

Etna Borough, Pennsylvania

The Zoning Ordinance of Etna Borough

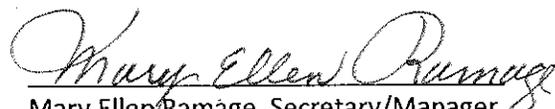
Ordinance No. 1361

Adopted December 2015

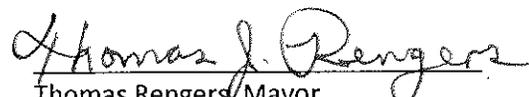
ORDAINED AND ENACTED this 15 day of December, 2015, by the Council of the Borough
of Etna.


Peter F. Ramage, President

ATTEST:


Mary Ellen Ramage, Secretary/Manager

EXAMINED AND APPROVED by me this 15 day of December, 2015.


Thomas Rengers, Mayor

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Article I: Authority and Purposes

§101. Title.

- A. This Ordinance is known as the “Zoning Ordinance of Etna Borough,” and the Zoning Map is designated as the “Official Zoning Map of Etna Borough.”

§102. Authority.

- A. This Ordinance is authorized under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, The MPC, July 31, 1968, as amended- hereinafter (PA MPC).

§103. General Purpose, Intent and Objectives.

- A. This Ordinance is made with consideration for Etna Borough’s character, its various parts, and the suitability of the various parts for particular uses and structures. This Ordinance is enacted for the following purposes:
 - 1. To retain existing residents and business and attract new ones to the Borough because of its established and evolving development form.
 - 2. To promote, protect and facilitate one (1) or more of the following: public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency preparedness, disaster evacuation, providing adequate light and air, police protection, vehicle parking and loading berth/space, transportation, water, sewerage, schools, public grounds and other public requirements.
 - 3. To provide individual and mixtures of uses, buildings and/or structures compatible with the character of development or the permitted uses within the specified zone districts.
 - 4. To maintain the stability of residential, commercial, institutional, industrial and open space areas within a framework of development for Etna Borough.
 - 5. To encourage and maintain walkability throughout the community.
 - 6. To protect private-sector and public-sector investments being made to the land and buildings.
 - 7. To promote and to foster the community development goals and objectives, including quality infill, redevelopment and/or adaptive reuse, as identified in the Etna-Millvale-Sharpsburg Multi-Municipal Comprehensive Plan, as amended.

§104. Interpretation.

- A. In applying this Ordinance, it serves as the minimum requirements for promotion of health, safety, morals, and general welfare of Etna Borough. If this Ordinance imposes more stringent restrictions upon the use of buildings, structures and land than contained in applicable deeds or agreements, the requirements of this Ordinance supersede.

§105. Application.

- A. The provisions of this Ordinance shall apply uniformly to all buildings, structures, uses, signs and land areas. The requirements of this Ordinance are not applicable to temporary uses permitted by and/or conducted by Etna Borough or its authorized municipal authorities.

§106. Abrogation.

- A. It is not intended by this Ordinance to interfere with any other existing ordinance or with any rule Etna Borough in current effect. If this Ordinance imposes greater restrictions upon the use of buildings or land, then the provisions of this Ordinance will supersede.

§107. Repealer.

- A. Nothing in this Ordinance is construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance.
- B. In accordance with the information presented on the Signature Page of this Zoning Ordinance, for the purposes of any proposed development or zoning-related application or activity within the Borough of Etna occurring on or following the date of adoption this document, this Zoning Ordinance shall be in effect. All other previous Zoning Ordinance documents adopted by Etna Borough shall be considered repealed.

§108. Severability.

- A. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Ordinance invalid.

§109. Police Powers.

- A. The Borough, by granting any permit or taking any other action pursuant to this Ordinance, does not waive, reduce, lessen or impair the lawful police powers vested in the Borough under applicable federal, state and local laws and regulations.

Article II: Form and Function

§201. Zoning Map.

- A. The Zoning Map is composed of a series of zoning districts. The boundaries between zoning districts are, unless otherwise indicated, either the centerlines of streets, alleys, rights-of-way, lot lines, railroads, rivers or such lines extended.
- B. The water surface and the land under the water surface of all waterways not otherwise zoned are placed in the same zoning district as the land which it abuts as shown on the Zoning Map. Where the Zoning Districts shown on the Zoning Map are different on opposite sides of the water area, then the Zoning District on each side extends to the center line or midpoint of the water area.
- C. Where Zoning District boundaries are not clearly fixed by the above methods, they will be determined by the use of the scale of the Zoning Map.
- D. Where a street or alley shown on the Zoning Map is officially vacated by replatting or otherwise, the land formerly in such street or alley right-of-way is included within the zoning district of adjoining lot(s) on either side of the vacated street or alley. Where the street or alley was a district boundary between two (2) or more different zoning districts, the district boundary is the former centerline of the vacated street or alley.
- E. When there is disagreement on the location of Zoning District boundaries, the Zoning Hearing Board will decide, as the Board has the power and duty of interpreting the intent of the Zoning Map in accordance with the spirit and purpose of the Zoning Ordinance of Etna Borough.
- F. Records of all Zoning Map amendments are located on file in Etna Borough's Municipal Building Administrative Office.
- G. Etna Borough is divided into Zoning Districts as shown on the Zoning Map of Etna Borough which is referred to as the Official Zoning Map, together with all explanations on it, is adopted by reference and declared to be a part of this Ordinance.
- H. The Zoning Map of Etna Borough is identified by the signature of the President of the Borough Council, attested by the Borough Manager/Borough Secretary and bears the seal of Etna Borough under the following words: "This is to certify that this is the Zoning Map of Etna Borough, Allegheny County, Pennsylvania," together with the date of adoption of this Ordinance.
- I. No changes of any nature are made in the Official Zoning Map except in conformity with the procedures set forth in this Ordinance. Any unauthorized change will be considered a violation of this Ordinance.
- J. The Official Zoning Map, located in Etna Borough's Municipal Building Administrative Office, is the final authority as to the current zoning status in Etna Borough.
- K. Any amendments, legally adopted to change any zoning district boundaries of the Zoning Map, are to be noted on the map by Ordinance number and date of adoption of the amendment.
- L. Borough Council may by Ordinance update the parcel lines as available from Allegheny County on the Zoning Map, noting the applicable date and source on the map.

§202. Zoning Districts and Land Uses.

A. Table 1 identifies which land uses are permissible in each of the Borough’s Zoning Districts. After locating the Zoning District in which the lot is located, use the listing of uses described in the table below to determine what uses are permissible by right, by conditional use and as a use by special exception. If no letter denotation exists, the use is not permissible in that Zoning District. In accordance with Article VIII-A of the Pennsylvania Municipalities Planning Code (MPC), the Borough shares some land uses with Millvale and Sharpsburg Boroughs. See the Zoning Ordinances of Millvale Borough and/or Sharpsburg Borough for any land use and corresponding definition that is not noted as permissible in any Zoning District of Etna Borough.

Primary District Character

- R 1: Lower to medium density residential uses
- R 2: Moderate to higher density residential uses
- C 1: Locally-oriented retail, office and support business uses in a traditional Downtown setting
- C 2: Locally and regionally-oriented businesses servicing a variety of non-residential activities
- I: Industrial and supporting non-residential geared uses servicing local and regional needs.
- RO: District that promotes local and regionally geared civic spaces and additional redevelopment opportunities generally along the Allegheny River.

Table 1: Principal Land Uses
 R= Use by Right; C = Conditional; S = Use by Special Exception

		Land Use	Zoning District					
			R1	R2	C1	C2	I	RO
Residential Uses	1	Single-Family Dwelling	R	R	C	C		C
	2	Two-Family Dwelling	R	R	C	C		C
	3	Townhouse	R	R	C	C		C
	4	Apartment		R	R	R		C
	5	Mobile Home Park						
	6	Hi-Rise Residential	C	C	C			
	7	Boarding House						
	8	Group Care Facility						
	9	Personal Care Boarding Home						
	10	All Other Residential Uses				C		

R= Use by Right; C = Conditional; S = Use by Special Exception

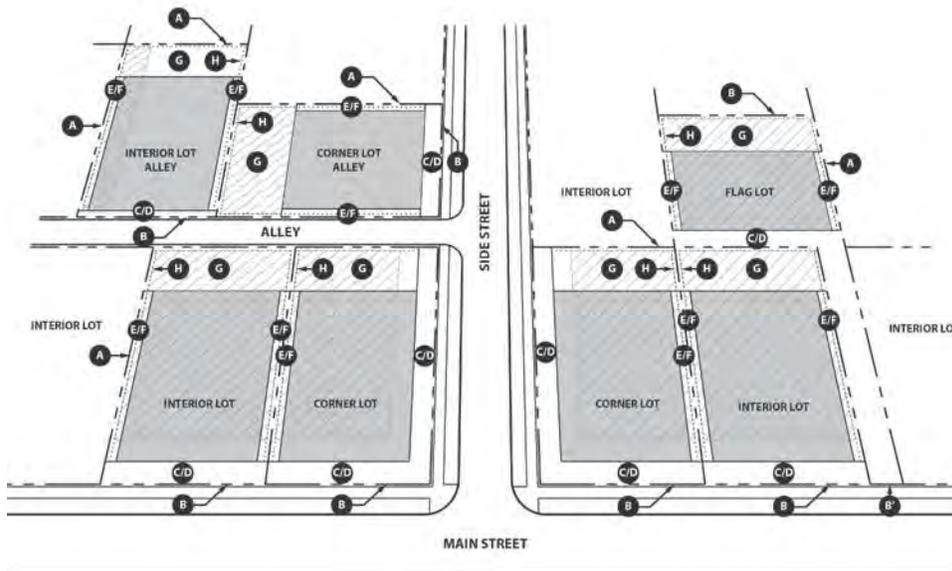
Land Use		Zoning District						
		R1	R2	C1	C2	I	RO	
Non-Residential Uses	1	Amusement Arcade						
	2	Animal Hospital			C	C		
	3	All Other Non-Residential Uses						
	4	Artisan Workspace/Sales	C	C	C	C	R	
	5	Auto Sales/Service and Repair				R	R	
	6	Auto Wrecking/Vehicle Salvage Yard						
	7	Bakery/Confectionery			R	R		
	8	Banks and Financial Institutions			R			
	9	Bed and Breakfast	C	C	C	C		
	10	Brewery/Brew Pub/Tap Room			C	C	C	
	11	Building Material Yards or Establishments					R	
	12	Clinic, Large-scale						
	13	Clinic, Small-scale				C		
	14	Club/Lodge	C	C	C	C		
	15	Community Center			R	R		
	16	Convenience Store			R	R		
	17	Day Care Facility	C	C	R	R		
	18	Day Care Home	R	R				
	19	Emergency Services			R			
	20	Essential Services	R	R	R	R		
	21	Forestry	R	R	R	R	R	
	22	Fuel/Service Stations				R		
	23	Funeral Home			R	C		
	24	Grocery Store/Butcher Shop/Green Grocer			R			
	25	Health/Fitness Club			R	R		
	26	Home Based Business, No Impact	R	R	R	R	R	
	27	Home Occupation	C	C	C	C		
	28	Hospital						
	29	Hotel/Motel				C		
	30	Laundromat			R	R		
	31	Laundry and/or Dry Cleaning Plant						
	32	Library	R	R	R	R	R	
	33	Light manufacturing					R	C
	34	Livery				C	C	
	35	Manufacturing, Processing, Producing OR Fabricating Operation					R	

R= Use by Right; C = Conditional; S = Use by Special Exception

	Land Use	Zoning District					
		R1	R2	C1	C2	I	RO
36	Marina, Docks, Portals for Water Access					R	C
37	Medical Office			C	R	R	
38	Mixed Non-residential/Residential			R	R		
39	Municipal Building	R	R	R	R	R	
40	Non-Commercial Greenhouse	R	R	R	R	R	
41	Parking Lot or Facility, Public			R	R	R	
42	Parking Lot, Private	C	C				
43	Personal and Professional Services			R	R	R	
44	Pharmacy			R			
45	Place of Assembly/Worship	C	C	C	C		
46	Planned Mixed Use Development						
47	Printing, Publications, and Engraving Plants						
48	Professional and Business Offices		R	R	R	R	
49	Public Park, Recreation Area, Playground	R	R	R	R	R	C
50	Public Utility Building				C	C	
51	Research and Development Establishment			C	C	C	
52	Restaurant, Sit down			R	R		
53	Restaurant, Take-out			R	R		
54	Retail, Small-Scale			R	R		
55	Riverboat Gambling			R	R		
56	School, Academic	R	R	R	R	R	
57	School, Commercial/Other					R	
58	Scrap Yard						
59	Sewage Treatment Facility						
60	Sexually Oriented Business						
61	Storage Building for Retail on premise			C			
62	Storage Firm					R	
63	Tattoo Shop			R	R		
64	Terminal Facility					R	
65	Tower, Non-Communication					R	
66	Theater			R			
67	Warehouse					R	
68	Wholesale Business					R	

§203. Lot Dimension and Building Type Standards

A. Typical Lot Configuration



B. Dimensional Criteria per Street Type and Lot Type (Code)

Code		Street Type								
		S1	S2	S3	S4	S5	S6	S7		
		Arterial	Collector	Local	Alley	Way	Lane	No Outlet		
A	Depth (Min. Feet)	100'	100'	100'	100'	100'	100'	100'		
B	Front Lot Line Width (Min. Feet)	35'	20'	25'	25'	25'	25'	25'		
-	Building Height (Max. Feet.)	50'	50'	50'	40'	50'	40'	40'		
C	Principal Structure Setbacks	Front	Min.			0'	0'	0'		
D		Max.	0' - Butler Street; Avg. of adjacent lots - All others			Avg. of adjacent lots				
F	Principal Structure Setbacks	Side	Min.	2'	0'	0'	2'	2'	2'	0'
E		Max.	NA	NA	NA	NA	NA	NA	NA	
F	Principal Structure Setbacks	Rear	Min.	10'	25'	25'	25'	25'	25'	25'
G		Parking Setback	Front	NA	NA	NA	5'	5'	5'	NA
			Side	5'	5'	5'	5'	5'	5'	5'
	Rear		15	15	15	15	15	15	15	
	Fences on Side Yard		0'	0'	0'	0'	0'	0'	0'	

* Accessory Structure height shall be limited to 1 ½ stories to a maximum of 20'; accessory structures shall be located no closer than 5' from any side lot line (denoted as letter H in above diagram) and 5' from any lot line on an Alley, Way and/or Lane; See also §204.E.1.b.v. No accessory building/structure, carport, parking pad or parking area will be permitted to be constructed unless there is at least 10' distance from the outer edge of the said carport, parking pad or parking area to a building or structure of the abutting lot.

C. Building and Street Type Schedule

Building Typologies		Street Type						
Building Character Example	Building Type	S1	S2	S3	S4	S5	S6	S7
		Arterial	Collector	Local	Alley	Way	Lane	No Outlet
	B1 Single	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded
	B2 Twin	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded
	B3 Row	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded
	B4 Modular							Shaded
	B5 Apartment/ Flat				Shaded	Shaded		Shaded
	B6 Shop	Shaded	Shaded	Shaded	Shaded			
	B7 Business SS	Shaded	Shaded		Shaded			
	B8 Business MS	Shaded	Shaded	Shaded	Shaded	Shaded		
	B9 Civic	Shaded	Shaded	Shaded	Shaded	Shaded		
	B10 Outbuilding A				Shaded			Shaded
	B11 Outbuilding B						Shaded	Shaded

 = Permitted building type on applicable street type

SS= Single Story

MS=Multi-Story

§204. General Application Types/Submission Items.

Land Use applications to the Borough shall, at a minimum, contain:

- A. Residential land use applications
 - 1. Application Form
 - 2. Site Plan with utilities
- B. Non-residential land use applications
 - 1. Application Form
 - 2. Building Elevation (at street)
 - 3. Parcel map
 - 4. Site Plan with utilities
 - 5. Cross-section front yard to rear yard
 - 6. Copies of Highway Occupancy Permit, National Pollutant Discharge Elimination System submissions, as well as Department of Environmental Protection and Municipal Authority Application submissions
- C. Applications for land within the Riverfront Overlay shall follow a 2-step process.

- Step 1: Development Overview
In accordance with the Borough Application Form for Land within the Riverfront Overlay, the Development Overview shall present the overall proposed development, relationship(s) of land uses, the scale, quantity and density of development, generally anticipated phasing and vehicular/pedestrian circulation.
- Step 2: Immediate Phase-specific Plan
Following Borough Planning Commission review and recommendation associated with the Development Overview; the Immediate Phase-specific Plan shall present the portion(s) of development that is proposed for Borough Planning Commission review and Borough Council approval.

- D. Applications for Land within the Design Overlay as submitted for Borough Staff review.
 - 1. Application Form and Site Plan Package
 - 2. Design Overlay Checklist.

To uphold the intent of the community planning and development objectives and policies, these Design Standards are intended to apply to all development in the C1 District including those proposed as part of building permit.

- 3. Application Review and Approval Process.
 - a. These standards apply to the formal review of proposed development within the Design Overlay. The application review process is triggered for any Applicant seeking new

construction or exterior changes or alteration to an existing building. Conformance with the Design overlay standards may be reviewed concurrently with *Development, Change of Land Use or Building Permit* application.

- b. Any application identifying a proposed request for modification to these standards shall be subject to Borough Planning Commission review and recommendation. Borough Council reserves the right to grant modifications to these standards based upon findings from application review and subsequent Planning Commission recommendation.
4. The purpose of these standards is to provide regulations and written and graphic standards to:
- a. Implement the Borough's Comprehensive Plan and related planning documents.
 - b. Create standards that are sensitive to the context of the Borough and architectural character of the community's traditional neighborhoods and downtown.
 - c. Address the legislative intent of each design standard within this Article.
 - d. Promote general consistency of the built environment within the Borough. Buildings play a critical role in defining and activating streets which in turn define the Neighborhood Development Overlay area.
5. Overall intent for general consistency.
- a. Borough Intent.
 - i. These standards are enabled by Section 708-A of the MPC, titled "Manual of Written and Graphic Design Guidelines."
 - ii. The sense of place within the neighborhood is intended to create a more functional and attractive outcome for the quality of life in the Borough.
 - iii. Images provided are intended to represent general applications of design or preferred examples, not specific details to specific sites.
 - b. Standards.
 - i. Planning, design, construction and maintenance of new and/or redeveloped buildings, structures, public realm, landscapes and hardscapes are to be generally consistent with this Article.

E. Criteria

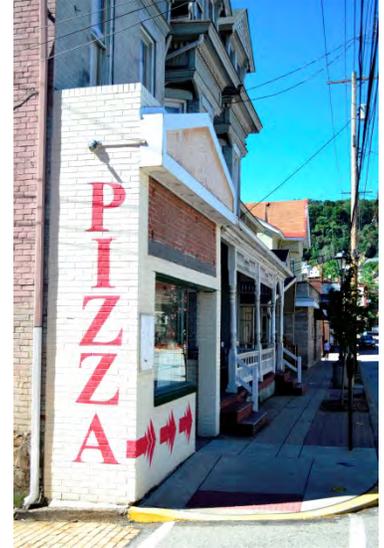
1. Building Location (Build-to Line)

a. Objective.

- i. Buildings are intended to be located close to sidewalks, with parking located in the rear and/or side.
- ii. Traditional development in the Borough's downtown is intended to form a continuous street wall along all streets.

b. Standards.

- i. Buildings shall be located on a build-to line adjoining the sidewalk.
- ii. New buildings on a block shall be located in alignment with existing buildings
- iii. For a lot with a front lot line of thirty (30) feet or greater in width, a maximum of 25% of the front face of the building may be set back a maximum of 3 feet from the front line of the building.
- iv. Buildings shall be located to anchor street corners, except where a Borough open space may be located.
- v. No accessory structure, utilities or dumpsters shall be located between the front line of a building and the front lot line.



2. Building Size and Types.

a. Objective.

- i. Smaller footprint mixed-use buildings are intended to predominate the building stock found in the Overlay area.
- ii. Maintain a diversity of building types based on the character of the Overlay area and adjoining neighborhoods.

b. Standards.

- i. New buildings shall be designed to be compatible in size with the predominate size of buildings on the same block.
- ii. Vertical mixed-use buildings shall be maintained and created in the Overlay area.



3. Building Height.

a. Objective.

- i. Redeveloped and infill buildings are intended to reflect the predominate height pattern of established development within the Overlay.
- ii. New buildings shall be at least two stories.

b. Standards.

- i. The minimum height of principal buildings in the Overlay shall be 20 feet.
- ii. The maximum height of buildings shall be 50 feet unless otherwise defined by this Ordinance.
- iii. Additional height is encouraged at gateway and corner locations for architectural features, such as designated entrances.



4. Building Frontage.

a. Objective.

- i. Building configuration must reinforce the urban character of the Borough.
- ii. Buildings must be designed to reinforce public streets and open spaces.
- iii. Facade composition helps establish the visual interest of a building and determine how it blends in with its surroundings.

b. Standards.

- i. Primary entrances of buildings must be located on public streets or open spaces and must be easily identifiable; buildings must not be oriented to front on parking or service areas.
- ii. A minimum of 60% of the square footage of the facade adjacent to the right-of-way on the ground floor shall be window surface area. On each story above the ground floor, the facade of said story shall have a transparency of at least 35% of the gross square footage of said facade.
- iii. No more than 30% of the window surface area for the ground floor facade shall be blocked by interior fixtures, opaque surfaces and/or signs unless such a fixture is used for the display of merchandise visible to patrons from the street.



5. Building Massing.

a. Objective.

- i. Vertically proportioned buildings are to predominate neighborhood development.

b. Standards.

- i. Buildings are to be taller than they are wide or have a façade design that emphasizes vertical proportions.
- ii. Building massing should reflect human-scaled elements.
- iii. Any new or redeveloped existing building visible from the public right-of-way shall contain a minimum of two stories from grade. Each story shall be capable of occupancy by a use as permitted within the underlying Zoning District/Overlay.



6. Building Materials

a. Objective.

- i. Common architectural language is encouraged.
- ii. Building materials must reinforce the sustainable attitudes the Borough upholds.

b. Standards.

- i. Building facades visible from Borough streets should use durable, high quality materials with brick and finished wood preferred. Masonry, stone and terra cotta along with detailing are acceptable secondary materials.
- ii. The following materials are prohibited on all facades visible from public streets: particle board, plywoods and plastic sheathing; asphalt and fiberglass shingles as siding, vinyl siding, mirrored glass, industrial metal panels, concrete masonry units including prefinished types, exposed aggregate pre-cast concrete block, exterior finish insulation systems and simulated brick.
- iii. Use of the following materials is discouraged: vinyl siding, wood roof shingles, split-faced concrete, reflective glass and imitation stone.
- iv. Roofscapes must be considered as important aspects of building design, as they are visible from the higher elevations of surrounding communities and Route 28. Roofing materials must be selected to be visually pleasing. Arrangement of mechanical equipment must be orderly and either screened or painted.



7. Lighting

a. Objective.

- i. Lighting must create a safe, attractive nighttime environment
- ii. Lighting must express a hierarchy of pedestrian and vehicular zones.



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- iii. Lighting must define building entrances as well as highlight architectural and landscaping features.
 - iv. Lighting must provide the required functional lighting for safety and clarity of movement.
 - v. Lighting must minimize negative impacts such as high illumination levels, distracting glare and spillover into surrounding areas.
- b. Standards.
- i. Building illumination – Illumination must be indirect (no light source visible). Indirect wall lighting, overhead downlighting or interior illumination which spills outside is encouraged.
 - ii. Building entrance and architectural features should be clearly highlighted and defined.
 - iii. Parking areas should be well lit and accented to provide a safe environment. Fixtures should be selected to minimize distracting glare and hazardous interference of any kind while complementing the scale of surrounding buildings.
 - iv. Open Spaces - Maximum pole height of 14' should be used.
- F. Building Permit Form. On file at the Etna Borough Municipal Building Administrative Offices.

Article III: Conditional Uses

§301. Procedure for Approval.

