

# Borough of Linesville

## Zoning Ordinance

Adopted March 11, 2025

# Table of Contents

<u>Article 1 – Authority and Purposes</u>	<u>Page Number</u>
§262.101. Title	1
§262.102 Purpose and Authority	1
§262.103 Community Development Objectives	1
§262.104 Compliance & Prohibited Activities	2
§262.105 Interpretation of Regulations	2
<u>Article 2 – Definitions</u>	
§262.201 Interpretation of Words	3
§262.202 Specific Terms	3
<u>Article 3 – Zoning District Regulations</u>	
§262.301 Establishment of Zoning Districts	22
§262.302 Application of District Regulations	22
§262.303 Establishment of Zoning Map	22
<i>Exhibit 302 – Linesville Zoning Map</i>	23
§262.304 Interpretation of District Boundaries	23
§262.305 Permitted Principal Uses and Standards within Zoning Districts	24
<i>Table 305(A) Comprehensive Principal Uses Table</i>	24
<i>Table 305(B) Comprehensive Height Restrictions Table</i>	27
<i>Table 305(C) Lot Provisions Interpretive Exhibit</i>	27
§262.306 CB-Central Business District	28
<i>Table 306.1 CB-Central Business District Table of Uses</i>	28
<i>Table 306.2 CB-Central Business District Lot Provisions</i>	29
§262.306.3 Public Space Provision Reductions in the CB District	29
§262.306.4 Structures in the CB District	29
§262.307 MU-Mixed-Use Corridor District	30
<i>Table 307.1 MU-Mixed-Use Corridor District Table of Uses</i>	30
<i>Table 307.2 MU-Mixed-Use Corridor District Lot Provisions</i>	31
§262.307.3 Structures in the Mixed-Use Corridor	31
§262.308 EDZ-Economic Development Zone District	32
<i>Table 308.1 EDZ-Economic Development Zone District Table of Uses</i>	32
<i>Table 308.2 EDZ-Economic Development Zone District Lot Provisions</i>	32
§262.309 CO-Conservation District	33
<i>Table 309.1 CO-Conservation District Table of Uses</i>	33
<i>Table 309.2 CO-Conservation District Lot Provisions</i>	33
§262.310 CL-Cluster District	34
<i>Table 310.1 CL-Cluster District Table of Uses</i>	34
<i>Table 310.2 CL-Cluster District Lot Provisions</i>	34
§262.311 R-Residential District	35
<i>Table 311.1 R-Residential District Table of Uses</i>	35
<i>Table 311.2 R-Residential District Lot Provisions</i>	35

## Article 4 – Performance Standards for Permitted Uses

§262.401 Specific Permitted Use Performance Standards	36
-------------------------------------------------------	----

## Article 5 – Performance Standards for Conditional Uses/Special Exceptions

§262.501 General Conditional Use Performance Standards.	44
§262.502 Specific Conditional Use Performance Standards.	45
§262.503 General Special Exception Performance Standards.	54
§262.504 Specific Special Exception Performance Standards.	55

## Article 6 – Supplementary Regulations

§262.601 Accessory Uses and Structures.	57
<i>Table 601 Accessory Uses and Structures by Use Type</i>	57
§262.602. Application of Yard and Open Space Regulations.	59
§262.603. Principal Structure Appurtenance Setback Encroachment.	60
§262.604. Horticulture.	61
§262.605. Commercial Waste Receptacles.	61
§262.606. Accessory Drive-Through for Commercial Uses	61
§262.607. Clear sight triangle	61
<i>Exhibit 608 – Clear Sight Triangle</i>	62
§262.609. Temporary Structures.	62
§262.610. Prohibited Structures for Housing.	62
§262.611. Storage in Portable Storage Units.	62
§262.612. Public Rights-of-Way.	62
§262.613. Steep Slope Areas.	63
§262.614. Pedestrian Walkways.	63
§262.615. Skirting for Buildings on Piers.	63
§262.616. Pop-up/Seasonal Uses	63
§262.617. Landscaping Requirements.	63
§262.618. Wireless Communications Facilities.	64
§262.619. Dark Sky Standards	80
§262.620. Accessory Dwelling Units	84

## Article 7 – Nonconformities

§262.701 Nonconforming Uses and Structures	86
§262.701 Existing Lots of Record	87

## Article 8 – Loading and Parking

§262.801 Off Street Loading	88
<i>Table 801 Off-Street Loading Space Requirements</i>	88
§262.802 Off-Street Parking	89
<i>Table 802 Number of Parking Spaces Required</i>	90
<i>Table 803 Required Depth of Space and Access Lane</i>	91
<i>Table 803 Shared Parking Ratios by Type of Use</i>	93

## Article 9 – Signs

§262.901 Sign Regulations in All Districts	95
§262.902. Signs in the Residential and Cluster Districts	97
§262.903. Signs in the CB, C, MU, and EDZ Zone Districts	98
§262.904. Sign Regulations and Nonconforming Uses	98
§262.905. Awnings	98
§262.906. Electronic Signs	99

## Article 10 – Administration and Enforcement

§262.1001. Administration	100
§262.1002. Permits and Applications	100
§262.1003. Fees	104
§262.1004. Violations, Penalties, and Remedies	104

## Article 11 – Zoning Hearing Board

§262.1101. Creation	106
§262.1102. Appointment	106
§262.1103. Removal of Members	106
§262.1104. Organization of Board	106
§262.1105. Expenditures for Services	106
§262.1106. Legal Counsel	106
§262.1107. Hearings	107
§262.1108. Board’s Functions	108
§262.1109. Parties Appellant Before Board	110
§262.1110. Time Limitations – Persons Aggrieved	110
§262.1111. Stay of Proceedings	110

## Article 12 – Amendments

§262.1201. General	111
§262.1202. Referral	111
§262.1203. Action	111
§262.1204. Curative Amendments	111

## Article 13 – Borough Planning Commission

§262.1301. Creation	112
§262.1302. Membership	112
§262.1303. Duties	112

# ARTICLE 1

## Authority and Purposes

### §101. Title

This title of the Linesville Municipal Code, consisting of Article 262.101 through 262.1303, shall be the Zoning Code of the Borough of Linesville.

### §102. Purpose and Authority

This code is adopted by virtue of the authority granted to the Borough under Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as further amended. The provisions of this zoning code are designed to:

- (A) Promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development and proper density of population, emergency preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements, as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- (B) Prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- (C) Provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multiple-family dwellings in various arrangements, mobile homes and mobile home parks.
- (D) Accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

### §103. Community Development Objectives.

The zoning regulations and districts set forth in this code are made consistent with the Conneaut Valley Boroughs Multi-Municipal Comprehensive Plan adopted for the general welfare of the Borough at the time of passage of this ordinance and are intended for the following purposes and policy goals:

- (A) To establish pedestrian, active recreation, and natural connections between the Borough and Pymatuning State Park.
- (B) To encourage economic growth primarily centered on place-based and outdoor recreation tourism to provide opportunities for businesses and property owners, including expansion of downtown offerings to serve both full-time residents and seasonal demand from visitors to the area's recreational amenities.

- (C) To improve blighted housing while also accommodating suitable new housing types such as ‘missing-middle housing’ to increase residential densities in appropriate areas, open up more options for all residents, and to accommodate tourism-oriented transient housing that includes short-term rentals.
- (D) To grow in a manner that preserves, connects to, and capitalizes upon on the natural environment while addressing blight and incompatible land uses.
- (E) To provide adequate community facilities including public sewer, water, storm sewer, streets, sidewalks, trails, parks, public restrooms, and streetscape amenities such as benches and to implement practices for sustaining such systems.
- (F) To maintain adequate amounts of land for all major categories of land use while also opening up the lands necessary to accommodate future development that is consistent with the borough’s comprehensive plan.
- (G) To keep Linesville’s vital natural resources (water, greenspace, etc.) intact through proactive efforts to promote resource stewardship.

#### §104. Compliance & Prohibited Activities

- (A) No building or structure shall be located, erected, demolished, constructed, placed, moved, altered, externally converted, reduced or enlarged in size or bulk or occupied, nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this code, and after the lawful issuance of all permits and certifications required by this code. In cases of mixed occupancy or use, the regulations for each permitted use shall apply to that portion of the building or land so used.
- (B) No building or other structure shall hereafter be erected or altered to:
  - 1.Exceed the height or bulk;
  - 2.Accommodate or house a greater number of families;
  - 3.Occupy a greater percentage of lot area;
  - 4.Have narrower or smaller front yards, side yards , rear yards or other open spaces; than herein required or in any manner contrary to the provisions of this code.
  - 5.No yard or lot existing at the time of passage of this code shall be reduced in dimension or area below the minimum requirements set forth herein. Except as provided for in Article 6, yards or lots created after the effective date of the ordinance codified in this code shall meet at least the minimum requirements contained herein.
- (C) No lot shall hereafter be created that does not meet the lot area, lot width and other applicable provisions of this ordinance and the Linesville Borough Subdivision and Land Development Ordinance.

#### §105. Interpretation of Regulations.

When the provisions of this code are at variance with any other lawfully adopted rules, regulations or ordinances, the more restrictive requirements shall govern. Regulations herein that conflict shall defer to the specific over the general.

## ARTICLE 2

### Definitions

#### §201. Interpretations of Words

For the purpose of this code, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The phrase "used for" includes "arranged for;" "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this code, all words and phrases shall have their normal meaning and usage.

#### §202. Specific Terms.

The following words and phrases shall have the meaning given in this section:

*“Abut”* - is to have a common boundary or to be along contiguous lot lines and not separated by a street or alley.

*“Access drive”* - means a vehicular access lane built for access to a non-residential use or to provide access to off-street parking and is completely surfaced with asphalt, concrete or similar material subject to approval by the Borough engineer that prevents erosion and generation of dust or mud. Access drives must have a clear and durable delineation from vegetated yards, walks or other areas. Access drives are not subject to any setback requirements but must comply with stormwater management regulations, size requirements as specified in this code, and other standards and specifications adopted from time to time by the Borough.

*“Accessory building”* - means a subordinate building, incidental to and located on the same lot as the principal building and used for an accessory use.

*“Accessory use”* - means a use incidental to, and subordinate to and located on the same lot occupied by the principal use to which it relates.

*“Adaptive reuse”* - means the development of a new use for a historic structure.

*“Adequately Shielded” (in regard to lighting)* - means the attribute of a light source from which no direct glare is visible at normal viewing angles by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts or visors as needed.

*“Adjacent”* - is to be separated by an open street, open alley or other open public right-of-way.

*“Agricultural services”* - means businesses selling goods or services to a substantially agricultural clientele, including feed mills, seed sales, feed grinding services, and agricultural implement dealers.

*“Agriculture”* – Any agricultural use, including farming, dairying, pasturage, agriculture, aquaculture, horticulture, floriculture and viticulture. Agriculture also includes the sale of fruits, meats, vegetables and similar agricultural produce, commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. Agriculture does not include community gardens, nor does it include accessory uses that would otherwise fall under the definition.

“*Alley*” - means an open minor way, regardless of its public or private status, and is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

“*Applicant*” - any entity or person that applies for a wireless communications facility building permit, zoning approval and/or permission to use the public right-of-way, Borough-owned land, or other property.

“*Assisted Living Facility*” – Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24-hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration; and that is licensed as an Assisted Living Facility by the Commonwealth of Pennsylvania.

“*Automotive sales lot*” - means an open lot, used for the display or sale of new or used automobiles or trucks.

“*Awning*” - is an architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached.

“*Bar*” - a business establishment which provides on-site alcoholic beverage sales for drinking on the premises, where food is served only as an accessory use, where live entertainment (non-adult-facility-oriented) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian.

“*Bank*” – see Financial Establishment

“*Basement*” - means a floor level completely below grade or floor level in which more than two-thirds of the perimeter walls are below grade. A wall shall be considered below grade where the dimension from the first-floor line to the finished grade is five feet or less, and the slope of the finished grade extending 10 feet from the building walls does not exceed 30 degrees.

“*Bed and breakfast*” - means an owner- or manager-occupied dwelling offering rooms for rent for periods of less than 30 days for transient guests. The establishment may provide meals for guests.

“*Block*” - as it relates to lot or setback averaging, means the area comprising the properties fronting on one side of an open street or right-of-way between the next-nearest open streets.

“*Board*” - means, as referred to in this text, the Borough of Linesville zoning hearing board.

“*Boarding house*” - See the definition of “*Rooming house*”

“*Buildable area*” - means that portion of a lot remaining after the required yards have been provided.

“*Building*” - means a roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

“*Building supply/contractor’s yard*” - An area of land used for the storage of materials, supplies, etc.

“*Building setback line*” - means a line within a property defining the required minimum distance between any structure (building) and the adjacent right-of-way, or neighboring lot lines, and beyond which a building may not exceed so as to provide the required yard.

“*Business (use)*” - means uses that provide products or services for profit, inclusive of industrial and commercial uses, but not inclusive of residential or institutional uses.

*“Café/coffee shop”* – Means a restaurant business establishment that offers primarily coffee, tea and other beverages and where light refreshments and limited menu food items that require no food preparation which utilizes an open flame or fryer may also be sold.

*“Canopy”* – Means an architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached along with one or more posts, poles or similar supports attached to the ground.

*“Car wash”* - means an area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

*“Carport”* - means a covered space which is not fully enclosed by walls and is used for the storage of one or more vehicles.

*“Cemetery”* - means land used, or intended to be used, for the burial of the dead and dedicated for cemetery purposes, including the following uses only when operated in conjunction with and within the boundaries of such cemetery: Columbariums, crematories, mausoleums and mortuaries.

*“Civic/cultural building”* means any nonresidential building, structure, facility or complex used by the general public, whether occupied by any federal, state, county, or municipal agency, or private nonprofit association. Examples include municipal buildings, court facilities, museums, armories, social service agency offices, libraries and government offices.

*“Clubs, lodges, and fraternal organizations”* means any establishment operated for social, recreation or educational purposes but open only to members and their guests and not to the general public.

*“Commercial (use)”* means a category of uses that offer products or services where public patronage is invited on the site and the business transactions occur in-person at the site. Examples include all forms of retail, restaurants and food services, hotels, theaters, repair shops, medical clinics, gas stations, and teaching studios.

*“Commercial bakery”* means a nonretail bakery where food is baked for businesses, institutions, or sold through similar wholesale means.

*“Commercial laundry”* means a laundry in which clothing is cleaned for business clientele or as a wholesale service, excluding retail cleaners and self-service laundries.

*“Commercial recreation, indoor”* means a facility which offers various indoor recreational opportunities for the public, including such games as pool, billiards, bowling, video games and similar pursuits.

*“Commercial recreation, outdoor”* means an establishment hosting or operating any or a combination of entertainment and amusement uses, devices or attractions including, but not limited to a combination of the following: ATV tours, mountain biking course, motorcycle course, snow mobile tours, paintball, archery range, hatchet throwing, picnic groves, animal farms, shooting ranges, zoological parks, tennis and racquetball courts, miniature golf courses, golf driving ranges, zip line and ropes course, batting cages, gift shops, food services and other similar uses, activities and/ or attractions.

*“Commission”* means, as referred to in this text, the Borough of Linesville planning commission.

*“Community Intervention Center”*

*Type 1* - A non-residential facility where one or more of the following services are provided to clients: situational advising, referrals to local drug and alcohol abuse and mental health services, temporary address and mail privileges, telephone contact, message board, behavioral health groups, crisis intervention, representative payee services and resource coordination.

*Type 2* - A non-residential facility where one or more of the following services are provided to clients: food and meals, referrals to local drug and alcohol abuse and mental health services, crisis intervention, resource coordination or dispensing of legal drugs for the treatment, maintenance or detoxification of clients in crisis and recovery.

*Type 3* - A use (other than a prison or a permitted accessory use in a "hospital") providing housing facilities for persons who need specialized housing, treatment, therapy and/or counseling for stays between 31 days and 1 year and who need such facilities because of:

- A. Chronic abuse of or addiction to alcohol and/or a controlled substance; or
- B. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.; or
- C. The need for a safe haven for those who are in crisis due to domestic violence, sexual violence or homelessness.

This includes activities where individuals are assisted through the period of time necessary to eliminate, by metabolic or other means, the intoxicating alcohol or other drugs, alcohol and other drug dependency factors or alcohol in combination with drugs as determined by a licensed physician, while keeping the physiological risk to the patient at a minimum; and where individuals are assisted through a planned and regularly scheduled basis to one or more persons who have already eliminated all traces of the intoxicating effects of alcohol, drugs, or other substances from his/her/their persons.

*Type 4* - Definition: A use (other than a prison or a permitted accessory use in a "hospital") providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays between 31 days and 1 year and who need such facilities because of:

- A. Criminal rehabilitation, such as a criminal half-way house/criminal transitional living facility or a treatment/housing center for persons convicted of driving under the influence of alcohol;
- B. Chronic abuse of or addiction to alcohol and/or a controlled substance; or
- C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others; or
- D. The need for a safe haven for those who are in crisis due to domestic violence, sexual violence or homelessness.

*"Community center"* means public locations where members of a community may gather for group activities, social support, public information, and other purposes under the guise of a recognized community organization.

*"Community garden"* means an area of land designated for cultivation of produce or flora by a group of users. Generally, a community garden is comprised of multiple plots with different community members who grow produce or flora on specific assigned plots.

*"Conditional use"* means a use to be allowed or denied by the Borough Council pursuant to public notice and hearing and recommendations by the Borough of Linesville planning and zoning commission and pursuant to the express standards and criteria set forth in this code.

*"Construction"* means the construction, reconstruction, renovation, repair, extension, expansion, alteration, placement or relocation of a building or structure.

*"Continuing life care community"* - means an age-restricted residential development that provides a continuum of accommodations and care, from independent living to skilled nursing care.

*"Convenience store"* means a retail establishment of limited size (less than 5,000 square feet for the building), designed for the sale of sundries, groceries and gasoline (and sometimes diesel

fuel, propane or kerosene). Convenience stores do not include repair services, tire sales or similar activities.

*"Day care centers"* See "Day care services (day care)."

*"Day care services (day care)"* provides out-of-home care for part of a 24-hour day to persons, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This code identifies three levels of day care services:

(1) *"Family day care homes"* means facilities in which day care is provided at any one time to four, five, or six persons who are not relatives of the caregiver, and where the care areas are used as a family residence.

(2) *"Group day care homes"* means facilities in which care is provided for more than six but less than 12 persons at any one time, where the care areas are being used as a family residence. (Care of more than 12 persons where the care areas are not used as a family residence will be considered a day care center.)

(3) *"Day care centers"* means facilities in which care is provided for seven or more persons at any one time, where the care areas are not used as a family residence. Care for less than four persons will not be considered as day care services.

*"Developmentally disabled"* means persons having mobility limitations, physical or mental handicap, mental retardation or disabilities, or similar conditions. Developmental disability does not include persons under supervision of the criminal justice system or persons recovering from substance abuse.

*"District"* - means a portion of the territory of the Borough of Linesville within which certain uniform regulations and requirements or various combinations thereof are applicable under this code.

*"Dog kennel"* - means an outdoor enclosure, accessory structure (including portable structures) or any combination thereof for the purpose of the keeping and housing of four or more dogs that are more than six months old, owned or unowned, for any period of time, or any facilities identified as a kennel by the laws or regulations of Pennsylvania.

*"Driveway"* - means a vehicular access lane built for access to and parking motor vehicles for a single-family or two-family dwelling completely surfaced with rock, stone, asphalt, concrete or similar material that prevents erosion and generation of dust or mud. Driveways must have a clear and durable delineation from adjacent vegetated yards, walks or other areas. Driveways are not subject to any setback requirements but must comply with stormwater management regulations, size requirements as specified in this code, and other standards and specifications adopted from time to time by the Borough. Driveways shall be at least 9 feet wide but may not be wider than 35 feet without approval of the Borough public works director.

*"Drug store"* - means a store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines but where nonmedical products may be sold as well.

*"Dry cleaners" or "laundromat"* - A business establishment for receiving, pickup and pressing of garments where no cleaning or drying operations are conducted.

*"Dwelling"* - means any building or portion thereof designed for or used exclusively as the residence or sleeping place of one or more persons. The term "dwelling" shall not be deemed to include rooming house, tourist home, hotel, motel, hospital, convalescent home, or dormitory.

*"Dwelling, single-family detached"* - means a building accommodating and designed to accommodate one family and having no party wall or walls in common with an adjacent house or

houses, but not a trailer, mobile home, mobile home or other transient or vehicular dwelling. No detached single-family dwelling shall have a floor area less than 1,000 square feet.

*"Dwelling, single-family attached"* - means a dwelling unit or building accommodating and designed to accommodate one family which has a party wall or walls in common with an adjacent building or is within a mixed-use building.

*"Dwelling, two-family"* - means a specific type of multi-family building accommodating two families living independently of each other. Also known as a duplex.

*"Dwelling, multiple-family"* - means a building or portion thereof containing, or designed to contain, three or more separate dwelling units with or without common access facilities.

*"Dwelling, townhouse"* - means a single-family dwelling with its own front and rear access to the outside and which is constructed to immediately abut a neighboring building.

*"Dwelling unit"* - means a building or portion thereof containing one or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units intended for the separate and exclusive use of the persons occupying the unit.

*"Dwelling Unit, Accessory"* – means an accessory dwelling unit located on the same lot as a single-family dwelling, which includes independent living, sleeping, cooking and sanitary facilities, which is accessible without going through the principal single-family dwelling residence.

*"Essential services"* - means services and utilities needed for the health, safety and general welfare of the community, such as underground, surface or overhead electrical, gas, telephone, steam, water, sewerage and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located.

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

*"Family"* – means an individual; any number of persons related by blood, marriage, adoption or foster childcare, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit, or not more than twelve (12) persons living together in a group living arrangement with supervision, provided that the group living arrangement meets all of the following criteria:

- It provides non-routine support services, including supervision, personal care, social or counseling services, and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of physical disability, old age, mental retardation, or other handicap or disability, as defined by the Fair Housing Amendments Act or the Americans with Disabilities Act.

- It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long-term basis, a joint economic, social and cultural life.

- It does not involve the housing of persons for less than 30 consecutive days.

- It does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court or agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of corrections or similar institution.

- Family shall not include persons living together in a group-care facility, personal-care boarding home, or nursing home, as defined herein, or any other supervised group living arrangement for persons not protected by the Fair Housing Act or for any persons who constitute a direct threat to others or their physical property.

*"FCC"* - Federal Communications Commission.

*"Fence"* - means an artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas. It shall not include a retaining wall constructed to stabilize an earthen embankment.

*"Financial establishment"* - means an establishment for the custody, loan, exchange or issue of money, for the extension of credit and for the facilitating of the transmission of funds. This may include automatic teller machines and drive-in window service.

*"Floor area"* - means the sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet. Also known as "gross floor area" or "habitable floor area."

*"Footcandle"* – means a unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a. light meter.

*"Full Cutoff (in regard to lighting)"* – means an attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the highest light-emitting portion of the luminaire and no more than 10% of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the luminaire. A full-cutoff luminaire, by definition, also is "fully shielded."

*Fully Shielded (in regard to lighting)* – means an attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire.

*"Funeral parlor"* - means a building used for the preparation of the deceased for burial and the display of the deceased in conjunction with services before burial or cremation.

*"Garage, residential"* - means a fully enclosed building, accessory to a dwelling used for the housing of motor vehicles. This does not include garages offering commercial automotive services to the public.

*"Gasoline service station"* - means an area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

*"Glare"* – means excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted, so as to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare

*"Golf course"* - A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses, shag ranges or golf driving ranges.

*"Greengrocer"* - A business establishment that sells produce, dry goods, meats, baked goods, dairy items, frozen foods and the like. This includes food stores, dairies, delicatessens, and seasonal roadside stands, but does not include convenience stores or supermarkets.

*"Ground floor"* – the space that is contained within the floor of a building that is completely located above ground. This is the floor located on the same level as the sidewalk or street in front of the front facade of the building, extending upward to the bottom of the floor of the space located directly above (if a building has multiple floors).

*"Group day care homes"* See *"Day care services (day care)"*

*"Group home"* - means a supervised community living arrangement for disabled or handicapped persons as defined by the Fair Housing Act, together with supervisors and caregivers.

*"Gymnasium"* - means a health club, gym or exercise facility which provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, saunas, showers and lockers.

*"Halfway House/Detention home"* - means a facility for the housing, rehabilitation, and training of persons on probation, parole, or early release from correctional institutions, or other persons found guilty of criminal offenses.

*"Health services"* - means health care establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, ambulance services and related services. Health services do not include retail pharmacies and similar retail businesses.

*"Height of building"* - means the vertical distance measured from the average level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

*"Historic structure"* - means any building or structure that is recognized as historical or architecturally significant through formal listing as a National Historic Landmark, formal listing on the National Register of Historic Places, or eligibility for listing, as determined by the State Historic Preservation Office, or a building or structure identified on any official Borough register of historic places.

