

ARTICLE 1
TITLE, PURPOSE AND JURISDICTION

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Section 100 Title

An ordinance regulating the location, height, bulk, erection, construction, alteration, razing, and size of structures; the percentage of lot which may be occupied; the size of yards, courts and other open spaces; the density and distribution of population; the intensity of land use or bodies of water for commerce, industry, residence, recreation, public activities or other purposes; the uses of land for agriculture, water supply, conservation, soil conservation, forestry or other purposes; the protection of natural features; the protection of historic resources; and providing for the administration, enforcement and amendment of this ordinance in accordance with the provisions of the Pennsylvania Municipalities Planning Code as amended.

Section 101 Short Title

This Ordinance shall be known as the "Freeport Borough Zoning Ordinance."

Section 102 Community Development Objectives

This Ordinance is enacted in accordance with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) to implement the following community objectives and purposes.

- A. To ensure a safe and efficient transportation network for pedestrians and vehicles.
- B. To support the existing nonresidential development and minimize the conflicts between the nonresidential activities and surrounding residential areas through the implementation of use regulations, opportunities for reuse, nuisance standards, and standards on intensity and location.

To provide adequate parking for residences and businesses.

To regulate signs in a way that protects the Borough's historic appearance and aesthetics while providing adequate information to patrons of the commercial areas.

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- C. To provide adequate parking for residences and businesses.
- D. To regulate signs in a way that protects the Borough's historic appearance and aesthetics while providing adequate information to patrons of the commercial areas.

ARTICLE 2
DEFINITIONS
Contents

200 Definition of Terms

Section 200 Definitions of Terms

For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them within this Section. If not defined in this Section, or within other sections of this Ordinance, terms used in this Ordinance shall have the meanings provided in any standard dictionary or American Planning Association publication as determined by the Borough Council.

Abandoned Motor Vehicle. See Junked Motor Vehicle.

Abandonment. The relinquishment of property or a cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the nonconforming use of the property for a period of one year.

Abutting. Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

Access. The way or means by which pedestrians or vehicles approach, enter or exit property.

Accessory Structure. See Structure, Accessory.

Accessory Use. See Use, Accessory.

Addition. Any increase in the gross floor area of a structure or use, including those in which the building footprint is not enlarged.

Adjacent. See Abutting.

Adult Bookstore. An establishment having more than ten square feet of floor area devoted to stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, as defined in this Ordinance, or an establishment with a segment or section devoted to the sale or display of such material. See also Sexually Oriented Business.

Adult Business. An Adult Book Store, Adult Video Store, Adult Motion Picture Theater, or Adult Entertainment Establishment, as defined in this Ordinance. See also Sexually Oriented Business.

Adult Entertainment. An establishment used for presenting persons depicting, showing or relating to Specified Sexual Activities or Specified Anatomical Areas, as defined in this Ordinance. See also Sexually-Oriented Business.

Adult Motion Picture Theater. An establishment used for presenting motion picture material distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, as defined in this Ordinance, for observation by patrons thereto. See also Sexually-Oriented Business.

Adult Video Store. An establishment having more than ten square feet of floor area devoted to its stock in trade, videotapes or compact discs which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Area, as defined in this Ordinance, or an establishment with a segment or section devoted to the sale or display of such material. See also Sexually-Oriented Business.

Adverse Impact. A negative consequence for the physical, social, or economic environment resulting from an action or project.

Alley. A right-of-way dedicated to public use, other than a street, road, crosswalk, or easement, designed to provide a secondary means of access for the special accommodation of the property it reaches. An alley shall not be considered adequate as the sole access for a parcel of land.

Alteration, Incidental. A change or replacement in the parts of a building or other structure, such as:

- (a) Alteration of interior partitions to improve a nonconforming residential building, provided no additional dwelling units are created thereby.
- (b) Alteration of interior partitions in all other types of buildings or structures.
- (c) A minor addition on the exterior of a residential building to provide an uncovered porch or patio.
- (d) Making windows or doors in exterior walls.
- (e) Strengthening the load bearing capacity in not more than ten percent of the total floor area to permit the accommodation of a specialized unit of machinery or equipment.
- (f) Replacement of, or minor changes in the capacity of, utility pipes, ducts, or conduits.

Alteration, Structural. A change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or exterior walls.

Amendment, Curative. An amendment to the zoning ordinance made to the Borough Council by a property owner who desires to challenge on substantive grounds the validity of this Ordinance which prohibits or restricts the use or development of land in which the property owner has an interest.

Amendment, Rezoning. An amendment to the zoning map to effect a change of the designated land use district on a parcel of land.

Amendment, Text. An amendment, or revision, to the text of this Ordinance.

Amenity. Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as a unified building design, recreational facilities (e.g. swimming pool, walking trails, bicycle trails, lakes, tennis courts, picnic areas, playgrounds), views, landscaping, etc.

Amphitheater. An open air structure devoted primarily to the showing of theatrical or musical productions, with the provision of seating areas for patrons. These uses frequently include refreshment stands, as accessory uses.

Animal Grooming Service. Any place or establishment whose primary service offered is to be a place where house pets are bathed, clipped or combed for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged.

Animal Shelter. A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

Antenna. See Communications Antenna.

Apartment. See Dwelling, Multi-Family.

Appliance Repair Establishment. An establishment involved primarily in the repair and maintenance of large and small household appliances.

Appliance Sales Establishment. An establishment involved primarily in the retail sale of large and small household appliances and related accessories.

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

Area, Buildable. The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

Art Gallery. An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

Art Studio. See Instructional Studio.

Assisted Living Facility. A facility that provides primarily non-medical resident services to seven or more individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, excluding members of the resident family or person employed as facility staff, on a 24-hour a day basis.

Athletic Field. A wide expanse of open space used for outdoor games such as football, baseball, and soccer. This definition also includes the customary accessory uses with athletic fields such as bleachers, concession stands, etc.

Attic. The part of a building that is immediately below and wholly or partly within the roof framing.

Automobile Sales / Rental Establishment. Establishments involved in the retail sale of new and used and/or the renting or leasing of passenger cars, noncommercial trucks, motor homes or recreational vehicles, including incidental parking and minor servicing of vehicles available for rent.

Automotive / Boat Repair Establishment. Any building, structure or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, watercraft repairs or similar vehicles, including but not limited to upholstery work, oil change and lubrication, painting, tire service, etc.

Automotive Paint Shop. An establishment primarily engaged in automotive painting and refinishing.

Automotive Supply Establishment. An establishment primarily engaged in the retail sale of automotive parts, supplies and accessories.

Automotive Tire Repair / Sales Establishment. An establishment involved primarily in the retail sale of automotive tires and related accessories. Installation of new tires as well as repair and maintenance may also be provided on site.

Awning. Any non-rigid material, such as fabric or flexible plastic that extends from the exterior wall of a building and is supported by or attached to a frame.

Bakery, Retail. An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site.

Bakery, Wholesale. An establishment primarily engaged in manufacturing bakery products for sale primarily for home service delivery, or through one or more non-baking retail outlets.

Bar. Premises used primarily for sale or dispensing of alcoholic beverages by the drink for on-site consumption, and where food may be available for consumption on the premises as accessory to the principal use. No live entertainment is permitted.

Basement. An enclosed floor area partly or wholly underground. A basement shall be considered a story of a structure if:

- (a) the majority of the basement has a clearance from floor to ceiling of 6 feet or greater, and

(b) the top of the foundation of the building is an average of 4 or more feet above the finished grade of the front side of the building that faces onto a street.

Bed and Breakfast Inn. A dwelling in which, for compensation, lodging containing not more than six guest rooms and for no extra charge, breakfast is provided to the guests. This use does not include rooming or boarding houses.

Beer Distributor. A sales establishment licensed and regulated by the Pennsylvania Liquor Control Board to sell beer to the general public.

Berm. A natural or man-made earthen mound in excess of 2 feet in vertical height designed to shield or buffer properties from adjoining uses, highways, noise, or to control the direction of surface water flow.

Bikeway. A pathway used for bicycling, walking and other recreation.

Billboard. See Sign, Outdoor Advertising.

Block. Property having frontage on both sides of a street, and lying between the two nearest intersecting or intercepting streets, or nearest intersecting and intercepting street and railroad right-of-way, waterway or other barrier (including an alley between zoned areas).

Boarding House. A residential establishment where lodging and/or meals are provided for no less than 3 but no more than 30 persons regularly in exchange for a daily, weekly or monthly rate. Does not include Emergency Shelter.

Boat Slip. A space designed for the mooring of a single watercraft. Such spaces may extend from a dock or shoreline.

Borough. The Borough of Freeport, Armstrong County, Pennsylvania.

Buffer. A strip of land, fence, or border of trees, etc., between one use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another. An appropriate buffer may vary depending on uses, districts, size, etc.

Buffer Strip. Land area used to visibly separate one use from another or to shield or block noise, light or other nuisances. A strip may be required to include fencing, berms, shrubs and/or trees. Also called a buffer yard.

Buildable Area. See Area, Buildable.

Building. A structure with a roof built and maintained for the support, shelter, or enclosure of persons, motor vehicles, animals, or personal or real property.

Building, Accessory. See Structure, Accessory.

Building Area. A percentage referring to that portion of a lot covered only with principal and accessory structures.

Building, Detached. A building having no structural connection with another building.

Building Footprint. The outline of the total area of a lot covered by a building's perimeter.

Building, Front Line of. The line of the face of the building nearest the front lot line.

Building Height. The vertical distance of a building measured from the average grade level at the front line of the building to the highest point of the roof if the roof is flat or mansard, or to the average level between the eaves and the highest point of the roof if the roof is of any other type. Height calculation shall not include chimneys, spires, towers, elevator and mechanical penthouses, radio antennas, and similar projections.

Building Line. The line parallel to the street line that passes through the point of the principal building nearest the front lot line.

Building Line, Rear. A line parallel to the street right-of-way line at any story level of a building, located along the rear plane of the building.

Building Materials Establishment. An establishment involved in selling lumber and a general line of building materials and supplies to the general public, which may include roofing, siding, shingles, wallboard, paint, cement, etc., including incidental storage.

Building, Nonconforming. See Structure, Nonconforming.

Building, Principal. A building in which is conducted the main use of the lot on which the building is situated.

Building Wall. An exterior load-bearing or non-load-bearing vertical structure that encompasses the area between the final grade elevation and eaves of the building, and is used to enclose the space within the building. A porch, balcony or stoop is part of the building structure and may be considered as a building wall.

Build-To Line. An alignment established a certain distance from the front property line to a line along which the building shall be built.

Bulk Requirements. Standards that control the height, density and location of structures.

Business. Engagement in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit. See also Establishment.

Carnival, Circus, Fairground, Amusement Enterprise (Temporary). A traveling or transportable group or aggregation of shows or riding devices, games of skill or chance, or any combination of several enterprises, such as revolving wheels, merry-go-rounds, giant swings, musical and theatrical entertainment, and riding devices, whether carried on or engaged in or conducted in any field, park or in a building or enclosure, and whether carried on, engaged in or conducted as one enterprise or by several concessionaires, and whether one admission fee is charged for admission to all shows or entertainment, or separate fees for admission is charged for each amusement.

Carport. A structure used to provide shelter for one or more motor vehicles, constructed of canvas, corrugated metal, vinyl or plastic, and which is permanently secured either to the principal structure or in the ground.

Carwash / Detailing Establishment. An establishment used primarily for the washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment.

Cellar. A storage room or rooms located under the main floor of a building, and which are partly or totally below ground level.

Cemetery. A site used for the permanent interment of human remains. It may be a burial park for earth interments, a mausoleum for vault or crypt interments, or a columbarium for cinerary interments.

Child Care Center. See Day Care Facility, Child.

Church / Place of Worship. A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with the primary purpose. Includes church, synagogue, temple, mosque, or other such place for worship and religious activities.

Clear-cutting. Removal of an entire stand of trees, shrubs and other vegetative ground covering.

Clear Vision Triangle. The triangular area at a corner bounded by the right-of-way lines and a diagonal line connecting two points from the intersection of the property lines.

Clinic, Medical / Dental. An establishment providing dental, medical, psychiatric or surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services.

Clinic, Veterinary. A use or structure intended or used primarily for the testing and treatment of animals on an emergency or outpatient basis. This use shall not include the boarding or training of animals, except for medical purposes and shall not provide outdoor runs or kennels. Also referred to as Animal Hospital.

Common Area. Any portion of a development that is not part of a lot or tract and is designed for the common use of the development. These areas include green open spaces and may include such other uses as parking lots and pedestrian walkways. Maintenance of such areas is not the responsibility of borough government and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.

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

antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Community Center. A public building used for activities that, through proximity to residents, benefit the surrounding neighborhood. Activities permitted include any combination of the following: meeting space for civic groups, clubs, or organizations; spaces for the provision of daycare services; group cultural and/or recreational activities, whether self-directed or organized; space for artisans, crafters, etc., including occasional (not more than one day each week) sale of such merchandise produced on-premises; and educational and/or instructional programs.

Communications Equipment Building. An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 375 square feet.

Communications Tower. A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

Communications Tower, Height of. The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Comprehensive Plan. The Armstrong County Multi-Municipal Comprehensive Plan.

Condominium. A set of individual dwelling units each owned by an individual person(s) in fee simple, with the owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which was created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act of 1980, as amended. The term "condominium" refers to an ownership arrangement and not to a housing style.

Convenience Store, Neighborhood. Any retail establishment with a floor area of less than 3,000 square feet offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood. No fuel sales are permitted on site and this use is to be distinguished from Gasoline Station / Mini-mart.

Consistency. An agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.

Council. The Borough Council of Freeport Borough, Armstrong County, Pennsylvania.

Country Club. A club with recreation facilities for members, their families and invited guests.

County. Armstrong County, Pennsylvania.

Covenant. A restriction on the use of land set forth in a written document or plat. The restriction runs with the land and is binding upon subsequent owners of the property.

Dance / Social Club. An establishment where dancing and other social activities occur and where alcoholic beverages are sold, served or allowed to be consumed on the premises.

Dancing Instruction or Studio. See Instructional Studio.

Day Care Facility, Adult. A use providing supervised care and assistance primarily to persons who are over age 60, mentally and/or physically disabled, and who require such daily assistance because of their limited physical and mental capacities. This use may involve occasional overnight stays but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person. Such a use shall be required to comply with all applicable State and federal regulations and licensing requirements.

Day Care Facility, Child. A use involving the supervised care of children under age 16 for periods of less than 18 hours during the day. This use may also include educational programs that are supplementary to State-required education such as nursery school. The following two types of child day care are permitted without regulation by this Ordinance:

- (a) The care of children by their own relatives.
- (b) The care of up to three children within a dwelling unit, in addition to children who are relatives of the care giver.

The following two types of child day care are permitted and regulated as described by this Ordinance:

- (a) Child Day Care Facility as an Accessory Use: A use that provides child day care for 6 or fewer children at one time who are not relatives of the care giver, and
- (b) Child Day Care Facility as a Principal Use: A use that provides child day care for 7 or more children at any one time who are not relatives of the care giver.

Deck. A structure, without a roof, directly adjacent to a principal building, which is elevated at least 6 inches above grade.

Density. The total number of dwelling units situated on or to be developed on a lot divided by the total lot area. The total lot area shall be calculated by taking the gross acreage and subtracting surface water, un-developable lands (e.g. wetlands) and the area in rights-of-way for streets and roads.

Density Bonus. The granting of the allowance of additional density in a development in exchange for the provision by the developer of other desirable amenities from a public perspective (e.g., public open spaces, plazas, art, landscaping, etc.).

Department Store. A retail store carrying a general line of apparel, home furnishings, floor coverings, major household appliances, and housewares. These and other merchandise lines are normally arranged in separate sections or departments but integrated under a single management agent.

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

Development.

- (a) Any man-made change to improved or unimproved land, including but not limited to the construction, reconstruction, conversion, structural alteration, relocation, enlargement or use of any structure or parking area;
- (b) Any mining, excavation, dredging, filling, grading, drilling or any land disturbance; or
- (c) Any use or extension of the use of the land.

Development, Mixed Use. A single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole and functionally integrated to the use of shared vehicular and pedestrian access and parking areas, but not a Mixed Use Dwelling, as defined in this Ordinance.

Development, Planned Residential. An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and 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 zoning district.

Development, Planned Unit. A tract of land developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses and is processed under the Planned Unit Development provisions of this Ordinance.

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

Domicile Care Facility. A facility for housing and supportive services for basic living skills for no more than 3 persons.

Drainage.

- (a) Surface water run-off;
- (b) the removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development; or
- (c) the means for preserving the water supply and the prevention or alleviation of flooding.

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

Driveway. A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Driveway, Common. A driveway shared by adjacent property owners and privately owned and maintained.

Driving Range, Golf. An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack bar and pro shop, but excludes miniature golf courses.

Drug Store. An establishment engaged in the retail sale of prescription drugs and patient medicines and which may carry a number of related product lines, such as cosmetics, toiletries, tobacco and novelty merchandise, and which may also operate a soda fountain or lunch counter.

Dry Cleaning and Laundry Pick-up. An establishment where patrons can pick-up dry cleaned and laundered clothing and similar items. No dry cleaning or laundering services are conducted on the premises.

Dry Cleaning and Laundry Service. An establishment providing dry cleaning and laundering services on the premises and where customers may retrieve their laundered items.

Dwelling, Garage Apartment. A structure above a private garage where one dwelling unit is located.

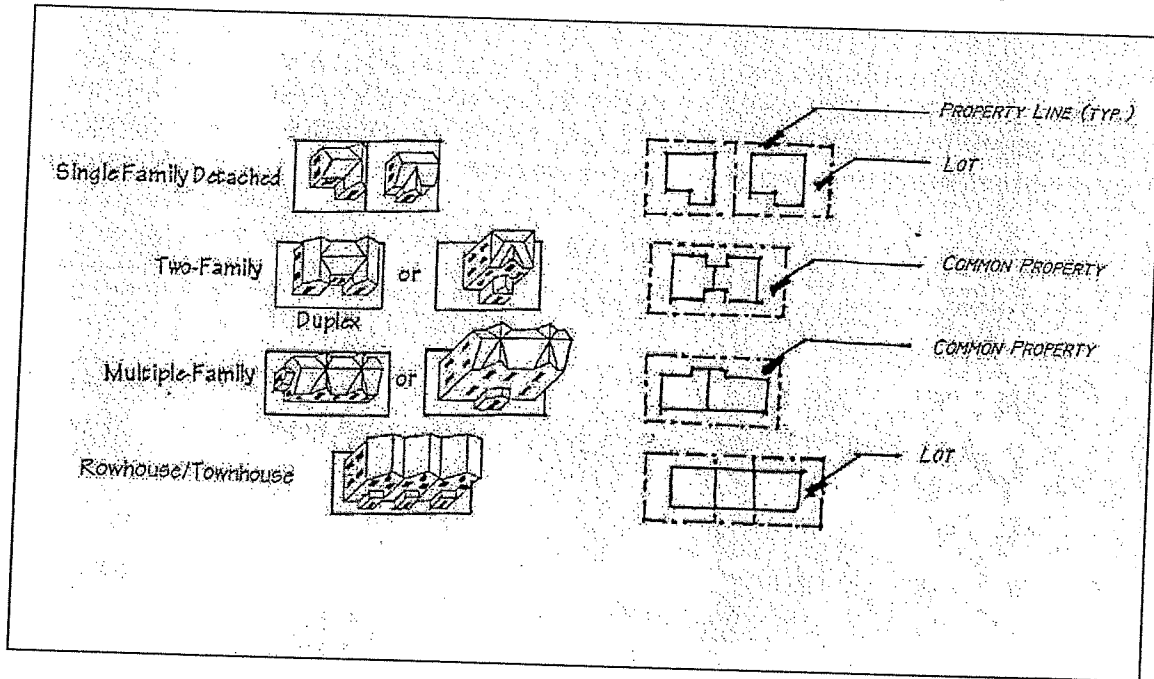
Dwelling, Mixed Use. A building containing primarily residential uses with a subordinate amount of commercial uses that are usually located on the ground floor. In all cases, the commercial uses shall be located in the front of the building facing the primary street frontage.

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

Dwelling, Multi-Family. A freestanding building containing three or more dwelling units, whether they have direct access to the outside, or access to a common building entrance.

Dwelling, Overstore. A building which contains a non-residential use on the ground floor and a dwelling unit on the second floor above the commercial use. The residential use on the second floor shall be subordinate in use to the non-residential use. If the residential use contains more gross floor area than the non-residential use, it shall be considered as a Mixed Use Dwelling.

Dwelling, Single Family Detached. A freestanding building designed solely for occupancy by one family for residential purposes as a single housekeeping unit.



Dwelling Types

Dwelling, Townhouse. A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. Setbacks are measured from the perimeter of the overall building. For the purposes of this Ordinance, Townhouse Dwellings are regulated as Multi-Family Dwellings.

Dwelling Unit. A single unit providing complete, independent living facilities for a single housekeeping unit. In no case shall a motor home, trailer, hotel or motel, lodging or boarding house, automobile, tent, or portable building be considered a dwelling unit. Dwelling units are contained within single-family, garage apartment, two-family, mixed use dwellings, and multi-family residential structures.

Easement. A right-of-way granted by a property owner to the use of the land by the public, a corporation, or persons for specific purposes as the construction of utilities, drainage ways and roadways, passage over which is guaranteed by the property owner to the grantee.

Elevation.

- (a) A vertical distance above or below a fixed reference level; or
- (b) A flat scale drawing of the front, rear or side of a building.

Emergency Shelter. A residential shelter which provides room and board for no more than 30 days for victims of domestic violence, homeless and other displaced individuals and families with children.

Enlargement. An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by a permitted use.

Erosion. The process by which the ground surface is worn away by the action of, water, gravity, ice or a combination thereof, or the detachment and movement of soil or rock fragments.

Erosion and Sediment Control. Measures undertaken to minimize the removal by water action of soil uncovered in the process of development and the depositing of the soil in nearby streams or on adjacent roads or properties, such measures regulated by the Pennsylvania Department of Environmental Resources in the case of developments over 25 acres in size. If the site is less than 25 acres in size, a narrative report shall be filed with the Armstrong County Soil Conservation Service and shall be maintained on the site during construction.

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 or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding communications towers and communications antennas, as defined in this Ordinance.

Established Grade. The elevation of the center line of a street.

Establishment. An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

Excavation. Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Extension. An increase in the amount of floor area used for permitted use within an existing building.

Exterior Architectural Features. The architectural character and general composition of the exterior of a structure, including, but not limited to, the kind, color and texture of the building material, and the type, design and character of all windows, doors, massing and rhythm, light fixtures, signs, other appurtenant elements and natural features when they are integral to the significance of the site, all of which are subject to public view from a public street, way or place.

Façade. That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

Façade, Principal. Exterior walls of a building which are adjacent to or front on a public street, park, or plaza. There may be more than one principal façade on a building.

Family. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or legal adoption, no such family contain more than five non-transient unrelated persons, except where disability requires that more than five unrelated persons reside together; in such cases there shall be no requirement for persons with disabilities to petition, apply or experience a process to obtain approval to live in any zoning district in the Borough.

Farmers' Market. An establishment offering for sale fresh agricultural and/or value-added products directly to the consumer. May also include additional compatible and accessory uses such as a restaurant, small retail spaces, etc.

Fence.

(1) Includes:

(a) An artificially constructed barrier of wood, masonry, stone, brick, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas; or

(b) Natural hedges or shrubbery planted to serve the purpose of enclosing, screening, or separating areas.

(2) Shall not include structures constructed of corrugated fiberglass panels or other general building materials.

Fence, Two-wire. A fence constructed with two wires running parallel to each other and attached to vertical posts at various intervals.

Fenestration. An architectural term referring to the arrangement of windows in a wall.

Fill. Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans, for purposes of creating a new elevation of the ground.

Financial Institution. An establishment primarily engaged in providing financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers, loan and lending activities and similar services.

Flea Market. An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Fringe. The portion of the 100-year floodplain outside the floodway and as defined by the most recent Flood Insurance Rate Map (FIRM).

Floodplain. A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse: and or any area subject to unusual and rapid accumulation of surface waters from any source.

Floodway. The channel of a river or other water course and the adjacent land area that must be reserved to discharge a 100-year flood and as defined on the Flood Insurance Rate Map (FIRM).

Floor Area, Gross. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Floor Area, Gross Leasable. The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

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

Frontage. The front lot line of a parcel that abuts a public right-of-way.

Frontage, Store.

- (a) The length of a front store façade; or,
- (b) The length of a front building facade.

Funeral Home. A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- (a) Embalming and the performance of other services used in the preparation of the dead for burial;
- (b) The performance of autopsies and other surgical procedures;
- (c) The storage of caskets, funeral urns, and other related funeral supplies;
- (d) The storage of funeral vehicles; and,
- (e) Facilities for cremation.

Furniture Sales / Rental Establishment. An establishment where furniture, fixtures and related equipment are the main items offered for sale or rental; however, these places of business may also sell or rent major appliances, floor coverings and other home decorating accessories.

Garage. An enclosed building for the storage of one or more vehicles. No business, occupation or service is permitted to be carried out within a private garage that is an accessory structure to a dwelling, except as may be allowed as a home occupation.

Garden Center Establishment. An establishment primarily engaged in selling containerized trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners,

fertilizers, pesticides, garden tools and other garden supplies to the general public and where no trees, shrubs or plants are grown on the premises.

Gas Well Operation. See Oil / Gas Well Operation.

Gasoline Station / Mini-mart. A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience store or supermarket.

Gasoline Service Station. A building, place of business, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing of gasoline, oil and grease, and other vehicle fuels, and including, as an accessory use, the sale and installation of batteries, tires, lubricants, and other automobile accessories and retail items. Minor repair service may also be rendered.

Golf Course. A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, a driving range and shelters as accessory uses.

Governing Body. The Borough Council of Freeport Borough, Armstrong County, Pennsylvania.

Government Facility. A building or structure owned, operated or occupied by a governmental agency to provide a governmental service to the public.

Grade. The average level of the finished surface of the ground adjacent to the exterior walls of a building.

Grade, Percentage of. The rise or fall of a slope in feet and tenths of a foot for each 100 feet of horizontal distance.

Greenhouse, Commercial. A building used for the growing of plants, all or part of which are sold at retail or wholesale.

Greenhouse, Non-commercial. A building used for the growing of plants but which are not sold on the site.

Grocery Store. A building used for the sale of primarily food products in a space larger than 3,000 square feet.

Gross Floor Area. See Floor Area, Gross.

Gross Leasable Floor Area. See Floor Area, Gross Leasable.

Ground Cover. Any evergreen or broadleaf evergreen plant that does not attain a mature height of more than one foot. Sod and seed shall also be considered groundcover.

