

(Ord. 1/3/1994, §1202; as amended by A.O.

§1203. MEDIATION OPTION.

1. Parties to proceedings authorized in this Part may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Part once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting Borough police powers or as modifying any principles of substantive law.
2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - A. Funding mediation.
 - B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - C. Completing mediation, including time limits for such completion.
 - D. Suspending time limits otherwise authorized in ~~this act~~ the Municipalities Planning Code, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation. [A.O.]
 - E. Identifying all parties and affording them the opportunity to participate.
 - F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the other Sections of this Chapter.
3. No offers or statements made in the mediation session, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

(Ord. 1/3/1994, §1203; as amended by A.O.

§1204. HEARINGS.

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

- A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Borough Council shall designate by ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- B. The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other consultants or expert witness costs.
- C. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time.
- D. The hearings shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- E. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances, in writing, on forms provided by the Board for that purpose.
- F. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

- I. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- J. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- K. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in subsection (A) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall

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provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(Ord. 1/3/1994, §1204)

§1205. JURISDICTION.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council of the Borough of East Conemaugh.
 - B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Borough and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 - C. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - D. Appeals from a determination by a Borough Engineer or the Zoning Officer with reference to the administration of any Floodplain Ordinance.
 - E. Applications for variances from the terms of this Chapter.
 - F. Applications for special exceptions under this Chapter or floodplain provisions of this Chapter.
 - G. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Chapter.
 - H. Appeals from the Zoning Officer's determination under §916.2 of the Pennsylvania Municipalities Planning Code.
 - I. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of this Chapter with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision or planned residential development applications.
2. The Borough Council of the Borough of East Conemaugh or, except as to subsections (2), (3) and (4), the planning agency, if designated, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. All applications for approvals of planned residential developments.
- B. Applications for conditional use under the express provisions of this Chapter pursuant to §603(c)(2) of the Pennsylvania Municipalities Planning Code.
- C. Applications for curative amendments to a zoning ordinance pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.
- D. All petitions for amendments to this Chapter, pursuant to the procedures set forth in §609 of the Pennsylvania Municipalities Planning Code. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this subsection shall be deemed to enlarge or diminish existing law with reference to appeals to court.
- E. Appeals from the determination of the Zoning Officer or the Borough Engineer in the administration of this Chapter with reference to sedimentation and erosion control and stormwater management insofar as the same relate to application for or land development under planned residential development.

(Ord. 1/3/1994, §1205)

PART 13

SPECIAL EXCEPTIONS

§1301. GENERAL PROVISIONS.

1. The special exceptions stated in this Chapter may be granted or denied by the Borough pursuant to the standards and criteria provided in this Part. The Borough shall hear and decide requests for such special exceptions in accordance with the procedure outlined under §1107, "Amendments and Changes in this Chapter."
2. Special exceptions shall be granted or denied in accordance with basic principles as follows:
 - A. Such use shall be one which is specifically authorized as a special exception use in the district in which it is to be located.
 - B. Such permits shall only be granted subject to any applicable conditions and safeguards required by this Chapter.
 - C. Such permit may be granted subject to any additional conditions and safeguards as may be deemed by the Board to be advisable and appropriate.
 - D. Such use shall be found by the Board to be in harmony with the general purposes and intent of this Chapter.
 - E. Such use shall not adversely affect the character of the district, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
 - F. Such use shall be such appropriate size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
 - G. Such use shall not conflict with the direction of building development in accordance with any comprehensive plan or portion thereof which has been adopted by the Planning Commission.

(Ord. 1/3/1994, §1301)

§1302. SPECIAL EXCEPTION CONDITIONS.

The following conditions shall apply to special exceptions that are permitted in certain specified districts.

