

**BOROUGH OF HEIDELBERG  
ALLEGHENY COUNTY**

**ZONING ORDINANCE**

**Chapter 112**



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An ordinance zoning the Borough of Heidelberg, Allegheny County, regulating the location, construction and use of buildings and structures, the size of yards and open spaces, the density of population and the use of land, and providing fines and penalties for violations thereof, pursuant to the Pennsylvania Municipalities Planning Code. (Act 247 of 1968, as amended by Act 170 of 1988.)

Be it ordained by the Heidelberg Borough Council and Mayor, and it is hereby enacted and ordained by authority of the same:

## **ARTICLE ONE**

### **GENERAL PROVISIONS**

#### §112-101. Short Title.

This ordinance shall be known, and may be cited as the "Zoning Ordinance of Heidelberg Borough". The zoning district map shall be known, and may be cited as the "Zoning Map". The map shall be an integral part of this ordinance.

#### §112-102. Purpose.

This ordinance has been developed in order to protect and encourage the most appropriate use of land; to secure safety from fire and other dangers; to insure the provisions of adequate light, air and amenity; to prevent undue concentration of population and the crowding of land; to protect the availability and purity of natural water supplies; to lessen congestion on the streets, roads and highways; to conserve the value of property; to facilitate the provision of public and private development in an orderly and compatible manner; and to promote the health, safety, general welfare, morality and convenience of the community.

#### §112-103. Community Development Objectives.

In addition to the purposes listed in the previous section and the objectives included in the borough's Comprehensive Plan, more specific objectives have been established as a basis upon which the zoning districts are established. The objectives are concerned with land use patterns, density of population, transportation features, community facilities and utilities, new constructions, off street parking, and for the general welfare of borough residents.

#### §112-104. Interpretation.

Whenever the regulations of the Zoning Ordinance conflict with other rules, regulations or ordinances of the Borough, those which impose the most restrictive requirements shall govern.

No structure, or use, which was not lawfully existing at the time of the adoption of this ordinance, shall become or be made lawful solely by reason of the adoption of this ordinance.

Regardless of any other provisions of this ordinance, no land shall be used, and no structure erected or maintained in violation of any state or federal environmental protection law or regulation.

In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended

meaning of the language written and enacted by the Borough Council, in favor of the property owner and against any implied extension of the restriction.

§112-105. Repeal of Conflicting Ordinances.

All ordinances, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed, to the extent necessary to give this ordinance full force and effect.

§112-106. Validity.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portions of the ordinance.

## ARTICLE TWO

### DEFINITIONS

§112-201. General Rules. For the purpose of this Ordinance, certain words and terms used herein shall be defined as follows:

1. Words used in the present tense shall include the future.
2. Words used in the singular shall include the plural.
3. The word "person" includes corporation, partnership, developer, association, trust, as well as an individual
4. The word "lot" includes "plot", "piece", or "parcel".
5. The word "structure" includes "building".
6. The words "used" or "occupied" include the words "intended, arranged, maintained, or designed to be used or occupied".
7. The word "shall" is mandatory.

§112-202. Definitions

Accessory Building or Use: a use, building or structure which is subordinate and incidental to the principal use, building or structure on a lot.

Adult Entertainment Uses: Any theater, shop, bookstore, model studio, sexual encounter center, massage, massage parlor, escort service, adult cabaret, adult motel or other establishment which at any time displays motion picture films, videotapes, books, magazines, publications or other forms of adult entertainment of a sexual nature or content including, but not limited to, the display of any motion picture, videotape, book, magazine, dancing or any other form of live theatre production and entertainment which is X-rated, is pornographic or obscene, depicts any live or simulated sex act or includes exposed male or female genitalia. Inclusive in this definition of Adult Entertainment are the following means of representing activities herein described:

- A. Live theatre production – any dramatic, musical or comedic production performed in the presence of a live audience.
- B. Massage – any method of treating superficial soft parts of the human body, for remedial, hygienic or other purposes, consisting of rubbing, stroking, kneading, or any similar treatment, accomplished by hand, or any part of the human body, or by the use of any instrument.
- C. Massage Parlor – any building or structure or portion thereof, located within the district, which is opened to members of the general public, with or without the payment of a fee, at which massage services are offered.
- D. Model studio
  1. Any place where there is conducted the business of furnishing figure models who pose in the nude for the purpose of being observed or viewed by any person or of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted for person who pay a fee, or other consideration or compensation, or a gratuity, for the right or opportunity so to depict the figure model, or for admission to, or for permission to remain upon, or as a condition for remaining upon the place.

2. Any place where there is conducted the business of furnishing or providing or procuring, for a fee or other consideration or compensation or gratuity, figure models who pose in the nude to be observed or viewed by any person or to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.
  3. Exception. The words “model studio” do not include:
    - (a) Any studio which is operated by any State college or junior college, public or private school, or any governmental agency wherein the person, firm, association, partnership or corporation so operating has met the requirements established by the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma or honorary diploma; or
  4. Any place where there is conducted the business of furnishing, providing or procuring figure models solely for any studio described in subsection 1 of this subsection.
- E. Motion Picture Film – shall include any:
1. Film or plate negative.
  2. Film or plate positive.
  3. Film designed to be projected on a screen for exhibition.
  4. Films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen.
  5. Video tape or any other medium used to electronically reproduce images on a screen.
- F. Nude – shall include:
1. Completely without clothing.
  2. With the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the showing of the breast with less than a fully opaque covering of any portion thereof below the top of nipple, or the covered male genital in a discernibly turgid state.
- G. Obscene Matter – any matter:
1. Which the average person, applying contemporary standards, would find, when considered as a whole, appeals to the prurient interest;
  2. Masturbation, excretory functions, or exhibition of the genitals or genital areas; and,
  3. Ultimate sexual acts, normal or perverted, actual or simulated.
  4. The matter taken as a whole, lacks serious literary, artistic, political, educational or scientific value.
- H. Publication – shall include any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, motion picture film or internet or computer transmissions which is displayed in an area open to the public, offered for sale or exhibited in a coin-operated machine, or for any other type of admission or exhibition fee.

Alley: A narrow servicerway which affords a secondary means of access to abutting property(ies).

Alterations: An incidental change, rearrangement, or replacement of the structured parts or in the means of egress, whether by extending on a side or by increasing in height or the moving from one location or position to another.

Amendment: Any addition, deletion or revision of any part of the text or zoning map officially approved by borough Council after public hearing.

Apartment: See dwelling, multi-family.

Applicant: A land owner, or holder of an agreement to purchase land, lessee or other person having a proprietary interest in land or the heirs, successors, assigns of such person who has filed an application for the use, improvement or development of any parcel or structure under this Ordinance.

Appointing Authority: The Heidelberg Borough Council.

Assisted Living Residence: Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.

Automobile Repair: Any building or portion thereof used for the repair or replacement of engines, transmissions, differentials, drivetrains, or any parts thereof, in addition to the replacement of parts, service, and incidental repairs to motor vehicles.

Automobile Sales: Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, or motorcycles or other similar motorized transportation vehicles.

Bank or Financial Institution: An institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

Basement: The area enclosed by the foundation and having its ceiling above the surrounding ground level. The basement shall not count as a story unless more than 50% of its height is above the average level of the adjoining ground.

Bowling Alley: An indoor facility for the sport of bowling or duck-pin bowling, with customary accessory uses such as snack bars.

Borough: Borough of Heidelberg.

Buffer Area: A portion of land which may be used for the planting of trees, shrubs, bushes, grass or other ground cover or the construction of walls or fences, only. No other development is permitted in this area.

Building: A roofed structure enclosed by walls and permanently affixed to the ground.

Building Line: An imaginary line which is parallel to, or concentric with, the nearest street right-of-way line. No building may extend beyond the building line.

Building Permit: An official document that authorizes the construction, alteration, enlargement, conversion, reconstruction, rehabilitation, erection, demolition, moving, or repair of a building or structure.

Bulletin: A type of changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by churches and schools to announce events.

Car Wash: Mechanical facilities for the washing or waxing of private automobiles, light trucks, and vans, but not commercial fleets.

Cemetery: Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.



Child Day Care – A public, private, non-profit or profit facility regulated and licensed by the Pennsylvania Department of Public Welfare (“DPW”), providing care or supervision to children, excluding (a) care provided by the operator to his or her relatives (child, step-child, grandchild or foster-child) and (b) care furnished in places of worship during religious services. The following are the categories of child day care:

- A. Small Family Child Day Care Home - A home other than the child’s own home, operated for profit or not-for profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator.
- B. Large Family Child Day Care Home - A home other than the child’s own home, operated for profit or not-for profit, in which child day care is provided at any one time to between seven and twelve children unrelated to the operator.
- C. Child Day Care Center - The premises in which care is provided at any one time for seven or more children unrelated to the operator.

Church or Place of Assembly: A building or structure, or group of buildings or structures that by design and construction are primarily intended for conducting organized services or assembly.

Civic, Social or Fraternal Club: Buildings and facilities, owner and operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.

College or University: A college or university giving general academic instruction as prescribed by the Commonwealth of Pennsylvania or other proper authority. Included within this term, as adjuncts, are areas or buildings, when located on school ground which are not detached from the school ground proper except by an intervening street, for (1) administration, (2) social or athletic activities, (3) dining halls, (4) parking lots, (5) housing of students or faculty in dormitory, fraternity, or sorority house, or other type of dwelling.

Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, personal communications services (PCS), pager, commercial mobile radio service or any other wireless communication signals, including without limitation omnidirectional antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment, including ham or citizen band radio antennas.

Communications Equipment Building: An unmanned building or cabinet containing communications equipment required for the operation of a communications antenna and covering an area on the ground not greater than two hundred fifty (250) square feet.

Communications Facility: A communications tower and all appurtenant communications antennas, communications equipment buildings, accessory buildings and all other structures and devices necessary for the operation of the communications tower and its communications antennas within the required fenced area.

Communication Towers: A structure, typically a steel tower, that may include guy wires, whose principal use is for public or private communication purposes, including but not limited to mobile domestic cellular telephone services and personal wireless services, and is owned and/or operated by an entity not subject to regulation by the Pennsylvania Public Utility Commission. Not included are antennae and supportive structures used solely for direct broadcast satellite services or for private, noncommercial and amateur purposes including but not limited to ham radios and citizen band radios. The term "communication towers" and "towers" shall be treated as synonymous.

**Community Center:** A public, quasi-public or privately maintained institution devoted exclusively to a variety of group activities - civic, social, recreational, educational and/or cultural - and maintaining the premises and facilities appropriate for such activities; provided, however, that the said premises shall not include living quarters for persons other than those engaged in the conduct and/or maintenance of the institution.

**Comprehensive Plan:** The Comprehensive Plan of the Boroughs of Heidelberg and Carnegie and Scott Township, which was adopted by Heidelberg on February 21st, 2012. This plan is also commonly known as the Heidelberg, Carnegie, and Scott Multi-Municipal Comprehensive Plan.

**Conditional Use:** A use permitted in a particular zoning district pursuant to the provisions in Article XI of the MPC and Article Eleven of this ordinance.

**Contractor's Yard:** A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods, but not including the wrecking, salvaging, dismantling or storage of junked automobiles and similar vehicles.

**Conversion Dwelling:** A dwelling unit, created by the subdivision of any structure or any single dwelling unit into two or more dwelling units whether or not structural alterations or additions are entailed.

**Council:** Heidelberg Borough Council.

**Country Club or Golf Course:** A recreational facility operated by a public or private entity which has, as its principal use, facilities for playing golf and which may include one (1) or more of the following accessory uses: a clubhouse and/or restaurant, locker rooms, pro shop, swimming pool, facilities for racquet sports.

**Day Care Center:** A facility providing care, supervision and/or instruction for pre-school age children and licensed to operate by the Commonwealth of Pennsylvania, Department of Education.

**Developer:** Any landowner, agent of a landowner, or tenant, with the landowner's approval, who undertakes development.

**Development:** Any change to a parcel of land which includes, but is not limited to, the erection, expansion or alteration of a structure, utilities, streets, paved areas, and the subdivision of land.

**Development Plan:** The provisions for development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities.

**Drive Through Facility -** Any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

**Dry Cleaning Processing Facility:** A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort using volatile solvents and the processes incidental thereto.

**Dwelling:** Any building designed or used as a permanent or temporary living quarters for one or more families.

**Dwelling, Single-Family:** a detached building containing one dwelling unit designed and intended to be occupied by one family.

**Dwelling, Two-Family:** A detached building containing two dwelling units, designed and intended to be occupied by only two families, completely independent of one another.

**Dwelling, Multi-Family:** A building containing three or more separate-dwelling units; including townhouses, garden dwellings, multiplexes, and similar multiple dwelling structures.

**Dwelling Unit:** One or more rooms constituting a separate independent housekeeping establishment for one or more persons, and containing independent cooking, sanitary and sleeping facilities. It shall not be deemed to include hotels, boarding or rooming houses, institutional facilities and residence clubs.

**Family:** One or more persons occupying a dwelling unit and maintaining a single housekeeping unit.

**Family Boarding Home:** A residential facility in which the residential household provides room, board and specialized services to eight or fewer unrelated persons. These individuals may be children, handicapped, elderly, or otherwise in need of specialized supervision and care. These facilities required licensing and certification by the Commonwealth of Pennsylvania, Department of Public Welfare.

**Festoon Lighting:** A group of two (2) or more light bulbs of more than twenty (20) watts each hung or strung overhead, not on a building or structure, which are exposed to view by persons on a public right-of-way, or which are not shaded or hooded to prevent the direct rays of light from being visible from the property line, but not including the temporary erection of lights as part of a holiday celebration, or small lights of less than twenty (20) watts each.

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

**Funeral Home or Mortuary:** A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.

**Garage:** An accessory building for the storage of motor vehicles, not including buildings in which fuel is sold, or repair or other service is performed.

**Garden Apartment:** A garden apartment is one which is generally located in a structure containing not less than four (4) dwelling units; not exceeding three (3) stories in height; sometimes designed around courts or common green spaces; often having private balconies or patios; and, frequently exhibiting different facades and design features between structures in a garden apartment complex.

**Garden Center, Plant Nursery, Landscaping Business, or Greenhouse:** A commercial activity devoted to the raising and sale of plants and implements for gardening.

**Gasoline Service Station:** Building and premises engaged primarily in the sale of motor fuels, but also supplying goods and services generally required in the operation and maintenance of automotive vehicles. These may include the sale of petroleum products, sale and service of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performing of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. No major repair work is permitted on these premises.

**Geothermal Energy Facility -** A generating facility capable of capturing and converting hydrothermal energy into hydronic or electrical energy sources.

**Gross Floor Area:** When prescribed as the basis of measurement for off-street parking space and loading berths for any use, floor area shall mean the sum of the gross areas of the floors of buildings, or portions thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area

devoted to retailing activities, to the production or processing of goods or to business or professional offices.

**Group Residence:** A residential facility which provides room, board, and specialized services to six (6) or fewer unrelated persons. The individuals must be living together as a single housekeeping unit with one or more adults providing qualified 24-hour supervision.

**Halfway House:** A group residence for those who have completed treatment at a rehabilitation facility, whether criminal in nature or not, but are not yet ready to return to independent living in the community and where residents participate in structured programs designated to ease successful reintegration into society.

**Height:** The vertical distance measured from the average elevation of the finished grade to:

- a. The highest point of the roof adjacent to the front wall of flat roofs.
- b. The deck line of mansard roofs.
- c. The mean height between eaves and ridge for gable, hipped, or gambrel roofs.

**Hearing:** An administrative proceeding conducted by a board pursuant to section 909.1. of the PA MPC.

**Home Occupations:** A business or commercial activity that does not meet the definition of a no impact home-based business conducted as an accessory use entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and does not, in any way, change the character of the dwelling.

**Hospital:** A building or part thereof used for the medical, psychiatric, obstetrical, or surgical care on a 24-hour basis. The term hospital shall include facilities used for medical research and training for health care professions, general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such other facilities, which provide in-patient care. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

**Hotel or Inn:** A structure or structures designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals, including auto courts, motels, motor hotels, motor lodges, tourist courts and the like.

**Kennel:** A facility for the boarding of animals, the breeding of small animals such as dogs and/or cats, or the boarding, grooming, sale or training of small animals such as dogs and/or cats for which a fee is charged.

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

**Long-Term Nursing Care Facility:** A facility licensed by the Department of Health that provides skilled or intermediate nursing care or both levels of care to two (2) or more patients, who are unrelated to the nursing home administrator, for a period exceeding twenty-four (24) hours.

**Lot:** For the purposes of this ordinance, a lot is a parcel or tract of land having sufficient size to meet the minimum requirements for use, coverage, yards/open space, and area, and shall front on a public right of way.

**Lot Area:** the total area within the boundary of a lot.

**Lot Line:** The boundary line, or part of such line, describing the perimeter of a lot.

**Lot Line, Front:** the street right of way line to which the property has access.

Lot Line, Rear: The line most distant from the front lot line.

Lot of Record: A lot which has been duly recorded in the Allegheny County Department of Real Estate, either individually or as part of a subdivision.

Manufacturing: The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products.

Manufacturing, Light – The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, light-weight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods and food products; but not animal slaughtering, curing, nor rendering of fats.

Medical Clinic: Any establishment where human patients are not hospitalized overnight but are examined and treated by doctors or others who are duly licensed by the Commonwealth of Pennsylvania to perform medical healing arts.

Mixed Use or Occupancy: the conduct of two or more uses in one building or lot.

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

Mobilehome Lot: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

Mobilehome Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

Motel: a building, or a group of buildings, having units containing sleeping accommodations which are available for a temporary, rental occupancy by transients and providing sufficient off-street parking facilities adjacent or convenient thereto. A tourist home containing provisions or facilities for accommodation of more than four (4) transient occupants not normally quartered on the premises shall be considered as a motel facility under the provisions of this Chapter.

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

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.

- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

Noise: any sound which annoys or disturbs humans or is unwanted or which causes or tends to cause an adverse psychological effect on human beings.

Noise Disturbance: any sound which endangers or injures the health of humans or disturbs a reasonable person of normal sensitivities.

Nonconforming Lot: A lot recorded prior, to adoption of this ordinance containing less area and/or less frontage or width than required for the zone district in which the lot is located.

Non-Conforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance, where such use was lawfully in existence prior to the enactment of this Ordinance.

Non-Conforming Sign: Any lawful sign which does not conform to the applicable sign regulations of the district in which it is located, either on the effective date of this Chapter or as a result of subsequent amendments thereto.

Non-Conforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

Occupancy Permit: A permit issued by the Zoning-Officer before the occupancy of any new or remodeled building, use of land, or change of use, which certifies that all requirements of this ordinance and other applicable ordinances, have been met.

Offices, General: All offices related to financial institutions, insurance, real estate service, banking, credit services, business services, advertising, duplicating, medical and health services, legal services, any professional offices and similar functions requiring the use of the property for general offices or personal services.

Older Adult Daily Living Center: a premises operated for profit or not-for-profit in which older adult daily living services are simultaneously provided for four (4) or more clients who are not relatives of the operator for part of a 24-hour day.

Parking Space: An open space, off street, available for the parking of motor vehicles, which has a hard, dust-free, all-weather surface.

**Permitted Use:** Any use of land or structure in a district which is in conformity with the requirements of that district as identified in this Ordinance.

**Personal Care Home:**

1. A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living.
2. The term includes a premise that has held or presently holds itself out as a personal care home and provides food and shelter to four or more adults who need personal care services, but who are not receiving the services.

**Personal Services:** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel including but not limited to barber and beauty shops, dog grooming, tailor, dressmaker, shoe repair, photographer, laundry and the like.

**Personal Storage Facility:** A building or group of buildings in a controlled access and usually fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares.

**Planning Code (MPC):** The Pennsylvania Municipalities Planning Code, Act #247 of 1968, as amended.

**Porch:** A construction with permanent roof and/or floor attached to a building and considered part of the building, for purposes of setback from lot lines.

**Principal Building:** A building or buildings which contain the principal use permitted on the lot.

**Principal Use:** The single primary use of a lot that is permitted under the district regulations.

**Private Club:** An association organized and operated, not for profit, for persons who are bona fide members paying annual dues, and which owns, hires or leases premises, the use of which premises is restricted to such members and their guests.

**Professional Offices:** The use of offices and relating spaces for such services as provided by doctors, dentists, lawyers, architects, engineers and similar occupations.

**Public Facility:** Land or building or structure and its equipment used for the purpose of providing a service(s) to the public, by a governmental agency or publicly-franchised or regulated corporation.

**Public Hearing:** A formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the PA MPC

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

**Public Notice:** A notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than fourteen (14) days from the date of the hearing.

**Public Parking Garage:** A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking garage structure may

be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

Recreational trailer - A trailer designed or adapted and used exclusively for recreational purposes.

Research and Development Facility: Any establishment which carried on basic, applied, industrial and/or scientific investigations and/or research, including laboratories and testing facilities, in the natural, physical or social sciences or engineering and development and/or testing as an extension of such research with the objective of creating end products; and which may include pilot manufacturing, as an accessory use. The term also includes medical laboratories where prosthetic devices or medical equipment testing takes place exclusively on written work order of a licensed member of the dental or medical profession, but excludes other medical testing; and further specifically excludes the housing of animals or activities requiring overnight stays by subjects or investigators, biological engineering, gene enhancement and/or biological reengineering.

