feet (25’), nor shall any such access be located within twenty-five feet (25’) of any boundary line of any R-District.

C. **Location of Appliances or Pits:** No automobile service station or parking garage shall be permitted where any gasoline or oil pump, oil drainage pit or visible appliance for any such purpose is located within ten feet (10’) of any street right-of-way line, except where such appliance or pit is within a completely enclosed building.

§1107. **MISCELLANEOUS USES**

A. **Non-Dwelling Structure Conversion:** No commercial or light industrial structure, originally designed for other than residential use shall be converted to a dwelling unit, nor shall any structure which was so converted prior to the adoption of this Ordinance be further converted to provide for additional dwellings.

B. **Outdoor Storage Areas:** Such uses shall be governed by the following provisions and any other conditions as may be required by the Zoning Hearing Board to protect the public health, safety, comfort, convenience, and properties and the occupants thereof.

1. **Inflammable and Explosive Liquids:** No highly inflammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connected with heating devices or appliances located on the same premises as the tanks or drums of fuel, are excluded from this provision.

2. **Fencing and Setbacks:** All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property. Such walls and fences shall be not less than twenty-five feet (25’) from all property lines which abut an R-District or existing residential development, but in any other case shall be not less than ten feet (10’) from any property line.

3. **Deposit of Wastes:** No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.

4. **Other Hazardous Materials:** All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

C. **Temporary Tract Office:** Temporary tract offices, including construction offices, development and/or real estate sales offices, equipment storage sheds or related uses, housed in detached structures, shall be located on the property for which the activity or development is being conducted. Such uses and/or detached structures shall be removed upon the completion of construction or development of an individual or group building project.

D. The completion date referred to herein shall be that date governed under the issuance of an original building/zoning permit as prescribed in Section 1802.

E. **Sale of Individual Units of Multi-Unit Residential Structures:** Upon application, the Zoning Hearing Board may modify or waive individual lot area and building coverage requirements in the case of the sale of individual units of townhouse, row house, garden apartment or other multiple-unit residential structures, consistent with the Pennsylvania Condominium Act, as a variance to the provisions of this Ordinance, whether said sale
occurs prior to or after actual construction, provided that, if the sale is prior to
construction, the design and construction of the proposed residential structures shall be
of a harmonious and unified nature, and that the development be a single, joint
undertaking of all said owners; and provided further that the residential unit(s) to be sold
meet the following requirements:

1. Such modification, reduction, or waiver 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
otherwise detrimental to the public interest and welfare.

2. If the individual lots in question have been part of a project previously approved as a
planned residential building group, or are a part of a project not so approved but
advertised, designed, or arranged as being of such nature, the owners of said lots
shall not be prevented from having adequate access to such common areas or
facilities as may have been included in the project, nor shall any individual lots so
created include within their boundaries any portion of such common areas or
facilities.

3. If a property owner's organization for that purpose does not exist, the Borough may,
in its discretion, maintain such common open space as existed in such a project and
may ratably assess the cost of such maintenance against the property owners within
the project.

4. No new dwelling units shall be created from any individual dwelling unit in, or
proposed to be in existence at the time of approval of the project, nor shall the
number of facilities housed therein exceed the number of dwelling units provided at
that same time.

5. No additional structures of any type, other than minor structures such as play
equipment, individual animal shelters, refuse receptacle shelters, or small storage
sheds, shall be constructed or erected on any individual lot(s) so created, unless
adequate provision for such structure was made in the application approved under
this Section.

6. The project complies in every other way with the applicable regulations as to total
minimum lot size, setbacks or any requirements for the original project as a whole at
the start of construction.

7. Approval by the Board: Approval by the Zoning Hearing Board for the creation of
such nonstandard lots shall be strictly dependent upon their utilization for the
development of one (1) or more units of a multi-unit residential structure. Any
attempt to utilize lots so approved for any other purpose shall be cause for the
mandatory denial of any building permit and/or certificates of occupancy.

F. Installation of Single Mobile or Manufactured Homes: If a mobile or manufactured
home is erected and maintained as a single family dwelling outside a mobile or
manufactured home park, the following requirements shall be met:

1. The tract upon which the mobile or manufactured home is installed shall conform
with the minimum lot size requirements of the district or zone where located and
shall be located only in those districts or zones so specified in this Ordinance.

2. The mobile or manufactured home shall be installed so as to conform with all front
yard, side yard, and rear yard setback lines applicable to a single family dwelling in
that district or zone.
3. The mobile or manufactured home shall be installed upon, and securely fastened to, a frost-free foundation or footer, and in no event shall it be erected on jacks, loose blocks, or other temporary materials.

4. An enclosure of compatible design and material shall be erected around the entire base of the mobile or manufactured home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

5. The mobile or manufactured home shall be connected to the Borough public water and sanitary sewer systems.

6. The tract shall be seeded, landscaped and shrubbed.

7. Any single on-lot mobile or manufactured home shall meet the specifications for manufacture of mobile or manufactured homes as set forth in United States Institute Standards for Mobile Homes, USA Standard A 119.11969, NFPA No. 501B1968, and any subsequent modification or amendment of such standards.

8. Building Permit Required: No mobile or manufactured home shall be erected on a single lot unless a building permit, consistent with the provisions of the Pennsylvania Uniform Construction Code, is first obtained.

9. Travel Unit Vehicle: No travel unit vehicle shall be erected and maintained for living purposes in the Borough. Unoccupied recreational vehicles may be parked or stored in a private garage, carport, or rear or side yard, but same shall not be stored or parked for a period exceeding twenty-four (24) hours on a public street, or in the front yard of a residential dwelling.

G. Removal of Mobile or Manufactured Homes from Borough: No mobile or manufactured home, whether installed on a single lot or in a mobile or manufactured home park shall be removed from the Borough without first obtaining a permit from the Borough Tax Collector charged with the collection of municipal real estate taxes. Such a permit for removal will be issued upon payment of a fee established by Resolution of Borough Council and payment of all real estate taxes.²

§1108. SCREENING AND LANDSCAPING

A. A planted visual barrier or landscape screen shall be provided and maintained on any lot proposed for development which abuts a previously developed lot except where natural, physical or man-made barriers exist which are deemed adequate by the Planning Committee and Borough Council and except where such contiguity has resulted from an amendment to the zoning district boundaries after the passage of this provision.

B. There are hereby established three (3) types of screening applicable throughout the Borough. The "screening requirements" chart included in this Section shall be used to determine which type of screen the developing use must provide along the perimeter boundary abutting a developed lot.

1. Opaque Screen, Type A - A screen that is opaque from the ground to a height of at least six feet (6'), with intermittent visual obstructions from the opaque portion to a height of at least twenty feet (20'). An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may include a wall or fence, but a minimum of seventy percent (70%) of the screen shall consist of densely planted vegetation. Compliance of planted vegetative screens will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstruction should not contain any completely unobstructed openings more than ten feet (10') wide. Suggested planting patterns follow:
2. Semi-Opaque Screen, Type B - A screen that is opaque from the ground to a height of three feet (3'), with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet (20'). The semi-opaque screen may include a wall, fence or landscaped earth berm, but a minimum of seventy percent (70%) of the screen shall consist of densely planted vegetation. Compliance of planted vegetative screens will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than fifteen feet (15') wide. Suggested planting patterns follow:
3. Broken Screen, Type C - A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet (20'). The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. The broken screen may include a wall, fence or landscaped earth berm, but a minimum of seventy percent (70%) of the screen shall consist of densely planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns follow:

C. The following tabular chart shall dictate the land use and appropriate screen type.
<table>
<thead>
<tr>
<th>DEVELOPING USE</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
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<td>B</td>
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<td>HOSPITALS &amp; CLINICS</td>
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</tr>
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</table>

1. Residential
2. Office, Business and Professional
3. Institutional, Social
4. Commercial
5. Manufacturing and Storage
6. Municipal and Public Utility Building and Services
7. Other Uses
§1101. HOME OCCUPATIONS AND HOME BASED BUSINESSES

In all districts where home occupations and home based businesses are permitted accessory uses, the following shall apply:

A. Not more than twenty-five percent (25%) of the gross floor area of the dwelling unit shall be so used.

B. No display or visible evidence of such occupation or business shall be permitted on the premises.

C. No home occupation or business shall be conducted in an accessory building nor shall there be sales of the product of that business on the premises.

D. No traffic shall be generated by such occupation or business in greater volumes than would be normally expected in a residential neighborhood and any need for parking generated by such business shall be met other than in a required yard.

E. No equipment or process shall be used in such occupation or business which creates noise, vibration, glare, fumes, odors or electrical interference detectable to normal senses off the lot.

§1102. FORESTRY

Forestry, as defined, shall be considered a permitted use in all zoning districts.
ARTICLE 12

CONDITIONAL USES AND USES BY SPECIAL EXCEPTION

Any use which is permitted as conditional use or a use by special exception in a district under the terms of this Ordinance (other than a change through Zoning Hearing Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

§1201. CONDITIONAL USES

Where Borough Council, in this Ordinance, has stated conditional uses to be granted or denied by Borough Council pursuant to express standards and criteria, and pursuant to recommendation by the Planning Committee, Borough Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

A. Submission of Application: The granting of a conditional use by Borough Council shall be predicated upon the developer’s submission of a written application demonstrating that the development for which the conditional use is sought:

1. Will not endanger the public health and safety if located where proposed, and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration;
2. Meets all other requirements of this Ordinance in the zoning district where the use is proposed;
3. Is in general conformity with the Comprehensive Plan for the Borough of Apollo and in harmony with the area in which it is proposed; and
4. Is an appropriate use on the proposed site.

The applicant/developer shall submit single deed and drawings to scale. The drawings shall indicate the boundaries of his property, location of adjacent streets, the location and height of proposed buildings on the property, proposed grading and storm drainage, and location and number of proposed parking spaces and proposed curb cuts.

B. Action by the Planning Committee: Upon the filing of an application for a conditional use, Borough Council shall submit each such conditional use application to the Planning Committee at least thirty (30) days prior to the hearing on such conditional use to provide the Planning Committee an opportunity to submit recommendations. Such recommendations shall be in writing with copies transmitted to the applicant and to Borough Council.