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- A. Funeral Homes. A funeral home may be permitted as a special exception in an R-2 Residential District with the minimum requirements as hereinafter set forth:
- (1) Height. As permitted in each district.
 - (2) Lot Area. The minimum lot area shall be 1 acre.
 - (3) Yard Areas. As required in each district.
 - (4) Percentage of Lot Coverage. As permitted in each district.
 - (5) Site Plan. As required under §405 herein.
 - (6) Off-Street Parking Facilities. As required under §1401 herein.
- B. Hospital and Nursing Home. A hospital or nursing home may be permitted as a special exception in an R-2 Residential District with the minimum requirements as hereinafter set forth:
- (1) Height. As permitted in each district.
 - (2) Lot Area. The minimum lot area shall be 2 acres.
 - (3) Yard Areas. As required in each district.
 - (4) Percentage of Lot Coverage. As permitted in each district.
 - (5) Site Plan. As required under §405 herein.
 - (6) Offstreet Parking Facilities. As required under §1401 herein.
- C. Rooming House. A rooming house may be permitted as a special exception in an R-1 Residential District provided it does not accommodate more than four boarders and meets the requirements of a single dwelling in the district.
- D. Mobile Home Park. A mobile home park may be permitted as a special exception in the R-2 Residential District with the minimum requirements as hereinafter set forth. No mobile home may be permitted except in approved mobile home parks, or for watchman or employee in a light manufacturing district.
- (1) Lot Area. The minimum area for every mobile home park hereafter developed shall be 3 acres.
 - (2) Plot Plan. Each application shall be accompanied by three copies of a plot plan drawn at a scale of 1 inch equals 20 feet, prepared by a licensed surveyor or engineer, showing limits and square footage of the proposed mobile home park and location and size of driveways, parking areas, drying areas, playgrounds, service buildings, other buildings, mobile

home lots, together with required setbacks from rights-of-way and property lines. All mobile home lots shall be numbered in sequence on the plot plan.

- (3) **Minimum Lot Area for Each Mobile Home.** The minimum unit area for each lot used or occupied by and under each mobile home shall be as follows:
 - (a) Seventy-five percent of the lots in any one mobile home park shall be not less than 3,240 square feet in area.
 - (b) Twenty-five percent of the lots in any one mobile home park shall be not less than 2,535 square feet in area.
 - (c) Density in any mobile home park shall not exceed 10 units per gross acre.
- (4) **Minimum Width of Mobile Home Lots.** The minimum width of each mobile home lot shall be 35 feet.
- (5) **Minimum Distance Between Mobile Homes.** No mobile home shall be placed within 20 feet of another, provided that with respect to mobile homes parked end-to-end, the distance between mobile homes so parked shall be not less than 25 feet.
- (6) **Setbacks.** The distance between mobile homes and the mobile home park boundary shall be not less than the side yard width required in the Zoning District which abuts each boundary line. In no case shall a mobile home be parked less than 25 feet from the mobile home park boundary. Front setback shall be 25 feet from the right-of-way of the access street. Steps, porch or entryway may be attached to the side of the mobile home and considered as a part of the mobile home. The steps, porch or enclosed entry shall not encroach upon the yard area established by the setbacks herein.
- (7) **Mobile Home Stands.** The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, rotation and overturning.
- (8) **Markers.** Every mobile home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the plot plan.
- (9) **Streets and Driveways.** The lane or driveway on which an individual mobile home lot fronts shall have a cartway of not less than 24 feet and a right-of-way of not less than 40 feet in width. In cases where driveways dead-end, there shall be constructed at each dead-end a cul-de-sac with

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a minimum turning radius of 72 feet. All streets and driveways shall be paved in accordance with standards and specifications established by Borough requirements. Where any mobile home park has an entrance from a State highway, approval of said entrance from the State Department of Transportation must be secured before said development is approved.

- (10) **Water and Sewer Facilities.** An adequate supply of water approved by the Department of Environmental ~~Resources~~ Protection shall be furnished from a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances, with supply faucets located on each mobile home lot. In each mobile home park, all waste water from a faucet, toilet, tub, shower, sink, drain, washing machine, garbage disposal unit or laundry shall empty into an approved sewer system installed in accordance with State and Borough regulations. [A.O.]
- (11) **Service Buildings.** Each mobile home park shall provide service buildings to house the following facilities:
 - (a) All service buildings shall be permanent structures complying with ordinances regulating the construction of buildings.
 - (b) All service buildings shall be adequately lighted at all times of day and night, shall be well ventilated, shall be constructed of such moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing and shall be maintained at a temperature of not less than 65 degrees Fahrenheit nor more than 105 degrees Fahrenheit.
 - (c) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance or fire hazard.
- (12) **Storage Tanks.** Gasoline, liquified petroleum, gas or oil storage tanks shall be so installed as to comply with all County, State and National Fire Prevention Code regulations.
- (13) **Playgrounds.** The purpose of this Section is to provide for areas and facilities for recreational purposes appropriate to the needs of the occupants. At least 50 square feet of playground space shall be provided and maintained for each mobile home lot. Each mobile home park must provide not less than one playground and no playground shall be less than 2,500 square feet in area. Such areas shall be used exclusively for playground purposes.
- (14) **Additions to Mobile Homes.** No permanent or semi-permanent structures shall be affixed to any mobile home as an addition to such mobile home,

