CODIFIED ORDINANCES OF THE TOWN OF McCANDLESS

PART THIRTEEN - PLANNING AND ZONING CODE

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Art. 1341. Uses.
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Art. 1343. Nonconforming Structures and Uses.
Art. 1344. Transportation Overlay District.
Art. 1345. Site Plans.
Art. 1346. Traditional Neighborhood Development Overlay District.
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Art. 1370. Existing Public Utilities; Penalty.
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APPENDIX

CODIFIED ORDINANCES OF THE TOWN OF McCANDLESS

PART THIRTEEN - PLANNING AND ZONING CODE

TITLE ONE- Planning
Art. 1301. Planning Commission.

ARTICLE 1301
Planning Commission

EDITOR'S NOTE: The Planning Commission's establishment, membership and duties are governed by the Town Charter and the Administrative Code, and the Pennsylvania Municipalities Planning Code.

1301.01 Officers; procedural rules and regulations; records; annual report.
1301.02 Powers and duties.

CROSS REFERENCES
Planning and Development Administrator- see CHTR. Art. IX, §901
Review of Zoning ordinances- see CHTR. Art. IX, §903(b)
Planning Commission appointment - see CHTR. Art. IX, § 902
Established, members, terms- see ADM. 123.01, 123.02

1301.01 OFFICERS; PROCEDURAL RULES AND REGULATIONS; RECORDS; ANNUAL REPORT.

The Planning Commission shall elect its own chairman and vice chairman and create and fill such other offices it deems appropriate. Officers shall serve annual terms and may succeed themselves. The Commission may make and alter any laws and rules and regulations to govern its procedure consistent with the laws of the 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 Town Council.
(Ord. 519 §3. Passed 3-24-69.)

1301.02 POWERS AND DUTIES.

(a) The Planning Commission shall have the power and shall be required to:

(1) Prepare the comprehensive plan for the development of the Town.

(2) Maintain and keep on file records of its action. All records and files of the Commission shall be in the possession of Town Council.

(b) The Planning Commission shall:

(1) Prepare and present for consideration to Town Council and, after adoption, maintain for Council, an official map and make recommendations to Council on proposed changes in such map.

(2) Prepare and present to Council a zoning ordinance, and make recommendations to Council on proposed amendments to it.

(3) Prepare and administer subdivision and land development regulations.

(4) Prepare and administer planned residential development regulations.

(5) Prepare and present to Council a building code and make recommendations on proposed amendments thereto.

(6) Prepare and present to Council a housing code and make recommendations on proposed amendments thereto.

(7) Submit to Council a recommended capital improvement program.

(8) Promote public interest in, and understanding of, the comprehensive plan and planning.

(9) Hold public hearings and meetings.

(10) Require from other departments and agencies of the Town such available information as relates to the work of the Planning Commission.

(11) Enter upon any land to make examinations and surveys either after permission has been obtained from the owner or after public notices:

(c) In the performance of its powers and duties, any act or recommendation of the Planning Commission which involves engineering consideration shall be subject to the approval of a professional engineer licensed as such in the Commonwealth of Pennsylvania.

(Ord. 519 §4. Passed 3-24-69.)

TITLE THREE - Zoning Code

Art. 1311. Preliminary Provisions.
Art. 1313. District Common Standards.
Art. 1314. D-Development District Performance Standards.
Art. 1315. R-1 Single-Family Dwelling District.
Art. 1317. R-2 Single-Family and Two-Family Dwelling District.
Art. 1319. R-3 Townhouse and Garden Apartment District.
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Art. 1346. Traditional Neighborhood Development Overlay District.
Art. 1347. Zoning Map.
Art. 1349. Zoning Hearing Board.
Art. 1351. Administration and Enforcement.

ARTICLE 1311
Preliminary Provisions

1311.01 Enabling clause, short title and date.
1311.02 Community development objectives.
1311.03 Zoning objectives. (Repealed)
1311.04 Definitions.
1311.05 Zoning district designations; Map.
1311.06 Stormwater overlay districts.
1311.07 Stormwater management.
1311.08 Compliance.
1311.09 Permits required.
1311.10 Interpretation.
1311.11 Severability.

CROSS REFERENCES

Changing zoning districts - see CHTR. Art. V, §504
Zoning amendments - see CHTR. Art. V, §§504(j), 505(g); Pa. Municipalities Planning Code §609 (53 P.S. §10609)
Interpretation and construction - see Pa. MPC §§103-105 (53 P.S. §§ 10103-10105)
Definitions - see Pa. MPC §107 (53 P.S. §10107)
Official Map - see Pa. MPC §§401-408 (53 P.S. §§10401-10408)
Zoning classifications - see Pa. MPC §605 (53 P.S. §10605)
Common district standards - see P. & Z. Art. 1313
Swimming pool defined - see P. & Z. 1313.12
Zoning Map - see P. & Z. Art. 1347
Administration and enforcement - see P. & Z. Art. 1351

1311.01 ENABLING CLAUSE, SHORT TITLE AND DATE.

It is hereby ordained and enacted by the Town Council of the Town of McCandless, Allegheny County, Pennsylvania, that from and after the effective date of this Zoning Ordinance the following regulations shall be in full force and effect. This ordinance shall be known as and may be referred to as the Zoning Code.
(Ord. 741 §101. Passed 7-3-78.)

1311.02 COMMUNITY DEVELOPMENT OBJECTIVES.

The community development objectives which are the basis for the provisions of this Code are set forth in the Comprehensive Plan as adopted and amended by Council. In addition to the Comprehensive Plan, the following is a supplementary statement of the purpose and intent of the Town Zoning Ordinance. The objectives are adopted as a statement of legislative findings and may be used in evaluating any proposed additions or deletions to the Zoning and Land Use Ordinances.

(a) The general objective for the management of growth in the Town is to provide a pleasant, attractive, healthy, safe and convenient environment for living, working, education, shopping and recreation. This objective shall be pursued by the creation and implementation of land use plans to:
    (1) Preserve and improve the natural environment;
    (2) Increase property values, employment opportunities, and the economic base of the community;
    (3) Provide for safe, adequate and attractive housing;
    (4) Obviate losses from flooding;
    (5) Provide the necessary infra-structure of utilities and vehicular and pedestrian transportation arteries;

(6) Provide for recreational and community facilities; and
(7) Provide for ongoing community planning and growth management.
(8) Provide for safe, adequate and attractive commercial, institutional and industrial uses.

(b) The preservation and improvement of the environment shall be pursued by:
(1) The elimination of visual and physical blight such as overhead utility lines, light spillage, concentrations of signs of excessive size and proximity, large expanses of unbroken pavement and dilapidated structures;
(2) The preservation of natural topography and wooded slopelands, including the limiting of hillside development beyond a reasonable gradient, and the control of flood plain and water sheds;
(3) The limitation of excess erosion, hazardous rock and soil slippage, sedimentation and other soil and water management problems;
(4) The regulation and control of the design, construction, quality of materials, use, location and maintenance of grading, excavation and fill;
(5) The acquisition by the Town of and the promotion of dedication of natural open space and wooded slopeland in order to link the existing and proposed park sites and neighborhoods and to prevent ecological problems resulting from extensive cut and fill necessary to develop wooded slopelands.

(c) The increase of property values, employment opportunities and the economic base of the community shall be pursued by:
(1) The promotion of balanced economic growth and employment opportunities;
(2) The concentration of commercial and industrial uses in the areas where streets and utilities can provide the necessary services and where conflicts with other uses can be minimized through site design and transitional provisions; and

(d) The provision of safe, adequate and attractive housing for the entire population of the community shall be pursued by:
(1) The provision of a wide range of housing density alternatives and a mix of housing types, correlating residential density and housing type with topography, environmental conditions, and the capacity of and distance from existing and proposed utilities, streets and community facilities;
(2) The removal of dilapidated housing, the rehabilitation of deteriorating housing, the maintenance of sound housing and the development of new housing;
(3) The promotion of an attractive residential environment through the implementation of the other objectives set forth herein;
(4) The provision of residential areas with adequate commercial, governmental, recreational and educational facilities; and
(5) The preservation of historical landmarks.

(e) The creation and implementation of land use plans shall seek to achieve the foregoing objectives and to:
(1) Avoid incompatible land use if possible and protect against the detrimental effect of incompatible land uses through planting, open space and natural breaks in topography;

(2) Concentrate development where possible to prevent sprawl, conserve open space, and make full use of utilities and services; and

(3) Provide site plan control.

(f) The prevention of loss of life, disruption of commerce and governmental services, unnecessary expenditure of public funds for flood protection and relief, and the related impairment of the tax base shall be pursued by:

(1) Regulation of uses and development in flood plains which, acting alone or in combination with other uses and development, may cause unacceptable increases in flood heights, velocities and frequencies;

(2) Restricting and prohibiting certain uses, activities, and development from locating within areas subject to flooding; and

(3) Requiring all those uses, activities, and developments that occur in flood plains to be protected and flood proofed against flooding and flood damage.

(g) The provision of the necessary infrastructure of utilities and transportation arteries shall be pursued by:

(1) The promotion of the town improvements of water lines, storm and sanitary sewers and roads;

(2) The encouragement of public utilities to improve and extend services consistent with the objectives set forth herein; and

(3) Traffic planning and control which will provide safe, rapid and convenient movement of people and goods within and through the Town, with a separation of through and local traffic, provision for pedestrians, and minimal disruption of existing and proposed development patterns and community integrity.

(h) The provision of recreational and community facilities shall be pursued by:

(1) The creation of a variety of outdoor and indoor recreational facilities to accommodate the existing and future population;

(2) The promotion of schools and parks in close proximity to decrease duplication of services and to provide the greatest value for public expenditures;

(3) The promotion of acquisition or dedication of natural open space for park and recreational purposes;

(4) The providing of residential areas with adequate commercial, governmental, recreational and educational facilities; and

(5) The preservation of historical landmarks.

(Ord. 1052 §1. Passed 4-22-91.)

1311.03 ZONING OBJECTIVES.

(EDITOR'S NOTE: This section was repealed by Ordinance 1052, passed April 22, 1991.)

1311.04 DEFINITIONS.

The meanings of certain terms used herein are defined as follows:

(a) As used in this Code, words in the singular include the plural, and those in the plural include the singular; the word may is permissive; the words shall and will are mandatory.

(1) "Abutting" means having a common border with, or being separated from such common border by, an alley or easement.

(2) "Access" means a means of vehicular approach or entry to or exit from property.

(3) "Acre" means 43,560 square feet.

(3.1) "Advertising sign" means a sign which is a principal use on a lot as opposed to an accessory use to a principal structure.
(Ord. 964. Passed 10-26-87.)

(3.2) "Agricultural commodity" means an agricultural commodity as generally defined in the "Right to Farm" law, as amended through Act 58 of 1998 and including: (1) agricultural, agronomic, aquacultural, horticultural, floricultural, viticultural, silvicultural or dairy products; (2) livestock and products of livestock; (3) ranch-raised fur bearing animals and the products of ranch-raised fur bearing animals; (4) the products of poultry or bee raising; (5) any products raised or produced on farms intended for human consumption and the processed or manufactured result of such products intended for human consumption, and (6) forestry and forestry products.

(3.3) "Agricultural operation, normal" means the activities as defined in the Right to Farm law, including the practices and procedures and the use of equipment by farmers in the production, harvesting and marketing of agricultural commodities. (Ord. 1235. Passed 7-17-00.)

(4) "Apartment" means a dwelling unit contained in a building comprising more than three dwelling units, each of which has a entrance to a hallway or balcony in common with at least one other dwelling unit.

(5) "Appeal" means a means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Code.

(6) "Applicant" means a landowner or developer (as hereinafter defined) who has filed an application for development, his heirs, successors or assigns.

(7) "Application for development" means every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including, but not limited to an application for a building permit, for the approval of a subdivision plat or plan for the approval of a development plan.
(Ord. 964. Passed 10-26-87; Ord. 1127 §B.1-2. Passed 8-22-94.)

(7.5) "Assisted Living Facility" is synonymous with "personal care home".
(Ord 1163. Passed 4-22-96.)

(8) "Attic" means that part of a building which is immediately below, and wholly or partly within, the roof framing.

(9) "Basement" means a portion of a building located partially or totally below grade. The basement constitutes a story if the basement floor is less than four feet below the average elevation of the ground.

(10) "Base site area" means a calculated area; see Section 1314.03.

(11) "Block" means an area bounded on all sides by existing or proposed streets.

(12) "Boarding house" means a lodging house at which meals are provided but not medical facilities.
(Ord. 964. Passed 10-26-87; Ord. 1127 §B.1-2. Passed 8-22-94.)

(13) "Bufferyard/buffer area" means a unit of land, together with a specified type and amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them. (Ord. 1004 §1. Passed 3-27-89.)

(14) "Building" means a structure built, maintained or intended for use for the shelter or enclosure of persons, animals or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

(15) "Building, accessory" means a building which:

A. Is subordinate to and serves a principal structure or a principal use;

B. Is subordinate in area, extent and purpose to the principal structure or use served;

C. Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Code; and

D. Is customarily incidental to the principal structure or use.

Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

(16) "Building front" means that exterior wall of a building which faces a front lot line of the lot.

(17) "Building line" means a line on a lot, generally parallel to a lot line or road right-of-way line, and located at a distance from such lot line or road right-of-way line, a distance equal to the minimum yards required by this Code. The building line delimits the area in which buildings or structures may extend or be constructed, subject to all applicable provisions of this Code. For irregular-shaped lots, see Section 1313.14 Yards.

(18) "Building, principal" means a building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

(19) "Building setback line" means a line representing the front building line. (See subsection (a)(17) hereof.)

(20) "Buildable area" means that part of the lot not in any required yard.

(21) "Building area" means the total gross area of the first floor of all principal buildings on a lot.

(22) "Caliper" means a measurement of the size of a tree equal to the diameter of its trunk measured four and one-half feet above natural grade.

(23) "Caretaker's residence" means a dwelling unit which is used exclusively by either the owner, manager or operator of a principal permitted use and which is located on the same parcel as the principal use.

(24) "Cartway" means the portion of a street intended for vehicular use.

(25) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1127, passed August 22, 1994.)

(26) "Clear sight triangle" means an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street center lines.

(27) "Completion guarantee" means a deposit of cash, bond, certified check, negotiable securities or the submission of an irrevocable letter of credit from a bank or savings and loan by the owner or developer as security for the completion of any required improvements. The deposit is returnable to the depositor or the letter of credit is terminated upon completion of all required improvements within the stated period.

(28) "Common open space" means a parcel or parcels of land or an area of water, or a combination of land and water within a development site, designed and intended for the use or enjoyment of residents of the site. Common open space does not include streets, off-street parking areas and areas set aside for public facilities. (Ord. 964. Passed 10-26-87.)

(28.1) "Communications antenna" means any structure designed for transmitting or receiving wireless communications of video, voice, data, and similar transmission, including, but not limited to, omni-directional or whip antennas, directional or panel antennas and satellite or microwave dish antennas which may be mounted on an existing building, an existing public utility storage or transmission structure. A commercial antenna may include support arms or legs integral to its construction. This definition shall not include private residence or private business mounted satellite dishes or television antennas or amateur radio equipment including ham or citizen band radio antennas used exclusively as an accessory to that residence or business.

(28.2) "Communications tower" means any structure, whether free-standing or attached to a building, designed to support one or more communication antennas, including but not limited to monopole, self-supporting and guyed towers. (Ord. 1239. Passed 2-26-01.)

(28.3) "Comprehensive Plan" means a plan consisting of maps, charts and textual data stating the objectives and plans for the development of the Town, as may be adopted, altered or revised from time to time by Council in accordance with Article III of the Pennsylvania Municipalities Planning Code.

(28.4) "Conditional use" means a use permitted in a specific zoning district, subject to specified criteria, and as approved by Council pursuant to public notice and public hearing and recommendations by the Planning Commission. (Ord. 1235. Passed 7-17-00.)

(28.5) "Convenience store" means any retail establishment offering for sale a relatively limited selection of prepackaged food products, household items, and other related goods, which may or may not include gasoline or fuel sales, characterized by a rapid turnover of customers and high traffic generation. (Ord. 1359. Passed 4-28-08.)

(29) "Corner lot". See subsection (a)(80) hereof.

(30) "County" means Allegheny County, Pennsylvania.

(31) "Coverage" means the ratio of the total area of buildings, and structures to the gross lot area.

(32) "Cul-de-sac" means a dead end street terminating in a vehicular turnaround.

(33) "Curb cut". See subsection (a)(2) hereof.

(34) "Day care center" means a center providing supervision, facilities and meals for preschool children during the day, excluding lodging.

(35) "Dedication" means the transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of less than fee interest, including an easement.

(36) "Density, gross" means the quotient of the total number of dwelling units divided by the base site area of a site.

(37) "Density factor" means an intensity measure expressed as the number of units per net buildable site area. It is the density on the buildable portion of a site.

(38) "Developer" means any landowner, holder of an option or contract to purchase, agent or tenant of such landowner, who, with the permission of such landowner, makes or causes to be made a subdivision of land or a land development.

(39) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1052, passed April 22, 1991.)

(40) "Development plan" means the provisions for development of a planned residential development, including 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. The phrase "provisions of the development plan" shall mean the written and graphic materials referred to in this definition.

(41) "Drainage" means the removal of surface water or groundwater from land by drains, grading or other means. "Drainage" includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

(42) "Drainageway" means any area to which runoff from surrounding land flows naturally or is caused to flow from existing land alterations and which conveys such runoff to a watercourse.

(43) "Drainage easements" means the dedication of or grant of use of lands required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

(44) "Dwelling" means any building or portion thereof which is designated or used for residential purposes.

(45) "Dwelling, attached" means three or more adjoining dwelling units, each of which is separated from the others by one or more unpierced walls from ground to roof.

(46) Multi-family dwelling" means a single structure intended for occupancy by three or more families.

(47) "Single family dwelling" means a separate, detached building designed for or occupied exclusively as a residence of one family.

(48) "Dwelling, semi-detached" means two dwelling units, each of which is attached side to side, each one sharing only one common wall with the other.

(49) "Dwelling unit" means one or more living or sleeping rooms with cooking and sanitary facilities for one person or one family.

(50) "Easement" means authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

(51) "Engineer" means a professional engineer licensed as such in the Commonwealth of Pennsylvania and duly appointed as the engineer for the Town.

(52) "Environmental critical areas" means lands that include streams, their flood plains, steep areas and slopes in excess of twenty-five percent (25%), that shall be restricted from development because of their resource values or hazardous nature.

(53) "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice and/or gravity.

(54) "Exterior storage" means outdoor storage of fuel, raw materials products, and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds and truck trailers stored outdoors.

(55) "Family" means one or more persons related by blood, marriage, adoption or guardianship or not more than three persons not so related occupying a dwelling unit and living as a single housekeeping unit.

(56.1) "Farm" means any lot or parcel of land used in the raising of farm animals or in the production of agricultural commodities.

(56.2) "Farm animal" means any type of animal normally kept or raised on a farm. Normal household pets are not included in this definition. Farm animals are classified as follows:

(1) Large animals, e.g., horses, ponies, mules, cattle, alpacas, etc.;

(2) Medium animals, e.g., sheep, goats, pigs, etc.

(3) Small animals, e.g., rabbits, chickens, turkeys, pheasants, geese, ducks, birds, fowl, fish, small reptiles, etc.

(56.3) "Farm building" means any type of building used for housing farm animals or farm type equipment used in normal agricultural operations or used for processing, production or storage of agricultural commodities. (Ord. 1235. Passed 7-17-00.)

(56.4) "Filling" means the depositing on land, whether submerged or not, of sand, gravel, earth or other materials of any composition whatsoever.

(57) "Floodplain" means either riverine or inland degressional areas. Riverine floodplains are those area contiguous with a lake, stream or stream bed whose elevation is greater than the normal waterpool elevation but equal to or lower than the projected 100 year flood elevation. Inland depressional floodplains are not associated with a stream system but are low points to which surrounding lands drain.

(58) "Floor area" means the sum of the gross floor area for each of a building's stories measured from the exterior limits of the faces of the structure. The floor area of a building includes basement floor area and includes attic floor area only if the attic area meets the Town building code standards for habitable floor area. It does not include cellars and unenclosed porches or any floor space in an accessory building or in the principal building which is designed for the parking of motor vehicles in order to meet the parking requirements of this Code.

(59) "Floor area factor" means the intensity measure expressed as the ratio derived by dividing the total floor area of a building by the net buildable site area. It is the floor area ratio measured on the buildable area of the site.

(60) "Floor area ratio" means an intensity measured as a ratio derived by dividing the total floor area of a building by the base site area. Where the lot is part of a larger development and has no bufferyard, that lot area may be used instead of the base site area.

(61) "Forest" means an area containing mature woodlands, woodlands and/or young woodlands.

(62) "Garage" means a deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

(63) "Garden apartment building" means an apartment building with three or more dwelling units on one, two or three floors.

(64) "Gross density". See subsection (a)(36) hereof.
(Ord. 964. Passed 10-26-87; Ord. 1127 §B.3-9. Passed 8-22-94.)

(64.5) "Hazardous material or substances" means any substances or materials in form or quantities which, in the determination of the Town, pose a possible risk to the life, health or safety of persons or property, or to the ecological balance of the environment, or to the contamination of our water sources. These shall include, but not be limited to: explosives, PCB's, petroleum products or gases (except in motor vehicles and equipment), poisons, etiologic agents, flammables, corrosives, gases under high pressure, acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid and oxides of nitrogen, phosphorus, potassium, sodium, sulfur products and pesticides (including insecticides, fungicides and rodenticides) and any other products or materials listed in the Hazardous Substances List of the Pennsylvania Department of Labor and Industry.
(Ord. 1004 § 5. Passed 3-27-89.)

(65) "Height of structure" means building height in accordance with the International Building Code (IBC), latest edition.
(Ord. 1359. Passed 4-28-08.)

(66) "Hi-rise apartment building" means an apartment building with four to twelve floors. (Ord. 964. Passed 10-26-87.)

(66.5) "Home improvement center" means a retail establishment, selling a mixture of residential construction materials, appliances, cleaning supplies, home decorating and finishing materials, landscaping maintenance supplies, landscaping materials, and seasonal home use items such as holiday decorations, or flowers, but shall not include wet concrete or unbagged blacktop. (Ord. 1360. Passed 4-28-08.)

(67) "Home occupation" means an occupation which is carried on in the home by the resident without special signs or displays, special mechanical equipment not customary in family dwelling units, or building alterations not customary to family dwelling units. No one living outside the home may be employed nor any commodity sold or warehoused. Any need for parking generated by the conduct of a home occupation shall be met off the street and on the lot other than in the required front yard and honoring the setback requirements for accessory facilities. An office in the home is a home occupation and is subject to the above restrictions. (Ord. 1004 §2. Passed 3-27-89.)

(68) "Impervious surface" means those which do not absorb water. They consist of all buildings, parking areas, driveways, road, sidewalks and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

(69) "Impervious surface on lot" means the total amount of impervious surface which is present on a lot.

(70) "Impervious surface ratio" means a measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a site by, in the case of residential uses, base site area or, in the case of nonresidential uses, by net buildable site area.

(71) "Intensity class, land use" means a measure of the magnitude and negative impact of a land use on the environment and neighboring land uses.
(Ord. 964. Passed 10-26-87.)

(72) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1127, passed August 22, 1994.)

(72.25) "Junk" means any discarded material or article and shall include, but not be limited to, scrap metal, batteries, scrapped, abandoned or junked motor vehicles, machinery, equipment, glass, containers and industrial waste. It shall not include refuse or garbage kept in proper containers for the purpose of prompt disposal.

(72.5) "Junkyard" means any land with or without buildings, where any junk, as defined herein, is stored, disposed of, or accumulated outside of a completely enclosed building and shall conform to the requirements as set forth in this article. "Junkyard" includes any place where two (2) or more junked vehicles, as defined herein, are stored for any purpose for a period of thirty (30) days or more shall be deemed a junkyard.

(72.75) "Junked vehicle" means any vehicle which meets one or more of the conditions set forth below:

A. Broken windshields, mirrors or other glass with sharp edges.

B. One or more flat or open tires or tubes which could permit vermin harborage.

C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage or entry of children.

D. Any body parts with sharp edges including holes resulting from rust or damage.

E. Missing tires resulting in unsafe suspension of the motor vehicle.

F. Upholstery which is torn or open that could permit animal and/or vermin harborage.

G. Sharp objects protruding from the chassis.

H. Broken headlamps, tail lamps, side lamps, or other vehicle body parts with sharp edges which are inherently dangerous and could permit the harborage of vermin.

I. Broken vehicle frame suspended from the ground in an unstable manner.

J. Leaking or damaged oil pan or gas tank which could cause fire or explosion.

K. Leaking battery.

L. Any condition enabling entrapment within the vehicle including but not limited to open trunks.

M. Damaged floor boards, trunk, trunk floor, fire wall or truck bed with holes or sharp edges.

N. Damaged bumpers pulled away from the perimeter of the vehicle.

O. Broken grill with protruding edges.

P. Vehicle suspended on unstable supports.

(Ord. 1408. Passed 12-19-11.)

(73) "Land development" means the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

A. A group of two or more buildings, or a single nonresidential building; or

B. The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or

C. A subdivision of land; or

D. Development in accordance with Section 503(1.) of the Pennsylvania Municipalities Planning Code (Act 247).

(Ord. 1052 §4. Passed 4-22-91.)

(74) "Landowner" means 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 persons having a proprietary interest in land.

(75) "Landslide prone area" means an area where the downward and outward movement of slope-forming materials composed of rock, soils, artificial fills or a combination of these materials exist. (See Article 1314 Appendix map for landslide prone areas, soils types and locations.)

(76) "Lot" means a parcel , tract or area of land, undivided by any street or private road as established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

(77) "Lot area". See subsection (a)(78) hereof.

(78) "Lot area, gross" means the area within the lot lines.

(79) "Lot area, net" means the gross lot area, less internal road rights-of-way (calculated fifty feet wide), parking spaces (calculated at 180 square feet each), parking area aisles and drives (calculated at twenty-four feet wide).

(80) "Lot corner" means a lot abutting two or more streets at their intersection.

(81) "Lot frontage" means lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured and the minimum lot width required by this Code shall be provided, at each such line. The minimum lot frontage shall be sixty-five feet.

(82) "Lot line" means a line bounding a lot which divides one lot from another or from a street or any other public or private space.

(83) "Lot line, rear" means that lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular or gore-shaped lot, a line twenty feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

(84) "Lot line, side" means any lot line other than a front or rear lot line.

(85) "Lot line, street" means in the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard.

(86) "Lot of record" means any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances and regulations.

(87) "Lot width" means the distance between side lot lines measured along the front building line.

(88) "Maintenance guarantee" means a guarantee of facilities or work to insure the correction of any failures of any improvements required pursuant to this Code and regulation, or to maintain same.

(88.5) "Manufactured structure" means a structure transported in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation. (Ord. 1264. Passed 3-25-02.)

(88.6) "Master Development Plan" means a document, including plats and plans, demonstrating how the development meets the purpose and objectives of the conditional use express standards for a TND, establishing locations for uses within the proposed development and establishing lot lines and bufferyards, the locations of common open space, and civic art (such as pavilions, pergolas, benches, sculpture gardens, fountains and the like) and shared parking facilities or parking structures. (Ord. 1359. Passed 4-28-08.)

(89) "Minimum floor elevation" means the lowest elevation permissible for the construction, erection or other placement of any floor, including a basement floor.

(90) "Mortician" means the business or profession of a funeral home which does not contain any crematory facilities.

(91) "Net buildable site area" means a calculated area for residential uses and nonresidential uses.

(Ord. 964. Passed 10-26-87; Ord. 1127 §B.10-14. Passed 8-22-94; Ord. 1359. Passed 4-28-08.)

(91.5) "Nursing home" means a facility licensed as a nursing home by the Commonwealth of Pennsylvania.

(Ord. 1004 §3. Passed 3-27-89.)

(91.7) "Older adult day care center" means an establishment, licensed by the Commonwealth, located within a building not used as a dwelling unit, for the care of six or more persons, on a regular basis during part of a twenty-four hour day, of handicapped or elderly persons, but who do not require constant medical or nursing care. This does not include current court adjudicated felons or misdemeanants or drug or alcohol treatment centers. (Ord 1163. Passed 4-22-96.)

(92) "On-site" means located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

(93) "Open space ratio" means the proportion of a site consisting of open space which shall be calculated using the base site area.

(94) "Owner" means the person or persons having the right of legal title to, beneficial interest in or a contractual right to purchase a lot or parcel of land.

(95) "Parallel" means extending in the same direction or within twenty degrees of the same direction.

(96) "Parcel" means the area within the boundary lines of a development.

(Ord. 964. Passed 10-26-87.)

(96.3) "Personal care home" means a premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four hours for six or more adults who are not relatives of the operator, who do not require the services in (or of) a long term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration, and which premise is licensed by the Pennsylvania Department of Public Welfare as such, but not including, drug or alcohol rehabilitation or medical or nursing care or current court adjudicated felons or misdemeanants. (Ord 1163. Passed 4-22-96.)

(96.5) "Personal storage facilities/establishments" means a building or group of buildings for the interior storing of goods, equipment, wares or merchandise where there is no sales or service on the premises.

(Ord. 1004 §4. Passed 3-27-89.)

(97) "Planned residential development" means an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations established in any one residential district created, from time to time, under the provisions of the zoning code.

(98) "Planning Commission" means the Town of McCandless Planning Commission.

(99) "Town Master Plan" means a plan which may consist of maps, data and other descriptive material as may be adopted, altered or revised from time to time by Council.

(100) "Plat" means the map or plan of a subdivision or land development, whether preliminary or final.

(101) "Final plat" means the final map of the land development or subdivision which is submitted for Town approval and which, if approved, is filed with the County Recorder of Deeds. (Ord. 964. Passed 10-26-87.)

(101.5) "Portable storage units" means trailers, units rolled off a truck or transported by truck or other vehicular means and generally used or intended for use as temporary storage on a premise. This includes: PODS® or similarly designed units, storage trailers, drop-off or roll-off dumpsters unless expressly permitted, and other portable storage units. (Ord. 1334. Passed 9-25-06.)

(102) "Preliminary plat" means a preliminary map of the proposed land development or subdivision which is submitted for Town consideration.

(103) "Public grounds" includes parks, playgrounds and other public areas; and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

(104) "Public improvement" means any improvement, facility or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs, including any or all of the following: grading, vehicular and pedestrian circulation systems, flood control improvements, water supplies and distribution facilities, sanitary sewage disposal and treatment, public paving, curbs, curb returns, gutters, sidewalks, drive entrances within a street right-of-way, utility and energy services, parking areas, fire hydrants, storm sewer lines and structures, drainage channels and structures, guide rails, traffic signals and devices, retaining walls, recreation facilities, sodding, landscaping and monuments, whether on-site or off-site.

(105) "Public notice" means a notice published once each week for two successive weeks in a newspaper of general circulation in the Town. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty days and the second shall not be less than seven days from the date of the hearing. (Ord. 964. Passed 10-26-87.)

(106) "Public Transit Shelter" means a structure located at a transit stop providing protection for individuals who are waiting for public transportation. (Ord. 1316. Passed 3-28-05.)

(107) "Right-of-way" means that portion of land dedicated to public use for street or utility purposes.

(108) "Sedimentation" means the deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a result of erosion.

(109) "Sight distance" means the distance an object two feet above the pavement of a street is visible from an eye level four and one-half feet above the pavement (the average height of an automobile operator's eye).

(110) "Steep slopes" means land area where the inclination of the land's surface from the horizontal is twelve percent (12%) or greater. Slope is determined from on-site topographic surveys prepared with a two foot contour interval or topography taken from controlled aerial photography at two foot contour intervals.

(111) "Street" means a right of way which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, drive or other appropriate name. A street may also be identified according to type of use as in the following subsections (a)(112) through (115) hereof.

(112) "Arterial street" means a street which is used primarily for fast or heavy traffic of an intercommunity nature.

(113) "Collector street" means a street which carries traffic from minor streets to the arterial system.

(114) "Minor street" means a street which is used primarily for traffic access to the abutting properties.

(115) Marginal access street" means a minor street which is parallel to an arterial street which provides access to abutting properties and protection from through traffic.

(116) "Structures" means any man-made object having an ascertainable stationary location on land or in water, whether or not affixed to the land.
(Ord. 964. Passed 10-26-87; Ord. 1127 §B.15, 16. Passed 8-22-94.)

(117) "Subdivision" means 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 subdivision by lease of land for agriculture purposes into parcels of more than ten acres, not involving any new street or easement of access or residential dwellings shall be exempt. All subdivisions are also land developments.
(Ord. 1052 §5. Passed 4-22-91.)

(118) "Substantial completion" means the completion in the judgment of the engineer of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project shall be able to be used, occupied or operated for its intended use, but in no event shall substantial completion be considered to have been achieved when less than ninety percent (90%) (based on the cost of the required improvements for which security was posted) has been completed.

(119) "Temporary use", See subsection (a)(124) hereof.

(120) "Townhouse building" means a building containing three to eight family dwelling units attached side by side but without interior access from one to another.

(121) "Use" means the purpose or activity for which land or any building thereon is designed, arranged or intended for which it is occupied or maintained.

(122) "Use, accessory" means a use which:

A. Is subordinate to and serves a principal structure or a principal use;

B. Is subordinate in area, extent and purpose to the principal structure or use served;

C. Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Code; and

D. Is customarily incidental to the principal structure or use.

(123) "Use, principal" means the specific primary purpose for which land is used.

(124) "Use, temporary" means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

(125) "Watercourse" means any channel for conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

(126) "Woodland" means an area of planted material covering one acre or more and consisting of thirty percent (30%) or more canopy trees having an eight inch or greater caliper, or any grove consisting of eight or more trees having a ten inch or greater caliper.

(127) "Woodland, mature" means an area of plant material covering one acre or more and consisting of thirty percent (30%) or more canopy trees having a sixteen inch or greater caliper, or any grove consisting of eight or more trees having an eighteen inch or greater caliper.

(128) "Woodlands, young" means an area of plant material covering one acre or more and consisting of seventy percent (70%) or more canopy trees having a two and one-half inch caliper or greater, or a tree plantation for commercial or conservation purposes where seventy percent (70%) or more of the canopy trees have a two and one-half inch or greater caliper.

(129) "Yard" means the area between a lot line or road right-of-way and the face of a building or structure. The minimum yard width or depth shall be the minimum measurement between the lot line or street right-of-way and the building or structure.

(130) "Yard, front" means a yard extending the full width of the front of a lot, between the road right-of-way line and the front face of a building or structure.

(131) "Yard, rear" means a yard extending the full width of rear of a lot, between the rear lot line and rear face of the building or structure.

(132) "Yard, side" means a yard extending from the rear yard to the front yard, between the lot line and the side face of the building or structure.

(Ord. 964. Passed 10-26-87; Ord. 1127 §B.17-20. Passed 8-22-94.)

(133) "Zoning occupancy permit" means a document issued by the Zoning Officer upon completion of the development of a site including, but not limited to, the construction of a structure, or change in use of a structure or parcel of land, or change of occupancy of structure, validating that all conditions have been met, and that the structure and land may be occupied and used for the purposes set forth in this Zoning Code.

(134) "Zoning permit" means a document issued by the Zoning Officer stating that a proposed use or development will be in compliance with this Zoning Code, and authorizing the applicant to proceed. (Ord. 1052 §6, 7. Passed 4-22-91.)

1311.05 ZONING DISTRICT DESIGNATIONS; MAP.

(a) Zoning District Designations. A Map entitled the "McCandless Zoning District Map" is hereby adopted as a part of this Zoning Code. The Zoning Map shall be kept on file for examination in the office of the Zoning Officer. All property in the Town is zoned according to the following districts and is so shown on the Zoning Map:

R-1	Single-Family Dwelling District
R-2	Single-Family and Two-Family Dwellings District
R-3	Townhouse and Garden Apartment District
R-4	Hi-Rise Apartment District
R-5	Planned Residential Development District
R-6	Elderly Housing District
R-C	Residential-Commercial
D	Development District
I	Institutional District
TND	Traditional Neighborhood Development Overlay District

C-1 Commercial Recreation District
C-2 Neighborhood Shopping District
C-3 Highway Commercial District
C-4 Regional Shopping District
C-5 Commercial Residential District
C-6 Industrial District
C-7 Office Building District
C-8 General Office and Limited Retail District
TD-1 Transportation Overlay District

(Ord. 1052 §8. Passed 4-22-91; Ord. 1073 §3. Passed 5-26-92; Ord. 1127 §B.21. Passed 8-22-94; Ord. 1359. Passed 4-28-08.)

(b) TD-1 District Boundaries. For TD-1 Districts, the boundaries shall be coterminous with the District established pursuant to the requirements of the Transportation Partnership Act, 53 P.S. §1621 et seq., Business Improvement Districts, 53 P.S. 1551 et seq. or Municipality Authorities Act of 1945, 53 P.S. §301 et seq. The maps created for such districts shall be deemed to be the TD-1 maps.

(c) Creation and Incorporation of Transportation Overlay Districts. Upon both: (1) the creation by the Town of a Transportation Development District or a Business Improvement District and (2) receipt by the Zoning Officer of a certified copy of the ordinance or resolution, as appropriate, creating the District along with the District map, there shall be created a TD-1 Transportation Overlay District coterminous with such District. The Zoning Officer shall cause such Transportation Overlay District to be noted on the Zoning Map. The Transportation Overlay District shall continue in existence until the earliest of: (1) the payment of all indebtedness issued by the Town for transportation improvements in the transportation or business improvement district, or (2) the end of the useful life of the TPAD transportation improvements as determined by the Town Engineer. (Ord. 1073 §4, 5. Passed 5-26-92.)

(d) Traditional Neighborhood Development Overlay District. A Traditional Neighborhood Development Overlay District is created as a conditional use, as shown on the zoning map, bounded on the north by Cumberland Road, on the east by Babcock Boulevard, on the south by Duncan Avenue and on the west by McKnight Road, including all parcels of land abutting Duncan Avenue between Babcock Boulevard and McKnight Road but excluding the parcel of land at the southwestern corner of Cumberland Road and Babcock Boulevard, currently identified as Lot 1 of the La Roche College Plan of Lots (Greek Church).
(Ord. 1359. Passed 4-28-08.)

1311.06 STORMWATER OVERLAY DISTRICTS.

(a) The Town is hereby divided into a series of overlay districts which are listed in subsection (b) hereof and shown on the Subwatershed Map in Appendix A of Article 913.

(b) Stormwater Management Districts. The following districts are established according to the boundaries of the watersheds designated by the Pennsylvania Department of Environmental Resources in accordance with the Pennsylvania Stormwater Management Act (Act 167 of 1978, as amended) and the watershed stormwater management plans prepared pursuant thereto, where applicable:

Pine Creek
Girty's Run
Lowries Run

The Pine Creek and Girty's Run watersheds are further subdivided into hydrologic subbasins as shown on the Subwatershed map. Copies of these maps are available at the Town Hall.
(Ord. 979 §2. Passed 2-22-88.)

1311.07 STORMWATER MANAGEMENT.

(a) All uses or lots in all zoning districts shall comply with the requirements and standards for managing stormwater runoff in the watershed and/or subbasin in which the lot is located, as contained in Article 913.

(b) Agricultural activities, nurseries and forestry management operations, where permitted, shall be required to provide for the safe management of stormwater runoff in accordance with the requirements of Article 913. However, the submission and approval of a stormwater management plan, as required by Section 913.04 shall be waived for such activities which have an erosion and sedimentation control plan approved by the County Conservation District. (Ord. 979 §2. Passed 2-22-88.)

1311.08 COMPLIANCE.

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged nor shall any structure or land be altered or used except in full compliance with all provisions of this Zoning Code, the Subdivision and Land Development Regulations, and all other applicable Land Development Regulations, and after the lawful issuance of all permits and certificates required by the Land Development Regulations.
(Ord. 1052 §9. Passed 4-22-91.)

1311.09 PERMITS REQUIRED.

To ensure compliance with the provisions of this Zoning Code, the following permits are required:

(a) A zoning permit shall be required before any person may construct, reconstruct, move, alter, or enlarge any structure or building; or change the use of a structure or land to a different use; or change a nonconforming use or structure.

(1) No zoning permit shall be issued for a subdivision or land development until the final plan has been approved by Council and has been recorded as required herein.

(2) No zoning permit shall be issued for any permitted conditional or accessory use upon any lot except a single-family dwelling until a site plan has been submitted, reviewed and approved in accordance with the provisions of this Code. A zoning permit is not required by a change in occupancy for existing structures if there is:

A. No change in use category;

B. No building, additions or alterations. (See Section 1345.01(2)).

(3) A grading permit shall be obtained from the Town for new grading, excavations and fills. Changes, additions or alterations made to existing excavations or fills shall conform to the provisions of Article 1705 of the Codified Ordinances. A separate grading permit shall be required for each site. One permit may cover the grading, excavation and any fills made on the same site.

(b) A zoning occupancy permit shall be required for each separate business conducted on property prior to the occupancy of land or structure or any portion thereof, and to certify the validity of nonconforming uses or structures. (See Section 1701.04(n) of the Codified Ordinances.)

(c) A sign permit shall be required before any person may hereafter erect or alter in any way any sign, except a nameplate or temporary real estate sign as specified in Section 1313.11(b)(1) and (b)(2).

(d) Every permit shall become null and void if the work authorized has not been commenced within one year from the date of issue or is not completed within five years from the date of the preliminary approval of the land development. The applicant may request in writing a new permit for the start of the development as covered by the original permit or an extension of the time constraints for the completion of the work.

If the scope of work conforms to the plat or plan originally approved and the development can be completed within the aforesaid five year period, the Zoning Officer may issue a new permit.

If the development cannot be completed within the aforesaid five year period, the request for an extension of the time constraints may be approved by Council with or without changes to the originally approved plat or plan.

(e) Every permit shall be revocable where the Zoning Officer determines that the applicant or occupant is not complying with every condition required by the issuance of such permit.

(Ord. 1052 §10. Passed 4-22-91; Ord. 1127 §B.22-26. Passed 8-22-94; Ord. 1144 §1. Passed 5-22-95.)

1311.10 INTERPRETATION.

The provisions for this Zoning Code shall be held to be the minimum requirements for the protection of the health, safety, morals and general welfare of the Town.
(Ord. 1052 §11. Passed 4-22-91.)

1311.11 SEVERABILITY.

Should any section, part or provision of this Zoning Code be declared by appropriate authority to be unlawful or unconstitutional, the remainder of this Code shall remain in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the effective date of this Code.
(Ord. 1052 §12. Passed 4-22-91.)

ARTICLE 1313
District Common Standards

1313.01 Area adjustment.
1313.02 Buffer areas.
1313.03 Fences and walls.
1313.04 Lighting.
1313.05 Loading berths.
1313.06 Parking requirements.
1313.07 Privacy screen.
1313.08 Restricted building sites.
1313.09 Road right-of-way.
1313.10 Landscaping.
1313.11 Signs.
1313.12 Swimming pools; fences.
1313.13 Temporary structures.
1313.14 Yards.
1313.15 Minimum distance between office buildings.
1313.16 Storm water drainage facilities. (Repealed)
1313.17 Sidewalks.
1313.18 Maximum building height.
1313.19 Blasting.
1313.20 Land use.
1313.21 Alterations or enlargements to commercial or institutional structures or land uses.
1313.22 Building standards.
1313.23 Accessory facilities.

CROSS REFERENCES

Official map - see Pa. Municipalities Planning Code §§401-408 (53 P.S. §§10401-10408)
Signs and billboards - see Pa. MPC §603 (53 P.S. §106.03)
Swimming clubs - see P. & Z. 1315.06, 1317.07, 1327.03
Zoning district uses table - see P. & Z. 1341.01
Fences around playgrounds - see P. & Z. 1341.06
Nonconforming structures and uses - see P. & Z. 1343.01, 1343.02, 1349.06
Site plans - see P. & Z. Art. 1345
Zoning Map - see P. & Z. Art. 1347
Fences, special exceptions - see P. & Z. 1349.05(d)

1313.01 AREA ADJUSTMENT.

If part of a lot or parcel of land presently has a slope over twenty-five percent only half of such sloped areas shall be included in determining compliance with minimum lot area, density or coverage. This adjustment applies to either gross or net areas.
(Ord. 741 §201. Passed 7-3-78.)

1313.02 BUFFER AREAS.

(a) Where specified as a dimensional standard a buffer area shall be provided along certain boundaries of a lot to provide protection for adjacent property. This buffer area shall not be used for parking, vehicular circulation, storage or display of commercial materials or goods for retail or wholesale or other purpose. This includes any portion of the buffer area which is within the road right of way. (Ord. 1127 § B.27. Passed 8-22-94.)

(b) When a lot size is reduced by way of condemnation or deed in lieu of condemnation, and as such reduces or eliminates a required buffer zone, such buffer is not required to be replaced as required by the Town Code.

(c) Where a lot size is reduced by way of condemnation or deed in lieu of condemnation and where a "Corridor Study" has been performed, future development or redevelopment may follow buffer standards adopted by ordinance or resolution of Town Council in lieu of the buffer requirements of the zone district in which such a study has been performed. (Ord. 1361. Passed 5-19-08.)

1313.03 FENCES AND WALLS.

(a) Except as otherwise provided in the Zoning Code, the maximum permitted height of a fence in the rear or side yard shall be six feet. The only fences permitted in the front yard are ornamental or decorative fences, at least eighty percent (80%) open, and not fencing of the chain link type or wire generally used for enclosure or containment. The maximum height of a fence in the front yard shall be three feet. Enclosure or containment fences are permitted in the side and rear yard only. On a corner lot the side yard abutting the right of way shall be considered front yard for fencing purposes.

(b) Higher fences between properties in different zoning districts may be authorized or required at the time of site plan approval. Higher fences along lot lines adjacent to swimming pools or commercial properties may be authorized by the Zoning Hearing Board as a special exception when necessary for effective buffering. Electrified fences and fences with barbed wire are not permitted.

(c) Retaining walls shall not exceed six feet. See Section 1705.05 of the Codified Ordinances. (Ord. 1052 §14. Passed 4-22-91; Ord. 1127 §B.28, 29. Passed 8-22-94.)

1313.04 LIGHTING.

(a) These regulations are intended to prevent the spillover of light offsite onto adjacent lots or streets, and to prevent disturbance, annoyance or hazard from direct vision of light sources. Public street lighting is not covered by these regulations.

(b) Applications for land development approvals shall include an accurate photometric map of the proposed lighting.

(c) These regulations apply to all commercial and institutional uses and recreation facilities in all zoning districts, except signage, including but not limited to, park areas, ball fields, tennis courts, golf driving range, baseball and basketball practice areas, par three and miniature golf courses and amusement or recreational parks and shall be subject to the following conditions:

(1) A maximum permitted light intensity of five-tenths foot candle shall extend no closer than fifteen feet to a residential lot.

(2) Any light source within 100 feet of a residential lot shall not be directly visible from said lot.
(3) The lighting fixture shall be shielded and so arranged that the light or glare does not represent a hazard to the operation of motor vehicles.
(4) Special lighting approved for tennis courts or other home recreational purpose shall not be permitted after 10:00 p.m.
(5) Flickering or flashing lights shall not be permitted.
(6) Building lighting used for security shall not extend beyond the drive or parking areas. (Ord. 1144 Sec. 2. Passed 5-22-95.)

1313.05 LOADING BERTHS.

The number and size of truck loading berths shall be adequate to handle the anticipated traffic. Loading berth areas shall have a dust-free surface, shall not be used for repair and shall not be included in the required parking area. (Ord. 741 Sec. 205. Passed 7-3-78.)

1313.06 PARKING REQUIREMENTS.

(a) The minimum number of off-street parking spaces to be provided for every new or substantially reconstructed building shall be as follows:

Building or Use	Required Minimum Parking Space
Assisted Living/Personal Care Home (Ord. 1192. Passed 11-24-97.)	1 space per 2 beds
Auto sales - (outdoor storage)	1 for every 4,000 sq. ft. of storage area
Auto sales room	2 for each 600 sq. ft. of display area
Bowling alley	5 per lane
Churches	1 for every 3 pew seats
Doctors office	2 per doctor plus 1 for each 150 sq. ft. of office space
Home occupation	1 additional
Hospital	1 per bed
Funeral home	20 per parlor (rooms with dividers shall be required to have the minimum number of spaces per potential parlor)
Motel/hotel	5 for each 4 sleeping rooms
Nursing home	1 for every 3 beds
Offices (Ord. 1252. Passed 8-27-01.)	1 for each 300 sq. ft. of office area

Building or Use (Cont.)	Required Minimum Parking Space(Cont.)
Outdoor storage/display	1 for every 200 sq. ft. of storage/display
Residential	2 per dwelling unit, not to include garage area
Retail store/ service shop	1 for each 150 sq. ft. of gross floor area
Schools	2 per classroom plus 1 for every 5 students in grades 11 and above
Swimming club	1 for each 60 sq. ft. of water surface
Theater	1 for each 3 seats
Warehouse/storage area	1 for each 500 sq. ft. of designated floor area

(b) The minimum number of parking spaces for uses not listed above shall be sufficient to accommodate the vehicles of the peak number of persons at the facility at any one time as determined by the Town. Parking spaces suitable for the needs of the handicapped will be provided as approved on the site plan and sign, railings and ramps will be provided as appropriate to the site and in accordance with applicable State and Federal regulations. A traffic and parking study performed by a professional engineer shall be required if requested by the Town to assist in this determination at the expense of the applicant.

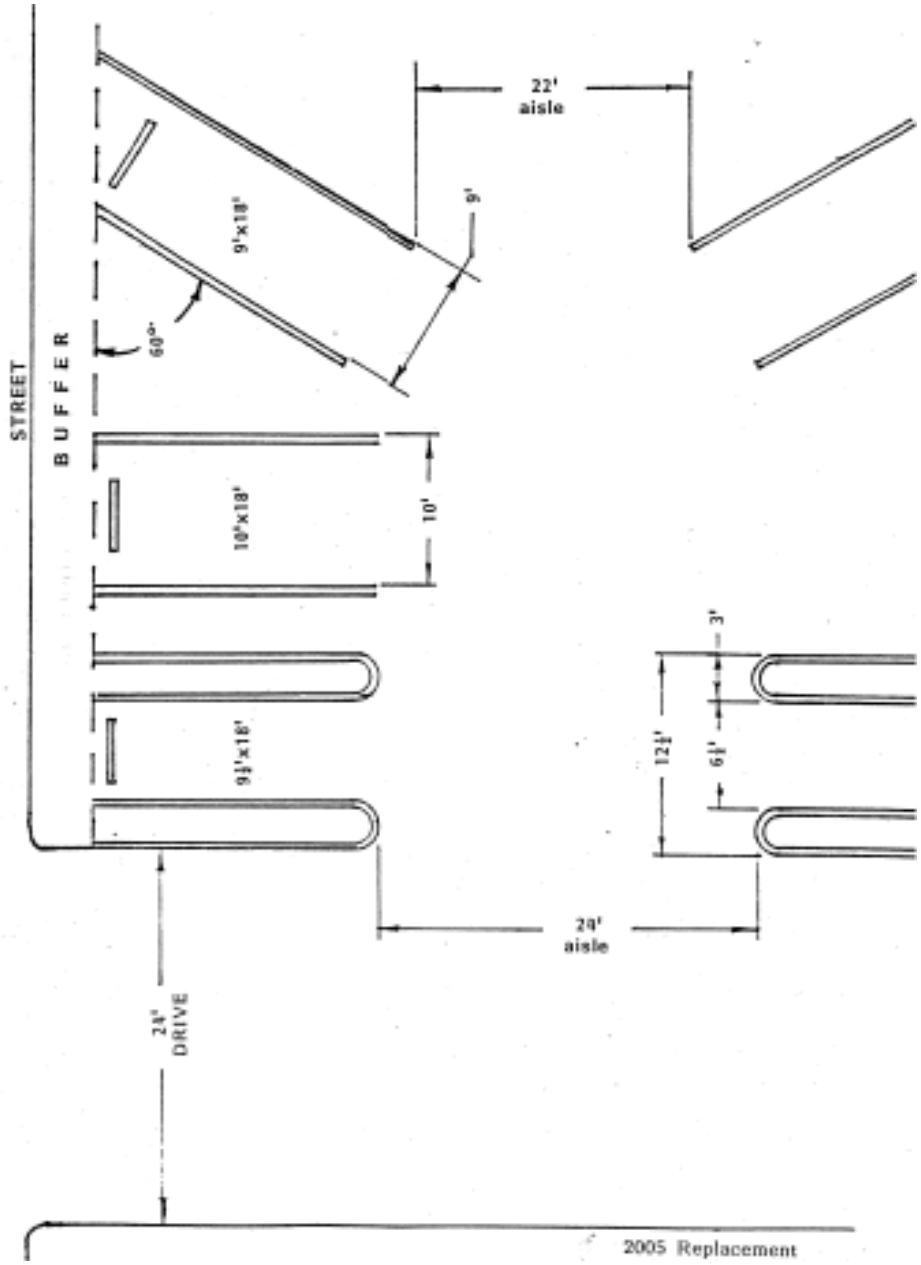
(c) Parking spaces may be inside or outside, but no area where cars are being serviced, painted, or washed shall be counted as parking spaces. Each required space and aisles shall conform to the following:

(1) Parking spaces shall be at least ten feet by eighteen feet. The minimum drive or aisle width shall be twenty-four feet. Council may approve an alternate design conforming to the following:

A. Angled parking, at a minimum of sixty degrees, with a nine foot by eighteen foot rectangular space.

B. With angled parking in accordance with subsection (c)(1) hereof, aisles between cars shall be a minimum of twenty-two feet for two way traffic an twenty feet for one way traffic.

C. The minimum parking space shall be nine and one-half by eighteen feet. Parking shall be double striped with each parking area having an inside dimension of six and one-half feet and the double strip between parking areas having an outside dimension of three feet.


STREET
BUFFER
60°
9'x18'
9'
22' aisle
10'x18'
10'
9½'x18'
24' DRIVE
24' aisle
12½'
6½'
3'
2005 Replacement

(2) All parking spaces shall open directly on an aisle or drive of such design as to provide means of vehicular access to a street in a manner which shall least interfere with traffic movement.

(3) Parking spaces, aisles and drives shall be paved with asphalt, concrete or as approved by Council.

(4) Wheel stops shall be provided to prevent vehicle bumpers from extending into an uncurbed buffer area, pedestrian pathway or other protected area.

(5) These parking requirements do not apply to single and two family houses. (Ord. 1052 §15-17. Passed 4-22-91; Ord. 1144 §3-5. Passed 5-22-95.)

(6) Striping or re-striping of parking spaces requires the issuance of a permit. A plan showing the layout of spaces shall be submitted along with a permit application. (Ord. 1144 §6. Passed 5-22-95.)

(d) The minimum distance from a parking area to an apartment building or to a townhouse building without an inside garage for each dwelling unit shall be fifteen feet.
(Ord. 741 §206. Passed 7-3-78.)

(e) Council may require or approve alternate design standards for off-street parking in response to unusual conditions such an attendant parking, indoor parking, interaction between different abutting uses in the same zoning district, or a clearly documented difference between expected parking and required parking spaces; provided any reduction in the number of required spaces so granted shall be offset by a reserved area for future installation of a like number of spaces to be so improved at the discretion of the Town.

(f) (EDITOR'S NOTE: Former subsection (f) hereof was repealed by Ordinance 1426.)

(g) If a new use is proposed for an existing building, or a new use is to be added to the original use, the parking requirements of this section shall apply.
(Ord. 1052 §18-20. Passed 4-22-91.)

(h) All parking lots greater than two hundred (200) parking stalls which have drive aisles parallel to the building must provide walkways from the parking lot to the front of the building meeting the following requirements:

(1) The walkways must be a minimum of four (4) feet wide and may be painted and shall not be curbed.

(2) The walkways shall not be obstructed by parking lot landscaping, lighting or other impediments.

(3) The walkways shall be located so that any point on the parking lot is not more than one hundred (100) feet from a walkway.

(4) Walkways crossing drive aisles must be marked in accordance with applicable cross walk standards.

(5) Walkways adjacent to buildings must meet Town sidewalk standards.

(i) Parking lots must meet the requirements of Article 1346, Appendix A, section (b)(13) ("Parking Lot Landscape Requirements").
(Ord. 1433. Passed 12-16-13.)

1313.07 PRIVACY SCREEN.

A privacy screen to provide visual privacy may be built of fence-type materials provided it is not over eight feet in height nor more than twenty-eight feet in total length. Privacy screens are permitted in side and rear yards only and shall respect the zoning district building setback line. (Ord. 906 §3. Passed 5-28-85.)

1313.08 RESTRICTED BUILDING SITES.

Nothing may be built, placed or graded within or above an easement. Nothing may be built, placed or graded on a site known to be landslide prone or which has a slope over twenty-five percent (25%) unless the plans for same have been approved by a registered engineer and submitted with the request for the appropriate permit.
(Ord. 906 §4. Passed 5-28-85.)

1313.09 ROAD RIGHT-OF-WAY.

(EDITOR'S NOTE: Former Section 1313.09 was deleted by Ordinance 1316.)

1313.10 LANDSCAPING.

Refer to Section 1314.02 for design standard then to Section 1314.05(b).
(Ord. 1004 §24. Passed 3-27-89.)

1313.11 SIGNS.

(a) General Requirements. All signs must be constructed and maintained in accordance with the Building Code. Signs over eight square feet require a building permit. Billboards, bulletin boards, graphic displays and posters are considered signs. Three-dimensional displays, pennants, banners and flashing lights are not considered signs and are not permitted. The area of an irregularly-shaped sign shall be calculated as the area of the smallest quadrilateral needed to enclosed it. No sign may be illuminated unless specifically authorized herein. All free-standing signs shall be set back a minimum of fifteen feet off any road right-of-way line. No sign will be permitted which would constitute a traffic hazard or impair a motorist's ability to see a traffic light or be confused with a traffic light. (Ord. 1052 §21. Passed 4-22-91.)

The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

(b) Types of Signs Permitted and Their Restrictions. Only the following signs are permitted:

(1) A name plate sign identifying the occupant of a building may not exceed one square foot in area.

(2) A for sale or for rent sign not over six square feet in area is permitted on the premises only. Such a sign shall be removed promptly as soon as the sale or rental has been accomplished or if the sale or rental is no longer desired.

(3) A construction project sign identifying a design firm, general contractor or subcontractor, not over eight square feet in area is permitted on the premises provided the total area of such sign does not exceed fifty square feet. Such signs shall be removed within ten days of the completion of the work.

(4) A bulletin board, not over twelve square feet in area and to face each abutting road is permitted upon the premises of a church, cemetery, school, college, hospital, nursing home, etc. provided they relate exclusively to the identity, activities and services of the particular institution. A bulletin board may be illuminated.

