

ZONING ORDINANCE

EAST LANSDOWNE BOROUGH
Delaware County, Pennsylvania

2008

Zoning Ordinance

East Lansdowne Borough

2008

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Delaware County Planning Department

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Adoption

The Council of the Borough of East Lansdowne adopted Ordinance No. 532 known as the “Borough of East Lansdowne Zoning Ordinance of 2008” at its meeting on October 13, 2008.

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TABLE OF CONTENTS

ARTICLE		PAGE
1	GENERAL PROVISIONS	
100	Title	1-1
101	Purposes	1-1
102	Community Development Objectives	1-2
103	Establishment of Districts	1-2
104	Establishment of Controls	1-2
105	Zoning Map, District Boundary Lines, and Tolerances.....	1-3
106	Interpretation	1-3
107	Municipal Liability.....	1-4
108	Severability	1-4
109	Repealer	1-4
110	Effective Date	1-4
2	DEFINITIONS	
200	Interpretation of Language.....	2-1
201	Definition of Terms	2-1
3	RESIDENTIAL DISTRICT	
300	Purpose.....	3-1
301	Uses Permitted by Right.....	3-1
302	Uses Permitted by Special Exception.....	3-1
303	Accessory Uses and Structures	3-2
304	Area and Bulk Regulations	3-2
4	COMMERCIAL DISTRICT	
400	Purpose.....	4-1
401	Uses Permitted by Right.....	4-1
402	Uses Permitted by Special Exception.....	4-2
403	Prohibited Uses.....	4-2
404	Accessory Uses and Structures	4-2
405	Area and Bulk Regulations	4-3
406	Special Development Regulations.....	4-3
407	Building Design.....	4-4
5	PROCEDURES AND STANDARDS FOR SPECIAL EXCEPTIONS	
500	Purpose.....	5-1
501	General Requirements.....	5-1
502	Requirements for Special Exceptions Where Specific Standards Are Not Provided.....	5-2
503	Private Clubs or Lodges	5-3
504	Major Home Occupations and Professional Offices.....	5-3

**TABLE OF CONTENTS
(CONTINUED)**

ARTICLE		PAGE
505	Residential Conversions.....	5-4
506	Child Care Facilities.....	5-5
507	Tattoo Parlors.....	5-10
508	Compatibility Standards for Uses of the Same General Character.....	5-10
509	Adult Uses.....	5-11
6	GENERAL REGULATIONS	
600	Purpose.....	6-1
601	Overall Requirements.....	6-1
602	Projections into Required Yards.....	6-1
603	Visibility at Corner Lots.....	6-1
604	Accessory Uses and Structures.....	6-2
605	No-impact Home-based Businesses.....	6-2
606	Decks.....	6-3
607	Satellite Antennas.....	6-4
608	Swimming Pools, Private.....	6-4
609	Community Residence Facilities, Family-based.....	6-5
610	Fences and Walls.....	6-6
611	Refuse.....	6-7
612	Lighting.....	6-7
613	Planted Visual Screens.....	6-7
614	Landscaping.....	6-8
615	Condominiums.....	6-9
616	Compatibility Standards for Uses of the Same General Character.....	6-10
617	Trailers, Construction or Office.....	6-11
618	Small Collection Facility for Recycling.....	6-11
619	Family Day Care Home.....	6-11
7	SIGNS	
700	Purposes.....	7-1
701	Conformance Required.....	7-1
702	Definitions.....	7-1
703	General Regulations.....	7-9
704	Prohibited Signs.....	7-10
705	Permits Required.....	7-11
706	Exempt Signs.....	7-11
707	Conditional Uses.....	7-12
708	Signs on the Premises of Legally Nonconforming Uses.....	7-12
709	Regulation of Legally Nonconforming Signs.....	7-12
710	Permits.....	7-13

**TABLE OF CONTENTS
(CONTINUED)**

ARTICLE		PAGE
711	Sign Uses and Restrictions.....	7-14
712	General Regulations for Specific Types of Signs	7-15
8	PARKING	
800	Purposes	8-1
801	General Requirements	8-1
802	Off-street Parking	8-1
803	Off-street Parking Standards	8-2
804	Off-street Parking Surfaces	8-3
805	Overflow Parking Surfaces	8-4
806	Lighting of Parking Areas	8-4
807	Access Driveways	8-4
808	Remote Parking Lots	8-5
809	Shared Parking Lots	8-5
810	Off-street Loading Areas.....	8-5
811	Parking Lot Design.....	8-6
812	Landscaping and Screening Requirements	8-7
9	WIRELESS COMMUNICATIONS FACILITIES	
900	Purpose.....	9-1
901	Definitions	9-1
902	Use Regulations.....	9-2
903	Standards for Wireless Communications Facilities	9-3
904	Standards for Special Exceptions	9-9
905	Submission of Plans	9-9
10	NONCONFORMING USES, STRUCTURES, AND LOTS	
1000	Purpose.....	10-1
1001	Continuation	10-1
1002	Enlargement.....	10-1
1003	Change of Use	10-2
1004	Enclosure	10-2
1005	Abandonment	10-2
1006	Reconstruction.....	10-3
1007	Repairs and Maintenance	10-3
1008	Displacement	10-3
1009	Nonconforming Lots	10-3
1010	Reduction of Lot Area.....	10-4
1011	Nonconforming Signs	10-4
1012	Registration of Nonconforming Uses	10-4

**TABLE OF CONTENTS
(CONTINUED)**

ARTICLE	PAGE
1013	Ownership..... 10-4
1014	Violations..... 10-4
11	PERFORMANCE STANDARDS
1100	Purpose..... 11-1
1101	Administration..... 11-1
1102	Performance Standards..... 11-2
12	ADMINISTRATION AND ENFORCEMENT
1200	Purpose..... 12-1
1201	Administration..... 12-1
1202	Enforcement..... 12-2
1203	Permits 12-3
1204	Amendments..... 12-5
13	ZONING HEARING BOARD
1300	Purpose..... 13-1
1301	Administration and Procedure 13-1
1302	Powers of the Zoning Hearing Board..... 13-2
1303	Hearings and Decisions..... 13-3
1304	Notice of Requirements..... 13-3
1305	Elements of Decisions of the Board 13-3
1306	Standards for Zoning Hearing Board Action 13-4
1307	Standards of Proof 13-6
1308	Expiration of Variances and Special Exceptions 13-7
1309	Time Limitations and Stay of Proceedings 13-7
1310	Appeals to Court..... 13-7

EAST LANSDOWNE BOROUGH ZONING MAP

Article 1

GENERAL PROVISIONS

100 Title

This Ordinance shall be known and may be cited as the “Borough of East Lansdowne Zoning Ordinance of 2008.”

101 Purposes

The zoning regulations and districts set forth in this Ordinance are designed to achieve the following purposes as stated in the *Pennsylvania Municipalities Planning Code*, Act 247 of 1968, as amended.

1. To promote, protect, and facilitate any or all of the following: the public health, safety, and general welfare; coordinated and practical community development and growth and proper population density; guidance on uses of land and structures and type and location of public grounds and facilities; promotion of energy conservation through planning practices and promotion of the effective utilization of renewable energy sources; the provision of adequate light, water, and air, access to incident solar energy, police and fire protection, transportation, sewerage, and schools; and preservation of the natural, scenic, and historic values in the environment as well as the preservation of wetlands, aquifers, and floodplains.
2. To prevent one or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; or loss of health, life, or property from fire, flood, panic, or other dangers.
3. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and a reasonable range of multi-family dwellings in various arrangements.
4. To accommodate reasonable overall community growth, including population and employment growth and opportunities for development of a variety of residential dwelling types and nonresidential uses.

102 Community Development Objectives

The zoning regulations and districts set forth in this Ordinance are based on the goals and objectives stated in the Lansdowne and East Lansdowne Joint Comprehensive Plan of 2005. This Zoning Ordinance is intended to guide and regulate orderly development and redevelopment throughout the Borough of East Lansdowne.

103 Establishment of Districts

For the purposes of this Ordinance, East Lansdowne Borough is hereby divided into the following zoning districts:

Zoning Districts	
R	Residential District
C	Commercial District

104 Establishment of Controls

1. Minimum and Uniform Regulations

Unless specifically indicated otherwise, the regulations set forth in this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

2. Proposed Uses and Structures

In all zoning districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed, and used only in accordance with the regulations specified herein, except where a variance has been authorized by the Zoning Hearing Board in accordance with Article 13.

3. Existing Uses and Structures

In all districts, after the effective date of this Ordinance, any lawful, existing building or other structure or any tract of land which is not in conformity with the regulations of the district in which it is located shall be deemed to be nonconforming and subject to the regulations of Article 10.

105 Zoning Map, District Boundary Lines, and Tolerances

1. The zoning district locations and boundaries are those that exist on the legally adopted official Zoning Map, a copy of which is attached hereto and made a part of this Zoning Ordinance. The original Zoning Map shall be kept on file in the office of the Borough Secretary. Whenever changes are made in the boundaries or other matters included on the said Zoning Map, such changes in the map shall be made by the Borough Engineer within five (5) days after the amendment has been approved by Borough Council.
2. Where possible, the boundaries between districts shall follow natural or man-made boundaries and lines. Unless otherwise indicated, boundaries shall be the centerline or extension of the centerline of a street, alley, or highway, railroad rights-of-way, streams, or other natural or man-made features that can form logical boundaries to districts.
3. Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance, the regulations of the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than twenty-five (25) feet from the district boundary.
4. Boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map. In any other circumstances not covered above or in the event of any uncertainty as to the boundary of any district, the Zoning Hearing Board shall interpret the district boundaries.

106 Interpretation

1. In the interpretation and application of the provisions of this Ordinance, the said provisions shall be held to be the minimum requirements for the promotion and protection of the public health, welfare, and safety. Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance, or regulation shall be controlling.
2. In interpreting the language of this Zoning Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

107 Municipal Liability

The grant of a permit or approval under this Ordinance shall not constitute a representation, guarantee, or warranty of any kind by the Borough as to the safety of the proposed use and shall create no liability upon the Borough, its officials, or employees.

108 Severability

If any article, section, subsection, paragraph, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or of any other part.

109 Repealer

The existing zoning regulations, as amended, are hereby repealed.

110 Effective Date

This Ordinance shall become effective immediately upon final enactment.

Article 2

DEFINITIONS

200 Interpretation of Language

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning indicated herein. Words used in the present tense include the future. The singular shall include the plural, and the plural shall include the singular. The word “building” includes the word “structure.” The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.” The word “person” includes an individual, corporation, partnership, incorporated association, or any other similar entity. The words “includes” or “including” shall not limit the term to the specified examples but are intended to extend their meaning to all other instances of like kind and character. The words “shall” and “will” are mandatory and not discretionary, and the word “may” is permissive. Terms not defined herein shall have the meaning customarily assigned to them.

201 Definition of Terms

In this Ordinance, words, terms, and phrases shall have the following meanings:

ABANDONMENT

Where a building or land is abandoned for twelve (12) consecutive months or more, whereby the owner discontinues the maintenance, use, or any activity, the building or structure shall be declared abandoned and may be required to be removed. In the case of abandonment of a nonconforming use, Article 10 applies.

ACCESSORY STRUCTURE

A structure detached from a principal building on the same lot and incidental and subordinate to the principal building or use.

ACCESSORY USE

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

ADULT USE

Any establishment that permits patrons to hear, view, read, lease, purchase, trade, or exchange and/or participate in activities, publications, movies, videotapes, and/or live or televised performances which have as their dominant theme or themes explicit sexual activities and/or the exhibition of human anatomy which is not normally seen in public or

in other commercial or club type operations which shall exclude minors by virtue of age. Implicit in this definition are the following: bookstores, movie theaters, restaurants, bars, and any other operation which qualifies for inclusion by virtue of the above wording, regardless of the type of other uses or operations which may also be conducted on or in the property or properties involved.

ALTERATION

Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress and egress, or any enlargement to or diminution of a building or structure, or the moving of a building from one location to another.

ALTERATION, INCIDENTAL

Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of nonload-bearing partitions.

AMUSEMENT, INDOOR

Amusement and recreational services that are wholly enclosed in a building.

ANTENNA

Any device or mechanism used in the collection, transmission, routing, or receiving of telecommunications transmissions, radio signals, or radio frequency energy including, but not limited to, use by or provisions of wireless communications, cellular communications, and personal communications services.

ARCHITECTURAL STYLE

The characteristic form, design, construction method, and architectural features associated with a broad cultural pattern and span of years when those building characteristics first appeared and were prevalent.

AUTOCLAVE

An apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

AUTOMOBILE REPAIR, MAJOR

General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including bodywork, welding, and major painting service.

AUTOMOBILE REPAIR, MINOR

The replacement or repair of any automobile part that does not require removal of the engine head or pan, engine transmission, or differential but may include incidental body and fender work, minor painting, and upholstery service.

BASEMENT

An enclosed area located partly or completely below grade. A basement shall be considered a story for the purpose of height measurement if the basement ceiling is five (5) feet or more above the average grade level around the building.

BUFFER AREA

A strip of land on which no parking areas, driveways, or structures are permitted adjacent to the existing lot line to establish a separation between uses.

BUILDING

Any structure, either temporary or permanent, having a roof or other covering and designed or used for shelter or enclosure of any person, animal, property, or equipment of any kind.

BUILDING COVERAGE

The ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located.

BUILDING HEIGHT

The vertical distance measured from the average level of the ground surrounding the structure to the top of the highest point of the roof for flat roofs and to the ridge of the gable, hip, and gambrel roofs. Chimneys, spires, towers, steeples, mechanical equipment, tanks, vessels, antennas, and similar projections of the buildings not intended for human occupancy shall not be included in calculating the height, unless specifically stated otherwise in this Ordinance.

BUILDING LINE

A line parallel to the street right-of-way line touching that part of a building closest to the street.

BUILDING PERMIT

Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

BUILDING SETBACK LINE

A line parallel to the street right-of-way line at a distance that is equal to the depth of the front yard required for the district in which the lot is located.

CERTIFICATE OF OCCUPANCY

A document issued by a duly authorized local authority allowing the occupancy of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable local codes and ordinances.

CHARITABLE OR NONPROFIT ORGANIZATION

A group organized for lawful purposes other than generating a profit, such as charitable, educational, political, social, trade, cultural, scientific, professional, or any similar organization.

CHILD CARE FACILITY

An establishment providing for the care, supervision, and protection of children.

CLUB, PRIVATE

A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

COMMUNITY CENTER

A facility used for recreational, social, educational, and cultural activities.

COMMUNITY RESIDENCE FACILITY, FAMILY-BASED

A dwelling, licensed by the appropriate state agency, shared by persons requiring special care and their supervisors who live together as a single housekeeping unit in a family-like environment. The facility is designed to create a residential environment for the developmentally disabled, handicapped, or similar groups unable to live without supervision. The maximum number of residents in a facility shall not exceed three (3), which is the maximum number of unrelated persons permitted in a “family.” See definition of “family.”

COMPREHENSIVE PLAN

A comprehensive long-range plan intended to guide the growth and development of a community or region and one that includes analysis, recommendations, and proposals for

the community's population, economy, housing, transportation, community facilities, land use, and related areas.

CONDITIONAL USE

A use which, because of its potential for impact on the community at large, is permitted by Borough Council following a recommendation by the Borough Planning Commission and a Council-hosted public hearing, if it is found that the applicable standards and criteria stated in Sections 707, 1002, and 1006 have been met.

CONDOMINIUM

A building or group of buildings in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all of the owners on a proportional, undivided basis.

CONVERSION

A change in the use of a building such as the change of a single-family dwelling into a two-family dwelling or the change of a residential or retail use to offices. Such change may be accomplished without subdivision or the introduction of a new owner. Where the use and dimensional regulations of the Ordinance permit, such conversion may be accomplished by appropriate alteration upon the issuance of the necessary permits.

DENSITY, GROSS

The maximum number of dwelling units per gross acre permitted by the Zoning Ordinance. This term refers to all of the land within the boundaries of a particular area, including streets, rights-of-way, easements, etc.

DEVELOPER

Any landowner, agent of such landowner, or tenant with the permission of such landowner who makes or causes to be made a subdivision, land development, or any other development.

DEVELOPMENT

Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, streets and other paving, utilities, dredging, filling, grading, excavation, or drilling operations and the subdivision of land.

DRIVEWAY

A private roadway providing access to a street or highway. Driveways may be paved or unpaved and are not considered streets, roads, or highways.

DWELLING, MULTI-FAMILY

A building designed and used exclusively as a residence for three (3) or more families living independently of one another. As defined, this dwelling type will include quadplexes and apartments.

DWELLING, SINGLE-FAMILY

A building designed and occupied exclusively as a residence for one (1) family, but not including mobile homes.

DWELLING, SINGLE-FAMILY DETACHED

A building designed for and occupied exclusively as a residence for only one (1) family with yards on all sides of the dwelling.

DWELLING, SINGLE-FAMILY SEMI-DETACHED (TWIN)

Two (2) dwelling units, each accommodating one (1) family, which are attached side by side by means of a party wall, with each dwelling unit having only one (1) side yard.

DWELLING, TWO-FAMILY

A building designed and occupied exclusively as a residence for two (2) families living independently of one another such as duplex dwellings.

DWELLING UNIT

One (1) or more living or sleeping rooms, together with separate cooking and sanitary facilities, which are accessible from the outdoors, either directly or through an entrance hall shared with other dwelling units.

FAÇADE

The exterior walls of a building exposed to public view or that wall viewed by persons not within a building.

FAÇADES, PRINCIPAL

Exterior walls of a building or structure that are adjacent to or front on a public street, park, or plaza.

FAMILY

Any number of individuals living together as a single housekeeping unit when said individuals are related by blood, marriage, or adoption, including foster children; or not more than three (3) unrelated individuals living together as a single housekeeping unit with single kitchen facilities.

FAMILY DAY CARE HOME

A home, other than the child's own home, operated for profit or not-for-profit, in which child care is provided at any one time to four (4), five (5), or six (6) children unrelated to the operator.

FLOOR AREA RATIO (FAR)

The gross floor area of all buildings or structures on a lot divided by the total lot area.

