

**MONROEVILLE ZONING ORDINANCE
1443, AS AMENDED**

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE
ADOPTING A ZONING ORDINANCE
FOR THE MUNICIPALITY AND REPEALING
ORDINANCE 1091 AND ALL AMENDMENTS THERETO

AN ORDINANCE permitting, prohibiting, regulating, restricting and determining: 1) use of land, watercourses, and other bodies of water; 2) size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; 3) areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; 4) density of population and intensity of use; 5) provisions for special exceptions and variances administered by the Zoning Hearing Board; 6) provisions for conditional uses to be allowed or denied by the governing body after recommendations by the Planning Agency; 7) provisions for the administration and enforcement of this Ordinance; 8) provisions for the protection and preservation of natural resources and agricultural land and activities; 9) provisions for planned developments; 10) provisions regulating use and development in flood plains; and 11) such other provisions as may be necessary to implement the purposes of this Ordinance.

WHEREAS the provisions of this Zoning Ordinance are designed to promote, to protect and to facilitate public health, safety, morals and general welfare: coordinated and practical community development; proper density of population; civil defense and disaster evacuation; airports; national defense facilities; provision of adequate light and air; police protection; vehicle parking and loading space; transportation; water; sewage; schools; public grounds; and other public requirements; and

WHEREAS, the provisions of this Zoning Ordinance are designed to prevent overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life, or property from fire, flood, panic or other dangers; and

WHEREAS the provisions of this Zoning Ordinance are designed to protect life and public health and to prevent property loss arising from periodic flooding.

BE IT HEREBY ORDAINED AND ENACTED by the Municipality of Monroeville in Council assembled as follows:

1. The Municipality of Monroeville hereby adopts a new ordinance officially entitled Zoning Ordinance of the Municipality of Monroeville, Allegheny County, Pennsylvania.
2. The official zoning map of the Municipality is also hereby adopted and incorporated herewith as the zoning district map of the Municipality of Monroeville, signed by the Zoning Officer and dated December 11, 1984.

**ARTICLE ONE:
BASIC PROVISIONS**

101 TITLE: This Ordinance may be cited as the "Monroeville Zoning Ordinance."

102 EFFECTIVE DATE: This Ordinance shall take effect on December 1984.

103 DEFINED WORDS: Words used in a special sense in this Ordinance are defined in Article Six.

104 COMMUNITY DEVELOPMENT OBJECTIVES: The community development objectives which are the basis for the provisions of this Ordinance are set forth in the Comprehensive Plan, the following is a supplementary statement of the purpose and intent of the 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 Ordinance.

104.1 The general objective for the development of Monroeville 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:

104.1(a) Preserve and improve the natural environment;

104.1(b) Increase property values, employment opportunities, and the economic base of the community;

104.1(c) Provide safe, adequate and attractive housing;

104.1(d) Provide the necessary infra-structure of utilities and vehicular and pedestrian transportation arteries; and,

104.1(e) To provide recreational and community facilities;

104.2 The preservation and improvement of the environment shall be pursued by:

104.2(a) The elimination of visual and physical blight such as overhead utility lines, concentrations of signs of excessive size and proximity, large expanses of unbroken pavement and dilapidated structures;

104.2(b) The preservation of natural topography and wooded slopelands, including the limiting of hillside development beyond a reasonable gradient, and the control of flood plains and water sheds;

104.2(c) The reclamation of derelict land; and,

104.2(d) The municipal acquisition 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.

104.3 The increase of property values, employment opportunities and the economic base of the community shall be pursued by:

104.3(a) The promotion of balanced economic growth and employment opportunities;

104.3(b) 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,

104.3(c) The implementation of the other objectives set forth herein.

104.4 The provision of safe, adequate and attractive housing for the entire population of the community shall be pursued by:

104.4(a) 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;

104.4(b) The removal of dilapidated housing, the rehabilitation of deteriorating housing, the maintenance of sound housing and the development of new housing; and,

104.4(c) The promotion of an attractive residential environment through the implementation of the other objectives set forth herein.

104.5 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:

104.5(a) 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;

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

104.5(c) Requiring all those uses, activities, and developments that occur in flood plains to be protected and floodproofed against flooding and flood damage; and

104.5(d) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

104.6 The provision of the necessary infra-structure of utilities and transportation arteries shall be pursued by:

104.6(a) The extension of the municipal improvements of water lines, storm and sanitary sewers and roads and their improvement where economically feasible to guide and promote development;

104.6(b) The encouragement of public utilities to improve and extend services consistent with the objectives set forth herein, and,

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

104.7 The provision of recreational and community facilities shall be pursued by:

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

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

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

104.7(d) The provision of residential areas with adequate commercial, governmental, recreational and educational facilities; and,

104.7(e) The preservation of historical landmarks.

104.8 The creation and implementation of land use plans shall seek to achieve the foregoing objectives and to:

104.8(a) Achieve the purpose for which each Zoning District is intended, as stated in each Article of this ordinance.

104.8(b) 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;

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

104.8(d) Provide site plan control.

105 ZONING MAP: A map entitled "Monroeville Zoning District Map" is hereby adopted as a part of this Ordinance. The Zoning Map shall be kept on file for examination in the offices of the Department of Community Development in the Monroeville Municipal Building.

106 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 the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

107 SEVERABILITY: If any provision of this Ordinance or the application of any provision to particular circumstances is held to be invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

108 INTERPRETATION: The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, morals and general welfare of Monroeville.

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

110 REPEAL: All ordinances, including Ordinance 1091 and all amendments thereto, or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**ARTICLE TWO:
DISTRICT REGULATIONS**

201 ZONING DISTRICTS: The Municipality is divided into the Districts stated on Table 201 as shown by the District boundaries on the Zoning Map.

202 DISTRICT BOUNDARIES: District boundaries shown on the lines of roads, streams, and transportation rights of way shall be deemed to follow their centerlines. Neither the vacation of roads nor the change of stream beds shall affect the location of such District boundary by such centerlines, by the scale of dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

203 PERMITTED USES: The permitted uses for each District are shown on Table 201.

203.1 A permitted use shall be reviewed and approved as if it were a conditional use if the Zoning Officer determines that such use is: 1) adjacent to any natural or artificial body of water; 2) within two hundred (200) feet of the intersection of any arterial or collector road; 3) to be developed on a site having land exceeding a slope of twenty-five percent (25%) or having other recognized hazardous geologic condition; 4) within the landing approach area of an aircraft or helicopter landing facility; 5) within a flood plain; or 6) of unique historical significance.

204 CONDITIONAL USES: The governing Body may authorize Conditional Uses as specified on Table 201 if all conditions and provisions of Article Four are met.

204.1 Uses in the following categories shall be considered as and may be approved only as Conditional Uses: any permitted use or structure at an intersection or interchange of a major thoroughfare or transportation artery; at a natural or artificial body of water; at a place of relatively steep slope or grade, or other area of hazardous geological or topographic feature; at a place of historical or patriotic interest or value; at a flood plain area; or at other places having a special character or use affecting and affected by their surroundings.

205 PROHIBITED USES: Uses not specifically listed or conditional uses shall be prohibited.

206 HEIGHT REGULATIONS: No structure shall exceed the maximum height above basic grade specified in Table 201, provided:

206.1 No accessory structure shall exceed a height of fifteen (15) feet.

206.2 No residential use except townhouses where permitted or an apartment structure in the "R-4" or "R-5" Districts may exceed a height of thirty (30) feet or three (3) stories.

206.3 A structure for any permitted or conditional use in any District may exceed the maximum permitted height provided that 1) every required yard is increased by one foot for each additional foot of height, and 2) that the permit for such structure be reviewed and authorized as a Conditional Use as regulated by Article Four.

TABLE 201 A: PERMITTED USES, CONDITIONAL USES, YARD AND AREA REQUIREMENTS

DISTRICT	S-1, SPECIAL CONSERVANCY	S, CONSERVANCY	R-1, SINGLE-FAMILY RESIDENTIAL	R-2, SINGLE-FAMILY RESIDENTIAL
PERMITTED USES	<ul style="list-style-type: none"> - Agriculture - Cemetery - Nature Preserve - Parks & Recreation - Accessory Uses 	<ul style="list-style-type: none"> - Agriculture - Cemetery - Nature Preserve - Single-Family Residential - Parks & Recreation - Accessory Uses 	<ul style="list-style-type: none"> - Agriculture - Single-Family Residential - Parks & Recreation - Accessory Uses 	<ul style="list-style-type: none"> - Agriculture - Single-Family Residential - Parks & Recreation - Accessory Uses
CONDITIONAL USES	<ul style="list-style-type: none"> - Golf Course - Municipal Waste -Landfills - Major Excavation - Major Timbering and Logging Operation - Public Building - Stable - Utility Substation 	<ul style="list-style-type: none"> - Church & School - Golf Course - Group Dwelling A - Heliport - Major Excavation - Major Timbering and Logging Operation - Public Building - Public School - Stable - Utility Substation 	<ul style="list-style-type: none"> - Church & School - Dependent Dwelling - Golf Course - Group Dwelling A - Major Excavation - Major Timbering and Logging Operation - Public Building - Public School - Recreation Club - Utility Substation 	<ul style="list-style-type: none"> - Church & School - Dependent Dwelling - Golf Course - Group Dwelling A - Major Excavation - Major Timbering and Logging Operation - Public Building - Public School - Recreation Club - Utility Substation
PLANNED DEVELOPMENTS			Planned Residential Development	Planned Residential Development
MINIMUM LOT AREA	20,000 sq. ft.	20,000 sq. ft.	10,000 sq. ft.	7,500 sq. ft.
MINIMUM LOT WIDTH	100 feet	100 feet	75 feet	60 feet
MINIMUM LOT FRONTAGE	60 feet	60 feet	50 feet	40 feet
MINIMUM FRONT YARD	30 feet	30 feet	30 feet	30 feet
MINIMUM SIDE YARD	15 feet	15 feet	15 feet	10 feet
MINIMUM REAR YARD	40 feet	40 feet	40 feet	40 feet
MAXIMUM HEIGHT	35 feet	35 feet	35 feet	35 feet

TABLE 201 B: PERMITTED USES, CONDITIONAL USES, YARD AND AREA REQUIREMENTS

DISTRICT	R-2T, SINGLE-FAMILY RESIDENTIAL	R-3, SINGLE-FAMILY RESIDENTIAL	R-4, MULTI-FAMILY RESIDENTIAL	R-5, MULTI-FAMILY RESIDENTIAL
PERMITTED USES	-Agriculture -Single-Family Residential -Parks & Recreation -Townhouses -Accessory Uses	-Agriculture -Garden Apartments -Single-Family Residential -Parks & Recreation -Townhouses -Two-Family House -Accessory Uses	-Agriculture -Garden Apartments -Single-Family Residential -Parks & Recreation -Townhouses -Two-Family House -Accessory Uses	-Apartments -Garden Apartments -Single-Family Residential -Townhouses -Two-Family House -Parks & Recreation -Accessory Uses
CONDITIONAL USES	-Child Care Center -Church & School -Dependent Dwelling -Group Dwelling A -Major Excavation -Major Timbering and Logging Operation -Public Building -Public School -Recreation Club -Utility Substation	-Child Care Center -Church & School -Dependent Dwelling -Golf Course -Group Dwelling B -Group Dwelling C -Major Excavation -Major Timbering and Logging Operation -Membership Club -Public Building -Public School -Recreation Club -Utility Substation	-Apartments -Child Care Center -Church & School -Group Dwelling B -Group Dwelling C -Major Excavation -Membership Club -Nursing Home -Personal -Care Home -Public Building -Public School -Recreation Club -Utility Substation	-Child Care Center -Church & School -Group Dwelling C -Hospital -Major Excavation -Major Timbering and Logging Operation -Membership Club -Nursing Home -Personal -Care Home -Public Building -Public School -Recreation Club -Utility Substation
PLANNED DEVELOPMENTS	Planned Residential Development	Planned Residential Development	Planned Residential Development	Planned Residential Development
MINIMUM LOT AREA	7,500 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	10,000 sq. ft.
MINIMUM LOT WIDTH	60 feet	60 feet	60 feet	75 feet
MINIMUM LOT FRONTAGE	40 feet	40 feet	40 feet	60 feet
MINIMUM FRONT YARD	30 feet	30 feet	30 feet	40 feet
MINIMUM SIDE YARD	10 feet	10 feet	10 feet	20 feet
MINIMUM REAR YARD	40 feet	40 feet	40 feet	40 feet
MAXIMUM HEIGHT	35 feet	35 feet	35 feet	100 feet

TABLE 201 C: PERMITTED USES, CONDITIONAL USES, YARD AND AREA REQUIREMENTS

DISTRICT	C-1, SHOPPING COMMERCIAL	C-2, BUSINESS COMMERCIAL	C-3, COMMERCIAL
PERMITTED USES	<ul style="list-style-type: none"> - Banks - Limited Office - Local Restaurant - Local Retail Shop - Personal Services 	<ul style="list-style-type: none"> - Amusement Use - Auditorium - Banks - Business College - Business Services - Club - Convention Center - Department Store - Food Services - Funeral Home - Medical Clinic - Nurseries - Offices - Personal Services - Restaurant, Bar - Retail Stores - Shopping Center - Studio - Theater - Vehicle Salesroom - Veterinary Clinic - Accessory Uses 	<ul style="list-style-type: none"> - Amusement Use - Banks - Business College - Business Services - Club - Funeral Home - Local Retail Shop - Medical Clinic - Nurseries - Offices - Personal Services - Restaurant, Bar - Studio - Vehicle Salesroom - Veterinary Clinic - Accessory Uses
CONDITIONAL USES	<ul style="list-style-type: none"> - Child Care Center - Commercial Commuter Lot - Major Excavation - Major Timbering and Logging Operation - Public Use - Retail Store - Utility Substation 	<ul style="list-style-type: none"> - Billboards [Ord. 2287/1/23/2004] - Church - Commercial Communication Tower - Commercial Communication Antenna - Commercial Commuter Lot - Drive-in Restaurant - Drive-in Theater - Gas Station - Heliport - Hotel - Major Excavation - Major Timbering and Logging Operation - Public Use - Utility Substation - Vehicle Sales Area - Vehicle Services 	<ul style="list-style-type: none"> - Child Care Center - Church - Commercial Commuter Lot - Drive-in Restaurant - Drive-in Theater - Gas Station - Major Excavation - Major Timbering and Logging Operation - Public Use - Retail Store - Shopping Center - Utility Substation - Vehicle Sales Area - Vehicle Services
PLANNED DEVELOPMENTS	Planned Group Unit	Planned Group Unit	Planned Group Unit
MINIMUM FRONT YARD	10 feet	10 feet	10 feet
MINIMUM SIDE YARD	15 feet	15 feet	15 feet
MINIMUM REAR YARD	0 feet	0 feet	20 feet
MAXIMUM HEIGHT	30 feet	45 feet	30 feet
BUILDING SETBACK	40 feet	40 feet	40 feet

TABLE 201D: PERMITTED USES, CONDITIONAL USES, YARD AND AREA REQUIREMENTS

DISTRICT	L, SPECIAL USE	M-1, PLANNED INDUSTRIAL	M-2, INDUSTRIAL
PERMITTED USES	<ul style="list-style-type: none"> - Agriculture - Office - Research Laboratory - Accessory Uses 	<ul style="list-style-type: none"> - Agriculture - Ancillary Cafeteria - Distribution Center - Light Manufacturing - Offices - Research Laboratory - Warehousing - Accessory Uses 	<ul style="list-style-type: none"> - Agriculture - Ancillary Cafeteria - Automobile Salvage - Brewery - Contractors Yard - Distribution Center - Grain Elevator - Light Manufacturing - Nurseries - Offices - Quarry, Stone Mill - Research Laboratory - Trade School - Utility Substation - Vehicle Sales Area - Warehousing - Accessory Uses
CONDITIONAL USES	<ul style="list-style-type: none"> - Church - Community Use - Heliport - Hospital - Major Excavation - Major Timbering and Logging Operation - Nursing Home - Personal Care Home - Public Use - Utility Substation 	<ul style="list-style-type: none"> - Billboards [Ord. 2287/1/23/2004] - Commercial Communication Tower - Commercial Communication Antenna - Community Use - Freight Terminal - Gas Station - Heliport - Hospital - Major Excavation - Major Timbering and Logging Operation - Manufacturing - Public Use - Utility Substation - Vehicle Services 	<ul style="list-style-type: none"> - Billboards [Ord. 2287/1/23/2004] - Commercial Communication Tower - Commercial Communication Antenna - Heliport - Major Excavation - Major Timbering and Logging Operation - Manufacturing - Public Use - Sexually Oriented Business - Vehicle Services
PLANNED DEVELOPMENTS	Planned Group Unit	Planned Group Unit	Planned Group Unit
MINIMUM FRONT YARD	35 feet	40 feet	30 feet
MINIMUM SIDE YARD	15 feet	20 feet	20 feet
MINIMUM REAR YARD	10 feet	20 feet	10 feet
MAXIMUM HEIGHT	45 feet	45 feet	85 feet
BUILDING SETBACK	35 feet	40 feet	30 feet

206.4 *The height regulations of this Ordinance as outlined in Table 201 shall not apply to church spires, belfries, monuments, tanks, water or fire towers, ornamental towers, spires, chimneys, elevator bulkheads and smokestacks provided that every required yard is increased by one foot for each additional foot of height above the maximum height. [Ordinance 1952/8-8-95]*

206.5 In determining the height of a structure in stories, a basement shall be counted as a story when more than sixty percent (60%) of its aggregate wall surface, measured between floor and ceiling, is or will be above grade as shown on Table 201.

206.6 *A Commercial Communication Tower may exceed the maximum height as outlined in Table 201 provided that every required yard is increased by one foot for each additional foot of height of the tower and any related equipment. However, the maximum height of the Commercial Communication Tower shall not at any time exceed two-hundred (200) feet. No equipment mounted or attached to the Commercial Communication Tower shall exceed this two-hundred (200) foot maximum height. [Ordinance 1952/8-8-95]*

206.7 *A Commercial Communication Antenna, freestanding and installed as a principal structure, may exceed the maximum height as outlined in Table 201 provided that every required yard is increased by one foot for each additional foot of height of the antenna and any related equipment. However, the maximum height of the Commercial Communication Antenna shall not at any time exceed fifty (50) feet. [Ordinance 1995/10-8-96]*

206.8 *A Commercial Communication Antenna attached to the exterior of any principal structure shall not at any time exceed ten (10) feet above that structure. [Ordinance 1995/10-8-96]*

207 LOT AND YARD REQUIREMENTS: The minimum lot area, minimum width of lot, minimum depth of front and rear yards, and minimum width of each side yard shall be as shown on Table 201.

207.1 Lots which abut on more than one street shall provide the required front yard along every street.

207.2 One and only one principal structure, together with permitted accessory structures, may be located on any lot, except that two or more principal structures may be permitted as a Planned Development after approval and recording of the Development Plan as required by this Ordinance.

207.3 No structure, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies and platforms above basic grade level, shall project into any minimum front, side, or rear yard, except as provided below:

207.3(a) Structures accessory to single family residences may extend into required rear and side yards, but not closer than ten feet to rear and side yard lot lines.

207.3(b) Minor utility fixtures, unenclosed patios, and articles of decoration around a main building may be located in any required yard.

207.3(c) A buttress, chimney, cornice, pier, or pilaster extending no more than twenty four inches (24") from the wall of the principal structure may be located in any required yard.

207.3(d) An unenclosed porch no more than one story or fifteen (15) feet in height and twelve feet in depth may be erected in the front or rear yard of a residential structure, but may not extend into a required side yard.

207.3(e) In an "R" District, an unenclosed porch or stoop no more than one story of fifteen feet in height and four feet in depth may extend into a required side yard.

207.4 Trailers including utility, commercial, mobile homes, or living trailers and motorized recreational vehicles may not be stored in any required front or side yard.

207.5 Non-residential structures or uses in any District shall not be located or conducted closer to any lot line of any lot in any "R" District than the distance specified in the following schedule:

TABLE 207.5
 MINIMUM SIDE OR REAR YARD ABUTTING
 ANY LOT IN ANY "R" OR "S" DISTRICT

Minimum Yard	Use
15 FEET	Off-street parking spaces and access drives for non-residential uses.
30 FEET	Churches, schools, public or semi-public structures.
50 FEET	Recreation facilities, entertainment facilities, motels, all business uses and all industrial uses.

207.6 The Zoning Officer may authorize the projection of a principal structure into a required front yard on a lot located between two structures which may be non-conforming with respect to the front yard, provided the resulting front yard shall not be less than the median front yard of the two adjacent structures.

207.7 Any portion of a lot once counted as a yard or as lot area per family in compliance with the area requirements of the District regulations of this Ordinance, shall not be counted again as required yard or lot area per family for another building.