*"Home business"* - means a use carried on in a single-family dwelling unit, but which has a greater impact than a no-impact home-based business. Home businesses are typically professional offices or personal services characterized by outside employees, an on-site sign and on-site sales or rendering of services directly to visiting customers. Examples of home businesses include, but are not limited to, barber or beauty shops, art studios, legal offices, accountants or engineering firms. A dwelling unit or accessory structure on a residential lot having direct access to a public street may be used for the practice of a home business, provided that such occupation is clearly incidental or secondary to the use of the property as a residence, and further provided that such use of the dwelling does not change the character thereof or have any exterior evidence of such secondary use other than a sign as permitted by this code.

*"Horticulture"* - means the act of cultivating gardens for pleasure, visual screening, home use or similar avocational or aesthetic reasons.

*"Hospital"* - means a place for the diagnosis, treatment or other care of human ailments and having facilities for in-patient care, including substance abuse facilities that are not covered by the Fair Housing Act.

*"Hospital, veterinary"* - means a structure designed or converted for the care of sick or wounded domestic animals.

*"Hotel"* - means a building providing rooming units for the temporary lodging of persons for a fee, with or without meals, in which there is an outside entrance in common and are typically 10 or more sleeping rooms

*"Illuminance"* – means a quantity of incident light, measured in footcandles

*"Industrial (use)"* – means a category of uses that employ heavy machinery, heavy equipment, or large amounts of space or resources in its activities, which are not for frequent public patronage or visitation. Examples include lumber milling, light and heavy manufacturing, power

substations, railroad properties and airports, large fleet vehicle repair facilities, recycling and waste plants, warehousing, and bulk storage.

*"Institutional (use)"* – means a category of uses that primarily provide personal services, activities, or venues to serve a specific goal for its members, clients, or the public rather than for profit, whether a profit is made or not. Examples include schools, courthouses, hospitals, places of worship, museums, libraries, fraternal clubs, political party offices, and substance abuse recovery care.

*"Junk"* - means any discarded material or article or item which is no longer fit for its mobile purpose, and shall include, but not be limited to, scrap metal, scrapped or abandoned motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. For the purpose of this code, a proper container shall mean a solid plastic or metal container, with a sealable lid, specifically designed for the storage of waste matter.

*"Junk yard"* - means any place where any junk is stored, disposed of, or accumulated. This definition shall include recycling centers, recycling yards, and salvage businesses. Junk yards shall also include a collection of more than one unlicensed motor vehicle. However, it does not include municipal recycling centers where no materials are stored in an exterior environment.

*"Let for occupancy"* or *"Let"* – To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who is not a legal or equitable owner, pursuant to a written or unwritten agreement.

*"Light Trespass"* – means light emitted by a luminaire or lighting installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

*"Limited retail business"* – means small-scale retail enterprises intended to benefit neighborhood residents or tourists. Limited retail businesses are distinguished from other retail businesses by their smaller size, confining all commercial activities to indoors, and pedestrian orientation of signage.

*"Limited storage"* - means the use of a building for the storage of goods that are not hazardous and which do not produce noise, light, vibration, air pollution, fire hazard, or emissions, or anything noxious or dangerous to neighboring properties within 400 feet, and which does not include any sales or outdoor storage.

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

*"Lot area"* - means the area of a horizontal plane measured at grade and bounded by the front, side and rear lot lines.

*"Lot frontage (frontage)"* - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yard" in this section, except as provided for in Section 602(L).

*"Lot line"* - means a line, generally established by metes and bounds, which, when combined with other lot lines, delineates a lot or parcel of land.

(1) *"Lot line, front"* - means any lot line separating the lot from a right-of way boundary of a street.

(2) *"Lot line, rear"* - means the lot line opposite and most distant from the front lot line.

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

*"Lot measurements"*

(1) Depth of a lot shall be considered to be the distance between the midpoint of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(2) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured at the front lot line at the right-of-way.

*"Lot types"*

(1) *"Corner lot"* - means a lot abutting upon two or more streets at the intersection of those streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

(2) *"Interior lot"* - means a lot other than a corner lot, the sides of which do not abut a street.

(3) *"Through lot"* - means an interior lot having frontage on two streets.

*"Lot Width"* – means the width of a lot measured at the front lot line. All new lots shall have a width no less than specified in this ordinance. Where it is infeasible or impractical to provide the minimum lot width, new lots shall be provided a minimum 20 foot wide right-of-way easement of access or other legal instrument across a abutting lot with frontage on a street. The abutting lot shall retain, independent of the granting of access, adequate width to meet the minimum requirements for a new lot in the district where it is located.

*"Lots of record"* - means any lot which, individually or as a part of subdivision, has been separately designated by plat or deed, by recorded instrument and recorded in the Office of the Recorder of Deeds, Crawford County, before the date of adoption of this code.

*"Lumen"* (in regard to lighting) – means the light-output rating of a lamp (light bulb).

*"Luminaire"* – means a complete lighting fixture assembly consisting of lamp(s), lamp holders, electrical components, light directing devices, shielding devices and lenses or diffusers.

*"Luminaire, minimal"* – means a luminaire with a rating of not more than 500 lumens, e.g., the rated output of a standard nondirectional 40-watt incandescent, 6-watt LED or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph.

*"Mobile home"* – see *"Dwelling, mobile home"* and *"Mobile home"*.

*"Manufacturing, heavy"* - means those manufacturing processes which do not meet the standards outlined for light manufacturing or retail manufacturing.

*"Manufacturing, light"* - means the assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties within 400 feet, including production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition, machine tools; dies and gauges; ceramics; apparel; light weight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats).

*"Medical Marijuana Growing/Processing Facility"* means any building or structure used to grow Medical Marijuana and which is licensed to do so by the Commonwealth of Pennsylvania. For the purposes of regulation under this ordinance, this use shall be considered agriculture.

*“Medical Marijuana Dispensary”* means any building or structure used to grow and distribute Medical Marijuana and which is licensed to do so by the Commonwealth of Pennsylvania. For the purposes of regulation under this ordinance, this use shall be considered a drug store.

*“Medical or dental clinic”* means any professional medical building or establishment where people are examined or treated by doctors, dentists, chiropractors, psychiatrists, opticians, ophthalmologists, optometrists and psychologists, but are not hospitalized overnight.

*“Mixed occupancy”* - means occupancy of a building or of a lot for more than one principal use.

*“Mixed-use”* means (1) occupancy of a single building in multiple units by a combination of residential uses and non-residential uses.; or (2) characterized by a mixture of residential and non-residential uses in the same building or on the same parcel.

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

*“Mobile home lot”* means a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

*“Mobile home park”* means a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

*“Motel”* means a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

*“New construction”* means the construction, reconstruction, renovation, repair, extension, expansion, alteration, placement or relocation of a building, structure, and/or other improvements. Also, for the purposes of this code, all proposed subdivision and/or land development shall be considered to be new construction.

*“Nits”* (in regard to lighting) means a unit of measure of the luminance or brightness of the light emitted or reflected from a surface, e.g., sign face. Also referred to as candelas per square meter (cd/m<sup>2</sup>).

*“No-impact home-based business”* means a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking signs or lights.

- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
- (8) The business may not involve any illegal activity.

*"Nonconforming lot"* means a lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning code, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

*"Nonconforming structure"* means a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this code or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this code or amendment or prior to the application of this code or amendment to its location by reason of annexation. Nonconforming structures include, but are not limited to, nonconforming signs.

*"Nonconforming use"* means a use, whether of land or structure, which does not comply with the applicable use provisions of this code or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this code or amendment or prior to the application of this code or amendment to its location by reason of annexation.

*"Nursing home"* means a facility licensed by the State for the housing and intermediate or fully-skilled nursing care of 3 or more persons needing such care because of old age, a physical illness or disability or a developmental disability.

*"Opaque"* when referring to a building or façade, means the area of the exterior walls of the building or façade not taken up by glazing or doors.

*"Outdoor wood-fired boiler"* means is a fuel-burning device that is designed to burn, or is capable of burning, clean wood or other fuels that has a rated thermal output of less than 350,000 BTUs per hour that is designed for and typically installed outdoors or in structures like garages and sheds and heats a building space or fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze. Outdoor wood-fire boilers are also known as outdoor wood-fired furnaces, outdoor wood-burning appliances or outdoor hydronic heaters.

*"Overlay zone"* means a zoning district that encompasses one or more underlying zones and that imposes additional requirements different from that required by the underlying zones.

*"Owner"* means the record owner or owner of the premises, a mortgagee in possession, receiver, executor, trustee, master lessee or other person, firm or corporation in control of a building or of premises, or their duly authorized agents.

*"Parking garage"* or *"parking deck"* means an enclosed facility, deck or ramp, comprised of more than one level, provided for parking of vehicles.

*"Parking lot"* means an area other than a public or private street built for the parking of motor vehicles. Parking lots must be completely surfaced with asphalt, concrete or similar material subject to approval by the Borough engineer that prevents erosion or generation of dust or mud and must meet the setback, landscaping and other requirements of this code, as well as stormwater management and standards and specifications adopted from time to time by the Borough.

*"Parking space"* means an area in a parking lot or parking garage that is completely surfaced with a material as permitted under this code. Parking spaces must have a clear and durable delineation from vegetated yards, walks or other areas. Parking spaces must comply with stormwater management regulations and specifications adopted from time to time by the Borough. Off-street parking spaces that are not required to be accessible under the Uniform Construction Code shall be at least nine feet wide and 18 feet long.

*"Parking space, tandem,"* means a parking arrangement in which one space (the tandem parking space) is accessible only by passing through another parking space (the standard space)¶

*"Personal care home"* means a premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living; and that is licensed as a Personal Care Home by the Commonwealth of Pennsylvania.

*"Personal services"* - means establishments primarily engaged in providing services involving the nonmedical care of a person or his or her personal goods or apparel. Examples include barber and beauty shops, shoe repair, and tailoring or clothing alteration.

*"Pet boarding"* means a commercial service that provides overnight supervision for household pets or other domesticated animals. May also be referred to as animal boarding or stabling.

*"Pet grooming"* means a commercial service that provides grooming or other nonmedical outpatient care services for household pets or other domesticated animals. May also be referred to as animal grooming.

*"Place of Worship"* means a place of assembly used for congregate religious services and worship. Although accessory uses such as educational and recreational facilities for use of church members are permitted, other facilities and uses will be regarded as separate principal uses.

*"Planning Code"* means the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as further reenacted and amended from time to time.

*"Porch, open"* means a roofed-over structure open on a least three sides projecting from the front, side or rear wall of a building. This shall include porches that are unheated and that have screens or combination screens and storm windows.

*"Porch, closed"* means any porch that is closed in by any means, manner or material above a point four feet from floor level.

*"Principal frontage"* means the side of a building which faces a street, road, or footway from which the building can be approached.

*"Printing services"* means printing, copying, screen printing, photoengraving and related work, not including printing of an industrial scale

*"Professional office"* means the office or studio of a lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, appraiser, insurance broker or agent, teacher, or similar occupation. Professional office does not include the veterinary, dental, chiropractic, or medical professions. Professional offices may also include corporate offices, or similar offices where clerical, sales, or related administrative functions are performed for a business in which the primary service or goods production is located elsewhere.

“Public art” is art with a form, function and meaning created for the general public through a public process, with approval from the Borough, which is visually and physically accessible to the public. Public art is exempt from sign regulations.

*"Public or accredited private school"* means any place offering instruction in any branch of knowledge under the supervision of the commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the commonwealth of Pennsylvania.

*"Public parks and playgrounds"* means parks and playgrounds which are owned and operated by the Borough of Linesville or by an authority created for such purposes by the Borough of Linesville.

*"Public utility building"* means buildings, structures, and facilities relating to the furnishing of utility services to the public.

*"Recreational vehicle"* means a vehicle which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. These include but are not limited to park trailers, travel trailers, recreational vehicles, camper trailers or other recreational shelters. Recreational vehicles are prohibited from being used for living quarters for more than 30 days in a calendar year outside of a Recreational Vehicle Park or Campground as governed in this code.

*"Related equipment"* - any piece of equipment related to, incidental to, or necessary for, the operation of a communications tower or communications antenna. By way of illustration, not limitation, Related Equipment includes generators and base stations.

*"Repair garage"* means a building used for mechanical and/or body repairs, storage, rental, servicing or supplying of gasoline or oil to automobiles, trucks, or similar motor vehicles, but not including automotive wrecking. It may include similar heavy repair businesses, such as welding services.

*"Repair services, light"* means businesses engaged in non-automotive repair, rehabilitation, or reconstruction in which the item repaired is conducted wholly within an enclosed structure or the repair service is rendered off-site. Examples may include heating or air conditioning contractors, business machine services, or electrical supply/contractors. This definition does not include shoe repair or garment alteration, which is considered a personal service by this code.

*"Residential property"* means a property used or intended to be used for residential purposes.

*"Restaurant"* means a business establishment where food is prepared and intended to be served to patrons at tables for consumption on the premises. Such business may include drive-through facilities.

*"Retail business"* means an establishment that sells goods, services, or merchandise to the general public on site for personal, household or office consumption, and which may include wholesaling but shall not include manufacturing or processing of the goods offered for sale.

*"Retail manufacturing"* means an establishment that exists to both produce and sell its goods to the general public on-site. Examples of retail manufacturing may include artisan craft workshops, bakeries, brewpubs, and confectioners.

*"Room"* means any enclosed area within a dwelling unit, meeting this code for sleeping, living, cooking, or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.

*"Rooming house"* means any place which provides rooms for transient or transitional sleeping or lodging, with or without a place for common dining, to persons on a commercial or institutional basis, subject to the direct control of the landowner or their agent. This shall not include apartments. Rooming houses shall include a boarding house.

*"Screen planting"* means, for the purposes of this code, an evergreen hedge at least six feet high, planted in such a way that it will block a line of sight. The screening may consist of either one or multiple rows of bushes or trees and shall be at least four feet wide.

*"Screening (in regard to Dark Sky lighting regulations)"* – means a wall, opaque fence or evergreen hedge at least six feet high, planted or placed in such a way that it will block a line of sight. Vegetative screening may consist of either one or multiple rows of bushes or trees and shall be at least four feet wide.

*"Sexually oriented activity"* – means exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities.

*"Sexually oriented business or establishment"* – means any business, activity, club, establishment or premises operated for profit, whether direct or indirect, where the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is regularly permitted and is a principal part of the activity of the business or establishment. Sexually oriented businesses shall include, but are not limited to the following:

- a) Sexually oriented or adult bookstores, arcades, novelty stores or video stores.
- b) Sexually oriented or adult motion picture or mini-motion picture theaters.
- c) Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing sexually oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member.

*"Shopping center"* – means a group of commercial establishments planned, constructed and managed as a total entity. Shopping center includes, but is not limited to, shopping malls, shopping plazas and similar facilities which include off-street parking, uniform appearance and unified maintenance. Shopping centers may include retail uses, personal services, eating establishments and related uses.

*"Short-term rental"* – means a use of a dwelling that is offered for rent for periods of less than 30 days while the owner is not present. Only the entire dwelling or dwelling unit may be offered for rent to a single individual or group of individuals under a single letting agreement.

*"Sign"* – means any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, advertisement or identification. The word "sign" does not include the flag, pennant, or insignia of any nation, state, Borough or other political unit, nor public traffic or directional signs, nor religious symbols.

*ANIMATION* – means the movement or change of lighting to depict action or create a special effect or scene in a sign.

*AWNING SIGN* – means a permanent sign that is mounted, painted, or otherwise applied on or attached to an awning structure (a structure mounted to the face of a building and entirely

supported by that building) and which may include separate graphic areas on each of the awning structure's faces.

*BANNER SIGN* – means a temporary sign having characters, letters, or illustrations commonly applied to cloth, canvas, vinyl, or other similar types of natural or manmade fabric.

*BLADE SIGN* – means a temporary sign composed of fabric such as polyknit, nylon, or similar material, which is attached to a pole no greater than 2 inches in diameter and which is usually inserted into the ground or mounted by a removable stabilization structure placed directly on the ground.

*CANOPY SIGN* – means a permanent sign that is mounted, painted, or otherwise applied on or attached to a canopy structure (a freestanding structure abutting a building but only partially supported by that building) and which may include separate graphic areas on each of the canopy structure's faces.

*CHANGEABLE COPY* – means a sign or portion thereof on which the copy or symbols change automatically through electronic means or manually through the secure but temporary placement of letters or symbols.

*COPY* – means the words and/or graphics displayed on a sign.

*DIRECTIONAL SIGN* – means a permanent sign less than 4 feet in height located on the same lot as its business establishment and which aids in the circulation of motorists and pedestrians to and from the site.

*DIRECTLY LIT ILLUMINATION* – means illumination of a sign whose structure is mounted to a building or attached to a pole or other ground-mounted structure, with the light shining from behind the face of the sign.

*DOUBLE-FACE* – means a sign on which text, shapes, and/or symbols are displayed on both sides of the sign. Double-faced signs may include sign types such as projecting signs, flag signs, pole signs, ground signs, pylon signs, shopping center signs, informative signs, interpretive signs, directional signs, sandwich board signs, blade signs, and yard signs.

*ELECTRONIC SIGN* – means the portion of a sign message made up on internally illuminated components capable of changing the message periodically. Digital displays may include LED illumination or similar features of illumination.

*FACE* – means the area or portion of a sign on which copy is intended to be placed.

*FREESTANDING SIGN* – means a sign that is not attached to a building.

*GRAPHIC AREA* – means the area of the rectangle that would completely enclose all parts of the sign copy and any decorative background. The supporting canopy or awning shall not be included in the calculation of graphic area, except where there is a change of color or material which forms a background for the sign copy.

*GROUND SIGN* – means a permanent freestanding sign less than 7 feet in height that is suspended or supported by braces anchored in the ground and that may or may not include clearance from the bottom of the sign to the ground below. Also known as a monument sign.

*HANGING SIGN* – means a permanent sign attached to a building or structure that hangs parallel from the wall or structure to which it is attached.

*HOME OCCUPATION SIGN* – means a permanent type of sign which is specifically used for the advertisement of a home business, including but not limited to freestanding signs, hanging signs, and identification signs.

*INDIRECTLY LIT ILLUMINATION* – means a sign which is illuminated by lighting devices not located within the sign or behind the copy itself and may or may not be attached to the sign, such as gooseneck lights, panel lights, and flood lights.

*INTERNALLY ILLUMINATED LETTERING* – means a source of sign illumination which refers to the illumination of individual letters whose faces are covered and are independently mounted within a wall sign that allows for light to pass through the transparent material used on the faces of the letters and only through the letters.

*MARQUEE SIGN* – means a permanent sign mounted on a fixed, roofed structure attached and supported by the building and which projects over the public right-of-way but is not attached to the public right-of-way.

*PERMANENT SIGN* – means a sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

*POLE SIGN* – means a permanent freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure. The pole itself shall not be calculated in the dimensions of the sign area.

*PROJECTING SIGN* – means a permanent sign attached to a building or structure that displays its message perpendicularly from the building wall and does not protrude more than 15 inches perpendicularly from the building to which it is attached.

*PYLON SIGN* – means a permanent freestanding sign in excess of 7 feet in height that is detached from a building and that does not have clearance from the bottom of the sign to the ground below.

*ROOF SIGN* – means any sign that projects in any extent above the parapet or highest point of the roof, whichever is higher, of that portion of a building on which it is mounted.

*SANDWICH BOARD SIGN* – means a temporary sign constructed in such a manner as to form an A shape, hinged or unhinged at the top and not secured or attached to the ground or surface upon which it is located. A sandwich board sign may be located in the public right-of-way but only within the premises of the frontage boundary for the establishment for which the sign is advertising. The sign must be removed from the right-of-way upon daily closing of the establishment.

*SHOPPING CENTER SIGN* – means a permanent freestanding sign mounted at or near the ingress/egress point of a shopping center on which the different tenants that comprise the shopping center are displayed on the same structure.

*TEMPORARY SIGN* – means any sign type that does not meet the definition for a permanent sign and that is intended to be used on a nonpermanent basis, subject to a specified maximum consecutive number of days a sign of such sign type may be displayed.

*WALL SIGN* – means a permanent sign attached parallel to a wall and not projecting more than 15” inches from the wall

*WINDOW SIGN, PERMANENT* – means a permanent sign that is painted, suspended, or otherwise applied on or attached to a window or the glass on a door.

*WINDOW SIGN, TEMPORARY* – means a temporary sign that is painted, suspended, or otherwise applied on or attached to a window or the glass on a door. The sign may include changeable copy but such copy may be changed no more than 3 times per day and must be changed manually. Examples of temporary window signs include open signs, signs posting handwritten hours of operation, and event flyers.

*YARD SIGN* – a temporary freestanding sign typically sign constructed in an h-frame or i-frame structure and affixed to the ground.

*"Single occupancy"* – means occupancy of a building or of a lot for only one principal use.

*"Special exception"* – means a use permitted with permission granted by the zoning hearing board, to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this code when such use is not permitted by right.

*"Specified anatomical areas and specified sexual activities"* – means less than completely and opaquely covered human genitals or pubic region, buttocks; or female breasts below a point immediately above the top of the areola; human male genitalia in a discernible turgid state, even if completely opaquely covered.

*"Stadium"* – means a large open or enclosed place used for games, concerts, major events and surrounded by tiers of seats for spectators.

*"Story"* – means that portion of a building located between the surface of any floor and the next floor above; if there is not more than one floor the space between any floor and the ceiling next above it shall be considered a story.

*"Street"* – means a public or private right-of-way, excluding driveways, intended, developed and open for use as a means of vehicular and pedestrian circulation which provides a means of constructed access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

*"Structure"* – means any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. This includes buildings, fences, sheds, swimming pools, refuse and compost facilities, and parking lots, but excluding sidewalks and access drives.

*"Tavern"* - see *"Bar"*.

*"Theater"* means a building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid-admission basis.

*"Tiny Home"* means a dwelling unit placed on a property for occupancy as either a principal or accessory dwelling unit with a habitable floor area between 150 square feet and 1,000 square feet constructed with a foundation. Tiny Homes on wheels are considered recreational vehicles.

*Tiny Home Community:* A parcel of land under single ownership, which has been planned and improved for the placement of two or more Tiny Homes for transient or permanent use.

*"Traditional neighborhood development"* means an area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other.

Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

*"Transparency"* when referring to a building or façade, means the area of the exterior walls of the building or façade taken up by glazing or doors.

*"Transient"* means lodging in any one dwelling unit or rooming unit for less than 30 days.

*"Tree"* means any object of natural growth.

*"Truck terminal"* means an area or building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

*"Upper floor residential use"* means a mixed use of a building where the ground floor is used for a permitted nonresidential use in the zoning district in which the building is located and a floor or floors above the ground floor are used for dwelling unit or residential use.

*"Urban Farm"* means a garden or orchard where food is grown primarily to be sold for profitable or non-profitable/ charitable purposes. It may be sold directly to consumers, restaurants, or stores.

*"Use"* means the purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

*"Warehousing"* means a building used by a commercial group or the general public for storage of goods and materials. For the purposes of this code, warehousing also includes self-service or "mini" storage facilities.

*"Yard"* means that portion of a lot which must remain unoccupied by buildings or structures as regulated herein and open to the sky and extends from the lot line to the yard line.

*"Yard, front"* means a yard between an adjacent street right-of-way and the building line and extending for the full width of the lot. All yards facing a public right-of-way shall be considered front yards except as permitted in Article 6 of this code. Front yards shall be measured from the center of the abutting right-of-way.

*"Yard line"* means a line within a lot defining the minimum distance between any building or structure, or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.

*"Yard, rear"* - means a yard between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district and extending for the full width of the lot.

*"Yard sale"* - means the sale or offering for sale of items or goods on property or premises used principally for residential uses, including all sales commonly referred to as "garage sales", "yard sales", "tag sales", "porch sales", "lawn sales", "attic sales", "basement sales", "rummage sales", "flea market sales", "moving sales", or any similar casual sale of tangible personal property. Yard sale shall also include placement and advertisement of any vehicle, trailer, boat or similar article for sale.

*"Yard, side"* - means an open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line.

*"Zoning officer"* - means the zoning officer of the Borough of Linesville, or his/her authorized representative.

## **ARTICLE 3**

### **Zoning District Regulations**

#### **§301 Establishment of Zoning Districts.**

For the purpose of this code, the Borough of Linesville is hereby divided into districts to be designated as follows: CB-Central Business District, MU-Mixed-Use Corridor, EDZ-Economic Development Zone, CO-Conservation, CL-Cluster and R-Residential.

#### **§302 Application of District Regulations.**

(A) The regulations set by this code within each district shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land.

(B) Property owned, leased or operated by the commonwealth of Pennsylvania, or the United States, or the Borough of Linesville, or any other public or governmental body or agency, shall be subject to the requirements of this code as follows:

(C) Where such public or governmental uses are specifically listed, they shall be governed as indicated.