- A. In evaluating an application for a special exception use, the Borough shall apply the guidelines and procedures set forth in the MPC.
- B. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this or any other ordinance should contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- C. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision, or where no decision is called for, the findings, shall be delivered to the Applicant personally or mailed to him no later than the day following its date.
- D. The Borough Council shall not evaluate a conditional use application unless and until:
 - 1. A written application for conditional use approval is submitted to the Borough Zoning Officer no less than ten (10) working days prior to the regular meeting of the Borough Planning Commission. The application shall indicate the section of this Ordinance under which conditional use approval is sought and shall state the grounds upon which it is requested. The Borough Zoning Officer shall determine the completeness of the application and either accept the application as complete and properly filed or return the application to the Applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice, which cites the specific requirements of this Ordinance, which have not been met, shall be sent to the Applicant. The application shall include the following:
 - (a) A Development Plan.
 - (b) A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 - (c) A map showing and identifying all lots within two hundred (200) feet of the lot for which conditional use approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Allegheny County.
 - (d) A traffic impact analysis, if required by the Allegheny County Subdivision & Land Development Ordinance or by the requirements of this Article.
 - (e) Application fee as required.
 - 2. A written recommendation is received from the Borough Planning Commission.
 - 3. A public hearing is held by the Borough Council pursuant to public notice.
- E. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as it may seem necessary to implement the purposes of the MPC and this Ordinance.

§302. *Expiration of Conditional Use Approval.*

- A. Conditional use approval shall expire automatically without written notice to the Applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of said approval, unless the Borough Council, in their sole discretion, extends conditional use approval upon written request of the Applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve- (12) month extension.

§303. *Expiration of Conditional Use Approval Granted Prior to Effective Date of this Ordinance.*

- A. Conditional use approval granted prior to the effective date of this Ordinance shall expire automatically without written notice to the Applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of the effective date of this Ordinance or as specified in the approval, unless the Borough Council, in their sole discretion, extends conditional use approval upon written request of the Applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve- (12) month extension.

§304. *General Standards and Criteria.*

- A. Before approving a conditional use application, the Borough Council shall determine that the proposed use will not alter the established character and use of the neighborhood or district in which it is located, and that it will not substantially impair the use or development of adjacent properties. The Borough Council shall use the following general standards, among other things, in its evaluation. These standards shall be in addition to any other requirements in this Ordinance for a specific type of use or development.
 - 1. The proposed use complies with all applicable provisions and requirements for that type of use contained in this Ordinance, unless a variance to any provision has been granted by the Zoning Hearing Board, and with other applicable Borough, County and Commonwealth and Federal ordinances, laws and regulations. The proposed use shall obtain applicable permits, licenses, and approvals from the Borough, Allegheny County, Pennsylvania and Federal agencies before final approval of the conditional use application shall be granted.
 - 2. The proposed use is compatible with the surrounding land uses. It does not have a negative impact on the existing neighborhood or development in terms of air and water quality, noise, illumination and glare, restrictions to natural light and air circulation or other hazardous conditions that could endanger surrounding residents or impair the use of surrounding properties.
 - 3. The proposed site for the conditional use is suitable in terms of topography and soil conditions and size, based on number of projected users and the frequency of use of the proposed use.
 - 4. The proposed use and site provides for safe, adequate vehicular and pedestrian access. It has access from a street capable of handling the traffic generated by the proposed use, and it will not result in undue traffic congestion and hazardous conditions on adjacent streets. The use provides for safe, efficient internal circulation and sufficient off-street parking and loading.
 - 5. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, storm drainage, solid and toxic waste storage and disposal.

- 6. The proposed use provides screening or buffer areas as required by this Ordinance.
- 7. The proposed use/development conforms to the scale, character and exterior appearance of existing structures and uses in the neighborhood in which it is located.

§305. Standards for Specific Uses.

In addition to the general standards and criteria for conditional uses listed in the sections above, an application for any of the following uses which are listed in any Zoning District as a conditional use shall comply with the following applicable standards and criteria.

- A. Single-Family Dwelling.
 - 1. Parking shall be provided on the same lot upon which the dwelling unit is located.
- B. Two-Family Dwelling.
 - 1. Parking shall be provided on the same lot upon which the dwelling unit is located.
- C. Townhouse.
 - 1. All open space associated with the development of townhouse dwellings shall be accessible to the public.
 - 2. Parking shall be provided on the same lot upon which the dwelling unit is located and be no more than three hundred (300) feet from any one unit.
 - 3. In order to ensure that any proposed development does not create adverse conditions to the public road right-of-way, a traffic impact study, in accordance with Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hour volumes and the traffic movements produced by such development. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
- D. Apartment.
 - 1. All open space associated with the development of apartment dwellings shall be accessible to the public.
 - 2. Parking shall be provided on the same lot upon which the dwelling unit is located and be no more than three hundred (300) feet from any one unit.
 - 3. In order to ensure that any proposed development does not create adverse conditions to the public road right-of-way, a traffic impact study, in accordance with Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hour volumes and the traffic movements produced by such development. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

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- E. Hi-Rise Residential.
1. Parking shall be provided on the same lot upon which the dwelling unit is located and be no more than three hundred (300) feet from any one unit.
 2. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, stone block or permeable paving material (not including gravel surface, aggregate or the like).
 3. The means of a building's ingress and egress shall meet requirements as outlined in the Borough's Building Code.
 4. A twelve-foot (12') wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
 5. The maximum number of units per building shall not exceed thirty-six (36).
 6. The primary vehicular entrance to a hi-rise residential development shall, at a minimum, have direct access to a collector road.
 7. Maximum height of lighting for outdoor parking areas and roadways shall be twenty-five (25) feet.
 8. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
 9. Bufferyards between a hi-rise residential development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the Borough's required bufferyard width. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the Borough Planning Commission.
 10. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
 11. If the parking area for a hi-rise residential development is adjacent to a single-family residential lot and demands greater than ten (10) automobiles, the following shall apply:
 - (a) An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.
 - (b) One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas; or
 - (c) A mound, a minimum of three and one-half (3.5) feet in height at its peak, shall be constructed whereas the sides do not exceed a four-foot horizontal to one-foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest but shall not include turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.
 12. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 80%.
 13. The design and size of the hi-rise residential conforms to all applicable state and Borough standards/codes.

F. All Other Residential Uses.

1. Parking shall be provided on the same lot upon which the dwelling unit is located and be no more than three hundred (300) feet from any one unit.
2. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, stone block or permeable paving material (not including gravel surface, aggregate or the like).
3. The means of a building's ingress and egress shall meet requirements as outlined in the Borough's Building Code.
4. A twelve-foot (12') wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
5. The maximum number of units per building shall not exceed eighteen (18).
6. The primary vehicular entrance to the residential development shall, at a minimum, have direct access to a collector road.
7. Maximum height of lighting for outdoor parking areas and roadways shall be twenty-five (25) feet.
8. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
9. Bufferyards between the residential development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the Borough's required bufferyard width.
10. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the Borough Planning Commission.
11. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
12. If the parking area for the residential development is adjacent to a single-family residential lot and demands greater than ten (10) automobiles, the following shall apply:
 - (a) An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.
 - (b) One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas; or
 - (c) A mound, a minimum of three and one-half (3.5) feet in height at its peak, shall be constructed whereas the sides do not exceed a four-foot horizontal to one-foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest but shall not include turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.
13. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 80%.

14. The design and size of the residential use's living quarters shall conform to all applicable state and Borough standards/codes.

15. For any proposed use that will occupy an existing residential structure, exterior modifications shall be limited to occur in only rear and side as part of said reuse.

G. Animal Hospital.

1. No outdoor pens shall be constructed or provided.
2. Overnight boarding of animals is prohibited unless necessary for medical or surgical reasons in conjunction with on-site treatment.
3. Noise shall not exceed the levels outlined as acceptable within the performance standards of this Ordinance.

H. Artisan Workplace/Sales

1. Non-residential Districts

- a. A listing of products which contain toxic and/or explosive materials shall be kept on record at all times.
- b. As regulated by the Ordinance's Performance Standards, no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- c. Under no circumstances shall an artisan workplace/sales be interpreted to permit a commercial stable or a dog kennel, automobile sales, small engine repair shop, donut shop, or any occupation where the principal activity involves sales offered across the counter.
- d. If said land use is within the C1 zoning district, sound proofing shall be constructed on any wall that are shared with adjacent land uses.
- e. A delivery and storage plan shall be submitted: the plan shall be subject to borough review and approval in order to minimize potential conflicts associated with circulation of surrounding uses.

2. Residential Districts

- a. There shall be no exterior display or sign (except as permitted in the regulation of signs in this Ordinance), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building. In order to minimize conflict with surrounding residential neighborhood activity, an artisan workplace/sales area shall occupy a structure which is residential in character.
- b. As regulated by the Ordinance's Performance Standards, no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- c. Under no circumstances shall an artisan workplace/sales be interpreted to permit a commercial stable or a dog kennel, automobile sales, small engine repair shop, donut shop, or any occupation where the principal activity involves sales offered across the counter.

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- d. Sound proofing shall be constructed on any wall that are shared with adjacent land uses. A delivery and storage plan shall be submitted: the plan shall be subject to borough review and approval in order to minimize potential conflicts associated with circulation of surrounding uses.
- I. Bed and Breakfast
 1. The operator of the Bed and Breakfast must be the owner of the business and shall reside on the premises.
 2. Meals shall only be served to overnight guests of the Bed and Breakfast.
 3. Guests shall be limited to a maximum length of stay of fourteen (14) consecutive days in any thirty (30) day period.
 4. No more than five (5) guest sleeping rooms shall be available and/or utilized at any one time for the transient guests. Each guestroom may provide lodging for up to two (2) individuals, unless children under the age of sixteen (16) years are accompanying the guest. In no instance shall the total number of guests in the Bed and Breakfast exceed fourteen (14) people.
 5. There shall be only one (1) lodging house located on the lot.
 6. The lot shall meet all area and bulk regulations of the district in which it is located.
 7. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of this Ordinance.
 8. No more than one (1) identification sign shall be permitted. The identification sign must conform to Article VI of this Ordinance for the Zoning District in which it exists.
 9. All required parking spaces shall be provided on the lot and shall not be located in the front yard. There shall be one (1) space provided for each room and one (1) space provided for each permanent resident.
 10. The conditional use of a Bed and Breakfast expressly excludes alternative housing for criminal offenders, drug or alcohol rehabilitation, halfway house and similar uses.
 - J. Brewery/Brew Pub/Tap Room
 1. The establishment shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
 2. Such establishment shall not remain open and/or transact business between the hours of 2:00 a.m. and 8:00 a.m., prevailing time of each day. No brewery/brew pub/tap room located within 500 feet of a residence or place of worship shall be open or operated on Sunday.
 3. No more than one (1) identification sign shall be permitted. The identification sign must conform to Article VI of this Ordinance for the Zoning District in which it exists.
 - K. Clinic, Small-Scale
 1. An hours of operation (including deliveries) plan shall be submitted to the Borough as part of the conditional use application.

L. Day Care Facility.

1. A Circulation Plan shall be provided as part of the submitted application.
2. Parking shall be provided on the lot where the land use occurs.
3. A designated drop-off location shall be provided that is free and clear of traffic and circulation within the right-of-way.

M. Club/Lodge

1. The hours of operation must be conspicuously posted at the business premises such that patrons are sufficiently apprised of the same.
2. Such club shall not remain open and/or transact business between the hours of 2:00 a.m. and 8:00 a.m., prevailing time of each day. No club located within 500 feet of a residence or place of worship shall be open or operated on Sunday.

N. Home Occupation.

1. The home occupation shall be carried on wholly within the principal or accessory structures.
2. No more than fifteen percent (15%) of the gross floor area of the principal dwelling and any accessory structures used shall be devoted to the conduct of the home occupation.
3. Articles not produced on the premises shall not be sold on the premises.
4. There shall be no display of merchandise available for sale on the premises; however, merchandise may be stored on the premise for delivery off the premises.
5. Exterior displays or signs other than those permitted in this Ordinance, exterior storage of material and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
6. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of this Ordinance.
7. The use shall not significantly intensify vehicular or pedestrian traffic, which is normal for the residences in the neighborhood.
8. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of a structure.
9. 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.
10. The use shall not cause an increase in the use of water, sewage, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
11. The use shall not cause a negative impact on lot values in the immediate neighborhood.
12. The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises, and commercial vehicles shall not be permitted to be parked on the premises.

13. The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses or uses by special exception, including, but not limited to:

- (a) beauty shops or barber shops containing more than two (2) chairs;
- (b) clinics, hospitals or nursing homes;
- (c) kennels, veterinary offices and clinics;
- (d) mortuaries;
- (e) private clubs;
- (f) private instruction to more than three (3) students at a time;
- (g) restaurants or tearooms;
- (h) stables;
- (i) tourist or boarding homes;
- (j) vehicle or equipment rental, repair or sales;
- (k) vehicle repair garages, as defined by this Ordinance.

14. Day Care Homes other than those defined in this Ordinance shall meet all of the foregoing requirements for a home occupation as well as the following additional requirements:

- (a) Adequate areas for outdoor recreation shall be provided and shall be secured by a fence with self-latching gate.
- (b) A safe area shall be provided for the drop-off and pick up of children which does not obstruct the free flow of traffic on any public street.
- (c) Off-street parking shall be provided in accordance with the requirements of this Ordinance.

O. Hotel/Motel.

- 1. Drop-off/temporary parking areas shall remain free and clear of obstructions for general safety and fire department access.
- 2. Parking shall be located to the side and/or rear of the principal building on the lot
- 3. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- 4. Service of meals and/or beverages (alcoholic/non-alcoholic) must be secondary to the principal use of room or suite rental.
- 5. Secondary eating establishments serving alcoholic beverages or secondary bars or nightclubs must be licensed by the Pennsylvania Liquor Control Board.

6. The owner(s)/operator(s) of a hotel/motel shall be responsible for the conduct and safety of the renters and guests and shall be available to respond to inquiries and promptly quell any disturbances caused by renters or guests.

P. Light Manufacturing.

1. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.
2. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
3. As part of all land development or conversion of an existing building, the landowner and/or developer shall provide a plan for photometrics of the lot.
4. All materials and equipment shall be stored within a completely enclosed building.
5. The use shall comply with all performance standards specified in this Ordinance.
6. 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.
7. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.

Q. Livery.

1. The landowner and/or developer shall be required to prepare and submit a traffic impact analysis of the proposed development. Potential implementation strategies of necessary infrastructure and/or safety improvements shall be identified in response to the analysis findings.

R. Marina, Dock, Portals for Water Access

1. The landowner and/or developer shall be required to prepare and submit a traffic impact analysis of the proposed development. Potential implementation strategies of necessary infrastructure and/or safety improvements shall be identified in response to the analysis findings.
2. A delivery zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

S. Medical Office

1. The landowner and/or developer shall be required to prepare and submit a traffic impact analysis of the proposed development. Potential implementation strategies of necessary infrastructure and/or safety improvements shall be identified in response to the analysis findings.

T. Parking Lot, Private

1. A private parking lot shall be provided for an Institutional use only.

U. Place of Assembly/Worship

1. A place of assembly/worship's primary visitor drop-off and pick-up area shall be located in a

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- manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
2. The landowner and/or developer shall be required to prepare and submit a traffic impact analysis of the proposed development. Potential implementation strategies of necessary infrastructure and/or safety improvements shall be identified in response to the analysis findings.
 3. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Borough Engineer to ensure employee and visitor safety.
 4. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
 5. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
 6. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.
- V. Public Park, Recreation Area, Playground.
1. Such use may only be constructed in association with an institutional or municipal land use.
 2. All lighting shall be shielded from adjacent streets and properties.
 3. Any facility located within two hundred (200) feet of a property line adjoining a residential use or zoning classification shall cease operations at 12:00 Midnight.
- W. Public Utility Building.
1. Unhoused equipment shall be enclosed within a fence constructed of materials present on the majority of adjacent principle structures. Said fence shall be a minimum of six (6) feet in height.
 2. Housed Equipment. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the zoning district in which the facility is located.
 3. The external design of the building shall be to the greatest extent possible in conformity with the design of the majority of buildings on the block, block face and adjacent lots of the subject lot.
- X. Research and Development Establishment.
1. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in this Ordinance.
 2. A research and development facility shall have one (1) point of ingress and egress to a public arterial or collector street.
 3. Hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.

4. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the Borough for record.
- Y. Storage Building for Retail on Premise.
1. The building shall be lit on the interior and exterior for safety.
 2. Primary access to the building shall be designed to ensure that vehicular and pedestrian traffic has access to the right-of-way but does not encumber circulation within the right-of-way.
 3. To maintain continuity of existing Borough development, the retail structure and the storage building shall appear similar and related in character and function.

Article IV: Special Exceptions

§ 401. Granting and Evaluation of Special Exception Uses.

- A. In evaluating an application for a special exception use, the Borough shall apply the guidelines and procedures set forth in the MPC.
- B. The consideration of a special exception use by the Zoning Hearing Board upon review of recommendations by the Planning Commission shall be predicated on the Applicant's submission of a written application containing all of the information required under Subsection C of this section, together with a site plan meeting the requirements of Subsection F of this section.
- C. The written submission shall demonstrate that the development for which the special exception use is sought will meet the primary criteria outlined below:
 1. Will not endanger the public health and safety if located where proposed and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration as regulated by the Borough.
 2. Meets all other requirements of this Ordinance in the zoning district where the use is proposed.
 3. Is in general conformity with the Etna-Millvale-Sharpsburg Multi-Municipal Comprehensive Plan and is attractive and in harmony with the area in which it is proposed.
 4. Is an appropriate use on the proposed lot as a use by special exception.
- D. If defined as part of any special exception approval, said special exception use shall be completed within the identified time frame. Also, the Zoning Hearing Board may grant an extension of time for any completion date if the Applicant or his agent requests such an extension and if good cause for the extension is shown. If, at the end of the identified time frame or extended completion period, the special exception use is not completed, and if no extension has been granted, the approval of the special exception use shall be null and void.
- E. Upon approval of any special exception by the Zoning Hearing Board, any prior approved special exception for the same tract of land shall become null and void.
- F. Information, including the address of the Applicant, the location of the site, a listing of lot owners who shall receive notice of such zoning application, the zoning district and other relevant information as defined by the Borough, shall be submitted.
- G. In proceedings involving a request for a special exception, both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a special exception as set forth in this Ordinance rest upon the Applicant.
- H. The site plan shall show to scale the entire lot to be ultimately developed and shall indicate the location, height, and use of structures, driveways, signs, parking areas and topographical and/or natural features of the lot. An architectural rendering of the structures proposed shall also be submitted.
- I. The Zoning Hearing Board may attach reasonable conditions in order to protect the public's health, safety, and welfare. These reasonable conditions may include but are not limited to increased screening.

- J. Approval of all uses by special exception contained in this Ordinance shall be subject to periodic inspections by the Zoning Officer to ensure compliance with the required conditions of approval. Such periodic inspections shall be conducted annually while the use is conducting active operations.

Article V: Performance Standards and Supplementary Regulations

§501. Performance Standards.

- A. Compliance Required.
 - 1. All uses must comply with the requirements of this Ordinance and the landowner and/or developer must demonstrate that a proposed use can comply with the standards below prior to Etna Borough issuing approval and operation commencing on the lot. Compliance must be determined by the Zoning Officer with respect to permitted uses, by the Zoning Hearing Board with respect to special exceptions, and by the Borough Council with respect to conditional uses.

In order to determine whether a proposed use will conform to the requirements of this Article, Etna Borough may obtain a qualified consultant's report, whose cost for services will be borne by the Applicant.
 - 2. All uses that require new facilities or expansion of existing facilities, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, will obtain such approval as required by the agency providing such service prior to project approval. No availability of essential services is permitted to be grounds for denying permits for additional development until such services are available. Etna Borough is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services will be by and at the cost of the landowner and/or developer, unless Etna Borough agrees otherwise.

All service extensions are to be designed and installed in full conformance with Etna Borough's standards for such service, and be subject to review, permit and inspection as required by other policies or ordinances of Etna Borough.
- B. Fire Protection. Fire protection and fire-fighting equipment, procedures and safety protocols acceptable to the National Fire Protection Association must be readily available and followed where there is any activity involving the handling or storage of flammable or explosive material.
- C. Radioactivity; Electrical Disturbances. Unless otherwise permitted by Etna Borough for medical purposes, no activity can emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.
- D. Noise. The sound level of any use within this District may not exceed, at any point along the boundary of the lot on which the use is to be undertaken, Federal standards or recommended decibel levels in the designated octave bands, except for emergency alarm systems. Sound levels can be projected in accordance with similar or identical operations or uses and be measured with a sound level meter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association. Measurements must be made using the same measuring system which may now or hereafter be utilized by the United States Government for this purpose.
- E. Vibrations. Except temporary vibration resulting from construction activity, vibrations detectable without instruments on any adjacent lot in any Zone will be prohibited.
- F. Dust, Fumes, Vapor, and Gas Control. The emission of dust, dirt, flash, fumes, vapors, or gases which cause any damage to human health, animals, vegetation, or other forms of property, or which can cause soiling or staining of persons or property at any point beyond the lot line of the use creating such emission is hereby prohibited. No emission of liquid or solid particulate from any chimney or stack or otherwise can exceed .03 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. Identical processes or facilities may be compared to determine compliance with this subsection. For measurement for the amount of particles discharged as stated

above, measurement procedures will follow those employed by the Pennsylvania Department of Environmental Protection for similar or identical measurements.

§502. *Supplementary Regulations.*

- A. Drainage Facilities and Floodplains. The provisions of Borough Ordinance 1320 related to stormwater and Borough Ordinance 1353 related to floodplains are applicable to matters of zoning within the Borough.

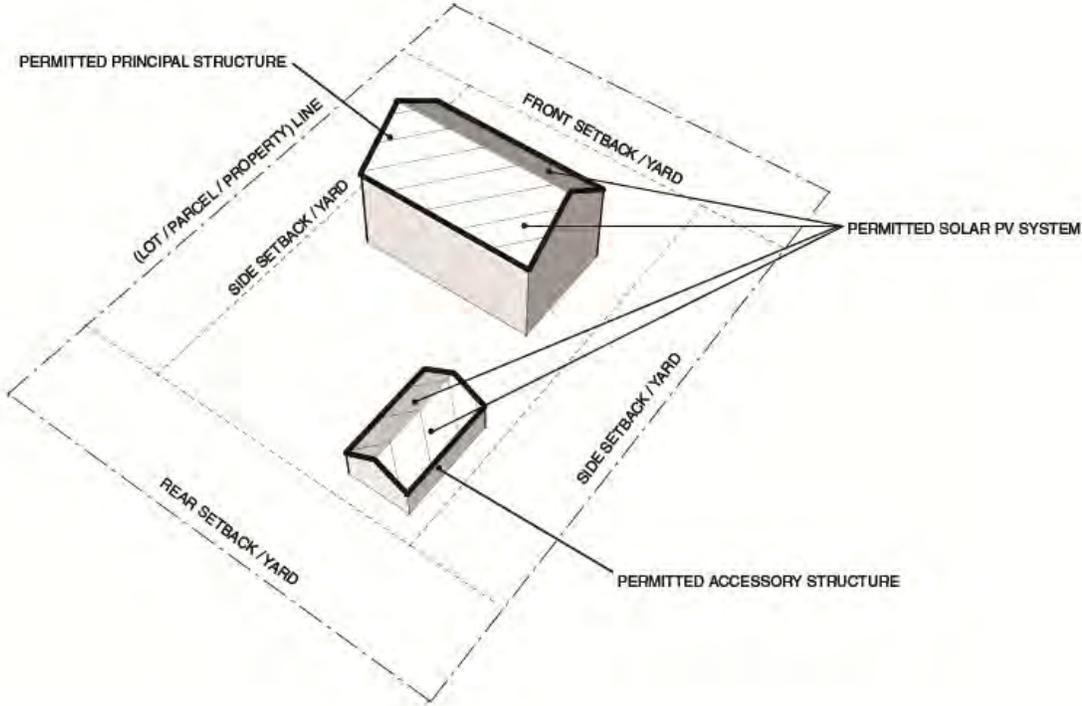
- B. Solar Collectors and Solar-Related Equipment.
 - 1. Purpose. It is the purpose of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and lots. This Section seeks to:
 - a. Provide lot owners and business owners/operators with flexibility in satisfying their on-site energy needs.
 - b. Reduce overall energy demands within the community and to promote energy efficiency.
 - c. Integrate alternative energy systems seamlessly into the community's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.

 - 2. Applicability.
 - a. This Section applies to building-mounted and ground-mounted systems installed and constructed after the effective date of the Ordinance.
 - b. Solar PV systems constructed prior to the effective date of this Section are not required to meet the requirements of this Ordinance.
 - c. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of this Ordinance.