207.8 No required yard in any district shall be used for parking vehicles except on a driveway. In single-family developments, not more than twenty-five percent of the front yard may be devoted to driveway access. In single-family attached developments, not more than fifty percent of the front yard may be devoted to driveway access. In multiple family developments, not more than fifty percent of the front yard may be devoted to driveway access. In non-residential districts, driveway access shall be as permitted by site plan approval.

207.9 Non-conforming single-family residential structures located in any S or R Zoning District, which are not in compliance with this Ordinance solely by reason of an inadequate rear or side yard dimension may be expanded with the approval of the Zoning Officer, provided that, the side or rear yard distance of proposed expansion to the structure is not less than the side or rear yard distance of the existing non-conforming structure, and the new structure otherwise complies with Articles and Provisions of this Ordinance. [Ordinance 1824/12-8-92]

208 DENSITY OF DEVELOPMENT LIMITS: The minimum lot area for each dwelling unit, and the maximum floor area ratio for residential uses shall be in conformance with the following schedules:

TABLE 208.1
MINIMUM LOT AREA

	S	R-1	R-2	R-2T	R-3	R-4	R-5
One-Family House	20,000	10,000	7500	7500	7500	7500	7500
Two-Family House	---	---	---	4375	4375	4375	4375
Town Houses	---	---	---	3200	3200	3200	3200
Garden Apartments	---	---	---	---	2400	2400	2400
Apartments	---	---	---	---	---	1800	1200

TABLE 208.2
MAXIMUM FLOOR AREA RATIO
(Ratio of enclosed Floor Area to Lot Area)

	S	R-1	R-2	R-2T	R-3	R-4	R-5
Under Four Stories	.20	.20	.25	.30	.33	.40	.50
Four Stories	---	---	---	---	---	.50	.60
Five Stories	---	---	---	---	---	.60	.70
Six Stories	---	---	---	---	---	.70	.80
Seven Stories	---	---	---	---	---	---	.90
Eight Stories	---	---	---	---	---	---	1.00
Nine Stories	---	---	---	---	---	---	1.10
Ten or More Stories	---	---	---	---	---	---	1.20

208.1 In calculating lot area for density purposes, any areas having a slope greater than forty percent(40%) shall be subtracted from the lot area; and one-half of any areas having a slope of twenty-five percent (25%) or more, up to forty percent (40%) shall be subtracted from the lot area. For such calculations the slope shall be measured between contours having vertical intervals no greater than twenty (20) feet.

209 EXTERIOR WALL SURFACES: *Exposed exterior walls of structures shall be composed of brick, stone, stucco, fire-proof precast stucco, glass, metal or marble with wood used for trim only, except as provided herein.* [Ordinance 1571/6-9-87]

209.1 Wood may be used for exposed, exterior walls for residential structures of three stories or less.

209.2 Concrete block may be used for exposed, rear exterior walls in "M" Districts upon recommendation of the Planning Agency and approval of the Council where there is a finding that such rear wall will not be visible to passersby or to the general public.

209.3 Council may approve alternative materials if, and only if, such material is determined to be equal or superior in quality and esthetic character compared to approved materials.

209.4 An addition to an existing structure which is non-conforming with respect to this Section may be constructed in conformance with the materials of original construction of the existing portion of the structure with approval by the Zoning Officer.

209.5 Rigid P.V.C. Siding (vinyl siding) may be used for exposed, exterior wall surfaces for detached one-family dwellings of two (2) stories or less. [Ordinance 1663/4-11-89]

210 FENCES: A fence may be erected into any required side or rear yard if the fence is no more than six (6) feet in height for residential uses. *A fence which is at least fifty (50) percent open as to construction and which is no more than four (4) feet high may be erected in any required residential front yard. {Ordinance 1768/8-13-91}*

210.1 A chain link type fence not more than ten (10) feet in height may be erected in any required yard for schools, playgrounds, or parks.

210.2 A fence of the chain link type no more than ten (10) feet high may be erected in any required yard for industrial uses or commercial uses. A solid fence no more than ten (10) feet high may be erected in any required commercial or industrial yard with the approval of the Zoning Officer.

211 FLOODPLAIN DISTRICTS: Floodplain districts identified as being subject to the one hundred year flood in the Flood Insurance Study are established as the FW - Floodway District, the FF - Flood-Fringe District, and the FA - Flood Plain Hazard District. Flood plain districts shall be overlays to Zoning Districts established by Article Two of this Ordinance, and provisions for flood plain districts are supplemental requirements to the Zoning Districts.

211.1 Interpretation of District Boundaries: Initial interpretations of the boundaries of the Flood Plain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the identification of any flood plain area, an initial determination shall be made by Council, and any aggrieved party may appeal to the Board. The burden of proof shall be on the appellant who may submit such technical evidence as he desires.

211.2 Where specific one hundred year flood elevations cannot be determined for this FA Flood Plain General District using other sources of data including the U.S. Army Corps of Engineers, Floodplain Information Reports, U.S. Geological Survey-Flood-prone Quadrangles, or other pertinent studies, an applicant for any use or development must determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Such hydrologic and hydraulic analyses shall be performed and certified by registered professional engineers using currently accepted technical concepts. Submitted data shall be sufficient in detail to allow a thorough technical review.

211.3 Prior to any proposed alteration or relocation of any stream or watercourse a permit shall be obtained from the Department of Environmental Resources, Dams Safety, Obstructions, and Storm Water Management, and notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Pennsylvania Department of Community Affairs.

212 FLOOD PLAIN PROVISIONS: No use or development shall be permitted within a flood plain district except as a Conditional Use in accordance with the provisions of the underlying zoning district and of §401 and after approval of a site plan as required by §306.

212.1 The following uses are prohibited within any flood plain district: mobile homes, mobile home parks, hospitals, nursing homes, jails, prisons and detention centers and campgrounds for recreation vehicles.

212.2 No structure or use shall be permitted in any flood plain district which produces or uses any hazardous material, or stores or maintains a supply of any hazardous material in an amount of fifty gallons or more, or which uses, produces or stores radioactive substances in any amount.

212.3 No use proposed in any flood plain district shall diminish the capacity of the floodway of any drainage system.

212.4 No new or substantially improved residential structure shall be permitted within any flood plain unless its lowest floor is at least one foot above the one hundred year flood elevation.

212.5 No new or substantially improved non-residential structure shall be permitted within any flood plain unless its lowest floor is at least one foot above the one hundred year flood elevation, or it be so designed and constructed that the space enclosed by such structure shall remain either completely or essentially dry up to that height in accordance with the standards contained in "Flood-Proofing Regulation" (U.S. Army Corps of Engineers, June 1972) for that type of construction.

212.6 No obstruction shall be placed in any flood plain such as fences, signs or other obstructions which might impede, retard or change direction of the flow of water, or that will catch or collect water borne debris, or that might be carried downstream by flood waters to damage downstream property.

212.7 No part of an on-site sewage disposal system shall be permitted in any flood plain.

212.8 In the FW - Floodway District no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate authorities.

212.9 No existing structure or use located in any floodway district shall be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.

212.10 Fully enclosed space below the lowest floor is prohibited. [Ordinance 1988/7-9-96]

212.11 Partially enclosed space below the lowest floor which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, and shall include crawlspace area, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. [Ordinance 1988/7-9-96]

212.12 Designs for meeting this requirement must either be certified by a registered engineer or architect, and meet the following minimum criteria:

212.12(a) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space. [Ordinance 1988/7-9-96]

212.12(b) The bottom of all openings shall be no higher than one (1) foot above grade. [Ordinance 1988/7-9-96]

212.12(c) *Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that permit the automatic entry and exit of floodwaters.* [Ordinance 1988/7-9-96]

213 FLOOD PLAIN DESIGN AND CONSTRUCTION STANDARDS: The following standards shall apply to all development proposed in any floodplain.

213.1 Fill shall extend at least fifteen (15) feet laterally beyond all points of the building; shall be comprised only of soil or small rock materials and shall not include organic waste; shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling; have a slope no greater than fifty percent; and not adversely affect adjacent properties.

213.2 Storm drainage facilities shall be provided to convey the flow of storm water runoff in a safe and efficient manner which shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall be designed to prevent the discharge of excess runoff onto adjacent properties.

213.3 Water and Sanitary Sewer Facilities shall be comprised of all new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

213.4 Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters. No part of any on-site sewage system shall be located within any flood plain except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

213.5 All other utilities such as gas lines, electrical and telephone systems shall be located, elevated where possible and constructed to minimize the chance of hazard or impairment during a flood.

213.6 Streets shall have a finished elevation of not more than one foot below the regulatory flood elevation.

213.7 Placement of buildings and structures shall be such as to offer the minimum obstruction to the flow of flood waters and to have the minimum effect upon the flow and height of flood water.

213.8 Anchoring of all buildings and structures shall be required in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement. All ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored and affixed to prevent flotation.

213.9 Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

213.10 Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water resistant" quality.

213.12 Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

213.13 Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

213.14 Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or "water resistant" quality.

213.15 Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water resistant" quality.

213.16 Doors, trim, cabinets, and other wooden components shall be painted with a "marine" or "water resistant" finish.

213.17 Electrical distribution panels shall be at least three feet above the one hundred (100) year flood elevation. Separate electrical circuits shall serve lower levels and shall be dropped from above.

213.18 Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the regulatory flood elevation.

213.19 All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

**ARTICLE THREE:
GENERAL REGULATIONS**

301 NON-CONFORMING USES: The following provisions shall apply to all non-conforming uses:

301.1 A Zoning Certificate must be obtained by the owner of any non-conforming use as evidence that the use lawfully existed prior to the adoption of the provision which made the use non-conforming.

301.2 A non-conforming use may be continued; however it shall not be extended, expanded, or changed unless to a conforming use, except when permitted as a special exception by the Zoning Hearing Board in accordance with the following:

301.2(a) The new use will more closely correspond to the uses permitted in the District.

301.2(b) The changed use will be in keeping with the character of the neighborhood in which it is located.

301.3 In the event that a non-conforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of one year, or is abandoned for any period, such non-conforming use shall not be resumed.

302 NON-CONFORMING STRUCTURES: A non-conforming structure used or occupied by a permitted use may be enlarged or expanded when permitted as a variance by the Zoning Hearing Board if the expansion, considered independently of the original structure, complies with the off-street parking of this Ordinance, and such expansion otherwise conforms to all requirements of this Ordinance.

A non-conforming single-family residential structure, which is not in compliance with this Ordinance solely by reason of an inadequate rear or side yard dimension, and provided that the non-conforming structure is used or occupied by a permitted use and located in an S or R Zoning District, may be enlarged or expanded with the approval of the Zoning Officer, provided that, the side or rear yard distance of the proposed expansion to the structure is not less than the side or rear yard distance of the existing non-conforming structure, used or occupied by a permitted use and located in any S or R Zoning District, may be enlarged or expanded when permitted as a variance by the Zoning Hearing Board if the expansion, considered independently of the original structure, complies with the off-street parking of this Ordinance, and such expansion otherwise conforms to all requirements of this Ordinance. [Ordinance 1824/12-8-92]

302.1 Any non-conforming structure or a structure housing a non-conforming use damaged by fire, flood, explosion, or other casualty to an extent of no more than fifty percent (50%) of its replacement value at the time of such casualty may be reconstructed and used as before when permitted as a special exception by the Zoning Hearing Board if such reconstruction is performed within twelve months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.

302.2 Where a non-conforming use is conducted inside a structure, the floor area of the structure and the non-conforming use within it may be enlarged to an extent not greater than fifty percent (50%) of the floor area existing at the time of adoption of this Ordinance, when permitted as a special exception by the Zoning Hearing Board in accordance with the following:

302.2(a) There shall be no increase in non-compliance, if any, with lot and yard requirements; and

302.2(b) Off-street parking, as required by §308 shall be provided as to the enlarged portion.

302.3 Any non-conforming permanent sign legally existing on the effective date of this Ordinance may continue to exist, provided that signs which are structurally deteriorated to the extent that the cost of restoration would exceed fifty percent (50%) of the cost of replacing the structure shall be removed. Signs which are non-conforming because of flashing lights or intermittent illumination shall be brought into compliance within thirty days of the effective date of this Ordinance.

302.4 When any non-conforming use or structure located in a flood plain is expanded, reconstructed or otherwise modified to an extent amounting to fifty percent (50%) or less of its market value, it shall be floodproofed and elevated to the greatest extent practicable.

302.5 No non-conforming use or structure located in a flood plain shall be expanded, reconstructed or otherwise modified to an extent amounting to more than fifty percent (50%) of its market value except in full compliance with the flood proof standards of this Ordinance.

302.6 No non-conforming structure located in a floodway district shall be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.

303 NON-CONFORMING LOTS OF RECORD: Any non-conforming lot of record existing on the effective date of this Ordinance and then held in separate ownership different from the ownership of adjoining lots shall be exempt from the minimum lot area, depth and width requirements provided they are used in accordance with minimum yard requirements, and that uses other than a one family house conform to minimum lot area per family and floor area ratio requirements of this Ordinance.

304 SPECIAL EXCEPTIONS: The Zoning Hearing Board may permit the following special exceptions in accordance with the standards stated and in compliance with the Article Four of this Ordinance. The Zoning Hearing Board may also attach such conditions as they may deem necessary to implement the purposes of this Ordinance appropriately.

304.1 Living quarters in an accessory structure as an accessory use to a one-family house to accommodate domestic employees of the residents of the principal structure.

304.2 The accommodation of not more than two non-transient roomers as an accessory use to a one-family dwelling, provided that no sign is displayed.

304.3 Outside storage areas in Commercial and Industrial Districts, provided that such storage areas shall be buffered by fencing, planting, or topography so as to obviate adverse effect on neighboring property, and that no waste material shall be stored in such area, and such area will not eliminate the requirement for a waste handling facility as required in §306.4(j).

304.4 The pursuit of vocational or avocational interests by a resident shall be deemed an accessory use to a dwelling, provided:

304.4(a) Such activity is clearly subordinate to the dwelling, does not occupy more than twenty-five percent of the floor area of one floor, does not entail internal or external alterations or construction features not customary in dwellings, and there be no external evidence of any non-residential activity.

304.4(b) In connection with which there is no person employed, no display or sign other than a name plate, no mechanical equipment used other than normal domestic or household equipment, no facilities which are dangerous or incompatible with the residential environment, and no selling of a commodity or nonprofessional service on the premises.

304.4(c) In connection with a home office, not more than one assistant is employed and no colleagues or associates use such office.

304.4(d) One additional off-street parking space shall be provided for each two hundred (200) square feet of floor area devoted to such activity.

304.4(e) Reasonable safeguards are established against detrimental emission of smoke, fumes, odors, dust, noise, vibration, glaring light, or visual blight or pollution of any kind.

305 ACCESSORY USES AND STRUCTURES: The following provisions shall apply to accessory uses and structures:

305.1 A Zoning Occupancy Permit shall be required for every accessory use or structure. A review of the proposed site plan as required in §306 shall be required for uses or structures accessory to any principal uses other than one-family houses, town houses and two-family houses, except where in the judgment of the Zoning Officer the accessory use or structure does not affect or alter the site in any significant way.

305.2 Temporary structures and trailers used in conjunction with construction work may be permitted only during the period that the construction work is in progress. Permits for other temporary structures may be issued for sixty (60) day periods, but such permits shall not be renewed except as a special exception when approved by the Board.

306 SITE PLAN REVIEW: No Zoning Permit or Zoning Occupancy Permit shall be issued for any use upon any lot except a one-family home until a Site Development Plan has been submitted, reviewed and approved in accordance with the following provisions, provided however that existing structures where the occupancy is being changed without any change in use category or new construction or addition to structures and without change in the site are exempt from this requirement.

306.1 The application for approval of a proposed Site Development Plan shall be submitted in the office of the Zoning Officer and shall be accompanied by a fee established by resolution of Council to cover the cost of review. The Zoning Officer shall set a reasonable time schedule to be followed prior to the presentation of the application to Council.

306.2 The application shall consist of not less than *twenty (20) [Ordinance 2141/3-14-00]* copies of the letter of application together with not less than *twenty (20) [Ordinance 2141/3-14-00]* prints of each drawing submitted as part of the proposed Site Development Plan. The Proposed Site Development Plan shall be drawn by a licensed architect, engineer, planner, surveyor or landscape architect in accordance with standard architectural and engineering practices to clearly indicate the following:

306.2(a) Property lines and total acreage of parcel proposed for development;

306.2(b) All existing streets, rights-of-way, and easements related to the development;

306.2(c) The location of existing driveways on adjacent properties;

306.2(d) The location of relevant natural features, including, but not limited to, streams or other natural water courses and adjacent lands which are subject to flooding, and significant stands of existing trees;

306.2(e) The location of existing structures, including structures located on abutting property if within fifty feet of the common property line;

306.2(f) Required front, side and rear yard lines, and any required building line;

306.2(g) Contour lines at two foot intervals where average slope is ten percent or less, and five foot intervals where average slope exceeds ten percent, and twenty (20) foot intervals where average slope exceeds twenty-five (25%) percent;

306.2(h) Location, dimensions, total square footage and ground floor elevations of proposed structures, walkways, driveways, entrances, parking facilities, loading spaces, landscaping, signs, lighting facilities, fences or walls, fire hydrants and fire lanes and other site improvements or amenities;

306.2(i) Contours and sufficient elevations to show proposed gradings and data to show gradient of access drives, parking facilities and surface water run-off.

306.2(j) Location and approximate size of utilities to serve the development;

306.2(k) Schematic elevations at an appropriate architectural scale;

306.2(l) Surface water runoff controls;

306.2(m) Title block giving name of development, property owner, developer, north point, date and scale (minimum, 1"=50') *on a standard sheet size of 24"H x 36"W, [Ordinance 2141/3-14-00]* and

306.2(n) Such other information as may be required by the Zoning Officer.

306.3 For proposals in flood plains, the application shall additionally include:

- 306.3(a) Topographic contour lines at an interval of two feet;
- 306.3(b) The location of any existing bodies of water or watercourses, identified flood plains, information pertaining to the floodway, and the flow of water including direction and velocities;
- 306.3(c) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
- 306.3(d) The elevation of the one-hundred (100) year flood; and information concerning flood depths, pressures, impact and uplift forces and other factors associated with a one hundred year flood;
- 306.3(e) Detailed information concerning any proposed flood-proofing measures;
- 306.3(f) A document, certified by a registered professional surveyor, engineer or architect, which states that the proposed construction of development has been adequately designed to withstand the one-hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one-hundred (100) year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure or development; and
- 306.3(g) Where any excavation or grading is proposed, a plan meeting the requirements of the Pennsylvania Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

306.4 Action shall be taken by the Council, either approving or disapproving, within ninety (90) days from the date of the regular Planning Commission meeting at which the site plan first appears as an agenda item. Failure of the Council to so act shall be considered approval of the plan as submitted. Council may attach such conditions as they deem appropriate to approval. Approval may be conditioned upon the grant of a variance or of a special exception by the Zoning Hearing Board where such variance or special exception is required, but such conditional approval by Council shall not be binding on the Zoning Hearing Board, and the conditional approval shall be canceled if the requested variance or special exception is denied by the Board. [Ordinance 1823/12-8-92]

- 306.4(a) Site plan approval shall not be official until and unless the site plan as approved by Council and including all conditions of approval by Council is filed with the Zoning Officer within ninety days of action by Council.
- 306.4(b) Site plan approval shall be valid for a period of one year following Council action. If the proposed improvements are not under construction within one year or completed within two years, Council approval shall be void.

306.5 Council shall not approve a Site Development Plan unless the following standards are met:

- 306.5(a) Screening: A planted visual barrier, or landscape screen shall be provided and maintained on any property in a commercial or industrial district which is contiguous to any residential district, except where natural or physical barriers exist which are deemed to provide an adequate buffer by the Planning Agency. This screen shall be composed of plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of trees planted with specimens no younger than three years in age, and planted at intervals of not more than ten feet. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than two feet, placed in alternating rows to produce a dense visual barrier. Any plant not surviving three years after planting, shall be replaced.
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306.5(b) Storage: Any article or material stored temporarily outside an enclosed building as an incidental part of the primary commercial or industrial operation, shall be so screened by opaque ornamental fencing, walls or evergreen planting, that it cannot be seen from adjoining public streets or adjacent lots, when viewed by a person standing on ground level.

306.5(c) Landscaping: Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas, shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with natural surroundings. Any off-street parking area with five or more spaces, shall provide a landscaped perimeter for the parking area of not less than five percent of the parking area which shall be in addition to open area requirements or the district. At least one tree per five parking spaces, or portion thereof, shall be provided.