C. Public Hearing: The Borough Council shall call and hold a public hearing with proper notice as described in Section 1702 of this Ordinance. The hearing shall be completed no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas.
D. **Action by Borough Council:** The Borough Council shall, upon review of the Planning Committee’s report, determine whether or not the conditional use is to be granted. If Council grants the conditional use, they shall instruct the Zoning Officer to issue a building permit for its construction. If the Council denies the conditional use, the owner/developer may reapply for the same use no sooner than one (1) year after the date of denial or denial of appeal to the Armstrong County Court of Common Pleas if filed within thirty (30) days after notice of the decision is issued.

§1202. **ADULT BUSINESSES**

Conditional use in the IC District.

A. Adult businesses shall not be located within one thousand (1,000) linear feet of any property which is zoned residential.

B. Adult businesses shall not be located within five hundred feet (500') of the property boundary line of the following uses:

1. Public or private school (existing)
2. Day care center
3. Hospital
4. Group care facility
5. Nursery school
6. Personal care home
7. Public park or playground
8. Church (place of worship)
9. Establishment licensed to serve or sell alcoholic beverages
   a. No adult business shall be located within one thousand (1,000) linear feet of any other existing or proposed adult business.
   b. Any adult business which exhibits on the premises, film, video cassette or other method of image production which depicts nudity or sexual conduct shall comply with the following:
10. At least one (1) employee shall be on duty at all times that any patron is on the premises.
11. Where viewing rooms are located on the premises, an unobstructed view of access to all such rooms shall be available to the employee on duty.
12. No viewing room shall be occupied by more than one (1) person at any time.
13. No connections or openings to adjoining viewing rooms shall be permitted.
14. A minimum of one (1) foot candle of illumination measured at floor level, shall be provided in every area where patrons are permitted access.
15. Where live performances are given, separate stage and viewing areas shall be provided with separate access to each and no connecting access between the areas.
16. Alcoholic beverages shall not be sold on the premises of an adult business.
17. An annual Occupancy Permit issued by the Zoning Officer shall be secured prior to the operation of any adult business.
§1203. CELLULAR TRANSMISSION TOWERS

Conditional use in the IC District.

The following regulations shall apply to all transmission facilities proposed for placement in the IC Light Industrial/Commerce District.

A. Lot Size: The lot size dimensions (depth and width) shall be dictated by the fall radius of the tower. The minimum dimensions shall be the radius of the height of the tower in each direction. (Example - 200' high tower would be required to have a 400’ diameter parcel).

B. The communications company is required to demonstrate, using technological evidence, that the antenna must go where it is proposed, in order to satisfy its function in the company’s grid system.

C. If the communications company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-quarter (1/4) mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communications companies, other communications towers (fire, police, etc.), and other tall structures. Borough of Apollo may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

D. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved. In addition, no antenna shall exceed two hundred feet (200") in height.

E. All communications towers must be stealth towers, where possible. A stealth tower is a Communications Tower which is not recognizable as a conventional Communications Tower (e.g. a metal lattice structure), but instead is disguised or concealed in such a fashion as to conform to its surroundings. Examples of such stealth towers include a tower which looks like a tree or a clock tower, or one which is concealed in a church steeple or concrete silo.

F. The Borough Council may waive the stealth tower requirement where the applicant can demonstrate that the requirement is not necessary to protect the health, safety and welfare, considering items such as impact on surrounding and abutting property values; height; screening; number of uses per tower, including public uses; location; and actual setbacks.

G. Setbacks from base of antenna support structure: If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:

1. One hundred percent (100%) of antenna height.
2. The minimum setback in the underlying zoning district.
3. Fifty feet (50’) minimum.
H. Fencing: A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight feet (8') in height.

I. Landscaping: The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general soften the appearance of the cell site. The Borough may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.

1. An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three feet [3'] on center maximum) or a row of evergreen trees (planted ten feet [10'] on center maximum). The evergreen screen shall be a minimum height of six feet (6') at planting, and shall grow to a minimum of fifteen feet (15') at maturity.

2. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

J. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other communications companies, and local police, fire, ambulance services and municipal authority and road departments. In addition, a linear two (2) mile separation shall be maintained between communications towers, measured from the base of the support structure.

K. The communications company must demonstrate that it is licensed by the Federal Communications Commission.

L. Antenna support structure under two hundred feet (200') in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures near airports, shall meet all Pennsylvania Department of Transportation, Bureau of Aviation and Federal Aviation Administration regulations. No antenna support structure may be artificially lighted except as provided for and required by the Pennsylvania Department of Transportation, Bureau of Aviation and FAA.

M. A land development plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, access to public rights-of-way, and all other items required in the Borough Subdivision and Land Development Ordinance. The site plan shall not be required if the antenna is to be mounted on an existing structure.

N. In granting the use, the Council may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, location, fencing, screening, increased setbacks and the right to use said facilities for public purposes.

O. All approvals will be only for specific facilities set forth in the application. No additions or alterations thereto will be permitted without a new application.
§1204. ROOMING HOUSES, BOARDING AND LODGING HOUSES

Conditional use in the R-2 District.

A. Off-street parking shall be provided for each room available for boarders or lodgers in accordance with Article 15.

B. Parking spaces shall not be located in the required front yard and shall be located a minimum of five feet (5') from a side or rear property line.

C. Parking spaces shall be screened by a six foot (6') compact hedge or opaque fence along any property line which adjoins an existing single family use or residential zoning boundary line.

§1205. MOTELS AND HOTELS

Conditional use in the B-1 District.

A. Motels shall utilize public sanitary sewers.

B. Front, side and rear yards of the motel shall be permanently landscaped and maintained in good condition.

C. Cabins or parts thereof shall not be permitted.

D. At least one (1) parking space shall be provided on the premises for each accommodation. Off-Street parking and loading spaces for other facilities developed on the motel premises shall be provided as required by Article 19.

E. Every unit shall be provided with running hot and cold water and, separate toilet facilities.

§1206. EATING AND DRINKING ESTABLISHMENT, WITH DRIVE THROUGH

Conditional use in the C-1 District.

A. Access lanes on the property shall accommodate not less than eight (8) cars to stack approaching the take-out window.

B. The Borough may limit hours of operation and restrict turning movements at one or more entrances.

C. Adequate waste containers shall be provided and screened on the premises and the operator shall be responsible for timely removal of paper and other debris on the grounds.

§1207A. AUTOMOTIVE SERVICE STATIONS

Conditional use in the B-1 District.

A. All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.

B. All car washing areas shall discharge into public storm sewers.
C. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.

D. All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public right-of-way.

E. Where supplemental retail service is proposed, off-street parking shall be provided as required for retail in addition to service station standards.

F. Supplemental retail service space shall not exceed two thousand (2,000) square feet.

G. All fuel, oil and similar substances shall be stored at least fifteen feet (15’) from any property line.

H. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PaDEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PaDEP permits shall be a violation of this Section and shall be subject to the enforcement provisions of this Article.

I. The perimeter of the property shall be screened, as per Section 1108.

§1207B. NEW AND USED AUTOMOTIVE SALES

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

B. All lots used for the outdoor display of automobiles shall have a completely enclosed building on the same lot which has not less than two thousand (2,000) square feet of gross floor area where all repair, servicing, sales and customer car washing shall be performed.

C. No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania.

D. No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot or on any merchandise displayed outdoors.

E. All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.

F. Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six foot (6’) hedge or opaque fence.

§1208. MIXED USE STRUCTURES (COMBINATION COMMERCIAL/RESIDENTIAL USES)

Conditional use in the BT District.

A. Residential apartments may be located above any permitted conditional use.

B. Minimum floor space per dwelling unit shall be six hundred (600) square feet.

C. Parking spaces shall be separated for the residential and nonresidential uses.
D. The residential use shall not exceed fifty percent (50%) of the total floor area for the entire structure.

E. Each dwelling unit shall have at least two (2) means of egress, with at least one of them being directly outside, "at grade" or via an exterior stairway to grade.

F. There shall be two (2) means of egress directly to the outside from a common hallway to the residential units.

G. There shall be a minimum of two (2) parking spaces per each dwelling unit.

§1209. SCHOOLS, PUBLIC, PRIVATE AND PAROCHIAL

Conditional use in the R-2 District.

A. Access to this category of use shall be from an arterial or collector roadway or street.

B. Exterior recreation areas shall be screened from abutting developed properties along the perimeter with Bufferyard B, as per the provisions of Section 1108.

C. High schools and university classroom facilities shall provide on-site parking at a ratio of two (2) spaces for each classroom in addition to the required number of spaces in Table 1.

§1210. GROUP RESIDENCE FACILITY

Conditional use in the R-2 District.

A. The minimum area and bulk regulations for a Group Residence Facility shall be the same as those required for a principal use in the District in which the facility is located.

B. No Group Residence Facility shall be located within one thousand feet (1,000') of another existing or proposed Group Residence Facility.

C. Adequate provisions shall be made for access for emergency medical and fire-fighting vehicles.

D. A maximum of six (6) clients shall be accommodated and twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.

E. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with self-latching gate.

F. Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January in each year.

§1211. BED AND BREAKFAST

Conditional use in the R-2 District.

A. The minimum lot area required shall be six thousand (6,000) square feet.

B. The maximum number of sleeping rooms offered shall be four (4).
C. The owner/operator shall be a full-time resident of the dwelling.

D. No meals, other than breakfast shall be served on the premises. Meals shall not be served to customers who are not overnight guests.

E. The maximum length of stay for any guest shall be seven (7) consecutive overnight stays in any thirty (30) day period.

F. No sign shall be permitted, other than a placard mounted on the wall of the dwelling, which shall not exceed six (6) square feet in area and which shall contain only the name and address of the bed and breakfast and the name of the proprietor.

G. One (1) off-street parking space shall be provided on the lot for each sleeping room. Off-street parking shall be screened from adjoining residential properties by a six foot (6’) hedge or opaque fence.

§1212. PERSONAL CARE HOME

Conditional use in the R-2 District.

A. The minimum lot area required shall be twenty thousand (20,000) square feet.

B. The site shall have direct access to a street classified as an arterial or collector.

C. The maximum number of occupants, excluding supervisory staff, in a Personal Care Home shall be eight (8) persons.

D. The facility shall be licensed by the Commonwealth and twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.

E. Adequate provisions shall be made for access by emergency medical and fire vehicles.

F. Adequate open space opportunities shall be provided for recreation consistent with the needs of the residents and the area shall be secured by a fence with a self-latching gate.

G. Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a Certificate of Occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

H. Parking shall be provided in accordance with the requirements of Article 14 of this Ordinance.

§1213. NURSING, RETIREMENT AND CONVALESCENT HOMES

Conditional use in the R-1 and R-2 Districts.

A. A nursing home shall be considered a building for the long term care of elderly, disabled, or terminally ill persons requiring constant attention by skilled staff. A convalescent home shall be considered a building housing persons recovering from serious illness or injury requiring temporary care.

B. Such homes may be converted existing dwellings or new buildings with a maximum of six (6) beds in the converted dwelling.

C. The total number of individuals that may be cared for or housed in a new home shall not exceed the total acreage of the site multiplied by eleven (11).
D. Nursing and convalescent homes shall have a bed capacity of at least eleven (11) beds, except as provided herein, but no more than forty-five (45) beds. The operator of a nursing or convalescent home shall be licensed or certified by the appropriate State agency or agencies. The license or certification shall be obtained prior to issuance of an occupancy permit by the Borough. A copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

E. Additions to any existing dwelling shall be compatible with the original building's appearance and scale, and new development should be consistent with the District in which it is to be located and with applicable residential lot and block standards.

F. Twenty-four hour supervision shall be provided at a nursing or convalescent home by staff qualified by the licensing or certification agency.

G. Adequate provisions shall be made for access by emergency medical and fire vehicles.

H. The minimum area of the property shall be two (2) acres.

I. Outdoor lighting shall be of the cut-off luminare type, permitting no light escape upwards, no view of the light source from off the property, and no light trespass on adjacent properties.

§1214. NURSERY SCHOOL AND DAY CARE CENTER (Commercial or Private)

Conditional use in the R-1 and R-2 Districts.

A. The facility shall be registered with or licensed by the Commonwealth, if applicable.

B. Outdoor play areas shall be provided which shall have a minimum area of sixty-five (65) square feet per child and which shall be secured by a fence with self-latching gate.

C. Outdoor play areas which adjoin residential lots shall be screened.

D. Off-street parking shall be provided in accordance with the requirements of Article 14 of this Ordinance.

§1215. HOSPITALS AND CLINICS

Conditional use in the BT District.

A. The minimum site size for a hospital shall be two (2) acres.

B. The site shall be served by public water and sewer services.

C. All hospitals shall be licensed by the Commonwealth of Pennsylvania.

D. Water pressure and volume shall be adequate for fire protection as determined by the Municipal Authority of Westmoreland County.

E. A traffic study, including a parking and circulation study, shall be submitted with this application. Such study shall provide projected a.m. and p.m. peak hour volumes for the facility proposed, and provide a mitigation plan for traffic improvements where levels of service will decrease.
F. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.

G. All property lines adjoining a residential use shall be screened by Bufferyard B, as defined in Section 1108 of this Ordinance.

H. Helipads shall be for hospital use only.

§1216. CLUBS LODGES AND FRATERNAL ORGANIZATIONS

Conditional use in the R-1 District.

A. The development shall include the least possible removal of trees and earthmoving to accommodate the proposed use.

B. Access to the property shall be controlled through one, or at most two, locations.

C. The residence of a custodian or manager shall be the only housing on the property.

D. Development may include a clubhouse, outdoor recreational facilities and maintenance buildings, intended for the use of bona fide members and their guests only.

E. The organization shall be a registered non-profit or corporate entity with the Commonwealth of Pennsylvania

§1217. BUS AND MOTOR FREIGHT TERMINALS

Conditional use in the C-2 District.

Bus and motor freight terminal, for freight trucking companies and operators, including interchange and storage facilities, provided:

A. Every portion of the property used for terminal purposes shall be located not closer than one hundred feet (100') to any property in a residential district.

B. The site shall be fully surrounded with a barrier adequate to insure that no portion of a vehicle shall extend beyond the lot line.

C. In addition to adequate area within the site for docking, manipulation, and maneuver of motor-freight vehicles, a reservoir of parking area for motor-freight vehicles waiting to be loaded or unloaded, shall be provided at the rate of one (1) parking space sufficient to park a motor-freight vehicle for every four (4) loading or unloading docks.

D. The site shall be designed in such a manner as to permit forward movement of all vehicles both upon entering and upon leaving the site.

E. The number, location, and width of entrances to and exits from the site shall be determined by Council.

§1218. RESEARCH LABORATORIES

Conditional use in the IC District.

A. The applicant shall provide a written report prepared by a Registered Professional Engineer certifying compliance with the performance standards specified in Article 16 of this Ordinance.
B. Research and development activities shall not involve the full-scale manufacturing of any product being tested or engineered.

C. All research and development activities shall be conducted entirely within a completely enclosed building.

D. All materials and equipment shall be stored within a completely enclosed building.

E. The storage or use of any hazardous or potentially hazardous materials shall be limited to those materials required to be used by or produced in connection with the research and development activity. The transportation, handling, use and disposal of such materials shall conform to all applicable Federal Environmental Protection Agency (EPA) and the Pennsylvania Department of Environmental Protection (PaDEP) regulations and permit requirements and the applicable provisions of the Pennsylvania Uniform Construction Code.

§1219. INDUSTRIAL SERVICES
Conditional use in the IC District

A. All repair activities shall be conducted in a completely enclosed building.
B. Adequate parking for delivery and service vehicles shall be provided.
C. No use or operation shall exceed the performance standards outlined in Article 16.

§1220. MULTI-USE RETAIL CENTER
Conditional use in the IC District.

A. Minimum lot size shall be five (5) acres.
B. At least one (1) retail facility shall be a minimum of twelve thousand (12,000) square feet.
C. Similar architectural features shall be evident throughout any multi-use structure.
D. The perimeter of the site wherein the main parking areas are situated shall be screened and landscaped as per the provisions of Bufferyard B, Section 1108.
E. Where one hundred (100) or more p.m. peak hour trips are estimated, a Traffic Impact Analysis shall be provided.

§1221. CONVERSION APARTMENT
Conditional use in the R-1 District. The following standards shall apply to the conversion of an existing single-family detached dwelling:

A. The maximum number of dwelling units resulting from conversion shall be three (3).
B. The minimum space per dwelling unit shall be six hundred (600) square feet.
C. The conversion dwelling shall maintain the facade and appearance of a single dwelling with a single front entrance. The dwelling units may share the single front entrance.
D. Except as may be necessary for purposes of safety, the building shall retain the same structural appearance it had before such conversion.
E. Additional entrances, when required, shall be placed on the side or rear of the building. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall, and in no case be located on a front or side wall facing a street.

F. Separate cooking and sanitary facilities shall be provided for each dwelling unit, except where a family relative or dependent customarily takes their meals with a family member.

G. A floor plan shall be included with the application. A lot plan shall also be included in the application which identifies off-street parking and other lot improvements.

H. The minimum lot area and bulk regulations for the applicable zoning district shall be met.

I. Twenty-five percent (25%) of the lot area shall be reserved and maintained as common open space for residents of the dwelling units.

§1222. MUNICIPAL AND COMMUNITY USES

Conditional use in the R-1 District.

A. Municipal use includes, but is not limited to, municipal offices, police facilities (exclusive of jail cells), municipal meeting and other facilities, and municipal service centers.

B. Community use includes, but is not limited to, a use for community organizations that would be either office use or congregate use for meetings and events.

C. Access to this category of use shall be from an arterial or collector roadway or street.

§1223. USES BY SPECIAL EXCEPTION

When a use is proposed which is not included in the list of permitted or conditional uses in any base or overlay zoning district, the Zoning Hearing Board shall hear and decide a request for such proposed use in accordance with the following standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance and the Pennsylvania Municipalities Planning Code, 53 P.S., §10101 et seq. A special exception shall not be granted by the Board unless and until:

A. A written application for a special exception is submitted demonstrating that the development:

1. Will not endanger the public health or safety if located where proposed and that the use will not generate nuisance conditions such as traffic congestion, noise, dust, glare or vibration;

2. Will not cause substantial injury to the value of other property in the neighborhood where it is to be located;

3. Meets all requirements of this Ordinance in the zoning district where the use is proposed;

4. Is in general conformity with the Comprehensive Plan for the Borough of Apollo and in harmony with the area in which it is proposed.

B. The developer shall submit drawings to the Board indicating the boundaries of the property, location of adjacent streets, the location and height of proposed buildings on
the property with dimensions from property lines, access to the property and the location and number of proposed parking spaces.

C. The public hearing shall be held in accordance with Section 1702.

D. The Board, before it grants a special exception, shall make findings of fact and state its reasons for granting the special exception. The Board shall have the authority to require and approve specific plans, to increase the requirements set forth in this Ordinance, but in no case shall the Board have the authority to decrease the requirements of this Ordinance for any use in the district where it is proposed. Any such decrease in the requirements of this Ordinance shall only be granted upon the issuance of a variance.

E. All conditions required by the Zoning Hearing Board shall be entered in the minutes of the meeting at which the application is granted or denied.
ARTICLE 13

NONCONFORMING USES AND STRUCTURES

§1301. INTENT

A. Within the districts established by this Ordinance or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful at the time this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall only be enlarged upon, expanded or extended to a certain degree, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

B. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises, or by the addition of other in excess of fifty percent (50%) of the gross floor area existing structure or structure and premises in combination.

C. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

§1302. CONTINUATION OF USE

A use, building or structure, lawfully in existence at the effective date of this Ordinance, which shall be made nonconforming at the passage of this Ordinance, or any applicable amendment thereto, may be continued except as otherwise provided in this Article.