FOOD PREPARATION/CATERING

The preparation, packaging, separation, shrink-wrapping, and vacuum sealing of food items for the purpose of later consumption; or the preparation, cooking, and baking of raw food items, generally in large quantities, for transport to off-site locations for consumption.

FRATERNAL ORGANIZATION

A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.

FREESTANDING BUILDING

Any building located within a development site which is separate from any group or cluster development on such site and which shall comply with the regulations of the district in which it is located.

GARAGE, PRIVATE

A structure that is accessory to a single- or two-family dwelling, is used for the parking and storage of vehicles owned and operated by the residents thereof, and is not a separate commercial enterprise available to the general public.

GASOLINE SERVICE STATION

Any area of land, including structures thereon, or any building or part thereof that is used for the sale of gasoline or other motor vehicle fuel or accessories and which may include facilities for lubricating, washing, or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs.

GLARE

The effect produced by light from a luminaire with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GROUP DAY CARE HOME

The premises in which care is provided at one time for more than six (6) but fewer than sixteen (16) older school-age level children or more than six (6) but fewer than thirteen (13) children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premises.

HAZARDOUS MATERIALS

Those chemicals or substances which are defined as “physical hazards” or “health hazards” in the most recently adopted version of the Uniform Construction Code.

HEALTH HAZARD

A classification of a chemical for which there is statistically significant evidence that acute or chronic health effects are capable of occurring in exposed persons. The term “health hazard” includes chemicals that are carcinogens, toxic or highly toxic agents, reproductive toxins, neurotoxins, agents which are capable of acting on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

HOME OCCUPATION

Any activity carried out for gain by a resident and conducted in the resident’s dwelling unit.

IMPACT, HEAVY

Any use that poses a health hazard, a significant threat from fire, or involves the use of hazardous materials in any way that could endanger persons or property in the event of accidental discharge or combustion.

IMPACT, LIGHT OR MEDIUM

Any use whose impact is not heavy, as herein defined.

IMPERVIOUS SURFACE

The coverage of the lot or tract area by materials that prevent the percolation of water into the soil and generate stormwater runoff, such as buildings, streets, parking areas, driveways, and any other similar surfaces.

INDUSTRY, LIGHT

Industrial processes where the finished item, material, or product does not exceed fifteen (15) cubic feet which are conducted in an enclosed building and comply with all performance standards listed in Article 11. No deliveries shall be made in trucks having more than one (1) rear axle.

LANDSCAPED PLANTING AREA

An area landscaped with grass, ground cover, shrubs, or similar plantings placed where required by this Ordinance and permanently maintained.

LAUNDROMAT

An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public.

LIBRARY

A place containing books for reading, study, and research.

LOADING SPACE

An off-street space or berth for the loading or unloading of commercial vehicles. Such spaces shall comply with Article 8, Parking.

LODGE

(1) The place where members of a local chapter of an association or a fraternal, cultural, or religious organization hold their meetings; (2) the local chapter itself. See definition of “club, private.”

LOT

A parcel of land on which a main building and any accessory building are or may be placed, together with the required open space and setbacks.

LOT AREA

The total horizontal area within the lot lines of a parcel.

LOT, CORNER

A lot bounded by intersecting streets on at least two (2) sides. Both yards adjacent to streets shall be considered front yards.

LOT COVERAGE

That percentage of a lot that is covered by all combined structures, paving, or any impervious surfaces. Also see definition of “impervious surface.”

LOT DEPTH

The distance along a straight line measured from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT LINE

A line of public record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT

The line separating the lot from the street right-of-way.

LOT LINE, REAR

Any lot line except the front lot line which is parallel to, or within forty-five (45) degrees of being parallel to, the front lot line and does not intersect any street line, except in the case of corner lots.

LOT LINE, SIDE

Any lot line that is not a front or rear lot line.

LOT, MINIMUM AREA OF

The smallest allowable lot area as established by the Ordinance on which a use or structure may be located in a particular district.

LOT WIDTH

The horizontal distance between the side lot lines measured at right angles to the lot depth at

the building setback line.

MALL

A group of commercial, retail, or personal service uses arranged in a strip-like fashion with individual frontages and entrances, or enclosed in one building with internal frontages and shared entrances on the exterior of the building.

MULTI-TENANT BUILDING

A building designed or converted to accommodate three (3) or more commercial tenants. Each tenant shall operate a use that is permitted in the district where the building is located.

NEW CONSTRUCTION

Structures for which construction was started after the effective date of this Ordinance and includes any subsequent improvements to such structures.

NO-IMPACT HOME-BASED BUSINESS

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises in excess of those normally associated with residential use.

NONCONFORMING BUILDING OR STRUCTURE

A building or structure that does not comply with the provisions of this Ordinance, as amended, where such building or structure lawfully existed prior to the effective date of this Ordinance or of amendments thereafter.

NONCONFORMING LOT

Any lawful lot that does not conform to one or more of the applicable provisions of the district in which it is located either on the effective date of this Ordinance or of amendments thereafter.

NONCONFORMING USE

A use, whether of land or a structure, which does not comply with the applicable provisions of this Ordinance, where such use was lawfully in existence prior to the effective date of this Ordinance or amendments thereafter.

OCCUPANCY PERMIT

A required permit allowing the use of a building or structure after it has been determined that all of the requirements of applicable ordinances have been met.

OFF-STREET PARKING SPACE

A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

OPEN SPACE

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

OPEN SPACE, COMMON

Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include such complementary structures and improvements as are necessary and appropriate.

PARK, PRIVATE

A tract of land owned or controlled and used by specific and designated entities or persons for active and/or passive recreational purposes.

PARK, PUBLIC

A tract of land owned by a branch of government and available to the general public for recreational purposes.

PARKING LOT

An off-street, ground level open area that provides temporary storage for motor vehicles.

PARKING SPACE

A reasonably level space, having a surface slope not exceeding six (6) percent, used for parking a motor vehicle. Such space shall have an area as listed in Article 8, which shall be exclusive of passageways, driveways, or other means of circulation or access.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC)

Pennsylvania Act 247 of 1968 (P.L. 805) as amended, also cited as 53 P.S. 10101 et seq., or

any subsequent Act of the Commonwealth of Pennsylvania that replaces, supplements, or repeals any or all of the provisions of Act 247.

PERMIT

Written municipal permission issued by the appropriate local official empowering the holder thereof to do some act not forbidden by law, but not permitted without such authorization.

PERSONAL SERVICE SHOP OR ESTABLISHMENT

A business engaged in providing services involving the care or appearance of a person, his or her clothing, or similar personal needs. Included in this definition are beauty salon, shoe repair, fitness club, laundry or cleaner, or similar establishment, but not including tattoo parlor, massage parlor, or body-piercing establishment.

PHYSICAL HAZARD

A chemical that is a combustible liquid, compressed gas, cryogenic, explosive, flammable gas, flammable liquid, flammable solid, organic peroxide, oxidizer, or unstable or water-reactive material.

PLACE OF WORSHIP

(1) A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; (2) a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

PLANTED BUFFER STRIP

A strip of required yard space adjacent to the boundary of a property or district which shall be landscaped for the full width (or as otherwise specified) and on which is located a screen of sufficient density and height to constitute an effective screen and to give immediate visual screening to an abutting property or district. The required screen shall constitute a planting of dense evergreens or a compact evergreen hedge or, where otherwise specifically designated, an appropriately scaled and designed wall, fence, or natural landscaping or combination thereof.

PLANTED VISUAL SCREEN

A strip of trees, hedges, or other plantings adjacent to the boundary of a property which, at the time of planting, shall be not less than six (6) feet high and of sufficient density to constitute an effective visual screen and thereby give visual protection to abutting properties. Such screen shall consist primarily of dense evergreens that shall be planted not farther than seven (7) feet from one another and shall be permanently maintained. Deciduous trees may be added to create interest and variety.

PLAYGROUND

An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

PRINCIPAL BUILDING OR USE

A building or use which is the primary building or use on a lot as distinguished from a building or buildings relating to an accessory, incidental, or subordinate use. The primary purpose for which land, a building, or a subordinate structure or the use thereof is designed, arranged, or intended.

PROFESSIONAL OFFICE

The office of a member of a recognized profession maintained for the conduct of that profession.

PUBLIC UTILITY FACILITIES

Buildings, structures, and facilities including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services such as electric, gas, telephone, water, sewer, and public transit to the public.

RECREATION, ACTIVE

Leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION, PASSIVE

Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, or board and table games.

RECREATIONAL AREA

A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

RELIGIOUS USE

A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

RESTAURANT, SIT-DOWN

Any restaurant where the customer is normally served the food or beverage by a restaurant employee at the table or counter at which said items are consumed or a cafeteria-style operation where food or beverages are consumed on the premises.

RETAIL STORE

General merchandise and other stores selling consumer-oriented goods at retail including department stores, "5 & 10" or variety stores, drugstores, sporting goods shops, shops offering wearing apparel and accessories, gift shops, camera stores, antique shops, music stores, newsstands, tobacco stores, flower shops, jewelry stores, luggage and other leather goods stores, hobby shops, and other stores of the same general character.

RETAIL STORE, CONVENIENCE

A one (1)-story retail store containing less than three thousand five hundred (3,500) square feet of gross floor area and being open fifteen (15) to twenty-four (24) hours per day. It is designed to attract and depends on a large volume of stop-and-go traffic. Examples of retail convenience stores are the "Wawa" and "7-11" chains.

RIGHT-OF-WAY (ROW)

Land acquired by reservation, dedication, prescription, condemnation, or other legal manner and occupied or intended to be occupied by a street, crosswalk, electric transmission line, oil or gas pipeline, water line, watercourse, or similar uses.

RIGHT- OF -WAY LINE

The line that forms the boundary of a right-of-way.

ROOF LINE

The line the marks the lowest point of the roof.

ROOF RIDGE LINE

The line that marks the highest point of the roof. This term is applicable to roofs other than flat roofs.

SATELLITE ANTENNA

An antenna together with all attachments and parts, the purpose of which is to receive communication from orbiting satellites.

SCHOOL

Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

SCHOOL DISTRICT

The specific jurisdiction administered by the elected or appointed body of a state, county, or other local governmental unit to provide educational services to its resident population.

SCHOOL, ELEMENTARY

Any school that is licensed by the State and meets the state requirements for elementary education.

SCHOOL, PAROCHIAL

A school supported, controlled, and operated by a religious organization.

SCHOOL, PRIVATE

Any building or group of buildings, the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.

SCHOOL, SECONDARY

Any school that is licensed by the State and authorized to award diplomas for secondary education.

SCHOOL, VOCATIONAL

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade and meeting the state requirements as a vocational facility.

SCREEN

Any barrier intended and designed to shield properties and uses from other uses or activities having a different sound and other impacts (e.g., screening of industrial uses or activities from nearby residential structures).

SETBACK

The distance between the street right-of-way line or a lot line and any building on a lot or tract.

SETBACK, REQUIRED

The minimum distance from the street right-of-way line or any other lot line that establishes the area, commonly known as the “building envelope,” within which the principal structure must be erected or placed.

SHED

An accessory structure or building used primarily for storage purposes.

SHOPPING CENTER

A group of commercial establishments planned, constructed, and managed as a total entity, including both attached buildings and freestanding buildings with customer and employee parking provided on site.

SIGHT TRIANGLE

A triangular shaped portion of land established at street intersections in which nothing is erected, placed, or planted that exceeds a height of three (3) feet so as not to limit or obstruct the sight of motorists entering or leaving the intersection.

SIGN

Any object, device, display, or structure or part thereof situated outdoors or indoors that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. See additional definitions in Article 7.

SPECIAL EXCEPTION

A use permitted in a particular district(s) pursuant to review by the Zoning Hearing Board, in accordance with Articles VI and IX of the MPC and Articles 5 and 13 of this Ordinance.

STREET

A public or private way used or intended to be used as a means of vehicular and pedestrian travel and access to abutting properties and space for public utilities that is improved in compliance with all Borough requirements for public or private streets.

STREET FRONTAGE

The length of a property line bordering a public right-of-way.

STREET LINE

The line dividing the street and the abutting property. The street line shall be the same as the street right-of-way line.

STRUCTURE

Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

STUDIO

The workshop of an artist, sculptor, photographer, or craftsman.

SWIMMING POOL, PRIVATE

Any body of water, tank, or receptacle of water having a depth at any point of greater than two (2) feet used or intended to be used for swimming or bathing solely by the owner, his family, and guests of the household and constructed, installed, established, or maintained outside any building in or above the ground upon any premises as an accessory use to the residence.

TAVERN

An establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board and may include the sale of food as an accessory use.

THEATER

A building or part of a building used to show motion pictures or for drama, dance, or other live performances.

TRACT

An area, lot, parcel, site, or property which is the subject of a subdivision and/or land development.

TRACT AREA

The total acreage of a subdivision or land development. Tract area shall be measured to the ultimate right-of-way line of public streets.

TRAILER, CONSTRUCTION/OFFICE

A moveable structure located at or near a work or construction site for storage or other purpose related to or supporting construction or office activity. Such trailers shall not be used for storage, office purposes, or similar uses unless they are located on or within one hundred (100) feet of a construction site. Such trailers shall be temporary uses that require a permit from the Borough.

VARIANCE

Relief granted by the Zoning Hearing Board pursuant to Articles VI and IX of the MPC and Article 13 of this Ordinance.

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

(1) A parcel of land containing a tower, sending and receiving antennas attached to the tower, and a prefabricated or modular structure or cabinets containing electronic equipment; (2) a Federal Communications Commission (FCC)-licensed facility designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices and equipment. For purposes of this Ordinance, amateur radio transmission facilities and facilities used exclusively for receive-only antennas are not classified as wireless telecommunications towers and facilities. See additional definitions in Article 9.

YARD

An unobstructed open space on the same lot with a principal building that extends from a street line or lot line inward to the principal building.

YARD, FRONT

A yard extending the full width of the lot, the depth of which extends from the front lot line to the nearest point of the principal building.

YARD, INTERIOR

The area between the parking lot or an interior driveway in a development and a principal building(s).

YARD, PERIMETER

The area between the public street abutting a development and a principal building(s).

YARD, REAR

A yard extending the full width of the lot, the depth of which extends from the rear lot line

to the nearest point of the principal building.

YARD, REQUIRED

The open space between a lot line and the buildable area or “building envelope” within which the principal structure must be erected or placed.

YARD, SIDE

A yard extending between the inside lines of the front and rear yards and extending in width from the side lot line to the nearest point of the principal building.

ZONING ORDINANCE

An ordinance that divides the Borough into areas or zones that specify allowable uses for real property and size and locational restrictions for buildings within these areas.

ZONING PERMIT

Written permission issued by the Zoning Officer or other appropriate municipal official empowering the holder thereof to erect or alter a building or structure, including signs and fences, to change the use of a building or land, or to change or extend a nonconforming use.

Article 3

RESIDENTIAL DISTRICT

300 Purpose

The purpose of this district is to preserve and maintain the integrity of the unique, historic, and primarily residential character of the district while allowing for the reasonable use of its structures and land, preserving open space, and providing for and regulating accessory uses and home occupations and certain nonresidential uses as permitted under certain conditions.

301 Uses Permitted by Right

Land, buildings, or premises shall be used by right for only one or more of the following uses:

1. Single-family detached dwelling.
2. Single-family semi-detached dwelling (twin).
3. Family-based community residence facility, subject to Section 609.
4. Family day care home (see Section 619).
5. Church or other place of worship, including parish house and Sunday school or similar accessory building or use.
6. Public library, school, or other educational institution.
7. Park, playground, or recreational area.
8. Community facility, including Borough hall and firehouse.
9. Wireless communications facility, subject to applicable provisions of Section 902 and Article 9.

302 Uses Permitted by Special Exception

The following uses shall be permitted by special exception when authorized by the Zoning Hearing Board, subject to the applicable provisions of Article 5:

1. Conversion of a dwelling unit, subject to Section 505.

2. Group day care home, subject to Section 506.
3. Major home occupation and professional office, subject to Section 504.
4. Wireless communications facility, subject to applicable provisions of Section 902 and Article 9.

303 Accessory Uses and Structures

The following uses are permitted as accessory uses incidental to the uses permitted by right:

1. Off-street parking in accordance with Article 8 of this Ordinance.
2. No-impact home-based business, subject to Section 605.
3. Satellite antenna, subject to Section 607.
4. Garage or shed for the exclusive purpose of storing vehicles or household goods belonging to and intended for the use of the occupant of the principal use.
5. Small collection facility for recycling on public land only, subject to Section 618.
6. Sign, when erected and maintained in accordance with Article 7 of this Ordinance.
7. Any accessory use on the same lot with and customarily incidental to any of the above permitted uses and not detrimental to the neighborhood.

304 Area and Bulk Regulations

1. Single-family Detached Dwelling Units

Standard	Size
1. Lot area	6,000 square feet minimum
2. Lot width	50 feet minimum
3. Building coverage	30 percent maximum
4. Impervious surface	50 percent maximum
5. Front yard setback	25 feet minimum

6. Side yards (a) Main building (b) Accessory building	20 feet aggregate and 8 feet minimum (each side) 3 feet minimum (each side)
7. Rear yard (a) Main building (b) Accessory building	25 feet minimum 3 feet minimum
8. Height (a) Main building (b) Accessory building	35 feet or 3 stories maximum 15 feet or 1 story maximum

2. Single-family Semi-detached Dwelling Units

Standard	Size
1. Lot area	3,000 square feet minimum
2. Lot width	30 feet minimum
3. Building coverage	40 percent maximum
4. Impervious surface	60 percent maximum
5. Front yard setback	25 feet minimum
6. Side yard (a) Main building (b) Accessory building	One side yard, not less than 10 feet in width 3 feet minimum
7. Rear yard (a) Main building (b) Accessory building	25 feet minimum 3 feet minimum
8. Height (a) Main building (b) Accessory building	35 feet or 3 stories maximum 15 feet or 1 story maximum

Article 4

COMMERCIAL DISTRICT

400 Purpose

The purpose of this district is to provide appropriate locations for the conduct of activities suitable for the small, suburban Commercial district. These regulations are intended to support the goals and objectives contained in the latest adopted Lansdowne and East Lansdowne Joint Comprehensive Plan. Visitors to the Commercial district may initially arrive by foot, motor vehicle, or mass transit but, once arrived, pedestrian traffic will account for the principal mode of transportation. Accordingly, individual parking needs may be satisfied either individually or through common parking lots.