 - 3. Permitted Zoning Districts.
 - a. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper permit and upon compliance with all requirements of this Section and as elsewhere specified in this Ordinance.
 - b. Building-integrated systems are not considered an accessory use and are not subject to the requirements of this Ordinance.

 - 4. Location Within a Lot.
 - a. Building-mounted systems are permitted to face any rear, side and front yard or any unregulated yard area. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
 - b. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

**PERMITTED LOCATION: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC**



5. Design and Installation Standards.

- a. The solar PV system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
- b. All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania. For ground-mounted systems, all exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit.
- c. The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the Commonwealth of Pennsylvania.

6. Setback Requirements.

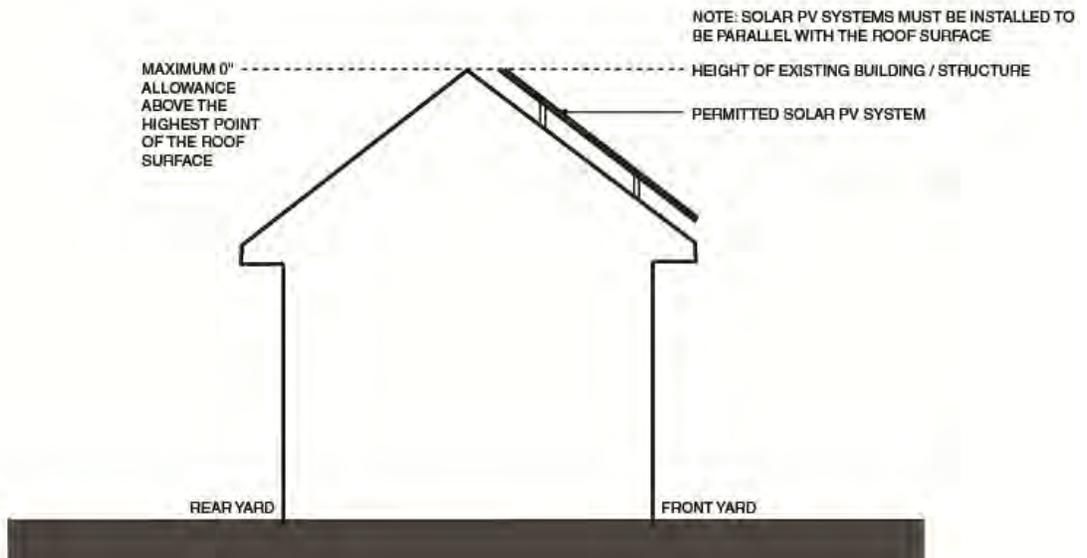
- a. Ground-mounted systems. Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.

7. Height Restrictions.

a. Notwithstanding the height limitations of the zoning district:

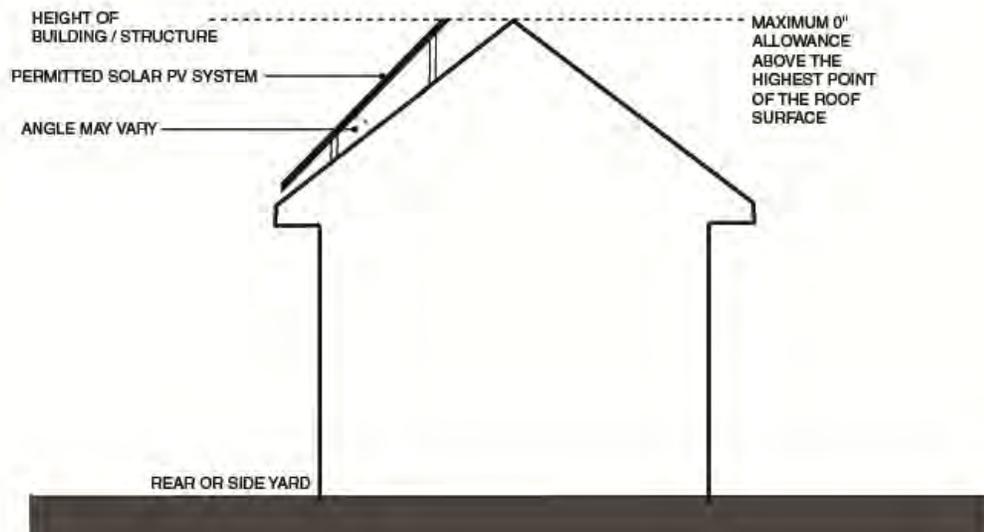
- i. For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge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

HEIGHT RESTRICTION, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



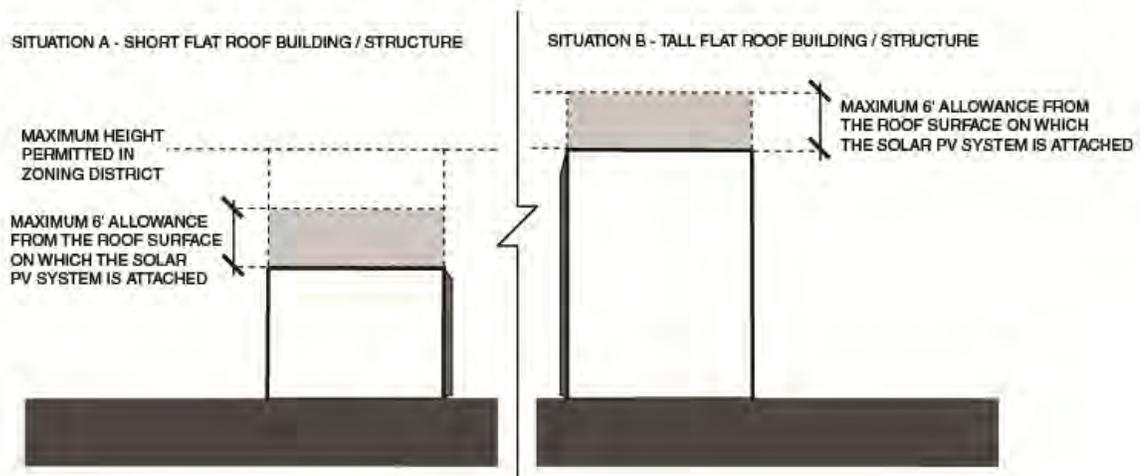
- ii. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

HEIGHT RESTRICTION, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



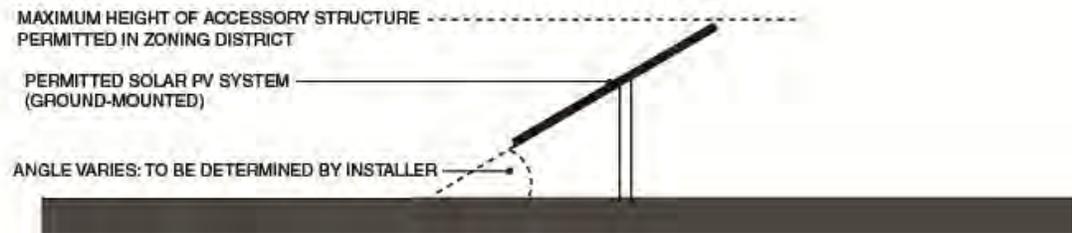
- b. Notwithstanding the height limitations of the zoning district:
 - i. For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.

HEIGHT RESTRICTION, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ISOMETRIC



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

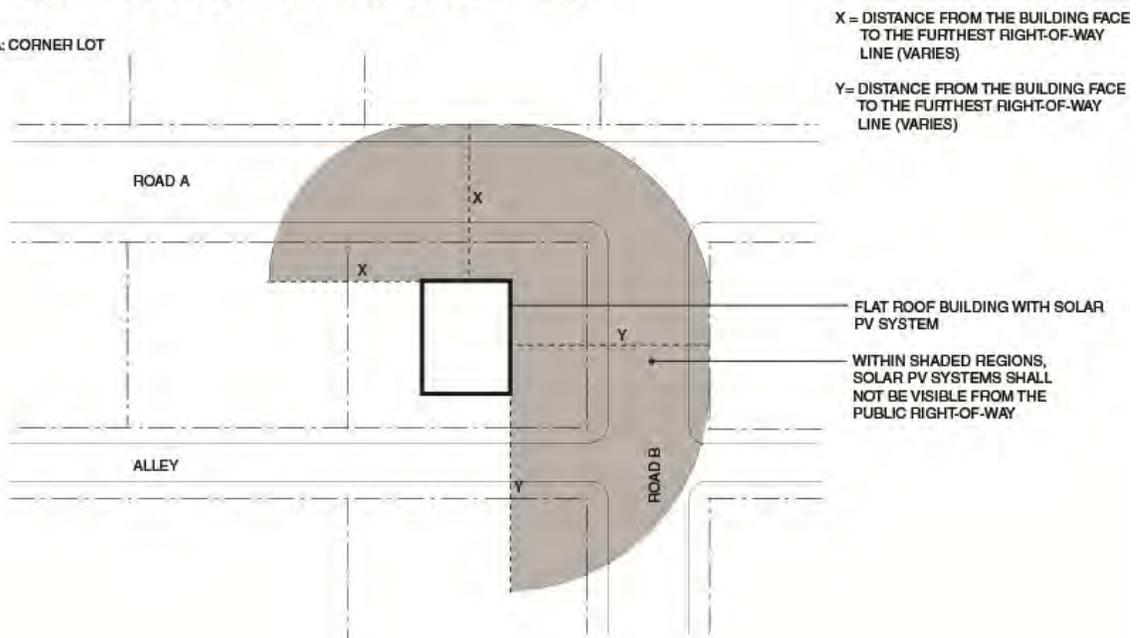
HEIGHT RESTRICTION: GROUND-MOUNTED SOLAR PV SYSTEM ELEVATION



8. Screening and Visibility.
 - a. Building-mounted systems on a sloped roof shall not be required to be screened.
 - b. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a fifty (50) foot radius of the lot, exclusive of an alley as defined by this Ordinance, at a level of five (5) feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way within a fifty (50) foot radius when measured at a distance of five (5) feet from the ground.

SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM PLAN

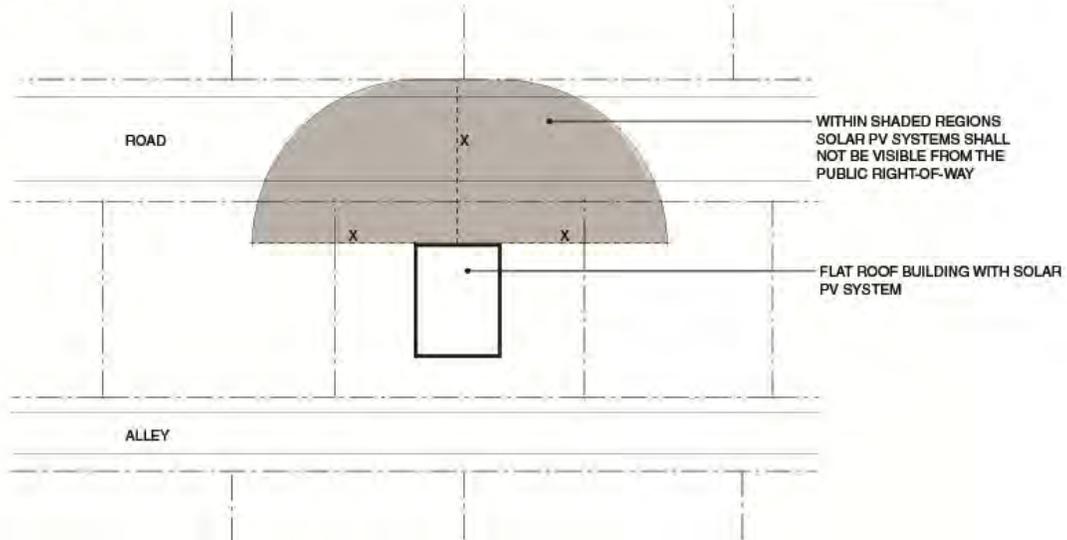
SITUATION A: CORNER LOT



SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM PLAN

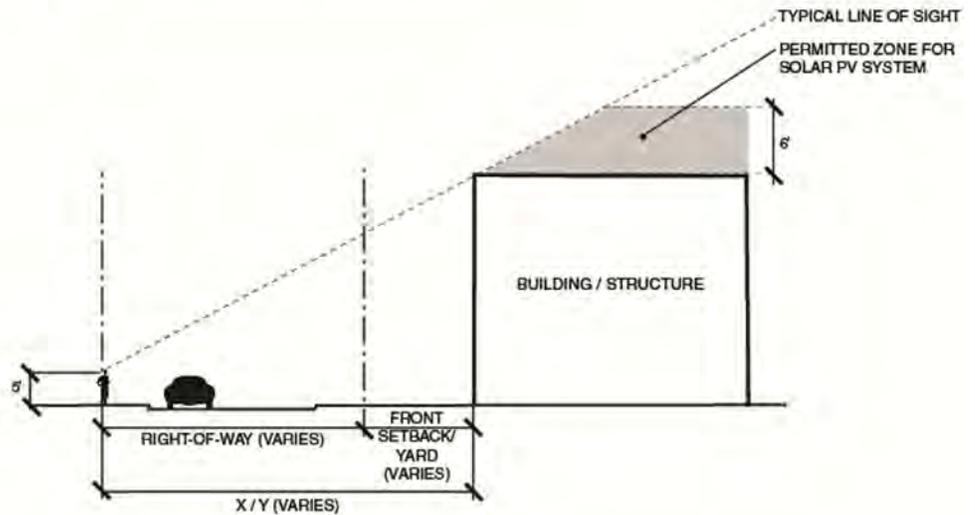
SITUATION B: INTERIOR LOT

X = DISTANCE FROM THE BUILDING FACE TO THE FURTHEST RIGHT-OF-WAY LINE (VARIES)



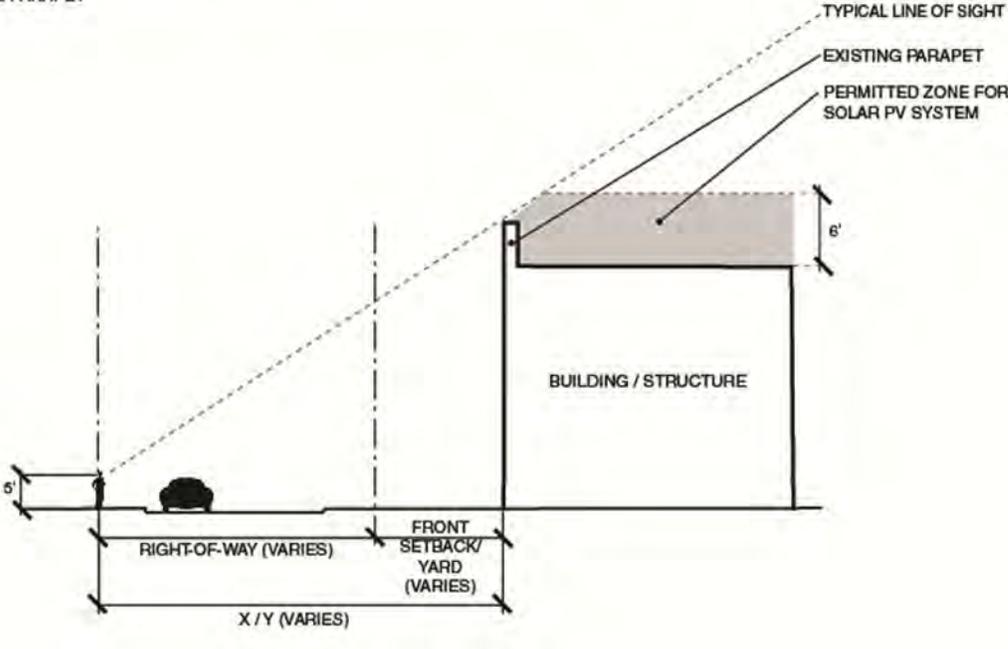
SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

SITUATION A: WITHOUT BUILDING PARAPET



**SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM
ELEVATION**

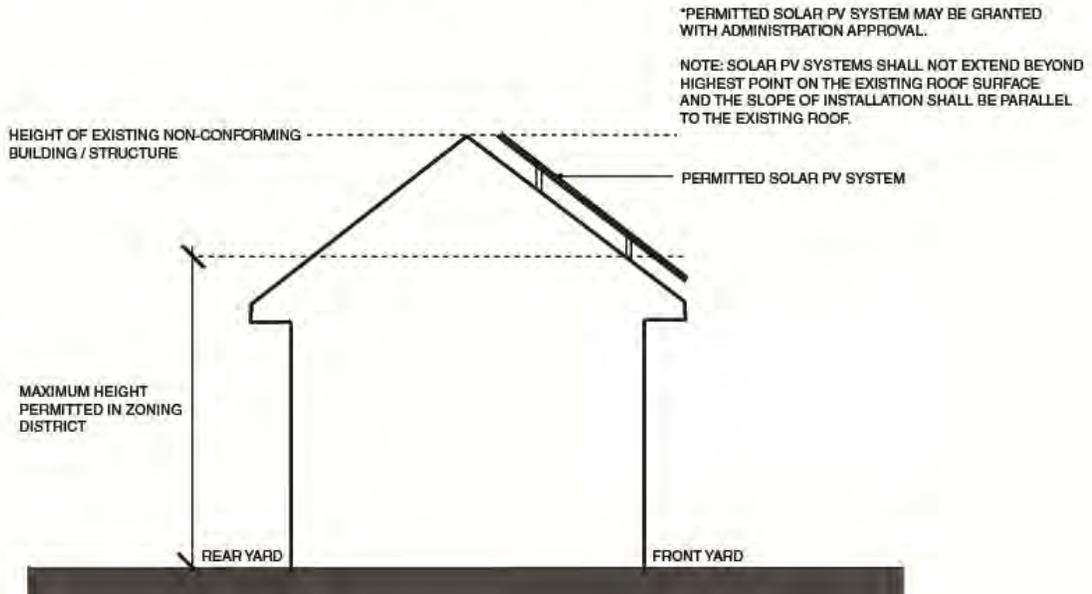
SITUATION B: WITH BUILDING PARAPET



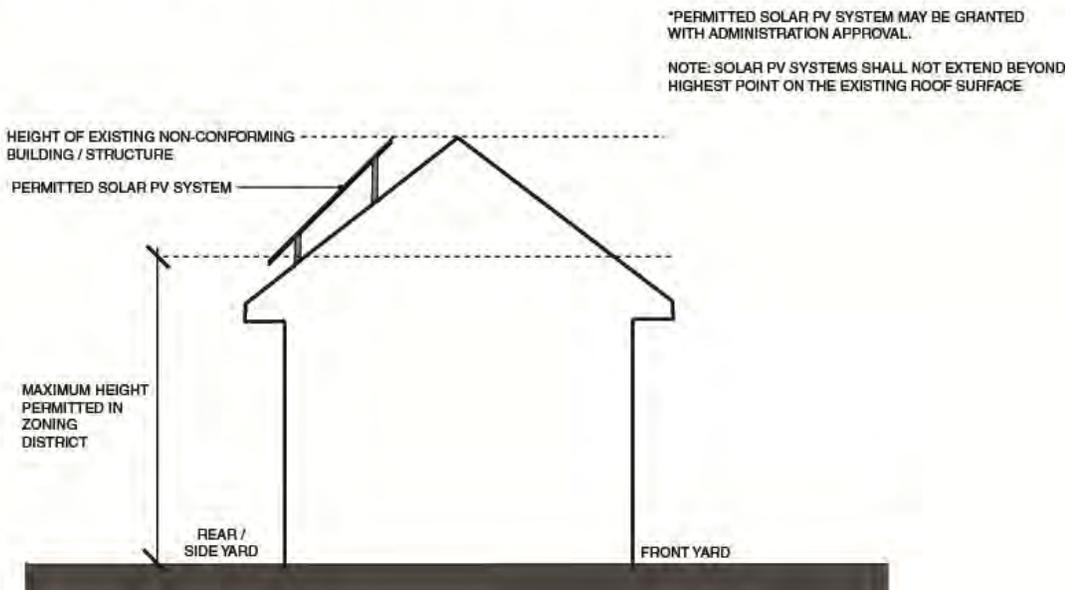
- 9. Impervious Lot Coverage Restrictions.
 - a. The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted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

- 10. Non-conformance.
 - a. Building-mounted systems:
 - i. If a building-mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Ordinance.

NON-CONFORMING BUILDING, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

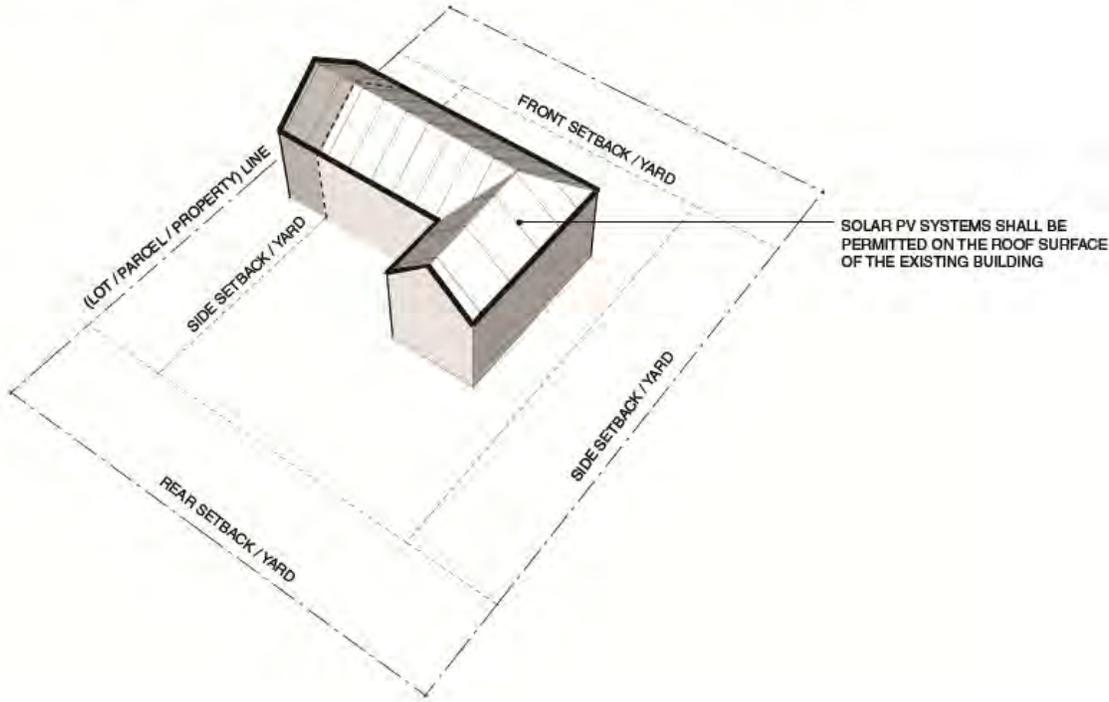


NON-CONFORMING BUILDING, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



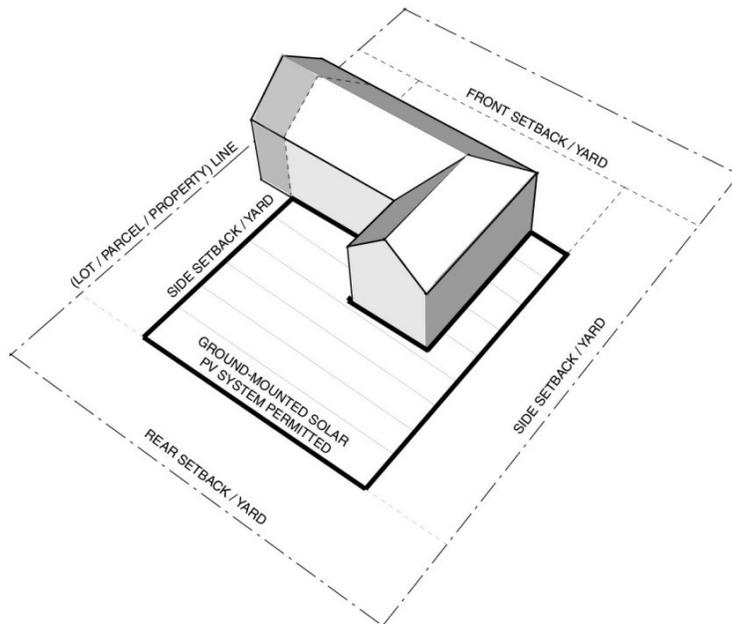
- ii. If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Ordinance.