nor shall any accessory structure be permitted on any mobile home lot or in any mobile home park except those accessory structures required by these regulations and an office structure. The prohibition herein against any addition or accessory to a mobile home shall not apply to a canopy, awning, steps, porch or enclosed entryway designed for use with a mobile home. The mobile home or lot coverage of a mobile home shall not exceed 40% of the total mobile home lot area.

(15) **Parking.** Shall be provided as follows:

- (a) Off-street parking shall be provided at the rate of two spaces for each mobile home lot.
- (b) All parking areas shall be paved in accordance with paving standards established by the Borough.

(16) **General Conditions.** All procedures for development of a mobile home park shall be the same as required for a special use exception as specified in this Chapter.

E. **Storage Yard and Buildings for Contractors or Excavating Equipment.** A storage yard and buildings for contractor or excavating equipment may be permitted as a special exception in an R-2 Residential District or in a Commercial District as an accessory to an owner's residence on a tract of land greater than 2 acres, as follows:

- (1) Storage yard for trucks, tractors, earth moving equipment and similar types of equipment, provided the equipment or storage yard is setback a minimum distance of 25 feet from the nearest property line and the area is properly screened from adjacent properties.
- (2) Storage of materials and supplies, except explosives, customarily incidental to the operation of a contractor's business provided that all materials are stored within an enclosed building or structure.
- (3) Office for a contractor.

F. **Swimming Pools.**

- (1) **Private Swimming Pools.**
 - (a) A private swimming pool in the ground or prefabricated installation above the ground shall be any pool, lake or open tank not located within a completely enclosed building and containing, or normally capable of containing, water to a depth at any point greater than 1 1/2 feet.

- (b) No such swimming pool shall be allowed in an R or a C District except as an accessory use and unless it complies with the following conditions and requirements.

- 1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests and no fee shall be charged.
- 2) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than 15 feet to any property line from the property on which it is located.
- 3) The swimming pool, or the entire property on which it is located, shall be so walled or substantially fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. The said fence or wall shall be not less than 5 feet in height and maintained in good condition.

- (c) Pools shall conform to the Department of Environmental ~~Resources~~ Protection, Division of Recreational Sanitation, standards. Existing pools shall conform in 90 days to the requirements set forth in this Section as a public safety measure. [A.O.]

(2) Community or Club Swimming Pools.

- (a) A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club solely for use and enjoyment by members of the association or club and their families and guests of members. Community and club swimming pools shall comply with the following conditions and requirements:
 - 1) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 100 feet to any property line from the property on which it is located.
 - 2) The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than 6 feet in height, and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.

G. Conservancy District Special Exceptions.

- (1) Cemetery, including crematorium, in the "S" District, provided yard and open space requirements shall be as approved by the Borough Council to

prevent injury to, and afford future protection to, adjacent properties and interests as these may be affected.

- (2) Government use or structure (Federal, State or local) in an S District, provided:
 - (a) It is demonstrated that the use cannot reasonably serve the community from a location in another district classification.
 - (b) Safeguards are established to provide proper separation from and protection for abutting residential properties.
 - (c) Adequate provision for off-street parking is provided, as determined according to the type of use and its planned service area.
 - (d) Where possible, the time of operation and the intensity of the use shall be regulated so as to be not disturbing to adjacent residential uses.
- (3) Major excavating, grading or filling, in an S District, provided:
 - (a) Evidence shall be submitted as to control of the operation in such a manner as to offer reasonable protection to the neighborhood against possible detrimental effects, taking into consideration the physical relationship to surrounding properties, and access to the site, including any nearby residential streets that must be traversed in conveying material to or from the site.
 - (b) Upon completion of the operation, any exposed surface of the land shall be topsoiled, planted and seeded.