(5) A development sign, not over fifty square feet in area, may be erected on the premises to face each abutting road. Such signs may not interfere with the required clear-sight triangle at road intersections. Signs not over eight square feet in area to direct the public to a residential development may be erected during the period of construction on other property with the owner's written consent.

(6) An identification sign not over eight square feet in area giving the name of a residential development may be placed on the gate post or wall at the development's entrance even though it is within the road right-of-way.

(7) A commercial sign on commercial premises conforming to the following dimensional standards may face each abutting road. Two signs may face any abutting road on which the frontage is over 200 feet. Signs may be illuminated in a manner that does not infringe on the privacy of adjoining property. Dimensional standards are as follows:

		Type of Sign			
Dimensions	**District**	**Freestanding**	**Roof**	**Overhanging**	**Wall**
Maximum area in square feet	C2, C7	32	32	16	(See (b)(14) below)
	C1, C3-C6 and C8	64	64	32	
Maximum height to top	C2, C7, RC C1, C3-C6 and C8	20 35	35 35	20 35	20 35
Minimum height to bottom in feet	C1-C8, RC	8	–	10	–
Maximum projection in feet	C1-C8, RC	–	–	5	–

Should several commercial signs be assembled on a common support or supports they will be considered a sign group, and the above restrictions will be applicable to the sign group as though it were a single sign.

(8) A portable free-standing sign not over six square feet in area and advertising special sales or prices of products sold on the premises may be placed along each abutting road during the hours that the premises are open for business. Such signs shall be back three feet from the right-of-way.

(9) An institutional sign of the free-standing, roof or wall type may be erected on the institution's premises provided it conforms to the requirements for a commercial sign in the C-7 District.

(10) Only directional signs to churches, hospitals and government buildings may be placed in the right-of-way. Maximum size of any directional sign is two square feet. If there are three or more signs at one location they shall be mounted on a common support.
(Ord. 741 §211. Passed 7-3-78; Ord. 770 §2. Passed 7-23-79; Ord. 1127 §B.30, 31. Passed 8-22-94.)

(11) No commercial sign may be placed on any property except commercial property and then only at such time as the commercial business being advertised by the sign is being physically conducted on such premises and only after a sign permit is obtained. (Ord. 1052 §22. Passed 4-22-91.)

(12) Noncommercial signs including but not limited to signs announcing or advocating candidates for political office or ballot questions are permitted on private property within the Town and with the property owner's permission. The provisions of subsection (a) hereof do not apply to noncommercial signs. (Ord. 1065 §1. Passed 12-9-91.)

(13) Advertising signs are permitted as a conditional use in the C-3 Highway Commercial District, as a principal use only. (See Section 1341.12)

(14) The total area of all wall signs shall not exceed one square foot for each foot of length of the front building wall or length of that portion of such wall which is devoted to such establishment. Corner buildings may divide total square feet on signage permitted to two sides. Height of lettering, designs and symbols shall not exceed five feet.

(Ord. 1127 §B.32, 33. Passed 8-22-94.)

(15) An off-premise sign which shall be permitted under the following circumstances and no other:

A. When access to two or more buildings or uses is available but not readily obvious or safely available to a vehicle operator and a safer entrance is available and the entrances to the buildings or uses are not on an arterial, minor arterial or collector road as defined and named in the Town Comprehensive Plan, dated May, 2005, and any successor comprehensive plan.

B. When the use of the alternate access will serve to lessen traffic congestion, and simplify traffic movements.

C. There shall be no advertising copy on the sign.

D. The signs shall be limited to four (4) square feet per building or use identified on the sign.

E. The signs must not be in the sight triangle as defined in the Town Zoning Ordinance and specified in the most recent version of the Town Standards for Construction applicable at the time of application for the sign.

F. The sign must be placed on a cooperating property owner's land or in the right-of-way with the jurisdiction's agreement.

G. All signs shall be mounted on a common support at an intersection.

H. The sign may be placed only at the intersection or intersections of the public road from which access is gained and the arterial, minor arterial or collector road.

I. If the status of the public road on which the building or use is changed to an arterial, minor arterial or collector road, the sign must be removed at the sign owner(s)' expense.

J. If the business ceases to exist the sign must be removed at the business owner's expense.

K. A fee in an amount to be determined by the Municipality to be sufficient to cover the cost of removal and adopted by resolution must be paid prior to the issuance of a permit.

L. A maintenance agreement must be signed by the property owner installing the sign prior to issuance of a permit.

(Ord. 1374. Passed 6-15-09.)

(c) <u>Sign Regulations for U.S. Route 19 ("Wexford Flats").</u>

(1) <u>Statement of Purpose and Intent.</u> It is the intent of Section 1313.11 (c) of the Town of McCandless:

A. To develop a consistent and compatible identity of the sign overlay zone for the Route 19 Corridor through the development of signage standards for the Town of McCandless and the Township of Pine. The regulations shall be applied to the Route 19 Corridor as identified in Section VII of this ordinance.

B. To encourage changes to, or replacement of non-conforming signs with signs conforming to these regulations, through the use of an incentive program.

C. To ensure a safer environment for pedestrians and automobiles through the placement, size, design, and quantity of signs along the corridor.

D. To afford the business community equal and fair opportunity to advertise and promote its services.

E. To minimize the adverse effects of signs.

F. To maintain and enhance the aesthetic environment of this corridor.

(2) Applicability. A sign may be erected, placed, established, painted, created, or maintained along the Route 19 Corridor only in conformance with the standard procedures, exemptions, and other requirements of this subsection.

(3) Definitions. Words and phrases used in this subsection shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in the Township of Pine and the Town of McCandless Zoning Ordinances, shall be interpreted with the meaning set forth in each respective ordinance. Definitions not specifically appearing anywhere in the ordinance shall have the meaning as defined in Merriam *Webster Collegiate Dictionary*, latest edition.

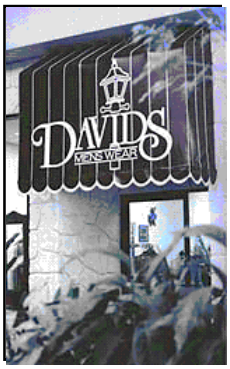
A. Abandoned Sign. A sign or sign structure on a site, which identifies a business that is not operating or does not have services offered on the premises on which the sign is located.

B. Address Signs. The number or other designation assigned to a housing unit, business establishment, or other structure for all purposes of location, mail delivery, and emergency services.

C. Advertising Vehicle. Any vehicle and/or trailer which has affixed to it any sign or advertising device which is parked on public or private property and visible from the public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

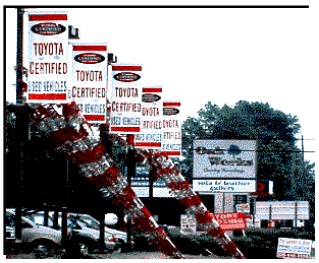
D. Awning. An architectural projection or shelter projecting from, and supported by, the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

E. Awning Sign. A sign mounted, painted, or attached to, or integral to, an awning.



F. Back-Lighting or Silhouette Lighting. A method of internal illumination whereby the light source is contained within the sign structure. Illumination is directed towards the building façade, thereby back-lighting or silhouetting the sign itself.

G. Banner sign. A sign with or without characters, letters, or illustrations applied to cloth, paper, fabric or other non-rigid material.



H. Campus Sign. Any on-premises sign that assists the flow or circulation of pedestrian or vehicular traffic.

I. Canopy, Attached. A multi-sided overhead structure or architectural projection supported by attachments to a building or on one (1) or more sides and either cantilevered from such building or also supported by columns at additional points.

J. Canopy, Detached. A multi-sided overhead structure supported by columns, but not enclosed by walls.

K. Canopy Sign. A sign mounted, painted, attached to, or integral to, a canopy.

L. Changeable Copy Sign, Manual. A sign that is designed so that characters, letters, or illustrations can be changed or rearranged manually to change the message on the sign without altering the face or the surface of the sign.

M. Electronic, Changeable Copy Sign, Remote. A sign that is designed so that characters, letters, or illustrations can be changed or rearranged remotely by electronic or other means to change the message on the sign without altering the face or the surface of the sign.

N. Exposed Tube Style Lighting. A luminaire in which the light source consists of, or is contained in, an uncovered extruded cylinder or other shape which may be formed into geometric patterns, lettering, logos, or emblems. This may include, but not be limited to, LED's, exposed glass tube lighting, neon, or rope lighting. This shall not include strings of incandescent bulbs.

O. Flag. Any fabric containing distinctive colors, patterns, or symbols, used as a symbol of the United States of America, the Commonwealth of Pennsylvania, or the local municipality. A flag is not a sign.

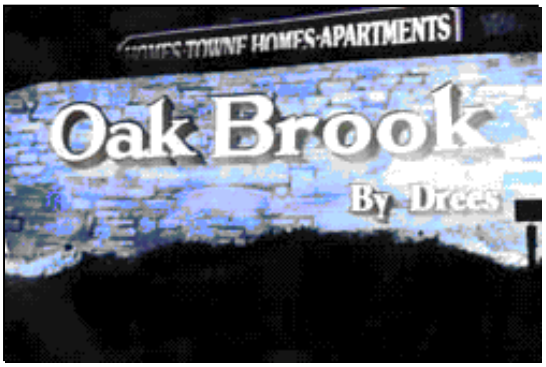
P. Flashing Sign. A sign that contains an intermittent or sequential flashing light source or has a light source which is not stationary, varies in illumination intensity, or contains elements which give the appearance of any of the aforementioned.

Q. Freestanding Sign. A self-supporting sign which is detached from any building and is supported by poles, posts, braces, or other type of base on the ground.

R. Ground/Monument Sign. A freestanding sign, which is completely self-supporting, has its sign face or base on the ground and has no air space, columns, or supports visible between the ground and the bottom of the sign.

S. Illuminated Sign. A sign lighted by or exposed to artificial lighting, either by lights on or in the sign, or directed toward the sign.

Externally Illuminated Sign. A sign lighted by a source outside the sign.



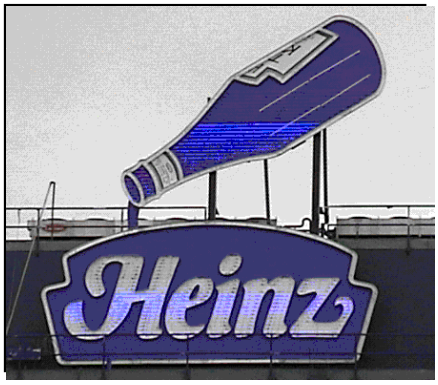
Internally Illuminated Sign. A sign containing a source of light contained within the sign structure.

T. Kiosk Sign. A sign consisting of three to five sides that lists names of businesses or other directional information located on a property or in a building.

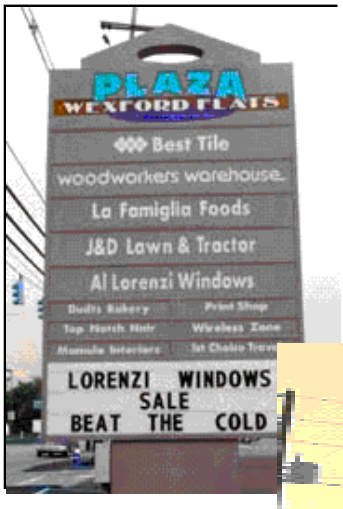
U. Marquee. An integral part of the building consisting of a roof, which is supported by the building and may also be supported by columns or piers, and includes porches, porticos and porte-cocheres, but does not include canopies or awnings.

V. Marquee Sign. A wall sign attached to a Marquee.

W. Moving or Animated Sign. Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement. This may include a flashing or Remote Changeable Copy Sign.



X. Multi-Tenant Building. A non-residential building which provides occupancy for two (2) or more tenants.

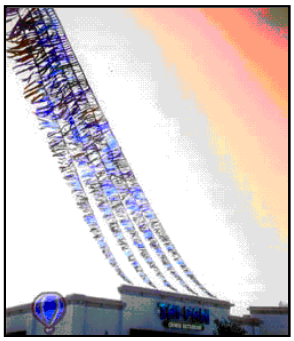


Y. Non-conformi

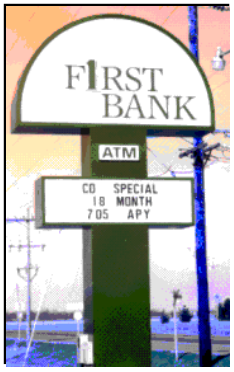
Z. Off-Premise Si

AA. Pathfinder Sig
(Ord. 1374. Pa

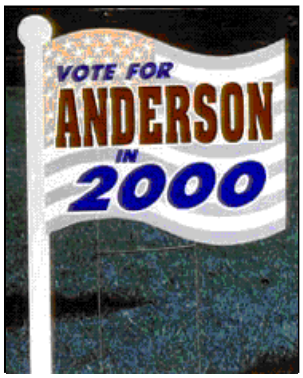
BB. Pennant/Streamer. Any lightweight plastic fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series and designed to move in the wind.



CC. Pole/Pylon Sign. A freestanding sign erected on a pole, poles, pylon, or pylons, where the bottom edge of the sign face is five (5) feet or more above the ground.



DD. Political Sign. Any sign that advertises a candidate or an issue, which is to be voted on in a local, state, or federal election process.



EE. Portable Sign. A sign intended to be moved easily and is not designed to be permanently affixed into the ground or to a structure.

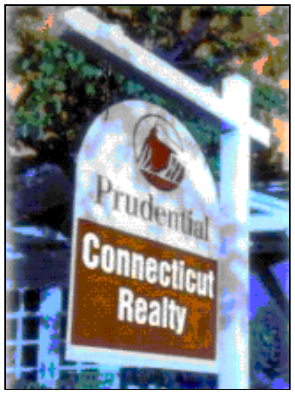
FF. Premises. The contiguous land in the same ownership or control, which is not divided by a street.

GG. Projecting Sign. Any sign that is projecting perpendicularly from the facade of a building more than twelve (12) inches from the face of the wall.

HH. Projection Sign. A sign that reproduces a remote image, by optical or any other means, on any surface.

II. Public Way. Any corridor designed for vehicular or pedestrian use that is maintained with public funds.

JJ. Real Estate Sign. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.



KK. Roof Sign. A sign erected on or attached to a roof or a sign attached to a building that projects above the highest point on the roofline.

LL. Sandwich Board Sign. A sign that provides a menu option for a particular use displayed on an easel-like frame.

MM. Safety Control Sign. A public safety sign pursuant to federal, state, or local public safety regulations.

NN. Sign or Signboard. Any writing, printing, painting, display, emblem, drawing, graphic, electronic display, computerized display or other device designed to be viewed by the public, designed and intended for advertising, and the structure supporting the display.

OO. Sign Area. The smallest quadrangle encompassing the entire face of a sign including the advertising surface and any framing, trim, molding, background, and the supporting structure situated above the lowest edge of the sign face.

PP. Sign Base. The support on which a sign face stands.

QQ. Sign Face. The area or display surface, including the advertising surface and any framing, trim, or molding, used for the message on a single plane.

RR. Sign Height. The vertical distance measured from the lowest finished grade elevation directly beneath the sign to the highest point of the sign, including all decorative embellishments.

SS. Single Tenant Building. A non-residential building that provides occupancy for one (1) tenant.

TT. Site Development Sign. A sign indicating that the premises is in the process of being subdivided and/or developed for the construction of dwellings or other buildings.

UU. Temporary Sign. Any sign erected for a limited time for a specific promotion.

VV. Three-Dimensional Sign. A sign having length, width, and depth and including spheres. Rectangular or square signs with a thickness of less than thirteen inches (13") are not considered three-dimensional signs.

WW. Time and Temperature Sign. A sign which indicates changing time and/or temperature.

XX. Traffic Control Sign. A sign regulating traffic.

YY. Wall Sign. Any sign painted, attached to, or affixed to, a building or structure, flat against the wall surface, in such a way that only one face of the sign is visible.

ZZ. Window Sign. Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is permanently affixed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

(4) Exempted signs. The following signs shall meet the requirements of this subsection (c) but do not require permits or fee payments:
- A. House and business street addresses
- B. Traffic Control Signs meeting federal, state, and/or local regulations.
- C. Governmental Signs, including Pathfinder Signs
- D. Political signs
- E. Religious or devotional symbols which contain no commercial content. Words or letters are not exempted and are covered by the sign regulations.
- F. Real Estate Signs

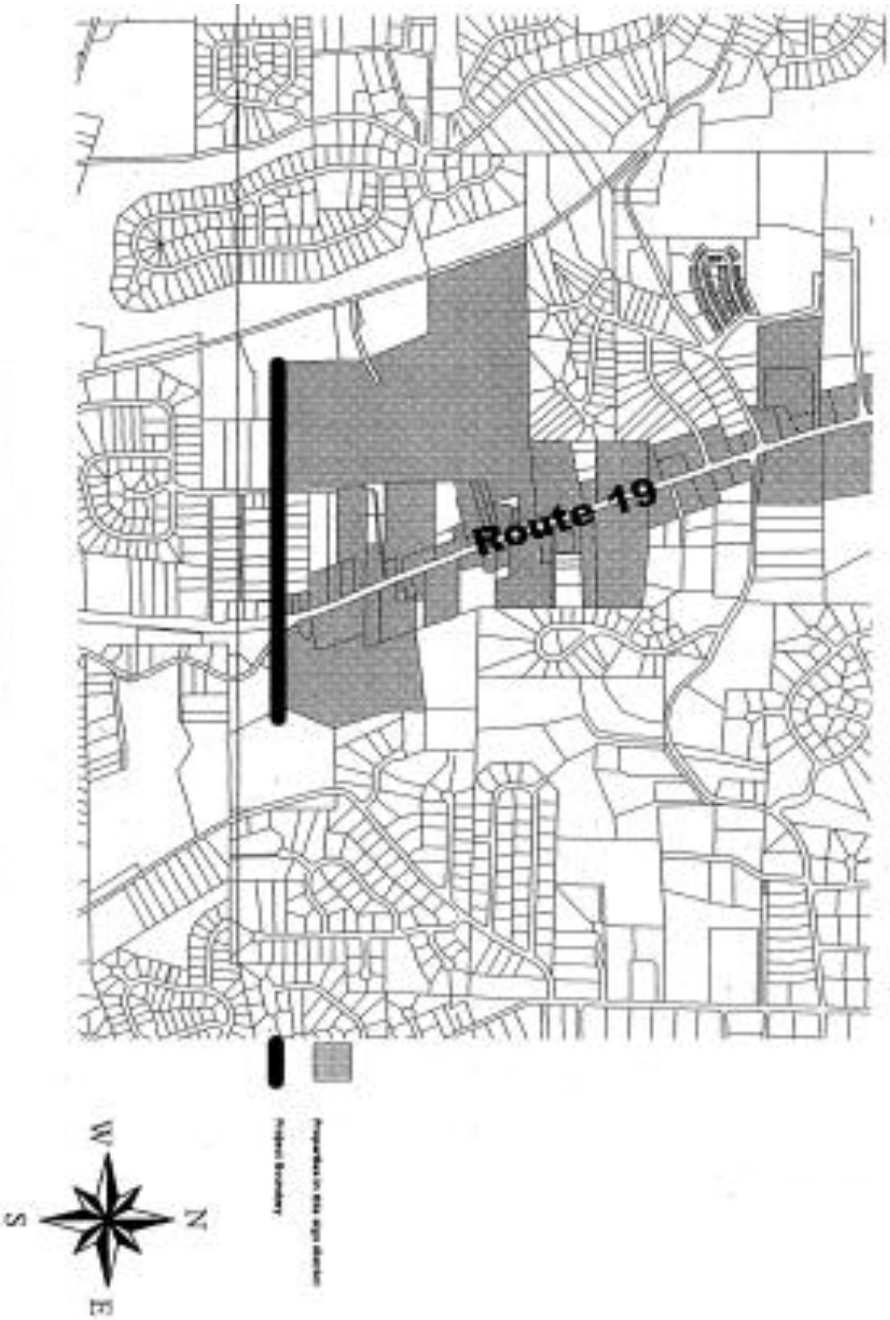
(5) Prohibited signs. The following signs are not permitted. Such signs include, but are not limited to:
- A. Awning Signs
- B. Banners
- C. Canopy Signs
- D Any sign attached to any tree, utility pole, or otherwise directly affixed to any rock, ledge, or other natural feature.
- E. Advertising Vehicle
- F. Projection Signs
- G. Three-dimensional Signs
- H. Traffic Control Signs not meeting federal, state and/or local regulations.
- I. Except as specifically permitted elsewhere in the Town Code no sign shall be erected:
  1. In the public right-of-way or public easement, except for those placed by an authorized governmental agency.
  2. At any location where, by reason of position, shape, wording, or color, it interferes with, or obstructs the view and/or movement of pedestrian or vehicular traffic.

3. Which may be confused with any authorized traffic sign, signal, or device.
4. Signs employing neon except those as permitted in subsection (9)A. hereof.

J. No sign shall project into or over any public right-of-way or easement, except as specifically permitted elsewhere in the zoning regulations.

Any federal, state, or local traffic control sign.

(6) Defining the corridor. The corridor governed by Section 1313.11(c) is the intersection of U.S. Route 19 with Old Perry Highway in the Town of McCandless north to the McCandless-Pine boundary. The lots adjacent to this section of U.S. Route 19, or any sign that is visible from Route 19 (Refer to attached map of the Route 19 Corridor) are governed by Section 1313.11(c) .



Route 19 Corridor

2004 Replacement

(7) Abandoned signs. A sign face must be removed within 30 calendar days of final closure of the business, loss of lease, vacating of the premise, or any event where the services are discontinued, or any event where the subject, business, or service ceases to operate or occupancy is terminated on the premise on which the sign is located.

(8) Signs by type.

SIGNS BY TYPE		
SIGN TYPE	**Single Tenant Buildings**	**Multi-tenant Buildings**
Freestanding		
Pole/Pylon Sign	P	P
Ground/Monument Sign	P	P
Building		
Awning Sign	N	N
Canopy Sign	N	N
Marquee Sign	P	P
Projecting Sign	P	P
Roof Sign	N	N
Wall Sign	P	P
Miscellaneous		
Advertising Vehicle Sign	N	N
Banner	N	N
Campus Sign	P	P
Changeable Copy (Manual) Sign	P	P
Changeable Copy (Remote) Sign	P	P
Electronic Sign	P	P
Flashing Sign	N	N
Kiosk Sign	P	P
Moving/Animated Sign	N	N
Off-Premise Sign (see Section 1313.11(b)(13))	N	N
Pathfinder Sign	P	P
Pennant/Streamer	N	N
Political Sign	P	P
Portable Sign	N	N
Projection Sign	N	N
Real Estate Sign	P	P
Safety Control Sign	P	P
Sandwich Board Sign	N	N
Site Development Sign	P	P
Temporary Sign	P	P
Three Dimensional Sign	N	N
Time & Temperature Sign	P	P
Traffic Control Signs	P	P
Window Sign	P	P

P – Permitted N – Not Permitted

SIGN TYPE	SINGLE TENANT BUILDINGS	MULTI-TENANT BUILDINGS
Freestanding		
POLE/PYLON	P	P
Area (sq. ft.)	Max of 60 sq. ft.	Ratio based on building size
Height (ft.)	20' max.	20' max.
Setback from the edge of the pavement (linear feet)	15 ft. from edge of pavement	15 ft. from edge of pavement
Number Permitted	1/street frontage if located on a corner lot with two arterial roads	1/street frontage if located on a corner lot with two arterial roads
GROUND SIGNS (includes monument sign)	P	P
Area (sq. ft.)	60-100 ft. max	60-100 ft. max
Height (ft.)	5-10 ft. (see standards in Section X)	5-10 ft. (see standards in Section X)
Setback (linear feet)	At least 15 feet from the edge of the pavement (see standards in Section X) and outside the R-O-W	At least 15 feet from the edge of the pavement (see standards in Section X) and outside the R-O-W
Number Permitted	1/100 lineal feet of frontage	1/100 lineal feet of frontage
Building Signs		
PROJECTING SIGN	P	P
Area (square feet)	10 sq. ft.	10 sq. ft.
Number Permitted (per square feet of building facade of per tenant)	1 per first floor tenant	1 per first floor tenant
ROOF SIGN	N	N
WALL SIGN	P	P
Area (% of building façade or ratio of distance from the street)	1.25 sq. ft./ 1 lineal foot	1.25 sq. ft./ 1 lineal foot
Height	As noted in Section X.F.	As noted in Section X.F.
Number Permitted	As noted in Section X.F.	As noted in Section X.F.
Miscellaneous		
KIOSK *(not permitted along highway)*	P	P
Height (ft.)	5 ft. max	5 ft. max
Setback (linear feet)	N/A	N/A
Number Permitted	1/tenant	1/tenant

Sign Type	Single Tenant Buildings	Multi-Tenant Buildings
NEON SIGN - (*See illumination requirements in Section X)* Exposed Tube Style Lighting	P As Noted in Section X	P As Noted in Section X
POLITICAL	P	P
Setback (linear feet)	Outside R-O-W	Off of R-O-W
Number permitted	---	---
REAL ESTATE SIGN	P	P
Area (sq. ft.)	12-32 sq. ft.	12-32 sq. ft.
Height (ft.)	9 sq. ft. max	9 sq. ft. max
Setback (linear feet)	Off of R-O-W	Off of R-O-W
Number permitted	1 per road frontage	1 per road frontage
SAFETY CONTROL SIGN	P	P
Area (sq. ft.)	Per PADOT Regs.	Per PADOT Regs.
Height (ft.)	Per PADOT Regs.	Per PADOT Regs.
Setback (linear feet)	Per PADOT Regs.	Per PADOT Regs.
Number Permitted	Per PADOT Regs.	Per PADOT Regs.
SITE DEVELOPMENT SIGN		
Area (sq. ft.) *See additional standards in Section X)*	Not to exceed 48 sq. ft.	Not to exceed 48 sq. ft.
TEMPORARY SIGNS	P	P
Area (sq. ft.)	32 square feet	32 square feet
Height (ft.)	8 feet	8 feet
Setback (linear feet)	Outside R-O-W	Outside R-O-W
Number permitted	1 per site	1 per site
Additional Standards		

Sign Type	Single Tenant Buildings	Multi-Tenant Buildings
TRAFFIC CONTROL SIGNS	P	P
Area (sq. ft.)	Per PADOT Regs.	Per PADOT Regs.
Height (ft.)	Per PADOT Regs.	Per PADOT Regs.
Setback (linear feet)	Per PADOT Regs.	Per PADOT Regs.
Number permitted	Per PADOT Regs.	Per PADOT Regs.
TRAFFIC FLOW INFORMATION SIGNS	P	P
Area (sq. ft.)	Per PADOT Regs.	Per PADOT Regs.
Height (ft.)	Per PADOT Regs.	Per PADOT Regs.
Setback (linear feet)	Per PADOT Regs.	Per PADOT Regs.
Number permitted	Per PADOT Regs.	Per PADOT Regs.

(9) Design, construction, and illumination regulations.

A. Exposed Tube Style Lighting.

1. Shall not blink, flash, move, or give the visual impression of movement.
2. Any outside dimension of the exposed tube style light shall not exceed 1½ inches.
3. The exposed tube style lighting may be used for lettering, geometric shapes and patterns, logos, or emblems or other sign elements.
4. The exposed tube style lighting shall not be used to outline or highlight a building or any portion of a building or structure unless approved as an architectural element of the building design and as such is not considered a sign.

B. Ground/Monument Sign.

1. The sign must be setback at least 15 feet from the edge of the pavement of the cartway. For every additional 3 feet of setback, the allowable sign height is increased by 1 foot. At no point shall the sign exceed 10 feet of height.
2. Fractions of the 3-foot setback increments shall be considered at the next lower level increment.
3. For every additional three foot of setback, the allowable area is increased by 8 square feet.
4. Chart for allowable increases:

Setback (feet)	Height (feet)	Area (Sq. Feet)
15	5	60
18	6	68
21	7	76
24	8	84
27	9	92
30	10	100

C. Pole/Pylon Sign.

1. A single support structure is permitted provided that the structure is 30% of the width of the sign face.
2. Two supporting structures/poles/pylons/beams are permitted provided that the width of each supporting structure does not exceed 10% of the width of the sign face.
3. The foundation of the sign cannot protrude from the ground more than twelve inches. All portions for the foundation extending above ground level shall be completely encased in decorative stone or brick veneer.
4. No portion of the bottom edge of the sign face shall be less than five feet above the ground.

5. Fractions of the 5-foot setback increments shall be considered at the next lower level increment.
6. Chart for allowable increases:

Setback (feet)	Height (feet)	Area (Sq. Feet)
15	10	30
20	14	40
25	18	50
30	22	60

D. Real Estate Signs.
1. The sign must be setback at least 15 ft. from the edge of the pavement of the cartway.
2. The total sign area for a real estate sign shall be twelve (12) square feet for the first one hundred (100) lineal feet of street frontage.
3. The total sign area for a real estate sign may increase four (4) square feet for each additional fifty (50) lineal feet of street frontage above the initial 100 lineal feet.
4. Any fraction of the fifty (50) foot increase shall be at the next lower increment.
5. The real estate sign shall be erected only upon the property for sale or lease.
6. No real estate sign shall exceed thirty-two (32) square feet.

E. Site Development Sign.
1. A single development sign not exceeding 48 square feet announcing the erection of a building, the architect, or contractors may be erected after final municipal approval for a period not to exceed 60 days.
2. Upon the issuance of a building permit, a single development sign is permitted provided that the sign shall not be erected for a period not to exceed one year from the issue date of the building permit, after which the sign shall be removed from the premises.

F. Wall Signs.
1. The total area of a wall sign shall not exceed 1.25 square feet of sign area for each foot of length of the front building wall or length of that portion of such wall, which is devoted to the tenant.
2. No wall sign shall extend beyond the face of the building or beyond a tenant's leased space.
3. Except as noted elsewhere, wall signs shall only be placed on the ground floor.

4. A building on a corner lot may place a wall sign on each wall facing a street, provided that one of the wall signs shall not exceed 50% of the sign area of the sign installed on the primary wall frontage and that no more than two walls signs are permitted on a building on any corner lot.
5. Wall signs shall be individual lettering, insignias, logos, or other symbols placed directly on the building facade. Wall signs shall not be joined or surrounded by a solid background other than the building facade. A frame or any structure shall not enclose a wall sign.
6. Wall signs shall be located between the heads of windows and doors on the ground floor of the structure and the sills of windows on the second floor or the top of the parapet on a one-story building.
7. In a C-3 zoned District each building which has a principal tenant which occupies the majority of the floor area of a second floor of the building shall be permitted one (1) wall sign attached to on the outside of the building it occupies.
8. Wall signs shall project not more than twelve (12) inches there from. Such wall sign shall not exceed thirty (30) inches in height, unless it contains more than one (1) line of letters or contains symbols or a company logo, in which event no more than two (2) lines of letters of no more than thirty (30) inches each shall be utilized and the total height shall not exceed sixty (60) inches. A symbol or company logo may exceed thirty (30) inches in height when utilized in conjunction with two (2) lines of letters, however the symbol or logo shall not exceed the total height of the two (2) lines of letters utilized.
9. The total length of each line of stacked letters shall not exceed the width of the occupied premises or building length or exceed 10% of the wall surface to which they are attached.

G. Changeable Copy Sign, Remote.
1. All parts of the sign face, including any message or sign copy, must remain stationary for a period no less than one minute.
2. Light emitting lamps, devices, or cells shall not sequentially change and shall change in unison so as not to produce the illusion of movement.
3. Manual Changeable Copy Signs must have a solid background that is darker than the letters.

H. Temporary Signs.
1. The maximum area of a temporary sign shall not exceed thirty-two (32) square feet.
2. Only one (1) temporary sign is permitted per property.
3. Temporary signs shall be at least fifteen (15) feet from the edge of the roadway.

4. Temporary signs shall not be attached to a utility pole, rock, trees or any federal, state, or local traffic control sign.
5. Temporary signs shall be erected for no more than 30 calendar days in one (1) calendar year.
6. Temporary signs shall not be illuminated.
7. All temporary signs shall be adequately secured to the ground or building.

I. Address Signs.
1. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.
2. Address numbers shall contrast with their background.
3. Address numbers shall be Arabic numerals or alphabet letters.
4. Address numbers shall be a minimum of six inches and a maximum of thirty inches in overall height with a minimum stroke width of 0.5 inch.

J. Projecting Signs.
1. Shall be in a stationary position.
2. Shall not be internally illuminated.

K. Campus Signs.
1. The sign area for each sign shall not exceed six (6) square feet.
2. The sign shall contain no more than two (2) sign faces, one per side.
3. No corporate logos are permitted on the sign.
4. The recognized corporate colors utilized as a background feature are permitted.
5. The sign shall not be illuminated.
6. The sign shall not be a substitute for a Traffic Control Sign.
7. The municipality, prior to installation, shall approve the quantity and location of signs.

L. Time and Temperature Signs.
1. The maximum number and letter size permitted is 12 inches.
2. The numbers and letters must not change more than once every five seconds.
3. The time and temperature sign is not part of the sign size requirements unless if it is independent of the advertising sign and does not contain advertising.
4. The time and temperature must not be higher than 8 feet to the top of the sign.
5. The time and temperature must be a minimum of 15 feet from the front right-of-way.

M. Additional Standards.
1. All signs shall comply with applicable provisions of the building code and the electrical code.

2. There shall be no more than 1 pole/pylon sign or 1 monument sign on any site for each 200 foot of frontage. If the property has more than 200 feet of continuous frontage on a public street, an additional pole/pylon sign or monument sign shall be permitted provided that the signs are spaced a minimum of 100 feet apart.
3. There shall be no more than one wall sign or one projecting sign, except that a sign that identifies the business and is less than 5 square feet is permitted to hang from a building and perpendicular to the building over a sidewalk .
4. Illumination Requirements Applicable to All Districts.
   a. The illumination from any sign may not cause any reflection or glare upon a public street, highway, sidewalk, or adjacent property.
   b. Sources of illumination shall be hidden from view.
   c. If a sign is internally illuminated, at least 75% of the sign face must be opaque.
   d. Signs consisting of individual letters that are internally illuminated must be illuminated through backlighting or silhouette lighting.
   e. No illuminated sign, whether internally or externally illuminated, shall cause glare or other disturbance, which would be incompatible with the nature of the surrounding area.
   f. All lighting shall be effectively shielded to avoid impairing the vision of passing motorists.
   g. Wall signs on buildings setback more than 75 feet from the road right-of-way may be internally illuminated and exempted from the backlighting requirement provided that the source of the illumination shall not be visible. The face of the lettering shall be of sufficient opacity to shield the source of the light.

(10) Change of property owner. If a new business owner buys an existing property within the corridor and the business owner chooses to tear down the existing sign structure, the new sign must comply with the new sign standards. If they choose to use the old sign structure, they can continue to use the color and material that existed on that old structure. However, if they choose to use the old sign structure and change the color and materials, the new color and materials must comply with the color and materials outlined in the new ordinance regulations of the Township of Pine and the Town of McCandless.

(11) Permit procedure and maintenance standards.

A. Permit Procedure: All signs, except those included in the "Exempted Section" require a sign permit in accordance with both the Township of Pine and the Town of McCandless permit application requirements but will include at least the following standards:

A scaled site plan, sign illumination plan, colored, scaled construction drawings of the proposed sign and all its elements, and a digital photograph depicting proposed sign location with proposed sign depicted in the photograph.

B. Maintenance Standards:

1. Signs shall be maintained in a safe and secure condition, in compliance with all building and electrical codes, and in conformance with this code.
2. Any lawfully existing nonconforming sign cannot be enlarged, reworded, redesigned, or altered in any way including the repainting in a different color, except to conform to the requirements of this ordinance.
3. Replacement: Any sign replacing a non-conforming sign shall conform to the provisions of this Section, and the non-conforming signs shall no longer be displayed.

(11) Incentives. If a business has a non-conforming sign and chooses to replace the non-conforming sign with a conforming sign, the permit cost will be waived.
(Ord. 1285. Passed 5-19-03.)

1313.12 SWIMMING POOLS; FENCES.

(a) Unless the wall of the pool is at least four feet above the ground at all points, it shall be enclosed with a fence at least four feet and no greater than six feet in height, or have a fence on top of the pool deck so that the combined height is at least four feet. The fence shall be locked and any access steps or ladders shall be removed or rendered inoperative when the pool is unattended. A higher fence along lot lines adjacent to a pool may be authorized as a special exception by the Zoning Hearing Board. (Ord. 1052 §23. Passed 4-22-91.)

(b) The fence shall be kept in good repair at all times and be in compliance with the standards set by the Building Code currently in effect. (Ord. 1104 §1. Passed 9-27-93.)

1313.13 TEMPORARY STRUCTURES.

Temporary structures incidental to the construction of a project are permitted during construction and shall be removed as soon as the construction is completed.
(Ord. 741 §213. Passed 7-3-78.)

(a) Regulations for Portable Storage Units:

(1) A zoning permit must be issued by the Town of McCandless prior to installation of a portable storage unit.
(2) Units may be stored on the premises for a period not to exceed two consecutive weeks.
(3) Units may be stored on the premises for not more than four weeks in a one year period.
(4) Units must be stored off any right-of-way.
(5) Units must not exceed 10 feet wide by 15 feet long by 8 feet high.
(6) A combination of a storage unit and a dumpster may be stored on the premises at one time. Only one permit is required.
(7) When a valid building permit is issued for construction in an R-1, R-2 or R-5 zoned district, units may be stored on the premises for up to a one year period.
(8) When used in conjunction with a building permit in a commercial, institutional, R-3, R-4 or R-6 zoned district, up to three units are permitted on the premises. (Ord. 1334. Passed 9-25-06.)

1313.14 YARDS.

Yards are defined in Section 1311.04. For irregular-shaped lots, refer to Exhibit A at the end of this chapter, for typical measurements of rear yard depths. Rear yard depth shall be measured at a right angle from the rear of the building to the nearest location of the lot line. The rear lot line is that lot line most nearly parallel to the front lot line.

For the purpose of measuring yards, carports and covered porches are considered part of the building. Roof overhangs and external chimneys may intrude two feet into any yard. Fire escapes, steps and a door landing not over thirty-two square feet may intrude into any yard. Balconies, open porches, patios and terraces may intrude into the rear yard.

For the purpose of identifying the various yards, a house on a corner lot shall be considered as fronting on the street from which it derives its house number.
(Ord. 1127 §B.34. Passed 8-22-94.)

1313.15 MINIMUM DISTANCE BETWEEN OFFICE BUILDINGS.

Whenever multiple office buildings are to be erected on a single parcel of ground, there shall be a minimum distance of twenty feet between such buildings.
(Ord. 756 §1. Passed 1-22-79.)

1313.16 STORM WATER DRAINAGE FACILITIES. (REPEALED)

EDITOR'S NOTE: Former Section 1313.16 was deleted by Ordinance 1318, passed July 18, 2005.

1313.17 SIDEWALKS.

In all zoning districts the applicant shall provide along any and all abutting streets a sidewalk conforming to Town standards found in Section 1371.03. Sidewalks may be located in the buffer area where approved by Council. An applicant may request an exception to this sidewalk requirement when the location of the particular parcel of land is such that the sidewalk would cause undue hardship, serve no useful purpose or be a detriment to safety.
(Ord. 1144 §7. Passed 5-22-95.)

1313.18 MAXIMUM BUILDING HEIGHT.

Where otherwise not specifically stated in this Zoning Code, the maximum height of any building shall not exceed sixty-five feet.
(Ord. 906 §7. Passed 5-28-85.)

1313.19 BLASTING.

Blasting of any nature for construction or other purposes shall be prohibited in the Town, except as approved by Council. (Ord. 1004 §26. Passed 3-27-89.)

1313.20 LAND USE.

No new land use should detract from the value and usability of any existing land use. Permitted principal and accessory uses and facilities are defined in the various zoning districts, together with some of the uses and facilities not permitted. It is the intent of this Zoning Code to prohibit uses and facilities or structures which are not customarily incidental and subordinate to the principal use. (Ord. 1127 §B.35. Passed 8-22-94.)

1313.21 ALTERATIONS OR ENLARGEMENTS TO COMMERCIAL OR INSTITUTIONAL STRUCTURES OR LAND USES.

Any alteration or addition to commercial or institutional structures, expansion of use, increase in floor area, or expansion of business use on open ground, shall conform to the following:

(a) The Zoning Officer may approve applications for zoning permits for such changes which are under twenty-five percent (25%) of gross area of building, or 2500 square feet, or five-tenths acre, or twenty percent (20%) of the land use, whichever is less. These applications shall include sketches, drawings, plans and/or sufficient information and description of plans in accordance with Section 1345.01(c) to insure conformance with the Zoning Code.

(b) For changes in excess to those in subsection (a) hereof, the application shall be submitted to the Planning Commission in accordance with Section 1365.05. (Ord. 1144 §8. Passed 5-22-95.)

1313.22 BUILDING STANDARDS.

(a) The following building standards shall apply to principal buildings in the R-1 and R-2 zoned districts:

(1) The length-to-width ratio of any portion of a principal building twenty (20) feet in length or greater shall be 2.5 units or less of length to one unit of width as measured around the first floor perimeter of the enclosed foundation.

(2) Principal buildings shall be a minimum of 800 square feet as measured around the first floor perimeter of the enclosed foundation.

(3) Principal buildings shall be fully enclosed around its perimeter by a masonry or concrete foundation wall.

Exceptions to Section 1313.22(a)(3):

A. Porches, decks and unenclosed areas.

B. Cantilevered areas.

C. Additions to the principal building of up to 500 square feet.

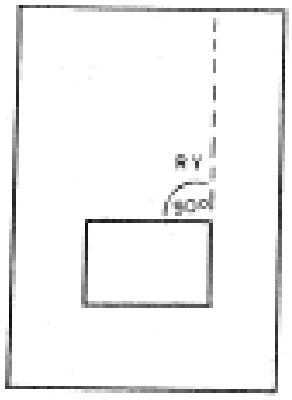
(b) Trailers, vehicles, parts of vehicles, whether licensed or not, or manufactured structures of any type shall not be used as storage structures or offices in the R-1 and R-2 zoned districts. (Ord. 1264. Passed 3-25-02.)

1313.23 ACCESSORY FACILITIES.

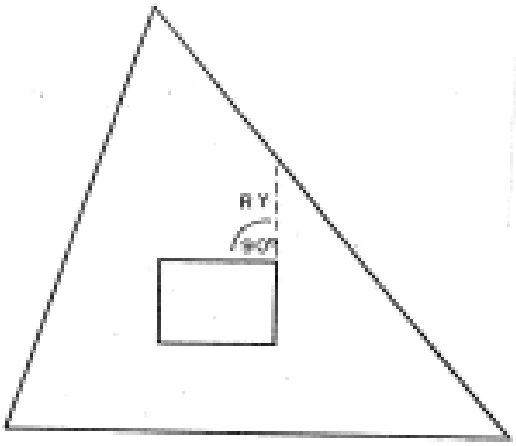
(a) Accessory facilities as permitted in Section 1315.04 to 1317.04 may not have signs located on any exterior portion of the building.

(b) Trailers and portable storage units cannot be used as accessory facilities. (Ord. 1334. Passed 9-25-06.)

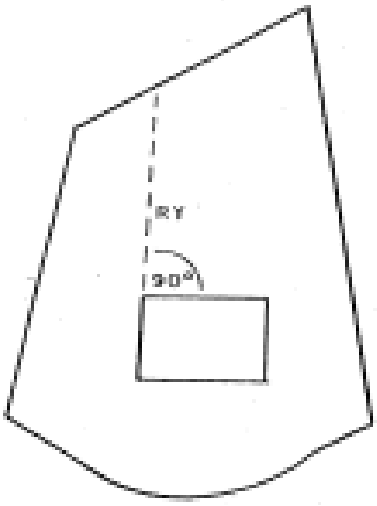
Examples of how to measure rear yard depths on various shaped lots are given below.



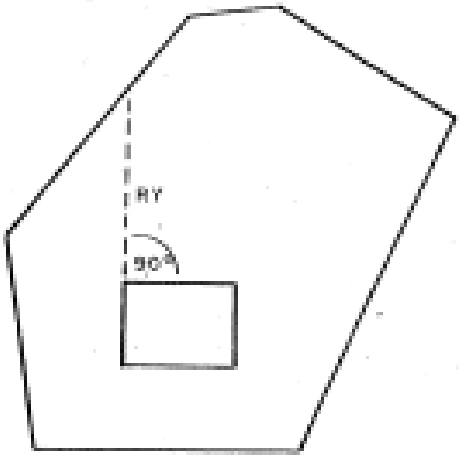
RECTANGULAR LOT



TRIANGULAR LOT



LOT WITH CURVED FRONT



6 SIDED LOT

RY = REAR YARD DEPTH

ARTICLE 1314
D-Development District Performance Standards

1314.01 Intent.
1314.02 Land use intensity.
1314.03 Site capacity analysis.
1314.04 Bufferyards.
1314.05 Landscaping.
1314.06 Traffic requirements.
1314.07 Architectural guidelines.
1314.08 Detailed use regulations.
1314.09 Parking.
1314.10 Submission procedures.
Appendix.

CROSS REFERENCES
D-Development District - see P.& Z. Art. 1326
Definitions - see P.& Z. 1311.04

1314.01 INTENT.

The D-Development District is a zoning district which permits a range of uses appropriate to the McKnight Road corridor including the existing uses permitted in the current zoning classifications. These uses are governed by a series of standards designed to protect the sensitive natural resources along the corridor and to insure that adjacent properties are adequately and effectively buffered from dissimilar uses and intensities of development.
(Ord. 964 §2. Passed 10-26-87.)

1314.02 LAND USE INTENSITY.

(a) Introduction. Land use intensity refers to the magnitude of a given land use on any site within the D-Development District. The maximum permitted use is determined by the site capacity analysis described in Section 1314.03. Within the D-Development District a range of different uses is permitted as set forth in Article 1326. To allow for this flexibility in types of uses, the intensity of site development is regulated to insure adequate protection of adjacent land uses.

(b) Land Use Intensity Class Standards. The land use intensity class standards, (see Figure 1), designate "class" ratings for permitted intensity of land use within the district. Class I represents the least intense and Class VIII represents the most intense use permitted within the district. Each class has a series of corresponding regulations that govern the permitted levels of site development, density of dwelling units, requirements for site landscaping, building heights, open space and recreational land. The specific categories are as follows:

(1) Maximum density (gross). This pertains to residential uses only and is a measure of the total number of dwelling units permitted per acre within the D-Development District. Maximum density is the quotient of the total number of dwelling units divided by the base site area.

(2) Maximum impervious surface ratio. This is a measure of the land use intensity which is determined by dividing the total area of all impervious surfaces (asphalt, concrete, building coverage or any other surface that does not permit water to penetrate into the ground) by, in the case of residential uses, the base site area or, in the case of nonresidential uses, by net buildable site area.

(3) Maximum floor area ratio (FAR). This is a measure of the maximum allowable floor area for a given land use and is determined by multiplying the FAR by the basic site area.

(4) Site design standards. There are FAR designations for these standards - R, A, B and C. These standards are keys to Section 1314.05 and 1314.07. The site design standards specify the minimum requirements under these sections for all classes.

(5) Maximum height (feet). This defines the maximum permitted building height permissible within the D-Development District. It is measured by taking the mean ground elevation along the perimeter of the building and calculating the height to the eave line of the roof in the case of sloped roof forms or to the top of the roof structure for all other roofs. Enclosed spaces within roof forms above the permitted height shall remain as unoccupied spaces.

(6) Minimum open space ratio (residential use only). This is a measure of the minimum requirement for undeveloped open space on a development site that shall be developed specifically for recreational purposes. Any portion of resource protection land which is improved for recreation purposes may be included as contributing to the total requirements for recreational land. This ratio is used in the site capacity calculations for recreational land (see Figure 1).

(7) Maximum density factor (residential use only). This measure of intensity yields the maximum number of dwelling units per acre of net buildable land. This factor is used in the determination of site capacity calculations (see Figure 1).

(8) Recreation factor (residential use only). This is a measurement of the minimum requirement for land to be developed for recreational use. (See Figure 1.)

FIGURE 1

Land Use Intensity Standards

Land Use Intensity Class Number General Use Category	Maximum Density (Gross)	Maximum Impervious Surface Ratio	Maximum Floor Area Ratio	Site Design Standards	Maximum Height	Minimum Open Space Ratio	Maximum Density Factor	Recreation Factor
Class II								
Conventional Subdivisions	Use Current R1 and R2 Standards							
▲Performance Subdivision	1.2	.12	n/a	R		.25	12.5	.102
Class III								
Conventional Subdivision	Use Current R1 and R2 Standards							
▲Performance Subdivision	5.2	.30	n/a	R		.25	12.5	.102
Class IV								
Conventional Subdivision	Use Current R1 and R2 Standards							
▲Performance Subdivision	17.5	.52	n/a	C		.25	12.5	.102
Class V								
Indoor Recreation Institutional, and Special Residential	n/a	.30	.25	A	35			-
Office	n/a	.20	.11	A	20			

1988 Replacement

FIGURE 1 (Cont.)

Land Use Intensity Class Number General Use Category	Maximum Density (Gross)	Maximum Impervious Surface Ratio	Maximum Floor Area Ratio	Site Design Standards	Maximum Height
Class VI					
Indoor recreation, institutional, and special					
residential	n/a	.60	.49	B	40
Office	n/a	.50	.24	B	60
Commercial/ entertainment					
Class VII					
Indoor recreation, Institutional, and special					
residential	n/a	.70	.57	C	45
Office	n/a	.70	.36	C	60
Commercial/ entertainment					
Class VIII					
Indoor recreation, Institutional, and special					
residential	n/a	.80	.65	C	50
Office	n/a	.90	.50	C	60
Commercial/ entertainment					
Class IX					
Office	n/a	1.0	.70	c	60
Commercial/ entertainment					

See Detailed Use Regulations ▲

Existing zoning districts are assigned equivalent land use intensity classifications as follows:

R-1	Class I
R-2	Class I
R-3	Class II
R-4	Class II
R-5	Class III
R-6	Class III
C-1	Class VII
C-2	Class IV
C-3	Class VII
C-4	Class VIII
C-5	Class V
C-6	Class IX
C-7	Class VI
C-8	Class VI
I	Class IV

(Ord. 964 §2. Passed 10-26-87; Ord. 1052. §24. Passed 4-22-91.)

1314.03 SITE CAPACITY ANALYSIS.

(a) Introduction. The intensity of use on any site within the D-Development District is governed by the site capacity analysis. This analysis is performed to determine the physical qualities of the site that are suitable for development. The calculations required by this Code to determine the site capacity pertain to both residential uses and nonresidential uses.

There are three basic steps in the site capacity analysis process which are as follows:

(1) Determination of base site area;

(2) Determination of sensitive natural resources which shall be preserved; (Residential uses only) determination of recreational land to be provided; and

(3) Determination of site capacity.

The calculations establish the permissible intensity of development on a given site. In the case of residential uses, the analysis yields the maximum number of dwelling units permitted on the site for both single-family and multi-family. Also, the minimum required open space and land dedicated to recreation is determined. In the case of nonresidential uses, the maximum permissible impervious surface area (see definitions, Section 1311.04) and the maximum permitted floor area are determined.

This information is then cross-referenced with the land use intensity class standards (Section 1314.02) to establish the appropriate classification for a proposed development. These class standards also specify the site development requirements for the individual classes.

(b) Base Site Area (All Land Uses). The first step in the determination of the site capacity is to establish the Base Site Area.

(1) Gross site area as determined by actual on-site survey. _____acres

(2) Subtract land constituting roads and land within ultimate rights of way of existing roads, rights of way of utilities and easements of access. - _____acres

(3) Subtract land which is not contiguous:

A. A separate parcel which does not abut, adjoin or share common boundaries with the rest of the development - _____acres

B. Land which is cut off from the main parcel by a road, railroad, existing land uses or major stream, such that common use is hindered or that the land is unavailable for building purposes - _____acres

(4) Subtract land which in a previously approved subdivision encompassing the same land, as part or all of the subject parcel, was reserved for resource reasons, such as flooding or for recreation - _____acres

(5) Subtract land used or proposed for residential uses, whenever both nonresidential and residential uses are proposed. (In the case of the site capacity calculation for the proposed residential use, subtract the land proposed for nonresidential use.) - _____acres

(6) Subtract estimated land required for bufferyard area. (Do not subtract bufferyard areas where they coincide with resource protection lands.) - _____acres

(7) Equals base site area. = _____acres

(Ord. 964. Passed 10-26-87.)

(c) Resource Protection Land. One of the principal factors that shall influence the intensity of development on a particular parcel of land is the requirements for protecting the sensitive environmental resources existing on the site.

Specific natural resources which are sensitive to development such as forests, steep slopes, flood plains and streams are protected under the provisions in this Code. All land area consisting of the natural resources or natural features listed in the following table shall be measured (reference definitions in Section 1311.04). The total acreage of each resource shall be multiplied by its respective open space ratio to determine the amount of resource protection land. When applying for a grading permit, consult Town grading specifications. The maximum slopes for cut and fill shall be as specified in Article 1705 of the Building Code.
(Ord. 964. Passed 10-26-87; Ord. 1360. Passed 4-28-08.)

(d) Mature Woodlands; Woodlands; Young Woodlands.

(1) No more than fifteen percent (15%) of any mature woodland may be cleared or developed. The remaining eighty-five percent (85%) shall be maintained as permanent open space. No more than thirty percent (30%) of any woodlands may be cleared or developed. The remaining seventy percent (70%) shall be maintained as permanent open space. No more than sixty percent (60%) of any young woodland shall be cleared. The remaining forty percent (40%) shall be maintained as permanent open space.

(2) Replacement of woodlands credit. In the case of mature woodlands, the developer may clear or develop more than the area otherwise permitted to be disturbed by this subsection, provided that the total mature woodland or woodland area disturbed shall not be increased by more than fifty percent (50%) of the area otherwise permitted to be disturbed. No more than twenty-two and one-half percent (22.5%) of mature woodlands may be disturbed. No more than forty-five percent (45%) of woodlands may be disturbed. In addition:

A. The developer shall designate a new woodland area on a part of the site not forested.

B. The new woodland area shall consist of one and two-tenths times the surface acreage of the woodland area disturbed pursuant to this subsection.

(3) No clearing or timbering of any woodlands may occur unless connected with an approved site plan.

(e) Steep Slopes. In areas of steep slopes, the following standards shall apply:

(1) Twelve percent (12%) to less than fifteen percent (15%) slope: no more than forty percent (40%) of such areas shall be developed and/or regraded or stripped of vegetation.

(2) Fifteen percent (15%) of twenty-five percent (25%) slope: No more than thirty percent (30%) of such areas shall be developed and/or regraded or stripped of vegetation, with the exception that no more than twenty percent (20%) of such areas may be disturbed in the case of landslide prone areas.

(3) More than twenty-five percent (25%) slope: no more than fifteen percent (15%) of such areas shall be developed and/or regraded or stripped of vegetation, with the exception that no more than five percent (5%) of such areas may be disturbed in the case of landslide prone area.
(Ord. 964. Passed 10-26-87.)

(4) The limitations on disturbance of landslide prone areas set forth in parts (2) and (3) above may be waived pursuant to the modification process in Article 1705 of the Town Code if the Developer presents to the Town for approval fully engineered plans for the removal and remediation of any rock, soils or other materials that create the landslide prone condition and, upon a favorable recommendation by the Town Engineer, the modification is approved by Council.
(Ord. 1360. Passed 4-28-08.)

(f) Landslide Prone Area. An area where the downward and outward movement of the slope-forming materials composed of rock, soils, artificial fills or a combination of these materials exist. (See Article 1314 Appendix map on landslide prone areas, soil types and locations).

(g) Drainageways. Any area to which runoff from surrounding land flows naturally or is caused to flow from existing land alterations and which conveys such runoff to a watercourse. No more than fifty percent (50%) may be developed.

RESOURCE PROTECTION AND SPECIAL NATURAL FEATURES LAND

Resource/Natural Feature (All Districts)	Open Space Ratio	Acres of Land in Resource	Resource Protection Land (Acres in Resource x Open Space Ratio)
Drainageways	.50	_____	
Floodplains	1.00	_____	
Mature Woodlands	.85	_____	
Woodlands	.70	_____	
Young Woodlands	.40	_____	
Steep Slopes (12% - 15%)	.60	_____	
Steep Slopes (16% - 25%)	.70	_____	
Steep Slopes (25% or greater)	.95	_____	
Hazardous Soils	.95	_____	
Landslide Prone Area (See Section 1314.02(f))		_____	
TOTAL LAND IN RESOURCE		_____	
TOTAL RESOURCE PROTECTION LAND			

(h) Existing Plant Material.

(1) Existing, healthy plant material may be counted as contributing to the total plant material required by this Code except in the case of establishment of new woodlands.

(2) Whenever an existing area meets the definition of woodland, it shall satisfy any planting required by this Code regardless of the mix of plant materials provided that understory trees and shrubs constitute at least seventy percent (70%) of the individual trees and shrubs present. If , understory trees and shrubs constitute less than seventy percent (70%) of the trees and shrubs present, additional plant material shall be installed in order to meet the requirements otherwise imposed. No tree greater than five inch caliper shall be counted if more than one-eighth of the area under its canopy or drip line is closer than fifteen feet from a building, parking area or road.

(i) Establishment and Maintenance of Woodlands.

(1) Establishment. The establishment of a woodland shall conform to the following standards:

A. The minimum area shall be one and one-half acres.

B. No area of woodland shall be less than fifty feet wide.

C. The following plant material shall be provided per acre of woodland to be established. Fractional requirements (resulting from fractions of acres to be established) shall be rounded up.

Plant Materials Required Per Acre	Minimum Size Plant Materials
5 slower canopy trees	3 inch caliper
10 canopy trees	2 inch caliper
20 faster growing canopy trees	1 inch caliper
30 slower growing canopy trees	5 feet (height)
10 understory trees	1 inch caliper
100 shrubs	3 feet (height)

D. All existing healthy trees shall be preserved to the maximum extent possible.

E. All areas of a newly established woodland shall be seeded as lawn or prairie unless ground cover has already been established.

(2) Maintenance of newly established woodland areas. Additional plants established by natural succession shall be retained. Dead trees shall be removed where they adjoin roads or buildings. Debris and litter shall be cleaned on an annual or semiannual basis. Damage to fifteen percent (15%) or more of the stand due to disease, wind or fire shall require the replacement of all such damaged. trees.