NON-CONFORMING LOT, SETBACKS, AND / OR LOT COVERAGE LIMITS: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC



- b. Ground-mounted systems. If a ground-mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

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



11. Signage and/or Graphic Content.

- a. No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

12. Performance Requirements.

- a. All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance

13. Inspection, Safety and Removal.

- a. The Borough of Etna reserves the right to inspect a solar PV system for building or fire code compliance and safety.
- b. If upon inspection the Borough determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Borough may order the lot owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the lot owner of his or her right to appeal such determination.
- c. If a lot owner fails to repair or remove a solar PV system as ordered, and any appeal rights have been exhausted, the Borough may enter the lot, remove the system and charge the lot owner and or facility owner and operator for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the lot owner's expense.
- d. In addition to any other available remedies, any unpaid costs resulting from the Borough's removal of a vacated abandoned or de-commissioned solar PV system shall constitute a lien upon the lot against which the costs were charged. Legal counsel of the Borough shall

institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Borough in connection with the removal work and the filing of the municipal claim.

14. Permit Requirements.

- a. Before any construction or installation on any solar PV system shall commence, a permit issued by the Borough of Etna shall be obtained to document compliance with this Ordinance.
- C. Temporary Construction Trailers or Sheds. Temporary construction trailers or sheds are permitted in all Zones subject to the following:
1. Temporary construction trailers or sheds are permitted only during the period that the construction work is in progress. A permit for the temporary structure must be obtained from the Zoning Officer prior to the commencement of construction and must be renewed every six (6) months.
 2. Temporary construction trailers or sheds must be located on the lot on which the construction is progressing and cannot be located within ten (10) feet of any lot line adjoining an existing residential use.
 3. Temporary construction trailers or sheds must be used only as temporary field offices and for storage of incidental equipment and supplies and cannot be used for any dwelling use.
 4. A temporary construction trailer may be permitted for use as a sales center for residential lots. The maximum gross floor area of such a temporary sales center is five hundred (500) square feet. A permit for the temporary trailer must be obtained from the Zoning Officer.
 5. No combustible materials can be stored in temporary construction trailers or sheds.
- D. Height Exceptions.
1. The height limitations of this Ordinance do not apply to the following structures: Place of worship steeples or spires; steeples; chimneys; elevator bulk heads and other mechanical equipment that is part of a primary structure; conveyors; flagpoles; silos; standpipes; elevated water tanks; derricks; public utility structures; and other structures not intended for human habitation which do not exceed the height limitations of the Zoning District by more than fifteen (15) feet.
 2. All buildings or structures are subject to all applicable Federal Aviation Administration (FAA) height and lighting restrictions.
- E. No more than one dwelling unit shall be permitted on a lot.
- F. In instances where a building constructed prior to the passing of this Ordinance straddles multiple lots or an alley, the landowner and/or developer is responsible for verifying with the Borough that no easements or rights-of-ways exist.
1. If there is a recorded right-of-way, the Borough reserves the right to determine if abandonment of the right-of-way for construction is appropriate in context of Etna Borough's community development objectives and the intent of this Ordinance. If abandonment is not appropriate, an application could be subject to denial.

2. If there is an easement, the Borough reserves the right to determine if construction is or is not appropriate to occur on the easement in context of Etna Borough's community development objectives and the intent of this Ordinance. If construction on said easement is not appropriate, an application could be subject to denial.

G. Fences and Walls.

1. Within residential districts, residential fences and enclosure walls may be erected provided:
 - a. A fence along the rear property line shall not exceed eight (8) feet in height;
 - b. A fence located along the side property line shall not exceed (6) feet in height;
 - c. No fence higher than four (4) feet shall be erected between the front facade of the principal structure and the street line.
 - d. All fence posts, rails or piers shall be so installed so that they face the interior of the lot of the one installing same.
 - e. Barbed wire, electrical or other hazardous fencing materials are prohibited.
2. Within residential districts, fences for a non-residential use located adjacent to a residential use shall be at maximum of four (4) feet high in a front yard and six (6) feet in any other yard.
3. The exterior side of a fence and/or wall must be oriented to the exterior of the lot on which it is erected or towards a public right-of-way.
4. Fences may be placed on a front lot line so long as they possess a minimum of fifty (50) percent transparency. For each ten (10) percent of transparency less than 50% (e.g. 40, 30, 20, 10, 0%), the fence shall be placed an additional increment of six (6) inches from the lot line.

H. Parking and Driveways.

1. Parking and loading: To encourage vehicular circulation and avoid congestion on public streets, unless precluded by topography, there shall be provided for a lot measuring 2,500 square feet or greater in area, at the time of the erection or increase by units or dimensions of any building or structure or at the time of creation or change of any use not involving a building or structure, minimum off-street motor vehicle parking spaces plus adequate space for ingress, egress, and general vehicular circulation. Minimum off-street parking and other such provisions shall be provided as follows. If the minimums cannot be met, the Applicant may apply for a Conditional Use related to development subject to Borough review and determination:
 - a. For one- and two-family dwellings, one off-street parking space for each family dwelling unit. As single and two-family dwellings, no vehicle parking shall be allowed in front yard areas or side yard areas except in an improved driveway on the interior side of the front lot line.
 - b. For any other type of land use that is residential, one parking space for each family dwelling unit, plus one additional parking space for every two dwelling units.
 - c. For non-residential uses in the C-2, district, parking shall not exceed 1 parking space per 300 square feet of development or 1 space for each 4 seats within an establishment serving food and/or beverages or 1 seat for each 4 seats within the main congregational space of a place of worship as applicable.
 - d. For non-residential uses in the I district, parking shall not exceed 1 parking space per 500

square feet or 1 space per peak hour employee, whichever is greater.

- e. For any and all other uses, buildings or structures not specifically provided for other than those in the C1 district, one parking space for every 300 square feet of floor area or 1 space for each 4 seats within an establishment serving food and/or beverages or 1 space for each 4 seats within the main congregational space of a place of worship/place of assembly as applicable.
- 2. Parking area permeable paving.
 - a. The Borough desires to reduce the impacts of stormwater runoff and to improve local water quality by reducing untreated stormwater. The land owner of any required parking area other than that of a one- or two-family dwelling shall:
 - i. Provide a minimum of 20% permeable surfaces.
 - ii. Coordinate permeable surfaces of grading so that stormwater can infiltrate the surface in areas with less than 5% slope.
 - 3. Driveways.
 - a. All private garages and all off-street parking enclosed within a principal building must be connected directly to a public street, or a public alley by a private driveway. Where there are multiple off-street parking spaces in a private garage or enclosed within the principal building, the driveway may be widened to access said parking spaces.
 - b. The entire flare of any return radius on a driveway must fall within the right-of way.
 - I. Utilities.
 - 1. All utilities for lots that have improvements or are redeveloped must be located underground unless otherwise approved by the Borough Council.
 - 2. Utility connections such as gas meters, electric meters, phone, and cable must be located so as to minimize their visibility from the street.
 - J. Drive-Thru Facility.
 - 1. The site shall be in the C2 or I district and have frontage on and direct vehicular access to an arterial or collector street as delineated by Etna Borough.
 - 2. In addition to the parking spaces required for the principal use, a minimum of five standing spaces, in tandem, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the site. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets or berms.
 - 3. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
 - 4. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the site.

K. Dumpsters and Dumpster Enclosures.

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

L. General Landscaping.

1. One (1) landscaped island for every ten (10) parking spaces must be provided within all nonresidential, apartment and hi-rise residential parking areas. All landscaped islands shall contain one (1) tree a minimum of two (2) inches diameter at breast height (dbh); one (1) tree per residential unit or one (1) tree per 1,000 square feet of development in the C2 District and Riverfront Overlay is required on a lot.
2. For any Plan prepared and submitted as part of an Application that involves non-residential redevelopment, infill, construction, excavation or building expansion, it is recommended to include, and illustrate at scale, the location of trees, shrubs and groundcovers for the following:
 - a. All Borough required bufferyards with proposed plantings.
 - b. All Borough required planting independent of any bufferyard requirements.
 - c. Any planting in excess of the requirements of this Ordinance.
 - d. Any existing trees or vegetation which are to be preserved.
 - e. Any existing trees or vegetation which will be removed.
 - f. The location and species of all existing trees six (6) inches in dbh. Applicants are encouraged to maximize the retention of all healthy existing trees six (6) inches or more dbh.

M. Outdoor Storage.

1. The Borough aims to provide a safe and healthy environment to its residents and businesses.
2. The following items associated with outdoor storage are considered public health or safety menaces which may endanger the health or safety of the public and, as such, are subject to Borough inspection. Such items cannot be stored on a lot.

-
- a. Unsanitary or improper storage or disposal of trash, garbage, refuse, debris, other solid waste or hazardous waste.
 - b. Unburied dead animals.
 - c. Accumulation of water causing mosquito or other vector breeding or proliferation.
 - d. Rodent or insect infestation.
 - e. Accumulation of bees, fowl or animals in such a manner to create a condition that may be injurious to the public health or safety.
 - f. Uncovered woodpiles and woodpiles exceeding one hundred twenty (120) cubic feet;
 - g. Fuel sources and fire hazards stored freely out-of-doors.
 - h. Furniture typically intended/constructed for indoor use stored out of doors.
 - i. Inoperable appliances, vehicles and equipment.
 - j. Mechanical equipment not intended for traditional landscaping purposes stored between the front façade of a main building and the front lot line.
 - k. Motorized, mechanical and other powered vehicles and equipment stored between the front façade of a main building and the front lot line that is not in concealed storage (that which exceeds 85% or greater opacity) or between rear or side facades and rear or side yards that is not screened from adjacent lot(s).
 - l. Any other condition or objects that may be injurious or cause adverse effect to public health or safety.
3. Except for retail/wholesale landscape plant (living) species which require outside storage of materials for growth within the environment, the storage and display of materials outside a completely enclosed structure shall not be permitted.
 4. Any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or a location otherwise approved by the Borough which screens the display/storage area from public view from the street or from any adjacent residential use.
 5. All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from public view by an opaque fence or hedge which is at least six (6) feet in height and achieves eighty-five percent (85%) opacity.
 6. When any condition that constitutes a public health or safety menace is found on occupied or vacant land or premises, the Borough shall notify in writing the landowner and the occupant of the land or premises on which the condition exists and/or any other person who it believes is responsible for the health or safety menace. Such notice shall contain a description of the health or safety menace; the time within which the menace shall be abated, corrected or eliminated; and a statement that the landowner, occupant of the land or other person responsible may request a review meeting with the Zoning Officer within ten (10) days of the receipt of the notice. Notice sent by registered or certified mail to the last-known address of the owner whose name is shown on the current real estate tax assessment records or occupant or other identified person responsible shall be deemed compliance with the notice requirement to the person responsible.

7. Upon receipt of the written notice from the Borough, the landowner, occupant of the land or other person responsible shall abate, correct or eliminate the health or safety menace. The amount of time allowed to abate, correct or eliminate the health or safety menace condition shall be determined by the Borough, and shall not be less than twenty-four (24) hours nor more than ten (10) days. If the Borough determines that the menace cannot be abated, corrected or eliminated within ten (10) days, the Borough may order temporary abatement measures and allow a longer period of time to abate, correct or eliminate the condition. The Borough may allow such a longer period of time only upon request of the landowner, occupant of the land or other person responsible and only upon a good faith showing that such longer period of time is necessary.
8. After receipt of the written notice, it is unlawful for the landowner, occupant of the land or other person responsible to fail to abate, correct or eliminate the health or safety menace within the time determined by the Borough.
9. If the written notice is undeliverable, or if after receipt of the written notice, the landowner, occupant of the land or other person responsible fails to abate, correct or eliminate the health or safety menace, the Borough may request Borough representatives to take reasonable steps to abate, correct or eliminate the health or safety menace whether the land or premises are occupied or vacant. If the landowner, occupant of the land or other person responsible denies free access for such purposes, the Borough may proceed after obtaining the applicable legal authorization.
10. Costs and expenses incurred by the Borough in abating, correcting or eliminating a health or safety menace on private property shall be assessed against the owner and/or occupant of the land or premises and/or any other person responsible for the health or safety menace, and shall be recoverable from the owner in the same way as taxes and levies. Costs and expenses incurred by the Borough in abating, correcting or eliminating a health or safety menace on public property shall be recoverable from the person or persons responsible for causing the health or safety menace.

N. Wireless Communications Facilities

1. Purpose. The purpose of these provisions is to establish uniform standards for the siting, design, permitting, maintenance, and use of Wireless Communications Facilities in Etna Borough. While the Borough recognizes the importance of Wireless Communications Facilities in providing high quality communications service to its residents and businesses, the Borough also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions. The final authority on the regulation of wireless communication facilities are under the jurisdiction of the Federal Telecommunications Act and related regulations adopted by the Commonwealth of Pennsylvania. Zoning regulations on this use are permitted to protect the public, health, safety and welfare, unless specifically excluded by Federal and State Acts. By enacting this Ordinance, the Borough intends to:
 - a. Provide for the managed development of Wireless Communications Facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Borough residents and wireless carriers in accordance with federal and state laws and regulations.
 - b. Establish procedures for the design, siting, construction, installation, maintenance and removal of both Tower-Based and Non-Tower based Wireless Communications Facilities in the Borough, including facilities both inside and outside the public rights-of-way.

- c. Address new wireless technologies, including but not limited to, distributed Antenna systems, data collection units, cable wi-fi and other Wireless Communications Facilities.
 - d. Encourage Applicant to seek joint use of existing Wireless Communications Facilities and other tall structures.
 - e. Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by requiring that competing providers of wireless communications services collocate their commercial communications Antennas and related facilities on existing towers.
 - f. Promote the health, safety and welfare of the Borough's residents.
2. General Requirements for All Non-Tower Wireless Communications Facilities.
- a. The following regulations shall apply to all Non-Tower Wireless Communications Facilities located within the Borough:
 - i. Accessory use to existing electrical transmission structures and utility poles. Non-Tower WCFs shall be considered to be an accessory use to existing electrical transmission structures and utility poles, when affixed to such transmission structures, and shall be permitted in all zoning districts in the Borough.
 - ii. Standard of care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction Personnel, so that the same shall not endanger the life of any Person or any property in the Borough.
 - iii. Wind. All Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).
 - iv. Aviation Safety. Non-Tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
 - v. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
 - vi. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
 - vii. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice within ninety (90) days to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

- 1.) All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough.
 - 2.) If the WCF or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.
- viii. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision. If additional information was requested by the Borough to complete an application, the time required by the Applicant to provide the information shall not be counted toward the Borough's review period. This timing of approval shall not apply to any Non-Tower WCF required to proceed through Conditional Use Approval.
- ix. Insurance. Each Person that owns or operates a Non-Tower WCF shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Non-Tower WCF.
- x. Indemnification. Each Person that owns or operates a Non-Tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for Personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Non-Tower WCF. Each Person that owns or operates a Non-Tower WCF shall defend any actions or proceedings against the Borough in which it is claimed that Personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Non-Tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
- xi. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
- 1.) The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - 2.) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.
 - 3.) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- b. In addition to the regulations of subsection (a), the following regulations shall apply to all Non-Tower WCFs that do not substantially change the physical dimensions of the Wireless Support Structure to which they are attached:

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- i. In accordance with industry standards, all Non-Tower WCF Applicants must submit documentation to the Borough justifying the total height of the Non-Tower structure. Such documentation shall be analyzed on an individual basis.
 - ii. The total height of any wireless support structure and mounted WCF shall not exceed the maximum height permitted in the underlying zoning district by more than twenty (20) feet..
 - iii. If the WCF Applicant proposes to locate the Related Equipment in a separate building, the building shall comply with the minimum setback and building requirements for the applicable zoning district.
 - iv. A security fence of not less than ten (10) feet shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
 - b. Design regulations.
 - i. Non-Tower WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Borough.
 - ii. Non-commercial usage exemption. Borough citizens utilizing satellite dishes and Antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the Design Regulations enumerated in this Ordinance.
 - c. Removal, Replacement, Modification. The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of Antennae. Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.
 - d. Reservation of rights. In accordance with applicable law, the Borough reserves the right to deny an application for the construction or placement of any Non-Tower WCF for numerous factors, which include but are not limited to, visual impact, design, and safety standards.
 - e. Inspection. The Borough reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
 4. Non-Tower Wireless Facilities in the Public Rights-of-Way. The following additional regulations shall apply to all Non-Tower Wireless Communications Facilities located in the public rights-of-way:
 - a. Co-location. Non-Tower WCFs in the ROW shall be collocated on existing poles, such as existing utility poles or light poles. If co-location is not technologically feasible, the Applicant shall locate its Non-Tower WCFs on existing poles that do not already act as wireless support structures.

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- b. Design Requirements:
 - i. WCF installations located above the surface grade in the public ROW including, on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are no greater than one-half of the width of the structures upon which they are mounted. Such installations are prohibited on any decorative streetlights. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - ii. Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
 - c. Time, place and manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
 - d. Equipment location. Non-Tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:
 - i. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot.
 - ii. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
 - iii. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
 - iv. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - v. Any proposed underground vault related to Non-Tower WCFs shall be reviewed and approved by the Borough.
 - e. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - i. The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
 - ii. The operations of the Borough or other governmental entity in the right-of-way;

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- iii. Vacation of a street or road or the release of a utility easement; or
 - iv. An emergency as determined by the Borough.
 - f. Reservation of rights. In accordance with applicable law, the Borough reserves the right to deny an application for the construction or placement of any Non-Tower WCF for numerous factors, which include but are not limited to, visual impact, design, and safety standards.
5. General Requirements for All Tower-Based Wireless Communications Facilities. The following regulations shall apply to all Tower-Based Wireless Communications Facilities in the Borough:
- a. Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower- Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any Person or any property in the Borough.
 - b. Notice. Upon submission of an application for a Tower-Based WCF and the scheduling of the public hearing upon the application, the Applicant shall mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The Applicant shall provide proof of the notification to the Borough.
 - c. Conditional use authorization required. Tower-Based WCFs are permitted in certain zoning districts by conditional use and only in such location within such districts and at a minimal height necessary to satisfy their function in the Applicant's wireless communications system. An Applicant shall demonstrate the necessity of the proposed height. The Applicant shall demonstrate that the antenna/tower/pole for the Tower-Based WCF is the minimum height necessary for the service area.
 - i. Prior to Council's approval of a conditional use authorizing the construction and installation of Tower-Based WCF in a zoning district where the same is a permitted conditional use, it shall be incumbent upon the Applicant for such conditional use approval to prove to the reasonable satisfaction of Council that the Applicant cannot adequately extend or infill its communications system by the use of Antennae and/or Non-Tower WCFs.
 - ii. The conditional use application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, as well as a description of the type and manufacturer of the proposed equipment.
 - iii. The conditional use application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety.
 - iv. Where the Tower-Based WCF is located on a property with another principal use, the Applicant shall present documentation to Council that the owner of the property has granted an easement for the proposed WTF and that vehicular access will be provided to the facility.
 - v. The conditional use application shall demonstrate that the proposed facility

complies with all other applicable regulations in this subsection.

- d. Engineer Inspection. Prior to the Borough's issuance of a permit authorizing construction and erection of a Tower-Based WCF, a structural engineer registered in Pennsylvania shall issue to the Borough a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure.
- e. Visual appearance. Tower-Based WCFs shall employ Stealth Technology. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.
 - i. Borough Council may require that wireless communications equipment buildings which house electrical transmitter equipment be placed underground, unless determined to be detrimental to the functioning and physical integrity of such equipment.
 - ii. In making this determination, Council shall consider whether its decision will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.
- f. Co-location and Siting. An application for a new Tower-Based WCF shall not be approved unless the Borough finds that the Antenna and Related Equipment planned for the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building, or on Borough property. Council may deny an application to construct a new Tower-Based WCF if the Applicant has not made a good faith effort to mount the Antenna(e) on an existing structure as set forth in this section. The Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one quarter ($\frac{1}{4}$) of a mile radius of the site proposed, sought permission to install an Antenna on those structures, buildings, and towers and was denied for one of the following reasons:
 - i. The proposed Antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
 - ii. The proposed Antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
 - iii. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - iv. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- g. Permit required for modifications. To the extent permissible under applicable state and federal law, any Applicant proposing the modification of an existing Tower-Based WCF, which

increases the overall height of such WCF, shall first obtain the applicable permit from the Borough zoning office, in accordance with the Borough’s permitting practices. Non-routine modifications shall be prohibited without a permit.

- h. Gap in Coverage. An Applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Borough’s decision on an application for approval of Tower-Based WCFs.
- i. Additional Antennae. As a condition of approval for all Tower-Based WCFs, the WCF Applicant shall provide the Borough with a written commitment that it will allow other service providers to collocate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the Borough.
- j. Wind. Any Tower-Based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222-E, as amended).
- k. Height. Any Tower-Based WCF shall be designed at the minimum functional height. All Tower-Based WCF Applicants must submit documentation to the Borough justifying the total height of the structure. The maximum total height of any Tower-Based WCF, which is not located in the public ROW, shall not exceed one hundred fifty (150) feet, as measured vertically from the ground level, including any base pad, to the highest point on the structure, including Antennae and subsequent alterations.
- l. Related Equipment building. Any building or other structure housing Related Equipment shall comply with the required yard and height requirement of the applicable zoning district for an accessory structure.
- m. Public safety communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- n. Maintenance. The following maintenance requirements shall apply:
 - i. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - ii. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough’s residents.
 - iii. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- o. Radio frequency emissions. No Tower-Based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,” as amended.
- p. Historic buildings or districts. No Tower-Based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic

districts list maintained by the Borough.

- q. Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- r. Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Borough Manager.
- s. Noise. Tower-Based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Borough Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- t. Aviation safety. Tower-Based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- u. Retention of experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The Applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- v. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Borough shall advise the Applicant in writing of its decision. If additional information was requested by the Borough to complete an application, the time required by the Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.
- w. Non-conforming uses. Non-conforming Tower-Based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Ordinance. Co-location on existing non-conforming WCFs is permitted.
- x. Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - i. All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Borough.
 - ii. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be removed by the Borough and

the cost of removal assessed against the owner of the WCF.

- iii. Any unused portions of Tower-Based WCFs, including Antennae, shall be removed within six (6) months of the time of cessation of operations. The Borough must approve all replacements of portions of a Tower-Based WCF previously removed.
 - y. Permit fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring, and related costs.
 - z. FCC license. Each Person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
 - aa. Reservation of rights. In accordance with applicable law, the Borough reserves the right to deny an application for the construction or placement of any Tower-Based WCF for numerous factors, including but are not limited to, visual impact, design, and safety standards.
 - bb. Insurance. Each Person that owns or operates a Tower-Based WCF greater than forty (40) feet in height shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF forty (40) feet or less in height shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each Tower-Based WCF.
 - cc. Indemnification. Each Person that owns or operates a Tower-Based WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for Personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF shall defend any actions or proceedings against the Borough in which it is claimed that Personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of Tower-Based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
 - dd. Engineer signature. All plans and drawings for a tower and Antenna shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
 - ee. Financial security. Prior to receipt of a zoning permit for the construction or placement of a Tower-Based WCF, the Applicant shall provide to the Borough financial security sufficient to guarantee the removal of the Tower-Based WCF. Said financial security shall remain in place until the Tower-Based WCF is removed.
6. Tower-Based Facilities Outside the Rights-of-Way. The following additional regulations shall apply to Tower-Based Wireless Communications Facilities located outside the rights-of-way:

- a. Development Regulations.
 - i. Location. No Tower-Based WCF shall be located in an area in which utilities are underground, or within seventy-five (75) feet of such an area, except as permitted by this Ordinance. Such Tower-Based WCFs may be located in the following the I - Industrial District, subject to the following restrictions:
 - 1.) The WCF may not be sited in any public parks or on municipally-owned property.
 - 2.) The WCF may not be sited along the river area or along any scenic trails or roadways in the Borough.
 - ii. Sole Use on a Lot. A Tower-Based WCF shall be permitted as a sole use on a lot, provided that the underlying lot is at least 6,000 feet. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal 110% of the proposed WCF structure height.
- b. Design regulations.
 - i. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. In addition to the other design requirements enumerated this Section, the application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Borough.
 - ii. To the extent permissible by law, any height extensions to an existing Tower- Based WCF shall require prior approval of the Borough.
 - iii. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's Antennae and comparable Antennae for future users.
 - iv. Any Tower-Based WCF over forty (40) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.
- c. Surrounding Environs.
 - i. The WCF Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
 - ii. Evergreen bushes, a minimum of five feet in height, shall be planted immediately adjacent to the fencing at an interval not greater than three feet on center, except adjacent to that portion of the fence at which is located an access gate.
- d. Fence/Screen.
 - i. A security fence, having a minimum height of ten (10) feet shall completely surround any Tower-Based WCF greater than forty (40) feet in height, as well as guy wires, or any building housing WCF equipment.
 - ii. Landscaping. Landscaping shall be required to screen as much of a newly constructed Tower-Based WCF as possible. Council may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of Council, they achieve the same degree of

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- screening. Existing vegetation shall be preserved to the maximum extent possible.
- e. Accessory Equipment.
 - i. Ground-mounted equipment associated to, or connected with, a Tower-Based WCF shall be underground or screened from public view using Stealth Technologies, as described in this Section.
 - ii. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback and building requirements of the underlying zoning district.
 - f. Access road. An access road of at least twenty (20) feet in width, turnaround space and parking shall be provided to ensure adequate emergency and service access to a Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation; surfacing shall be bituminous, brick, concrete or permeable paving material (not including gravel surface, aggregate or the like). Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility.
 - g. Parking. For each Tower-Based WCF greater than forty (40) feet in height, there shall be two off-street parking spaces, or one space per employee, whichever is greater.
 - h. Inspection. The Borough reserves the right to inspect any Tower-Based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
7. Tower-Based Facilities in the Rights-of-Way. The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the rights-of-way:
- a. Prohibited in Underground Utility Areas.
 - b. Tower-Based WCFs shall not be located in the front facade zone of any structure.
 - c. Tower-Based WCFs forty (40) feet or shorter in height shall be permitted along the arterial and collector roads where public utilities are located above ground.
 - d. Tower-Based WCFs shall not be sited along any internal residential roads, regardless of the underlying zoning district.
 - e. Tower-Based WCFs in the ROW shall not be sited within fifty (50) feet of an area in which public utilities are underground.
 - f. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.