§1303. REGULATION OF NONCONFORMING USES OF LAND

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding the current assessed valuation, the use may be continued so long as it remains otherwise lawful, provided:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land in excess of fifty percent (50%) of the gross floor area occupied at the effective date of adoption or amendment of this Ordinance;
B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;

C. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, and there has been a clear intention to abandon such use, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located; and

D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

§1304. REGULATION OF NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of up to one hundred percent (100%) of its replacement cost at time of destruction, it may be reconstructed in its original location and within the original footprint; and

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

§1305. REGULATION OF NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES WITH PREMISES IN COMBINATION

If lawful use involving individual structures with a replacement cost not exceeding the current assessed valuation, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except as specified herein and except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building in excess of fifty percent (50%) of the gross floor area of the existing nonconforming building unless the Borough's Zoning Hearing Board approves such
extension of lot coverage as a Special Exception in compliance with the provisions of Section 1213;

C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a Special Exception be changed to another nonconforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance;

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

E. When a nonconforming use of a structure is discontinued or abandoned for a period of one (1) year and there has been a clear intent to abandon such use, the structure shall not thereafter be used except in conformity with the regulations of the district in which it is located; and

F. Where nonconforming use status applies to a structure and premises in combination, removal of the structure shall eliminate the nonconforming status of the land.

§1306. REPAIRS AND MAINTENANCE

A. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing provided that the cubic content existing when it became nonconforming shall not be increased except by decision of the Zoning Hearing Board and following the issuance of all required permits.

B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
ARTICLE 14

OFF-STREET PARKING AND LOADING REQUIREMENTS

§1401. OFF-STREET PARKING

Required in all districts (except BT district). In all districts, in connection with every industry, business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking space open to the public at no charge for automobiles in accordance with the requirements set forth herein.

A. Size and Access: Each off-street parking space shall have minimum dimensions of nine feet by eighteen feet (9’ x 18’) and an area of not less than one hundred sixty-two (162) square feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be established for less than three (3) spaces. There shall be adequate provisions for ingress and egress to all parking spaces. Access to off-street parking areas shall be limited to at least one (1) well-defined location, and in no case shall there be permitted unrestricted access along the length of the street or alley upon which the parking area abuts. The temporary parking of vehicles in required yards, except on driveways or specifically designated parking areas, is strictly prohibited and constitutes a public health and safety hazard requiring immediate abatement upon verbal or written notice from the Zoning Officer or designated Borough personnel.

B. Number of Parking Spaces Required: The number of off-street parking spaces required shall be as set forth in Table I, following, in accordance with the definition of "floor area" as set forth in Article 2 herein, provided further that in any R-District, on any lot having an area of three-quarters (3/4) of an acre or less, private garage space may be provided for not more than four (4) motor vehicles. In any R-District, not more than one (1) of the garage spaces provided on any lot may be used for the housing of a commercial vehicle used in conjunction with the occupation of the property owner. Such commercial vehicle shall not exceed one (1) ton capacity.

C. In any case of a building, structure or premises, the use of which is not specifically provided for herein, the provisions for a use which is so mentioned and to which said use is similar, in the opinion of the Zoning Officer, or if appealed, the Zoning Hearing Board, shall apply.

D. Off-Site Facilities: All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same lot as the use to which such spaces are accessory, except that such space may be provided elsewhere but shall be provided within a radius of no greater distance than two hundred fifty feet (250’) from that lot, and provided further that required spaces are provided off the site in accordance with the provisions set forth herein, and that such space shall be in the same ownership as the use to which they are accessory, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the district in which they are located.
## TABLE I

**MINIMUM OFF-STREET PARKING STANDARDS**

**EXCEPTING THE TCO TOWN OVERLAY DISTRICT**

<table>
<thead>
<tr>
<th>USE</th>
<th>SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
</tr>
<tr>
<td>Single family dwelling</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Duplex or double house</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Town house</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Multiple family dwelling</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Group residence facility and bed and breakfast</td>
<td>1 per 2 beds plus 1 per staff for maximum number on duty</td>
</tr>
<tr>
<td>Personal care home</td>
<td>1 per each 4 dwelling or rooming units plus 1 per each employee</td>
</tr>
<tr>
<td>Nursing, retirement and convalescent facilities</td>
<td>1 per 4 residents at maximum occupancy, plus 1 for each rooming unit</td>
</tr>
<tr>
<td><strong>PUBLIC AND SEMI-PUBLIC</strong></td>
<td></td>
</tr>
<tr>
<td>Hospitals and similar institutions</td>
<td>1 per 3 beds plus 1 for each 2 staff on duty on largest shift</td>
</tr>
<tr>
<td>Theaters</td>
<td>1 per 3 seats</td>
</tr>
<tr>
<td>Churches, auditoriums and similar places of enclosed public assembly such as dance halls</td>
<td>1 per 3 persons who can be seated simultaneously or 1 per 40 square feet of floor area used for assembly purposes</td>
</tr>
<tr>
<td>Places of open assembly</td>
<td>1 per 4 persons who can be seated simultaneously and/or 1 per 100 square feet of assembly space without fixed seats</td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>6 per bowling lane plus 1 per each employee</td>
</tr>
<tr>
<td>Medical and dental clinics</td>
<td>1 per 50 square feet of gross floor area</td>
</tr>
<tr>
<td>Schools, public, private and parochial</td>
<td>1 per classroom, plus one per faculty member</td>
</tr>
<tr>
<td>Libraries and museums</td>
<td>1 per 250 square feet of gross floor area</td>
</tr>
<tr>
<td>Funeral homes</td>
<td>15 per viewing area or parlor</td>
</tr>
<tr>
<td><strong>COMMERCIAL</strong></td>
<td></td>
</tr>
<tr>
<td>Motels and hotels</td>
<td>1 per sleeping room plus 1 per each employee</td>
</tr>
<tr>
<td>Retail commercial and personal services stores without drive-thru services</td>
<td>1 per 200 square feet of gross floor area open to the public plus 1 per each employee on the largest shift</td>
</tr>
<tr>
<td>Retail commercial and personal service stores with drive-thru services</td>
<td>1 per 100 square feet of enclosed floor area open to the public plus 1 per each employee on the largest shift</td>
</tr>
<tr>
<td>Restaurants</td>
<td>1 per every 2 persons that can be seated in facilities simultaneously plus 1 per each employee</td>
</tr>
<tr>
<td>Offices with customer service</td>
<td>1 per 300 square feet of total floor area</td>
</tr>
<tr>
<td>Banks and financial services</td>
<td>1 per 300 square feet of total floor area plus 5 reservoir spaces for each exterior teller window</td>
</tr>
<tr>
<td>Offices not providing customer service</td>
<td>1 per 600 square feet of total floor area</td>
</tr>
</tbody>
</table>
### USE | SPACES REQUIRED
--- | ---
Service stations | 3 waiting spaces at each side of each pump island plus 5 spaces for customer services plus 1 space for each employee
Clubs, taverns, etc. | 1 per each 100 square feet of floor area plus 1 per each employee

### INDUSTRIAL
Warehouse, storage, wholesale business and freight terminals | 2 per each 3 employees plus 1 each company vehicle ordinarily parked on the site
Manufacturing | 1 per each employee on the largest shift plus 1 per each 4 employees for visitor parking plus 1 per each company vehicle ordinarily parked on the site

### §1402. OFF-STREET LOADING

A. In any district in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of five thousand (5,000) square feet or more, which is to be occupied by manufacturing or commercial uses, or distribution of material or merchandise by vehicles, there shall be provided and maintained, on the same lot with such building, off-street loading berths in accordance with the requirements of Table II following.

B. **Size and Location**: Each loading space shall be not less than twelve feet (12’) in width, thirty-five feet (35’) in length, and fourteen feet six inches (14’ 6”) in height, and may occupy all or any part of any required yard except where located adjacent to any R-District, where they shall be set back a minimum of six feet (6’) from any such property line.

#### TABLE II

**MINIMUM OFF-STREET LOADING STANDARDS**

<table>
<thead>
<tr>
<th>USES</th>
<th>SQUARE FEET OF FLOOR AREA</th>
<th>REQUIRED BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools</td>
<td>15,000 square feet or more</td>
<td>1</td>
</tr>
<tr>
<td>Hospitals (in addition to space for ambulance)</td>
<td>From 10,000 - 30,000 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>For each additional 30,000 or major fraction thereof</td>
<td>1 additional</td>
</tr>
<tr>
<td>Undertakers and funeral homes</td>
<td>5,000 square feet</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>For each additional 5,000 sq. ft. or major fraction thereof</td>
<td>1 additional</td>
</tr>
<tr>
<td>Hotels and offices</td>
<td>10,000 square feet or more</td>
<td>1</td>
</tr>
<tr>
<td>Retail, commercial, wholesale, manufacturing, storage and miscellaneous</td>
<td>From 10,000 - 25,000 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>From 25,000 - 40,000 sq. ft.</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>From 40,000 - 60,000 sq. ft.</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>From 60,000 - 100,000 sq. ft.</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>For each additional 50,000 sq. ft. or major fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>
§1403. JOINT FACILITIES FOR PARKING OR LOADING

Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Zoning Hearing Board in accordance with the purpose and procedures set forth herein.

§1404. DEVELOPMENT AND MAINTENANCE OF PARKING AND LOADING AREA

Every parcel of land hereafter used as a public or private parking area or loading area including a commercial parking lot shall be developed and maintained in accordance with the following requirements:

A. Minimum Distances and Setbacks: No off-street parking or loading area or part thereof for more than five (5) vehicles shall be closer than ten feet (10′) to any dwelling, school, hospital or other institution for human care located on an adjoining lot. If the off-street parking and loading area is not located in an R-District but adjoining such district, the parking area shall be located a minimum of five feet (5′) from any established street right-of-way line or R-District zoning boundary line.

B. Surfacing: Any off-street parking or loading area except in connection with a single family dwelling shall be surfaced with an asphaltic or cement binder pavement or similar durable and dustless surface within one (1) year of completion of the project for which the building permit was issued, and said area shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for the orderly and safe loading, parking and storage of vehicles.

C. Lighting: Any lighting used to illuminate any off-street parking or loading areas shall be so arranged as to reflect the light away from the adjoining premises in any District and to comply with related standards enumerated herein.