Ground Floor. The first floor of a building other than a basement.

Group Home. Any facility which is owned or leased by a behavioral health service provider and which:

- (a) Provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled (as defined by Pennsylvania law);
- (b) Is occupied as a residence by not more than eight individuals who are developmentally disabled and not more than three supervisors; or,
- (c) Is occupied as a residence by not more than twelve individuals who are behaviorally disabled and not more than three supervisors.

Handicapped. A physical or mental impairment which substantially limits one or more major life activities for a person. This term does not include persons who are addicted to illegal controlled substances.

Hardship, Unnecessary. A hardship by reason of exceptional lot shape, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship that is self-imposed.

Hardware Store. A facility engaged in the retail or wholesale sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliance, garden supplies and cutlery.

Health / Sports Club. A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit. The sale of sports nutrition products, non-alcoholic beverages, packaged health foods, exercise clothing, and sports videos and magazines is permitted as an accessory use to such facilities.

Heavy Machinery Sales / Rental Establishment. An establishment engaged primarily in the sale or leasing of large movable or transportable vehicles or other apparatus commonly used in commercial, industrial or construction enterprises, such as trucks, trailers, bulldozers; cranes, backhoes, rollers, loaders, lifts.

Height. See Building Height.

Helipad / Heliport. An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

High Water Mark. A mark indicating the highest level reached by a body of water.

Home Improvement Center. An establishment consisting of more than 30,000 square feet gross floor area, engaged in the retail sale of basic hardware lines, such as tools, builders hardware, paint and glass, housewares and household appliances, and garden supplies.

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

- (a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (b) The business shall employ no employees other than family members residing in the dwelling.
- (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of habitable floor area.
- (h) The business may not involve any illegal activity.

Hospital. An institution providing primary health services and medical or surgical care to persons, primarily in-patient, suffering from illness, disease, injury, deformity and other abnormal physical and mental conditions, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities or training facilities.

Hospital, Animal. A use or structure intended or used primarily for the testing and treatment of animals on an emergency or outpatient basis. Veterinary Hospital shall not include the boarding or training of animals, except for medical purposes and shall not provide outdoor runs or kennels. May also include a veterinary clinic.

Hotel. A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house.

Household. A family living together in a single dwelling unit with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

Impervious Surface. Surfaces that do not absorb water. Examples of such surfaces include buildings and concrete or asphalt parking areas, roads, sidewalks, or driveways.

Improvement. Any man-made, immovable item that becomes part of, placed on, or is affixed to real estate.

Industrial Park. A planned, coordinated development of a tract of land designed to contain two or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

Industrial Supply Sales Establishment. Establishments primarily engaged in marketing industrial supplies, such as bearings, boxes, gaskets, bottles, rubber goods, welding supplies, metal containers, and so forth.

Industry, Heavy. Enterprises engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in the storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light. Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, dirt, odor, vibration, etc. Light industries may include the following: manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, food, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, and other products of similar nature.

Instructional Studio. A facility offering educational instruction, having regular sessions with regularly employed instructors, but not a school as defined by the Commonwealth.

Junk. Any and all forms of waste and refuse of any type or material, included but not limited to scrap metal, junked motor vehicles, glass, industrial waste or any other type of salvageable material. This shall include refuse or garbage, unless the same is contained within fully enclosed containers made of impermeable material and are air and water tight.

Junked Motor Vehicles. Any automobile or vehicle outside of a building which is either fully enclosed or enclosed on three sides, and where any one or more of the following conditions are found to exist:

- (a) The automobile or vehicle is not in full, complete and safe working condition sufficient to pass State vehicle inspection;

- (b) The automobile or vehicle does not presently have a current State inspection sticker displayed in its proper location;
- (c) The automobile or vehicle does not presently have a State registration plate and sticker displayed in its proper location;
- (d) The automobile or vehicle is being stored for the purpose of selling parts therefrom; or
- (e) The automobile or vehicle is being stored for the purpose of resale as junk and/or scrap metal, or for resale of materials from within the automobile or vehicle.

Kennel, Commercial. A facility for the keeping, boarding or maintaining of four or more dogs four months of age or older that are not owned by the kennel owner for commercial purposes, except for dogs in pet shops or animal hospitals.

Laboratory. A facility equipped for experimental study in a science or for testing and analysis; facilities providing opportunity for research, experimentation, observation or practice in a field of study.

Land Development. The development of one or more lots, tracts or parcels of land by any means and for any purpose, but does not include easements, rights-of-way or construction of private roads for extraction, harvesting or transporting of natural resources.

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

Landscaped Area. A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas include, but are not limited to, natural areas, buffers, streetscapes, lawns and plantings.

Landscaped Buffer. An area of landscaping separating two distinct land uses, or a land use and a public right-of-way, and acts to soften or mitigate the effects of one land use on the other.

Landscaping. Open area devoted primarily to trees, grass, shrubs, or plants to soften building lines, provide shade and generally produce a pleasing visual effect of the premises. As complementary features, fountains, pools, screens, decorative lighting, sculpture, or outdoor furnishings may be placed within the area.

Laundromat. An establishment where patrons wash and dry clothing and other fabrics in coin-operated machines.

Library. A public facility for the use or loan of literary, musical, artistic or reference materials.

Loading Space. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle while loading or

unloading merchandise, materials, or persons, and which has ingress and egress upon a street, alley, other appropriate means of access.

Logo. The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations, or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters and numbers.

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

Lot Area. The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot, Building. A parcel of land that was legally existing at the time of adoption of this Ordinance, or is legally created through subdivision thereafter, upon which a building or structure may be erected in accordance with all relevant provisions in this Ordinance (including variance provisions, if applicable). Parcels of land that area created in violation of any provision of the Borough's subdivision requirements shall not be eligible for the issuance of permits to build any structure upon.

Lot, Corner. A lot located at the junction of two or more intersecting streets, having an interior angle of less than 135 degrees, with a boundary line bordering on two of the streets. Also called double frontage lots.

Lot Coverage. See Building Area.

Lot Depth. The distance measured from the front lot line to the rear lot line. Where the front and rear lot lines are not parallel, the lot depth shall be measured by drawing lines from the front to rear lot lines at right angles to the front lot line, every ten feet and averaging the length of these lines.

Lot, Flag. A polygonal-shaped lot with the appearance of a frying pan or flag and staff in which the handle is most often used as the point of access. The handle, when less than the minimum width for a building lot in the zoning district in which it is located, is not to be used in computing the minimum required lot area or delineating the minimum required building envelope.

Lot Front. The side of a lot that abuts a public street is the front of the lot. For corner lots, the shortest side fronting upon a street shall be considered the front of the lot. Where buildings exist on the lot, the frontage may be established by the orientation of the building, or of the principal entrance, if building orientation does not clearly indicate lot frontage. Where no other method determines conclusively the front of a lot, the Zoning Officer shall select one frontage on the bases of traffic flow on adjacent streets, so that the lot is considered to front on the street with the greatest traffic flow.

Lot, Interior. A lot other than a corner lot.

Lot, Irregular. A lot of such shape or configuration that technically meets the area, frontage and width to depth requirements of the ordinance but has unusual elongations, angles, and curvilinear lines.

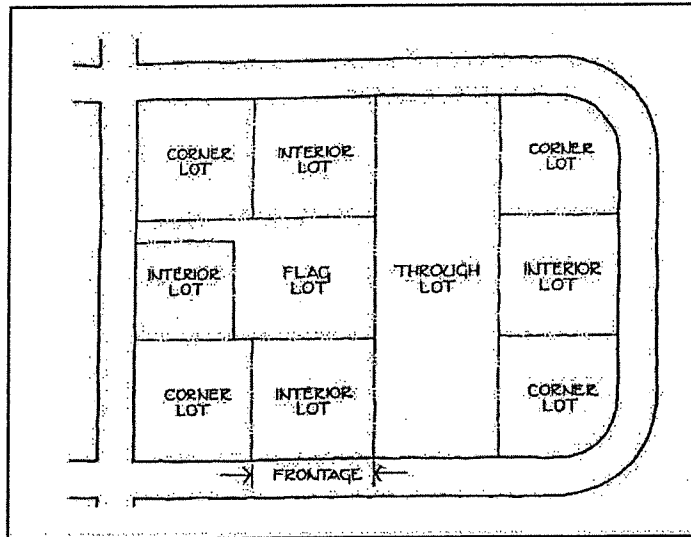
Lot Line. The property line bounding a lot.

Lot Line, Front. The lot line separating a lot from the street.

Lot Line, Rear.

- (a) The lot line that is opposite and most distant from the front lot line; or,
- (b) The rear lot line of an irregular or triangular lot shall be a line entirely within the lot at least 10 feet long and parallel to and most distant from the front lot line.

Lot Line, Side. Any lot line which is not a front lot line or a rear lot line.



Source: *A Glossary of Zoning Development and Planning Terms*, Davidson and Dolnick, APA publication, 1999.

Lot, Nonconforming. A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Lot of Record. See Lot.

Lot, Through. A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Lot Width. The distance between the side lot lines of a lot at the building line.

Marina, Commercial. An establishment providing docking, moorage space, and related activities limited to the provisioning or minor repair of pleasure boats and yachts, and accessory facilities including, but not limited to showers, toilets, and self-service laundries.

Marquee. A roof-like structure that cantilevers from the wall of a building over its principal entrance, that has no vertical supports other than the wall from which it

cantilevers, and that provides a wall surface at least four feet high, generally constructed for purposes of containing a sign.

Mineral Extraction / Processing. The excavation or extraction and processing of any earth products of natural mineral deposit, except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is to be removed for landscaping, or where materials are excavated from a lot for use on that same lot by the owner of the property.

Mini-Storage. See Personal Storage Facility.

Mini-Warehouses. See Personal Storage Facility.

Mixed-Use Development. See Development, Mixed Use.

Mobile Home Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement of mobile homes.

Motel. An establishment providing transient lodging in which the guest rooms are usually accessible from an outdoor parking lot.

Motorcycle Sales Establishment. An establishment primarily engaged in the retail sale of new and used motorcycles, motor scooters, clothing and accessories, and personal watercraft, including incidental storage, maintenance and servicing.

Movie Theater. A building for showing motion pictures or for live dramatic, dance, musical, or other productions, which is usually commercially operated. Does not include Adult Motion Picture Theatres.

Municipalities Planning Code (MPC). The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended.

Municipality. The Borough of Freeport, Armstrong County, Pennsylvania.

Music Instruction or Studio. See Instructional Studio.

No-Impact Home-Based Business. See Home Occupation.

Nonprofit Organization. Any person(s), partnership, association, corporation or other group legally established under federal and state law whose activities are conducted for unselfish, civic, or humanitarian motives, or for the benefit of others, and not for the gain off any private individual or group and may include, but shall not be limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.

Nursery, Plant. An establishment engaged primarily in cultivating trees, shrubs, flowers or other plants for sale or for transplanting.

Nursing Home. A facility devoted primarily to the maintenance and operation of facilities for the treatment and care of any persons suffering from illness, disease,

deformity, or injury not requiring the intensive care that is normally provided by hospitals, but who do require care in excess of room and board and who need medical, nursing, convalescent, or chronic care. Institutions primarily for the treatment and care of mentally ill patients or persons recovering from substance abuse shall not be considered nursing homes.

Office Building. A building used primarily for offices that may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper, or snack stand.

Office Park. A development that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed, and managed on an integrated and coordinated basis, and located on one or more parcels under single ownership.

Official Zoning Map. The zoning map for the Borough of Freeport adopted by ordinance pursuant to the MPC.

Oil Change Facility. Operations that provide lubrication, addition or changing of fluids and filters necessary to operate a vehicle. It is intended that these services will be provided while customers wait on site.

Oil / Gas Well Operation. The extraction of oil or gas from underground accompanied by the appurtenant equipment and facilities.

Open Space. Any land or area, the preservation of which in its present use would:

- (a) Conserve or enhance natural or scenic resources;
- (b) Promote streams or water supply;
- (c) Promote conservation of soils, or wetlands;
- (d) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or,
- (e) Enhance recreational opportunities.

Open Space, Common. A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Open Space, Improved. Parks, playgrounds, swimming pools, ball fields, plazas, landscaped green spaces, and other areas that are created or modified by man. Improved open space shall not include schools, community centers or other similar areas in public ownership.

Open Space, Natural. Areas of natural vegetation, water bodies, or other landforms that are to be left undisturbed. Creation of a graded and surfaced walking trail through areas of natural open space shall constitute disturbance of the area in the amount of the length of the walking trail multiplied by its approximate average width. Natural open

space shall not include schools, community centers or other similar areas in public ownership.

Operational Vehicle. A vehicle immediately capable of being driven.

Organization, Charitable / Fraternal / Social. A facility for administrative, meeting, or social purposes for a private or nonprofit organization, primarily for use by administrative personnel, members and guests. Examples include, but are not limited to: Lions Club, Veterans of Foreign Wars, etc.

Overlay District. A zoning district that extends on top of a base zoning district and is intended to protect certain critical features and resources. Unlike a planned unit development, overlay districts govern only development standards. The uses permitted in the underlying zoning district remain the same.

Parcel. A single lot, or a grouping of old lots acquired by a single deed, and considered as one buildable lot for zoning purposes. Parcels that consist of a grouping of lots acquired by a single deed may be subdivided for purposes of creating more buildable parcels, provided all regulations contained within this Ordinance and the applicable subdivision and land development ordinance are adhered to.

Parking Aisle. The clear space for either one or two-way traffic movement or maneuvering between rows of parking stalls.

Parking, Commercial. A private parking lot that is the stand alone use of a parcel, and whose stalls are leased to individuals.

Parking, Off-Street. An area wholly outside any public right-of-way, constructed to accommodate the parking of vehicles as required by this Ordinance.

Parking, On-Street. The parking storage space for a vehicle that is located within the street right-of-way.

Parking, Restricted Accessory. A parking lot, whether free or for compensation, and available for private use or as an accommodation for clients or customers, that is the sole use of a parcel and provides parking accessory to a use on a separate parcel.

Parking, Shared. A public or private parking area used jointly by two or more land uses.

Parking Space. A space in a garage or parking area reserved for the parking of only one automobile.

Parking Space, Compact. A space not less than 18 feet long and 7.5 feet wide, reserved for the parking of only one compact automobile.

Parking Space, Handicapped. A space not less than 13 feet wide and 18 feet long in clear dimension, reserved exclusively for an automobile registered with the State with handicapped license plates or displaying an official State issued handicapped placard.

Parking Structure. A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking and underground or under building parking areas.

Patio. A level surfaced area directly adjacent to a principal building, without walls or a roof. A patio may be constructed of any material or combination of materials, and is typically constructed at grade level or slightly higher.

Paved Surface Area. Ground surface covered with cobblestones, clay fired bricks, concrete pre-cast paver units, poured concrete with or without decorative surface materials, blacktop, or other asphalt or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.

Pawnshop. Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

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

Permit, Building. A document issued by the Borough attesting that all requirements of the Uniform Construction Code (UCC) have been met, thereby allowing the approved work to commence in conformance with the permit.

Permit, Occupancy. Authorization issued by the Borough attesting that the proposed use or reuse of a lot or structure is in accordance with this Ordinance and may legally occur. An occupancy permit is obtained after a zoning permit has been issued and all the requirements of the zoning permit have been met.

Permit, Zoning. Authorization issued by the Borough attesting that all requirements of this Ordinance have been met, thereby allowing the approved work to commence in conformance with the permit. A zoning permit is required prior to an occupancy permit.

Person. Any association, company, corporation, firm, organization or partnership, singular or plural, of any kind.

Personal Care Home. A facility providing residential and supportive services primarily to persons who are over age sixty, physically handicapped or developmentally disabled, and which is licensed as a Personal Care Center by the Commonwealth of Pennsylvania.

Personal Service Establishment. A business which is associated with the grooming or health of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlor, shoe repair shop, self-service laundry, but not a tattoo parlor. The definition shall apply whether or not the individual engaged in the offering of said service is required to be licensed by the State of Pennsylvania.

Personal Storage Facility. One or more structures containing separate, individual and private storage spaces of varying sizes leased or rented by individual leases for varying periods of time, with the use contained in one or more buildings with the storage bays accessed primarily from the exterior of the building or buildings.

Planned Residential Development. See Development, Planned Residential.

Planned Unit Development. See Development, Planned Unit.

Planning Commission. The Planning Commission of the Borough of Freeport, Armstrong County, Pennsylvania.

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

Plaza. An open space that may be improved, landscaped, or paved usually surrounded by buildings or streets.

Porch. A covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes. If a porch is uncovered, it is considered to be a deck.

Preservation or protection. When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

Professional Service Establishment. An establishment engaged in providing professional services such as consulting, legal, engineering, accounting, architectural and the like, but not including personal services.

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

Public Improvement. Any improvement, facility, or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public utilities, cable television, or similar essential services.

Public Notice. Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

Public Park / Playground. Any area that is predominately open space, used principally for active or passive recreation, and not used for a profit-making purpose. Any area designated by the Borough as a park.

Public Space. Any lots, tracts or parcels of land, structures, buildings or parts thereof owned or leased by a unit of government.

Public Utility. An establishment engaged in the generation, transmission, and/or distribution of electricity, gas, steam, sewer, water and storm water management systems.

Public Utility Transmission Tower. A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Recreational Vehicle (RV). A vehicle built on a single chassis, and designed to be self propelled or towed by another vehicle. A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, house-boats, and campers.

Recreational Facility, Commercial. A sports facility designed to serve a large number of people as opposed to individuals or individual families. Such facilities include but shall not be limited to arenas, auditoriums, stadiums, athletic fields and tracks. Such facilities may contain rooms and other provisions for social functions and the serving of food or alcoholic beverages in accordance with State law.

Recyclable Collection Center. A facility for the collection, separation, compaction, processing and storage of recyclable materials until said materials can be transported or transferred to a facility approved and licensed for the recycling of materials.

Repair or Maintenance. An activity that restores the character, scope, size, or design of a serviceable area, structure, or land use to its previously existing, authorized, and undamaged condition. Activities that change the character, size or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter additional regulated wetlands are not included in this definition.

Repair Establishment. An establishment primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types.

Research / Development Facility. Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, sale of products, or, a structure or complex of structures designed or used primarily for research development functions related to industry and similar fields of endeavor.

Restaurant. A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 60 percent of the gross sales receipts.

Restaurant, Fast Food. An establishment whose primary business is serving food to the public for consumption on or off the premises. May include a drive-thru facility.

Retail Establishment. A business having as its primary function the supply of merchandise or wares to the end consumer. Such sales constitute the primary function of the business when such sales equal at least 80 percent of the gross sales of the business.

Retaining Wall. A wall or terraced combination of walls used to retain more than 18 vertical inches of material and not used to support, provide a foundation for, or provide a wall for a building or structure.

Retention System. A storm water facility that is designed to accept runoff from a developed site and discharge it at a limited rate when the runoff rate into the system drops below the limited rate. A specified volume is stored indefinitely (retained) until it is displaced by runoff from another storm.

Rezoning. See Amendment, Rezoning.

Right-of-Way. A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, waterline, sanitary sewer, and/or other public utilities or facilities.

Riparian. Of or pertaining to the bank of a river or stream.

Riparian Area. Those lands bordering streams, rivers, and lakes.

Riparian Rights. The right to use water flowing in a stream on riparian land.

Runoff. The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to a waterbody such as a river, stream, pond, or reservoir.

Satellite Dish. See Telecommunications, Satellite Dish.

School, Elementary / Middle School. A public, private or parochial school offering educational instruction in grades kindergarten through fifth, or sixth through eighth, and licensed by the Pennsylvania Department of Education.

School, High School. A public, private or parochial school offering educational instruction in grades nine through twelve, licensed by the Pennsylvania Department of Education.

School, Nursery / Kindergarten. A public, private or parochial school primarily for children between the ages of three and five, providing preparation for elementary school; includes nursery school and kindergarten.

School, Technical / Trade. A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, machine repair, culinary arts, cosmetology, computer repair, etc.

Screen. See Berm, Buffer, or Fence.

Self-Storage Units. See Personal Storage Facility.

Service Establishment. See Personal Service Establishment or Professional Service Establishment.

Setback. The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

Setback, Front. The minimum allowable distance from the street right-of-way line to the closest point of the foundation of a building or projection thereof.

Setback, Front, On Corner Lots. The front setback of a corner lot shall be measured from the side of the lot designated as the front. On a corner lot, only one street line shall be considered a front line, which shall be the shorter street frontage.

Setback, Rear. The shortest distance between the building line and the rear lot line.

Setback, Side. The shortest distance between the building line and the side lot line.

Sexually-Oriented Business. An establishment other than a hotel, motel, or similar establishment offering public accommodations, which for any form of consideration provides a place where any number of persons may congregate, associate, or consort in connection with Specified Sexual Activities or the exposure of Specified Anatomical Areas. See also Adult Book Store, Adult Business, Adult Motion Picture Theater, Adult Video Store, and Adult Entertainment.

Shopping Center. A group of retail and other commercial establishments that is planned, owned, and managed as a single property. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center. The two main configurations of shopping centers are malls and open-air strip centers.

Sidewalk Cafe. An outdoor dining area associated with a restaurant and located on the premises of the restaurant, usually within the front yard setback.

Sidewalk Vendor Stand. Any portable pushcart, or similar device used for the displaying, storing, or transporting of articles offered for sale by a sidewalk vendor.

Sign. Any device including but not limited to letters, words, numerals, figures, emblems, pictures or any part or combination of these used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties.

Sign, Abandoned. A sign and/or supporting structure which no longer identifies a bona fide business conducted or product sold on the premises. A sign shall be deemed abandoned when these conditions have been in existence for a period exceeding ninety consecutive calendar days.

Sign, Animated. A sign that uses movement or change of lighting to depict action or create a special effect or scene, except LED displays on restaurant menu boards.

Sign, Awning. See Sign, Canopy.

Sign, Back-to-Back. Two or more integrally connected signs facing in opposite directions and separated by not more than five feet.

Sign, Banner. A temporary sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.

Sign, Building. A sign attached to any part of a building.

Sign, Building Marker. A sign indicating the name of a building and date and incidental information about its construction. Such sign typically is cut into a masonry surface or made of bronze or other permanent material, and is not regulated under this Ordinance.

Sign, Canopy. A sign that is a part of or attached to a structural protective cover over a door, entrance, window or outdoor service area.

Sign, Changeable Copy. Any sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message.

Sign, Construction. A sign bearing the names of contractors, architects, engineers and the like, or advertising, promotions, price ranges and similar information that is placed at a construction site that has received development plan approval from the Borough.

Sign Copy. Any word, letter, number or emblem affixed to the sign surface either permanently or in removable form.

Sign, Directional. An on-premise sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.

Sign, Directory. A ground or building sign that lists tenants or occupants of a building or project with unit numbers, arrows or other directional information.

Sign, Electronic Scrolling Message. A sign with a fixed or changing display/message composed of a series of lights, wherein the sequence of message and the rate of change is electronically programmed and can be modified by electronic processes.

Sign, Externally Illuminated. A sign illuminated primarily by light directed toward or across it or by backlighting from a source not within it.

Sign Face. The area of a sign on which the copy is placed.

Sign, Flashing. A sign, the illumination of which is not constant in intensity when in use, and which exhibits sudden or marked changes in lighting effects.

Sign, Freestanding. A sign that is attached to, erected on, or supported by some structure (such as a post, mast, frame, or other structure), or attached directly to the ground, that is not itself an integral part of or attached to a building or other structure whose principal function is something other than support.

Sign, Internally Illuminated. A sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

Sign, Marquee. A sign attached to or mounted on a marquee. See also Marquee.

Sign, Menu-Board. An accessory sign providing items and prices associated with a drive-thru window and located in very close proximity to the drive-through window.

Sign, Monument. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

Sign, Neon. A sign containing glass tube lighting in which gas and phosphors are used in combination to create a colored light.

Sign, Nonconforming. A sign lawfully erected and maintained prior to the effective date of this Ordinance that does not conform with the requirements of this Ordinance.

Sign, Off-Premise. A sign identifying or advertising a business, person, activity, goods, services, or products not located on the premises where the sign is installed and maintained. Includes Billboards and Outdoor Advertising Signs.

Sign, On-Premise. A sign identifying or advertising a business, person, activity, goods, services, or products located on the premises where the sign is installed and maintained.

Sign, Outdoor Advertising. A sign that directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such a sign is located or to which it is affixed. Also known as a billboard.

Sign, Pole. A sign that is mounted on a freestanding pole(s) or other support so that the bottom edge of the sign face is six feet or more above the grade. Also called a pylon sign.

Sign, Political. A temporary sign attracting attention to political candidates or issues, expressing support for a candidate for public office or an issue, but bearing no commercial message.

Sign, Portable. A temporary sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; and balloons used as signs.

Sign, Post and Panel. A sign consisting of one or more panels which are supported between two posts and which is permanently placed in the ground.

Sign, Projecting. A sign attached to a building wall and extending laterally more than 18 inches from the face of such wall.

Sign, Real Estate. A temporary sign advertising real property for sale or for lease.

Sign, Roof. A sign erected, constructed, and maintained above the eaves of a building.

Sign, Sandwich Board. A two-sided sign not permanently attached to the ground or some type of permanent structure; a sign connected to or located on A or T frames; a two-sided sign attached to boards;

Sign, Shingle. A sign suspended from and located entirely under a covered porch, covered walkway, or an awning.

Sign, Special Event. A temporary sign advertising or announcing a special community wide event or activity conducted by, or sponsored by, or on behalf of a unit of local government, a charitable organization, or a nonprofit corporation. A special community wide event or activity is one that seeks to attract donations, participants, or customers from throughout the Borough.

Sign, Temporary. A sign that is used only temporarily and is not permanently mounted.

Sign, Traffic. A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle or pedestrian movement.

Sign, V-Type. For purposes of computing surface area, is two separate signs if the angle between the two outer surfaces is less than 60 degrees; otherwise, the wings shall be considered one sign.

Sign, Wall. A sign painted on or attached to and extending not more than six inches from an exterior wall in a parallel manner.

Sign, Window. A sign that is applied to the inside of glassed areas of a building.

Signplate, Building. A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

Site. A lot, tract or parcel of land considered as one land-unit for purposes of this Ordinance. For a single-family residence, the site shall be the subdivided lot on which it is located. For multi-family projects, the site shall be all land occupied by the buildings in the project and adjoining such property and under common ownership with it. For vacant land, the site shall be all of the adjoining vacant land under single ownership. For single-occupancy, non-residential properties, the site shall be the subdivided lot that is occupied. For multiple-occupancy properties, the site shall be all land included under the original site plan or subdivision plan approval under this Ordinance.

Site Plan. A plan depicting the proposed development of a property, in terms of the location, scale and configuration of buildings and other features containing all the required information under the site plan review section of this Ordinance.