(j) Recreational Land (Residential Uses Only). This calculation is required of all residential land uses with the exception of subdivisions which would be required to provide less than one-quarter acre by the following calculation. Total recreational land required for residential uses is calculated as follows:

Take	BASE SITE AREA	
Subtract	TOTAL ACRES OF LAND IN RESOURCE	-
EQUALS	TOTAL UNRESTRICTED LAND	=
Multiply by	Recreation factor	x
EQUALS	TOTAL RECREATIONAL LAND REQUIRED	=
Subtract	Any resource protection land in the categories noted below provided such land is improved, or shall be improved for recreation.	
	Forest	-
	Pond Shore/Drainageway	-
EQUALS	TOTAL RECREATION LAND REMAINING TO BE PROVIDED	=

(k) Determination of Site Capacity (All Residential Land Uses). Individual site capacity is determined by calculating the Net Buildable Site Area. For single-family, single-family cluster or performance subdivisions, the number of dwelling units permitted is determined by multiplying the density factor by the net buildable site area. The calculations are as follows:

Take	TOTAL RESOURCE PROTECTION LAND		_____acres
Add	TOTAL RECREATION LAND REMAINING TO BE PROVIDED	+	_____ acres
EQUALS	TOTAL OPEN SPACE	=	_____ acres
Take	BASE SITE AREA		_____ acres
Multiply by	District open space ratio	x	_____ acres
EQUALS	MINIMUM REQUIRED OPEN SPACE	=	_____ acres
Take	BASE SITE AREA		_____ acres
Subtract	TOTAL OPEN SPACE or MINIMUM REQUIRED OPEN SPACE, whichever is greater	-	_____ acres
EQUALS	NET BUILDABLE SITE AREA	=	_____ acres
Multiply by	District maximum density factor	x	_____ acres
EQUALS	NUMBER OF DWELLING UNITS (do not round off: use lowest whole number)	=	_____ units

(l) Determination of Site Capacity (All Nonresidential Uses). Individual site capacity is calculated as follows. Both maximum impervious surface area and maximum floor area shall be calculated.

Take	BASE SITE AREA		_____ acres
Subtract	RESOURCE PROTECTION LAND	-	_____ acres
EQUALS	BUILDABLE LAND	=	_____ acres
Take	BUILDABLE LAND		
Divide by	BASE SITE AREA		
Equals	CALCULATED IMPERVIOUS RATIO = _____		
Take	IMPERVIOUS SURFACE RATIO (from land use intensity class of proposed use or district maximum, whichever is less)		

If IMPERVIOUS SURFACE RATIO is equal to or less than the CALCULATED IMPERVIOUS SURFACE RATIO, then:

Take	BASE SITE AREA		
Multiply by	IMPERVIOUS SURFACE RATIO	x	
Equals	PERMITTED IMPERVIOUS AREA	=	
Take	BASE SITE AREA		
Multiply by	FAR (from land use intensity class of proposed use or district maximum, whichever is less)	x	
Equals	PERMITTED FLOOR AREA	=	

If IMPERVIOUS SURFACE RATIO is more than the CALCULATED IMPERVIOUS RATIO, then:

Take	BASE SITE AREA		
Multiply by	CALCULATED IMPERVIOUS RATIO	x	
Equals	PERMITTED IMPERVIOUS AREA	=	
Take	CALCULATED IMPERVIOUS RATIO		
Divide by	IMPERVIOUS SURFACE RATIO		
Equals	REDUCTION FACTOR	=	
Take	FLOOR AREA RATIO (or maximum floor area factor, whichever is more restrictive)		
Multiply by	REDUCTION FACTOR	x	
Equals	REQUIRED FLOOR AREA FACTOR =		
Multiply by	BASE SITE AREA	x	
Equals	PERMITTED FLOOR AREA	=	

1314.04 BUFFERYARDS.

(a) Purpose. Bufferyards are required to separate different land uses to minimize or eliminate any potential negative impacts on adjacent uses. The location, required amount of land to be designated as a bufferyard, and the type and amount of planting is specified for each bufferyard. The width of the buffer may vary, however, depending on the intensity of planting and landscape configuration.

(b) Location. Bufferyards shall be located along the outer perimeter of a lot or land parcel extending to the boundary line.

(c) Determination of Type. To determine the type of bufferyard required between two adjacent parcels or between a parcel and a street, the following procedure shall be followed:

(1) Identify land use category of the proposed use;

(2) Identify the land use intensity class of the proposed use and all adjacent property; and

(3) Determine the bufferyard types required along each boundary by referring to the bufferyard type matrix. Each letter designates a specific bufferyard type.

The bufferyard shall be flexible. A single standard for all uses or even for any given pair of uses can both impose unnecessary hardship on the developer of a particular parcel and also lead to monotony. Within each class of bufferyard, a developer may choose from several options. Because different land values and plant material costs are introduced, the developer is given flexibility to make cost tradeoffs in deciding which option to select. Depending on the size of the parcel, this flexibility may become extremely relevant.

(d) Requirements.

(1) The following illustrations indicate the specifications for each bufferyard. There are several options for bufferyard width with corresponding plant material requirements. The planting requirements are expressed as the material required per 100 linear feet of bufferyard. The "plant unit multiplier" assigned to each optional bufferyard width would determine the amount of planting material required for that particular width. Any calculations of five-tenths or greater for a particular type of plant shall be counted as a required plant material.

(2) Each illustration depicts the total bufferyard located between two uses.

(3) When development occurs adjacent to vacant land, this development shall provide the required bufferyard as specified in Figure 2. The second use to develop shall provide all additional planting and/or land necessary to provide the total bufferyard required between the two uses.

(4) Existing plant material within the designated bufferyard area that meets the requirements for planting materials as set forth in this Code may be counted as contributing to the bufferyard planting requirements.

(5) The following structures are equivalent and may be used interchangeably, so long as both structures are specified in the bufferyard illustrations in this section.

Structure	Equivalent Structure
F-3	B-1
F-4	B-2
F-5	B-3
F-6	BW-l
B-1	F-3
B-2	F-4
B-3	F-5
BW-1	F-6

(6) Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.

(7) The exact placement of required plants and structures shall be the decision of each user, except that the following requirements shall be satisfied:

A. Evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival.

B. Berms with masonry walls (BW-1, BW-2 and BW-3) required of bufferyard J and K options are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the masonry wall and the noise source. When berms with walls are required, the masonry wall shall be closer. than the berm to the higher intensity use.

(8) All bufferyard areas shall be seeded with lawn unless ground cover is already established.

(9) Use of bufferyards. A bufferyard may be used for passive recreation; it may contain pedestrian or bike trails, provided that:
A. No plant material is eliminated;
B. The total width of the bufferyard is maintained; and
C. All other regulations of the Code are met.

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

(11) Maintenance of bufferyards. Bufferyards shall be maintained by the owner of the property. Debris and litter shall be cleaned on a semi-annual basis. Damage to fifteen percent (15%) or more of the plant material for any reason, including disease, shall require replacement of all such damaged plant materials. (Ord. 964. Passed 10-26-87.)

(12) All bufferyard plant materials must meet the Plant Material Specifications set forth in Section 1314.05(d).

(13) In lieu of planting bufferyards as required, and subject to prior approval of Town Council at its sole discretion, bufferyard plantings along roadways may be concentrated at the site entry point. This alternative shall not be applicable where double bufferyards are required.
(Ord. 1373. Passed 6-15-09.)

FIGURE 2
BUFFERYARD TYPES

Adjacent Existing Land Use Intensity Class

Proposed Land Use Intensity Class	I	II	III	IV	V	VI	VII	VIII	IX	Adjacent Vacant Land within D-District
II	C	B	D	D	E	G	H	I	J	B
III	D	C	B	D	E	G	H	I	J	C
IV	D	D	D	A	A	C	D	E	J	C
V	E	E	E	A	A	A	C	D	J	D
VI	G	G	G	C	A	A	A	C	J	F
VII	H	H	H	D	C	A	A	A	J	G
VIII	I	I	I	E	D	C	A	A	J	H
IX	J	J	J	J	J	J	J	J	J	

NOTE: Bufferyard H is the minimum requirement for boundaries adjoining McKnight Road.
(Ord. 1373. Passed 6-15-09.)

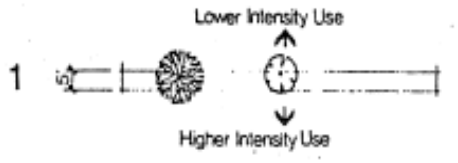
Bufferyard Types

BUFFERYARD A

PLANT MATERIAL PER 100'

BUFFERYARD WIDTH

	5'	7.5'	10'	12.5'
Canopy Trees	.6	.48	.36	.24
Understory Trees Shrubs Evergreen/Conifers Other	1	.8	.6	.4



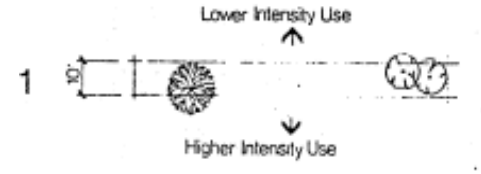
BUFFERYARD A

BUFFERYARD B

PLANT MATERIAL PER 100'

BUFFERYARD WIDTH

	10'	15'	20'	25'
Canopy Trees	1	.8	.6	.4
Understory Trees Shrubs Evergreen/Conifers Other	2	1.6	1.2	.8



BUFFERYARD B

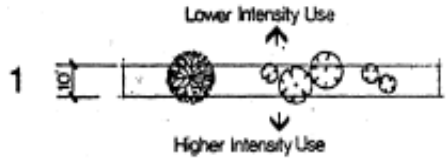
16Q

BUFFERYARD C

PLANT MATERIAL PER 100'
BUFFERYARD WIDTH

	10'	15'	20'	25'
Canopy Trees	1	.8	.6	.4
Understory Trees	2	1.6	1.2	.8
Shrubs Evergreen/Conifers Other	3	2.4	1.8	1.2

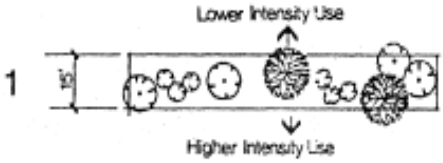
BUFFERYARD C



BUFFERYARD D

PLANT MATERIAL PER 100'
BUFFERYARD WIDTH

	15'	20'	25'	30'
Canopy Trees	2	1.6	1.2	.8
Understory Trees	4	3.2	2.4	1.6
Shrubs Evergreen/Conifers Other	6	4.8	3.6	2.4



BUFFERYARD D

BUFFERYARD E

PLANT MATERIAL PER 100'
BUFFERYARD WIDTH

	10'	20'	25'	30'
Canopy Trees	2.7	3	2.4	1.8
Understory Trees	5.4	6	4.8	3.6
Shrubs	8.1	9	7.2	5.4
Evergreen/Conifers				
Other	F1			

BUFFERYARD E

BUFFERYARD F

PLANT MATERIAL PER 100'
BUFFERYARD WIDTH

	10'	15'	20'	25'	30'
Canopy Trees	4	4.5	5	4	3
Understory Trees	8	9	10	8	6
Shrubs	12	13.5	15	12	9
Evergreen/Conifers					
Other	F3	F2			

BUFFERYARD F

16S

BUFFERYARD G

PLANT MATERIAL PER 100'
BUFFERYARD WIDTH

	15'	20'	25'	30'	40'
Canopy Trees	1.5	2	3	2.7	2.4
Understory Trees	3	3.5	5	4.3	3.6
Shrubs	8	12	19.2	19.2	14.4
Evergreen/Conifers	4	6	9	8	7
Other, except along streets	F3	F2			

BUFFERYARD G

BUFFERYARD H

PLANT MATERIAL PER 100'
BUFFERYARD WIDTH

	20'	30'	40'	50'
Canopy Trees	2	2.7	2	3
Understory Trees	3.5	4.3	3.5	4.5
Shrubs	12	19.2	12	18
Evergreen/Conifers	6	9.6	6	9
Other	F5	B1 or F3	B1 or F2	

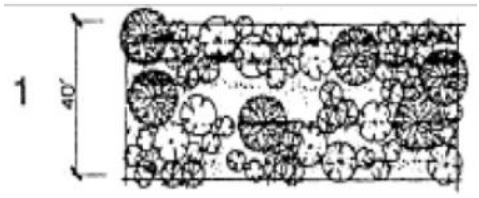
B_1
or
F_3

BUFFERYARD H

BUFFERYARD I

PLANT MATERIAL PER 100'
BUFFERYARD WIDTH

	30'	40'	50'	75'
Canopy Trees	3	2.5	2.5	2
Understory Trees	4	3.5	3.5	3
Shrubs	20	20	20	15
Evergreen/Conifers	10	10	10	8
Other, except along streets	F6	B2 or F4	B1	



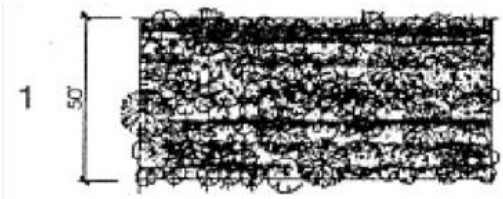
B_2
or
F_4

BUFFERYARD I

BUFFERYARD J

PLANT MATERIAL PER 100'
BUFFERYARD WIDTH

	30'	40'	50'	75'
Canopy Trees	3.6	4.5	4.8	4
Understory Trees	5	6.5	7.2	5.4
Shrubs	21	27	28	21.6
Evergreen/Conifers	10.8	12	14	10.8
Other	F6	B2 or F4	B2	

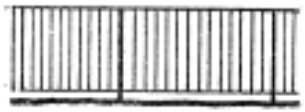


B_2

BUFFERYARD J

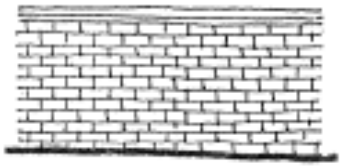
Symbol	Height
F1	42″
F2	48″
F3	6′
F4	8′
F5	6′
F6	8′

Wood Picket



Metal

Masonry/Wrought Iron

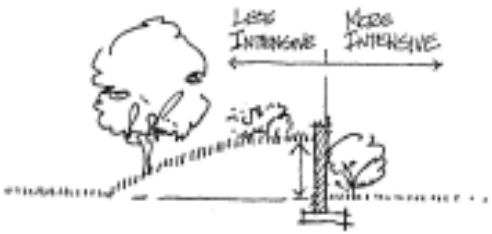


Masonry (brick, stone)

BERMS

Symbol	Berm ht.
B1	4′
B2	5′
B3	6′

BERM WALLS



Symbol	
BW1	4′ Berm w/ 6′ Masonry Wall
BW2	5′ Berm w/ 7′ Masonry Wall
BW3	6′ Berm w/ 8′ Masonry Wall

(Ord. 904 87. Passed 10-26-87.)

1314.05 LANDSCAPING.

(a) Introduction. Off-street parking landscape requirements and general landscaping requirements: Each land use and intensity level have specific requirements for site landscaping and landscaping in the off-street parking areas. A minimum square footage as well as planting materials are specified (see Figures 3 and 4).

(b) General Landscaping Requirements. This section details the general landscaping required of particular land uses. The number and type of plant units required per 300 linear feet of nonresidential building(s) perimeter comprising the subject land use are specified for standards R, A, B and C. The landscaping requirement specified for residential uses (R) is the requirement per ten dwelling units. The definitions of this Code (defining plant units) shall be applicable to the terms utilized in this section. The requirements of this section shall be applied proportionately when the total linear feet of building(s) perimeter varies from 300 feet for nonresidential uses or ten residential dwelling units. All required planting shall be located in areas which do not include any bufferyard or right of way. Existing plant materials which meet the requirements of this Code may be counted as contributing to the total landscaping required by this section.

The following table specifies the type and number of plant units required by this section.

FIGURE 3

Landscaping Standard	Number of Landscaping Units Required (per 300 feet or 10 dwelling units)		
Standard	Canopy	Understory	Shrubs
R	5	5	0
A	5	5	25
B	7	7	30
C	8	8	35

(c) Off-Street Parking Landscaping Requirements. This section details the landscaping required of all off-street parking areas exceeding five parking stalls. The number and type of plant units required per twenty-four automobile spaces is specified for each standard (A, B, C or R). Also specified is a minimum area within which the required planting shall be provided. Existing plant materials which meet the requirements of this Code may be counted as contributing to the total landscaping required by this section. The requirements of this section shall be applied proportionally to any number of spaces other than twenty-four. Meeting the requirements contained in Article 1346, Appendix A(b)(13) ("Parking Lot Landscaping Requirements") shall constitute full compliance with this section.

(Ord. 964. Passed 10-26-87; Ord. 1373. Passed 6-15-09.)

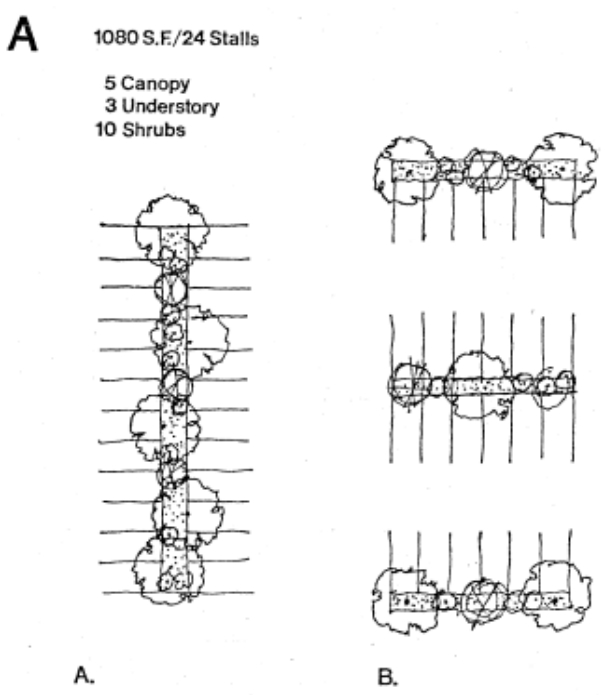
16W

FIGURE 4

	SITE DESIGN STANDARDS			
LANDSCAPING REQUIREMENTS	R	A	B	C
Planting area per 24 stalls (s.f.)	240	1080	720	360
Canopy Trees	2	5	3	2
Understory Trees		3	2	1
Shrubs	3	10	6	4

*Refer to Land Use Intensity Class Standards.

Example



(d) Plant Material Specifications.

(1) Size. All plant materials shall meet the following minimum size standards:

Plant Material Type	Minimum Size
A. Canopy tree (35 foot minimum height - maturity)	2-1/2 inch caliper Bufferyard A - D 2 inch caliper Bufferyard E - J
B. Understory tree (up to 35 foot height) - Single stem Multi-stem	2 inch caliper Bufferyard A - D 1-1/2 inch caliper Bufferyard E - J 10 foot
C. Evergreen tree	5 foot height
D. Shrub - Deciduous - Evergreen	 24 inch height 18 inch height

(2) Color. Thirty percent (30%) of landscaping material shall bear flowers. A minimum of ten percent (10%) and up to thirty-three percent (33%) of flowering landscaping material may be annual or perennial flowering plants planted at the rate of sixteen (16) square feet per shrub planted when in lieu of flowering shrubbery. A minimum of ten percent (10%), up to a maximum of thirty-three percent (33%), of the remaining seventy percent (70%) of landscaping material shall have leaves that are a color other than solid green.

(3) Species.

A. Species shall be selected to insure that flowers are present throughout the growing season. Annuals used shall be planted by June 1. The Town will maintain a current list of plants native to Pennsylvania that may be used.

B. Species must not be on the U.S. Department of Agriculture Pennsylvania noxious weed list.

C. Species, with the exception of annuals, are encouraged to be native.

D. Species on the Pennsylvania Department of Community and Natural Resources invasive species list are discouraged.

(Ord. 1373. Passed 6-15-09.)

(e) Maintenance of Landscaped Areas. All landscaped areas shall be maintained by the owner of the property. All such areas shall be kept free of debris and litter at all times. Damage to ten percent (10%) or more of the plant material for any reason, including disease, shall require replacement of all such damaged plant materials.

To ensure that all landscaped areas are properly maintained, the owner of the property shall provide the Town prior to the receipt of an occupancy permit, a letter of credit, bond or Pennsylvania approved corporate surety or approved security in the amount of ten percent (10%) of the cost of the plant materials within the landscaped areas.
(Ord. 964 §2. Passed 10-26-87.)

1314.06 TRAFFIC REQUIREMENTS.

(a) General Purposes. The general purpose of this section is to:
- (1) Define the development approval process the applicant is required to complete with respect to traffic impact of the site;
- (2) Define the cost sharing of roadway improvements already identified as necessary for development of the district;
- (3) Identify the access plan for each site and improvements necessary to access each site;
- (4) Describe the traffic study required of the applicant; and
- (5) Describe the required implementation process for construction of roadway improvements within the district.

(b) Terms Defined.
- (1) "The Traffic Study" means the McKnight Road Traffic Study by Wilbur Smith Associates dated May 26, 1987, and any addenda thereto.
- (2) "Roadway improvements" means the required construction of roadways, traffic signals, signs, etc., necessary to increase traffic capacity.
- (3) "The District" means the D-Development District.
- (4) "Roadway improvement account" means an account to be established by the Town to be used only for roadway improvements in the zoning district. This interest ,bearing account and interest earned shall only be used for roadway improvements in the district.

(c) Definition of Roadway Improvements.
- (1) The required roadway improvements which benefit the total district are defined in the traffic study under recommended improvements, with the exception of the Duncan Avenue West extension.
- (2) The improvements required may be added to, deleted or modified as necessary, as documented by addendums to the traffic study.
- (3) Total costs to be shared by the district sites are based upon the latest available cost estimates, construction bids or completed project costs.
- (4) If any of the required improvements are funded and constructed by other agencies, such as the Pennsylvania Department of Transportation or developers outside the district, they shall be deleted from the program of required roadway improvements.

(d) Site Access Improvements.

(1) Traffic access to each site shall be in accordance with the access plan in the traffic study.

(2) All improvements required to obtain access as shown in the traffic study shall be constructed by the applicant and not considered to be within the improvements which benefit the district.

(3) Detailed plans of site access showing roadway design shall be submitted for Town review and approval.

(4) All access improvements shall be approved by other agencies as required prior to final site plan by the Town.

(e) Cost Allocation Formula.

(1) All sites within the district shall share in the costs for implementation of the roadway improvements.

(2) Costs shall be allocated in accordance with a.m. and p.m. total entering and exiting peak hour trip generation as defined in the Institute of Transportation Engineers publication, Trip Generation Manual, the latest edition.

(3) The applicant shall be responsible for the costs, as determined by the formula (Table 9 of the traffic study), to be deposited in the Town's account for roadway improvements in the district.

(4) After the costs have been determined and they have been deposited in the Town's account or improvements constructed, the costs shall not be increased in the future to the applicant when total costs or the allocation formula is revised. If refunds are due, the applicant shall be provided a refund when the improvement account is eliminated.

(f) Development Approval Process.

(1) The traffic study shall be updated to reflect the proposed site development if it differs from the assumed development access, size or land use.

(2) The applicant shall be responsible for the engineering costs to update the traffic study.

(3) The updated traffic study shall determine if the required improvements, cost estimates or allocation formula require changes based upon the proposed development access, size or land use.

(4) The study shall be updated prior to site plan approval.

(5) The updated study shall include the total study area as defined in the traffic study and shall update all relevant sections as necessary for revision.

(6) The updated traffic study shall be subject to approval by the Town.

(7) The cost of improvements shall be paid by the applicant to the Town prior to signing of subdivision or land development agreement.

(g) Improvement Implementation.

(1) All required access improvements to the site shall be completed prior to issuance of the building occupancy permit.

(2) If the applicant so elects, improvements identified in the traffic study which benefit the total district as approved by the Town and improve access to the owner's site may be constructed by the applicant in lieu of payment into the roadway improvement account for an equal or greater value subject to approval by the Town. Value shall be determined by the final construction costs and must be approved by the Town Engineer.

(3) If the Town so elects, improvements may be constructed prior to sufficient funds being available in the roadway improvement account. The fund shall be reimbursed by applicant fees when available.

(4) If the applicant elects to construct traffic improvements benefitting the district which cost the applicant more than that which is required per the allocation formula, the Town shall reimburse the applicant for these costs which exceed the required contribution when funds are available in the roadway improvement account.

(5) All overall improvement plans and specifications shall be approved by the Town and/or other cognizant agencies prior to commencement of construction.

(6) The applicant shall be responsible for the costs of engineering, design, and construction inspection if the owner elects to construct improvements in lieu of contributing to the roadway improvement account.

(7) When roadway improvements are completed by either the applicant or the Town, the total costs to be allocated shall be revised based upon actual costs in lieu of cost estimates. If this revised total cost results in credit due applicants who have already paid into the fund or constructed improvements, this credit shall be noted by the Town Manager. If credits are due when all improvements are completed and the roadway improvement account is to be eliminated, refunds shall be distributed proportionally at that time.

(8) There shall be no time limit as to when funds are being contributed by the roadway improvement fund are received or expended.

(9) The Town Manager shall be responsible for administration of the traffic improvements. The Town Manager has the authority to modify the traffic study or cost formula in accordance with this ordinance subject to the approval of Council.

(Ord. 964 §2. Passed 10-26-87.)

1314.07 ARCHITECTURAL GUIDELINES.

(a) Development Character. "Campus" Image. The Development District encompasses rolling, wooded hills interlaced with residential neighborhoods. The architectural character of projects developed within this corridor should preserve this quality and respect the residential scale through the appropriate massing and scale of the proposed buildings as well as materials' use and landscaping of the grounds. A "campus" character is the goal for developments within this district which shall extend the existing residential vocabulary of surrounding communities and preserve the environmental qualities of the land.

This character shall be achieved by using basic guidelines defining height restrictions (performance zoning), materials use, roof treatment, landscaping, site lighting and signage requirements. Those basic guidelines shall permit individual flexibility in design and treatment of proposed projects by specifying critical parameters. The Architectural Review Board shall assist the developers in further defining the intentions of quality and character guidelines and shall review submitted designs to assure that the appropriate character within this district is maintained. Council shall appoint three persons who own property within the Town to the Board for a four year term. The Board shall advise the Planning Commission as to the acceptability of a proposed project, as it relates to development character and conformance with the architectural guidelines.

(b) Design Guidelines. To insure that multi-family and office/commercial projects within the district reflect a desirable image of the Town, the following architectural guidelines shall be incorporated into the District standards.

(1) Material use. All primary and accessory structures shall be constructed primarily of a brick or clay tile material. Colors should be compatible with the surrounding residential community. The following materials are not permitted as primary exterior cladding within the Development District:

A. Concrete block;
B. Metal;
C. Wood siding; or
D. Asphalt/fiberglass shingles.

(2) Glazing. Glazing areas shall not exceed sixty percent of the exterior skin of the building. Mirrored glazing is not permitted within the Development District, though solar absorption/reflective glazing is an acceptable material.

(3) Roof structures. Buildings having up to and including two stories shall have sloped roofs with a minimum 6:12 pitch. Buildings of three stories or more may have sloped parapets that shall have the appearance of a solid roof or fully enclosed sloped roofs. Minimum parapet heights/slopes are as follows:

A. Three stories or thirty-five feet - twelve feet height at 12:12.
B. Four stories or forty-five feet - fifteen feet height at 12:12.

Buildings of three stories or more may also have fully enclosed roofs with a minimum of 6:12 pitch or highly articulated roof forms that express the building and at the same time shield exposed roof mounted mechanical systems from view.

Permitted roof materials shall be metal (copper, pre-finished aluminum, terne, stainless steel), slate or tile.

(4) Screening. All mechanical equipment and trash collection areas shall be screened from public view and construction using materials consistent with the primary building.

(5) Accessory structures. All accessory structures shall be constructed using materials consistent with the primary building.

(c) Sign Standards.

(1) Each land use shall be permitted the following sign types:

A. One development sign per vehicular entry, if entries are located on separate collector roads. No more than one development sign along the same collector road.

B. One freestanding sign.

C. One of the following: projecting wall, graphic, supergraphic or auxiliary.

(2) Definitions.

A. "Auxiliary sign" means a sign which provides special information such as direction, price, sales information, hours of operation or warning and which does not include names, brand names or information regarding product lines or services. Examples of such signs include directories of tenants in buildings and "no trespassing" signs.

B. "Development sign" means a sign which, by symbol or name, identifies the development. It may also provide an index of uses (tenants) included in the development.

C. "Freestanding sign" means a self-supporting sign resting on or supported by means of poles, standards or any other type of base on the ground.

D. "Graphic" means a sign which is an integral part of a building facade. The sign is painted directly on, carved in or otherwise permanently embedded in the facade. Signs in shop windows are included unless they qualify as auxiliary signs.

E. "Marquee" means the sign of a theater, auditorium, fairground or museum, which advertises present and scheduled events.

F. "Projecting sign" means a sign, other than a wall sign, which is attached to and projects from a structure or building face. The sign face of double-faced projecting signs is calculated by measuring one face of the sign only.

G. "Sign face" means that area of a sign which:

1. In the case of freestanding, projecting and marquee signs consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign shall not be counted as a part of sign face area unless such structure or bracing is made a part of the sign's message. Where a sign has two display faces back to back, the area of only one face shall be considered the sign face area. Where a sign has more than one display face, all areas which can be viewed simultaneously shall be considered the sign face area.

2. In the case of a sign (other than freestanding, projecting or marquee) whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total of the entire background.

3. In the case of a sign (other than freestanding, projecting or marquee) whose message is applied to a background which provides no border or frame, sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems and other elements of the sign message.

H. "Sign lighting" means methods of illumination which may be divided into several types:

1. General. The sign itself neither is lighted internally nor has an external source of light specifically directed at it. Rather, the sign depends on the general illumination of the area, such as parking lot, traffic or pedestrian areas, for its illumination.
2. Internal. The sign is made of translucent material with internal lights.
3. Back lite. The letters are raised beyond the sign's background and the cover lighting sources which illuminate the background.
4. Spot lite. The sign is lighted by spotlights specifically directed at it.

I. "Super graphic" means a sign consisting of a single word which is an integral and permanent part of the facade and which is distinguished only by relief and the shadows thereby created.

J. "Temporary sign" means a sign or advertising display constructed of cloth, canvas, fabric, paper, plywood or other light material and intended to be displayed for a short period of time (thirty consecutive days). Included in this category are retailers' signs temporarily displayed for the purpose of informing the public of a sale or "special " offer.

K. "Wall sign" means a sign mounted parallel to a building facade or other vertical building surface. Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted, nor shall they project more than eighteen inches from its surface.

(3) Development sign standards.

A. A development sign shall be limited to no more than six feet in height above the natural grade in the area.

B. All development signs shall be freestanding.

C. Lighting of a development sign may be by internal lighting, back lighting, the general lighting of the area, or by shielded spotlights.

D. The standards below shall apply to all development signs:

Type of Lighting	Maximum Sign Face Area
General	80 square feet plus 10 square feet for every 100 feet of frontage over 500 feet.

Type of Lighting (cont.)	Maximum Sign face Area
Backlighting or spotlighting	60 square feet plus 8 square feet for every 100 feet of frontage over 500 feet
Internal lighting	40 square feet plus 5 square feet for every 100 feet of frontage over 500 feet.

E. All development signs shall be located between the arterial or collector roads on which they may be permitted and any bufferyard required by the use on the site.

(4) General regulations.

A. No person shall erect, alter or relocate within the district any sign without first obtaining a sign permit, with the following exceptions:

1. Memorial signs and tablets displayed on public property and in cemeteries;
2. Address numerals and signs not exceeding one square foot in area and bearing the names of occupants of the premises;
3. Legal notices;
4. Traffic and no parking signs which bear no advertising.

B. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

C. Except for time and/or temperature signs, no flashing, fluttering, undulating, swinging, rotating or otherwise moving signs shall be permitted.

D. No sign, temporary or otherwise, shall be affixed to a tree or utility pole.

E. No signs including traffic signs and similar regulatory notices except those of a duly constituted governing body shall be allowed within road right-of-way lines.

F. Any spotlights permitted to illuminate signs shall be shielded such that their light source cannot be seen from adjoining roads or residential uses.

G. Height.

1. The height of a freestanding sign shall be measured from the curb level to the top of the sign.
2. The height of the projecting sign shall be measured from the base of the sign face to the ground below.
3. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall be no higher than the maximum permitted building height nor shall it be more than three feet higher than the highest ceiling elevation in the building.
4. The height of a graphic or supergraphic shall be measured from the base of the ground to the top of the sign face.

H. A sign shall not be mounted on a roof.

(5) Additional regulations.

A. Marquee signs. Theaters, museums, auditoriums and fairgrounds shall be permitted marquee signs up to an additional one hundred percent (100%) in area beyond that permitted for freestanding signs, provided that the area of other signs to which the theaters, museum, auditorium or fairground may be entitled is reduced. The increase in area permitted the marquee sign shall be equal to the reduction in area of other permitted signs.

B. Auxiliary signs. An auxiliary sign may be freestanding, attached to freestanding structures or equipment, or may be attached to the building or windows.

C. Freestanding signs. A freestanding sign shall not be located within any bufferyards required by the use of the site on which it is located.

D. Graphic signs. A graphic sign shall consist of or be constructed of the same material as the facade of which it is an integral part, with the exception that individual letters or symbols which do not project more than one inch from the facade need not be of the same material as the facade.

E. Super graphic. A super graphic shall consist or be constructed of the same material as the facade of which it is an integral part. No difference in material is permitted.

(d) Exterior Lighting Standards.

(1) Purpose. The purpose of this subsection is to regulate the spillover of light and glare on operators of motor vehicles, pedestrians and land uses in the proximity of the light source. With respect to motor vehicles in particular, safety considerations form the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated. This subsection is not intended to apply to public street lighting.

(2) Definitions.

A. "Candlepower" means the amount of light that will illuminate a surface one foot distant from a light source to an intensity of one footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source or luminaire.

B. "Cutoff" means the point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cutoff) at a specific angle above the ground.

C. "Cutoff angle" means the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

D. "Cutoff-type luminaire" means a luminaire with elements such as shields, reflectors or fractor panels which direct and cut off the light at a cutoff angle that is less than ninety degrees.

E. "Footcandle" means a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

F. "Glare" means the brightness of a light source which causes eye discomfort.

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Table of Sign Performance Standards-Sign Standard

	R	A	B	C	
FREE STANDING					
Maximum area (1)	A = .5 sq. ft	A=25 A1=10 A2 = 2	A=35 A1=15 A2=2	A=50 A1=20 A2=2	
Maximum Height	Note 2	6 ft.	8 ft.	8 ft.	
Lighting	General	Spot	Spot	Spot, internal, back	
Other	House no. only				
PROJECTING					
Maximum area	2 sq. ft. (3)	12 sq. ft.	15 sq. ft.	18 sq. ft.	
Maximum height	8 ft.	14 ft.	15 ft.	16 ft.	
Lighting	General	General	General	General	
Other					
WALL					
Maximum area (3)	A1=3 sq. ft.	A1=4 x=.02 A3 = 200	A1=4 x=.04 A3 = 400	A1=4 x=.04 A3=400	
Maximum height	8 ft.	Max. ht. of building	Max. ht. of building	Max. ht. of building	
Lighting	General	Spot, back	Spot, back	Spot, internal, back	
Other					
GRAPHICS					
Maximum area (4)	6 sq. ft.	12%	16%	20%	
Maximum height	6 ft.	Max. ht. of building	Max. ht. of building	Max. ht. of building	
Lighting	General	Spot, general	Spot, general	Spot, general	
Other					
SUPER GRAPHICS					
Maximum area		40%	50%	60%	
Maximum height	Not permitted	Max. ht. of building	Max. ht. of building	Max. ht. of building	
Lighting		General	General	General	
Other					
AUXILIARY FREE STANDING					
Maximum area (5)		10%	10%	10%	
Maximum height		4 ft.	5 ft.	6 ft.	
Building area	Not permitted	10%	10%	10%	
Window area		5%	7%	10%	
Other		In display area-not on window			

(1) Choose A or A1 + $\left(\frac{\text{A2 x Frontage(ft.)}}{50}\right)$ whichever is greater

(2) 1 ft. or mounted on house, garage or mailbox

(3) Choose A1 + (facade area (sq. ft.) x (x) or A3, whichever is less

(4) In square feet or percent of facade area.

(5) Percent of permissible free standing.

G. "Luminaire" means a complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

H. "Maximum permitted illumination" means the maximum illumination measured in footcandles at the interior bufferyard line at ground level in accordance with the standards of subsection (d)(3) hereof.

(3) The following standards are required of all exterior lighting except the outdoor recreational uses specifically exempted below. Many uses have the option of providing a lower light post with a noncutoff type luminaire or a higher pole, up to sixty feet, with a luminaire that totally cuts off light spillover at a cutoff angle smaller than ninety degrees. The maximum height light post permitted is dependent on amount of cutoff provided. This is designed as a protection against excessive glare and light spilling over to neighboring properties. The exceptions which are permitted provide adequate protection for neighboring residential property. Exterior lighting shall meet one of the following standards:

A. When light source or luminaire has no cutoff:

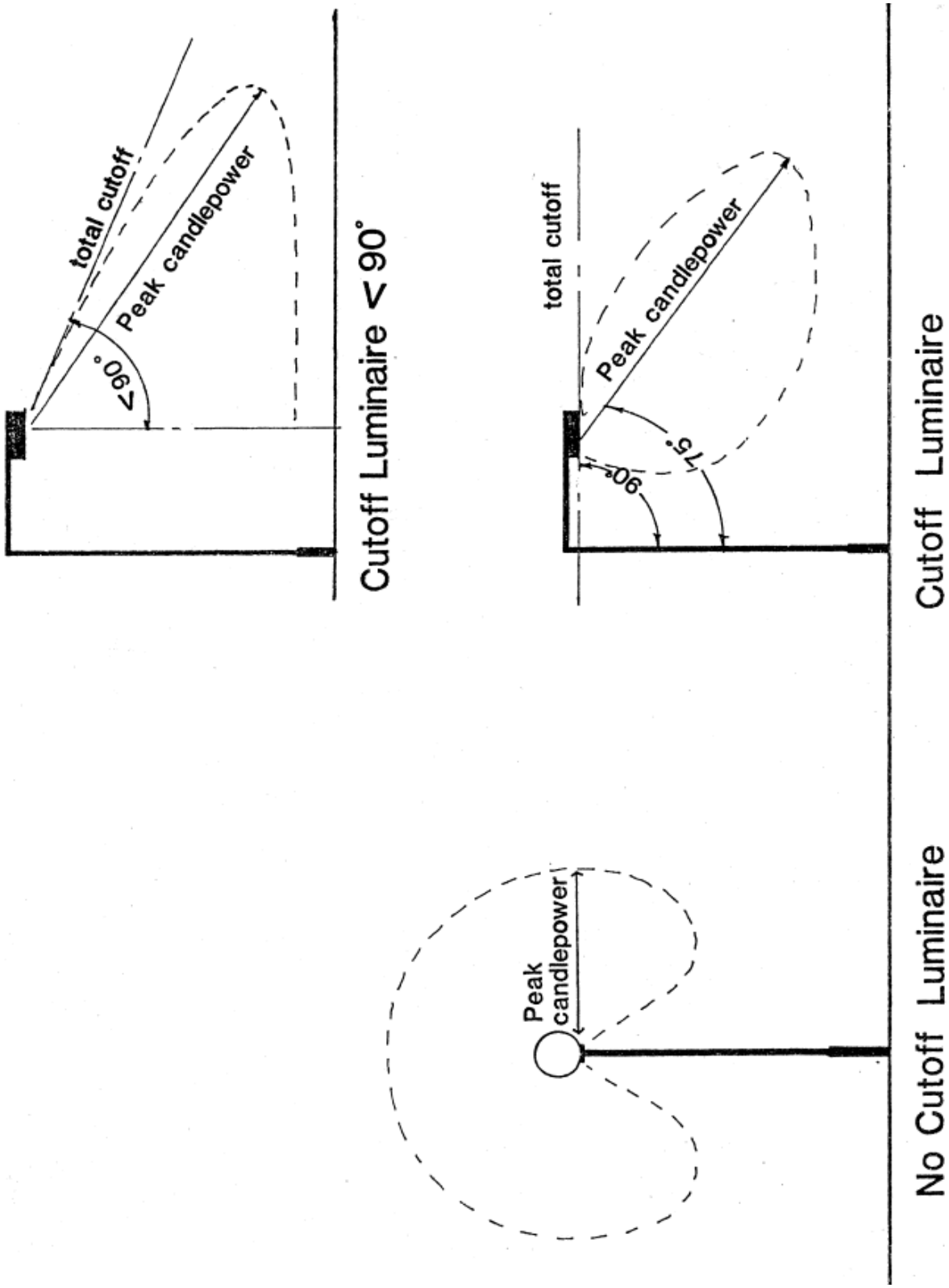
Standard	Maximum Permitted Illumination	Maximum Permitted Height of Luminaire (feet)
R	0.20	10
A	0.20	15
B, C	0.30	20

Illustrations of this type of luminaire are provided below.

B. When a luminaire has total cutoff of an angle greater than ninety degrees, the maximum illumination and the maximum permitted luminaire height shall be:

Standard	Maximum Permitted Illumination	Maximum Permitted Height of Post (feet)
R	0.3	15
A	0.5	20
B	0.75	25
C	1.0	30

An illustration of this type of luminaire is illustrated below.


total cutoff
Peak candlepower
90°
Cutoff Luminaire < 90°
total cutoff
Peak candlepower
90°
75°
Cutoff Luminaire
Peak
candlepower
No Cutoff Luminaire

C. When a luminaire has total cutoff of light at an angle less than ninety degrees and is located so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cutoff angle intersects the ground, then the maximum permitted illumination and the maximum permitted height of the luminaire shall be:

Standard	Maximum Permitted Illumination	Maximum Permitted Height of Luminaire (feet)
R	0.5	20
A	1.0	25
B	2.0	30
C	3.0	40

D. Exemption for specified outdoor recreational uses.
1. Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields and tennis courts are exempted from the exterior lighting standards of this section. These outdoor recreational uses shall meet all other requirements of this section and this Code.
2. The outdoor recreational uses specified above shall not exceed a maximum permitted post height of eight feet.
3. The outdoor recreational uses specified above may exceed a total cutoff angle of ninety degrees, provided that the luminaire is shielded to prevent light and glare spillover to adjacent residential property. The maximum permitted illumination at the interior bufferyard line shall not exceed two footcandles.

E. Additional regulations. Notwithstanding any other provision of this section to the contrary:
1. No flickering or flashing lights shall be permitted.
2. Light sources or luminaires shall not be located within bufferyard areas except on pedestrian walkways.

F. Measurement.
1. Metering equipment. Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five percent (5%). It shall have been tested, calibrated and certified by an independent commercial photometric laboratory of the manufacturer within one year of the date of its use.
2. Method of measurement. The meter sensor shall be mounted not more than six inches above ground level in a horizontal position. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The

difference between the two readings shall be compared to the maximum permitted illumination. This procedure eliminates the effects of moonlight and other ambient light.

G. Exterior lighting plan. At the time any exterior lighting is installed or substantially modified, and whenever a zoning certificate is sought, an exterior lighting plan shall be submitted to the zoning office in order to determine whether the requirements of this section have been met.

(Ord. 964 §2. Passed 10-26-87; Ord. 1373. Passed 6-15-09.)

1314.08 DETAILED USE REGULATIONS.

(a) Residential Use Regulations. This section specifies the minimum lot dimensions and other requirements for each type of residential unit permitted by this Code. The regulations provide for lot sizes that vary with the number of bedrooms or size of house and with the type of housing. This gives the developer considerable freedom. For example, in areas where the site is best suited to smaller lots or dwellings, these can be accommodated without a zoning change so long as the overall intensity is balanced by the use of larger lots on other portions of the site.

Any type of single-family detached dwelling unit for which particular standards are not specified in this section shall comply with the requirements of a single-family house.

When a lot exceeds the minimum permitted area, all other standards applicable to the minimum lot area shall nevertheless apply. The figures specified in the tables of this section are expressed in terms of square feet, feet or a ratio, whichever applies. The off-street parking figures specify minimum number of off-street parking spaces. When the off-street parking is to be provided entirely on a lot and the required number of spaces is not a whole number, the number of required spaces shall be rounded up to the next higher whole number.

Reduction in number of off-street parking spaces: when a development is specifically designed to be used for senior citizens, all such units shall be required to provide one parking space for each such unit.

(1) Conventional subdivisions. Use current R-l and R-2 standards.

(2) Performance subdivision. (Replaces R-3, R-4 and R-5 standards). Performance subdivisions may contain one or more of the housing types that are specified in this subsection. Refer to Section 1701 of the Building Code for regulations governing fire detection, fire wall separation and suppression.

A. Single-family house. This dwelling type consists of a single-family residence located on a privately owned lot which has private yards on all four sides of the house. The following table specifies the minimum standards for single-family homes in a performance subdivision.

	2 Bedrooms	3 Bedrooms or More
Minimum lot area	6,600 sq. ft.	7,400 sq. ft.
Minimum on-lot impervious	16%	22%
Maximum floor area ratio	.16	.24
Minimum yards Street Side Rear	 25 8 25	 25 8 30
Minimum lot width	60	70
Off-street parking spaces	2	3

B. Lot-line house. This dwelling type consists of a single-family, fully detached residence located on an individual lot which is set on the lot line. House windows are prohibited in that wall of the house on the lot line. Either a five foot maintenance easement shall be provided for the neighboring property, or the lot line house may be set back five feet from the line and a recreation, planting and use easement may be granted to the adjacent lot owner. In addition, the following table specifies the minimum standards for a lot-line house.

	2 Bedrooms	3 Bedrooms or more
Minimum lot area	5,500 sq. ft.	6,200 sq. ft.
Maximum on-lot impervious	22%	28%
Maximum floor area ratio	.20	.27
Minimum yards - street	20	20
rear	30	30
side *	28	30
Minimum building spacing **	28	30
Minimum lot width	55	60
Off-street parking spaces	2	3

* This standard applies when units are located on the lot line

** This standard applies when units are set back from the lot line and the easement described above is provided.

C. Village house. This dwelling type is a single-family residence which is fully detached from neighboring structures. The village house is distinguished by very small front and side yards. The placement of the unit close to the street requires special landscaping or architectural treatment, specified in detail below. The required landscaping is a definitional element of the unit. The following table and text specify the minimum standards for a village house.

		3 Bedrooms or More	
	2 Bedrooms	1 car garage	2 car garage
Minimum lot area	4,200	4,600	5,000
Maximum on-lot impervious	23%	23%	27%
Maximum floor area ratio	.26	.28	.34
Minimum yard - street	15	15	15
side	5	5	5
rear	25	30	30
Minimum lot width	46	50	55
Off-street parking spaces	2	3	3

The yards of village houses that front on street shall be landscaped or the units built to include the installation of at least two of the following seven landscaping or architectural treatments:

1. Two canopy trees and three evergreen or understory trees or six evergreen or understory trees.
2. A porch which is roofed but not enclosed and extends across three-fourths of the front of the house and is at least seven feet in width.
3. A front yard raised above the grade of the sidewalk by at least twenty-four inches and four flowering or evergreen shrubs along each street face.
4. An ornamental fence or wall between twenty-four and thirty-six inches in height, and five flowering shrubs or evergreen shrubs per street face.
5. Twenty flowering or evergreen shrubs or ten flowering or evergreen shrubs, twenty hedge plants and two understory trees.
6. A hedge consisting of shrubs planted on eighteen inch centers and two understory or evergreen trees.
7. A berm or raised area averaging eighteen inches above the average grade of the rest of the yard and covering forty percent (40%) of such yard, with four understory or evergreen trees and six flowering or evergreen shrubs.

D. Twin house. This dwelling type consists of a semi-detached dwelling for a single family. It has only one dwelling unit from ground to roof and only one wall in common with another dwelling unit. The following table specifies the minimum standards for a twin house.

		Number of Bedrooms					
		1	2	3 1 car garage		3 2 car garage		4	5
Minimum lot area		2700	3200	3400		3900		4000	4400
Maximum on-lot impervious		33%	33%	32%		40%		41%	40%
Maximum floor area ratio		.29	.32	.32		.29		.32	.35
Minimum lot width		36	40	40		45		45	50
Minimum yards - street		20	25	25		25		25	25
side	8	10	10		10		10	10	
rear	20	20	20		20		20	20	
Off-street parking spaces		2	2	2		3		3	4

E. Patio house. This dwelling type is a detached or semi-detached unit, for a single family, with one dwelling unit from ground to roof. Each dwelling unit's lot shall be fully enclosed by a wall located at the lot line, thus creating a private yard between the house and the wall. Side and rear walls shall be seven feet in height, and the front wall shall average six feet in height. That portion of the yard or patio area comprising "minimum patio area" is this housing type's minimum yard area. All living spaces, such as living rooms, dens and bedrooms, shall face into the yard or patio. The following table specifies the minimum standards for a patio house.

	Number of Bedrooms				
	1	2	3	4	5
Minimum lot area					
one story	2100	2700	3300	3700	4100
two story	1800	2300	2700	3000	3300
Maximum on-lot impervious					
one story	46%	51%	53% 53%	52%	
two story	32%	36%	37% 37%	36%	
Maximum floor area ratio					
one story	.39	.37	.33	.36	.36
two story	.47	.48	.40	.44	.45
Minimum lot width	36	38	40	40 45	
Minimum yard width	6 8	8 8	8 8	8 8	
Minimum patio area (sq. ft.)	700	750	800	850	900
Minimum patio area width	25	25	25	25	28
Off-street parking spaces	1.75	2	2.5	2.5	3
Height					
one story	15	15	15	15 15	
two story	25	25	25	25 25	

F. Atrium house. This dwelling type consists of an attached one-story unit with private individual access for a single family. Each dwelling unit shall have a private yard(s) or atria. The entire lot area of atria and house shall be enclosed by a wall. The wall shall be at least eight feet in height in the rear or sides of the lot or may average six and one-half feet if located in the front. All living spaces, that is, living rooms, dens or bedrooms, shall face an atrium. The following table specifies minimum standards for an atrium house.

	Number of Bedrooms				
	1	2	3	4	5
Minimum lot area					
with on-lot parking	1800	2050	2400	2600	2900
with off-lot parking	1550	1750	2000	2250	2500
On-lot impervious					
with on-lot parking	65%	65%	65% 65%	65%	
with off-lot parking	58%	58%	58% 58%	59%	
Maximum floor area ratio					
with on-lot parking	.48	.50	.48	.49	.51
with off-lot parking	.58	.58	.58	.58	.59
Minimum lot width	36	38	40	40 45	
Minimum atrium area (sq.ft)	400	500	500	500	600
Minimum atrium width	18	20	20	20 22	
Off-street parking spaces	1.75	2.0	2.5	3.0	3.0

G. Weak-link town house. This dwelling type consists of an attached dwelling unit, a single unit from ground to roof, with individual outside access housing a single family. Each unit shall have both a one and two-story section. The one-story section shall be at least ten feet wide or thirty percent (30%) of the lot width, whichever is greater. A group of attached, weak-link town houses shall average no more than eight dwelling units per group. The following table specifies minimum standards for a weak-link town house.

	Number of Bedrooms				
	1	2	3	4	5
Minimum lot area					
with 2-car garage	2400	2700	2800	3000	3300
with on-lot parking	2000	2300	2400	2600	2900
with off-lot parking	1700	2000	2100	2300	2600
Maximum on-lot impervious					
with 2-car garage	51%	51%	51%	51%	50%
with on-lot parking	44%	42%	43%	44%	42%
with off-lot parking	35%	33%	35%	36%	36%
Maximum floor area ratio					
with 2-car garage	.36	.36	.38	.42	.46
with on-lot parking	.43	.41	.45	.50	.50
with off-lot parking	.50	.46	.51	.55	.57
Minimum lot width					
with 2-car garage	36	38	40	40	42
with on-lot parking	28	30	30	30	32
with off-lot parking	28	28	30	30	32
Minimum yards					
front	15	20	20	20	20
rear	20	20	22	22	24
Off-street parking spaces	1.75	2.5	2.5	3.0	3.0

H. Town house. This dwelling type consists of a single-family attached unit, with a single unit going from ground to roof, and with individual outside access. Row of attached town houses shall average no more than ten dwelling units. The minimum amount of exterior walls shall be double the minimum lot width. The following table specifies the minimum standards for a town house.

	Number of Bedrooms				
	1	2	3	4	5
Minimum lot area					
with 2-car garage	1700	2000	2000	2400	2600
with on-lot parking	1400	1700	1800	2300	2500
with off-lot parking	1100	1400	1500	1800	2000
Maximum on-lot impervious					
with 2-car garage	59%	55%	58%	66%	56%
with on-lot parking	57%	52%	53%	55%	54%
with off-lot parking	45%	42%	43%	41%	42%
Maximum floor area ratio					
with 2-car garage	.48	.50	.56	.54	.59
with on-lot parking	.57	.57	.62	.58	.60
with off-lot parking	.72	.70	.73	.71	.74
Minimum lot width					
with 2-car garage	28	28	28	30	32
with on-lot parking	22	22	24	26	26
with off-lot parking	18	20	22	24	24
Minimum yards - front	15	20	20	20	20
Off-street parking spaces	1.75	2.5	2.5	3.0	3.0

I. Multiplex. This dwelling type may be either a single-family attached dwelling or a multiple family unit. Each unit may take direct access to a private yard or access point, or units may share yards and access. The units may be arranged in a variety of configurations, including back to back, side to side, or vertically; however, no more than six units shall be attached in any single building.

	Number of Bedrooms				
	Efficiency	1	2	3	4
Minimum lot area	1450	1650	1700	1750	2150
Maximum on-lot impervious	59%	59%	56%	58%	60%
Maximum floor area ratio	.43	.52	.60	.65	.61
Minimum lot width (per structure)	60 70	70	75	75	
Minimum yards -					
street	25	25	25	25	25
side	5	5	5	5	5
Off-street parking spaces	1.5	2.0	2.5	2.5	3.0

J. Apartment buildings. Apartment buildings are buildings comprising multiple dwelling units which share common access to individual units and yards. The yard required shall be the sum of the areas required for each unit within the structure. Apartments shall contain three or more units in a single structure. The following table specifies the minimum standards for apartment buildings:

	Number of Stories		
	2	3	4
Minimum lot area per dwelling unit (D.U.)			
Efficiency	1050	1100	1050
1 Bedroom	1450	1400	1250
2 Bedrooms	1650	1550	1450
3 Bedrooms	1850	1600	1450
4 Bedrooms	2050	1850	1600

	Number of Stories		
	2	3	4
Maximum on-lot impervious surface ratio			
Efficiency	66%	61%	59%
1 Bedroom	65%	63%	59%
2 Bedrooms	71%	65%	61%
3 Bedrooms	68%	65%	65%
4 Bedrooms	69%	65%	67%
Maximum floor area ratio			
Efficiency	.49	.54	.55
1 Bedroom	.50	.58	.58
2 Bedrooms	.64	.70	.71
3 Bedrooms	.67	.77	.87
4 Bedrooms	.69	.76	.88
Maximum height	30	45	60
Maximum number dwelling units per building	24	36	48
Minimum street frontage of lot	100	100	100
Minimum spacing between buildings	40	60	40

	Number of Bedrooms				
	Efficiency	1	2	3	4
Off-street parking spaces	1.5	1.75	2.5	3	3

(Ord. 964 §2. Passed 10-26-87.)

1314.09 PARKING.

The following minimum number of parking spaces shall be required of the nonresidential uses specified below. The minimum size of each parking stall shall be nine feet by eighteen feet. Aisle widths are shown on the following page.

(a) Definitions.

(1) Reference herein to "employee(s) on the largest work shift" means the maximum number of employees employed at the facility regardless of the time period during which this occurs and regardless of whether any such person is a full-time employee. The largest work shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.

(2) The term "capacity" as used herein means the maximum number of persons which may be accommodated by the use as determined by its design or by fire code regulations, whichever is greater.

(b) Minimum of Spaces.

(1) Office uses. One space per 300 square feet of gross floor area.

(2) Other office uses. Beauty and barber shops: Three spaces per operator or one space per 100 square feet of gross floor area, whichever is larger, plus one space per employee on the largest shift.

(3) Medical offices. Six spaces per 1000 square feet of gross space.

(4) Personal services. One space per 200 square feet of basement and first floor gross floor area, plus one space per 300 square feet of any additional floor area for customer service, plus one space per employee on the largest shift.

(5) Commercial and entertainment uses, except as specifically designated below: One space per 200 square feet of gross floor area of customer sales and service, plus one space per 250 square feet of storage and/or office gross floor area, or, if the use has at least 100,000 square feet of gross floor area, five and one-half spaces per 1,000 square feet of gross floor area.

(6) Other commercial and entertainment uses.

A. Banks. One space per 200 square feet gross floor area, plus five spaces off-street waiting (loading) spaces per drive-in lane, plus one space per employee on the largest work shift.

B. Private clubs. One space per three persons to the maximum capacity of the facility.

C. Restaurant, standard. One space per 100 square feet of gross floor area.

D. School, commercial or trade. One space per three students, plus one space per employee (including faculty) at capacity class attendance period.

E. Theaters and auditoriums. One space per three patrons based on maximum capacity. This requirement may be satisfied on a space-by-space basis by a facility's providing written proof that it has the use of a nearby parking lot available to its patrons, for example, by contractual arrangement.

F. Institutional, indoor, recreational, and special residential uses. One space per three patrons to the maximum capacity, plus one space per employee on the largest shift.

(7) Other institutional, indoor, recreational and special residential uses.

A. Community and recreation center. One space per 250 square feet of gross floor area, or one space per four patrons to the maximum capacity, plus one space per employee on the largest shift.

B. Day or nursery school. One space per teacher/employee on the largest shift, plus one off-street loading space per six students.

C. Libraries and museums. One space per 250 square feet of floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest shift.

D. Nursing homes. One space per six patient beds, plus one space per employee on the largest shift, plus one space per staff member and visiting doctor.

E. Schools.
1. Elementary and junior high. One space per teacher and staff member, plus one space per two classrooms.
2. Senior high. One space per teacher and staff member on the largest shift, plus one space per five nonbused students.
3. College. One space per staff member on the largest shift, plus one space per two students of the largest class attendance period.

F. Swimming facility. One space per seventy-five square feet of gross water area, plus one space per employee on the largest shift.

G. Skating rink, ice or roller. One space per 300 square feet of gross floor area.

H. Tennis, racquetball, handball courts. Four spaces per court, plus one space per employee on the largest shift.

I. Bowling alley. Five spaces per lane, plus one space per employee on the largest work shift.
(Ord. 964 §2. Passed 10-26-87.)

J. Personal care facilities. One space per two occupants.
(Ord. 1163. Passed 4-22-96.)

Minimum Standard Size Parking Stall, Aisle and Bay Dimensions

Angle (A)	45 (1)	60 (1)	70 (1)	80 (1)	90
W (width)	12.73	10.39	9.58	9.14	9.0
W’	9.0	9.0	9.0	9.0	9.0
X	27.00	22.50	21.08	19.56	18.00
L (length)	19.09	19.49	19.81	19.26	18.00
L’	18.00	18.00	18.00	18.00	18.00
Aisle Width	13.6'	15.1'	16.0'	18.1'	24.0'
Bay Width	51.8'	54.1'	55.6'	56.6'	60.0'

(1) These dimensions are for one way parking.