(D) Where such public or governmental uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar nature.

(E) Governmental entities and agencies shall be exempt from the provisions of this code only to the extent that it has been determined that the Borough has no power to apply its zoning regulations to the particular use of land.

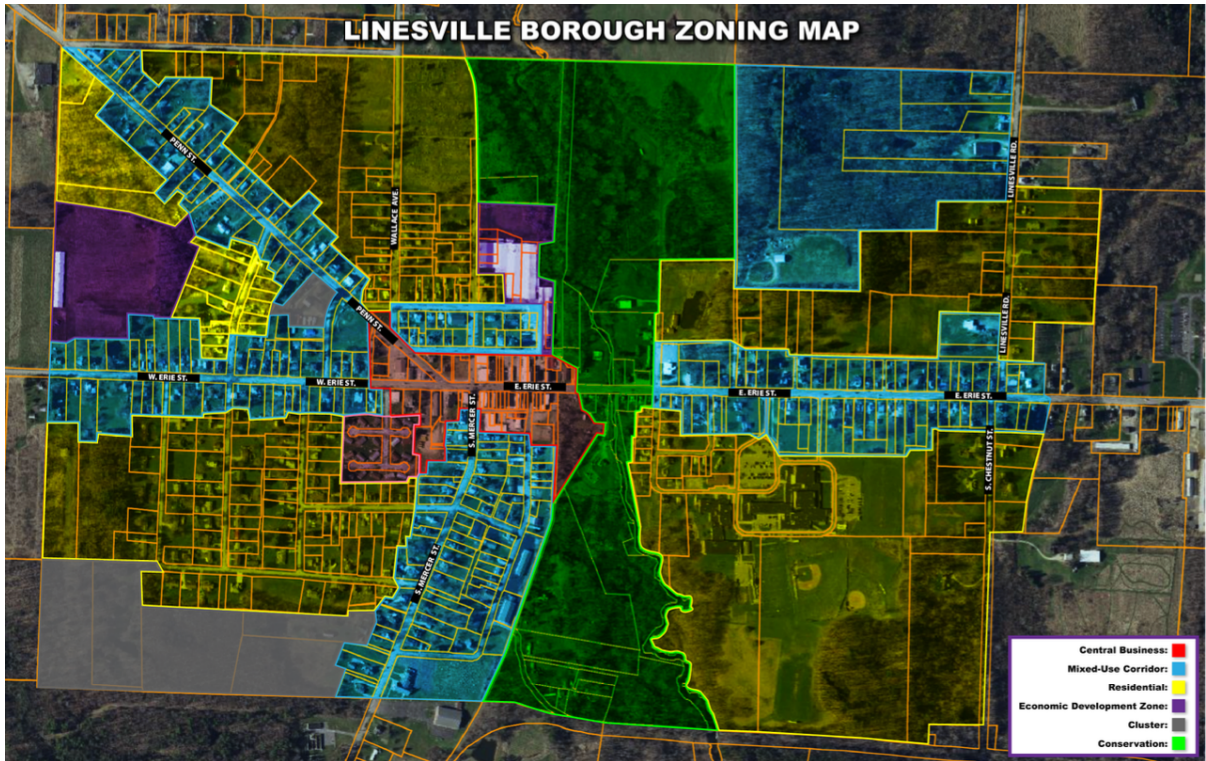
(F) In every case where a lot or territory has become a part of the Borough by annexation or other legal procedure, the same shall automatically be classified as lying and being in R-Residential district until such classification shall have been changed by an amendment to the zoning code.

(G) Any public or semi-public uses shall be subject to the provisions of the district in which they are located, except as exempted otherwise by Borough's ordinance.

#### **§303 Establishment of Zoning Map.**

The zoning map of the Borough of Linesville dated March 11, 2025, together with all future notations or amendments, is hereby made a part of this code. The areas within the Borough limits as assigned to each district and the location of boundaries of these districts established by this code are shown on the said zoning map. If, and whenever, changes are made in the boundaries or other matter included in this zoning map, such changes in the map shall be made and the map duly certified within 60 days after the amendment has been approved by the Borough Council. A copy of the map shall be available for public viewing at the Linesville Borough offices and shown in Exhibit 303 of this code.

## Exhibit 303 –Zoning Map



### **§304 Interpretation of District Boundaries**

(A) District boundary lines as a general rule follow lot lines, municipal boundary lines, and the centerlines of streets, highways, and alleys. Where uncertainty exists as to the boundaries of districts on the Zoning Map, the Zoning Officer shall interpret the locations of the boundaries based on the following rules:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as following railroad lines shall be construed as following the center of the rail tracks;
4. Boundaries indicated as approximately following the center lines of streams, rivers, canals or other bodies of water shall be construed to follow such center lines;
5. Boundaries indicated as approximately following the Borough limits shall be construed as following such Borough limits;
6. Distances not specifically indicated on the zoning map of the Borough of Linesville, as amended, shall be determined by the scale of the map; and
7. Where a district boundary line divides a lot which was in single ownership at the time of passage of this code, the zoning hearing board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

### §305 Permitted principal uses and standards within zoning districts

(A) Permitted principal uses. Uses of land for principal buildings, structures, and activities shall be permitted in each district in accordance with the following provisions and tables in Section 306 to 311. Uses noted with “P” are permitted by right but may be regulated through supplemental performance standards contained in Article 4; uses noted with “CU” are permitted as conditional uses subject to approval by Borough council and provisions of Article 5; and uses noted with “SE” are permitted by special exception subject to approval by the zoning hearing board and provisions in Article 5. All uses are subject to additional applicable provisions contained in Articles 6 through Article 9.

(B) Uses not listed. When a use is not specifically listed in a given use table, nor can be considered substantially similar nor encompassed by one of the listed uses, the use is not permitted in the district unless otherwise permitted in another section of this code.

(C) Lots which abut on more than one street shall provide the required front yard set backs along every street except as otherwise provided in Article 6.

**Table 305(A)**  
**Comprehensive Principal Uses Table**

	<b>CBD</b>	<b>MU</b>	<b>CO</b>	<b>EDZ</b>	<b>CL</b>	<b>R</b>
<b>RESIDENTIAL</b>						
Assisted living facility		CU				
Dwelling - multifamily		P			P	P
Dwelling - single-family detached		P			P	P
Dwelling - two family		P			P	P
Dwelling - townhouse	P	P			P	P
Group home		P				
Halfway House	CU	CU				
Mobile Home Park					CU	
Personal care home		CU				
No Impact Home Based Business		P			P	P
Nursing home		CU				
Rooming house		P			P	
Short term rental	P	P	P	P	P	P
Tiny Home - See Section				P	P	
Tiny Home Community				CU	CU	
Upper-floor residential	P	P		P		
<b>COMMERCIAL</b>						
Accessory Uses and Structures	P	P	P	P	P	P
Agriculture			P	P		
Agricultural Services			P	P		
Auto sales		CU		CU		
Bakery	P	P		P		
Barber/salon	P	P				

	<b>CBD</b>	<b>MU</b>	<b>CO</b>	<b>EDZ</b>	<b>CL</b>	<b>R</b>
Bed and breakfast		P				P
Building supply/contractor yard				P		
Café/coffee shop	P	P				
Car washes		P		P		
Civic/cultural building	P	P	P	P		
Commercial recreation (indoor)	P			P		
Commercial recreation (outdoor)	P		P	P		
Community Center	P					
Community Intervention Center, Type 1	SE			SE		
Community Intervention Center, Type 2	SE			SE		
Community Intervention Center, Type 3	SE			SE		
Community Intervention Center, Type 4	SE			SE		
Community garden	P	P		P		
Convenience food store	CU			CU		
Day care center - Adult	CU	CU				
Day care center - Child	CU	CU				
Day care home - Family	P	P				P
Day care home - Group	P	P				P
Drugstores	P	P		P		
Dry cleaning processing				P		
Dry cleaners	P					
Essential services	P	P	P	P	P	P
Financial institution	P			P		
Forestry	P	P	P	P	P	P
Funeral Parlors	P	P				P
Gasoline service stations	CU			CU		
Greengrocer	P	P				
Gymnasium	P			P		
Halfway House	CU					
Healthcare facility	P	P				
Health services	P	P		P		
Heavy Manufacturing				CU		
Home business	P	P			P	P
Hotels/motels/inns	P			P		
Laboratory/research facility				P		
Landscaping/Nursery			P	P		
Laundry/dry cleaning drop-off	P	P		P		
Light manufacturing				P		
Light repair services	P			P		
Limited restaurant		P				
Limited retail establishment		P				
Limited storage	P	P		P		
Other Uses Not Elsewhere Permitted				CU		

	<b>CBD</b>	<b>MU</b>	<b>CO</b>	<b>EDZ</b>	<b>CL</b>	<b>R</b>
Medical/dental clinic	P	P		P		
Parking garages and parking lots	P			P		
Personal services	P	P		P		
Places of worship	P	P		P		P
Printing services	P			P		
Private clubs/social halls	P		P			
Professional offices	P	P	P	P		
Public/Accredited private school	P	P		P		P
Public parks/playgrounds	P	P	P	P	P	P
Public utility buildings	P	P	P	P		P
Recreational Vehicle Park or Campground			CU	CU	CU	
Rental service/equipment				P		
Repair garages	CU			CU		
Restaurants	P			P		
Retail business not elsewhere classified	P		P	P		
Retail manufacturing	P					
Sexually-oriented businesses	CU			CU		
Shopping centers	CU			CU		
Tavern/bar	P			P		
Tailor/seamstress	P	P				
Teaching studios	P	P				
Theaters	P					
Traditional Neighborhood Development	CU	CU				
Urban farm				P		
Warehousing				P		
Wireless communications fac, outside ROW			CU			
Wireless communications fac. inside ROW	P	P	P	P	P	P

## Table 305B Comprehensive Height Restrictions

Zoning District	Standard
CB	Per Section 306.4
MU	Per Section 307.3
CO	2 1/2 stories or 30 feet
EDZ	3 stories
R	2 1/2 stories or 30 feet
CL	2 1/2 stories or 30 feet

## Table 305C Lot Provisions Interpretive Exhibit



# §306 CB-Central Business District

The purpose of this district is to encourage commercial activity and upper-floor residential uses in the central business district to maximize the use of existing buildings while ensuring new construction matches the traditional existing downtown development pattern.

**Table 306.1 CB-Central Business District Table of Uses**

Accessory Uses and Structures	P	Home Business	P
Bakery	P	Hotels/Motels/Inns	P
Barber/Salon	P	Laundry-Dry cleaning drop-off	P
Café/coffee shop	P	Light Repair Services	P
Civic/Cultural Buildings	P	Limited Storage	P
Commercial Recreation (Indoor-Outdoor)	P	Medical-Dental Clinic	P
Community Center	P	No-Impact Home Based Businesses	P
Community Intervention Center, Type 1	SE	Parking Garages and Parking Lots	P
Community Intervention Center, Type 2	SE	Personal Services	P
Community Intervention Center, Type 3	SE	Places of Worship	P
Community Intervention Center, Type 4	SE	Printing Services	P
Community Garden	P	Private Clubs/Social Halls	P
Convenience Food Store	CU	Professional Office	P
Day Care Center - Adult	CU	Public Parks and Playgrounds	P
Day Care Center - Child	CU	Public and Accredited Private Schools	P
Day Care Home - Family	P	Public Utility Buildings	P
Day care home - Group	P	Repair Garages	CU
Dwelling - Townhouse	P	Restaurants	P
Drug Stores	P	Retail Businesses (NEC)	P
Dry cleaners	P	Retail manufacturing	P
Essential Services	P	Sexually-oriented businesses	CU
Financial Institutions	P	Shopping Centers	CU
Forestry	P	Short-Term Rental	P
Funeral Parlors	P	Tailor/Seamstress	P
Gasoline Service Stations	CU	Taverns and Bars	P
Green Grocer	P	Teaching Studios	P
Gymnasium	P	Theaters	P
Halfway House	CU	Traditional Neighborhood Development	CU
Health Care Facility	P	Upper-floor residential	P
Health Services	P	Wireless communications fac. inside ROW	P

**Table 306.2 CB-Central Business District Lot Provisions**

	<b>Min. Lot Size</b>	<b>Min. Front Yard</b>	<b>Min. Side Yard</b>	<b>Min. Rear Yard</b>	<b>Min. Lot Width</b>
<b>Uses without public spaces</b>	<b>1,000 sf</b>	<b>No setback permitted from front property line/right-of-way</b>	<b>0 ft; if any provided, must have a firewall or 5 ft setback minimum</b>	<b>0 ft; if provided, must have a firewall or 5 ft setback minimum</b>	<b>20 ft</b>
<b>Uses providing public spaces*</b>	<b>1,000 sf</b>	<b>No more than 10' from front property line/right-of-way*</b>	<b>0 ft; if any provided, must have a firewall or 5 ft setback minimum</b>	<b>0 ft; if provided, must have a firewall or 5 ft setback minimum</b>	<b>20 ft</b>

\*See Section 306.3 for permitted public space reduction provisions.

**§306.3 Public Space Provision Reductions in the CB District**

(A) Buildings with uses providing any of the following may have a front yard setback of up to 10 feet:

1. Public dining space, including tables and chairs
2. Public benches
3. Landscaping including shade trees and/or shrubs with a demarcating wall or fence of up to three feet in height
4. Public art as approved by Borough planning commission

**§306.4 Structures in the CB District**

(A) Use of existing structures in the corridor is encouraged.

(B) New principal structures shall conform with the following standards.

1. Primary roofs shall be pitched away from the public sidewalk at a ratio of no more than 3:12.
2. The primary entrance to the building shall be from a door facing the public street and leading directly to the sidewalk rather than to an off-street parking area.
3. All buildings located east of Mercer Street shall be at least two stories in height above grade and shall be closely compatible in size (no more than 10% greater than the maximum or smaller than the minimum in building footprint and no more than five [5] feet greater than the maximum or smaller than the minimum in height) and appearance with the average of the existing two-story buildings on the block.
4. A minimum of 60% of the ground-floor square footage of the facade shall consist of window surface area. On each story above the ground floor, the facade shall consist of at least the average window surface area of buildings on abutting properties, plus or minus 10%.
5. Exteriors shall be clad in brick, stone masonry or terracotta. In addition, metal may be used for no more than 25% of the façade area. Concrete, stucco, and vinyl facades shall not be permitted.

## §307 MU-Mixed-Use Corridor District

The purpose of this district is to foster residential and light to moderate commercial activity along the Route 6/Erie Street/Penn Street/Mercer Street corridors to encourage the best and highest use of properties along these major throughfares.

**Table 307.1 MU-Mixed-Use Corridor District Table of Uses**

Accessory Uses and Structures	P	Health Care Facility	P
Assisted Living Facility	CU	Health Services	P
Auto Sales	CU	Home Business	P
Bakery	P	Laundry-Dry cleaning drop-off	P
Barber/Salon	P	Limited Restaurant	P
Bed and Breakfast	P	Limited Retail Establishment	P
Café/coffee shop	P	Limited Storage	P
Car Washes	P	Medical-Dental Clinic	P
Civic/Cultural Buildings	P	No-Impact Home-Based Business	P
Community Garden	P	Nursing Home	CU
Day Care Center – Adult	CU	Personal Care Home	CU
Day Care Center - Child	CU	Personal Services	P
Day Care Home -Family	P	Places of Worship	P
Day Care Home-Group	P	Professional Office	P
Drugstores	P	Public Parks/Playgrounds	P
Dwelling – Single family detached	P	Public/Accredited Private Schools	P
Dwelling – Two Family	P	Public Utility Buildings	P
Dwelling – Multi-Family	P	Rooming House	P
Dwelling – Townhouse	P	Short-term Rental	P
Essential Services	P	Tailor/Seamstress	P
Forestry	P	Teaching Studio	P
Funeral Parlors	P	Traditional Neighborhood Development	CU
Green Grocer	P	Upper-floor residential use	P
Group Home	P	Wireless communications fac. inside ROW	P
Halfway House	CU		

**Table 307.2 MU-Mixed-Use Corridor District Lot Provisions**

<b>Min. Lot Size</b>	<b>Front Yard</b>	<b>Min. Side Yard</b>	<b>Min. Rear Yard</b>	<b>Min. Lot Width</b>
<b>Average of lots in single ownership on same block* on same side of right-of-way, +/- 1,000 sf</b>  <b>*Block defined as parcels between intersecting public and open rights-of-way.</b>	<b>Average of front yards of principal structures on same block* on same side of right-of-way, +/- 5 ft</b>	<b>6 ft.</b>	<b>6 ft.</b>	<b>Average of lots in single ownership on same block* on same side of right-of-way, +/- 5 ft</b>

**§307.3 Structures in the Mixed-Use Corridor**

- (A) Use of existing structures in the corridor is encouraged.
- (B) New principal structures shall conform with the following standards.
  - 1. Primary roofs shall be pitched at a ratio of at least 3:12; flat roofs shall not be permitted.
  - 2. The primary entrance to the building shall be from a door facing the public street and leading directly to the sidewalk or driveway rather than to an off-street parking area.
  - 3. The building shall be closely compatible in size (no more than 10% greater than the maximum or smaller than the minimum in building footprint and no more than five [5] feet greater than the maximum or smaller than the minimum in height) and appearance with the average of the existing buildings on the block.
  - 4. All accessory structures except fences shall be located behind the front face of the principal structure.
- (C) All commercial uses in the Mixed-Use Corridor District are subject to the performance standards contained in Section 401(A).

## §308 EDZ-Economic Development Zone District

The purpose of this district is to facilitate industrial, manufacturing, major commercial and general economic development uses.

**Table 308.1 EDZ-Economic Development Zone District Table of Uses**

Accessory Uses and Structures	P	Laundry/Dry-Cleaning Drop-Off	P
Agriculture	P	Light Manufacturing	P
Ag services	P	Light Repair Services	P
Auto Sales	CU	Limited Storage	P
Bakery	P	Medical/Dental Clinics	P
Building Supply/Contractors Yard	P	Other Uses Not Elsewhere Permitted	CU
Car Washes	P	Parking Garages/Parking Lots	P
Civic/Cultural Buildings	P	Personal Services	P
Commercial Recreation(Indoor/ Outdoor)	P	Places of Worship	P
Community Intervention Center, Type 1	SE	Printing Services	P
Community Intervention Center, Type 2	SE	Professional Offices	P
Community Intervention Center, Type 3	SE	Public Parks/Playgrounds	P
Community Intervention Center, Type 4	SE	Public School/Accredited Private Schools	P
Community Gardens	P	Public Utility Buildings	P
Convenience Food Stores	CU	Recreational Vehicle Park or Campground	CU
Drug Stores	P	Rental Service/Equipment	P
Dry cleaning processing	P	Repair Garages	CU
Essential services	P	Restaurants	P
Financial Institutions	P	Retail Businesses (NEC)	P
Forestry	P	Sexually Oriented Businesses	CU
Gasoline Service Stations/Repair Garages	CU	Shopping Centers	CU
Gymnasium	P	Short-Term Rental	P
Health Services	P	Taverns/Bars	P
Heavy Manufacturing	CU	Upper-floor residential Use	P
Hotels/Motels/Inns	P	Urban Farm	P
Laboratory/Research	P	Warehousing	P
Landscaping/Nursery	P	Wireless communications fac. inside ROW	P

**Table 308.2**

### EDZ-Economic Development Zone District Lot Provisions

Min. Lot Size	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Lot Width
½ Acre	40 ft.	25 ft.	25 ft.	100 ft

## §309 CO-Conservation District

The purpose of this district is to preserve the natural character of and limit development in the floodplain of Linesville Creek to ensure proper stewardship of this resource while permitting.

**Table 309.1**  
**CO-Conservation District Table of Uses**

Accessory Uses and Structures	P
Agriculture	P
Agricultural Services	P
Civic/Cultural Building	P
Commercial recreation (Outdoor)	P
Essential Services	P
Forestry	P
Landscaping/Nursery	P
Private Clubs and Recreation	P
Professional Offices	P
Public Parks and Playgrounds (inc. trails)	P
Public Utility Building	P
Recreational Vehicle Park or Campground	CU
Retail Business (NEC)	P
Short-Term Rental	P
Wireless communications fac, outside ROW	CU
Wireless communications fac. inside ROW	P

<b>Table 309.2</b>				
<b>CO-Conservation District Lot Provisions</b>				
<b>Min. Lot Size</b>	<b>Min. Front Yard</b>	<b>Min. Side Yard</b>	<b>Min. Rear Yard</b>	<b>Min. Lot Width</b>
<b>½ Acre</b>	<b>40 ft.</b>	<b>25 ft.</b>	<b>25 ft.</b>	<b>100 ft.</b>

## §310 CL-Cluster District

The purpose of this district is to encourage dense, cluster-like developments of smaller and innovative housing types, including tiny homes, mobile homes and other small-lot residential uses, whether parcel or building ownership is held individually or as a single owner of the entire development, and which may include homeowner associations or other governing bodies.

**Table 310.1**  
**CL-Cluster District Table of Uses**

Accessory Uses and Structures	P
Dwelling – Single family detached	P
Dwelling – Two Family	P
Dwelling-Multi-Family	P
Dwelling – Townhouse	P
Essential Services	P
Forestry	P
Home business	P
Mobile Home Park	CU
No-Impact Home Based Businesses	P
Recreational Vehicle Park or Campground	CU
Rooming House	P
Public Parks and Playgrounds	P
Short-term Rental	P
Tiny Home	P
Tiny Home Community	CU

<b>Table 310.2</b>				
<b>CL-Cluster District Lot Provisions</b>				
<b>Min. Lot Size</b>	<b>Min. Front Yard</b>	<b>Min. Side Yard</b>	<b>Min. Rear Yard</b>	<b>Min. Lot Width</b>
<b>1,000 sf</b>	<b>40 ft</b>	<b>5 ft</b>	<b>5 ft</b>	<b>20 ft</b>

# §311 R-Residential District

The purpose of this district is to foster various forms of residential uses while permitting various accessory uses to allow resident owners to maximize the uses of their homes.

**Table 311.1**  
**R-Residential District Table of Uses**

Accessory Uses and Structures	P
Bed & Breakfasts	P
Day Care home - family	P
Day Care home - group	P
Dwelling – Single family	P
Dwelling – Two Family	P
Dwelling – Multi-Family	P
Dwelling – Townhouse	P
Essential Services	P
Forestry	P
Funeral Parlors	P
Home business	P
No-Impact Home Based Businesses	P
Places of worship	P
Public parks/playgrounds	P
Public schools/accredited private schools	P
Public utility buildings	P
Short-Term Rental	P
Wireless communications fac. Inside ROW	P

**Table 311.2**  
**R-Residential District Lot Provisions**

<b>Min. Lot Size</b>	<b>Front Yard</b>	<b>Min. Side Yard</b>	<b>Min. Rear Yard</b>	<b>Min. Lot Width</b>
<b>Average of lots in single ownership on same block* on same side of right-of-way, +/- 1,000 sf</b>  <b>*Block defined as parcels between intersecting public and open rights-of-way.</b>	<b>Average of front yards of principal structures on same block* on same side of right-of-way, +/- 5 ft</b>	<b>6 ft.</b>	<b>6 ft.</b>	<b>Average of lots in single ownership on same block* on same side of right-of-way, +/- 5 ft.</b>

## **Article 4**

### **Performance Standards for Permitted Uses**

The following standards apply to uses permitted by right in all districts where they are permitted.

#### **Section 401 Specific Permitted Use Performance Standards**

(A) MU District Commercial Uses. The following apply to permitted commercial uses in the MU District.

1. Hours of operation shall be limited to 7 a.m. to 10 pm.
2. Any ventilation or exhaust vents, tubing or piping shall be oriented toward a right-of-way or vertically. Such ventilation and related equipment shall be screened so as to not be directly visible to the right-of-way.
3. If off-street loading and/or parking is provided on the lot, it shall be located behind the front face of the building and at no time shall it be in a front yard area or between a principal structure and right-of-way. If parking for more than two vehicles is provided, it shall be screened per one or more of the parking screening standards in this ordinance.
4. No outdoor storage of any kind is permitted.
5. All lighting, except building-mounted decorative or security lighting, shall be screened from view from any neighboring property or right-of-way.

(B) Bed and Breakfast

1. The person operating the bed and breakfast residence must also be a permanent resident.
2. Lodging may only be offered when the owner or manager is present.
3. No more than 40 percent of the floor area of the principal dwelling may be used for guest sleeping accommodations.
4. One off-street parking space must be provided for each guest room on lot. If on-lot parking is unavailable, the applicant shall arrange through purchase, lease or similar covenant suitable spaces within a 200-foot radius of the lot.
5. The applicant may display one sign identifying the name of the business and its use. This sign may not exceed six square feet and shall be lit through indirect means.
6. The basic residential character of the structure shall not be altered.
7. No more than 10 guest rooms will be permitted at a bed and breakfast.
8. A bed and breakfast may prepare or serve foods for consumption on site for breakfast, lunch and dinner.
9. A bed and breakfast may cater occasional on-site events or activities for no more than 40 persons at a time, including, without limitation, wedding rehearsal parties, business meetings, small office parties, and similar events or activities offered on a fee basis.
10. All necessary licenses or permits issued by county, state or federal agencies shall be a condition for approval.