Retail Shop or Establishment: A business that makes products available for purchase including building materials, hardware, general merchandise, food products, clothing, apparel, and clothing accessories, furniture, home furnishing and similar equipment, eating and drinking establishments, sporting goods, drugs, specialty food shops, paint stores, electrical supplies, variety stores, department stores, bakeries, dairy products, household appliances, taverns and similar retail or general commercial outlets.

School: Any public, parochial, or private place of instruction, not including institutions of higher learning, having regular sessions, with regularly employed instructors or teachers, who are certified by the Pennsylvania Department of Education in accordance with such standards as the State Board of Education may establish, which teach those academic subjects that are fundamental and essential in general education, and which provide kindergarten, elementary, or secondary stages of education, or a vocational school, under the supervision of the Commonwealth or lawfully constituted ecclesiastical governing body and with standards of instruction meeting the requirements of the Commonwealth of Pennsylvania, including intermediate units established by the public school system of the Commonwealth of Pennsylvania, but excluding any privately operated school of trades, vocations, avocations, business, and institutional schools, or drug or alcohol addiction program or foundation.

Screen: The use of hedges, fencing and/or natural grade changes for the purpose of concealing from view the area behind such structures or vegetation.

Sign: A structure that is arranged, intended, designed or used to advertise, announce or direct; or any device, illustration, description or identification posted, painted or placed in some fashion, on a building, structure or any surface for such a purpose as to be viewed by the public. Any display of any letters, numerals, figures, emblems or pictures displayed for the purpose of conveying information or attracting attention, whether attached to or displayed on any structure or the surface of anything including, but not limited to, the ground or any rock, tree or other natural object, and which display is visible beyond the boundaries of the lot on which the sign is located.

Sign Area: The area defined by the frame or edge of a sign. If there is no frame or edge, the area shall be determined by a four-sided, straight line, geometric shape which outlines the letters or graphic display of the said sign.

Sign Face: The entire area upon which graphic or written material or information is placed for viewing from a single direction.



**Sign Height:** The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

**Sign Types or Classes:**

**Attention-Getting Device:** A pennant, flag (excluding a National or State Flag), valance, banner, propeller, spinner, streamer, search light, balloon or other inflatable device, or similar object or representation of a product, vehicle, equipment or other advertising image or any ornamentation which is designed or used for the purpose of promoting, advertising or attracting attention. This section also includes any type of moving, flashing, scrolling sign which is either manually controlled or electronically controlled.

**Arcade Sign:** A sign suspended beneath a ceiling of an arcade, a roof or marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof or marquee to identify the location of establishments within a shopping center or similar building.

**Awning Sign (see also Canopy Sign):** A sign that functions as a roof-like shelter, either permanent, retractable or removable, made of canvas or other material that is affixed to a building or self-supporting and provides protection from sun, rain, snow and other elements.

**Billboard:** Any off-premises sign with a changeable or permanent advertising face which advertises an establishment, person, activity, product or service which is unrelated to or not available on premises on which the sign is located.

**Business Identification Sign:** A sign which contains the name, address and goods, services, facilities or events available on the premises.

**Canopy Sign (see also Awning Sign):** A sign that functions as a roof-like shelter, either permanent, retractable or removable, made of canvas or other material that is affixed to a building or self-supporting and provides protection from sun, rain, snow and other elements.

**Changeable Copy Sign:** A sign that is designed so that characters, letter or illustrations can be changed or rearranged without altering the face or surface of the sign.

**Construction Sign:** A temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.

**Development Sign:** A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.

**Freestanding sign:** A sign supported on a foundation or by one (1) or more uprights, poles or braces permanently affixed to the ground and not attached to any building or other structure (includes Pole Sign and Ground Sign).

**Ground Sign:** A freestanding sign which is affixed to the ground by means of a permanent foundation and which provides a maximum clearance of eighteen (18) inches between the bottom edge of the sign and the adjacent ground level.

**Home Occupation Sign or Home Office Identification Sign:** A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.

**Indirectly Illuminated Sign:** A sign which is lighted by means of lamps or lighting devices external to, and reflected on, the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the

face of the sign and there is no spillover of illumination or glare beyond the face of the sign.

**Internally Illuminated Sign:** A sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

**Notification Sign:** Signs bearing legal and/or property notices such as: no trespassing, private property, no turnaround, safety zone, no hunting and similar messages and signs posted by a governmental agency for traffic control or the safety of the general public.

**On-Premise Directional Sign:** A sign which direct and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information on the premise on which it is located.

**Overhanging sign:** A sign, other than a wall sign or arcade sign, affixed to a building or wall whose leading edge extends beyond such building or wall more than twelve (12) inches, including signs perpendicular to the wall of a building, awnings, marquees, canopies or similar structures used for business identification.

**Pole Sign:** A freestanding sign which is supported by one (1) or more poles, uprights, braces or pylons and which has a minimum clearance between the bottom edge of the sign and the adjacent ground level, as specified by this Ordinance.

**Portable Sign:** A sign that is not permanently affixed to a building, a structure or the ground which is designed to be moved from place to place, including but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; paper, cardboard or canvas signs wrapped around supporting poles; sandwich boards signs; and trailer or boat-mounted signs.

**Public Sign:** A sign of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of any public duty, such as official signs and notices of any public or governmental agency, or erected by or on the order of a court or public officer, including official traffic signs, public notices, government flags and other signs warning of hazardous or dangerous conditions.

**Real Estate Sign:** A temporary sign advertising the sale or rental of premises. The sign may also bear the words "sold", "sale pending" or "rented" across their face.

**Residential Identification Sign:** A sign containing only the name and address of the occupant of the premises.

**Residential Plan Identification Sign:** A permanent wall or freestanding ground sign containing only the name and address of a plan of subdivision or a multifamily building or development.

**Roof Sign:** A sign erected and maintained upon or above the roof of any building which projects no more than six (6) feet above the roof.

**Temporary Special Event Display:** A banner, flag, pennant or similar display constructed of durable material and affixed to the wall of a building erected for a period of not exceeding thirty (30) days whose sole purpose is to advertise a special event.

**Wall sign:** A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than six (6) inches from the wall of the building.

**Window Signs:** A sign or group of signs affixed to the inside of a display window in a commercial establishment which advertises a product or service available on the premises or which announces or promotes a special sale or special event.

**Sign, Non-Conforming:** See Non-Conforming Sign.

**Sign, Surface Area of:** The area enclosed by one (1) continuous line, connecting the extreme points or edges of an advertising panel containing letters; or the sum of the areas of each letter, in the case of freestanding letters which are mounted on a building wall, rather than painted on or affixed to an advertising panel. In the case of freestanding pole or ground signs, this area shall not include the main supporting sign structure, but shall include all other ornamental attachments and connecting features which are not part of the main supports of the sign. In the case of letters which are painted on or affixed to an awning or canopy, rather than mounted on a wall or affixed to an advertising panel, the area of the sign shall be the area of the geometric shape formed by outlining the height and width of all of the letters, including the space between the individual letters. For two-sided signs, only one (1) face is counted in computing the surface area.

**Site Plan:** A plan of a proposed development or use on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings, and any other information deemed necessary by the Borough or prescribed by this Ordinance.

**Solar Energy Facility -** An electric generating facility, with the purpose of generating electricity, or providing hot water heat, consisting of one or more solar panels and other ancillary associated buildings and structures, including sub-stations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

**Store, Retail:** Any retail sales establishment conducted wholly within an enclosed structure which sells goods, services or merchandise to the general public for personal, household or office consumption and which shall not include wholesaling, manufacturing or processing of the goods offered for retail sale.

**Story:** A story is the vertical distance between a building floor and the floor/ceiling level above or below, when the distance is at least seven (7) feet.

**Street:** Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways, whether public or private, used or intended to be used by vehicular traffic or pedestrians.

**Street-Type:** Streets may be classified according to the following:

- a. **Street, Arterial:** Streets designed to carry high volumes of traffic from one area of the community to another, or to link one community with another.
- b. **Street, Collector:** Streets designed to collect traffic from local streets and then to convey it to the major arterials.
- c. **Street, Local:** Streets designed to serve only the traffic needs of, and provide access to, a limited area or neighborhood.

**Structure:** Any man-made object having a stationary location on, or in land or water, whether or not it is affixed to the land.

**Theater:** A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

**Tower Site:** Any lot or building lot, or any structure located on any lot or building lot, on which communication towers are located or proposed to be located.

**Townhouse:** A row of three or more attached, one-family dwellings, separated by vertical party or lot-line walls, and each having private entrances.

**Trailer:** A vehicle designed to be towed by a motor vehicle.

**Transportation Terminal:** Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. The terminal may also serve as a passenger station that is central to an area and serves as a junction at any point with other line. A bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight.

**Tri-Community Revitalization Project:** A project of the Boroughs of Heidelberg and Carnegie and Scott Township. A summary of the project is included in Appendix A. Detailed copies of the project are available in the Borough Office.

**Variance:** A departure from the terms of this Ordinance, as authorized by the Zoning Hearing Board; in cases where a literal enforcement of the Ordinance will result in unnecessary hardships, not created by the owner, depriving him reasonable use of the lot. Such departure will not detrimentally affect abutting properties.

**Warehouse:** A building used primarily for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles.

**Wholesale Distribution:** An establishment primarily engaged in selling merchandise to retailers, institutional, industrial, commercial or professional business customers or other wholesalers, rather than the general public, or acting as a broker for such merchandise sales. Wholesale distribution includes the warehousing of merchandise and distribution of such merchandise from the site of the principal business to other wholesale or retail businesses or institutional customers.

**Wind Energy Facility -** An electric generating facility, with the purpose of electricity supply, consisting of one or more wind turbines and other ancillary associated buildings and structures, including sub-stations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

**Yard:** Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as expressly permitted by this Ordinance.

**Yard, Front:** An open space extending the full width of the lot between the structure and the road right of way.

**Yard Rear:** An open space extending the full width of the lot between the structure and the rear lot line.

**Yard, Side:** an open space extending from the front yard to the rear yard between a structure and the nearest side lot line.

**Zoning Hearing Board:** The Zoning Hearing Board of Heidelberg Borough.

**Zoning Map:** The map containing the zoning districts of Heidelberg Borough, showing the boundaries and titles of each zoning district, said map being an integral part of this Ordinance.

**Zoning Officer:** The Zoning Officer, or his authorized representative, designated to administer and enforce this Ordinance.

Zoning Permit: A certificate, issued by the Zoning Officer stating that the purpose for which a building or land is to be used is in conformity with the requirements of this Ordinance, and construction is authorized to proceed.

## ARTICLE THREE

### DISTRICT REGULATIONS

§112-301. Districts established. Heidelberg Borough is hereby divided into districts of different types, each type being of such number, shape, kind, and area of such common unity of purpose and adaptability of use that are deemed most suitable to carry out the objectives of this chapter and the Borough's Comprehensive Plan.

§112-302. Classification of Districts. For the purpose of this Ordinance, the Borough of Heidelberg is hereby divided into four (4) zoning districts and two (2) overlays:

R-1 Class One Residential District

R-2 Class Two Residential District

C Commercial District

M Manufacturing District

Mixed-Use Overlay

East Railroad Street Streetscape Overlay

§112-303. Zoning Map. The boundaries of the various zoning districts are hereby established on a map, entitled, the "Heidelberg Borough Zoning Map". This map is hereby made a part of this Ordinance and shall be kept on file at the Borough Office. All amendments to the map shall be identified on the map and shall be certified.

§112-304. District Boundaries. The boundaries of the various districts, as shown on the Borough Zoning Map, shall be identified as follows:

1. Where the indicated boundaries of the Zoning Map are approximately lot lines or property lines, said lines shall be construed to be boundaries of such district, unless otherwise indicated.
2. Where the indicated boundaries on the Zoning Map are approximately public rights-of-way, the center line of said public rights-of-way shall be construed to be the boundaries.
3. Where the indicated boundaries are dimensioned on the Zoning Map, said dimensions shall determine the boundaries.
4. Where the indicated boundaries are not approximately lot or property lines or public rights-of-way, and where said boundaries are not dimensioned, the boundaries shall be determined by scaling on the Zoning Map.
5. Where physical or cultural, features existing on the ground are at variance with those shown on the Zoning Map, the Zoning Hearing Board shall interpret the district boundaries.

§112-305. R-1 Class One Residential District.

1. Purpose. The purpose of the Class One Residential District is to accommodate the low-density single-family residences and uses that traditionally support these residences such as parks, recreation, and schools.

2. Permitted Uses, Conditional Uses, and Special Exception Uses. See §112-401.
3. Area Regulations. See §112-402.
4. Off-Street Parking Requirements. See Article Six.
5. Signs. See Article Seven
6. Bufferyards. See Article Nine

§112-306. R-2 Class Two Residential District

1. Purpose. The purpose of the Class Two Residential District is to support a variety of residential land uses such as single-family homes as well as low-density, multi-family townhomes and apartments that are consistent with current and future housing demand in the Borough as well as uses that traditionally support these residences.
2. Permitted Uses, Conditional Uses, and Special Exception Uses. See §112-401.
3. Area Regulations. See §112-402.
4. Off-Street Parking Requirements. See Article Six.
5. Signs. See Article Seven
6. Bufferyards. See Article Nine

§112-307. C Commercial District

1. Purpose. The Commercial District is intended to accommodate commercial uses commonly found in traditional main street areas as well as commercial uses that serve the immediate and contiguous communities. The district is also intended to accommodate residential uses that are compatible with traditional commercial development.
2. Permitted Uses, Conditional Uses, and Special Exception Uses. See §112-401.
3. Area Regulations. See §112-402.
4. Off-Street Parking Requirements. See Article Six.
5. Signs. See Article Seven
6. Bufferyards. See Article Nine

§112-308. M Manufacturing District

1. Purpose. The Manufacturing District is intended to accommodate industrial and manufacturing land uses. The regulations of the district are also intended to minimize the impacts, including noise, odor, light, and vibration, of these uses.
2. Permitted Uses, Conditional Uses, and Special Exception Uses. See §112-401.
3. Area Regulations. See §112-402.
4. Off-Street Parking Requirements. See Article Six.
5. Signs. See Article Seven
6. Bufferyards. See Article Nine

**ARTICLE FOUR**

**AUTHORIZED USES AND AREA AND BULK STANDARDS.**

§112-401. Authorized Uses. Only uses specifically authorized in the Table of Authorized Uses as permitted by right or conditional use in a zoning district or overlay are permitted in that district or overlay.

**TABLE OF AUTHORIZED USES**

**LEGEND**

P = Permitted Use by Right

C = Conditional Use

N or blank = Uses not Authorized

\* = on 2nd or higher floors of a structure only

	R-1 Class One Residential District	R-2 Class Two Residential District	C Commercial District	M Manufacturing District	MUO Mixed Use Overlay	Additional Standards
<b>RESIDENTIAL USES</b>						
Single Family Dwelling	P	P	N	N	C	Article Five
Two-Family Dwelling	N	P	N	N	C	Article Five
Multi-Family Dwelling	N	P	N	N	C	Article Five
Townhouse	N	P	C	N	C	§27-1104.38.
Mobile Home Park	N	N	C	C	N	§27-1104.29.
Conversion Dwelling	N	C	N	N	N	§27-1104.14.
Garden Apartment	N	P	N	N	N	§27-1104.19.
Group Residence	N	C	N	N	N	§27-1104.22.
Apartment in a mixed-use structure	N	N	P*	N	N	
Home Occupation	C	C	N	N	N	§27-1104.24.
No Impact Home Based Business	C	C	P	P	P	§27-1103.



	R-1 Class One Residential District	R-2 Class Two Residential District	C Commercial District	M Manufacturing District	MUO Mixed Use Overlay	Additional Standards
<b>COMMERCIAL AND INDUSTRIAL USES</b>						
Adult Entertainment Establishment	N	N	N	C	N	§27-1104.1.
Assisted Living Residence	N	C	C	N	N	§27-1104.2.
Automobile Repair	N	N	C	C	N	§27-1104.21.
Automobile Sales	N	N	C	C	N	§27-1104.3.
Bank and Financial Institution	N	N	P	C	C	§27-1103.
Bowling Alley	N	N	C	C	N	§27-1104.5.
Car Wash	N	N	C	C	N	§27-1104.6.
Child Day Care Center	N	N	P	C	N	§27-1104.8.
Contractor's Yard	N	N	C	P	N	§27-1103.
Drive-Through Facility	N	N	C	C	N	§27-1104.16.
Dry Cleaning Processing Facility	N	N	C	C	N	§27-1104.17.
Funeral Homes and Mortuaries and Crematoriums	N	N	P	C	N	§27-1104.18.
Garden Center, Plant Nursery, Landscaping Business or	N	N	C	P	N	§27-1104.20.
Gasoline Service Station	N	N	C	C	N	§27-1104.21.
Kennel	N	N	N	C	N	§27-1104.27.
Large Family Child Day Care Home	N	C	C	N	N	§27-1104.8.
Long-Term Nursing Care Facility	N	C	C	N	N	§27-1104.28.
Manufacturing	N	N	N	C	N	§27-1103.
Manufacturing, Light	N	N	N	P	N	
Medical Facilities	N	N	C	C	N	§27-1103.
Motel, Hotel or Inn	N	N	P	C	N	§27-1104.30.
Offices, General	N	N	P	P	C	§27-1103.
Older Adult Daily Living Center	N	C	C	N	N	§27-1104.32.
Personal Care Home	N	C	C	N	N	§27-1104.33.
Personal Services	N	N	P	C	C	§27-1103.
Personal Storage Facility	N	N	N	C	N	§27-1104.34.
Recreation Facility, Indoor (Private or Semi-Public)	N	N	N	N	C	§27-1104.35.
Recreation Facility, Outdoor (Private or Semi-Public)	N	N	N	N	C	§27-1104.35.
Research and Development Facility	N	N	C	P	N	§27-1103.

	R-1 Class One Residential District	R-2 Class Two Residential District	C Commercial District	M Manufacturing District	MUO Mixed Use Overlay	Additional Standards
<b>COMMERCIAL AND INDUSTRIAL USES</b>						
Restaurant (eating and drinking establishment)	N	N	P	C	P	§27-1103.
Retail Shop or Establishment	N	N	P	C	C	§27-1103.
Small Family Child Day Care Home	N	C	C	N	N	§27-1104.8.
Theater	N	N	C	C	C	§27-1104.36.
Transportation Terminal	N	N	N	C	N	§27-1104.37.
Warehouse	N	N	N	C	N	§27-1104.41.
Wholesale Distribution	N	N	C	C	N	§27-1104.40.
<b>PUBLIC, NONPROFIT AND INSTITUTIONAL USES</b>						
Cemetery	N	N	N	C	N	§27-1104.7.
Church, Place of Worship	C	P	P	C	N	§27-1104.9.
Civic, Social and Fraternal Club	N	N	P	C	N	§27-1104.10.
College or University	N	N	C	C	N	§27-1104.11.
Communication Antenna (Co-location)	N	N	P	P	C	§27-1104.12.
Communication Facilities	N	N	C	C	N	§27-1104.12.
Communications Tower	N	N	C	C	N	§27-1104.12.
Community Center	N	N	P	C	N	§27-1104.13.
Country Club or Golf Course	N	N	C	C	N	§27-1104.15.
Essential Services	C	C	C	C	N	§27-1103.
Fire Station	C	C	C	C	N	§27-1103.
Halfway House	N	C	C	N	N	§27-1104.23.
Hospital	N	N	C	C	N	§27-1104.25.
Marina, Recreational Boat Docking	N	N	C	C	C	§27-1103.
Municipal, State or Federal Building or Facility	N	N	P	C	C	§27-1104.31.
Public Garage	N	N	C	C	C	§27-1103.
Public/Private Utility Building	N	N	N	C	N	§27-1104.39.
School	C	P	P	C	N	§27-1104.11.
<b>CONSERVATION, RECREATION AND NATURAL RESOURCE USES</b>						
Forestry	P	P	P	P	N	
Recreational Facility (Public)	N	N	P	P	C	§27-1104.35
<b>OTHER USES</b>						
Accessory Uses	P	P	P	P	C	§27-403.
Any Principal Use not Specifically Listed	N	N	N	C	C	§27-1104.46.

§112-402. Table of Area and Bulk Standards. All principal uses shall adhere to the standards in the Table of Area and Bulk Standards within a zoning district. If the principal use is situated in a zoning overlay and the provisions of the overlay conflict with the Table of Area and Bulk Standards, then the standards in the overlay shall apply.