- g. Equipment Location. Tower-Based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:
 - i. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.
 - ii. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
 - iii. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
 - iv. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - v. Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Borough.

- h. Design Regulations.
 - i. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. In addition to the design requirements enumerated in this Section, the application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Borough.
 - ii. Tower-Based WCFs in the public ROW shall not exceed forty (40) feet in height.
 - iii. To the extent permissible under state and federal law, any height extensions to an existing Tower-Based WCF shall require prior approval of the Borough, and shall not increase the overall height of the Tower-Based WCF to more than forty (40) feet.
 - iv. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's Antennae and comparable Antennae for future users.

- i. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - i. The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
 - ii. The operations of the Borough or other governmental entity in the right-of-way;
 - iii. Vacation of a street or road or the release of a utility easement; or

iv. An emergency as determined by the Borough.

f. Reimbursement for ROW Use. In addition to permit fees as described in this Ordinance, every Tower-Based WCF in the ROW is subject to the Borough's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Borough. The owner of each Tower-Based WCF shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above.

O. Sidewalk Cafes

1. A sidewalk cafe is defined as an extension of the services of an existing establishment, including, but not limited to, serving food and beverages for consumption within an existing building, to the extent that food and beverages are permitted to be served and consumed at tables placed on the public sidewalk adjacent to and within the confines of the frontage of that portion of the building in which the establishment is situated. A sidewalk cafe contains readily removable tables and chairs, is enclosed by rope and stanchion unless some other barrier system is approved by the Borough as an architectural design element, and shall be otherwise open to the air.
2. The sidewalk cafe shall be located on the public right-of-way adjoining the owner's property and in a location where it shall be determined to be appropriate by this ordinance, and all applicable related ordinances.
3. A sidewalk café shall only be granted to an establishment with a valid retail food license.
4. The site plan of the sidewalk café must include:
 - a. Size of encroachment onto publicly owned sidewalk.
 - b. Not less than three contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian and disabled pedestrian traffic. No obstructions shall be placed within eighteen inches of the face of any curb, within five feet of any fire exit, or fire hydrant.
 - c. The width of the storefront. A sidewalk cafe is limited to the width of the storefront of the establishment with which the cafe is associated. The area of ingress and egress is to be shown.
 - d. Gross Square Footage.
 - e. Compliance with federal accessibility standards, to accommodate persons with disabilities.
 - f. Compliance with Building Code standards for egress from the cafe and from the establishment, in case of fire or other emergency.
 - g. Borough and other approved obstructions are shown outside the required ADA clear passageway. Obstructions shall include, but not be limited to, light poles, traffic signal poles, fire hydrants, utility structures, bike racks, parking meters, street trees, and street signs. Further, the sidewalk cafe cannot obstruct the clear sight distance for vehicles or access or crossings for the disabled.

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- h. The seating, table layout, and barrier system, to scale, along with passageway/aisle clearances.
5. Design aspects to be included in the site plan are:
- a. Sidewalk cafes shall have a rope and stanchion as an enclosure, unless some other barrier system is approved by the Borough as an architectural design element.
 - b. Sidewalk cafes are comprised of tables for dining. There shall be no standing room. No service equipment is permitted.
 - c. Furnishings for sidewalk cafes shall consist solely of moveable tables, chairs and decorative accessories. There shall be at least one (1) table that is ADA compliant.
 - d. The square footage of the sidewalk cafe area shall determine the number of permitted tables and chairs based on the Building Code requirements in effect at the time of the initial application. The proprietor is also required to update sidewalk cafe seating to meet Building Code requirements in effect at the time of annual renewal.
 - e. If umbrellas are proposed, they are to be included in the submitted site plan, and must meet ADA standards for encroachment into the public tight-of-way, that is, umbrellas must be totally within the sidewalk cafe area and the edges and prongs must leave the path of travel clear and unobstructed.
 - f. Sidewalk cafes shall be at the same elevation as the public sidewalk. Paint, carpeting, artificial turf, or other floor coverings of any kind shall not be permitted at any time in the sidewalk cafe area.
 - g. No permanent signage shall be allowed in any sidewalk cafe, or on the adjacent sidewalk, with the exception that small lighted menu boards may be permitted.
 - h. Sidewalk cafés will be subject to the Borough of Etna Zoning Code.
6. Operational Procedures:
- a. Operation shall be during the normal business hours of the permitted, but no earlier than 7:00 a.m. and no later than 10:00 p.m.
 - b. Furnishings must be kept in a state of good repair and in a clean and safe condition at all times.
 - c. Where rope and stanchion is used as the barrier, furnishings and rope and stanchion must be off the sidewalk by close of business, but no later than 12 midnight each evening. Rope and stanchion must also be removed at the time.
 - d. Sidewalk cafe permits are not transferable.
 - e. Permittees are bound by all applicable rules for alcohol and tobacco consumption, including state statutes and Borough ordinances.
 - f. The sidewalk surface in the sidewalk cafe area shall be maintained in good repair.
 - g. Busing stations, trash receptacles, food preparation stations, cashier stations, and music shall not be permitted in the sidewalk café.

7. One (1) windmill, windwheel or WECS shall be permitted per lot.
8. The resultant energy harnessed from the wind shall not be used on property other than that on which located, unless all applicable cogeneration requirements are met.
9. The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within sixty (60) days.
10. The Applicant shall demonstrate that any noise from the wind generating unit shall not exceed forty-five (45) dBA measured at the property line.
 - a. A “decibel” shall mean a unit for measuring the relative intensity of sounds. More specifically, a unit for expressing the ratio of two (2) amounts of acoustic signal power equal to ten (10) times the common logarithm of this ratio.
 - b. A “weighted” sound level shall mean the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of twenty (20) micro-pascals using the “A” weighted network (scale) at slow response. The unit of measurement shall be defined as dB (A).

Article VI: Signage

§601. Purpose.

- A. The sign regulations, controls and provisions set forth in this Ordinance are made in accordance with an overall plan and program related to residential and nonresidential uses. The regulations, controls and provisions are intended to guide public safety, area development, preservation of lot values and the general welfare of Etna Borough. To maintain the Borough's established historic integrity, within all zoning districts, all proposed signage, whether associated with new development, infill, replacement or redevelopment, shall seek to promote compatibility with existing surrounding development and activity. The regulations, controls and provisions are also intended to:
 - 1. Aid in traffic control and traffic safety.
 - 2. Lessen congestion of land and air space.
 - 3. Establish reasonable standards for nonresidential and other advertising through the use of signs in order to maintain and encourage business activity and economic development.
 - 4. Avoid uncontrolled proliferation of signs.
 - 5. Recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads (sidewalks), streets, highways and sidewalks.
 - 6. Preserve the wholesome and attractive character of the Borough.
 - 7. To recognize that the general welfare includes a community plan that shall be attractive as well as healthy and safe, spacious, clean and well balanced in its growth and development.

§602. Sign Packages, Permits and Fees.

- A. All persons who are proposing to perform any of the following actions to a new sign and/or existing sign within the Borough shall prepare a zoning permit application:
 - 1. Install.
 - 2. Erect.
 - 3. Exhibit.
 - 4. Alter.
 - 5. Relocate.
 - 6. Change.
- B. "Modify" shall mean a sign cabinet or sign face replacement because of a change in the nature of the business or a change in the name and/or ownership of a business; or a change to the size, or replacement of supporting structures.
- C. Zoning Permit Application.
 - 1. The zoning permit application shall contain a detailed drawing prepared to scale, including but not limited to, all of the following information regarding the sign:

- a. Type.
 - b. Size.
 - c. Site plan showing proposed location(s) on lot.
 - d. Building elevations showing proposed location of sign.
 - e. All sign dimensions.
 - f. Height of sign.
 - g. Grade level base of sign.
 - h. Sign materials.
 - i. Connections to ground plane (where applicable).
 - j. Color.
 - k. Sources of sign illumination and applicable details of the fixture and screening.
2. The Zoning Officer shall review all zoning permits for signs for completeness. Applications deemed to be incomplete shall be returned to the Applicant with a description of missing and/or incomplete items. The application for a permit shall be signed by the landowner and/or developer of the lot. The tenant of the lot, if not the landowner and/or developer, shall be permitted to sign the permit application if the tenant presents notarized evidence that the tenant has permission to act on the landowner's and/or developer's behalf. This provision shall apply to:
- a. New construction after the effective date of this Ordinance.
 - b. A change of tenant.
 - c. The proposal of new, or changes to, the material(s), structure, lighting mechanisms of signs of an existing use.
3. Permits for Signs.
- a. Failure to conform to the conditions of a zoning permit for a sign, including any conditions and/or stipulations attached thereto shall render such permit null and void.
 - b. Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of a sign shall expire automatically within six months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.
 - c. The Zoning Officer shall issue the required permits upon submission of an application that complies with all applicable provisions of this Ordinance and payment of the required fee.
4. Fees. Fees for zoning permits for signs shall be required and payable in such sums as the Borough Council may from time to time establish by resolution.
5. Other Permits and Applications Required for Signs. A building permit shall be obtained for any and all commercial sign installation or repair of any kind, including banners.

- 6. Permits Not Required. No permit shall be required for the following types of signs as described and defined in this Ordinance so long as they are in accordance with the Ordinance:
 - a. Signs erected by a governmental agency.
 - b. Construction signs.
 - c. Development signs.
 - d. Legal and/or lot notice signs.
 - e. Real estate signs.
 - f. Political signs.
 - g. Holiday decorations.

- D. Nonconforming Signs.
 - 1. Legally Recognized Signs.
 - a. Any sign lawfully existing at the time of the passage of this Ordinance that does not conform with the regulations of the zoning district in which such sign is located shall be considered nonconforming. Nonconforming signs shall not be enlarged, added to or replaced by another nonconforming sign, except: an interchange of content or poster panels shall be permitted.
 - b. Nonconforming signs may be repaired or reconstructed, provided that structural alterations shall not be made which increase the gross surface area of the sign, however nonconforming signs which are damaged or destroyed to an extent of more than 50% of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance.
 - c. Nonconforming signs may continue subject to the following provisions:
 - i. Signs which are nonconforming by reason of their absolute prohibition shall be removed within five years following enactment of this Ordinance or from any other date of the establishment of their nonconformity.
 - ii. Signs which are nonconforming by reason of dimensions may continue in their present location until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with this Ordinance.
 - 2. Repair, Maintenance, Replacement or Removal.
 - a. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting public safety.

- E. Procedure.
 - 1. Sign Installation.
 - a. All signs shall be installed in accordance with and shall meet applicable Borough building codes, and it the responsibility of the sign owner to so comply. Upon installation, the Zoning Officer (and Building Code Inspector for commercial signs) shall issue a certificate of occupancy.

- 2. Sign Placement.
 - a. No sign shall be placed, erected or located so that:
 - i. It is pasted, stapled or otherwise attached, to public utility poles, trees or official traffic control devices or it is painted on, attached to, or supported by a tree, stone, cliff or other natural object.
 - ii. It is on a public lot or public right-of-way, unless erected by a governmental body, or unless required and/or approved to be so located by order of a governmental body.
 - iii. It is displayed on a vehicle parked and visible from a public right-of-way unless the vehicle is used for the normal day-to-day operation of a business on the premises. The intent of this provision is to prohibit the use of a sign on a vehicle to circumvent sign limits on the lot.
 - b. Sign fonts and logos shall not be legible from the rear of the sign.
 - c. Building signs in nonresidential zoning districts shall be placed on the front face of the building only, except in instances where the entrance door to the business is on the side or the rear of the building or the building is located on a corner lot.
 - d. Sign location. Except for permitted billboards or off-premises signs, in conformance with this Ordinance, all signs shall be located on the premises which they are intended to serve.
- 3. Sign Landscaping.
 - a. Ground Signs.
 - i. For each visible sign face, the landowner and/or developer shall provide landscaping equivalent to 1 ½ square feet for each square foot of sign area (both faces).
 - ii. Landscaping shall consist of a combination of deciduous and evergreen trees, ornamental grasses, groundcover and/or small shrubs.
 - iii. Turf grass shall not be considered as landscaping for ground signs. The height of any decorative base or architectural or landscape feature erected to support or ornament the sign shall be measured at average grade level of the ground to the top of the sign structure, provided the grade level is not deliberately elevated to increase the height of the sign.
- 4. Sign Size.
 - a. The square footage of the sign shall refer to the graphics area of the sign facing.
 - b. Size of individually mounted letters or logos shall be measured as the area enclosed by the smallest single rectangle or square which will enclose all sign copy and logos.
 - c. Ground signs mounted as individual letters and/or graphics against a wall or fence incorporated in the landscaping of a building shall be measured from the outermost length and height dimensions of the sign.
 - d. Ground signs installed perpendicular to a street may be double faced with the allowable square footage on each face.

- e. Double-faced signs that are erected at an angle to each other will be subject to the following as to whether they are intended as two signs or for all intents and purposes only constitute one sign:
 - i. For north/south, east/west orientation on the serving street. If the interior angle formed by the two faces of the double-faced sign is greater than 45°, then both sides of such sign shall be considered in calculating the sign area.
 - f. Wall signs shall not exceed the width of the front of the building on which it is located and shall not protrude more than 18 inches from the facade on which the sign is mounted.
 - g. Gasoline service stations shall be allotted 10 additional square feet to display price-per-gallon figures, divided as they select between logo and prices on the one ground sign permitted on the lot.
 - h. Automobile dealers are permitted one "used car" ground sign not to exceed 12 feet in height and 10 square feet in area; or the 10 additional square feet can be incorporated into the existing sign to advertise used cars, divided as the sign owner selects.
 - i. Sign copy mounted or painted on an illuminated surface (including awnings) or illuminated architectural element of a building shall be measured as the entire illuminated surface or architectural element which contains sign copy. A nonilluminated sign placed on an awning shall be measured as if it is placed on any other architectural element.
5. Sign Maintenance.
- a. Every permitted sign must be constructed of durable material, kept in good condition and repair and otherwise comply with the Borough Building Code and Property Maintenance Code. If the durability and/or condition of said sign is not repaired or improved within the time specified by the Zoning Officer, the Borough may remove the sign at the expense of the owner or person in possession of the lot on which the sign is located. The Zoning Officer will notify the property owner and/or the responsible party with a certified letter prior to any removal action being taken by the Borough, unless the said sign poses an imminent danger to persons or property.
 - b. Any damaged sign shall be repaired within 60 days, unless ordered by the Zoning Officer to be repaired or replaced and/or an imminent danger exists.
 - c. Any sign which has been damaged to such extent or installed in a dangerous manner that it may pose an imminent danger to the public, as determined by the Zoning Officer, shall be repaired or removed immediately by the property owner and/or other known responsible parties.
 - d. Any internally illuminated sign cabinets or sign panels which have been damaged shall remain non-illuminated until repaired.
 - e. Failure to comply with these sign maintenance requirements shall constitute a violation of the Borough Zoning Ordinance.
6. Liability.
- a. The provisions of this Section shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation, erecting or owning any sign, or resulting from the negligence or willful acts of such person, firm or corporation, or any agents,

employees or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a zoning permit issued hereunder. Nor shall issuance of such permit be construed as imposing on the Borough or its offices or employees, any responsibility or liability by reason of approval of any signs structural integrity, construction methods, materials, electrical or mechanical devices or other components which shall be the sole responsibility of the person, firm or corporation erecting, owning, repairing or removing such sign.

F. General Regulations.

1. When applicable, a zoning permit (and building permit for commercial signs) shall be required for all proposed signs or modifications to existing signs.
2. Signs shall be considered as structures for purposes of location on a property, except that in a front yard between side lot lines they may be placed no closer than 20 feet to an adjacent highway right-of-way line.
3. The construction of each sign shall comply with applicable provisions of the Borough's Building Code.
4. No sign shall be permitted to hang from or be placed over a second sign except that signs may be placed on, but not extended beyond, any vertical face of a marquee or canopy. This does not exclude separate placards from being independently attached to the same supporting structure as long as the total area of all combined does not exceed the area limitation.

G. Prohibited Signs.

1. Wheeled signs shall not be located on a property abutting any street within the Borough.
2. Banners and pennants, other than temporary event or displays and/or flags authorized by this Ordinance. Banners used as temporary signs (signs which would be temporary until a permanent sign is installed) are permitted as long as they are secured, not waving or fluttering, comply with maximum size permitted and are erected for no more than 20 consecutive days or removed immediately upon the installation of a permanent sign and shall meet all Borough Building Codes. National, State or municipal flags shall not be considered a banner or pennant.
3. Signs on trees, utility poles or official traffic control devices.
4. Signs on/or affixed to vehicles and/or trailers which are parked on a public right-of-way, public lot or private lot, other than temporarily for overnight storage on the sight 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 lot.
5. Any sign that obstructs free ingress to or egress from doors, fire escapes, operable windows or denies access to them; nor shall a sign be attached to a fire escape.
6. Signs that, by reason of size, location, coloring or manner of illumination, obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads; signs that imitate traffic control devices or signs that make use of words such as "stop," "look," "one way," "danger," "yield," or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead, or confuse motorists and/or pedestrians or obstruct sight distances of traffic.

- 7. For lots in the C1 District, ground signs shall not be permitted in the front yard in between the front lot line and the front facade of the principal building if said building is closer than 25 feet to the right-of-way.
 - 8. Misleading Information. No sign shall be created which states or implies that a lot may be used for any purpose not permitted under the provisions of the ordinance.
- H. Major Types of Permanent Signs. Signs in all zoning districts shall be categorized according to the types described below and shall comply with the requirements for those types described in this Section.

1. Sign Types Table A

		RESIDENTIAL DISTRICT	NON-RESIDENTIAL DISTRICT	
			COMMERCIAL	INDUSTRIAL
1	GROUND	○		○
2	WALL		○	○
3	PROJECTING		○	○
4	AWNING		○	○
5	WINDOW		○	○
6	DOOR		○	○
7	HISTORIC TABLET	○	○	○
8	PLAQUE/CORNERSTONE/ NAMEPLATE	○	○	○

○ = Permitted sign type by district

2. Sign Types Table B

	SQUARE FOOTAGE	MAXIMUM HEIGHT	CLEARANCE	MAXIMUM QUANTITY STREET LEVEL	MAXIMUM QUANTITY UPPER LEVEL
1 GROUND	1 SF PER 3 LF OF FRONTAGE OR A MAX OF 12 SF, WHICHEVER IS SMALLER	12' MAX; NOT TO EXCEED THE HEIGHT OF THE LOWEST ROOF LINE		ONLY ONE SUCH SIGN SHALL BE PERMITTED ON EACH PROPERTY, WITH THE EXCEPTION OF THOSE ESTABLISHMENTS HAVING WALLS FRONTING ON TWO OR MORE STREETS IN WHICH CASE THE SIGN AREA FOR EACH STREET MAY BE COMPUTED SEPARATELY	NOT APPLICABLE
2 WALL	2 SF FOR EACH 1 LF OF FRONT BUILDING WALL 1 SF MAX PER LINEAR FOOT OF FRONT BUILDING WALL LENGTH OF THE FRONT BUILDING WALL OR LENGTH OF THAT PORTION OF SUCH WALL DEVOTED TO SUCH ESTABLISHMENT IN NO CASE, HOWEVER, MAY THE TOTAL AREA OF WALL EXCEED 15% OF THE AREA OF THE WALL (INCLUDING WINDOWS AND DOOR AREA) TO WHICH THEY ARE ATTACHED.			1 WALL AND 1 PROJECTING OR 1 WALL AND 1 AWNING PER BUILDING WALL ADJACENT TO A RIGHT-OF-WAY	NOT APPLICABLE
3 PROJECTING	SHALL NOT EXCEED 8 SF PER SIDE		THE SIGN MAY NOT BE LESS THAN 10' ABOVE THE SIDEWALK OR FINISHED GRADE THE SIGN MAY NOT PROJECT FROM THE BUILDING MORE THAN 5' 10' CLEARANCE 4' OR 2/3 WALK/ WIDTH PROJECTION		1 PROJECTING OR 1 AWNING
4 AWNING	18 SF				1 GROUND AND 1 AWNING OR 1 WALL AND 1 AWNING
5 WINDOW	SHALL BE INCLUDED IN THE WALL SIGN COMPUTATION, IF THEIR COMBINED AREA EXCEEDS 50% OF THE AREA OF THE WINDOW WHICH THEY OCCUPY.				2
6 DOOR	6 SF				1
7 HISTORIC TABLET	1.5 SF			1 PER STREET FAÇADE BUILDING DIRECTORY NOT PERMITTED	
8 PLAQUE/ CORNERSTONE/ NAMEPLATE	4 SF			1 PER BUILDING	NOT APPLICABLE
9 ROOF					

3. Sign Criteria.

- a. Illuminated window signs shall include lighted signs placed inside a window facing the exterior of the building. A zoning permit shall be required for illuminated window signs.
 - i. Illuminated window signs shall not be placed above the ground floor of the building and/or more than 10 feet above grade level of the building.
 - ii. Illuminated window signs shall not exceed a size of 16 square feet. Anything exceeding this size shall be deemed the building sign to which the business is entitled. Any combination of illuminated window signs grouped in an area not to exceed 16 square feet will be permitted.
 - iii. Public utility signs required in connection with the identification, operation, or protection of a public utility, provided the area of one side of any such sign shall not exceed eight square feet.
- b. Lots with Multiple Street Frontage. In all zoning districts, lots fronting on more than one street shall be permitted to have one sign type as defined by this Ordinance for each street frontage.

I. Minor Types of Permanent Signs

- 1. The following types of signs are considered minor and are permitted for all land uses and within all zoning districts of the Borough:
 - a. Legal and/or lot notice signs.
 - i. Signs bearing legal and/or lot notices such as: no trespassing, private property, no turnaround, safety zone, no unauthorized hunting and similar messages and signs posted by a governmental agency or traffic control or the safety of the general public.
 - ii. The number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the Commonwealth. Legal notification signs posted on a private lot by the landowner and/or developers such as "no trespassing," "no hunting" and the like shall be limited to a surface area not exceeding two square feet.
 - iii. Service signs, signs which are incidental to a use lawfully occupying the property upon which the sign is located which sign is necessary to provide information to the public such as direction to parking lots, location or restrooms, or other such pertinent information.
 - iii. Legal and/or lot notice signs shall not apply to the permitted signage allotment outlined in this Ordinance.
 - b. Memorial/historical plaques. Commemorative plaques placed by a recognized agency of the Borough, County, State or Federal Government.
 - c. Governmental signs. Signs erected by a governmental agency, including street signs and official traffic signs.