H. Home Occupation Requirements. A home occupation shall be permitted as a special exception in R-1 and R-2 Residential Districts where following criteria are satisfied.

- (1) The proposed use shall be consistent with the definition of a "home occupation" set forth in §202 of this Chapter.
- (2) Off-street parking relating to the home occupation shall be limited to not more than three spaces for motor vehicles in excess of the number of motor vehicles registered to the occupants residing at the residence in which the home occupation is conducted.
- (3) The Zoning Hearing Board may impose such other reasonable conditions upon the home occupation as may be necessary according to the guidelines set forth in this Chapter.
- (4) A home occupation shall be required to have all necessary State and local permits and licenses.

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(Ord. 1/3/1994, §1302; as amended by A.O.

PART 14

SUPPLEMENTARY PROVISIONS

§1401. OFF-STREET PARKING AND LOADING REQUIREMENTS.

1. General Provisions.

- A. **Procedure.** An application for a building permit for a new or enlarged building, structure or use shall include therewith a plot plan, drawn to scale and fully dimensioned, showing all off-street parking or loading facilities to be provided in compliance with the requirements of this Chapter.
- B. **Extent of Control.** The offstreet parking and loading requirements of this Chapter apply as follows:
 - (1) All buildings and structures erected and all land uses initiated after the effective date of this Chapter shall provide accessory offstreet parking or loading facilities as required hereinafter for the use thereof.
 - (2) When a building or structure erected, altered or enlarged prior to or after the effective date of this Chapter shall undergo a decrease in number of dwelling units, gross floor area, seating capacity, number of employees or other unit of measurement specified hereinafter for required offstreet parking or loading facilities; and, further, when said decrease would result in a requirement for fewer total offstreet parking or loading spaces through application of the provisions of this Chapter thereto, offstreet parking and loading facilities are so decreased only when the facilities remaining should at least equal or exceed the offstreet parking or loading requirements resulting from application of the provisions of this Chapter to the entire building or structure as modified.
 - (3) When a building or structure undergoes any increase in number of dwelling units, gross floor area, seating capacity or other unit of measurement specified hereinafter for required off-street parking or loading facilities, and further, when said increase would result in a requirement for additional total offstreet parking or loading spaces through application of the provisions of this Chapter, parking and loading facilities shall be increased so that the facilities will at least equal or exceed the offstreet parking or loading requirements resulting from application of the provisions of this Chapter to the entire building or structure as modified.
- C. **Existing Offstreet Parking and Loading Spaces.** Accessory offstreet parking and loading spaces in existence on the effective date of this Chapter may not be reduced in number unless already exceeding the requirements of this Part for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

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2. Design and Maintenance.

- A. Parking Space Description. A required offstreet parking space shall be an area of not less than 180 square feet nor less than 9 feet wide by 20 feet long, measured perpendicularly to the sides of the parking space exclusive of access drives or aisles, ramps, columns or office and work areas, accessible from streets or alleys, or from private driveways or aisles leading to streets or alleys, and to be used for the commercial vehicles under 1 1/2 ton capacity. Aisles between vehicular parking spaces shall be not less than 12 feet in width when serving automobiles parked at a 45° degree angle in one direction; not less than 20 feet in width when serving automobiles parked perpendicularly for two-way aisle movement; and not less than 20 feet in width when serving automobiles parked perpendicularly for one-way aisle movement.
- B. Measurement of Space. When determination of the number of required offstreet parking spaces results in a requirement of a fractional space, any fraction up to and including 1/2 may be disregarded, and fractions over 1/2 shall be interpreted as 1 parking space.
- C. Access. Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic. No driveway or curb cut in any district shall exceed 18 feet in width for one-way movement or 32 feet in width for two-way movement.
- D. Signs. No signs shall be displayed in any parking area within any residential district, except such as may be necessary for the orderly use of the parking facilities. All signs in other parking areas shall conform to §1402 herein.
- E. Striping. All parking spaces shall be properly marked by durable paint in stripes a minimum of 4 inches wide and extending the length of the parking space.
- F. Required Setbacks. No parking space or portion thereof established on a lot shall be located within a required front yard, except in C Districts, where offstreet parking areas may be installed and maintained in the required front yard, provided such parking areas do not occupy the first 5 feet of front yard nearest the street or alley.
- G. Surfacing. All open offstreet parking areas, except those accessory to single-family dwellings, shall be improved with a compacted base surfaced with all-weather dustless material of adequate thickness to support the weight of fully-loaded vehicles which customarily park or travel on it.
- H. Lighting. Any lighting used to illuminate an offstreet parking area shall be so arranged as to reflect the light away from all adjoining properties and streets.
- I. Stormwater. Adequate stormwater drainage facilities shall be installed in order to insure that stormwater does not flow onto abutting property or abutting sidewalks in such a way or quantity that pedestrians using the sidewalk would