(C) Building Supply/Contractor Yard

1. No outdoor storage of materials shall be located within the front yard of the lot.

(D) Car Washes

1. Where a car wash abuts a residential use or district, the business hours of the car wash shall be limited to 7 a.m. to 10 p.m. prevailing time.
2. Any outdoor mechanical equipment shall be muffled and screened using a standard in Article 6 to minimize noise and light.
3. Where a car wash abuts a residential use or district, screening shall be provided to prevent vehicle lights from shining onto or into residential structures.
4. Access drives shall be at least 25 feet from a driveway or intersection on the same side of the street.

(E) Community Center

1. If the parking area is adjacent to a residential use or any parking areas contain more than 10 automobiles, the following shall apply: An additional ten-foot setback for the respective lot line shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential development. Screening that would meet the standards in Article 6 shall be installed along the parking area proposed adjacent to the lot line shared with the residential use.

(F) Community gardens.

1. The operator of a community garden may allow or organize gatherings of people at the garden.
2. A community garden is permitted to have any related accessory structures on the site so long as the result complies with district standards.
3. A use less than 100 square feet shall be exempt from these provisions.
4. Community garden-related roofed buildings shall be located a minimum of 20 feet from any lot line.
5. Community garden-related nonroofed structures, such as, but not limited to, raised-bed gardens or composting bins shall be located a minimum of six feet from any lot line.
6. Open-air composting piles shall be prohibited.
7. No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced. The impacts of traffic and environmental conditions shall also be considered as part of the Borough's evaluation.
8. At a minimum, a fence or hedge four feet in height shall be placed either on the side and rear lot lines or within the side and rear yards.
9. If more than one trash receptacle greater than 50 gallons is located on the site, the receptacle shall meet the minimum requirements for dumpsters and screening in accordance with this Ordinance.
10. Any new operation as part of an existing agricultural operation shall not be approved by the Borough until an erosion and sedimentation control plan has been prepared and found satisfactory by the Crawford County Conservation District, if said plan is equal to or greater than 5,000 square feet.
11. No retail sales or the raising of any animals shall be permitted to occur on the lot where community agriculture occurs.

(G) Forestry.

1. Roads used for access shall be kept in a mud-free condition at the end of each day.
2. All harvesting practices must include measures to protect nearby structures and utility lines.
3. To avoid traffic congestion and excess noise, all harvesting activities must be conducted between Monday and Friday between the hours of 8:00 a.m. and 6:00 p.m.

(H) Funeral Parlor

1. There shall be no external display of merchandise on the premises.
2. One off-street loading space shall be provided for every 10,000 square feet of gross floor area.
3. No loading and unloading of merchandise and cadavers shall occur, under any circumstances, on public property or shall be visible from the public right-of-way.

(I) Home Business

1. Not more than two persons other than the occupants of the dwelling unit shall be employed.
2. Not more than 20 percent of the gross floor area of the dwelling shall be devoted to the home business.
3. Articles sold or offered for sale on site shall be limited to mail-order articles or articles for sale elsewhere.
4. No offensive noise, vibration, smoke (or other particulate matter), heat, humidity, glare or other objectionable effects shall be produced.
5. Satisfactory provision is made for the accommodation of parking as provided in Article 8 of this Ordinance. Any off-street parking area shall be located behind the building line or within the lawful service drive.
6. No equipment or processes shall be used which create interference in radio or television receivers off the premises or which cause fluctuation in utility line transmissions. Applicant will also show that electric or electronic equipment will not create an electrical fire hazard.
7. Not more than one commercial vehicle having a maximum capacity of one ton may be stored and parked on any lot.

(J) Hotels/Motels/Inns

1. No motel shall have a lot area of less than 21,600 square feet.
2. Motel buildings or accessory structures shall be placed no closer than 30 feet to any lot line.
3. Swimming pools shall comply with the safety requirements of the Pennsylvania Uniform Construction Code.
4. Yard areas shall be permanently landscaped and maintained in good condition.
5. Rooms shall not be rented for a period of less than 12 hours.

(K) Limited Retail Establishment

1. Total retail use area shall not exceed 3,000 square feet per parcel. This shall include all interior space and any exterior space dedicated to such use, but not parking and other access elements.

2. Signage shall be limited to one sign no larger than 12 square feet, which may be illuminated only by indirect means. No other signage, including window signs, is permitted.
3. Parking shall conform in all respects to the parking requirements of this article.
4. There shall be no exterior display of merchandise.
5. If a conversion, the character of the building shall not be substantively altered. If a new building, it shall conform in character and scale to the existing buildings.
6. There shall be no outdoor sound transmission systems or displays of any sort beyond that provided in subsection (2) of this section.
7. Business hours shall be limited to 6:00 a.m. to 11:00 p.m.
8. All outdoor lighting, except illumination for general safety, shall be prohibited except during business hours.
9. No drive-through or drive-up service is permitted.
10. Deliveries shall not interfere with traffic patterns.

(L) Limited Restaurants

1. Total restaurant use area shall not exceed 3,000 square feet per parcel. This shall include all interior space and any exterior space dedicated to such use, including seating areas, patios, etc., but not parking and other access elements.
2. Signage shall be limited to one sign no larger than 12 square feet, which may be illuminated only by indirect means. No other signage, including window signs, is permitted.
3. This use shall be exempt from providing any parking. However, if parking is provided, it shall conform in all respects to the parking requirements of this article.
4. There shall be no exterior display of merchandise.
5. If a conversion, the character of the building shall not be substantively altered.
6. There shall be no outdoor sound transmission systems or displays of any sort beyond that provided in subsection (2) of this section.
7. Business hours shall be limited to 6:00 a.m. to 11:00 p.m.
8. All outdoor lighting, except illumination for general safety, shall be prohibited except during business hours.
9. No drive-through or drive-up service is permitted.
10. Deliveries shall not interfere with traffic patterns.

(M) Limited Storage

1. No storage of hazardous materials shall be permitted.
2. The main building façade shall contain glazing that is within 10 percent more or less of the glazing contained in principal structures on the same block and on same side of the right-of-way (defined as between intersecting public and open rights-of-way).
3. The primary entrance to the building shall be from a door facing the public street and leading directly to the sidewalk or driveway rather than to an off-street parking area.
4. Area for limited storage use shall not exceed 2,000 square feet.

(N) Outdoor Commercial Recreation

1. Minimum Setback. All structures upon land devoted to an outdoor commercial use shall be set back a minimum of 50 feet from all lot lines.
2. Accessory Uses. Only the following shall be deemed to be permitted accessory uses:
  - a) Snack bar, including facilities for the sale of beverages from time to time

regulated under the liquor control laws of the commonwealth of Pennsylvania; provided, that such facilities shall be duly licensed under all applicable laws, rules and regulations;

- b) Storage facilities;
- c) Shelters;
- d) Club house, including locker rooms and showers.

3. Any accessory use shall only be continued for so long as subject lot continues to be operated as an outdoor commercial recreation use.
4. Sign. Such uses shall exhibit no more than one identification sign which shall be a ground-mounted sign not in excess of 12 square feet in total surface area per access drive.
5. No motorized equipment and/ or vehicles shall be operated on the property as part of the commercial recreation facility between the hours of 10:00 p.m. and 7:00 a.m.
6. No outdoor storage of parts, equipment, fuels or other materials used or discarded shall be permitted. The outdoor storage of vehicles or other recreational equipment is also prohibited.

(O) Parking Garage or Parking Lot

1. The area shall meet all setbacks and be sufficiently screened and buffered from adjacent uses per the landscaping requirements of Articles 6 and 8.
2. Along any lot line shared with a residential use, lighting for parking garages shall be completely screened from view by a wall, fence or other opaque screen.

(P) Personal Services

1. There shall not be any outdoor storage.

(Q) Place of Worship

1. Shall provide all parking and loading/unloading requirements as required by this code.
2. Shall be located on a paved public street with a minimum cartway width of 20 feet.
3. The design and landscaping shall be compatible with and preserve the character of adjoining residential uses.
4. All parking and recreation/play areas which abut residential uses shall provide screen planting.

(R) Printing Services

1. The applicant shall provide a detailed description of the storage, handling and use of regulated substances and description of the containment structures for hazardous material storage.
2. A site map locating where hazardous materials are stored, handled and used shall be provided.

(S) Public School/Accredited Private School

1. Shall provide all parking and loading/unloading requirements as required by this code.
2. Shall be located on a paved public street with a minimum cartway width of 20 feet.
3. The design and landscaping shall be compatible with and preserve the character of adjoining residential uses.
4. All parking and recreation/play areas which abut residential uses shall provide screen planting.

5. Such uses shall have, and present, all needed local, county, state or federal permits, or applications for needed permits. If needed permits are in the application stages, the final approval for same shall be a condition prior to issuing a certificate of occupancy.

(T) Public Utility Building

1. Property shall be landscaped to present a minimum intrusion upon the neighborhood.
2. Property shall be enclosed by a security fence. Notwithstanding any other section of this code, the height of this fence shall be adequate to provide proper security for the installation (six to eight feet).
3. No outdoor storage shall be permitted.

(U) Rooming Houses

1. A common cooking and eating area must be provided.
2. No cooking or dining facilities shall be provided in individual rooms or suites.
3. One parking space per every 1.5 rooming units shall be required.

(V) Short Term Rental

1. In the Central Business District
  - a) The Short-Term Rental may not be located below the second story above grade.
  - b) The first story of the building shall be occupied by a permitted principal use.
  - c) All activity at the short-term rental shall be subject to enforcement of the Borough's noise-, nuisance- and property maintenance-related ordinances.
  - d) The applicant shall obtain or apply for a license under applicable Borough ordinances prior to zoning approval.
  - e) The applicant shall obtain any applicable approvals under the Uniform Construction Code.
2. In the Mixed-Use District
  - a) All activity at the short-term rental shall be subject to enforcement of the Borough's noise-, nuisance- and property maintenance-related ordinances.
  - b) The short-term rental shall provide one off-street parking space per bedroom available for rental.
  - c) The applicant shall obtain or apply for a license under applicable Borough ordinances prior to zoning approval.
  - d) The applicant shall obtain any applicable approvals under the Uniform Construction Code.
3. Outside of the Central Business and Mixed-Use Districts
  - a) All activity at the short-term rental shall be subject to enforcement of the Borough's noise-, nuisance- and property maintenance-related ordinances.
  - b) The short-term rental shall provide one off-street parking space per bedroom available for rental.
  - c) The applicant shall obtain or apply for a license under applicable Borough ordinances prior to zoning approval.
  - d) The property owner shall be the permanent resident.
  - e) The short-term rental may be rented no more than 60 days in a calendar year.
  - f) The applicant shall obtain any applicable approvals under the Uniform Construction Code.

(W) Tavern or Bar

1. A tavern or bar shall comply with the minimum distance separation requirements as defined by the Pennsylvania State Liquor Control Board.
2. The owner(s) and/or operator(s) of a tavern/bar/pub shall be responsible for the conduct and safety of the patrons and shall register with the police the contact information for a manager(s) or supervisor(s) who at all times shall be available to respond to inquiries and promptly quell any disturbances caused by the occupants.

(X) Tiny Homes

1. Every home shall be supplied with potable water service and shall be connected to a sanitary sewer or an approved sewage disposal system.
2. The Tiny Home shall meet all requirements of the Pennsylvania Uniform Construction Code and/or Department of Community & Economic Development, depending on the construction type, either stick-built or mobile, respectively.
3. All Tiny Homes shall be placed on a permanent foundation.

(Y) Townhouses. In all districts where they are permitted, the minimum lot width for townhouses is 15 ft; minimum lot depth is 60 ft; and minimum lot area is 900 sf.

(Z) Upper Floor Residential

1. Shall only be permitted where the ground floor, or majority thereof, shall be used or dedicated for a use other than residential, and a use allowed in the zoning district in which the building is located.
2. The dwelling units shall have no more than four bedrooms.
3. Each dwelling unit shall provide the following minimum usable living space:
  - a) Minimum of 540 square feet of usable space for one-bedroom units, for occupancy of no more than two persons. Minimum of 725 square feet of usable space for two-bedroom units, for occupancy by no more than four persons. Minimum of 910 square feet of usable space for three-bedroom units, for occupancy by no more than six persons
  - b) Minimum of 1,095 square feet of usable space for four-bedroom units, for occupancy by no more than eight persons.
  - c) Any structure in which a residential use is permitted shall comply with all requirements of this code applicable to the permitted principal use of the ground floor conducted therein. All otherwise complying above ground floor residential uses shall be exempt from lot size, lot coverage, lot width and setback requirements.
4. Subject to the provisions of this Ordinance, there shall be provided at least one off-street parking spaces for every one dwelling unit.

(AA) Urban Farm

1. Operations using machinery shall be limited to 7 a.m. to 7 p.m. Automatically functioning equipment, such as sprinklers, is not considered operation.
2. The area of an urban farm includes the area under cultivation, the area covered by any structure associated with the garden, the compost pile, any off-street parking, and any other area associated with the activities of the garden.

3. No area under cultivation may be within 10' of any property line.
4. An urban farm may include a seasonal farm stand for the sale of items grown at the site only. No other merchandise may be sold. Only produce and value-added products made from produce grown on site, such as jams and pickles, may be sold. Sales are allowed only between 7 a.m. and 7 p.m.

***REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK***

## **Article 5**

### **Performance Standards for Conditional Uses and Special Exception Uses.**

The following standards apply to uses permitted by special exception or conditional use in all districts where they are permitted.

#### **§501 General Conditional Use Performance Standards.**

**(A) Applicability.**

Each use that is listed in the district use tables as permitted by conditional use (notated with the letters ‘CU’) shall comply with the provisions of this Section and all other applicable performance standards and supplementary regulations in this code. A conditional use permit shall only be granted when the minimum conditions set forth in this section for the specific conditional use have been met.

**(B) Procedure.**

1. An application form prescribed by the Borough shall be submitted by the applicant for a conditional use permit along with a fee in an amount as established from time to time by resolution of the Linesville Borough Council.
2. The applicant shall submit seven (7) paper copies and one (1) digital copy, in PDF format or other electronic format as specified by the Borough, of the necessary documentation of the proposed conditional use to enable the review of such proposal by the Borough. The burden of submitting adequate data to allow for full evaluation of the proposal shall rest with the applicant. The applicant must demonstrate that the following conditions have been addressed to the maximum extent applicable:
  - a) That the proposed conditional use will not adversely affect the health, safety, or welfare of residents in the zoning district in which the use is to be located;
  - b) That the proposed conditional use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements;
  - c) That the proposed conditional use meets all other requirements for the zoning district in which the use is proposed;
  - d) That the proposed conditional use is in general conformity with the Borough of Linesville comprehensive plan; and
  - e) That the proposed conditional use will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Linesville Borough Council shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
3. If subdivision or land development approval is required for the proposed conditional use, the application for a conditional use permit and the application for the subdivision or land development may be processed concurrently, provided that all requirements for the separate applications are met.
4. The grant of approval of a conditional use permit shall not relieve the applicant from filing and having the Borough approve any zoning permit, building permit, certificate of use

and occupancy, subdivision, land development, or site plan required by this ordinance or any other Borough ordinance.

5. The Linesville Borough Council may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance and of the comprehensive plan.

6. Public Hearings.

- a) Prior to granting approval or denying a conditional use application, the proposal shall be reviewed by the Linesville Borough Planning Commission. The Planning Commission shall be given an opportunity to provide written recommendation to Linesville Borough Council concerning whether to approve, conditionally approve, or deny the application.
- b) A minimum of one (1) public hearing shall be held by the Linesville Borough Council at a regularly scheduled meeting within 60 days of the date that the applicant filed the conditional use application.
- c) Notice of said public hearing shall be posted per the requirements of the Pennsylvania Municipalities Planning Code. Written notice of the hearing shall also be sent by first-class mail to the owners of lots abutting the subject lot or within 200 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.
- d) The Linesville Borough Council shall render a written decision, upon review by the Planning Commission, or when no decision is called for, make written findings on the conditional use request, per the provisions of the Pennsylvania Municipalities Planning Code.
- e) If the Linesville Borough Council denies the conditional use application, the applicant may reapply for the same use no sooner than one (1) year after the date of denial of the application or the date of denial of appeal to the Crawford County Court of Common Pleas or appellate courts, whichever is later.

(C) Duration of Conditional Use Permit.

The grant of the conditional use permit shall expire if a zoning permit, building permit, or certificate of occupancy is not obtained within 24 months from the date of the grant of the conditional use permit. However, the Linesville Borough Council, in its discretion, may grant by resolution an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

## §502 Specific Conditional Use Performance Standards.

(A) Adult Day Care Center

1. Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
2. The institution shall be approved, licensed and/or certified by the Commonwealth as required.
3. Off-street parking areas will not constitute nor be used for outdoor activity area.
4. Common open space shall not be located in any front yard.
5. Common open space shall be enclosed by a fence that is four feet in height.

(B) Assisted Living Facilities, Nursing Homes and Personal Care Homes

1. The institution shall be approved, licensed and/or certified by the Commonwealth as required.
2. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
3. There shall be at least 1 parking space per each three resident beds plus 1 for each employee at maximum capacity. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
4. No more than one (1) identification sign, not to exceed 24 square feet in sign area, shall be permitted.
5. Setbacks of fifty (50) feet shall be provided from all property lines.

(C) Auto Sales

1. In the interest of public traffic safety, no vehicles shall be parked along the front lot line. Cars may parallel the front lot line but must be set back at least 15 feet.
2. Any lot line abutting a residential use shall utilize appropriate screening.
3. There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, tires, vehicles lacking current state inspection stickers, or parts of vehicles. The overnight parking of patron vehicles and the presence of DEP/EPA-approved waste containers shall be permitted on side or rear lot areas.

(D) Day Care Centers – Child

1. The facility shall be licensed as required by the Commonwealth of Pennsylvania.
2. Ingress and egress to the site shall be designed to assure the safe dropping off and pickup of individuals. All drop-off locations shall be designed so as to not interfere with traffic on adjacent streets.
3. Exterior open space shall be provided and shall be secured by a fence, at least four feet in height, with a self-latching gate, as required by Commonwealth requirements.
4. Outdoor play areas that adjoin residential lots shall be screened as per the screening requirements for parking lots.

(E) Gasoline Service Station/Convenience Food Store

1. Any fuel pumps shall be at least 30 feet from the front lot line and 30 feet from each side lot line.
2. No vehicle will be parked or stored along the front lot line except on a short-term basis (less than 12 hours).
3. Any lot line abutting a residential use or district shall provide appropriate screening.
4. There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, tires, vehicles lacking current state inspector stickers, or parts of vehicles. The overnight parking of patron vehicles and the presence of DEP/EPA-approved waste containers shall be permitted in side or rear lot areas.
5. Canopy structures shielding gasoline pumps shall be no closer than 20 feet from the front lot line and 20 feet from each side lot line.

(F) Halfway House/Detention Home

1. The applicant shall submit the following:
  - a) A statement describing the character of the facility.
  - b) The program's policies and goals and means proposed to accomplish the goals.
  - c) A description of the characteristics of the residents of the proposed use, noting, in particular, their ages and number of residents.
  - d) A study documenting the need for such a facility in the Borough.
  - e) Provision of staffing levels and ratio to residents.
2. One off-street parking space per staff on major shift and 1 space per 10 residents for visitors shall be provided.

(G) Mobile Home Park

1. No mobile home park shall have an area less than five (5) acres, nor an average gross area per mobile home less than three thousand (3,000) square feet.
2. Every mobile home shall be supplied with potable water service. Mobile homes shall be connected to a sanitary sewer or an approved sewage disposal system.
3. A safe, usable recreation area shall be conveniently located in every mobile home park and shall contain a total area of a minimum of three hundred (300) square feet per home, and shall not be less than ten (10) percent of the gross area of the mobile home park.
4. No mobile home shall be located less than fifty (50) feet from an abutting property in an R District.
5. The mobile home park shall be permanently landscaped and maintained in good condition. Except for a mobile home offered for sale on mobile home sales lots, or those for which necessary permits have been obtained, the parking of a mobile home outside of a permitted mobile home park in any district for forty-eight (48) hours or more shall be prohibited.

(H) Other Uses not Elsewhere Permitted.

1. In the EDZ Economic Development Zone, any use not specifically listed as a use in any zoning district and not specifically excluded from this district may be permitted by conditional use if the proposed use meets the following requirements:
  - a) The proposed use, if granted a conditional use, would:
    - (i) Be consistent with the comprehensive plan of the Borough;
    - (ii) Be consistent with the adjoining and surrounding zoning and uses;
    - (iii) Be consistent with the scale and density of neighboring uses and structures;
    - (iv) Comply with all applicable yard, setback, and signage regulations for the districts;
    - (v) Comply with parking and loading/unloading standards for related uses specified in this code.
  - b) The proposed use, if granted a conditional use, would not:
    - (i) Substantially increase traffic congestion, create traffic safety hazards or endanger the safety of persons or property by improper location or design of facilities for ingress or egress;
    - (ii) Change the basic functional characteristics of the streets and lands on which it is located, as identified by the Borough comprehensive plan;

- (iii) Increase the danger of fire or otherwise involve activities or processes which would tend to endanger the public health or safety;
- (iv) Overcrowd the land or create an undue concentration of population or structures;
- (v) Impair an adequate supply of light and air to adjacent property;
- (vi) Create storm water hazards or drainage problems;
- (vii) Create vibrations, glare, heat, electrical disturbance, smoke, odor or noise which would jeopardize the integrity of pre-existing uses in the immediate vicinity;
- (viii) Unduly burden water, sewer, school, park or other facilities;
- (ix) Be detrimental to or adversely affect the reasonable use of adjacent property;
- (x) Otherwise adversely affect the public health, safety, morals or general welfare;
- (xi) Unreasonably interfere with pre-existing or planned residential, historic or economic development.

#### (I) Recreational Vehicle Parks and Campgrounds

1. Approved sanitary facilities shall be provided per the requirements of the Borough's Subdivision and Land Development Ordinance.
2. Ownership. The campground shall remain in single ownership and shall not be subdivided. Contact information for the owner of the property or a designated agent must be provided to the Borough.
3. Occupancy. Campsites shall be used only for camping purposes and not for long-term residency. No improvement or any recreational vehicle designed for long-term residency or occupancy shall be erected or placed on any campsite. All recreational vehicles in the park shall at all times meet Pennsylvania Department of Transportation vehicle/trailer registration requirements and must be maintained in a road-worthy, transportable condition. Any action to remove wheels is prohibited. No campsite shall be occupied for more than nine consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant. Each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. No part of any campground shall be used for noncamping purposes, except such uses that are required for the direct servicing and well-being of the users of the campground and for the management and maintenance of the campground.
4. A campground shall have a total contiguous land area of not less than five acres.
5. The minimum area of any campsite shall be 2,500 square feet exclusive of road rights-of-way and walkways, and no more than one park trailer, travel trailer, recreational vehicle, camper trailer or other recreational shelter and no more than six individuals are permitted per each campsite.
6. Floodplains. No campground or any related facilities, including water or sewer facilities, shall be located within a 1%-annual-chance floodplain area as defined by the Borough Floodplain Management Ordinance and prevailing FEMA flood maps.
7. Nuisances. The site of any proposed campground shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

8. The campground shall be equipped with sewage dumping stations designed and constructed for easy access by campers with an area for disposal of stored sewage sized in accordance with Chapter 73 DEP regulations; a source of water to flush out sewage holding tanks; and a separate source of potable water for filling vehicle storage tanks.
9. Slopes. A campground shall not be located where the average natural slope of the area of the site intended for development exceeds 10%.
10. Existing vegetation. Existing trees, shrubs and other vegetation shall be preserved and maintained to the greatest extent possible.
11. Stormwater/drainage. Campgrounds shall comply with the stormwater management requirements in the Borough's Stormwater Management Ordinance, and shall be designed to insure that all surface water is drained in a safe and efficient manner away from all campsites.
12. Setbacks, buffer strips and screening. No individual campsite shall be located closer than 50 feet to any exterior property line of the campground, or from a public road right-of-way. Campgrounds shall be required to provide screening such as fences or plant materials along the property boundary line separating the park and a residential use. Plantings shall provide an effective screen to a height of six feet. These buffer strips shall be properly maintained at all times.
13. Parking. Parking shall not be permitted on roads or drives within the campground, but shall be restricted to designated parking areas either at each site or at common locations. All campsites designed for recreational vehicles shall have off-road parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall have a mud- and dust-free surface. All campsites designed for tenting may be provided with at least one on-site parking space or may have a common parking area not over 300 feet from the most distant campsite. If common, there shall be at least 1.5 spaces per campsite provided. The space shall comply with the definition of parking space in this ordinance.
14. Illumination. A lighting plan and lighting shall be provided in accord with the Dark Sky regulations of this Code.
15. Land development. A campground or expansion of campground shall be considered a land development and the application for the development of a campground shall be processed in accord with all the procedures established by the Borough's subdivision and land development ordinance.
16. Garbage and refuse disposal. No person shall burn trash, garbage or other like refuse in any campground. All such refuse shall be placed and kept in approved receptacles for the same. No owner shall permit the accumulation of litter or refuse or junk on a campsite. The storage, collection and disposal of refuse in the campground shall be so managed as to create no health hazards or air pollution. All refuse shall be stored in flytight, watertight, rodent-proof containers. Containers shall be provided in sufficient number, capacity and location to properly store all refuse. Rubbish shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow.
17. Camping accessories. Notwithstanding any provisions herein contained to the contrary, picnic tables, benches, fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite.
18. Appurtenances. No permanent external appurtenances, such as additions, carports, cabanas, decks or patios, may be attached to or be placed to serve any travel trailer or other

recreational vehicle parked in a campground development, and the removal of wheels or placement of the unit on a foundation is prohibited.