J. Minor Types of Portable Signs

- 1. The following classes of minor type signs are permitted in nonresidential districts:
 - a. Portable advertising signs (used for commercial purposes).

b. Flag signs.

2. Provisions for Use.

a. Portable advertising sign.

- i. Portable advertising signs shall be permitted as an accessory sign, provided that they are clearly accessory to the nonresidential principal use.
- ii. One portable advertising sign shall be permitted for each store front.
- iii. Portable advertising signs shall not exceed 15 square feet (including both sides).
- iv. Portable advertising signs shall not exceed four feet in height.
- v. Portable advertising signs shall be nonilluminated.
- vi. Portable advertising signs shall be removed during nonbusiness operating hours.
- vii. Portable advertising signs shall not block required clear space or areas needed for pedestrian and/or vehicular circulation. There shall be five feet of sidewalk clear space for pedestrian traffic.
- viii. A portable advertising sign shall not block ingress or egress from any door, operable window or fire escape or deny access to them.
- ix. Lots with front yards or parking lots between the building and the street shall place the portable sign between the building and sidewalk, not on the sidewalk, and meet all other requirements of this Ordinance.
- x. Portable advertising signs shall not be placed in a way that would be a distraction to vehicles or conflict with requirements of the American with Disabilities Act (ADA).
- xi. The placement of portable advertising signs shall meet all Americans with Disabilities Act standards and requirements.

b. Flag Signs.

- i. National, State or municipal flags of any size shall be permitted in all zoning districts.
- ii. Flag signs shall be permitted in all nonresidential zoning districts as minor portable signs in strict compliance with the following requirements:
 - 1.) Flag signs shall be permitted as an accessory sign, provided they are clearly accessory to the nonresidential principal use.
 - 2.) Only one flag sign shall be displayed for each principal nonresidential use on the tract. For the purposes of this requirement, commercial enterprises under separate ownership within the same building shall be considered separate uses.
 - 3.) Flag signs shall be inserted on a wall mount properly affixed to the building within which such use is conducted.

- 4.) The lowest portion of any flag sign projecting or hanging no less than seven feet above the public sidewalk or grade.
- 5.) Flag signs shall not extend more than six feet from the facade of the structure or extend into a vehicular roadway, whichever is less.
- 6.) All parts of flag signs, inclusive of flags, poles, staffs and all wall mounts and hardware, shall be maintained in a proper and safe condition so as not to constitute a hazard to persons or property.
- 7.) Flag signs may be displayed only during business hours.

c. Liability.

- i. Any sign placed on a public right-of-way is the sole responsibility of the person and/or entity who or which caused it to be placed there and/or the owner of the property where the said sign is located.

K. Temporary Signs. The following classes of temporary signs are permitted for all land uses and within all zoning districts:

1. Classes of Temporary Signs.

- a. Real estate.
- b. Development.
- c. Construction.
- d. Temporary event/display, including banners and portable temporary signs.
- e. Political.
- f. Holiday.

2. Provisions for Use of Temporary Signs.

- a. Real estate sign (no zoning permit needed).
 - i. One nonilluminated temporary real estate sign shall be permitted on each lot, provided that the real estate sign shall not exceed a total of 12 square feet in surface area calculated for all faces when located on a lot with any residential use and shall not exceed 32 square feet calculated for all faces on any other lot.
 - 1.) Such sign shall be removed within 14 days of the sale or rental of the lot on which it is located.
- b. Development sign (no zoning permit needed).
 - i. One nonilluminated temporary development sign shall be permitted on each lot, provided that the surface area of the sign shall not exceed 32 square feet in surface area calculated for all faces.
 - 1.) The development sign shall not exceed six feet in height when located on a lot with any residential use and shall not exceed 10 feet in height on any other lot.

- 2.) Such development sign shall be removed within 14 days of the sale or rental of the last lot or completion of the proposed construction in the development.
- c. Construction Signs (no zoning permit needed).
 - i. Two nonilluminated temporary construction signs announcing the names of contractors, mechanics, artisans and other associated supporting entities engaged in performing work on the premises shall be permitted on a lot, provided that:
 - 1.) Each construction sign shall not exceed 32 square feet in area calculated for all faces.
 - 2.) The construction signs shall not be placed before work commences and shall be removed within 14 days of the completion of the work.
 - 3.) The establishment wishing to display such construction signs shall contact the Zoning Officer prior to displaying, to give notice of the intent and the period during which the construction sign will be displayed.
 - d. Temporary Event/Display Sign (zoning permit needed).
 - i. One nonilluminated temporary event/display sign, as defined by this Ordinance, shall be permitted, provided that:
 - 1.) A nonilluminated temporary event/display sign may be erected on the face of the lot's principal structure, provided that the area of the signs shall not exceed 32 square feet.
 - 2.) A nonilluminated temporary event/display sign if not displayed for a period longer than 30 days and is removed no later than three (3) days following the completion of the event that it promotes.
 - 3.) Landowners may place a nonilluminated temporary event/display sign in the public right-of-way and/or the front yard portion of their property, provided such signs do not interfere with motorist or pedestrian visibility or safety, and the sign is otherwise not of a type restricted by this Ordinance.
 - ii. Portable signs shall be permitted as a temporary event/display sign and shall meet all following requirements:
 - 1.) One total portable sign shall be permitted for each lot.
 - 2.) Portable signs shall not exceed 15 square feet (including both sides).
 - 3.) Portable signs shall be nonilluminated.
 - 4.) Portable signs shall not block required clear space or areas needed for pedestrian and/or vehicular circulation.
 - 5.) Signs placed on sidewalks shall not be placed within five feet of a vehicular roadway.
 - 6.) Signs shall be placed so there is a minimum of five feet clearance of travel on sidewalks for pedestrian traffic.

- 7.) Signs shall not block ingress or egress from any door, operable window or fire escape or deny access to them.
- 8.) Signs shall not exceed four feet in height.
- 9.) Any temporary event/display sign placed on public property is prohibited without the consent of the governing body.
- 10.) All temporary event/display signs must list the owner or organization that is responsible for the signs. The name, address and phone number shall be placed legibly on the back of said sign.
- 11.) Any temporary event/display sign found to be in violation, where the sign is placed on public property, will become the property of the Borough and be removed and disposed of at the expense of the person or organization that placed the sign and/or the property owner on which the sign is located.
- 12.) Organizations, businesses, or landowners and/or developers or any other persons found violating the provisions set forth within this Section will forfeit their right to be issued a zoning permit for a temporary sign for a period of one year commencing from the date said violation is found to have occurred.

- e. Political Signs (no zoning permit needed).
 - 1. The area of any one side of such sign shall not exceed 16 square feet.
 - 2. Anyone placing such signs shall obtain permission of the property owner where the sign is to be placed.
- f. Holiday Decorations (no zoning permit needed). Holiday decorations displayed for holidays shall be exempted from the provisions of this Ordinance, except as where they may cause glare, interfere with traffic safety or in any other way cause a public safety hazard.

L. Additional Sign Provisions.

- 1. Visibility. Signs in all zoning districts shall be located in such a position that they will not cause a hazard by obstructing visibility or distracting motorists, obscure a traffic signal or other traffic control device, or be placed in such a manner as to cause a hazard to pedestrians.
- 2. Illumination.
 - a. Illumination, when authorized by this Ordinance, shall be directed upon the sign face and not towards adjoining lots or streets so that the source of illumination is not visible.
 - b. Internal illumination of signs shall be permitted.
 - c. Signage lighting which is placed on the front of any property fronting a street inside the Borough shall be stationary and constant in intensity and color at all times as not to cause motorist or pedestrian distraction.
 - d. Electronic variable message signs, meaning an electronically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming, shall not be permitted to be placed at the front or side of any property fronting a street within the Borough, and when in conformance with this Ordinance shall be

the same image or content without change for a period of 24 hours, with the exception of time and temperature displays.

- e. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding lots from dusk to dawn.
3. Removal of Signs
- a. Whenever any business, activity or product on a lot is discontinued, vacated or no longer sold, all signs relating to the discontinued or vacated business shall be removed within 30 days of the vacation or discontinuance of the business or activity. The zoning permit shall become null and void when a business, activity or product on a lot is discontinued, vacated, or no longer sold.
 - b. If the land owner and/or developer fail to remove the sign at the end of the 30 days from the permit expiration date, the Borough shall be permitted to remove the sign at the owner's and/or developer's expense.

Article VII: Non-conforming Uses, Structures and Lots

§701. Non-conformities.

The provisions of this Article apply to buildings, structures, signs, lands and uses which would not be permitted as the result of the application of this Ordinance to their location or use in the Borough, or as a result of the reclassification of the lot containing them, or of the adoption of other amendments to this Ordinance after the initial passage. This Article is concerned with properties of inadequate area and/or frontage, uses of land and/ or structures for activities not permitted in the zone and structures placed on a lot too close to lot boundary lines for compliance with standards of the zone in which they are located.

- A. Non-conforming Lots of Record.
 - 1. Existing Lots of Record. Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the zone in which it is located, even though its dimensions are less than the minimum requirements of this ordinance. Where two or more adjacent lots of record with less than the required area and width are held by one owner on or before the date of enactment of this Ordinance, the request for a permit will be referred to the Zoning Hearing Board which may require replatting to fewer lots which would comply with the minimum requirements of this Ordinance.
 - 2. No provision of this Ordinance relating to side and rear yard requirements will prevent the reasonable use of a non-conforming lot of record. The Zoning Officer may grant a reduction in the requirement for side yards and rear yards for lots of record which lack required lot width or depth. However, such yard dimensions may not be reduced by more than forty percent (40%) of that required without the approval of the Zoning Hearing Board.
- B. Non-conforming Uses of Land and Structures.
 - 1. Where at the effective date of adoption or amendment of this Ordinance, lawful use of land, or land and the structure or structures on it, exists and is made no longer permissible under the requirements of this Ordinance, as adopted or amended, such use may be continued indefinitely, so long as it remains otherwise lawful, provided the following conditions are applied.
 - a. No non-conforming use of land can be extended by acquisition of additional land to occupy a greater land area than was occupied at the effective date of adoption or amendment of this Ordinance.
 - b. No structure containing a non-conforming use but capable of being enlarged without violating setback or height requirements in the Zone where it is located may be increased in volume more than 50% over the volume of such structure at the time of adoption of this Ordinance or subsequent amendments that made the use non-conforming. A non-conforming use which occupies part of a structure may be extended throughout the structure it occupied at the time of adoption of this Ordinance or subsequent amendment that made the use non-conforming, but the expansion under such circumstances may not be extended to occupy land outside the original structure.
 - 2. If any such non-conforming use of land or use of land and structures in combination ceases or is abandoned for any reason including destruction of buildings, for a period of at least one (1) year, any subsequent use of such land, or land and structures in combination, must conform to the regulations for the zone where such land is located, except that where a hardship to the operator of the non-conforming use clearly exists as a result of financial, health or other calamity, the Zoning Hearing Board may grant an extension of the one (1) year limit consistent with the hardship, but not more than one additional year.

- 3. The non-conforming use of a structure or a lot may be changed only to a conforming use unless:
 - a. The Applicant demonstrates a hardship in converting the use to a conforming use; or
 - b. The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing non-conforming use. However, this requirement does not preclude an owner from selling a non-conforming use to a succeeding owner to operate as it was operated prior to the sale. Each succeeding owner of a non-conforming use must secure a zoning certificate of compliance from the Zoning Officer who may ask the Zoning Hearing Board for a decision if he has reason to doubt that the non-conforming use will be continued in the same manner as formerly.
 - 4. The non-conforming use of a structure and/or land, or combination of structure and land may be superseded by a use permitted in the Zone where the lot is located and the use of the premises must conform to the regulations of the Zone.
 - 5. Where a non-conforming use of structure and premises exists in combination, removal of the structure and/or use in the structure terminates the non-conforming use of the premises.
 - 6. The maintaining or strengthening to a safe condition of any non-conforming structure may not be interpreted as being denied by any portion of this Article.
- C. Non-Conforming Structures.
- 1. A structure that exists on a lot at the effective date of this Ordinance or any amendment to it and does not conform to the requirements regarding height or minimum setbacks from adjacent streets or lot lines, such structure may remain indefinitely subject to the following provisions.
 - 2. Any replacement of a non-conforming structure must be made in compliance with the regulations governing development for the Zone in which the lot is located, except that if a hardship is alleged by the owner, he may request a special exception of the Zoning Hearing Board which may approve replacement on the same foundation that supported the structure to be replaced, but in no case a location that was less conforming than the original location.
 - 3. If a non-conforming structure is moved, it must conform to requirements of this Ordinance regarding location on the lot.
- D. Record of Non-Conforming Uses.
- 1. The Zoning Officer must keep the data current by the addition of non-conforming uses as amendments to this Ordinance are adopted and by the deletion of non-conforming uses as they are eliminated.
 - 2. The record may be kept by map or written documentation.

Article VIII: Rezoning

§801. Purpose of Rezoning.

Rezoning can be initiated to protect the safety, capacity and efficiency of the Borough's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Etna-Millvale-Sharpsburg Multi- Municipal Comprehensive Plan. See also the MPC §609.

§802. Rezoning Application Forms.

Rezoning applications are completed on the official forms provided by the Zoning Officer. All Applicants submitting rezoning applications are required to prepare a series of plans, analyses and reports as enumerated in §804 to demonstrate the compatibility of a rezoning proposal.

§803. Review of Rezoning Applications.

- A. The Zoning Officer:
 - 1. Will perform a desk check review of the package to determine the completeness of the application.
 - 2. Will return any incomplete or insufficient application to the Applicant or will forward a complete application package to the Borough Planning Commission for review.
 - 3. Will provide the Applicant a letter within seven (7) business days stating that the application has been submitted with all required information attached.
- B. As part of the rezoning approval process, the Borough Planning Commission and Borough Council consider the motivation and implications of each plan, analysis and report.
- C. The Borough Planning Commission:
 - 1. Will, consider any projected beneficial and/or detrimental effects on the Borough and may host a public hearing on the application if they deem it applicable.
 - 2. Submit a written recommendation either in favor or not in favor of the rezoning proposal including a specific statement as to whether or not the proposed rezoning is in accordance with the objectives of the Etna-Millvale-Sharpsburg Multi-Municipal Comprehensive Plan.
 - 3. Forward Borough Council a recommendation for the nature of action regarding rezoning.
- D. The Borough Council will host a public hearing on the application and compose a brief summary explanation of its decision and forward the decision and explanation to the Applicant. Upon rezoning approval, the Zoning Officer will update the Zone Map accordingly.

§804. Application Criteria.

- A. Application Requirements. Plans and reports that a landowner and/or developer submits include:
 - 1. Sketch Plan.
 - 2. Estimated infrastructure (sanitary sewer and potable water) demands (gallons per day).
 - 3. Off-street parking projections (number of parking spaces) available on site.

4. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, hours of operation.
5. Depending upon the location of lot access, infrastructure service/demands and impacts identified in §804.A.4. on adjoining lots, the Borough Council may require a landowner and/or developer to prepare other potential related studies. The Borough Planning Commission and the Borough Council reserve the right to request additional information as part of the rezoning review and approval process in order to evaluate the applicability of the rezoning.

Article IX: Permits

§901. Zoning Permit

- A. A zoning permit shall be required prior to:
 - 1. A change in use of land or structure.
 - 2. The placement, erection or construction of a structure, or portion thereof, that has a fair market value exceeding \$500, including, but not limited to, fences, except that a permit shall be required prior to the erection of a fence that is located within a floodplain, regardless of its cost.
 - 3. The alteration or improvement of any existing structure, where such improvement or portion thereof increases the amount of space which the structure encloses.
 - 4. The alteration or development of any improved or unimproved real estate.
 - 5. The erection or alteration of any signs specified in this chapter.
- B. No zoning permit shall be required for repairs or maintenance of any structure or land, provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this chapter.
- C. Application for zoning permits shall be submitted to the Zoning Officer.
- D. Such zoning permits shall be granted or denied, in whole or in part, within 30 business days of the filing date.
- E. No zoning permit shall be issued except in conformity with:
 - 1. All applicable regulations of this chapter.
 - 2. Any conditions imposed upon the site by the Zoning Hearing Board or the Borough Council.
 - 3. Any recorded subdivision or land development plan.
- F. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use or improvement to meet all of the above-described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied.
- G. Application for a zoning permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization of the owner or the qualified person making an application, that the proposed work is authorized by this owner. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
- H. The Zoning Officer may call upon other Borough staff and/or Borough-appointed consultants in the review of submitted materials for applications.
- I. The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this chapter in case of any false statement or misrepresentation of fact in the application or on the plans on which the zoning permit or approval was based or for any other cause set forth in this chapter.

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- J. No permit shall be issued until the fee, in an amount as established from time to time by resolution of the Borough Council, is paid to the Borough. The payment of fees under this section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this chapter or by any other ordinances or law. Where a permit is required by this chapter, but the work is commenced or the use is commenced or changed prior to obtaining such zoning permit, the fee set by resolution of the Board of Supervisors for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Borough resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices and/or process the application as soon as it is received. The payment of such increased permit fee shall not relieve any person from complying with all requirements of this chapter or any other applicable Borough ordinances or from any penalties or enforcement actions authorized by this chapter or the Pennsylvania Municipalities Planning Code.
- K. Issuance of zoning permits. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, the Zoning Officer shall reject such application in writing, stating the reasons therefor, and informing the applicant of his or her right to appeal the Zoning Officer's decision to the Zoning Hearing Board. If satisfied that the proposed work and/or use conforms to the provisions of this chapter and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, the Zoning Officer shall grant or deny a permit application, in whole or in part, within 30 business days of the filing date.
- L. Reconsideration of application. An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a zoning permit, provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to conduct a new review of the application if this condition is not met.
- M. Expiration of permit. The zoning permit shall expire after one year from the date of issuance; provided, however, that the same may be extended every six months for a period not to exceed an additional two years, upon written request by the applicant which demonstrates good cause to the Zoning Officer. When a zoning permit is issued in conjunction with a building permit, the zoning permit shall remain valid so long as the building permit is valid. A permit may be valid for no more than five years from its issue date.
- N. Compliance with this chapter. The zoning permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of this chapter, except as stipulated by this chapter. The issuance of a zoning permit does not indicate that a building permit can be issued nor is it to be considered a license to begin work where a building permit is also required.
- O. Compliance with zoning permit and plot plan. All improvements or uses shall conform to the approved application and plans for which the zoning permit has been issued as well as the approved plot plan.
- P. Display of zoning permit. All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit displays shall occur within five days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of use and occupancy.
- Q. Application requirements associated with zoning permits are available at the Etna Borough Municipal Building Administrative Office.

§902. *Building Permits.*

- A. No building or structure can be erected, added to or structurally altered until a permit has been issued by the Zoning Officer. No building permit can be issued for any building where construction, addition or alteration or use thereof would be in violation of any of the provisions of this Ordinance, except after written order from the Zoning Hearing Board. Any building permit issued in conflict with the provisions of this Ordinance is null and void.

- B. All applications for building permits are to be accompanied by plans in duplicate as determined by the Zoning Officer, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of building already existing, if any; and the location and dimensions of the proposed building or alteration. The application includes such other information as the Zoning Officer requires, including existing or proposed uses of the building and land; the number of households or units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance. One copy of the plans, denoted with approval or disapproval, will be returned to the Applicant and one copy, similarly marked, retained on Borough file.

- C. A building permit for any building or use may be revoked and withdrawn by the Zoning Officer if the holder of the building permit has failed to comply with the requirements of this Ordinance or with any conditions attached to the issuance of the permit, and the holder of the building permit may be subject to penalties as provided by this Ordinance.

- D. The Building Inspector has thirty (30) days to review and act upon a building permit application.

- E. If the work described in any building permit has not begun within ninety (90) days from the date of issuance, the building permit expires. The Zoning Officer will notify the Applicant of such expiration. If the work described in any building has not been substantially completed within two (2) years of the date of issuance thereof, said permit and any other zoning relief expires and will be canceled, with written notification, by the Zoning Officer. An Applicant has ten (10) days to apply for renewal of zoning relief and issuance of new a building permit.

- F. All buildings for which permits have been obtained and the construction of which has begun, or for which a contract or contracts have been issued pursuant to a permit granted prior to the date of adoption of this Ordinance may be completed and used in accordance with the plans on which said permit was granted.

- G. Unless otherwise required by another portion of the Borough's code of Ordinances, all public and private construction, demolition and grading work and related activities performed pursuant to a building permit can be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, and no such work can be performed at any time on Sundays or federal holidays, unless the permittee obtains written consent from the Borough Manager, and/or his or her agent, to do the work at an earlier or later hour or on said days.

- H. In connection with the granting of any permit, the Zoning Officer and/or the Borough Manager may, in his or her discretion, attach such conditions thereto as may be necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance including, but not limited to, the following:
 - 1. Limitations on the period of the year in which the work may be performed.
 - 2. Restrictions as to the size, weight and type of equipment.
 - 3. Designation of routes upon which materials may be transported.

4. Designation of the place, manner and routes of disposal of excavated material.
5. Requirements for the storage of equipment and materials.
6. Requirements as to the control of dust, the cleaning of streets, the prevention of noise and all other conduct injurious to the neighborhood, the general public or any portion thereof.
7. Regulations as to the use of streets in the course of the work in the Borough.
8. Regulations as to the use of a mechanical device for the breaking of pavement, such as a hydra-hammer or headache ball, which will be permitted only with special written permission from the Zoning Officer and/or the Borough Manager.
9. Requirements that the building permitted area be completely fenced in, with a designated point of ingress and egress, and with such fencing to be of sufficient height and transparency so as to protect public health, welfare and safety.

§903. Occupancy Permits.

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

§904. Temporary Use Permit.

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

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Article: X: Amendments

§1001. Enactment of Zoning Ordinance Amendments.

- A. The Borough Council may amend, supplement, or repeal any of the regulations and provisions of this Ordinance as set forth in the MPC.
- B. The Borough Council will conduct hearings and make decisions in accordance with the MPC. Before voting on the enactment of an amendment, the Borough Council will hold a public hearing, pursuant to public notice.
- C. In the case of an amendment other than that prepared by the Borough Planning Commission, the Borough Council will submit each such amendment to the Borough Planning Commission to provide the Borough Planning Commission an opportunity to submit recommendations.
- D. Prior to the public hearing on the amendment by the Borough Council, the amendment shall be forwarded to Allegheny County and surrounding municipalities for recommendations.

§1002. Procedure for Landowner Curative Amendments.

- A. A landowner and/or developer who desires to challenge on substantive grounds the validity of this Ordinance or the Zone Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the MPC, 53 P. S. §10916.1. See also §609, §610 and §916.1 of the MPC, 53 P. S. §10609, 10610, and 10916.1.
- B. The Borough Council will conduct hearings and make decisions in accordance with the MPC.
- C. The Borough Council, if it determines that a validity challenge has merit, may adopt landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council will consider material submitted by the landowner and also consider:
 1. The impact of the proposal upon roads, sewer facilities, water supplies, school and other public service facilities.
 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zone Map.
 3. The suitability of the lot for the intensity of use proposed by the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
 4. The impact of the proposed use on the lot's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

§1003. Procedure for Borough Curative Amendments.

- A. If the Borough determines that this Ordinance, or any portion hereof, is substantially invalid, it can take the following actions:
 1. The Borough can declare by formal action, this Ordinance or portions hereof substantially invalid

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- and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Borough Council will:
- a. By resolution make specific findings setting forth the declared in validity of this Ordinance which may include:
 - i. References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - ii. Reference to a class of use or uses which requires revision; or,
 - iii. Reference to this entire Ordinance which requires revisions.
 - b. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
2. The Borough Council will conduct hearings and make decisions in accordance with the Pennsylvania MPC.

§1004. Content of Public Notice.

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

Article XI: Administration and Enforcement

§1101. Administration.