D. Aisle Widths: The minimum aisle widths for access to parking spaces shall be as follows:

   1. Minimum width of aisles providing two-way travel shall be twenty-four feet (24′).
   2. Minimum width of aisles providing one-way travel shall vary with the angle of parking, as follows:

      | Angle      | Width |
      |------------|-------|
      | Parallel   | 12 feet |
      | 30 degrees | 14 feet |
      | 45 degrees | 16 feet |
      | 60 degrees | 20 feet |
      | 90 degrees | 24 feet |

3. The minimum width of entrance and exit drives shall be:
   a. Twelve feet (12′) for one-way travel.
   b. Twenty-four feet (24′) for two-way travel.
   c. A maximum of thirty-five feet (35′) at the street right-of-way line and fifty-four feet (54′) at the cartway.
d. Adequate sight distance shall be provided, subject to review and approval by the Borough Engineer. Driveways shall not exceed a slope of ten percent (10%) within twenty feet (20’) of the street right-of-way line.

E. **Handicapped Spaces:** Commercial and public access land uses shall provide for handicapped parking on site, designed and located as required by the Americans With Disabilities Act (A.D.A.)
ARTICLE 15

SIGNS

§1501. PURPOSE
The purpose of this Section is to permit such signs that will not, by their reason, size, location, construction or manner of display, obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety and morals; and to permit and regulate signs in such a way to support and complement land use objectives set forth in this Ordinance.

§1502. PERMITS, INSPECTION, MAINTENANCE

A. No sign or sign structure shall be erected, displayed, altered, or relocated, except as provided for herein, until a sign permit has been issued by the Zoning Officer. A separate permit shall be required for each sign requiring a permit.

1. Normal maintenance including the repainting of an existing sign, where no change in lettering size, no new graphic elements or new content of any kind is contemplated, shall not require a sign permit.

2. Repairs to damaged sign faces or sign structures shall not require a sign permit.

3. Replacement of a sign face with an identical sign face utilizing identical materials, shall not require a sign permit.

B. Applications for a permit shall be submitted on a form provided by the Borough and shall contain the following information:

1. Name, address, telephone number, of the applicant, owner of property (if different), and the owner of the property on which the sign is to be located.

2. Address of property where the sign is to be located.

3. Type of sign.

4. Location of sign relative to the required setbacks and all other structures on lot.

5. Written consent of the owner of the property on which the sign is to be located.

6. Construction drawings and specifications of the proposed sign(s), showing materials, construction details, finishes, support structure, method of illumination (if any) and any additional information as may be required by the Zoning Officer.

7. A fee, as provided for by Borough Council in the Council’s fee schedule.

C. Provided the application is in order, the Zoning Officer shall issue a building permit for the erection of the sign. Such permit shall expire twelve (12) months from the date of issuance. If construction or erection of the sign is not completed within this time frame, the permit shall be deemed null and void.

D. Inspections by the Zoning Officer shall be made to determine compliance with these regulations and specifications. Any discrepancies shall be identified, in writing, citing the irregularities and the action(s) required to address the requirements. If no action has been taken by the sign owner within thirty (30) days, the sign shall be deemed in violation and the permit shall be revoked, the sign may be requested to be removed, and legal actions may be undertaken.
E. The Zoning Officer may remove, or order the removal of, any sign erected, or placed, in violation of this Ordinance, at the expense of the sign owner.

F. Signs which are found to present an immediate hazard to the public may be ordered removed, immediately by the Zoning Officer, without notice, and the cost assessed to the sign owner.

G. Signs advertising places of business, or activities, which terminate operation shall be removed within sixty (60) days.

§1503. EXEMPT SIGNS

The following types of signs shall not require a building permit for erection:

A. Address markers.

B. Signs identifying on-premises home occupations which contain only the name of the business and/or owner. Such sign shall not exceed two (2) square feet in area.

C. Signs erected by a public agency or utility providing warning or information to the public, and any signs erected by the Borough or under direction of the Borough.

D. Signs denoting the availability of property for lease or sale, located on the premises being leased or sold. The sign shall not exceed six (6) square feet in area in residential districts and twenty-four feet (24’) in all other districts, and shall be removed within seven (7) days of the sale or lease of the property.

§1504. TEMPORARY SIGNS

The following temporary signs may be erected following review by the Zoning Officer. No permit shall be required, however, no temporary sign face shall exceed twelve (12) square feet in area and shall be displayed for more than fourteen (14) consecutive days, or as specified. For the purpose of this Ordinance, the following signs shall be considered temporary:

A. Banner or pennant sign.

B. Portable sign (excluding changeable letter signs)
   1. A-frame, sandwich-board or tent signs shall be a maximum of twenty-four inches (24”) wide and forty-eight inches (48”) tall.
   2. Such signs shall be removed at the end of the business day or during nonoperating hours.
   3. The maximum square footage for both sign faces combined shall be sixteen (16) square feet.
   4. Such signs shall not obstruct pedestrian traffic.

C. Political signs may be erected thirty (30) days prior to the election without review by the Zoning Officer.

D. Signs announcing new building or construction projects, erected after the beginning of the construction activity.

E. Signs announcing special events, including but not limited to auctions, grand openings, new management, going-out-of-business, and clearance sales.
1. Any business, individual or organization may display such signs twice within any twelve (12) month period.

2. Such signs shall be displayed for a maximum of fourteen (14) days prior to a special event.

3. Such signs shall be removed within twenty-four (24) hours of the end of the event for which the sign was displayed.

4. No more than two (2) such signs shall be permitted per parcel, lot or tract.

§1505. GENERAL REGULATIONS

A. No animated signs, no signs illuminated by a flashing, pulsating or intermittent source and/or no signs which create glare on adjacent properties or any adjacent street, shall be permitted.

B. Signs shall be placed no closer than ten feet (10') to any property line or any right-of-way line, except in the Town Center Overlay District and shall not project within an existing street right-of-way. Monument signs shall be placed no closer than five feet (5') to the closest property line and eighteen inches (18") from an abutting street right-of-way line.

C. In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only), or, where the sign consists of raised letters, or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.

D. In the residential districts, the maximum height of a sign shall be fifteen feet (15'). In all other zones, in no case, shall a sign be permitted to be placed higher than the existing principal building.

E. No sign shall be erected in such a manner that would obstruct vision, ingress and/or egress, or interfere with traffic.

F. No sign shall be located so as to block doors, operable windows or fire escapes, or access to them; nor shall a sign be attached to a fire escape.

G. No sign shall be painted directly on a wall. Letters or other devices may be applied directly to a wall, but shall not extend more than twelve inches (12") from the wall.

H. Free-standing signs shall be permitted only on zoning lots with a minimum of one hundred feet (100') of street frontage.

I. Exterior political signs posted within any public or private right-of-way, including utility easements, shall be permitted providing a deposit based on the number of signs to be posted has been made with the Zoning Officer and a permit obtained. Such signs shall not exceed six (6) square feet in area. All exterior political signs shall be removed within ten (10) days of the election, or the deposit shall be rescinded.

J. Nonconforming signs, lawfully existing at the time of enactment of this Ordinance, although such sign does not conform to the provisions of this Section, may continue to exist; however, if such nonconforming sign is discontinued or removed, any future sign on the same premises shall be in conformity with the provisions of this Section.

K. Off-premises advertising signs are hereby prohibited in every base zoning district.
1. In the Town Center Overlay District, at no more than four (4) locations, a collective free-standing or monument gateway sign may be erected.

2. Said gateway signs shall be a maximum of twenty-four (24) square feet in area and designed and constructed consistent with the provisions of this Section.

3. Said gateway signs may identify business products and services available in the Overlay District and announce special sales or events scheduled to occur in the District.

L. The limit of illumination on abutting properties from one establishment shall be based upon the zoning classification of the abutting property. Maximum computed or measured footcandles at the abutting zoning boundary or property line, where they are coterminous, shall not exceed the following:

<table>
<thead>
<tr>
<th></th>
<th>Footcandles</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Horizontal</td>
</tr>
<tr>
<td>Single family districts</td>
<td>0.2</td>
</tr>
<tr>
<td>Multi-family districts</td>
<td>0.2</td>
</tr>
<tr>
<td>Nonresidential districts</td>
<td>3.0</td>
</tr>
</tbody>
</table>

§1506. RESIDENTIAL DISTRICT SIGNS

Within residential zoning districts (R-1 and R-2), all signs except those specifically exempted shall require a building permit. The following signs are permitted in residential zones:

A. Address and/or name signs.

B. Home occupation signs.

C. Signs identifying property for sale or lease.

D. Signs identifying the development:
   1. Shall not exceed eighteen (18) square feet.
   2. Shall not exceed three feet (3') in height.

E. Signs displaying name, activities and/or functions for public institutions (churches, schools, public buildings, similar non-profit uses), provided that:
   1. The maximum sign face shall not exceed twelve (12) square feet.
   2. Only one sign is permitted for the use.

F. Temporary signs, not to exceed twelve (12) square feet, only one (1) per use.

§1507. NONRESIDENTIAL DISTRICT

(B-1, BT, IC and TCO Districts) The following provisions identify the types of signs and sign areas permitted in nonresidential zoning district classifications. In the nonresidential zoning districts, each business or principal use (in a single structure) shall be permitted one (1) walk, canopy or marquee sign and one (1) permanent free-standing or monument sign. All signs except those specifically exempted shall require a permit.

A. All signs shall meet the following requirements.
   1. Any permitted signs shall be prohibited from advertising products not provided or sold on the premises.
2. The maximum sign area of any freestanding sign shall be thirty-six (36) square feet.

3. The maximum sign area of any canopy or marquee sign shall be twelve (12) square feet.

4. Any wall sign shall be permitted to have a sign area not greater than ten percent (10%) of the wall area (including doors and windows) upon which the sign is to be mounted.

B. Where more than one business or industry operates from a single building, each operation shall be permitted to have a wall sign, with the aggregate sign area(s) not exceeding the size specified herein.

C. Where more than one business or industry operates from a single building, only one freestanding sign is permitted, which shall meet the standard established herein. The sign may provide information pertaining to each operation located in the building with space allocated to each user.

D. For buildings which house more than one (1) business or industry, one freestanding business directory sign shall be permitted which shall be a maximum of five feet (5') in height and sixteen (16) square feet in area.

E. For sites in single ownership, on which more than one business or industry is located, a directional sign on each street frontage may be permitted, such sign not to exceed four (4) square feet in size.

F. All monument signs shall meet the following requirements:
   1. The maximum sign area of each face shall be forty-five (45) square feet.
   2. No monument sign shall have more than two (2) sign faces.
   3. The maximum height shall be six feet (6').
   4. No monument sign shall be located in such a manner as to obstruct traffic sight visibility.