401 Uses Permitted by Right

Land, buildings, or premises shall be used by right for only one or more of the following uses:

1. Retail store, including retail convenience store, general merchandise store, hardware, pharmacy, and similar retail stores.
2. Food store, including grocery store, delicatessen, supermarket, liquor store, or retail bakery, provided that goods produced on site are sold at retail on the premises.
3. Restaurant, sit-down.
4. Tavern.
5. Office, office building, studio, bank, or other financial institution.
6. Personal service shop, subject to the conditions set forth in (a) below. If the condition set forth in subsection (a) below is not met, then the use shall not be permitted.
 - (a) Spacing requirement for beauty salons, barber shops, and nail salons: To prevent the over-concentration of certain uses and to promote a complementary mix of uses that will generate pedestrian foot-traffic and promote the economic health of the Commercial district, beauty salons, barber shops, and nail salons authorized pursuant to Section 401. 6 above shall be permitted only if no identical or similar use is located within a four hundred (400) foot distance from such proposed shop or salon.

7. Wireless communications facility, subject to applicable provisions of Section 902 and Article 9.

402 Uses Permitted by Special Exception

The following uses shall be permitted by special exception when authorized by the Zoning Hearing Board, subject to the applicable provisions of Article 5:

1. Private club or lodge, subject to Section 503.
2. Catering establishment.
3. Laundry, dry-cleaning, or dyeing establishment.
4. Theater and place of amusement, recreation, or assembly.
5. Tattoo parlor, subject to Section 507.
6. Shared off-street parking, intended to serve two (2) or more permitted uses on the block, subject to Section 809.
7. Adult use, subject to Section 509.
8. Wireless communications facility, subject to applicable provisions of Section 902 and Article 9.
9. Any use of the same general character as those permitted in Sections 401 and 402, provided that such use is authorized as a special exception by the Zoning Hearing Board. To determine if a proposed use is of the same general character, the Zoning Hearing Board shall consider the standards listed in Section 508.

403 Prohibited Uses

The following uses shall be prohibited:

1. Gasoline service stations, auto repair and collision shops, and other drive-in and drive-through uses such as restaurants, banks, and similar automobile-related uses.

404 Accessory Uses and Structures

The following uses are permitted as accessory uses incidental to the uses permitted in Sections 401 and 402 above:

1. Any accessory use on the same lot with and customarily incidental to any of the above permitted uses and not detrimental to the neighborhood.
2. Storage within a completely enclosed building in conjunction with a permitted use.
3. Off-street parking, subject to Article 8 of this Ordinance.
4. Sign, when erected and maintained in accordance with Article 7 of this Ordinance.
5. Satellite antenna, subject to Section 607.

405 Area and Bulk Regulations

Standard	Size
1. Street frontage	15 feet minimum
2. Building coverage	65 percent maximum
3. Impervious surface	85 percent maximum
4. Front yard	0 feet minimum, 5 feet maximum
5. Side yards	10 feet minimum when abutting the Residential district, otherwise none required
6. Rear yard	20 feet minimum when abutting the Residential district, otherwise none required
7. Height	35 feet maximum

406 Special Development Regulations

1. Each lot must abut a public street.
2. While a building shall have a minimum front yard setback of zero (0) feet and a maximum setback of five (5) feet from the front property line, a setback may be increased to twenty (20) feet from the front property line for the purposes of a courtyard, plaza, square, recessed entrance, or an outdoor dining area adjacent to the public street.
3. All off-street parking should be restricted to the rear of structures or, where this is not possible, parking should be located to the side or in lots within walking distance and subject to Article 8, Parking.

4. Automobile entrances to the site shall be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on the surrounding area.
5. In the case of land developments, parking should be located mid-block; parking should not be located at corners.
6. Consolidation of parking lots to serve multiple properties is recommended to maximize the efficiency of Commercial district parking.
7. Parking lots should be screened from the street and sidewalk with landscaping, architectural walls, or fencing, in accordance with Article 8, Parking.
8. All off-street parking and unloading shall be subject to the regulations of Article 8, Parking.
9. Where the rear lot line abuts the Residential district, the construction of or addition of at least three hundred (300) square feet to a commercial use shall require a planted buffer strip at least ten (10) feet long and a planted visual screen, as defined in Article 2, at the rear property line.
10. Where the side lot line abuts the Residential district, only the planted visual screen, as required in subsection 9 directly above, shall be placed along the district boundary.

407 Building Design

This section applies to all new structures and to additions of four hundred (400) square feet or more to existing structures.

1. The use of contemporary interpretations of earlier design styles of surrounding structures in the Commercial district is encouraged, including characteristics such as scale; massing; roof shape; window size, shape, and spacing; and exterior materials.
2. The street elevation of principal structures shall have at least one (1) street-oriented entrance and contain the principal windows of the structure.
3. Site plans shall include drawings, renderings, or perspectives of a professional quality which illustrate the scale; massing; roof shape; window size, shape, and spacing; and exterior materials of the structure.
4. The Planning Commission shall review the site plans and make recommendations to the applicant for amendments to achieve consistency with this section.

Article 5

PROCEDURES AND STANDARDS FOR SPECIAL EXCEPTIONS

500 Purpose

The purpose of this Article is to provide conditions and standards for uses permitted by special exception. In these cases, the Zoning Hearing Board may attach reasonable conditions and safeguards, in addition to those expressed in this Article, as it may deem necessary to implement the purposes of this Ordinance and those of the *Pennsylvania Municipalities Planning Code*, Act 247, as amended.

501 General Requirements

1. In any instance where the Zoning Hearing Board is required to consider a request for a special exception, the Board shall consider the following factors where appropriate:
 - (a) That the proposed use is consistent with the statement of goals and objectives as stated in the latest adopted Lansdowne and East Lansdowne Joint Comprehensive Plan and the statement of purpose for the district in which the use is proposed.
 - (b) That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage and solid waste disposal, water supply, stormwater management, and accessibility and availability of public services and that adequate provisions will be made to protect sensitive environmental features such as streams, wetlands, slopes, and mature trees.
 - (c) That the proposed use is compatible with the character of the surrounding neighborhood, will not interfere with or detract from adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting, and operational controls to minimize any adverse impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading, and signage.
 - (d) That the proposed use will serve the best interest of the Borough, convenience of the community, and the public health, safety, and welfare.
 - (e) That the proposed use promotes orderly development, proper population density, and the provision of adequate community facilities and services, including police and fire protection.

- (f) That the proposed use is suitable in terms of its effect on highway safety and traffic circulation and that access, on-site circulation, and parking are adequate.
 - (g) That the proposed use will provide for adequate off-street parking, as required in Article 8.
 - (h) That the proposed use will reflect effective site planning and design in terms of energy efficiency, environmental protection, and aesthetic composition.
2. Financial hardship shall not be construed as a basis for granting a special exception.

502 Requirements for Special Exceptions Where Specific Standards Are Not Provided

In cases where this Article does not provide specific standards for uses permitted by special exception, the following dimensional requirements will be applied by the Zoning Hearing Board.

- 1. In the Residential district, the area, bulk, and any other applicable requirements shall be no less stringent than those for single-family dwellings in the district.
- 2. In the Commercial district, the area, bulk, and any other applicable requirements shall be no less stringent than those for the use which requires the greatest dimensions in the district.
- 3. The Zoning Hearing Board may require additional, reasonable but more stringent requirements than those required in subsections 1 or 2 above, provided that the Board makes one or more of the following determinations:

That the requirements of subsections 1 and 2 above are clearly:

- (a) Insufficient to accommodate the proposed building, facility, or use and that greater dimensional requirements would substantially alleviate that condition.
- (b) Insufficient to provide adequate area for parking and loading, as required by Article 8, and that greater requirements would substantially alleviate that condition.
- (c) Insufficient to provide for lot areas and dimensions necessary to protect the adjacent area from the potential adverse impacts of the proposed use, such as noise, vibration, air pollution, and similar impacts, and that greater dimensional requirements would substantially alleviate that condition.

4. All parking requirements of Article 8 must be followed.

503 Private Clubs or Lodges

Private clubs or lodges shall be permitted by special exception in the Commercial district in accordance with the following requirements:

1. Private clubs shall be operated for civic, cultural, educational, social, or recreational purposes.
2. The activity shall be noncommercial, nonprofit, and clearly one not customarily carried on as a business.
3. Each building or facility shall be for members and their guests only.
4. No club shall provide for eating or dining except on an incidental basis.

504 Major Home Occupations and Professional Offices

Major home occupations shall be permitted by special exception in the Residential district, subject to the following provisions:

1. The occupation (or profession) shall be conducted entirely within the dwelling and shall be clearly incidental and secondary to the residential use of the dwelling.
2. Only one (1) occupation per dwelling shall be permitted.
3. Not more than one (1) person other than the resident shall be employed, except that in the case of home professional offices of doctors and dentists, a maximum of two (2) people other than the resident may be employed.
4. Not more than twenty-five (25) percent of the gross floor area of the dwelling shall be used for the home occupation. However, a maximum of fifty (50) percent of the gross floor area of the dwelling may be used as a home professional office for a doctor or dentist.
5. No external alterations inconsistent with the residential use shall be permitted.
6. There shall be no display of materials or products visible from outside the dwelling.
7. No noise, vibration, smoke, glare, or any other impact shall be noticeable at or beyond the property line.
8. There shall be no outdoor storage of equipment, material, or supplies.

9. Major home occupations shall not be permitted in multi-family dwellings.
10. All home occupations shall be subject to periodic inspection by a local official.
11. A home occupation shall in no case be operated before 8:00 a.m. and after 8:00 p.m.
12. Parking shall be provided, subject to Article 8.
13. A special exception shall not be granted when it appears to the Zoning Hearing Board that the proposed major home occupation will cause one or more of the following conditions: a fire hazard to neighboring residences, an adverse effect on neighboring property values, or a nuisance or detriment to the neighbors because of excessive traffic, noise, odor, or other negative circumstances.

505 Residential Conversions

Conversions of single-family detached dwellings and single-family semi-detached dwellings to two-family dwellings shall be permitted by special exception in the Residential district, subject to the following requirements:

1. In order to be eligible for conversion, a minimum floor area of two thousand (2,000) square feet, exclusive of basement space, is required.
2. A minimum of one (1) floor of living space shall be provided for each unit, with a minimum of six hundred twenty-five (625) square feet for one (1)-bedroom units and a minimum of eight hundred (800) square feet for two (2)-bedroom units.
3. A lot area of not less than three thousand (3,000) square feet shall be required for each dwelling unit created by conversion.
4. Two (2) off-street parking spaces shall be required for each unit created by the conversion. Such parking spaces shall be paved and have direct access to a street or alley. The stacking of parking spaces (where it is necessary to move a given vehicle before another vehicle can enter or exit) is prohibited.
5. No external alterations inconsistent with the residential use and architectural character of the neighborhood shall be permitted.
6. Each unit shall be a complete, separate housekeeping unit that is independent of any other unit.

7. The maximum number of units created shall be two (2).
8. Owners of conversions on lots where there is currently no sidewalk shall install a sidewalk along the frontage of the property.
9. Prior to conversion, the applicant shall obtain a permit from the Zoning Officer.
10. All utility connections shall meet utility company standards.
11. Applications for conversions shall contain the following items:
 - (a) Floor plan showing the layout, including all dimensions of each unit.
 - (b) Site development plan showing and locating the dwelling and other existing buildings; all property lines; any proposed additions; building setback lines; location, size, and extent of all underground utilities; length, width, and function of all rights-of-way and easements; and required parking spaces.
 - (c) All plans shall be drawn to a scale of not less than one (1) inch equals four (4) feet for the floor plans and one (1) inch equals twenty (20) feet for the site development plans.

506 Child Care Facilities

A. General Provisions

The following general provisions apply to each of the two defined types of child day care facilities. In addition, each type of child day care facility shall comply with the specific individual regulations for each type of facility:

1. The provisions of this section pertain to day care service for children by caregivers in:
 - (a) Family day care homes, permitted by right
 - (b) Group day care homes, permitted by special exception

Subject to Article II, Sections 8A, 8B, and 8C of the Department of Public Welfare (DPW) Social Services Manual Regulations, day care service for children shall include out-of-home child day care service for part of a twenty-four (24) hour day for children under sixteen (16) years of age by caregivers, excluding care provided by relatives. Day care service for children shall not include babysitting or day care furnished in places of worship during religious services.

2. Family day care homes, as defined in Article 2, must hold an approved and currently valid DPW registration certificate. Group day care homes

and day care centers, as defined in Article 2, must hold an approved and currently valid DPW license. In addition, all child day care facilities shall comply with all current DPW regulations, including those standards governing adequate indoor space, accessible outdoor play space, and any applicable state or local building and fire safety codes.

3. Each operator of a newly established child day care facility shall notify the Borough in writing at least fifteen (15) days prior to the initiation of such use for the purpose of allowing the Borough to establish a record of new land use. Already existing licensed or registered facilities shall be required to notify the Borough of its operation in writing at least sixty (60) days after enactment of this section. In addition, the operator of any facility must certify compliance with all aspects of this section and all other applicable municipal requirements.
 - (a) Family day care homes must provide proof of an approved DPW registration certificate at the time of initial notification to the Borough and must show proof of the registration renewal every two (2) years. At such time that a family day care home wishes to expand its operation to the level of a group day care home, the operator of the facility shall notify the Borough in writing at least fifteen (15) days prior to the expansion of the use and provide proof that all requirements for licensure by DPW have been met. The operator must also satisfactorily demonstrate that the facility meets the standards for group day care homes established in subsection C herein.
 - (b) Group day care homes must provide proof of an approved and currently valid DPW license at the time of initial notification to the Borough and must provide proof of annual license renewal.
4. The operator of a family day care home or group day care home will allow appropriate representatives of the Borough to enter the property at reasonable times to inspect such use for compliance with the requirements of this section and all other applicable municipal and state ordinances and regulations.
5. No portion of a child care facility shall be located within three hundred (300) feet of any potentially hazardous land use or activity which could expose a threat to the safety and welfare of the children, staff, and other occupants of the facility. Hazardous land uses or activities include, but shall not be limited to, gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines, truck or rail loading areas, etc.
6. Outside play shall be limited to the hours between 8:00 a.m. and 8 p.m.

7. An outdoor play area, as required by DPW regulations, shall be provided for any proposed child day care facility.

- (a) On-site Outdoor Play Area

An on-site outdoor structured play area or areas of high outdoor activity shall be located in yard areas which provide adequate separation, safety, and protection from adjoining uses, properties, and roadways. Whenever possible, the on-site outdoor play area shall not be located in the front yard. The outdoor play area should be located immediately adjacent to the child care facility.

- (b) Off-site Outdoor Play Area

In accordance with DPW standards, a child day care facility may utilize off-site play areas in lieu of or as a supplement to an on-site play area. These standards permit the use of off-site play areas which are located within a half (1/2) mile distance of the facility, measured from the property line of the facility. When the use of an off-site play area is proposed, the applicant shall inform the municipality about the means of transportation that will be used to access the off-site play area. For reasons of safety, when children will be walked to an off-site play area, the route to the off-site play area shall not involve the crossing of avenues or state roads. Pedestrian access on sidewalks or improved walkways shall be required.

8. Any addition or improvement to an existing residential structure or property for purposes of child day care shall preserve its residential character. The scale, bulk, height, and roof pitch of any addition and the building materials used shall be compatible with the existing structure. Any improvements to the structure shall be in compliance with all other applicable municipal regulations relating to building and/or zoning permits.

B. Family Day Care Homes

Any proposed family day care home shall comply with the following standards in addition to the general provisions for all types of child day care facilities in subsection A above.

1. The following standards shall apply to all proposed family day care homes:

- (a) Drop-off Area

One (1) on-site drop-off space for clients shall be provided. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate a parked vehicle. If a driveway is used for the drop-off area and the proposed use fronts on an arterial or major collector street, an on-site turnaround area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, an on-site drop-off space shall be provided. The drop-off area shall conform to the municipal dimensional standards for residential parking spaces.

- (1) In cases where the drop-off area cannot be accommodated on the site, the applicant shall demonstrate that there is on-street parking or some other available parking area located within two hundred fifty (250) feet of the property line of the proposed facility.
- (2) The required drop-off area may be waived by the municipality if the applicant can demonstrate that the clients of the family day care home will walk to the facility, thereby eliminating the need for the additional parking space.

(b) Fencing

If there are unsafe areas, such as open drainage ditches, wells, holes, heavy street traffic, etc., in or near an outdoor play area, there shall be fencing to restrict children from these areas. Natural or physical barriers, such as hedgerows, walls, or dense vegetation may be used in place of fencing so long as such barriers functionally restrict children from unsafe areas.

2. The following standards shall apply to family day care homes:

- (a) The applicant shall demonstrate that the children in the family day care home can safely, quickly, and easily vacate the premises in case of emergency.
- (b) The hours of drop-off and pick-up of children and of outdoor play shall be limited to between 8:00 a.m. and 8:00 p.m.
- (c) The applicant shall demonstrate that the current lease or homeowners' covenants for the facility contain no clause which prohibits the proposed use.

C. Group Day Care Homes

Any proposed group day care home shall comply with the following standards in addition to the general provisions for all types of child day care facilities in subsection A above:

1. Minimum Distance Between Facilities

- (a) In order to avoid a concentration of individual group day care homes in residential neighborhoods, group day care homes shall be located a minimum of three hundred (300) feet from each other as measured from the respective property lines. This dispersion requirement shall not apply in cases where a proposed group day care home is located within three hundred (300) feet of a school facility or church which provides child care services.
- (b) The above requirement may be waived if the applicant provides a petition signed by two thirds (2/3) of the residents within three hundred (300) feet of the proposed facility stating that the residents do not object to the proposed use.

2. Drop-off Area

- (a) A drop-off area shall be provided with sufficient area to allow the temporary parking of two (2) vehicles. An existing driveway or common parking lot spaces may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate two (2) parked vehicles. If a driveway is used for the drop-off area and the proposed use fronts on an avenue or state road, an on-site turnaround area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, two (2) new on-site drop-off spaces shall be provided. The drop-off area shall conform to the municipal dimensional standards for residential parking spaces.
- (b) In cases where the on-site drop-off area cannot be accommodated, the applicant shall demonstrate that there is on-street parking or some other available parking area located within two hundred fifty (250) feet of the property line of the proposed facility.