- A. Borough Council. Under this Ordinance, the Borough Council has the duty to:
 - 1. Consider and adopt or reject proposed amendments or the repeal of this ordinance as provided by law. Borough Council cannot hear and decide questions of enforcement that may arise.
 - 2. Appoint and remove members of Borough Planning Commission, Zoning Hearing Board and the Zoning Officer.
 - 3. Receive and consider Borough Planning Commission's ordinance-related recommendations.
 - 4. Ask for recommendations of the Borough Planning Commission on the adoption or amendment of this Ordinance and for these matters specified in §303(a) of the MPC, as amended.
 - 5. Advertise and host a public hearing before adopting a zoning ordinance or any of its amendments.
 - 6. Establish fees for the issuance of land development, building, occupancy and sign permits. In accordance with MPC §617.3(e).
 - 7. May prescribe fees for processes outlined in MPC §617.3(e)
 - 8. Has exclusive jurisdiction to hear and render final adjudications for:
 - a. All applications pursuant to §508 of the MPC, 53 P.S. §10508 for approval of subdivisions or land development when a local Subdivision and Land Development Ordinance exists.
 - b. Applications for conditional use under the express provisions of this Ordinance.
 - c. Applications for curative amendment to this Ordinance or pursuant to §609.1 and 916.1(a) of the MPC, 53 P. S. §10609.1, 10916.1(a).
 - d. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P. S. §10609.
 - e. Appeals from the determination of the Zoning Officer or the Borough Engineer in the administration of any land use ordinance or provisions with reference to sedimentation and erosion control and stormwater management as enabled by the MPC.
 - f. Based Upon a subdivision or land development plan as reviewed and approved by Allegheny County, the Borough shall be responsible for issuance of building permits and conducting inspections.
- B. Borough Planning Commission. Powers and duties of Borough Planning Commission are those outlined in §209.1 of the MPC, as amended.
- C. Zoning Hearing Board. Powers and duties of Zoning Hearing Board are those outlined in Article IX of the MPC, as amended.
- D. Zoning Officer. Duties generally involve:
 - 1. The day-to-day administrative procedures of this Ordinance.

- a. Receiving, reviewing, and issuing building and zoning permits and certificates of occupancy, maintaining records of applications and permits, performing inspections to determine compliance with this Ordinance.
 - b. Notify persons violating this Ordinance
 - c. Keeping this Ordinance and map up-to-date.
 - d. Accepting applications for and presenting facts at hearings before the Zoning Hearing Board.
 2. Borough Council may amend the duties of the Zoning Officer as deemed necessary for the health, safety and welfare of the residents.
 3. The Zoning Officer:
 - a. Must administer this Ordinance by its literal terms.
 - b. Does not have any discretionary power and can neither waive nor tighten any requirement of the Ordinance.
 - c. Is required to meet qualifications established by the Borough and the MPC and must be able to demonstrate a working knowledge of the municipal zoning.
 - d. May also serve as the Building Inspector.
 - e. Must be appointed in conformance with Section 614 of the MPC.
- E. Building Inspector.
1. The Building Inspector enforces this Ordinance by issuing building permits and occupancy permits for only such structures and uses that comply with the provisions of this Ordinance. The Building Inspector conducts all inspections necessary to determine compliance with the Ordinance and maintains records thereof.
 2. The Building Inspector is responsible for:
 - a. Maintaining all of the records of this Ordinance including, but not limited to, all maps, amendments and variances, nonconforming uses appeals and applications.
 - b. Collecting fees that accompany applications for building and occupancy permits and variances.
 - c. Receiving, filling and forwarding to the Borough Council and the Borough Planning Commission for action all applications for amendments to this Ordinance.
 - d. Receiving, filing and forwarding to the Zoning Hearing Board all applications for variances and appeals.
 3. The Building Inspector may also serve as the Zoning Officer.

§1102. *Enforcement Remedies.*

- A. Enforcement Notice.
 - 1. If it appears to the Borough that a violation of this Ordinance has occurred, the Borough will initiate enforcement proceedings by sending an enforcement notice as provided in this Ordinance.
 - 2. The enforcement notice must be sent to the owner of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, and to any other person requested in writing by the owner of record.
 - 3. An enforcement notice states at least the following:
 - a. The name of the owner of record and any other person against whom the Borough intends to take action.
 - b. The location of the lot in violation.
 - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within the timeframe as defined by the enforcement notice.
 - f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- B. Remedies.
 - 1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance must, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment may commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues constitutes a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there can 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 will constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance must be paid over to the Borough.
 - 2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
 - 3. Nothing contained in this Section can be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

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Article XII: Definitions

§1201. Definitions.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings here indicated. The singular shall include the plural and the plural shall include the singular. The word "used" shall include the words "arranged," "designed" or "intended to be used." The present tense shall include the future tense. The word "may" is permissive. The word "shall" is mandatory. All definitions within the MPC, as applicable, are hereby referenced by this Ordinance.

ABUTTING - Having a common border with or being separated from such common border by an alley or easement.

ACCESS - A means of approach or entry to or exit from a lot, a site or a parcel.

ADJACENT - Within proximity to or sharing a common boundary.

ALLEY - A functional service way providing a secondary public means of access to abutting properties.

ALL OTHER RESIDENTIAL USES - Any land use residential in nature other than defined by this Ordinance or the Zoning Ordinances of the Boroughs of Millvale and/or Sharpsburg.

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

AMENDMENT - a refinement to this Ordinance which includes revisions to the zoning text and/or the Zoning Map by resolution of the Borough Council

ANIMAL HOSPITAL - A business establishment operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals.

ANTENNA - Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional Antenna (rod), directional Antenna (panel), parabolic Antenna (disc) or any other wireless Antenna. An Antenna shall not include Tower-Based Wireless Communications Facilities as defined below.

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

APPLICANT - A landowner and/or developer who has filed an application for development, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT - Every application required to be filed and approved prior to the start of construction or development, including but not limited to an application for zoning approval. Every application for development must include the form designated by the Zoning Officer, the appropriate site plan and all other information required by this Ordinance.

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

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

ARTISAN WORKSPACE/SALES – An establishment, in conjunction with or without a dwelling, designed for the preparation, instruction, display and/or sale of individually crafted work related to artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, literature or performance of fine arts such as but not limited to drawing, vocal or instrumental music.

AUTO SALES/SERVICE AND REPAIR- A business establishment used for the display or sale of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles and/or or boats. Such use may also include the servicing or repair of vehicles of the brand of vehicles sold at the establishment.

BAKERY/CONFECTIONARY - A facility where baked goods are prepared and baked which may utilize an open flame.

BANKS AND FINANCIAL INSTITUTIONS - A business establishment where the principal business is the receipt, disbursement, or exchange of funds and currencies such as banks, savings, loans, credit unions or check cashing establishments.

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

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

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

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

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

BOARD - any body granted jurisdiction under the MPC or a land use ordinance which has the authority to render final adjudications.

BOROUGH – Borough of Etna, Allegheny County, Pennsylvania.

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

BOROUGH MANAGER/BOROUGH SECRETARY - the duly appointed Borough official designated to administer the regulations, programs and services of the Borough of Etna.

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

BREWERY – A facility that brews ales, beers, meads, and/or similar beverages on site.

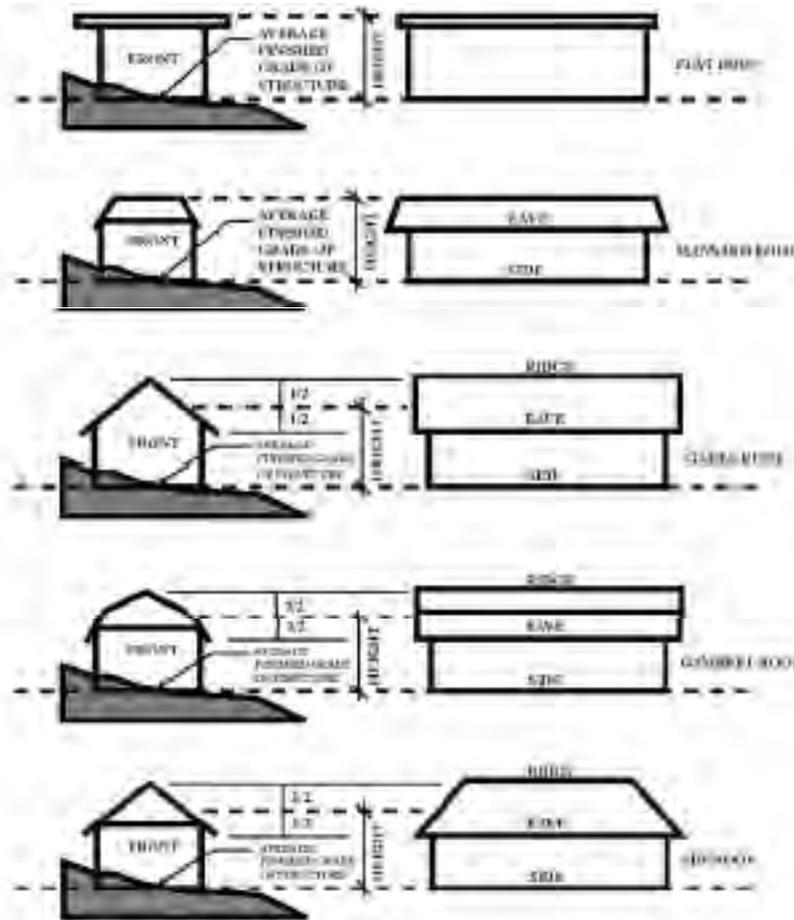
BREW PUB - A business establishment which provides on-site alcoholic beverage sales for drinking on the premises, where food is served, where live entertainment (not including adult entertainment) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian.

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

BUILDING, ACCESSORY - A detached, subordinate building, the use of which is clearly incidental to the principal structure or use of the lot.

BUILDING COVERAGE - That percentage of the lot area covered by the buildings. In determining building coverage, cornices, eaves and gutters shall be excluded.

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



BUILDING INSPECTOR - Qualified professional delegated by the Borough to do building control and/or other duties as identified by the Borough Code.

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

BUILDING LENGTH - The longest dimension of a building, measured to the outside walls at ground level.

BUILDING LINE - A line parallel to and a distance from the lot lines in accordance with the requirements of this Ordinance.

- A. **BUILDING LINE, FRONT** - A line parallel to the front lot line, a distance from the front lot line in accordance with the front yard or setback requirements of this Ordinance.
- B. **BUILDING LINE, REAR** - A line parallel to the rear lot line at a distance from the rear lot line in accordance with the rear yard or setback requirements of this Ordinance.
- C. **BUILDING LINE, SIDE** - A line parallel to the side lot line in accordance with the side yard or setback requirements of this Ordinance.

BUILDING MATERIAL YARDS OR ESTABLISHMENTS - A place for short- or long-term storage, collection and/or distribution of heavy equipment, machinery or materials used in construction, farming or industrial operations.

BUILDING-MOUNTED SYSTEM - A solar photovoltaic system attached to any part or type of roof on a building or structure that has an occupancy permit on file with the Borough and that is either the principal structure or an accessory structure on a recorded lot. This system also includes any solar-based architectural elements.

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

BUILDING, PRINCIPAL - The building housing the principal use of the lot on which it is located.

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

CLINIC, SMALL-SCALE - A building or structure where two (2) or more licensed medical professionals provide diagnostic services, medical, dental, and/or psychiatric services and/or treatment diagnosis and treatment to the general public without overnight accommodation and may include uses such as reception areas, waiting areas, consultation rooms, x-ray and a dispensary, providing that all such uses shall have access only from the interior of the building or structure. The clinic generally operates on a first-come, first-serve basis and does not take appointments. It has relatively high pedestrian or customer traffic throughout the year. Any facility for methadone treatment or other narcotic treatment programs approved by the Pennsylvania Department of Health shall not be considered a small-scale clinic use.

CLUB/LODGE - A business establishment operated for social, recreational, educational or fraternal purposes, some serving alcoholic beverages where permitted, but open only to members and their guests.

CO-LOCATION - the mounting of one or more WCFs, including Antennae, on an existing Tower-Based WCF, or on any structure that already supports at least one Non-Tower WCF.

COMMUNITY CENTER - A building where activity for the benefit of the general public occurs with meeting rooms and/or accessory fitness facilities.

COMPREHENSIVE PLAN - the official Comprehensive Plan of Etna Borough, as amended from time to time, adopted pursuant to the provisions of Article III of the MPC.

CONSTRUCTION - The construction, reconstruction, renovation, repair, extension, expansion, structural alteration or relocation of a structure, including the placement of mobile homes.

COUNCIL - The Borough Council of the Borough of Etna.

COUNTY - Allegheny County, Pennsylvania.

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

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

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

DEVELOPMENT - The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings; any use or change in use of any buildings or land; or extension of any use of land, for which permission may be required pursuant to this Ordinance.

DEVELOPMENT PLAN - The provisions for development, including a planned 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.

- A. **DEVELOPMENT PLAN, FINAL** - A development plan which has been submitted for final approval of a planned development to Council.
- B. **DEVELOPMENT PLAN, PRELIMINARY** - The written and graphic material describing provisions for development of a planned development, including a plan; the name of the planned development; all covenants relating to use, location, size, height and bulk of buildings and other structures; intensity of use or site density; parking areas; location and size of common areas; and uses submitted for tentative approval.

DISABLED - "Handicapped" as defined according to the Fair Housing Act Amendments of 1988, 42 U.S.C. § 3602(h), and any amendments thereto.

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

DISTRIBUTED ANTENNA SYSTEMS (DAS) - network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DOCKS/PORTALS FOR WATER ACCESS - A constructed or altered segment of the riverbank or shore used for the purpose of enabling a recreational boat to be placed into the water from a trailer or other apparatus used to transport or store the boat.

DRIP LINE - The outermost edge of a roof including eaves, overhangs and gutters.

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

DUMPSTER ENCLOSURE - a vertical structure erected to surround receptacles for trash and/or recycling.

EASEMENT - Authorization by a lot owner of the use by another and for a specified purpose of any designated part of his lot.

EMERGENCY - a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.

EMERGENCY SERVICES - Any service to citizens for injury or life-threatening events, including but not limited to ambulance, paramedic or fire and rescue services provided by a public or private agency. A building, structure and/or lot used for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment utilized to provide private rescue or ambulatory services, fire and/or police services.

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

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

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

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, disposal or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, off-street parking spaces and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare, but not including buildings.

FACADE - The exterior walls of a building that can be seen by the public.

FCC - Federal Communications Commission.

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

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

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

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

FORESTRY - the management of forests and timber lands 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.

FRONTAGE - The portion of a lot between the facade and the lot line that fronts the thoroughfare or a civic open space or the privately held portion between the facade of a building and the lot line.

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

FUEL/ENERGY RECHARGE STATION - A business establishment supplying fuel, recharging energy, tires, accessories and services for vehicles directly to the populace, including minor repairs and the sale of groceries, but not including such major repairs as spray painting, body, fender, axle, frame, major engine overhaul or recapping/retreading of tires.

GARAGE - A building or structure part thereof, used or intended to be used for the parking and storage of motor vehicles.

- A. **GARAGE, PRIVATE** - An accessory use which is attached to or an integral part of a residential building or dwelling unit or an accessory structure used for the storage of motor vehicles and other personal property owned and used by the residents of the residential building or dwelling unit and in which no occupation, business or service for profit is carried on. A private garage may be used for the storage of not more than one (1) commercial vehicle owned or used by the owner or tenant of the residential building or dwelling unit and for the storage of not more than three private noncommercial vehicles owned or used by persons other than owner or tenant of the residential building or dwelling unit.
- B. **GARAGE, PUBLIC** - Any building used for temporary parking of motor vehicles for an established fee or reservation and where said garage is not associated with other automotive retail uses.

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

GOVERNMENT OPERATIONS - See Post Office, Emergency Services, Municipal Buildings.

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

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

GROCERY STORE/BUTCHER SHOP/GREEN GROCER - A business establishment that sells produce, dry goods, meats, baked goods, dairy items, frozen foods and the like. This includes supermarkets, food stores, dairies, delicatessens, but does not include convenience stores.

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

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

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

HEALTH/FITNESS CLUB - Any establishment having a source of income or compensation derived from offering a service to the public involving health, healing or fitness-related activities and providing or offering to provide physiological or psychological healing or therapy. This includes but is not limited to a health club, massage establishment and public spa or public hot tub. This term shall not include any business or establishment operated for the practice of a profession which is licensed by the Commonwealth of Pennsylvania, such as physicians, dentists, nurses, podiatrists, chiropractors, physical therapists and similar occupations. Massage facilities shall constitute no more than five (5) percent of the floor area of the building.

HEIGHT OF A TOWER-BASED WCF - The vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-Based WCF, including Antennae mounted on the tower and any other appurtenances.

HI-RISE RESIDENTIAL - A building of no less than four stories with a suite of rooms or a single room in the building containing four (4) or more dwelling units, each with its own cooking, food storage, bathing and toilet facilities and with access directly or by a common hallway to the outside.

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

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- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - B. The business shall employ no employees other than members residing in the dwelling.
 - C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - D. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
 - E. No on-site parking of commercially identified vehicles shall be permitted.
 - F. 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.
 - G. The business activity may not generate any solid waste or sewage discharge, in volumes or type, which is not normally associated with residential use in the neighborhood.
 - H. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
 - I. The business may not involve any illegal activity.

HOME OCCUPATION - A business conducted within a dwelling whereas said business is not classified as a home based business, no impact.

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

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

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

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

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

INSTITUTIONAL USES – Places of worship, places of assembly, schools, and other similar institutions of an educational, religious, charitable or philanthropic nature.

INTERCONNECTION - The technical and practical link between the solar generator and the grid providing electricity to the greater community.

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

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

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

LAUNDROMAT - A facility where patrons wash, dry or clean clothing or other fabrics in machines operated by the patrons.

LIBRARY - A public or institutional facility for the use, but not sale, of literary, musical, artistic, or reference materials.

LIGHT MANUFACTURING - The processing and fabrication of certain materials and products where no process involved will produce noises, vibration, water pollution, fire hazard or noxious emissions 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, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

LIVERY - A stable or yard where horses are kept, generally where horse owners pay a fee to keep their horses.

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

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law, not including any part of a public right-of-way, and to be used, developed or built upon as a unit. A site or parcel may include more than one lot, but a lot cannot include more than one site.

- A. **LOT AREA** - The total area of a lot measured on a horizontal plane bounded by the front, side and rear lot lines of the lot.
- B. **LOT, BUILDABLE AREA OF** - That lot area in which the principal structure may be located and which is bounded by the front, rear and side building lines of the lot.
- C. **LOT, CORNER** - A lot situated at and abutting the intersection of two (2) or more streets where said lot has a minimum of two (2) front lots and one (1) side lot but no rear lot.
- D. **LOT COVERAGE** - The percentage of the total area of a lot or lots occupied by buildings/structures but not including any permanently uncovered paved areas, porches, patios or steps.
- E. **LOT DEPTH** - The mean horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.
- F. **LOT, INTERIOR** - A lot other than a corner lot with only one (1) frontage on a street.
- G. **LOT LINE** - A line that bounds a lot.
- H. **LOT LINE, FRONT** - That lot line which extends along a private or public street.

- I. LOT LINE, REAR - That lot line which is most distant from and is most nearly parallel to the front lot line, except for corner lots and three-sided lots, which have no rear lot line.
- J. LOT LINE, SIDE - The lot line which is not a front lot line or rear lot line.
- K. LOT, THROUGH - A double frontage lot, the front lot line and rear lot lines of which abut streets, alleys or ways.
- L. LOT WIDTH - The distance between the side lot lines measured along the front building line of the lot.

LOT, NON-CONFORMING - A lot consisting entirely of a tract of land that:

- A. Has less than the prescribed minimum lot size, width, depth, or any combination thereof, for the district in which it is located.
- B. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot such size, width, depth, or any combination thereof, at such location would not have been prohibited by any Zoning Ordinance.
- C. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable Zoning Ordinance.

MAILED NOTICE - Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MANUFACTURING, PROCESSING, PRODUCING OR FABRICATING OPERATION - 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 institutional-finished products not otherwise defined as light manufacturing.

MARINA - A business establishment for secure mooring of recreational boats, including facilities for storage and repair of boats and sale of boating supplies and fuel, for use by the owner or resident of the lot, and those other than the owner or resident of the lot, upon which the facility is located. A marina may include a restaurant and/or boat and motor sales store.

MEDICAL OFFICE - A building or structure where one (1) or more licensed medical professionals provide diagnostic services, medical, dental, and/or psychiatric services and/or treatment diagnosis and treatment to the general public without overnight accommodation and may include uses such as reception areas, waiting areas, consultation rooms, x-ray and a dispensary, providing that all such uses shall have access only from the interior of the building or structure. The clinic generally operates on an appointment basis and does not take walk-in patients. It has relatively low pedestrian or customer traffic throughout the year. Any facility for methadone treatment or other narcotic treatment programs approved by the Pennsylvania Department of Health shall not be considered a medical office use.

MODULE - A module is the smallest protected assembly of interconnected PV cells.

MONOPOLE - a WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.

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

MIXED NON-RESIDENTIAL/RESIDENTIAL - A lot or building on or in which various land uses are combined as an integrated development. A "single site" may include contiguous but unconsolidated lots.

MUNICIPAL BUILDING – Any building, structure or lot used by the Borough, a municipal-related use or a municipal authority/commission created by the Borough. These uses shall include administrative facilities and public works facilities.

NET METERING AGREEMENT - An agreement with a local electric utility that allows customers to receive a credit for surplus electricity generated by certain renewable energy systems.

NON-COMMERCIAL GREENHOUSE - A facility, not associated with a business establishment, whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

NON-CONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of the Zoning Ordinance of Etna Borough 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 nonconforming structures include, but are not limited to, nonconforming signs.

NON-CONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions of the Zoning Ordinance of Etna Borough or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF) - all Non-Tower Wireless Communications Facilities, including but not limited to, Antennae and Related Equipment. Non-Tower WCF shall not include support structures for Antennae or any Related Equipment that is mounted to the ground or at ground-level.

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

OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

OCCUPANCY - The physical possession upon, on or within any lot or structure for a use.

OCCUPANCY PERMIT - The written authorization issued by the Borough of Etna's Zoning Officer for use of land or buildings.

OUTDOOR ADVERTISING – Any sign, billboard, statuary or poster that directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

OWNER - The person or persons having the right of legal title to, beneficial interest in or a contractual right to purchase a lot or parcel.

PARCEL - Any designated piece or tract of land located in the Borough established by a plat or otherwise as permitted by law.

PARKING LOT OR FACILITY, PUBLIC - A public garage or a paved, open off-street area other than a driveway or street with adequate means of access and used exclusively for the parking of vehicles of occupants or visitors of the lot; however, a driveway serving a single-family dwelling or which is for the exclusive use of an individual dwelling unit in a residential building may be used as parking area.

PARKING LOT, PRIVATE - A privately owned lot specifically used for the parking of vehicles associated with an institutional use.

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

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

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

PEDESTRIAN-ORIENTED - Development which is designed with a primary emphasis on the street sidewalk and on pedestrian access to the site and building, rather than on vehicle access and parking areas.

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

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

PERSONAL AND PROFESSIONAL SERVICES - A business enterprise conducted for gain which primarily offers services to the general public such as shoe repair, valet service, watch repairing, barbershop, beauty parlors and related activities. A business establishment that generally operates on a first-come, first-serve basis and has relatively high pedestrian or customer traffic throughout the year including utility payment centers, advertising agencies, manufacturing representatives, personnel agencies, travel and ticket agencies and the like;

PERFORMANCE SECURITY - A financial guaranty to insure that all improvements, facilities or work requested by this Ordinance will be completed in compliance with the Ordinance and the approved plans and specifications of a development, including but not limited to a performance bond, line of credit or escrow account in the amount of one hundred ten (110) percent of the cost of the facilities or improvements.

PERFORMANCE STANDARD - A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare, heat or solid waste generated by or inherent in uses of land or buildings.

PHARMACY - A retail store which primarily sells prescription drugs, patent medicines and surgical and sickroom supplies. A pharmacy may be within a retail establishment.

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

PLACE OF ASSEMBLY - A building and/or lot that is designed for the assembly or collection of persons, for civic, political, educational, or social purposes, and where recreation, amusement, or dining may occur as accessory activities. A place of assembly does not include a private club.

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

PLAN - A survey of a lot upon which is shown the location of existing and/or proposed structures; existing contours and proposed grading; location and dimensions of yards; proposals for the disposition of sanitary waste and stormwater; indications of zoning compliance; name of Applicant and landowner; area location map; dates of preparation and revisions; and evidence of preparation by a registered architect, landscape architect or engineer.