1314.10 SUBMISSION PROCEDURES.
The submission requirements for a site development proposal shall be as follows:

(a) Submission Content. A comprehensive site development plan or plans (maximum sheet size thirty inches by forty-two inches) bearing the seal of a registered architect, engineer or surveyor shall be submitted and approved prior to any building permit request. The site plan shall be accompanied by the following:
(1) A general map showing the site location;
(2) Building elevations;
(3) Building floor plans; and
(4) Three dimensional model of site development.

(b) The site development submission shall provide the following information:
(1) Owner and zoning district classification of the site immediately prior to the creation of the D-Development District;
(2) Owner, use and zoning, and land use intensity classification of all adjacent properties;

(3) Height, bulk and placement of buildings;
(4) Area, actual and required; floor area ratio/impervious surface area;
(5) Scale, north arrow and date;
(6) Tract boundary and lot lines;
(7) Road access, public and private internal roads and walks;
(8) Grades, existing and proposed;
(9) Drainage, existing and proposed, including:
  A. Full topo map of entire watershed in plan and above plan with calculation of area;
  B. Topo of plan with calculation of all areas and sub-areas draining to each catch basin;
  C. Calculations for all storm sewer sizing;
  D. Calculation of required retention and permissible release;
  E. Details of retention facility with calculations;
  F. Details of release facility with calculations; and
  G. Rights of way and lot lines on the plan for storm sewers;
(10) Utility availability and easements;
(11) Existing and proposed wooded areas;
(12) Existing slope areas fifteen percent (15%) and greater;
(13) Flood plain (100 year storm) and landslide prone areas;
(14) Soil characteristics;
(15) Erosion and sedimentation controls;
(16) Designated and natural resource protection areas;
(17) Yard depths and widths net buildable area of site;
(18) Parking area, proposed and required, and loading berths;
(19) Signs; number, type and location;
(20) Illumination, type and extent;
(21) Landscaping (general and off-street parking);
(22) Bufferyards;
(23) Open space and recreational areas, site capacity calculations;
(24) Plans of proposed structures;
(25) Sidewalks; and
(26) Any other information specifically requested.

(Ord. 964 §2. Passed 10-26-87.)

CANDELIN PRIME AREA

ARTICLE 1315
R-1 Single-Family Dwelling District

1315.01 Purpose.
1315.02 Dimensional standards.
1315.03 Story height.
1315.04 Accessory facilities.
1315.05 Accessory uses.
1315.06 Conditional use: swimming club.
1315.07 Conditional use: neighborhood park or playground. (Repealed)
1315.08 Recreational area.
1315.09 Conditional use: farms.
1315.10 Conditional use: riding horses and small animals.

CROSS REFERENCES

Swimming pool requirements - see P. & Z. 1313.12
Uses permitted - see P. & Z. 1341.01
Nonconforming structures and uses - see P. & Z. Art. 1343, 1349.06
Variances - see P. & Z. 1349.04

1315.01 PURPOSE.

The purpose of the R-1 District is to provide areas of large lots for single-family dwellings. Only one dwelling is permitted on each lot. An R-1 lot within a subdivision may be used as a neighborhood park or playground when authorized by the Town Council as a conditional use. (See Section 1315.07). (Ord. 948 §1. Passed 2-23-87.)

1315.02 DIMENSIONAL STANDARDS.

(a)	Lot area (unless it is part of a plan recorded prior to November 30, 1971)	20,000 sq. ft. min.
(b)	Lot width at building line	100 ft. min.
	If part of plan recorded prior to November 30, 1971	75 ft. min.
(c)	Front yard depth	35 ft. min.
(d)	Rear yard depth	40 ft. min.

(e) Side yard width:

One-story dwelling	15 ft. min.
Two-story dwelling	20 ft. min.
Abutting a street	25 ft. min.

(Ord. 741 §302. Passed 7-3-78; Ord. 906 §8. Passed 5-28-85; Ord. 1004 §27. Passed 3-27-89.)

(f) Height of building 45 ft. max.

Height of accessory facilities within 100 feet of lot line 15 ft. max.

(Ord. 1120. Passed 5-23-94.)

1315.03 STORY HEIGHT.

No dwelling shall be more than two stories in height on any side facing a street nor more than three stories in height on any other side.

The attic or other space immediately under a sloped roof constitutes a story if the space has one or more windows on the side under consideration.

The driveway shall not be included in determining the average elevation of the ground.

(Ord. 741 §303. Passed 7-3-78; Ord. 1177 §3. Passed 12-16-96.)

1315.04 ACCESSORY FACILITIES.

(a) A garage, greenhouse for personal use, storage or utility building, swimming pool, tennis court, satellite dish, animal enclosure, and leash run for household pets or privacy screen is permitted in the rear yard but not closer than fifteen feet to any lot line nor closer than twenty-five feet to any road right-of-way. The total area of accessory buildings shall not exceed twenty-five percent of the total rear yard. A privacy screen is also permitted in the side yard, provided it meets the above requirements.

(Ord. 1004 §28. Passed 3-27-89; Ord. 1235. Passed 7-17-00.)

(b) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1127, passed August 22, 1994.)

1315.05 ACCESSORY USES.

The following accessory uses are permitted:

(a) Rental of rooms without cooking facilities. The number of non-family roomers is limited to two per dwelling unit.

(b) A home occupation by the resident. No one living outside the home may be employed nor any commodity sold or warehoused.

(Ord. 741 §305. Passed 7-3-78.)

1315.06 CONDITIONAL USE: SWIMMING CLUB.

Council may authorize a non-profit swimming club on an R-1 lot as a conditional use if the requirements in Section 1327.03 are met, provided in its opinion the existence of such a swimming club would be an improvement rather than a detriment to the residential character of the neighborhood. This decision may be part of the subdivision approval.

(Ord. 741 §306. Passed 7-3-78.)

1315.07 CONDITIONAL USE: NEIGHBORHOOD PARK OR PLAYGROUND.

(EDITOR'S NOTE: This section was repealed by Ordinance 1027, passed February 26, 1990.)

1315.08 RECREATIONAL AREA.

(a) An area at least equal to 800 square feet per dwelling unit shall be provided for active and/or passive recreation. In no event shall the total area provided be less than 20,000 square feet. Of this area, at least 400 square feet per dwelling unit shall be developed and prepared for specific uses.

(b) The area shall be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have a minimum of 100 feet of frontage on a public road.

(c) The area shall have suitable topography and soil conditions for use as a recreation area. Water surfaces and continuously wet soils shall be deleted from the gross area for all calculations, unless the area is a flood plain.

(d) Size and shape of the area shall be suitable for development as a park. No single side of a property with a rectangular configuration shall amount to more than forty percent (40%) of the perimeter of the tract.

(e) The area shall be easily accessible to essential utilities including power, water, sewerage and telephone. If any of these facilities are placed underground, no part of them or their supportive equipment shall protrude above ground level except as approved by Council.

(f) The finished grade of the recreational area provided shall have a slope of three percent (3%) or less.

(g) A dedication of this recreational area shall be made in accordance with Section 1371.12 of the Land Development and Subdivision Regulations or a fee of four hundred dollars ($400.00) per dwelling unit in lieu of the provision of active/passive recreational area within the development may be made in accordance with Section 1371.12 of the Land Development and Subdivision Regulations.

(h) This section applies to subdivisions approved after the adoption of this section consisting of at least 48,000 square feet of which contain five or more lots.
(Ord. 1027 §2. Passed 2-26-90.)

1315.09 CONDITIONAL USE: FARMS.

Council may approve a farm on an R-1 zoned lot as a conditional use, provided the criteria stated in Section 1341.03 are met. (Ord. 1235. Passed 7-17-00.)

1315.10 CONDITIONAL USE: RIDING HORSES AND SMALL ANIMALS.

Council may approve riding horses and outdoor pets on an R-1 zoned lot as a conditional use, provided the criteria stated in Section 1341.031 are met.
(Ord. 1235. Passed 7-17-00.)

ARTICLE 1317
R-2 Single-Family and Two-Family Dwelling Districts

1317.01 Purpose.
1317.02 Dimensional standards.
1317.03 Story height.
1317.04 Accessory facilities.
1317.05 Accessory uses.
1317.06 Conditional use: two-family dwellings.
1317.07 Conditional use: swimming club.
1317.08 Conditional use: neighborhood park or playground. (Repealed)
1317.09 Recreational area.
1317.10 Conditional use: farms.
1317.11 Conditional use: riding horses and small animals.

CROSS REFERENCES

Swimming pool requirements - see P. & Z. 1313.12
Uses permitted - see P. & Z. 1341.01
Nonconforming structures and uses - see P. & Z. Art. 1343, 1349.06
Variances - see P. & Z. 1349.04

1317.01 PURPOSE.

The purpose of the R-2 District is to provide areas for single and two-family dwellings. Only one dwelling is permitted on each lot. An R-2 lot within a subdivision may be used as a neighborhood park or playground when authorized by the Town Council as a conditional use. (See Section 1317.08). (Ord. 948 §3. Passed 2-23-87.)

1317.02 DIMENSIONAL STANDARDS.

(a)	Lot area with public water and sewer:	
	Single-family (unless part of a plan recorded prior to May 9, 1989)	12,000 sq. ft. min.
	Two-family	24,000 sq. ft. min.
	Lot area without public water or sewer:	
	Per dwelling unit	20,000 sq. ft. min.
(b)	Lot width at building line:	
	Single-family	90 ft. min.
	Two-family	160 ft. min.
(c)	Front yard depth:	35 ft. min.
	If both adjacent dwellings have a front yard less than 35 feet deep, the minimum front yard depth is then the greater of the two adjacent front yard depths.	

(Ord. 1052 §28. Passed 4-22-91.)

(d)	Rear yard depth	40 ft. min.
(e)	Side yard width:	
	One-story dwelling	10 ft. min.
	Two-story dwelling	15 ft. min.
	Abutting a street	25 ft. min.

(Ord. 741 §402. Passed 7-3-78.)

(f)	Height of building	45 ft. max.
	Height of accessory facilities within 100 feet of lot line	15 ft. max.

(Ord. 1120. Passed 5-23-94.)

1317.03 STORY HEIGHT.

No dwelling shall be more than two stories in height on any side facing a street nor more than three stories in height on any other side.

The attic or other space immediately under a sloped roof constitutes a story if the space has one or more windows on the side under consideration.

The driveway shall not be included in determining the average elevation of the ground.
(Ord. 741 §403. Passed 7-3-78; Ord. 1177 §4. Passed 12-16-96.)

1317.04 ACCESSORY FACILITIES.

(a) A garage, greenhouse for personal use, storage or utility building, swimming pool, tennis court, satellite dish, animal enclosure, and leash run for household pets or privacy screen is permitted in the rear yard but not closer than ten feet to any lot line nor closer than twenty-five feet to any road right-of-way. The total area of accessory buildings shall not exceed twenty-five percent of the total rear yard. A privacy screen is also permitted in the side yard, provided it meets the above requirements.
(Ord. 1004 §30. Passed 3-27-89; Ord. 1235. Passed 7-17-00.)

(b) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1127, passed August 22, 1994.)

1317.05 ACCESSORY USES.

The following accessory uses are permitted:

(a) Rental of rooms without cooking facilities. The number of non-family roomers is limited to two per dwelling unit.

(b) A home occupation by the resident. No one living outside the home may be employed nor any commodity sold or warehoused.
(Ord. 741 §405. Passed 7-3-78.)

1317.06 CONDITIONAL USE: TWO-FAMILY DWELLINGS.

Council may authorize as a conditional use the construction of two-family dwellings only if no variance is required and only if either of the following conditions exist:

(a) As part of a separate and distinct grouping or development of such structures that will not conflict or interfere with the use and enjoyment of single-family dwellings in the area; or

(b) As a transition between single-family dwellings and other zoning districts, or between R-3 and R-4 Districts.

(Ord. 741 §406. Passed 7-3-78.)

1317.07 CONDITIONAL USE: SWIMMING CLUB.

Council may authorize a non-profit swimming club on an R-2 lot as a conditional use if the requirements in Section 1327. 03 are met, provided in its opinion the existence of such a swimming club would be an improvement rather than a detriment to the residential character of the neighborhood. This decision may be part of the subdivision approval.
(Ord. 741 §407. Passed 7-3-78.)

1317.08 CONDITIONAL USE: NEIGHBORHOOD PARK OR PLAYGROUND.

(EDITOR'S NOTE: This section was repealed by Ordinance 1027, passed February 26, 1990.)

1317.09 RECREATIONAL AREA.

(a) An area at least equal to 600 square feet per dwelling unit shall be provided for active and/or passive recreation. In no event shall the total area provided be less than 12,000 square feet. Of this area, at least 300 square feet per dwelling unit shall be developed and prepared for specific uses.

(b) The area shall be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have a minimum of 100 feet of frontage on a public road.

(c) The area shall have suitable topography and soil conditions for use as a recreation area. Water surfaces and continuously wet soils shall be deleted from the gross area for all calculations, unless the area is a flood plain.

(d) Size and shape of the area shall be suitable for development as a park. No single side of a property with a rectangular configuration shall amount to more than forty percent (40%) of the perimeter of the tract.

(e) The area shall be easily accessible to essential utilities including power, water, sewerage and telephone. If any of these facilities are placed underground, no part of them or their supportive equipment shall protrude above ground level except as approved by Council.

(f) The finished grade of the recreational area provided shall have a slope of three percent (3%) or less.

(g) A dedication of this recreational area shall be made in accordance with Section 1371.12 of the Land Development and Subdivision Regulations or a fee of four hundred dollars ($400.00) per dwelling unit in lieu of the provisions of active/passive recreational area within the development may be made in accordance with Section 1371.12 of the Land Development and Subdivision Regulations.

(h) This section applies to subdivisions approved after the adoption of this section consisting of at least 48,000 square feet or which contain five or more lots.
(Ord. 1027 §4. Passed 2-26-90.)

1317.10 CONDITIONAL USE: FARMS.

Council may approve a farm on an R-2 zoned lot as a conditional use, provided the criteria stated in Section 1341.03 are met. (Ord. 1235. Passed 7-17-00.)

1317.11 CONDITIONAL USE: RIDING HORSES AND SMALL ANIMALS.

Council may approve riding horses and small animals on an R-2 zoned lot as a conditional use, provided the criteria stated in Section 1341.031 are met.
(Ord. 1235. Passed 7-17-00.)

ARTICLE 1319
R-3 Townhouse and Garden Apartment District

1319.01	Purpose.	1319.04	Accessory uses.
1319.02	Dimensional standards.	1319.05	Road access.
1319.03	Accessory facilities.	1319.06	Recreational area.

CROSS REFERENCES

Uses permitted - see P. & Z. 1341.01
Nonconforming structures and uses - see P. & Z. Art. 1343, 1349.06
Variances - see P. & Z. 1349.04

1319.01 PURPOSE.

The purpose of the R-3 District is to provide areas for townhouses and garden apartments. A one or two story garage and a community or similar building are permitted within the buildable area. (Ord. 741 §501. Passed 7-3-78.)

1319.02 DIMENSIONAL STANDARDS.

The required standards are:

(a) Dwelling unit density per acre of net lot area:

Townhouses	10 max.
Garden apartments	14 max.

(Ord. 1052 §30. Passed 4-22-91.)

(b) Front yard depth:

Abutting R-1 and R-2 Districts and streets abutting such Districts	100 ft. min.
Abutting all other zoning districts and/or a street	30 ft. min.

(c) Rear yard depth:

Abutting R-1 and R-2 Districts and streets abutting such Districts	100 ft. min.
Abutting all other zoning districts and /or a street	20 ft. min.

(d) Combined front yard depth and rear yard depth between buildings not adjacent to R-1 and R-2 Districts 80 ft. min.

(e) Side yard width:
Abutting R-1 and R-2 Districts and streets abutting such Districts — 100 ft. min.
Abutting all other zoning districts and/or a street — 25 ft. min.
If a townhouse building is perpendicular to a street, the side yards are in front and back of the townhouse units. At no time shall there be less than eighty feet between the back of the townhouse unit and the front of a second townhouse unit.

(f) Apartment units per building — 24 max.

(g) Townhouse units per building — 8 max.

(h) Bufferyards as described in Section 1314.04.
(1) Adjacent to residential districts and street rights of way abutting these districts. — Bufferyard D
(2) Adjacent to all other street rights of way. — Bufferyard C
(3) Adjacent to commercial and institutional. — As stated in Section 1314.04.

(i) Height:
Townhouses — 35 ft. max.
Garden apartments — 45 ft. max.

(j) Distance between buildings:
Townhouses — 50 ft. min.
Garden apartments — 60 ft. min.

(k) Coverage based on net lot area — 30% max.

(Ord. 741 §502. Passed 7-3-78; Ord. 770 §6. Passed 7-23-79; Ord. 818 §1. Passed 5-18-81; Ord. 974 §1. Passed 12-21-87; Ord. 1004 §8. Passed 3-27-89; Ord. 1127 §B.38. Passed 8-22-94.)

1319.03 ACCESSORY FACILITIES.

Accessory buildings for swimming pools, tennis courts and similar facilities for recreation are permitted in the buildable area. Other accessory buildings are not permitted. (Ord. 1052 §31. Passed 4-22-91.)

1319.04 ACCESSORY USES.

The Zoning Hearing Board may as a special exception authorize retail and service businesses which they and the majority of the residents consider reasonably necessary to the convenience of the residents if the development contains more than fifty dwelling units. Any such business shall be located in one of the apartment buildings and shall be limited in area to one percent of the total residential floor area. A day care center shall be a permitted use. (Ord. 906 §9. Passed 5-28-85.)

1319.05 ROAD ACCESS,

Access shall be from an arterial or collector road.
(Ord. 741 §505. Passed 7-3-78.)

1319.06 RECREATIONAL AREA.

(a) An area at least equal to 200 square feet per dwelling unit shall be provided for active and/or passive recreation. Of this area, at least 100 square feet per dwelling unit shall be developed and prepared for specific uses.

(b) The area shall be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have a minimum of 100 feet of frontage on a public road.

(c) The area shall have suitable topography and soil conditions for use as a recreation area. Water surfaces and continuously wet soils shall be deleted from the gross area for all calculations, unless the area is a flood plain.

(d) Size and shape of the area shall be suitable for development as a park. No single side of a property with a rectangular configuration shall amount to more than forty percent (40%) of the perimeter of the tract.

(e) The area shall be easily accessible to essential utilities including power, water, sewerage and telephone. If any of these facilities are placed underground, no part of them or their supportive equipment shall protrude above ground level except as approved by Council.

(f) The finished grade of the recreational area provided shall have a slope of three percent (3%) or less.

(g) A dedication of this recreational area shall be made in accordance with Section 1371.12 of the Land Development and Subdivision Regulations or a fee of four hundred dollars ($400.00) per dwelling unit in lieu of the provision of active/passive recreational area within the development may be made in accordance with Section 1371.12 of the Land Development and Subdivision Regulations.

(Ord. 1027 §5. Passed 2-26-90.)

ARTICLE 1321
R-4 Hi-Rise Apartment District

1321.01	Purpose.	1321.04	Accessory uses.
1321.02	Dimensional standards.	1321.05	Road access.
1321.03	Accessory facilities.	1321.06	Recreational area.

CROSS REFERENCES

Uses permitted - see P. & Z. 1341.01
Nonconforming structures and uses - see P. & Z. Art. 1343, 1349.06
Variances - see P. & Z. 1349.04

1321.01 PURPOSE.

The purpose of the R-4 District is to provide areas for hi-rise apartments with at least four and not more than twelve residential floors.
(Ord. 741 §601. Passed 7-3-78.)

1321.02 DIMENSIONAL STANDARDS.

The required standards are:

(a)	Dwelling unit density per acre of net lot area	30 max.
(b)	Front yard depth:	
	Abutting R-1 and R- 2 Districts and streets abutting such Districts	100 ft. min.**
	Abutting all other zoning districts and/or a street	60 ft. min.*
	Side yard width and rear yard depth:	
	Abutting R~l and R-2 Districts and streets abutting such Districts	100 ft. min.**
	Abutting all other zoning districts and/or a street	60 ft. min.*
(c)	Bufferyards as described in Section 1314.04.	
	(1) Adjacent to residential districts and street rights of way abutting these districts.	Bufferyard D
	(2) Adjacent to all other street rights of way.	Bufferyard C
	(3) Adjacent to commercial and institutional.	As stated in Section 1314.04.
(d)	Overall horizontal dimension of a building	250 ft. max.
(e)	Height	150 ft. max.
(f)	Distance between buildings	60 ft. min.*
(g)	Coverage based on net lot area	10% max.

* Plus one foot for each two feet of height over forty-five feet.
** An additional 12 feet shall be added for every floor over four floors in height.
(Ord. 741 §602. Passed 7-3-78; Ord. 818 §2. Passed 5-18-81; Ord. 1004 §9. Passed 3-27-89; Ord. 1127 §B.39. Passed 8-22-94.)

1321.03 ACCESSORY FACILITIES.

Accessory buildings for swimming pools, tennis courts and similar facilities for recreation are permitted in the buildable area. Other accessory buildings are not permitted. (Ord. 1052 §32. Passed 4-22-91.)

1321.04 ACCESSORY USES.

The Zoning Hearing Board may as a special exception authorize retail and service businesses which they and the majority of the residents consider reasonably necessary to the convenience of the residents if the development contains more than fifty dwelling units. Any such business shall be located in one of the apartment buildings and shall be limited in area to one percent of the total residential floor area. A day care center shall be a permitted use.
(Ord. 906 §10. Passed 5-28-85.)

1321.05 ROAD ACCESS.

Access shall be from an arterial or collector road.
(Ord. 741 §605. Passed 7-3-78.)

1321.06 RECREATIONAL AREA

(a) An area at least equal to 200 square feet per dwelling unit shall be provided for active and/or passive recreation. Of this area, at least 100 square feet per dwelling unit shall be developed and prepared for specific uses.

(b) The area shall be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have a minimum of 100 feet of frontage on a public road.

(c) The area shall have suitable topography and soil conditions for use as a recreation area. Water surfaces and continuously wet soils shall be deleted from the gross area for all calculations, unless the area is a flood plain.

(d) Size and shape of the area shall be suitable for development as a park. No single side of a property with a rectangular configuration shall amount to more than forty percent (40%) of the perimeter of the tract.

(e) The area shall be easily accessible to essential utilities including power, water, sewerage and telephone. If any of these facilities are placed underground, no part of them or their supportive equipment shall protrude above ground level except as approved by Council.

(f) The finished grade of the recreational area provided shall have a slope of three percent (3%) or less.

(g) A dedication of this recreational area shall be made in accordance with Section 1371.12 of the Land Development and Subdivision Regulations or a fee of four hundred dollars ($400.00) per dwelling unit in lieu of the provision of active/passive recreational area within the development may be made in accordance with Section 1371.12 of the Land Development and Subdivision Regulations.
(Ord. 1027 §6. Passed 2-26-90.)

ARTICLE 1323
R-5 Planned Residential Development District

1323.01 Purpose.
1323.02 Use.
1323.03 Area standards.
1323.04 Dimensional standards.
1323.05 Accessory facilities.
1323.06 Accessory uses.
1323.07 Road access.
1323.08 Residential area.
1323.09 Application for preliminary approval.
1323.10 Site plan for preliminary approval.
1323.11 Review of application.
1323.12 Public hearing.
1323.13 Preliminary approval.
1323.14 Application for final approval.
1323.15 Final approval.
1323.16 Further action after denial.
1323.17 Time intervals.
1323.18 Abandonment.

CROSS REFERENCES

Planned residential development - see Pa. Municipalities Planning Code §§701- 711 (53 P. S. §§10701- 10711)
Tentative final approval- see Pa. MPC §701 et seq. (53 P.S. §10701 et seq.)
Uses permitted - see P. & Z. 1341. 01
Nonconforming structures and uses - see P. & Z. Art. 1343, 1349.06
Variances - see P. & Z. 1349.04

1323.01 PURPOSE.

The purpose of Planned Residential Developments is to encourage innovations in residential development and renewal so that the demand for housing may be met by a greater variety in type, design and layout of dwelling units and by the conservation and more efficient use of the open space ancillary to such dwelling units; to extend greater opportunity for better housing and recreation to all citizens and residents of the Town; to encourage a more efficient use of available land and public services; and to reflect changes in the technology of land development so that the economies secured may work to the benefit of those who need homes.
(Ord. 741 §701. Passed 7-3-78.)

1323.02 USE.

The use of land for Planned Residential Developments is permitted to provide a procedure which can relate the type, design and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within the residential area. The dwelling units provided in a Planned Residential Development may be single-family dwellings, two-family dwellings, garden apartments, townhouses or any combination thereof.
(Ord. 741 §702. Passed 7-3-78.)

1323.03 AREA STANDARDS.

A Planned Residential Development shall be at least thirty acres in gross area. It shall conform to all design standards specified in the Subdivision and Land Development Code, unless specific modi.fications of these standards are authorized by Council in the interest of improving the overall plan.

The adjusted net area shall be large enough to provide at least 10,900 square feet for each single-family dwelling unit, 7,000 square feet for each two-family dwelling unit, 4,400 square feet for each townhouse dwelling unit, and 3,100 square feet for each garden apartment dwelling unit.

When a Planned Residential Development is constructed in stages, each stage when combined with preceding stages shall conform with these area standards.

(Ord. 741 §703. Passed 7-3-78.)

1323.04 DIMENSIONAL STANDARDS.

The required standards are:

(a)	Height of apartment building	45 ft. max.
(b)	Height of townhouse	35 ft. max.
(c)	Number of apartments per building	24 max.
(d)	Number of townhouses per building	8 max.
(e)	Yard depth adjacent to any external street	30 ft. min.
	Front yard depth:	
	Abutting R-1 and R-2 Districts and streets abutting such Districts	200 ft. min.
	Abutting all other zoning districts and/or a street	30 ft. min.
	Rear yard depth and/or side yard width:	
	Abutting R -1 and R- 2 Districts and streets abutting such Districts	200 ft. min.
	Abutting all other zoning districts and/or a street	30 ft. min.
(f)	Distance between two houses:	30 ft. min.
	Two townhouse buildings	50 ft. min.
	Two apartments	60 ft. min.
(g)	Coverage based on net lot area	30% max.
(h)	Bufferyards as described in Section 1314.04.	
	(1) Adjacent to residential districts and street rights of way abutting these districts.	Bufferyard D
	(2) Adjacent to all other street rights of way.	Bufferyard C
	(3) Adjacent to commercial and institutional.	As stated in Section 1314.04.

Council may approve less restrictive standards if by so doing a more desirable spacing of buildings may be obtained.

(Ord. 741 §704. Passed 7-3-78; Ord. 818 §3. Passed 5-18-81; Ord. 1004 § 10. Passed 3-27-89; Ord. 1127 §B.40. Passed 8-22-94.)

1323.05 ACCESSORY FACILITIES.

No accessory facilities are permitted in any yard adjoining a street nor closer than fifteen feet to any lot line.

(Ord. 741 §705. Passed 7-3-78.)

1323.06 ACCESSORY USES.

The Zoning Hearing Board may as a special exception authorize such retail and service business which the Board and the majority of the residents consider reasonably necessary to the convenience of the residents if the development contains more than fifty dwelling units. Any such business shall be located in one of the apartment buildings and shall be limited in area to one percent of the total residential area. A day care center shall be a permitted use.
No other accessory uses are permitted.
(Ord. 906 § 11. Passed 5-28-85.)

1323.07 ROAD ACCESS.

Access shall be from an arterial or collector road.
(Ord. 741 §707. Passed 7-3-78.)

1323.08 RECREATIONAL AREA

(a) An area at least equal to 200 square feet per dwelling unit shall be provided for active and/or passive recreation. Of this area, at least 100 square feet per dwelling unit shall be developed and prepared for specific uses.

(b) The area shall be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have a minimum of 100 feet of frontage on a public road.

(c) The area shall have suitable topography and soil conditions for use as a recreation area. Water surfaces and continuously wet soils shall be deleted from the gross area for all calculations, unless the area is a flood plain.

(d) Size and shape of the area shall be suitable for development as a park. No single side of a property with a rectangular configuration shall amount to more than forty percent (40%) of the perimeter of the tract.

(e) The area shall be easily accessible to essential utilities including power, water, sewerage and telephone. If any of these facilities are placed underground, no part of them or their supportive equipment shall protrude above ground level except as approved by Council.

(f) The finished grade of the recreational area provided shall have a slope of three percent (3%) or less.

(g) A dedication of this recreational area shall be made in accordance with Section 1371.12 of the Land Development and Subdivision Regulations or a fee of four hundred dollars ($400.00) per dwelling unit in lieu of the provision of active/passive recreational area within the development may be made in accordance with Section 1371.12 of the Land Development and Subdivision Regulations.
(Ord. 1027 §7. Passed 2-26-90.)

1323.09 APPLICATION FOR PRELIMINARY APPROVAL.

The information furnished in this application should be complete and accurate since any changes after the grant of preliminary approval may impair and delay a grant of final approval. The application

(a) Nature of applicant's interest in the land;
(b) Legal description of the land;
(c) Proposed type of ownership;
(d) Proposed type of organization to own and maintain the common elements;
(e) Substance of proposed covenants, grants of easement, or other restrictions proposed to be imposed upon the use of land and structures;
(f) Deviations from any Town code;
(g) Proposed construction schedule showing stages;
(h) Proposed guarantee of construction completion as per approved plan;
(i) Reasons why the applicant feels the proposed development would be in the best interest of the Town and would be consistent with the Comprehensive Plan;
(j) Any other pertinent information that has been specifically requested by the Town.

The application shall be accompanied by a map of the general area showing location of the development and a site plan or plans at a minimum scale of fifty feet to one inch on a maximum sheet size of thirty inches by forty-two inches prepared by a registered engineer or surveyor. (Ord. 906 §12. Passed 5-28-85.)

1323.10 SITE PLAN FOR PRELIMINARY APPROVAL.

The site plan accompanying the application for preliminary approval shall provide the following information:

(a) Owner, size and zoning district of the site;
(b) Owner, use and zoning districts of all adjacent properties;
(c) Height, bulk, and placement of proposed buildings;
(d) Net area, actual and required;

(e) Scale, north arrow and date of plan;
(f) Tract boundaries and lot lines with dimensions;
(g) Road access, public and private internal roads, and walks;
(h) Grades, existing and proposed;
(i) Drainage, existing and proposed;
(j) Utility availability and easements;
(k) Wooded areas;
(l) Slope areas over twenty-five percent;
(m) Flood plain (100 year storm) and landslide-prone areas;
(n) Soil characteristics;
(o) Erosion and sedimentation controls;
(p) Yard depths and widths;
(q) Parking spaces, proposed and required;
(r) Signs: numbers, type and location;
(s) Illumination;
(t) Landscaping;
(u) Screening; and
(v) Common open space and recreation area.

(Ord. 906 §13. Passed 5-28-85.)

1323.11 REVIEW OF APPLICATION.

The Zoning Officer shall review the application and promptly present it to the Planning Commission if complete, or return it to the applicant for necessary additional information. If during or after review by the Planning Commission the applicant wishes to revise the data submitted, he shall withdraw his application and submit a new application.

(Ord. 741 §711. Passed 7-3-78.)

1323.12 PUBLIC HEARING.

Council shall schedule a public hearing within sixty days after the application is received unless an applicant has agreed to an extension of time. Notice of the hearing shall be given in the manner prescribed in Section 1351.04. Council may subpoena witnesses and shall arrange for all testimony to be given under oath and for each party of record to have an opportunity to cross-examine adverse witnesses. The hearing may be continued to a later date or dates but must be concluded within sixty days. A verbatim record of the hearing shall be caused to be made by Council whenever such records are requested by any party to the proceedings; but the costs of making and transcribing such a record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified, and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. (Ord. 741 §712. Passed 7-3-78.)

1323.13 PRELIMINARY APPROVAL.

(a) Within sixty days but not sooner than six days after conclusion of the hearing, Council shall:

(1) Grant approval;

(2) Grant approval with conditions;

(3) Deny approval.

Failure of Council to act within sixty days is deemed approval of the plan.

(b) A certified copy of Council's action and findings of fact and conclusions shall be mailed to the applicant in accordance with Section 709b of the Pennsylvania Municipalities Planning Code. Comment shall be made on:

(1) Consistency of the Planned Residential Development with the concepts of the Comprehensive Plan;
(2) Deviation from Town codes;
(3) Adequacy of common open areas and the provisions for their maintenance;
(4) Adequacy of public services;
(5) Impact on the neighborhood;
(6) Adequacy of construction completion guarantee;
(7) Time interval for application for final approval;
(8) Other vital matters.

(c) When a preliminary approval is granted with conditions, the applicant must accept all the conditions in writing within three months or the application is deemed to have been denied.

(d) A grant of preliminary approval does rezone the property, but does not authorize a plat to be recorded or any on-site work to begin.
(Ord. 906 §14. Passed 5-28-85.)

1323.14 APPLICATION FOR FINAL APPR,OVAL.

The application for final approval shall be filed within the time interval specified in Section 1323.17 or as amended by mutual consent and shall include the following information:

(a) An update of all information previously submitted;
(b) Complete engineering plans including profiles and cross-section of all roads, storm sewers and sanitary sewers;
(c) A plat map on a sheet not larger than thirty inches by forty-two inches, suitable for recording, and containing:
    (1) Name of development;
    (2) Owner;
    (3) Scale, north arrow and date;
    (4) Lot numbers and street names; and
    (5) Certification by a registered engineer or surveyor of the calculated distances and bearings of the development boundaries, lot lines, easements, streets, walkways, building lines and areas reserved for community purpose;
(d) Evidence of conformance with all conditions imposed at time of tentative approval;
(e) Performance bond or other mutually agreed upon guarantee of construction completion in accord with approved plans;
(f) Covenants, grants of easement and other restrictions to be imposed upon use of the land and structures in a form suitable for recording; and
(g) Any additional information that has been specifically requested by the Town.

(Ord. 741 §714. Passed 7-3-78.)

1323.15 FINAL APPROVAL.

The Zoning Officer shall review the application and forward it promptly to the Planning Commission if complete, or return it to the applicant for necessary additional information. Within thirty days after receipt by the Planning Commission, Council shall grant final approval unless the application was not timely or the plans or information present has been changed from that on which tentative approval was based and the change is deemed not to be in the Town's best interest.

If the grant of final approval is for only part of the development, the Town's communication to the applicant shall specify the mutually agreed upon time interval during which the application for the next stage shall be filed.

If the application is denied, Council's communication to the applicant shall state the reason(s) for the denial.

Failure of Council to act within the above thirty days shall be deemed as a grant of final approval. (Ord. 741 §715. Passed 7-3-78.)

1323.16 FURTHER ACTION AFTER DENIAL.

Within thirty days of the denial of his application for final approval the applicant may:

(a) Abandon the project; or

(b) Delete the objectionable changes and file a new application; or

(c) Request a public hearing on the plans as they now are. Such a public hearing shall be conducted in the same manner as though the application was for a grant of tentative approval. Within thirty days after conclusion of the hearing, Council shall grant or deny final approval. The form of communication advising the applicant of Council's decision shall be similar to that described in Section 1323.13. (Ord. 741 §716. Passed 7-3-78.)

1323.17 TIME INTERVALS.

Unless different intervals of time are agreed upon by mutual consent, the following shall apply:

(a) The application for final approval of all or the first stage of construction shall be filed not sooner than three months nor longer than nine months after grant of tentative approval.

(b) The application for final approval for the next stage of construction shall be filed not sooner than twelve months nor longer than twenty-four months after grant of final approval for the previous stage.

(c) The start of on-site construction shall not be later than twelve months after grant of final approval for the construction involved.

Extensions to these or other mutually agreed upon time limitations may be made by mutual consent. Failure to meet stipulated or agreed upon time schedules shall constitute abandonment. (Ord. 741 §717. Passed 7-3-78.)

1323.18 ABANDONMENT.

Should a project be abandoned, all approvals are void; and if a change in zoning district has been made, the property reverts to its previous zoning, and the Zoning Map shall be revised to show this reversion.

No further development shall take place on property included in an abandoned Planned Residential Development until a new site plan is approved.

(Ord. 741. §718. Passed 7-3-78.)

ARTICLE 1324
R-6 Elderly Housing District

1324.01	Purpose.	1324.04	Road access.
1324.02	Dimensional standards.	1324.05	Recreational area.
1324.03	Accessory facilities.	1324.06	Deed covenants.

CROSS REFERENCES

Uses permitted - see P. & Z. 1341.01
Nonconforming structures and uses - see P. & Z. Art. 1343, 1349.06
Variances - see P. & Z. 1349.04

1324.01 PURPOSE.

(a) The purpose of the R-6 zoning district is to provide residential areas for housing of older persons. Separate dwellings, including single family, duplexes, condominiums, townhouse buildings and apartments are permitted structures. Older Adult Day Care Centers and Personal Care Homes are permitted as conditional uses. At least 80% of the separate dwellings which are rented shall be occupied by at least one person who is fifty-five (55) years of age or older. The sale or resale of a separate dwelling unit shall be made to (and/or) occupied by an individual(s), one of whom is at least fifty-five (55) years of age.

(b) An application for rezoning land to an R-6 district shall include a total concept plan for the entire district, which shall be included as part of the rezoning approval. When a phased development is proposed, the plan shall include complete details and timing for each phase.

(c) An R-6 Zoned parcel or lot shall be maintained by a person, entity, group, association, or any combination of the aforementioned.

(d) It shall be stated on drawings submitted for approval that complete and continuing maintenance of all facilities, structures, dwelling units, common ground, recreation facilities, undeveloped or open land, shall be provided in all phases of development. Any change in that statement shall be submitted to the Town for approval by Town Council.

(e) Covenants, which run with the land in perpetuity, shall incorporate all restrictions, regulations, maintenance, and other requirements described herein, and these recorded covenants shall be presented to the Town prior to any building or grading permit issuance. The covenants may include a provision for the creation and maintenance of a community association to manage common elements of the community. The community association may impose assessments on residents to cover the costs of such management. The covenants and any existing association documents, including bylaws and regulations, shall be made available to all prospective buyers and renters, and referenced in any sales agreement or lease. (Ord. 1258. Passed 12-17-01.)

1324.02 DIMENSIONAL STANDARDS.

The required standards are:

(a)	Minimum acreage required	5 acres
(b)	Unit density per gross acre:	
	Single-family dwelling unit (DU)	5 DU max.
	Duplex, townhouses, garden apartments, high-rises	14 DU max.
	For Personal Care Homes	45 beds max.
(c)	Front yard depth:	
	Abutting R-1 and R-2 zoning districts and streets abutting such districts	60 feet min.
	Abutting all other zoning districts and/or a street	60 feet min.
(d)	Rear yard depth	
	Abutting R-1 and R-2 zoning districts and streets abutting such districts	60 feet min.
	Abutting all other zoning districts and/or a street	60 feet min.
(e)	Side yard depth	
	Abutting R-1 and R-2 zoning districts and streets abutting such districts	60 feet min.
	Abutting all other zoning districts and/or a street	60 feet min.
(f)	Bufferyards as described in Section 1314.04	
	Adjacent to residential districts and street rights-of-way abutting these districts	Bufferyard H
	Adjacent to all other street rights-of-way	Bufferyard D
	Adjacent to commercial and institutional	As stated in Section 1314.04
(g)	Height	45 feet max.

EXCEPTION: Building may be seventy-five (75) feet in height provided an additional twelve (12) feet in front, side and rear yard depth is added for every ten (10) feet or fraction thereof in building height exceeding forty-five (45) feet.

(h)	Distance between buildings, including:	
	Single and Two-Family Dwellings;	
	One Story	20 feet min.
	Two Stories	30 feet min.
	Over Two Stories	60 feet min.
(i)	Coverage based on net lot area	30% max.
(j)	Parking Spaces for Independent Living	1.5 spaces per unit

(k) Each driveway to a building in the plan shall directly access a public road serving only the R-6 development. The public road serving the plan shall directly access an arterial or collector road. The developer shall be responsible for the construction of the public road and any improvements required to the intersection of the public road with the arterial or collector road and any other improvements to roadways affected by the plan. A traffic study may be required by Town Council to be conducted on behalf of the applicant to determine required public improvements. The traffic study, if required, shall be at the applicant's expense.

EXCEPTION: A gated community shall be served by a private road. The road must be installed according to Town specifications for a public road in effect at the time of approved. Covenants and maintenance specifications must address maintenance of the roads to all buildings.

(l) Street number addresses shall be prominently displayed on the front of each dwelling unit and within twenty (20) feet of the roadway.
(Ord. 1258. Passed 12-17-01.)

1324.03 ACCESSORY FACILITIES.

Accessory buildings are not permitted. Swimming pools, tennis courts and similar recreation facilities are permitted in the buildable area. Also permitted are garages to be utilized for storing buses used for transporting residents. (Ord. 844. Passed 7-19-82.)

1324.04 ROAD ACCESS.

Access shall be from an arterial or collector road. (Ord. 844. Passed 7-19-82.)

1324.05 RECREATIONAL AREAS.

(a) An area at least equal to 200 square feet per dwelling unit shall be provided for active and passive recreation.

(b) The mixture of passive and active recreation uses shall be shown on the plan, subject to the approval of Town Council.

(c) Swimming pools, tennis courts, and similar recreation facilities are permitted in the buildable area.

(d) The finished grade of the recreation area provided shall meet the grades established at the time of zoning approval.
(Ord. 1258. Passed 12-17-01.)

1324.06 DEED COVENANTS.

Age restrictions and general ground and recreation area maintenance responsibilities shall be incorporated in deed covenants that run with the land in perpetuity. A copy of these recorded covenants shall be presented to the Town prior to any building or grading permit issuance for any property zoned R-6 with development taking place after the effective date of this section. (Ord. 1258. Passed 12-17-01.)

ARTICLE 1325
I Institutional District

1325.01 Purpose.
1325.02 Dimensional standards.
1325.03 Recreation area; assisted living/personal care home.

CROSS REFERENCES

Uses permitted - see P. & Z. 1341.01
Nonconforming structures and uses - see P. & Z. Art. 1343, 1349.06
Variances - see P. & Z. 1349.04

1325.01 PURPOSE.

The purpose of the Institutional District property is to provide areas for churches, cemeteries, firehouses, government buildings, hospitals, libraries, nursing homes, assisted living/personal care homes, schools (academic) and utility structures.
(Ord. 1192. Passed 11-24-97.)

1325.02 DIMENSIONAL STANDARDS.

The required standards are:

(a) Gross lot area:
  (1) Assisted Living/Personal Care Home 5 acres min.
  (2) All others 2 acres min.
  (Ord. 1192. Passed 11-24-97.)

(b) Front or rear yard depth or side yard width:
  Abutting nonresidential property 30 ft. min.
  Abutting residential property or a street 100 ft. min.

(c) Bufferyards as described in Section 1314.04.
  (1) Adjacent to residential districts and street rights of way abutting these districts. Bufferyard F
  (2) Adjacent to all other street rights of way. Bufferyard E
  (3) Adjacent to commercial and institutional. As stated in Section 1314.04

(d) Coverage based on gross lot area 20% max.

(e) Distance between buildings 50 ft. min.

(f) Assisted living/personal care homes shall have a minimum of 300 feet of continuous frontage on an arterial or collector road. Ingress and egress shall be taken from this frontage.

(g) Ingress and egress must be from an arterial or collector road.

(h) Unit density per gross acre:

(1) Assisted Living/Personal Care Home 30 beds max.

(Ord. 1192. Passed 11-24-97.)

Council may modify these dimensional standards where the principal use is for an ambulance station, firehouse or utility structure.

(Ord. 741 Sec. 802. Passed 7-3-78; Ord. 1004 Sec. 12. Passed 3-27-89; Ord. 1127 Sec. B.42. Passed 8-22-94; Ord. 1192. Passed 11-24-97.)

1325.03 RECREATION AREA; ASSISTED LIVING/PERSONAL CARE HOME.

(a) An area at least equal to 200 square feet per bed shall be provided for active and/or passive outdoor recreation.

(b) The area shall have suitable topography and soil conditions for use as a recreation area. Water surfaces and continuously wet soils shall be deleted from the gross area for all calculations.

(c) The area shall be easily accessible to utilities essential for the intended use.

(d) The finished grade of the recreational area shall be handicapped accessible.

(e) The area shall be suitably maintained by the applicant for the purposes proposed.

(f) The recreation area shall include a combination of two or more of the following suggested types of uses:

(1) Walking trails.

(2) Sitting areas.

(3) Gardens.

(4) Lawn recreation, shuffleboard, boccie, croquet.

(Ord. 1192. Passed 11-24-97.)

ARTICLE 1326
D-Development District

1326.01 Purpose.
1326.02 Permitted uses.
1326.03 Sexually oriented businesses.
1326.04 Anchor building.

CROSS REFERENCES
Performance standards for D-Development District - see P. & Z. Art. 1314

1326.01 PURPOSE.

The D-Development District zoning classification is a zoning district which is being created initially for the parcels of land adjacent to McKnight Road in the Town of McCandless. Various uses are permitted, as are hereafter specifically listed and defined including residential, institutional, indoor recreational, special residential, offices and commercial. The intensity of land use and development for the various permitted uses on the properties within the district are governed by a series of performance standards set forth in Article 1314.
(Ord. 964 Sec. 3. Passed 10-26-87.)

1326.02 PERMITTED USES.

(a) Residential Uses.

(1) Conventional residential. Conventional residential uses are single-family dwelling units.

(2) Performance residential. Performance residential uses shall consist of the following:

Single-family houses
Zero-lot houses
Village houses
Twin houses
Patio houses
Atrium houses
Townhouses
Weak-link townhouses
Multiplex units
Apartment buildings (Ord. 964 §3. Passed 10-26-87.)

These uses, with the exception of single-family houses, are limited to parcels which were previously zoned R-2 on the west side of McKnight Road, R-3, R-4, R-5, R-6 and I within the D-Development District.
(Ord. 1360. Passed 4-28-08.)

(3) Accessory facilities. Accessory buildings are not permitted. Swimming pools, tennis courts and similar facilities for recreation for the exclusive use of the related residential development are permitted in the buildable area.

(4) Accessory uses. A day care center shall be a permitted use in a development containing more than fifty dwelling units. The Zoning Hearing Board may as a special exception authorize retail and service businesses which the Board and the majority of the residents consider reasonably necessary to the convenience of the residents if the

development contains more than fifty dwelling units. Any such business shall be located in one of the apartment buildings and shall be limited in area to one percent (1%) of the total residential floor area. (Ord. 964 §3. Passed 10-26-87.)

(b) Indoor Recreational, Institutional and Special Residential Uses.

(1) These uses are aquariums, community or recreational centers, day care centers (day or nursery schools), older adult day care centers, gymnasiums, libraries or museums, nursing homes, personal care homes, public or private schools, indoor recreational centers, indoor skating rinks (ice or roller), indoor swimming pools, indoor tennis, indoor racquetball and indoor handball courts, and hotels.
(Ord 1163. Passed 4-22-96; Ord. 1360. Passed 4-28-08.)

(2) No outside storage and no outbuildings shall be permitted.

(c) Commercial Uses.

(1) Office. Permitted office uses are governmental offices, business or professional offices, medical offices or outpatient clinics.

(2) Commercial/entertainment. The following uses may constitute up to twenty percent (20%) of the gross floor area within an office development:

Banks, savings and loans, trust companies and other credit related services.
Furniture, home furnishings and equipment.
Sporting goods, recreation goods and hobby supplies.
Photographic/photostat/blueprint.
Toys.
Apparel and accessories.

Full service restaurant and supplemental liquor and lounge optional.
Photographic studio and supplies.
Beauty shop and barber shop.
Shoe repair.
Drug store and related health supplies.
Art gallery and bookstore.
Gourmet food stores.
Health food stores.
Specialty foods.
Office supplies and equipment.
Travel agency.
Meat market.
Liquor/wine store.
Card shop and accessories.
Private indoor clubs.
Hardware stores.
Dry cleaning.
Light mechanical/electronic repair stores.
Commercial or trade schools. (Ord. 964 §3. Passed 10-26-87.)
Home improvement store.
Movie theaters/cinemas. (Ord. 1360. Passed 4-28-08.)

1326.03 SEXUALLY ORIENTED BUSINESSES.

Permitted as a special exception in the D-Development District.
(Ord. 1215. Passed 5-24-99.)

1326.04 ANCHOR BUILDING.

A single anchor building, (hereinafter "Anchor Building"), is permitted as a conditional use in the D-Development area subject to the following express criteria:

(a) The parcel on which the building is located must be within an initial land development containing no less than 65 acres within the D-Development Zoning District and under unified ownership or control at the time of initial final land development approval (hereinafter "Initial Land Area"). Upon approval and recording of the initial land development, the land contained therein cannot be used as part of another Initial Land Area for the purpose of meeting this condition.

The Initial Land Area cannot be separated by a public road existing at the time of approval and recording of the first land development.

(b) The Anchor Building may be up to 150,000 square feet in size. The Anchor Building may be used for a single furniture store or home improvement store of up to 150,000 square feet in size, or for anyone or combination of the uses described in Section 1326.02(e)(2); provided, however, that:

(1) Subject to compliance with Section 1326.04(c), below, a furniture store, home improvement store, and all of the uses described in Section 1326.02(c)(2) are permitted within the Anchor Building without the need for a separate office development, however, other than a furniture store or home improvement store, none of the other uses may have a sales floor area (exclusive of office space, storage areas, interior corridors and other areas not open to the public) greater than 45,000 square feet of space within the Anchor Building; and

(2) The Anchor Building may contain two (2) or more of the uses described in Section 1326.02(c)(2), subject to the conditions of (1), above.

(3) Any use or re-use of the Anchor Building requires conditional use approval, subject to all express criteria contained herein and subject to other reasonable conditions established by Council.

(4) Exclusive areas (office space, storage areas, interior corridors and other areas not open to the public) referred to in subsection (1) above and subsection (i) below, may only be used for uses accessory to the principal uses of the building.

(c) The 80/20 gross floor area ratio of office to commercial/entertainment uses contained in Article 1326 may be increased by three percent (3%) for every one (1) acre of conservation easement, created by the applicant, as described by the Conservation and Preservations Easement Act ("Act") (Act 29 of 2001, Pub L No. 330), and granted to an entity permitted by the Act, not to exceed a ratio of fifty percent (50%) commercial/entertainment (including the Anchor Building) to fifty percent (50%) residential, indoor recreation, institutional and special residential and office. Parking structures are excluded from the ratio calculation. Any conservation easement must be a minimum of seven (7) acres.

(d) If an anchor building is part of the fifty percent (50%) retail within the Initial Land Area, an additional acre of conservation easement beyond the seven (7) acre minimum easement must be granted for each acre of impervious surface over seven (7) acres that is related to the anchor building up to twelve (12) acres. For every acre or part of an acre of impervious surface greater than twelve (12) acres, an additional two (2) acres of conservation easement must be dedicated. The conservation easement area must be either:

(1) Adjacent to Town property and capable of being incorporated into such Town holdings, or

(2) Within the D-Development Zoning District provided that it is not resource protection land utilized for a D-Development land development or open space land required within a Traditional Neighborhood project.

The area for the increase of the gross floor area ratio and the impervious surface ratio may be the same areas.

(e) The architectural guidelines in Section 1314.07 or the design standards in Article 1346 must be met.

(f) An Anchor Building parcel must be established which will permit the building, parking and landscaping to be contained on a single parcel. An Anchor Building parcel is not required to meet the D-Development calculations for site capacity. All other requirements of D-Development must be met.

(g) None of the Initial Land Area may be located in a Traditional Neighborhood Development Overlay District (TND) and none of the Initial Land Area can subsequently be part of a TND.

(h) The Anchor Building parcel shall not directly abut a residential district but may abut a residential district across a public street which exists at the time of conditional use approval, provided the required buffer zone is doubled both in width and density of planting. The required bufferyard abutting an institutional district shall be doubled in width and density of planting.

(i) An Anchor Building which occupies more than 45,000 square feet, which was originally approved for use as a home improvement store or furniture store pursuant to the Code, may not be converted to another authorized use as described in Article 1326 unless:

(1) The sales floor area of the converted area (exclusive of office space, storage areas, interior corridors, and other areas not open to the public) is less than 45,000 square feet; and

(2) Not more than 5,000 square feet may be used for the sale of apparel or apparel accessories, and not more than 5,000 square feet may be used as a pharmacy. Any such conversion shall be subject to conditional use approval as provided under this section.

(j) At the time of the first land development approval and any subsequent modification, division, re-division, consolidation within the Initial Land Area or land development on a parcel created with the Initial Land Area, a site capacity analysis must be submitted for the entire site, demonstrating compliance with subsection (c) hereof. The initial land development, as recorded, shall contain a notice thereon of this condition. No future land development shall be approved unless compliance with subsection (c) hereof is met.

(k) The Town Council reserves the right to set any additional conditions it deems necessary to protect adjacent properties and uses, to minimize vehicular traffic impacts, to minimize visual and light pollution and to assure that the Anchor Building is contextural with the surrounding development.

(Ord. 1360. Passed 4-28-08; Ord. 1397. Passed 8-22-11.)

ARTICLE 1327
C-1 Commercial Recreation District

1327.01 Purpose.
1327.02 Dimensional standards.
1327.03 Swimming clubs.
1327.04 Road access.

CROSS REFERENCES

Swimming pool requirements - see P. & Z. 1313.12
Uses permitted - see P. & Z. 1341.01
Nonconforming structures and uses - see P. & Z. Art. 1343, 1349.06
Variances - see P. & Z. 1349.04

1327.01 PURPOSE.

The purpose of the C-1 District is to provide areas for commercial recreation and leisure activities and those retail services essential thereto. The permitted uses include bowling alleys, clubs, sport activities and theaters. An office building is permitted as a conditional use. Access to a C-1 Zoning District, for any use, shall be from an arterial or collector road.
(Ord. 1177 §1. Passed 12-16-96.)

1327.02 DIMENSIONAL STANDARDS.

The required standards are:

(a)	Gross lot area	20,000 sq. ft. min.
(b)	Lot width at building line	100 ft. min.
	(Ord. 741 §902. Passed 7-3-78.)	
(c)	Front yard depth:	
	Abutting R-1, R-2, R-3, R-4 and R-5 Districts and streets abutting such Districts	100 ft. min.
	Abutting all other zoning districts and/or a street	60 ft. min.
(d)	Rear yard depth and/or side yard width:	
	Abutting R-1, R-2, R-3, R-4 and R-5 Districts and streets abutting such Districts	100 ft. min.
	Abutting all other zoning districts	10 ft. min.
	Abutting all other streets	30 ft. min.
	(Ord. 818 §4. Passed 5-18-81.)	

(e) Bufferyards, as described in Section 1314.04.

(1)	Adjacent to residential districts and street rights of way abutting these districts	Bufferyard G
(2)	Adjacent to all other street rights of way	Bufferyard C
(3)	Adjacent to commercial and institutional	As stated in Section 1314.04.

(f) Height 35 ft. max.

(g) Height of accessory buildings 15 ft. max.

(h) Coverage based on gross area 25% max.

(Ord. 741 §902. Passed 7-3-78; Ord. 1004 §13. Passed 3-27-89; Ord. 1127 §B.43. Passed 8-22-94.)

1327.03 SWIMMING CLUBS.

(a) The minimum distance from any swimming club pool or poolside lounging area to residential property shall be 200 feet.

(b) The pool and poolside lounging area shall be enclosed with a fence or other barrier six feet in height, and this fence shall be kept locked when the pool is not attended to prevent unauthorized or accidental entry.

(Ord. 741 §903. Passed 7-3-78.)

1327.04 ROAD ACCESS.

Access shall be from an arterial or collector road.

(Ord. 741 §904. Passed 7-3-78.)

ARTICLE 1328
R-C Residential-Commercial District

1328.01 Purpose.
1328.02 Dimensional standards.
1328.03 Front yard.
1328.04 Story height.
1328.05 Buffer areas.
1328.06 Property connections.
1328.07 Accessory or recreation facility.
1328.08 Sidewalks.
1328.09 Architectural standards.
1328.10 Road access.
1328.11 Conditional use standards.

1328.01 PURPOSE.

(a) The R-C Residential-Commercial District zoning classification is a zoning district created for the parcels of land fronting on Perry Highway (U.S. Route 19), a four lane arterial highway from the intersection of Prescott Drive and Charles Street south to the Town of McCandless/Ross Township boundary line. The R-C District is intended to control the growth of this Perry Highway (U.S. Route 19) area to assure harmony with the present residential nature of this area and at the same time, allow for neighborhood business and institutional facilities to provide needed goods and services to neighborhood residents.

(b) The District includes and is bordered on either side by small to medium-sized homes, generally in excess of twenty-five years old, well-maintained with attractive yards. The topography of the District exposes these surrounding residences to the sound, view and traffic of the District, especially east of the District where the exposure at places extends as far as one-quarter mile. Continuing the healthful and pleasant qualities of such neighboring areas is, therefore, a primary determinant for the regulations for the District. Spillover onto residential properties from exterior lighting and noise, conflict between commercial and residential street traffic, and intrusion on the residential atmosphere of parking lots, dumpsters and garish commercial exterior, if uncontrolled, would quickly and drastically deteriorate this bordering residential area.

(c) In consonance with the stated objectives of the Municipality pursuant to Section 301(a)(2:1) of the Pennsylvania Municipalities Planning Code, these regulations promote the conservation of neighboring sound existing housing, while permitting compatible commercial and institutional development within the mixed use R-C area. Specifically, these design standards were developed to reduce the contrast between .commercial and residential structures and yards sufficient to provide the harmony of atmosphere necessary for the welfare of affected residents
without undue detriment to the permitted commercial function.

This Perry Highway (U.S. Route 19) corridor shall be designated by the Municipality as an R-C District and shall conform to the regulations as outlined below. When applying and interpreting these regulations to a particular parcel, owners and reviewing bodies should consider each proposed feature in relation to the entire affected area in order to achieve the purpose for this
R-C District.
(Ord. 1114. Passed 1-24-94.)

1328.02 DIMENSIONAL STANDARDS.

		Single Family Residential	Multi-Family Residential/ Commercial/ Institutional
(a)	Gross lot area, minimum	12,000 sq. ft.	18,000 sq. ft.
(b)	Lot width at building line, minimum	60 ft.	90 ft.
(c)	Front yard depth, minimum	35 ft.	35 ft.
(d)	Rear yard depth, minimum	100 ft.	100 ft.
(e)	Side yard width, minimum abutting a street	20 ft.	20 ft.
(f)	Height, maximum	35 ft.	35 ft.
(g)	Floor area, maximum per building	N/A	10,000 sq. ft.