be detrimentally affected or inconvenienced. The Borough Engineer shall approve all such facilities.

- J. Walls or Planting Strip. Whenever a parking lot abuts onto a public street, sidewalk or alley, a structurally sound wall or planting strip, approved by the Borough Engineer, shall be installed. Adequate retaining walls and other walls shall also be constructed along abutting property to provide proper solid retention and screening from abutting properties, subject to the approval of the Borough Engineer.

3. Schedule of Offstreet Parking Requirements.

- A. One and Two-Family Dwellings. Two parking spaces for each family dwelling unit.
- B. Three or More Family Dwellings. Two parking spaces for each family dwelling unit, plus one visitor's parking space for every two (or fraction thereof) dwelling units.
- C. Bowling Alleys, Recreation Centers, Swimming Pools, Skating Rinks, Outdoor Commercial Recreation Enterprise and Other Recreation and Amusement Facilities. One parking space for every four customers computed on the basis of maximum servicing capacity at any one time plus one additional space for every two persons regularly employed on the premises during peak shift.
- D. Club Houses and Meeting Places of Veterans, Business, Civic, Fraternal, Labor and Similar Organizations. One parking space for every 50 square feet of aggregate floor area in the auditorium, assembly hall and dining room of such building plus one additional space for every two persons regularly employed on the premises during peak shift.
- E. Dormitories, Fraternity Houses and Sorority Houses. One parking space for every two beds occupied at maximum capacity. This requirement is in addition to the parking space requirements for educational establishments set forth elsewhere herein.
- F. Drive-in Facilities. Five parking spaces per 100 square feet of floor space.
- G. Funeral Homes and Undertaking Establishments. Parking or storage space for all vehicles used directly in the conduct of such business, plus one parking space for every two persons regularly employed on the premises during peak shift, and one space for every six seats in the establishment.
- H. Hospital. One parking space for every four beds intended for patients, excluding bassinets, plus one per doctor, one per two persons regularly employed on the premises during peak shift, and one per hospital vehicle.

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- I. Indoor Retail Businesses. Parking or storage space for all vehicles used directly in the conduct of business, plus one parking space for every 250 square feet of total floor area.
- J. Industrial Plants and Facilities. Parking or storage space for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three persons regularly employed on the premises during peak shift.
- K. Junior and Senior High Schools. One parking space for every six seats available in the assembly hall, auditorium, stadium or gymnasium during maximum capacity on the school grounds or campus. If the school has no assembly hall, auditorium, stadium or gymnasium, one parking space shall be provided for each person regularly employed at such school, plus two additional spaces for each classroom.
- L. Libraries, Museums, Post Offices and Similar Establishments. Parking or storage space for all vehicles used directly in the operation of such establishment, plus one parking space for every 250 square feet of total floor area.
- M. Medical and Dental Clinics. Three parking spaces for each doctor, plus one additional space for every two persons regularly employed on the premises.
- N. Nursing Homes. One parking space for every two beds occupied at maximum capacity. This requirement is in addition to the parking space requirement for hospitals set forth herein.
- O. Offices. One parking space for every 500 square feet of office space.
- P. Outdoor Retail Businesses. Parking or storage space for all vehicles used directly in the conduct of such business, plus two parking spaces for each person regularly employed on the premises during maximum seasonal employment, and one parking space for every 500 feet of lot area used for business purposes.
- Q. Public and Private Elementary Schools. One parking space for each person regularly employed at such school, plus one additional space for each classroom.
- R. Public Garages. Indoor or outdoor parking or storage space for all vehicles used directly in the conduct of such business, plus three parking spaces for each person regularly employed on the premises.
- S. Repair Shops, Plumbing Shops, Electrical Shops, Roofing Shops and Other Service Establishments. Parking or storage space for all vehicles used directly in the conduct of such business, plus two parking spaces for each person regularly employed on the premises.
- T. Restaurants, Indoor, and Other Eating and Drinking Establishments. One parking space for each table or booth, plus one parking space for every two stools at bar or counter, and one parking space for every two persons regularly employed on the premises during peak shift.