Slope. The vertical change of an area of land divided by the horizontal change, measured as a percentage.

Snack Bar / Shop. An establishment similar to a restaurant, but limited to the extent that no food is cooked on the premises other than heating by a microwave oven, no drive-through windows exist on the premises, and seating for customers does not exceed 12.

Solid Waste Transfer Station. A facility which receives and processes or temporarily stores municipal or residual waste at a location other than the generation site, and which facilitates the transportation or transfer of municipal or residual waste to a processing or disposal facility.

Special Exception. See Use, Special Exception.

Specified Anatomical Areas.

- (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or,
- (b) Human male genitals in a discernable turgid state, even if completely or opaquely covered.

Specified Sexual Activities.

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse or sodomy; or,
- (c) Fondling, erotic display or erotic touching of human genitals, pubic region, buttocks or breasts, even if completely and opaquely covered.

Sporting Goods Sales Establishment. An establishment primarily engaged in selling sporting goods, sporting equipment and accessories.

Square. Open spaces that may encompass up to an entire block, located at the intersection of important streets, and set-aside for civic purposes, with landscaping consisting of paved walks, lawns, trees, and civic buildings.

Stacking Lane. An area for temporary queuing of motor vehicles.

State Liquor Store. A sales establishment licensed and regulated by the Pennsylvania Liquor Control Board to sell alcohol and wine to the general public.

Stick-Built House. Standard residential construction using traditional wood frame building materials.

Storage Building, Detached. An accessory structure used for the storage of materials or equipment outside of a principal structure on a lot.

Storage, Enclosed. Storage that is completely screened from view by walls and a roof.

Storm Water Detention. Any storm drainage facility that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination thereof.

Storm Water Management. Any storm water management technique, apparatus, or facility that controls or manages the path, storage, or rate of release of storm water runoff. Such facilities may include storm sewers, retention or detention basins, drainage channels, drainage swales, inlet or outlet structures, or other similar facilities.

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

Street, Arterial. A street designated for large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

Street Center Line. The center of the existing street right-of-way, or where such cannot be determined, the center of the traveled cartway.

Street, Collector. A street which primarily collects traffic from local streets and feeds it to the arterial network. Collector streets provide circulation within neighborhood areas.

Street, Cul-de-sac. A street with a single common ingress and egress and with a turnaround at the end.

Street, Dead-end. A local street open at one end only and without a special provision for vehicles turning around.

Street Frontage. The distance for which a lot line adjoins a public or private street from one lot line intersecting said street to the furthest lot line intersecting the same street.

Street, Frontage Road. A minor street, parallel to and adjacent to an arterial street, whose primary purpose is providing access to abutting properties.

Street Line. The dividing line between the street right-of-way and the lot as shown on the records of the recorder of Deeds for Armstrong County, Pennsylvania.

Street, Loop. A short, independent street that usually terminates along the same collector street of its origin.

Street, Private. Any road or street that is not publicly owned and maintained and used for access by the occupants of the development, their guests, and the general public.

Structure. Anything built, constructed or erected which requires location on the ground or attachment to something located on the ground.

Structure, Accessory. A subordinate structure detached from but located on the same lot as a principal structure. The use of an accessory structure must be accessory to the use of the principal structure.

Structure, Detached. A structure with no vertical common or party wall with another structure.

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

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

Subdivision and Land Development Regulations. The Subdivision and Land Development Ordinance of Armstrong County, Pennsylvania, as amended.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the start of construction of the improvement. Includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or,
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Swimming Pool, Private. A swimming pool and/or wading pool, including buildings necessary or incidental thereto, for the exclusive use by members of a single family household and not open to the general public.

Swimming Pool, Public. A swimming pool and/or wading pool, including buildings necessary or incidental thereto, for recreational swimming, for use by:

- (a) The residents of a subdivision, apartment or other multi-unit or multi-family development,
- (b) Members of a dues-paying club and their occasional guests, or
- (c) The general public.

Tattoo Parlor / Body-Piercing Studio. An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

- (a) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; or,
- (b) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Theater. See Movie Theater.

Towing Service. See Wrecker Service.

Traffic Impact Analysis. A formal analysis prepared by a traffic engineer or transportation planner, on the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.

Uniform Construction Code. The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Referred to as UCC in this Ordinance.

Use. Any purpose for which a building or other structure of a tract of land may be maintained or occupied; or any activity, occupation, business, or operation carried on in a building or other structure or on a tract of land.

Use, Accessory. A land use, indicated with an "A" on the Permitted Land Use Table, and that is:

- (a) Customary and incidental to the principal use located on the same lot;
- (b) Subordinate in area, extent and purpose to the principal use;
- (c) Contributes to the comfort, convenience, or necessity of the principal use; and,
- (d) Located on the same lot and in the same zoning district as the principal use.

Use, Conditional. A land use which because of special requirements or characteristics may be permitted in a particular zoning district only upon showing that such use in a specified location will comply with and conform to all the conditions and standards for the location or operation of such use as specified in this zoning ordinance as recommended by the Planning Commission and as authorized by the Borough Council.

Use, Conforming. A use, whether of land or of structure, which complies with the provisions of this Ordinance.

Use, Existing. The use of a lot or structure at the time this Ordinance was enacted.

Use, Nonconforming. A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance 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.

Use, Permitted. A use allowed in a zoning district, and upon review has been determined to comply with the provisions of these zoning regulations and other applicable ordinances and regulations.

Use, Principal. The primary use of any lot.

Use, Public. A use by an agency or department of the borough, county, state, or federal government. This shall also include public utilities or uses by any organization that receives funding either all or in part from any agency or department of the borough, county, state, or federal government. This shall also include buildings and premises used in the operation of the public use.

Use, Special Exception. A permission or approval granted to use land in a zoning district for a purpose other than that generally permitted outright in the district. The permission, or special exception, is granted by the Zoning Hearing Board in accordance with the standards contained in the zoning ordinance, provided generally that the specific application of the use would not prove injurious to the public interest.

Variance. A deviation from the terms of this Ordinance.

Wall, Exterior. A vertical, structural component of a building which encloses habitable or usable space; a parapet extending not more than twelve inches above a flat roof shall be considered part of the exterior wall for purposes of determining signage.

Warehousing / Distribution Establishment. An establishment involved in storing, stocking or distributing of merchandise or commodities.

Wetland. Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

Wholesale Establishment. The sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on any trade or business even if the said trade or business is the consumer or end user of the commodity.

Windblown Device. Any banner, pennant, spinner, streamer, propeller, disc, moored blimp, gas balloon or flag (which is not of local, state, federal, corporate, nonprofit or religious origin) that is designed to inform or attract attention, whether or not such device carries a message, all or part of which is set in motion by wind, mechanical, electrical or any other means.

Windmills. A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill.") The turbine or windmill may be on a horizontal or vertical axis, rotor or propeller.

Wrecker Service. An establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

Yard. See Setback.

Zero Lot Line. The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Zoning District. A specifically delineated area or district within the corporate limits of the Borough for which the requirements governing use, placement, spacing, size, lot dimensions, and bulk of buildings and premises are uniform.

Zoning Hearing Board. The Zoning Hearing Board of the Borough of Freeport, Armstrong County, Pennsylvania.

Zoning Map. See Official Zoning Map.

Zoning Officer. The officer designated by the Borough of Freeport as the individual responsible for enforcing and administering the requirements of this Ordinance.

ARTICLE 3
ESTABLISHMENT OF ZONING DISTRICTS

Contents

300	Zoning Districts
301	Zoning Map
302	Interpretation of Zoning District Boundaries
303	Permitted Land Uses
304	Supplemental Regulations Pertaining to Land Use Table
305	Temporary Uses
306	Accessory Structures and Uses in Residential Districts

Section 300 Zoning Districts

- A. The Borough of Freeport is hereby divided into the following zoning districts:
- TR** Town Residential District
 - SR** Suburban Residential District
 - MR** Multi-Family Residential District
 - CBD** Central Business District
 - RMU** Riverfront Mixed Use District
 - CT** Commercial Transition District
 - HC** Highway Commercial District
 - IN** Industrial District
 - REC** Recreation District
- B. In addition to the conventional zoning districts established by this Ordinance, the following overlay district is hereby created:
- SS** Steep Slope Overlay District
- C. The district and overlay district boundaries are shown on the Official Zoning Map.

Section 301 Zoning Map

The Official Zoning Map adopted in conjunction with this Ordinance is hereby established as the Official Zoning Map and Zoning Districts (hereinafter "Official Zoning Map" or "Zoning Map") of Freeport Borough, Pennsylvania. The Official Zoning Map designates the respective zoning districts in accordance with this Ordinance.

Section 302 Interpretation of Zoning District Boundaries

- A. In determining the boundaries of districts, and establishing the provisions applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most

desirable use for which the land in each district may be adapted, and the conservation of property values throughout the Borough.

- B. Wherever any uncertainty exists as to the boundary of a district as delineated on the zoning map, the following rules shall govern:
1. Where a zoning district boundary line is shown as following a street, alley, or utility right-of-way, or watercourse, it shall be construed as following the center line of the right-of-way or watercourse.
 2. Where a zoning district boundary line appears to follow or approximately coincide with a lot or property ownership line, it shall be construed as following such line.
 3. Where a public street or alley is officially vacated, the zoning designation applicable to abutting property on each side of the center line shall apply up to the center line of such street or alley.
 4. All property lines shown on the Official Zoning Map shall be construed to be those property lines and dimensions described in the proper deeds of record for the subject property.
 5. Where district boundary lines divide a lot, the more restrictive district regulations shall apply.
 6. In the case of further uncertainty, the Zoning Hearing Board shall interpret the intent of the Zoning Map as to the location of the district line in question.

Section 303 Permitted Land Uses

- A. The list of land uses and supplemental regulations contained in the Permitted Land Use Table are incorporated in this section and are adopted as the basic land use regulations for the Borough. Table 303.01, which may be generally referred to as the "Land Use Table," identifies the types of land uses that are permitted within the Borough. Any land use not listed in the Permitted Land Use Table is not permitted in the Borough.
- B. To determine the zoning district(s) in which a particular land use is allowed, find the land use in the list of uses along the left-hand side of the Land Use Table and read across the use row to find the district column designations.
- C. Legend:
- PUse is permitted by right in a specified district.
 - AUse is permitted as an accessory use in a specified district.
 - CUse is allowed as a conditional use in a specified district.

SE.....Use is allowed as a special exception in a specified district.

- D. The land uses listed in the Land Use Table are defined in Article 2, Definitions of this Ordinance.
- E. The supplemental regulations indicated in the right-hand column of the Land Use Table are detailed in Section 304.

Table 303.01 Land Use Table

Land Use	TR	SR	MR	CBDRMU	GT	HC	IN	REG	Supplemental Regulations	
Amphitheater								P		
Animal Grooming Service				P		P				
Animal Shelter						P	P			
Appliance Repair				P		P	P		1	
Appliance Sales				P		P				
Art Gallery				P	P		P			
Assisted Living Facility						SE				
Athletic Field								P		
Automobile Sales / Rentals						P				
Automotive / Boat Repair						P	P		1	
Automotive Paint Shop						P	P		1	
Automotive Supply						P				
Automotive Tire Repair / Sales						P			1	
Bakery, Retail				P	P					
Bakery, Wholesale						P	P			
Bar				P	P					
Bed and Breakfast Inn	SE	SE	SE	P	P				2	
Beer Distributor				P	P	P	P			
Boarding House				SE						
Boat Slip					C					
Building Materials						P	P			
Carnival, Circus, Fairground, Amusement Entertainment (Temporary)						C	C			
Carport	A	A	A			A	A	A		
Carwash / Detailing						P				
Cemetery	P		P			P				
Church / Place of Worship	C	C		C			C			
Clinic, Medical / Dental				P			P			
Clinic, Veterinary				P			P			
Communications Antennas	P	P	P	C		C	P	P	C	9
Communications Tower								C		
Community Center				P		P				
Convenience Store, Neighborhood				P	C	P				
Country Club								C		
Dance / Social Club				P	C		P			
Day Care Facility, Adult				P		P				
Day Care Facility, Child	A	A	A	P		P				
Department Store				P			P			
Domicile Care Facility	C		C	C						
Drive-thru Facility				P		P	P		3	
Driving Range, Golf								P		

Land Use	TR	SR	MR	CBD	RMU	CT	HC	IN	REC	Supplemental Regulations
Drug Store				P			P			
Dry Cleaning & Laundry Pick-up				P			P			
Dry Cleaning & Laundry Service							P	P		
Dwelling, Garage Apartment				P		P	P			
Dwelling, Mixed Use					P					4
Dwelling, Mobile Home			P							
Dwelling, Multi-family			P	P						
Dwelling, Overstore				P		P	P			5
Dwelling, Single Family Detached	P	P	P							
Emergency Shelter				C						
Essential Services	P	P	P	P	P	P	P	P	P	
Farmers' Market				C	C		C			
Financial Institution				P			P			
Flea Market				C			C			
Forestry	P	P	P	P	P	P	P	P	P	
Funeral Home	P			P			P			
Furniture Sales / Rentals				P			P			6
Garden Center							P			
Gasoline Station / Mini-mart							P			
Gasoline Service Station							P			
Golf Course									P	
Government Facility				P						
Greenhouse, Commercial						P	P			
Greenhouse, Non-commercial	A	A	A							
Grocery Store				P			P			
Group Home	P	P	P	P						
Hardware Store				P			P			
Health / Sports Club				P			P			
Heavy Machinery Sales / Rentals								P		
Helipad / Heliport							C	C		
Home Improvement Center							P	P		
Home Occupation	A	A	A	A	A	A	A			
Hospital				C			C			
Hospital, Animal				C			C			
Hotel				C			C			
Industrial Park								P		
Industrial Supply Sales							P	P		
Industry, Heavy								P		
Industry, Light								P		
Instructional Studio				P		P	P			
Kennel, Commercial							P			
Laboratory							P	P		

Land Use	TR	SR	MR	GBD	RMU	GT	HC	IN	REC	Supplemental Regulations
Laundromat				P		P	P			
Library				P						
Marina, Commercial					C			C		7
Mineral Extraction / Processing								P		
Mobile Home Park								P		
Motel				C			P			
Motorcycle Sales							P			
Movie Theater				C			P			
Nursery, Plant						P	P			
Nursing Home						P	P			
Office Building				P	C	P	P	P		
Office Park							P			
Oil Change Facility							P			
Oil or Gas Well Operation								P		12
Organization, Charitable / Fraternal / Social				P						
Parking, Commercial				C	C	C				
Pawnshop				P			P			
Personal Care Home	C		C	P						
Personal Service Establishment				P		P	P			
Personal Storage Facility								P		
Professional Service Establishment				P		P	P			
Public Park / Playground	P	P	P	P	P				P	
Recreation Facility, Commercial							P			
Recyclable Collection Center								C		8
Research / Development Facility								P		
Restaurant				P	P		P			3
Restaurant, Fast Food				P	SE		P			3
Retail Establishment				P	P	P	P			
School, Elementary / Middle	C		C							
School, High School							C			
School, Nursery / Kindergarten	C		C	C						
School, Technical / Trade							C			
Sexually-Oriented Business								C		10
Shopping Center							C			
Sidewalk Café				SE	P					
Sidewalk Vendor Stand					P					
Snack Bar / Shop				P	P	P	P			
Sporting Goods Sales				P	P		P			
State Liquor Store				P	P	P	P			
Swimming Pool, Private	A	A	A	A	A					13
Solid Waste Transfer Station								C		8

Land Use	TR	SR	MR	CBD	RMU	CT	HC	IN	REC	Supplemental Regulations
Swimming Pool, Public									P	13
Tattoo Parlor / Body Piercing Studio							P			
Warehousing / Distribution								P		
Wholesale Establishment							P	P		
Windmills	A	A	A							14
Wrecker Service							C	C		11

Section 304 Supplemental Regulations Pertaining to Land Use Table

- A. The following supplemental regulations shall apply to the land uses indicated below:
1. Unless the use is located in an industrial district, all storage shall be indoors or screened adequately by a fence; provided, that the fence is opaque and no less than 10 feet in height.
 2. In all residential districts, the proposed **BED AND BREAKFAST INN** shall retain the architectural orientation and form characteristic of the surrounding neighborhood.
 3. **DRIVE-THRU FACILITIES** associated with a restaurant are not permitted in the Central Business District.
 4. **MIXED USE DWELLINGS** shall be permitted in the RMU districts and shall comply with the following requirements:
 - a. Buildings shall be primarily residential with a subordinate amount of retail or office space located on the ground floor and in the front of the building facing the primary street frontage.
 - b. At least one parking space shall be provided for each residential unit.
 5. **OVERSTORE DWELLINGS** shall be permitted in the CBD, CT and HC districts and shall comply with the following:
 - a. The street level space shall be retail commercial. Other commercial uses such as professional services or personal services, as permitted by this Ordinance, may be permitted on the upper levels.
 - b. Residential dwelling units, if located within the structure, shall be located above the street level space.

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- c. Parking shall be in accordance with the non-residential use of the building. Tenants of the residential portion of the building shall be allowed to freely use any parking spaces associated with the non-residential portion of the building.
 6. The use shall be conducted entirely within the buildings on the site.
 7. **COMMERCIAL MARINAS** shall comply with the following regulations:
 - a. All applicable Federal and State rules and permit requirements shall be complied with.
 - b. The use shall be designed to maintain compatibility with natural resources and to minimize impacts on adjoining properties with regard to noise, traffic, glare, dust and odor.
 - c. No portion of the primary use shall be within thirty feet of the riparian line of an adjacent use.
 - d. All structures and other activities must be within the riparian rights area of the applicant and must be designed in a manner that will not restrict or otherwise infringe upon the riparian rights of adjacent riparian owners.
 8. **RECYCLABLE COLLECTION CENTERS / SOLID WASTE TRANSFER STATIONS** shall comply with the following regulations:
 - a. Unloading areas for materials shall not be less than fifty feet from any adjoining property, unless unloading is conducted entirely within a building.
 - b. Portions of a site used for truck maneuvering or the storage, bailing, processing, or other handling of materials must be enclosed by an opaque fence or wall at least eight feet in height.
 - c. Loading and unloading areas must be paved.
 - d. The site must be kept clear of litter, scrap paper, or other refuse matter.
 - e. Chemical or heating processes shall not be conducted on materials on the site.
 9. **COMMUNICATIONS ANTENNAS** refers to those mounted on an existing Pennsylvania Public Utility Commission transmission tower, building or other structure, including existing communications towers and communications equipment buildings.

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10. **SEXUALLY-ORIENTED BUSINESSES** shall comply with the following:
 - a. Such businesses shall not be located within 1,000 feet of each other.
 - b. Such uses shall not be located within 500 feet of a residential district.
 - c. Such uses shall not be located within 500 feet of a school, park, library, or religious institution.
 - d. Advertisements, displays, or other promotional materials depicting, describing or relating to "specified sexual activities" (as defined in this Ordinance) or "specified anatomical areas" (as defined in this Ordinance) shall not be visible from a public sidewalk.
 - e. All doors, windows and other apertures shall be located, covered or screened in such a manner as to prevent viewing the interior of the establishment from a public street or sidewalk.

 11. **WRECKER SERVICES** shall comply with the following:
 - a. Storage areas shall be screened from view by a minimum 8 foot high opaque fence or wall.
 - b. Stored vehicles must be currently licensed.
 - c. Vehicles may be stored on premises for a maximum of 60 days.
 - d. Storage areas must be paved.

 12. **OIL OR GAS WELL OPERATIONS** shall comply with the following:
 - a. These regulations shall apply to the drilling of new wells as well as re-drilling, fracturing, or other procedures for the extraction of or obtaining sources of oil or gas.
 - b. The Borough Engineer shall submit to the Zoning Officer a written report on the adequacy of drainage provisions for natural or created water at and near the site, prior to action on the application by the Board.
 - c. The applicant shall provide proof of State permit approval and shall comply with all other applicable regulations.

 13. **SWIMMING POOLS** shall comply with the following:
 - a. No pool or accessory facilities shall be located closer than 10 feet from any lot line of a residential district.
 - b. All applicable UCC requirements, including fences.

14. **WINDMILLS** used for generation of power for on-site use shall comply with the following:
 - a. A windmill may exceed the maximum height requirements of this Ordinance provided that if the windmill would have a setback from lot lines of less than its total height, the applicant shall provide a written certification from a professional engineer stating that the construction of the windmill will not create a hazard to neighboring properties or traffic as a result of severe weather conditions and any reasonably expected corrosion over time.

Section 305 Temporary Uses

A. Intent

Temporary Uses shall be permitted by the granting of a Temporary Zoning Permit issued by the Zoning Officer in accordance with the requirements of this section.

B. General Provisions

1. The duration of the temporary period is stated hereinafter, provided, however, renewal of the permit may be requested. The Zoning Officer is not obligated to renew such permits if doing so leads to a defacto permanent use.
2. Temporary Uses shall be subject to all the regulations of the applicable district in which they are located.

C. Permitted Temporary Uses

1. Temporary office, model home or model apartment, and related signs, both incidental and necessary for the sale, rental, or lease of real property in the district. Maximum duration: 18 months.
2. Non-commercial concrete batching plant, both incidental and necessary to construction in the district. Maximum duration: 18 months.
3. Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the district. Maximum duration: 18 months.
4. Parking lot designated for a special event in a district. Maximum duration: 3 days.
5. Parking of recreational vehicles for visitation. Maximum duration: 7 days, with a maximum total of 14 days per year.

6. Mobile home as a temporary office during the period of construction and development. Maximum duration: 18 months.
7. Other similar uses deemed temporary by the Zoning Hearing Board and attached with such time period, conditions and safeguards as the Board may deem necessary.

D. Standards

1. Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
2. Public address systems or other noise-producing devices may be permitted during the hours of 8 a.m. until 10 p.m. when associated with the approved temporary use.
3. Any flood lights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
4. Signs shall not flash or blink or resemble traffic and emergency warning signals, and shall be limited in number to three signs.
5. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.
6. No temporary use shall create a nuisance for surrounding property owners.

Section 306 Accessory Structures and Uses in Residential Districts

- A. Customary and incidental accessory buildings and uses are allowed in all residential districts, as specifically regulated in that district, provided that:
1. Accessory structures shall be subordinate in size to the principal structure on the lot.
 2. No more than two accessory structures, including a private detached garage, shall be permitted per principal structure.
 3. Accessory structures shall not be placed in the front yard. If placed in a side yard, accessory structures shall not be located closer to the street than the front building line of the principal structure.
 4. Accessory structures shall not be located closer than three feet to the rear and side property lines nor closer than 3 feet to the principal structure, unless otherwise indicated in this Ordinance.
 5. On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.

6. When an accessory structure is attached to a principal structure, it shall comply in all respects with the requirements of this zoning ordinance applicable to the principal structure(s).
7. Any structure connected to another structure by an open breezeway (i.e., without enclosed walls) shall be deemed to be a separate structure.
8. The total square footage of all accessory buildings shall not exceed 50 percent of the first or ground floor area of the principal building.
9. The square footage of the first (ground) floor of the accessory structure(s) shall be included in the computation of lot coverage.
10. Accessory structures shall not exceed 18 feet in height from grade, except for accessory dwelling units. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
11. No accessory structure shall be constructed with a basement or cellar.
12. No part of any such structure, with the exception of accessory dwelling units as defined herein, shall be designed or used for sleeping purposes, and no cooking fixtures shall be placed or permitted therein.
13. A private garage may be constructed as part of a principal structure, provided that when constructed the garage walls shall be regarded as the walls of the principal structure in applying the applicable front, side and rear setback requirements.
14. Pools are subject to the accessory use provisions herein.
15. Outdoor play equipment, such as swing sets and similarly large recreational structures that are typically anchored to the ground and not easily relocated, shall be placed in side or rear yards.

B. Fences

1. All fences require a zoning permit regardless of the proposed height of the fence.
2. Fence height shall be measured from grade.
3. Fences may be erected, with a zoning permit, on residentially zoned parcels, provided they meet the following restrictions:
 - a. They may not exceed six and one half (6.5) feet in height at any point.

- b. No portion of an opaque fence (less than 50% open in any one square foot portion of the fence panel) erected within a clear vision triangle may exceed two and one-half (2.5) feet in height.
 - c. Fences may be constructed of stone, brick, wood, vinyl, chain link or wire, wrought iron, aluminum, and ornamental concrete block, provided all other requirements herein are met. They shall not be constructed with barbed wire, razor wire, electrified wire, corrugated fiberglass panels or other general building materials.
 - d. Fences erected within any front setback shall not exceed 4 feet in height.
4. Fences may be erected, with a building permit, on non-residentially zoned parcels, provided they meet the following restrictions:
- a. They may not exceed 10 feet in height (except for those surrounding industrial uses, in which case they may be up to 15 feet in height at any point.
 - b. No portion of an opaque fence (less than 70 percent open in any one square foot portion of the fence panel) erected within a clear vision triangle may exceed two and one-half (2.5) feet in height.

C. Open Storage in Residential Districts

- 1. The storage, collecting, dismantling, salvaging or repairing of more than one (1) piece of machinery, inoperative, expired inspection sticker, or unlicensed, motor vehicle, or appliance is prohibited when not within an area screened from view by walls and a roof. However, one (1) inoperative, expired inspection sticker, unlicensed vehicle may be temporarily stored in an area not screened from view by walls and a roof for a period not to exceed 7 consecutive days.
- 2. Recreational vehicles, watercraft vehicles and trailers designed to be towed by another vehicle must be stored on an improved surface and parked behind the front setback. For the purposes of this requirement, improved surface is defined as a surface covered with gravel, asphalt or concrete, at a minimum.

ARTICLE 4
TR, TOWN RESIDENTIAL DISTRICT

Contents

400 Purpose
401 Permitted Land Uses
402 Lot Provisions
403 Setbacks
404 Building Height
405 Performance Standards
406 Parking, Loading and Internal Roadways
407 Landscaping
408 Signs

Section 400 Purpose

The purpose of the TR, Town Residential District is to

- A. Preserve the primary residential neighborhoods throughout the Borough. These urbanized areas are predominantly medium density and include single-family detached dwelling units.
- B. Preserve the desirable character of existing single family neighborhoods.
- C. Protect single family residential areas from change and intrusion that may cause deterioration, and provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.

Section 401 Permitted Land Uses

See Table 303.01, Land Use Table.

Section 402 Lot Provisions

- A. Minimum lot size: 6,000 square feet.
- B. Minimum lot frontage: 60 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
- C. Maximum lot coverage: 60 percent.
- D. Minimum lot depth: 100 feet.
- E. Nonconforming lots shall comply with the provisions of Article 21.