Note: Any materials, products, equipment, etc., which are stored, displayed or sold in an outside area, shall meet the yard setback and dimensional specifications herein.
(Ord. 1114. Passed 1-24-94.)

1328.03 FRONT YARD.
No vehicular parking is permitted within the front yard. The thirty-five foot front yard shall be grassed and landscaped.
(Ord. 1114. Passed 1-24-94.)

1328.04 STORY HEIGHT.
No building shall be more than two stories in height.
(Ord. 1114. Passed 1-24-94.)

1328.05 BUFFER AREAS.
(a) A fifteen foot side yard buffer shall be provided on commercial and institutional property when abutting a residence or residential district. The buffer shall be planted in accordance with Section 1314.04, Bufferyard E, ten foot buffer requirements.

(b) A twenty foot rear yard buffer shall be provided on commercial and institutional property when abutting a residence or residential district. The buffer shall be planted in accordance with Section 1314.04, Bufferyard E, with the addition of a six foot high solid fence.

(c) A five foot side yard buffer shall be provided on commercial and institutional developments when abutting another commercial or institutional development or undeveloped lot.
The buffer shall be provided in accordance with Section 1314.04, Bufferyard A.
(Ord. 1114. Passed 1-24-94.)

1328.06 PROPERTY CONNECTIONS.

Vehicle access shall be provided between abutting commercial properties to provide for a connection from one property to the next unless waived by Council. Location of the connections shall be coordinated with Municipal administration.
(Ord. 1114. Passed 1-24-94.)

1328.07 ACCESSORY OR RECREATION FACILITY.

Storage, utility or recreation facilities are permitted in the rear yard of single-family residential uses, but shall be located in the buildable area. Patios and play areas attached to the building conforming to building setback limits are permitted in the commercial uses.
(Ord. 1114. Passed 1-24-94.)

1328.08 SIDEWALKS.

Sidewalks, five feet wide, shall be provided in all R-C Districts and are to be located so that the front edge of the sidewalk is along the street right-of-way line.
(Ord. 1114. Passed 1-24-94.)

1328.09 ARCHITECTURAL STANDARDS.

(a) Applicability. The following regulations relate to exterior building design only; interior design is not covered by these regulations. Site design elements are covered elsewhere in these zoning district standards.

(b) Exterior Building Design. The exterior of the building is to be treated as an overall design concept. Colors, materials and finishes are to be coordinated on all exterior elevations of the building to achieve total design continuity.

(c) Material Standards.

(1) Prohibited materials.

A. The following materials shall not be used on any exterior wall surface:

1. Corrugated or sheet metal;
2. Any form of concrete block;
3. Plywood, masonite or other form of sheet siding; or
4. Unfinished concrete.

B. The following materials shall not be used on any exposed roof surface:

1. Corrugated metal; or
2. Asphaltic roll roofing.

(2) Allowable materials.

A. The following materials may be used on exterior wall surfaces:

1. Stone;
2. Brick masonry or clay tile;
3. Glass and metal curtain walls;
4. Individual board wood siding, painted or stained;
5. Stucco materials such as Drvvit;
6. Aggregate faced or textured concrete; and
7. Architectural metal: extruded aluminum, stainless steel, porcelain enamel, anodized aluminum, copper.
8. Vinyl or aluminum siding.

B. The following materials are permitted to be used on any exposed roof surface:
1. Standing-seam architectural metal roof;
2. Clay or concrete tile; and
3. Heavy-gauge asphalt-fiberglass shingles.

(d) Other Materials.
(1) Materials, other than those allowed in subsection (c) hereof, may be used only with the approval of the Planning Commission and Council. It is the responsibility of the applicant to present graphic information such as building elevations, perspectives, color schemes, etc., to illustrate how these materials relate to the overall design concept and relate to the surrounding neighborhood.

(e) Definition of Substantial Improvement. "Substantial improvement", means:
(1) Any addition;
(2) Any house or structure built and used for residential purposes converted to a commercial use;
(3) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds valuation of the property based upon the current deed and assessment registry of the County of Allegheny.
A. Before the improvement is started; or
B. Before the damage occurred, if the structure has been damaged and is restored.

(f) Remodeling of Existing Buildings.
(1) Existing buildings, when remodeled or which undergo substantial improvement and when used for other than single family use, shall meet the material standards noted above if any of the following conditions apply:
A. When an addition of any size is added to the structure; or
B. When any facade or visible roof is being changed in appearance by adding or replacing exterior materials, all facades or visible roofs must be changed accordingly. Exceptions to this rule would consist of painting existing materials and replacing windows and doors.

(Ord. 1114. Passed 1-24-94; Ord. 1127 §B.44, 45. Passed 8-22-94.)

1328.10 ROAD ACCESS.

(a) All ingress/egress from a lot used for other than a single family dwelling shall be from Perry Highway (Route 19). Council may approve an additional access from or to a residential street if the following conditions are met:
(1) The lot is a corner lot.
(2) There shall be no loading or off-loading from a residential street.
(3) If it is determined that such access will not substantially alter the character of the residential area.
(4) It is determined that such access does not contribute to a safety hazard.
(Ord. 1163. Passed 4-22-96.)

1328.11 CONDITIONAL USE STANDARDS.

(a) In addition to the general restrictions, Council may impose additional restriction on access to a lot, storage of vehicles, equipment, materials and any products for use or resale on the lot, hours of operation, parking and such other requirements as they deem necessary to insure that there is no adverse impact on the residential areas, and that the facility and/or use shall meet the objectives and intent of this article and the Pennsylvania Municipalities Planning Act.

(b) Applications for uses not listed may be considered by the Municipality if the proposed use shall produce a total environmental effect which is consistent with, and not harmful to, the environment of the neighborhood and meets the restrictive conditions proposed for a similar use and the proposed use will not have an adverse impact on adjacent land and buildings or impair the value thereof.

(1) Service station. A service station is a facility used primarily for dispensing motor fuel into vehicles. The pump island and any canopy shall be in the buildable area. All repairs shall be done inside the building. Body repairs is not permitted.

Gross lot area 30,000 square feet minimum
Distance from another gas station 1,500 foot minimum

Required parking shall be sufficient to accommodate the maximum number of employees and the number of cars which are normally left for repair or for service.

A rear yard buffer shall be provided along residential property in accordance with Section 1314.04 Bufferyard H. Side yard buffers shall be furnished in accordance with Section 1314.04, Bufferyard C.

In addition to other signs permitted under this section, gas stations may erect changeable copy signs advertising the prices of fuels, provided that:

A. Such signs are permanently mounted either to the fuel pumps or to the supports of a canopy covering the fuel pumps;
B. Such signs shall not be mounted higher than fourteen feet above the ground;
C. There shall be no more than four sign faces per pump island;
D. The combined surface area of all such signs at each pump island does not exceed twenty-four square feet;
E. Signs shall not be illuminated externally.

(2) Car wash.

Gross lot area 25,000 square feet minimum
Distance from another similar facility 1,000 foot minimum

Required parking shall be sufficient to accommodate the maximum number of employees and the number of cars normally left for service. A rear yard buffer shall be provided along residential property in accordance with Section 1314.04, Bufferyard H. Side yard buffers shall be furnished in accordance with Section 1314.04, Bufferyard C.

(3) Restaurant/drive-through.

Gross lot area 30,000 square feet minimum
Distance from another drive-through restaurant 2,000 foot minimum

A restaurant (drive-through) is a restaurant with a drive-through window for food service.

A rear yard buffer shall be provided along. residential property in accordance with Section 1314.04, Bufferyard H. Side yard buffers shall be furnished in accordance with Section 1314.04, Bufferyard C.

Closed containers shall be provided for all waste and properly maintained to prevent spillage onto the lot.

There shall be sufficient parking provided to accommodate the maximum number of employees and one car for each twenty-five square feet of public area with a minimum often spaces.

There shall be sufficient space available in the drive-through area to accommodate a minimum of five cars without extending to the sidewalk.

There shall be a passing lane at all points to permit passing of cars in the drive-through area.

(4) Group home or bed and breakfast.

Gross lot area	30,000 square feet minimum
Distance from another similar facility	3,000 foot minimum
Maximum number of occupants/guests:	
Group home	8
Bed and breakfast	10

All County, State and Federal permits shall be obtained prior to final approval for a land development or zoning permit.

For bed and breakfast uses, the owner/operator shall reside on the premises and food service shall be provided only for the overnight guests.

A rear yard buffer shall be provided along residential property in accordance with Section 1314.04, Bufferyard H. Side yard buffers shall be furnished in accordance with Section 1314.04, Bufferyard C.

There shall be sufficient parking provided to accommodate the maximum number of employees and three cars for each two residents in a group home and one for each guestroom in a bed and breakfast home.

All group homes shall be fire suppressed and meet all requirements of this Zoning Ordinance relating to safety.

(5) Ice cream retail store.

Gross lot area	30,000 square feet minimum
Parking Requirements:	
Building Size (Square feet)	Number of Spaces
0-400	30 stalls + 1/employee
401- 800	35 stalls + 1/employee
over 801	35 stalls + 1/employee + 1 stall/50 square feet in excess of 801 square feet

No business to be open beyond 11:00 p.m.

No similar facility located any closer than 1,000 linear feet.

(6) Funeral home.

Gross lot area One acre

Parking requirements: 20 stalls/parlor

(7) A. Permitted Uses.

Single Family Dwelling
Day Care Center
Garden Apartment
Church
Club
Office
Bank
Townhouse

*Retail (Local)
Senior Day Care Center
Restaurant

B. Conditional Uses.
Service Stations
Group Home
Bed and Breakfast
Restaurant (Drive-Through)
Car Wash
Ice Cream Retail Store
Funeral Home

C. * Definition. "Retail (Local)" means any retail establishment which caters to and can be located in close proximity to residential districts without creating excessive vehicular congestion, noise or other objectionable influence. To prevent congestion, local retail uses include only those enterprises which serve only the day-to-day convenience needs on one neighborhood within the community, and shall have a gross floor area no greater than six thousand (6,000) square feet.
(Ord. 1114. Passed 1-24-94.)

ARTICLE 1329
C-2 Neighborhood Shopping District

1329.01 Purpose
1329.02 Dimensional standards.
1329.03 Road access.

CROSS REFERENCES

Uses permitted - see P. & Z. 1341.01
Nonconforming structures and uses - see P. & Z. Art. 1343, 1349.06
Variances - see P. & Z. 1349.04

1329.01 PURPOSE

The purpose of the C-2 District is to provide a number of small commercial areas to conveniently serve the nearby residents. It is intended that the areas be of limited size so as not to affect adversely the residential character of surrounding property and that the uses permitted be limited to those of providing goods and services to nearby residents. The principal uses permitted are retail stores, service shops and office space. Office space area shall not exceed areas designated for retail stores and/or service shops.
(Ord. 741 Sec. 1001. Passed 7-3-78; Ord. 770 Sec. 9. Passed 7-23-79.)

1329.02 DIMENSIONAL STANDARDS

The required standards are:

(a)	Gross lot width at building time	2½ acre min.*
(b)	Lot width at building line	75 ft. min.
(c)	Front yard depth:	
	Abutting R-1, R-2, R-3, R-4 and R-5 Districts and streets abutting such Districts.	100 ft. min.
	Abutting all other zoning districts and/or a street	60 ft. min
(d)	Rear yard depth and/or side yard width:	
	Abutting R-1, R-2, R-3, R-4 and R-5 Districts and streets abutting such Districts	100 ft. min.
	Abutting all other zoning districts	10 ft. min.
	Abutting all other streets	50 ft. min.
(e)	Bufferyards, as described in Section 1314.04	
	(1) Adjacent to residential districts and street rights of way abutting three districts.	Bufferyard G
	(2) Adjacent to all other street rights of way.	Bufferyard C
	(3) Adjacent to commercial and institutional.	As stated in Section 1314.04

(f) Height 35 ft. max.
(g) Repealed by Ordinance 770, Sec. 11, passed 7-23-79.
(h) Floor area 20,000 sq. ft. max. per lot
* Recorded lots whether or not part of a recorded plan with an area of at least 10,900 square feet and with both public water and sewer, if zoned C-2 prior to the enactment of the previous Zoning Code (October 25, 1971) are exempt from the 2½ acre minimum area standard.

(Ord. 741 §1002. Passed 7-3-78; Ord. 770 §10. Passed 7-23-79; Ord. 818 §5. Passed 5-18-81; Ord. 1004 §14. Passed 3-27-89; Ord. 1127 §B.46. Passed 8-22-94.)

1329.03 ROAD ACCESS.

Access shall be from an arterial or collector road. (Ord. 741 §1003. Passed 7-3-78.)

ARTICLE 1331
C-3 Highway Commercial District

1331.01	Purpose	1331.03	Road access.
1331.02	Dimensional standards.	1331.04	Streetscape and landscape standards for the Route 19 boulevard district.

CROSS REFERENCES

Uses permitted - see P. & Z. 1341.01
Nonconforming structures and uses - see P. & Z. Art. 1343, 1349.06
Variances - see P. & Z. 1349.04

1331.01 PURPOSE.

The purpose of the C-3 District is primarily to recognize the existing pattern of commercial development along major highways. A wide variety of commercial uses are permitted and are listed in Section 1341.01. (Ord. 741 §1101. Passed 7-3-78.)

1331.02 DIMENSIONAL STANDARDS.

The required standards are:

(a)	Gross lot area	20,000 sq. ft. min.
(b)	Lot width at building line	100 ft. min.
(c)	Front yard depth:	
	Abutting R-1, R-2, R-3, R-4, and R-5 Districts and streets abutting such Districts	100 ft. min.
	Abutting all other zoning districts and/or a street	60 ft. min
(d)	Rear yard depth and/or side yard width:	
	Abutting R-1, R-2, R-3, R-4 and R-5 Districts And streets abutting such Districts	100 ft. min
	Abutting all other zoning districts	10 ft. min
	Abutting all other streets	50 ft. min
(e)	Bufferyards, as described in Section 1314.04.	
	(1) Adjacent to residential districts and street Rights of way abutting these districts.	Bufferyard G
	(2) Adjacent to all other street rights of way.	Bufferyard D.
	(3) Adjacent to commercial and institutional.	As stated in Section 1314.04
(f)	Height	35 ft. max.
(g)	Coverage based on gross area	25% max.

(Ord. 741 §1102. Passed 7-3-78; Ord. 818 §6. Passed 5-18-81; Ord. 1004 §15. Passed 3-27-89; Ord. 1127 §B.47. Passed 8-22-94.)

(h) In the event the zoning classification of any C-3 Highway Commercial District property is changed to R-1, 2, 3, 4 or 5, the change shall not impose any more stringent set-back requirements upon any abutting C-3 properties. The depth or set-back requirements as to front yard, rear yard or side yard of the abutting C-3 properties shall remain as set forth in subsections (c) and (d) hereof, as though the C-3 properties still abutted a zoning district other than R-1, 2, 3, 4 or 5, that is the required front yard depth would still be sixty feet and the required rear yard or side yard depths would still be ten feet abutting all zoning districts and fifty feet abutting all streets. (Ord. 961 §1. Passed 9-28-87.)

1331.03 ROAD ACCESS

Access shall be from an arterial or collector road (Ord. 741 §1103. Passed 7-3-78.)

1331.04 STREETSCAPE AND LANDSCAPE STANDARDS FOR THE ROUTE 19 BOULEVARD DISTRICT.

EDITOR'S NOTE: Pursuant to Resolution 8-2007 Town Council has created Streetscape Planting and Greenspace development standards along both sides of Route 19 to improve the visual and pedestrian friendly qualities of the Route 19 corridor within the "Boulevard District." Copies are on file at Town Hall.

ARTICLE 1333
C-4 Regional Shopping Center District

1333.01 Purpose.
1333.02 Dimensional standards.
1333.03 Road access.

CROSS REFERENCES

Uses permitted - see P. & Z. 1341.01
Nonconforming structures and uses - see P. & Z. Art. 1343, 1349.06
Variances - see P. & Z. 1349.04

1333.01 PURPOSE.

The purpose of the C-4 District is to provide areas for regional shopping centers which would include a broad variety of retail stores and service shops. The permitted uses are listed in Section 1341.01. (Ord. 741 §1201. Passed 7-3-78.)

1333.02 DIMENSIONAL STANDARDS.

The required standards are:

(a)	Gross lot area	25 acres min.
(b)	Front yard depth:	
	Abutting R-1 and R-2 Districts and streets abutting such Districts	200 ft. min.
	Abutting R-3, R-4 and R-5 Districts and streets abutting such Districts	100 ft. min.
	Abutting all other zoning districts and/or all other streets	50 ft. min.
(c)	Rear yard depth and/or side yard width:	
	Abutting R-1 and R-2 Districts and streets abutting such Districts	200 ft. min.
	Abutting R-3, R-4 and R-5 Districts and streets abutting such Districts	100 ft. min.
	Abutting all other zoning districts and/or all other streets	50 ft. min.
(d)	Bufferyards, as described in Section 1314.04.	
	(1) Adjacent to residential districts and street rights of way abutting these districts.	Bufferyard I
	(2) Adjacent to all other street rights of way.	Bufferyard F
	(3) Adjacent to commercial and institutional.	As stated in Section 1314.04.
(e)	Height	35 ft. max.
(f)	Building area	20,000 sq. ft. min.
(g)	Coverage based on gross lot area	20% max.

(Ord. 741 §1202. Passed 7-3-78; Ord. 818 §7. Passed 5-18-81; Ord. 1004 §16. Passed 3-27-89; Ord. 1127 §B.48. Passed 8-22-94.)

1333.03 ROAD ACCESS.

Access shall be from an arterial road by means of a marginal access road in order that the number of curb cuts on the arterial road can be kept to a minimum.
(Ord. 741 §1203. Passed 7-3-78.)

ARTICLE 1335
C-5 Commercial Residential District

1335.01 Purpose.
1335.02 Standards.
1335.03 Road access.
1335.04 Rezoning.
1335.05 Transportation Impact Study.
1335.06 Incentive development.

CROSS REFERENCES

Uses permitted - see P. & Z. 1341.01
Nonconforming structures and uses - see P. & Z. Art. 1343, 1349.06
Variances - see P. & Z. 1349.04

1335.01 PURPOSE.

The purpose of the C-5 Commercial Residential District is to provide areas of mixed use development in a unified manner. It is desired to encourage innovation in development planning by allowing an intermixing of compatible commercial and residential uses in an integrated complex, and to effect conservation and more efficient use of available land and public services. Such developments shall be subject to final site development approval by Council.
(Ord. 741 §1301. Passed 7-3-78; Ord. 1433. Passed 12-16-13.)

1335.02 STANDARDS.

The required standards are:

(a) A C-5 District must contain a minimum of 30 acres.

(b) Front yard depth:
Abutting R-1 and R-2 Districts and streets abutting such Districts: 200 ft. minimum
Abutting R-3, R-4 and R-5 Districts and streets abutting such Districts: 100 ft. minimum
Abutting all other zoning districts and/or all other Streets:50 ft. minimum

(c) Rear yard depth and/or side yard widths:
Abutting R-1 and R-2 Districts and streets abutting such Districts: 200 ft. minimum
Abutting R-3, R-4 and R-5 Districts and streets abutting such Districts: 100 ft. minimum
Abutting all other zoning districts and/or all other Streets:50 ft. minimum

(d) Bufferyards shall be established in accordance with Section 1314.04 and subsections (1) through (7) below.
(1) Adjacent to residential districts and street rights-of-way abutting these districts: Bufferyard I
(2) Adjacent to all other street rights-of-way: Bufferyard F
(3) Adjacent to commercial and institutional districts as stated in Section 1314.04.
(4) The zoning districts shall be assigned an existing land use intensity classification in accordance with Section 1314.02.

(5) The bufferyard type shall be determined by applying the land use intensity classification, as determined above, to Section 1314.04, Figure 2.

(6) The resulting bufferyard type requirement may be planted in any of the widths and intensities prescribed by the Bufferyard Types Charts contained in Section 1314.04.

(7) Structures required as part of a prescribed bufferyard may use the equivalent structures provided for in Section 1314.04(d)(5).

(e) Dwelling unit density per acre of net lot area:

(1) Townhouses 13 max.

(2) Garden Apartments 14 max.

(f) One and two-family dwelling units must meet R-2 requirements contained in Article 1317.

(g) Maximum building area 150,000 sq. ft.

(h) Maximum building square footage 200,000 sq. ft.

(i) Maximum height 85 feet

(j) No less than 50% of the total building square footage within a land development shall be commercial except for any parcel that abuts residential property on three sides at the time of adoption of this ordinance.

(k) Building coverage based on gross lot area coverage shall not exceed 25%.

(Ord. 1433. Passed 12-16-13.)

1335.03 ROAD ACCESS.

Access shall be from an arterial or collector road.

(Ord. 741 §1303. Passed 7-3-78.)

1335.04 REZONING.

Any rezoning to C-5 classification shall be conditional on the submittal of the site plan within twelve months. Should the site plan not be approved, the zoning of the property reverts to its previous zoning. (Ord. 741 §1304. Passed 7-3-78.)

1335.05 TRANSPORTATION IMPACT STUDY.

The applicant shall cause a Transportation Impact Study (TIS) to be performed in accordance with Policies and Procedures for Transportation Impact Studies (related to Highway Occupancy Permits) Pennsylvania Department of Transportation Bureau of Highway Safety and Traffic Engineering dated January 28, 2009, as amended or replaced, and shall apply the TIS to state, county, Town and private roads impacted by the development as determined by the Town. The TIS shall be submitted to the Town and the Town Engineer, and the Pennsylvania Department of Transportation and Allegheny County, if applicable, for review and approval prior to action on a proposed development by Town Council. The applicant shall be required to mitigate any adverse impacts identified by the TIS as a result of the development at the applicant's expense.

(Ord. 1433. Passed 12-16-13.)

1335.06 INCENTIVE DEVELOPMENT.

If parking for a minimum of 300 vehicles is provided for use of commuters and at least 24 acres of flood plain as determined by the FEMA maps along Pine Creek between McKnight Road and Blazier Drive is dedicated to a Conservation Easement, then the following would apply:

(a) Parking space size may be reduced to 9' x 18' with modified double striping as depicted in the illustration in Section 1313.06.

(b) In lieu of compliance with Section 1313.06(a), parking standards may be based on the Urban Land Institute (ULI) Shared Parking Manual, latest edition.

(c) Yard depth requirements may be the following:
  (1) Yard depth abutting R-1 and R-2 zoned districts must be 200 feet.
  (2) All other yard depths must be in accordance with the required bufferyard depth or 20 feet, whichever is greater.
  (3) If Bufferyard "A" is required by Section 1335.02(d), the five (5) foot Bufferyard "A" planting requirements shall be required and may be spread throughout the 20 feet minimum required yard.

(d) Lot coverage may be increased up to a maximum of 35%.

(e) The building area may be increased to 175,000 square feet.

(f) A master landscaping plan may be submitted in lieu of individual lot landscaping plans. The landscaping plan may eliminate landscaping buffers ordinarily required between lots but landscaping buffers must be provided along streets in accordance with the Town Planning and Zoning Code. The landscaping plan must be approved by Town Council. (Ord. 1433. Passed 12-16-13.)

ARTICLE 1337
C-6 Industrial District

1337.01 Purpose.
1337.02 Dimensional standards.
1337.03 Road access.
1337.04 Conditional use: personal storage establishment/ facility.

CROSS REFERENCES

Uses permitted - see P. & Z. 1341.01
Nonconforming structures and uses - see P. & Z. Art. 1343, 1349.06
Variances - see P. & Z. 1349.04

1337.01 PURPOSE.

The purpose of the C-6 District is to provide areas for wholesale establishments, personal storage facilities, light industrial plants and research and development plants. Such uses shall be completely within buildings, and shall not involve processes generating smoke, fumes, odors, dust, noise or vibrations in an amount noticeable outside the building or which would adversely affect surrounding properties or the basic residential character of the total community. (Ord. 1004 §31. Passed 3-27-89.)

1337.02 DIMENSIONAL STANDARDS.

The required standards are:

(a)	Gross lot area	1 acre min.
(b)	Lot width at building line	100 ft. min.
(c)	Front yard depth:	
	Abutting R-1, R-2, R-3, R-4 and R-5 Districts and streets abutting such Districts	200 ft. min.
	Abutting all other zoning districts and/or all other streets	60 ft. min.
(d)	Rear yard depth and/or side yard width:	
	Abutting R-1, R-2, R-3, R-4 and R-5 Districts and streets abutting such Districts	200 ft. min.
	Abutting all other zoning districts and all other streets	20 ft. min.
(e)	Bufferyards, as described in Section 1314.04.	
	(1) Adjacent to residential districts and street rights of way abutting these districts.	Bufferyard I
	(2) Adjacent to all other street rights of way	Bufferyard F
	(3) Adjacent to commercial and institutional.	As stated in Section 1314.04.
(f)	Height	45 ft. max.
(g)	Coverage based on gross area	25% max.

(Ord. 741 §1402. Passed 7-3-78; Ord. 818 §9. Passed 5-18-81; Ord. 1004 §18. Passed 3-27-89; Ord. 1127 §B.50. Passed 8-22-94.)

1337.03 ROAD ACCESS.

Access shall be from an arterial or collector road. A marginal access road shall be provided if its use will reduce the number of curb cuts on the arterial or collector road as determined by Council.

(Ord. 1004 §32. Passed 3-27-89.)

1337.04 CONDITIONAL USE: PERSONAL STORAGE ESTABLISHMENT/FACILITY.

Council may authorize as a conditional use personal storage establishments/facilities only if no variance is required and the following conditions are met:

(a) Access. Ingress or egress shall be from an arterial or collector street only.

(b) Distance from face of building to face of building: twenty-eight feet minimum for units less than fifteen feet in depth and forty-two feet minimum for units fifteen feet or more in depth.

(c) Distance from end of building to end of building: twenty foot minimum.

(d) Maximum length of building: 200 feet.

(e) Maximum facility unit size: fourteen feet wide, forty feet deep, one story (fifteen feet) in height.

(1) If units are placed back to back, the maximum width of the building shall not exceed forty feet.

(f) Driveway width: twenty feet minimum.

(g) All driveways shall be paved with an impervious surface.

(h) A landscaping plan shall be submitted with the site plan showing the sites buffer area in accordance with Section 1313.02. The buffer shall exist around the entire perimeter of the site.

(i) The site shall be fenced around its perimeter.

(1) Fences shall be placed around the perimeter of the site of the buffer zone.

(j) Lighting shall not interfere with surrounding area or distract traffic.

(k) Fire hydrant shall be provided on site with location to be determined by Town.

(1) No storage may take place outside of the building.

(m) Personal storage units shall not have water or sanitary sewer service.

(n) No signs may be placed on the buildings themselves or their rooftops. Free standing signs denoting site shall be the only type of sign permitted.

(o) The design of personal storage facilities shall be by a Pennsylvania registered architect.

(p) Office space may be provided which does not exceed five percent (5%) of the net site area.

(q) A caretaker may reside on a portion of the personal storage site.

(r) No hazardous materials or substances are permitted in personal storage facilities beyond the allowances of the Building Code or Fire Code. Both the landlord and the tenant of such personal storage facility shall be responsible for the prevention of the storage of hazardous materials or substances in personal storage facilities that would be beyond the allowance of the Building Code or the Fire Code.

(Ord. 1004 §33. Passed 3-27-89.)

ARTICLE 1339
C-7 Office Building District

1339.01	Purpose.	1339.03	Road access.
1339.02	Dimensional standards.	1339.04	Conditional use.

CROSS REFERENCES

Uses permitted - see P. & Z. 1341.01
Nonconforming structures and uses - see P. & Z. Art. 1343, 1349.06
Variances - see P. & Z. 1349.04

1339.01 PURPOSE.

The purpose of the C-7 District is to provide areas in addition to those provided in the C-3 District for professional type offices for use by doctors, dentists, therapists, lawyers, architects, engineers, accountants, insurance firms, real estate firms, manufacturers' representatives, etc. A retail outlet for prescription drugs and eyeglasses is permitted in an office building primarily devoted to doctors' offices.
(Ord. 741 §1501. Passed 7-3-78.)

1339.02 DIMENSIONAL STANDARDS.

The required standards are:

(a)	Gross lot area:	
	With public water and sewer	10,900 sq. ft. min.
	Without public water or sewer	20,000 sq. ft. min.
(b)	Lot width at building line	
(c)	Front yard depth:	75 ft. min.
	Abutting R-1, R-2, R-3, R-4 and R-5 Districts and streets abutting such Districts	100 ft. min.
	Abutting all other zoning districts and/or all other streets	60 ft. min.
(d)	Rear yard depth and/or side yard width:	
	Abutting R-1, R-2, R-3, R-4 and R-5 Districts and streets abutting such Districts	100 ft. min.
	Abutting all other zoning districts	10 ft. min.
	Abutting all other streets	30 ft. min.

(e) Bufferyards, as described in Section 1314.04
(1) Adjacent to residential districts and street rights of way abutting these districts. Bufferyard G
(2) Adjacent to all other street rights of way. Bufferyard D
(3) Adjacent to commercial and institutional. As stated in Section 1314.04
(f) Heights 35 ft. max.
(g) Coverage based on gross area 25% max.

(Ord. 741. §1502. Passed 7-3-78; Ord. 818. §10. Passed 5-18-81; Ord. 1004. §19. Passed 3-27-89; Ord. 1127. §B.51. Passed 8-22-94.)

1339.03 ROAD ACCESS.

Access shall be from an arterial or collector road.

(Ord. 741. §1503. Passed 7-3-78.)

1339.04 CONDITIONAL USE.

A Personal Storage Establishment/Facility meeting the following expressed criteria is permitted in a C-7 zoned district as a conditional use:

(a) The site is a minimum of 4.0 acres.
(b) Lot frontage on a public road is 200 ft. minimum.
(c) Forty percent (40%) of the site remains pervious.
(d) Wall surfaces (excluding doors) of buildings shall be constructed of brick, stone, split face block and/or glass.
(e) The roofs are constructed of standing seam metal, color coordinated to the surrounding area.
(f) The roof pitch shall be a minimum of 5:12.
(g) Garage door colors must be consistent and coordinated with the buildings and roof colors.
(h) Ratio of storage space to office space: Maximum of 3:1 square foot.
(i) Front yard depth:
(1) 100 feet from R-1, R-2, R-3, R-4, R-5 and R-6 districts or street rights-of-way abutting those districts.
(2) Abutting all other districts or streets abutting those districts is 60 feet.
(j) Rear yard depth and/or side yard width:
(1) Abutting R-1, R-2, R-3, R-4, R-5 and R-6 districts and streets abutting such districts is 200 feet minimum.
(2) Abutting all other zoning districts and all other streets is 20 feet minimum.
(k) Bufferyards as described in Section 1314.04.
(1) Adjacent to residential districts and street rights-of-way abutting these districts: Bufferyard I
(2) Adjacent to all other street rights-of-way: Bufferyard I
(3) Adjacent to commercial and institutional: As stated in Section 1314.04.
(4) A Bufferyard "A" landscaped island shall be placed between buildings. A 20 foot break in the island may be provided.
(l) A landscaping plan shall be submitted with the site plan showing the cited buffer area in accordance with Section 1313.02. The buffer shall exist around the entire perimeter of the site.
(m) Height: 25 feet maximum.

(n) Building coverage based on gross area is 25% maximum.
(o) Road access shall be from an arterial or collector street.
(p) Distance from face of building to face of building:
  (1) 30 feet minimum for units less than 15 feet in depth.
  (2) 50 feet minimum for units 15 feet or more in depth.
(q) Distance from end of building to end of building: 20 feet minimum
(r) Maximum length of building: 120 feet.
(s) Maximum facility unit size: 15 feet wide, 45 feet deep. If units are placed back, the maximum width of the building shall not exceed 40 feet.
(t) The driveway width between buildings shall be a minimum of 15 feet.
(u) All driveways shall be paved.
(v) The site shall be fenced around its perimeter. The fence shall not be chain link and must be coordinated with the required buffers. The fence must be approved by Town Council.
(w) Lighting shall not interfere with surrounding area or distract traffic.
(x) A fire hydrant shall be provided on site with the location to be determined by the Town.
(y) Fire truck access via designated fire lanes shall be provided to the front and rear of buildings.
(z) No storage may take place outside of the building.
(aa) Personal storage units shall not have water or sanitary sewer service.
(bb) No signs may be placed on the buildings or their rooftops. Freestanding or monument signs conforming to C-7 sign regulations denoting the site shall be the only type of sign permitted.
(cc) The design of personal storage facilities shall be by a registered Pennsylvania architect.
(dd) Hours of operation shall be no earlier than 7:00 a.m. or later than 9:00 p.m.
(ee) A caretaker may reside on a personal storage site in a residence compliant with the building code in effect at the time of approval.
(ff) No hazardous materials or substances are permitted in personal storage facilities beyond the allowances of the Building Code or Fire Code. Both the landlord and the tenant of such personal storage facility shall be responsible for the prevention of the storage of hazardous materials or substances in personal storage facilities that would be beyond the allowance of the Building Code or the Fire Code.
(gg) A public restroom meeting the requirements of Town Building Code must be on-site and accessible during the hours of operation.
(Ord. 1334. Passed 9-25-06.)

ARTICLE 1340
C-8 General Office and Limited Retail District

1340.01 Purpose.
1340.02 Dimensional standards.
1340.03 District common standards.
1340.04 Road access.
1340.05 Rezoning.
1340.06 Permitted uses.
1340.07 Conditional uses.

CROSS REFERENCES

Uses permitted - see P. & Z. 1341.01
Nonconforming structures and uses - see P. & Z. 1343, 1349.06
Variances - see P. & Z. 1349.04

1340.01 PURPOSE.

The purpose for establishing a C-8 District is to provide areas for office use plus limited commercial use that shall complement that office use by having various shops and retail outlets available for proprietors, employees and customers of and visitors to the offices. The C-8 District shall be broader in scope than the present C-7 General Office Building District which is quite restrictive as to retail operations.

The primary use of this C-8 District is intended for office space which shall comprise a minimum of fifty percent (50%) of the total available floor(s) area.

It is contemplated that the C-8 District would be an appropriate use of some of the property abutting the only limited access highway in the Town, McKnight Road.

In view of the limited access nature of McKNight Road within the Town, it is also the judgment of Council that C-3 Highway Commercial development in any form consisting of small, individually developed parcels of land would be completely inappropriate since access to McKnight Road shall only be allowed by way of existing intersecting public roads. Therefore, all commercial development shall necessarily need to be served by a service road and individual commercial lot development would make the construction and installation of a service road impractical.

The C-8 District shall, therefore, be limited to land abutting McKnight Road, as set forth in the dimensional standards.

(Ord. 1144 §9. Passed 5-22-95.)

1340.02 DIMENSIONAL STANDARDS.

The required standards are:

(a)	Gross lot area	10 acres min.
(b)	Yard depth from any street	60 ft. min.
(c)	Front yard depth, rear yard depth and side yard widths:	
	Abutting R-1, R-2, R-3, R-4, and R-5 Districts	100 ft. min.
	Abutting all other zoning districts	35 ft. min.
(d)	Bufferyards, as described in Section 1314.04.	
	(1) Adjacent to residential districts and street rights of way abutting these districts.	Bufferyard G
	(2) Adjacent to all other street rights of way.	Bufferyard E
	(3) Adjacent to commercial and institutional.	As stated in Section 1314.04.
(e)	Distance between McKnight Road right-of-way and any internal road right-of-way	15 ft. min.
(f)	Height of building	35 ft. max.*
(g)	Distance between buildings	20 ft. min.
(h)	Coverage based on gross area	20% max. of the C-8 development area
(i)	Planted area	A minimum of 5% of the area excluding the buffer area shall be planted.

*Five percent (5%) of the total gross lot area may exceed thirty-five feet but shall not exceed seventy-five feet and six floors.

(j) Permitted retail uses shall be limited to a maximum of 5,000 square feet of gross floor area.

(k) Any building in excess of 5,000 square feet containing retail uses shall have a minimum of twenty percent (20%) office space unrelated to the retail uses contained therein.

(Ord. 1110. Passed 12-20-93; Ord .1127 §B.52. Passed 8-22-94; Ord. 1144 §10, 11. Passed 5-22-95.)

1340.03 DISTRICT COMMON STANDARDS.

No outside storage and no outbuildings shall be permitted.

(Ord. 822. Passed 7-27-81.)

1340.04 ROAD ACCESS.

No access street shall directly intersect McKnight Road, a limited access road.

(Ord. 822. Passed 7-27-81.)

1340.05 REZONING.

Request for a C-8 District classification shall require the submission of a concept plan in conjunction with the rezoning request. The concept plan shall be submitted with the rezoning request and shall include the development of all land contained within the rezoning request.

For the purpose of establishing concept plan criteria, the concept plan shall contain the appropriate information specifically stated under "Site Plans" in the Zoning Code and/or preliminary plat submission under the Land Development Code with the exception of drainage, erosion and sedimentation control, signage, illumination, sidewalks and plans of structures, road profiles, cross sections and construction details of proposed street and drainage structures and other improvements that may be required. The concept plan shall also include a preliminary soils study to establish the general suitability of the site for the proposed development.

Upon approval of the rezoning, the applicant shall have a maximum of three months to submit a preliminary plat and/or preliminary site plan whichever is appropriate by ordinance. For the purpose of establishing preliminary site plan criteria, the preliminary site plan shall consist of all information specifically stated under "Site Plan" in the Zoning Code. Preliminary plat criteria shall adhere to that as stated in the Land Development Code. The preliminary plat and/or preliminary site plan shall include all the land and the development of same as was proposed in the rezoning request, and shall adhere to and be consistent with the provisions of the concept plan.

Upon approval of the preliminary plat and/or preliminary site plan, the applicant shall have one year to submit a final plat and/or site plan. The final plat and/or site plan shall include all land and the development of same as was proposed in the rezoning request.

Upon approval of the final plat and/or final site plan, the applicant shall have one year from the date of final approval to initiate construction.

If the preliminary plat and/or stie plan has not been submitted within three months of the rezoning approval, or if the final plat and/or site plan has not been submitted within one year after the approval of the preliminary plat and/or site plan, or if construction has not been initiated prior to the expiration of one year after the final plat and/or site plan approval, all approvals shall be deemed to have expired and the C-8 zoning shall revert back to the previous zoning classification(s).

Council shall have authority to extend any of these time periods.

(Ord. 822. Passed 7-27-81.)

1340.06 PERMITTED USES.

The permitted uses in the C-8 District are:

(a) Offices.

(b) Retail.

Banks, savings and loans, trust companies and other credit related services
Sporting goods, recreation goods and hobby
Photographic
Apparel and accessories
Photographic studio and supplies
Beauty shop and barber shop
Shoe repair
Drug and related health
Art gallery and book store
Gourmet food stores
Health food stores
Specialty foods
Travel agency
Meat market
Liquor/wine store
Card shop and accessories.

(Ord. 1110. Passed 12-20-93; Ord. 1144 §12. Passed 5-22-95.)

1340.07 CONDITIONAL USES.

(a) Conditional uses permitted in the C-8 District are:

(1) Home furniture and furnishings, retail sales.

(2) Office furniture and equipment, retail sales.

(b) (1) Size limitation. The maximum area for occupancy by these uses shall not exceed 36,000 square feet for each use.

(2) Combined uses. Unrelated office and/or retail uses, as permitted under Section 1340.06, may be included in combination with the conditional uses.

(3) Parking requirements.

A. Required minimum parking for the conditional uses shall be one space for each 275 square feet of gross floor area.

B. Required minimum parking for uses combining the conditional uses with retail and/or office uses, permitted under Section 1340.06, shall conform to the parking requirements in Section 1313.06 for such uses and to subsection (b)(3)A. hereof.

(4) Ratio of office space to retail. For calculating the ratio of office to retail use, in the total C-8 District, only seventy-five percent (75%) of the gross area for the conditional uses shall be used to calculate the retail floor area.

(5) Buffers and landscaping.

A. Bufferyards and landscaping for any building used only for these conditional uses shall conform to the following:

1. Ten percent (10%) of the total lot area shall be planted with canopy and understory trees, evergreen/conifers and shrubs, in accordance with a landscape plan approved by Council.

2. Minimum bufferyards. (As per Section 1314.04)

Adjacent to an R-1, R-2 District and streets abutting such district:	Bufferyard "D"
Adjacent to all other zoning districts:	Bufferyard "A"
Adjacent to all other streets:	Bufferyard "C"

B. Bufferyards for uses combining the conditional uses with retail and/or office uses, permitted under Section 1340.06, shall conform to the requirements of Section 1313.02.

(Ord. 1110. Passed 12-20-93.)

ARTICLE 1341
Uses

1341.01 Permitted principal uses.
1341.02 Churches.
1341.03 Farm and farm building.
1341.031 Riding horses and small animals.
1341.04 Gas stations.
1341.05 Motor vehicle sales and service.
1341.06 Neighborhood park or playground. (Repealed)
1341.07 Schools: academic.
1341.08 Heliports or other aircraft landing fields.
1341.09 Heavy equipment or vehicle parking or storage.
1341.10 Vehicle off-site parking lots.
1341.11 Greenhouse and nurseries.
1341.12 Advertising signs.
1341.13 Towers and antennas.
1341.14 Mobile home parks.
1341.15 Office.
1341.16 Sexually oriented business.
1341.17 Express criteria for personal care homes in the R-6 zoned district.
1341.18 Express criteria for an older adult daycare in the R-6 zoned district.
1341.19 Oil and gas development.
1341.20 Junk yards.
1341.21 Undefined or other land uses.

CROSS REFERENCES

Service stations - see Pa. Municipalities Planning Code Sec. 603 (53 P.S. Sec. 10603)
Fences - see P. & Z. 1313.03, 1313.07, 1313.12
Special exceptions - see P. & Z. 1349.05

1341.01 PERMITTED PRINCIPAL USES.
The permitted principal uses in each zoning district are:

	R-1	R-2	R-3	R-4	R-5	R-6	I	R-C	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	D-Dev.
Advertising Signs-see											P						
Section 1341.12																	
Apartments-Garden			P		P	P		P					P				P*
Apartments-Hi-Rise				P		P											P*
Bank**								P		P	P	P	P			P	
Barber Shop								P		P	P	P	P			P	
Beauty Shop								P		P	P	P	P			P	
Bed & Breakfast								C									
Boarding Home							P			P	P						
Bowling Alley									P		P	P	P				
Car Wash								C			P						
Cemetery							P										
Church-see							P	P									
Section 1341.02																	
Club								P	P								
Communications Antennas-				P		P	P						P		P		
see Section 1341.13(c)																	
Communications Towers -							SE										
see Section 1341.13(d)																	

	R-1	R-2	R-3	R-4	R-5	R-6	I	R-C	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	D-Dev.
Day Care Center			P	P	P		P	P		P	P	P	P		P	P	
Dwelling-One Family	P	P			P	P		P					P				P
Dwelling-Two Family		C			P	P							P				
Farm-see Section 1341.03	C	C															
Firehouse							P										
Funeral Home								C		P	P		P	P			
Gas Station or Service								C		P	P						
Station - see Section 1341.04																	
Government Building							P										
Greenhouse											P						
Group Home								C									
Heavy Equipment or Vehicle							C	C	C	C	C	C	C	C	C	C	
Parking Storage - see Section 1341.09																	
Heliports or other Aircraft							C							C	C	C	
Landing Fields - see Section 1341.08																	
Hospital							P										
Hotel											P		P				
Ice Cream - Retail**								C									
Kennel											P						

	R-1	R-2	R-3	R-4	R-5	R-6	I	R-C	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	D-Dev.
Library							P										
Lounge or Tavern											P	P	P				
Lumber Yard														P			
Mobile Home Parks - see Section 1341.14					C												
Motor Vehicle - see Section 1341.05											P						
Nursery-Horticultural											P						
Nursing Home							P										
Office								P		P	P	P	P		P	P	P
Older Adult Day Care Center						C	P	P		P	P	P	P		P	P	P
Park or Playground-Regional							P										
Personal Care Home						C	P										P
Personal Storage Facility -														C			
see Section 1337.04																	
Research Lab															P		
Restaurant-Drive-In											P	P	P				
Restaurant-Drive-Through								C			P	P	P				
Restaurant-Other than								P			P	P	P				
Drive-In																	
Retail (Local)								P									

	R-1	R-2	R-3	R-4	R-5	R-6	I	R-C	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	D-Dev.
Retail Store or Service Shop								P		P	P	P	P			P[1]	
Riding Horses & Small Animals -	C	C															
see Sections 1315.10, 1317.11, 1341.031																	
School-Academic - see							P										
Section 1341.07																	
School-Trade											P	P	P				
Sexually Oriented Business -																	SE
see Section 1341.16																	
Sport-Activity									P				P				
Swimming Club (non-profit)	C																
Theater									P		P	P	P				
Townhouse			P		P			P				P					P
Utility Structures							P										
Vehicle Off-Site Parking Lots -							C	C	C	C	C	C	C	C	C	C	
see Section 1341.10																	
Veterinarian											P						
Wholesale Facility														P			

CODE: P - permitted; C-conditional use; SE-special exception; P[1]- permitted only per Article 1340
P* - if parcel previously zoned R-3, R-4, R-5 or R-6 within D-Development District
See Article 1326 for additional uses in D-Development District
See Article 1340 for additional uses in C-8
**See also retail and service shops.

1341.02 CHURCHES.

A church or any building used primarily for worship and religious education must have direct access from an arterial or collector road.

A manse is considered a single-family dwelling. Dormitories are considered apartments and shall meet the requirements for R-3 or R-4 Districts depending upon the height of the building(s) and/or number of stories.

(Ord. 741 §1602. Passed 7-3-78; Ord. 770 §13. Passed 7-23-79.)

1341.03 FARM AND FARM BUILDING.

(a) Council may approve farms and farm buildings as conditional uses in R-1 and R-2 zoned districts.

(b) If any of the provisions of this section are contrary to any State or Federal regulations or laws, it is the intent that such regulations or laws shall supersede these conditions.

(c) Applications for a farm or farm building shall be submitted in accordance with Article 1365 and shall include a plan showing conformance with all regulations for collection and management of manure and wastes as required by all State and Federal regulations, including Chapter 101 of the Pennsylvania Department of Environmental Protection Regulations, Special Water Pollution Regulations, or its successor regulations and Pennsylvania's Nutrient Management Act.

(d) The approval of an application shall not be granted until a public hearing is conducted on the application and Town Council has determined the application is an appropriate use for the site and will not cause a direct adverse effect on the public health, safety or welfare, and evidence presented shows conformance with the standards herein. In the event of conflict, the following conditions take precedence over other requirements set forth in each zoning district.

(1) One residential dwelling unit is allowed on five acres; one additional dwelling unit is permitted on each additional ten acres. A farm shall have a minimum of five acres.

(2) No large or medium size farm animals are permitted on less than ten acres. Two large or medium size farm animals are permitted on ten acres. Two additional large or medium size farm animals are permitted on each acre over ten acres. If these limitations are exceeded as a result of a newborn, the owner is permitted six months to adjust the number of animals in accordance with these limitations.

(3) Small animals are permitted and shall be restrained by an enclosure, fence or leash run area, in the rear yard, not closer than thirty feet to a lot line and the total of these areas shall not exceed twenty-five percent (25%) of the rear yard.

(4) For a farm less than ten acres, the total ground area covered by agricultural commodities other than large and medium size farm animals, but including farm buildings, enclosures, fences and leashed areas, shall not exceed fifty percent (50%) of the lot area.

(5) No farm animal or farm building is permitted in the front yard except buildings used exclusively for on-site sales. An on-site sales structure must be set back a minimum of thirty-five feet and off-site parking provided.

(6) Required fences or leashed areas shall be set back fifty feet minimum from any lot line provided that enclosures, fences or buildings for pigs, sheep or goats shall be set back 175 feet minimum. Areas planted with agricultural commodities shall be set back twenty feet minimum.

(7) Farm buildings, except as otherwise provided herein, shall be set back a minimum of 175 feet from any lot line.

(8) Open manure piles or farm buildings storing manure shall be located, constructed and managed in strict conformance with all State and Federal regulations, including the State's Nutrient Management Act, Chapter 22, and regulations promulgated under this Act, and managed so as to prevent a direct adverse effect on the health, safety and general welfare of the surrounding area. Leachate or water runoff from the farm must be controlled to prevent pollution of wells and State waterways.

(9) Bufferyard E is required on side and rear lot lines, as deemed necessary by Council to buffer adjacent homes.

(10) Electric fences may be approved by Council.

(11) Boarding of horses and riding academies are permitted on farms larger than fifteen acres.

(12) Direct commercial sales of agricultural commodities on the land or farm is permitted, if at least fifty percent (50%) of the commodities sold are produced on the farm.

(13) Storage of all farm equipment and farm vehicles shall be inside a farm building.

(14) Fence lines and pastures cannot cross streams with defined banks.

(15) Except as set forth herein, dimensional requirements shall conform to the zoning district regulations.

(16) Erosion and sedimentation control regulations must be followed.

(Ord. 1235. Passed 7-17-00.)

1341.031 RIDING HORSES AND SMALL ANIMALS.

Council may approve the keeping of a horse, pony or small farm animal for personal use or enjoyment only as a conditional use in R-1 and R-2 zoned districts. In the event of conflict, the following conditions take precedence over other requirements in the Zoning Ordinance:

(a) Lot size shall be a minimum of eight acres for a horse or pony. Up to two horses or ponies are permitted on eight to ten acres. A maximum of three horses or ponies are permitted on more than ten acres.

(b) The side and rear yards shall be planted in accordance with Bufferyard D.

(c) A horse or pony shall be restrained by a fence or enclosure located in the rear yard. Fences shall not be closer than fifty feet from a property line.

(d) Small animals shall be restrained by an enclosure, fence or leash run area, in the rear yard, not closer than thirty feet to a lot line. The total of these areas shall not exceed twenty-five percent (25%) of the rear yard.

(e) Farm buildings for housing animals shall be set back 175 feet minimum for any lot line. Other farm buildings shall be set back 100 feet minimum from any lot line.

(f) Leachate or water runoff from the farm must be controlled to prevent pollution of wells and State waterways.

(g) Farm buildings or areas used for collection or storage of excrement or manure shall be set back 300 feet minimum from any lot line.

(h) Open manure piles or farm buildings storing manure shall conform to all State, Federal and County regulations, including the State's Nutrient Management Act, Chapter 22, and regulations promulgated under this Act, and managed so as to prevent an adverse effect on the health, safety or general welfare of the surrounding area and shall comply with Article 705, "Health, Safety and Sanitation", Section 705.07 Garbage and Rubbish, of the Codified Ordinances of the Town of McCandless. (Ord. 1235. Passed 7-17-00.)

1341.04 GAS STATIONS.

A gas station is a facility used primarily for dispensing motor fuel into vehicles. A gas station is permitted only when authorized as a special exception by the Zoning Hearing Board. The pump island and any canopy must be in the buildable area. Repairs must be done inside the building. Body repair is not permitted.

Additional dimensional standards for a gas station shall be as follows:

(a)	Distance from another gas station not located at the same road intersection	1,500 ft. min.
(b)	Lot area	20,000 sq. ft. min.
(c)	Lot width	150 ft. min.
(d)	Side and rear yard depth abutting nonresidential property	15 ft. min.
(e)	Curb cut length	25 ft. max.
(f)	Clear distance between curb cuts	20 ft. max.
(g)	Clear distance between curb cuts and lot line	20 ft. max.

(Ord. 741 §1604. Passed 7-3-78; Ord. 770 §12. Passed 7-23-79.)

1341.05 MOTOR VEHICLE SALES AND SERVICE.

Outside sales area must be paved, dust free and adequately drained. Repair and wash operations must be done inside a building. Minimum yard depth from any repair or wash operation to any residential property is 100 feet.

(Ord. 741 §1605. Passed 7-3-78.)

1341.06 NEIGHBORHOOD PARK OR PLAYGROUND.

(EDITOR'S NOTE: This section was repealed by Ordinance 1004, Section 34, passed March 27, 1989.)

1341.07 SCHOOLS: ACADEMIC.

An academic school is any educational institution, kindergarten through university, public, private or parochial. Schools of specialized training operated for a profit are not academic schools. Off-street loading of school buses shall be provided. Recreational areas must be at least fifteen feet from any lot line. Athletic activity attracting spectators must be 200 feet from any lot line. Dormitories are considered apartments and shall meet the requirements for R-3 or R-4 Districts depending upon the height of the building(s) and/or number of stories. (Ord. 741 §1607. Passed 7-3-78; Ord 770 §14. Passed 7-23-79.)

1341.08 HELIPORTS OR OTHER AIRCRAFT LANDING FIELDS.

Heliports or other aircraft landing fields may be permitted as a conditional use upon approval by Council in I-Institutional Districts as an accessory use to hospitals or nursing homes for the movement of emergency medical cases. Heliports or other aircraft landing fields may be permitted as conditional uses by Council in C-6 Institutional District, C-7 Office Building District and C-8 General Office and Limited Retail District whenever Council is satisfied that a heliport or other aircraft landing field can be safely operated, would be a valuable adjunct to the business or businesses being operated in such districts and would not adversely affect the peace, privacy and general welfare of the occupants of any residences located in the vicinity of the proposed heliport or other aircraft landing field. Heliports or other aircraft landing fields shall be constructed and installed to meet all of the requirements of the Building Officials Conference of America (BOCA) Basic Fire Prevention Code, latest edition, and shall be approved by the Bureau of Aviation of the Commonwealth of Pennsylvania prior to commencement of operation. Heliports or other aircraft landing fields shall not be permitted in any other commercial district within the Town and shall not be permitted in any residential zoning district within the Town.

Prior to the approval of a heliport or other aircraft landing field, a plan of the property owned by the applicant shall be submitted to Council and the site shall be physically inspected by the Town Manager, the Town Fire Marshall and the Town Building Inspector prior to any final approval. Prior to the approval, Council may require such physical demonstrations as to the suitability of the site, as may be determined appropriate by Council.
(Ord. 986. Passed 6-27-88.)

1341.09 HEAVY EQUIPMENT OR VEHICLE PARKING OR STORAGE.

(a) Parking.

(1) Parking, display or storage of heavy equipment and vehicles, as an accessory or principal use and which are not in daily use, is a conditional use and shall conform to the following:

(2) Parking of equipment or vehicles, as used in the daily operation of a business, shall be designated on the site plan which is submitted for Town approval.

(3) Construction equipment used in an on-going land development project, for road building, municipal, utility, authority projects and service or for emergency operations, does not come under this use classification.

(4) Heavy equipment/vehicles includes dump trucks, farm tractors, hi-lifts, bulldozers, semi-trailers, large machinery and similar large equipment and mobile homes.

(b) Parking Areas.
(1) Parking areas shall be paved. Council may waive this requirement where it is not suitable such as track vehicles, etc.
(2) Parking areas shall be located 100 feet from residential districts and streets abutting such districts.
(3) Parking areas shall be located thirty-five feet from all other zoning districts and streets.

(c) Bufferyards. Bufferyards shall be provided as follows:
(1) Bufferyards adjacent to residential districts and streets abutting these districts shall be planted in accordance with bufferyard H, Section 1314.04.
(2) Bufferyards adjacent to other zoning districts and streets shall be a minimum of twenty-five feet, planted in accordance with bufferyard F, Section 1314.04.
(Ord. 1127 §B.54. Passed 8-22-94.)

1341.10 VEHICLE OFF-SITE PARKING LOTS.

Lots or parcels used primarily for parking of client, customer, patron or student vehicles, is a conditional use in all commercial and institutional districts, and shall conform to the following:

(a) Parking Areas.
(1) Parking areas shall be paved;
(2) Parking areas shall be located thirty feet from residential districts and streets abutting such districts; and
(3) Parking areas shall be located twenty feet from all other zoning districts and streets.

(b) Bufferyards. Bufferyards shall be provided as follows:
(1) Bufferyards adjacent to residential districts and streets abutting these districts shall be planted in accordance with bufferyard E, Section 1314.04.
(2) Bufferyards adjacent to other zoning districts and streets shall be planted in accordance with bufferyard D, Section 1314.04.
(Ord. 1127 §B.55. Passed 8-22-94.)

1341.11 GREENHOUSE AND NURSERIES.

Outdoor storage, display and sales of nursery products, materials, goods and merchandise is permitted as an accessory use in C-3 Zoning Districts, and shall conform to the following conditions:

(a) Any structures used for shelter of merchandise, goods and/or products shall be designed and including in the plat submission.
(b) All parking areas and driveways shall be paved.
(c) Display areas shall be set back from R-1 and R-2 Districts a minimum of forty feet. Setback for all other districts is twenty feet.
(d) Operation of heavy equipment, as defined in Section 1341.09, shall not be operated between the hours of 10:00 p.m. and 6:00 a.m. prevailing time.
(e) The design and arrangement of the facility shall be such as to prevent chemicals and toxic substances from filtering into the groundwater.
(Ord. 1127 §B.56. Passed 8-22-94.)

1341.12 ADVERTISING SIGNS.

(a) Except as noted in (b) below, advertising signs shall comply with the following:

(1) Advertising signs shall be no larger than two hundred (200) square feet and shall be landscaped with year-round materials to screen the sign support.

(2) Advertising signs shall comply with all C-3 (Highway Commercial) provisions and shall receive site plan approval.

(3) Zoning permits are required for the installation or modification of the structure supporting the advertising signs.

(4) Illumination of the display shall be designed so that it shall be focused on the face of the display itself so as to prevent glare upon the surrounding area. All sources of illumination shall be external and equipped with shields to prevent spillage of light off the display.

(5) Lighting shall not exceed one-half (½) foot candle, fifteen (15) feet from the structure of the advertising sign at a height of three feet (3') above ground level.

(6) Advertising signs shall not have flashing lights or copy changeable by mechanical and/or electronic means.

(b) Advertising signs on Public Transit Shelters may be permitted as follows:

(1) Advertising signs may be permitted on Town approved Public Transit Shelters located in commercially zoned districts, multi-family zoned districts and institutionally zoned districts or rights-of-way adjacent to those districts as outlined in Section 907.

(2) Advertising signs shall not exceed twenty-four (24) square feet in display surface per sign.

(3) No more than two advertising signs may be placed on each shelter. Each sign may have two faces.

(4) Sign display and lighting must be integral to the design of the structure and may not extend beyond the face or height of the structure.

(5) Advertising signs shall not have flashing lights or copy changeable by mechanical and/or electronic means.

(6) The advertising sign shall not project beyond the bounds of the structure. All signage shall be lighted with diffused internal lighting not to exceed 400 watts per sign. The source of the lighting shall not be visible. Lighting shall not exceed one-half (½) foot candle, fifteen (15) feet from any point on the perimeter of the shelter.

(Ord. 1316. Passed 3-28-05.)