	<b>R-1</b>	<b>R-2</b>
Minimum Lot Area	2,500 square feet	2,500 square feet
Minimum Lot Width	25 feet	25 feet
Minimum Front Yard Depth	20 feet or consistent with adjacent properties	20 feet or consistent with adjacent properties
Minimum Side Yard Widths	4 feet (each side) for 25-foot wide lots 5 feet (each side) for 30-foot wide lots 6 feet (each side) for 40-foot wide lots 7 feet (each side) for 50-foot wide lots	4 feet (each side) for 25-foot wide lots 5 feet (each side) for 30-foot wide lots 6 feet (each side) for 40-foot wide lots 7 feet (each side) for 50-foot wide lots
Maximum Height	30 feet or 2.5 stories	50 feet for multi-family uses 30 feet for all other uses
Minimum Rear Yard Depth	10 feet	10 feet

	<b>C</b>	<b>M</b>
Minimum Lot Area	2,500 square feet	2,500 square feet
Minimum Lot Width	25 feet	25 feet
Minimum Front Yard Depth	25 feet or consistent with adjacent properties	25 feet
Minimum Side Yard Widths	10 feet (5 feet on each side)	10 feet (5 feet on each side)
Maximum Height	60 feet	60 feet
Minimum Rear Yard Depth	10 feet	10 feet

\*The dimensional requirements for renovation or expansion of existing structures shall be consistent with the dimensions of surrounding properties where practicable.

§112-403. Exceptions to height requirements

1. The following may be permitted to exceed the height requirements of §112-402. In no instance shall the height requirement be exceeded by more than ten (10) feet:
  - a. Heating, ventilation, solar or air conditioning units.
  - b. Antennae.
  - c. Chimneys.
  - d. Spires on places of worship or assembly.

§112-404. Standards for Accessory Uses

1. Permitted Accessory Uses. A permitted accessory use must comply with the definition of "accessory use" contained in Article Two of this Ordinance. Permitted accessory uses include, but are not limited to:
  - a. Garage, carport, or storage of a boat, trailer or camper.
  - b. Shed or building for domestic storage. Such buildings shall not be larger than 12 feet wide by 12 feet deep by and 8 feet in height. All such buildings shall have a finished exterior.
  - c. Child's playhouse, garden house, gazebo and private greenhouse.
  - d. Private residential swimming pool or private recreational facility.
  - e. Storage of merchandise normally carried in stock on the same lot with a permitted retail, service or business use, all of which shall be stored indoors, unless such storage is excluded by the district regulations.
  - f. Storage of goods used in, or purchases by, manufacturing activities, on the same lot or parcel of ground with such activities unless such storage is excluded by the district regulations.
  - g. Off-street motor vehicle parking areas, and loading and unloading facilities.
  - h. Signs, where permitted by this Ordinance but excluding billboards.
  - i. Employee restaurants and cafeterias when located in a permitted business or manufacturing building.
  - j. Civil defense shelter for not more than two (2) families.
  - k. Portable storage structures that meet the requirements of §112-1104.44.
  - l. Portable refuse storage structures that meet the requirements of §112-1104.45.
  - m. Wind energy facilities that meet the requirements of §112-1104.43.
  - n. Solar energy facilities that meet the requirements of §112-1104.43.
  - o. Geothermal energy facilities that meet the requirements of §112-1104.43.
  - p. Fences or landscape screening that meets the following requirements:
    1. All screening walls, hedges or fences shall not exceed six (6) feet in height.
    2. Screening walls, hedges or fences may be erected in required side or rear yards, or within the buildable area of the lot.
    3. Screening walls, hedges or fences shall not be permitted in required front yards.
    4. Screening walls, hedges or fences intended to be located along a lot-line must submit a survey from a licensed survey company to the Zoning

Officer indicating on the survey the boundary of the subject property and the location of the fence or screen.

5. In addition, any fence or screening wall on a side or rear lot-line must be erected with the finished side of the fence or screening wall facing away from the subject property.

2. Prohibited Accessory Uses

- a. Outdoor storage or overnight parking of trucks or vans designated as Class 3 or greater by the Pennsylvania Motor Vehicles Code; or any construction vehicles or equipment shall be prohibited in any residential district. Construction vehicles or equipment may be parked on the lot during construction provided that a building permit has been granted for the construction activity.
- b. Outdoor storage, except as specifically permitted by the district regulations.

3. Location of Accessory Uses

- a. Accessory uses, excluding signs permitted by this Ordinance, shall not be located in a required front yard.
- b. Accessory uses and structures may be located in a required rear yard provided they are set back at least three (3) feet from the rear, lot line and shall maintain the same side yard as that required for the principal building, unless otherwise permitted by this Ordinance.
- c. No part of any accessory structure shall be located closer than five (5) feet to any principal building unless it is attached to, or forms a part of, such principal building. No accessory structure shall be located closer than three (3) feet to another accessory structure.
- d. All sheds or buildings used for domestic storage permitted by 112-404.1.b. shall be set back three (3) feet from the rear or side lot lines.
- e. Accessory structure and uses shall otherwise comply with the bulk regulations applicable in the district in which they are located.

## ARTICLE FIVE

### MIXED-USE OVERLAY

§112-501. Purpose. The Mixed Use Overlay is intended to achieve the following:

1. Provide the flexibility necessary to allow developers to create a traditional mixed-use “Main Street” type development on a larger scale than developing individual lots.
2. Capitalize on the available transportation alternatives and ease of accessibility
3. Leverage the natural assets in proximity to the area by preserving areas adjacent to Chartiers Creek for both active and passive recreation and natural open spaces.
4. Encourage housing opportunities within the “Main Street” area by designating and regulating areas that are suitable for this purpose.
5. Provide a diversity of dwelling unit types in order to expand housing opportunities to all residents of the community.
6. Encourage office, restaurant, and retail opportunities within the “Main Street” area by designating and regulating areas that are suitable for this purpose.
7. Provide a mixture of residential and non-residential uses by designating and regulating areas that are suitable for this purpose.
8. Enhance the integrity, stability and character of the “Main Street” area and the value of its land.

§112-502. Concept. The Mixed Use Overlay shall be deemed to be an overlay on any existing or future zoning districts enacted to regulate the use of land in the borough. The Mixed Use Overlay is intended to supplement any existing regulations that relate to zoning or building construction within the borough. The applicability of the Mixed Use Overlay shall be determined by the location and size of the proposed development. If the proposed development meets the minimum size (see §112-504) and is situated in those areas of the borough located within the Mixed Use Overlay (see §112-503), the requirements of this section shall supersede the requirements of the underlying zoning districts. The proposed development shall adhere to the standards of the underlying zoning districts if the development does not meet or exceed the minimum size defined in §112-504.

§112-503. Location of Overlay. The Mixed Use Overlay is located and bounded as shown on the “Heidelberg Borough Zoning Map” and is on file in the office of the Borough Manager.

§112-504. Minimum Size. The minimum development size for development in the Mixed Use Overlay is 4 acres.

§112-505. Consistency with the Borough’s Comprehensive Plan. The Borough’s Comprehensive Plan contains a conceptual master plan for the area included in the Mixed Use Overlay. Proposed developments shall be consistent with the concept depicted and described in the Comprehensive Plan.

§112-506. Use regulations. Specific principal uses permitted in the Mixed Use Overlay are included in §112-401. All developments in the Mixed Use Overlay shall follow the conditional use approval process.

§112-507. Area and Bulk Standards.

1. Minimum Lot Area - none
2. Minimum Lot Width- none
3. Minimum Front Yard – 5 feet
4. Maximum Front Yard – 20 feet
5. Minimum Side Yard - none
6. Minimum Rear Yard - none
7. Maximum Height – 100 feet
8. Maximum Impervious Surface Coverage – 65%

§112-508. Off-street parking

1. The number of off-street parking spaces shall be determined by the individual uses proposed in the development and per the requirements of Article Six.
2. On-street parking adjacent to a Mixed Use Overlay development shall be allowed to contribute to satisfying the required off-street parking requirement of the development. Each two (2) on-street parking spaces situated directly adjacent to the development shall satisfy one (1) required off-street parking space.
3. Off-street parking spaces in a Mixed Use Overlay development shall be situated on the interior or rear of a lot only. Parking should be screened from frontage streets by the building itself. Access to the off-street parking areas shall be from side streets whenever possible.

§112-509. Signs.

1. Signs in the Mixed Use Overlay shall adhere to the standards of Article Seven.

§112-510. Design. A density bonus for design that is consistent with the Comprehensive Plan.

1. The maximum impervious surface coverage of the development may be increased to 70% if the Borough Council determines that the following design criteria are satisfied:
  - a. Non-residential or mixed residential and non-residential buildings in each block of the proposed development shall feature a consistent, but not uniform front setback. The front yard depth shall vary by one (1) to five (5) feet across the entire facade. A variation in setback shall occur at least once per every 25 feet of building facade.
  - b. Residential buildings in each block of the proposed development shall feature a consistent, but not uniform front setback. The front yard depth shall vary by one (1) to five (5) feet across the entire facade. A variation in setback shall occur between buildings or at least once per every 25 feet of building façade. The variation in front setback may allow residential buildings to extend beyond the maximum front yard in §112-507.4.

§112-511. Open Space

1. Each Mixed Use Overlay development shall have at least 20% of its land area preserved as open space.
2. A buffer area along Chartiers Creek shall be provided in any Mixed Use Overlay development. Only open space and recreational uses such as parks, canoe launches, etc. shall be permitted within this buffer area. The buffer shall be 150 feet from the center of the Creek.
3. The open space requirement does not need to be met on each individual lot. Instead, it may apply across the entire development. For example, the area within the required buffer of Chartiers Creek in §112-511.2 may contribute to the overall open space required by §112-511.1.



## ARTICLE SIX

### OFF-STREET PARKING AND LOADING

#### §112-601. Off-street Parking Requirements.

1. In any district, at the time of erection of any main structure, or at the time any main structure is enlarged, increased in capacity, or changed to a use with a greater parking requirement, there shall be provided off-street parking areas in accordance with this Ordinance.
2. General Provisions
  - a. Design
    1. The minimum dimension for a conventional parking space will be not less than nine (9) feet in width and twenty (20) feet in length. For handicapped parking spaces, the minimum size shall be twelve (12) feet by twenty (20) feet.
    2. Driveways and aisles shall be designed so that each vehicle may have ingress and egress from the space without moving another vehicle. All access ways shall be designed to provide safe exit and entrance to public streets.
    3. All parking areas shall be graded and paved in the C and M zoning districts. Parking areas shall be a hard, dust-free, all-weather surface in the R-1 and R-2 zoning districts.
  - b. On-street parking spaces may be used to satisfy required off-street parking if the following criteria are met:
    1. The use is situated within either the C or R-2 zoning district
    2. The lot abuts East Railroad St.
    3. The proposed land use is not a single-family residence.
    4. The frontage of the lot directly abuts the on-street parking space and;
    5. 75% or more of the length of the parking space overlaps the frontage of the lot.
  - c. Every parcel of land hereafter used as a parking area for five (5) or more vehicles, shall be properly enclosed with a wall, fence or compact evergreen hedge having a height not less than two (2) feet and not more than six and one-half (6-1/2) feet. Clear sight triangles shall be maintained.
  - d. Any lighting to be used to illuminate off-street parking areas and driveways shall be screened and directed away from adjacent properties. The lighting system shall furnish the minimum amount of light to provide safety and security.
  - e. When several users share the same property, the parking required for each use shall be added together to determine the total number of spaces needed.
  - f. Each off-street parking area shall be used solely for the parking of motor vehicles in operating condition of patrons, occupants or employees of such use.
  - g. Motor homes, campers, recreational vehicles, recreational trailer, trailers and similar motor-vehicles shall be prohibited from all on-street parking.
  - h. Off-street parking spaces shall not be permitted in required front yards.

- i. All parking spaces required to serve structures shall be located on the same zoning lot as the structure or use served.
3. Required Spaces by Type of Use. For all other uses not specifically identified in the table of required off-street parking spaces in §112-601.5., parking shall be provided in accordance with the provisions of this Ordinance by filing a detailed application identifying the specific use, the number of employees, normal visitors and location and the same shall be handled as a conditional use would be handled.
4. Table of required off-street parking space for specific land uses. Any fractional parking spaces determined by the requirements of this table shall be rounded up to the next parking space.
5. Table of Off-Street Parking Requirements:

	Minimum Required Spaces
<b>RESIDENTIAL USES</b>	
Single Family Dwelling	1 space per dwelling
Two-Family Dwelling	1 space per dwelling unit
Multi-Family Dwelling	1 spaces per dwelling unit
Townhouse	1 space per dwelling
Mobile Home Park	1 space per dwelling
Garden Apartment	1 space per dwelling unit
Group Residence	1 space per dwelling unit
Home Occupation	1 space if the area occupied by the home occupation is less than 300 sq.ft.; 1 space per 300 sq.ft. if area occupied by home occupation exceeds 300 sq.ft.
No Impact Home Based Business	none

	Minimum Required Spaces
<b>COMMERCIAL AND INDUSTRIAL USES</b>	
Automobile Repair	1 space per 200 sq.ft. of floor area
Automobile Sales	1 space per 500 sq.ft. of floor area of the sales and service building(s)
Bank and Financial Institution	1 space per 200 sq.ft. of floor area
Bowling Alley	2 spaces per alley and 1 space per 2 employees
Car Wash	Per parking study
Casino	Per parking study
Small Family Child Day Care Home	1 space per 6 children at capacity plus the spaces required by the residence
Large Family Child Day Care Home	1 space per 6 children at capacity plus the spaces required by the residence
Child Day Care Center	1 space per employee plus 1 space per 8 children at capacity
Personal Care Home	1 space per 2 dwelling units
Long-Term Nursing Care Facility	1 space per three (3) beds
Assisted Living Residence	1 space per 2 dwelling units
Recreation Facility, Indoor (Private or Semi-Public)	1 space per 1.5 members
Recreation Facility, Outdoor (Private or Semi-Public)	2 space per 1.5 members
Contractor's Yard	1 space per employee plus 1 space per 1,000 sq.ft. of floor area
Drive-Through Facility	Queue line for 5 vehicles, not blocking any parking spaces, in addition to the other applicable requirements of the use
Dry Cleaning Processing Facility	1 space per 300 sq.ft. of floor area
Funeral Homes and Mortuaries and Crematoriums	4 spaces per viewing room, but not less than 12 spaces
Garden Center, Plant Nursery, Landscaping Business or Greenhouse	1 space per 500 sq.ft. of indoor or outdoor sales or display area
Gasoline Service Station	1 space per 300 sq.ft. of retail area devoted to sales of non-automobile related goods
Kennel	1 space per 400 sq.ft. of floor area
Manufacturing	One space per every two employees or one per every 600 sq.ft. of floor area, whichever is greater; and one space per every 30 employees reserved for visitors.
Manufacturing, Light	One space per every two employees or one per every 600 sq.ft. of floor area, whichever is greater; and one space per every 30 employees reserved for visitors.
Medical Facilities	1 space per 200 sq.ft. of floor area
Older Adult Daily Living Center	1 space per 300 sq.ft. of floor area and 1 space per each 2 employees
Personal Storage Facility	1 space per 1,000 sq.ft. of storage area
Motel, Hotel or Inn	1 space per guest room, plus spaces required per this ordinance for uses in conjunction with the hotel, motel, or inn
Offices, General	1 space per 500 sq.ft. of floor area
Personal Services	1 space per 200 sq.ft. of floor area
Research and Development Facility	1 space per 300 sq.ft. of floor area
Restaurant (eating and drinking establishment)	1 space per 4 seats, plus 1 space per 2 employees
Retail Shop or Establishment	<ul style="list-style-type: none"> <li>•if less than 10,000 sq.ft. - 1 space per 300 sq.ft. of floor area;</li> <li>•if between 10,000 and 20,000 sq.ft. - 1 space per 250 sq.ft. of floor area; or</li> <li>•if greater than 20,000 sq.ft. - 1 space per 175 sq.ft. of floor area</li> </ul>

<b>COMMERCIAL AND INDUSTRIAL USES</b>	
Adult Entertainment Establishment	1 space per 300 sq.ft. of floor area
Theater	1 space per 4 seats
Transportation Terminal	Per parking study
Warehouse	One space per every two employees or one per every 600 sq.ft. of floor area, whichever is greater; and one space per every 30 employees reserved for visitors.
Wholesale Distribution	One space per every two employees or one per every 600 sq.ft. of floor area, whichever is greater; and one space per every 30 employees reserved for visitors.
<b>PUBLIC, NONPROFIT AND INSTITUTIONAL USES</b>	
Cemetery	2 per employee
Civic, Social and Fraternal Club	1 space per 150 sq.ft. of floor area
Communications Tower	1 space per tower
Communication Antenna (Co-location)	none
Community Center	1 space per 200 sq.ft. of floor area
College or University	1 space per 5 students
School	1 space per eight (8) classroom seats
Country Club or Golf Course	1 space per 1.5 members
Essential Services	1 space per employee
Fire Station	1 space per employee
Halfway House	2 spaces per house plus 1 per guest room
Hospital	1 space per two (2) beds, plus 1 space per staff physician, plus 1 space per two (2) other employees
Marina, Recreational Boat Docking	1 space per boat slip
Public Garage	Per parking study
Municipal, State or Federal Building or Facility	1 space per 250 sq.ft. of floor area
Church, Place of Worship	1 space per four (4) sanctuary seats
Public/Private Utility Building	1 space per two (2) employees
<b>CONSERVATION, RECREATION AND NATURAL RESOURCE USES</b>	
Forestry	none
Recreational Facility	1 space per 300 sq.ft. of floor area
<b>OTHER USES</b>	
Any Principal Use not Specifically Listed	Per parking study

§112-602. Off-street Loading Requirements

1. Every structure or part thereof, hereafter established, erected, enlarged or occupied for uses involving the receipt and distribution of material or merchandise, shall have permanently maintained loading spaces within or on the same zoning lot with the structure, at the rate of one (1) space for every ten thousand (10,000) square feet, or fraction thereof, of aggregate gross floor area intended or designed for such use, provided that no loading space need be provided for a use with a gross floor area not exceeding twenty-four hundred (2,400) square feet.
2. Unless otherwise specified, each loading space shall be not less than ten (10) feet wide and fifty (50) feet long, and shall have a vertical clearance of at least sixteen (16) feet.

3. All loading berths which abut or are adjacent to a residential district or use, shall be completely screened therefrom by a wall, fence or planted screen not less than six (6) feet nor more than eight (8) feet in height.
4. Space allocated for any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities.

## ARTICLE SEVEN

### SIGNS

#### §112-701. Signs

1. Applicability. The regulations contained in this Article shall apply to all signs in all Zoning Districts.
2. Types and Classes. Signs in all Zoning Districts shall be categorized according to the types and classes described in Article 2 and shall comply with the requirements for those types and classes described in this Section. The definition of each sign class can be found in Article Two.
3. General Regulations. The following regulations shall apply to signs in all Zoning Districts:
  - a. Restricted Signs. The following signs shall not be permitted in any Zoning District:
    - i. Attention-Getting Devices;
    - ii. Portable Signs;
    - iii. Festoon Lighting;
    - iv. Moving or Flashing Signs, except for that portion of a permitted sign which indicates time or temperature;
    - v. Signs on trees, utility poles or official traffic control devices or signs;
    - vi. Signs which imitate traffic control devices;
    - vii. Signs painted on walls or chimneys of a building or on fences or walls;
    - viii. Overhanging Signs, as defined herein;
    - ix. Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.
  - b. Exempt Signs. The following signs are exempt from these regulations and the requirement to obtain a permit:
    - i. Residential Identification Signs, as defined herein, provided they do not exceed one (1) square foot in surface area;
    - ii. Holiday decorations displayed for recognized Federal or State holidays, provided they do not interfere with traffic safety or do not, in any other way, become a public safety hazard;
    - iii. Real estate Signs;
    - iv. Political Signs;
    - v. Construction Signs;
    - vi. Memorial/Historical Plaques, as defined herein;
    - vii. Public Signs;
    - viii. Off-Premises Directional Signs erected by a governmental agency;

- ix. National and or State flags.
- c. Lots With Multiple Street Frontage. In all Zoning Districts, lots fronting on more than one (1) street shall be permitted to have one (1) of each type of sign which is authorized for the lot on each street frontage.
- d. Temporary Signs. In all Zoning Districts, real estate, construction and development signs shall be considered temporary signs which shall be removed within thirty (30) days of the completion of sales or construction.
- e. Notification Signs. In all Zoning Districts, the number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the Commonwealth. In all Zoning Districts, legal notification signs posted on private property by property owners such as "no trespassing", "no hunting" and the like shall be limited to a surface area not exceeding two (2) square feet. The placement and maximum number of signs permitted along road frontages shall be one (1) sign for every thirty (30) feet of road frontage.
- f. Visibility. No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and off-premises directional signs, shall hang over or be erected within the right-of-way of any street.
- g. Visibility at Intersections. No object, including without limitation, fences, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of three (3) feet as measured from the lowest elevation of the centerline of any abutting street, shall be temporarily or permanently placed, erected, installed or parked within the clear sight triangle required at the intersection of two (2) streets or the intersection of a nonresidential driveway with a public street. The required clear sight triangle is illustrated in Appendix A.
- h. Illumination. Illumination, when authorized by this Ordinance, shall be directed upon the sign face and not towards adjoining properties or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not exceed a maximum of 1.0 footcandle at the property line.
- i. Maintenance and Inspection. All signs shall be constructed of a durable material and maintained in good condition. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance and the Zoning Officer shall give notice to the owner in writing, to repair or remove the sign within ten (10) days. Upon failure of the owner to comply, the Borough shall remove the sign at the owner's expense.
- j. Removal of Signs. Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Borough may remove the sign at the owner's expense. The

Borough may lien the property for the cost of removing the sign and all legal fees and costs incurred with filing and enforcing the lien.