306.5(d) Lighting. All parking areas, driveways and loading areas, entry ways, and pedestrian paths shall be provided with a lighting system which shall furnish an average minimum of 0.5 foot candles within such areas during hours of operation. All lighting shall be completely shielded from traffic on any public right of way and from any residential district.

306.5(e) Interior Circulation. The interior circulation of traffic in commercial areas shall be designated so that no driveway or access lane providing parking spaces, shall be used as a through-street. If parking spaces are indicated by lines with angles other than 90 degrees, then traffic lanes shall be restricted to one-way permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than ten feet in width.

306.5(f) Access. Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel and other service vehicles, shall be adequate in size and shall be so arranged that they may be used without blockage, or interference with the use of public streets or sidewalks, other accessways or automobile parking facilities.

306.5(g) Traffic Control. No design shall be approved which is likely to create substantial pedestrian or vehicular traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, walkways, and signs. The developer shall be responsible for the construction of any such traffic control devices.

306.5(h) Stormwater Management: Adequate stormwater retention facilities shall be provided as outlined in Ordinance 1788, as adopted March 10, 1992.

306.5(i) Signs: Every existing non-conforming sign shall be removed.

306.5(j) Waste Handling: All rubbish shall be stored in air-tight, vermin-proof, easily cleanable, damage resistant containers on the same lot as the principal use with sufficient capacity for storing the maximum volume of garbage, rubbish, and other waste material which may be generated on the site. For one-family attached or detached homes such containers shall be on the same lot as the principal structure. For all other uses such containers shall be stored on the same lot as the principal structure in a suitable buffered and landscaped area with concrete pads constructed with aprons below the frost line for vector control and having ready access for refuse trucks. Bulk refuse containers for food facilities shall be placed on concrete pads equipped with drains that permit frequent cleaning and disposal of waste water to a sanitary sewer. Storage may also be in a separate room within the principal structure, sprinklered and having a concrete floor designed for and capable of storing the maximum volume of garbage, rubbish, and other waste material which may be generated on the site.

306.5(k) Street Traffic Control Devices: All street name signs, traffic control signs and other traffic control devices shall be provided as follows:

1. All street name signs, traffic control signs and other traffic control devices as deemed necessary by the Municipality shall be provided and erected by the applicant. [Ordinance 1765/8-13-91]
2. All street name signs shall conform to and be erected as per the Municipality of Monroeville's specifications for street name signs. [Ordinance 1765/8-13-91]
3. All traffic control signs shall be Pennsylvania Department of Transportation approved, conformed to applicable regulations and be placed using heavy duty breakaway channel posts (or equal as approved by the Municipality). [Ordinance 1765/8-13-91]
4. All other traffic control devices shall be Municipal approved and conform to Pennsylvania Department of Transportation as well as all other applicable regulations, including any federal or county regulations promulgated for specific projects. [Ordinance 1765/8-13-91]
5. All traffic signals shall have pre-emptive equipment provided and erected by the applicant. [Ordinance 1765/8-13-91]

306.6 SITE PLAN REVIEW FOR LANDFILLS: No Zoning Permit or Zoning Occupancy Permit shall be issued for a landfill until a Site Development Plan has been submitted, reviewed and approved by the Municipality of Monroeville in accordance with the following provisions. [Ordinance 1843/7-21-93]

a. The application for approval of a proposed Site Development Plan shall be accompanied by a fee established by resolution of Council to cover the costs of review. The Zoning

Officer shall set forth a reasonable time schedule to be followed prior to the presentation of the application to the Council. [Ordinance 1843/7-21-93]

b. The application shall consist of not less than twenty (20) copies of the letter of application together with not less than twenty (20) copies of the drawings submitted as part of the Site Development Plan. The Proposed Site Development Plan, a topographic plan, prepared by a professional engineer registered in the Commonwealth of Pennsylvania, to a scale no greater than 1 inch = 200 feet, on a standard sheet size of 24"H x 36"W, [Ordinance 2141/3-14-00] to include the following:

306.6(a) Title block giving name of development, property owner, developer, north point, key location map, registration stamp, date and scale on a standard sheet size of 24"H x 36"W, [Ordinance 2141/3-14-00];

306.6(b) Property lines, total acreage of parcel proposed for development and any existing landfill areas adjacent to the proposed landfill;

306.6(c) All existing streets, right of ways, and easements related to the development;

306.6(d) Owners of adjacent properties, including the location of any existing structures and driveway locations;

306.6(e) The location of relevant natural features on site, including, but not limited to, streams or other natural water courses and adjacent areas which are subject to flooding, and significant stands of existing trees;

306.6(f) The location of relevant natural features abutting properties within three hundred (300) feet including, but not limited to, streams or other natural water courses and adjacent areas which are subject to flooding, and significant stands of existing trees;

306.6(g) The location of existing structures and accessory uses on site;

306.6(h) The location of structures and utilities on abutting property within three hundred (300) feet of common property lines;

306.6(i) Landfill areas within the landfill site, including the staging of the proposed landfill development and the location of proposed access roads and proposed haul roads;

306.6(j) *Cross Sections, at a true scale that is equal both horizontally and vertically, showing the existing grades and the proposed grades upon completion and closure of the proposed landfill;*

306.6(k) *Surface water runoff and sediment controls;*

306.6(l) *Location, dimensions, total square footage and ground floor elevations of proposed structures, walkways, driveways, entrances, parking areas, loading spaces, landscaping, signs, lighting facilities, fire hydrants and fire lanes, and other site improvements and amenities;*

306.6(m) *Location and approximate size of utilities to serve the proposed development;*

306.6(n) *Location of proposed equipment cleaning and tire cleaning areas;*

306.6(o) *Location of proposed weighing scales;*

306.6(p) *Location of proposed fire fighting equipment and other emergency and/or safety equipment;*

306.6(q) *Location of any proposed fencing;*

306.6(r) *Location of any proposed screening or buffer areas;*

306.6(s) *A Traffic Impact Study;*

306.6(t) *An Environmental Impact Statement, which shall include the following:*

1. *A description of existing conditions in the area;*
2. *A land use history of the property;*
3. *A description of the proposed landfill and associated facilities;*
4. *An assessment of the proposed landfill on the natural environment, including summary descriptions, technical data, maps and diagrams, that specifically examines geology, topography, soils, slopes, hydrology, vegetation, wildlife and air quality;*
5. *A needs assessment showing how this proposed landfill complies with the Allegheny County Solid Waste Plan and justify the need for this additional landfill space;*
6. *The relationship of the proposed landfill to the surrounding community, including the impact on land use plans, policies and controls;*
7. *An inventory of private properties served by private water supplies within 3000 feet of the permit area;*
8. *A historical record of previous landfill operations;*
9. *A description of existing conditions, including if a landfill exists, the construction details of that existing landfill and the effects of that landfill on the proposed development;*
10. *A historical record of mining and quarrying in the area, both surface and deep mining operations;*
11. *A chronological summary of methane gas and other gases in the area and methods for monitoring and controlling;*

306.6(u) *A description and schedule of the postclosure plan and future plans for the proposed landfill.*

306.6(v) *Site Plan Approval shall not be official until and unless the site plan as approved by Council and including all conditions of approval by Council is filed with the Zoning Officer within ninety (90) days of action by Council.*

306.6(w) *Site Plan Approval is not official until required approvals are received from county, state and federal agencies. All approved plans, any amendments and/or any substantial changes must be submitted to the Municipality within ninety (90) days from receiving permits from requisite county, state and federal agencies.*

306.6(x) *Site Plan Approval shall be valid for a period of one year following the applicant receiving permits from requisite county, state and federal agencies. If the proposed improvements are not under construction within one year of receiving requisite county, state and federal approvals, Council approval shall be void.*

306.6(y) *Once a year, during the anniversary month of Site Plan Approval, the Planning Commission will review site compliance and performance. Recommendations will be forwarded to Council as to whether the Zoning Permit should be extended for another year.*

307 SIGNS: No sign shall be permitted in any District except as an accessory use as herein provided:

307.1 Permit: No sign, except a name plate or temporary real estate sign as specified herein, shall hereafter be erected or altered in any way unless a sign permit has been issued by the Zoning Officer. Applications for sign permits shall include detailed drawings of the construction and design of the sign, and shall be accompanied by such fee as may be required by resolution of Council. Such sign permit shall not obviate compliance with building permit requirements as required by the Monroeville Building Code.

307.2 Conformance: No new sign shall be permitted on any property unless every sign on the property shall be in conformance with this Section. A sign which is not expressly permitted is prohibited.

307.3 Animation: No sign shall move, flash or emit noise.

307.4 Traffic Hazard: No sign shall be constructed, located or illuminated in any manner which causes undue glare, distraction, confusion, nuisance or hazard to traffic or other properties or which obstructs free and clear vision of traffic flow.

307.5 Name Plate Sign: One name plate sign not exceeding one and one-half (1 1/2) square foot in surface area and not internally illuminated is permitted which announces the name, address or professional activity of the occupant of the premises or the name of the building.

307.6 Multi-family Name Plate Sign: One name plate sign for a multi-family structure not exceeding twelve (12) square foot in surface area is permitted which identifies the name of the structure for a multiple family dwelling, sanitarium, or tourist home. For any multiple family dwelling over four stories in height a name plate sign which is permanently attached to a wall of the structure and identifies only the name of the development is permitted, but the surface area shall not exceed one-third (33 1/3 percent) of the total area of the exposed wall surface of one story of the side of the structure to which the sign is affixed, and in no case shall the sign exceed two hundred and twenty-five (225) square feet.

307.7 Bulletin Board: One bulletin board, not illuminated except by indirect light and not exceeding thirty (30) square feet in surface area is permitted in connection with any church, school, country club or similar public structure.

307.8 *Temporary Sign: A temporary sign not exceeding two hundred and twenty-five square feet (225') in area may be permitted by the Zoning Officer for a period of four (4) weeks or less provided the sign is safely installed and is consistent with the area it is to be located. A temporary sign may be installed for a period longer than four (4) weeks upon approval as a special exception by the Zoning Hearing Board of the Municipality of Monroeville pursuant to Section 305.2 of Ordinance No. 1443. [Ordinance 1760/7-9-91]*

Any Municipality of Monroeville civic or community organization may erect a temporary sign within the Municipality, however, said organization must file an application with the Municipality, except that said organization shall be exempt from the payment of the temporary sign fee. [Ordinance 1760/7-9-91]

307.9 *Temporary Real Estate and Political Signs: may be permitted as follows: a.)One (1) temporary real estate sign is permitted on any property being sold, leased or developed if it is not illuminated, not less than ten (10) feet from the curb, and is no larger in surface area than sixteen (16) square feet in any residential district, or twenty-five (25) square feet in any commercial or manufacturing district. Such sign shall be limited to advertising the sale or lease of the premises on which it is located, or to providing pertinent information regarding the developers, builders, contractors, architects, engineers and other agents responsible for the development. Such sign shall be promptly removed when the sale, lease or development of the property has been completed. b.)Political signs shall be permitted upon any private or public property, with the consent of the owner of said property, in any zoning district of the Municipality of Monroeville. No temporary political sign may be constructed prior to twenty (20) days prior to any primary, general or special election to be held. Said temporary political sign must be removed within five (5) days after the primary, general or special election to be held. [Ordinance 1760/7-9-91]*

307.9 (a) *A temporary real estate directional sign to direct potential buyers to residential properties in Monroeville being offered for sale may be permitted on Sundays and on special showing days but not during rush hours, if it is not illuminated, no larger in surface area than six (6) square feet and does not conflict with or confuse traffic flow. Where such sign is in conflict with any of these requirements, it shall be confiscated by the Municipality. [Ordinance 1760/7-9-91]*

307.10 Business Signs: Signs on the premises occupied by any legal business or industry shall be permitted if:

307.10(a) No sign shall contain any information or advertising for any product not sold on the premises.

307.10(b) Business signs shall have an aggregate surface area including all faces not greater than two square feet for each foot of width of the zoning lot measured along the right-of-way, and no sign shall in any case exceed an area of two hundred and twenty-five (225) square feet.

307.10(c) No sign shall project over any public sidewalk or right-of-way.

307.10(d) A sign located on a roof shall not extend more than fifteen (15) feet above the roof level and shall not be so placed as to interfere with openings in the roof or to prevent free access from one part of the roof to any other part.

307.10(e) Any sign attached permanently against a wall shall be not less than eight (8) feet above the sidewalk or ground if it is not illuminated and not less than twelve (12) feet if illuminated.

Any such sign shall not project above the wall to which it is attached, shall not cover in part or in whole any wall opening, and shall not protrude more than twelve (12) inches from the wall to which it is attached.

307.11 Additional Business Sign: The Planning Agency may authorize additional business signs if:

307.11(a) The business fronts on more than one thoroughfare.

307.11(b) More than one business is located in one structure. In such instance, the combined total surface area of the business signs shall not exceed two square feet for each foot of the rights-of-way, and no sign shall in any case exceed an area of two hundred and twenty-five (225) square feet.

307.11(c) The maximum permitted sign area may be divided between a maximum of two signs provided such signs are no less than one hundred (100) feet apart.

307.12 Logo Sign: In addition to a business sign, one single or double faced, free-standing sign may be erected on a site occupied by any legal business or industry which has a lot area greater than one-half acre and on which all structures are set back forty feet or more from the property lines if:

307.12(a) The sign displays nothing other than the logotype, trademark, or name of the company or commercial center on the premises.

307.12(b) The sign has a height no greater than twenty-four (24) feet above basic grade and is no closer than ten feet to any property line.

307.12(c) The sign shall have an aggregate area including all faces no greater than one square foot for every linear foot of property frontage on a public right-of-way; but shall not in any case exceed an area of two hundred and twenty-five (225) square feet. The maximum permitted sign area may be divided between a maximum of two logo signs provided such signs are not less than one hundred (100) feet apart.

307.12(d) Where a property fronts on more than one public right-of-way, a logo sign or signs may be installed on each right-of-way.

307.12(e) *An electronic message center will be considered as a secondary sign. It shall have a black background/face with amber toned changeable copy. Any changeable copy sign shall not exceed a maximum size of twenty-four (24) square feet per side and must be calculated into the maximum permitted sign area as calculated in Section 307.12(c). Additionally, the character height shall not exceed eighteen (18) inches in height, with no more than three (3) lines of copy per electronic sign board and all copy or other images that physically change or give the appearance of change shall be displayed at intervals of not less than fifteen (15) seconds. Running, flashing or other distracting movement of the changeable copy is prohibited*
[Ordinance 2325/1/11/05]

307.13 Directional Signs: A sign directing traffic to a major shopping center or industrial facility may be located at or near the intersection or public streets as a special exception approved by the Zoning Hearing Board if:

307.13(a) Such signs shall be limited to those businesses having fifty or more on-site employees, or groups of ten or more businesses having a common identification such as a shopping center or industrial park.

307.13(b) Such sign shall be four (4) feet in width by eight (8) inches in height and shall have white letters on a blue background.

307.13(c) No more than one set of posts shall be installed on any approach to an intersection, and no more than six (6) directional signs shall be attached to each set of posts.

307.13(d) The signs shall be placed in the public right-of-way in such a manner that they do not obstruct the safety and vision of traffic or otherwise constitute a hazard to traffic. Appropriate permits from appropriate authority having jurisdiction must first be obtained.

307.13(e) Such signs shall be owned by the Municipality of Monroeville, and Council shall have the right to maintain or remove such signs without compensation to the beneficial user of such sign.

307.14 Billboards: No billboard, free-standing or overhanging outdoor advertising shall be permitted in any zoning district of the Municipality of Monroeville, except as provided for in the zoning districts designated on Table 201. [Ordinance 1764/8-13-91]

Billboards and/or outdoor advertising signs may be permitted as a conditional use when approved by Council, after submission and review by the Planning Commission; and provided all of the following requirements are met: [Ordinance 1764/8-13-91]

307.14(a) Location: Billboards and/or outdoor advertising signs may not be erected within an "R" Zoning District or within 500 feet of the boundary line of an "R" District or within 750 feet of an "R" District or within 750 feet of the line of any public or private school property, park, library, church or other house of worship. The required spacing shall be measured from a point perpendicular to the center most point of the billboard and/or outdoor advertising sign is oriented. [Ordinance 1764/8-13-91]

(1) The minimum front, side and rear yard requirements applying to a principal use as set forth within a zoning district in which the billboard and/or outdoor advertising sign is to be located shall apply to each billboard and/or outdoor advertising structure.

(2) The maximum lot coverage as specified in Section 208.2 of the Zoning Ordinance shall apply to any lot upon which a billboard and/or outdoor advertising structure is located and shall be cumulative including any other structures and buildings on the same lot herewith.

(3) No billboard and/or outdoor advertising structure shall be erected in such a manner as to block the view from the road, street or driveway of any existing business sign, logo sign, residential or non-residential structure, or limit or reduce the light and ventilation requirements under the Municipal Building Code.

(4) No billboard and/or outdoor advertising structure shall be constructed within the clear sight triangle of a public street, road or roadway, on which it is situated and shall not in any case obstruct or impede traffic safety.

(5) No billboard and/or outdoor advertising sign shall maintain a lateral minimum spacing of 750 feet between billboards and/or outdoor advertising structures. Required spacing shall be measured from a point perpendicular to the center most point of the billboard and/or outdoor advertising structure to the front line parallel to the center line of the roadway to which the billboard and/or outdoor advertising structure is oriented.

(6) No billboard and/or outdoor advertising sign may be mounted or painted on a roof, wall or other part of a building or any other structure.

307.14(b) *Size and Height:* A billboard and/or outdoor advertising structure shall have a maximum allowable gross surface area of 150 square feet per sign face. A billboard and/or outdoor advertising structure may have a maximum of two (2) sign faces per structure. However, the gross surface area of each sign face shall not exceed 150 square feet. [Ordinance 1764/8-13-91]

(1) The billboard and/or sign faces placed back-to-back or in a V-shaped configuration on a single pole.

(2) The billboard and/or outdoor advertising signs maximum dimension shall not exceed ten (10) feet in height and fifteen (15) feet in width. Said total height and total length will be measured from the outside dimensions of the billboard and/or outdoor advertising sign.

(3) A billboard and/or outdoor advertising structure shall have a maximum height above the curb of the roadway from which they are intended to be viewed of twenty-four (24) feet above the curb of the closest street to which it faces. However, the height of a billboard and/or outdoor advertising structure shall be measured from the base of grade to the top of the structure.

307.14(c) *Construction Methods:* Billboards and/or outdoor advertising structures shall be constructed in accordance with applicable provisions of the Monroeville Municipality Building Code and shall be designed by a professional/civil engineer licensed in the Commonwealth of Pennsylvania and shall include the submission of calculations on the structure and foundation. [Ordinance 1764/8-13-91]

In addition:

(1) Any billboard and/or outdoor advertising structure shall have a maximum of one (1) vertical support which shall be a maximum of three (3) feet in diameter, or width, and without bracing or vertical support.

(2) A billboard and/or outdoor advertising sign face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.

(3) The one (1) vertical support shall be capable of enabling the entire side face to be able to withstand a minimum of sixty (60) miles per hour wind load.

(4) The entire base of the structure (i.e. sign face) shall be permanently landscaped with suitable shrubbery and/or shrubs of minimum height of three (3) feet placed in such a manner as to screen the foundation of the structure.

(5) Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices and Municipal Ordinances.

(6) Permanent landscaping shall form a base and/or backdrop to the billboard and/or outdoor advertising sign when practical in the opinion of the Zoning Officer.

(7) All curbs and grading shall be in accordance with Municipal Ordinance 1535.

(8) No bare cuts are permitted on a hillside.

(9) All cuts or fills are to be permanently seeded or planted and maintained in accordance with the Municipal Codes and Ordinances.

(10) Any billboard and/or outdoor advertising structure with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum foot candle of 1.5 upon the adjoining property.

(11) Display lighting shall not operate between 12:00 midnight and 6:00 a.m. prevailing local time.

(12) *No billboard and/or outdoor advertising structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distraction, confusion, nuisance or hazard to traffic, aircraft or other properties.*

(13) *The use of colored lighting is not permitted.*

307.14(d) *Maintenance [Ordinance 1764/8-13-91]*

(1) *Any billboard and/or outdoor advertising structure shall be entirely painted every three (3) years.*

(2) *Any billboard and/or outdoor advertising structure shall be constructed with noncombustible material and be maintained in a good condition.*

(3) *Every ten (10) years the owner of the billboard and/or outdoor advertising structure shall have a structural inspection made of the billboard by a qualified Pennsylvania, Registered Civil Engineer and shall provide to the Municipality a certificate from the Engineer certifying that the billboard is structurally sound.*

(4) *Annual inspections of the billboard and/or outdoor advertising structure shall be conducted by the Municipality to determine compliance and upon failure of compliance with the regulations set forth in this Ordinance, the billboard and/or outdoor advertising structure may be removed within thirty (30) days upon notification to the owner by the Municipality.*

(5) *Any billboard and/or outdoor advertising structure found to be in violation of this Ordinance shall be brought into compliance or removed within thirty (30) days upon proper notification by the Municipality to the owner.*

(6) *Any billboard and/or outdoor advertising structure using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging or falling from the structure.*

307.14(e) *Permits: Prior to submission of an application for a Building Permit, the applicant for a billboard and/or outdoor advertising structure shall obtain and submit an application along with approvals from the County of Allegheny and the Commonwealth of Pennsylvania and when applicable, the United States Federal Aviation Administration or any other Federal agency. [Ordinance 1764/8--31-91]*

308 OFF-STREET PARKING: Off-street parking spaces shall be provided in accordance with the specifications in this Section whenever any new use is established, or existing use is enlarged, in every District.