Section 403 Setbacks

- A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 16:
 - 1. Minimum front setback: 10 feet. Maximum front setback: 20 feet.
 - 2. Minimum side setback: 5 feet
 - 3. Minimum rear setback: 35 feet
 - 4. Accessory structures shall be set back at least 3 feet from all rear and side property lines; provided, that garages constructed adjacent to alleys shall be setback no less than 10 feet from the alley centerline.
- B. The alignment provisions in Article 16 shall apply.
- C. Architectural features may project into a required setback as provided below:
 - (1) Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters or other similar features may extend into a setback a distance not exceeding 3 feet, except that such features shall not extend closer than 3 feet from the property line.
 - (2) Unenclosed stairs, unenclosed landings and unenclosed porches shall not extend closer than 3 feet from the property line.
- D. No permitted encroachment noted above shall extend to within 3 feet of an accessory structure.
- E. Fences, walls, terraces, steps or other similar features may encroach into a required setback, except as provided in Article 16. Such appurtenances shall not be located within access, drainage, or utility easements.
- F. HVAC mechanical units may be located no closer than 3 feet to a side lot line.
- G. Parking shall be permitted in the front setback only on approved driveways.

Section 404 Building Height

- A. The maximum height of a principal structure shall not exceed 2.5 stories or 35 feet, except as provided in Article 16.
- B. The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article 16.

Section 405 Performance Standards

All residential construction shall substantially conform in street orientation and massing to adjacent interior lot homes.

Section 406 Parking, Loading and Internal Roadways

See Article 17.

Section 407 Landscaping and Screening

See Article 18.

Section 408 Signs

See Article 19.

ARTICLE 5
SR, SUBURBAN RESIDENTIAL DISTRICT
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500	Purpose
501	Permitted Land Uses
502	Lot Provisions
503	Setbacks
504	Building Height
505	Performance Standards
506	Parking, Loading and Internal Roadways
507	Landscaping
508	Signs

Section 500 Purpose

The purpose of the SR, Suburban Residential District is to provide for attractive single family neighborhoods on larger lots in a more suburban setting than traditional neighborhoods in the Borough.

Section 501 Permitted Land Uses

See Table 303.01, Land Use Table.

Section 502 Lot Provisions

- A. Minimum lot size: 0.33 acres. Maximum lot size: 1 acre.
- B. Minimum lot frontage: 100 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
- C. Maximum lot coverage: 40 percent.
- D. Minimum lot depth: 100 feet.
- E. Nonconforming lots shall comply with the provisions of Article 21.

Section 503 Setbacks

- A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 16:
 - 1. Minimum front setback: 25 feet. Maximum front setback: 50 feet.

2. Minimum side setback: 30 feet total with a minimum of 10 feet on any one side.
 3. Minimum rear setback: 50 feet.
 4. Accessory structures, other than garages, shall be set back at least 10 feet from all rear and side property lines.
 5. Attached garages shall be recessed at least 10 feet behind the front building line. Detached garages shall be located behind the rear building line.
- B. The alignment provisions in Article 16 shall apply.
- C. Architectural features may project into a required setback as provided below:
- (1) Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters or other similar features may extend into a setback a distance not exceeding 3 feet, except that such features shall not extend closer than 3 feet from the property line.
 - (2) Unenclosed stairs, unenclosed landings and unenclosed porches shall not extend closer than 3 feet from the property line.
- D. No permitted encroachment noted above shall extend to within 3 feet of an accessory structure.
- E. Fences, walls, terraces, steps or other similar features may encroach into a required setback, except as provided in Article 16. Such appurtenances shall not be located within access, drainage, or utility easements.
- F. HVAC mechanical units may be located no closer than 10 feet to a side lot line.
- G. Parking shall be permitted in the front setback only on approved driveways.

Section 504 Building Height

- A. The maximum height of a principal structure shall not exceed 2.5 stories or 35 feet, except as provided in Article 16.
- B. The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article 16.

Section 505 Performance Standards

All residential construction shall substantially conform in street orientation and massing to adjacent interior lot homes.

Section 506 Parking, Loading and Internal Roadways

See Article 17.

Section 507 Landscaping and Screening

See Article 18.

Section 508 Signs

See Article 19.

ARTICLE 6
MR, MULTI-FAMILY RESIDENTIAL DISTRICT

Contents

600	Purpose
601	Permitted Land Uses
602	Lot Provisions
603	Setbacks
604	Building Height
605	Performance Standards
606	Parking, Loading and Internal Roadways
607	Landscaping
608	Signs

Section 600 Purpose

The purpose of the MR, Multi-Family Residential District is to:

- A. Stabilize and protect medium density areas by reducing hazards to the living environment.
- B. Provide for a varied, slightly denser urban residential pattern suitable to the needs of the population by encouraging a range of dwelling types.
- C. Preserve the desirable character of existing medium density family neighborhoods.
- D. Protect the medium density residential areas from change and intrusion that may cause deterioration.

Section 601 Permitted Land Uses

See Table 303.01, Land Use Table.

Section 602 Lot Provisions

- A. Single-family dwelling unit
 - 1. Minimum lot size: 6,000 square feet.
 - 2. Minimum lot area per dwelling unit: 6,000 square feet.
 - 3. Minimum lot frontage: 50 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.

4. Maximum lot coverage: 60 percent.
 5. Minimum lot depth: 100 feet.
- B. Multi-family dwelling units
1. Minimum lot size: 10,000 square feet.
 2. Minimum lot area per dwelling unit: 1,000 square feet.
 3. Minimum lot frontage: 50 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
 4. Maximum lot coverage: 80 percent.
 5. Minimum lot depth: 100 feet.
- C. Nonconforming lots shall comply with the provisions of Article 21.

Section 603 Setbacks

- A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 16:
1. Minimum front setback: 10 feet. Maximum front setback: 20 feet.
 2. Minimum side setback:
 - a. Single-family dwelling unit: 5 feet.
 - b. Multi-family dwelling units: 10 feet.
 3. Minimum rear setback: equal to height of principal structure.
 4. Accessory structures shall be set back at least 3 feet from all rear and side property lines.
- B. The alignment provisions in Article 16 shall apply.
- C. Architectural features may project into a required setback as provided below:
- (1) Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters or other similar features may extend into a setback a distance not exceeding 3 feet, except that such features shall not extend closer than 3 feet from the property line.
 - (2) Uncovered stairs, landings and porches shall not extend closer than 3 feet from the property line.

- D. No permitted encroachment noted above shall extend to within 3 feet of an accessory structure.
- E. Fences, walls, terraces, steps or other similar features may encroach into a required setback, except as provided in Article 16. Such appurtenances shall not be located within access, drainage, or utility easements.
- F. HVAC mechanical units may be located no closer than 3 feet to a side lot line.
- G. Parking shall be permitted in the front setback only on approved driveways.

Section 604 Building Height

- A. The maximum height of a principal structure shall not exceed 2.5 stories or 35 feet, except as provided in Article 16.
- B. The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article 16.

Section 605 Performance Standards

All residential construction shall substantially conform in street orientation and massing to adjacent interior lot homes.

Section 606 Parking, Loading and Internal Roadways

See Article 17.

Section 607 Landscaping and Screening

See Article 18.

Section 608 Signs

See Article 19.

ARTICLE 7
CBD, CENTRAL BUSINESS DISTRICT

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701	Permitted Land Uses
702	Lot Provisions
703	Setbacks
704	Building Height
705	Performance Standards
706	Parking, Loading and Internal Roadways
707	Landscaping
708	Signs

Section 700 Purpose

The purpose of the CBD, Central Business District is to accommodate the needs of existing businesses and future development within the traditional downtown area. This district is designed to provide for a variety of professional services, personal services, retail uses, entertainment uses and limited residential uses. The regulations of the CBD are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous commercial frontage at street level with professional and personal service establishments and residential units located on upper floors.

Section 701 Permitted Land Uses

See Table 303.01, Land Use Table.

Section 702 Lot Provisions

A. Non-residential uses

1. No minimum lot size shall be required.
2. No minimum lot frontage shall be required.
3. Maximum lot coverage shall be 100 percent.

B. Multi-family residential uses

1. Multi-family dwelling units are permitted above first-floor retail uses in existing structures.

Section 703 Setbacks

- A. Front setback: For all uses, the front setback shall conform to the prevailing front setback pattern of developed lots within the same block fronting the same street.
- B. Side setback: In all cases, the minimum side setback shall be 0 feet.
- C. Rear setback: In all cases, the minimum rear setback shall be 0 feet.

Section 704 Building Height

- A. The maximum height permitted for all principal structures shall be 4 stories or 55 feet.
- B. The maximum height for an accessory structure shall not exceed 18 feet.

Section 705 Performance Standards

All construction shall substantially conform in street orientation to adjacent structures, except where this shall cause conflict with other provisions of this Ordinance.

Section 706 Parking, Loading and Internal Roadways

See Article 17.

Section 707 Landscaping and Screening

See Article 18.

Section 708 Signs

See Article 19.

ARTICLE 8
RMU, RIVERFRONT MIXED USE DISTRICT

Contents

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801	Permitted Land Uses
802	Lot Provisions
803	Setbacks
804	Building Height
805	Performance Standards
806	Parking, Loading and Internal Roadways
807	Landscaping
808	Signs

Section 800 Purpose

The purpose of the RMU, Riverfront Mixed Use District is to promote the development of attractive spaces along the Borough's river frontage. The Riverfront District is intended to serve as an interconnected pedestrian-oriented cultural and recreation destination. These areas are intended for use primarily by residents, pedestrians, cyclists and recreational users of the river and shall include residential and retail uses. It is further intended that public access to the river and visibility of the river view is to be protected, to the greatest extent possible, for the enjoyment of residents and visitors. Development shall be pedestrian-scaled with future development oriented toward the river for maximum enjoyment. Design standards, including signage standards, shall be applied to promote appropriately scaled structures constructed of similar materials and in compatible styles.

Section 801 Permitted Land Uses

See Table 303.01, Land Use Table.

Section 802 Lot Provisions

- A. Single-family dwelling unit
1. Minimum lot size: 6,000 square feet.
 2. Minimum lot area per dwelling unit: 6,000 square feet.
 3. Minimum lot frontage: 60 feet.
 4. Maximum lot coverage: 60 percent.
 5. Maximum lot depth: None.

B. Duplex dwelling units

1. Minimum lot size: 6,000 square feet.
2. Minimum lot area per dwelling unit: 3,000 square feet.
3. Minimum lot frontage: 60 feet.
4. Maximum lot coverage: 60 percent.
5. Maximum lot depth: None.

C. Non-residential uses

1. Minimum lot size: 6,000 square feet.
2. Minimum lot area per dwelling unit: not applicable.
3. Minimum lot frontage: 100 feet.
4. Maximum lot coverage: 80 percent.
5. Maximum lot depth: None.

D. Nonconforming lots shall comply with the provisions of Article 21.

Section 803 Setbacks

A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 16:

1. Minimum front setback: 10 feet. Maximum front setback: 20 feet.
2. Minimum side setback: 5 feet.
3. Minimum rear setback on lots adjacent to the Allegheny River or Buffalo Creek: 30 feet from the high water mark. Minimum rear setback for all other lots: 50 feet.
4. Accessory structures shall be set back at least 3 feet from all rear and side property lines; provided, that accessory structures located on lots adjacent to the Allegheny River or Buffalo Creek shall be set back at least 20 feet.

B. Architectural features may project into a required setback as provided below:

- (1) Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters or other similar features may extend into a setback a distance not exceeding 3 feet, except that such features shall

not extend closer than 3 feet from the property line.

- (2) Uncovered stairs, landings and porches shall not extend closer than 3 feet from the property line.
- C. Fences, walls, terraces, steps or other similar features may encroach into a required setback, except as provided in Article 16. Such appurtenances shall not be located within access, drainage, or utility easements.
- D. HVAC mechanical units may be located no closer than 3 feet to a side lot line.

Section 804 Building Height

- A. The maximum height permitted for all principal structures shall be 3 stories or 35 feet.
- B. The maximum height for an accessory structure shall not exceed 18 feet.

Section 805 Guidelines for Design

- A. Orientation. New development should be oriented so that both river and street side facades are primary. Construction materials on the riverside of a structure should be of equal character and quality as those on the street side. Both sides shall incorporate fenestration, detailing and other building components that are dimensionally proportionate and pedestrian friendly.
- B. Construction Materials. Artificial composition-type materials (including simulated wood, brick or masonry) lacking compatibility with surrounding traditional types of building materials are strongly discouraged.
- C. Screening. Loading docks, service entrances, dumpsters, propane tanks, utility cabinets and other similar above-ground structures should not be located on either the street side or the river side of the structures and should be screened from public view with landscaping or building materials in such a way as to be integrated into the site and building design.
- D. Solar Gain. Building designs are strongly encouraged to take full advantage of solar gain for purposes of energy conservation.
- E. Rooftop Appurtenances. Rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a structure should be arranged to minimize visibility from any point at or below the roof level of the structure. Such features, in excess of 1 foot in height, should be either enclosed by outer building walls or parapets, grouped and screened in a suitable manner, or designed so that they are balanced and integrated with respect to the design and materials of the building.

Section 806 Parking, Loading and Internal Roadways

See Article 17.

Section 807 Landscaping and Screening

See Article 18.

Section 808 Signs

See Article 19.

ARTICLE 9
CT, COMMERCIAL TRANSITION DISTRICT

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902	Lot Provisions
903	Setbacks
904	Building Height
905	Parking, Loading and Internal Roadways
906	Landscaping
907	Signs

Section 900 Purpose

The purpose of the CT, Commercial Transition District is to provide for a buffer area between residential areas and more intensive non-residential areas.

Section 901 Permitted Land Uses

See Table 303.01, Land Use Table.

Section 902 Lot Provisions

- A. Minimum lot size: 5,000 square feet.
- B. Minimum lot depth: 100 feet.
- C. Minimum lot frontage: 50 feet.

Section 903 Setbacks

- A. Minimum front setback: 10 feet.
- B. Minimum side setback: 10 feet; 20 feet when adjacent to a residential lot.
- C. Minimum rear setback: 30 feet.
- D. Accessory structures shall be set back at least 10 feet from all rear and side property lines.

Section 904 Building Height

- A. The maximum height permitted for all principal structures shall be 3 stories or 35 feet.

B. The maximum height for an accessory structure shall not exceed 18 feet.

Section 905 Parking, Loading and Internal Roadways

See Article 17.

Section 906 Landscaping and Screening

See Article 18.

Section 907 Signs

See Article 19.

ARTICLE 10
HC, HIGHWAY COMMERCIAL DISTRICT

Contents

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1002	Lot Provisions
1003	Setbacks
1004	Building Height
1005	Parking, Loading and Internal Roadways
1006	Landscaping
1007	Signs

Section 1000 Purpose

The purpose of the HC, Highway Commercial District is to promote the economic viability of existing and future businesses that accommodate the commercial needs of local and regional residents. These areas are appropriately located in close proximity to major thoroughfares and where necessary infrastructure exists.

Section 1001 Permitted Land Uses

See Table 303.01, Land Use Table.

Section 1002 Lot Provisions

- A. Minimum lot size: 10,000 square feet.
- B. Minimum lot frontage: 100 feet.
- C. Minimum lot depth: 100 feet.

Section 1003 Setbacks

- A. Minimum front setback: 25 feet.
- B. Minimum side setback: 20 feet if abutting a residential land use, otherwise 10 feet.
- C. Minimum rear setback: 25 feet.

Section 1004 Building Height

- A. The maximum height permitted for all principal structures shall be 3 stories or 45 feet.

B. The maximum height for an accessory structure shall not exceed 18 feet.

Section 1005 Parking, Loading and Internal Roadways

See Article 17.

Section 1006 Landscaping and Screening

See Article 18.

Section 1007 Signs

See Article 19.

ARTICLE 11
IN, INDUSTRIAL DISTRICT
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Section 1100 Purpose

The purpose of the IN, Industrial District is to provide appropriate space and locations for a variety of industrial uses in ways that are least intrusive to other land uses. It is further intended that these regulations permit the development of certain functions, protect the surrounding areas from incompatible industrial activities, and restrict the intrusion of non-related uses such as residential and commercial.

Section 1101 Permitted Land Uses

See Table 303.01, Land Use Table.

Section 1102 Lot Provisions

- A. Minimum lot size: There shall be no specific minimum lot size; however, the parcel shall be of sufficient size in order to achieve compliance with all appropriate development standards as required by this Ordinance.
- B. Minimum lot depth: None.
- C. Minimum lot frontage: 100 feet.

Section 1103 Setbacks

- A. Minimum front setback: 20 feet.
- B. Minimum side setback: 15 feet.
- C. Minimum rear setback: 20 feet; 50 feet if adjacent to a residential lot.

Section 1104 Building Height

- A. The maximum height permitted for all principal structures shall be 3 stories or 45

feet. The provisions of Article 16, Height Exceptions, shall not apply.

B. The maximum height for an accessory structure shall not exceed 18 feet.

Section 1105 Parking, Loading and Internal Roadways

See Article 17.

Section 1106 Landscaping and Screening

See Article 18.

Section 1107 Signs

See Article 19.

ARTICLE 12
REC, RECREATION DISTRICT
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1202 Lot Provisions
1203 Setbacks
1204 Building Height
1205 Parking, Loading and Internal Roadways
1206 Landscaping
1207 Signs

Section 1200 Purpose

The purpose of the REC, Recreation District is to provide for adequate public recreation spaces to enhance the quality of life for Borough residents. Passive and active recreation uses are permitted. Existing recreation areas are to be preserved and potential new public recreation areas are encouraged.

Section 1201 Permitted Land Uses

See Table 303.01, Land Use Table.

Section 1202 Lot Provisions

- A. Minimum lot size: There shall be no specific minimum lot size; however, the parcel shall be of sufficient size in order to achieve compliance with all appropriate development standards as required by this Ordinance.
- B. Minimum lot depth: None.
- C. Minimum lot frontage: None.

Section 1203 Setbacks

There are no minimum setback standards in this district.

Section 1204 Building Height

- A. The maximum height permitted for all principal structures shall be 1 story or 15 feet. The provisions of Article 16, Height Exceptions, shall not apply.
- B. The maximum height for accessory structures shall not exceed 8 feet.

Section 1205 Parking, Loading and Internal Roadways

See Article 17.

Section 1206 Landscaping and Screening

See Article 18.

Section 1207 Signs

See Article 19.

ARTICLE 13

SS, STEEP SLOPE OVERLAY DISTRICT

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- 1300 Purpose
- 1301 Overlay District Boundaries
- 1302 Permitted Land Uses

Section 1300 Purpose

The purpose of the Steep Slope Overlay District is to prevent development on slopes in excess of 25 percent. Development on such slopes causes soil erosion and stream sedimentation; unnecessary loss of vegetative ground cover and destruction of trees, on-site waste disposal problems; difficult street construction; and expensive street maintenance.

Section 1301 Overlay District Boundaries

The boundaries of the Steep Slope Overlay District include all areas of Freeport Borough with slopes in excess of 25 percent with an elevation change of more than 20 feet. The slope of the natural terrain shall be determinative of whether or not land is within the overlay district.

Section 1302 Permitted Land Uses

No buildings or structures shall be permitted in the Steep Slopes Overlay District. Otherwise, the following uses are permitted:

- A. Forestry and tree farming using best management practices in order to protect streams from damage and to prevent sedimentation.
- B. Wildlife refuges, conservation areas and nature trails.
- C. Open space and outdoor recreation.

Signs Permitted in Commercial Districts (CBD, RMU, CTBU)				
Type	Max. Number Permitted	Max. Area Per Sign	Max. Height	Minimum Setback
Signs Permitted in the CBD and RMU Districts				
1. Permanent Signs				
a. Building Signplates	1 per public entrance to building mounted on door or wall	2 square feet	NA	NA
b. Projecting Sign	1 per street frontage	6 square feet	NA	NA
c. Single-Occupant Bldgs				
1) Wall Sign	1 per street frontage	1 square feet per 1 lineal feet street frontage	NA	NA
2) Awning Sign			NA	NA
3) Monument Sign			10 feet	5 feet from ROW
d. Multi-Occupant Bldgs				
1) Wall Sign	1 per business; 2 per business if end unit	1 square feet/1 lineal feet store frontage; 0.5 square feet/1 lineal feet store frontage	NA	NA
2) Awning Sign	1 per business	1 square feet/1 lineal feet store frontage	NA	NA
3) Monument Sign	1 per building	1.25 square feet/1 lineal feet street frontage	10 feet	5 feet from ROW
4. Temporary Signs	1 per business	20 square feet	4 feet	5 feet from ROW
5. Instructional Signs	Exempt from regulations			
Signs Permitted in the CBD and RMU Districts				
1. Permanent Signs				
a. Building Signplates	1 per public entrance to building mounted on door or wall	2 square feet	NA	NA
b. Projecting Sign	1 per street frontage	6 square feet	NA	NA
c. Single-Occupant Bldgs				
1) Wall Sign	1 per street frontage	1 square feet per 1 lineal feet street frontage	NA	NA
2) Awning Sign			NA	NA
3) Monument Sign			15 feet	5 feet from ROW
4) Pole Sign	1 per site	0.75 square feet per 1 lineal feet street frontage	15 feet	5 feet from ROW
d. Multi-Occupant Bldgs				
1) Wall Sign	1 per business; 2 per business if end unit	1 square feet/1 lineal feet store frontage; 0.5 square feet/1 lineal feet store frontage	NA	NA
2) Awning Sign	1 per business	1 square feet/1 lineal feet store frontage	NA	NA
3) Monument Sign	1 per building	1.25 square feet/1 lineal feet street frontage	10 feet	5 feet from ROW
4) Pole Sign	1 per site	0.75 square feet per 1 lineal feet street frontage	15 feet	5 feet from ROW
5. Temporary Signs	1 per business	20 square feet	4 feet	5 feet from ROW
6. Instructional Signs	Exempt from regulations			

Table 19B. Signs Permitted in Commercial Districts

ARTICLE 14
PLANNED RESIDENTIAL DEVELOPMENT
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1400 Intent
1401 General Requirements
1402 Procedure for Planned Residential Development Approval
1403 Application Requirements
1404 Permitted Uses
1405 Design Standards
1406 Criteria for Review
1407 Changes in the Approved Planned Residential Development
1408 Revocation and Extension

Section 1400 Intent

- A. The intent of the Planned Residential Development (PRD) design standards is to foster the creation of new and the revitalization of existing neighborhoods in the compact, traditional grid pattern of established Borough neighborhoods. The PRD regulations emphasize the creation of walkable neighborhoods that are compact and development that is sensitive to a site's environmental features, while also providing housing and transportation choices and usable open space.
- B. Specifically, all development designed in accordance with this Article should:
1. Restore and enhance the natural systems of a site;
 2. Provide living environments that respond to natural and cultural features;
 3. Ensure economic viability through efficient use of land and market feasibility;
 4. Provide residential development that is economically feasible;
 5. Provide residential development that is environmentally-oriented by encouraging the use of alternative forms of household energy and transportation;
 6. Protect surface and groundwater quality by managing, regulating and protecting stormwater;
 7. Ensure the highest architectural quality possible related to building methods and construction details;
 8. Consider lifecycle costs, durability and flexibility in building design; and,

9. Provide an interconnected system and hierarchy of streets and shared open spaces.

Section 1401 General Requirements

- A. Each phase or section of a multi-phase PRD shall meet open space and density requirements on an independent basis. At no point during the development of a multi-phase project shall the density of residential development in any phase of the PRD exceed the maximum density for the total land area included in that phase.
- B. All engineering requirements shall be certified by a professional engineer licensed by the Commonwealth of Pennsylvania.
- C. All architectural requirements shall be certified by a professional architect licensed by the Commonwealth of Pennsylvania.
- D. The subdivision of all parcels of land shall be in conformance with the Armstrong County Subdivision and Land Development Ordinance.
- E. A rezoning of the property proposed for the PRD is required.

Section 1402 Procedure for Planned Residential Development Approval

- A. The unique character of a PRD requires a thorough application and review process. PRDs are more complex and of a significantly different character than other projects requiring site plan review, and therefore, require the establishment of specific procedures different than those used to process most site plans. The procedures, standards, objectives and purpose set forth in this Article, when in conflict with other provisions of this Ordinance, as they may pertain to PRDs, shall be superseding.

1. Pre-application Conference

The intent of the Pre-Application Conference is to discuss with the applicant the compatibility of the proposed PRD with existing and anticipated land uses in the vicinity and the Borough's PRD procedures. At the Pre-Application Conference, the Zoning Officer and the Borough Engineer shall meet with the applicant to review a sketch plan of the proposed PRD which schematically shall illustrate proposed land uses, major structures, type and density of development, major site amenities, general street layout and configuration of all open space. The size and complexity of the PRD shall be discussed at the conference. The Pre-Application Conference is mandatory and must be completed prior to the submission of a Preliminary PRD Plan.

2. Preliminary PRD Plan Submission

- a. It is the intent of the Preliminary PRD Plan Submission to obtain

approval from the Planning Commission for the plans and design that the applicant contemplates. If the Preliminary PRD Plan is approved, the applicant is permitted to proceed to Final PRD Plan Procedure with reasonable assurance that the Final PRD Plan will be approved if substantially in compliance with the Preliminary PRD Plan.

- b. A request for approval of a Preliminary PRD Plan shall be submitted to the Planning Commission for public hearing, review and recommendation. The Planning Commission shall hold a public hearing on the PRD application. The Planning Commission may impose additional reasonable conditions on the Preliminary PRD Plan.
- c. The application to rezone a parcel to the PRD designation shall be made concurrently with the submission of the preliminary PRD plan. A public hearing on the rezoning application shall be held. Once approved, the PRD zoning designation shall expire two years following the original date of approval if final approval is not achieved for the PRD plan.
- d. Following the public hearing and review of the Preliminary PRD Plan submission, the Planning Commission shall recommend approval, modification, or denial of the Preliminary PRD Plan, and the reasons therefore. The Commission shall set forth written findings of fact describing how the Preliminary PRD Plan meets or does not meet the standards and objectives stated in this Article.

3. Final PRD Plan Submission

- a. The applicant shall submit a Final PRD Plan to the Planning Commission for review and approval, in accordance with the conditions set forth by the Planning Commission in their written decision.
- b. No building or construction may be initiated on the proposed PRD site, and no permits may be issued, until the Final PRD Plan has been submitted, approved, and recorded. Approval of a Preliminary PRD Plan shall not constitute approval of the Final PRD Plan; rather, it shall be deemed an expression of approval to the layout submitted on the Preliminary PRD Plan and as a guide to the preparation of the Final PRD Plan, which will be submitted for approval by the Planning Commission and subsequent recording, upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any.