- k. Permits Required. Permits shall be required for all signs except those listed in §112-701.3.b. The Zoning Officer shall issue the required permits upon submission of an application which complies with all applicable provisions of this Ordinance and payment of the required fee established from time to time by Resolution of Borough Council.
  - l. Expiration of Permits. Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within six (6) months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.
  - m. Sign Location. Except for Billboards, Political Signs and Off-Premises Directional Signs, as defined herein, where authorized by this Ordinance, all signs shall be located on the premises which they are intended to serve.
4. Signs Authorized in All Zoning Districts. The following signs are authorized in all Zoning Districts:
- a. Bulletin Sign. One (1) Bulletin Sign which is non-illuminated or indirectly or internally illuminated shall be permitted in connection with any church, school, library or similar public or semi-public building. If the Bulletin Sign is a Wall Sign, the surface area shall not exceed twelve (12) square feet. If the Bulletin Sign is a freestanding Ground Sign, the surface area shall not exceed thirty-two (32) square feet.
  - b. Real Estate Sign. One (1) non-illuminated temporary Real Estate Sign shall be permitted on each lot provided the sign shall not exceed six (6) feet in height. The Real Estate Sign shall not exceed twelve (12) square feet in surface area when located in any Residential Zoning District and shall not exceed thirty-two (32) square feet in any other Zoning District. Such sign shall be removed within thirty (30) days of the sale or rental of the property on which it is located.
  - c. Development Sign. One (1) non-illuminated temporary Development Sign shall be permitted on each lot provided the surface area of the sign shall not exceed sixteen (16) square feet in surface area. The Development Sign shall not exceed eight (8) feet in height. Such sign shall be removed within thirty (30) days of the sale or rental of the lot or completion of the proposed construction in the development.
  - d. Construction Sign. One (1) non-illuminated temporary Construction Sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the sign shall not exceed twelve (12) square feet in area and shall be removed within thirty (30) days of the completion of the work.
  - e. Temporary Special Event Sign. One (1) non-illuminated Temporary Special Event Display Sign, as defined by this Ordinance, shall be permitted to be erected on the face of a public building, church or building housing a non-profit organization, provided that the area of the sign shall not exceed forty (40) square feet and provided the sign is displayed for a period no longer than thirty (30)



days and is removed within five (5) days following the event that it is erected to promote.

- f. Home Occupation or Home Office Identification Sign. One (1) non-illuminated Home Occupation or Home Office Identification Sign shall be permitted for an approved home office or home occupation, provided that the surface area of the sign does not exceed one and one-half (1 1/2) square feet and the sign shall contain only the name, address and occupation of the resident and shall not contain any logo or other advertising. The sign shall be wall mounted or affixed to the structure supporting the mailbox.
  - g. On-Premise Directional Signs. On any lot which contains two (2) or more multifamily or non-residential buildings and/or on any lot which provides more than twenty (20) off-street parking spaces, On-Premises Directional Signs shall be permitted, provided that the surface area of any one (1) sign shall not exceed four (4) square feet.
    - i. On lots with areas less than one (1) acre, a maximum of four (4) non-illuminated or indirectly illuminated On-Premises Directional Signs shall be permitted. On lots with areas of one (1) acre or more, a maximum of six (6) non-illuminated or indirectly illuminated On-Premises Directional Signs shall be permitted on the first acre. For each additional acre or fraction thereof over one (1) acre, two (2) additional On-Premises Directional Signs shall be permitted.
5. Signs Authorized in Residential Zoning Districts. The following signs shall be permitted in the R-1 (Class One Residential District) and R-2 (Class Two Residential Districts):
- a. Residential Plan Identification Sign. One (1) non-illuminated or indirectly illuminated permanent wall or freestanding ground Residential Plan identification Sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development shall be permitted provided the sign shall not exceed twenty-four (24) square feet in area. A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall, rather than to a building wall, provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan in compliance with the clear sight triangle requirements as set forth above.
  - b. Nonresidential Identification Sign. One (1) non-illuminated or indirectly illuminated wall or freestanding ground identification sign for any nonresidential use, other than a home occupation, which is a legal non-conforming use or which is authorized as a conditional use or use by special exception in a Residential Zoning District shall be permitted, provided the sign shall not exceed twelve (12) square feet in area.
6. Signs Authorized in Commercial and Manufacturing Districts. The following signs shall be permitted in the C District (Commercial District) and the M District (Manufacturing District):
- a. Temporary Special Event Display. Temporary Special Event Displays, as defined by this Ordinance, shall be permitted provided that:

- i. No more than two (2) signs or banners shall be permitted on any establishment at any one time;
  - ii. The Temporary Special Event Display signs shall be securely attached to the building or to the supporting structure of a freestanding pole business identification sign;
  - iii. Temporary Special Event Display signs shall be displayed for a period not exceeding thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period;
  - iv. The aggregate surface area of all Temporary Special Event Display signs shall not exceed forty (40) square feet per establishment. In the event that there is more than one (1) establishment on a site, the maximum aggregate surface area of all Temporary Special Event Display signs on the site at any one time shall not exceed one hundred (100) square feet;
  - v. Portable Signs shall not be used as Temporary Special Event Display Signs; and
  - vi. Temporary Special Event Display Signs shall be non-illuminated.
- b. Changeable Copy Sign
- i. One (1) non-illuminated or internally illuminated changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot. The changeable copy sign shall be permanently affixed to the wall of the building or to the supporting structure of an authorized freestanding sign on the lot. The combined surface area of the changeable copy sign and the business identification sign shall not exceed forty (40) square feet.
  - ii. Automobile service stations may erect changeable copy signs advertising the prices of gasoline or other fuels, provided that:
    1. Such signs are permanently mounted whether to the fuel pumps or to the supports of a canopy covering the fuel pumps;
    2. Such signs shall not be erected higher than twelve (12) feet above the ground;
    3. There shall be no more than four (4) sign faces per pump island;
    4. The combined surface area of all such signs at each pump island does not exceed twenty-four (24) square feet; and
    5. Such signs shall not be internally illuminated.
- c. Business Identification Sign
- i. Wall Signs. In the C and M Districts, each business establishment shall be permitted to have wall signs which may be illuminated or non-illuminated. The aggregate surface area of all wall signs for each business shall not exceed one (1) square foot for each lineal foot of width of the front wall of the building, or portion of the building, occupied by the business or a maximum of three hundred (300) square feet, whichever is less.
    1. The wall sign shall not be located on the roof nor extend above the height of the building.

2. In the C and M Districts the aggregate area of all wall signs, regardless of the number of businesses in the building, shall not exceed five percent (5%) of the gross area of the front elevation of the building. All signs shall be either non-illuminated or indirectly illuminated. Internally illuminated and flashing signs shall not be permitted.
- ii. Ground Signs. In addition to the wall signs, one (1) freestanding ground sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
    1. No freestanding pole sign exists or is proposed to be erected on the lot.
    2. In Shopping Centers, the ground sign may contain the name of the shopping center and the names of several individual businesses in the shopping center, provided the total surface area of the ground sign shall not exceed ninety-six (96) square feet.
    3. In land developments, other than Shopping Centers, the maximum surface area of the ground sign shall not exceed thirty-two (32) square feet in the C District and shall not exceed sixty-four (64) square feet in the M District.
    4. The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street and in no case shall the total height exceed eight (8) feet.
    5. Ground signs shall be non-illuminated or indirectly illuminated only. Internally illuminated ground signs shall not be permitted.
    6. All freestanding ground signs shall be located at least ten (10) feet from any property line, except where property abuts on a public right-of-way, the ground sign shall be set back at least ten (10) feet from the right-of-way or at least fifteen (15) feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.
  - iii. Ground Signs in the C District. In addition to the wall signs, one (1) freestanding ground sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
    1. No freestanding pole sign exists or is proposed to be erected on the lot.
    2. In Retail centers the ground sign may contain the name of the shopping center and the names of several individual businesses in the shopping center, provided the total surface area of the ground sign shall not exceed seventy-two (72) square feet.
    3. In land developments, other than Retail centers, the maximum surface area of the ground sign shall not exceed thirty-two (32) square feet. In no case shall any one dimension of the sign be greater than eight (8) feet.

4. The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street.
  5. The maximum height of a ground sign in the C District shall be eleven (11) feet. This height shall be measured from the adjacent grade to the highest part of the sign, frame or supporting or decorative part of the structure. The maximum height shall include any sign supports, base, planting box or any other structure constructed at the base of the sign designed to increase the height of that sign.
  6. Ground signs may be internally illuminated with the background of the sign being opaque and the letters or symbols translucent.
  7. Ground Signs in a Retail center shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.
  8. All freestanding ground signs shall be located at least three (3) feet from any property line, except where property abuts on a public right-of-way, the ground sign shall be set back at least ten (10) feet from the right-of-way or at least fifteen (15) feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.
- iv. Pole Signs. In addition to the authorized wall signs, one (1) freestanding pole sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
1. No freestanding ground sign exists or is proposed to be erected on the lot.
  2. The pole sign shall be non-illuminated, indirectly illuminated or internally illuminated.
  3. The maximum height of the top of the pole sign shall be twenty (20) feet.
  4. The minimum height of the bottom edge of the sign shall be eight (8) feet.
  5. In Shopping Centers in the C District, the pole sign may contain the name of the shopping center and the names of several individual businesses in the shopping center, provided the total surface area of the pole sign shall not exceed ninety-six (96) square feet.
  6. In land developments, in the M District, the maximum surface area of the freestanding pole sign shall not exceed forty (40) square feet if there are fewer than three (3) businesses on the lot and shall not exceed sixty-four (64) square feet if there are three (3) or more businesses on the lot. Neither dimension of such sign shall be less than five (5) feet.

7. No portion of any sign shall project over any public right-of-way nor shall it be located within the clear sight triangle of any street intersection.
8. All freestanding pole signs shall be set back at least ten (10) feet from every property line, except where property abuts on a public right-of-way, the sign shall be set back at least ten (10) feet from the right-of-way or at least fifteen (15) feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.
- v. Roof Signs. Roof signs may be illuminated or non-illuminated. Roof signs shall be permitted only in place of a wall sign in the C District. The surface area of a roof sign shall not exceed one (1) square foot for each two (2) lineal feet of width of the front wall of the building or a maximum of one hundred (100) square feet, whichever is less. Roof signs shall not project more than six (6) feet above the highest point of the roof on which they are erected.
- vi. Arcade Signs. In shopping centers or office complexes which have pedestrian access ways covered by a roof, marquee or exterior arcade, one (1) Arcade Sign, as defined herein, shall be permitted for each business in the building, provided that the maximum surface area of each sign shall not exceed eight (8) square feet.
- vii. Canopy Signs. Canopy signs may be erected at the building entrance. Canopy signs shall not be illuminated. No more than one (1) Canopy Sign shall be permitted for each building. The maximum height of the letters on a Canopy Sign shall be six (6) inches.
- viii. Window Signs. The total area of all window signs on display at any one time including temporary window promotional signs, shall not exceed twenty-five percent (25%) of the total area of the display window in which they are located. A series of windows which are separated by frames less than six (6) inches in width shall be considered as a single window for the purpose of this computation.
- ix. Special Requirements for Multi-Tenant Land Uses
  1. No sign permit shall be issued for a Shopping Center or other multi-tenant land use or for any individual establishment or occupant therein, unless a uniform sign plan has been submitted and approved for the entire development.
  2. After reviewing the proposed uniform sign plan, the Zoning Officer shall submit the plan to the Planning Commission for a recommendation on the proposed plan and to the Borough Council for final approval.
  3. The uniform sign plan shall be approved only upon finding that:
    - a. The sizes of signs, location and the materials used in the signs shall be consistent throughout the property, or shall establish a hierarchy of different types of signs, with the

- size and materials of the signs in each category being consistent for all signs in that category;
    - b. The design of and materials used for the structural elements of the signs shall be consistent with the design of and materials used for the building or buildings which the signs serve;
    - c. The signs shall conform to all other requirements of this Article.
  - x. Special requirements in the C District. In the C District, all signs shall be either non-illuminated or indirectly illuminated. Internally illuminated and for flashing signs shall not be permitted. Signs facing toward West Railroad Street (Route 50) shall be permitted only if attached to buildings, except that one (1) freestanding sign facing West Railroad Street (Route 50) shall be permitted in a land development, regardless of the number of buildings or businesses on the site.
- 7. Billboards. Billboards shall not be permitted in any R-1, R-2, or C Zoning District. Billboards shall be permitted only as conditional uses on property located in the M District following recommendation by the Planning Commission and a public hearing by Borough Council, provided all of the following requirements are met:
  - a. Location. Billboards may be authorized as a conditional use only in the M District, provided all of the following requirements are met:
    - i. Billboards shall not be erected within fifty (50) feet of the boundary line of any "R" District or within one hundred (100) feet of any public or private school, church or cemetery, said one hundred (100) feet being measured along the radius of a circle from the centermost point of the billboard structure extending in all directions.
    - ii. Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structure of two hundred fifty (250) feet. Required spacing shall be measured along both sides of the same roadway frontage from the centermost point of the billboard structure along a line extending from the centermost point of the billboard which is parallel to the centerline of the roadway to which the billboard is oriented.
    - iii. No billboard shall be located closer than ten (10) feet to any public street right-of-way.
    - iv. The minimum side and rear yard requirements applying to a principal structure as set forth within the Zoning District in which the billboard is to be located shall apply to each billboard structure.
    - v. No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or non-residential structure, or limit or reduce the light and ventilation requirements.

- vi. No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated, and shall not in any case obstruct or impede traffic safety.
  - vii. No sign shall be erected over any sidewalk or public right-of-way.
  - viii. Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall or other part of a building or any other structure.
- b. Size and Height. A billboard shall have a maximum allowable Gross Surface Area of two hundred fifty (250) square feet per sign face. This Gross Surface Area shall be permitted, provided all of the following additional requirements are met:
- i. A billboard shall have no more than two (2) sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of ninety degrees (90°) or less.
  - ii. The dimensions of the gross surface area of the billboard's sign face shall not exceed ten (10) feet in total height or twenty-five (25) feet in total length, provided the total allowable Gross Surface Area for the sign face is not exceeded.
  - iii. A billboard structure shall have a maximum height above the curb of the roadway from which it is located of no more that forty (40) feet from the ground level to the top of the structure.
- c. Construction Methods. Billboards shall be constructed in accordance with applicable provisions of the Borough Building Code, as now or hereafter adopted, and shall meet all of the following additional requirements:
- i. A billboard structure shall have a maximum of one (1) vertical support being a maximum of three (3) feet in diameter or width and without additional bracing or vertical supports.
  - ii. A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, non-combustible materials. Structures constructed with galvanized metal shall be painted.
  - iii. The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum one hundred (100) mile per hour wind load. Structural design computations shall be made and certified by a Registered Engineer and shall be submitted to the Borough with the application for conditional use.
  - iv. The base shall be installed using a foundation and footings approved by the Borough Engineer for the type of construction proposed.
  - v. The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such manner as to screen the foundation of the structure.
  - vi. Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
  - vii. No bare cuts shall be permitted on a hillside.

- viii. All cuts or fills shall be permanently seeded or planted.
  - ix. A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum of 1.0 footcandle upon the adjoining property.
  - x. Display lighting shall not operate between 12:00 Midnight and 5:00 A.M. prevailing local time.
  - xi. No billboard structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.
  - xii. The use of colored lighting shall not be permitted.
- d. Maintenance
- i. A billboard structure shall be entirely painted every three (3) years, unless constructed of an approved corrosive-resistant material.
  - ii. Every ten (10) years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania Registered Engineer and shall provide to the Borough, a certificate from the Engineer certifying that the billboard is structurally sound.
  - iii. Annual inspections of the billboard shall be conducted by the Borough to determine compliance with this Ordinance. The owner shall pay an annual inspection fee, as established from time to time, by Resolution of Borough Council.
  - iv. Billboards found to be in violation of this Ordinance shall be brought into compliance or removed within thirty (30) days upon proper notification by the Borough.
  - v. Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.
- e. Liability Insurance. The applicant for a Sign Permit to erect a billboard shall provide a Certificate of Insurance for public liability and property damage which holds the Borough harmless. The amount of insurance to be maintained shall be determined and adjusted from time to time by resolution of the Borough Council. The insurance certificate shall contain a clause stating that the insurance shall not be canceled or reduced without first giving ten (10) days notice to the Borough.
- f. Permits. Prior to submission of an application for a Sign Permit, the applicant for a billboard shall obtain and submit with the application, approvals from the Allegheny County Department of Aviation or the United States Federal Aviation Administration (FAA), when applicable.
- i. Approval of the conditional use shall be valid for six (6) months from the date of action by Borough Council granting the conditional use. If the applicant fails to obtain a Sign Permit for the approved billboard within the six (6) month period, approval of the conditional use shall expire automatically, without written notice to the applicant.



- ii. The issuance of a Sign Permit for a billboard which has been granted approval of a conditional use shall be conditioned upon the approval of the Pennsylvania Department of Transportation (Penn DOT) for billboards along State Highways. If the applicant fails to submit evidence of the required approval by Penn DOT within thirty (30) days of the issuance of the conditional Sign Permit, the Sign Permit shall be revoked by the Borough Zoning Officer who shall provide written notice to the applicant.
- iii. The applicant may reapply for the required Sign Permit, upon submission of evidence of Penn DOT approval, without payment of any additional Sign Permit Fee, provided the application is filed within the six (6) month period during which the conditional use approval is valid.
- g. Application Fees. Said application shall be accompanied by an Application Fee in an amount equal to that set from time to time by Resolution of Borough Council.
- h. Nonconforming Billboards. Any billboard which does not conform to the requirements of this Section shall not be enlarged or moved unless the billboard complies with all provisions of this Section.
  - i. Any billboard which is damaged or destroyed by more than fifty-one percent (51%) of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of these revised sign regulation and requirement.

## ARTICLE EIGHT

### SUPPLEMENTAL REGULATIONS AND PERFORMANCE STANDARDS

- §112-801. Environmental Performance Standards. All uses hereafter established in any zoning district shall comply with the performance standards contained in this Section. These standards shall also apply to an existing use or structure when it is extended, enlarged, moved, structurally-altered or reconstructed.
1. Fire and Explosive Hazards. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion, and adequate fire-fighting equipment as specified by the Pennsylvania Department of Labor and Industry, and the laws and regulations of Allegheny County. All buildings and structures and activities within such buildings and structures shall conform to all other applicable codes and ordinances of the Borough.
  2. Liquid and Solid Wastes. There shall be no discharge at any point into any public or private sewerage system, or watercourse, or into the ground, of any materials in such a way or such a nature as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws and regulations of the Commonwealth of Pennsylvania and Allegheny County. All required discharge and disposal permits shall be obtained.
  3. Smoke, Ash, Dust, Fumes, Vapors and Gases. There shall be no emission of smoke, ash, dust, fumes, vapors or gases which violate applicable Federal, State and/or County laws and regulations.
  4. Radioactivity or Electrical Disturbances. There shall be no activities which emit radioactivity at any point beyond the most recent background limits established by Federal and State regulations. There shall be no radio or electrical disturbance adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance.
  5. Glare. No direct reflected glare, whether from any lighting source or production operation, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
  6. Outdoor Illumination.
    - a. All outdoor lighting shall be directed to avoid glare outside the property line or boundary.
    - b. All outdoor lighting which is designed and intended to illuminate buildings or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance or hazard from glare.
    - c. Light standards shall be located so as not to interfere or conflict with traffic movement or parking and shall be shown on the Site Plan.
  7. Odor. There shall be no emission of odorous gases or other matter in such quantities as to be offensive on adjoining streets or adjacent lots.
  8. Storage. All garbage, trash, and rubbish shall be stored in covered vermin-proof containers. (see Chapter 93 "Solid Waste" of the Heidelberg Borough Code of Ordinances)

9. Noise. As to unnecessary or excessive noise, no noises or sounds shall be permitted which are annoying to the comfort of any reasonable person or which are so harsh, prolonged, unnatural or unusual in their use, time and place as to occasion physical discomfort or cause unreasonable distraction from normal business operations, quiet enjoyment activities and/or sleep of inhabitants of the Borough.
  - a. The use or maintenance of the following items or activities are specifically prohibited if they create noise or a noise disturbance:
    1. Radios, televisions, musical instruments.
    2. Loudspeakers.
    3. Animals.
    4. Loading operations.
    5. Horns and signaling devices.
  - b. 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 time in any 15 second interval) in such a manner that the sound level exceeds the limits set forth below when measured at any boundary of the property:
    1. All uses in the Borough shall not produce noises that exceed 55 dBA when measured at the property line between the hours of 7:00am and 9:00pm.
    2. All uses in the Borough shall not produce noises that exceed 45 dBA when measured at the property line between the hours of 9:00pm and 7:00am
  - c. Noise levels may be measured according to American National Standards Institute Methods for the Measurement of Sound Pressure levels, ANSI SI.4-1971, or other equivalent method.
  - d. The following uses shall be exempted from the noise regulations:
    1. The emission of sound for the purpose of alerting persons to the existence of an emergency.
    2. Emergency work to provide electricity, water or other public utilities when public health or safety are involved and other emergency related activities or uses.
    3. Domestic power tools, including power lawn mowers and snowblowers, when operated between the hours of 7:00 a.m. and 9:00 p.m. on Mondays through Fridays and between 8:00 a.m. and 8:00 p.m. on Saturdays or Sundays.
    4. Construction or maintenance noises between the hours of 7:00 a.m. and 9:00 p.m.
    5. Agricultural uses when permitted by zoning ordinances enacted by the Borough.
    6. Public celebrations, specifically authorized by the Borough.
    7. Surface carriers engaged in commerce by railroad.
    8. The unamplified human voice.
10. All uses shall comply with Chapter 54 Flood Control of the Code of the Borough.