(K) Repair Garages. Repair garages shall meet the criteria established for Gasoline Service Stations/Convenience Food Stores in this Section.

(L) Sexually Oriented Business

1. Shall be separated from other sexually oriented businesses, schools, daycares and public or private parks by at least 500 feet.
2. Shall provide a minimum of one parking space for every three seats.
3. Shall have no exterior sexually-oriented displays other than a sign containing the name of the establishment.
4. No sexually-oriented activities shall be visible from the exterior of any structure.

(M) Shopping Centers

1. Must comply with parking requirements of this ordinance.
2. With application for a permit, a plan shall be submitted to the Borough showing the following:
  - a. Extent and area of property.
  - b. Entrance, exits, driveways, roads, parking areas, and lots
  - c. Location of existing and proposed structures.
  - d. Storm water management techniques to be employed.
  - e. Anticipated retail, service or eating and drinking places by use category with appropriate square feet of building devoted to each.
  - f. Current and proposed pedestrian access, especially linkages to existing business areas.
  - g. If abutting non-industrial uses, shall present a plan for screening and buffering which will minimize any impact and filter most light and noise, and shall be at least 6 feet in height.

(N) Tiny Home Community

1. Accessory uses including but not limited to trails, community gardens, garages, storage buildings and laundry facilities shall be permitted.
2. Accessory structures shall be within 10 percent of the average size of the member homes in all dimensions and shall be limited to 1 storage building per 10 homes.
3. All uses shall meet the minimum setbacks of the district.
4. Streets in the community shall be paved with a hard surface such as asphalt or concrete and shall not be surfaced with gravel or dirt.
5. Front yard setbacks shall be measured from the edge of the street.
6. No tiny home community shall have an area less than three (3) acres, nor an average gross area per tiny home less than two thousand (2,000) square feet.
7. No tiny home or accessory structure shall be located less than fifty (50) feet from an abutting property in an R District.

(O) Traditional Neighborhood Development

1. Purpose and Authority. Authority for this section derives from Article VII-A of the Pennsylvania Municipalities Planning Code, and its purposes are as follows:

- a) To ensure that the zoning regulations which are concerned in part with the uniform treatment of dwelling type, bulk, density, intensity and open space within each zoning district shall not be applied to the improvement of land by other than lot-by-lot development in a manner that would distort the objectives of the Borough's community development goals and objectives.
- b) To encourage innovations in residential and nonresidential development and renewal which makes use of a mixed-use form of development so that the growing demand for housing and other development may be met by greater variety in type, design and layout of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses.
- c) To extend greater opportunities for better housing, recreation and access to goods, services and employment opportunities to all citizens and residents of this commonwealth.
- d) To encourage a more efficient use of land and of public services to reflect changes in the technology of land development so that economies secured may benefit those who need homes and for other uses.
- e) To allow for the development of fully integrated, mixed-use pedestrian-oriented neighborhoods.
- f) To minimize traffic congestion, infrastructure costs and environmental degradation.
- g) To promote the implementation of the objectives of the Borough of Linesville comprehensive plan for guiding the location of growth.
- h) To provide a procedure in aid of these purposes which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.
- i) To ensure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay.
- j) Where not specified in this article, standards from Article VII-A of the Pennsylvania Municipalities Planning Code or the Borough of Linesville zoning ordinance shall govern.

2. Process. Traditional neighborhood developments shall be permitted in Central Business and Mixed-Use Corridor districts. A traditional neighborhood development shall be permitted in the designated zones as a conditional use in accordance with the requirements of this code.

3. Minimum Size of Overlay. To qualify for designation, the minimum size of a traditional neighborhood development must be such that it will be bounded on all sides by an existing or proposed public street or alley. Traditional neighborhood developments meeting this minimum may extend beyond this area and end in mid-block.

4. Uses. Regardless of the underlying zoning designation, the following uses shall be permitted as a part of an approved traditional neighborhood development overlay district:

- a. Townhouse dwellings (minimum of five units).
- b. Multifamily dwellings.
- c. Private clubs and social halls.
- d. Day care facilities.
- e. Financial institutions.
- f. Professional offices.
- g. Civic and cultural buildings.
- h. Retail sales.
- i. Personal services.
- j. Restaurants.
- k. Public parks and playgrounds.
- l. Parking lot or structure.
- m. In the case of an adaptive reuse, involving no new construction or demolition and adhering to the Secretary of Interiors standards for any rehabilitation, the adaptive reuses permitted by this code shall be permitted uses. In the case of new construction, adaptive reuses shall be by conditional use.

5. Procedures for Approval of Traditional Neighborhood Development.

- a) The developer is encouraged to begin the process by submitting a sketch plan describing and illustrating the proposed project consistent with the requirements of Section 707-A of the Pennsylvania Municipalities Planning Code.
- b) The application for conditional use approval of a traditional neighborhood development in a designated zone shall be submitted on forms provided by the Borough, together with plans providing the information required by this code and demonstrating compliance with the standards for traditional neighborhood development as set forth in this code, together with fees to be established by resolution of Borough council.
- c) The process for conditional use approval shall follow the requirements set forth in the Pennsylvania Municipalities Planning Code and this code.
- d) The Borough planning commission shall review the plans and make recommendations. If the recommendations are accepted by the developer, the planning commission's approval of recommendations shall constitute preliminary approval.
- e) Following the review and approval of the planning commission, and a hearing and consideration by the Borough council in accordance with the applicable requirements of the Pennsylvania Municipalities Planning Code, the Borough council shall determine whether the conditional use should be granted under applicable standards and may, if granted, impose reasonable additional conditions, which if accepted by developer shall constitute final approval.
- f) Upon final approval, the developer shall incorporate all required provisions into the final plan and file the final plan with the Borough.

6. Conditional Use Plan Submission Requirements. All applications for traditional neighborhood development shall include the following:

- a) Amount, location of, proposed use of common open space. If proposed as private common space, a plan for maintenance shall be included.
- b) Location and physical characteristics of the site.
- c) Location, use, and description of existing buildings and whether they will be rehabilitated, adaptively reused, demolished or unchanged.
- d) Location, design, type and use of proposed new structures.
- e) Location, design, type and use of existing and proposed streets, alleys, sidewalks or pedestrian ways.
- f) A parking plan, including the use of on-street parking, parking structures, and private or public parking lots.
- g) A landscaping plan, including preservation of existing trees, street trees, street plantings, street furniture. This plan shall include a plan for future maintenance and be developed by a licensed landscape architect.
- h) A description of how the proposed traditional neighborhood development relates to the abutting development in the Borough, including private land uses, and Borough infrastructure (including public sidewalks, street trees, street systems, parks and parking) as well as any necessary buffering or screening.
- i) A description of how the proposed traditional neighborhood development relates to the Borough of Linesville comprehensive plan.
- j) A time schedule and any phasing of development.

7. Design and Development Standards for Public or Private Improvements.

- a) Streets, sidewalks and footpaths shall be integrated into the existing Borough systems to the maximum extent possible. Proposed new streets, except alleys, shall have sidewalks.
- b) Any drive-through facilities shall be designed to enter and exit on the street or alley determined to have the least vehicular and pedestrian traffic.
- c) Parking. All parking lots, except where there is a compelling reason to the contrary, shall be located in the rear of buildings. Off-street parking may be located within 200 feet of the principal entrance of the building. In the case of parking structures, the design of exterior surfaces shall be of a form and material which relates to abutting buildings. The entrance to all off-street parking lots or structures shall be designed to minimize pedestrian conflicts.
- d) Landscaping. All parking lots shall be landscaped consistent with Article 8. If not existing, street trees shall be provided consistent with Borough standards, as applicable. All common areas, transition areas between various land uses, setback areas and other spaces shall be suitably landscaped.
- e) Design. All structures and improvements shall be designed in accordance with a Manual of Written and Graphic Design Guidelines as may be adopted by and in effect in the Borough of Linesville.

8. Lot, Yard, Density and Design Standards.

- a) Structures shall be placed close to the street at generally one-quarter of the width of lot or less.
- b) Townhouse units shall have a minimum lot width of 15 feet. All townhouse units shall have a minimum lot size of 900 square feet. All townhouse dwelling units shall have a private rear yard patio or upper floor terrace.
- c) Spatial relationships between buildings and other structures shall be geometrically logical and/or architecturally formal. On a lot with multiple buildings, those located on the interior of the site shall front toward and relate to one another, both functionally and visually. A lot with multiple buildings may be organized around features such as courtyards, greens, or quadrangles which encourage pedestrian activity and incidental social interaction among users. Buildings shall be located to allow for adequate fire and emergency access.
- d) Buildings shall be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale.
- e) Buildings shall be located to front toward and relate to public streets, both functionally and visually, to the greatest extent possible. Buildings shall not be oriented to front toward a parking lot.
- f) Buildings shall define the streetscape through the use of uniform setbacks along the building line for each block. The building line shall be generally continued across side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges or fences which define front yards.

9. Compliance with Finally Approved Plan. Developer shall construct and develop the traditional neighborhood development in accordance with the finally approved plan.

### **§503 General Special Exception Performance Standards**

(A) Applicability. Each use that is listed in the district use tables as permitted by special exception (notated with the letters 'SE') shall comply with the provisions of this Section, the standards in Section 1002(B)(5) and all other applicable performance standards and supplementary regulations in this Ordinance.

(B) Procedure. Applicants seeking to obtain approval for a use by special exception shall follow the process described in Article 11 of this Ordinance and Article 9 of the Pennsylvania Municipalities Planning Code.

(C) Approvals.

- 1. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.
- 2. The grant of the special exception shall expire if a zoning permit, building permit, or certificate of occupancy is not obtained within 24 months from the date of the grant of the special exception. However, the Zoning Hearing Board, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

## §504 Specific Special Exception Performance Standards.

### (A) Community Intervention Center, Type 1

1. The applicant shall prove to the satisfaction of the Board that the use will involve adequate on-site supervision and security measures to protect public safety.
2. The applicant shall provide with the application for special exception evidence that all licensing, inspections and certifications required by appropriate local, County, Commonwealth or Federal agencies have been obtained or applied for. No zoning permit allowing operation shall be issued until such time that applicable inspections have been made and all licenses and certifications have been issued by the governing agency.
3. The Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
4. Hours of operation shall be limited to 6 a.m. to 8 p.m.

### (B) Community Intervention Center, Type 2

1. The applicant shall prove to the satisfaction of the Board that the use will involve adequate on-site supervision and security measures to protect public safety.
2. Dispensing of any controlled substances shall be performed only by those licensed by and in compliance with applicable state agencies, law and regulations, including those of the Pennsylvania Department of Health and Pennsylvania Department of Public Welfare.
3. The Board may place conditions upon the use to protect public safety, such as conditions on security measures.
4. Hours of operation shall be limited to 6 a.m. to 8 p.m.
5. Serving of any food or drink shall be performed only by those licensed by and in compliance with applicable state agencies, law and regulations, including those of the Pennsylvania Department of Agriculture.
6. The applicant shall provide with the application for special exception evidence that all licensing, inspections and certifications required by appropriate local, County, Commonwealth or Federal agencies have been obtained or applied for. No zoning permit allowing operation shall be issued until such time that applicable inspections have been made and all licenses and certifications have been issued by the governing agency.

### (C) Community Intervention Center, Type 3

1. The applicant shall prove to the satisfaction of the Board that the use will involve adequate on-site supervision and security measures to protect public safety.
2. The Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
3. The applicant shall provide with the application for special exception evidence that all licensing, inspections and certifications required by appropriate local, County, Commonwealth or Federal agencies have been obtained or applied for. No zoning permit allowing operation shall be issued until such time that applicable inspections have been made and all licenses and certifications have been issued by the governing agency.

### (D) Community Intervention Center, Type 4

1. The applicant shall prove to the satisfaction of the Board that the use will involve adequate on-site supervision and security measures to protect public safety.
2. The Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

3. The applicant shall provide with the application for special exception evidence that all licensing, inspections and certifications required by appropriate local, County, Commonwealth or Federal agencies have been obtained or applied for. No zoning permit allowing operation shall be issued until such time that applicable inspections have been made and all licenses and certifications have been issued by the governing agency.

4. Any such use shall not be located or operated within 600 feet of an existing school, public playground, public park, residential housing district, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed center, and shall be located a minimum of 600 feet from any existing treatment center.

***REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK***

## Article 6 Supplementary Regulations

### §601. Accessory Uses and Structures.

(A) It is the intent of this zoning code that accessory uses and structures be permitted in conjunction with any lawful use. To guide proper accessory uses and structures, Table 601 will supplement use tables in previous articles. When an accessory structure or use is not specifically mentioned, the zoning officer shall determine if it is practically the same as a mentioned use.

**Table 601 Accessory Uses and Structures by Use Type**

Use	Permitted Accessory Uses and Structures
Single-Family Dwellings	Garages, carports, garden sheds, storage buildings, home workshops, satellite dish antennas, swimming pools, avocational greenhouses, tennis courts, pet shelters, driveways, solar panels, accessory wind energy facilities, electric vehicle and similar charging stations, outdoor wood-fired boilers, keeping of animals as regulated in Chapter 65 of the Linesville Borough Code.
Multiple-Family Dwellings	Garages, carports, laundry for tenants, swimming pools, recreation facilities for tenants, storage building for maintenance or tenants, garden sheds, satellite dish antennas, pet shelters, driveways, solar panels, accessory wind energy facilities, electric vehicle and similar charging stations, outdoor wood-fired boilers, keeping of animals as regulated in Chapter 65 of the Linesville Borough Code.
Business or Industrial	Garages, carports, parking ramps, swimming pools, day care for employees, tenants or patrons, satellite dish antennas, enclosed storage areas, parking lots, maintenance buildings, recreation facilities, commissary for employees or tenants, solar panels, accessory wind energy facilities, electric vehicle and similar charging stations, outdoor wood-fired boilers, electric vehicle charging stations.
Institutional	Supply stores for tenants, employees or students, day care centers for tenants, employees or students, swimming pools, garages, carports, satellite dish antennas, enclosed storage areas, maintenance buildings, parking lots, cafeteria for employees or tenants or students, similar necessary scientific, recreational, spiritual, educational or residential facilities, solar panels, accessory wind energy facilities, electric vehicle and similar charging stations, outdoor wood-fired boilers, electric vehicle charging stations.

(B) Except as may be permitted by home business or in conjunction with a principal use other than residential, in all residential zoning districts and on all lots outside of a residential zoning district, on which are located single-family and multiple-family dwellings for residential use, no commercial, sales or business activity of any kind, inside or outside of a building, shall be permitted as an accessory use, except that yard sales, as defined, may occur no more than seven

days per calendar year. Yard sales are permitted only at the primary residence of the person holding the yard sale.

(C) Except for fences and driveways, no accessory structure may be located between a principal structure and a public right-of-way or in a front yard nor may they be located closer to a public right-of-way than the principal structure on the parcel. This includes sheds, garages, satellite dish antennae, solar panels or similar apparatus.

(D) An accessory use, building or structure may be established or placed on a lot that is within 50 feet and separated from the lot occupied by the principal use to which the use, building or structure relates by a right-of-way, if approved by the board as a special exception subject to the following provisions:

1. The applicant must document, by gross area and/or gross floor area, as applicable, the area the accessory use, building and/or structure is proposed to occupy; and
2. If the principal use is nonconforming, the accessory use, building and/or structure shall be counted toward the maximum expansion limit prescribed in Article 7 for nonconforming uses; and
3. A consolidation deed, deed restriction or alternate statement approved by the Borough shall be recorded with the deed(s) for the accessory parcel(s) detailing the relationship between the parcels so as to prevent sale or conveyance of the accessory parcel separate from the principal parcel, absent restrictive covenants acceptable to the Borough.

(E) Camping and recreational equipment storage. Campers, recreational vehicles, travel trailers, pickup coaches, motorized homes, boats and similar recreational equipment may be parked or stored on properties subject to the following requirements:

1. At no time may such parked or stored equipment be occupied or used for living, sleeping or housekeeping purposes.
2. At no time may such equipment or vehicles be parked in a front yard outside of an approved driveway or parking area.

(F) All accessory uses and structures shall serve only the principal use and/or structure on the parcel. Any accessory energy-generating facilities such as solar panels or wind turbines shall not generate energy exclusively or primarily for any off-premises use.

(G) All accessory structures shall be placed such that concentrated glare does not project onto nearby structures or roadways.

(H) The total height from grade of a roof-mounted accessory use such as a satellite dish antenna, solar panel or wind turbine is placed shall not exceed by more than three feet above the maximum building height specified for principal or accessory buildings within the applicable zoning district.

(I) Roof- and wall-mounted accessory uses shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.

(J) Unless otherwise noted in this code, accessory structures for a residential use may be located in side or rear yard areas to within three feet of a lot line. Otherwise, all residential accessory uses and structures shall meet all yard lot and area requirements.

(K) Unless otherwise noted in this code, accessory structures for a non-residential use in the CO-Conservation and EDZ-Economic Development Zone zoning districts may be located in side or rear yard areas to within 10 feet of a lot line. Otherwise, all non-residential accessory uses and structures shall meet all yard, lot and area requirements.

(L) In the CO-Conservation, EDZ-Economic Development Zone and CL-Cluster zoning districts, if a structure exists on an adjacent lot and is within 150 feet of the proposed structure,

and the existing structure has a front yard less than the minimum depth required, or where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yard(s) of the existing adjacent structure(s).

**§602. Application of Yard and Open Space Regulations.**

(A) Setbacks shall be measured from the right-of-way of abutting roads and from property lines.

(B) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this code shall be included as a part of a yard, open space or off-street parking or loading space similarly required for any other building. The building setback shall be measured from the outermost point of a building roof overhang.

(C) Lots shall maintain their minimum lot widths from the front lot line rearward at least to the point where the minimum rear yard setback is satisfied.

(D) Where an existing residential building containing four or fewer dwelling units has a front yard less than the minimum depth required, an addition of up to 50 percent of the bulk of the existing building within the minimum depth required shall be permitted up to the same nonconforming setback as the existing building. The bulk shall be measured in gross cubic feet.

(E) Where an existing non-residential building or any building containing five or more dwelling units has a front yard less than the minimum depth required, an addition of up to 50 percent of the bulk of the existing building within the minimum depth required shall be permitted up to the same nonconforming setback as the existing building as a special exception, the proposed use must be shown to be consistent with the adjoining and surrounding zoning and uses; be consistent with the scale and density of neighboring uses and building; and comply with parking and loading/unloading standards for related uses specified in this code. In addition, it must be shown that the proposed use would not substantially increase traffic congestion; create traffic safety hazards or endanger the safety of persons or property by improper location or design of facilities for ingress or egress; change the basic functional characteristics of the streets and lands on which it is located, as identified by the Borough comprehensive plan; increase the danger of fire or otherwise involve activities or processes which would tend to endanger the public health or safety; or be detrimental to or adversely affect the reasonable use of adjacent property.

(F) A fence or wall no higher than eight feet is permitted in a side and rear yard. A fence, hedge or wall is permitted in the front yard provided it is no higher than four feet and does not interfere with the line of sight for vehicular traffic on adjoining streets or alleys per the terms of this code. The fence shall be installed so that the finished side is facing the property lines. The finished side shall be the side without structural supports. Any fence that is identical or finished on both sides is considered in compliance with this section. Fences and walls must be built of a durable and rigid material and must include sturdy supports that extend into the ground to provide permanent support and keep the fence in a plumb position. Fences not meeting these regulations shall not be permitted except in conjunction with temporary construction work per the terms of this code. A retaining wall may be constructed in any yard as necessary to stabilize a natural earthen embankment and for that purpose only.

(G) Yard requirements for accessory uses and buildings. Unless otherwise noted in this code, accessory structures for a residential use may be located in side or rear yard areas to within three feet of a lot line, unless the side or rear yard abuts a street or alley in which case a 10-foot

setback shall be maintained. Otherwise, all accessory uses and structures shall meet all yard lot and area requirements.

(H) Swimming pools and associated decks regulated by the Pennsylvania Uniform Construction Code shall be permitted behind the back wall of the principal structure on the lot; provided, that the pool is located not less than 10 feet from any side yard line and 10 feet from the rear yard line. Pumps, filtration devices, and similar apparatus required by the pool may lie within the side or rear yards.

(I) The following structures are exempt from height regulations provided they do not constitute a hazard: communication towers, church spires, chimneys, elevator bulk heads, smokestacks, conveyors, flag poles, agricultural silos, stand pipes, elevated water tanks, derricks, wind turbines and similar structures.

(J) Outdoor wood boilers shall be permitted behind the back wall of the principal structure on the lot and must be a minimum of 150 feet from the nearest property line and must have a permanently attached stack. The stack must meet both of the following height requirements: extend a minimum of 10 feet above the ground and extend at least two feet above the highest peak of the tallest residence located within 150 feet of the boiler.

(K) Essential services, handicapped access ramps, driveways, access drives, retaining walls, terraces without walls, steps, stairways and associated stoops of up to 24 square feet or those necessary to reach the ground from an existing porch, deck or other walkable structure are exempt from all area and yard regulations.

(L) In corner lots, side yards opposite the street to which the property is addressed or opposite the front of the house, as deemed appropriate by the zoning officer, may, upon request, be treated as rear yards for the purposes of this code. In through lots, front yards opposite the street to which the property is addressed or opposite the front of the house, as deemed appropriate by the zoning officer, may, upon request, be treated as rear yards for the purposes of this code.

(M) All structures must comply with the setback and lot requirements of this code unless expressly permitted elsewhere in this code, regardless of whether a permit is required for their construction or placement.

**§603. Principal Structure Appurtenance Setback Encroachment.** Unless otherwise prohibited by the Uniform Construction Code or if the side yard on a lot measures six feet or less, the following may encroach into required setbacks as follows.

(A) Awnings, canopies, eaves, wing walls, chimney, bay windows, steps, ramps, and the like as follows:

- 1) Roof overhangs and projections of any principal structure may encroach up to two feet into any required setback; and
- 2) Canopies, open balconies, pivoted or casement sash, cornices, eaves, bay windows and similar architectural features may encroach not more than four feet into the front setback and not more than three feet into any side or rear setback.
- 3) Eaves, cornices and belt courses not exceeding two feet from the main building wall.
- 4) Chimneys may encroach no more than two feet into any side or rear setback.
- 5) Open fire escapes or means of emergency egress not exceeding 54 inches from the wall of the building to which it is attached.

**§604. Horticulture.** Horticulture, as defined by this code, shall be a permitted accessory activity in all districts and for all uses.

**§605. Commercial Waste Receptacles.** In all zoning districts, all commercial waste receptacles larger than 95 gallons or multiple waste receptacles taken together total more than 108 gallons shall be screened from view from a public right-of-way.