TABLE 308
OFF STREET PARKING REQUIREMENTS

USE	PARKING SPACES PROVIDED
One-family Dwelling	Two for each Dwelling Unit
Duplex, Town House	Two for each Dwelling Unit
Apartments	One and one-half for each Dwelling Unit
Dormitory, Group Housing	One for every Three Beds
Elderly Housing	One for every Two Units
Church, School	One for every Four Seats in the largest meeting Room
Tennis or Squash Courts	Three for every court
Retail Stores, Shops and Offices	One for every 175 square feet of gross floor area
Funeral Home	Eight for each reposing room; 24 minimum
Restaurants	One for every 80 square feet of gross floor area
Business Services	One for every 250 square feet of gross floor area
Bowling Alley	Six for each Alley
Hospitals	One for every 800 square feet of gross floor area
USE	PARKING SPACES PROVIDED
Hotels, Motels	One for every rental unit
Vehicle Sales or Vehicle Repair	One for every 500 square feet of gross floor area
Gas Stations	One for every 200 square feet of gross floor area; 8 Minimum
Helicopter Pads	One for every one thousand square feet of operational area including taxiways, landing pads, and storage areas.
Manufacturing Plants, Warehouses	One for every three employees; one for every 2000 square feet of gross floor area.
<i>Municipal Solid Waste Landfill</i>	<i>One (1) for each employee; plus 30% of the total number of employees. Minimum of thirty (30). [Ordinance 1843/7-21-93]</i>
<i>Nursing Homes</i>	<i>One (1) for Every Three (3) Beds [Ordinance 1886/5-11-94]</i>
<i>Personal Care Home</i>	<i>One (1) for Every Three (3) Beds [Ordinance 1886/5-11-94]</i>
USE	PARKING SPACES PROVIDED
<i>Commercial Communication Tower</i>	<i>Two (2) spaces; and at facilities which require on-site personnel, one additional space for each employee shall be provided at the site. [Ordinance 1952/8-8-95]</i>
<i>Public Use Office and Other Areas Used by the Public</i>	<i>One Parking Space per 300 square feet of gross floor area [Ordinance 2081/5-12-98]</i>
<i>Public Use Secure Areas and Public Safety Areas Not Accessible by the Public</i>	<i>One Parking Space per 500 square feet of gross floor area [Ordinance 2081/5-12-98]</i>
<i>Public Use Mechanical and Storage Areas</i>	<i>One Parking Space per 1000 square feet of gross floor area [Ordinance 2081/5-12-98]</i>
<i>Public Use Vehicle Repair and Servicing Areas</i>	<i>One Parking Space per 500 square feet of gross floor area [Ordinance 2081/5-12-98]</i>
<i>Those Public Uses Areas not identified.</i>	<i>Determined by Governing Body after a Parking Analysis. [Ordinance 2081/5-12-98]</i>
<i>Theater</i>	<i>One Parking Space for every three (3) seats in a theater(s) plus one (1) per each employee in the peak employment shift. [Ordinance 2118/8-10-99]</i>
<i>Theater, located as part of a Group Unit Development</i>	<i>Determined by the Governing Body after a Parking Analysis. [Ordinance 2118/8-10-99]</i>

308.1 Alternate Parking: Council may require or approve alternate design standards for off-street parking in response to unusual conditions such as dead car storage, attendant parking, indoor parking, interaction between different abutting uses in the same zoning district, or a clearly documented difference between expected parking load 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 Municipality.

308.2 Every off-street parking space shall have a rectangular area of not less than nine feet by eighteen feet. If parking spaces are indicated by lines other than 90 degrees, then traffic lanes shall be restricted to one-way permitting head in parking only.

308.3 Every off-street parking lot shall be graded for proper drainage and paved in accordance with municipal standards. Continuous six inch (6") curbing shall be installed to assure safe and efficient flow of traffic, prevent encroachment onto required side yards and direct storm water, and such curbing shall be installed in compliance with an approved site plan. Parking aisle separators, sidewalks and landscape plantings shall be provided as required and approved by Council. Parking perpendicular to the grade shall be permitted up to a grade of five (5%) percent; parking parallel to the grade shall be permitted up to a grade of seven (7%) percent; no parking shall be permitted on grade in excess of seven (7%) percent.

308.4 Parking spaces suitable for the needs of the handicapped will be provided as approved on the site plan and signs, railings and ramps will be provided as appropriate to the site.

308.5 Any lighting used to illuminate an off-street parking lot shall be arranged so as to reflect light away from adjoining premises in any "R" District.

308.6 When determination of off-street parking results in a requirement of a fractional space, any fraction shall be counted as one parking space.

308.7 Off-street parking spaces shall be located on the same zoning lot as the principal use, or on an adjacent lot in the same zoning district, except that spaces for churches and public places of assembly may be located on a different lot within 400 feet of the principal use after site plan approval.

308.8 A multiple family dwelling or multi-story dwelling designed and operated as housing for the elderly shall require a minimum of one parking space on the same lot with the main structure or structures for each two (2) dwelling units.

308.9 In addition to the above-stated parking requirements every apartment structure except those operated as "housing for the elderly" shall provide an open land area suitable for future conversion to off-street parking which can add an additional one-half parking space per dwelling unit. Such land banked for future parking need not be improved as parking spaces until and unless a need for such additional spaces is determined by Council to exist. Such determination shall be based upon substantial evidence of such need.

309 OFF-STREET LOADING: One off-street berth of not less than fifty feet by ten feet shall be provided for every new business or industrial use with a floor area of more than 2,500 square feet; and one additional berth shall be required for each additional 20,000 square feet of floor area over the first 20,000 square feet of floor area. Access and space to maneuver shall be sufficient so that no truck need back onto any public street nor across any public sidewalk.

310 ENVIRONMENTAL PROTECTION REQUIREMENTS: The following provisions shall apply to all uses of land in all districts unless otherwise noted. Certain activities, such as highway construction and the like, may be excepted from the following requirements provided such activities are closely controlled by other governmental environment protection agencies, and that Municipal reviewing agencies are satisfied that the spirit and intent of the Zoning Ordinance is being met through the review processes, bonding requirements and administrative activities of the appropriate environmental protection agencies.

310.1 Any person, partnership or corporation proposing to dump wastes or hazardous materials on any land within Monroeville must first obtain certificates from the United States Environmental

Protection Agency and appropriate Pennsylvania and Allegheny County agencies to certify that such wastes and materials are not hazardous to the health, safety, and general welfare of the residents of Monroeville and the surrounding region. Outdoor storage of garbage, rubbish, trash, refuse, junk or discarded articles is prohibited in every zoning district unless stored pursuant to §306.4(j).

310.2 Reasonable safeguards shall be established for all uses in every zone to prevent possible detriment to neighboring properties through emission of smoke, fumes, odor, dust, noise, vibration, or glaring light.

310.3 All utilities, including electrical and telephone lines, shall be underground except in flood plain districts. [Ordinance 1571/6-9-87]

311 RESIDENTIAL REQUIREMENTS: The following provisions shall apply to all uses of land in all Residential Districts:

311.1 In every residential development other than a development of less than fifty one-family detached houses the developer shall provide recreational facilities approved by the Planning Agency as appropriate to the population to be housed in such development.

311.2 In any residential development other than one-family the developer shall provide a pedestrian circulation system which, as a minimum, shall be comprised of sidewalks not less than four feet in width located along public streets. The pedestrian circulation system in a planned development shall be a part of the development plan.

311.3 In any one-family attached or garden apartment development differing setbacks, roof lines and first floor elevations may be required in order to best adapt to the specific topography of the site.

311.4 In every residential development all required yards will be permanently maintained in grass planting, or in other acceptable landscape planting.

311.5 The floor area for every dwelling unit shall not be less than one thousand (1,000) square feet for a one-family dwelling, a two-family dwelling or a one-family attached dwelling. In multiple family structures other than one-family attached units, the floor area per dwelling unit shall not be less than seven hundred and fifty (750) square feet for a unit having three or more bedrooms; six hundred (600) square feet for a unit having two bedrooms; or four hundred and fifty (450) square feet for a unit having one bedroom or for an efficiency apartment. The floor area shall not be less than eight hundred (800) square feet for a mobile home.

312 Property Maintenance: Every property in every district of the Municipality shall be maintained in reasonable order and condition.

312.1 Reasonable order and condition, as required herein, shall mean:

312.1(a) Lawns shall be cut and maintained at a height of no more than eight (8) inches; weeds, poisonous vines, dead vegetation, shrubbery, vines and trees whether on the property or on the structure shall be removed if in the judgment of the Zoning Officer they constitute an eyesore or a nuisance. [Ordinance 1711/8-14-90]

312.1(a)(1) No person shall be permitted to deposit, by manual or mechanical means, grass, weeds, poisonous vines, dead vegetation, shrubbery, vines or trees or parts of trees onto any sidewalk or public roadway within the Municipality of Monroeville. [Ordinance 1711/8-14-90]

312.1(b) Trees, shrubbery and other foliage shall be trimmed if in the opinion of the Zoning Officer, the tree, shrubbery or other foliage would be an impediment to pedestrian or vehicular traffic movement or visibility, or that said trimming would assure easy convenient access to fire hydrants and would prevent the harboring of snakes, rodents or other vermin. [Ordinance 1711/8-14-90]

312.1(c) Parking areas shall be free of weeds, mud deposits, open cracks and pot holes; [Ordinance 1571/6-9-87]

312.1(d) Sidewalks accessible to the public shall have a smooth surface unmarred by cracks or differential settling or upheaving which may pose a hazard to the public, and shall be kept free of mud, ice, snow or other hazards;

312.1(e). Structures, including one-family houses and accessory structures and signs, wherein the judgment of the Zoning Officer the exterior surface has deteriorated or is an eyesore, shall be painted, refinished or resurfaced to conform to the prevailing standards of the neighborhood. [Ordinance 1571/6-9-87]

312.1(e) *Structures, including one-family houses, accessory structures and signs, where in the judgement of the zoning officer the exterior surface has deteriorated or is an eyesore, shall be painted, refinished or resurfaced to conform to prevailing standards of the neighborhood. [Ordinance 1711/8-14-90]*

312.1(f) *There shall be no exterior storage of junked appliances or vehicles, vehicles awaiting repair, other trash, combustible rubbish, garbage, or other waste which might provide a habitat for rodents, insects, or other vermin. Garbage disposal shall be in conformance with Section 306.5(j). Exterior storage of any material in commercial or industrial districts shall be allowed only as a special exception as provided by Section 304.3. [Ordinance 1571/6-9-87]*

312.1(g) *No erosion, siltation, or uncontrolled storm water runoff onto adjacent properties shall be permitted from commercial or industrial properties when, in the opinion of the Municipal Engineer, such erosion, siltation or uncontrolled storm water runoff may be controlled or eliminated. [Ordinance 1571/6-9-87]*

312.2 *If the owner of any property fails to maintain such property in reasonable order and condition, the Municipality shall serve written notice upon such owner or upon the resident of such property setting forth the maintenance deficiencies and requiring correction of deficiencies within a time set by the Zoning Officer which shall in no case be more than thirty (30) days. [Ordinance 1571/6-9-87]*

12.3 *If the deficiencies so set forth are not corrected within the specified time limit, the Municipality, in order to preserve the taxable values of adjacent and nearby properties and to prevent the property from becoming a public hazard or nuisance, may enter upon and maintain the property. This maintenance shall not constitute a taking nor vest in the public any rights to use the property. [Ordinance 1571/6-9-87]*

312.4 *The cost of such maintenance by the Municipality shall be assessed to the property, and shall become a lien on said property. The Municipality at the time of entering upon said property for the purpose of maintenance shall file with the County a notice of lien or a municipal claim upon the property affected with interest at a rate of ten (10) percent per annum. [Ordinance 1571/6-9-87]*

**ARTICLE FOUR:
CONDITIONAL USES AND PLANNED DEVELOPMENTS**

401 CONDITIONAL USES: Conditional Uses as specified on Table 201 may be allowed or denied by the Council after recommendation by the Planning Agency in accordance with procedures set forth in this Article. A Conditional Use shall be approved if, and only if, it is found to meet the following criteria:

401.1 The proposed use shall conform to the district and Conditional Use Provisions and all general regulations of this Ordinance.

401.2 The proposed use shall meet all special standards which may be applied to its class of Conditional Use as set forth in this Article.

401.3 The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards of Section 406.

401.4 The proposed use shall be sited, oriented and landscaped so that the relationship of its building and grounds to adjacent buildings and properties does not impair health, safety or comfort and does not adversely affect values of adjacent property.

401.5 The proposed use shall produce a total environment effect which is consistent with, and not harmful to, the environment of the neighborhood.

401.6 The proposed use shall organize vehicular access and parking to minimize conflicting traffic movement on adjacent streets.

401.7 The proposed use shall promote the objectives of this Ordinance and shall be consistent with the Comprehensive Plan for Monroeville.

401.8 Major excavation shall comply with all pertinent sedimentation and erosion control regulations, and shall not endanger structures or other improvements on any adjacent property. No extraction of oil, gas, coal, or other minerals shall be conducted within one thousand (1,000) feet of any existing house or principal structure. Excavation of sand, rock, metal and other natural resources shall be permitted as a conditional use only in the "S" District.

401.9 Child Care Centers shall be at least 2,000 feet apart from each other, shall not be located on lots of less than 8,000 square feet, and shall provide outdoor recreational facilities suitable to the age groups being served.

401.10 Community Uses when located in or adjacent to a residential district shall provide proper separation and protection for abutting residential property.

401.11 Dependent Dwellings shall be attached to the principal dwelling, shall not be located on lots of less than 7,200 square feet.

401.12 Drive-in Theaters shall provide storage space for waiting automobiles between the ticket gate and the highway equal to thirty-five (35%) of the capacity of the theater, shall have no structure within fifty (50) feet of any property line, shall provide individual car speakers, and shall serve no persons other than patrons from refreshment stands. The screen shall not be higher than one hundred (100) feet, nor be visible from any highway or abutting residential district nor be closer than one hundred (100) feet to any property line.

401.13 Freight Terminals shall not be located on lots of less than two acres, shall have side yards of not less than twenty (20) feet, shall not have any tank for the storage of flammable or otherwise hazardous material closer than fifty (50') feet to any property line, nor closer to any residential property than one hundred (100) feet. The site shall be such that no truck will back off of or onto a public right-of-way.

401.14 Gas Stations shall not be located on lots of less than eighteen thousand (18,000) square feet, shall have side yards of not less than fifteen (15) feet, and shall not have any tank for the storage of flammable or otherwise hazardous material closer than fifty (50) feet to any property line.

401.15 Group Dwellings shall be at least 2,000 feet apart from each other, shall not be located on lots of less than 8,000 square feet, nor on lots having less than four hundred (400) square feet for every sleeping room or for every two beds, whichever is greater. Such uses shall have side yards of not less than twenty (20) feet, and shall not be approved unless plans prepared by an architect or engineer are submitted which clearly indicate that adequate light, ventilation and fireproofing are provided, and that the dwelling facility and its accommodations shall be functional and convenient with regard to the specific needs of the group to be housed in the facility. Group dwellings shall be approved only after Council has found that plans and programs for management of the group dwelling are adequate and appropriate to the population to be housed and that adequate provisions have been made to assure the safety and welfare of the residents of the facility and of the adjacent neighborhood. Continued operation shall be subject to monitoring by such Review Agency as may be established and appointed by Council.

401.16 No Heliport or helicopter pad shall be located on lots of less area than the minimum recommended by appropriate State and Federal regulatory agencies, and the landing area shall be not less than three hundred (300) feet to any residential property, nor less than one hundred (100) feet from any commercial or industrial property or any public right-of-way.

401.17 No hospital shall be located on a lot less than ten thousand (10,000) square feet plus 300 square feet for each bed or in-patient facility.

401.18 Hotels shall provide a lot area of not less than one thousand square feet per rental unit for a one story structure, and not less than seven hundred and fifty (750) feet for structures having two or more stories. Every rental unit shall have a floor area of not less than three hundred (300) square feet and shall contain no more than two bedrooms.

401.19 Public Buildings when located in or adjacent to a residential district shall provide separation and protection for abutting residential property.

401.20 Public Uses when located in or adjacent to a residential district shall provide proper separation and protection for abutting residential property.

401.21 Recreation Clubs shall not be located on lots of less than 10,000 square feet, shall have yards of not less than twenty-five (25') feet.

401.22 Retail Stores shall be approved only after review of a professionally prepared market analysis has clearly indicated the need for such use, and where the retail use is such that no undue traffic congestion will result from its operation.

401.23 Shopping Centers shall be permitted in the C-3 Commercial District if such shopping is intended to serve nearby neighborhoods, and only when the gross floor area of such community shopping center is no greater than thirty thousand (30,000) square feet.

401.24 Utility Substations shall provide proper separation and protection for abutting property, and shall not require routine trucking movements on local residential or substandard streets.

401.25 Vehicle Sales Areas shall not be located on lots of less than one-half acre, shall have yards of not less than fifteen (15') feet, shall have a permanent enclosed structure of not less than twenty-five hundred (2500) square feet, and shall not have any tank for the storage of flammable or otherwise hazardous material closer than fifty (50') feet to any property line. The areas where vehicles are displayed shall be paved, and improved with curbs and bumper guards. No strings of lights, flags, flashers or similar paraphernalia shall be permitted. Off street parking shall be provided at the rate of one space for each fifteen hundred (1500) square feet of outdoor sales space in addition to the spaces required for any interior sales area. There shall be no exterior repair of vehicles nor exterior storage of damaged vehicles.