3. Fencing of an Outdoor Play Area

In order to physically contain the activity of children in the outdoor play area, a minimum four (4) foot high fence shall be erected along the perimeter of the outdoor play area. When applicable, the fence shall be located along property lines. Natural or physical barriers, such as hedgerows, walls, dense vegetation, etc., may be substituted for fencing if

it can be demonstrated that such barriers can effectively contain the activity of the children.

507 Tattoo Parlors

Tattoo parlors shall be permitted only by special exception in the Commercial district, subject to the applicable provisions in this Article and the requirements noted below:

1. It shall be unlawful for any person to engage in operating a tattoo parlor without first obtaining a Certificate of Registration from the Pennsylvania Department of Health.
2. The person operating the tattoo parlor shall first obtain a permit from the Borough in accordance with Article 12.
3. No tattoo parlor use shall be located within eight hundred (800) feet of another parlor or within five hundred (500) feet of any school, church, or recreational area.
4. The establishment shall be maintained in a sanitary condition at all times. Adequate light and air shall be provided.
5. The room in which the tattoo procedures are conducted shall have an area of not less than one hundred (100) square feet.
6. Only instruments and equipment that have been properly cleaned and sterilized prior to use shall be used during the process.
7. Walls, floors, and ceilings shall have an impervious, smooth, and washable surface. Walls and ceilings shall be painted a light color.
8. The shop shall be arranged so that work tables will be located at least ten (10) feet from observers or waiting customers or such work table shall be separated from observers or waiting customers by a panel or other barrier at least six (6) feet high.
9. The establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of thirty-six (36) inches from the required ultrasonic cleaning unit.

508 Compatibility Standards for Uses of the Same General Character

In order to determine if a proposed use is of the same general character as the listed uses, the Zoning Hearing Board shall employ the standards noted below:

1. Type and volume of sales, retail or wholesale activity, size and type of items sold, and nature of the inventory on the premises.
2. Extent of processing, assembly, warehousing, shipping, and distribution done on the premises of any dangerous, hazardous, toxic, or explosive materials used in the processing.
3. The nature and location of storage and outdoor display of merchandise and the predominant items stored.
4. The type, size, and nature of buildings and structures supporting the use.
5. The number of employees and customers in relation to business hours and employment shifts.
6. The business hours the use is in operation or open for business, ranging from seven (7) days a week, twenty-four (24) hours a day to several times a year.
7. The transportation requirements for people and freight, by volume, type, and characteristics of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site.
8. Parking characteristics, turnover and generation, ratio of the number of spaces required per unit area or activity, and potential for shared parking with other uses.
9. The tendency for attracting or repelling criminal activities to and from or on the premises.
10. The amount and nature of nuisances generated on the premises, such as noise, smoke, odor, glare, vibration, radiation, and fumes.
11. Any special public utility requirements for serving the use, such as water supply, wastewater output, pre-treatment of wastes and emissions recommended or required, and any significant power structures and communication towers or facilities.

509 Adult Uses

Adult uses, as defined in Article 2, shall be permitted only by special exception in the Commercial district, subject to the requirements listed below:

1. No adult use shall be located within eight hundred (800) feet of another adult use or within five hundred (500) feet of any school, church, or recreational area.
2. There shall be no exterior display of products or activities.

3. Adult uses shall be housed in a completely enclosed building designed and used in a manner that prevents the viewing of adult material from outside the building.
4. If located in a detached structure, all adult uses must have fences at least six (6) feet high along all rear and side property lines.

Article 6

GENERAL REGULATIONS

600 Purpose

The purpose of this Article is to identify certain regulations and standards that are either common to all zoning districts or applicable to more than one district.

601 Overall Requirements

1. No building or structure or part thereof shall hereafter be erected, constructed, or altered, and no new use or change shall be made or maintained of any building, structure, land, or part thereof except in accordance with this Ordinance.
2. Every principal building shall hereafter be built on a lot with frontage on a public or private street.
3. No lot or premises shall hereafter be subdivided or reduced in area or size in any manner so as to violate the provisions of this Ordinance.
4. Only one (1) principal use shall be placed, erected, or operated on a lot.

602 Projections into Required Yards

No principal building or part thereof shall be erected within or project into any required yard in any district, except for unenclosed porches, decks, one (1)-story bay windows, eaves, chimneys, balconies, fire escapes, buttresses, cornices, or steps, and none of these, except unenclosed decks or similar projects, shall encroach more than three (3) feet into any required yard. In the Residential district, such unenclosed decks may extend not more than seven (7) feet into required rear yards.

603 Visibility at Corner Lots

1. On any corner lot, no wall, fence, or other structure shall be erected or maintained, and no hedge, tree, shrub, or other growth shall be planted, grown, or maintained which may cause danger to vehicular traffic by obscuring the view or in any other way pose a danger to vehicular and pedestrian traffic.
2. Where a lot is located at the intersection of two (2) streets, no obstruction of any kind whatsoever of a height greater than thirty-six (36) inches shall be maintained or permitted within a sight triangle, the legs of which shall be fifteen (15) feet measured from the intersection of the curb lines at the corner.

3. The Borough shall have the right to declare any obstruction to vision within the line of the sight triangle a safety hazard and shall direct the owner of the property to have it removed. If the owner fails to do so within thirty (30) days after written notice, the Borough shall remove the obstruction and bill the owner and lien the property for the expense involved.

604 Accessory Uses and Structures

1. No accessory structures may be placed in front of the principal building.
2. On corner lots, accessory structures shall be placed no closer to the side street than the principal building.
3. Except for decks and fences, there shall be a distance of not less than three (3) feet between an accessory structure and a side or rear lot line.
4. Accessory structures shall not exceed fifteen (15) feet in height.
5. In the Residential district, not more than one (1) storage shed shall be placed on a lot. No storage shed shall exceed one hundred (100) square feet.
6. Accessory structures shall not be used for permanent or temporary human habitation.
7. No storage shall be allowed in front yards.
8. With the exception of decks and fences, there shall be a distance of not less than ten (10) feet between the principal building and an accessory structure.

605 No-impact Home-based Businesses

1. No-impact home-based businesses shall be permitted as an accessory use in the Residential district.
2. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
3. The business shall employ no employees other than family members residing in the dwelling.
4. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
5. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.

6. No on-site parking of commercially identified vehicles shall be permitted.
7. The business activity may not use any process or equipment which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference with radio or television reception which is detectable in the neighborhood.
8. The business activity may not discharge any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
9. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
10. The business may not involve any illegal activity.

606 Decks

1. Decks or porches located at the rear or side of a dwelling shall be placed not less than seven (7) feet from the lot line or from the edge line of a common driveway or alley at the side or rear of the dwelling.
2. The deck shall be placed not less than one (1) foot from the party wall of a twin or row dwelling. This setback is needed for access and maintenance.
3. Decks or porches more than three (3) feet above ground level shall adhere to the following requirements:
 - (a) Must have a hand railing not less than thirty-six (36) inches high around the entire deck or porch with spindles not more than four (4) inches apart.
 - (b) Must have a hand railing on any stairway.
4. In an area where motor vehicles may park or drive, elevated decks or porches shall have support posts constructed of concrete filled steel columns which shall be at least four (4) inches wide and are fastened into footings not less than six (6) inches wide.
5. After a zoning permit is issued for a deck or porch, no change in plans regarding setbacks, dimensions, or heights is permissible without first receiving written permission from the Zoning Officer.
6. Prior to constructing a deck or porch, a zoning permit must be obtained from the Zoning Officer, and a building permit must be obtained from the Building Inspector.

7. All materials used in the construction of a deck or porch shall comply with the most recently adopted Uniform Construction Code.

607 Satellite Antennas

1. Satellite antennas shall be considered as a permissible accessory use in all zoning districts.
2. Satellite antennas may be attached to or placed on top of a building or may be placed in one of the yards.
3. The diameter of a satellite antenna shall not exceed three (3) feet in the Residential district and nine (9) feet in the Commercial district.
4. When separately supported, the total height of the satellite antenna in the Commercial district shall not exceed twelve (12) feet.
5. The satellite antenna shall be located not closer than eight (8) feet to the property line.
6. Where possible, roof-mounted antennas shall be located on a portion of the roof sloping away from the front of the lot, and no part thereof shall project above the ridge line.
7. All wiring for ground-based antennas shall be underground.
8. The satellite antenna shall be of a color that blends with the surrounding landscape.
9. All satellite antennas shall be adequately grounded for protection against a direct strike of lightning.
10. No more than one (1) satellite antenna shall be permitted on any lot.
11. Before the erection of any such satellite antenna, a building permit must be applied for and issued by the East Lansdowne Borough Building Inspector.

608 Swimming Pools, Private

1. Swimming pools shall not be located in the front yard. They may be located in the side yard, provided that there exists a distance of not less than fifteen (15) feet between the pool and the side property line. Also, no pool on a corner lot shall be located closer to the side street than the principal building.
2. No private swimming pool shall be located closer than ten (10) feet to a rear property line or eight (8) feet to a cellar or basement. Accessory buildings, such

as locker rooms, bathhouses, cabanas, shower rooms, and toilets, and other physical facilities or equipment incident to the operation of any private swimming pool shall conform to the requirements of the Borough Building, Zoning, and Plumbing Codes.

3. Every private swimming pool shall be completely surrounded by a fence, which shall be not less than six (6) feet in height. Such fence shall be erected around the entire perimeter of the pool. However, the house or other building may serve as the safety barrier on one or more sides of the pool.
4. All fences around pools shall have a self-locking gate and shall be of a design to adequately prevent unauthorized children or animals from entering the pool area.
5. No swimming pool shall be located under electric lines.
6. Pool lighting fixtures shall be placed, directed, or shielded to protect neighboring properties from glare.
7. Every private swimming pool constructed, installed, established, or maintained in the Borough of East Lansdowne shall at all times comply with any requirements of the local Board of Health. Any nuisance or hazard to health which may exist or develop in or in consequence of or in connection with any such private swimming pool shall be abated and removed by the owner, lessee, or occupant of the premises on which said pool is located within ten (10) days of receipt of notice from the Building Inspector or Health Officer of the Borough of East Lansdowne. It shall be the duty of the Building Inspector and the Health Officer, respectively, or their authorized assistants to enforce the provisions of this subsection.
8. The Building Inspector and/or Health Officer or any of their assistants or deputies shall have the right to enter any premises or any building or other structure for the performance of their duties to ascertain compliance with this section.

609 Community Residence Facilities, Family-based

Family-based community residence facilities shall be permitted by right in the Residential district, subject to the following requirements:

1. Supervision on a twenty-four (24)-hour basis shall be available by adults qualified in the field for which the facility is intended.
2. Each facility must receive all pertinent approvals and/or licenses from the appropriate state agencies prior to final approval of the application.

3. No facility shall be located less than five hundred (500) feet from another facility, measured from the property lines.
4. All other applicable requirements of the Zoning Ordinance, Building Code, Fire Code, and all other applicable Borough codes and state regulations and statutes shall be met.
5. All facilities will be available for reasonable periodic inspections by the Code Enforcement Officer.
6. A record of all facilities and their locations shall be maintained by the Code Enforcement Officer.
7. The operator of the facility must register annually with the Code Enforcement Officer and provide the following information:
 - (a) Name of operator.
 - (b) The profit or nonprofit status of the facility.
 - (c) The registration of the facility under the Department of Public Welfare
 - (d) Such other information as is reasonably requested by the Borough.

610 Fences and Walls

1. Fences and walls in the Residential district will be subject to the following provisions:

Location	Maximum Height	Materials
Front yard	3 feet	Brick
Side and rear yard	6 feet	Ornamental iron Ornamental aluminum or steel designed to look like iron
Rear yard adjacent to a street	4 feet	Stone Wood in the form of a picket fence Vinyl designed to look like wood in the form of a picket fence Vinyl designed to look like iron

2. In the Commercial district, no fence, wall, hedge, or similar growth shall exceed six (6) feet in height.

3. All fences or walls shall be erected one-half (1/2) foot inside the property line, provided that said fences or walls may be erected on a joint property line with the consent of both owners.
4. The fence shall be installed so that the finished side faces toward the outside of the property.
5. Hedges and other plantings, whether or not they constitute a fence, shall be trimmed so as not to grow out over sidewalks, streets, or adjoining properties.
6. Before erecting a fence, a permit must be obtained from the Zoning Officer, as required in Article 12.

611 Refuse

1. Unless specifically stated otherwise for a particular district, all refuse shall be placed in closed, vermin-proof containers.
2. In the case of multi-family buildings, all refuse receptacles shall be effectively screened from the view of residents and from public streets and sidewalks by means of a fence, wall, or plantings. All such receptacles shall be placed on the property responsible for the refuse.

612 Lighting

Multi-family dwellings and nonresidential buildings shall be properly lighted to assure safe driving conditions at night as well as security and safety of residents and patrons. All lighting shall be designed to protect neighboring properties from glare.

613 Planted Visual Screens

1. A planted visual screen, as defined in Article 2, shall be provided and maintained under the following circumstances. In case of conflict between a regulation in this Article and that in any individual district, the regulation in the individual district shall prevail.
 - (a) When a commercial or industrial structure is constructed or extended adjacent to an existing residential use or district.
 - (b) When a multi-family or townhouse structure or addition thereto is proposed to abut an existing single-family detached dwelling.
 - (c) Where any proposed institutional use or an expansion of an existing industrial use abuts an existing residential use or district.

- (d) Any other instance where screening is required by this Ordinance, by the Borough, or by the Zoning Hearing Board.
- 2. A privacy fence, subject to Section 610 of this Article, may be substituted for a planted visual screen only when there is insufficient area to provide a planted visual screen.
- 3. Screening shall comply with the following requirements:
 - (a) The planted visual screen shall consist of species indigenous to the area so as to provide a year-round visual barrier.
 - (b) Such screens shall incorporate earthen mounds or berms, where possible, to improve sound as well as visual buffering.
 - (c) Plants shall be at least six (6) feet high when planted, and no plantings shall be placed closer than five (5) feet to the property line.
 - (d) Placement of screening material shall not obscure sight lines at intersections.
 - (e) All mechanical equipment not enclosed in a structure shall be fully and completely screened and landscaped in a manner compatible with the style of the buildings on the site.
- 4. Upon a recommendation of the Planning Commission, an opaque privacy fence or wall may be substituted for the planted screen required above. Such alternate screening must be constructed and placed so as to clearly provide an effective visual barrier.

614 Landscaping

- 1. General Regulations
 - (a) Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces, aisles, sidewalks, and designated storage areas shall be planted and maintained with landscaping. Maximum advantage shall be taken of existing trees and shrubs in landscaping.
 - (b) All landscaped planting areas shall be planted with grass seed, sod, or other ground cover and shall be maintained and kept clean of all debris, rubbish, weeds, and tall grass, provided, however, that if such land is naturally wooded, it may continue in its natural state.
 - (c) Unless otherwise specified, landscaped planting areas may be part of the required front, side, and rear yards.

- (d) Except for single-family and two-family dwellings, any part or portion of a site which is not used for loading and parking spaces, aisles, sidewalks, and designated storage areas shall be landscaped according to an overall plan prepared and approved as part of the development plan or shall be left in its natural state. A replacement program for non-surviving plant material should be included.

2. Landscaping Plans

- (a) Landscaping shall be installed and maintained in accordance with a landscape plan approved by Borough Council. The landscape plan shall depict all proposed plantings which relate to, complement, screen, or accentuate buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features.
- (b) The landscaping plan shall be coordinated with the development plan and shall show the location, type, size, height, and other characteristics of the proposed landscaping.
- (c) The plan shall be accompanied or shall include information regarding the continued maintenance of plantings indicating that all plantings will be replaced, if damaged, diseased, or dead, in locations shown on the approved plan.

3. Specific Requirements

- (a) For every new building or alteration or expansion erected after the effective date of this Ordinance, landscaping shall be provided as noted below.
- (b) Unless specifically stated otherwise in the specific zoning district, landscaping shall be provided as required below:

Zoning District or Use	Minimum Landscaping Requirements
C Commercial district	Two (2) shrubs which may be placed in planters in front of the principal building.

615 Condominiums

In the event that multi-family dwellings are converted or developed as condominiums, such condominiums shall be owned and operated in accordance with the Pennsylvania *Uniform Condominium Act* of 1980, as amended.

616 Compatibility Standards for Uses of the Same General Character

In determining if a proposed use is of the same general character as the listed uses, Borough Council and the Planning Commission shall consider the compatibility standards listed below:

1. Type and volume of sales, retail or wholesale activity, size and type of items sold, and nature of the inventory on the premises.
2. Extent of processing, assembly, warehousing, shipping, and distribution done on the premises of any dangerous, hazardous, toxic, or explosive materials used in the processing.
3. The nature and location of storage and outdoor display of merchandise and the predominant items stored.
4. The type, size, and nature of buildings and structures supporting the use.
5. The number of employees and customers in relation to business hours and employment shifts.
6. The business hours the use is in operation or open for business, ranging from seven (7) days a week, twenty-four (24) hours a day to several times a year.
7. The transportation requirements for people and freight, by volume, type, and characteristics of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site.
8. Parking characteristics, turnover and generation, ratio of the number of spaces required per unit area or activity, and potential for shared parking with other uses.
9. The tendency for attracting or repelling criminal activities to and from or on the premises.
10. The amount and nature of nuisances generated on the premises, such as noise, smoke, odor, glare, vibration, radiation, and fumes.
11. Any special public utility requirements for serving the use, such as water supply, wastewater output, pre-treatment of wastes and emissions recommended or required, and any significant power structures and communication towers or facilities.

617 Trailers, Construction or Office

1. Construction/office trailers, as defined in Article 2, may be temporarily placed at or near a work or construction site only after acquiring a permit from the Borough that shall be effective for not more than ninety (90) days. The applicant may then apply for another permit.
2. Such trailers shall be prohibited in the Residential and Commercial districts except for those used at new construction sites.
3. Such trailers shall be removed from the site within five (5) days after completion of the construction or other work activity that was the basis for permitting the placement of the temporary trailer.
4. In the Commercial district, office/storage trailers shall require a permit from the Borough only if they are placed or intended to be placed within two hundred (200) feet of the right-of-way line of a public street. Such permits shall be effective for one (1) year.
5. Nothing in this section shall be construed to prohibit the parking of recreational trailers or similar vehicles in private garages or driveways.