§1508. AUTOMOBILE SERVICE STATIONS

Where a new automobile services station or an addition or renovation to an existing station is proposed, a Master Signage Plan shall be submitted for review and approval prior to the issuance of a building/zoning permit. The plan shall comply with standards enumerated and include the following:

A. The Master Signage Plan shall comply with Section 1505, General Regulations.

B. The primary business identification sign shall be a monument sign.

C. Signs mounted on exterior walls shall not exceed, in area, ten percent (10%) of the square footage of the wall surface.

D. Signs attached to the interior of windows shall not exceed twenty-five percent (25%) of the surface area of such windows.

E. Location and distances from property lines or rights-of-way of all proposed signs shall be shown.

F. The height of all proposed signs shall be shown.

G. The square footage or sign area of all proposed signs shall be shown.
H. Illumination levels and methods of illumination for all proposed signs shall be identified.
I. The types of material to be used in all proposed signs shall be identified.
J. The content of messages on all proposed signs shall be identified.
K. Total square footage of all signs proposed shall not exceed one hundred and twenty (120) square feet

§1509. QUICK REFERENCE CHART FOR SIGNS

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>Max. number allowed</th>
<th>Maximum area</th>
<th>Maximum height</th>
<th>Location</th>
<th>Illumination allowed</th>
<th>Zoning Districts allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temp. real estate</td>
<td>-</td>
<td>-</td>
<td>15'</td>
<td>*</td>
<td>**</td>
<td>All</td>
</tr>
<tr>
<td>Temp. construction</td>
<td>-</td>
<td>16 sq. feet</td>
<td>15'</td>
<td>*</td>
<td>**</td>
<td>All</td>
</tr>
<tr>
<td>Temp. political</td>
<td>-</td>
<td>6 sq. feet</td>
<td>15'</td>
<td>*</td>
<td>**</td>
<td>All</td>
</tr>
<tr>
<td>Temp. special event</td>
<td>-</td>
<td>16 sq. feet</td>
<td>15'</td>
<td>*</td>
<td>**</td>
<td>All</td>
</tr>
<tr>
<td>Other temp. signs</td>
<td>One per use</td>
<td>12 sq. feet</td>
<td>15'</td>
<td>*</td>
<td>**</td>
<td>All</td>
</tr>
<tr>
<td>Address signs</td>
<td>-</td>
<td>-</td>
<td>15'</td>
<td>*</td>
<td>**</td>
<td>All</td>
</tr>
<tr>
<td>Home occupation</td>
<td>-</td>
<td>-</td>
<td>15'</td>
<td>*</td>
<td>**</td>
<td>All</td>
</tr>
<tr>
<td>Development signs</td>
<td>-</td>
<td>18 sq. feet</td>
<td>3'</td>
<td>*</td>
<td>**</td>
<td>All</td>
</tr>
<tr>
<td>Public Institutions</td>
<td>One per use</td>
<td>12 sq. feet</td>
<td>15'</td>
<td>*</td>
<td>**</td>
<td>All</td>
</tr>
<tr>
<td>Wall (bldg mounted)</td>
<td>One per use</td>
<td>No greater than 10% of wall area</td>
<td>-</td>
<td>*</td>
<td>**</td>
<td>B-1, BT, IC and TCO</td>
</tr>
<tr>
<td>Canopy</td>
<td>1</td>
<td>12 sq. feet</td>
<td>Not to exceed height of building</td>
<td>*</td>
<td>**</td>
<td>B-1, BT, IC and TCO</td>
</tr>
<tr>
<td>Awning</td>
<td>1</td>
<td>10% of face of structure</td>
<td>Not to exceed height of building</td>
<td>*</td>
<td>**</td>
<td>B-1, BT, IC and TCO</td>
</tr>
<tr>
<td>Marquee</td>
<td>1</td>
<td>12 sq. feet</td>
<td>Not to exceed height of building</td>
<td>*</td>
<td>**</td>
<td>B-1, BT, IC and TCO</td>
</tr>
<tr>
<td>Free Standing</td>
<td>1 per building</td>
<td>45 sq. feet</td>
<td>Not to exceed height of building</td>
<td>*</td>
<td>**</td>
<td>B-1, BT, IC and TCO</td>
</tr>
<tr>
<td>Business directory</td>
<td>1</td>
<td>16 sq. feet</td>
<td>5'</td>
<td>*</td>
<td>**</td>
<td>B-1, BT, IC and TCO</td>
</tr>
<tr>
<td>Directional</td>
<td>1 per street frontage</td>
<td>4 sq. feet</td>
<td>-</td>
<td>*</td>
<td>**</td>
<td>B-1, BT, IC and TCO</td>
</tr>
<tr>
<td>Monument (free-standing)</td>
<td>1 per street frontage</td>
<td>45 sq. feet</td>
<td>6'</td>
<td>Shall be set back at least 5'</td>
<td>**</td>
<td>B-1, BT, IC and TCO</td>
</tr>
<tr>
<td>Type of Sign</td>
<td>Max. number allowed</td>
<td>Maximum area</td>
<td>Maximum height</td>
<td>Location</td>
<td>Illumination allowed</td>
<td>Zoning Districts allowed</td>
</tr>
<tr>
<td>--------------</td>
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<td>------------------------</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>from any property line and 18” from any street right-of-way</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ARTICLE 16

PERFORMANCE STANDARDS

§1601. GENERAL APPLICATION

Permitted uses, conditional uses and uses by special exception enumerated in all nonresidential Districts, and uses accessory thereto, are subject to the following performance standards and procedures. If the Zoning Officer or the Zoning Hearing Board has reasonable grounds for believing that any other use will violate these performance standards, such use, existing or proposed, shall also be subject to these performance standards.

§1602. PERFORMANCE STANDARDS PROCEDURE

A. Continued Compliance: Continued compliance with performance standards is required, and the enforcement of continued compliance with these performance standards shall be enforced by the Zoning Officer.

B. Determination of Violation: The Zoning Officer shall investigate any purported violation of performance standards, and if there is reasonable ground for the same, shall notify the property owner of the occurrence or existence of a probable violation thereof, as specified herein.

C. Termination of Violation: All violations as ascertained in accordance with this Section shall be terminated within thirty (30) days of the receipt of notice from the Zoning Officer or within the time specified in the enforcement notice.

§1603. REGULATION OF NUISANCE ELEMENTS

A. Definition of Elements: No land or building in any B-1, BT, IC, or TCO District which shall be used or occupied for commercial or manufacturing purposes shall be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable, fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare, or other substance, condition or element in such amount as to adversely affect the surrounding area or premises (referred to herein as “dangerous or objectionable elements”); provided that any use permitted by this Ordinance may be undertaken and maintained in any B-1, BT, IC, or TCO District if it conforms to the regulations of this subsection limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.

B. Locations Where Determinations are to be Made for Enforcement of Performance Standards: The determination of the existence of any dangerous or objectionable elements shall be made at:

1. The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution; and
2. The property lines of the use creating such elements for noise, for vibration, for glare and for odors.
§1604. STANDARDS TO BE ENFORCED

A. Fire and Explosion Hazards: In all activities involving, and all storage of, inflammable
an explosive materials, the owner or operator of such use shall provide adequate safety
devices against the hazard of fire and explosion and adequate firefighting and fire
suppression equipment and devices standards in this industry. Burning of waste
materials in open fires is prohibited. The relevant provisions of State and local laws and
regulations shall also apply.

B. Radioactivity or Electrical Disturbance: No activities shall be permitted which emit
dangerous radioactivity or electrical disturbance adversely affecting the operation of any
equipment other than that of the creator of such disturbance.

C. Noise: At the points of measurement specified herein, the maximum sound pressure
level radiated in each standard octave band by any use or facility (other than
transportation facilities or temporary construction work) shall not exceed the values for
octave bands lying within the several frequency limits given in Table III after applying the
corrections shown in Table IV. The sound pressure level shall be measured with a
Sound Level Meter and associated Octave Band Analyzer conforming to standards
prescribed by the American Standards Association.

Standards Specification for an Octave-Band Filter Set for the Analysis of Noise and
Other Sounds, 224.10-1953, or latest approved revision thereof, American Standards
Association, Inc., New York, N.Y., shall be used)

<table>
<thead>
<tr>
<th>TABLE III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frequency Ranges Containing Standard Octave Bands in Cycles Per Second</td>
</tr>
<tr>
<td>20 - 300</td>
</tr>
<tr>
<td>300 - 2,400</td>
</tr>
<tr>
<td>above 2,400</td>
</tr>
</tbody>
</table>

If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m.
and 7:00 a.m., one or more of the corrections in Table IV shall be applied to the octave band
levels given in Table III.

<table>
<thead>
<tr>
<th>TABLE IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type or Location of Operation or Character of Noise</td>
</tr>
<tr>
<td>1. Daytime operation only</td>
</tr>
<tr>
<td>2. Noise source operates less than*</td>
</tr>
<tr>
<td>a. 20% of any one-hour period</td>
</tr>
<tr>
<td>b. 5% of any one-hour period</td>
</tr>
<tr>
<td>3. Noise of impulsive character, hammering, etc.</td>
</tr>
<tr>
<td>4. Noise of periodic character, hum, screech, etc.</td>
</tr>
<tr>
<td>5. Property is located in any *“B-1, BT, IC or TCO District and is not within 500 feet measured horizontally or vertically of any R-District</td>
</tr>
<tr>
<td>5. Property is located in any *“B-1, BT, IC or TCO District and is not within 500 feet measured horizontally or vertically of any R-District</td>
</tr>
</tbody>
</table>
D. **Vibrations**: No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments with the exception of vibration produced as a result of temporary construction activity.

E. **Glare**: No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, visible at the points of measurement specified herein, is permitted. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance.

F. **Smoke**: No emission of visible gray smoke of a shade equal to or darker than No. 2 of the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyrighted in 1954 (being a direct facsimile reduction of a standard Ringlemann Chart as issued by the United States Bureau of Mines), shall be permitted from any chimney, fume vent or similar device, except that visible gray smoke of a shade equal to No. 3 on said chart may be emitted for four (4) minutes in any thirty (30) minute period.