401.26 Personal Care Homes and Nursing Homes shall be located on lots not less than one (1) acre in area, nor on lots having less than four hundred (400) square feet for every resident. Such uses shall have side yards of not less than twenty (20) feet, and shall be in compliance with the Pennsylvania Department of Health, Department of Public Welfare, and Department of Mental Health standards applicable at the time of issue of license, and with the latest revision of licensing requirements; and the establishment sponsor shall file annually with the Zoning Office information that the facility continues to satisfy the conditions of approval and/or any change in ownership. Any change in the conditions of original approval shall constitute a new use and the full procedure for obtaining approval of the conditional use shall be required. [Ordinance 1886/5-11-94]

401.26 Golf Course club house or other similar accessory structures shall be located at a minimum of fifty (50) feet from all property lines. [Ordinance 1829/2-9-93]

401.27 Golf Course maintenance buildings and/or sheds shall be located at a minimum of fifty (50) feet from all property line. [Ordinance 1829/2-9-93]

401.28 Twenty-five (25) feet of vegetative buffer shall be provided in area abutting properties under separate ownership. [Ordinance 1829/2-9-93]

401.29 *The playing areas and hitting fields shall be designed and setback sufficiently to prevent golf balls from being hit into property under separate ownership, including but not limited to:*

- a. *Tees, fairways and greens shall be designed to encourage the direction of play away from adjacent properties; and*
- b. *Fence, netting and/or vegetative buffer shall be installed/planted to protect public streets, private access roads, other public right of way areas and adjacent properties to ensure that golf balls do not endanger and/or damage abutting properties, occupants, occupant's guest and/or vehicles. The height of any fence and/or netting shall be determined on a site specific basis and may exceed the requirements of Section 210, Fences of this Ordinance. [Ordinance 1829/2-9-93]*

401.30 *Access shall be provided for fire, emergency or other safety vehicles. [Ordinance 1829/2-9-93]*

401.31 *Light shall be shielded and directed away from adjoining property. [Ordinance 1829/2-9-93]*

401.32 *The landfill shall meet the definition of "Municipal Waste Landfill" as provided in Article Six of this Ordinance. [Ordinance 1843/7-21-93]*

401.33 *The landfill shall include provisions for postclosure use consistent with Table 201, District "S-1" Special Use Conservancy of the Monroeville Municipal Zoning Ordinance. [Ordinance 1843/7-21-93]*

401.34 *The total allowable additional topographic relief created by the landfill may not exceed 65% of the existing natural topographic relief for the proposed disposal area. The maximum allowable topographic relief at closure shall not exceed one-hundred (100) feet.*

e.g.	<i>Existing low elevation</i>	- 500
	<i>Existing high elevation</i>	- 600
	<i>Existing relief</i>	- 100
	<i>Allowable additional relief</i>	- 65

The final slope contour at closure shall not exceed three (3) horizontal to one(1) vertical. [Ordinance 1843/7-21-93]

401.35 *The landfill operator shall provide the plans as submitted to the applicable federal, state and county agencies, including anticipated construction, operation, closure, and end use milestones, within ninety (90) days of receiving requisite county, state and federal permits, therefor, and any amendments thereto. The landfill operator, by copying the Municipality on all regulatory correspondence to the regulatory bodies shall inform the Municipality of any substantial changes in such plans. [Ordinance 1843/7-21-93]*

401.36 *The landfill shall comply with Municipal Ordinance No. 1417, Making Unlawful the Causing or the Continuing of Unusually Loud Noise. [Ordinance 1843/7-21-93]*

401.37 *The operation of the landfill shall provide for minimal negative aesthetic impacts. The landfill shall also utilize an operating and staging sequence that provides a protective berm between landfill operations and the surrounding neighborhoods. [Ordinance 1843/7-21-93]*

401.38 *The landfill shall maintain compliance with all laws, regulations and/or ordinances of all relevant federal, state and local governments. [Ordinance 1843/7-21-93]*

401.39 *The landfill operator shall provide a document, certified by a Pennsylvania Registered Professional Engineer, which states that the facility has been designed to comply with Monroeville*

Ordinance 1788, as amended. The document will also certify that the facility has been designed to adequately provide protection from erosion, sedimentation, slope in-stability and mine subsidence. [Ordinance 1843/7-21-93]

401.40 In the event of mine voids in the proximity of the landfill, the landfill operator shall monitor said voids for landfill gas and leachate that may escape the facility. The results of said monitoring shall be provided to the Municipality quarterly. The Applicant shall prepare a site specific monitoring program. [Ordinance 1843/7-21-93]

401.41 Mine subsidence and slope in-stability monitoring shall be performed by the landfill operator. The results of said monitoring shall be provided to the Municipality quarterly. The Applicant shall prepare a site specific monitoring program. [Ordinance 1843/7-21-93]

401.42 To the extent allowed by the Pennsylvania Department of Environmental Resources (PaDER), the landfill shall have sufficient final cover depth to accommodate vegetative species native to the landfill area, including woody plants and shallow rooting trees, on the closed landfill. [Ordinance 1843/7-21-93]

401.43 The landfill operator shall provide unobstructed access to Municipal Landfill Inspectors on a twenty-four (24) hour basis and such access shall include, but not be limited to, the ability to schedule any monitoring activity as defined in Sections 401.40 and 401.41 or otherwise and said access shall also include access to office and telephone facilities. [Ordinance 1843/7-21-93]

401.44 The landfill operator shall implement a procedure for excluding the receipt of regulated hazardous waste as required by any applicable federal or state law. Records of inspections shall be made available to the Municipal Landfill Inspector. [Ordinance 1843/7-21-93]

401.45 The landfill operator shall immediately report any emergency to the Monroeville Municipal Manager and Director of Community Development. For the purposes of this Section, the term emergency includes a fire, spill or other environmental event that threatens public health and safety, public welfare or personal injury. An Emergency Response Plan shall be prepared and submitted to the Municipality and the Emergency Management Director. [Ordinance 1843/7-21-93]

401.46 The minimum size for a municipal solid waste landfill shall be one hundred (100) acres. [Ordinance 1843/7-21-93]

401.47 Any public roadway to the landfill shall be restricted for the use of said roadway by municipal waste vehicles between the hours of 11:00 P.M. and 7:00 A.M., which shall include the stacking of municipal waste vehicles on said public road. [Ordinance 1843/7-21-93]

401.48 The landfill shall include buffer areas which shall conform to the following:

- a. 300 feet from the applicant's property line.
- b. The Applicant shall present a planting plan and schedule for the buffer area utilizing trees, shrubs and bushes. These materials shall be sufficiently large and planted in such a fashion that a year-round screen at least ten (10) feet in height shall be produced. [Ordinance 1843/7-21-93]

401.49 The landfill site shall be properly fenced along the interior boundary of the buffer zone to prevent blowing papers and other refuse on adjoining properties. The fence shall be metal wire mesh constructed of No. 9 gage wire woven in a 2" mesh in full conformance with the American Society of Testing Materials Specifications. The surface height of the fence shall be twelve (12) feet. The fence shall contain, at all entrances, gates which are locked except during business hours. In addition, temporary litter control fences shall be installed, in such a manner as to prevent litter from dispersing off of the landfill site. The landfill site shall be adequately policed, and the litter shall be collected daily and incorporated into the landfill. [Ordinance 1843/7-21-93]

401.50 The emission of unpleasant gases and odors shall not be permitted in such quantities as to be offensive outside the boundaries of the landfill site. [Ordinance 1843/7-21-93]

401.51 Sound pressure level of any operation within the landfill site shall not exceed, at any point along the landfill site boundary, the following decibel levels:

Between 7:00 A.M. and 7:00 P.M.	68 dBA
Between 7:00 P.M. and 7:00 A.M.	58 dBA

The Applicant shall provide a site specific sound monitoring program. [Ordinance 1843/7-21-93]

401.52 A Sexually Oriented Business shall be located at a minimum of five-thousand (5,000) feet from another sexually oriented business. For purposes of this section, the distance between any two (2) 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. [Ordinance 1898/8-9-94]

401.53 A Sexually Oriented Business shall be located at a minimum of one thousand-five hundred (1,500) feet from any of the following, including: church; public or private pre-elementary, elementary, or secondary school; a public library; a child care facility or nursery school; a child-oriented business; and a public park adjacent to any residential district. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, 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; child-oriented business; or to the nearest boundary of an affected public park. [Ordinance 1898/8-9-94]

401.54 A Sexually Oriented Business shall secure a permit as outlined in Section Seven, Regulating Sexually Oriented Businesses, of this Ordinance. [Ordinance 1898/8-9-94]

401.55 Commercial Communication Towers shall comply with the following;:

401.55(a) *Commercial Communication Towers shall be erected within the minimum yard and building setbacks requirements of the zoning district it is located. Any guy anchor must meet the minimum yard and building setback requirements of the zoning district it is located. One additional foot of setback shall be required for every one foot of height over the Maximum Height as provided in Table 201 and outlined further in Section 206.6. [Ordinance 1952/8-8-95]*

401.55(b) *Certified documentation shall accompany any Conditional Use Application for a Commercial Communication Tower documenting that the commercial communication equipment planned for the proposed structure can not be accommodated on an existing or approved Commercial Communication Tower. [Ordinance 1952/8-8-95]*

401.55(c) *The Commercial Communication Tower shall be securely anchored in a fixed location on the ground, and plans submitted showing a cross section of the proposed structure, structural compliance with building codes documenting that the proposed structure meets or exceeds those standards, and documentary evidence from a professional engineer shall be provided that the proposed structure will withstand wind, storm, ice, lightning and other natural forces. Additionally, documentation shall be provided by a Professional Engineer demonstrating that the Commercial Communication Tower is structurally capable of handling antennas, dishes and other equipment mounted or attached to the Commercial Communication Tower and what the maximum load limits are for that structure. [Ordinance 1952/8-8-95]*

401.55(d) *An Annual Inspection Program performed by a Professional Engineer and paid for by the owner of the Commercial Communication Tower shall be required for all Commercial Communication Towers. An Annual Inspection Report shall be submitted to the Municipality of Monroeville on June 1 of each calendar year, documenting that an inspection has been performed of the Commercial Communication Tower within the previous thirty (30) days and that the structure and surrounding site is in compliance with the requirements of this Ordinance. Additionally, the Annual Inspection Report shall certify that the Commercial Communication Tower is securely anchored in a fixed location on the ground and further certify that the structure will withstand wind, storm, ice and other natural forces. It shall further guarantee that the Commercial Communication Tower is structurally capable of handling antennas, dishes and other equipment mounted or attached to the Commercial Communication Tower. [Ordinance 1952/8-8-95]*

401.55(e) *An environmental impact statement shall be submitted with any Conditional Use Application describing the effects of the proposed Commercial Communication Tower and related equipment will have on the environment and surrounding area, including, but not limited to effects on human health, scenic views, air traffic or other impacts as determined by the Zoning Officer. [Ordinance 1952/8-8-95]*

401.55(f) *All Commercial Communication Towers shall have a finish that reduces the visibility of the structure. Commercial Communication Towers shall not have strobe lights or any illumination unless required by the Federal Aviation Administration. [Ordinance 1952/8-8-95]*

401.55(g) *The Commercial Communication Tower and all equipment shall be enclosed by a chain link fence ten (10) feet high with three strands of barb wire constructed on the top of the chain link fence. The Commercial Communication Tower shall be shielded or guarded against climbing of unauthorized personnel. Access to the site shall be restricted and remained locked. Participation in Monroeville Municipal Fire Department Knox Lock Program required to assure access to Fire and Emergency Personnel. Any structures related to the Commercial Communication Tower shall be equipped with a 24-hour security system. [Ordinance 1952/8-8-95]*

401.55(h) *The Commercial Communication Tower and related equipment shall be promptly removed if the Commercial Communication Tower is not used for communication purposes for any continuous one year period. [Ordinance 1952/8-8-95]*

401.56(a) *Commercial Communication Antenna shall be located within the minimum yard and building setbacks requirements of the zoning district it is located. Any guy anchor or other accessory equipment must meet the minimum yard and building setback requirements of the zoning district it is located. One additional foot of setback shall be required for every one foot of height over the Maximum Height as provided in Table 201 and when an Commercial Communication Antenna is attached to the exterior of any structure it shall not at any time exceed ten (10) feet above that structure. [Ordinance1995/10-8-96]*

401.56(b) *Documentation shall accompany any Conditional Use Application for a Commercial Communication Antenna attesting that the commercial communication equipment planned can not be accommodated on an existing or approved Commercial Communication Tower. [Ordinance1995/10-8-96]*

401.56(c) *The Commercial Communication Antenna shall be securely anchored in a fixed location on the ground, or on an existing structure, and plans submitted showing a cross section of the proposed Commercial Communication Antenna, structural compliance with building codes documenting that the proposed Commercial Communication Antenna meets or exceeds those standards, and documentary evidence from a professional engineer shall be provided that the proposed Commercial Communication Antenna will withstand wind, storm, ice, lightning and other natural forces. [Ordinance1995/10-8-96]*

401.56(d) *An Annual Inspection Program performed by a Professional Engineer and paid for by the owner of the Commercial Communication Antenna shall be required for all Commercial Communication Antennas. An Annual Inspection Report shall be submitted to the Municipality of Monroeville on June 1 of each calendar year, certifying that an inspection has been performed of the Commercial Communication Antenna within the previous thirty (30) days and that the structure and surrounding site is in compliance with the requirements of this Ordinance. Additionally, the Annual Inspection Report shall certify that the Commercial Communication Antenna is securely anchored in a fixed location on the ground, or on an existing structure, and shall further certify that the structure will withstand wind, storm, ice and other natural forces. [Ordinance1995/10-8-96]*

401.56(e) *An environmental impact statement shall be submitted with any Conditional Use Application describing the effects of the proposed Commercial Communication Antenna and related equipment will have on the environment and surrounding area, including, but not limited to effects on human health, scenic views, air traffic or other impacts as determined by the Zoning Officer. [Ordinance1995/10-8-96]*

401.56(f) *All Commercial Communication Antennas shall have a finish that reduces the visibility of the structure. Commercial Communication Antennas shall not have strobe lights or any illumination unless required by the Federal Aviation Administration. [Ordinance1995/10-8-96]*

401.56(g) *The Commercial Communication Antenna and all associated equipment shall be secured and documentation shall be provided with the submission of a Conditional Use application documenting how the Commercial Communication Antenna shall be shielded or guarded against any activity by unauthorized personnel. Access to the Commercial Communication Antenna shall be restricted and remained locked. Participation in Monroeville Municipal Fire Department Knox Lock Program required to assure access to Fire and Emergency Personnel. Any structures related to the Commercial Communication Antenna shall be equipped with a 24-hour security system. [Ordinance1995/10-8-96]*

401.56(h) *The Commercial Communication Antenna and related equipment shall be promptly removed if the Commercial Communication Antenna is not used for communication purposes for any continuous one year period. [Ordinance1995/10-8-96]*

401.57.1 *A Commercial Commuter Lot shall be located on lots with a minimum of five (5) acres in size; shall have side and rear yards of not less than twenty (20) feet when abutting non-residential zoning districts, and fifty (50) feet when abutting any R or S zoning district; landscaping shall be provided at one tree per three off-street parking spaces, and shall be designed at the perimeter to provide an impervious screen, preventing direct view of parked vehicles from adjacent properties, and avoiding spill over light, glare, noise, and exhaust fumes onto adjacent properties, and designed interiorly to provide shade and visual relief. [Ordinance 2220/3-12-02]*

401.57.2(a) *A Commercial Commuter Lot shall be located within 1000 feet of an intersection of a Principal Arterial Highway and a Minor Arterial Highway, and shall provide a loading area for transit vehicles, either situated out of the road right-of-way or in the parking area, so as not to delay street traffic nor further congest area roadways. The Commercial Commuter Lot shall be designed to have maneuvering space for those vehicles that utilize the Commercial Commuter Lot, being able to travel the aisle ways, enter and exit the lot and individual spaces without endangering themselves, other vehicles or pedestrians. No off-street parking space shall be located so that a vehicle will maneuver within fifteen (15) feet of a vehicle entrance or exit to the Commercial Commuter Lot. [Ordinance 2220/3-12-02]*

401.57.2(b) *A Commercial Commuter Lot may have a controlled access booth and gate for collection of fees and security. Any such structure shall be constructed of brick, located so that it does not conflict with the internal circulation of the parking lot nor block any parking spaces and compatible with the character of the surrounding neighborhood. Any driver of a vehicle utilizing this Commercial Commuter Lot must be able to readily identify and distinguish queuing areas from other activities on-site. Queuing lanes shall be separate from internal circulation drives. The controlled access booth must be setback to provide sufficient queuing area as not to allow vehicles to obstruct the public right-of-way area nor back into a public street. Any controlled access booth and gate shall not impede fire or emergency access. . [Ordinance 2220/3-12-02]*

401.57.3(a) *A Commercial Commuter Lot shall be surfaced with a permanent, all-weather surface, either bituminous or concrete, with proper storm water detention facilities as required by*

the Storm Water Management Ordinance, 1788, as amended, with continuous six inch (6") curbing. Parking perpendicular to the grade shall be permitted up to a grade of five (5%) percent; parking parallel to the grade shall be permitted up to a grade of seven (7%) percent; no parking shall be permitted on grade in excess of seven (7%) percent. . [Ordinance 2220/3-12-02]

401.57.3(b) A Commercial Commuter Lot shall have concrete bumper guards or wheel stops installed at all parking spaces. . [Ordinance 2220/3-12-02]

401.57.3(c) A Commercial Commuter Lot shall be divided into smaller parking fields, providing landscaped strips, peninsulas or grade separations at every twenty to thirty parking spaces, providing area for visual breaks, shade trees, pedestrian walkways and traffic circulation. . [Ordinance 2220/3-12-02]

402.57.4 A Commercial Commuter Lot shall have off-street parking spaces and aisle widths meeting the following minimum specifications:

Parking Angle (In Degrees)	90	60	45	30	Parallel
Stall Width	9 feet	9 feet	9 feet	9 feet	8 feet
Stall Length	18 feet	20 feet	19 feet	18 feet	24 feet
Aisle Width					
One Way	22 feet	18 feet	12 feet	12 feet	12 feet
Two Way	24 feet	24 feet	24 feet	24 feet	24 feet

The tandem parking of vehicles are prohibited within Commercial Commuter Lots. Dead-end aisles are prohibited within Commercial Commuter Lots. [Ordinance 2220/3-12-02]

401.57.5 All Commercial Commuter Lots shall clearly provide a separation between vehicular and pedestrian traffic. Parking lot surface strips of brick textured or colored paving and/or raised surface area shall be utilized to define pedestrian areas. Pavement intended for pedestrian traffic shall be stable, firm, skid resistant and shall not have an irregular surface that is uncomfortable or dangerous to traverse. [Ordinance 2220/3-12-02]

401.57.6 A common area shall be situated adjacent to any public transportation transit stop, and shall include a passenger loading area that is located and landscaped to take advantage of solar orientation, provide protection from prevailing wind and to afford summer shade and winter sunshine. Additionally, benches or other type of seating shall be furnished, and other amenities such as a pay telephone, trash receptacles, drinking fountains, information kiosks and directories, and shelters shall be included to encourage the use of the Commercial Commuter Lot by the commuting public. A maximum of three vending machines may be situated in the common area, and shall be placed within a sheltered or screened structure. . [Ordinance 2220/3-12-02]

401.57.6(a) All Commercial Commuter Lots shall be designed in Compliance with the Americans with Disabilities Act as administered by the U.S. Department of Justice, with accessible parking spaces for cars being a minimum of 96 inches (8 feet) wide with an access aisle of 60 inches (5 feet) wide, and vans being 96 inches (8 feet) wide with an access aisle of 96 inches (8 feet) wide. Two accessible parking spaces may share a common access aisle as provided in Figure 1. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions. . [Ordinance 2220/3-12-02]

401.57.6(b) All Commercial Commuter Lots shall meet the the following accessible parking space ratio:

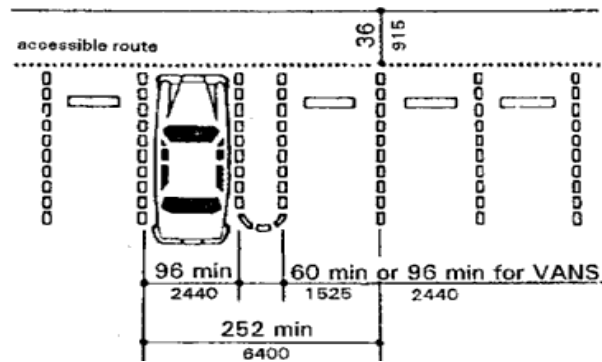


Figure 1
Dimension of Parking Spaces

Total Number of Parking Spaces	Required Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
1001 and over	20 plus 1 for each 100 over 1000

One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated van accessible. [Ordinance 2220/3-12-02]

401.57.6(c) *All accessible parking spaces shall be located with the shortest accessible route of travel from a public transportation transit stop; and any accessible route shall have a minimum clear width of 36 inches (3 feet) wide. [Ordinance 2220/3-12-02]*

401.57.6(d) *All accessible parking spaces shall be designated as reserved and marked with proper signage showing the symbol of accessibility, including a symbol sign mounted on a pole and a symbol painted on the parking surface. Additional signage shall be provided notifying patrons of Municipal Ordinances establishing a fee for the violation of parking in accessible parking areas. [Ordinance 2220/3-12-02]*

401.57.7(a) *A Commercial Commuter Lot shall provide on-site lighting in all parking areas, aisles, turnarounds and pedestrian walkways, and shall be designed and arranged with a .5 minimum foot-candle and not to exceed a maximum of 1.0 foot-candle at the property lines bordering residential zoned properties. [Ordinance 2220/3-12-02]*

401.57.7(b) *All light poles, standards and fixtures shall be of a low-profile decorative variety and shall be compatible with the character of the surrounding neighborhood. Additionally, those light poles, standards and fixtures shall not exceed a height of twenty (20') feet above grade level in areas abutting commercially zoned areas, and fourteen (14') feet above grade level in Commercial Commuter Lots abutting R and S Zoning Districts. [Ordinance 2220/3-12-02]*

401.57.8 *A Commercial Commuter Lot shall provide specially designated areas reserved for carpools/vanpools, and shall be located in preferential areas of the Commercial Commuter Lot, such as a close walking distance to the loading and unloading area of the public transportation transit stop, tree-shaded areas and sidewalk or plaza areas. [Ordinance 2220/3-12-02]*

402 PLANNED DEVELOPMENTS: Planned Group Units and Planned Residential Developments may be allowed or denied by Council after recommendation by the Planning Agency in accordance with the procedures set forth in Article 6.

402.2 A Development Plan for a Planned Group Unit or a Planned Residential Development shall be approved if, and only if, it is found to meet the following criteria:

402.2(a) The proposed Development Plan preserves the community development objectives of this Ordinance, and is consistent with the Comprehensive Plan.

402.2(b) Where the proposed Development Plan departs from Zoning and Subdivision Regulations otherwise applicable to the subject property, such departures must be shown to be in the public interest and promote the health, safety, and general welfare of the public.