PLANNED MIXED-USE DEVELOPMENT – an area of land, controlled by a land owner, to be developed as a single entity for a combination of residential and non-residential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

PLANNED RESIDENTIAL DEVELOPMENT – an area of land, controlled by a land owner, to be developed as a single entity for a number of dwelling units, or combination of residential with or without supporting non-residential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

PLANNING COMMISSION - The Planning Commission of the Borough of Etna.

PLAT - The map or plan of a subdivision or land development, whether preliminary or final.

PLAT, FINAL - The final map of the land development or subdivision that is submitted for community approval and which, if approved, is filed with the County Recorder of Deeds.

PLAT, PRELIMINARY - A preliminary map of the proposed land development or subdivision that is submitted for Borough consideration.

PORCH - A covered entrance to a building or structure which may or may not be enclosed and which projects out from the main wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PRIVATE - Belonging to or concerning an individual person, company or interest independent from federal, state or local government agency.

PROFESSIONAL OR BUSINESS OFFICES - a business establishment that serves clients and operates on an appointment basis, with relatively low pedestrian or vehicular traffic, including offices of recognized professionals such as lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institution.; or an office of a governmental agency, social service organization, notary, public or private utility, political organization or the like not including a municipal facility.

PUBLIC - Owned, operated or controlled by a government agency, federal, state or local.

PUBLIC HEARING - A formal meeting held pursuant to public notice by Council, the Planning Commission, or the Zoning Hearing Board intended to inform and obtain public comment prior to taking action in accordance with this Ordinance.

PUBLIC IMPROVEMENTS - All streets, walkways, gutters, curbs, sewers, water lines and other utilities or related facilities to be dedicated to or maintained by the public.

PUBLIC MEETING - A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

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 public hearing and the particular nature of the matter to be considered at the public hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the public hearing.

PUBLIC PARK, RECREATION AREA, PLAYGROUND - Swimming pools, skating rinks, recreational centers and other recreational areas and facilities (excluding golf courses) owned and/or operated by the Borough or other public-sector entity. This also includes areas of land suitable for the development of specific active recreation facilities or leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including but not limited to baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools and attendant facilities.

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

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

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

RELATED EQUIPMENT - Any piece of equipment related to, incidental to, or necessary for, the operation of a Tower-Based WCF or Non-Tower WCF. By way of illustration, not limitation, "Related Equipment" includes generators and base stations.

RESEARCH AND DEVELOPMENT ESTABLISHMENT - A building or group of buildings, including incubator facilities, but not medical laboratories, used primarily for applied and developmental research, where product testing may be an integral part of the operation and goods or products may be manufactured solely when necessary for testing, evaluation, and test marketing. This usage excludes the use of toxic, biological, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids.

RESTAURANT, SIT DOWN - A business establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state and whose principal method of operation includes one or both of the following characteristics: customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

RESTAURANT, TAKE-OUT - A business establishment that offers quick food service for consumption on or off the premises which is accomplished through a limited menu of items already prepared and held for service or prepared, fired or grilled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

RETAIL, SMALL - Any business establishment not otherwise specifically defined in this Article that sells or rents commodities and/or services on the premises directly to the general public, available for immediate purchase and removal, but not including the manufacturing or processing of any products with a gross floor area less than five thousand (5,000) square feet. This use may not include wholesaling, manufacturing or processing of goods.

RIGHT-OF-WAY - the surface of and space above and below any real property in the Borough in which the Borough has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all Streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Borough, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for Utility purposes, but excluding lands other than streets that are owned by the Borough. The phrase "in the Right(s)-of-Way" means in, on, over, along, above and/or under the Right(s)-of-Way. For the purpose of this ordinance, ROW shall include streets and roads owned by Allegheny County, the Commonwealth of Pennsylvania, and any other Pennsylvania state agencies.

RIVERBOAT GAMBLING – A boat, ferry, barge or similar structure licensed by the Commonwealth of Pennsylvania on which gambling games are allowed. This includes land-based facilities or uses which are required for access to riverboat gambling.

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

SCHOOL, ACADEMIC - A place of instruction operated by a public, private, non-profit or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, post-secondary, undergraduate and/or graduate collegiate education. This definition shall not include privately operated, for-profit trade, vocation, avocation or business schools.

SCHOOL, COMMERCIAL/OTHER - A specialized instructional establishment that provides on-site training of business, commercial, medical and/or trade skills such as accounting, data processing, computer repair, vocational trades and/or equipment usage.

SETBACK - the minimum distance from a lot line required by the Ordinance where a building or structure may be built.

SETBACK (LINE), FRONT - the line extending the full width of the lot and situated at the minimum dimension defined from a front lot line.

SETBACK (LINE), REAR – the line extending the full width of the lot and situated at the minimum dimension defined from a rear lot line.

SEXUALLY ORIENTED BUSINESS – an establishment, club, tap room, restaurant, theater or hall which features products for sale or entertainment that is distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity such as an adult book and video store or adult entertainment nightclub.

SIDE YARD - the line extending the full width of the lot and situated at the minimum dimension defined from a side lot line.

SIDEWALK CAFÉ - An extension of the services of an existing establishment, including, but not limited to, serving food and beverages for consumption within an existing building, to the extent that food and beverages are permitted to be served and consumed at tables placed on the public sidewalk adjacent to and within the confines of the frontage of that portion of the building in which the establishment is situated. A sidewalk cafe contains readily removable tables and chairs, is enclosed by rope and stanchion unless some other barrier system is approved by the Borough as an architectural design element, and shall be otherwise open to the air.

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

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

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

CANOPY - Any rigid structure, made of cloth, metal or other materials with the frame attached to a building and generally supported by the ground, extending over areas intended for pedestrian traffic, and the structure is primarily for purposes of shelter rather than advertising.

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

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

GROUND (MONUMENT) SIGN - any sign supported by uprights or braces placed upon the ground and not attached to any building or the structure, having no more than two (2) faces.

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

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

MARQUEE - Any permanent roof-like structure extending from the wall of a building, but not supported by the ground, constructed of durable material such as metal or glass, extending over areas intended for pedestrian and/or vehicular traffic, and the structure is primarily for purposes of shelter rather than advertising.

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

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

SITE - A parcel of land located in the Borough, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one (1) lot.

SITE AREA - The total area of the lot or lots comprising a site.

SITE PLAN - A plan prepared by a registered surveyor, engineer, landscape architect or architect for a use authorized by right which contains the following unless otherwise defined by Allegheny County:

- A. Name of Applicant and landowner;
- B. Name of development, if any;
- C. Evidence of preparation by a licensed architect, landscape architect or engineer;
- D. Graphic and written scale;
- E. North arrow;
- F. Dates of preparation and revision of site plan;

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- G. A site location map;
- H. A site plan drawn to no greater than one hundred (100) foot scale upon which is delineated and clearly identified the location, extent and area in acres, if applicable, of the following:
1. Property lines for the site and adjacent parcels;
 2. Site area;
 3. Proposed bufferyards;
 4. Location and dimensions of existing and proposed public and private roads, streets, driveways, walks and paths;
 5. Existing and proposed structures with proposed site density and approximate height of structures indicated for each proposed type of structure and use;
 6. Proposed location and dimensions of all yards and open spaces;
 7. Existing contours and proposed grading plan;
 8. General proposals for the disposition of stormwater runoff;
 9. Proposals for the disposition of sanitary wastes and the provision of water supplies;
 10. All applicable areas or uses regulated or mandated by this Ordinance, including but not limited to off-street parking, exterior lighting, signs and outdoor storage.

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

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

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

STEALTH TECHNOLOGY - camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

STORAGE BUILDING FOR RETAIL ON PREMISE - A structure for the storage of goods directly related to a retail use of the lot.

STORAGE FIRM - A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property. No sales, service or repair activities other than the rental of dead storage units are permitted on the premises.

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

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

STREET WALL - a general reference as to how and where the parts of buildings that face the street line up to define the perceived boundaries of public and private space.

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

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

SUBSTANTIALLY CHANGE - (1) Any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional Antenna array with separation from the nearest existing Antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth in the Etna Borough Zoning Code or the WBCA if necessary to avoid interference with existing Antennae; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional Antenna array.

TAP ROOM - A business establishment which provides on-site alcoholic beverage sales for drinking on the premises, without kitchen facilities, where live entertainment (non-sexually oriented business or establishment) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian.

TATTOO SHOP - A business establishment that includes placing of designs or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration or scarification of the skin by means of the use of needles or other instrument designed to contact or puncture the skin; and/or the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TERMINAL FACILITY - A parcel used for a centralized storage of trucks or where trucks are congregated at a warehouse or other loading facility to load and unload products.

THEATER - A business establishment, other than an adult movie theater or adult movie house, inside a completely enclosed building devoted to showing pictures and/or live dramatic or musical performances on a paid admission basis. A theater usually contains an auditorium in addition to other performance-related facilities. This term shall not refer to a place of assembly.

TOWER, NON-COMMUNICATION - Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts, not intended for the primary purpose of mounting a communications antenna or similar apparatus above ground.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF) - any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be Tower-Based WCFs.

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

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

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

TRANSPARENCY - The degree to which something is transparent.

TWO-FAMILY DWELLING- A dwelling unit, located on its own lot, which shares one (1) or more common or abutting walls and/or a floor with one (1) dwelling unit.

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

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

USE - An activity, business or purpose for which any lot or structure is utilized.

- A. **USE, ACCESSORY** - A use customarily incidental and subordinate to the principal use of the lot.
- B. **USE, AUTHORIZED** - Any principal use or accessory use allowed by this Ordinance as a permitted use by right, conditional use, use by planned development or use by special exception.
- C. **USE BY SPECIAL EXCEPTION** - An authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria and pursuant to the provisions associated with special exceptions in Article VI and IX of the Pennsylvania Municipalities Planning Code, 53 P. S. §10601 et seq.
- D. **USE, CONDITIONAL** - A use permitted in a particular zoning district by the Borough Council upon satisfaction of all criteria enumerated in Part III of this Ordinance and pursuant to the provisions associated with Conditional Use in Article VI of the MPC, 53 P. S. §10601 et seq.
- E. **USE, NONCONFORMING** - A use, whether of land or of structure, which does not comply with the applicable use provisions in this Ordinance or an amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment.
- F. **USE PERMITTED BY RIGHT** - Any use that does not require a conditional use approved by Council or special exception approved by the Zoning Hearing Board before a zoning permit is granted by the Zoning Officer.
- G. **USE, PRINCIPAL** - The main purpose or activity for which a lot is used or for which a structure or part of a structure or lot is used.

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

VARIANCE - Relief granted pursuant to the provisions of Articles VI and IX of the MPC.

WAREHOUSE - A building or structure used for the storage and handling of goods, materials, freight, or merchandise awaiting sale on another lot or location, but not including the maintenance or fueling of commercial vehicles. Warehousing which is incidental to retail sales and which does not constitute in excess of thirty (30) percent of the total floor area of the retail establishment shall be excluded from this definition. Incidental sales may occur on the lot.

WBCA - Pennsylvania Wireless Broadband Co-location Act (53 P.S. §11702.1 et. seq.)

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

WIND ENERGY CONVERSION SYSTEM (WECS) -a device which converts wind energy to mechanical or electrical energy.

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

WIRELESS - Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF) - The Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT) - Any Person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Borough owned land or property.

WIRELESS SUPPORT STRUCTURE - A freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement or installation of a Wireless Communications Facility if approved by the Borough.

YARD - A required open space unoccupied and unobstructed by any principal structure or portion of a principal structure; however, accessory structures, parking areas and driveways are permitted in yards in accordance with the requirements of this Ordinance.

- A. FRONT YARD - A yard extending across the full lot width and abutting the front lot line. The required minimum depth measurement of the front yard shall be the horizontal distance between the front lot line and a line parallel thereto at a distance from the front lot line in accordance with the yard requirements set forth in each district in this Ordinance.
- B. REAR YARD - A yard extending between the side yards of the lot and abutting the rear lot line. The required minimum depth measurement of the rear yard shall be the horizontal distance between the rear lot line and a line parallel thereto at a distance from the rear lot line in accordance with the yard requirements set forth for each district in this Ordinance.

- C. **SIDE YARD** - A yard abutting a side lot line, extending between the rear line of the front yard and the rear lot line. The required minimum width measurement of the side yard shall be the horizontal distance between the side lot line and a line parallel thereto at a distance from the side lot line in accordance with the yard requirements set forth for each district in this Ordinance

ZONE - A geographical area with boundaries that includes surface areas as indicated on the Zoning Map.

ZONING APPROVAL - Approval under the provisions of this Ordinance certifying that an application for development or application for occupancy permit has fulfilled the requirements of this Ordinance.

ZONING HEARING BOARD - A board appointed by Council to examine appeals for relief from strict conformance to application of this Ordinance, to consider uses by special exceptions and to hear testimony regarding the validity of any regulations upon development in the Borough and to perform those other functions which this Ordinance directs it to perform.

ZONING MAP OFFICIAL - The official map of the Borough that indicates the districts and other relevant information thereon and shall be a part of this Ordinance by reference.

ZONING OFFICER - The administrative officer appointed by Council who shall administer and enforce the provisions of this Ordinance in accordance with its literal terms. The Zoning Officer shall have all the powers and be subject to all the provisions set forth in the MPC with respect to Zoning Officers.

Article XIII: Definitions for Land Uses in Other Municipalities are as Followed

AMUSEMENT ARCADE - Any business establishment where amusement devices are located.

ALL OTHER NON-RESIDENTIAL USES – Any land use non-residential in nature other than defined by this Ordinance or the Zoning Ordinances of the Boroughs of Millvale and/or Etna.

AUTO WRECKING/VEHICLE SALVAGE YARD - A lot used for the storage of any scrap material or junk, including without limitation appliances, fixtures, nonworking automobiles, automobile parts, machines or machinery parts, equipment, containers and building materials.

BOARDING HOUSE - A building arranged or used for overnight lodging by three (3) or more persons, but not exceeding ten (10) persons, with or without meals, for compensation by transient residents arriving upon their own accord and not for the purposes as a sexually oriented business. Overnight lodging occurs in individual sleeping rooms with no cooking facilities. A boarding house may include common areas and a common kitchen available for use by residents.

CLINIC, LARGE-SCALE - An establishment, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, or physical condition that include diagnostic treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, life care facility, outpatient laboratory, or central services facility serving one (1) or more such institutions. Establishment includes tuberculosis facilities, psychiatric facilities, rehabilitation facilities, skilled nursing facilities, kidney disease treatment centers, intermediate care facilities, ambulatory surgical facilities and any facility for methadone treatment, other narcotic or similar treatment programs approved by the Pennsylvania Department of Health and may be both for profit and nonprofit, and including those operated by an agency of the state or local government.

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

HOSPITAL - Building(s) used for the short-term care of patients suffering from physical or mental illnesses, but not including narcotics addiction or those found to be criminally insane, and which may or may not be publicly or privately operated.

LAUNDRY AND/OR DRY-CLEANING PLANT - A business establishment for receiving, pickup and pressing of garments and where cleaning or drying operations are conducted.

MOBILE HOME PARK - A parcel of land under single ownership containing two or more mobile home lots improved with the necessary facilities and services for the placement of mobile homes for non-transient use.

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

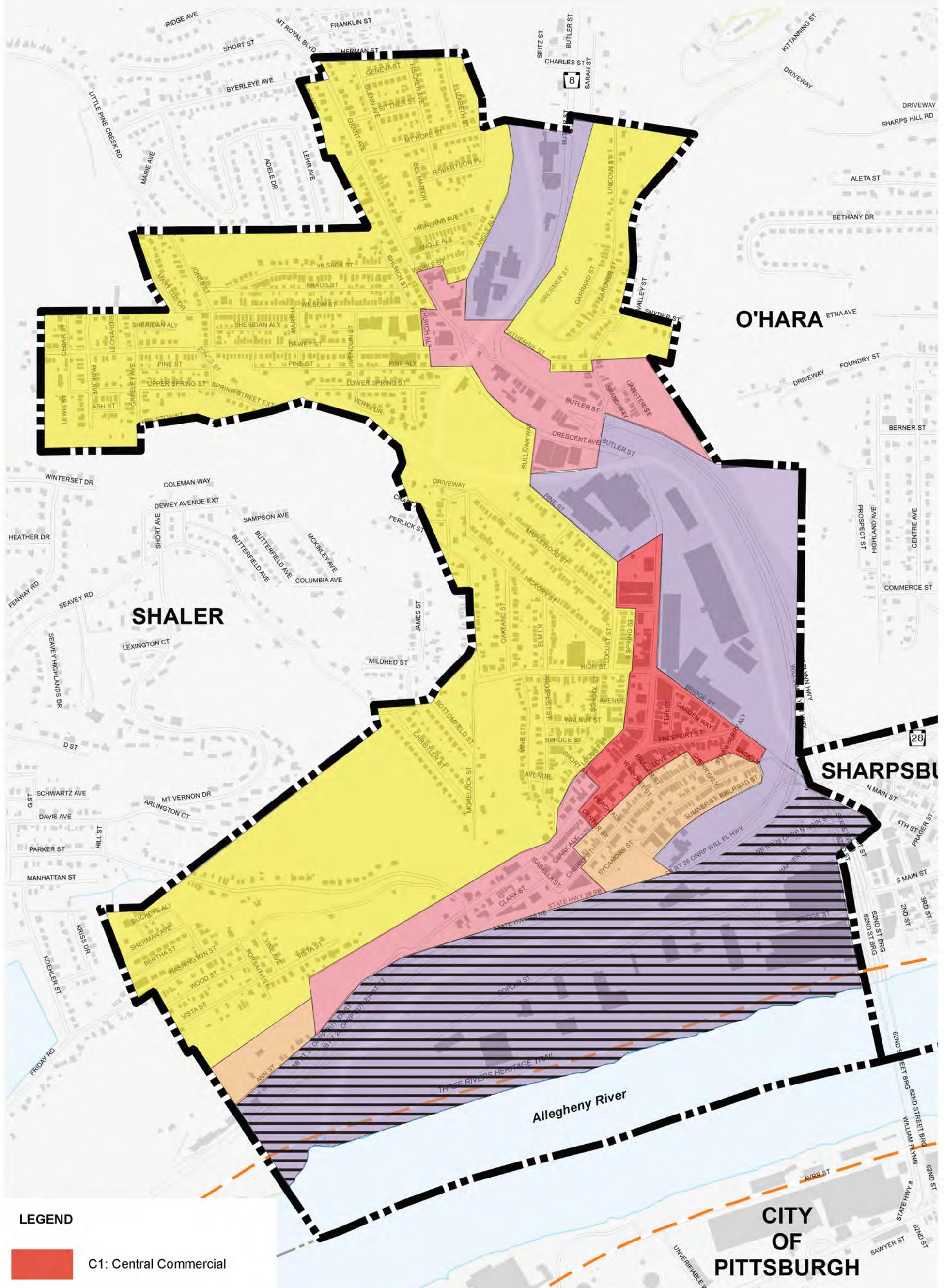
PLANNED MIXED-USE DEVELOPMENT – An area of land, controlled by a land owner, to be developed as a single entity for a combination of residential and non-residential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

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

SCRAP YARD - A lot used for the storage of any scrap material or junk, including without limitation appliances, fixtures, nonworking automobiles, automobile parts, machines or machinery parts, equipment, containers and building materials.

SEWAGE TREATMENT FACILITY – Any designed for the collection, removal, treatment, and disposal of water-borne sewerage generated within a given service area.

SEXUALLY ORIENTED BUSINESS – An establishment, club, tap room, restaurant, theater or hall which features products for sale or entertainment that is distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity such as an adult book and video store or adult entertainment nightclub.

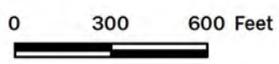


LEGEND

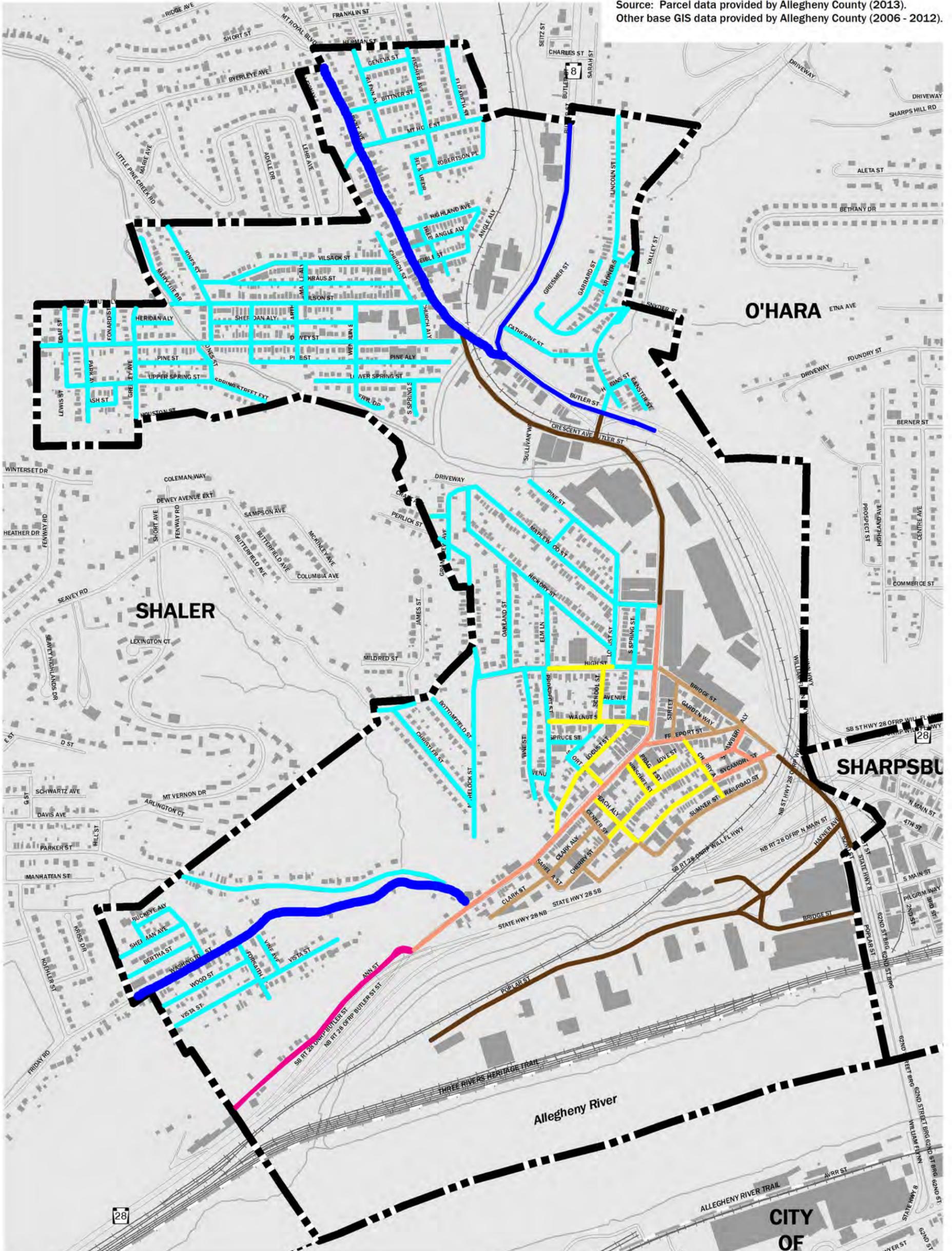
- C1: Central Commercial
- C2: Neighborhood Commercial
- R1: Residential
- R2: Residential
- I: Industrial
- RO: Riverfront Overlay

ETNA ZONING MAP
ETNA- Zoning Ordinance

Prepared for: Etna Borough
 Prepared by: Environmental Planning and Design, LLC
 December 2015



Source: Parcel data provided by Allegheny County (2013).
 Other base GIS data provided by Allegheny County (2006 - 2012).



Legend



Study Area Boundary
 Municipal Boundaries
 Roads
 Buildings
 Railroads

Street Typology 1
 Street Typology 2
 Street Typology 3
 Street Typology 4
 Street Typology 5
 Street Typology 6
 Street Typology 7

ETNA STREET TYPOLOGY MAP
ETNA - Zoning Ordinance

Prepared for: Etna Borough
 Prepared by: Environmental Planning and Design, LLC
 December 2015

0 300 600 Feet