1341.13 TOWERS AND ANTENNAS.

(a) Towers and antennas may be allowed as a principal use in commercial and institutional districts for governmental entities, for fire, police and emergency purposes, for authorities and for other nonprofit purposes to serve the community, subject to conditions in subsection (b) hereof.

(b) Towers and antennas (structures) are permitted as an accessory use in all zoning districts, subject to the following conditions:

(1) Towers or antennas shall be located in the buildable area, but in no event, closer to the lot line than the intersection of an arc prescribed from the ground elevation and the top of the structure.

(2) Towers and antennas shall be free and clear of all overhead utilities and designed such that the failure of the structure will not endanger such utilities. Generally the safe distance of the structure from the utility lines is twice the height of the structure.

(3) All building mounted towers and antennas in excess of eight feet high and ground mounted structures in excess of fourteen feet, shall be designed by a professional engineer or company experienced in such work.

(4) All building mounted towers and antennas in excess of ten feet high and ground mounted structures in excess of eighteen feet, shall be installed by a professional engineer or company experienced in such work.

(5) All building mounted towers and antennas shall be limited to fourteen feet in height above the roof or structure mounting in residential districts.

(6) All ground mounted towers and antennas shall be limited to forty feet in height above the ground in residential districts.

(7) All antennas and towers required to be professionally designed by subsection (b)(3) hereof, shall be inspected annually by a professional engineer or company experienced in such work and marked with hazard or warning labels as may apply. (Ord. 1127 §B.58. Passed 8-22-94.)

(c) Communications antennas are a permitted use in the (I) Institutional District, (C-5) Commercial Residential District, (C-7) Office Building District, (R-4) Hi-Rise Apartment District, and (R-6) Elderly Housing District, subject to the following standards:

(l) Communications antennas in C-5, C-7, R-4 and R-6 zoned districts may only be mounted to a building, public utility storage structure or public utility transmission structure and shall not include a tower.

(2) Equipment cabinets and/or buildings must be within the building setback lines, and if on the ground, must be buffered with evergreen plantings.

(3) Lighting and signage shall not be permitted on antennas unless required by Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC). Strobe lighting is not permitted from dusk to dawn and lighting alternatives must cause the least disturbance to surrounding views.

(4) Building mounted antennas shall not be permitted on any single family or two-family dwellings.

(5) Building mounted antennas shall be permitted to exceed the height limitations of the Zoning District by no more than twenty feet (20').

(6) Omni-directional or whip antennas shall not exceed twenty feet (20') in height or seven inches (7") in diameter.

(7) The combined height of an antenna and any integral support structure shall not exceed twelve feet (12') except as otherwise noted in this section.

(8) Directional or panel antennas shall not exceed five feet (5') in height or two feet (2') in width.

(9) Satellite and microwave dish antennas mounted on the roof of a building or on a self-supported communications tower shall not exceed six feet (6') in diameter.

(10) Satellite and microwave dish antennas mounted on a monopole communications tower or an existing public utility storage structure or public utility transmission structure shall not exceed two feet (2') in diameter.

(11) Copies of lease agreements and easements necessary to provide access to the buildings or structure for installation and maintenance of the antennas and placement of the equipment cabinet or equipment building shall be provided to the Town.

(12) The placement of the equipment cabinet or equipment building shall not obstruct the free flow of traffic on the site, shall not reduce any parking required or available for other uses on the site and shall not obstruct any right-of-way or easement without the permission of the owner or grantor of the right-of-way or easement.

(13) Unless located within a secured building, the equipment cabinet or equipment building shall be enclosed by a minimum of ten foot (10') high chain link security fence with a locking gate.

(14) If vehicular access to the equipment cabinet or equipment building is not provided from a public street or paved driveway or parking area, an easement or right-of-way shall be provided which has a minimum width of twenty feet (20') and which shall be improved with a dust-free all-weather surface for its entire length.

(15) At least one (1) off-street parking space shall be provided on the site within a reasonable walking distance of the equipment cabinet or equipment building to facilitate periodic visits by maintenance workers.

(d) Communications towers may be permitted as a special exception in an (I) institutional-zoned district subject to the following standards:

(1) The applicant shall provide a Federal Communications Commission (FCC) license for the entities using the tower.

(2) The applicant shall demonstrate that the proposed communications tower and the electromagnetic fields associated with the antennas proposed to be mounted thereon comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).

(3) The applicant for the communications tower shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning regulations.

(4) Any applicant proposing a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna or antennas on an existing building, an existing public utility storage or transmission structure, or an existing communications tower.

A good faith effort shall require that all owners of potentially suitable structures within a one-half (1/2) mile radius of the proposed commercial communications tower shall be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building, an existing public utility storage or transmission structure, or an existing communications tower apply:

A. The proposed equipment would exceed the structural capacity of the existing building, existing public utility storage or transmission structure or existing communications tower and reinforcement of the structure cannot be accomplished at a reasonable cost.

B. The proposed equipment would cause RF (Radio Frequency) interference with other existing and proposed equipment for that existing building, existing public utility storage or transmission structure or existing communications tower and the interference cannot be prevented at a reasonable cost.

C. Existing buildings, existing public utility storage or transmission structures or existing communications towers do not have adequate space, access or height to accommodate the proposed equipment.

D. Addition of the proposed equipment would result in NIER (Non-Ionizing Electromagnetic Radiation) levels which exceed adopted Federal or State emission standards.

(5) The maximum height of a communications tower and antenna shall be two hundred feet (200').

(6) The applicant shall demonstrate that the proposed height of the communications tower and antenna is the minimum height necessary to function effectively.

(7) All parts of the communications tower shall be set back a minimum of l00 feet (100') from the property line of the larger parcel on which the leased parcel is located, plus one foot (l') for each foot of height of tower and antenna beyond one hundred feet (100').

(8) The tower and all appurtenances, including guy wires, if any, and the equipment cabinet or equipment building, shall be enclosed by a minimum of ten foot (l0') high chain link security fence with a locking gate.

(9) The tower shall be equipped with anti-climbing devices as approved by the manufacturer for the type of installation proposed.

(10) At least one (1) off-street parking space shall be provided on the site to facilitate periodic visits by maintenance workers. Manned equipment buildings shall provide one (1) parking space for each employee working on the site.

(11) Equipment cabinets and equipment buildings shall comply with the yard requirements of the zoning district for principal structures.

(12) Access shall be provided to the tower and equipment cabinet or equipment building by means of a public street or right-of-way to a public street. The right-of-way shall be a minimum of twenty feet (20') in width and shall be improved with a dust-free, all-weather surface for its entire length at a minimum of twelve feet (12') in width. No structures shall be built within the right-of-way.

(13) Recording of a plat of subdivision shall not be required for the leased parcel on which the tower is proposed to be constructed, provided the equipment building is proposed to be unmanned, the required easement agreement for access is submitted for approval by the Town and the equipment building cabinet is less than 1,000 square feet.

(14) Approval of a land development plan shall be required for all towers in excess of fifty feet (50') in height. All stormwater requirements are applicable.

(15) The exterior finish of the tower shall be compatible with the immediate surroundings. The tower, the equipment cabinet or equipment building and the immediate surroundings shall be properly maintained.

(16) The owner of any communications tower which exceeds fifty feet (50') in height shall submit to the Town proof of an annual inspection conducted by a structural engineer at the owner's expense and an updated tower maintenance program based on the results of the inspection. Any structural faults shall be corrected immediately and re-inspected and certified to the Town by a structural engineer at the owner's expense.

(17) The owner of the communications tower shall notify the Town immediately upon cessation or abandonment of the operation. The owner of the communications tower shall dismantle and remove the communications tower within six (6) months of the cessation of operations. If the owner of the communications tower fails to remove the tower, then the landowner shall be responsible for its removal. Failure of either party to remove the tower shall result in the Town having the tower removed and securing payment for the cost of the removal from the owner of the tower and/or the owner of the property.

(18) A lock box shall be provided for emergency access.

(19) A ten foot (10') wide bufferyard consisting of a dense evergreen hedge (three feet (3') on-center planting minimum) or evergreen trees planted a minimum of ten feet (10') on-center shall be planted around the perimeter of the security fence on the leased parcel. The required I-zoned bufferyard must be planted around the perimeter of the parcel from which the leased parcel is separated.

(20) The Town or its agents shall have the right to have its public service equipment mounted on the tower at no cost to the Town and/or its agents.

(21) Copies of lease agreements and easements necessary to provide access to the tower, antenna and equipment cabinets or equipment buildings shall be provided to the Town.

(22) A site plan shall be submitted in accordance with the applicable sections of Article 1345 of this Zoning Code. (Ord. 1239. Passed 2-26-01.)

1341.14 MOBILE HOME PARKS.

Mobile Home Parks are permitted as a conditional use in the R-5 Zoning District and shall meet the following conditions:

(a) All utilities, including electric, water and sewerage shall be available to each home.

(b) Homes shall be set on a concrete foundation.

(c) Open space under home shall be enclosed with concrete block and/or brick.

(d) Minimum lot width shall be seventy-five feet.

(e) Minimum lot size shall be 10,900 square feet.

(f) Spacing between homes shall be a minimum of fifty feet. Bufferyards as described in Section 1323.04(h).

(Ord. 1127 §B.59. Passed 8-22-94.)

1341.15 OFFICE.

An office is permitted as a Conditional Use in the C-1 Commercial Recreation District. The following conditions shall apply, in addition to the requirements set forth in the C-1 Zoning District. In the event of conflict, the following conditions take precedence.

(a) Maximum coverage based on gross lot area 20% max.

(b) Maximum gross area of floor space 35,000 s.f. max.

(c) Maximum number of parking spaces permitted for office use 85 spaces max.

(d) Parking requirements set forth in Section 1313.06, Parking Requirements, shall apply.

(Ord. 1177 §2. Passed 12-16-96.)

1341.16 SEXUALLY ORIENTED BUSINESSES.

(a) Purpose and Intent. It is the purpose and intent of this section to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of the Town of McCandless, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the Town. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

(b) Definitions.

(1) "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(2) "Adult bookstore" or "adult video store" means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

B. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."

(3) "Adult cabaret" means a nightclub, or bar, or establishment which regularly features:

A. Person(s) who appear in the state of nudity: or

B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

C. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(4) "Adult motel" means a hotel, motel or similar commercial establishment which:

A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

B. Offers sleeping rooms for rent four (4) or more times one calendar day during five (5) or more calendar days in any continuous 30-day period.

(5) "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(6) "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."

(7) "Child-oriented business" means a commercial establishment which, as one of its principal business purposes, serves, sells and/or caters food, apparels, goods, services, play and/or entertainment to children and their families.

(8) "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person for the purpose of a specified sexual activity, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(9) "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

(10) "Permittee" and/or "licensee" means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license

(11) "Nude model studio" means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

(12) "Nudity" or a "state of nudity" means the appearance of a human bare buttocks, anus, male genitals, female genitals, or female breast.

(13) "Person" means an individual proprietorship, partnership, corporation, association, or other legal entity.

(14) "Semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

(15) "Sexual encounter center" means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(16) "Sexually oriented business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(17) "Specified anatomical areas" means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

(18) "Specified sexual activities" means and includes any of the following:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

B. Sex acts, normal or perverted, actual or simulated.

C. Masturbation, actual or simulated; or

D. Excretory functions as part of or in connection with any of the activities set forth in A. through C. above.

(19) "Substantial enlargement" of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on date of enactment of this section.

(20) "Town" means the Town of McCandless.

(21) "Transfer of ownership or control" of a sexually oriented business means and includes any of the following:

A. The sale, lease, or sublease of the business;

B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or

C. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(c) Classification. Sexually oriented businesses are classified as follows:

(1) Adult arcades;

(2) Adult bookstores or adult video stores;

(3) Adult cabarets;

(4) Adult motels;

(5) Adult motion picture theaters;

(6) Adult theaters;

(7) Escort agencies;

(8) Nude model studios; and

(9) Sexual encounter centers.

(d) Permit Required.

(1) Any person who operates a sexually oriented business without a valid permit issued by the Town is guilty of a violation of the Zoning Ordinance of the Town.

(2) After receipt of a special exception from the Zoning Hearing Board of the Town of McCandless for a sexually oriented business, an application for a permit to operate a sexually oriented business must be made on a form provided by the Zoning Officer of the Town. The application must be accompanied by a sketch or diagram showing the floor plan and plot plan configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram must be professionally prepared and must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (6"). A traffic and parking study performed by a professional engineer shall be required if requested by the Town to assist in the determination of the parking requirements for a sexually oriented business at the expense of the applicant. Parking facilities must be specifically identified and shall meet all zoning ordinance requirements. Nonconforming structures and those structures not having the required parking sites shall not be issued permits unless the sexually oriented business was in existence as a lawful use prior to the date of this section.

(3) The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with the law by the Zoning Officer, the Fire Marshal and the Building Inspector.

(4) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of ten percent (10%) or greater in the corporation must sign the application for a permit as applicant.

(5) The fact that a person possesses other types of Town permits does not exempt the person from the requirement of obtaining a sexually oriented business permit.

(e) Issuance of Permit.

(1) The Zoning Officer of the Town of McCandless shall approve the issuance of a permit to operate a sexually oriented business to an applicant within thirty (30) days after receipt of an application unless he finds one of more of the following to be true:

A. The Zoning Hearing Board has not granted a special exception for the operation of a sexually oriented business.

B. A land development has not been approved as required.

C. All appeals have not been exhausted.

D. An applicant is under eighteen (18) years of age.

E. An applicant or an applicant's spouse is overdue in his payment to the Town of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.

F. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.

G. An applicant is residing with a person who has been denied a permit by the Town to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.

H. The premises to be used for the sexually oriented business have been reviewed and have been disapproved by either the Zoning Officer, the Fire Marshall, or the Building Inspector as not being in compliance with applicable laws and ordinances.

I. The permit fee required by this section has not been paid.

J. An applicant of the proposed establishment is in violation of, or is not in compliance with, any of the provisions of this section.

K. An individual applicant, or any individual holding a direct or indirect interest of more than ten percent (10%) of a corporate applicant, or any of the officers and directors of a corporate applicant, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, or the manager or other person in charge of the operation of the applicant's business, has, or have been convicted of an offense involving sexual misconduct within the Commonwealth of Pennsylvania, including, but not limited to, prostitution, obscenity and possession of child pornography, or convicted of any offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania. In order for approval to be denied pursuant to this subsection, the person or persons' conviction or release in connection with the sexual misconduct offense must have. occurred within two (2) years of the date of application in the event of a misdemeanor and within five (5) years of the date of application in the event of a felony.

(2) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(3) The Zoning Officer, the Fire Marshall and the Building Inspector shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the application by the Zoning Officer. The certification shall be promptly presented to the Zoning Officer.

(f) Fees. The annual fee for a sexually oriented occupancy permit if five hundred dollars ($500.00).

(g) Inspection.

(1) An applicant, or permittee, shall permit representatives of the Police Department, Fire Marshall, Zoning Officer, Building Inspector or other Town departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time that the sexually oriented business is occupied or open for business.

(2) A person who operates a sexually oriented business or his agent or employee violates the Zoning Ordinance of the Town if he refuses to permit such lawful inspection of premises at any time it is occupied or open for business.

(h) Expiration of Permit.

(1) Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in subsection (e) hereof. Application for renewal should be made at least thirty (30) days before the expiration date, the pendency of the application will not prevent the expiration of the permit.

(2) If the Zoning Officer denies renewal of a license, the applicant shall not be issued a permit for one year from the date of denial, except that after ninety (90) days have elapsed since the date of denial, the applicant may be granted a permit if the Zoning Officer finds that the basis for the denial of the renewal permit has been corrected or abated.

(i) Suspension of Permit. The Zoning Officer shall suspend a permit for a period not to exceed thirty (30) days if he determines that a permittee or an employee of a permittee has:

(1) Violated or is not in compliance with any subsection of this section ;

(2) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;

(3) Refused to allow an inspection of the sexually oriented business premises as authorized by this section;

(4) Knowingly permitted gambling by any person on the sexually oriented business premises;

(5) Failed to man managers' stations and/or maintain viewing rooms as set forth in Section 1341.16(m).

(j) Revocation of Permit.

(1) The Zoning Officer shall revoke a permit if a cause of suspension set forth in subsection (i) hereof occurs and the permit has been suspended within the preceding twelve (12) months.

(2) The Zoning Officer shall revoke a permit if he determines that:

A. A permittee, or any of the persons specified in subsection (e)(1)K. hereof, is or has been convicted of the offenses specified in subsection (e)(1)K. hereof;

B. A permittee gave false or misleading information in the material submitted to the Town during the application process;

C. A permittee or an employee of a permittee has knowingly allowed possession, use, or sale of controlled substances on the premises;

D. A permittee or employee of a permittee has knowingly allowed prostitution on the premises;

E. A permittee or an employee of a permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;

F. A permittee or an employee of a permittee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other explicit sexual conduct to occur in or on the permitted premises;

G. A permittee is delinquent in payment to the Town or State of any taxes or fees relating to sexually oriented businesses.

(3) When the Zoning Officer revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date revocation became effective, except that if the revocation is pursuant to subsection (j)(2)A., above, the revocation shall be effective for two (2) years in the event of a misdemeanor or five (5) years in the case of a felony.

(4) After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or licensee or permittee shall have the right to appeal said action and to seek prompt judicial review of such administrative action in any court of competent jurisdiction.

(k) Transfer of Permit. A permittee shall not transfer his permit to another person. A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

(l) Location of Sexually Oriented Businesses.

(1) A person is guilty of a violation of the Zoning Ordinance if he operates or causes to be operated a sexually oriented business outside of the district in which a sexually oriented business is a permitted use in addition to the requirements of a D-Development District. No sexually oriented businesses shall be located outside a district in which a sexually oriented business is a permitted use. Sexually oriented businesses as defined herein shall be permitted in that portion of the D-Development District for properties along McKnight Road from Perrymont Road north to Ingomar Road as a special exception. No sexually oriented businesses shall be located north of Ingomar Road.

(2) A person is guilty of a violation of the Zoning Ordinance if he operates or causes to be operated a sexually oriented business within the below listed distances of the following institutions or residences, and no permit will be issued for any such sexually oriented business which intends to be located within the below listed distances of such institutional or residential property lines:

A. A church - 800 feet;

B. A public or private pre-elementary, elementary or secondary school property - 750 feet;

C. A public library - 500 feet;

D. A child care facility or nursery school - 800 feet;

E. A public playground or park - 800 feet;

F. A child-oriented business - 800 feet;

G. Residential zones - 600 feet.

(3) A person is guilty of a violation of the Zoning Ordinance if he operates or causes to be operated a sexually oriented business without conforming to the following standards:

A. Gross lot area - 20,000 sq. ft. min.;
B. Lot width at building line - 100 ft. min.;
C. Front yard depth - 100 ft. min.;
D. Side and rear yard depth - 30 ft. min.;
E. Maximum height of building - 35 ft.
F. Bufferyards planted as follows:
   1. All yards fronting a street - bufferyard G. Section 1314.04 of the McCandless Codified Ordinances.
   2. All other yards - bufferyard F. Section 1314.04 of the McCandless Codified Ordinances.
G. Coverage - Twenty percent (20%) max.
H. Signs
   1. Signs shall conform to Section 1313.11 of the Zoning Ordinance except as provided herein.
   2. A free standing sign shall be limited to 32 square feet.
   3. One free standing sign shall be allowed for each 250 feet of lot width. For corner lots, a sign is permitted on the second street, not exceeding twenty (20) square feet for each 300 feet of building depth.
   4. Wall signs shall be limited in size to 1/2 square foot of sign for each foot of building length at the front building line. This approved size may be divided between the front of the building and one side.
   5. A sexually oriented business operating inside a building with other businesses shall be required to coordinate signage to conform to sign requirements for this building.
   6. Signs shall not display any nudity.
   7. Signs shall not be lighted by blinking or glittering lights.

(4) No sexually oriented business, other than an adult motel, shall open to do business before 10:00 a.m., Monday through Saturday, prevailing time; and no sexually oriented business, other than an adult motel, shall remain open after 10:00 p.m., Monday through Saturday, prevailing time. No sexually oriented business, other than an adult motel, shall be open for business on any Sunday or on a legal holiday as set forth in the Act of May 31, 1893, P.L. 188, §1, as amended, 44 P.S. §11.

(5) A person is guilty of a violation of the Zoning Ordinance if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business, and no permit shall be issued for any such sexually oriented business intended to be located within three thousand feet (3,000') of another sexually oriented business.

(6) A person is guilty of a violation of the Zoning Ordinance if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof; or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

(7) For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structure(s), from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private pre-elementary, elementary, or secondary school, public library, child care facility, or nursery school; or to the nearest boundary of an affected public playground, public park, or residence.

(8) For purposes of subsection (l)(2) and (5) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(9) Any sexually oriented business lawfully operating on date of enactment of this section that is in violation of subsection (l)(1) through (7) of this section shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. In the event that two or more sexually oriented businesses are within three thousand feet (3,000') of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.

(10) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private pre-elementary, elementary, or secondary school, public library, child care facility, nursery school, public playground, public park or residence within those distances set forth in subsection (l)(2) of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

(m) Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos.

(1) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film or video cassette, or other video or other image production or reproduction which depicts "specified sexual activities" or "specified anatomical areas", shall comply with the following requirements:

A. The application for a permit to operate a sexually oriented business shall be accompanied by a floor plan and plot plan diagram of the premises showing a plan thereof specifying the location of one or more manager's stations, the location of all viewing rooms, partitions and doors and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall be required; however, each diagram

should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches (6"). The Zoning Officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

B. The application shall be sworn to be true and correct by the applicant.

C. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Officer or his designee.

D. It is the duty of the owners and operators of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

E. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction or viewing equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the managers' stations.

The view required in this subsection must be by direct line of sight from the manager's station.

F. It shall be the duty of the owners and operators, and it shall also be the duty of any agents and employees present on the premises to ensure that the view area specified in subsection E. remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection A. of this section.

G. No viewing room may be occupied by more than one (1) person at any time. No connections or openings to an adjoining viewing room shall be permitted.

H. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot candle as measured at the floor level.

I. It shall be the duty of the owners and operators and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(2) A person having a duty under subsection (m)(1)A. through I. is guilty of a violation of the Zoning Ordinance if he knowingly fails to fulfill that duty.

(n) Exemptions.

(1) It is a defense to prosecution under subsections (e) and (l) hereof that a person appearing in a state of nudity did so in a modeling class operated:

A. By a proprietary school, licensed by the Commonwealth of Pennsylvania, or a college, junior college, or university supported entirely or partly by taxation;

B. By private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

C. In a structure.

1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

2. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

3. Where no more than one (1) nude model is on the premises at any one time.

(2) A facility offering massage therapy provided by a massage therapist holding a current certificate from a nationally accredited massage therapy school.

(o) Injunction. A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of this section is subject to an action in equity or a suit for injunction as well as citations for violations of the Zoning Ordinance.

(p) Severability. The provisions of this section are severable and, if any section, sentence, or clause be held part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this section. It is hereby declared to be the intent of the Town Council that this section would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

(q) Optional Procedures for Sexually Oriented Businesses.

(1) For a sexually oriented business, the developer shall have the option of submitting a unified special exception and preliminary and final land development application. If this option is chosen by the developer, in addition to all zoning regulations, all rules, regulations and procedures provided in Title V, Land Development and Subdivision Regulations shall govern the application except that the Town Council assigns jurisdiction for preliminary and final approval of the land development to the Zoning Hearing Board.

(2) If the developer chooses this option in Title V, the word "Council" shall be replaced with the words "Zoning Hearing Board" except that the Zoning Hearing Board is not granted any legislative rights granted to the Town Council under Article V or under the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as re-enacted and amended) hereinafter "MPC".

(3) Section 1349.14 Special Exceptions: Conditions Governing Application Procedures and Article 1365 Procedures for Submission of Plats shall apply.

(4) Section 1365.04 (d) shall be deleted for this purpose only.

(5) Preliminary and Final Land Development and the special exception shall be applied for and reviewed concurrently.

(6) The applicant shall agree to an extension of time required by the MPC and by the Town Code for Zoning Hearing Board hearings and plat approvals and to be replaced with the following:

A. The Zoning Hearing Board shall commence its meeting within thirty (30) days of receipt by the Zoning Office of a complete application.

B. The Zoning Hearing Board shall render its decision within forty-five (45) days after the close of its last hearing.

(7) If any conflicts arise between this section and Title V (Town Land Development Code), this section shall take precedence.

(Ord. 1215. Passed 5-24-99.)

1341.17 EXPRESS CRITERIA FOR PERSONAL CARE HOMES IN THE R-6 ZONED DISTRICT.

Council may approve Personal Care Homes as a conditional use in an R-6 zoned district in accordance with the following expressed criteria and the imposition of any other reasonable conditions and safeguards Council deems necessary to implement the purposes of this ordinance.

(a) Minimum Acreage Required:

One building and 12 occupants or less	3 acres
Personal Care Homes - more than 12 occupants	4 acres

(b) The applicant, owner, or agent shall observe all applicable Federal and State statutes and regulations and shall be licensed by the State of Pennsylvania.

(c) The applicant shall satisfy all applicable laws relevant to the proposed development.

(d) Parking shall be one space for each two beds.

(e) A dumpster shall be provided and shall be screened mechanically or with landscaping.

(f) In addition to bufferyards generally required by Section 1324.02, bufferyard "D" shall be provided between personal care homes and single-family dwelling units or duplexes, except where the plan indicates elements are common to all uses; for example, parking or recreation.

(g) The approved plan must contain a statement to the effect that this Personal Care Home will be owned by an individual(s), partnership, organization, corporation, or other single entity, who shall be fully responsible for the construction, operation, management, care of the residents, and permanent maintenance of the building(s), and grounds.

(h) A Personal Care Home shall include a common dining and kitchen facility. A retail and service business is permitted for the exclusive use of the residents living in the development.

(i) A minimum of 150 square feet for each bed shall be provided for active and passive recreation. The area shall be readily accessible and well maintained.

(j) Minimum front, rear and side yard requirements:

Abutting R-1 and R-2 zoning districts and streets abutting such districts	100 feet
Abutting all other zoning districts and/or streets abutting such districts	60 feet

(k) When the personal care home is part of an R-6 zoned lot or parcel owned or operated by another group, association or entity, provisions shall be made for the sharing of maintenance of the grounds, roads, parking areas, recreation areas, sewer lines and other common areas and amenities. This maintenance shall be in a form approved by the Town Attorney and Town Council, prior to approval of the conditional use.
(Ord. 1258. Passed 12-17-01.)

1341.18 EXPRESS CRITERIA FOR AN OLDER ADULT DAYCARE IN THE R-6 ZONED DISTRICT.

Council may approve Older Adult Daycare as a conditional use in an R-6 zoned district in accordance with the following expressed criteria and the imposition of any other reasonable conditions and safeguards Council deems necessary to implement the purposes of this ordinance.

(a) Older Adult Daycare shall be an accessory use to a housing plan meeting the requirements of the R-6 housing or a Personal Care Home.
(b) Parking shall include temporary spaces near the building but shall not interfere with fire lanes.
(c) Drop-off areas shall be included in the plan.
(d) Parking shall be adequate for all employees.
(e) When the Older Adult Daycare is part of an R-6 zoned lot or parcel owned or operated by another group, association or entity, provisions shall be made for the sharing of maintenance of the grounds, roads, parking areas, recreation areas, sewer lines and other common areas and amenities. This maintenance shall be in a form approved by the Town Attorney and Town Council, prior to approval of the conditional use.
(Ord. 1258. Passed 12-17-01.)

1341.19 OIL AND GAS DEVELOPMENT.

(a) Purpose. It is hereby declared to be the purpose of this chapter to declare Oil and Gas Development a use that may be authorized as a Conditional Use in the following Zoning Districts of the Town: C-2 ("Neighborhood Shopping District") and I ("Institutional District"). The Town of McCandless recognizes that the regulation of Oil and Gas Development is the primary responsibility of the regulatory agencies of the Commonwealth of Pennsylvania, but that the Town maintains its zoning powers as set forth in the Pennsylvania Municipalities Planning Code ("MPC") and through the Town of McCandless Zoning Ordinance. It is in the Town's best interest to have information concerning oil and gas exploration, development, and production taking place within the Town and to ensure certain security and safety measures related to oil and gas well drilling are in place.

(b) Definitions. As used in this section, the following terms shall be interpreted or defined as follows:

(1) **Oil and Gas Development or Development.** The well site preparation, well site construction, drilling, hydraulic fracturing, and/or site restoration associated with an Oil and Gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of Oil and Gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of Oil and Gas other than Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions that operate as midstream facilities.

(2) **Town.** Town of McCandless, Allegheny County, Pennsylvania.

(3) **Oil and Gas.** Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through and below the surface of the earth.

(4) **Operator.** Any person, partnership, company, corporation and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing, or transporting Oil or Gas.

(5) **Protected Structure.** Any structure capable of occupancy including but not limited to a residence, business, school, religious institution, swimming pool, or other public building located within 1,000 feet of the surface location of a well that may be impacted by noise generated from drilling or hydraulic fracturing activity at a Well Site. The term shall not include any structure owned by an oil and gas lessor who has signed a lease with the Operator granting surface rights to drill the subject well or whose owner or occupants have signed a waiver relieving the Operator from implementation of the measures established in subsection (c)(15) hereof for the owners' or occupants' benefit.

(6) **Well Site.** A graded pad designed and constructed for the drilling of one or more Oil and Gas wells.

(7) **Natural Gas Compressor Station.** A facility designed and constructed to compress natural gas that originates from an Oil and Gas well or collection of such wells operating as a midstream facility for delivery of Oil and Gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

(8) **Natural Gas Processing Plant.** A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

(c) Express Criteria. The Town of McCandless hereby declares that Oil and Gas Development may be authorized as a Conditional Use in the C-2 ("Neighborhood Shopping District") and I ("Institutional District") in the Town, in accordance with the following express criteria and the imposition of any other reasonable conditions and safeguards that Council deems necessary to protect the health, safety and welfare of the residents of the Town:

(1) Operator shall comply with any generally applicable bonding and permitting requirements for Town roads. Any existing Town roads, damaged or worsened in condition by the Operator as determined by the Town shall be repaired by the Operator as required by the Town. Funds for such repairs shall be held either in escrow, bond or letter of credit on an estimate determined by the Town after inspection by the Town of existing conditions of roads, which may be affected by the Operator. If no repairs are necessary, all funds earmarked for existing road/drainage repairs shall be returned to the Operator.

(2) Operator shall take the necessary safeguards to ensure that the Town roads utilized remain free of dirt, mud and debris resulting from Development activities and/or shall ensure such roads are immediately swept or cleaned if dirt, mud and debris occur.

(3) Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with Development, Operator will provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.

(4) Operator shall not clear brush or trees by way of burning, and shall chip, grind or remove all tree stumps from properties it clears for Development purposes.

(5) Prior to Development, Operator shall provide to the Town's Police Department and Fire Company ("First Responders") and to the Town Zoning Officer, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan. If the PPC requires the availability and/or utilization of special equipment or supplies particular to the hazards or conditions addressed in the PPC, the Town may require that Operator reimburse the Town for the cost of procurement of such special equipment or supplies.

(6) Before drilling, the Operator shall ascertain whether the Town's First Responders have secured adequate information to deal with any potential dangerous conditions that may result due to Development activities. First Responders shall have on-site orientation and be provided adequate awareness information. Upon request from the Town, Operator will, prior to drilling of an Oil and Gas well, make available with at least thirty (30) days' notice, at its sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall be made available at least annually during the period when the Operator anticipates drilling activities in the Town.

(7) Operator shall take the necessary safeguards to ensure appropriate dust control measures are in place.

(8) Operator shall locate its temporary and permanent operations, when possible, so as to minimize interference with Town residents' enjoyment of their property and future Town development activities.

(9) Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the Development of Oil and Gas, the Operator shall direct site lighting downward and inward toward the drillsite, wellhead, or other area being developed so as to minimize glare on public roads and adjacent buildings within three hundred (300) feet of the drillsite, wellhead or other area being developed.

(10) At least two (2) weeks prior to drilling an Oil and Gas well or multiple Oil and Gas wells at a location, the Operator shall provide the following information to each resident within one thousand (1,000) feet of the planned surface location of the well(s):

A. A copy of the well survey plat showing the location(s) of the planned well(s),

B. A general description of the planned operations at the planned well(s) and associated equipment used in the Development of the well(s),

C. The contact information for the Operator, and

D. The availability of the Operator to hold a meeting with such residents to present Operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to Well Site construction.

(11) Upon the filing of an Application for Conditional Use under this section, Operator shall provide the following:

A. A map showing the planned access route to the Well Sites on public roads,

B. Information on the status of road bonding,

C. The Operator's Erosion & Sedimentation Plan,

D. The well survey plat showing the planned surface location(s) of the well(s), and

E. The contact information for the Operator.

(12) At least ten (10) days prior to commencement of drilling, the Operator shall provide to the Town Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP"). Operator shall also provide a copy of the recorded subdivision plan or land development plan, as appropriate, indicating the size and location of the proposed drilling area.

(13) In addition to the requirements in subsections (c)(1) - (12) above, for any Oil and Gas well where the planned surface location of the well will be within one thousand (1,000) feet of a Protected Structure, the Operator shall:

A. Install temporary safety fencing, at least six (6) feet in height, around drilling and hydraulic fracturing equipment and install permanent fall protection fencing meeting OSHA requirements around any pits that contain or could contain water or other liquids at depths greater than two feet.

B. Install warning signs providing notice of the potential dangers at the Well Site.

C. Provide at least one security guard at all times (24 hours/day, 7 days/week) when a drilling rig or hydraulic fracturing equipment is on the Well Site.

(14) Prior to the commencement of drilling activities, no construction activities involving excavation of, alteration to, or repair work on any access road or Well Site shall be performed during the hours of 10:00 p.m. to 6:00 a.m.

(15) The Town recognizes and acknowledges that Oil and Gas Development is accompanied by inherent noise. However, the Operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the Development:

A. Prior to drilling of an Oil and Gas well, the Operator shall establish a continuous seventy-two (72) hour ambient noise level at the nearest Protected Structure property line or one hundred (100) feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure or, alternatively, and in lieu of establishing the above seventy-two (72) hour ambient noise level, the Operator may assume and use, for the purposes of compliance with this section, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

B. The Operator shall provide documentation of any established, seventy-two (72) hour evaluation relied upon to establish an ambient noise level greater than 55 dBA to the Town's Zoning Officer within three (3) business days of such a request from the Zoning Officer.

C. The noise generated during construction, drilling and hydraulic fracturing activities when measured at the nearest Protected Structure property line or one hundred (100) feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average ambient noise level (as determined by the seventy-two (72) hour evaluation) or default level, whichever is higher:

1. During drilling activities by more than seven (7) decibels during the hours of 6:00 a.m. to 10:00 p.m.;
2. During drilling activities by more than five (5) decibels during the hours of 10:00 p.m. to 6:00 a.m.; or
3. By more than ten (10) decibels during construction, hydraulic fracturing operations.

The Operator shall inform the Town of which level (average ambient noise level or default level) is being used.

D. Adjustments to the foregoing noise limits may be permitted in accordance with the following:

Permitted Increase (dBA)	Duration of Increase (minutes)*
5	15
10	5
15	1
20	1

* Cumulative minutes during any one hour.

E. If a complaint is received by the Town from any person, whether a resident or otherwise using the Protected Structure as defined herein for any lawful purpose, regarding noise generated during construction, drilling or hydraulic fracturing activities, the Operator shall, within twenty-four (24) hours of receipt of the complaint from the Town, continuously monitor for a forty-eight (48) hour period at a point which is the closer to the complainant's building of:

1. The complainant's Protected Structure property line nearest to the wellsite or equipment generating the noise, or
2. One hundred (100) feet from the Protected Structure.

F. If the Operator engages in any noise testing as required by this section, it will provide preliminary data to the Town no later than ten (10) business days following completion of the noise testing. Once the monitoring is complete, Operator will meet with Town representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded.

G. Exhaust from any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment or used in Development shall not be discharged into the open air unless it is equipped with an exhaust muffler or an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.

H. All workover operations shall be restricted to the hours of 6:00 a.m. to 10:00 p.m., except in the extent of an emergency, as reasonably determined by the Operator. "Workover operations" shall mean work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production.

I. The noise restrictions contained in this subsection (c)(15) shall also apply to Natural Gas Compressor Stations and Natural Gas Processing Plants. (Ord. 1390. Passed 9-27-10.)

1341.20 JUNKYARDS.

(a) The Town Council may approve the operation of Junkyards as a Conditional Use in C-3 zoned districts, subject to the following conditions:

(1) If a Junkyard is to be located adjacent to a federal aid primary highway, it shall comply with all regulations of the Federal Highway Administration and the Pennsylvania Department of Transportation and provide evidence of the same to the Town.

(2) Junkyards must have an office building meeting the setbacks within the C-3 district requirements.

(3) Junk and Junked Vehicles within a junkyard must be stored in the rear yard.

(4) Junk and Junked Vehicles must be screened from the front by a bufferyard G and an eight foot fence. The fence shall be behind the building and shall contain a gate or gates.

(5) Business hours may not exceed 7:00 a.m. to 7:00 p.m. Monday through Saturday.

(6) Junkyards shall be located no closer than fifty (50) feet to an existing public right-of-way and one hundred (100) feet to any side or rear property line.

(7) Junkyards must be enclosed by and maintain an eight (8) foot solid wood or vinyl fence.

(8) A 50 foot bufferyard H must be in the rear and side yards between the outside of the fence and the property line.

(9) No junkyard shall be located on a slope exceeding twelve percent (12%) grade or so situated on a bluff as not to be able to be screened.

(10) No Junkyard shall be used as a dumping area for refuse or as a place for the burning or disposal of trash.

(11) All materials stored in Junkyards shall be maintained on an impervious surface to minimize the risk of grass fire hazards.

(12) A cleared fire lane of no less than twenty-five (25) feet shall be maintained through or around the perimeter of any Junkyard to facilitate access by firefighting equipment.

(13) All hazardous materials shall be stored in approved containers and such storage and disposal shall comply with all federal and state regulations.

(14) Junkyards shall not be located within two hundred (200) feet of any well, stream, lake or pond.

(15) Junk shall not be stacked more than six (6) feet high.

(16) All fuel and other liquids shall be drained from any vehicle prior to storage or disposal and any fuel or waste oil shall be stored in approved containers.

(17) Stormwater inlets must contain inlet protection to prevent oil and gas from entering the stormwater system.

(18) Junkyards shall comply with all regulations of the Pennsylvania Department of Environmental Protection and the Environmental Protection Agency.

(b) Junkyards as an Accessory Use to Gas Stations in C-2 and C-3 zoned districts and as an Accessory Use to Motor Vehicle Sales and Service in C-3 zoned districts, are permitted as Conditional Uses subject to the conditions set forth in Section 1340.20(a).
(Ord. 1408. Passed 12-14-11.)

1341.21 UNDEFINED OR OTHER LAND USES.

(a) Other types of land uses, not specifically identified, regulated or recognized within the Planning and Zoning Code, may evolve or become commonly acceptable as a reasoanble use within the Township. It is the purpose of this section to provide for all reasonable and appropriate land uses and to establish a mechanism for the inclusion of such land uses within the Township.

(b) All undefined or other reasonable land uses that are not otherwise regulated by the Planning and Zoning Code shall be considered a Special Exception use in its zoning district as determined by the Zoning Hearing Board.

(Ord. 1408. Passed 12-14-11.)

ARTICLE 1342
Flood Plain Provisions (Repealed)

EDITOR'S NOTE: See Article 912 for current regulations.

ARTICLE 1343
Nonconforming Structures and Uses

1343.01	Nonconforming structures.	1343.04	Limited life of certain nonconforming uses.
1343.02	Nonconforming use.	1343.05	Listing of nonconforming structures and uses.
1343.03	Change to another nonconforming use.		

CROSS REFERENCES

Registration of nonconforming uses - see PA Municipalities Planning Code §613 (53 P. S. §10613)

Other nonconforming use - see P. & Z. 1349.06

1343.01 NONCONFORMING STRUCTURES.

A nonconforming structure is one that met all zoning requirements when it was built or when its building permit was issued and now fails to meet the current zoning requirements. Any addition made to the structure after it became a nonconforming structure must conform to the current Code. If the aboveground portion of the structure is more than fifty percent (50%) destroyed or razed as measured by assessed valuation of the property based on the current deed and assessment registry of the County of Allegheny, it may be rebuilt only if made to conform to this Code. (Ord. 1052 §35. Passed 4-22-91.)

1343.02 NONCONFORMING USE.

(a) A nonconforming use is one that met all zoning requirements when the use was started but now fails to meet the current zoning requirements. A nonconforming use shall not be resume after being abandoned. Discontinuance for one year shall be considered abandonment. The scope of the nonconforming use shall not be enlarged more than twenty-five percent of its size at the time the use became nonconforming.
(Ord. 741 §1702. Passed 7-3-78.)

(b) A change from one conforming use to another conforming use, shall require the submission of a site plan for approval. The Zoning Administrator shall have authority to either approve the site plan or refer it to the Planning Commission for approval, pursuant to Article 1345. (Ord. 1052 §36. Passed 4-22-91.)

(c) Legal nonconforming uses shall not lose their nonconforming status due to acquisition in part for a State or local highway project, whether by amicable deed or condemnation, that affects the dimensional nonconformity of the property. If a variance request is deemed required for such a property, the impact of the acquisition for public purposes shall be considered an unnecessary hardship to the property.
(Ord. 1339. Passed 12-18.06.)

1343.03 CHANGE TO ANOTHER NONCONFORMING USE.

A change from one nonconforming use to another nonconforming use may be authorized by the Zoning Hearing Board when the Board considers the change to meet the criteria stated in Section 1349.06. (Ord. 741 §1703. Passed 7-3-78.)

1343.04 LIMITED LIFE OF CERTAIN NONCONFORMING USES.

If a use becomes nonconforming as a result of a change in zoning classification requested by the owner, such use shall end within two years after the issuance of the first building permit issued for construction on the rezoned property.
(Ord. 741 §1704. Passed 7-3-78.)

1343.05 LISTING OF NONCONFORMING STRUCTURES AND USES.

The Zoning Officer shall register nonconforming structures, and uses, together with the reason why the structure or use is nonconforming. A zoning occupancy permit shall then be issued to the owner of such structure or use. (Ord. 1052 §38. Passed 4-22-91.)

ARTICLE 1344
Transportation Overlay District

1344.01 Purpose.
1344.02 Land use permits.
1344.03 Traffic report requirements.
1344.04 Town Traffic Engineer report review.
1344.05 Waiver of report requirement.
1344.06 On-site transportation improvement program.
1344.07 Limitation on development.
1344.08 Required off-site improvements, TSM or TDM.
1344.09 Town Manager's regulations.
1344.10 Effect on Official Map.
1344.11 Effect on Comprehensive Plan.
1344.12 Dedication of rights of way.
1344.13 Increased setback requirements.
1344.14 Development credits.
1344.15 Suspension and satisfaction of D Development District transportation fees.

CROSS REFERENCES

Designation; boundaries; creation and incorporation- see P. & Z. 1311.05

1344.01 PURPOSE.

The purpose of the Transportation Overlay District (TD-1) is to coordinate land use controls and transportation use controls to assure that improvements constructed in special assessment districts are not overburdened by development occurring within the special assessment district and to provide security for any public financing used for such improvements. The Transportation Overlay District does not permit or imply permission for any use not permitted in the underlying district(s) or any greater intensity of use not permitted in the underlying district(s).
(Ord. 1073 Sec. 1. Passed 5-26-92.)

1344.02 LAND USE PERMITS.

Within the TD-1 District:

(a) No permit required by this Part Thirteen, Planning and Zoning Code, by way of example and not limitation, for use, development or occupancy;

(b) No PRD approval; or

(c) No subdivision or land development approval shall be issued without strict conformance to the provisions of the TD-1 District Regulations.

Should any provisions of the TD-1 District conflict with a provision of the underlying district, that provision which restricts or limits development or use the most shall apply unless expressly indicated to the contrary herein.

(Ord. 1073 Sec. 1. Passed 5-26-92.)

1344.03 TRAFFIC REPORT REQUIREMENTS.

Any application for a permit, PRD approval, Land Development approval or Subdivision approval, shall be accompanied by a certified copy of a traffic report ("report") prepared by a licensed, qualified traffic engineer which addresses the traffic impact of the development or change in use and which report contains no less than the following:

(a) A trip generation analysis showing the average weekday vehicle trip ends ("A WVTE") which shall be generated by the development, expansion or change in use.

(b) Trip generation during the Saturday, evening weekday and morning weekday peak hours.

(c) The traffic impact of the development, expansion or change in use upon the streets within the TD-1 District in which the lot or property is located, including, without limitation, an analysis of the affect on road capacity and safety within the TD-1 District.

(d) An analysis showing that the development or change in use is consistent with the facilities proposed in the Transportation Development District multi-year program or the Business Infrastructure Improvement District plan, or both, as appropriate (hereinafter jointly and severally "TPAD Program") whether built or planned, and the location of all rights of way required by the TPAD Program on the lot or property which are to be dedicated as part of the approval process.

(e) The assessment formula in the Transportation Partnership Act District or Business Infrastructure Improvement District (hereinafter jointly or severally "TPAD") and the traffic capacity assigned to the lot or property.

(f) An analysis of the remedial traffic work, if any, required in addition to that established under the TPAD Program to eliminate the adverse impact of the development, expansion or change in use.

(g) An analysis showing that either:

(1) Sufficient traffic capacity is assigned to the lot by the Town assessment formula to meet the demand created by the development, expansion or change in use; or

(2) Sufficient traffic capacity is available either from treasury trips available from the Town or trips from other lots or property within the TPAD which, after transfer by the owner of that other lot or property, the Town determines shall not be required by any present or future development or change in use on the transferring lot or property and which as surplus can be transferred pursuant to the terms of the Town Manager's regulations.

(h) All lot or property traffic impacts and the mitigation measures to abate such impacts.
(i) A recommended program of Transportation System Management ("TSM") and/or Transportation Demand Management ("TDM") which shall mitigate off-site impacts.
(j) Any other reasonable components required by the Town Manager's regulations.
(k) Any other components required by any bond indenture or other financial instrument used by the Town for financing TPAD improvements.

The report shall use current ITE trip generation methodology in analyzing traffic impact. The form, methodology and conclusions shall be approved in writing by the Town.
(Ord. 1073 Sec. 1. Passed 5-26-92.)

1344.04 TOWN TRAFFIC ENGINEER REPORT REVIEW.

Upon receipt of a completed report, the Zoning Officer shall refer the report to the Town Manager for a determination of whether the report requires review by the Town Traffic Engineer. Should the report require such review, it shall be transmitted to the Town Traffic Engineer for review, comment and written recommendations. The Zoning Officer shall take no action on any permit application until the written recommendations of the Town Traffic Engineer or the Town Manager's recommendation, if no Town Traffic Engineer review is required. Failure of the Town Traffic Engineer or Manager to respond within thirty days of referral shall be deemed acceptance of the report; provided, however, such deemed acceptance shall not indicate any acceptance of a proposal therein to modify the TPAD Program. Nothing in this section shall restrict any other advisory board or commission from reviewing any application for development and making recommendations thereon to Council during the review period set forth in this section.
(Ord. 1073 Sec. 1. Passed 5-26-92.)

1344.05 WAIVER OF REPORT REQUIREMENT.

The Zoning Officer may waive in writing the report requirements only for the following:
(a) The construction of a single family home on a pre-existing lot.
(b) A two lot subdivision involving residential property or adjusting lot lines where such adjustment is not for the purpose of development, provided however, nothing herein shall permit the construction of multifamily housing without a report.
(c) An expansion of an existing use on the same lot by the lesser of:
    (1) Five percent (5%) provided that all previous expansions from the date of this article to wit: May 26, 1992, shall be aggregated with the proposed expansion; or
    (2) 10,000 square feet and provided further in either case that the applicant demonstrates to the Zoning Officer that all rights of way required by the TPAD Program on the lot have been dedicated for public use.

(d) The applicant demonstrates through an analysis by a qualified traffic engineer that the change in use to another use is substantially similar to the existing use in both traffic trip generation characteristics and safety characteristics; or is both less intense and safer, provided further that the applicant demonstrates to the Zoning Officer that all rights of way required by the TPAD Program on the lot have been dedicated for public use.
(Ord. 1073 Sec. 1. Passed 5-26-92.)

1344.06 ON-SITE TRANSPORTATION IMPROVEMENT PROGRAM.

(a) If not provided for in the TPAD Program, the applicant shall provide a schedule for constructing all TPAD Program facilities located on the property or lot as part of the development or change in use to the extent the demand for the same is the result of such proposed development or change in use. If the cost of such construction exceeds the cost associated with normal development on the lot or property the Town may defer the construction of a portion of the improvements to reduce such cost, provided, however, all structures or improvements on the lot or property shall be located in such a fashion as to not foreclose future completion of the TPAD Program facilities.

(b) If the Town Traffic Engineer determines that the facilities required by the TPAD Program cannot be immediately constructed, the Town may accept, in lieu of dedication, a legally binding offer to dedicate the same in the future in a form approved by the Town Solicitor. Such agreement shall be in recordable form.

(c) Facilities required under this section shall be bonded in accordance with the provisions of Article 1369.
(Ord. 1073 Sec. 1. Passed 5-26-92.)

1344.07 LIMITATION ON DEVELOPMENT.

Notwithstanding the fact that the development, expansion or change in use would be permitted in the underlying zoning district, no development, expansion, change in use within a TD-1 District shall be permitted which would increase the trips generated by development, expansion or use on the lot or property by more than the trips presently assigned. The trips assigned to a lot or property may be increased by an approved transfer, see Section 1344.03(g), if done in strict conformance with the Manager's regulations, see Section 1344.09. The trips assigned to the lot or property shall be that capacity used by the Town in the TPAD District and shall be the trips assigned to the lot or property under the TPAD assessment formula. Where treasury trips are released from the Town's reserve or other trips are transferred from one lot or property to another pursuant to the Manager's Regulations, no permit required pursuant to this article shall be issued until the Town Fiscal Officer notifies the Zoning Officer that all fees or charges for such transfers or release are paid, provided, however, in the case of land development or subdivision approval, such fees may be paid at the time building permits are issued but payment of such

fees shall be secured in the same manner and at the same time financial security is posted pursuant to Title Five Land Development and Subdivision Regulations as now or hereafter amended or reenacted.
(Ord. 1073 Sec. 1. Passed 5-26-92.)

1344.08 REQUIRED OFF-SITE IMPROVEMENTS, TSM OR TDM.

(a) Where the TPAD Program indicates or the Town Traffic Engineer determines that an off-site adverse impact shall be caused by the development, expansion or change in use which is not to be remedied by the TP AD Program facilities, the following shall occur:

(1) Where both the Town Traffic Engineer determines that the appropriate TPAD Program should be amended to remedy all adverse impacts, and the TP AD Program is legally and finally amended by the Town, the applicant shall be deemed to have complied with the terms of this section; or

(2) Where all adverse impacts are not remedied, the Town shall require at the Town's sole discretion all, some or one of the following:

A. Contribute funds towards such off site traffic improvements as are necessary to eliminate the adverse impact if such procedures are now or hereafter established or if the applicant proposes the same in lieu of or in partial substitution for subsections (a)(2)B. and C. hereof; or

B. Reduce the intensity of development to eliminate the adverse impact; or

C. Institute a program of Transportation System Management or Transportation Demand Management in a form approved by the Town after recommendations from the Town Traffic Engineer and any regional Transportation Management Agency as now or hereafter established. Such a program may include without limitation ride sharing, mass transit subsidies, signal interconnection and coordination and employee work hour changes. Such a program shall be a covenant running with the land and shall be recorded in the Allegheny County Recorder's office in a form approved by the Town Solicitor.

(b) Nothing in this section shall be deemed to permit any development which does not meet the requirements of Section 1344.07.
(Ord. 1073 Sec. 1. Passed 5-26-92.)

1344.09 TOWN MANAGER'S REGULATIONS.

The Town Manager is hereby authorized and directed to issue rules, regulations and forms governing applications, trip transfers among property or lot owners, treasury trip releases, fees, reports and administration of TD-1 Districts. Any such rules, regulations and forms shall not be effective until approved by resolution of Council. The initial Town Manager's regulations are attached to original Ordinance 1073 and made a part hereof as Exhibit A and are hereby approved. (Ord. 1073 Sec. 1. Passed 5-26-92.)

1344.10 EFFECT ON OFFICIAL MAP.

Where the TPAD Program requires an expansion of rights of way, new rights of way or relocation of rights of way, the TPAD Program in that TD-1 District shall be deemed an amendment to the Official Map or where no Official Map has been adopted, the TPAD Program shall be deemed a partial Official Map. A partial Official Map for the Town in the McKnight Road TD-1 District is hereby adopted and is attached to original Ordinance 1073 and made a part hereof as Exhibit B. No development or improvement of any type shall be permitted in any rights of way
shown in the TPAD Program.
(Ord. 1073 Sec. 1. Passed 5-26-92.)

1344.11 EFFECT ON COMPREHENSIVE PLAN.

The TPAD Program and land use assumptions used in the TPAD assessment formula, if any, shall be deemed an amendment to the Town Comprehensive Plan.
(Ord. 1073 Sec. 1. Passed 5-26-92.)

1344.12 DEDICATION OF RIGHTS OF WAY.

Except as provided in Section 1344.06(b), no permit, PRD approval, land development approval or subdivision approval shall be given until any such rights of way, the demand for which is created by the development on the lot or property, are dedicated to the appropriate Town, County or Commonwealth agency as determined by the Town.
(Ord. 1073 Sec. 1. Passed 5-26-92.)

1344.13 INCREASED SETBACK REQUIREMENTS.

Where any TPAD Program facility is located on a lot or property, the right of way or proposed right-of-way lines shall be treated as lot lines and the setback requirements of the article shall be met; provided however, the Town may reduce set back requirements upon the applicant's written waiver request, upon cause shown, as part of the applicant's land development or subdivision approval.
(Ord. 1073 Sec. 1. Passed 5-26-92.)

1344.14 DEVELOPMENT CREDITS.

Where both (1) any rights of way within or abutting a lot seeking development or use change approval have been dedicated at no cost by an applicant or his predecessor in title pursuant to Section 1344.11 in excess of that required by this Part Thirteen Planning and Zoning Code and (2) the TPAD Program as part of the TPAD financing does not provide for the payment or reimbursement to the land owner of right of way costs for that right of way to be dedicated, the following development credits shall apply to the property or lot:

(a) The set back requirements from the lot line abutting the dedicated right of way shall be reduced one foot for every two feet of dedicated right of way as measured from the center line of the right of way, provided that such dedicated right of way exceeds ten feet, provided however the minimum set back shall not be less than twenty-five percent (25%) of the setback required in the underlying district.

(b) In the case of existing development not involving the expansion of new gross square footage by more than five percent (5%), where the dedication of right of way or the construction of TPAD Program facilities would remove required landscaping, buffer areas, parking or the like such removal shall be deemed an automatic reduction in the underlying district requirements and the lot or property shall not be deemed nonconforming on account thereof provided, however, the full parking requirements for any additional gross square footage must be met.

None of these credits shall apply to any lot or property or portion thereof where eminent domain proceedings were or are required or instituted by the Town to acquire rights of way for any project in the TP AD Program.
(Ord. 1073 Sec. 1. Passed 5-26-92.)

1344.15 SUSPENSION AND SATISFACTION OF D DEVELOPMENT DISTRICT TRANSPORTATION FEES.

The transportation fees levied in the D Development District Section 1314.06, shall be suspended in any TD-1 District and upon satisfying all of the following:

(a) The assignment of the full allotment of trips to the applicant's property;
(b) The payment of all special assessments; and
(c) Final discharge of any lien securing such assessments;

The applicant shall be deemed to have complied with, paid and satisfied all D Development District Transportation levies.
(Ord. 1073 Sec. 1. Passed 5-26-92.)

ARTICLE 1346
Traditional Neighborhood Development Overlay District

1346.01 Purpose.
1346.02 Objectives.
1346.03 TND Overlay District compliance.
1346.04 Uses.
1346.05 Conditional uses express criteria.
1346.06 Basic development standards.
1346.07 Loading and service areas.
1346.08 Other development regulations.
Appendix A Design Principles

1346.01 PURPOSE.

In expansion of the general purposes contained in Section 1311.02 of this Code, it is hereby declared to be the primary purpose of this Section to establish reasonable standards to permit and regulate compact, pedestrian-oriented commercial and mixed-use developments combining residential, retail, office and other commercial uses. Specific objectives of the district are as follows. (Ord. 1359. Passed 4-28-08.)

1346.02 OBJECTIVES.

(a) Allow pedestrian-oriented, mixed-use developments, combining residential, retail, office and other commercial uses. This objective is maximized where residences, shops, offices, workplaces and civic areas such as a plaza or square are all within relatively close proximity to each other.

(b) Promote an efficient compact land use pattern to promote easy access between and among residences, stores and services by pedestrians, to shorten trips, to lessen dependence on the automobile, and to promote utilization of existing public facilities. This objective is maximized by relatively compact development that has an identifiable center and a discernible edge.

(c) Encourage developments which produce a desirable relationship between individual buildings, the circulation systems, and adjacent areas. This objective is maximized when new residential development is sited in proximity to existing residential neighborhoods so as to provide an appropriate transition between residential and commercial uses.

(d) Require sites to be designed in a way that creates a compact, clustered development pattern with appropriate public spaces. This objective is maximized by careful attention to the streetscape so that sidewalks, street trees, street lights, civic art and building architectural elements combine to foster a sense of place and community.

(e) While allowing for the safe and efficient flow of traffic to, from and within new developments, minimize the number of access points along arterial and collector streets, eliminate, where possible, individual curb cuts to arterial and collector streets and prohibit access to McKnight Road except at existing signalized intersections.
(Ord. 1359. Passed 4-28-08.)

1346.03 TND OVERLAY DISTRICT COMPLIANCE.

The Traditional Neighborhood Development Overlay District ("TND") shall be an overlay district as shown on the Town of McCandless Zoning Map. New land developments within the TND may comply with either the requirements of this Section or the underlying zoning district.
(Ord. 1359. Passed 4-28-08.)

1346.04 USES.

The uses permitted in the TND shall be those uses allowed in the D-Development District under Article 1326 provided, however, that:

(a) Gross square footage of commercial/entertainment uses (exclusive of theaters and cinemas) shall not exceed fifty percent (50%) of the total square footage shown in the Master Development Plan. (Ord. 1359. Passed 4-28-08.)

(b) Restaurants with drive through windows (unless otherwise permitted under Section 1346.04(e), below), gasoline stations, convenience stores and automobile service facilities shall not be permitted in the TND Overlay District.
(Ord. 1428. Passed 3-25-13.)

(c) Home occupations are permitted provided that parking for home occupations must be part of the shared parking available for non-residential uses.