402.2(c) The proposals for the maintenance and conservation of any proposed common open space are reliable, and the amount and extent of improvements of such open space is adequate with respect to the purpose, use, and type of development proposed.

402.2(d) The physical design of the proposed Development Plan adequately provides for public services, pedestrian and vehicle traffic facilities and parking, light, air, recreation and visual enjoyment.

402.2(e) The total environment of the proposed Development Plan is harmonious and consistent with the neighborhood in which it is located.

402.2(f) The proposed Development Plan will afford a greater degree of protection of natural watercourses, topsoil, trees, and other features of the natural environment, and prevention of erosion, landslides, siltation and flooding than if subject property were developed in accordance with the provisions of the Zoning and Subdivision Ordinances which otherwise apply.

402.2(g) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property of persons, and shall comply with the Performance Standards of §406.

402.2(h) In the case of a Development Plan which proposes development over a period of years, the Development Plan will provide at each stage of development a sufficient proportion of open space, planned facilities and amenities, and other improvements and conditions as required in this Article and as intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

403 PLANNED GROUP UNITS: Planned Group Units may be approved under provisions of this Ordinance if, and only if, they comply with the following standards and provisions.

403.1 Ownership: The entire site for the Planned Group Units shall be owned or controlled by the developer.

403.2 Minimum Size: The site shall not be less than 10,000 square feet.

403.3 Frontage: The minimum frontage abutting on a public right-of-way shall not be less than one hundred feet.

403.4 Access: The site must provide for access from arterial streets indicated in the Comprehensive Plan to assure convenient and safe access which will not cause undue congestion or hazard on local streets.

403.5 Safety: The site shall be so developed as to avoid danger to health or peril from fire, flood, or other hazard. Land containing or providing hazards to life, health and property, such as quarries, open ditches, land subject to flooding, subsidence, or underground fires shall not be developed for commercial purposes until such hazards have been eliminated or adequate safeguards are provided under the Development Plan.

403.6 Permitted Uses: Permitted uses and conditional uses as specified in Table 201 for the zoning district in which a proposed Planned Group Unit is to be located may be permitted in the Planned Group Unit provided their design, arrangement, landscaping, construction and relationship to adjacent properties and uses meet all requirements set forth in this Ordinance.

403.7 Yards and Open Spaces: The front, side and rear yards shall not be less than the minimum requirements of the District in which the Planned Group Unit is located. Not less than fifteen (15%) percent of the total site area shall be set aside for open space, and such open space shall be landscaped in a manner suitable for the uses intended for the development.

403.8 Building Spacing: The requirements determining the spacing of buildings shall be flexible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air and emergency access. The minimum distance between the nearest points of any exterior building walls shall be not less than thirty feet.

403.9 Building Groupings: Structures shall be oriented so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each structure shall be so arranged so as to avoid undue exposure to concentrated loading or parking facilities.

403.10 Off-Street Parking and Loading: Off-street parking spaces shall be provided at the minimum ratio of one space for every two hundred (200) square feet of gross floor area for retail uses, office uses and amusement uses. All other uses shall provide parking in accordance with §308. Five off-street loading berths shall be provided for the first 100,000 square feet of gross floor area, and one additional berth shall be provided for each additional 100,000 square feet.

404 PLANNED RESIDENTIAL DEVELOPMENTS. Planned Residential Developments may be approved under provisions of this Ordinance if, and only if, they comply with the following standards and provisions.

404.1 Ownership. The entire site for the Planned Residential Development shall be owned or controlled by the developer.

404.2 Minimum Size: The site shall not be less than five acres.

404.3 Frontage: The minimum frontage abutting on a public right-of-way shall not be less than two hundred feet.

404.4 Access: The site must provide for access from arterial streets indicated in the Comprehensive Plan to assure convenient and safe access which will not cause undue congestion or hazard on local streets.

404.5 Safety: The site shall be of such a character so as to avoid danger to health or peril from fire, flood, or other hazard. Land containing or providing hazards to life, health and property, such as quarries, open ditches, land subject to flooding, subsidence, landslide prone, or underground fires shall not be subdivided for residential purposes until such hazards have been eliminated or adequate safeguards are provided under the Development Plan.

404.6 Permitted Uses: The following uses may be permitted in a Planned Residential Development provided their design, arrangement, landscaping, relationship to adjacent properties and uses, and construction meet the requirements set forth in this Ordinance:

404.6(a) In the "R-1" - One-Family Residence: one-family houses, recreation facilities and accessory uses.

404.6(b) In the "R-2" - One-Family Residence: one-family houses, recreation facilities and accessory uses.

404.6(c) In the "R-2-T" - One-Family Residence: one-family houses, townhouses, recreation facilities and accessory uses.

404.6(d) In the "R-3" - Multiple Family Residence: one-family detached houses, one-family attached dwellings, garden apartments, recreation facilities and accessory uses.

404.6(e) In the "R-4" - Multiple Family Residence: one-family detached houses, mobile homes, garden apartments, recreational facilities and accessory uses.

404.6(f) In the "R-5" - Multiple Family Residence: one-family detached houses, one-family attached dwellings, garden apartments, high rise apartments, recreational facilities, and accessory uses.

404.7 Permitted Density: The overall density shall not exceed the average lot area per family, calculated exclusive of public or private streets and exclusive slope areas as specified in §207.1, of ninety percent (90%) of the minimum lot area per family as permitted in this Ordinance.

404.8 Open Space Requirement: Not less than fifteen percent of the total site area shall be set aside for open space, and not less than fifty percent of such open space shall be developed to a degree commensurate with its location and probable usage. The Common Open Space shall be so dedicated or otherwise preserved and maintained so as to always remain open and available for use by the occupants of the Planned Residential Development. The Common Open Space, including all improvements and facilities, shall be either:

404.8(a) Dedicated for public use to a public body which agrees to operate and maintain the dedicated land and facilities, but no public body is obliged by this Ordinance to accept such dedication, or

404.8(b) Deeded to an organization representing the property owners of the development, which organization shall covenant to operate and maintain land and facilities. Such organization may not be dissolved nor dispose of the Common Open Space unless the maintenance of the Common Open Space is otherwise guaranteed to the Municipality's satisfaction.

404.9 Common Open Space Maintenance: If the organization established to own and maintain Common Open Space, or any successor organization, fails to maintain such Common Open Space in reasonable order and condition in accordance with the development plan, the Municipality may serve written notice upon such organization or upon the residents of the Planned Residential Development setting forth the maintenance deficiencies, requiring correction of deficiencies within thirty days, and stating the date and place of a hearing thereon which shall be held within fourteen days of the notice. At such hearing the Municipality may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies so set forth shall not be corrected within the specified time limit, the Municipality, in order to preserve the taxable values of the properties within the Planned Residential Development and to prevent the Common Open Space from becoming a public nuisance, may enter upon and maintain the Common Open Space for one year. This maintenance shall not constitute a taking nor vest in the public any rights to use the Common Open Space. Before the expiration of the year, the Council shall set a public hearing where such

organization or residents of the Planned Residential Development may show cause why maintenance by the Municipality should not, continue for another year. If Council determines that such organization is ready and able to maintain said Common Open Space in reasonable condition, the Municipality shall cease to maintain said Common Open Space at the end of said year. If the Council shall determine that such organization is not ready and able to maintain said Common Open Space in a reasonable condition, the Municipality may, in its discretion, continue to maintain said Common Open Space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

404.9(a) The cost of such maintenance by the Municipality shall be assessed ratably against the properties within the Planned Residential Development that have a right of enjoyment of the Common Open Space, and shall become a lien on said properties. The Municipality at the time of entering upon said Common Open Space for the purpose of maintenance shall file with the County a notice of lien upon properties affected.

404.10 Minimum Building Setback: No structure shall be located closer to any boundary of the site than forty feet. Any structure exceeding thirty-five feet in height shall be set back one additional foot for every two feet of height exceeding thirty-five feet.

404.11 Building Spacing: The requirements determining the spacing of buildings shall be flexible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air and emergency access. The minimum distance between the nearest points of any exterior building walls shall be not less than twenty (20) feet.

404.12 Maximum Size of Structure: No structure shall have a maximum dimension greater than 250 feet. No town house shall have a height greater than three habitable stories, or 35 feet. Chimneys, spires, towers, tanks, or similar projections may exceed the prescribed height limitation by not more than twenty-five percent.

404.13 Building Groupings: Structures used for dwelling units shall be oriented so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each structure shall be so arranged so as to avoid undue exposure to concentrated loading or parking facilities.

404.14 Staging Development: The density of development within various portions of the Planned Residential Development may vary, provided that at every point during construction the completed portion of the Development Plan will meet all requirements of this Ordinance. It is further required that programs for the construction of areas of greater density concentration than permitted on the entire tract will be offset by site improvements which, because of their size or cost, are in proportion to the number of dwelling units to be constructed in each stage. As an alternative to part or all of the site improvements required to offset development densities in excess of the overall permitted density, the municipality may require the reservation of open space by grant, easement, or covenant in favor of the Municipality in an amount and location necessary to balance the excess development density of each stage.

405 REQUIRED IMPROVEMENTS: The following improvements shall be completed in connection with every Planned Group Unit and Planned Residential Development, and such improvements will be in conformance with such standards as may be specified and required in the Monroeville Subdivision Ordinance or other Municipal, County or State law.

405.1 Off-Street parking spaces shall be provided in accordance with the provisions of Section 308.

405.2 Areas should be provided for bus loading areas and bus shelters within one quarter mile of each residential concentration. The bus loading area shall be large enough for a bus to pull out of the flow of traffic.

405.3 Street lights shall be provided by the Developer throughout the Planned Development. The street lights shall be located to ensure adequate illumination in order to protect the safety of the residents of the Planned Development.

405.4 Proposed streets shall be related to street plains or parts thereof as have been officially adopted by the Municipality. Proposed streets shall conform to the requirements herein as well and as to any other plans, statute, ordinance, law or regulation applicable thereto. Streets shall be logically related to the topography in order that usable lots and reasonable grades shall be produced. Minor streets shall be so laid out as to discourage through traffic, but provisions will be required for street connections into and from adjacent areas.

405.5 Where a Planned Development abuts or contains an existing or proposed major traffic street, the Governing Body may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with major streets, and separation of local and through traffic.

405.6 Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all points along the streets.

405.7 Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the Planned Development. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear, and at all angles and property lines of lots and at all other lot corners.

405.8 Pedestrian interior walks shall be required where necessary to assist circulation or provide access to community facilities. Such interior walks shall have a paved width of not less than four feet.

405.9 When topsoil has been removed from the surface on a slope where erosion may cause a displacement of loose material, the area shall be seeded or otherwise treated as soon as possible to prevent damage to adjacent property or streets.

405.10 All utilities located within a Planned Development shall be located underground.

405.11 Surety bonds, performance bonds, irrevocable letters of credit in the form of a demand note, demand notes and cashiers checks established to ensure satisfactory completion of required improvements and maintenance, inspection procedures and acceptance of any public rights-of-way shall conform to the requirements of the Subdivision Regulations of the Municipality of Monroeville and shall be subject to review and approval by the Municipal Solicitor and Municipal Manager. [Ordinance 1657/2-14-89]

406 PERFORMANCE STANDARDS: All uses shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Council having jurisdiction may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

406.1 Fire Protection: Fire prevention and fire fighting equipment acceptable to the Municipal Fire Official shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

406.2 Electrical Disturbances: No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

406.3 Noise: Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

406.4 Vibrations: Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

406.5 Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

406.6 Air Pollution: No pollution of air by fly ash, dust, smoke, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property.

406.7 Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

406.8 Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

406.9 Water Pollution: No water pollution as defined by the standards established by the State and Federal Governments shall be permitted.

**ARTICLE FIVE:
ADMINISTRATION AND ENFORCEMENT**

501 ZONING OFFICER: The Zoning Officer, who shall be appointed as required by the Monroeville Home Rule Charter, shall:

501.1 Administer and enforce the provisions of this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.

501.2 Issue Zoning Permits and Zoning Occupancy Permits.

501.3 Maintain a permanent file with all zoning permits, occupancy permits, and applications as Public Records.

501.4 The Zoning Officer shall identify and register all non-conforming uses and structures as required by law. A zoning occupancy permit shall then be issued to the owner of said use or structure.

502 ZONING PERMIT: A Zoning Permit shall be obtained pursuant to provisions in Article Three before any person may:

502.1 Change the use of a structure or land to a different use; or

502.2 Construct, reconstruct, move, alter, or enlarge any structure or building; or

502.3 Change a non-conforming use or structure.

502.3(a) A Zoning Permit shall not be issued to change a non-conforming use or structure without review and approval by the Board.

502.4 Applications for the Zoning Permit shall be accompanied by a site plan showing clearly and completely the location, dimensions, and nature of any structure involved, and such other information as the Zoning Officer may require for administration of this Ordinance, together with the filing fee in accordance with the schedule annually affixed by resolution of the Council.

502.5 Zoning Permits shall become null and void one year from date of issue. Prior to continuance of the activity or change for which the original permit was issued, a new Zoning Permit must be obtained. The Zoning Permit may be renewed by the Zoning Officer if there has been no change in applicable zoning regulations, and if such renewal is requested within one month of the date of expiration of said Zoning Permit. If applicable zoning regulations have been changed, the full review and approval procedure required by this Ordinance shall apply. Any zoning permit issued by authorization of the Board shall not be renewed except by authority of the Board.

502.6 Within sixty days after the receipt of an application, the Zoning Officer shall either approve or disapprove the application or submit the application to appropriate review agencies in conformance with the provisions of this Ordinance. All Zoning Permits shall be conditional upon the commencement of work within one year and substantial completion within two and one half years. One copy of the plans shall be returned to the applicant by the Zoning Officer after the Zoning Officer shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Officer. The Zoning Officer shall issue a placard, to be posted in a conspicuous place on

the property in question. Attesting to the fact that the use or alterations is in conformance with the provisions of this Ordinance.

502.7 Prior to the issuance of a zoning permit for any use in a flood plain the Zoning Officer shall require the applicant to indicate compliance with all applicable State and Federal laws.

502.8 The Zoning Officer shall inspect the site during construction to determine whether work is in compliance with the approved zoning permit, and he may require certification by a qualified engineer or surveyor that all structures are being built to the required elevations and to other standards set forth by the zoning permit.

502.9 If the Zoning Officer finds that work does not comply with the applicable standards, or that there has been a misrepresentation by any applicant, the Zoning Officer shall revoke the zoning permit.

502.10 If the Zoning Officer finds reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, he shall give notice of such alleged violation. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent in accordance with law; and (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

503 ZONING OCCUPANCY PERMITS: Prior to occupancy of land or structure or to the change of tenants, ownership, or occupants of any structure, land or premises, or any portion thereof, a Zoning Occupancy Permit shall be obtained stating that the premises is in full compliance with this Zoning Ordinance.

503.1 A Zoning Occupancy Permit shall be revocable where the Zoning Officer determines that the occupant is not complying with every condition required by the issuance of said permit.

504 ENFORCEMENT PENALTIES: Any person, partnership, or corporation who or which shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars. In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty days. Each day that a violation is continued shall constitute a separate offense.

505 ENFORCEMENT REMEDIES: In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, Council may, in addition to other remedies, institute in the name of the Municipality any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure or land, or to prevent, in or about such premises any act, conduct, business or use constituting a violation.

506 PROCEDURES FOR CONDITIONAL USES: Applications shall be filed with the Zoning Officer and shall be accompanied by an application fee in an amount equal to that set by resolution of Council, and seven copies of a site plan prepared in accordance with §306.

506.1 Review: The Zoning Officer shall forward copies of the Application to Council and to the Planning Agency for review and approval.

506.2 The Planning Agency shall forward its recommendation within thirty days unless the petitioner agrees in writing to a time extension. Failure to act within the allotted time shall be deemed to be a favorable recommendation.

506.3 Council shall hold a public hearing within sixty days of the filing of an application for a development plan and shall render their decision within sixty days of the conclusion of the hearing.

506.4 Council may attach such conditions as they deem necessary to the approval of any Development Plan. All development, construction and use shall be in accordance with the approved plan, unless a revised plan is submitted, approved, and recorded. Any development contrary to the approved plan shall constitute a violation of this Ordinance.

507 PROCEDURES FOR PLANNED DEVELOPMENTS: Planned developments, including Planned Residential Developments and Planned Group Units shall require submission, review and approval of a preliminary application and of a final application in accordance with the following procedures and requirements.

507.1 The preliminary application shall include a Location Map, Site Map, Proposed Development Plan, and Engineering Report. The application shall be submitted to the Zoning Officer with not less than seven copies, and shall be accompanied by the fee.

507.2 The Zoning Officer shall forward one copy each of the preliminary application to the Planning Agency, the Municipal Engineer, the Health Department, and the County Planning Commission. Council shall not approve the preliminary application until reports from each of these agencies have been received, or until the expiration of thirty days from the date the copies of the application for development were forwarded to said agencies.

507.3 Council shall hold a public hearing within sixty days of the filing of such preliminary application. Council may continue such hearing, or refer the application back to the Planning Agency, but shall complete the hearing within sixty days of the initial hearing. Council shall render their decision not later than sixty days after the conclusion of the public hearing.

507.4 Council shall give tentative approval to a Proposed Development Plan if, and only if, it is found to meet the criteria set forth in Article Four.

507.5 The grant or denial or tentative approval shall include findings of fact related to the Proposed Development Plan as submitted for approval, and the reasons for the decision shall be set forth with particularity in what respect the Proposed Development Plan would or would not be in the public interest including, but not limited to, each of the cited criteria.

507.6 In the event a Development Plan is granted tentative approval, with or without conditions, Council may set forth in the official written communication the time within which an application for final approval of the Development Plan shall be filed or, in the case of a Development Plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed.

507.7 The decision of Council shall be in writing and shall be given to the developer personally, or mailed to him at his last known address, not later than five working days following the decision.

507.8 Failure of Council to render decision and to communicate it to the Applicant in the time and in the manner required, shall be deemed an approval of the application and terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed

manner of presentation or of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation and communication shall have like effect.

507.9 Council may:

507.9(a) Grant tentative approval of the subject Development Plan as submitted;

507.9(b) Grant tentative approval subject to specified conditions not included in the Development Plan as submitted; or

507.9(c) Deny approval of the Development Plan.

507.10 If the Developer chooses to reject any conditions attached to the grant of tentative approval, he may void such tentative approval by notifying Council within thirty days of the date of this decision.

507.11 The grant of tentative approval may be revoked by Council if they are notified by the Developer of his intention to abandon the proposed Development Plan. The grant of tentative approval shall be deemed to be revoked if the Developer does not submit an application for final approval within the time limits required by this Article.

507.12 Application for final approval of each phase shall be filed with the Zoning Officer not later than twelve months following the grant of tentative approval, unless otherwise specified by Council. The application shall comprise one reproducible copy and six prints of the Development Plan for the phase, including a Site Plan and supplementary data, and a Certificate of Completion of Improvements or a Guarantee of Improvements as required by this Ordinance.

507.13 Recording: Upon the approval of a final plat, the developer shall within ninety days of such final approval record such plat in the office of the Recorder of Deeds of Allegheny County.

508 GUARANTEE OF IMPROVEMENTS: *Prior to granting final approval of any site plan, conditional use or other approval required by this Ordinance, wherein the developer is required or has agreed as a condition of approval to provide and install specific amenities, after but not limited to and prior to the installation of trees, shrubbery and other plant materials, parking lots, storm sewers, utilities, fire protection, installation of sidewalks, fences or other landscape materials, parking lots, storm sewers, utilities, fire protection, installation of sidewalks, fences or other landscape materials, the provision of driveways, pathways or other related remedy to circulation, or the demolition and removal of any structure or non-conforming signs or any other specific amenity shown on the site plan or as recommended by Council, the developer shall provide a completion bond, performance bond, irrevocable letter of credit in the form of a demand note, demand note or cashier's check approved by the Municipal Solicitor and Municipal Manager as to form and content. Said instrument shall be in the amount of one hundred ten (110%) percent of the estimated cost of such improvements.* [Ordinance 1657/2-14-89]

508.1 The Council shall promptly release the developer from the improvement bond if, and only if, the Zoning Officer certifies in writing that all improvements have been completed in accordance with all agreements set forth as a condition of the required zoning approval.

509 AMENDMENTS: The Council may amend this Ordinance as proposed by a member of the Council, by the Planning Agency, or by a petition of a person residing or owning property within the Municipality in accordance with the following provision:

509.1 Petitions for amendment shall be filed with the Planning Agency, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee in accordance with a schedule annually affixed by resolution. The Planning Agency shall review the proposed amendment, and report its findings and recommendations in writing to the Council and to the petitioner. The proposed amendment shall be introduced before the Council only if a member of the Council elects to do so.