- U. Service Stations. Parking or storage space for all vehicles used directly in the conduct of such business, plus one parking space for each gas pump, three spaces for each grease rack or similar facility, and one space for every two persons regularly employed on the premises during peak shift.
 - V. Theaters, Auditoriums, Churches, Stadiums and Other Places of Public Assembly. One parking space for every six seats available at maximum capacity.
 - W. Motels and Hotels. One parking space for each sleeping room offered for tourist accommodation, plus one space for each dwelling unit on the premises, and one additional space for every two persons regularly employed on the premises during peak shift.
 - X. Transportation Terminals. One parking space for every 100 square feet of waiting room space, plus one additional space for every two persons regularly employed on the premises during peak shift.
 - Y. Universities, Colleges, Academies and Similar Institutions of Higher Learning. One parking space for every six seats occupied in the assembly hall, auditorium, stadium or gymnasium during maximum capacity on the campus. If the institution has no assembly hall, auditorium, stadium or gymnasium, one parking space shall be provided for each person regularly employed at such institution, plus five additional spaces for each classroom.
 - Z. Warehouses, Freight Terminals and Trucking Terminals. Parking or storage space for all vehicles used directly in the conduct of such business, plus two parking spaces for each person regularly employed on the premises during peak shift.
4. Location of Parking Areas. Off-street automobile parking facilities shall be located as hereinafter specified. Where distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that said parking area is required to serve.
- A. One and Two-Family Dwellings. On the same lot with the building they are required to serve.
 - B. Three and Four-Family Dwellings Not Over Two Stories in Height, and Row Dwellings Not Over One and One-Half Stories in Height. On the same lot or parcel of land as the building they are required to serve. For the purpose of this requirement, a group of such uses constructed and maintained under a single ownership or management shall be assumed to be on a single lot or parcel of land.
 - C. Clubs, Hospitals, Sanitariums, Orphanages, Homes for the Aged, Convalescent Homes and Other Similar Uses. On the same lot or parcel of land as the main building or buildings being served, or upon properties contiguous to the zoning lot upon which is located the building or buildings they are intended to serve.

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- D. Multiple Family Dwellings Containing More Than Four Dwelling Units and all Other Uses. On the same lot or parcel of land as the building they are required to service, or on a separate lot or parcel of land not more than 300 feet from the nearest entrance to the main use being served, provided the lot or parcel of land selected for the parking facilities is located in an R-2, C or L-I District.
- E. Notwithstanding subsections (A) through (D), above, no parking area accessory to a C, L-I use shall be located in an R District, except as permitted in §1401(5)-(D) herein.

5. Additional Regulations; Parking.

- A. Use of Off-Street Parking Facilities. Offstreet parking facilities accessory to residential use and developed in any residential district, in accordance with the requirements of this Part, shall be used solely for the parking of passenger automobiles, commercial and service vehicles of not more than one ton GVW owned or operated by occupants of the dwelling structures to which such facilities are accessory, or by guests of said occupants.
- B. Joint Parking Facilities.
 - (1) Offstreet parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate offstreet parking facilities for each constituent use are permitted, provided that the total number of spaces so located together are not less than the sum of the separate requirements for each use of normal hours of operation coincide, and not more than 300 feet from and contiguous to the lot on which the main building is located.
 - (2) In any case, where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereto, assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Solicitor, and filed with the application for a building permit.
 - (3) Not more than 50% of the parking spaces required for (a) theaters, and places of amusement, and up to 100% of the parking spaces required for a church or school, may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a), provided that written agreement assuring the retention for such purposes is properly drawn and executed by the parties concerned, approved as to form and execution by the East Conemaugh Borough Solicitor, and filed with the application for a building permit.
- C. Control of Offsite Facilities. When required accessory offstreet parking facilities are provided other than on the lot on which the principal use is located, they shall be in the same possession, either by deed or long-term lease, as the

property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the Borough Secretary, requiring the owner and his or her heirs and assigns to maintain the required number of offstreet parking spaces during the existence of said principal use. Use of such offsite facilities is subject to approval by the East Conemaugh Borough Engineer.