## ARTICLE NINE

### BUFFERYARDS

§112-901. Purpose. One of zoning's most important functions is the division of land uses into districts which have similar character and contain compatible uses. All uses permitted in any district have generally similar nuisance characteristics. Bufferyards act to minimize the negative impact of any future use on neighboring uses. Bufferyards shall be required to separate different zoning districts from each other and to separate uses within the same zoning district that may have different impact characteristics in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas or to provide spacing to reduce adverse impacts of noise, odor or danger from fires or explosions. Natural, native trees and vegetation are considered the best buffers and should be used whenever possible.

§112-902. Location of Bufferyards. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.

§112-903. Determination of Required Bufferyards. To determine the type of bufferyard required on a parcel or between two (2) parcels or between a parcel and a street, the following procedure shall be used:

1. Identify whether any portion or property line of the site constitutes a zoning district boundary. If it does, determine the zoning on both sides of the property and apply the required bufferyard from §112-903.2.
2. Table 1: Bufferyards Between Adjacent zoning districts

		Adjacent Parcel Zoning District				
		R-1	R-2	C	M	MUO
Development Parcel Zoning District	R-1	<i>not required</i>	<i>not required</i>	<b>A</b>	<b>B</b>	<b>A</b>
	R-2	<i>not required</i>	<i>not required</i>	<b>A</b>	<b>B</b>	<b>A</b>
	C	<b>A</b>	<b>A</b>	<i>not required</i>	<b>A</b>	<i>not required</i>
	M	<b>B</b>	<b>B</b>	<b>A</b>	<i>not required</i>	<i>not required</i>
	MUO	<b>A</b>	<b>A</b>	<i>not required</i>	<i>not required</i>	<i>not required</i>

3. Where a proposed nonresidential use abuts an existing residential use, bufferyard B (§112-910) shall be installed, except where the nonresidential use is being proposed as a development in the Mixed Use Overlay.
4. In the event that the required bufferyard is determined by the Borough Council to be impracticable, then an alternative bufferyard shall be selected by the Borough Council.
5. Determine whether the proposed development is a use which has bufferyards required to separate that use from certain uses or falls within a district that applies specialized bufferyard requirements. These include:
  - a. Child Day Care
  - b. Communication Facilities
  - c. Mobile Home Park
  - d. Personal Storage Facilities
6. In the event more than one bufferyard requirement applies to a parcel boundary or portion thereof, the most stringent requirement shall be applied.

§112-904. Responsibility for Bufferyards. The party developing the site shall bear responsibility for installing the required bufferyard at the time of development.

§112-905. Bufferyard Requirements.

1. Buffer materials include fences, landscaping, berms and mounds used to minimize any adverse impacts or nuisances on the site or from adjacent areas. Where existing vegetation exists in the area forming the required bufferyard, it may be used to meet the bufferyard requirement. Illustrations graphically indicating the specification of each bufferyard are contained in §112-910.
2. Buffer materials shall be of such a type and designed in such a manner as to obscure from view at ground level such nonresidential property from the contiguous, abutting or neighboring residential properties unless determined to be impracticable by the Borough Council.
3. Unless specified to the contrary in the individual zoning district regulations, buffers shall be not less than six (6) feet in height nor more than eight (8) feet high at the time of installation unless indicated otherwise in the bufferyard requirements in §112-910.
4. Required buffering shall be maintained or replaced as necessary and in a manner that will restore or enhance its appearance as it relates to adjacent use. Required buffer plantings shall be replaced within one (1) year after they die.
5. No certificate of occupancy will be issued for premises upon which buffering and site landscaping is required as a component of development plan approval until it has been installed. In the event that the season is not appropriate for such installation, a performance guarantee shall be posted with the borough in an amount equal to one hundred ten percent (110%) of the estimated cost of installation. Buffering and site landscaping shall be installed within nine (9) months of the borough's receipt of the performance guaranty.

§112-906. Bufferyard use. A bufferyard may be used for passive recreation or stormwater management. It may contain pedestrian, bike or equestrian trails, provided that no plant material is eliminated, the total width of the bufferyard is maintained and all other regulations of this chapter are met. In no event, however, shall swimming pools, tennis courts or other such impervious surfaces be permitted in bufferyards. In no case shall this relieve the owner from the responsibility of providing the required plantings.

§112-907. Ownership of Bufferyards. Bufferyards may remain in the ownership of the original developer (and assigns) of a land use or they may be subjected to deed restrictions and subsequently be freely conveyed or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve district, or an open space or conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this chapter.

§112-908. Bufferyard Specifications.

1. The illustrations in this §112-910 graphically indicate the specifications of each bufferyard. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard. The requirements of a bufferyard may be satisfied by any of the options thereof

illustrated. The plant materials required for a given bufferyard varies dependent on the width of that yard. The type and quantity of plant materials required by each bufferyard and each bufferyard option are specified in this section. Only those plant materials capable of fulfilling the intended function shall satisfy the requirements of this chapter.

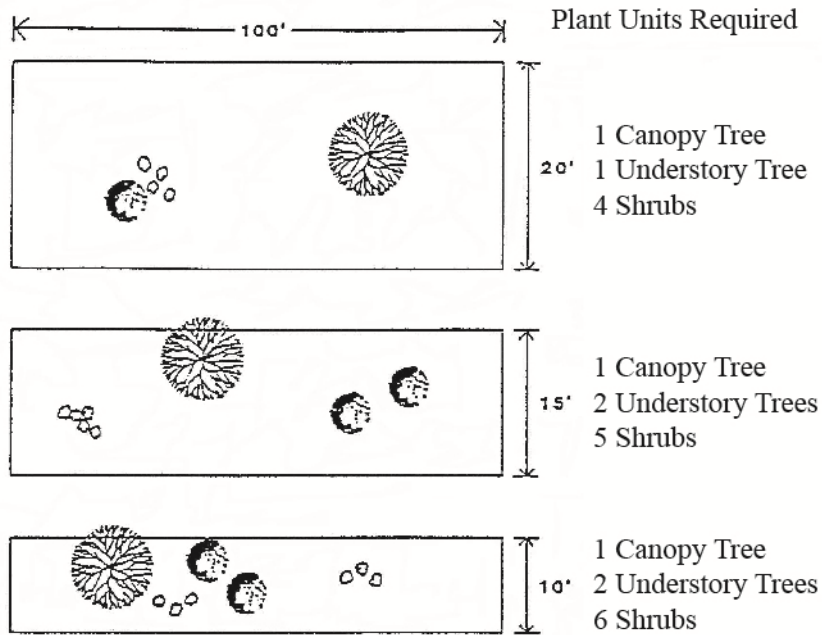
2. The options within any bufferyard are designed to be equivalent in terms of their effectiveness in eliminating the impact of adjoining uses. Cost equivalence between options was attempted where possible. Generally, the plant materials which are identified as acceptable are determined by the type(s) of soil present on the site. The illustrations have mathematically rounded the number of plant units required for each option with a given bufferyard. In actual practice, mathematical rounding would be applied to the total amount of plant material required by a bufferyard, not to each one-hundred-foot length of bufferyard. All of the illustrations are drawn to scale and depict the bufferyard according to the average project diameter of plant materials at five (5) years after planting.
3. Each illustration depicts the total bufferyard located between two (2) uses.

§112-909. Plant Material. The following plant material substitutions shall satisfy the requirements of this section.

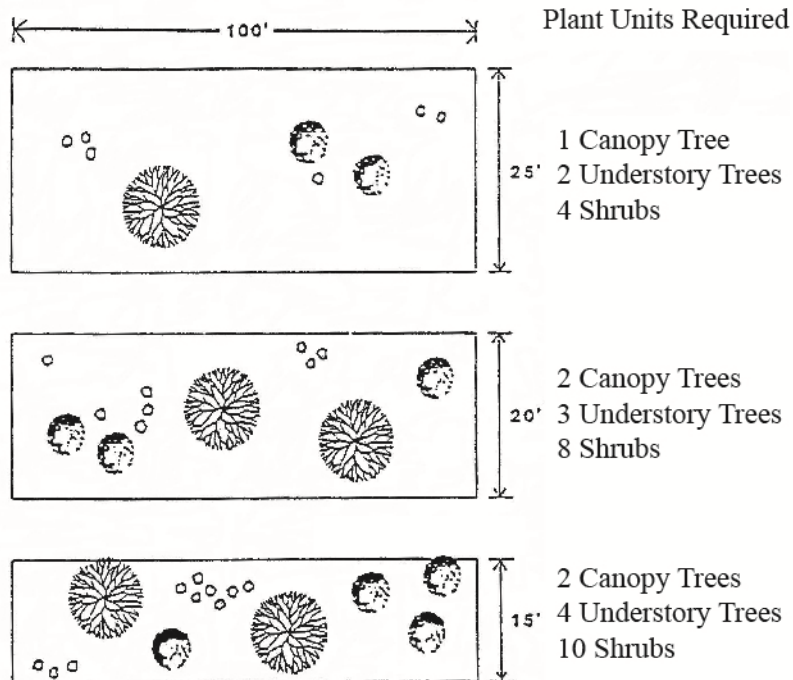
1. In all bufferyards, evergreen canopy or evergreen understory trees may be substituted as follows:
  - a. In the case of deciduous canopy trees, up to a maximum of fifty percent (50%) of the total number of the deciduous canopy trees otherwise required.
  - b. In the case of deciduous understory, up to a maximum of fifty percent (50%) of the total number of the deciduous understory trees otherwise required.
2. In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.
3. If the development on the adjoining use is existing, planned or deed restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.
4. Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.
5. The exact placement of required plants and structures shall be the decision of each user except that the following requirements shall be satisfied:
  - a. Evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival.
6. Plants shall not include any plants documented on the Pennsylvania DCNR Invasive Plants in Pennsylvania List.

§112-910. Bufferyard Illustrations.

BUFFERYARD A:



BUFFERYARD B:



## ARTICLE TEN

### SPECIAL EXCEPTIONS

#### §112-1001. Purpose

1. Special Exception applications, when identified as a permitted use by this Ordinance, shall be approved or denied by the Heidelberg Borough Zoning Hearing Board in accordance with the standards and criteria of this Article. In granting a special Exception, the Zoning Hearing Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

#### §112-1002. General Criteria. Any application for a Special Exception shall demonstrate that:

1. The proposed use compiles with all applicable provisions and requirements for that type of use.
2. The proposed use is compatible with the surrounding land use or will support the uses in the neighborhood.
3. The proposed use can be accommodated on the site, based on topography, size and soil conditions.
4. The proposed use provides for safe, adequate vehicular and pedestrian access.
5. The use provides for safe, efficient internal circulation and sufficient off-street parking and loading.
6. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, storm drainage and solid waste disposal.
7. The proposed use provides screening and/or buffer areas as required by this Ordinance.

#### §112-1003. Application and Review Procedure

1. Application Content. Applications for a Special Exception shall be submitted to the Zoning Officer in the form prescribed by the Borough. Such materials shall include:
  - a. A written statement supporting the general criteria identified in §112-1103.
  - b. A detailed description of the proposed use.
  - c. A plan, identifying property lines, setback lines, surrounding properties, existing streets, existing structures, and any other information necessary to evaluate the application.
2. Review Procedure
  - a. The Zoning Officer shall forward the application to the Zoning Hearing Board for a decision.
  - b. The Zoning Hearing Board shall hold a hearing on the application in accordance with Article Thirteen and pursuant to a public notice as defined herein.
  - c. The Board shall provide the applicant with a written copy of its decision, explaining the reasons for the determination made in accordance with Article Thirteen. In granting a Special Exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in §112-1104., as it may deem necessary to implement the purposes of this Ordinance.



- d. Where the Board fails to render a decision within the timeframe specified in Article Thirteen, the application shall be deemed approved, unless an extension of time has been agreed to by the applicant.
  3. Revocation of Approval. The approval of a Special Exception application shall be valid for a period of twelve (12) months from the date of approval. If construction or development has not begun, or the building permit applied for, within this time period, then the special Exception approval shall be revoked and the applicant must reapply for approval.
- §112-1004. Specific Standards and Criteria. For the types of uses identified as special exceptions in this Ordinance, the Zoning Hearing Board shall consider the additional standards of §112-1104.

## ARTICLE ELEVEN

### CONDITIONAL USES

§112-1101. Applicability. The Borough Council shall have the power to approve conditional uses when this chapter specifically requires the obtaining of such approval and for no other use or purpose.

§112-1102. Application and Approval Procedure.

1. Application Procedure

- a. An application for conditional use approval shall be filed with the Zoning Officer, on forms prescribed by the Borough. A conditional use application shall not be considered to be administratively complete until all items required by this Chapter, including the application fee and/or deposit, have been received by the Borough.
- b. The Zoning Officer shall review the application to determine whether all materials required by this Chapter have been submitted by the applicant. If all such materials have not been submitted by the applicant, then the Zoning Officer shall reject the application as administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter that have not been met.
- c. Within five (5) days of receipt of an administratively complete application, the Zoning Officer shall submit one copy of the application and any materials submitted therewith to: the Borough Solicitor; the Borough Engineer; any Borough professional consultant deemed necessary by the Borough Manager.
- d. The Zoning Officer shall submit one copy of an administratively complete application and any materials submitted therewith to each member of the Borough Planning Commission by no later than the Friday prior to the date of the Planning Commission.
- e. The Planning Commission shall review the application and forward its recommendation to the Borough Council.
- f. The Borough Council shall hold a hearing, pursuant to public notice, within the time periods and procedures required by the MPC. The hearing shall commence within sixty (60) days of the date of the filing of an administratively complete application. Hearings shall be conducted and held in accordance with the applicable provisions of the MPC.
- g. The Borough Council shall render a written decision on the conditional use application within forty-five (45) days of the last hearing. Where the application is contested or denied, the Borough Council decision shall be accompanied by findings of fact and conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this Chapter or any other rule, regulation, ordinance or statute shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

- h. In granting a conditional use pursuant to this Chapter, the Borough Council may impose any reasonable conditions it believes are necessary to ensure compliance with this Chapter, the Heidelberg Borough Code of Ordinances, as amended, and all other ordinances of the Borough, and as it otherwise deems necessary to implement the purposes of this Chapter and the MPC.
- i. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date.
- j. All development, construction and use shall be in accordance with the approved conditional use decision and plan, unless a revised conditional use application is submitted, approved and filed. The approved conditional use plan shall consist of the application, as submitted, together with all of its attachments and exhibits, as finally approved by the Borough Council, and the conditions attached by the Borough Council. Any development contrary to the approved conditional use decision and plan shall constitute a violation of this Chapter.

2. Application Content

- a. All applications for conditional use approval shall demonstrate compliance with the: general standards and criteria of this Article; the applicable express standards and criteria of this Article; and the applicable lot and yard requirements of the zoning district in which the use is proposed.
- b. All applications for conditional use approval shall be submitted to the Borough Manager, in the form prescribed.
  - 1. Two (2) full scale copies and six (6) half-scale copies of all required plans, maps and drawings;
  - 2. Eight (8) copies of all other application materials.
- c. An application for conditional use approval shall not be considered administratively complete until all items required by this Chapter, including the application fee and and/or deposit, have been received by the Borough Manager.
- d. All applications for conditional use approval shall contain the following:
  - 1. A development plan, as defined by this Chapter;
  - 2. A legal document verifying applicant's legal interest in the subject property (i.e. deed, sales agreement, lease);
  - 3. The application fee and/or deposit in an amount set from time to time by resolution of the Borough Council; and
  - 4. Architectural floor plans and elevations, where renovations or modifications of an existing building is immediately contemplated, showing the scope, nature and extent of said renovation or modification.

3. Expiration of Approval

- a. The grant of a conditional use shall expire 2 years after the date of the Borough Council written decision unless: (1) the applicant has applied for and obtained a building permit and commenced construction; or (2) in a case where the conditional use does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the conditional use approval. Expiration of the

conditional use approval under this Article shall require the applicant to re-apply for conditional use approval.

§112-1103. General Standards and Criteria.

1. Before approving a conditional use application, the Borough Council shall determine that the proposed use complies with the following general standards and criteria, which are in addition to any other requirements in this Chapter for a specific type of use or development:
  - a. The proposed use shall conform to the district and Conditional Use Provisions and all general regulations of this Ordinance.
  - b. The proposed use shall meet all special standards which may be applied to its class of Conditional Use as set forth in this Article.
  - c. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards set forth in Article Eight.
  - d. The proposed use shall be sited, oriented and landscaped so that the relationship of its building and grounds to adjacent buildings and properties does not impair health, safety or comfort and does not adversely affect values of adjacent property.
  - e. The proposed use shall produce a total environmental effect which is consistent with, and not harmful to, the environment of the neighborhood.
  - f. The proposed use shall organize vehicular access and parking to minimize conflicting traffic movement on adjacent streets.
  - g. The proposed use will not impede the normal and orderly development and improvement of surrounding property as permitted by this Ordinance.
  - h. The proposed use will be adequately served by existing storm and sanitary drainage facilities, public water, access streets and other necessary facilities.
  - i. The proposed use shall promote the objectives of this Ordinance and shall be consistent with the Comprehensive Plan for Heidelberg.
2. The Borough Council shall grant a conditional use only if it finds adequate evidence presented by the applicant that the proposed conditional use is duly authorized under provisions of this chapter, that the application falls within the terms of the specific provisions allowing for conditional use and that the proposed use complies with all other requirements of this chapter. The Borough Council shall refuse an application for conditional use where opponents to the application establish by a preponderance of evidence that the application is contrary to the health, safety and morals or general welfare of the community at large. The Borough Council, in granting a conditional use, may attach such reasonable conditions and safeguards other than those related to offsite transportation or road improvement, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act and the zoning ordinance, except that conditions of approval shall not include those related to off-site transportation or road improvements pursuant to Section 603(c) (2) of the MPC.
3. The Borough Council shall, among other things, require that any proposed use and location be:

- a. In accordance with the Heidelberg Borough Comprehensive Plan and consistent with the spirit, purposes and the intent of this chapter.
- b. In the best interests of the Borough, the convenience of the community and the public welfare and be a substantial improvement to the property in the immediate vicinity.
- c. Suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
- d. In conformance with all applicable requirements of this chapter.

§112-1104. Standards for Review of Specific Land Uses.

1. Adult Entertainment Uses.

- a. Location. No permit will be issued for any adult entertainment establishment which intends to be located within the below listed distances of such institutional or residential property lines. Measurement shall be from the closest point on one lot to the closest point on the other lot:
  1. any other adult-oriented establishment whether such use is situated in Heidelberg or otherwise - five hundred (500) feet
  2. public or private pre-elementary, elementary, or secondary school property - eight hundred (800) feet
  3. public library - six hundred (600) feet
  4. child day care or nursery school - eight hundred (800) feet
  5. public playground or park - eight hundred (800) feet
  6. child-oriented business - eight hundred (800) feet
  7. commercial recreation uses - six hundred (600) feet
  8. residential uses or zones - six hundred (600) feet
  9. public transit stop - two hundred fifty (250) feet
- b. No such establishment shall be open for or permit access to by any person under the age of eighteen (18) years.
- c. The establishment shall include a double-door entrance, with inner door area containing a notice of no less than four square feet that those choosing to enter will be potentially exposed to obscene matters or materials.
- d. An adult-oriented establishment may be open for business only Monday through Saturday from 9:00 AM to 12:00 Midnight prevailing time. No adult-oriented establishment shall be open at any time on Sunday or on a legal holiday as set forth in the Act of May 31, 1893, P.L. 188 § 1, as amended, 44 P.S. §11.
- e. No materials or merchandise of any kind offered for sale, rent, lease, or loan or for view upon the premises of an adult-oriented establishment shall be exhibited or displayed outside of a building or structure.
- f. Signs shall contain only the name of the business and the words “adult entertainment” or other term of like import.



- b. Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.
- c. A stacking area shall be required on the lot for automobiles accessible to the end of the washing equipment. Such stacking area shall be able to accommodate the number of vehicles equal to the maximum hourly processing capability of the aforesaid car wash. Such information shall be provided to the Borough as part of the application for the conditional use.
- d. An area beyond the exit end of the washing equipment sufficiently large enough to accommodate one fourth (1/4) of the maximum hourly processing capability provided in above for the aforesaid vehicular car wash.
- e. The facility shall be connected to public sanitary sewer.
- f. Any car wash which also dispenses gasoline shall meet all applicable requirements of §112-1804.21 governing gasoline stations.

7. Cemeteries

- a. A minimum site of ten (10) acres is required.
- b. A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
- c. A ground water study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application
- d. All maintenance equipment shall be properly stored in an enclosed building when not in use.
- e. Burial sites shall comply with the setbacks required for principal structures in the zoning district and burial structures shall not be located within one hundred (100) feet of any property line adjoining residential use or Residential zoning district.