If an amendment proposed by petition is not introduced, the advertising deposit shall be refunded to the petitioner; otherwise, such deposit shall be paid to the Municipality of Monroeville.

509.2 Any proposed amendment introduced by a member of the Council without written findings and recommendations from the Planning Agency shall be referred to the Planning Agency for review at least thirty days prior to public hearing by the Council.

509.3 Before voting on the enactment of an amendment, the Council shall hold a public hearing thereon pursuant to public notice. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Council shall hold another public hearing pursuant to public notice, before proceeding to vote on the amendment.

509.4 Amendment of Flood Plain Boundaries: The delineation of any of the flood plain districts may be amended as specified above, where natural or man-made changes have occurred or where studies by the U.S. Army Corps of Engineers, River Basin Commission, or other qualified person document the need for such change. Prior to any such change, approval shall be obtained from the Federal Insurance Administration.

510 ZONING HEARING BOARD: In accordance with law, the Council shall appoint a Zoning Hearing Board, which Board shall adopt rules to govern its procedures. The Board shall hold meetings, keep minutes, and pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing, all as required by law. A fee shall be charged in accordance with a schedule annually affixed by resolution of Council for any appeal or proceeding filed with the Zoning Hearing Board shall have the functions, powers and obligations specifically granted by law.

510.1 Appeals from the Zoning Officers shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or of the Zoning Map or any valid rule or regulation governing the action of the Zoning Officer. Appeals from decisions or interpretations of the Zoning Officer may be made by landowners, developers, or persons aggrieved and may relate to such subject matter as to whether a Zoning Permit or Zoning Occupancy Permit should be issued or whether a stop work order should be issued.

510.2 Challenges to the Validity of the Ordinance: The Board shall hear challenges to the validity of this Ordinance or map raising substantive questions. Procedural questions or an alleged defect in the process of enactment or adoption of any ordinance or map shall be raised by an appeal taken directly from the action of the governing body to the Court. Challenges to the validity of the ordinance or map to the Board include challenges such as exclusionary zoning or spot zoning.

510.3 Variances: The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the property of the applicant. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance. The Board may grant a variance provided the following findings are made where relevant in a given case:

510.3(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shaped, 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 Ordinance in the district in which the property is located;

510.3(b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of such property;

510.3(c) That such unnecessary hardship has not been created by the appellant;

510.3(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

510.3(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.

510.4 Special Exceptions: The Board shall hear and decide requests for special exceptions enumerated in §304. A special exception is issued for an exceptional use which may be permitted within a particular zoning district if the Board determines its availability. Such uses are made available as a privilege, not as a right, assuming that the requisite facts and conditions detailed in this Ordinance are found to exist. In granting a special exception, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

510.5 In considering applications for special exceptions and variances in flood plain districts the Board shall give due consideration to the danger to life and property due to increased flood heights or velocities caused by encroachment. No special exception or variance shall be granted for any proposed use, development, or activity within the floodway that will cause any increase in flood levels during the one hundred (100) year flood.

510.5(a) The Board shall notify the applicant for such special exception or variance, in writing, that the construction of a structure below the one hundred (100) year flood elevation increases risks to life and property, and will result in increased premium rates for flood insurance.

510.6 Stay of Proceedings: Upon the filing of proceedings before the Board appealing a determination of the Zoning Officer, challenging an ordinance or requesting a variance or special exception and during the pendency of such proceedings before the Board all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.

510.7 Hearings: The Board shall conduct hearings and make decisions in accordance with the following requirements:

510.7(a) Notice shall be given to the public, the applicant, the Zoning Officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance, or in absence of ordinance, provision by rules of the Board.

510.7(b) The hearing shall be conducted by the Board, or the Board may appoint any member as a hearing officer.

510.7(c) The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Board and any other person, including civic or community organizations permitted to appear by the Board.

510.7(d) The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

210.7(e) 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.

510.7(f) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.'

510.7(g) The Board or hearing officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

510.7(h) The Board or hearing officer 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, report, staff memoranda or other materials unless parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

510.7(i) The Board or the hearing officer, as the case may be, shall render a written decision, or when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the Board fails to render the decision within forty-five (45) days after the last hearing before the Board or hearing officer or fails to hold the required hearing on the application within sixty (60) days from the date of the applicant's request for hearing, the 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. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the municipality shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 1 of this section.

510.7(j) A copy of the final decision, or where no decision is called for, of the findings, shall be delivered to the applicant and to all other persons who have filed their name and address with the Board personally or by mail not later than the day following its date.

**ARTICLE SIX:
DEFINITIONS**

601 GENERAL: Certain words used in this Ordinance are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and plural the singular. The word "shall" is mandatory and not permissive.

ACCESSORY USES: A subordinate use which is clearly incidental and related to that of a main structure or main use of land.

ACCESSORY STRUCTURE: A subordinate structure, located on the same lot as the main structure, or a portion of the main structure, the use of which is clearly incidental to and customarily found in connection with the main structure or principal use of the land.

ADULT ARCADE : 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 (5) 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". [Ordinance 1898/8-9-94]

ADULT BOOKSTORE or ADULT VIDEO STORE: a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- I. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or*
- ii. instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".*

A commercial establishment may have other principal business 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 (1) 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". [Ordinance 1898/8-9-94]

ADULT CABARET : a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- I. persons who appear in the state of nudity; or*
- ii. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or*
- iii. films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". [Ordinance 1898/8-9-94]*

ADULT MOTEL : a hotel, motel or similar commercial establishment which:

- I. offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, 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

ii. offers any single sleeping room for rent, four (4) or more times in one (1) calendar day during five (5) or more calendar days in any continuous thirty (30) day period. [Ordinance 1898/8-9-94]

ADULT MOTION PICTURE THEATER: *a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". [Ordinance 1898/8-9-94]*

ADULT THEATER: *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 anatomical areas" or "specified sexual activities". [Ordinance 1898/8-9-94]*

AGRICULTURE: Any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Uses permitted in conjunction with an agriculture use may include barns, stables, corn cribs, silos and any other use or structure that is clearly related to an agricultural operation.

AMUSEMENT USE: *A stadium, arena, bowling alley, or related facility for the presentation of musical, theatrical or sporting events where the number of spectators normally is greater than the number of players and where such use is not accessory to a school or church. [Ordinance 2118/8-10-99]*

ANIMATION: *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 or rotation. [Ordinance 2325/1/11/05]*

ANCILLARY CAFETERIA: A restaurant which is located within a shopping center, industrial park, office center or apartment complex, having a floor area of not more than three thousand (3,000) square feet, and intended to primarily serve the employees, patrons or residents of the complex within which it is located.

APARTMENT: A dwelling unit in a multiple family residential structure containing three or more dwelling units.

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

AUTOMOBILE SALVAGE: The dismantling or wrecking or used motor vehicles, trucks, trailers, farm equipment or mobile homes, or the storage, sale or dumping of dismantled or partially dismantled, obsolete, or wrecked vehicles or their parts.

BASEMENT: A story partly below ground and having forty (40%) percent or more of its height below the average level of the adjoining ground.

BASIC GRADE: A reference plane representing the average of the finished ground level adjoining a structure at all its exterior walls.

BOARD: The Zoning Hearing Board of the Municipality of Monroeville.

BUFFER AREA: The area within a landfill property or site, generally adjacent to and parallel with the applicant's property line, for a width of three-hundred (300) feet, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or other berms, designed to limit the view of and/or sound from the site to adjacent sites or properties. [Ordinance 1843/7-21-93]

BUILDABLE AREA: That portion of a zoning lot bounded by the required front, side, and rear yards.

BUILDING SETBACK: The required minimum horizontal distance between the front yard line and the front edge of a building. [Ordinance 2106/3-9-99]

BILLBOARD AND/OR OUTDOOR ADVERTISING SIGN: A sign displaying changeable advertising copy which pertains to a business, organization, event, person, place, service, or product not principally located or sold on the premises upon which said sign is located. [Ordinance 1764/8-13-91]

BUSINESS SERVICES: A service shop or office providing services and sales of office supplies and equipment where the repair and maintenance of equipment is limited, and does not include manufacturing or industrial operations.

CEMETERY: Land used or intended to be used for the interment of human remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CHANGEABLE COPY: Character height shall be no greater than eighteen (18) inches in height and no more than three (3) lines of copy per electronic sign board with the copy or other images that physically change or give the appearance of change displayed at intervals of not less than fifteen (15) seconds. [Ordinance 2325/1/11/05]

CHILD CARE CENTER: Any place, home, or institution which cares for four (4) or more children under the age of sixteen (16) years apart from their parents, guardians, or custodians for regular periods of time for compensation; provided, however, that the term "child care center" shall not include or apply to bona fide schools, custody fixed by a court, children raised by blood or marriage within the third degree of the custodial person, or churches and other religious or public institutions caring for children within an institutional building.

CHILD-ORIENTED BUSINESS: a commercial establishment which, as one of its principal business purposes, serves and/or sells children and their families food, apparels, goods, services, play and/or entertainment. [Ordinance 1898/8-9-94]

CLOSURE: The date on which a municipal waste processing or disposal facility permanently ceases to accept waste, and access is limited to activities necessary for post-closure care, maintenance and monitoring. [Ordinance 1843/7-21-93]

CLUB: An organization comprised mainly of the residents of the neighborhood in which it is located, the primary purpose of which is the advancement of its members or of the community in education, cultural or civic pursuits and activities.

COMMERCIAL: An activity involving the sales of goods or services carried out for profit. [Ordinance 1995/10-8-96]

COMMERCIAL COMMUNICATION ANTENNA: *A device, including but not limited to panels, microwave dishes and single pole/whip, which is used to collect or transmit television, radio, telephone communications or other wireless signals, situated on a non-residential site either as a principal structure or external to or attached to the exterior of any other structure.* [Ordinance 1995/10-8-96]

COMMERCIAL COMMUNICATION TOWER: *A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, telephone communications and any related building and equipment.* [Ordinance 1952/8-8-95]

COMMERCIAL COMMUTER LOT: *An off-street parking lot, designed and intended to provide for the storage, for limited periods of time, of operable passenger automobiles, and available to the public for compensation, or as an accommodation to clients or customers.* [Ordinance 2220/3-12-02]

COMMON OPEN SPACE: A parcel of land integral to a Planned Residential Development and subject to provisions which assure the continued availability and maintenance of such open space for the use and benefit of the residents of the planned development.

COMMUNITY USE: A school, playground or related recreation facility, public building or public maintenance facility.

COMMUTE: *A trip from home-to-work or work-to-home.* [Ordinance 2220/3-12-02]

COMMUTER: *One who travels regularly from home-to-work and then work-to-home.* [Ordinance 2220/3-12-02]

COMPLETELY DRY SPACE: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONDITIONAL USE: A specific exception to the standard regulations of this Ordinance which requires approval by the Governing Body under terms and procedures and with conditions prescribed herein.

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

CONSTRUCTION/DEMOLITION WASTE: *Solid waste resulting from the construction or demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphalt substances, bricks, block and unsegregated concrete. The term also includes dredging waste. The term does not include the following if they are separate from other waste and are used as clean fill:*

- (i) *Uncontaminated dredging waste, soil, rock, stone, gravel, unused brick and block and concrete.*
- (ii) *Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative materials.* [Ordinance 1843/7-21-93]

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

DEPARTMENT OF ENVIRONMENTAL RESOURCES: The Department of Environmental Resources of the Commonwealth of Pennsylvania and authorized representatives. Also referred to as PaDER or DER. [Ordinance 1843/7-21-93]

DEPENDENT DWELLING: An accessory dwelling unit attached to a principal one family house, installed and intended solely for the use of elderly parents, or other dependent, close relatives.

DEVELOPMENT PLAN: A graphic and written presentation of either a Planned Residential Development or a Planned Group Unit, including a plat of subdivision, and all provisions relating to use, location, and bulk of structures, intensity of development, streets, ways and parking facilities, common open space, and public facilities.

DEVELOPER: Any present or prospective landowner or agent of such landowner who makes or causes to be made a Development Plan and an application for a planned development.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land. [Ordinance 1988/7-9-96]

DISPOSAL AREA: The part of the site where disposal is occurring or will occur. [Ordinance 1843/7-21-93]

DRIVE-IN RESTAURANT: A fast food restaurant characterized by a limited menu and primarily catering to drive-in traffic.

DWELLING UNIT: One or more living or sleeping rooms with cooking and sanitary facilities for one person or one family.

ELECTRONIC MESSAGE CENTER: A secondary sign, with a black background/face that includes provisions for changeable copy, amber colored, advertising an on-site product/service/activity, public service message, time and temperature sign. [Ordinance 2325/1/11/05]

ESCORT : a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person. [Ordinance 1898/8-9-94]

ESCORT AGENCY : 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. [Ordinance 1898/8-9-94]

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

FACILITY: Land, structures and other appurtenances or improvements where municipal waste disposal or processing is permitted or takes place. [Ordinance 1843/7-21-93]

FAMILY: Either an individual, or two or more persons related by blood or marriage or adoption, or a group of not more than five persons not so related (not counting servants) occupying a premises

and living as a single housekeeping unit distinguished from a group occupying a boarding house, lodging home, club, fraternity, or hotel.

FINAL CLOSURE: The date after which no further treatment, maintenance or other action is or will be necessary at a municipal waste processing or disposal facility to ensure compliance with the act and this article. [Ordinance 1843/7-21-93]

FLOOD PLAIN: A relatively flat or low land area which is subject to inundation from the rapid accumulation of surface waters including Floodway Districts, Flood-Fringe Districts and General Flood Plain Districts.

FLOOD-FRINGE DISTRICT: That area of the one hundred year flood plain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one hundred year flood elevations contained in the flood profiles of the Flood Insurance Study.

FLOOD PLAIN DISTRICT: A flood plain area for which no detailed flood profiles or elevations are provided, but where a one hundred year flood plain boundary has been approximated. Such areas are shown on the Flood Boundary and Floodway Map of the Flood Insurance Study.

FLOODWAY DISTRICT: That portion of a flood plain delineated for regulation by this Ordinance which must be reserved to discharge the waters of the one hundred year flood without causing more than a one foot rise in flood heights. The areas included in this District are specifically defined on Tables 1 through 6 of the Flood Insurance Study.

FLOOD INSURANCE STUDY: A study prepared by the Federal Emergency Management Agency for the National Flood Insurance Program dated October 4, 1995, which includes Flood Insurance Rate Maps. [Ordinance 1988/7-9-96]

FLOODPROOFING: Means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one-hundred (100) year magnitude. [Ordinance 1988/7-9-96]

FLOOR AREA: (1) In a dwelling, the sum of the horizontal areas of all rooms used for habitation but not including cellars, attics, unheated rooms, nor rooms without either a skylight or window. (2) In a store, shop, restaurant, club or funeral home, the sum of the horizontal areas of all space to which the customer has access and excluding storage, office, other preparation or administrative spaces. [Ordinance 1938/4-11-95]

FLOOR AREA RATIO: The ratio obtained when the gross floor area minus unoccupied basement area is divided by the total lot area.

FRONT YARD DEPTH: The prescribed minimum open space extending across the entire width of the lot between the front line of building and street right of way.

FRONT YARD LINE – The lot line separating a lot from a street right of way. [Ordinance 2106/3-9-99]

GARDEN APARTMENT: A multiple family residential structure containing three or more dwelling units having a height no greater than three stories.

GAS STATION: A premises providing fuel and minor accessories and services to automobiles, but not including major overhaul, spray painting, recapping of tires, or auto wrecking.

GOLF COURSE: *A recreational facility, public or private, whose primary purpose is the sport of golf and may include within that facility such associated accessory uses as driving ranges, putting courses, club house, pro shop, swimming pools, tennis court, and restaurant. [Ordinance 1829/2-9-93]*

GOVERNING BODY: The Council, Municipality of Monroeville, Allegheny County, Pennsylvania.

GRADE: *A reference line representing a point where the finished ground meets the exterior building walls. Except at those locations where the finished ground slopes down and away from the exterior walls, the grade shall be defined as nine (9) inches below the point where the finished ground meets the exterior walls. [Ordinance 1656/2-14-89]*

GROSS FLOOR AREA: *The sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls. [Ordinance 1938/4-11-95]*

GROSS SURFACE AREA: *The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or figure or similar character together with any frame or other material or color forming an integral part of the display or used to differentiate sign from the background against which it is placed; excluding necessary supports or uprights upon which such sign is placed. For signs utilizing individual letters or figures or characters mounted directly on the wall or face of a structure, the gross surface area shall be the entire area within a single continuous perimeter enclosing the extreme limits of the writing, representation or other communication material. [Ordinance 1764/8-13-91]*

GROUP DWELLING A: A dwelling facility operated for not more than eight persons, including staff, living together as a single housekeeping unit.

GROUP DWELLING B: A dwelling facility operated for not more than fifteen persons plus staff, living together as a single family or as a single housekeeping unit.

GROUP DWELLING C: More than two and less than eight supervised apartments in one multiple family structure, each housing not more than four persons, inclusive of an apartment occupied by staff persons to assist and supervise the group of apartments so supervised.

HAZARDOUS MATERIAL: Any of the following materials or substances: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, nitric oxides, petroleum products, phosphorus, potassium, sodium, sulphur, sulphure products, pesticides, insecticides, fungicides, and all poisons, flammable gasses and radioactive substances.

HAZARDOUS WASTE: *Garbage, refuse or sludge from an industrial or other waste water treatment plant; sludge from a water supply treatment plant or air pollution control facility; and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities; or combination of the above. The term does not include the Coal Refuse Disposal Control Act(52P.S. Section 30.51-30.101). The term does not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under The Clean Streams Law (35 P.S. Section 691.1 - 691.1001). The term does not include solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act(33 U.S.C.A. Section 1341) or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, (42 U.S.C.A. Section 2011-2284), which because of its quantity, concentration or physical, chemical or infectious characteristics may do one of the following:*

(I) Cause or significantly contribute to an increase in mortality or increase morbidity in either an individual or total population.

(II) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

[Ordinance 1843/7-21-93]

HEIGHT: The vertical distance from basic grade at the front wall of a structure to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

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

- a. *There are more than six living or sleeping room units;*
- b. *The major portion of the floor area is devoted to living quarters, but incidental business may be conducted; and*
- c. *There may be meeting rooms, common dining facilities, swimming pools, tennis courts, and similarly ancillary recreational uses, as accessory uses or structures incidental to the hotel operation. [Ordinance 2082/7-14-98]*

HOUSING FOR THE ELDERLY: A multiple family apartment structure designed for and operated for occupancy by elderly families and individuals, sixty years of age or older, and conforming to all requirements of Federal, State or Local laws and regulations pertaining to housing for the elderly.

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

LIMITED OFFICE: Offices located within a structure having a floor area of less than four thousand (4,000) square feet.

LOADING SPACE: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOCAL RESTAURANT: A restaurant other than a drive-in restaurant having a floor area not greater than three thousand (3,000) square feet.

LOCAL RETAIL SHOP: Retail stores and personal service shops which cater to the day to day needs of nearby residents and which can be located in close proximity to residential neighborhoods without an adverse impact from undue vehicular congestion, excessive noise or other objectionable influences. Such shops and stores include drug stores, beauty salons, barber shops, dry cleaning and laundry pickup facilities having a floor area of less than 3,000 square feet, and grocery stores of less than 8,000 square feet in floor area.

LOT: A parcel of land occupied or capable of being occupied by one or more structures.

LOT OF RECORD: Any lot which individually or as a part of a subdivision, has been recorded in the Office of the Recorder of Deeds of the County.

LOT, DEPTH OF: A mean horizontal distance between the front and rear lot lines.

LOT, AREA OF: The horizontally projected area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.

LOT, WIDTH OF: The distance between the side lines of the zoning lot measured at the shortest distance at or between the front and rear building lines as determined by the prescribed front and rear yard requirements.

LOT, ZONING: A parcel of land, fronting on a street, which is or may be occupied by a main structure or a unit group of buildings with accessory uses and structures and the open spaces required under this ordinance, including easement areas if any, but not including any public or private street or alley.

LOWEST FLOOR: *The lowest floor of the lowest fully enclosed area. An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance. [Ordinance 1988/7-9-96]*

MAJOR EXCAVATION: Any grading, filling or other operation (other than in connection with a foundation for a structure), involving:

- a. Strip or other mining of coal or other minerals, excavating of sand or rock and the crushing of rock, drilling for gas or oil, recovery or metal or natural resources and similar operations; or
- b. Material alteration of the ground surface so as to affect streets and recreation sites and other public facilities, or physically affect private property within one thousand (1000) feet of the operation; or
- c. A volume of earth movement exceeding ten thousand (10,000) cubic yards; or
- d. A change in ground elevation exceeding fifteen (15) feet.

MANUFACTURING: The processing and fabrication of any article, substance or commodity.