Section 1403 Application Requirements

- A. A Preliminary PRD Plan submission shall be provided in the form of a drawing of

the proposed PRD site prepared at a scale of not less than 1 inch = 50 feet, or as considered appropriate by the Zoning Officer, and shall show location, proposed uses and dimensions of buildings, structures, and parking areas; open space areas, recreation facilities, and other details to indicate the character of the proposed development. Specifically, the submission shall include:

1. The location of the site in relation to the surrounding neighborhood and identification of adjacent zoning districts.
2. Map data such as north point, scale and date of preparation.
3. The name of the proposed development, with the words "Preliminary Plan" in the title block. Property lines of the overall tract with all bearings and distances.
4. Calculation of the total area of the site.
5. Proposed circulation system, including general access, roadways, driveways, curb cuts, parking areas, bikeways and walkways.
6. Proposed division of property by general land use category with approximate dimensions of each land use type.
7. Total number of residential units proposed.
8. Calculation of the area of land per dwelling unit.
9. Type and total square footage of all non-residential land uses.
10. General area, location, setbacks and height of all existing and proposed structures.
11. Location of all watercourses, wetlands and the 100-year floodplain.
12. Facilities plan for water, sanitary sewer, public utilities.
13. Open space and recreation plan showing approximate area, location and configuration.
14. Any additional documentation which the Zoning Officer or Borough Engineer determine to be necessary in order to perform a complete and thorough review of the plan in accordance with this section of this Ordinance.
15. Scheduling plan indicating the stages in which the project will be built, including the area, density, use, and open space to be developed with each stage. Each stage shall be described and mapped and projected dates provided for beginning and completion of each stage of land development.

16. Agreements and covenants which govern the use, maintenance, and continued protection of the PRD and its common spaces, shared facilities, and private roads.
17. Guarantee of Performance for Completion of Improvements. A bond or other guarantee acceptable to the Borough shall be provided for all proposed public improvements and shall be executed at time of permit application or platting, whichever comes first. Improvements that must be guaranteed include facilities that shall become public, and may include other facilities or improvements as may be specified in the Preliminary or Final PRD Plan approval. If the project is to be built in phases, the guarantee shall be posted prior to the commencement of work on each phase. The guarantee shall specify the time for completion of improvements, and shall be in an amount of one hundred twenty-five percent (125%) of a verifiable estimated cost of the improvements, as determined by the project contractor or engineer, and as approved by the Borough Engineer.

B. Planning Commission Public Hearing

After a complete review by the Zoning Officer, the PRD proposal shall be presented to the Planning Commission for a public hearing. The Planning Commission may impose additional reasonable conditions with the approval of the PRD. Should the Planning Commission approve the Preliminary PRD Plan, preliminary subdivision approval shall be granted concurrently. Approval of the PRD shall be final. Subdivision approval is also required from the Armstrong County Planning Commission.

Section 1404 Permitted Uses

Uses permitted in a PRD may be any use that is found in the Zoning Ordinance in any residential district, subject to the approval of the Planning Commission and Borough Council.

Section 1405 Design Standards

A. Purpose

The range of housing types permitted in this neighborhood helps to create a diverse population that can accommodate all ages and a variety of income levels. The goal is to achieve richness in both the physical and social fabric of the neighborhood.

B. The minimum site for a PRD shall be three acres.

C. Building Types Permitted

1. Type I: Single House

- a. Lot Dimensions
 - (1) Size (10% of lots exempt)
 - (a) Minimum: 6,000 square feet
 - (b) Maximum: 15,000 square feet
 - (2) Width at Front Setback (10% of lots exempt)
 - (a) Maximum: 50 feet
 - (3) Lot Depth (10% of lots exempt)
 - (a) Minimum: 120 feet

- c. Building Height and Setbacks
 - (1) Height
 - (a) Primary building: 2 stories maximum
 - (b) Accessory buildings: 2 stories maximum
 - (2) Front Setback
 - (a) Minimum: 0 feet
 - (b) Maximum: 20 feet
 - (c) Balconies, stoops, open porches and terraces may encroach upon front setback up to eight (8) feet except where 0-foot setback is used.
 - (3) Side Setbacks
 - (a) Primary building: 12 feet aggregate; 3 feet minimum; 10 feet minimum for corner lot
 - (b) Accessory building: 3 feet (0 feet if 2-hour fire rating for party-wall)
 - (4) Rear Setbacks
 - (a) Primary building: 15 feet minimum
 - (b) Accessory building: 5 feet.

- d. Lot Coverage

-
- (1) Primary building: 30% of lot area (25% for lots over 10,000 square feet)
 - (2) Accessory building: 600 square feet footprint maximum
 - (3) Total impervious area: 35% of lot area (30% for lots over 10,000 square feet)
- e. Parking
- (1) Two spaces per house minimum. On-street parking along adjacent frontage can be counted toward requirement.
 - (2) Garage front setback to be recessed from front of primary building:
 - (a) Single car: 5 feet minimum
 - (b) Double car: 10 feet minimum
 - (3) Front driveway to be maximum 12' wide at R.O.W.
- f. Building Front
- (1) Pedestrian entrance to be oriented toward street frontage (10% of lots exempt).
 - (2) The width of the building is to be a minimum of 40% of the lot width (10% of lots exempt).
 - (3) The glass area of doors and windows shall cover a minimum of 20% of the primary building's entire front façade.
2. Type II: Double House
- a. Lot Dimensions
- (1) Size (10% of lots exempt)
 - (a) Minimum: 4,800 square feet per unit
 - (b) Maximum: 12,000 square feet per unit
 - (2) Width at Front Setback (10% of lots exempt)
 - (a) Maximum: 40 feet maximum per unit
 - (3) Lot Depth (10% of lots exempt)

- (a) Minimum: 120 feet
- b. Building Height and Setbacks
 - (1) Height
 - (a) Primary building: 2 stories maximum
 - (b) Accessory buildings: 2 stories maximum
 - (2) Front Setback
 - (a) Minimum: 0 feet
 - (b) Maximum: 20 feet
 - (c) Balconies, stoops, open porches and terraces may encroach upon front setback up to eight (8) feet except where 0-foot setback is used.
 - (3) Side Setbacks
 - (a) Primary building: 0 feet between units; 12 feet aggregate; 3 feet minimum; 10 feet minimum for corner lot
 - (b) Accessory building: 3 feet (0 feet if 2-hour fire rating for party-wall)
 - (4) Rear Setbacks
 - (a) Primary building: 15 feet minimum
 - (b) Accessory building: 5 feet.
- c. Lot Coverage
 - (1) Primary building: 40% of lot area maximum (30% for lots over 6,000 square feet)
 - (2) Accessory building: 600 square feet footprint maximum
 - (3) Total impervious area: 50% of lot area maximum (40% for lots over 10,000 square feet)
- d. Parking
 - (1) Two spaces per house minimum. On-street parking along adjacent frontage can be counted toward requirement.

- (2) Garage front setback to be recessed from front of primary building:
 - (a) Single car: 5 feet minimum
 - (b) Double car: 10 feet minimum.
 - (3) Front driveway to be maximum 12' wide at R.O.W.
 - e. Building Front
 - (1) Pedestrian entrance to be oriented toward street frontage (15% of lots exempt).
 - (2) The width of the building is to be a minimum of 50% of the lot width (15% of lots exempt).
 - (3) The glass area of doors and windows shall cover a minimum of 20% of the primary building's entire front façade.
- 3. Type III: Row House
 - a. Lot Dimensions
 - (1) Minimum: 2,800 square feet per unit
 - (2) Minimum width at front setback: 20 feet minimum per unit
 - (3) Minimum lot depth: 120 feet
 - b. Building Height and Setbacks
 - (1) Height
 - (a) Primary building: 2 stories maximum
 - (b) Accessory buildings: 2 stories maximum
 - (2) Front Setback
 - (a) Minimum: 0 feet
 - (b) Maximum: 10 feet
 - (c) Balconies, stoops, open porches and terraces may encroach upon front setback up to eight (8) feet except where 0-foot setback is used.

(3) Side Setbacks

- (a) Middle units: 0 feet
- (b) End units: 5 feet minimum
- (b) Accessory building: 3 feet (0 feet if 2-hour fire rating for party-wall)

(4) Rear Setback

- (a) Primary building: 35 feet minimum
- (b) Accessory building: 5 feet.

d. Lot Coverage

- (1) Primary building: 50% of lot area maximum
- (2) Accessory building: 600 square feet footprint maximum
- (3) Total impervious area: 70% of lot area maximum

e. Parking

- (1) Two spaces per house minimum. On-street parking along adjacent frontage can be counted toward requirement.
- (2) Front driveway to be maximum 12' wide at R.O.W.

f. Building Front

- (1) Pedestrian entrance to be oriented toward street frontage or public use space.
- (2) The width of the building is to be a minimum of 70% of the lot width (aggregate of all housing units in one building).
- (3) The glass area of doors and windows shall cover a minimum of 20% of the primary building's entire front façade.

D. Landscaping and Property Demarcation

1. Property Demarcation

The quality of a property's demarcation, which indicates the edge of the front yard, plays an important role in establishing a neighborhood's character.

- a. Fencing or shrubs located in front yard shall not exceed 3.5 feet in height.
- b. Fencing materials not permitted in front yard include: cyclone, chain link, wire, and smooth-finish concrete masonry units.

2. Parking Lot Landscaping

Parking lots larger than 18 spaces and/or 5,500 square feet shall provide at least one shade tree for every 9 parking spaces. Trees shall be located in internal planting islands or along the perimeter of the parking lot.

3. Public Amenities

All multi-unit residential buildings shall provide:

- a. Public benches at bus stops, community open spaces, and at intervals no greater than 50 feet on each block.
- b. At least one bike rack per block, located in an area that is visible but does not interrupt pedestrian traffic along the sidewalk.

E. The regulations set forth in Article 15, Floodplain Management shall apply.

F. The regulations set forth in Article 19, Signs shall apply.

G. Open Space Requirements

1. Common and open space in a PRD shall be equivalent to or greater than 10 percent of the total tract area. All common open space shall be set aside and improvements made no later than the date on which the first 20 percent of either (1) the total number of dwelling units are constructed or (2) the total gross floor area of a nonresidential buildings is constructed, whichever is applicable.

2. Acreage within the 100-year floodplain, as defined by the Flood Insurance Rate Map (FIRM), may be included as part of the common open space but shall not amount to more than 25 percent of the total common open space requirement.

3. Conveyance of Open Space

Permanent open space shall be conveyed in or owned by one of the following forms:

- (a) To a municipal or public corporation; or
- (b) To a nonprofit corporation or entity established for the purpose of

benefiting the owners and tenants of the PRD or, where appropriate and where approved by the Planning Commission and the Borough Council, adjoining property owners, or both. All conveyances hereunder shall be structures to insure that the grantee has the obligation and the right to affect maintenance and improvement of the common open space; and that such duty of maintenance and improvement is enforced by the owners and tenants of the PRD and, where applicable, by adjoining property owners; or

- (c) To owners other than those specified in Subsections (a) and (b) above, and subject to restrictive covenants describing and guaranteeing the open space and its maintenance and improvement, running with the land for the benefit of residents of the PRD or adjoining property owners, or both; or
- (d) Included in single-family residential lots under the individual control of lot owners.

4. Improvements within Common Open Space

Improvements shall be made within any common open space provided that such improvement shall comply with the following:

- (a) Any structures located within any common open space shall be accessory to recreational use of the space and shall cover no more than 5 percent of all common open space.
- (b) Common open space and recreational facilities shall not be operated as a profit-making venture.
- (c) To the extent possible, the required common open space shall be situated generally in or through the center of the PRD site or along the streets bounding the project area and shall be designed and improved so that it is accessible to and usable by all persons living in the PRD.
- (d) No more than 50 percent of all common open space shall be covered by water.
- (e) Level or below ground improvements such as swimming pools, tennis courts, walking trails, etc., shall not occupy more than 20 percent of the common open space.

Section 1406 Criteria for Review

In consideration of a Preliminary PRD Plan, the following criteria shall be used:

- A. General conformance with the zoning ordinance: The extent to which the PRD

-
- meets the requirements of the Borough Zoning Ordinance and the Comprehensive Plan.
- B. The proposal will not be injurious to the public health, safety, and general welfare.
 - C. The physical design of the PRD and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic and promotes alternative forms of transportation, provides for and protects designated permanent open space, and furthers the amenities of urban ambience, light and air, recreation and visual enjoyment.
 - D. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood, and whether the proposed plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.
 - E. The desirability of the proposed plan to the Borough's physical development, tax base and economic well-being. At the discretion of Borough Council, special consideration in the form of increased development flexibility may be given to projects that are intended to rehabilitate or replace dilapidated areas, brownfields, or other areas of general visual or economic blight.
 - F. The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.
 - G. The proposal preserves significant ecological, natural, historical, and architectural resources to the extent possible.
 - H. The proposal will enhance the appearance, image, function, and economic sustainability of the community at large.
 - I. The proposal makes reasonable accommodations in housing, recreational amenities, and pedestrian facilities for individuals with disabilities.

Section 1407 Changes in the Approved Planned Residential Development

- A. Changes in the Preliminary PRD Plan which alter the concept or intent of the PRD and would require new approval include but are not limited to:
 - 1. Increases of three percent or more in density;
 - 2. Changes in the proportion or allocation of land uses equal to three percent or more of the original calculations;
 - 3. Change in the list of approved uses;
 - 4. Changes in the locations of uses;
 - 5. Changes in functional uses of open space, where such change

constitutes an intensification of use of the open space; and/or

6. Changes in the final governing agreements where such changes conflict with the approved Preliminary PRD Plan.
- B. Changes in the Final PRD Plan which alter the concept or intent of the PRD and would require new approval include but are not limited to:
1. Changes in lot arrangement, or addition of buildable lots that change the approved density of the development;
 2. Changes in site design requirements, such as location of required landscaping, signage, building height, architectural character, cube and/or footprint, or other such requirements of the Zoning Ordinance;
 3. Changes to the internal street system or off-street parking areas;
 4. Changes in drainage management structures;
 5. Changes in access to the development site, where such change amounts to an intensification in the traffic patterns of roadways of classification higher than local; and/or
 6. All other changes not expressly addressed in this section shall require new Final Plan approval.

Section 1408 Revocation and Extension

A PRD conditional use shall become null and void and the subject property shall thereupon be rezoned to its most appropriate district classification, as deemed suitable by Borough Council acting upon the recommendation of the Planning Commission, in any case where the PRD has:

- A. Received Preliminary PRD Plan approval and where the Preliminary Plat of said PRD, or the first phase of the Preliminary Plat if construction is to take place in phases, has not been submitted for approval within two (2) years after the date of approval of the Preliminary PRD Plan.
- B. Received Preliminary PRD Plan approval and where the Final PRD Plan, or the first phase of the Final PRD Plan if construction is to take place in phases, has not been submitted for approval within one (1) year after the date of approval of the Preliminary PRD Plan.
- C. Received Final PRD Plan approval and where the construction of the PRD, as authorized by the issuance of a building permit, has not begun within (1) year after the date of approval of the Final PRD Plan dealing with such construction.
- D. Further, if construction of a PRD falls more than two (2) years behind the building schedule filed with the Final PRD Plan, Borough Council, acting upon the

recommendation of the Planning Commission shall either extend the project schedule or initiate action to revoke the PRD conditional use. In doing so, one (1) year extensions in the building schedule filed with the Final PRD Plan may be granted by Borough Council, acting upon the recommendation of the Planning Commission. If Council so stipulates when acting favorably on a PRD, the Planning Commission may be delegated the authority of granting such one (1) year extensions in the building schedule of the PRD.

ARTICLE 15
FLOODPLAIN MANAGEMENT

Contents

1500	Intent
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1503	Special Requirements for the FW, FF and FA Areas
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Section 1500 Intent

The intent of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- B. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
- C. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.
- D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- E. Maintaining, to the extent possible, the floodplain in its natural state and minimizing the removal of vegetation and compaction of soil to maximize its flood carrying capacity and water filtering capabilities.
- F. Complying with the provisions of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act (Act 1978-166).

Section 1501 General Provisions

A. Applicability

1. These provisions shall apply to all lands within the jurisdiction of Freeport Borough as shown as being located within the boundaries of any identified flood hazard district which are considered as a part of the official Zoning Map.
2. The provisions of this Article shall be imposed in addition to the requirements of the underlying zoning districts. In the event that a conflict exists between the floodplain overlay regulations and the underlying districts, the more restrictive provisions shall apply.

B. No development shall be undertaken, no structure or land shall hereafter be used; no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered; and no area shall be developed, graded, filled, or excavated in any Flood Hazard District except in full compliance with the terms and provisions of this Ordinance and any other applicable ordinances and regulations.

C. Warning and Disclaimer of Liability

1. The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the identified flood hazard districts or that land uses permitted within such districts will be free from flooding or flood damages.
2. This Ordinance shall not create liability on the part of Freeport Borough or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 1502 Identification and Establishment of Flood Hazard Districts

A. Identification

The identified floodplain area shall be those areas of Freeport Borough which are subject to the one hundred (100) year flood and the five hundred (500) year flood level where mapped, as identified in the most current Flood Insurance Study (FIS) and the accompanying maps prepared for Freeport Borough by the Federal Emergency Management Agency (FEMA). The referenced Flood Insurance Study is declared to be part of this Ordinance.

B. Description of Floodplain Areas

The Flood Hazard District shall consist of the following specific areas:

1. The Floodway District (FW) - The areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
2. The Flood-Fringe District (FF) - The remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations shown in the flood profiles contained in the Flood Insurance Study.
3. The General Floodplain Districts (FA)
 - a. The areas identified as Zone A in the Flood Insurance Study for which no one hundred (100) year flood elevations have been provided. When available, information from other federal, state and other acceptable sources shall be used to determine the one hundred (100) year elevation as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
 - b. In addition to the sources listed in subsection a. above, the following data may be used to identify the General Floodplain Area:
 - (1) Corps of Engineers - Floodplain Information Reports.
 - (2) U. S. Geological Survey - Flood-prone Quadrangles.
 - (3) U.S.D.A. Soil Conservation Service - County Soil Surveys (Alluvial Soils) or P.L. 566 Flood Information.
 - (4) Pennsylvania Department of Environmental Protection - Flood Control Investigation.
 - (5) Known high-water marks from past floods.
 - (6) In lieu of the above, the Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated

qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

C. Changes in the Delineation of the Flood Hazard District

The identified Flood Hazard District may be revised or modified by Borough Council where studies or information provided by a qualified agency or person documents the need for such revision or modification. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

Section 1503 Special Requirements for the FW, FF, and FA Areas

A. Floodway District (FW). In the Floodway District (FW) any new construction and/or development that would cause any increase in one-hundred (100) year flood heights shall be prohibited.

1. Permitted Uses. In the Floodway District (FW) the following uses and activities are permitted provided they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials and equipment:

a. Public and private recreational uses and activities, such as parks, day camps, picnic grounds, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, and hunting and fishing areas;

b. Uses accessory to those permitted in the underlying zoning district, including yard areas, gardens, play areas and parking areas, provided that no structures are erected, no impervious materials are used, and no fill is placed; and,

c Two-wire fences.

2. Uses Specifically Prohibited. See Section 1605 for the kinds of development which are specifically prohibited within the Floodway District (FW).

B. Flood-Fringe District (FF)

1. Permitted Uses. In the Flood-Fringe District (FF), the uses and activities of the Floodway District (FW) are permitted provided they are in compliance with the provisions of the underlying district, are not prohibited by any other ordinance and provided they do not require

structures, fill or storage of materials and equipment and do not cause any increase in the one hundred (100) year flood elevation/heights.

2. Special Provisions and Prohibitions for Certain Uses and Development. See Section 1504 for special requirements and procedures for certain kinds of development within the Flood-Fringe District (FF).

C. General Flood Hazard Districts (FA)

1. Permitted Uses. In the General Flood Hazard Districts (FA), the uses and activities of the Floodway District (FW) are permitted provided they are in compliance with the provisions of the underlying district, are not prohibited by any other ordinance, and provided they do not require structures, fill or storage of materials and equipment and do not cause any increase in the one hundred (100) year flood heights.
2. Special Provisions and Prohibitions for Certain Uses and Development. See Section 1504 for additional special requirements and procedures for certain kinds of development within the General Flood Hazard District (FA).

Section 1504 Special Provisions for Certain Kinds of Development within Flood Hazard Districts

- A. Development Which May Endanger Human Life - Hazardous Materials. In addition to all other applicable provisions, within any Floodway District (FW), General Flood Hazard Districts (FA) and Flood-Fringe District (FF), and in accordance with the Pennsylvania Floodplain Management Act and the regulations adopted by the Department of Community and Economic Development, no structure may be used for:

1. The production, storage, or use of any amount of radioactive substances; or
2. The production or storage of any of the following dangerous materials or substances; or
3. For any activity requiring the maintenance of a supply of more than five hundred and fifty (550) gallons (or other comparable volume) of any of the following dangerous materials or substances on the premises:
 - a. Acetone
 - b. Ammonia
 - c. Benzene
 - d. Calcium carbide
 - e. Carbon disulfide
 - f. Celluloid
 - g. Chlorine
 - h. Hydrochloric acid

- i. Hydrocyanic acid
 - j. Magnesium
 - k. Nitric acid and oxides of nitrogen
 - l. Petroleum products (gasoline, fuel, oil, etc.)
 - m. Phosphorus
 - n. Potassium
 - o. Sodium
 - p. Sulfur and sulfur products
 - q. Pesticides (including insecticides, fungicides and rodenticides)
 - r. Radioactive substances, insofar as such substances are not otherwise regulated
 - s. Other substances that may be added to this list due to an update of the DCED regulations pursuant to the PA Flood Plain Management Act.
- B. Developments Which May Endanger Human Life - Activities and Uses. In accordance with the regulations promulgated by the Pennsylvania Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act (Act 166), the following obstructions and activities shall be prohibited if located either partially or entirely within any identified Flood Hazard District:
- 1. Hospitals - public or private
 - 2. Nursing Homes - public or private
 - 3. Jails/Penal Institutions
 - 4. New individual mobile/manufactured homes or new mobile/manufactured home parks or new mobile/manufactured home subdivisions and substantial improvements to existing mobile/manufactured home parks or mobile/manufactured home subdivisions.

Section 1505 Existing Structures in Flood Hazard Districts

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued. However, when an improvement is proposed to be made to an existing structure in the Flood Hazard District, it shall be subject to the following conditions.

- A. No expansion or enlargement of an existing structure and/or use shall be allowed within any Floodway District that would cause any increase in the elevation of the one hundred (100) year flood.
- B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value shall constitute a substantial improvement and shall be undertaken only in

full compliance with the minimum Elevation and Floodproofing Requirements (Section 4.02) and Design and Construction Standards (Section 4.03) as described in the Pa DCED publication "Suggested Provisions Meeting the Minimum Requirements of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act (1978-166) Section 60.3 (d)," January 2005 or its most recent version and 44 CFR60.3d and the IRC and IBC (International Codes) as amended.

- C. Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible except as provided for in subsection D, below.
- D. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the minimum Elevation and Floodproofing Requirements (Section 4.02) and Design and Construction Standards (Section 4.03) as described in the Pa DCED publication "Suggested Provisions Meeting the Minimum Requirements of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act (1978-166) Section 60.3 (d)," January 2005 or its most recent version and 44 CFR60.3d and the IRC and IBC (International Codes) as amended.
- E. Uniform Construction Code Coordination

The Standards and Specifications contained in 34 PA Code (Chapter 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance:

- 1. International Building Code (IBC) 2003 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
- 2. International Residential Building Code (IRC) 2003 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

Section 1506 Variances within Flood Hazard Districts

- A. If compliance with any of the requirements of this Ordinance would result in an exceptional hardship for a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.
- B. Requests for variances shall be considered by the Zoning Hearing Board in accordance Article 25 of this Ordinance and with the following:
 - 1. No variance shall be granted for any construction, development, use or activity within any floodplain or floodway area that would cause any

increase in the one hundred (100) year flood elevation.

2. No variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life in accordance with Section 1504.B. of this Article.
3. If granted, a variance shall involve only the least modification necessary to provide relief.
4. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this Ordinance.
5. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - a. The granting of the variance may result in increased premium rates for flood insurance.
 - b. Such variances may increase the risks to life and property.
6. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to the following:
 - a. There is good and sufficient cause for the variance.
 - b. Failure to grant the variance would result in exceptional hardship to the applicant.
 - c. The granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable state or local ordinance regulations.
7. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.
8. Notwithstanding any of the above, however, all structures, whether residential or non-residential, shall be designed, located, constructed and maintained so as to have the capability of resisting the one hundred (100) year flood or the five hundred (500) year flood where mapped. In addition, such structures shall be in compliance with the minimum Elevation and Floodproofing Requirements and Design and Construction Standards as outlined in the Pennsylvania Department of Community and Economic Development publication "Suggested Provisions Meeting the

Minimum Requirements of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act (1978-166) Section 60.3 (d),” January 2005 or its most recent version.

- C. In reviewing applications for a variance, the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of the Zoning Ordinance and:
1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 2. The danger that materials may be swept on to other lands or downstream to the injury of others.
 3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 5. The importance of the services provided by the proposed facility to the community.
 6. The requirements of the facility for a waterfront location.
 7. The availability of alternative locations not subject to flooding for the proposed use.
 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 9. The relationship of the proposed use to the Comprehensive Plan.
 10. The safety of access to the property in times of flood of ordinary and emergency vehicles.
 11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
 12. The requirements of the National Flood Insurance Program Regulations, Part 59: General Provisions, and Part 60: Criteria for Land Management and Use.
 13. Such other factors which are relevant to the purposes of this Ordinance.
- D. Supplemental Technical Review
1. The Zoning Hearing Board may refer any application and accompanying

documentation pertaining to any request for a variance to the Borough engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

2. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Pennsylvania Department of Community and Economic Development.
3. All costs associated with any special studies or reviews required by the Borough engineer or Borough Council shall be the responsibility of the applicant.

ARTICLE 16

HEIGHT, BULK, AREA AND DENSITY PROVISIONS

Contents

- 1600 Intent**
- 1601 General Exceptions to Height, Bulk, Area and Density Regulations**
- 1602 Safety and Vision**
- 1603 Special Requirements**
- 1604 Exterior Architectural Standards for All Single Family Residential Structures**

Section 1600 Intent

- A. Except as provided in this Ordinance, no building or structure shall be erected, enlarged, altered, changed or otherwise modified, on a lot unless such building, structure or modification conforms to the height, bulk, area and density regulations of the zone in which it is located.
- B. The conditions, standards, requirements and notes set forth in each district and otherwise prescribed by this Ordinance are established as the basic height, bulk, area and density regulations for the Borough.

Section 1601 General Exceptions to Height, Bulk, Area and Density Regulations

A. Height Exceptions

In all districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, transmission lines or towers and distribution poles and lines, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances. Standard antenna and similar appurtenances may not exceed the maximum building height by more than 25 feet.