8. Child Day Care Centers, Small Family Child Day Care Home, and Large Family Child Day Care Home.

- a. A minimum site of 8,000 square feet is required
- b. Proof of a valid license to operate child day care facilities issued by the Pennsylvania Department of Public Welfare shall be provided to the Borough prior to the issuance of an occupancy permit by the Borough for the use.
- c. All child day care facilities shall provide a minimum area for indoor play at a ratio of forty (40) square feet per child.
- d. All child day care facilities shall provide outdoor play space at a minimum ratio of sixty-five (65) square feet per child using the outdoor play facility. Long, linear configurations shall be avoided to assure the functionality of the space as a play area. At no point shall the play area be less than twenty (20) feet in width.
  - 1. The outdoor play area shall adjoin the building where the child day care facility is located.
  - 2. The outdoor play area shall be no closer than thirty (30) feet to a private/public street right-of-way, or ten (10) feet to any other property lines.

3. The outdoor play space shall be completely enclosed by a safe and adequate fence or wall a minimum of four (4) feet in height, unless a greater height is required by the Council. Any outdoor play area potentially susceptible to encountering vehicles leaving the roadway, travel lanes, or access ways shall be protected by a barrier capable of preventing the vehicle from entering the play area.
4. Non-yielding surfaces, such as concrete, asphalt, gravel, etc., are prohibited beneath any piece of permanently installed play equipment. Certain rubber padding may be permissible over hard surfaces when approved by the Council. Non-yielding surfaces shall not exceed one-quarter (1/4) of the required outdoor play space.
- e. Safe vehicular access and off-street areas for the discharge and pick-up of children shall be provided in the following manner:
  1. Minimum dimensions of discharge and pick-up areas shall measure eight by fifty-five (8 x 55) feet.
  2. Discharge and pick-up areas shall be so located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete the discharge and pick-up without obstructing or interfering with the use of any public right-of-way, any parking space, or parking lot aisle.
  3. No area allocated as a discharge and pick-up area may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for discharge and pick-up areas. All off-street discharge and pick-up areas shall be separated from walkways, sidewalks, parking lot aisles, streets, and alleys by curbing or other protective devices as approved by the Borough Engineer.
9. Church or Place of Worship
  - a. No minimum lot size. The lot must be of adequate size to include required off-street parking facilities, access driveways, landscaping, and stormwater management facilities.
  - b. The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.
  - c. Access drives shall be located to take maximum advantage of sight distances for motorists; shall be as remote as possible from street intersections.
  - d. Parking areas shall be screened from view of neighboring houses or those directly across a street from the lot.
  - e. In addition to the parking area required, a consideration shall be given to the determination as the necessity of a loading facility.
  - f. If outdoor recreation facilities are provided, all abutting residential properties shall be screened therefrom.
  - g. A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of this Ordinance for single family



dwellings in the Zoning District can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.

- h. A day care may be operated in the church on the same lot provided that the conditions provided in §112-1104.8. are met.

10. Civic, Social or Fraternal Club

- a. No outdoor active recreation area shall be located nearer to any lot line than one hundred (100) feet.
- b. Sufficient screening shall be provided so as to protect the neighborhood from inappropriate noise and other disturbance.

11. School, College or University

- a. The school shall be the sole occupant of the lot and, other than an elementary school, shall have access directly to an arterial or collector street.
- b. Access drives shall be located to take maximum advantage of sight distances for motorists; shall be as remote as possible from street intersections.
- c. The location of off-street parking facilities on the site shall be screened from abutting residential properties and shall provide for maximum ease in the traffic flow.
- d. Recreational areas shall be located no closer than thirty (30) feet to an abutting street or ten (10) feet to other lot lines.
- e. The school's course of instruction or other activities on the lot shall not create noise, dirt, glare, dust or other nuisances on adjacent properties.
- f. Educational, philanthropic or religious facilities may be erected to a height not exceeding sixty (60) feet, provided that the required side yard is increased one (1) foot for every four (4) feet such structure exceeds thirty (30) feet in height.
- g. The minimum distance between main buildings shall be not less than twenty-five (25) feet,
- h. If housing in connection therewith is provided, including dormitory facilities for students and/or teachers, there shall be provided a lot area not less than twenty thousand (20,000) square feet, plus three hundred (300) square feet for each sleeping room.
- i. The minimum front, rear and side yards shall be ten (10) feet greater than the minimum required for any other main structure in the district in which it is located.

12. Communication Facilities, Towers, and Co-locations

- a. Standards Applicable to All Communications Towers.
  - 1. A communications tower may not be located on a lot occupied by other principal buildings and structures but may occupy a leased parcel within a lot meeting bulk and area requirements for the applicable zoning district and the requirements of this Section.
  - 2. Interference Prohibited. Communications Antennas shall not cause radio frequency interference with any other communications facility located in the Borough.

3. Omnidirectional Antennas. Omnidirectional Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
4. Directional or Panel Antennas. Directional or Panel Communications Antennas shall not exceed five (5) feet in length and three (3) feet in width.
5. Communications towers are not permitted to be located in any front yard.
6. Setbacks. The foundation and base of any communications tower shall be set back from any abutting residential district at least one hundred and fifty (150) feet and shall be set back from any other property line, or a lease line, if applicable, at least fifty (50) feet. In the event that a communications antenna located on a communications tower extends further than the foundation and base of the communications tower, the setback shall be measured from the furthest extended edge of the communications antenna. To the extent that a greater setback is required by any other applicable section of this Chapter, the greater setback shall apply.
7. Maximum Height. In the M Manufacturing District, the maximum height of any communications tower shall be one hundred and fifty (150) feet. The height may be increased to no more than two hundred (200) feet, provided that the required setbacks from adjoining property lines, or lease lines, if applicable, are increased by one (1) foot per each one (1) foot in height in excess of one hundred and fifty (150) feet.
8. Communications Equipment Buildings. Communications equipment buildings associated with the use of a communications tower or with communications antennas mounted on a communications tower shall comply with the required yards and height requirements of the applicable zoning district.
9. Access. Access shall be provided to the communications tower and any associated communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all-weather surface for its entire length.
10. Parking. Parking shall be provided as required by §112-601 of this Part.
11. Fencing. Notwithstanding §112-404 of this Chapter, the site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.
12. Guy Wires. All guy wires associated with guyed communications towers shall be located within the facility's fenced enclosure.
13. Signs and Lights. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction, other than those needed to identify the property or warn of any danger or for other safety reasons.

14. Maintenance. Communications towers shall be protected and maintained in accordance with the requirements of the Borough's Building Code, as well as Federal and State regulations.
15. Landscaping and Screening. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
16. Aviation Regulations. Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.
17. Removal.
  - a. If a communications facility, communications tower, communications equipment building and/or communications antenna remains unused for a period of six (6) consecutive months, the owner or operator shall dismantle and remove it within six (6) months of the expiration of such six (6) month period. Costs of removal to be paid by the owner or operator.
  - b. The owner of the real property on which the communications tower, communications equipment building and/or communications antenna is located shall be responsible for removal in the event that the owner or operator fails to remove in accordance with this Chapter.
  - c. If an owner or operator or the property owner fails to remove the communications tower, communications equipment building and/or communications antenna in accordance with this Chapter, the Borough shall have the authority to enter the subject property and remove the communications tower, communications equipment building or communications antenna.
  - d. All costs of removal shall be borne by the owner or operator or the property owner, including the event of the Borough's removal of the tower.
- b. Additional Standards for Communications Facilities.
  1. Communications facilities proposed or permitted by conditional use shall meet all standards set forth above, and must comply with the following additional requirements.
  2. Lapse. Any grant of use by conditional use will automatically lapse if the owner or operator's FCC license ever expires, lapses or is revoked.
  3. Additional Landscaping and Camouflage Requirements for Communications Facilities. Communications facilities as conditional use or special exceptions shall be camouflaged behind an effective year-round landscape buffer that is compatible with the uses of the neighboring properties.
- c. Application Procedures for All Communications Facilities.
  1. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a certificate

of insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000.00) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000.00) per occurrence covering the communications facilities, communications tower, communications antennas and communications equipment buildings.

2. The applicant shall submit certification from a Pennsylvania registered professional engineer that the proposed communications tower will be designed and constructed in accordance with the current structural standards for material type antenna towers and antenna supporting structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Borough's Building Code, as well as Federal and State law.
  3. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- d. Additional Application Procedures for Communications Facilities.
1. Conditional Use Permit Granting Authority. The Heidelberg Borough Council shall have the authority to grant a permit for use as a conditional use for communications facilities, communications towers and communications antennas.
  2. Pre-Application Conference. Prior to submission of an application for use as a special exception, the applicant is strongly recommended to meet with the Zoning Officer to discuss the proposed communications facility, tower or antenna in general terms and to clarify the filing requirements. The applicant is encouraged to prepare sufficient preliminary drawings to inform the Zoning Officer of the location of the proposed facility, as well as its overall design.
  3. Application Filing Requirements. The following shall be included with an application for a use as a conditional use for all communications facilities and communications towers:
    - a. General Filing Requirements to Zoning Officer.
      - i. Name, address and telephone number of the applicant and any co-applicants as well as any agents for the applicant or co-applicants.
      - ii. Co-applicants may include the landowner of the subject property, licensed carriers and tenants of the communications tower.
      - iii. A licensed carrier shall be either an applicant or co-applicant.
      - iv. Original signatures of the applicant and all co-applicants applying for the use by special exception.
    - b. Location Filing Requirements to Zoning Officer.

- i. Identification of the subject property including the property address.
  - ii. Tax map and parcel number of the subject property.
  - iii. Zoning district designation.
  - iv. A Borough-wide map showing the other existing communications facilities or communications towers in the Borough.
  - v. The proposed locations of all existing and future communications towers in the Borough for this carrier.
- c. Filing requirements to the Borough Council.
- i. Any applicant proposing construction of a new communications tower as a use by conditional use shall demonstrate that a good-faith effort has been made to obtain permission to mount the communications antennas on an existing communications tower or other structures (co-locate). A good-faith effort shall require that all owners of potentially suitable existing communications towers within a two (2) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such location apply:
    1. The proposed antennas and related equipment would exceed the structural capacity of the existing communications tower and its reinforcement cannot be accomplished at a reasonable cost.
    2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing communications tower, and the interference cannot be prevented at a reasonable cost.
    3. Such existing communications towers do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
    4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such communications tower exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
    5. A commercially reasonable agreement could not be reached with the owners of such or communications tower.
  - ii. In the event that co-location is not feasible, a written statement for the reasons for the unfeasibility shall be submitted to the Borough. The Borough may retain a radio frequency (RF) engineer to verify if co-location at the site is not feasible. The cost for such an engineer will be at the expense of the applicant.

- The Borough may deny a permit if the applicant has not demonstrated a good-faith effort to provide for co-location.
- d. Site plan filing requirements to be submitted to the Planning Commission.
    - i. An applicant proposing construction of a new communications tower as a use by conditional use shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
    - ii. A site plan diagram drawn to scale at one (1) inch equals forty (40) feet showing the following:
      1. Property lines for the subject property.
      2. Property lines for all properties adjacent to the subject property and within three hundred (300) feet.
      3. Zoning district designation of all adjacent properties.
      4. Tree cover for the subject property and adjacent properties, by dominant species and average height, as measured by or available from a verifiable source.
      5. Outline of all existing buildings, including those on the subject property and within three hundred (300) feet.
      6. Proposed location of the communications tower and communications equipment buildings.
      7. Proposed fencing including a description of such fencing and showing the point of entry to the facility.
      8. Location of all roads, public and private, within three hundred (300) feet of the proposed facility, including driveways.
      9. Distances at grade from the communications tower facility to each building on the site plan.
      10. Contours at two (2) feet intervals.
      11. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
      12. Representations, dimensioned and to scale, of the proposed communications towers, communications antennas, communications equipment buildings, cable runs, parking areas and any other construction on the property.
      13. Lines representing the sight line showing the viewpoint and visible point.
    - iii. Sight lines and photographs as described below:
      1. Sight Line Representation. A sight line representation shall be drawn from any public road within three hundred (300) feet and the nearest facade of each residential building within three hundred (300) feet to be the highest point of the

- communications tower. The profiles shall show all intervening trees and buildings.
2. Existing Condition Photographs. Each sight line shall be illustrated by one (1) color photograph of what can currently be seen from any public road within three hundred (300) feet.
  3. Proposed Condition Photographs. Each existing condition photograph shall have superimposed on it the proposed facility as seen from any public road.
- iv. Design filing requirements to be submitted to the Planning Commission.
1. Landscape plan including existing trees and shrubs, identified by size and species.
  2. A balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Borough at least fourteen (14) days prior to the test.

### 13. Community Center

- a. Lot coverage, including structures, parking lots, and buildings, shall not exceed fifty percent (50%) of the lot.
  - b. The facility area and lot boundaries shall be landscaped as required by the Borough Council to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
  - c. All facilities shall have a paved parking area in accordance with this Chapter; and it shall not be closer than twenty-five (25) feet to any residential lot line.
  - d. All facilities shall abut a public road and have a permanent access thereto.
  - e. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
  - f. All pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
  - g. Tennis courts shall be protected by a permanent fence ten (10) feet in height behind each base line extending ten (10) feet beyond the playing area in each direction.
  - h. The proposal shall be compatible with the neighborhood and will not adversely affect adjoining lots.
  - i. The amount of new traffic generated shall not have a detrimental impact on the neighborhood.
14. Conversion Dwellings shall have side yards of not less than fifteen (15) feet, and shall not be approved unless plans for such conversion prepared by a registered architect or engineer are submitted which clearly indicate that adequate light, ventilation and

fireproofing are provided for, that each dwelling shall have separate kitchen and bath facilities, and that each unit shall be functional, convenient and private.

15. Country Club or Golf Course

- a. The course shall be designed so that golf balls will not be driven over or across any building, building lot, road, access drive, driveway or parking lot. In addition, the golf course design shall minimize the cart path crossing of streets.
- b. A minimum separation distance shall be maintained between the golf course and adjoining properties. The following minimum distances shall be measured from the centerline of the golf course to the adjacent property line.
  1. Seventy five (75') feet minimum distance from the centerline of the tee box to the adjacent property line.
  2. One hundred-fifty (150') feet minimum distance from the centerline of the landing area to the adjacent property line.
  3. One hundred (100') feet minimum distance from the centerline of the green to the adjacent property line.
- c. The area between the edge of the course and the property line shall be utilized for planting, as appropriate, to preserve and protect adjoining properties and views from and of the golf course. Planting areas shall be delineated on the preliminary land development plan. The planting scheme (size, type and location of landscaping) shall be shown on the landscape plan submitted with the final land development plan.
- d. All golf course buildings and structures shall be set back two hundred fifty (250') feet from any exterior lot line.
- e. Any points where the golf course crosses a road shall be signed warning motorists and pedestrians.
- f. No outdoor storage of golf carts or maintenance equipment shall be permitted.
- g. A golf course may include the following accessory uses:
  1. A clubhouse with a pro shop, offices, restaurant/snack bar, game room, and childcare room.
  2. Golf cart maintenance and equipment storage and service facilities.
  3. Practice putting greens and driving range, without outdoor lighting.

16. Drive-Through Facility

- a. Minimum Stacking Space Requirements.
  1. All uses which include a drive-up window or which are characterized by patrons remaining in their vehicles to receive service shall provide on-site stacking spaces in order to alleviate traffic congestion.
  2. Stacking spaces shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.
  3. All stacking areas shall be separate from other vehicular and pedestrian circulation aisles and parking spaces. It is recommended that stacking lanes be separated through the use of landscaped islands bounded by concrete curbing.
  4. The number of stacking spaces required shall be determined by the following schedule:



- a. Restaurant, Fast Food: a minimum of five (5) spaces as measured from the drive-thru window.
  - b. Car washes: a minimum of four (4) spaces per car wash bay as measured from the bay.
  - c. Financial institutions: a minimum of four (4) spaces for one (1) drive-thru window, plus three (3) spaces for each additional drive-thru window or automated teller machines (ATM).
  - d. Other Uses With Drive-Thru Windows or Similar Characteristics: for uses not provided herein, the Planning Commission shall determine the appropriate number of stacking spaces based on a use listed above that most closely approximates the proposed use, or through information provided by the developer or owner of the proposed use, or through consultation with other communities containing uses similar to the one proposed, or through a combination of these methods.
- b. Drive-in facilities adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
  - c. Exterior microphone/speaker system shall be arranged or screened to prevent objectionable noise impact on adjoining properties.
  - d. All automated teller machines shall be located so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.
17. Dry Cleaning Processing Facility
- a. All materials and equipment shall be stored within a completely enclosed building.
  - b. The use shall comply with all performance standards specified in this Ordinance.
  - c. The storage or manufacture of hazardous or potentially hazardous materials which are not listed on file with the Borough shall not be permitted.
18. Funeral Home or Mortuary
- a. In addition to the parking area required, consideration shall be given to the determination as to a loading area.
  - b. The site shall have direct vehicular access to an arterial or collector street.
  - c. All parking areas shall be effectively screened from abutting residential properties.
19. Garden Apartments.
- a. Shall not have a lot area per family of less than two thousand five hundred (2,500) square feet per unit for the first four units, nor less than twelve hundred (1,200) square feet for the fifth and each additional unit in the R-2 District.
20. Garden Center, Plant Nursery, Landscaping Business or Greenhouse
- a. Commercial greenhouse heating plants shall be at least one hundred (100) feet from any property line.

- b. For commercial greenhouses and garden centers, the retail sales area for a greenhouse shall not exceed twelve hundred (1,200) square feet. The growing area shall not be considered sales area.
21. Gasoline Stations, Automobile Repair, or Automobile Body Shop
- a. The minimum lot area shall be 10,000 square feet.
  - b. Minimum side yards shall be ten (10) feet.
  - c. Access driveways to the service station shall be at least thirty (30) feet from the intersection of any public streets.
  - d. No tank for the storage of flammable or otherwise hazardous material shall be closer than forty (40) feet to any property line unless the tank is placed underground. All storage of flammable or hazardous material shall be approved by the Fire Marshall.
  - e. All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
  - f. All accessory car washing areas shall discharge into public sanitary sewers.
  - g. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence inside of a row of shrubs or evergreens with a minimum height of four (4) feet.
  - h. All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public right-of-way.
  - i. All automobile parts and accessories shall be stored within a building, except that automotive parts may be displayed for sale at the fuel pump(s).
  - j. Junk vehicles shall not be stored in the open at any time.
22. Group Residences, Group Care Facilities and Institutional Facilities shall not be located on lots of less than 8,000 square feet, shall have side yards of not less than fifteen (15) feet, shall not be located within one-quarter of a mile from any other such facility, and shall not be approved unless plans prepared by a registered architect or engineer are submitted which clearly indicate that adequate light, ventilation and fireproofing are provided, and that the dwelling facility and its accommodations shall be functional and convenient with regard to the specific needs of the group to be housed in the facility.
- a. A License or Certification shall be obtained from the Commonwealth of Pennsylvania, County of Allegheny, or other Federal, State or local agency prior to approval; or if there be no appropriate licensing or certifying agency, the applicant shall submit evidence that the proposal satisfies a demonstrated need and will be conducted in a responsible manner without detriment to surrounding properties.
  - b. The sponsor shall file annually with the Zoning Officer information that the facility continues to satisfy the conditions of original approval.
  - c. The sponsoring agencies shall be notified by mail of the annual filing date thirty (30) days prior to such date. Ten days (10) after the filing date, an advertisement will be placed in the local newspapers for one day listing those

agencies that have applied for recertification and requesting comments from residents and community organizations within thirty (30) days of the advertisement. Individuals or organizations wishing to file complaints should do so in writing to the Zoning Officer.

- d. Change of ownership or of any conditions of original approval shall constitute a new use and the full procedure for obtaining approval of the conditional use shall be required.

### 23. Halfway House

- a. Halfway house must be licensed where required by an appropriate government agency(ies), and shall be in compliance with all applicable rules and regulations of the licensing body(ies). A copy of any required license must be delivered to the Borough prior to beginning the use.
- b. A Halfway house shall be directly affiliated with a parent institution or organization which shall provide full-time supervision and administration to the residents of the house.
- c. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
- d. The residents of the halfway house shall reside on-premises to benefit from the services provided.
- e. Necessary permits for water supply and sanitary waste disposal must be obtained.
- f. The halfway house shall not be located within one thousand (1,000') feet of any the following uses:
  - 1. Child care facility;
  - 2. Churches and similar places of worship;
  - 3. Community center;
  - 4. Library;
  - 5. Museum;
  - 6. Park;
  - 7. Playground;
  - 8. School; and
  - 9. Other lands where minors congregate.
- g. The halfway house shall not be located with one thousand (1,000) feet of another halfway house.
- h. Each application shall be accompanied by a statement describing the following:
  - 1. The character of the half-way house;
  - 2. The policies and goals of the half-way house, and the means proposed to accomplish those goals;
  - 3. The characteristics of the residents and number of residents to be served;
  - 4. The operating methods and procedures to be used; and
  - 5. Any other facts relevant to the proposed operation of the half-way house.
- i. Any use permit granted for the half-way house shall be bound to the type and number of offenders listed on the application.