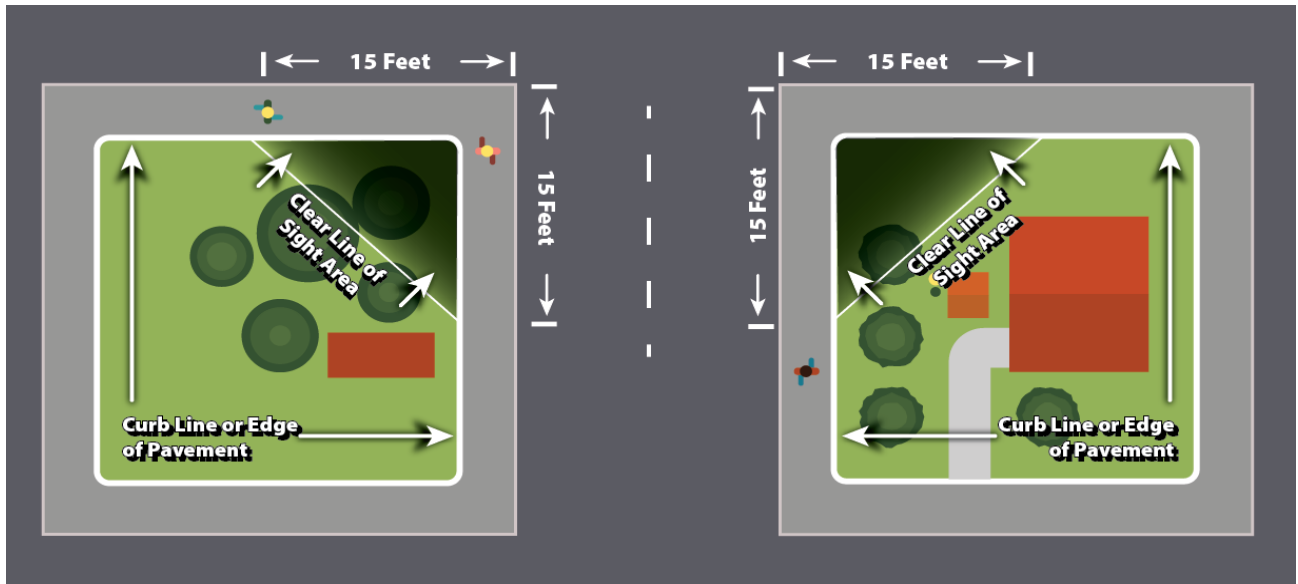
**§606. Accessory Drive-Through for Commercial Uses.** Drive-through for financial institutions, car washes, dry cleaners, drive-through or drive-in restaurants or drive-in retail businesses shall be permitted by the zoning officer as an accessory to the operation if they meet the following criteria:

- (A) Under no circumstances shall vehicular traffic be required to back onto public streets.
- (B) For each drive-through lanes, a stacking area suitable for six vehicles per lane (including the vehicle at the point of service) shall be available between the point of service and a public street. Under no circumstances shall public streets serve as a drive-through lane.
- (C) A minimum length of 20 feet per vehicle and minimum width of 8 feet shall be required.

**§607. Clear sight triangle.** With the exception of the Central Business District, a clear-sight triangle shall be provided at all street and driveway intersections. Nothing shall be erected, placed or allowed to grow in a manner which obscures vision above the height of two and one-half feet above grade and below ten feet above grade.

- (A) The sight triangle shall be established at the intersection of the curb lines or, where no curb is present, the intersection of the edges of pavement of each street, as shown in Exhibit 608.
- (B) For corner properties at street intersections, an isosceles triangle shall be established for a distance of 15 feet at each side of the point of intersection of the street curb lines or edges of pavement, within which the sight triangle will apply.
- (C) Driveway Intersections: At driveway intersections with streets, an isosceles triangle shall be established for a distance of 15 feet at each side of the point of intersection of the street right-of-way with the driveway, within which the sight triangle will apply.
- (D)

## Exhibit 608



**§609. Temporary Structures.** Temporary structures, in conjunction with construction work, shall be permitted only during the period that the construction work is in progress.

**§610. Prohibited Structures for Housing.** At no time may accessory structures such as garages, sheds, greenhouses or carports or items such as storage units, vans, cars or similar structures and devices, or recreational vehicles be used for living quarters or dwellings. This shall not be interpreted to apply to approved accessory dwelling units as defined by this ordinance or for legally occupied recreational vehicles in an approved Recreational Vehicle Park or Campground as governed by this code.

**§611. Storage in Portable Storage Units.** Portable storage units delivered by vehicle, may be used for permanent storage only in the EDZ-Economic Development Zone District. For the purposes of this section, permanent is defined as a period of longer than 180 days. Such use shall be treated as a permanent structure and must comply with all lot, yard, coverage, landscaping, height and other requirements.

**§612. Public Rights-of-Way.**

(A) Temporary uses and activities of no more than 48 hours' duration shall be permitted in a right-of-way by owners of abutting properties so long as the use or activity does not create a public nuisance.

(B) Unless otherwise permitted under the sign regulations of this code or the previous section, no structure or item of any kind shall be constructed or placed within and no commercial or business activity of any kind shall be conducted within the street right-of-way of any public street or highway except in the CB-Central Business District, or in conjunction with a special event or an event sanctioned by Borough Council, all in accord with applicable regulations adopted by Borough council.

**§613. Steep Slope Areas.** Any development of slopes of more than 15 percent must be submitted on a plan prepared by a registered engineer or architect showing how the development will treat the slope problem. The zoning officer shall refer the plan to the Borough engineer or a consulting engineer for review and advice before issuing any permit.

**§614. Pedestrian Walkways.** In any development where a structure that is open to the public is set back from a public right-of-way or public sidewalk, or where a parking lot is located between a public right-of-way and a structure open to the public, there shall be provided a route clearly marked with paint, colored surface material or other differentiation acceptable to the zoning officer, from the public rights-of-way or public sidewalks to the main entrance or pedestrian way closest to the building. The intent of this provision is to protect pedestrians as they walk through a parking lot or other area where they may come in close proximity with moving motor vehicles.

**§615. Skirting for Buildings on Piers.** Any building that is set on piers shall have skirting made of concrete block, brick or a product equal to or exceeding the composition of concrete block or brick from grade to a point at least 8 inches above grade.

**§616. Pop-up/Seasonal Uses.** Pop-up style events and seasonal uses shall be permitted subject to the following requirements:

- (A) Shall not occur without a zoning permit. The permit does not exempt the applicant from compliance with all other applicable federal, state and local regulations, including but not limited to the Uniform Construction Code, Property Maintenance and Floodplain Management regulations.
- (B) Shall not involve residential or manufacturing activities or uses of any kind.
- (C) Shall not occur more than 30 days in a calendar year and no more than seven consecutive days on or in any given property, parcel or building, whether occupied or vacant.
- (D) No such event or use shall create a public nuisance, including but not limited to placement of structures, merchandise or activities that would interfere with pedestrian or vehicular traffic.
- (E) Signage and other displays shall conform with the requirements of this code.
- (F) Hours of operation shall be limited to 6:00 a.m. to 11:00 p.m.

**§617. Landscaping Requirements.**

- (A) To promote the natural retention and flow of storm water, and to create areas of buffer and transition between various forms of land use, the following landscaping standards shall be applicable where a principal commercial use abuts a lot on which is located a single-family or two-family residence, or which is located in a residential zoning district.
- (B) Any new building or structure of the commercial use shall be screened in conformance with this section, regardless of the size of the building or structure. Standalone parking lots which abut a lot on which is located a single-family or two-family residence, or which is located in a residential zoning district, shall comply only with screening and landscaping requirements of Article 8.
- (C) Buffering. A land development or construction project that meets the thresholds in subsections (A) and (B) above shall provide a buffer yard, in compliance with one of the following options, between the lot being developed and any abutting lot on which is located a single-family or two-family residence, or which is located in a residential zoning district:

- (1) Type I Buffer Yard. A Type I buffer yard shall consist of a triple row of Norway spruces or comparable native species planted at oblique lines to one another so that a continuous screen is provided. All trees shall be a minimum of six feet at the time of planting.
- (2) Type II Buffer Yard. A Type II buffer yard shall consist of a 25-foot planting strip between adjoining lot lines and any building or parking area on the lot being developed. The planting strip shall be suitably landscaped and maintained so as to provide a visual screen to a height of at least six feet throughout the year in accordance with a written landscape plan filed with and approved by the zoning officer. The screening may consist of natural vegetation sufficient for screening or combinations of conifers and deciduous trees and shrubbery and other landscaping features. At time of planting, trees shall be a minimum of six feet if coniferous and eight feet if deciduous.
- (3) Type III Buffer Yard. A Type III buffer yard shall consist of an opaque fence at least four feet in height for the full length of the lot line on which the buffer is required. On the outside perimeter of the fence, a 10-foot planting strip shall be maintained. The planting strip shall be suitably landscaped and maintained so as to provide a visual screen to a height of at least six feet throughout the year in accordance with a written landscape plan filed with and approved by the zoning officer. The screening may consist of natural vegetation sufficient for screening or combinations of conifers and deciduous trees and shrubbery and other landscaping features. At time of planting, trees shall be a minimum of six feet tall if coniferous and eight feet tall if deciduous.
- (D) Landscaping Plan. A landscaping plan shall be submitted to the zoning officer to show the delineation of required buffer yards and the type of planting, including proposed tree species and sizes and other landscaping meeting the requirements of this code. All landscaping shall be designed by a registered landscape architect or other person qualified by training and experience to provide landscaping plans, as determined by the zoning officer. No invasive or noxious species as defined by the Pennsylvania Department of Agriculture shall be permitted in any buffer yard or landscaping area. When approved by the zoning officer, the landscaping plan shall be retained for purposes of measuring compliance in the future.
- (E) In all landscape plans, existing healthy trees and shrubbery should be retained as feasible.
- (F) All fences, trees, shrubs and other landscaping materials shall be maintained substantially in the manner set forth in the approved plans. Trees and shrubs which have died shall be replaced within six months. The buffers do not need to be retained if the adjoining residential building is demolished and the residential use of the premises is abandoned or if the adjoining zoning district is changed from residential to some nonresidential zoning district and no residential uses are maintained on adjacent lots.

## §618. Wireless Communications Facilities.

(A) These regulations are intended to provide a competitive and wide range of communications services; encourage the shared use of existing communication towers, buildings and structures; ensure compliance with federal and state regulations; promote the health, safety and welfare of Borough residents and businesses with respect to wireless communications facilities; address modern and developing technologies including, but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other communications facilities; establish procedures for design, siting, construction, installation, maintenance and removal of both tower-based and non-

tower-based wireless communications facilities in the Borough, including facilities both inside and outside of the public rights-of-way; and to protect Borough residents and businesses from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.

**(B) General Requirements for All Tower-Based Wireless Communications Facilities (WCF).** The following regulations shall apply to all tower-based wireless communications facilities:

1. **Standard of Care.** Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in compliance with all current applicable technical, safety, and safety-related codes including, but not limited to, American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, Pennsylvanian Uniform Construction Code and the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition and repair by qualified maintenance and construction personnel and at no time shall the same endanger the public safety.
2. **Wind.** Any tower-based WCF structures shall be designed to withstand the effects of wind according to all applicable codes, including but not limited to the standard designed by ANSI as prepared by the Electronics Industry Association, and Telecommunications Industry (ANSFEINTIA-222-E Code, as amended).
3. **Height.** Any tower-based WCF outside of the ROW shall be designed at the minimum functional height and shall not exceed a maximum total height of 200 feet, including all later additions or modifications. Height shall be measured from the average natural adjacent grade to the top point of the communications tower or antenna, whichever is greater. All tower-based WCF applicants must submit documentation to the Borough justifying the total height of the structure. Tower-based WCF constructed outside the ROW at a height greater than 200 feet but not to exceed 300 feet shall be permitted as a conditional use in the CO District by Borough Council if the following criteria are met:
  - a) The applicant shall provide documentation committing to provide capacity on the proposed tower-based WCF to more than one provider. The document must describe the additional tower height that is required to provide the capacity to the additional provider(s). The document shall also show that by providing the additional height and capacity, there will not be a need from the involved companies for an additional tower outside the ROW within a radius of one mile of the site. The burden of proof shall be on the applicant to show that the proposed tower is the minimum height needed to provide the required service.
  - b) The applicant shall provide documentation to the Borough that the height limitation of 200 feet will necessitate the construction of additional towers and that by permitting an increase in the height of the proposed tower, no additional towers would be necessary area. The burden of proof shall be on the applicant to show that the proposed tower is the minimum height needed to provide the required services. The purpose of this conditional use is to permit an increase in the height of one tower to reduce the need for additional towers.
4. **Public Safety Communications.** No tower-based WCF shall interfere with public safety

communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

5. Maintenance. The following maintenance requirements shall apply:

- a) Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair, except as permitted and in accordance this section.
- b) Such maintenance shall be performed to ensure the upkeep of the facility in order to protect public safety. All maintenance and activities shall utilize the best available technology for preventing failures and accidents.

6. Radio Frequency Emissions. No tower-based WCF may, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the Federal Communications Commission (FCC) including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The applicant shall provide, upon request, a statement from a qualified licensed and registered professional engineer that the non-ionizing electromagnetic radiation (NIER) emitted from the tower-based WCF, when measured in conjunction with the emissions from all communications antenna on the tower, does not result in an exposure at any point on or outside such facility which exceeds the lowest applicable exposure standards established by the FCC or ANSI.

7. Historic Buildings or Districts. No tower-based WCF may be located on or within 200 feet of a building or site that is listed on an historic register or a site listed for inclusion on the historic register; nor be located in an officially designated state or federal historic district.

8. Identification. All tower-based WCF shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Borough. The notice shall not exceed two square feet in gross surface area and shall maintain the contact party.

9. Lighting. Tower-based WCF shall not be artificially lighted, except as required by the Federal Aviation Administration and approved by the Borough. If lighting is required, the applicant shall provide a detailed plan for lighting, demonstrating as unobtrusive and inoffensive an effect, and in compliance with this ordinance's Dark Sky provisions, as is permissible under state and federal regulations. No flag that requires lighting shall be located on the structure.

10. Appearance. Towers shall be galvanized and/or painted with a paint of an appropriate color as determined by the Borough to harmonize with the surroundings.

11. Noise. Tower-based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis.

12. Aviation Safety. Tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.

13. Retention of Experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and

consultation in connection with these activities.

14. Timing of Approval. Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Borough, the Borough shall notify the applicant, in writing, of any additional information that may be required to complete such application. All complete applications for tower-based WCF shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WCF, and the Borough shall advise the applicant, in writing, of its decision. If additional information is requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the 150-day review period.

15. Nonconforming Uses. Any nonconforming tower-based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this section. Co-location of facilities may be permitted on nonconforming structures in accordance with standards established in the Pennsylvania Wireless Broadband Collocation Act.

16. Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:

- a) All unused or abandoned tower-based WCF and accessory facilities shall be removed within six months of the cessation of operations at the site unless a time extension is approved by the Borough upon provision of just cause.
- b) If the WCF and/or accessory facility is not removed within six months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF. The Borough reserves the right to pursue any and all available remedies under law or equity to ensure removal of the WCF and restoration of the site at the expense of the owner. Any delay in the Borough in taking action shall not invalidate the Borough's right to take such action.
- c) Any unused portions of tower-based WCF, including antennas, shall be removed within six months of the time of cessation of operations. The Borough must approve all replacements of portions of a tower-based WCF previously removed.

17. Application Fees. The Borough may assess appropriate and reasonable application fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs.

**C.** Tower-Based Wireless Communications Facilities Outside the Rights-of-Way. The following regulations shall apply to tower-based wireless communications facilities located outside the right-of-way (ROW):

1. Permitted Only in Certain Zones. No tower-based WCF shall be permitted within 500 feet of the nearest adjoining property line. Tower-based WCF shall only be permitted as designated in zoning districts as identified within Section 2C.
2. Sole Use on a Lot. A tower-based WCF is permitted as the sole use on a lot subject to the minimum lot size and setbacks complying with the requirements of the applicable zoning district.
3. Combined with Another Use. A tower-based WCF may be permitted on a property with

an existing use or on a vacant parcel in combination with another agricultural, industrial, commercial, or municipal use, subject to the following conditions:

- a) The existing use on the property may be any permitted use in the applicable zoning district and need not be affiliated with the communications facility.
- b) Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the tower-based WCF, the communications facility building, security fence, and buffer planting.
- c) Minimum Setbacks. The tower-based WCF and accompanying communications facility building shall be set back from all property lines by 110% of the height of the tower or the standard setback requirements for the applicable zoning district, whichever is larger.

4. Notice. Upon receipt of a letter of a complete application by the Borough for a tower-based WCF, the applicant shall mail notice thereof to the owner or owners of every property within 500 feet of parcel or property of the proposed facility. The applicant shall provide the Borough with evidence that the notice was mailed out to applicable property owners.

5. Design and Construction.

- a) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Borough.
- b) To the extent permissible under applicable law, any height extensions to an existing tower-based WCF shall require prior approval of the Borough. The Borough reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Borough.
- c) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Tower-based WCF must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.
- d) Guy wires are not permitted. The monopole must be self-supporting.

6. Surrounding Environs. A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA/TIA-222-G Manual, as amended, shall be submitted to the Borough to document and verify design specifications of the foundation for the tower-based WCF.

7. Fence/Screen. A security fence of approved design, of not less than eight feet in height and no greater than 10 feet in height, shall completely enclose the tower-based WCF. The applicant shall submit a landscaping plan. Sites in which communications towers are located shall be required to comply with the following landscape requirements: Landscaping, consisting of evergreen plantings which shall reach a height of at least eight feet within five years of planting shall be required at the perimeter of the security fences and WCF. Existing wooded areas, tree lines and hedgerows adjacent to the facility shall be preserved and used to substitute or meet a portion of the buffer yard requirements. When the WCF is located in a developed commercial or industrial area, the Borough Council may waive the buffer yard

regulations in exchange for another type of screening which is compatible with the surrounding land use.

8. Where feasible/appropriate, the tower or antenna shall be constructed to blend in with the surrounding area.

9. No signs or any form of advertising of any kind shall be permitted on the WCF or antennas. However, one sign, not to exceed two square feet in gross surface area, which identifies the phone number and contact in the event of an emergency is required. In addition, up to four "No Trespassing" signs may also be placed on the security fencing no larger than 8 square feet each.

10. Accessory Equipment. Ground-mounted equipment associated with, or connected to, a tower-based WCF shall be underground, if possible. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Borough Engineer, then the ground-mounted equipment shall be screened from public view using stealth technologies as described above, fencing, walls or vegetative screening. All buildings and structures associated with a tower-based WCF shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

11. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. The vehicular access to the tower-based WCF and communications facility building shall meet the applicable municipal street standards for private streets and/or driveway standards. Where applicable, the WCF owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility.

12. Inspection. The Borough reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this section and any other provisions found within the Borough Code of Ordinances or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

(D) General Requirements for All Non-Tower-Based Wireless Communications Facilities or Small Wireless Communications Facilities Located Outside the Right-of-Way.

1. For the purposes of this section, the regulations shall only apply to non-tower-based wireless communications facilities that are not regulated by the Pennsylvania Wireless Broadband Collocation Act or the Small Wireless Facilities Deployment Act (Act 50), except where noted or where otherwise permitted by law.

2. The following regulations shall apply to all non-tower-based wireless communications facilities located outside the right-of-way, that do not substantially change the physical dimensions of the wireless support structure to which they are attached, as defined above:

- a) Permitted in All Zones Subject to Regulations. Non-tower-based WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Borough.
- b) Standard of Care. Any non-tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including, but not

limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, Uniform Construction Code and National Electrical Code. Any non-tower-based WCF shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the public safety.

- c) Wind. Any non-tower-based WCF structure shall be designed to withstand the effects of wind according to the standard designed by ANSI as prepared by the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).
- d) Public Safety Communications. No non-tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- e) Aviation Safety. Non-tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- f) Radio Frequency Emissions. No non-tower-based WCF shall, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- g) Removal. In the event that the use of a non-tower-based WCF is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows: All abandoned or unused WCF and accessory facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Borough upon provision of just cause. If the WCF and/or accessory facilities are not removed within three months of the cessation of operations, or within any longer period of time approved by the Borough, the WCF and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.
- h) Timing of Approval. Within 30 calendar days of the date that an application for a non-tower-based WCF is filed with the Borough, the Borough shall notify the applicant, in writing, of any additional information that may be required to complete such application. Within 60 calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the applicant, in writing, of such decision. If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the Borough's sixty-day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.
- i) Application Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a non-tower-based WCF, as well as related inspection, monitoring and related costs. Such fees may be assessed by applicable federal or

state statute for relevant co-located facilities and other non-tower-based WCF.

3. The following regulations shall apply to all non-tower-based wireless communications facilities located outside the right-of-way that substantially change the wireless support structure to which they are attached:

- a) Permitted in All Zones Subject to Regulations. Non-tower-based WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Borough.
- b) Standard of Care. Any non-tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code, Uniform Construction Code and National Electrical Code. Any non-tower-based WCF shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger public safety.
- c) Wind. Any non-tower-based WCF structure shall be designed to withstand the effects of wind according to the standard designed by ANSI as prepared by the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).
- d) Public Safety Communications. No non-tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- e) Historic Buildings. Non-tower WCF may not be located on a building or structure that is on an historic register or a building or structure listed for inclusion on a historic register.
- f) Aviation Safety. Non-tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- g) Maintenance. The non-tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents. All maintenance activities shall utilize nothing less than the best available technologies for preventing failures and accidents.
- h) Radio Frequency Emissions. No non-tower-based WCF shall, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- i) Removal. In the event that the use of a non-tower-based WCF is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
  - i. All abandoned or unused WCF and necessary facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Borough upon provision of just cause.

- ii. If the WCF or accessory facility is not removed within three months of the cessation of operations, or within any longer period of time approved by the Borough, the WCF and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.
- iii. **Timing of Approval.** Within 30 calendar days of the date that an application for a non-tower-based WCF is filed with the Borough, the Borough shall notify the applicant, in writing, of any additional information that may be required to complete such application. Within 60 calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the applicant, in writing, of such decision. If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the Borough's sixty-day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.
- iv. **Retention of Experts.** The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the non-tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- v. **Permit Fees.** The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a non-tower-based WCF, as well as related inspection, monitoring and related costs.

(E) **Non-Tower-Based Wireless Communications Facilities Outside the Right-of-Way.** The following additional regulations shall apply to non-tower-based wireless communications facilities located outside the right-of-way that substantially change the wireless support structure to which they are attached:

1. **Development Regulations.** Non-tower-based WCF shall be co-located on existing structures, such as existing building or tower-based WCF, subject to the following conditions: Such WCF does not exceed a maximum height of 10 feet above the permitted height of any structure in the applicable zoning district. If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district. A six-foot-high security fence with evergreen screening shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
2. **Design Regulations.**
  - a) Non-tower-based WCF shall employ stealth technology and be treated to match the supporting structure in order to minimize the aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Borough.
  - b) Non-tower-based WCF that are mounted to a building or similar structure may not

- c) exceed a height of 15 feet above the roof or parapet.
  - c) All non-tower-based WCF applicants must submit documentation to the Borough justifying the total height of the non-tower structure. Such documentation shall be analyzed in context of such justification on an individual basis.
  - d) Antennas, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension that is reasonably necessary for their proper functioning.
  - e) Noncommercial Usage Exemption. The design regulations enumerated this section shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.
3. Removal, Replacement, and Modification. The removal and replacement of non-tower-based WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennas. Any material modification to a WCF shall require prior amendment to the original permit or authorization.
4. Inspection. The Borough reserves the right to inspect any WCF to ensure compliance with the provisions of this section and any other provisions found within the Borough Code of Ordinances or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

(F) Non-tower-based or small wireless communications facilities as defined by the Small Wireless Facilities Deployment Act, Act 50 of 2021 (Act 50), shall be permitted by right in all zoning districts subject to the application requirements and design standards of this section, and the standards, rights, and obligations set forth in Act 50.

1. The purpose of this section is to establish procedures and standards consistent with all applicable federal and state laws, for the consideration, permitting, siting, construction, installation, co-location, modification, operation, regulation and removal of non-tower-based or small wireless facilities in the public right-of-way of streets and roads. This section is intended to implement the requirements of the Small Wireless Facilities Deployment Act. Failure of the Borough to include all language set forth in that Act in this Part does not constitute a waiver of any right under the Act. The provisions of this section shall only apply to activities of a wireless provider within the right-of-way to deploy SWFs and associated new utility poles with small wireless facilities attached.

2. The following words and phrases when used in this section shall have the meanings given to them as follows unless the context clearly indicates otherwise:

**ANTENNA** – Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services.

**APPLICABLE CODES** – Any of the following codes: Uniform building, fire, electrical, plumbing or mechanical codes adopted by a recognized code organization or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons; or zoning, land use, streets and sidewalks, rights-of-way and permitting ordinances.

**APPLICANT** - A communications service provider that submits an application.

APPLICATION – A request submitted by an applicant for a permit to co-locate small wireless facilities; or to approve the installation, modification, or replacement of a utility pole with small wireless facilities attached.

CABLE FACILITY - Buildings, other structures and equipment used by the owner or operator of a cable television system to provide service. As used in this definition, the term "cable system" shall have the meaning given to it in Section 602(6) of the Cable Communications Policy Act of 1984 [Public Law 98-549, 47 U.S.C. § 522(7)].

CO-LOCATION or CO-LOCATE - wireless facilities on an existing utility pole or other wireless support structure.

COMMUNICATIONS FACILITY - A set of equipment and network components, including wires and cables and associated facilities, used by a communications service provider to provide a communications service.