D. Nonresidential Parking in Residential Districts. Accessory offstreet parking facilities serving nonresidential uses of property may be permitted in any R District when authorized by the Zoning Hearing Board after review and study by the Planning Commission, subject to the following requirements in addition to all other relevant requirements of this Part.

- (1) The parking lot shall be accessory to, and for use in connection with, one or more nonresidential establishments located in adjoining districts or in connection with one or more existing professional or institutional office buildings or institutions, and within 300 feet of the nonresidential use which it is to serve.
- (2) Said parking lot shall be used solely for the parking of passenger automobiles.
- (3) No commercial repair work or service of any kind shall be conducted on said parking lot.
- (4) No sign of any kind other than signs designating entrances, exits and conditions of use shall be maintained on said parking lot, and shall not exceed 12 square feet in area.
- (5) The parking lot may be open from 7:00 a.m. to 9:00 p.m. and shall be closed at all other times; however, when supervised by one or more full-time attendants, the parking lot may be kept open until 12:00 midnight.
- (6) Each entrance to and from said parking lot shall be a distance of at least 35 feet from any adjacent property located in any residential district, except where ingress and egress to the parking lot is provided from a public alley or public way separating the residential areas from the proposed parking lot. A buffer area of 15 feet minimum width shall be provided and maintained along all lot lines, which are not street lines, abutting residential uses.
- (7) In addition to the foregoing requirements, such parking lots shall conform to any further requirements and conditions as may be prescribed by the Borough Council for the protection of properties adjacent to and in the vicinity of the proposed parking lot.

6. Design, Maintenance and Schedule of Offstreet Loading Space.

A. Design.

- (1) **Loading Space; Description.** An offstreet space shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys. A required loading space shall be not less than 10 feet in width, 14 feet in height and of adequate length to suit the specific use exclusive of access aisles and maneuvering space, except as otherwise specifically dimensioned herein.
 - (2) **Location.** No permitted or required loading space shall be closer than 50 feet to any property in a residential district unless completely enclosed by building walls, or an ornamental fence or wall, or any combination thereof not less than 6 feet in height. No permitted or required loading space shall be located within 25 feet of the nearest point of intersection of any two streets. Loading space open to the sky may be located in any required yards, except at intersection of streets.
 - (3) **Measurement of Spaces.** When determination of the number of required offstreet loading spaces results in a requirement of a fractional space, any fraction up to and including 1/2 may be disregarded, and fractions over 1/2 shall be interpreted as one loading space.
 - (4) **Surfacing.** All open offstreet loading spaces shall be improved with a compacted base, and surfaced with all-weather dustless material of adequate thickness to support the weight of fully-loaded vehicles which customarily use the said spaces.
- B. **Schedule of Required Loading and Unloading Space.** Every building or structure used for business, trade or industry shall provide space as here indicated for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley or, if there is no alley, to a street. Off-street loading and unloading space shall be in addition to the requirements for off-street parking space listed herein. Offstreet loading and unloading space shall not be designed, intended, constructed or used in a manner such as to obstruct or interfere with the free use of any street, alley or adjoining property. The specific use requirements for offstreet loading and unloading spaces are provided for as follows:
- (1) **Multistory Multiple-Family Dwellings.** One off-street loading and unloading space at least 10 feet wide for every 3,000 square feet of total floor area.
 - (2) **Industrial Plants.** One off-street loading and unloading space at least 12 feet by 50 feet for every 5,000 square feet of total floor area.
 - (3) **Warehouses and Wholesale Storage Facilities.** One off-street loading and unloading space at least 12 feet by 50 feet for every 7,500 square feet of total floor area.

- (4) Freight Terminals and Trucking Terminals. One off-street loading and unloading space at least 12 feet by 50 feet for every 5,000 square feet of total floor area.