### 24. Home Occupation

- a. Home occupations, as defined within this Ordinance, shall be permitted only if it is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- b. No more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- c. No one other than family members of the dwelling shall be employed in the home occupation.
- d. There shall be no exterior alterations which are not customary in residential buildings, other than one sign as permitted in Article 7 of this Ordinance.
- e. Any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking spaces and shall not be situated in a required front yard.
- f. There shall be no outdoor storage of material, equipment or products to the home occupation.
- g. Such home occupations shall not create noise, vibration, glare, fumes, or odor detectable to the normal senses outside of the dwellings.
- h. The use shall not create any additional environmental impact other than those impacts, including but not limited to road infrastructure, traffic, garbage, water and sewage, normally resulting from residential use.
- i. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- j. There shall be no regular display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for pickup and/or delivery.
- k. The home occupation may not occur in an accessory building.
- l. If additional parking is required, the egress and ingress shall be provided at acceptable standards.
- m. Particular Home Occupations Prohibited. The following uses shall not be considered to be home occupations and shall be limited to the districts in which they are specifically authorized as principal permitted uses, conditioned uses or uses by special exception:
  1. Nursery schools, dancing schools, exercise or health centers, and day care centers
  2. Funeral Homes
  3. Animal kennels or hospitals
  4. Tourist homes, rooming houses, unless specifically permitted by the district regulations
  5. Medical or dental clinics or hospitals
  6. Automobile, track, bus, or boat repairs or rental facilities,
  7. Video game and amusement-arcades
  8. Theatres and other entertainment and commercial recreation facilities
  9. Automobile sales, rental, service and repair shops.

10. No spraying of vehicles outside. All work must be done inside a closed area.
11. Beauty shops and barbershops containing more than one (1) chair.
12. Hospitals, nursing homes, group living facilities.
13. Private clubs.
14. Private instruction to more than three (3) students at a time.
15. Restaurants.
- n. Small Family Child Day Care Homes, as defined by this Chapter, shall be considered a home occupation, provided that:
  1. All of the foregoing standards for a home occupation are met.
  2. All standards and criteria of §1104.8 are met.
- o. Any approved home occupation which requires any type of public access to the dwelling must obtain all required approvals from the Pennsylvania Department of Labor and Industry.

25. Hospital

- a. The facility operator shall meet all State and Federal rules and regulations for hospital facilities.
- b. Minimum lot area - five (5) acres.
- c. Minimum street frontage - three hundred (300') feet.
- d. Public/community sewer and public/community water shall be used.
- e. The subject property shall have frontage along an arterial roadway as defined in the Heidelberg Borough Comprehensive Plan, as amended.
- f. All height, area, setback and coverage standards within the underlying district shall apply.
- g. Emergency entrances shall be located on a building wall facing away from adjoining residentially zoned properties.
- h. The institution shall submit a copy of its emergency operations plan (EOP) to the Borough. The EOP shall include detailed information regarding solid, medical and hazardous materials and waste handling including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. The applicant shall provide documentation of compliance to the Zoning Officer from the applicable State or Federal agency.

26. Reserved.

27. Kennel

- a. All animals shall be confined to the property.
- b. Adequate methods for sanitation and sewage disposal shall be provided.
- c. Outdoor runs shall be located a minimum of 200 feet from any dwelling not located on the same lot.
- d. Outdoor runs shall be screened with a solid fence to reduce the potential for inciting dogs to bark due to external influences.

- e. A site plan, drawn to scale, shall accompany the application indicating the location of existing and/or proposed parking facilities, buildings, runs and other physical features.

28. Long-Term Nursing Care Facility

- a. The long-term nursing care facility shall meet all licensing requirements of the Commonwealth of Pennsylvania Department of Health.
- b. The facility shall have direct access to an arterial or collector street.
- c. The long-term nursing care facility shall be the sole occupant of the lot.
- d. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- e. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
- f. Buildings shall be set back from one another and residential occupancy shall be in conformance with this Chapter.

29. Mobile Home Park

- a. A mobile home park shall only include mobile homes of single width or multiple widths, but shall not include travel trailers or motor homes.
- b. The tract of land to be developed for a mobile home park shall be in single and separate ownership.
- c. Any parcel to be used as a mobile home park shall have a minimum size of five (5) acres.
- d. Any site proposed for a mobile home park shall not be subject to any nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odors or glare.
- e. Every area to be used as a mobile home park must be served exclusively by an approved public or community water supply system and waste disposal system. In the case of community systems a maintenance and ownership agreement shall be required.
- f. Density - The total number of lots in a mobile home park shall not exceed a maximum density of eight (8) lots per acre
- g. Yard and Area Regulations - The following yard setback and lot area regulations shall apply to all mobile home parks developed pursuant to this Section.
  - 1. setback from tract Boundary - No mobile home, auxiliary park buildings and other park structures may be located closer than seventy-five feet (75') to any boundary of a mobile park regardless of whether that boundary abuts a lot, water body, road or other right-of-way.
  - 2. lot area - All mobile home lots in a mobile home park, regardless of tenure, shall have a minimum lot size of five thousand (5,000) square feet.
  - 3. lot width - No individual mobile home lot shall be less than fifty (50') feet in width at the building setback line.
  - 4. No individual mobile home lot shall be less than twenty-five feet (25') in width at the right-of-way line or the edge of the pavement of a private

street, measured fifty feet (50') from the center line of a public or private street or right-of-way, as applicable.

5. building Area - The maximum coverage of any individual mobile home lot by all primary and accessory buildings and structures, including covered patios or decks, shall not exceed forty percent (40%).
  6. Minimum structure setbacks -
    - a. front yard - In no case shall the long side of a mobile home be located closer than thirty feet (30') from the edge of the street right-of-way; provided, however, that the short side (ends of unit) of a mobile home may be located no closer to the street right-of-way than twenty-five feet (25').
    - b. No more than six (6) mobile homes in a row shall have the same setback distance; where varied setbacks are implemented, the difference shall be at least four feet (4').
    - c. Side and rear yards - No mobile home or accessory building may be located closer than ten feet (10') to any side or rear lot line of an individual mobile home lot.
  7. Distance Between structures - mobile homes and roofed structures of areas attached thereto shall be separated from each other, and from other buildings, other than accessory structures, at their closest points by a minimum of twenty feet (20'); provided, however, that whenever two mobile homes have their longer sides parallel or essentially parallel to each other for more than twenty-five percent (25%) of the length of either the minimum distance between the two mobile homes shall be thirty feet (30').
30. Motel, Hotel or Inn
- a. developments related to a hotel/motel or hotel-office complex shall not exceed sixty (60) feet in height and a hotel-office complex must be integrated into one (1) contiguous structure. In those cases where the lot or parcel of ground to be developed is irregular in shape and bordered on at least two (2) sides by non-accessible highways, the Council may deviate from otherwise applicable lot area coverage provisions and setback requirements of this chapter.
  - b. Parking shall be as required by the Council and shall be based on the single or combined use or uses of the property. Requirements for parking shall take into consideration the established number of parking spaces set forth in Article Six but such section shall not be binding on the Council.
  - c. Fire safety precautions shall be as finally determined by the Council upon recommendation of the Fire Marshal's office.
  - d. All entrances to motel or hotel rooms shall be through an interior hallway. No exterior door access shall be permitted from hotel or motel rooms.
31. Reserved.
32. Older Adult Daily Living Center

- a. The older adult daily living center shall meet all requirements of the PA Code Title 6 Aging, Part 1 Department of Aging, Chapter 11 Older Adult Daily Living Centers, Subchapter A Licensure and Operation Requirements.
- b. The facility shall have direct access to an arterial or collector street.
- c. The maximum impervious surface ratio shall be 50%.
- d. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- e. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.

33. Personal Care Home

- a. The personal care home shall meet all licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare.
- b. The personal care home shall be the sole occupant of the lot.
- c. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- d. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
- e. Buildings shall be set back from one another and residential occupancy shall be in conformance with this Chapter.

34. Personal Storage Facility

- a. The storage of hazardous materials such as toxic or explosive substances is prohibited.
- b. Wholesale or retail sales, garage sales, flea market, or outside storage is prohibited.
- c. The maximum size of the individual storage units shall be five hundred (500) square feet.
- d. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- e. The lot shall have direct ingress/egress to a public collector or arterial road, as defined by this Chapter, and points of ingress/egress shall not be through a road on which the current use of the majority of lots fronting on the road is one-family dwellings.
- f. Vehicular access to the lot shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector road on which the lot has frontage.
- g. All one-way driveways shall have a minimum of one (1) ten (10)-foot parking lane, plus one (1) fifteen (15) foot travel lane.
- h. All two-way driveways shall provide a minimum of one (1) ten (10)-foot parking lane, plus two (2) twelve (12)-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.
- i. All interior driveways shall be paved with an impervious surface sufficient for the loads the driveways are expected to bear.



- j. A minimum eight (8)-foot fence with a self-latching gate shall be placed surrounding the property. The fence shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque.
  - k. The minimum distance from the face of any storage building to the face of any adjacent storage building shall be twenty-eighty (28) feet for storage units which are less than fifteen (15) feet in depth and forty-two (42) feet for storage units which are more than fifteen (15) feet in depth.
  - l. The minimum distance from the end of any storage building to the end of any adjacent storage building shall be twenty (20) feet.
  - m. The maximum length of any storage building shall be two hundred (200) feet.
  - n. Maximum lot coverage by all buildings shall be forty percent (40%).
  - o. Office space may be provided which shall not exceed five percent (5%) of the total floor area devoted to storage.
  - p. Storage shall occur completely within enclosed buildings.
  - q. Storage units shall not be equipped with water or sanitary sewer service.
  - r. No business activity other than rental of storage units shall be conducted on the premises.
35. Recreation Facilities shall not be located on lots of less than 10,000 square feet, shall have front, side, and rear yards of not less than twenty-five (25) feet.
36. Theater
- a. The proposed use shall have direct access to an arterial or collector street.
  - b. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
37. Transportation Terminal
- a. The proposed use shall have direct access to an arterial street.
  - b. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
  - c. Maximum lot coverage by all building shall be forty percent (40%).
  - d. Shall not be located on lots of less than two acres, shall have side yards of not less than twenty-five (25) feet, and shall not have any tank for the storage of flammable or otherwise hazardous material closer than forty (40) feet to any property line.
38. Townhouses
- a. Shall not have a lot area per family of less than three thousand (3,000) square feet per unit for the first two units, nor less than two thousand five hundred (2,500) square feet for the third and each additional unit in the R-2 District.
  - b. All off-street parking spaces shall be incorporated into the building. Guest parking shall be located no more than three hundred (300) feet from each townhouse.
  - c. All dumpsters and/or waste collection areas shall be located at minimum of fifty (50) feet from the nearest residential unit and shall be enclosed by a solid masonry screen.

- d. The primary entrance to the multi-family residential units shall be from a primary public or private road.
- e. The maximum number of contiguous units shall be ten (10).

39. Utility Structures

- a. A solid wooden fence shall be required to completely screen the structure. A six foot high row of shrubs or evergreens shall be planted around the exterior of the fence.

40. Wholesale Business

- a. Must have access to a collector street.
- b. Parking areas shall be screened from all buildings.

41. Warehouse Facilities

- a. Must have access to a collector street.
- b. The use shall not include the on-site storage of toxic chemicals or other hazardous wastes.
- c. All parking areas shall be effectively screened from abutting properties.

42. Reserved.

43. Alternative Energy Facilities

- a. Alternative Energy Facilities shall only be permitted as an accessory use to a principal land use.
- b. Alternative energy uses shall be reviewed through the conditional use process.
- c. Borough Zoning Approval is required prior to the construction of any wind energy facility on any site or lot.
  - 1. The Zoning Permit Application shall indicate the location of the proposed facility.
- d. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.
- e. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- f. Solar Energy Facilities
  - 1. Accessory solar energy facilities shall be permitted by conditional use in all zoning districts.
  - 2. Noise from any solar energy facility shall not exceed fifteen decibels at the lot line, unless all affected adjacent property owners shall have executed a non-disturbance easement, covenant, or consent which has been recorded in the Allegheny County Department of Real Estate.
  - 3. To the extent applicable, all solar energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
  - 4. All electrical components of solar energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.

5. Solar energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  6. Solar energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than one square foot in size.
  7. Transmission and power lines shall be placed underground or out of sight.
  8. Where installed on the roof of a building, no solar energy facility shall be installed such that more than 50% of south-facing roof area is covered by the facility.
  9. Any solar energy facility installed on a roof of a building shall comply with the height requirements of the zoning district in which the property is located.
  10. No solar energy facility or facilities may exceed in total 30% of the total site and in no case shall exceed the maximum lot coverage for the district in which the property is located.
  11. Solar energy facilities shall meet the accessory structure setbacks that may apply in the zoning district which the facility is constructed and where no such setback is specified, the facility shall be no closer than (15) fifteen feet from any property line.
  12. No facility shall be attached to a tree or any other natural object or structure not intended to support such a facility.
  13. No facility shall be installed closer than ten feet (10') to a swimming pool or other open body of water.
- g. Wind Energy Facilities
1. Accessory wind energy facilities shall be permitted by conditional use in the M - Manufacturing zoning district.
  2. Noise from any wind energy facility shall not exceed fifteen decibels at the lot line, unless all affected adjacent property owners shall have executed a non-disturbance easement, covenant, or consent which has been recorded in the Allegheny County Department of Real Estate. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (AWEA) Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
  3. Construction of any wind energy facility shall comply with all rules, laws and regulations of the United States Federal Aviation Administration. Documentation of compliance shall be provided to the Borough.
  4. To the extent applicable, all wind energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.

5. All electrical components of wind energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
6. Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
7. Wind energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 1 square foot in size.
8. Transmission and power lines shall be placed underground or out of sight.
9. Yard /Setbacks Requirements:
  - a. Minimum lot area: 2 Acres
  - b. From buildings: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any moveable or immobile part; except where the facility is mounted to a building, the setback shall not be required between the facility and the building to which it is attached.
  - c. From property lines: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any moveable or immobile part or the principal structure setback for the district, whichever is greater.
  - d. From public roads: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any moveable or immobile part or the principal structure setback for the district, whichever is greater.
  - e. Each vertically oriented wind energy facility mounted on a building shall be separated from any other wind energy facility by 1.1 times the height of the facility, measured from the point at which the facility is mounted to the building, to the highest reach of any moveable or immobile part of the facility,
  - f. Any wind energy facility that is an accessory structure shall meet the applicable accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no setback or a lesser setback is specified, the facility shall be no closer than 15 feet from the property line or the distance set forth above being 1.1 times the height of the facility, measured from the base to the highest moveable or immobile part, whichever is greater.

10. Maximum height: Where the facility is an independent structure and not mounted to a building, 50 feet maximum height in all zoning districts, measured from ground level to the tip of the wind energy facility's blade fully extended perpendicular to the ground plane. Where the facility is mounted to a building, the maximum height shall be ten feet higher than the tallest point on the building.
  11. Minimum vertical clearance between ground level and the lowest moveable component of the wind energy facility when at its lowest point: 15 feet.
  12. The color shall be a neutral and non-reflective tone, such as white, off-white or gray. The facility coloring shall be solid and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than one square foot in size.
- h. Geothermal Energy Facilities
1. Accessory geothermal energy facilities shall be permitted by conditional use in the M - Manufacturing zoning district.
  2. Geothermal energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than four square feet in size.
  3. Transmission and power lines shall be placed underground or out of sight.
  4. Geothermal energy facilities shall meet the accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no such setback is specified, the facility shall be no closer than (10) ten feet from any property line.
  5. A design certification by a certified engineer shall be required, consisting of the proposed foundation design and analysis of soil conditions.
  6. All geothermal energy facilities and any associated equipment shall comply with all area, dimensional, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping.
  7. Required landscape buffering may be modified so that tall tree species may be replaced with lower-growing tree species where the required tree species may interfere with the functioning of the geothermal energy facility, only where the required landscape buffer is adjacent to property where non-residential uses are permitted.
  8. Secure perimeter fencing shall be installed around the geothermal energy facility. The fencing shall not be constructed within any required landscape buffer or setback. The fencing shall be chain link construction with rubberized coating in neutral earth tone colors such as black or brown. The fence shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque.

44. Portable Storage Structure

- a. One portable storage structure may be placed on a residential lot without an active building permit subject to the following conditions and limitations:
  1. Prior to placement of the portable storage structure on the lot, the property owner shall apply for and obtain a Portable Storage Structure Permit from Zoning Administration; and
  2. Portable storage uses shall only be permitted as a temporary accessory use to a principal land use; and
  3. Multi-family dwellings are allowed one portable storage structure per dwelling unit and the portable storage structures shall not be placed in required parking spaces or in required yards; and
  4. The permits for the portable storage structures shall be conditional permits and each residential lot is limited to a maximum of three (3) thirty (30) day permits within any twelve (12) month period; and
  5. The portable storage structure shall not exceed one hundred and sixty (160) square feet in area and ten (10) feet in height; and
  6. The portable storage structure shall not be permitted in any required yards; and
  7. The portable storage structure shall not encroach on public property or public rights-of-way; and
  8. No mechanical, plumbing or electrical installations or connections are to be made to the portable storage structure; and
  9. The portable storage structure shall have clearly posted on the exterior of the unit a copy of the current permit issued for the portable storage structure, and the date the portable storage structure was placed at the site; and
  10. The conditional permit approval for the portable storage structure may be revoked by the Zoning Administrator at any time should the property owner's utilization of such portable storage structure result in unsafe or unsanitary conditions on the site or upon violation of any of the conditions or limitations stated herein.

45. Portable Refuse Storage Structure (Dumpsters, Bagsters, etc.)

- a. One portable refuse storage structure may be placed on a residential lot without an active building permit subject to the following conditions and limitations:
  1. Prior to placement of the portable refuse storage structure on the lot, the property owner shall apply for and obtain a Portable Refuse Storage Structure Permit from Zoning Administration; and
  2. Multi-family dwellings are allowed one portable refuse storage structure per dwelling unit and the portable refuse storage structures shall not be placed in required parking spaces or in required yards; and
  3. The permits for the portable refuse storage structures shall be conditional permits and each residential lot is limited to a maximum of three (3) thirty (30) day permits within any twelve (12) month period; and
  4. The portable refuse storage structure shall not exceed one hundred and sixty (160) square feet in area and ten (10) feet in height; and

5. The portable storage structure shall not be permitted in any required yards; and
  6. No mechanical, plumbing or electrical installations or connections are to be made to the portable refuse storage structure; and
  7. The portable refuse storage structure shall have clearly posted on the exterior of the unit a copy of the current permit issued for the portable storage structure, and the date the portable refuse storage structure was placed at the site; and
  8. The conditional permit approval for the portable refuse storage structure may be revoked by the Zoning Administrator at any time should the property owner's utilization of such portable refuse storage structure result in unsafe or unsanitary conditions on the site or upon violation of any of the conditions or limitations stated herein.
46. Any Principal Use not Specifically Listed
- a. Uses which are not specifically listed as permitted or conditional uses in any zoning district may be authorized in the M Manufacturing District by the Heidelberg Borough Council as conditional uses.
  - b. In order to obtain a conditional use under this Section, the applicant bears the burden of establishing the following to the satisfaction of the Council:
    1. The proposed use must be fully consistent and in harmony with the purpose of the district in which it will be located.
    2. The impact of the use on the environment and adjacent streets is equal to or less than any use specifically permitted as a permitted or conditional use in the subject district.
    3. In determining the impact on the environment and adjacent properties, the Council shall consider such development characteristics as the number of employees, the floor area of the proposed building devoted to the proposed use, the type of products involved, the materials, equipment or services involved, the magnitude of walk-in trade, traffic generation, parking demand, environmental impacts, and any other information that Council determines will aid in determining the impact of the use.
    4. The proposed use shall comply with the expressed standards and criteria of the zoning district in which the use is to be located and all other requirements of this Chapter.
    5. The proposed use shall be in accordance with the community development objectives of this Chapter and the Comprehensive Plan, as adopted and amended.
  - c. Prior to the public hearing before the Borough Council, the applicant shall submit all studies, documents and testimony which the applicant wishes to be considered in connection with the conditional use application, for review and recommendation by the Borough Planning Commission.
  - d. When granting a conditional use pursuant to this Section, the Council may impose any reasonable conditions it believes are necessary to ensure compliance with this Chapter.

## ARTICLE TWELVE

### NONCONFORMING USES, STRUCTURES, AND LOTS

§112-1201. Nonconforming Uses. The following provisions shall apply to all nonconforming uses.