B. Orientation

All residential structures shall be required to have a front door facing the street unless the applicant proves to the satisfaction of the Zoning Officer that the prevailing condition of the developed lots fronting the same street would warrant a different orientation.

C. Front Setback Exception

- 1. All new construction will conform to the clearly prevailing setback pattern

of developed lots within the block fronting on the same street, even when the prevailing front yard setbacks differ from those required in the zoning district. When an unimproved lot is situated between two lots with existing front yard setbacks that differ from those required in the zoning district, then the front yard setback may be adjusted to a depth equal to the average of the front yard setbacks of the two adjacent lots.

2. A setback greater than or equal to the minimum required front yard setback shall be provided along all portions of a corner lot, except where the applicant proves to the satisfaction of the Zoning Officer that the provision of a smaller setback will conform with the clearly prevailing yard pattern on numerous existing developed lots fronting on the same street.

D. Projections into Required Setbacks

1. Cornices, eaves, sills or other similar architectural features, or other required means of egress, rain leads or chimneys or other similar structures that do not include space usable by persons may extend or project into a required yard not more than three (3) feet. Unenclosed and uncovered exterior stairways and fire escapes may extend or project into a required side or rear yard not more than three (3) feet. In no case shall any of the above architectural features or means of egress be constructed less than three (3) feet from the property line.
2. Front porches or decks may extend into the required front yard. In no case shall a front porch or deck extend more than eight (8) feet into the required front yard.
3. Fences, walls, concrete pads or patios, and brick pavers may extend or project into a required setback.
4. Uncovered ramps designed in accordance with the American with Disabilities Act (ADA) standards may extend or project into a required setback. In no case shall a ramp be constructed less than three (3) feet from the property line
5. Uncovered decks less than five (5) feet in height above grade may extend fifty (50) percent into the rear setback.

E. Yard, Building Setbacks, and Open Space Exceptions

1. No yard, open space or lot area required for a building or structure shall, during its life, be occupied by or counted as open space for any other building or structure.
2. For adjoining lots under single ownership, setback requirements may be determined from the perimeter of the adjoining lots, ignoring interior lot lines, provided that only one main structure and its accessory structures shall be allowed within the perimeter of such adjoining lots.

F. Side and Rear Setback Exceptions

1. One-half of an alley abutting a side or rear yard may be included in the required setback. The required side yard may be reduced where the applicant proves to the satisfaction of the Zoning Officer that the provision of a smaller side yard setback will conform to the prevailing side yard pattern of the developed lots fronting the same street. In no case shall the required side yard be reduced to less than 3 feet.
2. In all residential districts rear additions may be constructed onto the principal residence even when the existing footprint of the principal residence extends into the side setbacks. The rear addition may be constructed as a permitted use, provided that the footprint of the proposed addition will not further extend into the side setbacks.

Section 1602 Safety and Vision

A. Streets

On any corner lot, a wall, fence, sign, structure, display of merchandise or any plant growth which obstructs sight lines at elevations between 3 feet and 8 feet above the crown of the adjacent roadway shall not be placed or maintained within a clear vision triangle of the area of the lot 20 feet along the property line from the street right-of-way at intersections or from the edge of paving.

B. Curb Cuts, Alleys and Driveways

On any corner lot, a wall, fence, sign, structure, display of merchandise or any plant growth which obstructs sight lines at elevations between 3 feet and 8 feet above the crown of the adjacent roadway shall not be placed or maintained within a clear vision triangle of the area of the lot 10 feet along the property line from the street right-of-way at intersections or from the edge of paving.

Section 1603 Special Requirements

A. Structures on a Lot

In a residential district, only one principal building and its accessory structures may be located on a lot unless development is approved as a planned unit development or as a group housing development. All subdivision and land development requests require approval from the Armstrong County Planning Commission.

B. Permanent Outdoor Display of Goods

For nonresidential uses in nonresidential zones, a permanent outdoor display of goods shall conform to the required building setback. No display shall be permitted within a clear vision triangle.

C. Temporary Outdoor Display of Goods

Temporary outdoor display of merchandise may encroach ten (10) feet on the required building setback. No display shall be permitted within a clear vision triangle or within parking spaces necessary to meet the parking requirement.

Section 1604 Exterior Architectural Standards for All Single Family Residential Structures

All single family residential structures shall conform to the following standards for exterior architectural features.

- A. Roofs shall have a pitch greater than 3:12 for the principal structure, exclusive of porches, additions or similar elements that are subordinate in area to the main form of the principal structure.
- B. Dwellings, excluding porches, decks or other similar elements that are subordinate in area to the main form of the structure, shall be either:
 - 1. Affixed to a permanent masonry foundation, or
 - 2. Affixed to a pier foundation with a perimeter masonry wall placed on a concrete footer.

ARTICLE 17

PARKING, LOADING AND INTERNAL ROADWAYS

Contents

1700	General Requirements
1701	Methods of Providing Required Parking and Loading
1702	Use of Required Parking and Loading Spaces
1703	Parking Design Standards
1704	Minimum Off-Street Parking Requirements
1705	Parking Space Dimensions
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1707	Exceptions to Paved Parking
1708	Exemptions and Adjustments
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Table 17B	Dimensions and Angles of Parking Spaces
Table 17C	Required Loading Spaces

Section 1700 General Requirements

- A. Off-street parking shall be provided for all uses of land, structures, and buildings as well as for any expansion or change of such uses in accordance with the requirements of this Article.
- B. Off-street loading space shall be provided for all commercial and industrial uses as well as for any expansion of such uses or change in use requiring the regular delivery or shipping of goods, merchandise or equipment to the site by trucks, in accordance with the requirements of this Article.
- C. All handicapped parking spaces shall be developed in accordance with the Uniform Construction Code.

Section 1701 Methods of Providing Required Parking and Loading

- A. All required parking or loading spaces shall be located on the same lot as the principal use(s) it serves, except as provided below.
 - 1. In lieu of actual construction of required on-site parking spaces, all or any portion of the off-street parking required in this Article may be provided by satellite parking. Required parking for use(s) on a lot may be located on another lot, either by itself or combined with parking for other uses, subject to certification by the Zoning Officer that the following requirements have been met:

- (A) The use being served by the off-site parking shall be a permitted principal use, as provided for in this Ordinance, in the zoning districts within which the lot containing such parking is located;
 - (B) The off-site parking spaces shall be located within three hundred (300) feet walking distance of a public entrance to the structure or lot containing the use for which such spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between the off-site parking and the use being served; and,
 - (C) The continued availability of off-site parking spaces necessary to meet the requirements of this section shall be ensured by an appropriate condition that the continued validity of the zoning permit shall be dependent upon the permit holder's continued ability to provide the requisite number of parking spaces.
- B. Up to one-half of the parking spaces required for one use may be used to satisfy the parking requirements for a second use on the same zoning lot, subject to certification by the Zoning Officer; provided that the peak usage of the parking facility by one use will be at night or on Sundays (such as with churches), and the peak usage of the parking facility by the second use will be at other times.

Section 1702 Use of Required Parking and Loading Spaces

- A. Required parking areas shall be available for the parking of operable vehicles of residents, customers, and employees, and shall not be used for the storage of vehicles or materials, or for the parking of vehicles used for loading or unloading, or in conducting the use.
- B. Required loading space shall be available for the loading and unloading of vehicles, and shall not be used for the storage of vehicles or materials, or to meet off-street parking requirements, or in conducting the use.

Section 1703 Parking Design Standards

All parking spaces and associated vehicle accommodation areas shall meet the following minimum design requirements:

- A. All parking spaces and vehicle accommodation areas shall be surfaced with asphalt or concrete, which shall be maintained in a safe, sanitary, and neat condition.
- B. Except for single-family and two-family dwellings or for attendant parking, each parking space shall be arranged so that any vehicle may be parked and removed without moving another vehicle.
- C. Except for single-family and two-family dwellings, parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter adjacent streets in a forward manner.

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- D. No parking area or vehicle accommodation area shall be located within a street right-of-way. Parked vehicles in off-street parking spaces shall be prevented from intruding on travel lanes, walkways, public streets, sidewalks or adjacent properties by means of walls, curbs, wheel stops, or other appropriate means.
 - E. No stacking lane required for vehicles awaiting service shall be located such that it creates interference with the use of the abutting street(s) or with travel lanes or aisles of the vehicle accommodation area.
 - F. The size of parking spaces shall be adequate for the safe parking of vehicles and vehicle accommodation areas shall be provided so that parking and backing-up can be accomplished in one continuous maneuver.
 - G. Parking facilities shall be designed to connect with similar facilities on adjacent lots where appropriate to eliminate the need to use the abutting street(s) for cross movements.
 - H. Curbed islands shall be required at the ends of and between parking aisles for traffic control and drainage control for all new non-residential development in excess of 10,000 gross square feet.
 - I. All parking spaces shall be delineated with painted lines.

Section 1704 Minimum Off-Street Parking Requirements

- A. Off-street parking spaces required for all land uses identified in this Ordinance are included in Table 17A, Off-Street Parking Requirements.
- B. For purposes of this Section, the number of employees shall be the number of persons employed on the largest shift.
- C. In the case of a land use classification not listed in Table 17A, the minimum parking space requirement shall be determined by the Zoning Officer. In making such determinations, the Zoning Officer shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the use, and studies of minimum parking space requirements for such use in other jurisdictions.
- D. A reduction of up to twenty (20) percent of the minimum number of required parking spaces may be permitted through the granting of a variance by the Zoning Hearing Board if, based on substantial evidence in the record of its proceedings, the Board finds that compliance with the full minimum off-street parking space requirements of this Section would not be warranted for the particular use(s) and site.

Section 1705 Parking Space Dimensions

- A. An off-street parking space shall include a rectangular area with a length of 21 feet and a width of 8.5 feet, exclusive of access drives, aisles, ramps, columns or outdoor work areas. Such space shall have a minimum vertical clearance of 8 feet.

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- B. A compact parking space shall include a rectangular area with a length of 18 feet and a width of 7.5 feet, exclusive of access drives, aisles, ramps, columns or outdoor work areas. Such space shall have a minimum vertical clearance of 8 feet.
 - C. A motorcycle parking space shall include a rectangular area with a length of eight (8) feet and a width of four (4) feet. Such space shall have a minimum vertical clearance of eight (8) feet.
 - D. An off-street parking space designed for parallel parking shall include a rectangular area with a length of twenty (20) feet and a width of nine (9) feet.
 - E. Parking aisles between parking spaces shall be required to comply with the standards contained in Table 17B, Dimensions and Angles of Parking Spaces.

Section 1706 Loading Space Design Standards

- A. Uses and buildings with a gross floor area of five thousand (5,000) square feet or more shall provide off-street loading spaces in accordance with Table 17C, Required Loading Spaces; provided that loading spaces shall not be required for uses which do not receive or transmit goods or wares by truck delivery.
- B. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area given the nature of the development.
- C. All loading spaces and associated vehicle accommodation areas shall meet the following minimum design requirements:
 - 1. Off-street loading spaces shall be located and arranged so that a semi-trailer truck shall be able to gain access to and use such spaces by means of one (1) continuous parking maneuver beginning at a public right-of-way.
 - 2. All loading spaces and vehicle accommodation areas shall be surfaced with asphalt or concrete which shall be maintained in a safe, sanitary, and neat condition.
 - 3. No loading space shall be located so that a vehicle using such space intrudes on travel lanes, walkways, public or private streets, sidewalks or adjacent properties.
 - 4. Each required off-street loading space shall have a minimum width of twelve (12) feet, a minimum length of fifty-five (55) feet, and a vertical clearance of fourteen (14) feet above finished grade of the space.
- D. **Off-Street Loading Space Requirements**

The number of off-street loading spaces required by this Section shall be considered as the minimum and the number of spaces specified in Table 17C shall be provided.

Section 1707 Exceptions to Paved Parking

The following situations are exempted from the requirements of Section 1703:

- A. A parking lot used only for occasional use. (Occasional use is a use that occurs on two or fewer days per week.)
- B. When a proposed development is temporary in nature, the Zoning Officer may exempt the development from the paved parking requirements of Section 1703. The duration of the exception shall not exceed six (6) calendar months and shall be included as a condition of the approved permit.

Section 1708 Exemptions and Adjustments

- A. Whenever there exists a lot with one or more buildings on it, constructed before the effective date of this Ordinance, and a change in use that does not involve any enlargement of a building is proposed for such lot, and the parking requirements that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practically be used for parking, then the developer need only comply with the requirements to the extent that (1) parking space is practically available on the lot where the development is located, and (2) satellite parking space is reasonably available. However, if satellite parking space is not available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become reasonably available.
- B. The minimum number of spaces required may be adjusted by the Zoning Officer when it has been determined that the reductions are necessary to preserve a healthy tree or trees with a twelve (12) inch or greater diameter from being damaged or removed, and where the site plan provides for the retention of said tree or trees.

Table 17A. Minimum Off-Street Parking Requirements

Land Use	Minimum Off-Street Parking Requirement
Amphitheater	1 space per 4 persons at maximum capacity
Animal Grooming Service	1 space per 250 sq. ft. of GFA
Animal Shelter	1 space per employee plus 1 space per 7 animals
Appliance Repair / Sales	2 spaces per 1,000 ground floor area plus 1 space per employee
Art Gallery	2 spaces per 1,000 sf. of GFA
Assisted Living Facility	1 space per employee plus 1 space for every 3 residents for visitor use
Athletic Field	4 spaces per 1,000 sq. ft. of GFA
Automotive Rentals	2 spaces per 1,000 sq. ft. of GFA
Automobile Sales	2 spaces per 1,000 sq. ft. of GFA of enclosed sales area plus 1 space per 2,500 sq. ft. of GFA of open sales area plus 2 spaces per service bay plus 1 space per employee (minimum 5 spaces required)
Automotive / Boat Repair	1 space per 200 sq. ft. of GFA plus 1 space per employee
Automotive Paint Shop	1 space per service bay and 1 space per employee
Automotive Supply	2.5 spaces per 1,000 sq. ft. of GFA plus 1 space per employee
Automotive Tire Repair / Sales	2 spaces per 1,000 sq. ft. of GFA
Bakery, Retail	3 spaces per 1,000 sq. ft. of GFA plus 1 space per employee
Bakery, Wholesale	5 spaces per 1,000 sq. ft. of GFA of sales area plus 1 space per employee
Bar	1 space per 100 sq. ft. of GFA
Bed and Breakfast Inn	1 space per guest room plus 2 for the resident owner or manager; on-street parking spaces directly in front of the inn may count towards the parking requirement except in residential parking permit required areas
Beer Distributor	3 spaces per 1,000 sq. ft. of GFA
Boarding House	1 space per leased bedroom plus 1 space for owner
Boat Slip	See Commercial, Marina
Building Materials	5 spaces per 1,000 sq. ft. of GFA of sales area plus 1 space per employee
Carnival, Circus, Fairground, Amusement Entertainment	5 spaces per sq. ft. of GFA plus 1 space per 3 persons that outdoor facilities are designed for at maximum capacity
Carwash / Detailing	1 space per employee plus 1 drying and 2 stacking spaces per washing space (washing spaces shall not be counted toward the requirements)
Cemetery	1 space per employee plus parking spaces along internal drives
Church / Place of Worship	1 space per 4 fixed seats plus 1 space per 60 square feet of the main assembly where no fixed seats are used
Clinic, Medical / Dental	1 space per exam room plus 1 space per employee including doctors

Land Use	Minimum Off-Street Parking Requirement
Clinic, Veterinary	2 spaces for every doctor plus 1 space for each additional employee
Community Center	3 spaces per 1,000 sq. ft. of GFA plus 1 space per employee
Convenience Store, Neighborhood	3 spaces per 1,000 sq. ft. of GFA of sales area plus 1 space per employee
Country Club	1 space for 3 persons based on the maximum anticipated capacity of all facilities capable of simultaneous use
Dance / Social Club	1 space for each 4 persons at maximum capacity
Day Care Facility, Adult	1 space per 4 clients plus 1 space per employee
Day Care Facility, Child	1 space per 4 clients plus 1 space per employee
Department Store	3 spaces per 1,000 sq. ft. of GFA plus 1 space per employee
Domicile Care Facility	1 space per employee plus 1 space per 5 residents (or if residents are unable to drive, 1 space per 1,000 sq. ft. of gross living area)
Driving Range, Golf	1 space per 2 employees plus 1 space for every 1.5 tees
Drug Store	2.5 spaces per 1,000 sq. ft. of GFA
Dry Cleaning & Laundry Pick-up	3 spaces plus 1 space per employee
Dry Cleaning & Laundry Service	3 spaces and 1 space per employee
Dwelling, Garage Apartment	1 space
Dwelling, Mixed Use	1.5 spaces per dwelling unit plus required spaces for non-residential use
Dwelling, Mobile Home	2 spaces per unit
Dwelling, Multi-family	1 bedroom unit - 1 space per unit 2 bedroom unit - 1.6 spaces per unit 3 bedroom unit - 1.8 spaces per unit 4 bedroom unit - 2 spaces per unit for each additional bedroom add 0.5 spaces
Dwelling, Overstore	1.5 spaces per dwelling unit plus required spaces for non-residential use
Dwelling, Single Family Detached	2 spaces per unit
Emergency Shelter	1 space per employee plus 1 space per 2 bedrooms
Farmers' Market	1 space per 100 sq. ft. of GFA
Financial Institution	4 spaces per 1,000 sq. ft. of GFA plus 4 stacking spaces per drive-in lane plus 1 per employee
Flea Market	1 space per 200 sq. ft. of gross sales area
Funeral Home	1 space per 4 persons at maximum capacity
Furniture Sales / Rentals	3 spaces per 1,000 sq. ft. of GFA
Garden Center	2.5 spaces per 1,000 sq. ft. of GFA
Gasoline Station / Mini-mart	1.5 spaces per fuel nozzle plus 3 spaces per 1,000 sq. ft. of enclosed floor area plus 1 space per 2 service bays
Gasoline Service Station	3 spaces per 1,000 sq. ft. of enclosed floor area plus 1 space per 2 service bays

Land Use	Minimum Off-Street Parking Requirement
Golf Course	1 space per 2 employees plus 2 spaces per hole
Government Facility	3 spaces per 1,000 sq. ft. of net floor area up to 20,000 sq. ft. plus 2 spaces per 1,000 sq. ft. of net floor area greater than 20,000 sq. ft.
Greenhouse, Commercial	1 per 3 employees plus 1 per 125 sq. ft. of enclosed sales area
Greenhouse, Non-commercial	1 per employee or volunteer
Grocery Store	4.5 spaces per 1,000 sq. ft. of GFA
Group Home	1 space per employee plus 1 space per 5 residents (or if residents are unable to drive, 1 space per 1,000 sq. ft. of gross living area)
Hardware Store	2 spaces per 1,000 sq. ft. of GFA
Health / Sports Club	5 spaces per 1,000 sq. ft. of GFA
Heavy Machinery Sales / Rentals	2 spaces per 1,000 sq. ft. of GFA of enclosed sales area plus 1 space per 2,500 sq. ft. of GFA of open sales area plus 1 space per employee
Helipad / Heliport	1 space per employee plus 1 space per vehicle used in the operation plus sufficient space to accommodate the number of vehicles at the peak hour
Home Improvement Center	1 space per 250 sq. ft. of GFA
Home Occupation	See Dwelling unit requirements
Hospital	1 space per 4 patients at design capacity plus 1 space per employee
Hospital, Animal	2 spaces for every doctor plus 1 space for each additional employee
Hotel	One space per room or suite plus 1 space per 3 employees plus 1 space per 3 persons to the maximum capacity of the largest banquet or meeting room
Industrial Park	1 space per employee plus 1 space per vehicle used in the operation of the industry plus 10 customer/visitor spaces
Industrial Supply Sales	2 spaces per 1,000 sq. ft. of GFA and 1 space per employee
Industry, Heavy	1 space per employee plus 1 space per vehicle used in the operation of the industry plus 5 customer/visitor spaces
Industry, Light	1 space per employee plus 1 space per vehicle used in the operation of the industry plus 5 customer/visitor spaces

Land Use	Minimum Off-Street Parking Requirement
Instructional Studio	3 spaces per 1,000 sq. ft. of GFA
Kennel, Commercial	3 spaces per 1,000 sq. ft. of GFA
Laboratory	3 spaces per 1,000 sq. ft. of floor area up to 20,000 sq. ft. plus 2 spaces per 1,000 sq. ft. of floor area greater than 20,000 sq. ft.
Laundromat	5 spaces per 1,000 sq. ft. of GFA
Library	1 per 250 sq. ft. of GFA plus 1 per employee
Marina, Commercial	1 space for each boat slip plus 8 boat-trailer spaces per boat launching ramp
Mobile Home Park	2 per dwelling unit
Mineral Extraction / Processing	1 space per employee plus 1 space per vehicle used in the operation of the facility
Motel	Same as Hotel
Motorcycle Sales	1.5 spaces per 1,000 sq. ft. of GFA of display area
Movie Theater	1 space per 4 seats
Nursery, Plant	1 space per employee plus 1 space per 400 sf GFA
Nursing Home	1 space per 4 beds and 1 space per employee
Office Building	3 spaces per 1,000 sq. ft. of net floor area up to 20,000 sq. ft. plus 2 spaces per 1,000 sq. ft. of net floor area greater than 20,000 sq. ft.
Office Park	3 spaces per 1,000 sq. ft. of net floor area up to 20,000 sq. ft. plus 2 spaces per 1,000 sq. ft. of net floor area greater than 20,000 sq. ft.
Oil Change Facility	3 spaces per 1,000 sq. ft. of enclosed floor area plus 1 space per service bay
Oil or Gas Well Operation	1 space per employee plus 1 space per vehicle used in the operation of the facility
Organization, Charitable / Fraternal / Social	1 space for each 4 persons at maximum capacity
Pawnshop	1 space per 250 sq. ft. of GFA
Personal Care Home	1 space per employee plus 1 space per 5 residents (or if residents are unable to drive, 1 space per 1,000 sq. ft. of gross living area)
Personal Service Establishment	1 space per 250 sq. ft. of GFA
Personal Storage Facility	3 spaces plus 1 space per 100 units plus sufficient aisle widths to allow parking in front of storage unit without unduly impeding traffic circulation
Professional Service Establishment	3 spaces per 1,000 sq. ft. of GFA plus 1 per employee
Public Park / Playground	1 space per 1,000 sq. ft. of indoor area or 15 spaces per acre of outdoor area
Recreation Facility, Commercial	1 space per employee plus 5 spaces per acre of outdoor area
Recyclable Collection Center / Solid Waste Transfer Station	1 space per employee plus 5 spaces for drop-off customers

Land Use	Minimum Off-Street Parking Requirement
Research / Development Facility	3 spaces per 1,000 sq. ft. of net floor area up to 20,000 sq. ft. plus 2 spaces per 1,000 sq. ft. of net floor area greater than 20,000 sq. ft.
Restaurant	1 space per 3 seats plus 1 space per 2 employees
Restaurant, Fast Food	1 space per 2.5 seats plus 1 space per 2 employees plus 7-8 stacking spaces per window
Retail Establishment (not otherwise specified)	3 spaces per 1,000 sq. ft. of GFA
School, Elementary / Middle	1 space per classroom plus one space per employee
School, High School	1 space per 4 students plus one space per employee
School, Nursery / Kindergarten	1 space per classroom plus one space per employee
School, Technical / Trade	1 space per 4 students plus one space per employee
Sexually-Oriented Business	5 spaces per 1,000 sq. ft. of GFA
Shopping Center	
Less than 10,000 sq. ft. of GFA	2.5 spaces per 1000 sq. ft. of GFA
10,000-400,000 sq. ft. of GFA	3.5 spaces per 1000 sq. ft. of GFA
400,001-600,000 sq. ft. of GFA	4.5 spaces per 1000 sq. ft. of GFA
more than 600,001 sq. ft. of GFA	5.5 spaces per 1000 sq. ft. of GFA
State Liquor Store	1 space per 200 sq. ft. of GFA plus 1 space per employee
Swimming Pool, Private	If located on a single family residential property, dwelling unit parking requirements. If part of a subdivision or gated community, 1 space per dwelling unit in subdivision or gated community.
Swimming Pool, Public	1 space per 50 sq. ft. of water surface area
Tattoo Parlor / Body Piercing Studio	1 space per chair plus 1 space per employee
Warehousing / Distribution	1 space per employee plus one space per vehicle used in the operation of the warehouse
Wholesale Establishment	1 space per employee plus 3 spaces per 1000 sq. ft. of sales floor open to the public
Wrecker Service	1 space per employee and 1 space per vehicle used in operation

GFA: Gross Floor Area

Sq. ft.: Square feet

Table 17B. Dimensions and Angles of Parking Spaces

Parking Angle	Aisle Width	Aisle Traffic Flow
45 degrees	13 feet	One-way
60 degrees	16 feet	One-way
90 degrees or angled parking opening onto two-way aisles	20 feet	Two-way
Parallel	12 feet	One-way

Table 17C. Required Loading Spaces

Land Use	Floor Area (square feet)	Number of Loading Spaces Required
Manufacturing, distribution, wholesaling, storage and similar uses	5,000 - 25,000	1
	25,001 - 60,000	2
	60,001 - 100,000	3
	Each 50,000 above 100,000	1
Office buildings, hotels and motels, retail sales, hospitals, institutions and similar uses	5,000 - 60,000	1
	60,001 - 100,000	2
	Each 20,000 above 100,000	1

ARTICLE 18

LANDSCAPING AND SCREENING

Contents

- 1800 Intent**
- 1801 Applicability**
- 1802 Preservation of Existing Vegetation**
- 1803 Maintenance of Landscaping and Screening**
- 1804 Buffer and Screening Requirements**
- 1805 Parking Lot Landscaping Standards**

Section 1800 Intent

It is the intent of this Article to encourage the preservation of existing trees and vegetation; to identify landscape standards and plant classifications; to reduce radiant heat from surfaces and conserve energy; to provide shade; to reduce wind and air turbulence; to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of automobile headlights; to provide visual buffering and to provide for the separation of spaces; to enhance the beautification of the Borough; to reduce the amount of impervious surface; to reduce stormwater runoff; to safeguard and enhance property values and to protect public and private investment; and, to protect the public health, safety and general welfare.

Section 1801 Applicability

These landscape regulations shall apply to all new multi-family developments consisting of more than two residential units, commercial, and industrial development. Previously approved development need not comply unless new site development approval is being sought.

Section 1802 Preservation of Existing Vegetation

Existing vegetation shall be retained and maintained whenever possible so as to permit such vegetation to contribute to landscaping requirements. Such retained vegetation may receive partial or total credit towards planting requirements within the buffer. This requirement does not preclude vegetation lost in the construction of those improvements shown on a subdivision or site plan.