618 Small Collection Facility for Recycling

Small collection facilities are subject to the following requirements:

1. Small collection facilities shall be located no less than twenty (20) feet from the right-of-way line of a public street.
2. Trash and debris shall be cleaned up on a daily basis.
3. The name and phone number of the person responsible for the collection facility shall be displayed on containers.
4. Areas where collection facilities are located shall be adequately lit and well kept.
5. Small collection facilities shall be placed only on public land held by the Borough of East Lansdowne.

619 Family Day Care Home

Family day care homes are subject to the requirements of Section 506.

Article 7

SIGNS

700 Purposes

The Borough recognizes that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of public interest. It is the intent of this Article to:

1. Set standards and provide controls that permit reasonable use of signs and enhance the character of the Borough.
2. Encourage sign design that builds on the traditional town image and visual environment the Borough seeks to promote.
3. Avoid excessive competition for large or multiple signs, so that permitted signs provide identification and direction while minimizing clutter, unsightliness, confusion, and hazardous distractions to motorists.

701 Conformance Required

From the effective date of this Ordinance, any sign erected shall conform to the provisions of this Article and any other ordinance or regulations of the Borough of East Lansdowne that relate to it.

702 Definitions

Words and phrases used in this Article shall have the meanings defined in this section. Words and phrases not defined in this Article but defined elsewhere in this Ordinance shall be given the meanings set forth in Article 2.

ABANDONED SIGN – A sign which for at least twelve (12) months has no longer identified or advertised an existing business, lease, service, owner, product, or activity, and/or for which no legal owner can be found.

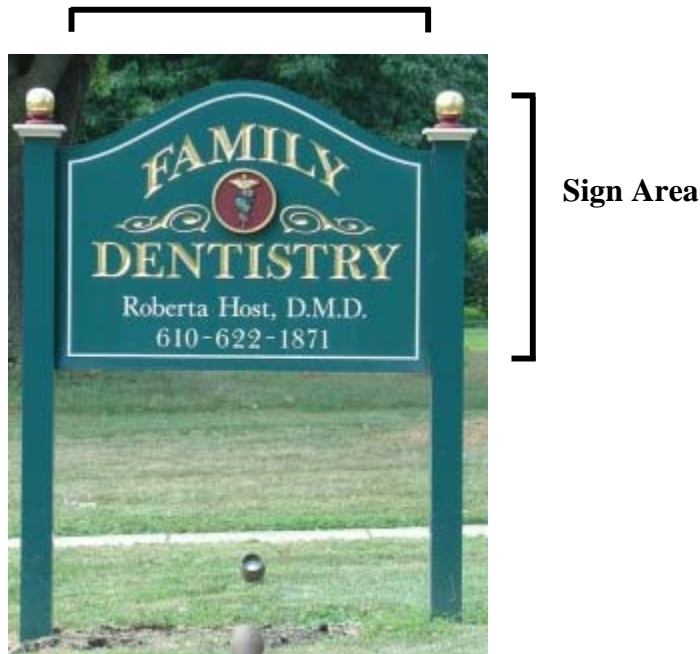
DOUBLE-FACED SIGN – A sign with two (2) identical faces of equal sign area which are back to back.

LEGALLY NONCONFORMING SIGN – Any existing sign (1) located on a premises in the Borough with a permitted use, and (2) legally erected prior to the adoption of this Article, and (3) does not meet the provisions of the current Ordinance.

SIGN AREA – The area of all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed. “Sign area”

excludes any supporting framework and bracing, provided that it does not contain any lettering, wording, symbols, or designs. For the purpose of this Article, “sign area” shall be computed as a square or rectangle drawn at the outer limits of the sign face. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are essentially three-dimensional with respect to their display surfaces, the entire display surface or surfaces is included in the computation of area.

1. Where the sign consists of a double face, only one (1) side shall be considered for the purpose of calculating total sign area. Where both sides are not identical or where the interior angle formed by the faces of a sign is greater than forty-five (45) degrees, all faces shall be considered in calculating total sign area.
2. Any spacing between signs designating different or separate occupants or uses of a building shall not be counted as sign area.



SIGN FACE – The part of a sign that is or can be used to identify, advertise, and communicate information for visual representation, which attracts the attention of the public for any purpose. This definition shall include any background material, panel, trim, and color used that differentiates the sign from the building or structure on which it is placed. The sign structure shall not be included, provided that no message, display, or symbol is designed and included as part of the structure.

SIGN HEIGHT – The distance from the highest portion of the sign, including all structural elements, to mean grade.

SIGN STRUCTURE – A supporting structure erected and used for the purpose of physically supporting a sign, situated on any premises where a sign may be located. This definition shall not include a building, fence, wall, or earthen berm.

TEMPORARY SIGN – A sign which advertises community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

TYPES OF SIGNS – Signs are defined by form.

- Form refers to the physical sign itself.

Signs as defined by **FORM:**

Animated Sign – A sign with action or motion, flashing, color changes requiring electrical energy, but not including wind-actuated elements such as flags, banners, or specialty items. *Prohibited*

Awning Sign – Any sign painted on or applied to a structure made of cloth, canvas, metal, or similar material which is affixed to a building and projects from it.



Banner – A sign consisting of lightweight, flexible material which is supported by a frame, rope, wires, or other anchoring devices which may or may not include copy, logo, or graphic symbols.



Beacon Light – Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object. *Prohibited*

Billboard – A sign which 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.

Canopy (Freestanding) – A rigid multi-sided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.



Changeable Copy Sign – A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature sign” and not a changeable copy sign for purposes of this Ordinance.

Flashing Sign – A sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. Illuminated signs that indicate the date, time, and temperature are not being considered flashing signs. *Prohibited*



Freestanding Sign – A sign and supporting structure that is secured in the ground and independent of any building, fence, or other support. For the purpose of this definition, “freestanding signs” may consist of the following:

1. Ground Sign – A sign designed to be viewed at eye level. The bottom of the sign is no more than three (3) feet from the ground.
2. Pole Sign – A sign which is detached from a building and supported by no more than two (2) poles or other structural supports which are architecturally dissimilar to the design of the sign.



Illuminated Sign – A nonflashing or nontwinkling sign which has letters, figures, designs, or outlines illuminated by an internal or external lighting source as a part of the sign.



Internal illumination



External illumination

Interior Sign – Any sign located fully within the interior of any building that is intended solely for information relating to the operation of such building.

Marquee Sign – Any sign attached to a marquee for the purpose of identifying a movie theater or similar place of entertainment. *Permitted as a Conditional Use.*



Movable Digital Sign – A sign that contains moving text or graphics programmed by the “on-off” action of multiple LED bulbs.

Movable Sign – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames. This definition does not include sandwich board signs.



Mural – Artwork applied to the wall of a building which covers all or most of the wall and depicts a scene or event of natural, social, cultural, or historic significance. *Permitted as a Conditional Use.*



Neon Sign – Any sign composed of glass tubing containing a large proportion of neon gas. A neon sign may be a wall sign, a projecting sign, or a window sign.



Off-premises Sign – Any sign, including billboards, that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.



On-premises Sign – A sign which advertises or otherwise directs attention to an activity on the same lot where the sign is located.



Pennants – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.



Projecting Sign – A sign which is attached directly to any building wall and which extends more than twelve (12) inches from the face of the wall. *Prohibited*



Revolving Sign – A sign which revolves in a circular motion rather than remaining stationary on its supporting structure. *Prohibited*

Roof Sign – Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof. *Prohibited*



Sandwich Board – A movable sign consisting of two (2) faces connected and hinged at the top.



Vehicular Sign – Any vehicle used as a sign or vehicle to which a sign is affixed in such a manner that the carrying of the sign is used primarily as stationary advertisement for the business on which the vehicle sits, or is otherwise not incidental to the vehicle's primary purpose. *Prohibited*



Wall Sign – Any sign erected against the wall of a building or displayed on doors or fences that does not protrude more than twelve (12) inches from the wall, window, or door. A wall sign may not extend beyond the eave line or parapet of the roof line.



Window Sign – Any sign placed upon the outside or inside of a window, not extending beyond twelve (12) inches of the surface of the window, facing the outside. Customary displays of merchandise or objects and material without lettering placed behind a store window are not considered signs or parts of signs.

A. Permanent – Any sign painted or pasted on a window.

B. Temporary – Any paper or cardboard sign that is taped or pressed against a window. Any sign attached to the inside of a window that is suspended from a string, hook, or wire.



Permanent

**Temporary**

703 General Regulations

The following restrictions and regulations shall be applicable to all signs unless otherwise specified:

1. All signs, excluding awning, canopy, and window signs, shall be constructed only from wood, metal, stone, or other material as determined by the Borough which has the general appearance of structures composed primarily of wood, metal, or stone with painted, engraved, or raised messages. Sign materials should complement the original construction materials and architectural style of the building façade on which they are to be displayed. If plywood is used, medium density overlay shall be used as a minimum grade. Bare plywood is prohibited.
2. In selecting the principal colors for a sign, those that complement the color of the building should be used.
3. Where permitted, signs shall be illuminated only in accordance with the following regulations as authorized in an appropriate sign permit:
 - (a) Light sources shall be shielded from all adjacent properties and streets and shall not be of such intensity as to cause glare hazardous to pedestrians or motorists.
 - (b) With the exception of marquee signs, signs using internal illumination shall be designed so that when illuminated at night, only the letters and logos of the sign are visible. Individual, solid letters with internal lighting tubes which backlight a wall in a halo effect are permitted.
 - (c) Permits for illuminated signs will not be issued without an approved electrical permit. All work shall be completed in full compliance with the Electrical Code as set forth in the most recently published BOCA Electrical Code.
4. The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means

- of underground cables. Applications for electrical permits shall be filed at the same time as the sign permit application.
5. No sign shall create a public nuisance by emitting smoke, sound, vapor, beams or rays, particle emission, or odors.
 6. Any business that has closed shall remove any signs associated with the business within sixty (60) days after it closes. The owner of the premises shall have the responsibility to ensure that such signs are removed within the sixty (60)-day period.
 7. No sign or structure shall be erected unless it complies with all applicable requirements of the East Lansdowne Building Code.
 8. All signs and sign structures shall be kept in good repair and in presentable condition so that all sign information is clearly legible. Any sign found by the Zoning Officer to show deterioration, including rust, faded colors, discoloration, holes, and missing parts or informational items, shall constitute a violation of this Article.
 9. No sign or structure shall be placed in the public right-of-way except for permitted sandwich boards, projecting signs, and civic event signs as provided for in this Article.

704 Prohibited Signs

It shall be unlawful for any person, firm, or corporation to erect any sign in the Borough unless it is specifically permitted in this Article. Unlawful signs include, but are not limited to:

1. Any sign which by color, shape, or location conflicts with or resembles a traffic signal device.
2. Signs attached to rocks, utility poles, parking meters, traffic signposts, traffic signals or control devices, street signs, or historical markers.
3. Signs attached to trees, shrubs, or any living vegetative matter.
4. Any sign which advertises or publicizes an activity or business not conducted on the premises, except civic event signs.
5. Signs erected without the permission of the property owner or authorized agent.
6. Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.
7. Animated signs, except time and temperature signs and movable digital signs.

8. Any sign that obstructs free ingress to or egress from a required door, window, fire escape, or other required exit.
9. Projecting signs.
10. Vehicular signs.
11. Abandoned signs.
12. Flashing signs, except for the time and temperature portion of a sign.
13. Beacon lights.
14. Revolving signs.
15. Tethered balloons, filled either by gas or heated air.
16. Roof signs.
17. Wall signs that cover windows or architectural detail.
18. Pennants longer than one hundred fifty (150) percent of the street frontage of the premises.
19. Signs with reflective backgrounds.
20. Billboards.

705 Permits Required

Unless otherwise provided by this Article, all signs shall require permits and payment of fees as described in Section 710. No permit is required for the maintenance of a sign or for a change of copy on a legally conforming painted, printed, or changeable copy sign. For the purposes of this section, “maintenance” shall include any repainting of a sign that does not otherwise change its message or appearance.

706 Exempt Signs

No permit need be obtained before erecting any of the following signs in any district. Exempt signs shall conform to all other regulations set forth herein:

1. Governmental or regulatory signs.
2. Public notice, warning, or official traffic signs required by federal, state, or local law, regulation, or ordinance.

3. Public interest signs.
4. Address signs.
5. Interior signs.
6. Incidental signs.
7. Civic/church event signs on premises.
8. Pennants as permitted in this Article. Pennants may only be used on nonresidential premises.

707 Conditional Uses

The following signs shall be allowed as conditional uses:

1. Murals
2. Marquee signs

Borough Council shall ensure that the proposed sign is appropriate to the style, period, type, size, and scale of the building for which it is proposed. Council shall weigh testimony from other property owners in the vicinity regarding the merits of the sign. Council shall weigh whether the sign will enhance the traditional town character of East Lansdowne or detract from it in determining whether the sign shall be permitted.

708 Signs on the Premises of Legally Nonconforming Uses

Signs on the premises of legally nonconforming uses, such as an office in a residential area, may remain until the existing use of the premises is discontinued. If a sign wears out or is damaged or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the size they were at the time this Article was adopted.

709 Regulation of Legally Nonconforming Signs

1. If a legally nonconforming sign lists more than one (1) business, new businesses may be added without affecting the nonconforming status of the sign. However, the sign may not be altered in any way that extends the sign's nonconformity in any manner.
2. Nothing in this Article shall relieve the owners or users of legally nonconforming signs, or the owners of the property on which legally nonconforming signs are located, from any provisions of this Article regarding the safety, maintenance, and repair of signs.

3. Should fifty (50) percent or more of any legally nonconforming sign be damaged by any means, it shall be removed and not reconstructed except in conformity with the provisions of this Article.
4. Any business that has closed shall remove any signs associated with the business within sixty (60) days after it closes. The owner of the premises shall have the responsibility to ensure that such signs are removed within the sixty (60)-day period.
5. The existence of a legally nonconforming sign on a single or multiple occupancy premises shall not prevent the erection or placement of another sign on the premises if the new sign meets the requirements of this Article. However, the total number of signs and the size and area of the signs shall not exceed the requirements of this Article.
6. A legally nonconforming sign shall immediately lose its legally nonconforming designation if the sign is altered in any way. At that point, the sign shall be immediately brought into compliance with this Article and a new permit secured or the sign shall be removed.

710 Permits

1. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within the Borough of East Lansdowne without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements.
2. Applications for sign permits shall be made upon forms provided by the Zoning Officer and shall contain and/or have attached the following information where relevant:
 - (a) Name, address, telephone number, and signature of the owner or duly authorized agent for the property owner.
 - (b) Name, address, telephone number, and signature of the owner of the sign.
 - (c) Name, address, and telephone number of the sign contractor.
 - (d) Property address and applicable zoning district.
 - (e) Two (2) copies of a plan drawn to scale depicting:
 - (1) Lot dimensions, building frontage, and existing cartways, rights-of-way, and driveways.
 - (2) The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme, and proposed location.

- (3) Sign message.
- (4) Building elevations, existing and proposed façades, parapet walls, cornices, and the location and size of all proposed and existing permanent signage.
- (5) Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
- (f) A permit fee, to be established from time to time by resolution of Borough Council, shall be paid.
- (g) Such other information which may be required by the Zoning Officer to show full compliance with this and all other ordinances of the Borough.

711 Sign Uses and Restrictions

How to Use the Sign Uses and Restrictions Chart Below:

1. Determine the zoning district in which your premises is located (*Zone, first column*)
2. Determine the use of your premises, such as single-family residential, commercial, professional office, etc. (*Permitted use, second column*)
3. The third column shows what form (physical structure) is permitted for each type of sign.
4. The fourth column shows restrictions and guidelines as to the size, height, placement, and other aspects of each sign.

The chart below shows the signs that are permitted in the Residential district, provided that a permit is obtained from the Borough.

Zone	Permitted Use	Form	Restrictions and Guidelines
<i>Maximum 1 sign per premises for each street the premises faces. Freestanding signs on each premises must be spaced at least 75 feet apart.</i>			
Residential	Single-family residential	Freestanding Wall	Maximum area: 4 square feet Maximum height (freestanding): 6 feet Nonilluminated
	Multi-family residential	Awning Canopy	Maximum area: 16 square feet Maximum height (freestanding): 6 feet Nonilluminated
	Institutional	Freestanding Wall	Nonilluminated

	Home occupation	Freestanding Wall	Maximum area: 4 square feet Maximum height (freestanding): 6 feet
	Professional offices		
	Group day care		

The chart below shows the signs permitted in the Commercial district:

Zone	Permitted Use	Form	Restrictions and Guidelines
<i>Maximum 1 sign per premises for each street the premises faces.</i>			
Commercial	Multi-family residential	Awning Canopy	Maximum area: 1 square foot for each foot of street frontage
		Freestanding Wall	Maximum area: 15 square feet Maximum height: 6 feet
	Commercial Office	Awning Canopy	Maximum area: 1 square foot for each foot of street frontage
		Movable digital signs	Maximum area: 10 square feet
		Freestanding	Maximum area: 15 square feet Maximum height: 6 feet
		Sandwich board	Maximum area: 8 square feet May not impede pedestrian traffic May only be displayed during business hours
		Wall	Maximum area: 1 square foot for each foot of street frontage
		Window	May not exceed 25 percent of glass area

712 General Regulations for Specific Types of Signs

1. Temporary Signs

- (a) Temporary signs shall be placed so as not to obstruct vehicular or pedestrian traffic or create a safety hazard.
- (b) Such signs shall not obstruct access to or from any door, window, fire escape, or ventilating equipment nor be attached to any standpipe or fire escape.
- (c) Temporary signs shall be removed within seven (7) days after completion of the event, situation, or circumstance for which they are used.
- (d) The size of these signs shall not exceed one-half (1/2) square foot of sign area for each linear foot of building width or thirty-two (32) square feet, whichever is less.