1. Continuation and change. A nonconforming use may be sold or otherwise transferred to other owners and may be continued, but shall not be changed in use unless to a conforming use.
2. Enlargement or expansion.
  - a. A nonconforming use may be expanded or enlarged upon approval as a conditional use by the Borough Council and subject to the general criteria set forth in §112-1203 and compliance with the following criteria:
    1. The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
    2. The extension does not encroach upon the lot area requirements and the maximum building height and other dimensional requirements of the zoning district in which the nonconforming use is presently located.
    3. The extension is for the purpose of expanding the nonconforming use in existence at the time of the adoption of this Chapter or amendment thereto which caused the use to become nonconforming.
    4. Such extension does not result in an increase in total floor area or lot use area of more than twenty-five (25%) of the floor area or lot area as the same existed at the time of adoption of this Chapter or amendment thereto which caused the use to become non-conforming.
    5. Adequate parking can be provided in conformance with this Chapter to serve both the original plus expanded use.
    6. Such expansion does not present a threat to the health or safety of the community or its residents.
  - b. This subsection shall not apply to signs.
3. Damage and reconstruction. Any structure which houses a nonconforming use which is damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is initiated and completed within one (1) year of such casualty and if the restored structure has no greater lot coverage and contains no greater cubic content than before such casualty.
4. Abandonment. In the event that any nonconforming use conducted in a structure or on a lot is abandoned for a period of twelve (12) consecutive months or longer, such nonconforming use shall be deemed to be abandoned and shall not be resumed. Once the nonconforming use is abandoned, the building or structure and/or lot shall not be used except in conformance with the regulations of the zoning district in which it is located.

§112-1202. Nonconforming Structures. The following shall apply to all nonconforming structures, as defined by this Chapter, in all zoning districts:



1. Continuation. A nonconforming structure may be sold or otherwise transferred to other owners or may be continued.
2. Structural alteration. No such structure may be enlarged or structurally altered in a way that increases its nonconformity.
3. Damage or destruction. Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other accident or act of God may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that the repair or reconstruction and re-occupancy of the structure is initiated and completed within one (1) year of the date of such casualty.
4. Moving. Should a nonconforming structure be moved for any reason for any distance, it shall thereafter conform to the requirements of the zoning district in which it is located.
5. Signs.
  - a. Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than 75% of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Article.
  - b. Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of sign face shall be permitted.

§112-1203. Nonconforming Lots. The following shall apply to all nonconforming lots, as defined by this Chapter, in any zoning district:

1. Where two or more adjacent lots of record with continuous frontage have less than the required area and width and are held by one owner, the lots shall be considered to be an undivided lot for the purpose of complying with this Article. No division of any lot shall be made which does not comply with the requirements of this Article.
2. Any lot of record existing at the effective date of this Chapter and held in separate ownership different from the ownership of adjoining lots may be developed in accordance with the requirements of the zoning district of the lot of record.
3. Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of record shall be the average depth of the nonconforming front yards of the adjacent developed nonconforming lots which are in the same block on the same side of the street and in the same recorded plan as the undeveloped lot. Private garages, storage sheds, swimming pools and similar structures shall be located to the rear of the permitted principal structure and may be permitted in the rear yard, provided that they are no closer than 10 feet from the rear property line and are not located on any easements or rights-of-way.

§112-1204. Continuation. Subject to the provisions of this Article, a nonconforming lot, nonconforming structure or nonconforming use may be continued even though such does not conform with the provisions of these regulations for the district in which it is located. The Zoning

Officer may keep and maintain a list of all nonconforming lots, structures or uses existing at the time of the passage of this Chapter, its predecessors or amendments thereto, and which may come to exist in the future.

## ARTICLE THIRTEEN

### ZONING HEARING BOARD

§112-1301. Membership. The membership of the Zoning Hearing Board shall consist of three (3) members appointed by the Borough Council by resolution. 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 Chairman shall promptly notify Borough Council when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Borough, nor shall any member be an employee of the Borough.

§112-1302. Alternate Members.

1. Appointment of Alternate Members. The Borough Council may appoint at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §112-1302.2, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Borough, nor shall any alternate be an employee of the Borough. Any alternate may participate in any proceedings or discussion of the Board, but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to §112-1302.2 of this Chapter. Designation of an alternate pursuant to this subsection shall be made by the Chairman of the Zoning Hearing Board on a case-by-case basis in rotation according to declining seniority among all alternates.
2. Participation by Alternate Members. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case.

§112-1303. Removal of Members. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by majority vote of the Borough Council, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

§112-1304. Organization of the Zoning Hearing Board. The Zoning Hearing Board shall elect its officers from its own membership, 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 two members, but the Zoning Hearing Board may appoint a hearing officer from its own

membership to conduct any hearings on its behalf. In such a case, the parties may, prior to the decision, waive a decision by the Zoning Hearing Board and accept the decision of the hearing officer as provided in the MPC, as amended. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with the ordinances of the Borough and the laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Borough, and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

§112-1305. Expenditures for Services. Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board and alternates to the Zoning Hearing Board, when designated pursuant to §112-1302.1, may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

§112-1306. Conduct of Hearings. A hearing shall commence within sixty (60) days of the filing of an administratively complete application. Public notice, as defined herein, of the hearing, shall be advertised and posted as required by the MPC, and in addition thereto the Zoning Hearing Board shall post at least one copy of the notice on the affected property. Hearings shall be conducted in accordance with the applicable provisions of the MPC.

§112-1307. Zoning Hearing Board Decisions.

1. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a decision or, when no decision is called for, make written findings on the application in accordance with the requirements of the MPC and within forty-five (45) days after the last hearing before the Zoning Hearing Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Conclusions based on any provisions of this Chapter, or any other land use ordinance, rule or regulation or any provision of the MPC shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that the hearing officer's decision or findings are final, the Zoning Hearing Board shall make the hearing officer's report and recommendations available to the parties within forty-five (45) days, the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.
2. A copy of the final decision or, when no decision is called for, of the findings, shall be delivered personally or mailed to the applicant no later than the day following its date.

§112-1308. Jurisdiction of the Zoning Hearing Board. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications on the following matters:

1. Substantive challenges to the validity of this Chapter, except those challenges brought before the Borough Council pursuant to §609.1 and §916.1(a)(2) of the MPC.

2. Appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
3. Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
4. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 910.2. of the MPC.
5. Appeals from the zoning officer's determination under section 916.2. of the MPC.
6. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision and Land Development applications.

§112-1309. Variances.

1. Application. The Board shall hear requests for variances where it is alleged that the strict application of the provisions of this Chapter inflict unnecessary hardship upon the applicant. Application for a variance shall be made in writing on the prescribed form obtained from the Zoning Officer. The Zoning Officer shall forward the application to the Board, which shall determine the time and place of the hearing.
2. Standards for Variances. The Board may grant a variance, provided that all the following findings are made where relevant in a given case:
  - i. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district which the property is located.
  - ii. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter; and that authorization of a variance is therefore necessary to enable the reasonable use of property.
  - iii. That such unnecessary hardship had not been created by the applicant.
  - iv. 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.
  - v. That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue.

3. Review by Planning Commission. The Zoning Hearing Board may request the review and comments of the Planning Commission on any variance application, which shall be made part of the public record.
4. Conditions. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the MPC.
5. Expiration. The grant of a variance shall expire one (1) year after the date of the Zoning Hearing Board's written decision unless (a) the applicant has applied for and obtained a building permit and commenced construction, or (b) in the case where the variance does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the variance.

§112-1310. Reserved.

§112-1311. Parties Appellant before the Board. Appeals under §112-1309 may be filed with the Board in writing by the landowner affected, by any officer or agent of the Borough or any person aggrieved. Requests for a variance under §112-1309. may be filed with the Zoning Hearing Board only by a landowner or any tenant with the permission of such landowner.

§112-1312. Time Limitation.

1. Any appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.
2. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Borough officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor interest.

§112-1313. Stay of Proceedings.

1. Upon filing of any proceeding referred to in §112-1312 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Hearing Board or the Allegheny County Court of Common Pleas, on petition, after notice to the Zoning Officer or other appropriate agency or body.
2. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the Allegheny County Court of Common Pleas to order such persons to post a bond as a condition to continuing the proceedings before the Zoning Hearing Board, pursuant to provisions of the MPC.

## ARTICLE FOURTEEN

### ADMINISTRATION AND ENFORCEMENT

#### §112-1401. Zoning Officer.

1. Appointment. The Zoning Officer shall be appointed by Borough Council and shall administer and enforce this Ordinance.
2. Duties of the Zoning Officer. In order to administer and enforce this Ordinance, the Zoning Officer shall:
  - a. Administer and enforce the provisions of this ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.
  - b. Receive all applications for Building Permits, Zoning Permits and Occupancy Permits and maintain records thereof.
  - c. Receive, file and forward to the Borough Council all applications for conditional uses and maintain records thereof.
  - d. Issue Building Permits, Zoning Permits and Occupancy Permits for all applications that have been reviewed and approved according to the provisions of this chapter and other applicable ordinances.
  - e. Maintain a permanent file with all Zoning Permits, occupancy permits, and applications as Public Records.
  - f. Receive, review and issue permits for fences, accessory uses, signs and temporary uses.
  - g. Receive, file and forward to the Zoning Hearing Board the records in all appeals and all applications for variances and maintain records thereof.
  - h. Inspect buildings, structures, and uses of land to determine compliance with the provisions of this chapter.
  - i. Issue enforcement notices for violation of any provision of this chapter to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record of the parcel. The enforcement notice shall be delivered personally or by certified mail. The enforcement notice shall state at least the following:
    1. The name of the owner of record and any other person against whom the municipality intends to take action.
    2. The location of the property in violation.
    3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
    4. The date before which steps for compliance must be commenced and the date before which the steps must be completed.
    5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within ten (10) days of receipt of the enforcement notice pursuant to the procedures set forth in this Chapter.

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

§112-1402. Permits.

1. No use of land shall be made or any building or structure constructed, altered, remodeled, occupied or used nor any use of building, structure or land be changed until a Zoning Permit and Occupancy Permit has been issued by the Zoning Officer.
2. The improvements of land preliminary to any use of such land shall not be commenced prior to the issuance of the Zoning Permit.
3. A Zoning Permit shall be obtained before any person may:
  - a. Occupy or use any land; or
  - b. Change the use of a structure or land for a different use; or
  - c. Construct, reconstruct, move, alter, or enlarge any structure or building; or
  - d. Change a non-conforming use.
4. Any permit issued in conflict with the provisions of this chapter shall be null and void.
5. Application and Issuance Procedure.
  - a. Whenever the proposed activity, whether new construction or alternation of an existing use, requires a building permit, the applications for the Zoning Permit and Occupancy Permit shall be made prior to or simultaneously with the application for the building permit. However, the building permit shall not be issued until the Zoning Permit has been granted.
  - b. When no building permit is required, the application for the Zoning Permit and Occupancy Permit may be made at any time prior to the use or occupancy of the structure or land.
  - c. Permit applications shall be submitted in writing on such forms as established by the Borough. The Zoning Officer may request any information necessary to determine the application's compliance with this Chapter.
  - d. Applications shall include a development plan prepared in accordance with the this Chapter.
  - e. The Zoning Officer shall not issue the Zoning Permit or Occupancy Permit unless the property complies with all applicable Borough, County, State and Federal laws, ordinances and regulations, and until all other required approvals and permits have been obtained from applicable Borough, County, State and



- Federal agencies, including, but not limited to a PennDOT highway occupancy permit. The applicant shall submit copies of all such required approvals and permits to the Zoning Officer.
- f. Where approvals are not required by other Borough agencies or governmental entities, the Zoning Officer shall review and approve or disapprove the application. However, the Zoning Officer may seek the advice and recommendations of the Planning Commission on any application.
  - g. An application for a Zoning Permit does not permit occupancy. A Occupancy Permit is also required. Under certain circumstances, application for any approval of a Zoning Permit and Occupancy Permit may be combined.
  - h. Upon completion of the work, the applicant shall notify the Zoning Officer who shall examine the building, structure or use of land involved. If the Zoning Officer shall find that such construction, erection, structural alteration or use of building and land has been completed in accordance with the provision of this Chapter and other applicable ordinances, the Occupancy Permit shall be issued.
  - i. As a condition to the issuance of any Zoning Permit or Occupancy Permit, a landowner shall permit the Zoning Officer to inspect both the exterior and interior of the property, as deemed necessary by the Zoning Officer. Any failure or refusal to permit such inspection shall result in denial of any application for Zoning Permit or Occupancy Permit.
  - j. Reserved.
  - k. No permit for any use or construction which will involve the on-site disposal of sewage or waste and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site shall be issued until a certificate of approval has been issued by the Allegheny County Department of Health and conforms to all applicable Borough regulations.
  - l. A decision either approving or disapproving an application for a zoning permit shall be rendered within thirty (30) days after the application is filed. Any disapproval of the application shall contain a brief explanation setting forth the reasons for the disapproval and the manner in which the application can be corrected and/or modified to obtain the required approval.
6. Period of Validity.
- a. A Zoning Permit shall become null and void within six (6) months of the date of issuance unless the construction, alteration or remodeling of a building or structure is commenced or a use of land or building is commenced.
7. Temporary Zoning Permit and Occupancy Permits
- a. The Zoning Officer may issue a temporary Zoning Permit which may allow the use of occupancy of a building or structure during structural alteration thereof or may permit the partial use or occupancy of a building or structure during its construction or erection; provided however, that such a temporary permit shall be valid only for a period not exceeding six (6) months from its issuance and shall be subject to such restrictions and provisions as may be deemed necessary

by the Zoning Officer to ensure the safety of persons using or occupying the building, structure or land involved.

8. Inspection

- a. It shall be the duty of the Zoning Officer, or his fully appointed representative, to make the following minimum number of inspections on property for which a permit has been issued:
  1. At the beginning of construction
    - a. A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans approved with the application for the building.
    - b. If the actual construction does not conform to the application, a written notice of a violation may be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction may proceed.
  2. At the Completion of construction. A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Chapter; and the opinion of the Zoning Officer in regard to the issuance of an occupancy permit.

§112-1403. Schedule of Fees. The Borough Council shall establish, from time to time, by resolution, fees and charges for all permits and applications required by this chapter.

§112-1404. Amendments. Amendments of this Chapter may be initiated by Borough Council, by the Planning Commission, or by a petition of a landowner within the Borough in accordance with the following provisions:

1. Petitions for amendment by landowners, other than curative amendments under §112-1405 of this Chapter, shall be filed in writing with the Zoning Officer, and the petitioner, upon such filing, shall pay a filing fee and/or review deposit in accordance with the schedule fixed by resolution of Borough Council.
2. Any proposed amendment other than one proposed by the Planning Commission shall be referred to the Planning Commission at least thirty (30) days prior to the public hearing for review. The Planning Commission shall review the proposed amendment and report its findings and recommendations, in writing, to the Borough Council and to the petitioner within forty five (45) days and shall include a specific statement as to whether or not the proposed action is in accordance with the objectives of the Borough's Comprehensive Plan.
3. In the event the Planning Commission recommends approval of the proposed amendment, in whole or in part, or if a public hearing is requested by at least one (1) member of the Borough Council, a public hearing shall be scheduled on the proposed amendment in accordance with the requirement of the MPC.
4. A copy of the proposed amendment shall be submitted to the County Planning Agency for review at least thirty (30) days prior to the public hearing. If the County Planning

Agency fails to act prior to the public hearing, the governing body shall proceed without its recommendation.

5. If the proposed amendment involves a Zoning Map change, notice of the public hearing shall be conspicuously posted by the Borough at points deemed sufficient by it along the tract to notify potentially interested citizens. The affected tract shall be posted at least one (1) week prior to the date of the hearing.
6. Notice of any proposed Zoning Map change shall also be mailed by the Borough at least thirty (30) days prior to the public hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This subsection shall not apply to a comprehensive rezoning.
7. If, after any public hearing held upon an amendment, the proposed amendment is substantially revised or further revised to include land previously not affected by it, then the Borough Council shall hold another public hearing pursuant to Public Notice before proceeding to vote on the amendment.
8. The Borough Council shall act on a proposed amendment to this Chapter within ninety (90) days of the date of the meeting at which the public hearing on the amendment is closed. If the Borough Council fails to so act within the said ninety (90) day period, then the proposed amendment shall be deemed denied.
9. Within thirty (30) days after enactment, a certified copy of the amendment to this Chapter shall be forwarded to the County Planning Agency.
10. The proposed amendment shall also be published, advertised and made available to the public in accordance with the requirements of the MPC.

§112-1405. Landowner Curative Amendments. Any landowner who wishes to challenge, on substantive grounds, the validity of this Chapter or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he/she has an interest may prepare and submit a curative amendment to the Borough Council, in the form he/she proposes it be adopted, together with a written request that the challenge and proposed amendment be heard and decided in accordance with the requirements of the MPC. The Borough Council shall hold a public hearing, pursuant to public notice, on the matter within sixty (60) days of receiving an administratively complete curative amendment request. Public notice of the public hearing shall be given by the Borough in accordance with the requirements of the MPC. Public hearings shall be conducted and held in accordance with the applicable provisions of the MPC. The Borough Council shall comply with all applicable requirements of the MPC regarding the conduct of hearings and decisions related thereto.

1. Referral to Planning Commission and County Planning Agency. The curative amendment and challenge shall be referred to the Planning Commission and the County Planning Agency or its designee at least thirty (30) days prior to the public hearing for review and comment.
2. Declaration of Invalidity by the Court. If the Borough does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of

invalidity for this entire Chapter, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

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

§112-1406. Municipal Curative Amendments. If the Borough Council determines that this chapter or a portion thereof is substantially invalid, it may implement the procedure for municipal curative amendment provided in §609.2 of the MPC.

§112-1407. Enforcement Remedies

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

costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the borough.

2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Article shall be construed or interpreted to grant to any person or entity other than the Borough or its agents the right to commence any action for enforcement of this Chapter, except where otherwise authorized by law.

§112-1408. Mediation.

1. Parties to proceedings authorized in this article and appeals of these proceedings may utilize mediation as an aid in completing such proceedings. In proceedings before the zoning hearing board, in no case shall the zoning hearing board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this article and appeals of those procedures once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Mediating parties shall be assisted by the mediator as appropriate and shall develop terms and conditions for:
  - a. Funding mediation.
  - b. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
  - c. Completing mediation, including time limits for such completion.
  - d. Suspending time limits otherwise authorized in this act, provided there is written consent by the mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation.
  - e. Identifying all parties and affording them the opportunity to participate.
  - f. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
  - g. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the other sections of this act.
3. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

## ARTICLE FIFTEEN

### EAST RAILROAD STREET STREETScape OVERLAY

§112-1501. Purpose. The East Railroad Street Streetscape Overlay is intended to achieve the following:

1. Regulate uses and structures at, along and near the borough's main thoroughfare (East Railroad St.) and its intersections, in accordance with Section 605 of the Pennsylvania Municipalities Planning Code.
2. Implement the borough's Comprehensive Plan.
3. Implement the Tri-Community Revitalization Project.
4. Provide an overall cohesive character for the streetscapes in this central core of the borough.
5. Promote pedestrian circulation, pedestrian-oriented streetscapes, and bicycling.
6. Enhance the character of the streetscapes with effective and unified sidewalks, street trees and other landscaping, lighting, and street furniture.
7. Enhance the integrity, stability and character of the borough's main thoroughfare and the value of adjacent land.

§112-1502. Concept. The East Railroad Street Streetscape Overlay shall be deemed to be an overlay on any existing or future zoning districts enacted to regulate the use of land in the borough. The East Railroad Street Streetscape Overlay is intended to supplement any existing regulations that relate to zoning or building construction within the borough. The applicability of the East Railroad Street Streetscape Overlay shall be determined by the location and size of the proposed development. If the proposed development meets the minimum size (see §112-1504) and is situated in those areas of the borough located within the East Railroad Street Streetscape Overlay (see §112-1503), the requirements of this section shall supersede the requirements of the underlying zoning districts. The proposed development shall adhere to the standards of the underlying zoning districts if the development does not meet or exceed the minimum size defined in §112-1504.

§112-1503. Location of Overlay. The East Railroad Street Streetscape Overlay is located and bounded as shown on the "Heidelberg Borough Zoning Map" and is on file in the office of the Borough Manager.

§112-1504. Minimum Size. The minimum development size for development in the East Railroad Street Streetscape Overlay is 10,000 square feet.

§112-1505. Consistency with the Borough's Comprehensive Plan. The Tri-Community Revitalization Project, which is referenced and incorporated into the Borough's Comprehensive Plan, contains a master plan for the area included in the East Railroad Street Streetscape Overlay. Public spaces and amenities shall be consistent with those depicted and described in the Tri-Community Revitalization Project.

§112-1506. Application Requirements.

1. A Streetscape Plan is required for submissions for Preliminary Plan and Final Plan Approval, and Conditional Use Approval.
2. The streetscape plan shall implement Appendix A – East Railroad Street Streetscape Details, as well as all applicable provisions of the Allegheny County Subdivision and Land Development Ordinance, to address the following features where applicable:

- a. Sidewalks and street edge strips, per Appendix A.
  - b. Streetlights, per Appendix A.
  - c. Crosswalks, per Appendix A.
  - d. Benches shall be placed at a rate of one per two hundred (200) feet of frontage.
  - e. Waste receptacles shall be placed at a rate of one per two hundred (200) feet of frontage.
3. The streetscape enhancements described above are summarized and detailed in Appendix A. Full specifications and details of Appendix A are available in the Borough Manager's office.
  4. The streetscape plan shall meet all graphic and cartographic requirements set forth for a preliminary plan, and for a final plan in the Allegheny County Subdivision and Land Development Ordinance.

**APPENDIX A:**

**EAST RAILROAD STREET STREETScape DETAILS**