Section 1803 Maintenance of Landscaping and Screening

All vegetative and other screening devices required by this Article shall be maintained so as to continue their effectiveness. Any required plantings which die or otherwise fail to satisfy the requirements of this Article shall be replaced by the developer, or the successors to the developer, with equal or similar species and size.

Section 1804 Buffer and Screening Requirements

Any new non-residential building that abuts a residential property shall provide a landscape buffer ten (10) feet wide planted with eight (8) large shade trees and ten (10) shrubs per one hundred (100) lineal feet of transitional yard between the non-residential and residential uses.

Section 1805 Parking Lot Landscaping Standards

The following landscape requirements applied to parking lots are intended to screen parking areas from the street, prevent large expanses of unbroken paving, and provide shade to cool paved areas during the hot summer months.

A. General Provisions

1. Parking lots with four spaces or less are exempt from the requirements of this Section. If only four (4) spaces are required per this Ordinance and the applicant chooses to provide more parking, then the requirements of this Section shall apply.
2. All remaining unpaved areas of the parking lot shall be grassed or planted in ground cover, unless otherwise specified.

B. Design Standards for Interior Landscaping for All New Non-Residential Developments

1. All rows of parking spaces, when a lot contains twenty (20) or more parking spaces, shall be provided a terminal island with concrete curbs and at least one hundred thirty (130) square feet of area to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide space for landscaping.
2. Landscaped islands with concrete curbs and at least one hundred thirty (130) square feet of area shall be provided every fifteen (15) spaces or less within a row of spaces for commercial developments. Planting islands should be evenly spaced throughout the parking lot to consistently shade paved areas. Islands shall be utilized where needed to control vehicular circulation and define major drives.
3. To prevent cars from parking too close to trees or damaging shrubs, an extended curb or wheel stop must be provided. Planting islands parallel to parking spaces must be a minimum of five (5) feet wide to allow car doors to swing open.

ARTICLE 19

SIGNS

Contents

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Section 1900 Intent

It is the intent of this Article to authorize the use of signs whose types, sizes and arrangements are compatible with their surroundings, preserve the natural beauty of the area, protect existing property values in both residential and non-residential areas, prevent endangering the public safety, express the identity of the community as a whole or individual properties or occupants, legible in the circumstances in which they are seen, and appropriate to traffic safety. These regulations are designed and intended to prevent over-concentration, improper placement and excessive height, bulk and area of signs.

Section 1901 Permit Requirements and Application

- A. It is unlawful for any person to erect, construct, enlarge, alter, move, or convert any sign in the Borough of Freeport or cause the same to be done, without first obtaining a sign permit for each sign.
- B. Applications for a sign permit shall be made in writing to the Zoning Officer, and shall be accompanied by such information as may be required to assure compliance with these regulations and all other appropriate ordinances and regulations of the Borough.
- C. Sign permits shall be issued for the life of the sign, or any shorter period as stated on the approved permit application. However, any permit may be revoked

at any time by the Zoning Officer upon finding that the sign violates any provision of this Article or that the permittee made false representations in securing the permit.

- D. No person shall erect, construct, or maintain any sign upon any property, structure or building without the prior written consent of the owner or person entitled to possession of the property, structure or building, or his authorized representative. The written consent must accompany the sign permit application.
- E. Every sign permit issued shall become null and void if installation is not completed within 180 days from the date of such permit.

Section 1902 Exemptions from Permitting Requirements

- A. The following signs shall be exempt from the permit requirements of this Article, except as they may interfere with traffic safety or in any other way become a public safety hazard.
 - 1. Signs or decorations displayed for recognized holidays.
 - 2. Memorial plaques or historic markers or other similar signs which are engraved or a permanent component of a building, monument, tombstone or other similar structure.
 - 3. Public information signs.
 - 4. Street number signs indicating the address of a building or structure, and not exceeding one (1) square foot in area.
 - 5. Temporary signs, provided that a temporary sign shall be displayed for a period not to exceed 30 days per calendar year.

Section 1903 Sign Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to the construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of land at the principal entrance to the principal structure on the lot, whichever is lower.

Section 1904 Computation of Area of Individual Signs

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the

backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly incidental to the display itself.

Section 1905 Computation of Maximum Total Permitted Sign Area

The permitted sum of the area of all individual signs shall be permitted in accordance with Tables 19A, 19B and 19C of this Article. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street. In no case shall the maximum aggregate sign area exceed 200 square feet per parcel.

Section 1906 Sign Placement

Signs shall be subject to the placement requirements in Tables 19A, 19B and 19C of this Article, but in no event shall any sign be placed in a position that will obstruct the view of motorists or cause any other danger to motorists or pedestrians within a public right-of-way or on adjoining lots. Nor shall any sign be placed within the clear vision triangle required to be maintained at all street intersections, driveway and access way entrances onto public streets. All signs shall be set back within the buildable area of the site, except as noted in Tables 19A, 19B and 19C.

Section 1907 Design, Construction, and Maintenance

All signs shall be designed, constructed, and maintained in accordance with the UCC. All signs shall be maintained in good structural condition, in compliance with the UCC and in conformance with this Ordinance at all times.

Section 1908 Prohibited Signs

Unless specifically noted otherwise in this Article, the following signs shall be prohibited in all zoning districts:

- A. Signs affixed to trees, utility poles, fences, or equipment.
- B. Roof signs.
- C. Any sign determined to be unsafe or insecure or that is erected in violation of the provisions of this Ordinance.

Section 1909 Signs Permitted in Individual Zoning Districts

- A. Signs in residential districts shall be subject to the time, place and manner regulations found in Table 19A.
- B. Signs in commercial districts shall be subject to the time, place and manner regulations found in Table 19B.
- C. Signs in industrial districts shall be subject to the time, place and manner

regulations found in Table 19C.

- D. In addition to the regulations in Tables 19A, 19B and 19C, all freestanding signs, except for temporary signs, shall comply with the following limitations and requirements:
1. A freestanding sign shall have no more than 2 sign faces;
 2. The area immediately surrounding the base and support structure of the sign shall be landscaped; and
 3. Pole signs shall be prohibited in residential districts and shall be strongly discouraged in all other districts.

Section 1910 Additional Standards for Illuminated Signs

In addition to the regulations in Tables 19A, 19B and 19C, all illuminated signs shall meet the following requirements:

- A. Any sign located adjacent to a dwelling unit or lot zoned for residential use shall be located, shielded and screened to prevent direct light or glare onto a dwelling unit or residential lot.
- B. Whenever external illumination is used for a sign, the source of light shall be located, shielded, screened and directed in such a manner that the light source is not visible.
- C. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited if such signs interfere with traffic safety. Reflective surfaces or devices on sign faces with illumination are permitted, provided such signs do not interfere with traffic safety.
- D. Signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.
- E. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.

Section 1911 Outdoor Advertising Signs (Billboards)

A. General Regulations

Where permitted, outdoor advertising signs shall comply with the following:

1. No outdoor advertising sign, display or device shall be erected or maintained within 50 feet of the nearest edge of the right-of-way of any road, street or highway within the Borough.
2. No outdoor advertising sign designed to be visible from a highway shall

be permitted to be erected within a distance of 500 feet of any existing outdoor advertising sign located on the same side of the highway.

3. No outdoor advertising sign shall be located within 500 feet of any school, church, hospital or similar institution.
 4. The display area of an outdoor advertising sign shall not exceed 672 square feet in size. Two (2) outdoor advertising signs erected one above the other shall be treated as 2 signs.
 5. Back-to-back V-type signs will be permitted and shall be treated as one sign, provided that the interior angle between the two signs does not exceed 60 degrees.
 6. The maximum height for outdoor advertising signs shall be 35 feet measured from the pavement edge or center edge of highway or roadway and/or ground level, whichever is higher. In no case shall a sign be higher than the surrounding buildings. In the case of a single building, the height of the building shall control up to the maximum height permitted by code.
 7. No structure supporting an outdoor advertising sign shall be located on a lot where there exists a structure or another principal permitted use.
 8. No outdoor advertising sign shall be erected or maintained which involves rapid motion or rotation of the structure, or any part thereof.
 9. No outdoor advertising sign shall contain lighting which is not shielded, and any lighting shall be of such low intensity as not to cause glare or impair the vision of the operator of any motor vehicle.
 10. No outdoor advertising sign shall be painted, affixed or attached to any natural feature.
 11. No outdoor advertising sign shall hinder the clear, unobstructed view of approaching or merging traffic, or obscure from view any traffic sign or other official sign.
 12. No outdoor advertising sign, including its structure, shall be located on any building, regardless of use.
- B. Outdoor advertising signs shall only be located in the HC, Highway Commercial Districts.
- C. All outdoor advertising signs shall be kept in a complete state of repair and maintenance. Any nonconforming outdoor advertising sign that is left to deteriorate or fall into disrepair will be deemed abandoned, and therefore, loses its privilege for continuation as a nonconforming use.
- D. This section shall be strictly construed and the requirements and regulations set forth herein shall not be subject to the granting of variances for any reasons.

Section 1912 Nonconforming Signs

- A. Normal maintenance of a nonconforming sign may occur, including any necessary repairs and alterations that do not enlarge, extend, or intensify the nonconformity.
- B. No structural alteration, enlargement, or extension shall be made of a nonconforming sign except when the alteration will eliminate the nonconforming condition.
- C. No conforming sign shall be erected on the same premises as an existing nonconforming sign until the nonconforming sign has been removed or changed to a conforming sign. However, for multi-occupant land uses, the fact that one particular establishment therein has a nonconforming sign will not prohibit a different establishment therein from erecting a conforming sign on the same premises.
- D. A nonconforming sign shall be made to conform to the requirements of this Article whenever there is a change in the use of the building, which the sign serves, or whenever the building or structure, which the sign serves is externally expanded or remodeled.
- E. Whenever the use of a nonconforming sign, or the use which the sign serves, has been discontinued for a period of 90 calendar days, or whenever it is evident that there is a clear intent on the part of the owner to abandon the use of a nonconforming sign, or the use which the sign serves, then the sign thereafter shall be made to conform with the provisions of this Article.
- F. If a nonconforming sign is damaged or destroyed by any means to the extent of 50 percent or more of its replacement value at the time of the damage or destruction (based on prevailing costs), then the sign thereafter shall be restored to conform to the provisions of this Article. However, if the damage or destruction is less than 50 percent of the replacement value, then the sign may thereafter be restored to its original condition, so long as restoration or repair of the sign is completed within 3 months after the date of damage or destruction. The repaired or reconstructed sign shall be made to conform to the Borough Building Code in force at the time of the repair or reconstruction.

Table 19A. Signs Permitted in Residential Districts

Signs Permitted in Residential Districts (TR, SR, MR)				
Type	Max. Number Permitted	Max. Area Per Sign	Max. Height	Minimum Setback
Signs for Each Single-Family or Two-family Dwelling:				
1. Permanent Signs				
a. Building Signplate	1 per dwelling unit	2 square feet	NA	NA
b. Post and Panel	1 per building	4 square feet	6 feet	5 feet from ROW
2. Temporary Signs				
2 per dwelling unit				
6 square feet				
4 feet				
5 feet from ROW				
3. Subdivision Signs				
2 per subdivision entrance				
30 square feet				
8 feet				
5 feet from ROW				
4. Instructional Signs				
Exempt from regulations				
Signs for Multi-Family Buildings:				
1. Permanent Signs				
a. Building Signplate	1 per public entrance to building, mounted on door or wall	2 square feet	NA	NA
b. Monument Sign	1 per development entrance or per 500 feet of public street frontage, whichever is greater	30 square feet	8 feet	5 feet from ROW
2. Temporary Signs				
2 per building				
6 square feet				
4 feet				
5 feet from ROW				
3. Instructional Signs				
Exempt from regulations				
Signs for Non-Residential Uses in TR, SR and MR Districts:				
1. Permanent Signs				
a. Building Signplate	1 per public entrance to building, mounted on door or wall	2 square feet	NA	NA
b. Monument Sign	1 per development entrance or per 500 feet of public street frontage, whichever is greater	30 square feet	8 feet	5 feet from ROW
2. Temporary Signs				
2 per building				
6 square feet				
4 feet				
5 feet from ROW				
3. Instructional Signs				
Exempt from regulations				

Table 19B. Signs Permitted in Commercial District

Signs Permitted in Commercial Districts (CBD, RMU, CT,HC)				
Type	Max. Number Permitted	Max. Area Per Sign	Max. Height	Minimum Setback
Signs Permitted in the CBD and RMU Districts				
1. Permanent Signs				
a. Building Signplate	1 per public entrance to building mounted on door or wall	2 square feet	NA	NA
b. Projecting Sign	1 per street frontage	6 square feet	NA	NA
c. Single-Occupant Bldgs				
(1) Wall Sign	1 per street frontage	1 square feet per 1 lineal feet street frontage	NA	NA
(2) Awning Sign			NA	NA
(3) Monument Sign			10 feet	5 feet from ROW
d. Multi-Occupant Bldgs				
(1) Wall Sign	1 per business; 2 per business if end unit	1 square feet/1 lineal feet store frontage; 0.5 square feet/1 lineal feet store frontage	NA	NA
(2) Awning Sign	1 per business	1 square feet/1 lineal feet store frontage	NA	NA
(3) Monument Sign	1 per building	1.25 square feet/1 lineal feet street frontage	10 feet	5 feet from ROW
2. Temporary Signs	1 per business	20 square feet	4 feet	5 feet from ROW
3. Instructional Signs	Exempt from regulations			
Signs Permitted in the CBD and RMU Districts				
1. Permanent Signs				
a. Building Signplate	1 per public entrance to building mounted on door or wall	2 square feet	NA	NA
b. Projecting Sign	1 per street frontage	6 square feet	NA	NA
c. Single-Occupant Bldgs				
(1) Wall Sign	1 per street frontage	1 square feet per 1 lineal feet street frontage	NA	NA
(2) Awning Sign			NA	NA
(3) Monument Sign			15 feet	5 feet from ROW
(4) Pole Sign	1 per site	0.75 square feet per 1 lineal feet strett frontage	15 feet	5 feet from ROW
d. Multi-Occupant Bldgs				
(1) Wall Sign	1 per business; 2 per business if end unit	1 square feet/1 lineal feet store frontage; 0.5 square feet/1 lineal feet store frontage	NA	NA
(2) Awning Sign	1 per business	1 square feet/1 lineal feet store frontage	NA	NA
(3) Monument Sign	1 per building	1.25 square feet/1 lineal feet street frontage	10 feet	5 feet from ROW
(4) Pole Sign	1 per site	0.75 square feet per 1 lineal feet street frontage	15 feet	5 feet from ROW
2. Temporary Signs	1 per business	20 square feet	4 feet	5 feet from ROW
3. Instructional Signs	Exempt from regulations			

Table 19C. Signs Permitted in Industrial Districts

Signs Permitted in Industrial Districts (IN)				
Type	Max. Number Permitted	Max. Area Per Sign	Max. Height	Minimum Setback
Signs Permitted in the IN Districts:				
1. Permanent Signs				
a. Building Signplates	1 per public entrance to building, mounted on door or wall	2 square feet	NA	NA
b. Single-Occupant Bldgs				
(1) Wall Sign	1 per street frontage	1.0 square feet per 1 lineal foot street frontage	NA	NA
(2) Awning Sign			NA	NA
(3) Monument Sign			10 feet	5 feet from ROW
c. Multi-Occupant Bldgs				
(1) Wall Sign	1 per business; 2 per business if end unit	1.0 square feet/1 lineal foot store frontage; 0.5 square feet/1 lineal foot store frontage	NA	NA
(2) Awning Sign	1 per business	1.0 square feet/1 lineal foot store frontage	NA	NA
(3) Monument Sign	1 per building	1.0 square feet per 1 lineal foot street frontage	10 feet	5 feet from ROW
2. Temporary Signs	1 per business	20 square feet	4 feet	5 feet from ROW
3. Instructional Signs	Exempt from regulations			

ARTICLE 20
OUTDOOR LIGHTING

Contents

2000	Intent
2001	Applicability
2002	General Provisions and Standards
2003	Installation and Maintenance
2004	Exemptions

Section 2000 Intent

It is the intent of this Article to provide guidance to developers in implementing minimum requirements for lighting for all new developments. The Borough recognizes that inappropriate and poorly designed or installed outdoor lighting causes unsafe and unpleasant conditions, limits residents' ability to enjoy the nighttime sky, and results in unnecessary use of electric power. Conversely, the Borough also recognizes that some outdoor lighting is appropriate and necessary in areas such as residential subdivisions, and civic, commercial and industrial centers. To ensure appropriate lighting while minimizing its undesirable side effects, the following regulations are established.

Section 2001 Applicability

Lighting facilities shall be required for all off-street parking areas and off-street loading areas and for all driveways providing ingress and egress thereto for all new developments.

Section 2002 General Provisions and Standards

- A. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent glare from encroaching onto adjoining properties or public rights-of-way.
- B. Uplighting of any architectural feature of a building or of a sign is permitted, but such lighting may consist only of low wattage fixtures (designed for bulbs not exceeding 75 watts) trained directly onto the surface intended to be illuminated. Internally lit signs are acceptable in commercial and industrial zoning districts provided that they meet the requirements of this Ordinance.
- C. All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for security.
- D. When outdoor lighting installation or replacement is part of a development proposal for which site plan approval is required under these regulations, the lighting plan shall be reviewed as part of the site plan approval.

- E. The applicant shall submit sufficient information, in the form of an overall exterior lighting plan, to enable the Zoning Officer to determine that the applicable provisions will be satisfied.
- F. When an outdoor lighting installation is being modified, extended, expanded or added to, the entire outdoor lighting installation shall be subject to the requirements of this Section.
- G. Where practicable, electrical service to outdoor lighting fixtures shall be underground.

Section 2003 Installation and Maintenance

- A. Electrical feeds to lighting standards shall be run underground, not overhead, if at all possible.
- B. Lighting fixtures shall be maintained by the property owner so as to remain in compliance with this Ordinance.

Section 2004 Exemptions

The following uses shall be exempt from the provisions of this Ordinance:

- A. Roadway lighting and lighting activated by motion sensor devices.
- B. Temporary circus, fair, carnival, or civic uses.
- C. Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
- D. Temporary lighting, including holiday lighting displays.

ARTICLE 21

NONCONFORMING USES

Contents

2100	Intent
2101	Nonconforming Use Limitations
2102	Nonconforming Lots
2103	Nonconforming Structure Used for a Permitted Use
2104	Nonconforming Use of a Structure or Land
2105	Nonconforming Signs
2106	Burden of Establishing Nonconforming Status

Section 2100 Intent

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

Section 2101 Nonconforming Use Limitations

- A. It is recognized that there may exist within the districts established by this Ordinance and subsequent amendments, lots, structures, signs, and uses of land and structures which were lawful before this Ordinance was adopted or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved.
- B. It is further the intent of this Ordinance that nonconformities shall be enlarged upon, expanded or extended only in specified circumstances and only as strictly regulated by Section 2103.
- C. Nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.

Section 2102 Nonconforming Lots

In any zoning district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of this Ordinance or any subsequent amendment. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided, that yard dimensions and other

requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

Where such a nonconforming lot does not meet the minimum area or width requirements, or both, the following setback requirements shall apply:

- A. The minimum front setback shall conform to the clearly prevailing setback pattern of developed lots within the same block fronting the same street. When an unimproved lot is situated between two lots with existing principal buildings that each have front yard setbacks less than the setback required in that district, then the front yard setback may be reduced to a depth equal to the average of the two adjacent lots, provided that in no case shall a front yard be reduced by more than 50 percent of the required front yard for that district.
- B. No side setback shall be less than 5 feet in any event, unless provided for in this Ordinance.

Section 2103 Nonconforming Structure Used for a Permitted Use

A lawfully existing structure, which contains a permitted use but does not comply with the other requirements of this Ordinance for the zoning district in which it is located, may be continued but shall be subject to the regulations below. In such cases, however, the failure to meet landscaping or screening requirements shall not be considered a nonconformity.

A. Enlargement, repair, alteration

A nonconforming structure may be enlarged, maintained, repaired, or structurally altered, provided no such enlargement, maintenance, repair, or structural alteration shall create any additional nonconformity or increase the degree of the existing nonconformity of such structure.

B. Reconstruction

In the event a nonconforming structure is destroyed by any means to an extent of less than 50 percent of its replacement costs, exclusive of the foundation, the structure may be reconstructed on the same foundation, provided the reconstruction is begun within 12 months of the date it was destroyed.

C. Relocation

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

Section 2104 Nonconforming Use of a Structure or Land

A nonconforming use of a structure or land may be continued so long as otherwise lawful but shall be subject to the regulations below.

A. Enlargement

No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner, unless the structure and the use shall thereafter conform to the regulations for the district in which they are located.

B. Ordinary repair and maintenance

Ordinary maintenance and repairs, or repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, shall be permitted, provided these actions shall not be deemed to authorize any violation of the other parts of this Section. Nothing in this Ordinance shall be deemed to prevent the strengthening of a structure, or the restoration of a structure to a safe condition except for a damaged or destroyed structure subject to provisions of Section 2103.B. of this Section, in accordance with an order of the Borough Zoning Officer.

C. Structural alteration

No structural alteration shall be made unless the entire structure and the use shall thereafter conform to the regulations for the district in which they are located. However, nothing in this Ordinance shall be construed to prevent owners of nonconforming residential structures the right to perform structural alterations which do not increase the number of dwelling units within the nonconforming residential structure or enlarge its exterior dimension.

D. Damage or destruction

A nonconforming structure or a nonconforming use that is destroyed by any cause, partially or in its entirety, may be restored, repaired, or reconstructed only by the owner, and, in the case of a nonconforming structure, then only to the same nonconforming use. The restored area shall be of substantially the same size, and the nonconforming use may not be enlarged or expanded. No repairs, restoration, or reconstruction shall be permitted unless a building permit is obtained, if required, and said repairs, restoration, and/or reconstruction begins within one year of the date of the partial or entire destruction, and is diligently pursued to completion.

E. Moving

Should a nonconforming use of land or structure be moved, in whole or in part, for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after being moved.

F. Change

A nonconforming use shall not be changed to any use other than the same use or a use permitted in the district in which the land is located. When a nonconforming use has been changed to a permitted use, it shall not thereafter be changed to a nonconforming use.

G. Discontinuance

A nonconforming use which is hereafter discontinued for any reason, and remains such for a continuous period of one year, shall not thereafter be re-established. Such location shall thereafter be occupied by a use which conforms to the regulations for the district in which it is located.

H. Nonconforming accessory use

A nonconforming accessory use shall not continue to remain after the principal use to which it is accessory has been destroyed, relocated, or abandoned.

Section 2105 Nonconforming Signs

Nonconforming signs shall be regulated by the provisions of Article 19.

Section 2106 Burden of Establishing Nonconforming Status

The burden of establishing legal, pre-existing nonconforming use status rests on: the property owner or party seeking to continue the nonconforming use or occupancy; any person applying for a building permit or zoning permit; or, any other person asserting such status. Such persons shall provide sufficient proof in a form acceptable to the Zoning Officer of the following:

- A. The date of construction of the building or structure, or the date the use was established;
- B. The continuous operation of the nonconforming use; and,
- C. Such other proof as may be deemed necessary by the Zoning Officer to verify legal, nonconforming status.

ARTICLE 22

GENERAL ADMINISTRATION AND ENFORCEMENT

Contents

2200 Zoning Officer
2201 Zoning Permits
2202 Certificate of Occupancy
2203 Enforcement Notice
2204 Enforcement Remedies

Section 2200 Zoning Officer

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer. The Zoning Officer shall be appointed by the Borough Council. It shall be the duty of the Zoning Officer, and he/she is hereby given the power and authority, to:

- A. Receive and examine all applications for zoning permits.
- B. Review zoning permit applications for compliance with the provisions of this Ordinance, all other applicable ordinances and with all federal, state, county, and local laws and regulations which are relevant to the subject property.
- C. Process zoning permit applications for all permitted uses and issue permits only where there is compliance with the provisions of this Ordinance, with other Borough ordinances, and with the laws and regulations of the county, commonwealth and federal governments.
- D. Receive applications for conditional uses, curative amendments and zoning amendments, and forward them to Borough Council for action thereon.
- E. Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action thereon.
- F. Following the refusal of a permit, to receive applications for interpretation, appeals, and variances and forward these applications to the Zoning Hearing Board for action thereon.
- G. Conduct investigations to determine compliance or noncompliance with the terms of this Ordinance. The Zoning Officer or his/her representative may enter any Borough property provided that the property owner receives prior notification.
- H. Enforce the provisions of this Ordinance by the issuance of enforcement notices or by other means. Such written orders shall be served personally or by registered mail upon the persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance.

- I. Institute civil enforcement proceedings as a means of enforcement when acting with the approval or direction of Borough Council.
- J. Maintain the official Zoning Map showing the current zoning classifications of all land in the Borough.
- K. Keep a permanent record of all plans and applications for permits and all permits issued with notations as to special conditions attached thereto.
- L. Revoke any order or zoning permit issued under mistake of fact or contrary to the law or the provisions of this Ordinance.
- M. Enlist the assistance of other municipal agents and agencies in performing these responsibilities.
- N. Present relevant facts, records, and similar information to the Zoning Hearing Board or Borough Council upon request.

Section 2201 Zoning Permits

A. Requirement for a Zoning Permit.

No use shall be established or changed, no structure shall be erected, constructed, reconstructed, altered, razed or removed, and no building used or occupied, changed in use, or changed in occupancy, until a zoning permit has been secured from the Zoning Officer. In addition, a zoning permit shall be required prior to any of the following:

- 1. Use of any building or other structure, or portion thereof, hereinafter erected, reconstructed, changed, improved, enlarged, or otherwise altered regardless of requirements for issuance of a building permit.
- 2. Change in use, ownership or occupancy of any building or structure, or portion thereof.
- 3. Use of land or change in the use thereof, except that the placing of vacant land under cultivation shall not require a permit.
- 4. Change in use or expansion of a nonconforming use or structure, or portion thereof.

B. Application Requirements

All applications for zoning permits shall be made to the Zoning Officer in writing on forms furnished by the Borough and shall include all information necessary to enable the Zoning Officer to ascertain compliance with this Ordinance. Whenever the use involves a new building or structure or alterations to an existing building or structure, an application for a zoning permit shall be made prior to application for a building permit. When no construction is involved, application for a zoning permit and a Certificate of Occupancy, pursuant to the Pennsylvania Uniform

Construction Code, as amended, may be made simultaneously at any time prior to the use or occupancy of the land, building, or structure.