COMMUNICATIONS SERVICE PROVIDER - Any of the following:

1. A cable operator as defined in Section 602(4) of the Cable Communications Policy Act of 1984 [Public Law 98-549, 47 U.S.C. § 522(5)].
2. A provider of information service as defined in Section 3(20) of the Communications Act of 1934 [48 Stat. 1064, 47 U.S.C. § 153(24)].
3. A telecommunications carrier as defined in Section 3(44) of the Communications Act of 1934 [48 Stat. 1064, 47 U.S.C. § 153(51)].
4. A wireless provider.

DECORATIVE POLE - A municipal pole that is specially designed and placed for aesthetic purposes.

EMERGENCY - A condition that constitutes a clear and immediate danger to the health, welfare, or safety of the public; or has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

FCC - The Federal Communications Commission.

HISTORIC DISTRICT OR BUILDING - A building that is or a group of buildings, properties or sites that are:

- a) Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register.
- b) Determined to be eligible for listing by the Keeper of the National Register of Historic Places who has been delegated the authority by a federal agency to list properties and determine their eligibility for the National Register of Historic Places in accordance with Section VI.D. 1.a.i-v of the Nationwide Programmatic Agreement for Review Regarding the Section 106 National Historic Preservation Act Review Process as specified under 47 CFR Part 1, Appendix C (relating to Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process).
- c) Marked as a historical site by the Pennsylvania Historical and Museum Commission pursuant to 37 Pa.C.S.A. (relating to historical and museums).
- d) Within a historic district created pursuant to the act of June 13, 1961 (P.L. 282, No. 167), entitled "An act authorizing counties, cities, boroughs, incorporated towns and Boroughs to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character

of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts."

MICRO WIRELESS FACILITY - A small wireless facility that does not exceed two cubic feet in volume and has an exterior antenna no longer than 11 inches.

MODIFICATION or MODIFY - The improvement, upgrade or replacement of a small wireless facility or an existing utility pole that does not substantially change, as defined in 47 CFR 1.6100(b)(7) (relating to wireless facility modifications), the physical dimension of the small wireless facility or utility pole.

MUNICIPAL POLE - A utility pole owned, managed, or operated by or on behalf of a municipality.

RIGHT-OF-WAY - The area on, below or above a public roadway, highway, street, sidewalk, alley, utility easement or similar property. The term does not include a federal interstate highway.

SMALL WIRELESS FACILITY - The equipment and network components, including antennas, transmitters, and receivers, used by a wireless provider that meet the following qualifications: Each antenna associated with the deployment is no more than three cubic feet in volume; and the volume of all other equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet. Any equipment used solely for the concealment of the small wireless facility shall not be included in the calculation of equipment volume under this paragraph.

TECHNICALLY FEASIBLE - By virtue of engineering or spectrum usage, the proposed placement for a small wireless facility or its design or site location can be implemented without a material reduction in the functionality of the small wireless facility.

UTILITY FACILITY - Buildings, other structures and equipment owned or operated by a public utility, as defined in 66 Pa.C.S.A. § 102 (relating to definitions), to provide service.

UTILITY POLE - A pole or similar structure that is or may be used, in whole or in part, by or for telecommunications, electric distribution, lighting, traffic control, signage or a similar function or for co-location. The term includes the vertical support structure for traffic lights but does not include wireless support structures or horizontal structures to which signal lights or other traffic control devices are attached.

WIRELESS FACILITY – As follows:

- a) Equipment at a fixed location that enables wireless service between user equipment and a communications network, including equipment associated with wireless services, wireless transceivers, antennas, coaxial or fiber optic cables, regular and backup power supplies or comparable equipment, regardless of technological configuration.
- b) The term includes a small wireless facility.
- c) The term does not include the structure or improvements on, under or within which the equipment is co-located nor the coaxial or fiber optic cables that are not immediately adjacent to or directly associated with a particular antenna.

WIRELESS INFRASTRUCTURE PROVIDER - A person authorized by the Pennsylvania Public Utility Commission to provide telecommunications service in this commonwealth that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures but is not a wireless services provider.

WIRELESS PROVIDER - A wireless infrastructure provider or a wireless services provider.

WIRELESS SERVICES - Services, whether at a fixed location or mobile, using a licensed or unlicensed spectrum, provided to the public using wireless facilities.

WIRELESS SERVICES PROVIDER - A person who provides wireless services.

WIRELESS SUPPORT STRUCTURE - The term shall have the same meaning given to it in the act of October 24, 2012 (P.L. 1501, No. 191), known as the "Wireless Broadband Collocation Act."

3. In accordance with the Small Wireless Facilities Deployment Act, and with the permission of the owner of the structure, upon application to and approval of the Borough, a wireless provider shall have the right to perform the following within the public right-of-way: Co-locate a small wireless facility up on an existing utility pole or other support structure; and to replace an existing utility pole or install a new utility pole with attached small wireless facilities.

4. Application. No person shall place an SWF or associated utility pole in the ROW without first filing an application and obtaining a permit therefor, excepts as otherwise provided in this section. All applications for the permits filed pursuant to this section shall be on a form, paper or electronic, provided by the Borough and shall contain at a minimum the following:

- a) The wireless provider's name, address, telephone number, and email address.
- b) The applicant's names, address, telephone numbers, and email address, if different.
- c) The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
- d) The name, address, telephone numbers, and email address of the contractor(s) performing the work.
- e) A general description of the proposed work and the proposed and intent of the small wireless facilities. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.
- f) A site plan, with sufficient detail to show the proposed location of items the applicant seeks to install in the ROW, including any manholes or poles, the size, type, and depth of any conduit or enclosure.
- g) A certificate of insurance naming Linesville Borough as additional insured with types of coverage and minimum amounts as determined by the Borough.
- h) An attestation that the SWFs will be operational for use by a wireless services provider within one year after the permit issuance date unless the Borough and the applicant agree to extend this period.
- i) An attestation that, to the best of the applicant's knowledge, the information contained in the application is true.
- j) Whether each SWF is proposed to be installed on an existing pole or structure or a new pole or structure.
- k) The name of the owner of the pole or structure on which the SWF is proposed to be installed and the address, phone number, email address of the owner's contact person.

- l) If an SWF is proposed to be installed on a pole or structure owner by a party other than the applicant, the application shall be accompanied by a written confirmation of the owner's agreement to allow the applicant to locate each SWF on such owner's pole or structure.
  - m) Documentation in the form of both narrative and drawings indicating the size of each proposed SWF, the height of the pole or structure on which each is proposed to be installed, and the cubic volume of each SWF.
5. Consolidated Applications. An applicant may submit a consolidated application for up to 20 SWFs, subject to the following:
- a) A single applicant shall not exceed applications for 20 SWFs in a thirty-day period;
  - b) The denial of one or more SWFs in a consolidated application shall not delay processing of any other SWFs in the same consolidated application;
  - c) A single permit may be issued for siting and co-locating multiple SWFs spaced to provide wireless coverage in a contiguous area; and
  - d) If multiple applicants submit applications cumulatively exceeding 20 SWF applications within a thirty-day period, the extensions to deadlines provided for in the Small Wireless Facilities Act shall apply.
6. When Application Not Required. An application shall not be required for routine maintenance; the replacement of a small wireless facility with another small wireless facility that is substantially similar in size, weight, and height; or for the installation, placement, maintenance, operation, or replacement of micro-wireless facilities that are strung on cables between existing utility poles, in compliance with the National Electrical Safety Code. However, all permits of general applicability otherwise required for the work required to accomplish the above, including but not limited to any street occupancy, street opening or street cut permit required by Linesville Borough.
7. Action on Permit Applications
- a) Review of Small Wireless Facility and Utility Pole Applications.
    - i. Within 10 days of receiving an initial application, the Borough will determine and notify the applicant whether the application is materially complete. Each application shall be accompanied by a checklist from the applicant identifying all elements required in the application as required by the Borough to be considered materially complete. The processing deadline set forth below shall restart at zero on the date which the applicant submits all documents and information identified by the Borough to make the applicant complete. If the applicant fails to submit all required documents information within 20 days of the notification to the applicant, the Borough may deny the application.
    - ii. The Borough shall approve or deny an application for co-location of SWFs on an existing structure within 60 days of receipt of a complete application; or within 90 days of receipt of a complete application to replace an existing utility pole or install a new utility pole with small wireless facilities attached.
    - iii. An applicant and the Borough may enter into a written agreement to toll the time periods set forth above.
    - iv. The Borough may deny a proposed co-location of an SWF or installation or modification of a utility pole only if based the proposed application the SWF materially interferes with the safe operation of traffic control equipment, sight

lines or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327)<sup>111</sup> or similar federal or state standards regarding pedestrian access or movement; the SWF fails to comply with applicable codes; the SWF fails to comply with the requirements specified under the Small Wireless Facilities Deployment Act; or the applicant fails to submit a report by a qualified engineering expert which shows that the SWF will comply with applicable FCC regulations.

- v. The Borough shall document the basis for a denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant on or before the day the Borough denies an application. The applicant may cure the deficiencies identified by the Borough and resubmit the application within 30 days of receiving the written basis for the denial without paying an additional application fee. The Borough shall approve or deny the revised application within 30 days. Any subsequent review shall be limited to the deficiencies cited in the denial, unless the resubmitted application addresses or changes other sections of the application that were not previously denied, in which case the Borough shall be given an additional 15 days to review the resubmitted application and may charge an additional fee for the review.

8. Permit Scope and Effect. Installation, modification, or co-locations for which a permit is granted pursuant to this section shall be completed within one year after the permit issuance date unless the Borough and the applicant agree to extend this period. Approval of an application authorizes the applicant to:

- a) Co-locate on an existing utility pole, modify, or replace a utility pole or install a new utility pole with SWFs attached as identified in the initial application.
- b) Subject to the permit requirements and the applicant's right to terminate at any time, operate and maintain SWFs and any associated equipment on a utility pole covered by the permit for a period of not less than five years, which shall be renewed for two additional five-year periods if the applicant is in compliance with the criteria set forth in the Small Wireless Facilities Deployment Act and applicable codes, and the applicant has obtained all necessary consent from the utility pole owners.

9. Authority Granted; No Property Right or Other Interest Created. A permit from the Borough authorizes an applicant to undertake only certain activities in accordance with this section and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the ROW.

10. Design Criteria and Permit Review.

- a) All SWF proposed under this section must meet the following design criteria:
  - i. Height. The installation of an SWF on an existing utility pole may not extend more than five feet above the existing utility pole; if co-location on an existing utility pole cannot be achieved, the maximum height permitted for the entire facility, including the utility pole and SWF including antenna facilities, may not be taller than 50 feet. The Borough Council may grant a waiver of this height requirement subject to applicable code.

- ii. SWF Size. Each antenna associated with the deployment (excluding the associated equipment) may be no more than three cubic feet in volume; and all

other equipment associated with the facility (excluding antenna) are cumulatively no more than 28 cubic feet in volume.

- b) General Design Requirements.
  - i. The Borough may adopt by resolution small wireless facility design guidelines with objective, technically feasible criteria applied in a nondiscriminatory manner that reasonably match the aesthetics and character of the immediate area.
  - ii. The small wireless facility design guidelines may include examples of SWF preferences including visual depictions (if readily available and identified by the Borough).
- c) The provisions in this section shall not limit or prohibit the Borough's discretion to promulgate and make publicly available other information, materials, or requirements in addition to, and separate from, small wireless facility design guidelines so long as the information, materials, or requirements do not conflict with federal or state law.
- d) All SWFs and associated equipment located within the public right-of-way shall be located such that it meets ADA requirements and does not hinder, obstruct, or impede usual pedestrian and vehicular travel.
- e) The Borough shall have the authority to update or supplement the small wireless facility design guidelines to address relevant changes in law, technology, or administrative processes.
- f) Wireless Support Structure Design Standards.
  - i. SWF equipment must be indistinguishable from the support pole or structure to the greatest degree possible using matching colors, textures, and materials. The antennas and related equipment shall be in a color that will provide the most camouflage.
  - ii. All wires, antennas, and other small wireless facility equipment shall be enclosed and not visible.
  - iii. Screening and equipment enclosures shall blend with or enhance the surrounding context in terms of scale, form, texture, materials, and color. Equipment shall be concealed as much as possible by blending into the natural and/or physical environment.
  - iv. Casing to enclose wires, antennas, and other small wireless facility equipment may be mounted on top of existing and new poles in a cylinder shape to look like an extension of the pole.
  - v. Signage of all SWF will be no larger than required to be legible from street level. It may include contact information to be used by workers on or near the SWF and as otherwise required by federal or state law.
  - vi. As a condition for approval of new SWFs or new wireless support structure in an historic district, the applicant shall comply, to the greatest extent possible, with the design and aesthetic standards of the historic district, or historic preservation standards in place to minimize the negative impact to the aesthetics in these districts or areas.

#### 11. Removal of Equipment

- a) Within 60 days of a suspension or revocation of a permit due to noncompliance with applicable codes, the applicant shall remove the small wireless facility and any associated equipment, including the utility pole and any support structures if

the applicant's wireless facilities and associated equipment are the only facilities on the utility pole, after receiving adequate notice and an opportunity to cure noncompliance. Surety, in a form acceptable to the Borough, shall be posted by the applicant to cover the cost by the Borough to remove the SWF and associated equipment, should the applicant fail to comply.

- b) Within 90 days of the end of a permit term or an extension of the permit term, the applicant shall remove the small wireless facility and any associated equipment, including the utility pole and any support structures if the applicant's wireless and associated equipment are the only facilities on the utility pole. Surety, in a form acceptable to the Borough, shall be posted by the applicant to cover the cost by the Borough to remove the SWF and associated equipment, should the applicant fail to comply.

12. Indemnification. Each person that owns or operates a non-tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees, and agents at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operations, maintenance or removal of the non-tower WCF. Each person that owns or operates a non-tower WCF shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a non-tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgements, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

13. Other Ordinances. Nothing in this Part shall be interpreted to relieve any individual from compliance with all other ordinances, resolutions, laws, and regulations of the Borough.

### **§619. Dark Sky Standards**

(A) Purpose – To require and set minimum standards for outdoor lighting to:

1. Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns.
2. Protect drivers and pedestrians from the glare of non-vehicular light sources
3. Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources.
4. Promote energy efficient lighting design and operation
5. Protect and retain the intended visual character of the various Borough venues

(B) Applicability

1. All uses where there is interior or exterior lighting that creates or has the potential to create a nuisance or hazard as viewed from outside, including but not limited to commercial, industrial, public and private recreational/sports and institutional uses, and architectural and landscape lighting.
2. Temporary seasonal decorative lighting and security lighting on residential properties is exempt from all but the glare-control requirements of this Ordinance.

3. Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency, are exempt from the requirements of this Ordinance.

(C) Criteria

1. Luminaire Design

- a) Luminaires shall be of a type and design appropriate to the lighting application.
- b) For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down, have no uplight and shall be full-cutoff and fully shielded.
- c) For the lighting of predominantly non-horizontal tasks or surfaces, such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, luminaires shall be adequately shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Minimal Luminaires as defined are exempt from the requirements of this section.
- d) In the case of decorative street lighting luminaires, the Borough may approve the use of luminaires with an uplight component so long as they are frosted, .

(D) Lighting Control

1. All lighting shall be aimed, located, designed, fitted, shielded and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely travel and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
2. Directional luminaires such as floodlights and spotlights shall be shielded, installed and aimed so that they do not project their output onto the properties of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties shall not be aimed out more than 45° from straight down. When a floodlight creates glare as viewed from an adjacent residential property or use, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the direct view of the glare from that property.
3. Illumination for building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 11:00 p.m. and dawn, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until no more than one-half hour after closing.
4. The use of floodlights and wall-mounted luminaires (wall packs) to illuminate parking areas shall not be permitted.
5. Lighting for parking areas and vehicular and pedestrian traffic ways for commercial, industrial and institutional uses shall be automatically extinguished nightly within 1/2 hour of the close of the facility. When after-hours site safety/security lighting is proposed, such lighting shall not be in excess of twenty-five (25) percent of the number of luminaires required or permitted for illumination during regular business hours. Where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination,

the use of dimming circuitry to lower illumination levels by at least 50% after 11:00 p.m. or after normal business hours, or the use of motion sensor control, shall be permitted.

6. Glare control shall be achieved primarily through the use of such means as full cutoff/fully shielded luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.

7. The illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential property. This footcandle value, however, shall not be used as a criterion for assessing glare control onto the property.

8. Except as permitted for certain recreational lighting and/or permitted elsewhere in this paragraph, luminaires shall be full cutoff/fully shielded types and shall not be mounted in excess of twenty (20) feet above finished grade of the surface being illuminated. Where proposed parking lots consist of 100 or more contiguous spaces and the light sources are full-cutoff/fully shielded, the Borough may, at its sole discretion, based partially on mitigation of potential off-site impacts, allow a luminaire mounting height not to exceed 25' AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. For recreational lighting maximum mounting height requirements, refer to "Recreational Uses" below.

9. Only the United States, Pennsylvania and Borough flags shall be permitted to be illuminated past 11:00 p.m. The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be shielded so the light source (lamp) is not visible at normal viewing angles.

10. Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light directing surfaces, at all lateral angles around the luminaire. The average maintained illumination in the area directly below the canopy shall not exceed 20 initial footcandles, with no value exceeding 30 initial footcandles.

(E) Luminaires and ancillary equipment shall be maintained so as to always meet the requirements of this Ordinance.

(F) Recreational Uses. The nighttime illumination of outdoor recreational facilities for baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally allowed luminaire mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only by special exception and when the Borough is satisfied that the health, safety and welfare rights of nearby property owners, and the municipality as a whole, have been properly protected. When recreational uses are specifically permitted by the Borough for operation during hours of darkness, the following requirements shall apply:

1. Race tracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal aiming of luminaires and projection of illumination, shall not permit any light trespass onto neighboring properties or streets. This may be accomplished by distance from property lines or streets, cutoff fixtures, shielding or screening as defined.

2. Recreational facilities for basketball, baseball, football, soccer, miniature golf, tennis or track shall not permit any light trespass onto neighboring properties or streets. This may be accomplished by distance from property lines or streets, cutoff fixtures, shielding or screening as defined.

3. Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by ten (10:00) p.m., regardless of such occurrences as extra innings or overtimes.

4. Maximum mounting heights for recreational lighting measured to the center of the luminaire shall be in accordance with the following: Basketball 20'; Football 70'; Soccer 70'; Lacrosse 70'; Little League Baseball 70'; Miniature Golf 20'; Swimming Pool Aprons 20'; Tennis 20'; Track 20'.

5. The use of engine/generator portable boom lighting shall not be permitted.

(G) Plan Submission – Where site lighting is required or is proposed by Applicant, lighting plans shall be submitted for Borough review and approval. The submitted information shall include the following:

1. A site plan or plans, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed vegetation and landscaping, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing luminaires, including but not limited to area, parking, architectural, building entrance, canopy, soffit, landscape, flag, sign, etc., by location, orientation, aiming direction, mounting height, lamp photometry and type.

2. A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Ordinance or as otherwise required by the Borough. When the scale of the plan, as judged by the Borough, makes a 10'x10' grid plot illegible, a more legible grid spacing may be permitted.

3. Light-loss factors, initial lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, shall be used in calculating the plotted illuminance levels.

4. Description of proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, lamps, lamp correlated color temperature, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods. All exterior lighting, including building-mounted lighting, shall meet the full-cutoff or fully-shielded definition of this ordinance.

5. Landscaping plans shall contain luminaire locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

6. When requested by the Borough, Applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate potential consequences of on-site and off-site glare and to retain the intended character of the Borough. This plan may require the inclusion of initial vertical footcandle values at specific off-site venues, e.g., bedroom windows of adjacent residential uses.

(H) Compliance Monitoring

1. Safety Hazards. If the Borough judges a lighting installation creates a safety hazard, whether or not a permit was required to install the lighting, the person(s) responsible for the lighting shall be notified and required to take remedial action.

2. Nuisance Glare and Inadequate Illumination Levels. When the Borough judges an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the Borough may cause notification of the person(s) responsible for the lighting and require appropriate remedial action.

3. The Borough reserves the right to conduct post-installation inspections to verify compliance with Ordinance requirements and approved Lighting Plan commitments, and if deemed appropriate by the Borough, to require remedial action at no expense to Borough. Installer shall notify Borough to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.

(I) Nonconforming Lighting – Any luminaire or lighting installation existing on the effective date of this Ordinance that does not conform with the requirements of this Ordinance, shall be considered as a lawful nonconformance. A nonconforming luminaire or lighting installation shall be made to conform with the requirements of this Ordinance when it is replaced by another luminaire or luminaires or is abandoned or relocated; or when the number of existing luminaires is increased by 30 percent or more.

**§620. Accessory Dwelling Units.** Accessory dwelling units (ADU) are permitted in all districts where single-family dwellings are permitted, subject to the following requirements.

(A) Purpose. The purpose of this section is to:

1. Maintain the character of single-family neighborhoods;
2. Ensure that new units are in harmony with developed neighborhoods; and
3. Allow ADUs as an accessory use to Single-Family Dwellings.

(B) Architectural Compatibility. If visible from a public street or park, the roofing material, exterior materials, roof pitch and type of windows of the ADU shall be substantially the same as with the primary dwelling.

(C) District Standards. ADU's may be established on any lot in any district where single-family dwellings are permitted or existing. Only one ADU may be permitted on any one lot.

(D) Minimum Lot Size. No ADU shall be permitted on a parcel of less than 5,000 square feet.

(E) Floor Area. Each ADU must have a minimum floor area of 540 square feet of usable space for one-bedroom units, for occupancy of no more than two persons; a minimum of 725 square feet of usable space for two-bedroom units, for occupancy by no more than four persons; and a minimum of 910 square feet of usable space for three-bedroom units, for occupancy by no more than six persons. No ADU may have a floor area of more than 1,000 square feet or be occupied by more than 6 persons.

(F) Use. An ADU may provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted.

(G) Development Standards. Units shall conform to the height, setbacks and other zoning requirements of the zoning district in which the site is located, other requirements of the zoning ordinance, and other applicable codes.

(H) Space Between Buildings. If detached, there shall be a minimum of six feet between the ADU and the primary residence.

(I) Parking. Parking shall comply with the following:

1. The parking outlined below shall be provided in addition to the required parking, if any, for the primary dwelling.
2. Required off-street parking for the primary dwelling shall comply with all development standards of the district. If the primary dwelling was constructed prior to parking requirements, a space shall not be required of the existing unit.
3. Required off-street parking for the primary single-family dwelling may not be removed for the creation of an ADU (e.g., garage conversions), or allocated to meet the parking requirement for the ADU, unless replacement parking is provided in accordance with this code.
4. One parking space shall be provided for an ADU with one bedroom.
5. One additional parking space shall be provided for two or more bedrooms in an ADU.
6. A tandem parking space may also be used to meet the parking requirement for the ADU, providing such space will not encumber access to a required parking space for the primary single-unit dwelling.

(J) Mechanical Equipment. Mechanical equipment shall be located on the ground or incorporated into the structure, but shall in no case be located on the roof.

(K) Utility connections. The ADU shall have taps and laterals for the water and sewer services separate from the taps and laterals for the primary residence.

(L) Owner Occupancy Requirements. The following shall apply prior to the issuance of a zoning permit.

1. Either the primary dwelling unit or the ADU shall be owner-occupied.
2. The property owner shall enter into a restrictive covenant with the Borough, a deed restriction or other instrument acceptable to the Borough, which shall be recorded against the property. The instrument shall confirm that either the primary dwelling or the ADU shall be owner-occupied and prohibit rental of both units at the same time. It shall further provide that the ADU shall not be sold, or title thereto transferred separate and apart from the rest of the property. Note that if the use of either the primary dwelling or the accessory dwelling unit is legally changed to a use otherwise permitted under the ordinance, the Borough shall permit the release of the instrument.

***REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK***

## **ARTICLE 7**

### **Nonconformities**

#### **§701. Nonconforming Uses and Structures**

The following provisions shall apply to all nonconforming uses and structures. It is the intention of the Borough of Linesville that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as allowed in this article.

- (A) Any nonconforming use may be continued but may not be extended or expanded unless to a conforming use, except as permitted in accordance with the provisions of this code.
- (B) Any nonconforming building or use which (1) has been damaged or destroyed by fire or any other casualty, or (2) which is voluntarily demolished or removed by the owner; may be reconstructed and used as before, if such reconstruction is performed within 24 months of the date that the use of the building was discontinued, if discontinued; or of the date of the casualty or voluntary removal, so long as the restored building or use covers no greater area and contains no greater cubic content; and if the restored building or use poses no health or safety threat or hazard.
- (C) If a nonconforming structure is re-occupied by any lawful use within that district which involves no physical change to the structure's dimensions, all yard, lot and area requirements shall be waived. Yard, lot and area requirements shall apply to nonconforming use or structure changes requiring special exception or conditional use approval.
- (D) In the event that any nonconforming use conducted in a structure ceases, for voluntary reasons, for a period of one year or more, such nonconforming use shall not be resumed, and any further use shall be in conformity with the provisions of this code.
- (E) The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this code.
- (F) A nonconforming use may be changed to a different nonconforming use with special exception approval; provided, that the zoning hearing board finds the new use less potentially injurious to the health, safety and welfare of its neighborhood, and more consistent with the permitted uses within the zoning district.
- (G) A building, structure or parcel hosting a nonconforming use may, with special exception approval, be extended, enlarged or replaced if the floor area of the additional or expanded building space or land area is less than 50 percent of the floor or land area occupied by the nonconforming use before the expansion or enlargement.
- (H) Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of the ordinance codified in this code and where construction is completed within six months from the date of issuance of the permit.
- (I) Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- (J) Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this article shall also apply to any use which thereby becomes nonconforming.