G. **Odors**: No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable at the property line of the lot from which they are emitted without instruments.

H. **Other Forms of Air Pollution**: No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation or other forms of property, or which can cause any excessive soiling to animals, vegetation or other property.

§1605. **ENVIRONMENTAL PERFORMANCE STANDARDS**

A. Environmental Performance Standards: The developer shall determine the presence of environmental or natural features on any site proposed for land development and shall meet the following standards for environmental protection. Site alterations, regrading, or filling prior to approval of the plans for development shall be a violation of this Article.

1. **Floodplain Delineation**: One hundred (100) year floodplains shall be delineated by accepted analytical procedures approved by the Borough Engineer.

2. **Floodplains Development**: Development activities shall be regulated as per the provisions of current floodplain regulations, as amended from time to time, and applicable Commonwealth regulations, specifically Ordinance 105, Title 25 of the Pennsylvania Code.

3. **Steep Slopes**: In areas of steep slopes, i.e., those above fifteen percent (15%), the following standards shall apply:
   a. 16-25%: No more than sixty percent (60%) of such areas shall be developed and/or regraded or stripped of vegetation.
   b. 26% or more: Earth disturbance activities are generally restricted except as authorized by the Borough Engineer.

4. **Forest**: No more than fifty percent (50%) of any forest as defined may be cleared or developed.

5. **Ponds, Watercourses or Wetlands**: No development, filling, piping or diverting shall be permitted except for required roads and utility line extensions, unless permitted by the appropriate state, county or regulatory agency.
6. Stormwater Drainage and Management: All plans shall comply with the provisions of state and local regulations in effect at the time of final approval.

7. Soil Erosion and Sedimentation: With any earth disturbance there shall be control of erosion and the protection of streams and ponds from sedimentation in accordance with the "Clean Streams Law P.L. 1987", Ordinance 102 of Title 25 of the Pennsylvania Code, and the "Soil Erosion and Sedimentation Control Manual" of the Pennsylvania Department of Environmental Protection. In addition, a Soil Erosion and Sediment Control Plan (E & S Plan), reviewed and approved by the Armstrong County Conservation District, shall be required as part of the application for any Borough permit where earth disturbance or excavation will occur. As a minimum where sediment can be transported away from the disturbed area, a silt fence or straw bale barrier shall be erected and maintained in working order until vegetation is fully established or erosion resistant ground cover has been installed. Additional sediment pollution control measures may be required where land development is more extensive than single family construction.

B. Storage and Waste Disposal: No highly flammable, explosive or toxic liquids, solids or gases shall be stored in bulk (over five hundred [500] gallons), above ground except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.

1. All permanent bulk outdoor storage facilities for fuel over five hundred (500) gallons, raw materials and products and all fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.

2. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces; nor shall any substance which can contaminate wells, watercourses, or potable water supplies otherwise render such wells, watercourses, or potable water supplies undesirable as sources of water supply or recreation; nor shall any substance which will destroy aquatic life be allowed to enter any wells, watercourses, or potable water supplies. A Pennsylvania Department of Environmental Protection approved plan for spill containment shall be submitted to the Borough for review by the Borough Engineer prior to the issuance of any required permit.

3. Any materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

4. Discharge: No discharge at any point into any private sewage disposal system or stream or into the ground, of any materials in such a way or in such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or the accumulation of solid wastes conducive to the breeding of rodents or insects is permitted.

5. Maintenance of Property: The owner or lessee of the property, except land being actively farmed, whether occupied or vacant located within or adjacent to any developed area, shall maintain such premises so that all portions of the property shall be kept free of junk, debris, disabled motor vehicles, and dangerous, objectionable or noxious matter.

6. Vehicle and Equipment Maintenance:
   a. In the IC Light Industrial/Commerce, B-1 General Business and BT Business Transition Zoning Districts, all movable equipment repair done on the property shall be performed within an enclosed building, except that minor
maintenance activities may be completed on the exterior of a lot where space has been provided for the temporary parking or storage of vehicles and movable equipment.

b. In residentially zoned areas, minor vehicle maintenance activities may be conducted in driveways, but in no case shall repairs be made on vehicles and movable equipment which would result in the permanent storage of said vehicles or movable equipment on the exterior of the lot.
ARTICLE 17

ZONING HEARING BOARD

§1701. ZONING HEARING BOARD

A. There is hereby created for the Borough a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §101901 et seq.

B. The membership of the Board shall consist of five (5) residents of the Borough appointed by resolution by Borough Council. The terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. 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 of the Board shall hold no other office in the Borough.

C. The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 906 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the Pennsylvania Municipalities Planning Code and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Borough, including membership on the Planning Committee or as the Zoning Officer, nor be employed by the Borough in any other capacity. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 907 of the Pennsylvania Municipalities Planning Code unless designated as a voting alternate member pursuant to Section 906 of the Pennsylvania Municipalities Planning Code.

D. 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 fifteen (15) days’ advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

E. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Ordinance.

F. The Board may make, alter and rescind rules and forms for its procedure, consistent with 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 shall submit a report of its activities to Borough Council as requested by Borough Council.

G. Within the limits of funds appropriated by Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the 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.

§1702. HEARINGS

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

A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

B. The hearing shall be held within sixty (60) days from the date of receipt of the applicant’s application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. The applicant shall complete the presentation of his case in chief within one hundred (100) days of the first hearing. Upon request, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing after completion of the applicant's case in chief. Applicants and persons opposed may be granted an equal number of additional hearings.

C. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

D. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

E. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

H. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

I. The Board or the hearing officer shall not communicate, directly or indirectly, with any party of his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

J. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Ordinance or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board’s decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the Pennsylvania Municipalities Planning Code, as amended, where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant’s request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, or fails to commence, conduct or complete the required hearing as provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

K. 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. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief
notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

L. The Borough Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

§1703. JURISDICTION

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 any land use ordinance, except those brought before Borough Council pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.

2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.

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 cease and desist order 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 any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

5. Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the Pennsylvania Municipalities Planning Code.

6. Applications for special exceptions under this Ordinance or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the Pennsylvania Municipalities Planning Code.

7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.

8. Appeals from the Zoning Officer's determination under §916.2 of the Pennsylvania Municipalities Planning Code.

9. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same related to development not involving applications under Article V or VII or the Pennsylvania Municipalities Planning Code.

B. The Borough Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. All applications for approvals of planned residential developments under Article VII of the Pennsylvania Municipalities Planning Code pursuant to the provisions of §702 of the MPC.

2. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC.
3. Applications for conditional use under the express provisions of this Ordinance.

4. Applications for curative amendment to this Ordinance or pursuant to §§609.1 and 916.1(a) of the Pennsylvania Municipalities Planning Code.

5. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §§609 of the MPC.

6. Appeals from the determination of the Zoning Officer or the Borough Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for land development under Article V and VII of the MPC. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Borough Engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Committee, all appeals from determinations under this subsection shall be to the Planning Committee and all appeals from the decision of the Planning Committee shall be to court.

§1704. VARIANCES

A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographic or other physical conditions peculiar property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3. That such unnecessary hardship has not been created by the applicant.

4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code.
§1705. INFORMATION REQUIRED ON APPLICATIONS TO BOARD

All applications to the Board shall be in writing on forms prescribed by the Board and provided by the Borough. Every application shall include the following:

A. The name and address of the applicant or the appellant;
B. The name and address of the owner of the lot to be affected by such proposed change or appeal;
C. A brief description and location of the lot to be affected by such proposed change or appeal;
D. A statement of the section of this Ordinance under which the application is made, and reasons why it should be granted, or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal; and
E. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, materials, and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

§1706. STAY OF PROCEEDINGS

A. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. 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 court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

C. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

§1707. PARTIES APPELLANT BEFORE THE BOARD

Appeals raising the substantive validity of any land use ordinance (except those to be brought before Borough Council pursuant to the Pennsylvania Municipalities Code); procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or 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 cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

§1708. EXPIRATION OF APPEAL DECISION

Unless otherwise specified by the Board, a decision on any appeal or request for a variance or special exception shall expire if the applicant fails to obtain any necessary building permit, or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

§1709. APPEAL FROM DECISION OF BOARD

Shall be in accordance with the Pennsylvania Municipalities Planning Code, Act 247, Article 10, and amendments thereto.

§1710. TIME LIMITATIONS

A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Borough 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. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
B. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.
ARTICLE 18

ADMINISTRATION

§1801. APPOINTMENT AND POWERS OF ZONING OFFICER

A. For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed.

B. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning.

C. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.

D. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

§1802. BUILDING/ZONING PERMITS

A. Purpose: To determine compliance with the provisions of this Ordinance, no person shall erect, alter, move or convert any structure or building, or part thereof, nor alter the use of any land, subsequent to the adoption of this Ordinance, until a building/zoning permit has been issued by the Zoning Officer or duly authorized representative of the Borough under the provisions of the Pennsylvania Uniform Construction Code.

B. Application for Permits: All such applications shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot or lots to be built upon, its block and lot number as recorded, the date of official record of any lot or lots on which construction is proposed, the exact size and location of any building, sign, parking or loading area or other physical feature existing or proposed on the lot, the existing and intended use of each building or part of a building, the number of families, dwelling units, employees, offices, or other appropriate units of occupancy which the building is designed to accommodate, and such other information as may be necessary to determine compliance with this Ordinance and the Pennsylvania Uniform Construction Code. One (1) copy of such plans shall be returned to the owner when such plans are approved; one (1) copy each of all applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

C. Issuance of Permits:

1. It shall be the duty of the Zoning Officer or duly authorized representative of the Borough under the provisions of the Pennsylvania Uniform Construction Code to issue a building/zoning permit, provided he is satisfied that the structure, building, sign, parking area of premises, and the proposed use thereof, conform with all requirements of this Ordinance, and that all other reviews and actions, if any, called for in this Ordinance have been complied with and all necessary approvals secured thereof.

2. All building/zoning permits for residential or commercial construction shall be issued in duplicate, and one (1) copy shall be kept conspicuously on the premises affected,
and protected from the weather, whenever construction work is being performed thereon. No owner, contractor, workman or any other person shall perform any building operations of any kind unless a building/zoning permit covering such operation has been displayed as required by this Ordinance, nor shall they perform building operations of any kind after notification of the revocation of said building/zoning permit.