2. Changeable Copy Signs

These signs shall be permitted for places of worship, schools, and other uses which, by their nature, require changeable copy signs. Not more than one (1) sign per property shall be permitted. However, in the case of a corner property with more than one hundred (100) feet of lot frontage on each of two (2) major roads (collector or arterial classification), an additional sign may be permitted at the second frontage. The area of each such sign shall not exceed sixteen (16) square feet.

3. Real Estate Signs

- (a) Must be removed within seventy-two (72) hours of settlement.
- (b) Only one (1) sign per street frontage is permitted.
- (c) Shall not exceed six (6) square feet of sign area.

Article 8

PARKING

800 Purposes

The purposes of this Article are to adequately provide for the parking needs of all uses in the Borough and to set reasonable standards and controls to assure sufficient parking capacity for the uses or potential uses of land within the Borough.

801 General Requirements

1. As a general requirement, each use in the Borough shall provide sufficient off-street parking and loading area to serve its uses.
2. In instances where it is physically impossible to provide adequate off-street parking, particularly throughout the Commercial district on Baltimore Avenue, the regulations in Section 803, Off-street Parking Standards, will not apply. This exception is only valid where it is physically impossible to provide off-street parking. Where it is possible to provide adequate off-street parking, regulations in Section 803 shall apply.
3. Whenever a structure is altered or a use is changed or extended which increases the parking requirement of this Ordinance, the total additional parking required for the alteration, change, or extension shall be provided in accordance with Section 803.

802 Off-street Parking

1. Off-street parking and loading provisions as set forth in this Article shall be required in all instances, except the remodeling of existing buildings as follows:
 - (a) In the event of a change of an existing use in an existing building, no additional off-street parking shall be required if the total floor space does not increase and if the new existing use does not require any more spaces under this Article than the use it replaces.
 - (b) On-street parking spaces immediately adjacent to the property line of existing buildings may be used to count toward the requirements of this Article.

2. All off-street parking and loading areas, whether required by this Article or not, shall be developed, maintained, and used in accordance with the provisions set forth in this Article.
3. Parking lots as independent uses shall not be permitted in the Residential district.

803 Off-street Parking Standards

1. A parking space shall have a dimension of nine by eighteen (9 x 18) feet. Parking lots with five (5) or more spaces may designate up to twenty (20) percent of the spaces as compact spaces with dimensions of eight by fifteen (8 x 15) feet.
2. Parking lots shall comply with the latest adopted Delaware County Land Development and Subdivision Ordinance.
3. Interior aisles or maneuvering lanes shall have a minimum width as follows:

Angle of Parking Space	Parking Aisle Width in Feet
Parallel	12
Less than 45 degrees	17
60 degrees to 45 degrees	19
90 degrees to 60 degrees	22

4. The number of parking spaces required is as follows:

Type of Use	Parking Spaces Required
Dwelling, single-family detached, semi-detached, or attached (townhouse) – 1 bedroom	1 space
Dwelling, single-family detached, semi-detached, or attached (townhouse) – 2 or more bedrooms	2 spaces
Dwelling, multi-family – studio apartment or 1 bedroom	1 space per dwelling unit
Dwelling, multi-family – 2 or more bedrooms	2 spaces per dwelling unit
Dwelling, multi-family for ages 55 or older	1 space per 4 dwelling units
Commercial, office, and institutional	3 spaces per 1,000 square feet
Industrial	1 space per 1,000 square feet
Warehouse	.25 space per 1,000 square feet

5. Every required parking space shall have direct access from or to a public street or alley without first requiring movement of another motor vehicle.
6. The layout of any parking area shall be designed to allow vehicles to move forward when exiting onto a public street, except for the following:
 - (a) Parking areas for no more than two (2) vehicles having exits onto streets of thirty (30) feet width or less may be designed for reverse exiting.
 - (b) Parking areas having exits onto streets or alleys of twenty-four (24) feet width or less may be designed for reverse exiting.
7. When a use is not specifically listed in the above section, the Zoning Officer shall apply the standard of the most similar use listed to determine the number of parking spaces required.
8. No commercial motor vehicle with more than a single rear axle may be stored on a lot in the Residential district, unless such vehicle is kept in a garage at all times.
9. Parking or storage of disabled or partially dismantled or junk cars, trucks, boats, or other vehicles shall be permitted on a property for a continuous period of no more than thirty (30) days.
10. Overnight on-street parking must comply with local Ordinance No. 323.
11. Not more than one (1) commercial vehicle with commercial lettering shall be parked in a driveway in the Residential district.
12. In the Residential district, the parking, storing, or standing of any passenger motor vehicle, trailer, bus, boat, motorcycle, motor scooter, or similar vehicle in the area between the sidewalk and the curb or on the driveway apron (the area between the sidewalk and the curb which is intersected by the driveway) shall be prohibited.

804 Off-street Parking Surfaces

1. All off-street parking areas shall be properly graded and drained to dispose of all surface water accumulations within the area.
2. No surface water from any parking or loading area shall be permitted to drain onto any adjoining property.
3. Any parking area with access or egress directly onto a street twenty-four (24) feet or wider in the Commercial district shall be surfaced with an asphalt, bituminous, cement, brick, or other properly bound pavement so as to provide

a durable and dustless surface. Other parking lots may be surfaced with pavement or gravel.

4. Curbs, bumper guards, bollards, or wheel stops shall be installed in parking and loading areas where there is a protective fence, wall, or hedge to ensure that vehicles will not strike them or obstruct public rights-of-way.

805 Overflow Parking Surfaces

Off-street areas used for special event parking (to accommodate occasional overflow volumes) may be constructed of any dust-free, compacted, pervious ground cover. The owner of the property shall be responsible for the maintenance of such parking in a clean and dust-free condition. Grass and mulch are examples of acceptable pervious ground cover.

806 Lighting of Parking Areas

1. All parking areas for more than ten (10) vehicles serving business uses and collective residential parking shall be adequately illuminated during the hours between sunset and sunrise when the use is in operation. Any lighting used to illuminate any off-street parking area, whether required or not, shall be so arranged or shielded to protect any adjacent residential premises from the glare of the illumination.
2. Fixtures shall be equipped with or be capable of being backfitted with light directing devices such as shields, visors, or hoods when necessary to redirect offending light distribution. Lights shall be installed or aimed so that they do not project their output into the window of a neighboring residence, an adjacent use, directly skyward, or onto a roadway.

807 Access Driveways

1. Each separate use or group of buildings constructed and maintained on a lot as a unified development shall have no more than two (2) accessways connecting a tract to any one (1) street or highway for each three hundred (300) feet of frontage.
2. The accessway shall be from eleven (11) to twenty-two (22) feet wide in the Commercial district.
3. In the Commercial district, the accessway shall be on a side street at the rear of the property no less than thirty (30) feet from the corner, unless this is physically not possible.

808 Remote Parking Lots

1. In the Commercial district, parking lots may be located on a land parcel separate from the building or use it serves. All required parking spaces shall be within three hundred (300) feet of the primary use parcel for non-residential uses.

809 Shared Parking Lots

1. In the Commercial district, multiple buildings or uses may share parking lots to meet the required parking spaces of this Article, provided that the lot is owned by one (1) or more of the users.
2. Before a parking lot may serve multiple users, a formal written agreement containing a site plan and the number of spaces to be allocated to each user shall be signed by all of the parties. A copy of this agreement shall be kept on file by the Zoning Officer, who may revoke the zoning permits of the users if the agreement is not maintained.
3. In order to encourage the maximum use of East Lansdowne’s parking lots, the following rules will govern:
 - (a) If the applicants can demonstrate to the satisfaction of the Borough that the peak business hours for each use are substantially different, such as an office having daytime hours combined with a restaurant having peak use in the evening, each space may be counted for both uses.
 - (b) If the applicants’ business hours are substantially the same, the total spaces required shall be the total for all proposed uses.
4. The applicants shall obtain a special exception from the Zoning Hearing Board.

810 Off-street Loading Areas

All uses requiring regular shipments and deliveries shall provide sufficient off-street areas for the standing, turning, loading, and unloading of trucks so that the parking and maneuvering of trucks on public streets will be avoided.

1. Spaces for off-street loading and unloading of motor vehicles shall be provided in accordance with the following table:

Use	Minimum Number of Loading/Unloading Spaces Required
Retail business and service establishments	1 for the first 5,000 square feet of gross floor area; 1 for the next 7,500 square feet of gross floor area; 1 for each subsequent 15,000 square feet of gross floor area.
Industrial uses	1 for the first 15,000 square feet of gross floor area; 1 for the next 25,000 square feet of gross floor area; 1 for each subsequent 20,000 square feet of gross floor area.
Offices	1 for the first 4,000 square feet of gross floor area; 1 for the next 7,500 square feet of gross floor area; 1 for each subsequent 4,000 square feet of gross floor area.

2. The size of the loading spaces shall be a minimum of:
 - (a) Twelve by thirty-five (12 x 35) feet for retail business and service establishments of twelve thousand five hundred (12,500) square feet or less.
 - (b) Fourteen by sixty-five (14 x 65) feet for all other uses.

811 Parking Lot Design

East Lansdowne’s Commercial district and many of its traditional neighborhoods were constructed in the era before automobiles became widely used. East Lansdowne’s development pattern of closely spaced buildings, often placed up against the street, gives it the distinct neighborhood feel and identity it enjoys today. To retain that special feel in the automobile era, East Lansdowne needs to accommodate cars without demolishing buildings or otherwise destroying the character of its commercial and residential neighborhoods.

1. Where it is physically possible, parking lots shall be located behind buildings such that buildings separate parking areas from the street. In cases where this is not possible, parking may be located to the side of the building, but in no case shall the parking area be wider than fifty (50) percent of the lot frontage, and in no case shall parking be located in front of a building. Parking shall not be placed to the side of a building adjacent to a street unless there is no other feasible alternative.
2. Whenever a parking lot abuts a street, it shall be screened by a four (4) foot tall fence constructed of wood, brick, stone, vinyl designed to look like wood,

brick, stone, stucco over concrete block (capped with brick, slate, or stone), or ornamental iron (or ornamental aluminum, steel, or vinyl designed to look like iron). Although hedges and other landscaping are encouraged, they may not substitute for a fence or wall.

812 Landscaping and Screening Requirements

1. All parking areas containing ten (10) or more parking spaces and all loading areas shall be landscaped in accordance with the following requirements:
 - (a) At least five (5) percent of the interior area of the parking facility shall be landscaped. This does not include the perimeter planting provided for beautification or to satisfy screening requirements.
 - (b) Each planting area shall be at least twenty-five (25) square feet in area and have no dimension less than five (5) feet.
 - (c) Each planting area shall contain at least one (1) tree, and the facility as a whole shall contain at least one (1) tree for every ten (10) parking spaces.
 - (d) Trees used to satisfy parking lot landscaping requirements shall be a minimum of three (3)-inch caliper at planting and shall be suitable for location in parking lots.
 - (e) Existing trees shall be preserved wherever possible.
 - (f) Existing and new trees shall be protected by bollards, high curbs, or other barriers sufficient to minimize damage.
 - (g) Extensive unbroken pavement areas in large at-grade open parking facilities shall not be permitted. In parking lots containing twenty-five (25) or more spaces, a row shall contain no more than fifteen (15) contiguous parking spaces without a densely planted landscaped buffer of at least the dimensions of one (1) space.

Article 9

WIRELESS COMMUNICATIONS FACILITIES

900 Purpose

In recognition of the nature of wireless communications systems and the *Federal Telecommunications Act* of 1996, the following regulations shall apply. The purpose of this section and the standards established herein is to govern the use, construction, and siting of wireless communications so as:

1. To accommodate the need for wireless communications facilities while regulating their location and number in the Borough and ensuring compliance with all applicable governmental regulations.
2. To minimize any adverse visual effects of wireless communications facilities, antenna(s), and antenna support structures through proper design, siting, and screening.
3. To ensure the structural integrity of the antenna support structure through compliance with applicable industry standards and regulations.
4. To encourage the joint use of any new antenna support structures to reduce the number of such structures needed in the future.
5. To promote the health, safety, and welfare of the residents of the Borough.

901 Definitions

For the purposes of this section, the following definitions shall apply:

ANTENNA SUPPORT STRUCTURE – Any pole, telescoping mast, tower, tripod, or any other structure which supports or has attached to it an antenna or antennas.

ANTENNA SUPPORT STRUCTURE HEIGHT – The vertical distance measured from the base of an antenna support structure at grade to the highest point of the structure, including any antenna(s) affixed thereto. If the antenna support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna support structure height.

EMERGENCY USE – For communications pertaining to governmental concerns regarding health, safety, and/or welfare issues for the public.

LAND SITE – A tract or parcel of land that contains a wireless communications facility and associated parking, and may include other uses associated with and ancillary to wireless communication transmission.

WIRELESS COMMUNICATIONS EQUIPMENT BUILDING – A building or cabinet in which electronic receiving, relay, or transmitting equipment for a wireless communications facility is housed.

WIRELESS COMMUNICATIONS FACILITY – The antenna(s), antenna support structure, wireless communications equipment building, parking, and/or other structures, buildings, cabinets, and equipment involved in receiving or transmitting wireless communications or radio signals.

902 Use Regulations

1. Attachment of facilities to existing antenna support structures.
 - (a) Use by right in Residential and Commercial districts and on any local municipally owned sites.
 - (b) Use by special exception on any state, county, and school district-owned sites for their own internal communication needs only.
 - (c) Use by right for emergency use by either or a combination thereof of local, county, state, or federal communications antennas. The application procedure, engineering review, and building permit procedures as provided in this chapter and the Borough Code shall still be complied with in order to install the antenna/structure.
2. Erection of new antenna support structures and wireless communications facilities.
 - (a) Use by right only on Borough-owned sites.
 - (b) Use by special exception in the Commercial district and on any state, county, and school district-owned sites for their own internal communication needs only.
 - (c) Use by right for emergency use by either or a combination thereof of local, county, state, or federal communications antennas. The application procedure, engineering review, and building permit procedures as provided in this chapter and the Borough Code shall still be complied with in order to install the antenna/structure.

903 Standards for Wireless Communications Facilities

All applicants seeking to construct, erect, relocate, or alter a wireless communications facility shall comply with this chapter and shall demonstrate to Borough Council the following:

1. The applicant shall demonstrate, using accepted technological and documentary evidence, that the antenna and/or antenna support structure must be located where proposed in order to satisfy its function within the applicant's regional plan or grid system. An accurate description of each relevant "area of service" shall be included in such evidence.
2. Antenna height.
 - (a) The applicant shall demonstrate that the antenna(s) and antenna support structure must be at the height proposed in order to satisfy their function in the applicant's regional plan or grid system. The applicant shall also demonstrate that the antenna height requested is not in excess of the minimum required to function satisfactorily.
 - (b) An antenna that is attached to a support structure such as a telephone, electric, or utility pole, existing wireless communications, cellular communications, or personal communications services tower, smoke-stack, water tower, or other similar tall structure, together with any antenna support structure, shall not exceed the height of the existing structure by more than ten (10) feet.
 - (c) The maximum height of any communications tower shall be one hundred eighty (180) feet.
3. Setbacks from the base of the antenna support structure.
 - (a) The minimum distance between the base of any antenna support structure or any property line or right-of-way line shall be the largest of the following:
 - (1) The minimum yard setback in the underlying zoning district; or
 - (2) One hundred (100) percent of the proposed antenna support structure height from occupied buildings.
 - (b) The minimum distance between the base of any guy wire anchors and any property line or right-of-way line shall equal forty (40) percent of the proposed antenna support structure height.
4. Antenna support structure safety.

- (a) The applicant shall demonstrate that the proposed antenna(s) and antenna support structure are designed and constructed in accordance with all applicable national building standards for such facilities and structures, including, but not limited to, the standards developed by the Electronics Industry Association, Institute of Electrical and Electronics Engineers, Telecommunications Industry Association, American National Standards Institute, and Electrical Industry Association. The applicant shall demonstrate that the proposed wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.
 - (b) When an antenna(s) is to be located on an existing structure and the general public has access to the structure on which the antenna(s) is to be located, the applicant shall provide engineering details showing what steps have been taken to prevent microwave binding to wiring, pipes, or other metals.
5. The applicant shall demonstrate that the proposed antenna, the antenna support structure, and the entire wireless communications facility are safe and are in accordance with applicable Borough codes and that the surrounding properties will not be negatively affected by antenna support structure failure, falling ice, or other debris. All antenna support structures shall be fitted with anti-climbing devices so as to comply with industry standards.
6. A security fence shall be required around the antenna support structure and other equipment unless the antenna(s) is mounted on an existing structure. The security fence shall be a minimum of eight (8) feet in height and maintained in proper condition. No barbed wire or razor wire fencing will be permitted.
7. If the applicant is a commercial wireless communications company, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and provide the Borough Manager with copies of all FCC applications, permits, approvals, licenses, and site inspection records. All such information shall be accompanied by a certification signed by two (2) officers of the applicant, providing that, after due inquiry, the information being supplied is true and correct to the best of their knowledge, information, and belief. The applicant shall also provide the Borough Manager with copies of all applicable federal regulations with which it is required to comply and a schedule of estimated FCC inspections.
8. The owner of an antenna support structure shall submit to the Borough Engineer proof of the annual inspection of the antenna support structure and antenna(s) by an independent professional engineer as required by the ANSI/EIA/TIA-222-E Code. Based upon the results of such an inspection, Borough Council may require removal or repair of the wireless communications facilities.

9. A structural engineer registered in Pennsylvania shall attest to the proposed antenna support structure's ability to meet the structural standards of subsection (4) preceding herein, or those offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper attachment of antenna(s) and proper construction of the foundation and the erection of the antenna support structure.
10. The wireless communications facility shall be fully automated and not require any maintenance workers to be present on a full-time basis. Adequate parking shall be required for all maintenance workers, with a minimum of two (2) spaces provided. All parking spaces shall be constructed to conform to applicable stormwater management regulations.
11. A full site plan shall be required for all wireless communications facilities, showing all existing and proposed structures and improvements, including but not limited to, the antenna(s), antenna support structure, building, fencing, landscape, buffering, and ingress and egress; the plan shall include all necessary elevations and photo-overlays demonstrating the illustrated appearance of all facilities against actual photographic backgrounds in each of the four (4) directions. The plan shall comply with the latest adopted Delaware County Land Development and Subdivision Ordinance.
12. No sign or other structure shall be mounted on the wireless communications facility, except as may be required by the FCC, the Federal Aviation Administration (FAA), or other governmental agencies.
13. Antenna support structures shall meet all FAA regulations. No antenna support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA mandated lighting to the appropriate governmental authorities.
14. In the case of a newly constructed antenna support structure, a soil report complying with the standards of Geotechnical Investigations, ANSI/EIA-222E, as amended, shall be submitted to the Borough Engineer to document and verify the design specifications of the foundation for the antenna support structure, and anchors for the guy wires, if used.
15. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of like façades to blend with the existing surroundings and neighboring buildings to the greatest extent possible.