MEDICAL CLINIC: Any establishment where human patients are not hospitalized overnight but are examined and treated by doctors or others who are duly licensed to perform medical healing arts.

MEMBERSHIP CLUB: A chartered, non-profit organization, the primary purpose of which is the advancement of its members of the community in education, fraternal, cultural, or civic pursuits and activities.

MINOR ARTERIAL HIGHWAY: *A functional classification, established by the American Association of State Highway and Transportation Officials (AASHTO), for the grouping or categorizing of roadways according to the character of service they provide as part of an overall highway system. Minor Arterials connect with and augment the principal arterial system; more emphasis is placed on land access; they are important to intra-community continuity; and have lower traffic volumes than principal arterials and includes: Center Road, Haymaker Road, James Street, Monroeville Boulevard, Monroeville Road, Northern Pike, Old William Penn*

Highway, Pitcairn Road, Stroschein Road, Thompson Run Road and Wilmerding-Monroeville Road. [Ordinance 2220/3-12-02]

MINOR REPAIR: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME: A prefabricated dwelling unit designed for transportation on streets and highways on its own wheels or on a flat bed or other trailers, and arriving at the site where it is intended to be occupied as a dwelling complete and ready for occupancy except for connection to utilities and minor or incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation.

MOBILE HOME PARK: A Planned Residential Development which is to be occupied by two or more mobile homes.

***MUNICIPAL LANDFILL INSPECTOR:** Employee(s) of the Municipality of Monroeville, certified by the Department of Environmental Resources, to act as a host municipality inspector of municipal waste landfills and resource recovery facilities with the following authority, including: enter onto the property; inspect any records required by the Department of Environmental Resources; collect samples; and conduct inspections in accordance with Department of Environmental Resources regulations. [Ordinance 1843/7-21-93]*

***MUNICIPAL WASTE:** Any garbage, refuse, industrial lunchroom or office waste and any other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste hereunder from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility. [Ordinance 1843/7-21-93]*

***MUNICIPAL WASTE DISPOSAL OR PROCESSING FACILITY:** A waste facility using land for disposing or processing of municipal waste. The facility includes land affected during the lifetime of operations, including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection, transportation and storage facilities, closure and post closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. [Ordinance 1843/7-21-93]*

***MUNICIPAL WASTE LANDFILL:** A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations, including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection, transportation and storage facilities, closure and post closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a construction/demolition waste landfill or a facility for the land application of sewage sludge, as more specifically defined in Title 25, Chapter 271.1 of the Pennsylvania Department of Environmental Resources, as amended. [Ordinance 1843/7-21-93]*

NATURAL TOPOGRAPHIC POINT: *An elevation, present in or produced by nature, undisturbed by man. [Ordinance 1843/7-21-93]*

NEW CONSTRUCTION: *Structures for which the start of construction commenced on or after July 10, 1979, with the adoption of Ordinance 1192 by Monroeville Council, and includes any subsequent improvements thereto. [Ordinance 1988/7-9-96]*

NON-CONFORMING STRUCTURE: Any structure or part of a structure legally existing at the time of enactment of this Ordinance or any of its amendments which does not conform to the provisions of this Ordinance.

NON-CONFORMING LOT: A lot whose width, area or other dimension does not conform to the regulations of this Ordinance and which was a lot of record or lawfully existed at the time the regulations with which it does not conform became effective.

NUDE MODEL STUDIO: *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. [Ordinance 1898/8-9-94]*

NUDITY or a STATE OF NUDITY: *the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast. [Ordinance 1898/8-9-94]*

NURSING OR CONVALESCENT HOME: *An institution for the care of persons who are residents by virtue of requiring specialized care and supervision relating to health, social and/or rehabilitative services. The facility shall be licensed by the Commonwealth of Pennsylvania as a skilled or intermediate care facility. The terms shall not include hospitals, psychiatric hospitals, or alcohol and drug abuse rehabilitation centers. [Ordinance 1886/5-11-94]*

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or which is placed where the flow of the water might carry the same downstream to the damage of life and property.

ONE-FAMILY HOUSE: A detached building having accommodations for and occupied by not more than one (1) family.

ONE HUNDRED YEAR FLOOD: A flood of such magnitude that has only a one (1) percent chance of occurring each year, although such flood may occur in any year.

OPERATE: *To construct a municipal waste management facility in anticipation of receiving solid waste for the purpose of processing or disposal; to receive, process or dispose of solid waste; to carry on an activity at the facility that is related to the receipt, processing or disposal of waste or otherwise affects land at the facility; to conduct closure and postclosure activities at a facility. [Ordinance 1843/7-21-93]*

OPERATOR: *The person or municipality that operates a municipal waste processing or disposal facility. [Ordinance 1843/7-21-93]*

PARKS AND RECREATION: *A facility operated by a public agency, non-profit agency, or home owners' association to provide open space and recreational facilities serving the neighborhood, the community, or the general public. . [Ordinance 1571/6-9-87]*

PERMIT: A permit issued by the Department of Environmental Resources to operate a municipal waste disposal or processing facility. The term includes a permit modification, permit reissuance and permit renewal. [Ordinance 1843/7-21-93]

PERMITTEE and/or LICENSEE : 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 application the application for a permit and/or license. [Ordinance 1898/8-9-94]

PERMIT AREA: The area of land and water within the boundaries of the permit, which is designated on the permit application maps as approved by the Pennsylvania Department of Environmental Resources. The area includes the areas which are or will be affected by the municipal waste processing or disposal facility. [Ordinance 1843/7-21-93]

PERSON: an individual, proprietorship, partnership, corporation, association, or other legal entity. [Ordinance 1898/8-9-94]

PERSONAL CARE HOME: A residential premises for ambulatory, elderly persons in which food, shelter, and personal assistance or supervision are provided for a period exceeding twenty-four (24) consecutive hours for more than three (3) persons who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet, or medication prescribed for self administration but do not require hospitalization or care in a skilled nursing home or intermediate care facility as defined in current State Licensure requirements. [Ordinance 1571/6-9-87]

PERSONAL SERVICES: A commercial establishment such providing personal services as hair dressing and cutting, clothes cleaning, laundering, shoe repair, tailor shops and the like.

PLANNED DEVELOPMENT: A Planed Group Unit or Planned Residential Development as defined and regulated herein.

PLANNED GROUP UNIT: A zoning lot on which the development of more than one principal structure and built in accordance with a unified site development plan which may provide for industrial, recreation and open space, and/or commercial uses and which is reviewed and approved in accordance with the provisions of this Ordinance.

PLANNED RESIDENTIAL DEVELOPMENT: At least five acres of land, controlled by one 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 buildings, density, lot coverage and required open space to the regulations established in any one residential district of the Zoning Ordinance.

PLANNING AGENCY: The Planning Agency of the Municipality of Monroeville, Allegheny County, Pennsylvania.

POSTCLOSURE: Activities after closure which are necessary to ensure compliance with the act and Pennsylvania Department of Environmental Resources regulations, including application of final cover, grading, revegetation; groundwater, surface water and gas monitoring; erosion control and gas control; leachate treatment; and abatement of pollution or degradation to land, water, air or other natural resources. [Ordinance 1843/7-21-93]

PRINCIPAL ARTERIAL HIGHWAY: A functional classification, established by the American Association of State Highway and Transportation Officials (AASHTO), for the grouping or categorizing of roadways according to the character of service they provide as part of an overall

highway system. Principal Arterial Highway have high traffic volumes, carry the majority of trips between regional activity centers and communities and provide some access to property, and include the following roadways: Broadway Boulevard/Route 130; Golden Mile Highway/Route 286; Mosside Boulevard/Route 48; and William Penn Highway/Route 22. [Ordinance 2220/3-12-02]

PUBLIC BUILDING: A structure owned or leased and operated by a governmental agency.

PUBLIC USE - A lot, building, structure, or any combination thereof owned and exclusively occupied by a federal, state or local governmental agency. [Ordinance 2081/5-12-98]

REAR YARD DEPTH: The prescribed minimum open space extending across the entire width of the lot between the back line of the building or accessory structure and the rear lot line.

RECREATION CLUB: A non-commercial facility operated by and for its members and providing recreational facilities for the use of members and their guests.

RECREATIONAL VEHICLE: A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; and, (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. [Ordinance 1988/7-9-96]

REGULATORY FLOOD ELEVATION: The one hundred year flood elevation plus a freeboard safety factor of one and one-half feet.

RESEARCH LABORATORY: A facility for applied research conducted within an enclosed structure where no good are produced in quantity.

RESIDUAL WASTE: Garbage, refuse, other discarded materials or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations; and sludge from an industrial, mining or agricultural water treatment facility, waste water treatment or air pollution control facility, if it is not hazardous. The term does not include the Coal Refuse Disposal Control Act(52P.S. Section 30.51-30.101). The term does not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under The Clean Streams Law (35 P.S. Section 691.1 - 691.1001). [Ordinance 1843/7-21-93]

SEAT: A fixed seat in a theater, auditorium or meeting room, or 24 lineal inches of an installed bench or pew, or in the absence of these, six square feet of floor space in the seating area.

SCREENING: Screening relative to this Ordinance shall mean a fence, evergreen hedge or wall at least six feet high, provided in such a way that it will block a line of sight. The screening may consist either of one or several rows of bush or trees or of a constructed fence or wall.

SECURITY ILLUMINATION: Level of illumination in prescribed areas of 0.5 foot candles.

SEMI-NUDE: 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. [Ordinance 1898/8-9-94]

SEXUAL ENCOUNTER CENTER: a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- I. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or*
- ii. activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude. [Ordinance 1898/8-9-94]*

SEXUALLY ORIENTED BUSINESS: 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. [Ordinance 1898/8-9-94]

SHOPPING CENTER: A group of commercial establishments which is planned, developed, owned, and managed as a unit related in its location, size and type of shops to the trade area that the unit serves.

SIDE YARD WIDTH: The prescribed minimum open space extending from the side of any building or accessory structure to the side lot line throughout the entire depth of the yard. Any lot line nor a rear line or a front line shall be deemed as a side line.

SIGN: Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure (including billboards, poster panels, or other graphic displays) designed to carry the above visual information.

SIGN FACE: The entire area on which graphic or written material or information is placed for viewing in a single direction. [Ordinance 1764/8-13-91]

SITE: The area where municipal waste processing or disposal facilities are operated. If the operator has a permit to conduct the activities, and is operating within the boundaries of the permit, the site is equivalent to the permit area. [Ordinance 1843/7-21-93]

SOLID WASTE: Waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. [Ordinance 1843/7-21-93]

SPECIFIED ANATOMICAL AREAS: the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals. [Ordinance 1898/8-9-94]

SPECIFIED SEXUAL ACTIVITIES: includes any of the following:

- I. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;*
- ii. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;*
- iii. masturbation, actual or simulated; or*
- iv. excretory functions as part of or in connection with any of the activities set forth in i. through iii. Above. [Ordinance 1898/8-9-94]*

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STREET: A right-of-way intended primarily for vehicular traffic and usually providing for utilities and pedestrian travel. A street may be designated by other appropriate names such as highway, thoroughfare, boulevard, parkway, road, avenue, drive, lane or place.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land including in addition to buildings, billboards, carports, porches, and other building features, but not including sidewalks, drives, fences, and patios.

SUBDIVISION: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer or ownership, or building, or lot development, provided however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement or access, shall be exempted.

SUBSTANTIAL DAMAGE: *Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred. [Ordinance 1988/7-9-96]*

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS: *the increase in floor areas occupied by the business by more than twenty-five per cent (25%), as the floor areas exist on date of enactment of this ordinance. [Ordinance 1898/8-9-94]*

SUBSTANTIAL IMPROVEMENT: *Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start or construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:*

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions; or*
- (2) Any alterations of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure". [Ordinance 1988/7-9-96]*

SWIMMING POOL: A container of water used for swimming or bathing purposes, or any depth or size if wholly or partially sunk beneath adjacent ground level. If erected above ground, the same shall be covered under the terms of this Ordinance only if it has at least one dimension greater than fifteen (15) feet, or is more than thirty-six (36) inches in depth. As herein defined the term "Swimming Pool" shall be deemed to be a structure.

TANDEM: A group of two or more arranged one behind the other or used or acting in conjunction. [Ordinance 2220/3-12-02]

THEATER – *A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances. [Ordinance 2118/8-10-99]*

TOPOGRAPHIC RELIEF: *The vertical distance between the highest natural topographic point on the proposed disposal area and the lowest natural topographic point on the proposed disposal area. (e.g. the difference in elevation of the highest natural point and the lowest natural point.) [Ordinance 1843/7-21-93]*

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

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS: includes any of the following:

- i. the sale, lease, or sublease of the business;*
- ii. the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or*
- iii. 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. [Ordinance 1898/8-9-94]*

TWO-FAMILY HOUSE: A detached structure having accommodations for and occupied by not more than two (2) families.

USE: The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied or maintained.

VARIANCE: An authorization to vary slightly from the strict interpretation of the standards of this Ordinance which may be granted by the Zoning Hearing Board in accordance with the law.

VEHICLE SALES AREA: The sale or leasing of automobiles, mobile homes, trucks, recreational vehicles or farm equipment on a predominantly open lot where no repair work except that which is minor and incidental to the sale of vehicles is performed.

VEHICLE SALESROOM: The sale or leasing of automobiles, mobile homes, trucks, recreational vehicles, or farm equipment within an enclosed structure which may also include the servicing and maintenance of such vehicles when conducted within a fully enclosed structure.

VETERINARY CLINIC: A facility where animals are treated by a licensed veterinarian but are not boarded.

YARD: An open space on a lot, other than a court, unoccupied and unobstructed from the ground to the sky, not occupied by structure or used for parking or storage, except as otherwise provided, and not including any portion of a street or alley.

ZONING OCCUPANCY PERMIT: A document issued by the Zoning Officer upon completion of the construction of a structure, or change in use of structure or parcel of land, or change of occupancy of structure, and indicating that the use and structure is in compliance with the Ordinances of the Municipality having jurisdiction over the location of such use or structure, that all conditions attached to the granting of the Zoning Certificate have been met, and that the structure and land may be occupied and used for the purposes set forth in the Zoning Permit.

ZONING PERMIT: A document issued by the Zoning Officer stating that a proposed use or development will be in compliance with this Ordinance, and authorizing the applicant to proceed to obtain all required Building Permits.

**ARTICLE SEVEN:
REGULATING SEXUALLY ORIENTED BUSINESSES**

701 **PURPOSE AND INTENT:** It is the purpose of this ordinance to regulate sexually oriented businesses to promote the health, safety, and general welfare of the citizens of the Municipality, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the Municipality. The provisions of this ordinance 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 ordinance 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 ordinance to condone or legitimize the distribution of obscene material.

702 **CLASSIFICATION:** Sexually oriented businesses are defined in Article Six, Definitions, and are classified as follows:

- A. Adult arcades;
- B. Adult bookstores or adult video stores;
- C. Adult cabarets;
- D. Adult motels;
- E. Adult motion picture theaters; Adult theaters;
- G. Escort agencies;
- H. Nude model studios; and
- I. Sexual encounter centers.

703 **PERMIT REQUIRED:**

A. Any person who operates a sexually oriented business without a valid permit issued by the Municipality is guilty of a violation of the Zoning Ordinance.

B. An application for a permit to operate a sexually oriented business must be made on a form provided by the Zoning Officer. 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 total floor space occupied by the business. The sketch or diagram need not be professionally prepared but 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").

C. 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 Building Official and the Fire Official.

D. If a person who wishes to operate a sexually oriented business is an individual, that person 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.

E. The fact that a person possesses other types of Municipal permits does not exempt the person from the requirement of obtaining a sexually oriented business permit.

704 ISSUANCE OF PERMIT:

A. The Zoning Officer shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true:

- i. An applicant is under eighteen (18) years of age.
- ii. An application or an applicant's spouse is overdue in the payment to the Municipality of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
- iii. 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.
- iv. An applicant is residing with a person who has been denied a permit by the Municipality 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.
- v. The premises to be used for the sexually oriented business have been reviewed and have been disapproved by either the Zoning Officer, the Building Official and/or the Fire Official as not being in compliance with applicable laws and ordinances.
- vi. The permit fee required by this ordinance has not been paid.
- vii. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.
- viii. 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 application 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.

B. 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.

C. The Zoning Officer, the Building Official, and Fire Official 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 by the Zoning Officer.

705 FEES:

The annual fee for a sexually oriented business permit is five hundred dollars (\$500.00).

706 INSPECTION:

A. An applicant, or permittee, shall permit representatives of the Police Department, Building Official, Fire Official, Zoning Officer, or other Municipal 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.

B. A person who operates a sexually oriented business or his agent or employee violates the Zoning Ordinance if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

707 EXPIRATION OF PERMIT:

A. Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 704. Application for renewal should be made at least thirty (30) days before the expiration date and, when made fewer than thirty (30) days before the expiration date, the pendency of the application will not prevent the expiration of the permit.

B. If the Zoning Officer denies renewal of a license, the applicant shall not be issued a permit for one (1) 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 denial of the renewal permit has been corrected or abated.

708 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:

A. Violated or is not in compliance with any section of this ordinance;

B. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises or engaged in the use of illegal narcotics.

C. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter;

D. Knowingly permitted gambling by any person on the sexually oriented business premises;

E. Failed to man managers' stations and/or maintain viewing rooms as set forth in Section 712.

709 REVOCATION OF PERMIT:

A. The Zoning Officer shall revoke a permit if a cause of suspension set forth in Section 708 occurs and the permit has been suspended within the preceding twelve (12) months.

B. The Zoning Officer shall revoke a permit if he determines that:

i. A permittee, or any of the persons specified in Section 704(A)(viii), is or has been convicted of the offenses specified in Section 704(A)(viii);

ii. A permittee gave false or misleading information in the material submitted to the Municipality during the application process;

iii. A permittee or an employee of a permittee has knowingly allowed possession, use, or sale of controlled substances on the premises;

iv. A permittee or an employee of a permittee has knowingly allowed prostitution on the premises;

v. 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;

vi. 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;

vii. A permittee is delinquent in payment to the Municipality or State of any taxes or fees relating to sexually oriented business.

C. 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 Section 709(B)(i) 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.

D. After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the application 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.

710 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.

711 LOCATION OF SEXUALLY ORIENTED BUSINESSES:

A. 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 conditional use. No sexually oriented businesses shall be located outside a district in which a sexually oriented business is a conditional use. Sexually oriented businesses as defined herein shall be permitted in an M-2, Industrial Zoning District, as a Conditional Use.

B. A person is guilty of a violation of the Zoning Ordinance if he operates or causes to be operated a sexually oriented business within one thousand and five-hundred feet (1,500') of:

- i. a church;
- ii. a public or private pre-elementary, elementary, or secondary school;
- iii. a public library;
- iv. a child-oriented business;
- v. a child care facility or nursery school; and
- vi. a public park adjacent to any residential district.

C. 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 within five thousand feet (5,000') of another sexually oriented business.

D. 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 (1) 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.

E. For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, 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 park.

F. For purposes of Subsection C of this section, the distance between any two (2) 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.

G. Any sexually oriented business lawfully operating on date of enactment of this Ordinance that is in violation of Subsections A through F 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 (2) or more sexually oriented businesses are within five thousand feet (5,000') 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.

H. 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 or public park within one thousand, five-hundred feet (1,500') 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.

712 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS:

A. 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 fewer than one hundred fifty (150) square feet of floor space, a film or videocassette, or other video or other image production or reproduction which depicts "specified sexual activities" or "specified anatomical areas", shall comply with the following requirements:

i. 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 (1) 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 (32) 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 not be required; however, each diagram should be oriented to the north or to some designated street or 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 (6") inches. 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.

- ii. The application shall be sworn to be true and correct by the applicant.
- iii. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Officer or designee.
- iv. 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.
- v. 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 rest rooms. Rest rooms may not contain video reproduction or viewing equipment. If the premises has two (2) 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 (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- vi. 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 as specified in Subsection v. 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 i. of this section.
- vii. 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.
- viii. 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 fewer than one (1) foot candle as measured at the floor level.
- ix. 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.

B. A person having a duty under Subsection i. through ix. of Subsection A is guilty of a violation of the Zoning Ordinance if he knowingly fails to fulfill that duty.

713 EXEMPTIONS:

It is a defense to prosecution under Section 704 and Section 711 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 a 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
-

- i. 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
- ii. where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
- iii. where no more than one (1) nude model is on the premises at any one (1) time.

714 INJUNCTION:

A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of this ordinance is subject to an action in equity or a suit for injunction as well as citations for violations of the Zoning Ordinance.

715 EXISTING SEXUALLY ORIENTED BUSINESSES:

Any existing business that would qualify under this ordinance shall have one (1) year from the time of enactment to come into compliance with this ordinance.

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