(d) Any new development in the TND may contain structures or encompass lots containing more than one principal use.
(Ord. 1359. Passed 4-28-08.)

(e) A restaurant having an exterior building footprint equal to or greater than 4,400 square feet, that provides interior seating for at least 135 persons and that as originally constructed contains a private meeting room accommodating at least ten (10) persons and a customer lounge area of a minimum of 400 square feet shall be permitted to have a single drive through window (which may include an outdoor menu/speaker board system approved by the Town) subject to the following requirements:

(1) The drive through lane for the restaurant shall provide a sufficient number of queuing spaces so that the queuing of vehicles does not extend into a parking field drive lane or interfere with pedestrian traffic.

(2) The queuing spaces shall be located so as to not interfere with the use of any parking spaces or the free flow of traffic on the site and shall be adequately marked and indicated with directional signs.

(3) The entrances and exits for vehicles using the drive through window shall be designed to minimize the disruption of pedestrian patterns in the TND Overlay District.

(4) A "by-pass" lane shall be included and shall parallel the drive-through lane.

(5) The restaurant shall be adjacent to a minor arterial or arterial road or highway in accordance with the Town's road classification system listed in the Town of McCandless Comprehensive Plan, Chapter VIII, Section 800, or as subsequently amended.

(6) No more than one restaurant with a drive through window is permitted in a TND Overlay District.
(Ord. 1428. Passed 3-25-13.)

1346.05 CONDITIONAL USE EXPRESS CRITERIA.

(a) All applications for development in the TND shall include a Master Development Plan. The conditional use shall not be deemed to meet the purpose and objectives of this Article unless open space, civic art, and shared parking facilities or parking structures are included in the Master Development Plan.

(b) Within the TND, unless otherwise specified in this Article, minimum lot sizes, yard and building setbacks, impervious coverage limits and building sizes shall be established by the Master Development Plan and shall be subject to the Design Principles included as Appendix A to this Article.

(c) The Master Development Plan shall include proposed covenants, conditions and restrictions (the "Covenants") that would serve to enforce design standards and the terms of the Master Development Plan. The covenants must include a provision for private maintenance of roads, sidewalks and open space, including the public open space. The covenants are to be in force for perpetuity. The covenants are subject to review and approval by Town Council in a form approved by the Town Attorney.

(d) The Master Development Plan shall include a discussion of how development of contiguous undeveloped parcels might be coordinated with the Master Development Plan.

(e) As long as building and zoning permits for all of the total square footage of residential units along Cumberland Road within the Master Development Plan have been issued and construction has begun on at least thirty-three percent (33%) or a minimum ten (10) of such units, whichever is greater, then building and zoning permits for nonresidential structures elsewhere in the TND may be issued.

Occupancy permits for residential units along Cumberland Road will only be issued if all landscaping or bufferyards associated with these units is complete. A cash escrow satisfactory to the Town Engineer, Town Attorney and Town Manager shall be deposited with the Town to guarantee timely completion of landscaping and/or bufferyards.

(f) Vehicular access along Cumberland Road serving the TND shall be limited as follows:

(1) One (1) access allowing right turn in-right turn out for all uses within the TND.

(2) One (1) access allowing right turn in-right turn out for the residential dwelling units abutting the southern side of Cumberland Road, which limits access to the other uses in the TND, through gate or card access or other means as approved by the Town Council.

(g) The Town Council reserves the right to set any additional conditions it deems necessary. (Ord. 1359. Passed 4-28-08.)

1346.06 BASIC DEVELOPMENT STANDARDS.

All development to be approved under the TND regulations and each Master Development Plan shall comply with the following standards:

(a) Minimum Master Development Plan Area: 30 acres.

(b) Maximum Permitted Individual Building Footprint:

(1) Any building containing more than one principal use - 80,000 square feet;

(2) One building within the Master Development Plan may be used for a specialty food store - 65,000 square feet;

(3) Fitness - 50,000 square feet;

(4) Entertainment - 50,000 square feet;

(5) Hotel - 25,000 square feet;

(6) Special residential - 25,000 square feet;

(7) All other single use buildings are limited to 15,000 square feet.

(8) Buildings shall be arranged within blocks as provided for in the Design Principles, but in no event shall the total perimeter of any block exceed 2,000 lineal feet.

(c) Maximum Permitted Building Height: Building height shall not exceed eighty-five (85) feet as measured in accordance with the current edition of the International Building Code (IBC); architectural or mechanical appurtenances such as steeples or mechanical penthouses may extend no more than twenty (20) feet above a building's highest habitable, occupiable or storage space and shall not be counted in the building height calculations.

(1) Parking structures shall be limited to thirty-five (35) feet in height.

(d) Maximum Permitted Impervious Surface Ratio: The maximum permitted impervious surface rate ("ISR") shall be 0.8; for purposes of this Article only, ISR shall be determined by dividing the total area of all impervious surfaces proposed on the Master Development Plan by the total, gross area of all land included within the Master Development Plan.

(e) Residential Buffering. Lots along Cumberland Road existing at the time of adoption of this Article must be developed residentially unless the lot also abuts and has frontage along McKnight Road, in which case such a lot may be used for any use allowed under Section 1346.03.

The residential structures along Cumberland Road are limited to sixty (60) feet in total height.

The residential structures along Cumberland Road are required to have peaked roof forms.

The residential structures along Cumberland Road are required to front on Cumberland Road. A forty-five (45) foot front yard is required. For every foot that the height of residential buildings is increased over forty-five (45) feet, an additional corresponding per foot setback is required.

A thirty (30) foot bufferyard "D" is required to be planted and maintained within the forty-five (45) foot front yard. When the height of residential buildings is increased over thirty-five (35) feet, the plant materials of a 25 foot bufferyard "D" are required to be spread throughout the buffer area.

Parking and driveways are prohibited in any front yard of residential structures facing Cumberland Road. Direct vehicular access is prohibited from a residential structure to Cumberland Road.

(f) With the exception of the residential buffer outlined in subsection (e) hereof, the buffer zone of the perimeter of the TND shall meet the bufferyard type and spacing requirements of the D-Development District and the plant material specifications of Parking Lot Perimeter Screening contained in subsection (b)(7)B.3. of Appendix A, "Design Principles" .

(g) Parking space and drive aisle width shall meet the requirements of Article 1313 of the Town Zoning Code.

(h) A minimum of twenty percent (20%) gross square footage of the total acreage within the Master Development Plan shall be open space. Open space may be wetlands, steep slopes, stormwater detention or retention areas, Town Square, parks, gardens, fountains or landscaped buffer zones around the perimeter of the property. Any impervious surface other than a Town Square shall not be considered open space. At least fifty percent (50%) of the total open space must be designed for public use. Provisions for permanent maintenance of the open space areas must be submitted as part of the conditional use approval.

(Ord. 1359. Passed 4-28-08.)

1346.07 LOADING AND SERVICE AREAS.

(a) Loading, trash collection and similar facilities shall be incorporated into the overall design of the building and landscaping so that the visual and acoustic impacts of these functions are either fully contained within the building or otherwise screened so as to be out of the direct view from adjacent properties and public streets. Screened areas shall be put in the rear of the property unless Council determines that trash facilities located in the side of a property will have less impact on abutting properties than facilities to the rear.

(b) Loading and unloading areas shall be situated so as to not conflict with pedestrian movement.

(c) No exterior storage of materials or equipment is permitted in the TND.
(Ord. 1359. Passed 4-28-08.)

1346.08 OTHER DEVELOPMENT REGULATIONS.

(a) Sewer and Water Facilities. All new development in the TND shall be served by public sewer and public water facilities.

(b) Utilities. All utility lines (electrical, telephone, etc.) serving new development in the TND shall be placed underground.

(c) Signs and Exterior Lighting Standards. All signs within the TND shall be subject to the requirements set forth in Section 1313.11(c) except that the types of permitted signs shall be governed by the classification of street to which the sign is oriented as shown in the table included in the Design Principles attached as Appendix "A" to this Article. Exterior lighting within the TND shall be subject to the requirements set forth in Section 1314.07(d).

(d) Environmentally Sensitive Areas. In lieu of compliance with the requirements of Article 1314, the Master Development Plan shall identify resource protection land as defined in Article 1314 and wetlands (hereinafter environmentally sensitive areas) and establish that the proposed development meets the minimum requirements of Article 1371 ("Design Standards"), Article 913 ("Stormwater Management") and Article 1705 ("Grading, Excavation and Fills"); provided, however, that Council may require that special care be taken to preserve steep slopes, woodlands, wetlands or similar environmentally sensitive areas in the TND. This may be substituted by dedicating a conservation easement equal in size to the identified and disturbed environmentally sensitive areas within the TND or D-Development zoning district. If the conservation easement is contiguous to an existing conservation easement not within the D-Development District, the replacement area of environmentally sensitive areas must be done at 1.5:1 ratio.

(e) Stand-alone accessory structures are not permitted in the TND. Parking facilities are considered a principal use.

(f) Phases and Other Property. Unless otherwise noted in this Article, development may occur in phases but shall be in accordance with the Master Development Plan which shall include a proposed schedule for development. Property not originally included within the area of a Master Development Plan may be added to it so long as:

(1) It is contiguous to the area shown on the Master Development Plan,
(2) The owner agrees in writing to be bound by and submits the land by recorded agreement to the Covenants,
(3) The owner agrees in writing to be bound by the manual of written and graphic design guidelines included within the Master Development Plan, and

(4) The owner submits a land development plan consistent with the original Master Development Plan.

(g) Manual of Written and Graphic Design Guidelines. The Master Development Plan for new development in the TND shall include a specific and detailed manual of written and graphic design guidelines as per Section 708-A of the Pennsylvania Municipalities Planning Code. The manual shall be consistent with the "Design Principles" set forth in Appendix "A" to this Article. (Ord. 1359. Passed 4-28-08.)

APPENDIX A DESIGN PRINCIPLES

(a) Building Design.

(1) Purpose. To avoid blank walls and lengthy routes through or along parking lots, which have a negative impact on walk ability, all developments shall conform to the following design standards and guidelines. Architectural elevations for any proposed building are required for review.

(2) Building Layout.

A. Buildings shall be located and arranged in a way that creates a compact, clustered development pattern.

B. The Master Development Plan shall evidence an interconnected system of streets and blocks.

C. Blocks shall be no longer than 600 feet.

D. All buildings must front on a street.

E. The Master Development Plan must include build-to lines with the exception of offsets required by subsection (a)(5)A. of this Appendix A.

(3) Building Features.

A. All buildings in the development should relate in scale and design features. Buildings should reflect a continuity obtained by maintaining the building scale and material palette. This may be achieved by the following: maintaining material types; maintaining cornice lines in buildings at the same height; extending horizontal lines of fenestration; or echoing architectural styles and details, design themes, building materials, and colors used in surrounding buildings.

B. All building sides shall be architecturally designed for consistency, with respect to style, materials, color, and details including doors and windows.

C. The use of natural building materials such as wood, brick and/or stone is strongly encouraged.

D. Transparency. Buildings solely used for residential purposes or as a parking facility will be exempt from the following requirements:

1. The ground-level front facade and the facade of any building facing a public, private or internal street shall have windows, doors or openings covering at least fifty percent (50%) of the horizontal length of the facade between the height of three (3) feet and eight (8) feet above the walkway or grade, allowing views into and out of the interior. Product display windows may be used to meet the transparency requirement on no more than one building facade and shall be between the height of three (3) feet and eight (8) feet above the walkway or grade and shall be internally lighted.

2. Second and higher floor facades of a building that faces a public, private or internal street and/or are front facades shall contain window openings a minimum of thirty percent (30%) of the horizontal length of the facade.
3. The percentage of required window and door openings, above, allowing interior views may be reduced by using false or opaque window features provided that they match the form of the required window and door openings and comprise no more than half of the required fifty percent (50%) coverage requirement and that the openings appear as an integral part of the facade.
4. No more than two sides of any one building shall be required to meet the transparency provisions.

(4) Building Facade.

A. The front building facade of every building shall face a street, small park, plaza or sidewalk that is visibly accessible from a street.

B. The primary entrance shall use building massing, special architectural features, or changes in the roof line, or similar details to emphasize building entrances.

(5) Variation. The massing of buildings shall be de-emphasized in a variety of ways to reduce their apparent overall bulk and volume, to enhance visual quality and to contribute to human scaled development.

A. All building facades shall consist of a combination (minimum of two {2}) of horizontal and vertical breaks such as, but not limited to, the following:
1. A vertical architectural element.
2. Building recesses, offsets or projections.
3. Texture and/or material change.
4. Architectural banding.
5. Variation in roof line.
6. Contrasting window framing or shutters.
7. Awnings.
8. Canopies or porticos.
9. Overhangs.
10. Arcades - if designed and constructed in contiguous street frontages of not less than one hundred fifty (150) feet.
11. Peaked roof forms.
12. Arches.
13. Display windows.
14. Architectural details such as tile work and molding integrated into the building structure and design.
15. Equal or similar design feature.

B. All facades shall have an articulated break at least every thirty (30) feet, measured horizontally.

C. For all buildings above two (2) stories, the ground floor shall be architecturally distinguished from the upper facade with a cornice, canopy, balcony, arcade, or other element to form a visual base for the building and to create an intimate scale for the pedestrian.

D. The maximum building length is 200 feet, but not more than two (2) walls of a building may be increased to 400 feet provided that the following requirements are met:

1. In addition to any other requirements of this Section, a minimum of three (3) offsets shall be created along any front facade exceeding 200 feet or facing a public, private or internal street.
2. In no case shall the length of any building facade exceed 400 feet.

(b) Site Circulation and Parking.

(1) Parking Plan. The Master Development Plan shall include a parking plan depicting the proposed locations for all parking areas or parking facilities. The parking plan shall list the number of parking spaces proposed in relation to the proposed use(s) and shall indicate: the parking needs of all proposed uses; any shared parking; the times of maximum and minimum expected use; and the compatibility with adjoining uses to minimize conflicts. The parking plan shall illustrate a dispersal of parking areas to the maximum extent possible in order to minimize large expanses of parking lots. Unless otherwise provided herein, off-street parking shall comply with the requirements of Section 1313.06.

(2) Internal Streets. The Master Development Plan shall include an internal street system to facilitate pedestrian and vehicular circulation. Except within areas exclusively devoted to residential uses, all internal streets shall connect; cul-de-sacs shall only be permitted in residential areas.

A. Internal streets have three uses:

1. Residential (R) - Streets that have primarily residential uses along them.
2. Service (S) - Streets that primarily provide access for parking and service functions. Secondary building entrances may be located on these streets.
3. Commercial (C) - Streets along which the primary first floor use is commercial.

B. There are four types of internal streets. These are described in Figure 1.

C. Curbing. Six inch vertical curbs shall be required for all streets, access drives and parking areas proposed within the TND.

(3) Sidewalks.

A. The sidewalks shall provide safe access between buildings, parking lots, adjacent properties and sidewalks along streets.

B. All streets except for McKnight Road shall be required to have sidewalks.

C. Sidewalks shall be provided along the full length of a building along any building facade adjacent to a parking area or drive aisle.

D. Width. See Figure 2.

E. Restaurants or other similar food service may provide outdoor seating, provided that a five (5) foot clear pedestrian passage is maintained and building access is not impaired.

F. Crosswalks. Where a sidewalk crosses a parking lot drive aisle or other paved surface, it must be distinguished from the paved surface through the use of special surface treatment, such as, but not limited to, paint, pavers, bricks, scored concrete or stamped concrete.

(4) Vehicle Access.

A. Curb cuts along public streets shall be as per the traffic study as approved by the appropriate authority(ies).

B. Entrance drives accessing lots from an arterial or collector street shall be located no closer than two hundred (200) feet from any other driveway on the same side of the public street except when it is demonstrated to the Town that no other alternative is possible or that traffic circulation is improved.

C. Internal streets parallel to public roads shall be designed to stub into adjacent properties and included in cross-access easements.

D. The Master Development Plan shall include provisions for accommodating public transit within the development area such as bus pull-offs, transit stops and the like.

E. Fire department access shall be as approved by the Town Fire Marshal and Town Council.

(5) On-Street Parking. On-street parking shall be permitted along internal streets as follows:

A. On-street parking shall be permitted only in conjunction with an internal main street with buildings on one or both sides of the street.

B. For a minimum distance of fifty (50) feet from any intersection with a collector or arterial road, on-street parking shall not be permitted along the curbs of an internal street providing direct access into the development.

C. Where parallel parking is proposed, it shall be installed in accordance with Appendix A, Figure 3.

D. On-street parallel and angled parking along the property line of a lot may be used to meet the minimum parking requirement for the uses on that lot.

E. Perpendicular parking (head on) shall not be permitted; angle parking (sixty {60} degrees) is encouraged.

(6) Large Lots. When a surface parking lot includes more than 300 parking spaces, the lot shall be broken into parking areas of no more than 300 vehicles. The parking areas shall be bounded by a street, building or planting median.

(7) Parking Lot Screening or Site Perimeter Screening.

A. All parking lots shall be screened around the perimeter abutting a street, entrance drive, internal street, property line or adjacent parking lot by a planting area that is a minimum of ten (10) feet wide and located immediately adjacent to the parking area.

B. The perimeter screening shall include one deciduous tree, planted thirty (30) feet on center, combined with one of the following options:

1. Option A. A continuous row of shrubs, planted at a maximum of three (3) feet on center. Shrubs shall not exceed a height of forty-two (42) inches at maturity.
2. Option B. A fence or decorative masonry wall not less than three (3) feet and not more than four (4) feet in height, as long as safe lines of sight are maintained.
3. If the adjacent property is zoned R-1 or R-2, the planting area shall be twenty (20) feet wide and will have the following planting requirements in addition to Option A or B:
   a. 3 understory trees per 100 lineal feet.
   b. 12 shrubs per 100 lineal feet.
   c. 5 Evergreen/ conifers per 100 lineal feet.

All perimeter screening vegetation shall be planted a minimum of three (3) feet from the edge of the parking lot pavement to protect the vegetation from vehicle bumpers.

(8) Interconnected Parking. Parking areas shall be designed to allow for logical interconnections to abutting properties. All parking areas located within fifty (50) feet of a common property line in a nonresidential zoning district shall be interconnected to adjacent lots in a nonresidential zoning district, consistent with the following requirements:

A. For each nonresidential use, the applicant must provide an access easement for proposed parking areas and driveways guaranteeing access to all abutting lots that are within a nonresidential zoning district where such easements enhance traffic circulation and connectivity. In addition, this easement shall provide for the construction of the interconnection between the development's proposed parking area and any parking area on adjacent lots.

B. When an access easement has been provided on an adjacent lot in accordance with this Section, the development must directly connect the parking areas via a driveway.

C. Access easements shall logically connect to internal and external streets, where practicable.

D. Access easements and maintenance agreements or other suitable legal mechanism shall be provided for common parking areas or driveways of each nonresidential use, in a form acceptable to the Town.

(9) Common Parking Areas. The TND encourages shared parking. In the TND parking areas or parking structures serving more than one lot shall be designed to provide parking spaces in accordance with Urban Land Institute (ULI) Shared Parking Manual (latest edition), unless a lower ratio can be supported by a parking needs analysis documenting anticipated parking needs based on the combined utilization of all facilities on site simultaneously or demonstrating that the hours of days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility. The parking needs analysis shall be prepared by a person or firm trained or certified to perform such studies.

A. All off-street parking areas or structures required by this Section shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing or continuous storage of a vehicle for more than 48 hours.

B. Every parcel of land hereafter using a public or private off-street parking area or structure capable of accommodating five (5) or more vehicles shall be developed and maintained in accordance with the following requirements:

1. Each off-street parking space shall have direct access to an aisle or driveway, and all off-street parking lots shall have vehicular access to a street so designed to minimize interference with pedestrian and traffic movement.
2. All off-street parking lots including loading areas and service areas shall be paved with asphalt or concrete.

(10) Parking Space Requirements. Unless parking for a particular use is provided for in a common shared parking area or structure, for the purpose of this Section, the minimum off-street parking space requirements of Section 1313.06 of the Codified Ordinances of the Town of McCandless shall apply.

(11) Parking structure standards shall meet the building design guidelines.

(12) Plant Material Specifications. All plant materials shall meet the following minimum size standards:

Plant Material Type	Minimum Size
Canopy tree (35' minimum height-maturity) -Single Stem -Multi-stem clump	 2-1/2" caliper 6' height
Understory tree	10' height
Evergreen tree	5' height
Shrub -Deciduous -Evergreen	 24" height 18" height

(13) Parking Lot Landscaping Requirements. This section details the landscaping required of all off-street parking areas exceeding five (5) parking stalls.

A. Minimum of 200 SF of planting area per 24 stalls.

1. Each 200 SF of planting area shall consist of a minimum of one (1) canopy tree or one (1) understory tree and three (3) shrubs.

B. In addition to any other required plantings, all parking lot planting areas shall be planted with turf grass, ornamental grasses (not exceeding 24" at maturity), or other groundcover material.

C. All areas of a lot not covered by building or impervious material shall be maintained as landscaped or natural areas.

D. An end cap planting island shall be required at the end of each row of parking to separate the rows of parking and drive aisles.

1. The end cap planting islands shall meet all of the minimum requirements for planting islands.

2. The pervious surface area of each end cap island shall be a minimum of ten (10) feet wide and shall be fifteen (15) feet in length for each row of parking, measured along the length of the adjacent parking space.

(14) Planters.

A. All facades of buildings facing on to public spaces, such as streets or parking lots, shall have planters as dictated in Figure 2.

B. The foundation planting area shall include, at a minimum, ornamental trees, evergreen trees or shrubs, in addition to any annual or perennial vegetation.

C. In addition to any other required plantings, any building foundation planting areas shall be planted with turf grass, ornamental grasses or other groundcover plant material.

D. The location of street trees shall be determined as follows:

1. Street trees shall be planted so as not to interfere with existing utilities, roadways, sidewalks, site easements, or street lighting.

2. Whenever there are sidewalks, street trees shall be planted at a minimum ratio of one per forty (40) feet of building frontage using "soldier" spacing (one tree every forty {40} feet, on center, in a continuous row) unless it is desirable to alter that spacing for reasons such as, but not limited to, building entrances, building features or sight lines.

3. Along streets that are not required to have sidewalks, street trees may be planted in clusters or groupings within the bufferyard.

E. New Streets. Street trees shall be installed as part of the construction of any new public or private street.

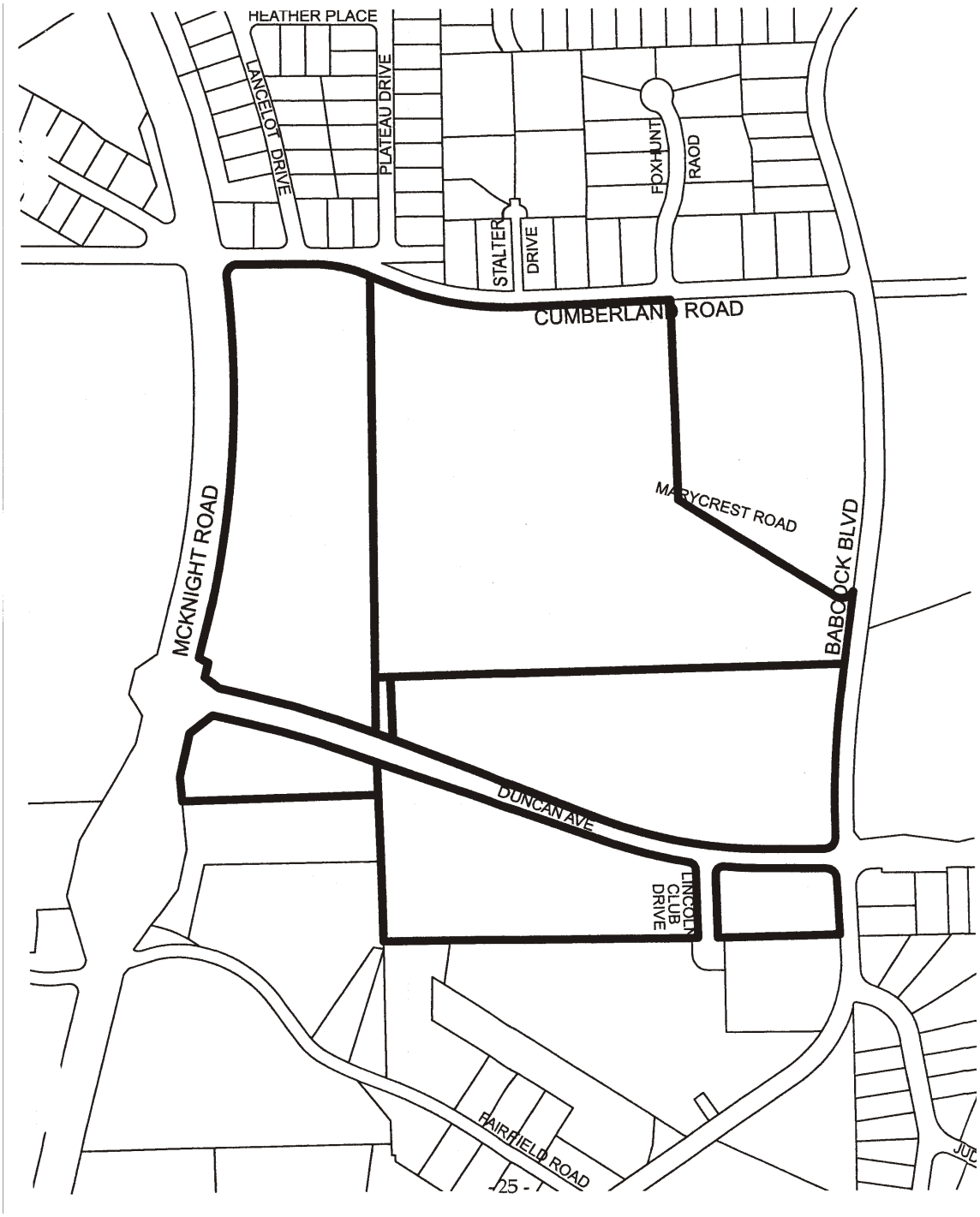
1. Required street trees shall be provided on both sides of the new street as shown in Figure 2.

F. Existing Streets. Street trees shall be installed along any existing public or private street within or adjacent to all land developments, subdivisions of commercial lots, subdivisions of three or more residential lots, and multi-family developments.

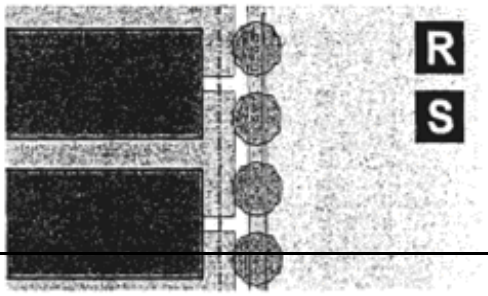
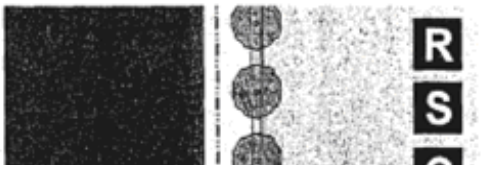
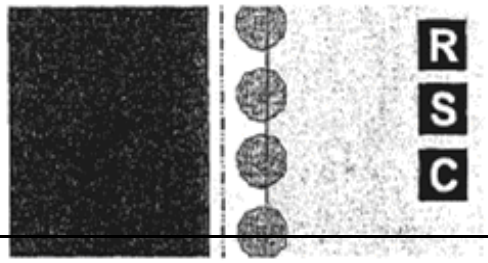
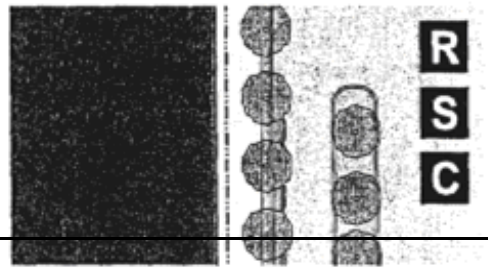
1. When development occurs along an existing street, installation of street trees is required along any side of the street abutting the site property.

(15) Maintenance of Landscaped Areas. All landscaped areas shall be maintained by the owner of the property. All such areas shall be kept free of debris and litter at all times. Damage to ten percent (10%) or more of the plant material for any reason (including disease) shall require replacement of all such damaged plant materials.

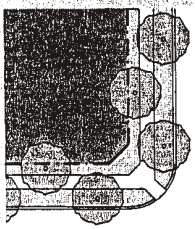
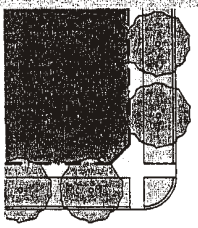
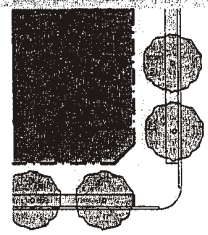
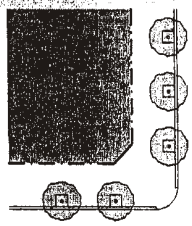
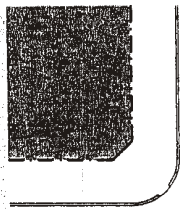
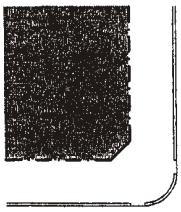
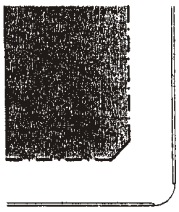
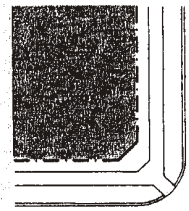
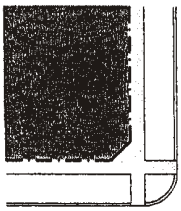
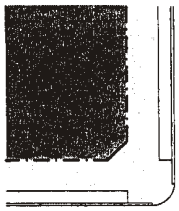
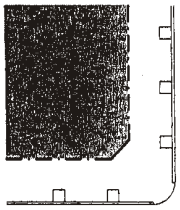
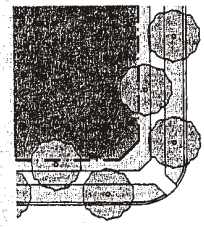
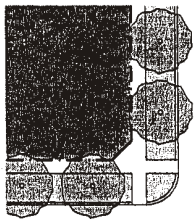
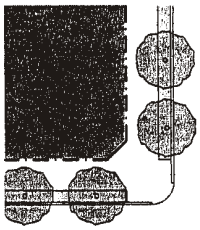
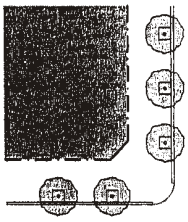
(16) Where not specified separately, Town zoning and subdivision regulations apply. (Ord. 1359. Passed 4-28-08.)


HEATHER PLACE
LANCELOT DRIVE
PLATEAU DRIVE
STALTER
DRIVE
FOXHUNT
RAOD
CUMBERLAND ROAD
MARYCREST ROAD
BABCOCK BLVD
MCKNIGHT ROAD
DUNCAN AVE
LINCOLN
CLUB
DRIVE
FAIRFIELD ROAD

Public Frontage Types
Figure 1

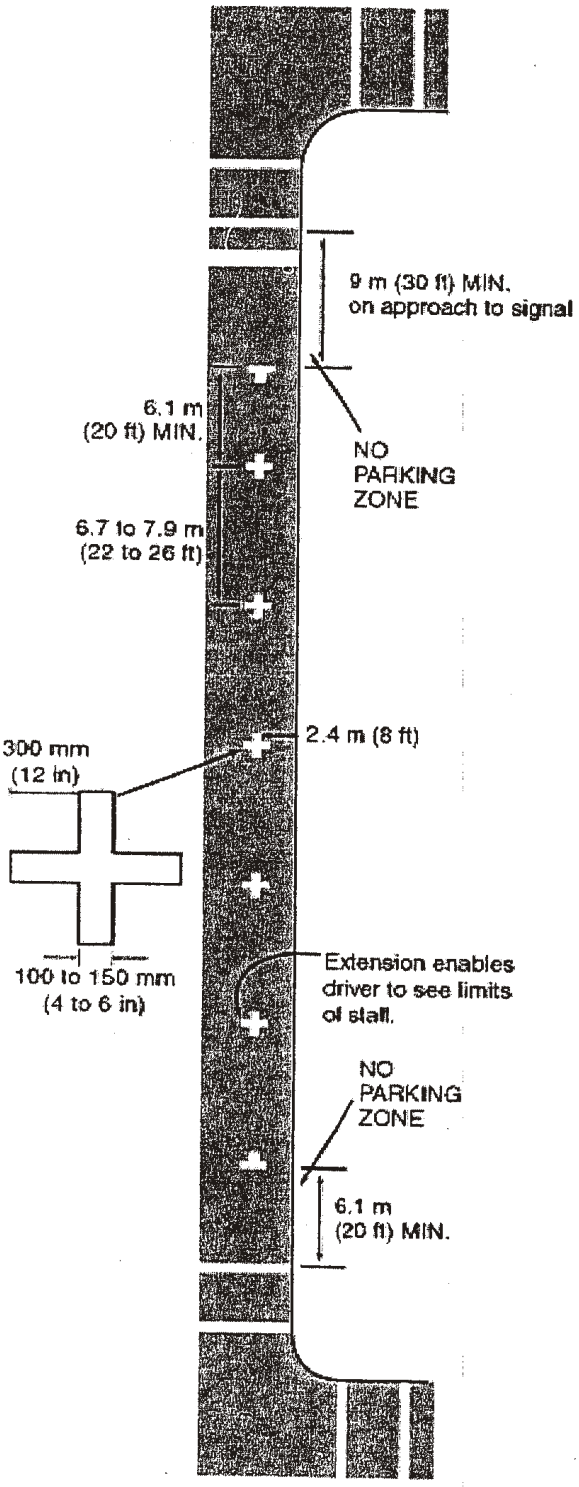
(ST) For Street: This Frontage has raised Curbs drained by inlets and Sidewalks separated from the vehicular lanes by individual or continuous Planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced Allee, with the exception that Streets with a right-of-way (R.O.W.) Width of 40 feet or less are exempt from tree requirements.	
(AV) For Avenue: This Frontage has raised Curbs drained by inlets and wide Sidewalk separated from the vehicular lanes by a narrow continuous Planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced Allee.	 
(CS) (AV) For Commercial Street or Avenue: This Frontage has raised Curbs drained by inlets and very wide Sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing where possible, but clears the storefront entrances.	
(BV) For Boulevard: This Frontage has Slip Roads on both sides. It consists of raised Curbs drained by inlets and Sidewalks along both sides, separated from the vehicular lanes by Planters. The landscaping consists of double rows of a single tree species aligned in a regularly spaced Allee.	

Public Frontage Details Figure 2

	RS	RS	RSC	RSC
	ST-AV	ST-AV-BV	CS-AV-BV	CS-AV-BV
a. **Assembly of elements**: The principal variables are the type and dimension of curbs, walkways, planters and landscaping.				
Total width	12-24 feet	12-18 feet	18-24 feet	18-30 feet
b. **Curb:** The detailing of the edge of the vehicular pavement, incorporating drainage.				
Type	Raised curb/	Raised curb/	Raised curb/	Raised curb/
Radius	5-20 feet	5-20 feet	5-20 feet	5-20 feet
c. **Sidewalk:** The pavement dedicated exclusively to pedestrian activity.				
Type	4-8 feet	4-8 feet	12-20 feet	12-30 feet
d. **Planter:** The layer that accomodates street trees and other landscape.				
Arrangement	Regular	Regular	Regular	Opportunistic
Species	Alternating	Single	Single	Single
Planter Type	Continuous	Continuous	Continuous	Tree well
Planter Width	8-12 feet	8-12 feet	4-6 feet	4-6 feet

Parallel Parking Diagram

Figure 3



Sign Type	**Street Type**				
	Residential	**Commercial**	**Service**	**Collector**	**Arterial**
Freestanding					
Pole/Pylon	N	N	N	N	P
Ground/Monument Sign	N	N	N	P[1]	P
Building					
Awning sign	N	P	N	P[1]	P
Canopy sign	N	P	N	P[1]	P
Marquee sign	N	P	N	P[1]	P
Projecting sign	N	P	N	P[1]	P
Roof sign	N	N	N	N	N
Wall sign	P	P	P	P[1]	P
Miscellaneous					
Advertising vehicle sign	N	N	N	N	N
Banner	N	P	P	N	N
Campus sign	P	P	N	N	N
Changeable copy (manual) sign	N	N	N	P[1]	P
Changeable copy (remote) sign	N	P	N	P	P
Kiosk sign	N	P	N	N	N
Moving/Animated sign	N	N	N	N	N
Off-premise sign	N	N	N	N	N
Pathfinder sign	P	P	P	P	P
Pennant/Streamer	N	N	N	N	N
Political sign	P	P	P	P	P
Portable sign	N	N	N	N	N
Projection sign	N	N	N	N	N
Real estate sign	P	P	P	P	P

Sign Type	Street Type				
	Residential	**Commercial**	**Service**	**Collector**	**Arterial**
Miscellaneous (Cont.)					
Safety control sign	P	P	P	P	P
Sandwich board	N	N	N	N	N
Site development	P	P	P	P[1]	P
Temporary sign	N	P	P	N	N
Three dimensional sign	N	P	N	P[1]	P
Time & Temperature sign	N	P	N	P	P
Traffic control sign	P	P	P	P	P
Window sign	N	P	N	P[1]	P

[1] Other than pathfinder sign(s), Cumberland Road limited to one sign (ground/monument) of up to 30 sq. ft.

ARTICLE 1347
Zoning Map

1347.01 Zoning Map original.
1347.02 Official copy of Zoning Map.
1347.03 Log of Map changes.
1347.04 District boundaries.

CROSS REFERENCES

Official map - see Pa. Municipalities Planning Code §§401-408 (53 P.S. §§ 10401-10408)
Zoning districts - see P. & Z. 1311.05

1347.01 ZONING MAP ORIGINAL.

There shall be a Zoning Map indicating the zoning classification applicable to each property. The Map shall be revised annually to agree with zoning and other changes authorized by Council. The President of Council and the Town Secretary shall sign the Map and shall initial the annual revision. If the zoning of any property as indicated on the Map is found not to conform with the zoning stated in the ordinance that last rezoned the property, the zoning stated in the ordinance controls and the Map shall be promptly revised to conform.
(Ord. 741 §1901. Passed 7-3-78.)

1347.02 OFFICIAL COPY OF ZONING MAP.

The Town Manager shall maintain an official copy of the Zoning Map in the Town Hall. This copy shall be marked to indicate all authorized changes within thirty days of authorization. Such changes include rezoning, subdivision and the taking over of roads. A new copy shall be produced as soon as the original is updated each year.
(Ord. 741 §1902. Passed 7-3-78.)

1347.03 LOG OF MAP CHANGES.

A separate record shall be kept of all ordinances authorizing changes in the Zoning Map. This log shall include a copy of each ordinance marked to show when the change was made on the official copy of the Zoning Map and shall be signed by the Zoning Officer to indicate that he has verified that each change has been properly made.
(Ord. 741 §1903. Passed 7-3-78.)

1347.04 DISTRICT BOUNDARIES.

(a) Where uncertainty exists with respect to district boundaries shown on the Zoning Map, the following rules shall apply:

(1) Normally, district boundaries follow street and lot lines. Where the designation on the Zoning Map indicates a boundary within twenty-five feet of a lot or street line, such lot or street line shall be construed as the district boundary.

(2) Where an apparent boundary is within twenty-five feet of two lot lines, the district boundary shall be construed to be the nearest lot line.

(3) Where an apparent boundary line is not within twenty-five feet of a lot line, the Zoning Map shall be scaled to determine the location of the boundary.

(4) Where practical, it is desirable for the zoning district boundaries to proceed in straight lines, rather than curved or stepped.
(Ord. 1127 §B.71. Passed 8-22-94.)

ARTICLE 1349
Zoning Hearing Board

1349.01 Types of hearings.
1349.02 Appeals from the Zoning Officer.
1349.03 Validity challenges.
1349.04 Variances.
1349.05 Special exceptions.
1349.06 Change to another non-conforming use.
1349.07 Notice of hearing.
1349.08 Parties to the hearing.
1349.09 Evidence.
1349.10 Communications.
1349.11 Hearing record.
1349.12 Decision.
1349.13 Appeals to court.
1349.14 Special exceptions: conditions governing application procedure.

CROSS REFERENCES

Hearings - see Pa. Municipalities Planning Code Sec. 908 (53 P.S. Sec. 10908)
Zoning, validity appeals - see Pa. MPC Sec. 1001 (53 P.S. Sec. 11001), Sec. 1003 et seq. (53 P.S. Sec. 11003 et seq.)
Gas stations standards - see P. & Z. 1341.04
Neighborhood park, playground - see P. & Z. 1341.06

1349.01 TYPES OF HEARINGS.

The Zoning Hearing Board shall hold hearings on appeals from rulings of the Zoning Officer, challenges to the validity of the Zoning Code or Zoning Map, and requests for variances, special exceptions or changes to other nonconforming uses. The hearing shall be held within sixty days of receipt of written request for a hearing, unless the applicant has agreed in writing to an extension of time. Any prescribed fees shall be paid prior to the hearing. (Ord. 1052 Sec. 42. Passed 4-22-91.)

1349.02 APPEALS FROM THE ZONING OFFICER.

The Zoning Hearing Board shall hear and decide appeals where it is alleged that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid code or map. (Ord. 741 Sec. 2002. Passed 7-3-78.)

1349.03 VALIDITY CHALLENGES.

The Zoning Hearing Board shall hear challenges to the validity of the Zoning Code or Zoning Map except challenges based on an alleged defect in the process of enactment or adoption. The Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the Court of Common Pleas. (Ord. 741 Sec. 2003. Passed 7-3-78.)

1349.04 VARIANCES.

The Zoning Hearing Board shall hear and decide requests for variances where it is alleged that the provisions of the Zoning Code inflict unnecessary hardship upon the applicant.

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 and not the circumstances or conditions generally created by the provisions of the Zoning Code 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 Code 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 the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; 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 in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Code.
(Ord. 741 Sec. 2004. Passed 7-3-78.)

1349.05 SPECIAL EXCEPTIONS.

The Zoning Hearing Board shall hear and decide requests for special exceptions for:

(a) Gas station as a principal use in C-3 Commercial District;

(b) Playground and/or neighborhood park as a principal use in an R-1 or R-2 Residential District;

(c) Convenience business in apartment buildings; and

(d) Higher fences (up to six feet) on lot lines adjacent to a swimming pool or to an unsightly commercial facility when the Board deems such a fence to be of benefit to all parties involved. (Ord. 741. Passed 7-3-78.)

(e) Sexually oriented business in the D-Development District.
(Ord. 1215. Passed 5-24-99.)

The decision shall be based on the standards and criteria stated in this Code. In granting a special exception, the Board may attach such reasonable conditions as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Zoning Code. (Ord. 741 Sec. 2005. Passed 7-3-78.)

1349.06 CHANGE TO ANOTHER NONCONFORMING USE.

The Zoning Hearing Board shall hear and decide requests for a change from an existing nonconforming use to another nonconforming use. The proposed use may not detract from the character of the neighborhood to a greater extent than the existing use. The Board shall evaluate any change in hours of operation, extent of activity, traffic generated, noise and any other appropriate matters in deciding if the proposed use is or is not more nonconforming than the existing use. In permitting such a change, the Board may require appropriate conditions and safeguards. (Ord. 741 Sec. 2006. Passed 7-3-78.)

1349.07 NOTICE OF HEARING.

Time and place of the hearing and nature of the matter to be considered at a hearing shall be given to the public, the applicant, the Zoning Officer and any person who has made a timely request for same. The notice shall be published once each week for two successive weeks in a newspaper of general circulation in the Town with the first advertisement not more than thirty days and the second advertisement not less than seven days prior to the hearing. Notice shall be posted on the Town bulletin board and conspicuously posted on the affected tract of land at least one week prior to the hearing. (Ord. 1052 Sec. 43. Passed 4-22-91.)

1349.08 PARTIES TO THE HEARING.

The parties to the hearing shall be the Town, any person affected by the application who has made timely appearance of record before the Board and any other person, including civic or community organization permitted to appear by the Board. 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.
(Ord. 741 Sec. 2008. Passed 7-3-78.)

1349.09 EVIDENCE.

The Chairman or Vice Chairman of the Zoning Hearing Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the productions of relevant documents and papers including witnesses and documents requested by the parties. Formal rules of evidence shall not apply but irrelevant, immaterial or unduly repetitious evidence may be excluded. (Ord. 741 Sec. 2009. Passed 7-3-78.)

1349.10 COMMUNICATIONS.

The Zoning Hearing Board shall not communicate directly or indirectly with any party or his representative 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 unless all parties are afforded an opportunity to contest the materials, 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.
(Ord. 741 Sec. 2010. Passed 7-3-78.)

1349.11 HEARING RECORD.

The Zoning Hearing Board 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 requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof. Copies of the graphic or written material received in evidence shall be made available to any party at cost. (Ord. 1052 Sec. 44. Passed 4-22-91.)

1349.12 DECISION.

(a) A copy of the final decision and/or findings shall be mailed to the applicant not later than the day following its date. The Zoning Hearing Board shall provide a brief notice of the decision or findings to all other persons who have filed a written request for same. Should more than sixty days elapse between receipt of a written request for a hearing and the start of the hearing, or more than forty-five days elapse between the end of the last hearing and a written decision, a decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.

(b) When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision, the Board shall give public notice of such decision within ten days after the last day that the Board could have met.
(Ord. 1052 Sec. 45. Passed 4-22-91.)

1349.13 APPEALS TO COURT.

Any decision or findings of the Zoning Hearing Board may be appealed to court by any party to the hearing within thirty days from the date of the decision or findings.
(Ord. 741 Sec. 2013. Passed 7-3-78.)

1349.14 SPECIAL EXCEPTIONS: CONDITIONS GOVERNING APPLICATION PROCEDURE.

(a) The Zoning Hearing Board shall hear and decide requests for special exceptions as stated in this ordinance. A Special Exception shall not be granted by the Zoning Hearing Board unless and until:

(1) A written application for a special exception is submitted stating the grounds on which it is requested.
   - A. Written application must be made on a form provided by the Zoning Officer.
   - B. A site plan showing conformance with all Special Exception criteria regarding the site (area, parking, lighting, etc.)

(2) The Zoning Hearing Board shall conduct a public hearing in accordance with the procedures specified in Article 1349.

(3) The Zoning Hearing Board, before it grants a Special Exception, shall make findings of fact and state its reasons for granting the Special Exception, said findings of fact to include:
   - A. That the use will not endanger the public health or safety if located where proposed and developed and that the use will not allow conditions which will tend to generate nuisance conditions including but not limited to noise, dust, glare, vibration;
   - B. That the use meets all applicable express standards and criteria as specified in this ordinance, as well as the specifications set forth in the district where it is proposed to be located; and
   - C. That the location and the character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan for the Town of McCandless.

(b) To insure the establishment of the above conditions, the Zoning Hearing Board shall have the authority to require and approve specific plans and may attach such reasonable conditions and safeguards as it deems necessary to protect the public health, safety and welfare.
(Ord. 1216. Passed 5-24-99.)

ARTICLE 1351
Administration and Enforcement

1351.01	Zoning Officer.	1351.05	Fees.
1351.02	Building permits. (Repealed)	1351.06	Severability.
1351.03	Occupancy permit. (Repealed)	1351.07	Repeal.
1351.04	Rezoning of property.	1351.99	Enforcement remedies.

CROSS REFERENCES

Zoning Officer appointed; powers - see Pa. Municipalities Planning Code §614 (53 P.S. §10614)
Building site restrictions - see P. & Z. 1313.08
Zoning Officer appeals - see P. & Z. 1349.02

1351.01 ZONING OFFICER.

(a) The Zoning Officer shall administer and enforce this Zoning Code and make any necessary interpretations of the Zoning ivlap.

(b) The Zoning Officer shall maintain adequate records of all zoning matters brought to the attention of the Town Administration, Council, Planning Commission or Zoning Hearing Board. (Ord. 1052 §46. Passed 4-22-91.)

1351.02 BUILDING PERNiiTS.

(EDITOR'S NOTE: This section was repealed by Ordinance 1052, passed April 22, 1991.)

1351.03 OCCUPANCY PERMIT.

(EDITOR'S NOTE: This section was repealed by Ordinance 1127, passed August 22, 1994.)

1351.04 REZONING OF PROPERTY.

(a) Rezoning Procedure. A request to rezone any property is a request to change the Zoning Map and to amend the Zoning Code. A rezoning request can be granted only by enactment of a Class A ordinance. Each request shall be handled as follows:

(1) Review by the Zoning Officer for adequacy of information furnished;
(2) Review and recommendation by the Planning Commission;
(3) A public hearing;
(4) Review by the Zoning Committee of Council;
(5) Action by Council (within sixty days but not sooner than six days after the hearing).

(b) Required Information. Any request to rezone property shall include a location plan, a plot plan and the submission of a concept plan in conjunction with the rezoning request. The concept plan shall include the development of all land contained within the rezoning request.

For the purpose of establishing concept plan criteria, the concept plan shall contain the appropriate information specifically stated under preliminary plat submission under the Land Development Code with the exception of drainage, erosion and sedimentation control, signage, illumination, sidewalks and plans of structures, road profiles, cross sections and construction details of proposed street and drainage structures and other improvements that may be required. The concept plan shall also include a preliminary soils study to establish the general suitability of the site for the proposed development. The request shall also provide:

(1) Current zoning and name of property owner;·
(2) Current zoning and name and address of owners of all abutting properties (including those directly across the street);
(3) Legal description of the property (courses and distances);
(4) Existing improvements on the property;
(5) Type and location of existing easements;
(6) Location of all buildings within 100 feet of the property;
(7) Any other information specifically requested by the Town to aid the Town in reviewing the rezoning request.

(c) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1052, passed April 22, 1991.)

(d) Time Constraints. Upon approval of the rezoning, the applicant shall have a maximum of three months to submit a preliminary plat and/or preliminary site plan whichever is appropriate by ordinance. Preliminary plat criteria shall adhere to that as stated in the Land Development Code. The preliminary plat and/or preliminary site plan shall include all the land and the development of same as was proposed in the rezoning request, and shall adhere to and be consistent with the provisions of the concept plan.

Upon approval of the preliminary plat and/or preliminary site plan, the applicant shall have one year to submit a final plat and/or site plan. The final plat and/or site plan shall include all land and the development of same as was proposed in the rezoning request.

If the preliminary plat and/or site plan has not been submitted within three months of the rezoning approval, or if the final plat and/or site plan has not been submitted within one year after the approval of the preliminary plat and/or site plan, all approvals shall be deemed to have expired and the zoning shall revert back to the previous zoning classification.

Council shall have the authority to extend any of these time periods.
(Ord. 827 §4, 5. Passed 10-26-81; Ord. 1127 §8.73, 74. Passed 8-22-94.)

1351.05 FEES.

(a) Fees. The Building Inspector shall collect fees for building permits and occupancy permits. The Zoning Officer shall collect fees for requests for rezoning, site plan approvals and all matters that come before the Zoning Hearing Board. All fees shall be collected in advance and shall conform to the schedule established from time to time by Council.
(Ord. 741 §2105. Passed 7-3-78.)

(b) Review Costs. All costs for the review of the report, TPAD Program modifications shall be paid for by an applicant prior to the receipt of any permit or approval. The Town Manager's regulations shall establish how these fees shall be administered, charged and collected. All other fees and costs shall be those established by the underlying district requirements. Any fee disputes shall be resolved in accordance with the provisions of the Municipalities Planning Code,
53 P.S. §10101 et seq. as now or hereafter amended.
(Ord. 1073 §2. Passed 5-26-92.)

1351.06 SEVERABILITY.

Should any part of this Zoning Code be declared invalid, such decision shall not affect the validity of any other part nor the Code as a whole.
(Ord. 741 §2106. Passed 7-3-78.)

1351.07 REPEAL.

Former Articles 1311 to 1331 inclusive and Article 1709 of the Codified Ordinances are hereby repealed. (Ord. 741 §2108. Passed 7-3-78.)

1351.99 ENFORCEMENT REMEDIES.

Any person, partnership, corporation who or which performs work at their direction who or which has violated or permitted the violation of this Zoning Code shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Town before, pay a judgment of not more than five hundred dollars ($500.00), plus all court costs, including reasonable attorney's fees incurred by the Town as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Town may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Town are hereby authorized to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No Bond will be required if injunctive relief is sought by the Town. Any of the previously mentioned who or which violates this section shall also be responsible for the Town's attorney's fees, engineering fees, expert fees and court costs associated with enforcement.
(Ord. 1390. Passed 9-27-10.)

TITLE FIVE - Land Development and Subdivision Regulations

Art. 1361. General Provisions and Enforcement.
Art. 1363. Definitions.
Art. 1365. Procedure for Submission of Plats.
Art. 1367. Plans and Data.
Art. 1369. Required Improvements.
Art. 1370. Existing Public Utilities; Penalty.
Art. 1371. Design Standards.
Art. 1373. Dedication of Streets.
APPENDIX

ARTICLE 1361
General Provisions and Enforcement

1361.01 Short title.
1361.02 Purposes.
1361.03 Compliance.
1361.04 Exception.
1361.05 Simple subdivision.
1361.06 Modifications.
1361.07 Interpretation.
1361.08 Amendment procedure.
1361.09 Severability.
1361.10 Flood plain provisions. (Repealed)
1361.99 Enforcement remedies.

CROSS REFERENCES

Planning Commission - see CHTR. Art. IX, § 902; ADM. 123.01, P. & Z. Art. 1301
Power to regulate- see Municipalities Planning Code §501 (53 P.S. §10501)

1361.01 SHORT TITLE.

The provisions of this Title Five of the Planning and Zoning Code shall be known and may be cited as the "Town of McCandless Land Development and Subdivision Regulations." (Ord. 668 §101. Passed 1-27-75.)

1361.02 PURPOSES.

These Land Development and Subdivision Regulations are adopted for the following purposes:

(a) To assure sites suitable for building purposes and human habitation and to provide for the harmonious development of the Town;

(b) To assure coordination of existing streets and highways with proposed streets or other features of the Master Plan of the Town of McCandless;

(c) To assure adequate open spaces for traffic, recreation, light and air and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens;

(d) To secure equitable treatment of all land development and subdivision plans by establishing definitions, design standards, plan requirements, procedures for plan processing, improvements, construction, and requirements and conditions of acceptance of public improvements by the Town.
(Ord. 668 §102. Passed 1-27-75.)

(e) In order to insure adequate recreation areas to serve the future residents of the Town, all developers submitting residential subdivision or land development plans after the effective date of this ordinance shall provide for a suitable and adequate recreation area to serve the needs of the future occupants of the subdivision or development, or shall provide funds for the acquisition, development, or improvement of park areas within the Town.
(Ord. 1027 §9. Passed 2-26-90.)

1361.03 COMPLIANCE.

No subdivision or land development of any lot, tract or parcel of land shall be made; no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except after approval of plats in accordance with the provisions of these Land Development and Subdivision Regulations.
(Ord. 668 §103. Passed 1-27-75.)

1361.04 EXCEPTION.

Nothing in these Land Development and Subdivision Regulations shall be deemed to require the approval of the Town Council for the division of land for agricultural purposes in parcels of more than ten acres, not involving any new street or easement of access.
(Ord. 668 §104. Passed 1-27-75.)

1361.05 SIMPLE SUBDIVISION.

(a) Council may approve a division of one lot into two lots without requiring all of the information requested in Article 1367, whenever the plat or plan shows that both lots are located on a public road, that each lot conforms to the dimensional requirements of the Zoning Ordinance and that both lots can be adequately serviced by all necessary public utilities. The provisions of Article 1375, Stormwater Management, shall be met prior to the issuance of a building permit.
(Ord. 1127 §B.75. Passed 8-22-94.)

(b) (EDITOR'S NOTE: This subsection was repealed by Ordinance 1127, passed August 22, 1994.)

1361.06 MODIFICATIONS.

(a) Council may grant a waiver or modification to the minimum standards of this Zoning Ordinance if the literal enforcement is shown to the satisfaction of Council to be unreasonable, to cause undue hardship because of peculiar conditions pertaining to the land in question or when an alternative standard can be demonstrated to provide equal or better results, and provided that such modification will not be contrary to the public interest and the purpose and intent of this Zoning Ordinance.

(b) All requests for modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary. The request for modification may be referred to the Planning Commission for advisory comments. A written record shall be kept of all action on all requests for modification.

(Ord. 1052 §50. Passed 4-22-91; Ord. 1127 §B. 77. Passed 8-22-94.)

1361.07 INTERPRETATION.

In the interpretation and application of these Land Development and Subdivision Regulations, the provisions shall be held to be minimum requirements, adopted for the promotion of health, safety, morals and general welfare.

(Ord. 1052 §51. Passed 4-22-91.)

1361.08 AMENDMENT PROCEDURE.

(a) Council may from time to time on its own motion, or on petition, or on recommendation of the Planning Commission, amend, supplement or repeal the regulations and provisions of these Land Development and Subdivision Regulations. Every such proposed amendment or change, whether initiated by the members of Council or by petition, shall be referred to the Planning Commission and County Planning Commission at least thirty days prior to the hearing for review and a report thereon as required by law, before Council votes on the proposed amendment.

(b) Amendments to the sudivision and land development ordinance shall become effective only after a public hearing held pursuant to public notice.

(Ord. 1052 §52. Passed 4-22-91; Ord. 1127 §B.78. Passed 8-22-94.)

1361.09 SEVERABILITY.

Should any section or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. 668 Art. 10. Passed 1-27-75.)

1361.10 FLOOD PLAIN PROVISIONS.

(EDITOR'S NOTE: This section was repealed by implication by Ordinance 823, passed August 24, 1981. See Article 1342.)

1361.99 ENFORCEMENT REMEDIES.

Any person, partnership or corporation who or which has violated the provisions of these land development and subdivision regulations shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Town, pay a judgment of not more than five hundred dollars ($500.00) plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. In addition to other remedies, the Town may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful occupancy of a building, structure or premises. The description of metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from other remedies at law.
(Ord. 1052 §53. Passed 4-22-91.)

ARTICLE 1363
Definitions

1363.01 Interpretation.
1363.02 Block.
1363.03 Building. (Repealed)
1363.04 Building or setback line. (Repealed)
1363.05 Cartway.
1363.06 Clear sight triangle.
1363.07 Completion guarantee.
1363.08 County.
1363.09 Cul-de-sac.
1363.10 Developer.
1363.11 Drainage easements.
1363.12 Dwelling, multifamily.
1363.13 Dwelling, single family.
1363.14 Dwelling unit.
1363.15 Easement.
1363.16 Environmental critical area.
1363.17 Improvements, public.
1363.18 Land development.
1363.19 Landowner.
1363.20 Lot.
1363.21 Minor revision.
1363.22 Planning Commission.
1363.23 Plan, town master.
1363.24 Plat, final.
1363.25 Plat, preliminary.
1363.26 Right of way.
1363.27 Sight distance.
1363.28 Street.
1363.29 Street, arterial.
1363.30 Street, collector.
1363.31 Street, minor.
1363.32 Street, marginal.
1363.33 Subdivision.
1363.34 Watercourse.