D. Building Completion:

1. All structures, except commercial or industrial buildings, must be completed within three hundred and sixty-five (365) days of the date on which a building/zoning permit is issued. Any request for extension of time for construction must be made in writing to the Zoning Officer or duly authorized representative of the Borough under the provisions of the Pennsylvania Uniform Construction Code. Any resulting extension may only be for a period of sixty (60) days. Not more than three (3) such extensions are permissible.

2. All commercial or industrial buildings must be completed within eighteen (18) months of the date on which a building/zoning permit is issued. Commercial and industrial buildings with more than forty thousand (40,000) square feet of floor area will have an additional six (6) months for completion.

3. Failure to comply with the above requirements shall constitute a violation of this Ordinance, and subject the owner or operator to enforcement remedies, or in the alternative require the issuance of a current building/zoning permit.

E. Denial of Permits: When the Zoning Officer or duly authorized representative of the Borough, is not satisfied that the applicant’s proposed development will meet the requirements of this Ordinance, he shall refuse to issue a building/zoning permit, and the applicant may appeal to the Zoning Hearing Board for a reversal of the Zoning Officer’s or duly authorized representative of the Borough's decision.

F. Revocation of Permits:

1. If it shall appear at any time to the Zoning Officer or duly authorized representative of the Borough under the provisions of the Pennsylvania Uniform Construction Code that the application or accompanying plan is in any material respect false or misleading, or that work is being done upon the premises differing materially from that called for in the applications filed with him under existing laws or ordinances, he may forthwith revoke the building/zoning permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the said Zoning Officer or duly authorized representative of the Borough.

2. After the building/zoning permit has been revoked, the Zoning Officer or duly authorized representative of the Borough may, before issuing a new building/zoning permit, require the applicant to file an indemnity bond in favor of the Borough with sufficient surety to cover the cost of removing the building if it does not so comply.

§1803. OCCUPANCY PERMITS

A. For New Uses:

1. After completion of the whole building or structure, and upon the sworn application by the owner or his duly authorized agent, setting forth such facts as the Zoning Officer may require, and after actual inspection of the premises by the Zoning Officer, he shall, upon finding the facts to be as represented, issue in duplicate an occupancy permit, certifying that the premises comply with the provisions of this
Ordinance, and may be used for the purposes set forth in the permit, which purposes shall conform with the requirements of this Ordinance.

2. No change of use shall be made in any building, structure, or premises now or hereafter erected or altered that is not consistent with the requirements of this Ordinance. Any person desiring to change the use of his premises shall apply to the Zoning Officer for an occupancy permit, setting forth such facts as may be required. A copy of the occupancy permit shall be kept at all times upon the premises affected, and shall be displayed upon request made by any building inspector or Borough police officer.

3. A record shall be kept of all occupancy permits issued, and the original applications therefore shall be kept on file in the same manner as applications for building permits. No owner, tenant or other person shall use or occupy any building or structure thereafter erected or altered, the use of which shall be changed after the passage of this Ordinance without first procuring an occupancy permit; provided that an occupancy permit once granted shall continue in effect so long as there is not change of use, regardless of change in the personnel or tenants or occupants.

B. For Existing Uses:

1. Upon written request from the owner, tenant or occupant, the Zoning Officer, after inspection, shall issue an occupancy permit for an existing use legally existing at the time this Ordinance is made effective, certifying the extent and kind of such use and whether any such existing use conforms with the provisions of this Ordinance.

2. No change or extension of use, and no alterations shall be made in a nonconforming use or premises without an occupancy permit having first been issued by the Zoning Officer stating that such change, extension or alteration is in conformity with the provisions of this Ordinance.

§1804. AUTHORIZE TEMPORARY USE

A. The Zoning Hearing Board may grant, as a special exception as per the provisions of Section 1223, after due notice and public hearing, the temporary occupancy and use of a structure in any district for a purpose that does not conform with the district requirements; provided that such occupancy and use is truly of a temporary nature and subject to any reasonable conditions and safeguards which the Board may impose to minimize any injurious effect upon the neighborhood or to protect contiguous property. The approval by the Board and any permit based thereon, for such temporary occupancy and use, shall not be granted for a period of more than three (3) months, and shall not be renewable more than once in any period of twelve (12) months.

B. A temporary outdoor activity permit issued by the Zoning Officer, shall be required for the following:

1. Seasonal sale of produce including, but not limited to, farm crops and Christmas trees.
2. Multi-day, multi-family yard sales.
3. Circuses, carnivals or religious assemblies utilizing tents or other temporary structures.
4. Special events including, but not limited to, car shows, flea markets and sidewalk sales.
§1805. CAUSES OF ACTION

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, Borough Council or, with the approval of Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

When such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on Borough Council. No such action may be maintained until such notice has been given.

§1806. REPORT OF PLANNING COMMISSION TO BOROUGH COUNCIL

The Planning Committee shall keep a full record of its business and shall annually make a written report by March 1, of each year of its activities to Borough Council. Interim reports may be made as often as may be necessary, or as requested by Borough Council.

§1807. FEES

Fees for applications for permits and hearings as required herein and established by Borough Council, from time to time, shall be paid to the Borough Secretary upon the filing of such application.
ARTICLE 19

ENFORCEMENT

§1901. ENFORCEMENT NOTICE

A. If it appears to the Borough that a violation of this Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Borough intends to take action.

2. The location of the property in violation.

3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.

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 the right to appeal to the Zoning Hearing Board within a period of ten (10) days.

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.

§1902. ENFORCEMENT REMEDIES

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars ($500.00) 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 payable until the date of the determination of a violation by the district magistrate. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district magistrate determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district magistrate and thereafter each day that a violation continues shall constitute a separate violation.
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 judgment.

C. Nothing contained in this Article shall be construed or interpreted to grant to any person or entity other than Borough officials the right to commence any action for enforcement pursuant to this Article.

D. District magistrates shall have initial jurisdiction over proceedings brought under this Article.
ARTICLE 20
AMENDMENTS

§2001. ENACTMENT OF ZONING ORDINANCE AMENDMENTS

A. The Borough Council may from time to time amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code.

B. Before voting on the enactment of an amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract or area shall be posted at least one (1) week prior to the date of the hearing. Further, at least thirty (30) days prior to the hearing date, notice of the public hearing shall be mailed by first class mail to property owners with addresses to which real estate tax bills are sent within the area being rezoned, or elsewhere. This notice is not required when the rezoning constitutes a comprehensive rezoning.

C. In the case of an amendment other than that prepared by the Planning Committee, Borough Council shall submit each such amendment to the Planning Committee at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Committee an opportunity to submit recommendations.

D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

E. At least thirty (30) days prior to the public hearing on the amendment by Borough Council, the Borough shall submit the proposed amendment to the Armstrong County Planning Committee for recommendations.

F. Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Armstrong County Planning Committee.

§2002. PROCEDURE FOR LANDOWNER CURATIVE AMENDMENTS

A. A landowner who desires to challenge on substantive grounds the validity of this ordinance or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code. Borough Council shall commence a hearing thereon within sixty (60) days of the request as provided in §916.1. The curative amendment and challenge shall be referred to the Planning Committee and the Armstrong County Planning Committee as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the Pennsylvania Municipalities Planning Code.
B. The hearing shall be conducted in accordance with §908 of the Pennsylvania Municipalities Planning Code, and all references therein to the Zoning Hearing Board shall, for purposes of this Article, be references to Borough Council. If the Borough does not accept a landowner’s curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court’s decision shall not result in a declaration of invalidity for this entire Ordinance and Zoning Map, but only for those provision which specifically relate to the landowner’s curative amendment.

C. The Borough Council, if it determines that a validity challenge has merit, 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 materials submitted by the landowner and shall also consider:

1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning Map;
3. The suitability of the site for the intensity of use proposed by the site’s soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
4. The impact of the proposed use on the site’s soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed the tolerance of the resources to development and any adverse environmental impacts; and
5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

§2003. PROCEDURE FOR BOROUGH CURATIVE AMENDMENTS

A. If the Borough determines that this Ordinance, or any portion hereof, is substantially invalid, it shall take the following actions:

1. The Borough shall declare by formal action, this Ordinance or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, Borough Council shall:
   a. By resolution make specific findings setting forth the declared invalidity of this Ordinance which may include:
      1) Reference to specific uses which are either not permitted or not permitted in sufficient quantity;
      2) Reference to a class of use or uses which requires revision; or
      3) Reference to this entire Ordinance which requires revisions.
   b. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.

B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate, or reaffirm the validity of, this
Ordinance pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code, in order to cure the declared invalidity of this Ordinance.

C. Upon the initiation of the procedures as set forth in Subsection A, Borough Council shall not be required to entertain or consider any landowner’s curative amendment filed under §609.1 of the Pennsylvania Municipalities Planning Code nor shall the Zoning Hearing Board be required to give a report requested under §909.1 or §916.1 of the Pennsylvania Municipalities Planning Code subsequent to the declaration and proposal based upon the grounds identified by this Article. Upon completion of the procedures set forth in this Subsection no rights to a cure pursuant to the provisions of §609.1 and §916.1 of the Pennsylvania Municipalities Planning Code shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Ordinance for which there has been a curative amendment pursuant to this Article.

D. The Borough, having utilized the procedures set forth in this Article, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Ordinance; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this Section to propose a curative amendment to this Ordinance to fulfill said duty or obligation.
ARTICLE 21

INTERPRETATION AND VALIDITY

§2101. INTERPRETATION
In the interpretation and the application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this Ordinance imposes greater restrictions upon the use of buildings or premises, or upon the height or bulk of a building, or requires larger open spaces, the provisions of this Ordinance shall control.

§2102. VALIDITY
If any section, subsection, sentence, clause or phrase of this Ordinance or the location of any district boundary shown on the Zoning Map that forms a part hereof is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance or the Zoning District Map. The Borough Council of the Borough of Apollo hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

ARTICLE 22

ENACTMENT
ENACTED AND ORDAINED THIS ______ day of ______, 20___ by the Borough Council of the Borough of Apollo.

ATTEST:

__________________________  ____________________________
Borough Secretary                  President, Borough Council

__________________________
Vice President, Borough Council

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