16. Additional development regulations.

- (a) A wireless communications facility is permitted as a sole use on a lot, subject to the minimum lot area and yards complying with the requirements for the applicable zoning district, except as modified herein.
- (b) A wireless communications facility may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, municipal, or other use, subject to the following conditions:
 - (1) The existing use on the property must be a permitted use in the applicable district or any lawful nonconforming use, and need not be affiliated with the wireless communications facility.
 - (2) Minimum lot area for a land site shall be three thousand six hundred (3,600) square feet.
 - (3) Where the wireless communications facility is located on a property with another principal use, vehicular access to the wireless communications facility shall, whenever feasible, be provided along the circulation driveways of the existing use. The applicant shall present documentation that the owner of the property has granted an easement for the proposed facility.
- (c) An antenna(s) may be attached to an existing structure or building, subject to the conditions that vehicular access to the wireless communications facility shall not interfere with the parking or vehicular circulation on the site for the principal use.

17. The wireless communications facility shall be maintained and kept in good repair as required by Federal Law H.R. 6180/S. 2882, the *Telecommunications Authorization Act* of 1992, including amendments to Sections 303(q) and 503(b)(5) of the *Communications Act* of 1934 and all Borough ordinances not inconsistent therewith. Every year the facility owner shall certify to the Borough the structural integrity of the wireless communications facility.

18. The following landscaping shall be required to screen as much of a newly constructed antenna support structure, the fence surrounding the newly constructed antenna support structure, and any other newly constructed ground-level features (such as a building) as possible and, in general, soften the appearance of the wireless communications facility.

- (a) The disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the facility on the surrounding area.

- (b) Existing vegetation on and around the land site shall be preserved to the greatest extent possible. Any tree or vegetative element which dies must be replaced within one (1) month, ground permitting.
 - (c) An evergreen screen shall be required to surround the antenna support structure. The screen can be either a hedge (planted three (3) feet on center maximum) or a row of evergreen trees (planted ten (10) feet on center maximum). The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.
 - (d) Where the wireless communications facility abuts residentially developed land, the Residential zoning district, public land, or streets, the land site perimeter shall be landscaped with at least one (1) row of deciduous trees, not less than three and a half (3 1/2) inches in caliper, spaced not more than thirty (30) feet apart on center and within twenty-five (25) feet of the land site boundary, as well as at least one (1) row of evergreen trees or shrubs at least fourteen (14) feet high when planted and spaced not more than fifteen (15) feet apart and within forty (40) feet of the land site boundary.
19. All applicants seeking to construct, erect, relocate, or alter a wireless communications facility shall demonstrate that all property owners within a two hundred (200) foot radius of the proposed antenna support structure have been provided written notice of the applicant's intent to construct, erect, relocate, or alter a wireless communications facility. Such notice shall also contain the date and time of the hearing before the East Lansdowne Borough Planning Commission where the applicant will appear and demonstrate compliance with the provisions of this Article.
20. In the event that the wireless communications facility causes interference with the radio or television reception of any Borough resident for a period of three (3) continuous days, the resident shall notify the operator of the facility of such interference and the applicant, at the operator's sole expense, shall thereafter ensure that any interference problems are promptly corrected.
21. It being the legislative finding of Borough Council that wireless communications facilities which have been abandoned present a danger to the health, safety, and welfare of the general public, all abandoned structures shall be removed no more than ninety (90) days after abandonment. The owner shall be responsible for any demolition costs related to the facilities. If in the future, technology is developed that the state of the art for such facilities permits antennas of a lesser height, the facilities' owner shall be required to reduce the height of its antenna to the lower height that new technology permits within one (1) year of written notification by the Borough.

22. In January of each year, the owner of any wireless communications facility shall pay the registration fee established from time to time by resolution of Borough Council and shall provide the Borough Manager with the following information:
- (a) The name and address of the owner of the wireless communications facility and telephone number of the appropriate contact person in case of emergency.
 - (b) The name and address of the property owner on which the wireless communications facility is located.
 - (c) The location of the wireless communications facility by geographic coordinates, indicating latitude and longitude.
 - (d) Output frequency of the transmitter.
 - (e) The type of modulation, digital format, and class of service.
 - (f) Antenna(s) gain.
 - (g) The certified and effective radiated power of the antenna(s).
 - (h) The number of transmitters, channels, and antenna(s).
 - (i) A copy of the owner's or operator's FCC authorization.
 - (j) Antenna(s) height.
 - (k) Power input to the antenna(s).
 - (l) Distance to the nearest base station.
 - (m) A certification signed by two (2) officers of the applicant that the wireless communications facility is continuing to comply with this chapter and all applicable governmental regulations.
23. The applicant shall submit a copy of its current FCC license; the name, address, and emergency telephone number for the operator of the wireless communications facility; and a certificate of insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower and communications antenna.

904 Standards for Special Exceptions

1. The applicant shall have the duty of presenting evidence and all studies and materials required herein, as well as the additional burden of persuading the Zoning Hearing Board that:
 - (a) All standards as contained in this chapter have been complied with; and
 - (b) The following additional specific special exception standards have been met:
 - (1) That the proposed facilities will not be injurious to health, safety, and welfare of the community.
2. In order to reduce the number of antenna support structures needed in the Borough in the future, the proposed antenna support structure shall also be required to accommodate, where possible, other users, including other wireless communications, cellular communications, and personal communications service provider companies and local police, fire, and ambulance companies. Applicants shall provide documentary evidence that all other authorized users have been contacted by the applicant with an offer of colocation on the applicant's proposed antenna support structure.
3. If the applicant proposes to build an antenna support structure (as opposed to mounting the antenna(s) on an existing structure), the applicant shall demonstrate with documentary evidence that it has contacted the owners of structures of suitable location and height (such as smokestacks, water towers, and buildings housing existing antenna support structures) within a one (1)-mile radius of the site proposed, requested permission to install the antenna(s) on those structures, and has been denied. An application to construct a new antenna support structure will be denied if the applicant has not made a good faith effort to mount the antenna(s) on an existing structure as set forth in this subsection.

905 Submission of Plans

All plans for the erection of wireless communications facilities shall be submitted to and be reviewed by the Borough Planning Commission for compliance with the Delaware County Land Development and Subdivision Ordinance, with the exception of new antenna(s) attached to existing structures. The Borough Engineer and Solicitor shall review the plans for compliance with this chapter and any other applicable local regulations and evidence of review and approval of other agencies with jurisdiction over such facilities. The cost of review fees shall be reimbursed to the Borough by the owner. These fees shall be in addition to any applicable Borough building permit fees.

Article 10

NONCONFORMING USES, STRUCTURES, AND LOTS

1000 Purpose

Within the districts established by this Ordinance or amendments thereto, there exist certain uses, structures, and lots which were lawful before this Ordinance was enacted or amended but which do not conform to the provisions of this Ordinance or amendments thereto. These uses, structures, or lots are referred to as nonconformities. The regulations governing existing nonconforming uses, structures, and lots are set forth in this Article and are intended to provide a gradual remedy for the undesirable conditions resulting from such nonconformities. While such nonconformities are generally permitted to continue, these regulations are intended to restrict further investment in such nonconformities and to bring about their gradual reduction.

1001 Continuation

All structures, lots, uses of structures, and uses of land that do not conform to the regulations of the district in which they are located after the effective date of this Ordinance or amendment thereto shall be regarded as nonconforming and may be continued so long as they remain otherwise lawful, including subsequent sales of property. Such uses must comply with all safety related and other applicable regulations.

1002 Enlargement

1. A nonconforming use or structure may be extended, enlarged, or altered when so authorized as a conditional use, provided that the following conditions are met:
 - (a) It is clear that such enlargement or extension is not materially detrimental to the health, safety, and welfare of the surrounding area.
 - (b) The proposed enlargement or extension only occurs on the tract where the nonconformity is currently located.
 - (c) The area devoted to the nonconforming use shall not be increased by more than twenty-five (25) percent. The nonconforming structure shall not be increased by more than twenty-five (25) percent of its cubic content.
 - (d) Any extension or enlargement of a building shall conform to the area, height, and setback regulations of the district in which it is located. In determining cubic content, that portion of a stack or projection above the highest point of the principal building shall be excluded from the calculation.

- (e) Not more than one (1) extension or enlargement to a nonconforming use or structure shall be granted.

1003 Change of Use

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another equally restrictive or more restrictive nonconforming use, when so determined by Borough Council, subject to the following conditions:

1. The applicant shall show that the nonconforming use cannot be reasonably changed to a conforming use.
2. The applicant shall show that the proposed change will be no more objectionable in external effects than the existing nonconforming use or will be more appropriate than the existing nonconforming use with regard to:
 - (a) Traffic generation and congestion.
 - (b) Parking.
 - (c) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration.
 - (d) Outdoor storage.
 - (e) Sanitary sewage disposal.
3. A permit is obtained from the Borough.

1004 Enclosure

Where a nonconforming use is conducted entirely on unenclosed premises, no structure to house or enclose such use, whether or not such structure would otherwise conform to zoning regulations, shall be permitted to be erected on the premises.

1005 Abandonment

If a nonconforming use of a building or land is abandoned for twelve (12) consecutive months or more whereby the owner discontinues the use, the subsequent use of such a building or land shall conform to the regulations of the district in which it is located, unless another nonconforming use is approved by Borough Council. Such approved use shall be initiated within one hundred twenty (120) days after the approval of Council.

1006 Reconstruction

1. A nonconforming structure, a conforming structure devoted to a nonconforming use, or a structure that has been legally condemned or destroyed by fire or other cause to less than seventy-five (75) percent of the current value of the structure may be reconstructed and used for the same nonconforming use, provided that:
 - (a) The reconstructed structure shall not exceed the height, area, and volume of the building destroyed or condemned.
 - (b) Reconstruction of the structure shall commence within twelve (12) months from the date the structure was destroyed or condemned, unless Borough Council shall authorize a conditional use for an extension of this time limit. However, an extension may be granted if delays related to permitting delay construction.

1007 Repairs and Maintenance

1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of six (6) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.
2. If a nonconforming structure becomes physically unsafe due to lack of repairs and maintenance and is declared by the Zoning Officer to be unsafe by reason of physical condition, it shall not thereafter be restored or repaired except to conform to the regulations of the district in which it is located.
3. Nothing in this Ordinance shall be construed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Zoning Officer.

1008 Displacement

No nonconforming use shall displace a conforming use.

1009 Nonconforming Lots

A lot held in single and separate ownership on the effective date of this Ordinance which does not contain the required minimum area or width may be used for the construction, alteration, or reconstruction of a building or may be otherwise used if the construction, alteration, reconstruction, or other use is in compliance with the use, yard, and setback provisions of this Ordinance.

1010 Reduction of Lot Area

No lot area shall be so reduced that the area of the lot or the dimensions of the open space shall be smaller than herein prescribed.

1011 Nonconforming Signs

Regulations for nonconforming signs are in Section 709.

1012 Registration of Nonconforming Uses

Every five (5) years, the Zoning Officer may prepare, or cause to be prepared, a complete list of all nonconforming uses, structures, lots, and signs in the Borough.

1013 Ownership

Whenever a lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner.

1014 Violations

A nonconforming structure altered or a nonconforming use created in violation of any previous provisions in this Article shall be regarded as continuing in such violation and shall not enjoy the privilege of legal continuance conferred by Section 1001 upon other nonconforming structures and uses.

Article 11

PERFORMANCE STANDARDS

1100 Purpose

The purpose of this Article is to ensure adequate protection for the residents of the Borough against the possible negative effects of certain uses, processes, or activities applicable to all districts but particularly to the Commercial district.

1101 Administration

1. Interpretation and Application of Standards

- (a) The performance standards contained herein shall be the minimum standards to be met and maintained by all uses established after the effective date of this Ordinance. Standards established by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, or other applicable state or federal agencies shall apply where those standards are more restrictive than the standards set forth below.
- (b) If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards herein shall only apply to such extended, enlarged, or reconstructed portion or portions of such use, building, or other structure.

2. Application Submittal

- (a) Applications for commercial or industrial uses shall be accompanied by a certification from a professional engineer registered in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards set forth in this Ordinance. All applications shall include, but shall not be limited to, the following informational items:
 - (1) Plans of existing and/or proposed construction and development;
 - (2) A description of existing or proposed machinery, processes, and products;
 - (3) Specifications for the mechanisms and techniques used or proposed to be used in restricting possible dangerous or objectionable conditions as set forth in this Ordinance; and
 - (4) Measurement or estimate of the amount or rate of emission of any dangerous or objectionable elements as set forth in this Ordinance.

3. Application Review

All applications for commercial or industrial uses shall be reviewed by the Borough Engineer for compliance with the performance standards listed in Section 1102. No application for such uses shall be approved until it is certified in writing by the Borough Engineer that the proposed use can meet these performance standards.

4. Enforcement and Costs

(a) The Zoning Officer shall investigate any purported violation of the performance standards noted below. Enforcement procedures shall be in accordance with Article 12.

(b) If violations, as alleged, are found, costs of such determinations shall be charged against those responsible for the violations, in addition to such other penalties as may be appropriate. If, however, it is determined that no violation exists, the Borough shall pay for the costs of the determination.

1102 Performance Standards

1. Air Quality

There shall be no emission of smoke, ash, dust, fumes, vapors, gases, or other matter, toxic or noxious, to air which violates the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 123 (Standards for Contaminants) and Chapter 131 (Ambient Air Quality Standards), Article 111, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.

2. Fire and Explosive Hazards

All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion, adequate fire fighting and fire suppression equipment, and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the latest adopted Pennsylvania Uniform Construction Code, the National Fire Code, and any applicable Borough ordinances. Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection, for storing, handling, and use of explosives.

3. Glare and Heat

No direct or sky-reflected glare, whether from floodlights or high temperature processes such as combustion, welding, or otherwise, visible at the lot line shall be permitted, except for customary or emergency industrial operations and safety purposes. These regulations shall not apply to signs or floodlighting of parking areas. There shall be no emission or transmission of heat or heated air discernible at the lot line.

4. Liquid and Solid Waste

There shall be no discharge at any point into any public or private sewage system or watercourses or into the ground of any materials in such a way or such a nature as will contaminate or otherwise cause the emission of hazardous materials in violation of the ordinances of East Lansdowne Borough and the laws of the Commonwealth of Pennsylvania, specifically of Chapters 73, 75, 95, and 97, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.

5. Noise

No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating, or intermittent with a recurrence greater than one (1) time in any fifteen (15) second interval) in such a manner as to create a sound level which exceeds the limits set forth in the following table when measured at or within the property boundary of the receiving land use.

Receiving Land Use Category	Time	Maximum Sound Level Limit
Residential, public space, open space, or institutional	(1) 7:00 a.m. – 10:00 p.m.	60 dBA
	(2) 10:00 p.m. – 7:00 a.m. (Including Sundays and legal holidays)	50 dBA
Commercial or business	(1) 7:00 a.m. – 10:00 p.m.	65 dBA
	(2) 10:00 p.m. – 7:00 a.m. (Including Sundays and legal holidays)	60 dBA
Industrial	At all times	70 dBA

- (a) For any source of sound that emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by five (5) dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one (1) time in any fifteen (15) second interval), the sound pressure level shall not exceed twenty (20) dBA over the ambient sound level, regardless of the time of day or night, of the receiving land use, using the “fast” meter characteristics of a Type II Meter, meeting the ANSI specifications S1.4.-1971.
- (b) The maximum permissible sound levels as listed in the above table shall not apply to any of the following noise sources:
 - (1) The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drills.
 - (2) Emergency work to provide electricity, water, or other public utilities when public health or safety is involved.
 - (3) Public celebrations specifically authorized by the Borough.
- (c) Motor vehicle operations shall not exceed the noise levels established in Chapter 157 of Title 67 of the Pennsylvania Code of Regulations, Subchapter B, Established Sound Levels.

6. Odors

No uses shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level of Table 1 (Odor Thresholds in Air), “Research of Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals,” October 1986, Manufacturing Chemists Association, Inc., Washington, D.C.

7. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line.

8. Radioactivity or Electrical Disturbances

There shall be no activities that emit dangerous radioactivity at any point. There shall be no radio or electrical disturbances adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of any radioactive material, equipment, or supplies, such use shall be in strict conformity with Chapters 221,

223, 225, 227, and 229, Title 25, Article V, Pennsylvania Department of Environmental Protection, Rules and Regulations.

9. Public Health and Safety

No use shall create any other objectionable condition in an adjoining area that will endanger public health and safety or be detrimental to the public use of the surrounding area.

Article 12

ADMINISTRATION AND ENFORCEMENT

1200 Purpose

The purpose of this Article is to set forth procedures for the administration and enforcement of this Ordinance in accordance with the *Pennsylvania Municipalities Planning Code*, Act 247, as amended.

1201 Administration

1. The administration, enforcement, and amendment of this Ordinance shall be in accordance with the provisions of Article VI and any other applicable sections of the *Pennsylvania Municipalities Planning Code*, Act 247, as amended, hereinafter referred to in this Article as the MPC.
2. There shall be a Zoning Officer who shall be appointed by Borough Council. The powers and duties of the Zoning Officer listed in this Article may be exercised by the Borough Manager. All employees engaged in the administration and enforcement of this Ordinance shall report to the Borough Manager.
3. The Zoning Officer and Borough Manager shall not hold any elective office in the Borough.
4. The Zoning Officer shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction, use, or change of use that does not conform to this Ordinance.
5. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance.
6. The following duties shall be performed by the Zoning Officer:
 - (a) Enforce all provisions of this Ordinance and all amendments thereto.
 - (b) Receive, examine, record, and file all applications and fees for zoning permits and issue zoning permits only for any structure or use which conforms to this Ordinance.
 - (c) Issue permits for uses and construction by conditional use, special exception, or variance only after such uses or buildings are approved by Borough Council or the Zoning Hearing Board, in accordance with the provisions of this Ordinance. Permits requiring approval by Borough Council shall be issued only after receipt of an authorization from Council.