CROSS REFERENCES
Definitions - see Municipalities Planning Code §107 (53 P.S. §10107)
Zoning definitions - see P. & Z. 1311.04

1363.01 INTERPRETATION.

As used in these Land Development and Subdivision Regulations, words in the singular include the plural, and those in the plural include the singular; the word "may" is permissive; the words “shall" and "will" are mandatory.
(Ord. 668 §201. Passed 1-27-75.)

1363.02 BLOCK.

"Block" means an area bounded by existing or proposed streets.
(Ord. 668 §202. Passed 1-27-75.)

1363.03 BUILDING.
(EDITOR'S NOTE: This section was repealed by Ordinance 1127, passed August 22, 1994.)

1363.04 BUILDING OR SETBACK LINE.
(EDITOR'S NOTE: This section was repealed by Ordinance 1127, passed August 22, 1994.)

1363.05 CARTWAY.
"Cartway" means the portion of a street intended for vehicular use.
(Ord. 668 §202. Passed 1-27-75.)

1363.06 CLEAR SIGHT TRIANGLE.
"Clear sight triangle" means an area of unobstructed vision at street intersections defined by lines or sight between points at a given distance from the intersection of street center lines. (Ord. 668 §202. Passed 1-27-75.)

1363.07 COMPLETION GUARANTEE.
"Completion guarantee" means a deposit of cash, bond, certified check or negotiable securities and an agreement to the effect that the developer will install required improvements. (Ord. 668 §202. Passed 1-27-75.)

1363.08 COUNTY.
"County" means Allegheny County, Pennsylvania.
(Ord. 668 §202. Passed 1-27-75.)

1363.09 CUL-DE-SAC.
"Cul-de-sac" means a dead-end street terminating in a vehicular turn-around.
(Ord. 668 §202. Passed 1-27-75.)

1363.10 DEVELOPER.
"Developer" means any landowner, agent of such landowner or tenant with the permission permission of such landowner, who makes or causes to be made a subdivision of land or a land development. (Ord. 668 §202. Passed 1-27-75.)

1363.11 DRAINAGE EASEMENTS.
"Drainage easements" means the lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.
(Ord. 668 §202. Passed 1-27-75.)

1363.12 DWELLING, MULTIFAMILY.

"Multifamily dwelling" means a single structure intended for occupancy by three or more families including townhouses, garden apartments, and highrise apartments.
(Ord. 668 §202. Passed 1-27-75.)

1363.13 DWELLING, SINGLE FAMILY.

"Single family dwelling" means a separate, detached building designed for, or occupied, exclusively as a residence of one family.
(Ord. 668 §202. Passed 1-27-75.)

1363.14 DWELLING UNIT.

"Dwelling unit" means one or more living or sleeping rooms with cooking and sanitary facilities for one person or one family.
(Ord. 668 §202. Passed 1-27-75.)

1363.15 EASEMENT.

"Easement" means a grant by the owner of land for the use by others including the public.
(Ord. 668 §202. Passed 1-27-75.)

1363.16 ENVIRONMENTAL CRITICAL AREAS.

"Environmental critical areas" means lands that include streams, their flood plains, steep areas and slopes in excess of twenty-five percent, that shall be restricted to development for their resource values or hazardous nature.
(Ord. 668 §202. Passed 1-27-75.)

1363.17 IMPROVEMENTS, PUBLIC.

"Public improvement" means any improvement, facility or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs, including any or all of the following: grading, vehicular and pedestrian circulation systems, flood control improvements, water supplies and distribution facilities, sanitary sewage disposal and treatment, public paving, curbs, curb returns, gutters, sidewalks, drive entrances within a street right of way, utility and energy services, parking areas, fire hydrants, storm sewer lines and structures, drainage channels and structures, guide rails, traffic signals and devices, retaining walls, recreation facilities, sodding, landscaping and monuments, whether on-site or off-site.
(Ord. 1127 §C.3. Passed 8-22-94.)

1363.18 LAND DEVELOPMENT.

"Land development" means the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(a) A group of two or more buildings, or a single nonresidential building; or

(b) The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or

(c) A subdivision of land; or

(d) Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code (Act 247).
(Ord. 1052 §54. Passed 4-22-91.)

1363.19 LANDOWNER.

"Landowner" means 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 persons having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this act.
(Ord. 668 §202. Passed 1-27-75.)

1363.20 LOT.

"Lot" means a portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development or both. In determining the area of a lot, no part of the right of way of a street shall be included.
(Ord. 668 §202. Passed 1-27-75.)

1363.21 MINOR REVISION.

"Minor revision" means any revision to a building which entails minor adjustments to the location of any structure or improvement, but which does not entail an increase in the number of dwelling units, or a significant enlargement of any structure; and which is not in conflict with any provision of the Zoning or Subdivision regulations, and which does not violate any substantive condition of approval.
(Ord. 1052 §55. Passed 4-22-91.)

1363.22 PLANNING COMMISSION.

"Planning Commission" means the Town of McCandless Planning Commission.
(Ord. 668 §202. Passed 1-27-75.)

1363.23 PLAN, TOWN MASTER.

"Town Master Plan" means the comprehensive plan for the Town of McCandless, consisting of maps, charts and textual matter and adopted by Council in accordance with law.
(Ord. 1052 §57. Passed 4-22-91.)

1363.24 PLAT, FINAL.

"Final plat" means the final map of the land development or subdivision which is submitted for Town approval and which, if approved, is filed with the County Recorder of Deeds.
(Ord. 668 §202. Passed 1-27-75.)

1363.25 PLAT, PRELiMINARY.

"Preliminary plat" means a preliminary map of the proposed land development or subdivision which is submitted for Town consideration.
(Ord. 668 §202. Passed 1-27-75.)

1363.26 RIGHT OF WAY.

"Right of way" means that portion of land dedicated to public use for street or utility purpose. (Ord. 668 §202. Passed 1-27-75.)

1363.27 SIGHT DISTANCE.

"Sight distance" means the distance an object two feet above the pavement of a street is visible from an eye level four and one-half feet above the pavement (the average height of an automobile operator's eye). (Ord. 668 §202. Passed 1-27-75.)

1363.28 STREET.

"Street" means a right of way which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, drive or other appropriate name. A street may also be identified according to type of use as in the following Sections 1363.28 through 1363.31.
(Ord. 668 §202. Passed 1-27-75.)

1363.29 STREET, ARTERIAL.

"Arterial street" means a street which is used primarily for fast or heavy traffic of an intercommunity nature. (Ord. 668 §202. Passed 1-27-75.)

1363.30 STREET, COLLECTOR.

"Collector street" means a street which carries traffic from minor streets to the arterial system. (Ord. 668 §202. Passed 1-27-75.)

1363.31 STREET, MINOR.

“Minor street" means a street which is used primarily for traffic access to the abutting properties. (Ord. 668 §202. Passed 1-27-75.)

1363.32 STREET, MARGINAL ACCESS.

"Marginal access street" means a minor street which is parallel to an arterial street which provides access to abutting properties and protection from through traffic.
(Ord. 668 §202. Passed 1-27-75.)

1363.33 SUBDIVISION.

"Subdivision" means the division or re-division 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 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 residential dwellings shall be exempt. All subdivisions are also developments. (Ord. 1052 §58. Passed 4-22-91.)

1363.34 WATERCOURSE.

"Watercourse" means channel, creek, ditch, drain, dry run, spring or stream.
(Ord. 668 §202. Passed 1-27-75.)

ARTICLE 1365
Procedure for Submission of Plats

1365.01 Compliance.
1365.02 Responsibilities of developer and Planning Commission. (Repealed)
1365.03 Discussion meeting (optional).
1365.04 Starting improvements; land transfer.
1365.05 Procedure for approval of preliminary plat.
1365.06 Procedure for approval of final plat.
1365.07 Submission fees and escrow.

CROSS REFERENCES

Approval of plats - see Municipalities Planning Code §508 (53 P.S. §10508)
Recording plat - see Municipalities Planning Code §513 (53 P.S. §10513)

1365.01 COMPLIANCE.

Hereafter, except as provided in these Land Development and Subdivision Regulations, no plan of any land development shall be approved by Council except in accordance with the procedures outlined in these Land Development and Subdivision Regulations. The layout or arrangement of the land development shall conform to the Comprehensive Plan and to any regulations or maps adopted in furtherance thereof.
(Ord. 1127 §C.4. Passed 8-22-94.)

1365.02 RESPONSIBILITIES OF DEVELOPER AND PLANNING COMMISSION.

(EDITOR'S NOTE: This section was repealed by Ordinance 1052, passed April 22, 1991.)

1365.03 DISCUSSION MEETING (OPTIONAL).

(a) Prior to the filing of an application for conditional approval of the preliminary plat, the developer may meet with the Planning Commission to discuss his plans. He shall submit to the Planning Commission four sketch plans and data as specified in Section 1367.01, in order to provide a general understanding of his proposal. This step does not require formal application, fee or filing of plat.

(b) Within thirty days after the meeting at which the sketch plans and data are reviewed, the Planning Commission may inform the developer that the plans or data as submitted or modified do or do not meet the objectives of these regulations.
(Ord. 668 §302. Passed 1-27-75.)

(c) (EDITOR'S NOTE: This subsection was repealed by implication by Ordinance 823, passed August 24, 1981. See Article 1342.)

1365.04 STARTING IMPROVEMENTS; LAND TRANSFER.

(a) No developer may proceed with any grading or improvement of streets or installation of public utilities until a preliminary application (preliminary plat) has been approved by Council.

(b) No applicant shall sell, transfer, lease or otherwise convey any lot, parcel or tract in a land development or subdivision, or construct or commence the construction of a structure in a land development or subdivision until the final plat has been approved by Council and recorded as required herein.

(c) If a proposed plat requires the granting of a variance as well as plat approval, the review by the Planning Commission shall precede the hearing on the variance since changes made as the result of the Planning Commission review may affect the need for a variance. Action on the variance by the Zoning Hearing Board shall precede action by Council on the plat.

(d) If a proposed plat requires the approval of a special exception as well as plat approval, the hearing on the special exception by the Zoning Hearing Board shall precede review of the plat by the Planning Commission.

(e) Any approved plat that has been substantially altered or revised shall be resubmitted for approval. If a previously approved plat is revised and the revisions are minor, the Zoning Officer may approve the revised plat.

(f) If a plan or plat is for a minor revision to an existing structure or lot, the Zoning Officer may approve the plan. The information requested in Article 1367 may be reduced to the information considered necessary by the Town. However, the plat and supplementary materials shall be forwarded to the Allegheny Planning Commission in accordance with Section 1365.05(c) or 1365.06(c).

(g) Once all required information has been submitted with an application for preliminary or final approval, the Planning Commission shall accept the application at its next regularly scheduled meeting, at which meeting the application shall be considered duly filed. (Ord. 668 §303. Passed 1-27-75; Ord. 1127 §C.5-10. Passed 8-22-94.)

1365.05 PROCEDURE FOR APPROVAL OF PRELIMINARY PLAT.

(a) Whether the developer goes through procedures as described in Section 1365.03 or not, regarding his general program and objectives, the developer shall prepare a preliminary plat, together with improvement plans and other supplementary materials as specified in Section 1367.02. (Ord. 668 §304. Passed 1-27-75.)

(b) Seventeen copies of the preliminary plat, improvement plans and supplementary materials specified shall be submitted to the Town Manager with written application for preliminary approval thirty days prior to the next regularly scheduled business meeting of the Planning Commission. The Town Manager shall not forward the application to the Planning Commission unless all material required for preliminary approval has been submitted. The Planning Commission's acceptance of the application shall commence their period of review.

(c) Applications for all land development, including required drawings, studies, reports and supplementary materials shall be forwarded, upon receipt by the Town, to the Allegheny Planning Commission for review and report, all in accordance with the Municipalities Planning Code, which allows thirty days from the date of forwarding for the County to complete its review.

(1) Where applications, as determined by the Town Manager or designee, requite further review for air and water quality control, documents may be sent to the Allegheny County Health Department for review and comments. (Ord. 1127 §C.11, 12. Passed 8-22-94; Ord. 1144 §14, 15. Passed 5-22-95.)

(d) The Planning Commission shall forward two copies of the preliminary application to Council.

(e) EDITOR'S NOTE: Former subsection (e) hereof was deleted by Ordinance 1355, passed January 7, 2008.

(f) Council shall not approve the preliminary application until a report from the Planning Commission has been received and until reports from the Health Department have been received, or until the expiration of thirty days from the date the copies of the application were filed with such agencies. (Ord. 1052 §60. Passed 4-22-91.)

(g) Council shall render its decision and communicate it to the applicant not later than ninety days after such application is duly filed with the Planning Commission, but in no event later than 120 days from the original filing date of the application.

(h) Council may attach such conditions as they deem appropriate to their approval of a plat. When a plat has been approved with conditions, the applicant shall, within fifteen days, accept or reject the conditions in writing. Failure of the applicant to accept the conditions as provided herein shall automatically rescind the approval.
(Ord. 1127 §C.13, 14. Passed 8-22-94.)

(i) The decision of Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen days following the decision. (Ord. 1052 § 62. Passed 4-22-91.)

(j) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

(k) Failure of Council to render a decision and communicate it to the applicant within the time and the manner required shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

(l) The approval of a preliminary plat shall be deemed to have lapsed unless an application for final approval of at least part of the preliminary plat is made within one year of the date of preliminary approval. (Ord. 668 §304. Passed 1-27-75.)

(m) For a land development involving a single site, the zoning officer may accept a site plan submitted for both preliminary and final approval. The submission shall meet the requirements for both preliminary and final procedure, as may be applicable. Upon final approval, the applicant may commence and complete the approval development in accordance with the terms of such approval within five years from such approval.
(Ord. 1127 § C.15. Passed 8-22-94.)

1365.06 PROCEDURE FOR APPROVAL OF FINAL PLAT.

(a) The developer shall prepare a final plat which shall conform to the preliminary plat as approved, together with improvements, plans and other materials as specified in Section 1367.03.

The final plat may comprise only that portion of the preliminary plat which he proposes to record and develop or subdivide at that time. However, such portion shall conform to all requirements of these Land Development and Subdivision Regulations.
(Ord. 668 §305. Passed 1-27-75; Ord. 823. Passed 8-24-81.)

(b) Sixteen copies of the final plat, improvement plans and supplementary materials specified shall be submitted to the Zoning Officer with written application for final approval thirty days prior to the next regularly scheduled business meeting of the Planning Commission. Once all required information has been submitted, the Zoning Officer shall forward same to the Planning Commission who shall accept the application at its next regularly scheduled meeting. The Planning Commission's acceptance of the application shall commence its period of review.
(Ord. 1052 §63. Passed 4-22-91.)

(c) Applications for all land development, including required drawings, studies, reports and supplementary materials shall be forwarded, upon receipt by the Town, to the Allegheny Planning Commission for review and report, all in accordance with the Municipalities Planning Code, which allows thirty days from the date of forwarding for the County to complete its review. (Ord. 1127 §C.17. Passed 8-22-94.)

(d) The Planning Commission shall forward two copies of the final application to Council.

(e) The Planning Commission shall submit a written report to the Council within forty-five days of receipt of the application stating its recommendations for approval or disapproval referring to reasons and appropriate sections of ordinances for the recommendations.
(Ord. 668 §305. Passed 1-27-75.)

(f) Council shall not approve the final application until a report from the Planning Commission has been received and until reports from the Health Department have been received or until the expiration of thirty days from the date the copies of the application were forwarded to such agencies.
(Ord. 1052 §64. Passed 4-22-91)

(g) Council shall not approve the final application until the developer files a completion guarantee.

(h) Council shall render its decision and communicate it to the applicant, as required by law, no later than ninety days after the application is filed.

(i) When a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application.
(Ord. 668 §305. Passed 1-27-75.)

(j) When an application for approval, whether preliminary or final, has been approved, no subsequent change or amendment in the zoning, subdivision or other governing ordinance shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.

Where final approval is preceded by preliminary approval, the five year period shall be counted from the date of the preliminary approval. Where an applicant has not completed the approved development within the aforesaid five year period, the applicant may request in writing an extension of time for completion of the development. Council may approve the extension with or without changes or conditions, which are consistent with the current ordinance.
(Ord. 1127 §C.18. Passed 8-22-94.)

(k) Within ninety days following approval of the final plat, the developer shall file the final plat and related information with the Recorder of Deeds of Allegheny County. Approval of the plan shall be null and void if the final plat is not recorded within such period.
(Ord. 668 §305. Passed 1-27-75.)

1365.07 SUBMISSION FEES AND ESCROW.

To cover the costs of receiving and reviewing plans, processing the application and other expenses, the applicant shall pay a plat submission fee at the time of application based on the current Town resolution establishing such fees.

Upon submission of the plat, the applicant shall also be required to make a cash escrow deposit according to the current Town resolution establishing such escrow to cover costs incidental to the approval of plat review entailing a review of detailed construction drawings and inspection of final construction by Town officials and such qualified consultants they may employ. A minimum of one thousand five hundred dollars ($1,500) shall be maintained in the escrow account until final acceptance by the Town of the "as-built" drawings.

All work done by the Town's agents or consultants in connection with the plat either in the field or office shall be charged to the escrow deposit. If during the progress of work it appears the costs will reduce the escrow amount below the minimum required, the Town shall notify the applicant who shall do no further work in connection with the plat until there shall be deposited an additional cash escrow amount as may be necessary to cover the cost of such work and to increase the escrow account to the minimum required.

Upon completion of the plat, the applicant shall furnish the Town with four sets of "as-built" drawings indicating all items as constructed. Such as-built drawings shall include the items as identified in Section 1369.07.
(Ord. 1127 §C.19. Passed 8-22-94.)

ARTICLE 1367
Plans and Data

1367.01 Sketch plan.
1367.02 Application for approval of preliminary plat.
1367.03 Application for final approval.
1367.04 Pre-construction conference.

CROSS REFERENCES

Final plat approval; improvements - see Municipalities Planning Code §509 (53 P. S. §10509)
Required improvements - see P. & Z. Art. 1369
Design standards - see P. & Z. Art. 1371

1367.01 SKETCH PLAN.

The sketch plan and data requested prior to the submission of a preliminary plat need not conform to any rigid standards. Sufficient data, as outlined below, should be included to enable the Planning Commission to interpret and give advice concerning the sketch plan.

(a) General information describing existing conditions of the site and the proposed development should be submitted, including data on existing covenants, land characteristics and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot widths and depths, price range, business areas, public areas, proposed protective covenants, utilities and street improvements and proposed stormwater management facilities.

(b) A location map may be submitted, showing the relationship of the proposed subdivision to adjacent developments' existing community facilities which serve or influence it; main traffic arteries; public transportation lines; shopping centers; elementary and high schools; playgrounds; principal places of employment; other community features such as railroad stations, airports, hospitals and churches; title, scale, north arrow and date.

(c) A sketch plan on a topographic or other suitable base may show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the base map. (Ord. 668 §401. Passed 1-27-75; Ord. 979 §7. Passed 2-22-88.)

1367.02 APPLICATION FOR APPROVAL OF PRELIMINARY PLAT.

An application for approval of a preliminary plat shall be accompanied by the following information: (Ord. 1144 §16. Passed 5-22-95.)

(a) Preliminary plat (at a scale of 50' = 1" or larger) on sixteen clear prints on white paper which shall include all contiguous land owned by the subdivider and any other contiguous land which the subdivider proposes to acquire and develop in the foreseeable future. The plat shall show the following information pertaining to title and form: (Ord. 1004 §40. Passed 3-27-89.)

(1) Proposed name of land development or subdivision.

(2) Names and addresses of the owner, developer if other than owner, and the engineer who prepared the plan.

(3) Scale, north arrow and date.

(4) Certifications: Inscription on the plat for registration of Planning Commission and Council approval. (See Appendix A for form.)

(5) Tract boundaries as surveyed and certified by a registered engineer or surveyor to be closed traverse.

(6) All internal and abutting streets, public and private, including road access, to include names, paving widths and grades.

(7) Other rights of way or easements in, on or crossing the tract: location, width and purpose, existing and proposed.

(8) Existing buildings, water course, sewers, culverts, drains.

(9) Names of all land developments or subdivisions immediately adjacent, and the names of the owners of record of adjacent unplatted land.

(10) Location and sizes of any existing storm or sanitary sewers, water lines, fire hydrants and gas mains and any other available utilities, on or within 200 feet of the tract.
(Ord. 737. Passed 4-3-78; Ord. 1144 §17. Passed 5-22-95.)

(11) (EDITOR'S NOTE: This subsection was repealed by implication by Ordinance 823, passed August 24, 1981. See Article 1342.)

(12) Existing and proposed topography, and where required by the Town, cross sections of existing and proposed grades.

(13) Existing tree masses and significant topographical features.

(14) Lot lines with dimensions and area of proposed lots and lot numbers.

(15) Minimum building setback lines and lot width.

(16) Sites, if any, to be reserved or dedicated for playgrounds or other public use.

(17) Zoning district in which the proposed land development or subdivision is located and any zoning district boundaries, where applicable.
(Ord. 668 §402. Passed 1-27-75; Ord. 1144 §17. Passed 5-22-95.)

(18) If the preliminary application represents a partial or phased development of a larger project, the total development plan shall be presented at a suitable scale on the Town's standard sheet size (30" x 42" or less).
(Ord. 709 §1. Passed 12-20-76.)

(19) (EDITOR'S NOTE: This subsection was repealed by implication by Ordinance 823, passed August 24, 1981. See Article 1342.)
(20) Dimensions and placement of proposed structures.
(21) Area of site, actual and required.
(22) Complete details of size, type and location of lighting, showing details on lighting fixtures and poles and including a photometric map of proposed lighting.
(23) Slope areas over twenty-five percent (25%).
(24) Complete details on type and location of all signs.
(25) Flood plains, 100-year storm and landslide prone areas.
(26) Parking areas, proposed and required, and loading berths.
(27) Sidewalks.
(28) Any other information specifically requested.
(29) Zoning classification of all contiguous parcels.
(30) All buffer areas and identify buffer designation.
(31) All fences and walls with complete details of design including cross sections of all walls at intervals of fifty feet.

(Ord. 1127 §C.20. Passed 8-22-94; Ord. 1144 §17, 18. Passed 5-22-95.)

(b) A location map (one copy only required), at a scale of not less than 600 feet to one inch, showing the relationship of the proposed land development or subdivision to its general surroundings and including the following details:
(1) Existing or unopened streets within 1,000 feet of the proposed land development or subdivision.
(2) Proposed streets with connections to existing streets.
(3) Proposed directions of flow for storm water in relation to natural drainage channels and a report on the feasibility of connection to existing storm water sewerage system.
(4) If connection to a public sewerage system is not feasible, a report on the feasibility of a separate sewerage system, and treatment works including the design, population, type and location of the treatment, and receiving stream.
(5) Municipal boundary lines within 1,000 feet of the proposed land development or subdivision.

(c) Profiles, at a horizontal scale of 100 feet to one inch or larger and a vertical scale five times the horizontal scale, showing existing and proposed centerline grades of existing and proposed streets.

(d) Typical cross sections and construction details of proposed streets, drainage structures and other proposed improvements.

(e) Draft of proposed protective covenants or private deed restrictions whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

(f) Subsurface conditions on the tract, if required by the Planning Commission: location and results of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless test pits are dry at a depth of ten feet.

(g) The Erosion and Sedimentation Control Plan shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The plan shall meet the following requirements:

(1) The erosion and sedimentation control plan shall be prepared by persons trained and experienced in erosion and sedimentation control methods and techniques.

(2) The erosion and sedimentation control plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation including, but not limited to the following:

A. The topographic features of the project area;

B. The types, depth, slope and aerial extent of the soils;

C. The proposed alteration to the area;

D. The amount of runoff from the project area and the upstream watershed area;

E. The staging of earthmoving activities;

F. Temporary control measures and facilities for use during earthmoving;

G. Permanent control measures and facilities for long-term protection;

H. A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area; and (Ord. 668 §402. Passed 1-27-75.)

I. (EDITOR'S NOTE: This subsection was repealed by implication by Ordinance 823, passed August 24, 1981. See Article 1342.)

(3) All additional requirements specified by the Planning Commission, the Pennsylvania Department of Environmental Resources or the Allegheny County Health Department.

(Ord. 668 §402. Passed 1-27-75.)

(h) The developer shall provide an index sheet, on standard sheet size, indicating drawing or sheet which has all the foregoing requirements.

(Ord. 709 §1. Passed 12-20-76.)

(i) Stormwater management provisions as set forth in Article 913.

(Ord. 979 §8. Passed 2-22-88.)

1367.03 APPLICATION FOR FINAL APPROVAL.

An application for final approval need include only that portion of a property proposed for immediate development.

(a) The following copies of the final plat and other maps shall be submitted:

(1) One original drawing in black waterproof ink on new linen tracing cloth or mylar based material which will be returned to the subdivider after being properly signed and executed upon final approval and which shall be used for recordation purposes.
(Ord. 668 §403. Passed 1-27-75.)

(2) Seventeen clear sets of prints on white paper.
(Ord. 1144 §19. Passed 5-22-95.)

(b) The final plat and any other maps shall not be larger than thirty inches by forty-two inches. Where necessary, to avoid sheets larger than the maximum, the final plat shall be shown on two or more sheets of uniform size and including a key diagram showing the location of each section.
(Ord. 709 §1. Passed 12-20-76.)

(c) The final plat shall be at a scale of fifty feet to one inch or larger and shall contain the following data:

(1) Land development or subdivision name or identifying title.

(2) North arrow, scale and date.

(3) Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way lines, property and lot lines with accurate dimensions, bearings, deflection angles and radii, lengths of arcs and central angles of all curves, satisfactory to the Town and sufficient to reproduce such lines upon the ground.

(4) Primary control points, approved by the Town, descriptions and ties to such points to which all dimensions, angles, bearings and similar data on the plat shall be referred and the location of all existing and proposed monuments.

(5) The boundary lines of a land development or subdivision shall be determined by actual ground survey only, such survey to be traversed, balanced and closed; the total error of closure shall not exceed a linear ratio of one to ten thousand (1:10,000) and the allowable angular error of closure shall not exceed five seconds per angle.

(6) Names of owners of record of adjoining unplatted land and record name, date, index, number, road and lot lines of adjacent land developments or subdivisions to a minimum distance of 100 feet beyond the proposed land development or subdivision boundary.

(7) Proposed building setback line for each street or the proposed placement of each building and sight triangle lines.

(8) Names and right-of-way widths of all streets or other rights-of-way within or adjacent to the land development or subdivision.

(9) All proposed lots shall be numbered and the lot area shown.

(d) The final plat shall include contours thereon or be accompanied by a separate topographic map at a scale of fifty feet to one inch, and shall contain the following data:

(1) If a separate topographic map, all items listed in subsection (c) hereof.

(2) Streets on and adjacent to the tract: name and rights-of-way width and location; type, width and elevation of surfacing; legally established center line elevations; curbs, gutters, culverts, etc.

(3) Utilities on and adjacent to the tract; location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines; fire hydrants, electric and telephone poles; if water mains and sewers are not in or adjacent to the tract, indicate the direction, distance to and size of nearest ones, showing invert elevations of sewers.

(4) Ground elevation on the tract, based on Sandy Hook data: for land that slopes less than approximately two percent show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately two percent either show contours at intervals of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.

(5) Subsurface conditions on the tract, if required by the Planning Commission: location and results of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless test pits are dry at a depth of five feet.

(6) Other conditions on the tract: watercourses, marshes, rock outcrops, wooded areas, isolated preservable trees, houses, barns and other significant features.

(7) Other conditions adjacent to the tract extending 100 feet beyond tract boundaries: approximate direction and gradient of ground slope, including any embankments or retaining walls, character and location of buildings, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to land development or subdivision plat by name, recordation date and number, and show approximately percent built-up and typical lot size.

(8) Zoning on and adjacent to the tract.

(9) Key plan showing location of the tract at a legible scale.

(10) Title and certificates: present tract designation according to the official records in office of appropriate recorder; title under which proposed land development or subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered professional engineer or surveyor and date of survey.

(Ord. 709 §1. Passed 12-20-76.)

(11) (EDITOR'S NOTE: This subsection was repealed by implication by Ordinance 823, passed August 24, 1981. See Article 1342.)

(e) The final plat shall include thereon or be accompanied by the following construction and improvement data:

(1) Grading plan, which shall be shown on the topography map: existing and proposed elevations and contours in accordance with the standards for the topographic map; existing contours shall be shown as dotted lines, and proposed contours shall be shown as solid lines.

(2) Location, size and invert elevations of all sewers and drainage structures, which may be shown on the grading plan.

(3) Profiles and typical cross sections for all streets: profiles shall show the existing and proposed grades along the center line and ditch inverts; sewer lines and drainage structures.

(4) A copy of all restrictions and covenants, if any, the developer or subdivider intends to place in the deeds to the lots in the land development or subdivision.

(5) Written application for final approval on an approved form.

(6) The developer or subdivider shall file a completion guarantee before the plat will be approved by Council. (Ord. 668 §403. Passed 1-27-75.)

(f) The developer shall provide an index sheet, on standard sheet size, indicating drawing or sheet which has all the foregoing requirements.
(Ord. 709 §1. Passed 12-20-76.)

(g) Stormwater management plan as required by Article 913.
(Ord. 979 §9. Passed 2-22-88.)

1367.04 PRE-CONSTRUCTION CONFERENCE.

After final approval has been given by Council, but before construction is initiated, a pre-construction conference shall be held at the Town Hall. Those required to be in attendance at this meeting are the Town Zoning Officer, the Town Engineer(s), the developer, the primary contractor and construction inspectors. (Ord. 979 §10. Passed 2-22-88.)

ARTICLE 1369
Required Improvements

1369.01	Certification or guarantee of completion.	1369.05	Default of completion guarantee.
1369.02	Required improvements.	1369.06	Maintenance bond.
1369.03	Inspection.	1369.07	As built drawings.
1369.04	Release of completion guarantee.		

CROSS REFERENCES

Release from improvement bond - see Municipalities Planning Code §510 (53 P.S. §10510)
Application for final approval - see P. & Z. 1367.03
Design standards - see P. & Z. Art. 1371

1369.01 CERTIFICATION OR GUARANTEE OF COMPLETION.

Town Council shall grant approval of the final plat only after the following actions have been taken.

(a) A certificate has been made by the Town to the effect that all streets, sewers, water and other utilities and facilities as may be required have been graded, improved, constructed or installed in accordance with specifications; or

(b) A completion guarantee in the form of a bond, cash deposit, certified check or negotiable securities, satisfactory to Council has been filed which shall:

(1) Run to Town of McCandless.

(2) Be in an amount estimated by the Town to be sufficient to complete the improvements and installations in compliance with these Land Development and Subdivision Regulations except that, with respect to installation of water lines, the developer or subdivider shall submit a certificate from the West View Water Authority to the effect that suitable guarantees have been made for the installation of water lines and fire hydrants and, with respect to sanitary sewers, the subdivider shall submit a certificate from the McCandless Township Sanitary Authority to the effect that suitable guarantees have been made for the installation of sanitary sewers and treatment facilities.

(3) Be acceptable to the Town Attorney. (Ord. 668 §501. Passed 1-27-75.)

1369.02 REQUIRED IMPROVEMENTS.

The land developer or subdivider shall construct and install all required improvements at his expense, in strict accordance with the standards outlined in Article 1371 and as specified by the Town, the McCandless Township Sanitary Authority, and the West View Water Authority. Required improvements shall include street grading and paving, storm drainage facilities, sanitary sewers, water lines and fire hydrants, street signs, sidewalks and monuments. Prior to the acceptance of all improvements, it shall be the responsibility of the developer to provide as constructed drawings.
(Ord. 737. Passed 4-3-78.)

1369.03 INSPECTION.

The developer shall post a cash inspection amount in escrow based on the cost of construction of those facilities anticipated to be accepted by the Town in accordance with the current Town resolution establishing such fees.

The inspection amount shall be utilized by the Town for reasonable fees for the Town's agents, consultants or independent inspectors as required to assure the Town of proper installation of the various amenities to become the Town's ultimate responsibility.

All work done by the Town's agents, consultants or independent inspectors in connection with the site plan either in the field or office shall be charged to the escrow deposit. If during the progress of work it appears costs will reduce the escrow amount below the minimum required, the Town shall notify the applicant who shall do no further work until there shall be deposited an additional cash escrow amount as may be necessary to cover the cost of such work and to increase the escrow account to the minimum required.

Upon completion of construction, the developer shall furnish the Town with four sets of "as-built" drawings, indicating all items as constructed. (See Section 1369.07). The Town shall withhold at all times, a minimum of one thousand five hundred dollars ($1,500) of the escrow deposit, until such time as the "as-built" drawings have been received, approved and accepted by the Town. If at any time the aforesaid engineering and inspection charges shall reduce the escrow below one thousand five hundred dollars ($1,500), the Town shall notify the applicant, who shall do no further work until there shall be deposited an additional cash escrow amount sufficient to maintain the minimum amount.

The Town Manager or relevant official of the McCandless Township Sanitary Authority or West View Water Authority shall be notified by the owner or contractor at least seventy-two hours in advance of the commencement of any construction operation, such as grading, sewer installation or paving in order that provisions may be made for proper inspection of such construction operation. Samples of materials and all reasonable information for ascertaining whether the work is in conformity with the provisions of these Land Development and Subdivision Regulations shall be furnished to the proper officials and employees of the Town. (Ord. 1127 §C.21. Passed 8-22-94.)

1369.04 RELEASE OF COMPLETION GUARANTEE.

When all public improvements and facilities have been completed, the developer shall notify the Town in writing, by certified or registered mail, of the completion of these improvements, and send a copy thereof to the municipal engineer.

The Town shall within ten days after receipt of such notice, direct and authorize the municipal engineer to inspect all such improvements. A report shall be filed by the municipal engineer in writing with the Town, and copy mailed to the developer within thirty days after the aforesaid authority from the Town. The report shall indicate approval or rejection and contain specific details for rejection if not accepted.

The Town shall notify the developer within fifteen days of receipt of this report, in writing by certified or registered mail, of the Town's action with relation thereto. On final approval by the municipal engineer, bonds, cash, checks or securities filed as completion guarantee shall be returned or released immediately on receipt of final, "as-built" drawings, which have been certified to be true and correct by the Town. (Ord. 1127 §C.22. Passed 8-22-94.)

1369.05 DEFAULT OF COMPLETION GUARANTEE.

If public improvements are not installed and completed within two years of the date to recordation of the plat or do not comply with the standards and specifications of these Land Development and Subdivision Regulations the Town may proceed to complete the improvements and facilities and may use whatever proceeds from bonds, cash deposits, checks or securities as are required to meet the expense of completing such improvements.
(Ord. 668 §505. Passed 1-27-75.)

1369.06 MAINTENANCE BOND.

Upon acceptance of the required improvements and facilities, the subdivider shall provide to the Town for a period of eighteen months from the date of acceptance of the improvements and facilities a maintenance bond in the form of a bond, cash, certified check or negotiable securities in an amount equal to fifteen percent (15%) of the total cost of the improvements and facilities to guarantee the maintenance and repair of such improvements and facilities as may be defective in material or installation. The developer shall also provide the Town with proof of maintenance bonds made payable to and accepted by the McCandless Township Sanitary Authority for all sanitary sewer systems and the West View Water Authority for all water line systems.
(Ord. 906 §23. Passed 5-28-85.)

1369.07 AS BUILT DRAWINGS.

Upon completion of construction within a land development the applicant shall furnish the Town with a mylar drawing and four copies of "as built" drawings indicating all items as constructed. Such "as built" drawings shall include the following items:
(Ord. 1052 §67. Passed 4-22-91.)

(a) Owner and zoning district of the site;
(b) Owner, use and zoning districts of all adjacent properties;
(c) Scale, north arrow and date;
(d) Tract boundary and lot lines;
(e) Road access, public and private internal roads, and walks;
(f) Public road rights-of-way and horizontal and vertical profiles;
(g) Topography;
(h) Drainage, including type and profiles, if in a Town right-of-way;
(i) Utility easements, including sanitary sewer;
(j) Flood plain (if applicable);
(k) Parking area and number of spaces;
(l) Signs: type and locations;
(m) Location of all buildings; and
(n) Statement to the effect that all utilities are located within the proper rights-of-way.
(Ord. 906 §24. Passed 5-28-85.)

ARTICLE 1370
Existing Public Improvements; Penalty

1370.01 Maintenance of existing public improvements.
1370.99 Penalty.

1370.01 MAINTENANCE OF EXISTING PUBLIC IMPROVEMENTS.

Any existing improvements including roads, drainage facilities and the like damaged or worsened in condition by the land developer or subdivider as determined by the Town shall be repaired by the developer as required by the Town. Funds for such repairs shall be held either in escrow, bond or letter of credit on an estimate determined by the Town after inspection by the Town of existing conditions of roads, drainage or utilities which may be affected by the land development or subdivisions and will be released in a fashion similar to other required improvements. If no repairs are necessary due to a development's construction all funds earmarked for existing road/drainage repairs shall be returned to the developer.
(Ord. 1004 §42. Passed 3-27-89.)

1370.99 PENALTY.

Any person, partnership or corporation who or which has violated the provisions of these land development and subdivision regulations shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Town, pay a judgment of not more than five hundred dollars ($500.00) plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof.
(Ord. 1052 §68. Passed 4-22-91.)

ARTICLE 1371
Design Standards

1371.01 General standards.
1371.02 Street layout.
1371.03 Street design and improvement.
1371.04 Stormwater drainage.
1371.05 Land and lot requirements.
1371.06 Utilities.
1371.07 Street signs.
1371.08 Monuments.
1371.09 Preservable trees.
1371.10 Commercial, industrial and institutional development.
1371.11 Designated flood plain districts. (Repealed)
1371.12 Recreational areas and open space.

CROSS REFERENCES

Street excavations - see S. U. & P. S. Art. 901
Driveways - see S. U. & P.S. Art. 905
Excavations and grading- see BLDG. Art. 1705

1371.01 GENERAL STANDARDS.

The layout of any land development or subdivision in the Town shall be in accordance with the Town Master Plan and Zoning Ordinance. The type of development shall be appropriate for the location, and the road pattern shall tie in with the overall road plan of the Town. (Ord. 668 §601. Passed 1-27-75.)

1371.02 STREET LAYOUT.

(a) The arrangement, character, extent, width, grade and location of all roads shall conform to the Town Master Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Master Plan, the arrangement and other design standards of streets shall conform to the provisions found herein.

(b) In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic, with the exception that local streets shall be so laid out, that their use by through traffic will be discouraged.

(c) Where a land development or subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(d) Where a land development or subdivision abuts on or contains a railroad right of way or limited access highway right of way, the Planning Commission may require a street approximately parallel to and on each side of such right of way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations. (Ord. 668 §602. Passed 1-27-75.)

(e) New half or partial streets will not be permitted; wherever a tract to be developed or subdivided borders an existing half or partial street, the other part of the street shall be platted within such tract. (Ord. 737. Passed 4-3-78.)

(f) Center lines of streets opening into opposite sides of another street shall either intersect or be separated from each other by more than 200 feet.
(Ord. 668 §602. Passed 1-27-75.)

(g) Dead-end or cul-de-sac streets designed to be so permanently shall be provided at the closed end with a paved turn around and an outside cartway diameter of at least eighty feet and a street property line diameter of at least 100 feet.

In the case of a cul-de-sac street having any portion in excess of six percent (6%) grade, the fifty foot wide right-of-way shall be at a level horizontal plane in all portions exceeding that six percent (6%) gradient.

(h) Any road temporarily dead-ended because of approved stage development shall be provided with a paved turn around, having an outside diameter of at least eighty feet. The use of the turn around shall be guaranteed to the public until such time as the road is extended. (Ord. 906 §25. Passed 5-28-85.)

(i) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than sixty degrees.

(j) Edge of right-of-way line radii abutting street intersections shall be rounded by a tangential arc with a minimum radius of twenty-five feet for intersections of minor streets and thirty feet for intersections including collector or arterial streets.

(k) Minimum pavement edge or curb radii at intersections of minor streets will be fifteen feet and as deemed necessary by the Planning Commission for intersections involving collector or arterial streets.

(l) Clear sight triangles shall be included in the design of all intersections based upon the Street Layout Standard presented in the Town Standards for Construction. No structures or obstructions to vision shall be permitted within said sight triangles.

(m) A tangent at least 100 feet long shall be introduced between reverse curves on collector and arterial streets.

(n) When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by horizontal curves.
(Ord. 668 Sec. 602. Passed 1-27-75.)

(o) Adequate sight distances shall be provided with respect to both horizontal and vertical alignment. Measured along the center line, this shall be 500 feet for arterial streets, 250 feet for collector streets, and 200 feet for minor or marginal access streets.

(p) Vertical curves shall be used in all changes of grades. The minimum vertical curve shall be 150 feet in length for arterial, 100 feet for collector streets and 50 feet for minor or marginal access streets. Vertical curves shall be increased twenty feet for each one percent (1%) of grade change exceeding three percent (3%). Grades across intersections shall not exceed six percent (6%) within twenty-five feet of the center line intersection.
(Ord. 709 Sec. 1. Passed 12-20-76.)

(q) Horizontal curves shall have a minimum radius on the center line of 500 feet for arterial streets, 300 feet for collector streets and 150 feet for minor and marginal access streets.

(r) Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, which is consistent with and adequate for the uses proposed. Where provided, the right of way of an alley shall be twenty feet.

(s) All streets shall be named. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Planning Commission.
(Ord. 668 Sec. 602. Passed 1-27-75; Ord. 1223. Passed 12-20-99.)

1371.03 STREET DESIGN AND IMPROVEMENTS.

The width, grade, alignment, construction and improvement for each street in a land development or subdivision shall conform to the standards listed in this section:

(a) Minimum Improvement Standards for Public or Private Streets

	STREET TYPE		
	Collector	Local	Minor or Marginal Access
	(numbers are in feet unless otherwise indicated)		
Right-of-way width	60	50	50
Paving width including gutters			
All Districts	24	24	24
Paving-base and			
Bituminous surface	shall be in accordance with Town specifications		
Curbs	shall be in accordance with Town specifications		
Minimum sight distance	500	250	200
Minimum center line radius	500	300	150
Maximum grade	10%	12%	12%
Minimum grade	0.5%	0.5%	0.5%

(b) Sidewalks shall be constructed within the street right of way along all streets. Pedestrian pathways shall be required in all residential districts exceeding four units per acre. Pathways shall connect major use areas such as parking, recreation service and building entrances and will not necessarily be within a street right of way.

Where required, sidewalks and pedestrian pathways shall be a minimum of four feet wide and constructed of suitable materials as approved by the Town. The builder or owner shall construct permanent sidewalks prior to issuance of an occupancy permit. Prior to the expiration of the two year street maintenance bond, the developer shall install permanent sidewalks along the frontage of all vacant properties within the plat.

Sidewalks installed along County or State roads shall meet the specifications established by the County or State.

(c) The right-of-way of each street in a proposed land development or subdivision shall be graded and there shall be installed paving, drainage structures, curbs and gutters, and pedestrian pathways in accordance with the standards outlined in these Land Development and Subdivision Regulations and in strict accordance with all Town specifications.

(1) All streets shall be constructed on a prepared subgrade in accordance with the Town specifications.

(2) Street cross sections, paving and curbs shall conform to the specifications shown on the drawing titled, “Standards and Specifications, Paving, Curbs, and Catch-Basins Situate in Town of McCandless” (latest edition).

(d) The slope of that portion of the right of way between the outer edge of the curb and an abutting property line shall not be less than one-quarter inch plus or minus nor more than one inch plus or minus for every one foot of horizontal distance between the curb and the property line, measured from the established elevation of the curb.

(e) All driveways shall be constructed so as not to interfere with surface drainage along a right of way. Driveway grades within a right of way shall not exceed those specified in subsection (c) hereof.

(f) Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Town, and shall be in compliance with the Town Grading Ordinance, and shall be sufficient to support the street or the adjacent land, as the case may be.

(g) Where the grade of the street is three feet or more above the grade of the adjacent land, guard rails shall be built to protect travel and shall be satisfactory to the Town.

(h) Sidewalks adjacent to streets shall be so located within the street right of way according to Town specifications.

Sidewalks installed along County or State roads shall meet the specifications established by the County or State.

(i) Bituminous streets shall crown at the center line to a slope of one-quarter inch to one foot; concrete streets shall crown at the center line to a slope of one-eighth inch per foot.

(Ord. 668 Sec. 603. Passed 1-27-75; Ord. 709 Sec. 1. Passed 12-20-76; Ord. 737. Passed 4-3-78; Ord. 804 Secs. 2, 3. Passed 10-27-80.)

(j) (EDITOR'S NOTE: This subsection was repealed by implication by Ordinance 823, passed August 24, 1981. See Article 1342.)

1371.04 STORMWATER DRAINAGE.

Stormwater drainage facilities shall be designed in accordance with Article 913 and the Town of McCandless Standards for Construction (latest version).
(Ord. 1318. Passed 7-18-05.)

1371.05 LAND AND LOT REQUIREMENTS.

(a) Land shall be suited for the purpose for which it is to be developed, and all lots shall comply with the minimum area, lot width and other requirements prescribed by the Zoning Ordinance.

(b) Lots shall be land out and graded to provide positive drainage away from buildings and water wells.

(c) Every lot shall abut on a public street with the exception of suitably designed residential courts or other planned developments having acceptable means of access.

(d) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such traffic artery or other disadvantageous use.

(e) Easements for public utilities having a minimum width of fifteen feet shall be provided and shall be satisfactory to the agency providing such utility service. Whenever possible, utility easements shall extend along rear property lines and shall be so located to blend into the landscape.

(f) The lengths, widths and shapes of blocks shall be determined with due regard to:

(1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.

(2) Zoning requirements.

(3) Needs for convenient access, circulation and control of traffic.

(g) Block lengths shall not exceed 1,800 feet or be less than 400 feet unless the developer can demonstrate to the Town how blocks not meeting those standards are required by topography and would be beneficial to the Town. (Ord. 668 §605. Passed 1-27-75.)

(h) All buildings and residences shall be numbered as assigned by the Town and be displayed at a location as approved by the Zoning Officer. (Ord. 1004 §43. Passed 3-27-89.)

(i) All roads, drives and aisles in commercial and multi-family developments shall contain a minimum of twenty-five feet turning radii for vehicular traffic and shall be a minimum of twenty feet wide. (Ord. 1052 §69. Passed 4-22-91.)

1371.06 UTILITIES.

(a) Where connection with the McCandless Township Sanitary Authority is practicable, the subdivider shall install sanitary sewers and sewer laterals in conformity with the McCandless Township Sanitary Authority specifications for sanitary sewer construction before roads shown on the plan are constructed.

(b) Where connection to the public sanitary sewers is not deemed possible by the McCandless Township Sanitary Authority, the developer may install a private sewage disposal plant and sanitary sewers connecting thereto in a manner satisfactory to the McCandless Township Sanitary Authority and to the Allegheny County Health Department and other related agencies, and such facilities may be dedicated to the McCandless Township Sanitary Authority where the McCandless Township Sanitary Authority agrees to accept them.

(c) All plans and specifications for sanitary sewers, sewage pumping stations, and sewage treatment plants shall be submitted to and approved by the McCandless Township Sanitary Authority and other regulatory agencies prior to the approval of any plat.

(d) A water distribution system shall be installed to furnish an adequate supply of water to each proposed lot, with adequate main sizes to meet the specifications of the West View Water Authority. All water distribution system plans shall be approved by the West View Water Authority prior to the approval of any plat.

(e) Fire hydrants shall be installed as specified by the Town Manager after consultation with the West View Water Authority, in order to provide adequate fire protection to all properties within the land development or subdivision. (Ord. 737. Passed 4-3-78.)

(f) All water mains proposed to be installed in or along rights of way shall be located three feet away from the edge of the pavement.

(g) Every lot in a land development or subdivision shall be capable of being served by electric and telephone lines, and easements acceptable to the electric and telephone companies shall be provided.

(h) Where gas lines are proposed to be installed, easements acceptable to the gas company shall be provided.

(i) To the fullest extent possible, underground utility lines shall not be installed beneath existing or proposed paved areas.

(j) All utilities shall be underground. (Ord. 668 §606. Passed 1-27-75.)

1371.07 STREET SIGNS.

A street sign having a name plate shall be installed by the developer at every street intersection and shall conform to construction standards approved by the Town.
(Ord. 668 §607. Passed 1-27-75.)

1371.08 MONUMENTS.

(a) The monuments as required shall be shown on the final plat with the distance between them and with sufficient curve data plainly marked. If such monuments have not been set at the time the final plat is submitted to the Town, a certified check, payable to the Town of McCandless, shall be deposited with the Town Manager. The amount of the check shall be sufficient to cover the cost of setting the required monuments as estimated by the Town Manager. If the monuments have not been set within thirty days after the expiration of the street maintenance bond, they will be set by the Town and the check forfeited.

(b) Permanent reference monuments shall be located at the corners of tract and shall be of concrete or durable stone at least four inches square at the top and six inches square at the bottom and at least twenty-four inches in length. All monuments shall be set so that the top of the monument is level with the surface of the surrounding ground as finally graded.

(c) All lot corners shall be located with metal pins of at least three-fourths inch diameter with a minimum length of thirty inches. Prior to the issuance of an occupancy permit, it shall be the responsibility of the builder to install the metal property pins.
(Ord. 668 §608. Passed 1-27-75.)

1371.09 PRESERVABLE TREES.

All trees having a diameter of six inches or greater not interfering with rights of way or dwellings shall be preserved. (Ord. 668 §609. Passed 1-27-75.)

1371.10 COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL DEVELOPMENT.

In commercial, industrial and institutional developments all improvements shall comply with the design standards as specified in these Land Development and Subdivision Regulations and the Zoning and Grading Ordinances of the Town. (Ord. 1052 §70. Passed 4-22-91.)

1371.11 DESIGNATED FLOOD PLAIN DISTRICTS.

(EDITOR'S NOTE: This section was repealed by implication by Ordinance 823, passed August 24, 1981. See Article 1342.)

1371.12 RECREATIONAL AREAS AND OPEN SPACE.

(a) Offer of Dedication to the Town.

(1) An applicant or developer shall offer the public dedication of land required by the Zoning Code for open space, park and recreational use to the Town. Council is authorized to enter into agreements with the applicant or developer, for the construction of recreational facilities on such land by such applicant or developer.

(2) The applicant or developer shall cause the preparation of a legal description with metes and bounds of the land being offered for dedication, which dedication the Town may accept by vote of Council.

(3) The plan for recording shall set forth the location of any open space, park or recreational land and shall reflect either the dedication and acceptance by the Town or the method by which the perpetual administration and maintenance under subsection (a)(3) hereof is to be achieved.

(b) Fee in Lieu of Open Space.

(1) Should the developer or applicant not offer to dedicate land for recreation purposes or where Council, after review and comment by the Planning Commission, determines that, as a result of the size, shape, location, access, topography or other physical features of the land, that the setting aside of land for open space, park or recreational use as required by this section is impractical or infeasible, the developer or applicant may elect to pay a fee in lieu of setting aside such land in order to finance the provision of open space, park or recreational land for the use of Town park or recreational facilities by future inhabitants of the development or subdivision. Such fee is determined to be in the amount of four hundred dollars ($400.00) per dwelling unit after careful review of Section 503, Subsection (11), of the Pennsylvania Municipalities Planning Code, the North Pittsburgh Community Development Corporation Recreation Plan, the Town Master Plan and the 1990 Town municipal budget and five year capital program which includes the establishment and expansion of recreational facilities, with such fee being payable at the time of the signing of a land development or subdivision agreement.

(2) The fee authorized under this subsection shall, upon its receipt by the Town, be deposited in the Capital Reserve Fund under an interest-bearing account, any fee received shall, unless the person paying such fee agrees otherwise, be clearly identified to a specific recreational facility or facilities of the Town accessible to the subdivision or land development for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreational facilities for which the funds were collected.

(3) The fees in lieu of the provision of park and recreational areas shall be used, unless the person paying such fee shall agree otherwise, only for the purpose of providing park or recreational facilities accessible to the subdivision or land development for which such fees are paid.

(4) Upon the written request of any developer or applicant who paid any fee, the Town shall refund such fee, plus interest accumulated thereon from the date of payment, if the Town fails to utilize the fee paid for the purpose set forth in this section within three years from the date such fee was paid.

(Ord. 1027 §1. Passed 2-26-90.)

ARTICLE 1373
Dedication of Streets

1373.01 Dedication of roads and other public improvements.

CROSS REFERENCES

Street acceptance and dedication - see S. U. & P.S. Art. 909
Design standards - see P. & Z. Art. 1371

1373.01 DEDICATION OF ROADS AND OTHER PUBLIC IMPROVEMENTS.

When any street or other public improvement outlined in the construction permit has been completed in accordance with the terms of these Land Development and Subdivision Regulations and in strict accordance with the Town specifications now in effect or hereafter adopted, as the case may be, such street or improvement shall be deemed private until such time as the same shall have been offered for dedication to the Town of McCandless and accepted, by separate ordinance or resolution, or until it has been condemned for use as a public street or other improvement.
(Ord. 668 Art. 7. Passed 1-27-65.)

APPENDIX

A. ACKNOWLEDGMENT AND APPROVAL OF PRELIMINARY PLAT

The following forms for certification of the Planning Commission and the Council shall appear at a convenient location on the preliminary plat:

Approved Preliminary Plat, NOT FOR RECORDING, Town of McCandless Planning Commission

Date _____ (Signed)

Chairman

Secretary

Town of McCandless Members of Council

Date _____ (Signed)

President

Secretary

B. ACKNOWLEDGMENTS AND APPROVAL OF THE FINAL PLAT

The final plat shall show the following citations:

(1) Know all Men by These Presents, That (I, we) of _____ for (myself, ourselves), (my, our) successors and assigns, do hereby adopt this as (my, our) Plan of Lots of (my, our) property, situate in the Town of McCandless, County of Allegheny, Commonwealth of Pennsylvania and for divers advantages accruing to (me, us) do hereby dedicate forever, for public use for highway purposes, all drives, roads, streets, lanes, and other public highways shown upon the plan, with the same force and effect as if the same had been opened through legal proceedings, and (I, we) hereby release and forever discharge said Town of McCandless, its successors or assigns from any liability for damages caused by any grading thereof to any grades hereafter at any time established and any slopes required for the support and maintenance thereof according to such established grades. This dedication and release shall be binding upon_____ (my, our) heirs, executors, administrators and assigns, and purchasers of lots in this plan.

IN WITNESS WHEREOF, (I, we) hereunto set (my, our) hand(s) and seal(s) this _____ day of _____, 19 _____.

(SEAL)

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF ALLEGHENY) ss:

Before me, the subscriber, a Notary Public in and for said State and County, personally came the above named _____Owner___, and acknowledged the foregoing release and dedication and plan to be (his, their) act and deed and desired the same to be recorded as such.

WITNESS MY HAND AND NOTARIAL SEAL this _____ day of 19 _____.
My commission expires the _____ day of _____, 19 __.

Notary Public

(2) (I, we) _____ (owner, owners) of the _____ shown hereon, do hereby certify there is no mortgage, lien or encumbrance against this property; and (I, we) do further certify that the title of this property is in the name of _____.

The foregoing adoption and dedication is made by _____Owner_____ with the full understanding and agreement that the approval of the Town of McCandless Council, if hereto attached, will become null and void unless this plan is recorded in the Recorder of Deeds' Office of Allegheny County, County Office Building, Pittsburgh, Pennsylvania, within thirty (30) days of the date of said approval.

Witness

If the property embraced in the plan is encumbered by a mortgage, judgment of record, or otherwise, the above mortgage certification should not be used, and instead the following certificate shall appear:

(I, we), , Mortgagee of the property embraced in this plan of land development or subdivision _____ do hereby consent to the recording of said plan in the Recorder's Office of Allegheny County, Pennsylvania, and to the dedications and covenants appearing thereon.

Mortgagee

Witness

(3) I, _____, a Registered Professional Engineer or Registered Surveyor of the Commonwealth of Pennsylvania, do hereby certify that this plan correctly represents the lots, land, road and highways as surveyed and plotted by me for the owners or agents.

I further certify that this plan meets with the zoning requirements of the Town of McCandless.

(Registration No.)

(4) Approved by the Town of McCandless Council, this _____ day of , 19 _____.

President

ATTEST:

Secretary

(5) Reviewed by the Allegheny County Planning Commission this ___ day of , 19 _____.
(SEAL)

Chairman

Director

(6) COMMONWEALTH OF PENNSYLVANIA)ss:
COUNTY OF ALLEGHENY)

Recorded in the Recorder's Office for the recording of deeds, plans, etc. , in said County, in Plan Book Vol. _____, Page _____.

Given under my hand and seal this _____ day of _____, 19 .

Recorder

(7) Approved by the Town of McCandless Council this _____ day of , 19 _____.

President

ATTEST:

Secretary

C. EXAMPLE OF PERFORMANCE BOND

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF ALLEGHENY) ss:

Know all men by these present that, we _____ as Principal, and as Surety, are held and firmly bound unto the Town Council, Town of McCandless, Allegheny County Pennsylvania in the sum of _____, ($ _____) Dollars, lawful money of the United States, for the payment of which we bind ourselves, our heirs, executors, successors and assigns jointly and severally, firmly by these presents:

WHEREAS, the above named (principal) in accordance with the requirements of the Land Development and Subdivision Regulations Ordinance of the Town of McCandless, has applied to the Planning Commission for approval of the subdivision improvement and development in (name of land development or subdivision) Plat in (Section of Town of McCandless), Town of McCandless, Allegheny County, Pennsylvania.

Now, THEREFORE, if the said Principal shall fully and faithfully perform the work specified to be done and performed by the contract executed between the Principal of this Bond and the Council of the Town of McCandless, and within the time prescribed, and in accordance with the plans, specifications and provisions therefore, to which reference is here made, the same being a part hereof, as if

fully incorporated herein; then this obligation shall be void; otherwise to remain in full force and effect in law; it being expressly understood and agreed that the liability of the surety for any or all claims hereunder, shall in no event exceed the penal amount of the obligation, as herein stated.

The said Surety hereby stipulates and agrees that no modification, omission or additions, in or to the terms of said contract, or in or to the plans as specifications therefor, or any extension of time, shall in any way affect the obligation of said Surety on its bond.

WITNESS OUR HANDS THIS _____ day of _____, 19 __.

Principal

Surety

By