1. Applications shall be made in writing by the owner, tenant with owner's written permission, purchaser under contract of sale, or authorized agent for the owner and shall include the name and address of the applicant and contractor and the site location on which construction is proposed.
2. A certificate of approval or permit from the Armstrong County Department of Health shall accompany the application if the use will involve a use regulated by that agency.
3. Each application shall stipulate the proposed use of the land, building, or structure. If more than one use is proposed, or existing, the application shall include tabulation and description of all uses on the property and a brief description of the proposed work and the estimated cost.
4. The application shall include a site layout plan indicating the location, dimensions, height, and relation to property and street lines of proposed buildings or structures and all existing buildings or structures.

C. Permit Issuance

No zoning permit shall be issued until the Zoning Officer has determined that the proposed use of land, the proposed tenant or occupant, or the existing or proposed building or structure complies with the provisions of the applicable zoning district and other provisions of this Ordinance. The issuance of a zoning permit does not permit occupancy of a building or structure. A Certificate of Occupancy is also required pursuant to the Pennsylvania Uniform Construction Code, as amended. In case of refusal of the Zoning Officer to issue a permit, the applicant shall be advised in writing of the reasons for denial and of his or her rights of appeal to the Zoning Hearing Board.

D. Application Fees

All applicants shall pay to the Borough at the time of application a fee in the amount established in the Fee Schedule adopted by resolution of the Borough Council. In the event an application requires a request to Borough Council for consideration of a conditional use or to the Zoning Hearing Board for consideration of a special exception, variance, or appeal of a decision of the Zoning Officer, each applicant shall pay to the Zoning Officer the appropriate application fee in the amount established in the Fee Schedule.

Section 2202 Certificate of Occupancy

A. Requirements for a Certificate of Occupancy

It shall be unlawful for any person to occupy any building, structure or land, or portion thereof, under any of the conditions listed below until the Building Code Official, pursuant to the Pennsylvania Uniform Construction Code, as amended,

has issued a Certificate of Occupancy. A Certificate of Occupancy shall be required for any of the following.

1. Initial occupancy of any building or structure, or portion thereof, intended for occupancy hereinafter erected, altered, or enlarged for which a building permit is required.
2. Change in use, ownership or occupancy of any non-residential building or structure, or portion thereof.
3. Change in occupant or tenant of any non-residential building or structure, or portion thereof.
4. Change in use or expansion of a nonconforming use or structure, or portion thereof.
5. Use of land or change in the use thereof, except that the placing of vacant land under cultivation shall not require a Certificate of Occupancy.

B. Application Requirements

All applications for Certificates of Occupancy shall be made to the Zoning Officer in writing on forms furnished by the Borough and shall include all information necessary to enable the Zoning Officer to ascertain compliance with the Pennsylvania Uniform Construction Code, as amended. A separate zoning permit shall also be required as stipulated in Section 2003 of this Ordinance. The zoning permit and Certificate of Occupancy may be combined for the administrative convenience of the Borough as a Certificate of Use and Occupancy.

C. Certificate Issuance

No land, building, structure, or facility, or portion thereof, shall be occupied until the Zoning Officer has determined the following.

1. The Zoning Officer has issued a Zoning Permit.
2. Construction complies with the requirements of the Pennsylvania Uniform Construction Code, as amended.
3. Authorized representatives of water and sewer providers have supplied letters or permits indicating compliance or approval.
4. The Zoning Officer has approved use and occupancy.
5. The applicant has paid all required permit fees.

D. Certificate Fees

All applicants shall pay to the Borough at the time of application a fee in the amount established in the Fee Schedule adopted by resolution of the Borough Council. No Certificate shall be issued until payment of the required fee.

E. Issuance of Temporary Certificates of Occupancy

A temporary Certificate of Occupancy may be granted prior to the completion of construction for a period not to exceed ninety (90) days, provided that all structural work is completed, all permits relating to sewage and water have been obtained and filed with the Borough, a zoning permit has been issued, and all permit fees have been paid, and provided further that the person seeking the temporary certificate posts with the Borough, pursuant to an Escrow Agreement in a form satisfactory to the Borough Solicitor, sufficient funds to complete the construction and all required improvements, construction, grading, etc. The Zoning Officer must approve all temporary certificates.

Section 2203 Enforcement Notice

- A. The Zoning Officer is hereby authorized and directed, in the name of the Borough, to enforce the provisions of this Section and to institute civil enforcement proceedings as provided in this Ordinance when acting within the scope of his or her employment as set forth in Section 2000.
- B. If it appears that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided herein. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, to any other person requested in writing by the owner of record, and to any other person against whom the Borough intends to take action.
- C. An enforcement notice shall state at least the following.
1. The name of the owner of record and any other person against whom the Borough intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the Ordinance.
 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 5. The recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.

6. Failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation.

Section 2204 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated any of the provisions of this Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, shall pay a judgment of not more than \$500.00 plus all court costs plus reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that the violation continues shall constitute a separate violation.
- B. The Court of Common Pleas, upon petition of the defendant, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained herein shall be construed or interpreted to grant to any person or entity other than the Borough, the right to commence any action for enforcement pursuant to this section.

ARTICLE 23

AMENDMENTS AND APPEALS

Contents

- 2300 Power of Amendment
- 2301 Public Hearings Prior to Amendment
- 2302 Submission to the Borough Planning Commission and Armstrong County Planning Commission
- 2303 Proposals by Curative Amendment
- 2304 Private Petition for Amendment
- 2305 Appeals to Court

Section 2300 Power of Amendment

- A. The Borough Council may from time to time amend this Ordinance, including the official Zoning Map.
- B. Proposals for amendment, supplement, change, or modification or repeal may be initiated by the Borough Council on its own motion, the Borough Planning Commission, or by petition by one or more owners of property to be affected by the proposed amendment. Any proposed amendment favorably acted upon shall be specifically found to be in accordance with the spirit and intent of the Borough community development objectives and the adopted Comprehensive Plan.

Section 2301 Public Hearings Prior to Amendment

- A. Before voting on the enactment of any amendment, the Borough Council shall hold a public hearing pursuant to public notice. Public notice shall be published once for two consecutive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of hearing, the particular nature of the matter to be considered at the hearing and the full text of the amendment or a brief summary setting forth the general provisions in reasonable detail. The first publication shall be published no more than 60 days and the second publication not less than 7 days from the date of the hearing. Procedures relating to the publication, advertisement, and availability of proposed amendments shall be in accordance with Section 610 of the Pennsylvania Municipalities Planning Code, as amended. If the proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. All notification requirements of the Pennsylvania Municipal Planning Code shall be met.
- B. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it,

the Borough Council shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough Council shall at least 10 days prior to enactment re-advertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

Section 2302 Submission to the Borough Planning Commission and Armstrong County Planning Commission

- A. In case of an amendment other than one prepared by the Borough Planning Commission, the Borough Council shall submit each such amendment to the Borough Planning Commission at least 30 days prior to the hearing in order to provide the Planning Commission an opportunity to submit recommendations. At least 30 days prior to the hearing on the proposed amendment the Borough shall submit the proposed amendment to the Armstrong County Planning Commission for recommendations.
- B. Within 30 days after enactment, a copy of the adopted amendment to the zoning ordinance shall be forwarded to the Armstrong County Planning Commission.

Section 2303 Proposals by Curative Amendments

- A. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions 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 Sections 609.1 and 916.1 of the Municipalities Planning Code, as amended. The Borough Council shall commence a hearing thereon within 60 days of the request as provided in Section 609.1 of the Municipalities Planning Code, as amended. The curative amendment and challenge shall be referred to the Borough Planning Commission and notice of the hearing thereon shall be given as provided by the Municipalities Planning Code, as amended.
- B. Procedures for the public hearing as set forth on Section 609.1 of the Municipalities Planning Code, as amended, shall be followed.
- C. If the Borough determines that its zoning ordinance or any portion thereof is substantially invalid, it shall follow the procedures as set forth in Section 609.2 of the Municipalities Planning Code, as amended.

Section 2304 Private Petition for Amendment

- A. Every private application for amendment to the Zoning Ordinance shall first be presented to the Borough with the required filing fee as set forth by resolution of Borough Council, and shall set forth the following, where relevant:
 - 1. The applicant's name and address and his representative and the interest of every person represented in the application.

2. A plan showing the extent of the area to be rezoned, streets bounding and intersecting the area, land use and zoning classification of abutting districts, and tax parcel numbers, names of owners, and street addresses of the areas to be rezoned.
 3. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.
 4. Information that may be needed by the Borough to evaluate the proposed amendment. The Borough may require any studies or impact assessments it deems necessary in order to evaluate the proposed zoning change, including but not limited to the following:
 - a. Consistency with Borough Comprehensive Plan – The applicant must analyze the proposed change and demonstrate that it is consistent with the Borough’s approved Comprehensive Plan.
 - b. Traffic impact, addressing the pedestrian, vehicular, school bus, and truck traffic to be generated; routes to be used; access points; potential conflict points; proposed improvements, including street paving, widening, crosswalks, traffic calming devices, signals, signs, school bus stops, delivery routes, and sidewalks or pedestrian improvements.
 - c. Natural resources and environmental impact.
 - d. Parking impact – considering the number of new parking spaces required; their location; impact of new use on current parking supply and demand; and hours of peak demand.
 5. The proposed changes to the text of the zoning ordinance.
- B. Consistency with Borough Comprehensive Plan – All zoning amendments or changes shall be consistent with the adopted Borough Comprehensive Plan, in accordance with Section 603(J) of the Pennsylvania Municipalities Planning Code. A change shall not be enacted unless the proposed change is consistent with or until the Borough Comprehensive Plan is amended in a manner that resolves the inconsistency.

Section 2305 Appeals to Court

The procedures set forth in Article X-A, Appeals to Court, of the Pennsylvania Municipalities Planning Code, as amended, shall constitute the exclusive mode for securing review of any decision rendered pursuant to this Ordinance or deemed to have been made under this Ordinance.

ARTICLE 24
CONDITIONAL USES

Contents

2400	Applicability
2401	General Conditions
2402	Application Requirements
2403	Application Procedures
2404	Expiration of Conditional Uses
2405	Standards for Communication Towers as Conditional Uses

Section 2400 Applicability

The Borough Council shall have the power to approve a conditional use when this Ordinance specifically requires the obtaining of such approval. Only uses that are specifically identified as Conditional Uses in this Ordinance will be eligible for conditional use approval.

Section 2401 General Conditions

- A. In granting a conditional use, the Borough Council shall make findings of fact consistent with the provisions of this Ordinance. The Borough Council shall not approve a conditional use except in conformance with the conditions and standards outlined in this Ordinance. In granting a conditional use, the Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Article and the Pennsylvania Municipalities Planning Code.
- B. The Borough Council shall grant a conditional use only if it finds adequate evidence that any proposed use submitted will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The Borough Council shall, among other things, require that any proposed use and location be:
1. In accordance with the Borough's Comprehensive Plan;
 2. Suitable for the property, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;
 3. In conformance with all applicable requirements of this Ordinance and all other Borough ordinances, including all requirements of the Armstrong County Subdivision and Land Development Ordinance, and
 4. Able to be established with guaranteed adequate parking and access arrangements to protect people, streets and parking areas from

congestion and hazard, as demonstrated by submitted studies and reports.

- C. The Borough Council shall request an advisory opinion from the Borough Planning Commission on any application for a conditional use. The Planning Commission shall submit a report of such advisory opinion prior to the date of the public hearing held by the Borough Council on an application. The Planning Commission may request a report from the Borough Engineer or other professional consultants or staff. The Planning Commission opinion can be reported in the form of a representative of the Planning Commission attending the Borough Council meeting and presenting an oral and written report, or in the form of meeting minutes.
- D. Borough Council at its sole discretion may require the submission of studies identifying the impact of the proposed development on traffic, parking, environmental conditions, stormwater, or aesthetics. The cost of such studies shall be the responsibility of the applicant.

Section 2402 Application Requirements

- A. The application shall make a written request to the Borough Council that it conduct a public hearing on the application.
- B. The application shall be accompanied by plans and other materials necessary to address the general and specific conditions of this Ordinance. The minimum requirements shall include the following:
 - 1. A site layout plan drawn to scale showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. The site layout plan shall be prepared by and contain the seal of a professional engineer, land surveyor or landscape architect registered in the Commonwealth of Pennsylvania.
 - 2. The following information shall be provided with the conditional use application:
 - a. Statement as to the proposed use of the building or land. A description of proposed residential, institutional, businesses and offices, retail, consumer uses, or other uses.
 - b. The information regarding natural resource protection requirements as required by this Ordinance.
 - c. The location, size, arrangement, and capacity of all areas to be used for motor vehicles access, off-street parking, off-street loading and unloading, and provisions to be made for lighting.
 - d. The location, dimensions, and arrangements of all open spaces, yards and buffer yards, including methods to be employed for any required buffering and screening.

- e. The location, size and height of any proposed signs.
- f. The location and dimension of sidewalks and all other areas to be devoted to pedestrian use.
- g. Provisions to be made for treatment and disposal of wastewater, water supply, and stormwater.
- h. The location, size, arrangement and capacity of all areas to be used for motor vehicle access, and all necessary traffic improvements for safe on-site ingress or egress, off-street parking, off-street loading and unloading and provisions to be made for lighting such areas.
- i. Description of methods to be employed in controlling any noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards. The environmental standards contained in this Ordinance and in other Borough ordinances shall be utilized as the reference for applicable standards.
- j. Any other data deemed necessary by the Borough Council to enable it to determine the compliance of the proposed development with the terms of this Ordinance.

Section 2403 Application Procedures

- A. All applications for conditional use approvals shall be in writing on standard forms prescribed by the Borough Council and accompanied by, the fee established by resolution of the Borough Council.
- B. The Borough Council shall hold a hearing upon the request, commencing no later than 60 days after the request is filed, unless the applicant requests or consents in writing to an extension of time.
- C. The Borough Council shall conduct hearings and make decisions in accordance with the procedures set forth in this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, for conditional uses.
- D. The Council may impose whatever conditions regarding layout, circulation, design, parking and other zoning controls it deems necessary to ensure that a proposed development will secure the objectives of this Ordinance and protect the health, safety, and welfare of the Borough.

Section 2404 Expiration of Conditional Uses

A conditional use shall expire if the applicant fails to obtain a Zoning Permit within one year of the date of the granting of the conditional use; provided, however, that:

- A. If the subject matter of the conditional use requires either a subdivision or land development, the conditional use shall expire if the applicant fails to file the required subdivision or land development plan within one year of the granting of

the conditional use. The applicant shall have six months after the final plans of the subdivision or land development are approved and recorded to obtain a Zoning Permit; and

- B. The Borough Council may grant one extension of time for a period not to exceed one year if the landowner or his agent requests such an extension, and if good cause for the extension is shown.

Section 2495 Standards For Communication Towers as Conditional Uses

- A. The applicant shall demonstrate, using technological evidence, that the Communications Tower must be located where proposed in order to satisfy its function in a company's grid system.
- B. For a Communications Tower, the applicant shall demonstrate that it contacted the owners of tall structures, buildings and towers within $\frac{1}{4}$ 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:
1. 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.
 2. 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.
 3. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or allow it to perform its intended function.
 4. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- C. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function. In no case shall the height of the communications tower exceed 150 feet, as measured vertically from the ground level to the highest point on the tower including antennas mounted on the tower.
- D. A communications tower shall be set back one hundred and five percent (105%) of its height from all property lines.
- E. The communications equipment building shall comply with required yards and height requirements of the applicable zoning district for an accessory structure.
- F. A security fence shall be required around the communications tower and other equipment. The fence shall be a minimum of 6 feet in height and shall not exceed 8 feet in height.

- G. Landscaping shall be installed to mitigate for visual impact of a communications tower. Such landscaping shall meet the following requirements:
1. Landscaping shall be installed to screen and buffer the tower and any ground level features, such as an equipment building, from adjacent properties.
 2. The landscape screen shall consist of a mix of evergreen trees planted in a staggered double row. The plantings shall be a minimum height of 6 feet at planting and shall grow to a minimum of 15 feet at maturity.
 3. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
 4. The Borough may permit a combination of existing vegetation, topography, walls, decorative fences or other features when it achieves the intent of this Section.
- H. All guy wires associated with a guyed communications tower shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure. Guy wires and their anchors shall be setback at least 25 feet from property lines.
- I. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission (FCC), Federal Aviation (FAA), another governmental agency which has jurisdiction, or which may be needed for emergency repair.
- J. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 33 feet in width and shall be improved to a width of at least 16 feet with a driveway for its entire length.
- K. A communications tower may occupy a leased area within a lot provided that the lease area is a minimum of 6,000 square feet. The lot shall meet the minimum lot area of the district in which it is located. All subdivision and land development requests require approval from the Armstrong County Planning Commission.
- L. A proposed communications tower shall comply with all applicable Federal and State regulations. The applicant shall request a written statement of compliance from the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and other regulatory agencies. Such statement shall be sent by the agency to the Borough. The applicant shall provide to the Borough a copy of a written request to each agency for delivery at least 30 days prior to the public hearing of such application and of such request for a written statement of compliance.
- M. A communications tower shall be securely anchored in a fixed location of the ground and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other natural forces.

- N. If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six months of the expiration of such 12 month period. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower. Furthermore, prior to construction of any tower, a bond or escrow account shall be posted with the Borough in an amount sufficient to ensure such removal. The bond or escrow shall be held by the Borough for a maximum 20 years and shall be used by the Borough in the event the owner or operator of the communications tower fails to remove the facility within the time period prescribed above. Any portion of the bond or escrow not used by the Borough shall be returned to the owner or operator.

ARTICLE 25
ZONING HEARING BOARD
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Section 2500 Establishment of Board

A Zoning Hearing Board is established in order that the objectives of this Ordinance may be more fully and equitably achieved and to provide a means for competent interpretation of this Ordinance.

Section 2501 Membership and Terms of Office

- A. The Zoning Hearing Board shall consist of three residents of the Borough, appointed by resolution of the Borough Council. The terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. At the adoption of this Ordinance, Zoning Hearing Board members shall continue in office pursuant to their current terms. Board members shall hold no other Borough office. Any member of the board may be removed for cause by Borough Council upon written notice and charges after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as those for original appointments.
- B. The Borough Council may appoint, by resolution, from one to three residents to serve as alternate members of the board for three-year terms. Alternates shall hold no other Borough office. Alternates may participate in any proceeding or discussion of the board but shall not be entitled to vote or to be compensated unless designated by the chairperson to sit on the board in order to provide a quorum. Designation of alternates to sit on the board shall be made case by case in rotation according to declining seniority among all alternates.

Section 2502 Procedures

- A. Officers

The board shall elect from its own membership a chairperson and vice chairperson who shall serve annual terms as such and may succeed themselves. The board may make, alter, and rescind rules and forms for its procedures consistent with the provisions of the Pennsylvania Municipalities Planning Code, as amended, and this Ordinance.

B. Hearings

Public notice shall be given of all hearings consistent with the Municipalities Planning Code. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board.

C. Records and Decisions

The board shall keep a record of its proceedings and official actions, which shall be filed in the Borough Hall and shall be a public record.

D. Compensation

The Borough Council may fix per-meeting compensation for the members of the board, according to a schedule adopted by resolution of the Borough Council upon the enactment of this Ordinance or at any time thereafter, and such schedule may be amended from time to time; but in no case shall compensation exceed the rate of compensation authorized to be paid to the Borough Council.

Section 2503 Interpretation

Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall decide any questions:

- A. Involving the interpretation of any provisions of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty; and
- B. Where it is alleged there is error in any order, requirement, decision or determination in the enforcement of this Ordinance, including an order made by the Zoning Ordinance requiring an alleged violation to stop, cease and desist.

Section 2504 Variances

The board shall hear requests for variances where is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. Subject to the provisions of the Pennsylvania Municipalities Planning Code, the Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, or the circumstances or

conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;

- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- C. That such unnecessary hardship has not been created by the applicant;
- D. That a variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and,
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.

In granting any variance, the board may attach reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Ordinance.

Section 2505 Special Exceptions

A. Applicability

The Zoning Hearing Board shall have the power to approve special exceptions when this Ordinance specifically requires the obtaining of such approval.

B. Conditions and Standards

In granting a special exception, the Zoning Hearing Board shall make findings of fact consistent with the provisions of this Ordinance. The board shall not approve a special exception except in conformance with the conditions and standards outlined in this Ordinance.

C. General Requirements and Standards Applicable to All Special Exceptions

The board shall grant a special exception only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The board shall, among other things, require that any proposed use and location be.

1. In accordance with the Borough Comprehensive Plan and consistent with the spirit, purposes and the intent of this Ordinance.
2. In the best interests of the Borough, the convenience of the community and the public welfare, and a substantial improvement to the property in the immediate vicinity;

3. Suitable for the property in question and designed, constructed, operated, and maintained to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;
4. In conformance with all applicable requirements of this Ordinance;
5. Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard; and,
6. In accordance with sound standards of subdivision and land development practice where applicable.

The Zoning Hearing Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to ensure that any proposed development will secure substantially the objectives of this Ordinance.

Section 2506 Challenge to the Validity of the Zoning Ordinance or Map

The Board shall hear challenges and appeals as delineated in the Municipalities Planning Code, as amended. The Board shall take evidence and make a record as provided in Section 2502.C. of this Ordinance. At the conclusion of the hearing, the board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record for appeal to the court.

Section 2507 Actions of the Board in Exercising Powers

In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with law and the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion should be made. Written notice of such decision shall be given forthwith to all interested parties.

Section 2508 General Rules and Procedures for Appeals and Applications

- A. Any appeal from the ruling of the Zoning Officer concerning the enforcement and interpretation of the provisions of this Ordinance shall be filed with the Zoning Officer within 30 days after the date of the Zoning Officer's adverse decision.
- B. All appeals and applications made to the board shall be in writing on standard forms prescribed by the Zoning Hearing Board.
- C. All appeals and applications shall refer to the specific provisions of this Ordinance involved.

Section 2509 Eligible Appellants

Appeals to the Zoning Hearing Board may be taken by any person aggrieved or affected by any provisions of this Ordinance or by any decision, including any order to stop, cease, and desist issued by the Zoning Officer in enforcing the provisions of this Ordinance.

Section 2510 Notice of Hearings

Upon the filing with the Zoning Hearing Board of an application for a special exception, variance, interpretation of this Ordinance or other appeal, the Board shall hold a public hearing within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time, and;

- A. Provide public notice published each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state

the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

- B. Give written notice to the applicant, the Zoning Officer, persons whose properties adjoin or are across public roads from the property in question or are within 100 feet of the property in question, and to any person who has made timely request for same.

Section 2511 Fees

The applicant for any hearing before the Zoning Hearing Board shall, at the time of making application, pay a fee in accordance with the Fee Schedule adopted by resolution of the Borough Council.

Section 2512 Expiration of Special Exceptions and Variances

A special exception or variance shall expire if the applicant fails to obtain a Zoning Permit within one year of the date of the granting of the special exception or variance; provided, however, that:

- A If the subject matter of the use constitutes either a subdivision or land development, the special exception or variance shall expire if the applicant fails to file the required subdivision or land development plan within one year of the granting of the special exception or variance. The applicant shall have six months after the final plans of the subdivision or land development are approved and recorded to obtain a Zoning Permit; and
- B The Zoning Hearing Board may grant one extension of time for a period not to exceed one year if the landowner or his agent requests such an extension, and if good cause for the extension is shown.

ARTICLE 26**PLANNING COMMISSION****Contents**

2600	Establishment of Planning Commission
2601	Appointment, Term and Vacancy
2602	Membership
2603	Removal
2604	Conduct of Business
2605	Powers and Duties

Section 2600 Planning Commission

The Planning Commission of the Borough of Freeport shall be comprised of five members. All members of the Commission shall serve without compensation, but may be reimbursed for necessary and reasonable expenses. However, elected or appointed officers or employees of the municipality shall not, by reason of membership thereon, forfeit the right to exercise the powers, perform the duties or receive the compensations of the municipal offices held by them during such membership.

Section 2601 Appointment, Term and Vacancy

- A. All members of the Planning Commission shall be appointed by the Borough Council.
- B. The term of each of the members of the Planning Commission shall be for four years, or until his successor is appointed and qualified, except that the terms of the members first appointed pursuant to this act shall be so fixed that no more than two shall be reappointed or replaced during any future calendar year.
- C. The chairman of the Planning Commission shall promptly notify the Borough Council concerning vacancies in the Commission, and such vacancy shall be filled for the unexpired term. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term according to the terms of this Article.
- D. Should the Borough Council determine to increase the number of members of the Planning Commission, the additional members shall be appointed as provided in this Article. If the Borough Council shall determine to reduce the number of members of the Planning Commission, such reduction shall be effectuated by allowing the terms to expire and by making no new appointments to fill the vacancy. Any reduction or increase shall be by ordinance.

Section 2602 Membership

All of the members of the Planning Commission shall be residents of the Borough of Freeport. On a Commission of five members, at least three shall be citizen members.

Section 2603 Removal

Any member of the Planning Commission once qualified and appointed may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. Any appointment to fill a vacancy created by removal shall be only for the unexpired term.

Section 2604 Conduct of Business

The Planning Commission shall elect its own chairman and vice-chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The Commission may make and alter by laws and rules and regulations to govern its procedures consistent with the ordinances of the Borough and the laws of this Commonwealth. The Commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the governing body. Interim reports may be made as often as may be necessary, or as requested by the Borough Council.

Section 2605 Powers and Duties

- A. The Planning Commission shall at the request of the Borough Council have the power and shall be required to:
1. Prepare the comprehensive plan for the development of the Borough as set forth in the Pennsylvania Municipalities Planning Code, and present it for the consideration of the Borough Council.
 2. Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of the Borough Council.
- B. The Planning Commission at the request of the Borough Council may:
1. Make recommendations to the Borough Council concerning the adoption or amendment of an official zoning map.
 2. Prepare and present to the Borough Council a zoning ordinance, and make recommendations to the Borough Council on proposed amendments to it as set forth in the MPC.
 3. Prepare, recommend and administer subdivision and land development and planned residential development regulations, as set forth in the MPC.
 4. Prepare and present to the Borough Council a building code and a housing code and make recommendations concerning proposed amendments thereto.
 5. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the MPC.

6. Prepare and present to the Borough Council an environmental study.
7. Submit to the Borough Council a recommended capital improvements program.
 - a. Prepare and present to the Borough Council a water survey, which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed.
8. Promote public interest in, and understanding of, the comprehensive plan and planning.
9. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
10. Hold public hearings and meetings.
 - a. Present testimony before any board.
11. Require from other departments and agencies of the Borough such available information as relates to the work of the Planning Commission.
12. In the performance of its functions, enter upon any land to make examination and surveys with the consent of the owner.
13. Prepare and present to the Borough Council a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Borough.
14. Review the zoning ordinance, subdivision and land development ordinance, official zoning map, provisions for planned residential development, and such other ordinances and regulations governing the development of land no less frequently than it reviews the comprehensive plan.