- (d) Receive all required fees.
 - (e) Regularly inspect all areas of the Borough to determine if there are any violations of this Ordinance and review the validity of any reported zoning violations.
 - (f) Issue all necessary stop orders and order in writing correction of all conditions found to be in violation of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating such order shall be guilty of a violation of this Ordinance.
 - (g) Maintain or cause to be maintained a map or maps showing the current zoning classification of all land in the Borough.
 - (h) Upon request of Council, the Planning Commission, or the Zoning Hearing Board, present facts, records, and any similar information to such body on specific requests to assist these bodies in reaching their decisions.
7. An appeal from a decision or action of the Zoning Officer shall be made directly by a party in interest to the Zoning Hearing Board, and such appeal shall be made within thirty (30) days after notice of the decision is made, or if no decision is made, thirty (30) days after the date when a decision is deemed to have been made, in accordance with the MPC, as amended.
8. Whenever a violation of this Ordinance is alleged to have occurred, any person may file a written and signed complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Officer who shall record such complaint promptly and immediately investigate and take action thereon as provided in this Ordinance.

1202 Enforcement

1. 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 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 an enforcement notice regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall include the minimum components required in Section 616.1(c) of the MPC.
2. Causes of action and enforcement remedies shall be as set forth in Section 617 of the MPC.

3. District justices shall have initial jurisdiction over proceedings brought under Section 617.2 of the MPC.

1203 Permits

1. A zoning permit shall be required prior to the erection or alteration of any building, structure, or portion thereof, including signs and fences; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use or structure.
2. Application for zoning permits shall be made to the Zoning Officer, or in the case of occupancy permits to the Code Enforcement Officer, on such forms as may be furnished by the Borough. Each application shall contain all information necessary to ascertain whether the proposed erection, alteration, use, or change in use complies with the provisions of this Ordinance.
3. Issuance of Permits
 - (a) No building or use permit shall be issued until the Zoning Officer has certified that the proposed building or alteration and the proposed use of the property comply with the provisions of this Ordinance.
 - (b) Permits shall be granted or refused within forty-five (45) days after the date of application. In case of refusal, the applicant shall be informed of his right to appeal to the Zoning Hearing Board.
4. Prior to the placement or location of a trailer or other temporary structure on a site, a permit shall be obtained from the Zoning Officer as noted above in this section except as modified by Section 617. Such temporary permit shall be effective for not more than ninety (90) days and may be renewed. However, the total continuous time for which temporary permits may be issued shall not exceed one (1) year.
5. Permits for the erection, razing, change, alteration, or removal of a building shall be valid or effective for a period of not more than six (6) months from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within that period and continues with due diligence from that time forward. In no event shall a zoning permit be construed to authorize the development activities for more than a one (1) year period of time, after which time a new permit must be sought. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted for reasons beyond his or her control and demonstrably not due to his or her own negligence, at the discretion of the Zoning Officer the permit may be renewed without additional costs to the applicant.

6. Occupancy Permits

(a) Applicability

An occupancy permit shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies. Such a permit shall certify that the premises have been inspected and comply with all previously approved plans and all conditions or safeguards attached to the issuance of a zoning permit. It shall also certify that the premises comply with all other applicable requirements of the Borough of East Lansdowne. The following shall be unlawful until an occupancy permit shall have been applied for and issued by the Code Enforcement Officer:

- (1) Occupancy and use of a building erected, reconstructed, restored, altered, moved, or any change in use of an existing building;
- (2) Any change in ownership in residential structures.

(b) Applications

Application for an occupancy permit shall be made on forms furnished by the Borough after the building or part thereof has been erected, the change in use has been completed, or the land placed in use. In the case of a change in ownership of an existing residential building, an occupancy permit shall be applied for by the owner of such a building upon the sale.

Application for an occupancy permit shall be accompanied by a payment of the required fee.

(c) Action by the Code Enforcement Officer (CEO)

The CEO shall, within fifteen (15) days of application filing, inspect the premises and either certify their compliance with the previously approved plans and all conditions and safeguards stated upon issuance of an occupancy permit or deny such certification. In the case of a change in occupancy use of an existing building or vacant land (when no zoning permit is required), the CEO shall verify compliance with the applicable zoning regulations.

If the certification of the occupancy permit form is denied, the CEO shall state in writing the reasons for such denial.

7. Fees

- (a) Borough Council shall establish, by resolution, a schedule of fees, charges, expenses, and collection procedures for zoning permits, occupancy permits,

conditional uses, special exceptions, variances, appeals, amendments, and other matters pertaining to this Ordinance.

- (b) A schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended by Borough Council only.
 - (c) The cost of permits shall be based on a fee schedule as established from time to time by Borough Council.
 - (d) No action shall be taken on any application for any special exception, conditional use, variance, appeal, or other similar matter pertaining to this Ordinance until all application fees, charges, and expenses have been paid in full.
8. Persons found to be in violation of this Ordinance shall pay a judgment of no more than is allowed by statute or Act 247 plus all court costs, including reasonable attorney fees incurred by the Borough. See Section 617.2 of the MPC.

1204 Amendments

- 1. The regulations, restrictions, boundaries, and requirements set forth in this Ordinance may be amended, supplemented, changed, or repealed by Borough Council by amending this Ordinance in accordance with Sections 609, 609.1, and 609.2 of the MPC.
- 2. Procedure for Amendment
 - (a) An ordinance amending, supplementing, or changing the district boundaries (Zoning Map) or the regulations established herein may be initiated:
 - (1) By Borough Council, upon its own initiative or upon recommendation of the Planning Commission.
 - (2) Upon a petition to Borough Council signed by the owners of fifty (50) percent or more of the frontage of any area which shall be between two (2) streets wherein a change of zoning regulations is being sought.
 - (3) By a landowner requesting an amendment or repeal. In the case of a curative amendment, the special requirements of Section 609.1 of the MPC shall apply.
 - (b) Before voting on the enactment of an amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice. If the proposed amendment involves a map change, notice of said public hearing shall be

conspicuously posted along the perimeter of the tract at least one (1) week prior to the hearing.

- (c) Borough Council shall submit each proposed zoning amendment, other than one prepared by the Planning Commission, to the Planning Commission at least thirty (30) days prior to any hearing which is to be held on the proposed amendment to provide the Planning Commission with an opportunity to submit its recommendations prior to final action.
- (d) If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, Borough Council shall hold another public hearing as required by law pursuant to public notice before proceeding to vote on the amendment.
- (e) As required by the MPC, a copy of any proposed zoning amendment shall also be sent to the County Planning Commission at least thirty (30) days prior to any hearing on the proposed amendment in order to provide the County Planning Commission an opportunity to submit its recommendations prior to final action on the amendment.
- (f) The Borough may offer a mediation option as an aid in completing proceedings authorized in this section. In exercising such an option, the Borough and mediating parties shall meet the stipulations of Section 908.1 of the MPC.
- (g) Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Delaware County Planning Department.

Article 13

ZONING HEARING BOARD

1300 Purpose

The purpose of this Article is to list and describe the powers, procedures, composition, and standards for the Zoning Hearing Board, as required by the *Pennsylvania Municipalities Planning Code*, Act 247, as amended.

1301 Administration and Procedure

1. A Zoning Hearing Board for the Borough of East Lansdowne shall be appointed by Borough Council and shall be authorized to administer all procedures charged to such Boards in accordance with the provisions of Article IX of the *Pennsylvania Municipalities Planning Code*, as amended. Hereinafter, as used in this Article, the term “Board” shall refer to the Zoning Hearing Board, and the term “MPC” shall refer to the *Pennsylvania Municipalities Planning Code*, Act 247, as amended.
2. The Board shall consist of three (3) residents of the Borough. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Borough of any vacancies. Appointment 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 and shall not be employees of the Borough.
3. Any member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority rule 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 requests it in writing.
4. Organization of the Board
 - (a) 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 the majority of all members of the Board, but where a majority of members are disqualified to act in a particular matter, the remaining members may act for the Board. As provided for in the MPC, 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 Section 908 of the MPC.

- (b) The Board shall adopt rules and forms for its procedure in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
 - (c) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the Office of the Borough Manager and shall be a public record.
 - (d) The Board shall submit a report of its activities to Borough Council as requested.
5. 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 members of Borough Council.

1302 Powers of the Zoning Hearing Board

- 1. The Board shall hear and decide appeals where it is alleged that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or the Zoning Map, or any valid rule or regulation governing the action of the Zoning Officer.
- 2. Applications for variances or special exceptions shall include as a minimum the following information:
 - (a) A sketch plan, at scale, showing the layout of the property, the proposed improvements and alterations thereto, and the relationship of the tract to adjacent properties.
 - (b) A reference to the section(s) of the Ordinance under which the variance or special exception is requested.
- 3. The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant. In granting a variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and this Ordinance.
- 4. The Board shall hear and decide requests for special exceptions authorized by

this Ordinance in accordance with the standards and criteria set forth in Section 1306 below. The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and this Ordinance.

5. The Board shall conduct hearings and make decisions and findings in connection with challenges to the validity of any provision of this Ordinance as authorized by Section 909.1 of the MPC.

1303 Hearings and Decisions

The Board shall conduct hearings and make decisions in accordance with the provisions of Section 908 of the MPC.

1304 Notice of Requirements

1. In any case where the Board shall hold a public hearing, the Board shall, at a minimum, give notice of such hearing as follows, which notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing:
 - (a) By publishing a notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the Borough, provided that the first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing.
 - (b) By mailing or delivering due notice thereof to the applicant and other parties in interest, who shall be at least those persons whose properties adjoin the property in question or are within a two hundred (200) foot radius of the property in question.
 - (c) By mailing or delivering notice thereof to Borough Council and the Zoning Officer.
 - (d) By conspicuously posting notice of said hearing on the affected tract of land at least one (1) week prior to the hearing.

1305 Elements of Decisions of the Board

Decision of the Board shall include the following elements:

1. Findings of fact, including a brief summary of relevant testimony and information entered during the proceedings of the Board.
2. Citation by quotation or by reference to the specific sections of the local ordinances and/or the MPC relevant to the case in question.

3. Conclusions of the Board, enumerating the reasons why such conclusions are deemed appropriate in light of the facts found.
4. Ruling of the Board, indicating in writing any stipulations or conditions attached to the ruling.

1306 Standards for Zoning Hearing Board Action

In any instance where the Zoning Hearing Board is required to consider a variance or special exception, the Board shall, among other things, consider the following standards:

1. MPC Criteria for Variances
 - (a) The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant.
 - (b) A variance from the terms of this Ordinance shall not be granted by the Board unless and until a written application for a variance is submitted by the applicant who shall have the burden of establishing the presence of **all** of the following conditions where relevant in a given case:
 - (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not to the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of the 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

- (c) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and this Ordinance.

2. Standards for Review of Special Exceptions

- (a) In any instance where the Board is required to consider a request for a special exception, the Board shall consider the following factors where appropriate:
 - (1) That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage disposal, water supply, accessibility, and availability of public services and that adequate provisions will be made to protect sensitive environmental features such as streams, lakes, wetlands, slopes, and mature trees.
 - (2) That the proposed use is compatible with the character of the surrounding neighborhood and will not interfere with or detract from legitimate uses and adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting, and operational controls to minimize any adverse impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading, and signage.
 - (3) That the proposed special exception will serve the best interest of the Borough, convenience of the community, and the public health, safety, and welfare.
 - (4) That the proposed use is consistent with the most recently adopted Lansdowne and East Lansdowne Joint Comprehensive Plan.
 - (5) That the proposed use promotes orderly development, proper population density, and the provision of adequate community facilities and services, including police and fire protection.
 - (6) That the proposed use is suitable in terms of its effect on highway safety and traffic circulation, and that access, on-site circulation, and parking are adequate in view of anticipated traffic.
 - (7) That the proposed use will provide for adequate off-street parking, as required in Article 8.
- (b) In cases where uses permitted by special exception are not accompanied by specific standards for such uses, the regulations in Section 502 shall apply.
- (c) Financial hardship shall not be construed as a basis for granting special

exceptions.

- (d) In granting any special exception, the Board may attach reasonable conditions and safeguards in addition to those expressed in this Ordinance as it may deem necessary to implement the purposes of the MPC and the Ordinance, which conditions and safeguards may relate to, but not be limited to, screening, lighting, noise, safety, aesthetics, and the minimization of noxious, offensive, or hazardous elements. Such special exceptions shall be clearly authorized by a provision in this Ordinance and shall, where applicable, comply with the more specific standards relating to such special exceptions contained in appropriate sections of Article 5.

1307 Standards of Proof

1. An applicant for a variance shall have the burden of establishing both:
 - (a) That a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, as that term is defined by law, including court decisions; and
 - (b) That the allowance of the variance will not be contrary to the public interest.
2. An applicant for a special exception shall have the burden of establishing both:
 - (a) That his application falls within the provisions of this Ordinance which affords to the applicant the right to seek a special exception; and
 - (b) That the allowance of a special exception will not be contrary to the public interest.
3. In determining whether the allowance of a variance or special exception is contrary to the public interest, the Board shall consider whether the application, if granted, will:
 - (a) Adversely affect the public health, safety, and welfare due to changes in traffic conditions, drainage, air quality, noise levels, neighborhood property values, natural features, and neighborhood aesthetic characteristics.
 - (b) Be in accordance with the most recently adopted Lansdowne and East Lansdowne Joint Comprehensive Plan.
 - (c) Provide required parking in accordance with Article 8 of this Ordinance.
 - (d) Adversely affect the logical, efficient, and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police, fire protection, and public schools.

(e) Otherwise adversely affect the public health, safety, or welfare.

1308 Expiration of Variances and Special Exceptions

Unless otherwise specified by the Board, a variance or special exception shall expire if the applicant fails to obtain a building permit within six (6) months from the date of authorization thereof.



1309 Time Limitations and Stay of Proceedings

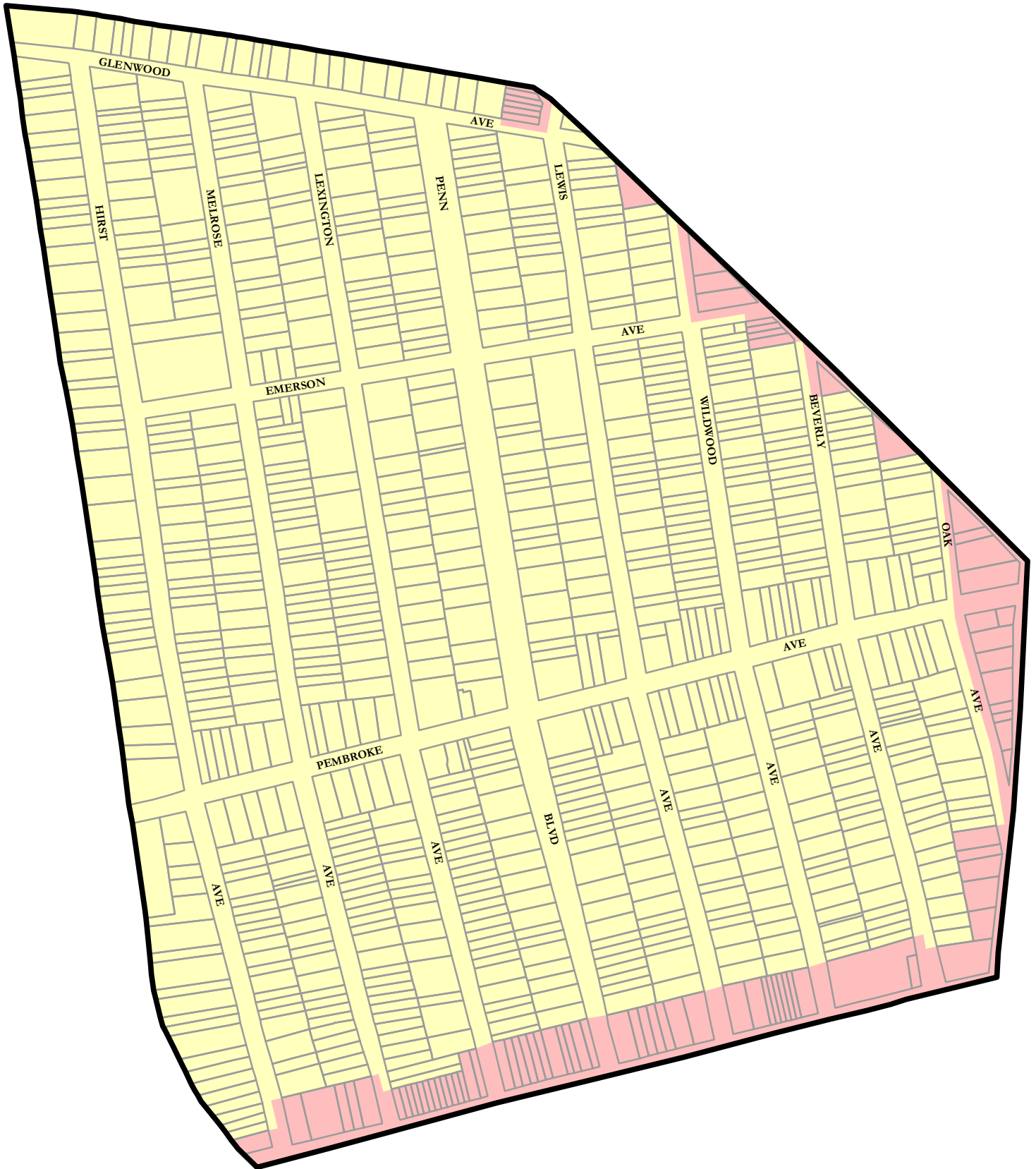
See Sections 914.1 and 915.1 of the MPC.

1310 Appeals to Court

See Article X-A of the MPC.

East Lansdowne Zoning Map

-  R - Residential District
-  C - Commercial District



0 330 660 Feet