(Ord. 1/3/1994, §1401)

§1402. SIGNS.

1. General Provisions.

- A. A building permit shall be required for any sign or billboard in excess of 3 square feet.
- B. All signs shall be erected and maintained in safe orderly condition. The Zoning Officer may order the repair or removal of any sign which he has declared unsafe. In the event the owner fails to remove or repair an unsafe sign within 10 days following such notification by the Zoning Officer, it may be removed by the Borough at the owner's expense.
- C. All signs shall be erected in a manner which will not obstruct vision or in any way impede the safe movement of vehicular and/or pedestrian traffic.
- D. Each face of a double-faced sign shall be considered a single sign for interpretation of area regulations.

2. Signs Permitted in Residential Districts. In R Districts, the following signs shall be permitted and the following regulations shall apply:

- A. One identification sign for a multifamily dwelling or a home occupation. When for a multifamily dwelling, not to exceed 12 square feet; when for a home occupation, not to exceed 1 1/2 square feet.
- B. One bulletin board per street for a church or similar place of worship, each not to exceed 30 square feet.
- C. One temporary unlighted real estate sign, not to exceed 30 square feet.
- D. One directional sign, not exceeding 1 1/2 square feet.
- E. In connection with a parking facility, directional signs not to exceed 8 square feet each.
- F. Signs not attached to a building shall be set back at least 5 feet from a lot or street line, or any required buffer area. A freestanding sign shall not exceed 20 feet in height, as measured from the ground to the top of the sign. No sign mounted on a building shall project above the ridge line of a sloping roof, nor above the eave line of a flat roof.

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3. Signs Permitted in L-I Districts. In L-I Districts, the following signs shall be permitted and the following regulations shall apply:
- A. Any sign permitted in R and C Districts.
 - B. One business sign or identification sign, not to exceed 1 square foot for every 1 lineal foot of frontage occupied, not to exceed 120 square feet for any one business.
 - C. One business or identification sign per street for a group of three or more businesses on one parcel or tract, not to exceed 240 square feet per sign.
 - D. Signs not attached to a building shall be setback at least 5 feet from a lot or street line, or any required buffer area. Signs located on a corner lot shall be set back a minimum of 15 feet from the front and side street lines. A free-standing sign shall not exceed 40 feet in height, as measured from the ground to the top of the sign. No sign mounted on a building shall project above the ridge line of a sloping roof nor above the eave line of a flat roof.
 - E. All signs in any L-I District shall be stationary, nonrevolving, nonflashing and nonanimated; if illuminated, they shall utilize reflected or refracted light in such manner as shall not detrimentally affect any property in another zoning district.
 - F. Billboard not to exceed 300 square feet may be permitted by the grant of a special exception by the Zoning Hearing Board, provided that it shall:
 - (1) Not be located closer than 50 feet to a public right-of-way.
 - (2) If attached to a building, not project above the ridge line of a sloping roof nor the eave line of a flat roof.
 - (3) If freestanding, not to exceed 20 feet in height, measured from the ground to the top of the sign.
 - (4) Be on a parcel or lot not abutting or opposite a frontage in an R District, unless the advertising face is not visible from the R District.
 - (5) Be no nearer than 300 feet to any R District if illuminated, unless the advertising face is not visible from the R District.
 - (6) Be no nearer than 300 feet to any church, school, park, playground or recreational area owned and operated by a public body.
 - (7) Be no nearer than 400 feet to the centerline of any restricted or limited access highway or the access ramps thereto, if the face of the sign is visible therefrom.

(Ord. 1/3/1994, §1402)

§1403. ANIMALS IN RESIDENTIAL DISTRICTS.

Farm animals, hoofed animals and poultry shall not be kept in any residential districts. Household pets shall be limited to two pets per family.

(Ord. 1/3/1994, §1403)

§1404. STORMWATER MANAGEMENT.

Adequate stormwater drainage facilities shall be installed in order to insure that stormwater does not flow onto abutting property or abutting sidewalks at a detrimental rate. The rate of stormwater runoff from a property after construction and/or development shall not exceed the rate of runoff prior to the construction and/or development.

(Ord. 1/3/1994, §1404)