## **§702. Existing Lots of Record**

The following provisions shall apply to all lots of record as defined. It is the intention of the Borough of Linesville that the side and rear yard dimensional requirements of this zoning code should not prevent the reasonable use of a lot of record.

(A) Any lot of record existing at the effective date of the ordinance codified in this code, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this code. Such lot must comply with the yard, height and coverage standards of the zoning district wherein it is located. However, to prevent the overcrowding of housing, any land or building to be developed as multiple-family dwellings must conform to all area, height and yard regulations for the district in which it is located.

(B) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of the ordinance codified in this code, and if the sale of one or more of the parcels would result in (1) a setback less than that required by this code; or (2) a lot coverage percentage greater than that required by this code; or (3) a principal or accessory use not permitted by this code; the lands involved shall be considered to be an undivided parcel for the purpose of this code, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width, yard, area and use requirements established by this code.

(C) No division of any parcel shall be made which creates a lot width or area below the requirements for its current or intended use and zoning district as stated in this code except as permitted in Section 702(E).

(D) No provisions of this zoning code relating to side and rear yard requirements shall prevent the reasonable use of a lot of record. The zoning officer may, upon request, grant a reduction in requirement for principal building side yards and rear yards for lots of record which lack required lot width and/or required lot area by up to 50 percent of the dimensions required by the lot regulations for its district.

(E) An action, whether purchase, subdivision, consolidation deed or otherwise, that creates from lots of record one or more larger lots, whether or not the resulting lots conform with the lot provisions of this code in effect at the time of the action, shall be permitted. All other lot provisions shall apply to the resulting lots.

(F) Two or more lots or combinations of lots with continuous frontage in single ownership shall be considered an undivided parcel and one of the three following actions shall be taken prior to (A) Placement of a building, structure or parking area within required setbacks between the abutting lots in single ownership; or (B) Use of one or more of the lots for an accessory purpose, including either an accessory use or an accessory structure, for a principal use or structure on another abutting lot in single ownership;

- 1) A consolidation deed shall be recorded combining the lots into a single lot.
- 2) A subdivision process is carried out combining the lots into a single lot.
- 3) A covenant is attached to the deeds of the lots prohibiting any of the lots to be sold independently of the others.

## ARTICLE 8

### Loading and Parking

#### §801. Off-Street Loading

(A) The loading and unloading of trucks and all other vehicles shall be conducted in such a manner that no part of said truck or vehicle or the operations of the loading or unloading shall extend onto the adjacent sidewalk or roadway or in any other manner hinder or impede the use thereof.

(B) Off-Street Loading. Off-street loading shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged, except that unless required by special exception or conditional use, all uses in the CB and MU districts are exempt from these off-street loading provisions.

**Table 801**  
**OFF-STREET LOADING SPACE REQUIREMENTS**

Use	First Berth	Second Berth
Industrial/Commercial		
Hotel	10,000	100,000
Manufacturing	5,000	50,000
Office building	10,000	100,000
Restaurants	40,000	80,000
Retail	10,000	40,000
Service establishment	30,000	60,000
Storage	10,000	50,000
Warehouse	10,000	50,000
Wholesale	10,000	50,000
Institutional/Civic/Cultural:		
Auditoriums	30,000	100,000
Hospitals	50,000	100,000
Nursing homes	50,000	100,000
Schools	10,000	100,000
Stadiums	30,000	100,000

\*Note: All figures are given in gross square feet of floor area for each listed use.

(A) Size and Access. Each off-street loading space shall be not less than 12 feet in uniform width and 65 feet in length, including 15-foot height clearance. It shall be so designed so the

vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto.

## **§802. Off-Street Parking.**

(A) Off-street parking shall be provided in accordance with the requirements of this section in all zoning districts.

(B) Size. Off-street parking spaces shall conform to the definition of “parking space” in this code. No portion of a parking space shall include a portion of an access drive, sidewalk, travel lane, or public right-of-way of a street or alley. All parking lots or areas for uses other than single-family dwellings or two-family dwellings shall include a turnaround area so that vehicles are not required to back onto public streets.

(C) Access. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street. Specifically, access drives shall be at least 9 feet wide but may not be wider than 35 feet without approval of the Borough public works director. All access drives and driveways must comply with standards and specifications adopted from time to time by the Borough, and no access drive may be within 25 feet of an intersection.

(D) No vehicles, including motor vehicles, trailers, motorcycles, all-terrain vehicles, boats, campers and recreational vehicles, may be parked for any period of time between a principal building and a street, road, alley or other right-of-way. With the exception of attached garages, no driveway or access drive for a residential use may be located between a principal building and a public street or other public right-of-way. This provision shall not apply to properties which have less than 12 feet of open area between the principal building and a side property line.

(E) Conflict with other uses. No other use of required parking spaces may be permitted to interfere with the availability for the parking need it is required to serve

(F) Containment. Parking spaces shall be provided with bumper guards, wheel stops or curbing, when necessary, to prevent any part of a vehicle from entering into, onto or over a pedestrian walkway or sidewalk.

(G) Pedestrian walkway. In any development where a structure that is open to the public is set back from a public right-of-way or public sidewalk, or where a parking lot is located between a public right-of-way and such a structure, there shall be provided a route clearly marked with paint, colored surface material or other differentiation acceptable to the zoning officer, from the public rights-of-way or public sidewalks to the main entrance or pedestrian way closest to the building. The intent of this provision is to protect pedestrians as they walk through a parking lot or other area where they may come in close proximity with moving motor vehicles.

(H) Location and Design. Parking spaces shall be located on the same lot with the principal use unless the zoning officer determines that it is impractical to provide parking on the same lot with the principal use. In that case, the zoning officer may permit off-lot parking spaces within 500 feet of the lot of the principal use if the applicant provides documentation that the designated parking spaces are dedicated and available for the intended use.

(I) Minimum Distance and Setbacks. No off-street loading or parking area for six vehicles or more shall be closer than 10 feet to any abutting lot line containing a dwelling, or to any abutting lot line within the R zoning district, with the exception that this shall not apply to mixed-use

buildings. In any district, parking for commercial uses shall not be placed within any front yard area or between a principal structure and a public right-of-way.

(J) All fences, vegetation and other landscaping materials shall be maintained substantially in the manner set forth in the approved plans. Trees and shrubs which have died shall be replaced within six months.

(K) Lighting. Illumination of off-street loading and parking areas is permitted but is subject to the Dark Sky provisions contained in Article 6 of this code.

(L) Number of Spaces Required. The number of off-street parking spaces required is as shown in Table 802, with the following exceptions. First, unless required by special exception or conditional use, all uses in the CB District are exempt from the parking space requirements of this section. Second, lawful uses occupying a preexisting structure with no substantive physical changes to the dimensions of the building shall be exempt from the parking space requirements of this section provided there are no conditional use or special exception requirements; provided there are no substantive projected increases in traffic as a result of a change in use; and provided there are adequate on-street or available off-street parking spaces to meet the requirements within 500 feet of the use as determined by the zoning administrator. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one space for each two proposed patrons and/or occupants of that structure. Where more than one use exists on a lot, parking regulations for each use must be met.

**Table 802**  
**Number of Parking Spaces Required**

Use	Number of spaces required
Automotive sales lots	1 for each 400 sq. ft. of GFA*
Gasoline service station/repair garages	1 for each 200 sq. ft. GFA*
Single-family dwelling, duplex, tiny home	2
Multiple-family dwelling	2 per dwelling unit plus 1 space per 4 units**
Mobile/mobile home/MHP park	2 per each mobile home/mobile home stand
Inns, hotels and motels	1 per guest room, plus one space per employee and staff on largest shift
Bed and breakfast	1 per guest room, plus one space per each two bedrooms not offered for rent
Funeral home and mortuaries	1 per employee and 2 for operator plus 4 for every 300 sf of floor area
Nursing homes/personal care homes	1 per each 3 beds, plus one space per employee and staff on largest shift
Churches and accessory uses	1 per each 6 seats
Schools	1 per each teacher and staff 1 for each 4 classrooms plus 1 for each 4 high school students

Museums and libraries	1 per each 500 sq. ft. GFA*
Sports arenas, stadiums, theaters, auditoriums, assembly halls	1 per each 3 seats
Community buildings, social halls, dance halls, clubs and lodges	1 space for each 120 sq. ft. of public floor area
Banks and offices (NEC)	1 for each 400 sq. ft. GFA* plus 1 per office
Medical or veterinary office and clinics	4 spaces per doctor
Retail stores, food supermarkets	1 per each 400 sq. ft. GFA*
Fast food/drive-through restaurants	1 per each 200 sq. ft. GFA*
Restaurants, taverns and nightclubs	1 for each 3 patron seats
Industrial and manufacturing establishments, warehouses, wholesale and truck terminals	1 space per employee, on the largest shift, plus 1 space for each 10,000 sq. ft. for visitors
Commercial recreation	1 space for every 3 persons permitted in maximum occupancy
Notes:  *GFA means gross floor area.	**Multiple-family units devoted to the elderly shall only be required to provide one and one-half parking spaces per unit. Such uses must supply adequate proof they will be dedicated to elderly tenants and shall be required to follow normal parking standards if they revert to non-elderly use.

(M) The minimum dimensions for depth of space, access lane width and total aisle width shall be in accordance with the following table:

**Table 803  
Required Depth of Space and Access Lane**

<b>Angle of Parking</b>	<b>Curb (Parallel)</b>	<b>30 Degrees</b>	<b>45 Degrees</b>	<b>60 Degrees</b>	<b>90 Degrees</b>
Depth of Space	8'	16'	19'	21'	18'
Access Lane Width	12'	12'	12'	20'	24'
Total Aisle Width	28'	44'	50'	62'	60'

(N) Screening and Landscaping. Off-street parking areas for six vehicles or more, and off-street loading areas, shall be effectively landscaped.

1. There shall be a planting strip of at least five feet in width between all property lines and the parking lot. At a minimum, the required planting shall consist of one tree per each four parking spaces, and one shrub per each four parking spaces. The vegetation species shall be selected for its suitability for parking areas, including but not limited to de-icing chemical

tolerance and general hardiness, and shall be appropriately sized for the planting area. The balance of the planting strip shall be maintained in plants or grasses. Existing healthy landscaping may be counted towards this requirement.

2. At the time of planting, all shrubbery shall be a minimum of 18 inches in height as measured from the ground after proper planting; all coniferous trees shall be a minimum of six feet in height as measured from the ground after proper planting; and all deciduous trees shall have a minimum of a two-inch caliper as measured at three feet from the ground after proper planting.

3. Off-street parking areas for six vehicles or more and off-street loading areas abutting a residential district or use shall be required to have screening placed between the parking lot and the lot line facing the residential district or use. Screening shall be at least six feet in height at the time of planting or construction, unless the position of the screening would be within a required sight triangle as defined in this ordinance. In that case, it shall comply with the height restrictions contained in Table 305B of this ordinance. In addition, such screening shall be one of the following types:

- a) A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in all seasons, as determined by the zoning officer, to form a solid continuous visual screen.
- b) A man-made opaque structure such as a solid masonry wall or a solid fence.
- c) A maintained, landscaped earthen-mound at least five feet wide.
- d) Maintenance of the existing natural vegetation that, in its natural state, forms a screen as defined in this code.

(O) Parking lots containing more than 20,000 square feet of impervious parking surface, either initially or as a result of expansion, shall devote an additional eight percent of surface area (exclusive of required border planting strips) to interior planting strips or planting islands at locations and in designs approved by the zoning officer. In exercising the approval authority granted by this subsection, the zoning officer shall consider the nature of the use serviced by the parking facility, the nature, character and appearance of the neighborhood surrounding the parking facility, the land use and development plans and ordinances of the Borough and the public health, safety and welfare of the citizens of the Borough. The purpose of this requirement is to maximize stormwater infiltration and the design of the interior planting strips must serve that purpose by way of curb cuts to permit entry of stormwater into the interior planting strips or planting islands or similar methods. Landscaping plans for parking lots containing more than 20,000 square feet of impervious parking surface shall be designed by a registered landscape architect or registered professional engineer.

(P) Surfacing and drainage.

1. Surfacing. With the exception of single-family dwellings or two-family dwellings, all parking and loading areas, driveways and access drives shall have a surface of concrete, asphalt, permeable pavers or pavers interlocked to allow storm water to flow through. Parking and loading area surfacing for single-family dwellings or two-family dwellings shall comply with the definition of driveways in this code, and no driveway may be within 25 feet of an intersection.

2. Drainage. Surfaces shall be graded with positive drainage away from neighboring properties or stormwater shall be otherwise managed so that it does not sheet flow onto neighboring properties, and drainage shall not be permitted to sheet flow onto public rights-

of-way or streets without the written approval of the Borough, and must be in compliance with the Borough’s stormwater management regulations.

(Q) Shared parking. Parking Occupancy Rates. The following table defines the percent of the minimum required during each time period for shared parking for the purposes of this code.

**Table 804  
Shared Parking Ratios by Type of Use**

Uses	M-F 8am-5pm	M-F 6pm-12am	M-F 12am-6am	Sat. & Sun. 8am-5pm	Sat. & Sun. 6pm-12am	Sat. & Sun. 12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office/ Warehouse /Industrial/Financial institutions/professional services	100%	20%	5%	5%	5%	5%
Commercial/retail	90%	80%	5%	100%	70%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Movie and live theater	40%	80%	10%	80%	100%	10%
Entertainment, auditoriums, bars, nightclubs	40%	100%	10%	80%	100%	50%
Conference/Convention	100%	100%	5%	100%	100%	5%
Institutional (non-church), including colleges, schools, daycare centers, hospitals	100%	20%	5%	10%	10%	5%
Churches	10%	5%	5%	100%	50%	5%

1. Two or more uses may provide for required parking in a common parking lot, provided that the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually, except as provided below, and provided that such parking lot is within 500 feet walking distance of all of the principal uses served by such lot.
2. The applicant may seek to prove that the parking requirement should be reduced because the uses would have their peak parking at different times of the day. If two or more adjoining uses on separate abutting lots develop a shared driveway and an integrated shared parking lot, the number of required parking spaces for each use shall be reduced by 10%. The applicant for reduced required parking under this section shall prove to the Zoning

Administrator that permanent easements are in effect that guarantee each use the right to use any shared driveways or parking.

3. The following method shall be utilized to determine the minimum number of spaces required for a shared parking facility:

- a) Determine the minimum amount of parking required for each land use or destination by time period as if it were a separate use
- b) Sum the number of required parking spaces in each time period across all uses.
- c) Set the minimum requirement at the maximum total across time periods.

***REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK***

## ARTICLE 9

### Signs

#### **§901. Sign Regulations in All Districts.**

(A) The following signs shall be permitted in all districts, and no permit shall be required to erect such signs, and these signs do not count toward the number or size limitations contained in this Article:

1. Directory signs listing all the occupants of a multi-tenant or multiple-family building, or buildings in a multi-building development.
2. Bulletin boards and similar spaces open to temporary signs placed for use by the general public without charge. If placed outside, such boards shall not exceed 32 square feet.
3. Any signs not visible from outside a lot or building.
4. Rest room, exit, public telephone, and similar directional or informational signs placed for the benefit of the public or building tenants.
5. Signs and billboards shall not resemble or simulate any warning or danger signal or any official traffic control device, sign or light.
6. Public art as defined is exempt from all sign regulations.

(B) Signs in public rights-of-way. No signs shall be permitted within public rights-of-way except PennDOT-approved traffic signs and devices, signs and banners specially approved by the Borough, historical markers as approved by the Borough or other signs specifically permitted within the public right-of-way under another section of this code.

(C) No signs shall be permitted which are posted, stapled or otherwise attached to public utility poles, trees or traffic-control signs or devices within public rights-of-way.

(D) Portable signs shall be permitted in the public right-of-way in the Central Business District. Such signs shall be subject to the following regulations and shall not count toward the number or size limitations contained in this Article:

1. Signs are clearly accessory to, and placed on right of way abutting, a permitted business.
2. Limited to one portable sign per business establishment.
3. Signs contain a total area not exceeding six square feet per sign face and have no more than two faces.
4. Signs are displayed only during business hours.
5. Placement of such signs allows an unobstructed sidewalk for pedestrian use of a width of not less than five feet and; provided, further, that such sign does not block a line of sight for vehicles or pedestrians.

(E) Construction and Maintenance.

1. All signs, except temporary signs, shall be constructed in a workmanlike fashion using durable materials. Signs shall be designed and constructed to withstand wind forces and in accordance with appropriate mechanical or electrical standards.
2. The owners of signs shall keep them in safe and good repair. Signs which become deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner. If the owner of a sign cannot be found or identified, the owner of the property whereon the sign is located shall be responsible for its repair or removal. Signs which become deteriorated as defined in this section or otherwise present a public hazard shall be immediately removed or repaired by the sign's owner, regardless of how long they have been

in place. A sign shall be considered deteriorated if any of the following conditions are present:

- a) Any portion is torn.
- b) Any portion is missing.
- c) Any hole, other than one installed by the manufacturer for mounting or other purposes, more than ½-inch in diameter is present.
- d) Any portion of the message is missing or faded.
- e) Any portion of the sign's support or attachment is loose, torn, frayed or otherwise damaged or the support is determined to be inadequate to support the load imposed.
- f) The sign or any portion of the sign is constructed of paper, cardboard or other material that is not weather-resistant, unless it is completely covered or enclosed by a weatherproof device constructed for that purpose.

(F) Line of sight. No sign shall be placed where it would block the line of sight for a public or private street, access drive or driveway or lawful service drive.

(G) Lighting of Signs.

1. Unless regulated elsewhere in this Ordinance, the following regulations shall apply to the lighting of new or relighting of existing signs:

- a) Permanent signs may be internally or directly lighted with non-glaring lights or may be indirectly illuminated by shielded floodlights except where prohibited by this article.
- b) Externally-illuminated signs shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from direct off-site view and to place the light output onto and not beyond the sign or billboard.
- c) Internally illuminated billboards and signs shall have a dark field/background and light message.
- d) Channel letter signs shall have dimming capability to allow adjustment of sign brightness when required by the Borough to accommodate local ambient conditions.
- e) Signs shall be extinguished by no later than 11:00 each evening until 6 a.m., except that signs for establishments that operate or remain open past 11:00 p.m. may remain lighted no later than ½ hour past the time of the close of the establishment.
- f) Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
- g) The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
- h) All lighting shall be screened from adjacent properties.
- i) All electrical connections shall be shielded by underground or overhead electrical wires which meet all Borough codes.
- j) No temporary signs, including any sign not permanently attached to the ground or a structure in a manner conforming to the Pennsylvania Uniform Construction Code, shall be illuminated by direct means.

- k) No signs associated with single- or two-family residential uses shall be illuminated by any means except for posted building numbers required by law, which illumination shall be kept to the minimum necessary for legibility.

(H) Temporary Signs.

1. Temporary signs shall not be permitted in the public right-of-way. Unless specifically permitted under Section 901(D) , Section 902, Section 903 or this subsection, all temporary or portable signs shall be prohibited.
2. No permit shall be required to post a permitted temporary sign. All temporary signs shall include the date of installation recorded on the front, side, bottom or back of the sign.
3. Each commercial establishment in the CBD, CO or EDZ district that is otherwise permitted to have a business identification sign may have one temporary sign as defined in this code per street frontage. The size of the sign shall be as limited in Section 903. The establishment may not display any one temporary sign for longer than a 90-day span. Any temporary sign, once removed or replaced with a different sign, shall not be displayed again for at least a 30-day span following its removal or replacement.
4. Each commercial establishment in a district other than a CBD, CO or EDZ district may have one temporary sign subject to the limits in this section. The size of the sign shall be as limited in Section 902 for R and CL districts and Section 903 for the MU district. The establishment shall not display any temporary signage more than 90 days in a calendar year.

(I) Nonconforming signs.

1. Nonconforming signs, once removed, shall be replaced only with conforming signs.
2. Nonconforming signs may be maintained, repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.

(J) Window signs shall not exceed 50% of any window's area.

(K) Wall signs shall not exceed 20% of any façade's area.

**§902. Signs in the R-Residential District and CL-Cluster District**

(A) In the R and CL districts, signs will be permitted as follows:

1. One permanent sign per street frontage, not to exceed 32 sf when associated with permitted uses other than single-family or two-family dwellings or 4 sf when associated with a single-family or two-family dwelling. Freestanding signs shall not exceed 6 feet in height above grade.
2. Temporary signs shall not exceed 10 sf in the aggregate.
3. Roof signs, pole signs, and projecting signs shall be prohibited.

(B) In addition to the signs provided above, a home occupation or nameplate sign no larger than 4 sf shall be permitted, provided that not more than one such sign shall be erected; and provided, that each such sign shall be fixed flat on the main wall of such building or erected in the front yard, but not closer than 10 feet from a lot line. Such signs shall not be illuminated by any means.

(C) In addition to the signs provided above, signs, bulletin board, announcement board or identification signs for schools, churches, hospitals, multiple-family dwellings, subdivisions, allotments or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution(s) and its/their activities or services shall be permitted; provided, that the sign shall be erected on not more than one street frontage. Such signs shall be no more than 32 sf in size in the aggregate and only be illuminated by indirect means.

**§903. CB, CO, MU and EDZ Districts.**

(A) In the **CB, MU, CO and EDZ** districts, signs will be permitted as follows:

1. In the MU district, the following signs are permitted:
  - (a) One permanent sign per street frontage, whether for one or multiple entities at a property, not to exceed 32 sf when associated with uses other than single-family or two-family dwellings or 4 sf when associated with a single-family or two-family dwelling. Freestanding signs shall not exceed 8 feet in height.
  - (b) In addition to the signs provided above, a home occupation or nameplate sign no larger than 4 sf shall be permitted, provided that not more than one such sign shall be erected; and provided, that each such sign shall be fixed flat on the main wall of such building or erected in the front yard, but not closer than 10 feet from a lot line. Such signs shall not be illuminated by any means.
  - (c) Projecting and wall signs shall conform to the regulations of the zoning district wherein they are located.
  - (d) Temporary signs shall not exceed 10 sf in the aggregate.
  - (e) Roof signs shall be prohibited.
2. In the CB and CO districts, the following signs are permitted:
  - (a) Two permanent signs per street frontage not to exceed 32 sf each when associated with uses other than a single-family or two-family dwelling, or 1 sign not to exceed 4 sf when associated with a single-family or two-family dwelling. Freestanding signs shall not exceed 15 feet in height.
  - (b) For instances of more than one entity operating at one property, only one sign of a maximum 32 sf shall be permitted along any one street frontage. Projecting and wall signs shall conform to the regulations of the zoning district wherein they are located.
  - (c) Temporary signs shall not exceed 32 sf in the aggregate.
  - (d) Roof signs shall be prohibited.
3. EDZ uses are permitted:
  - (a) Two permanent signs, not to exceed 100 sf in the aggregate. Freestanding signs shall not exceed 15 feet in height.
  - (b) Temporary signs shall not exceed 32 sf in the aggregate.

(B) Projection of Permanent Signs into Rights-of-Way. Under no circumstances shall a projecting sign be placed nearer than two feet vertically from a vehicular cartway, loading zone, or on-street parking lane, and no part of the sign shall be within 8 feet vertically from grade.

**§904. Sign Regulations and Nonconforming Uses.**

Nonconforming uses may keep all permanent, pre-existing signs; provided, that such signs do not obstruct vehicular lines of sight or threaten public safety. If the signage for the use is changed, all future signs shall comply with regulations for the district in which the nonconforming use is located.

**§905. Awnings.**

No structural support or portion of an awning may be within eight feet of grade. Under no circumstances shall any such projecting awning be placed nearer than two feet from a vehicular cartway, loading zone, or on-street parking lane. Awnings shall comply with the requirements of all applicable building codes.

**§906. Electronic Signs.**

(A) Electronic signs are not permitted within the following zoning districts: R, CO, CL and MU.

(B) Electronic signs within the CB and EDZ districts shall be permitted by special exception and shall be subject to all other sign regulations provided for in this ordinance. Further:

1. No electronic sign may be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.

2. Message display shall remain static for a minimum of five (5) seconds. There shall be no strobe, flashing effect or other animation other than scrolling during the display. Any transitions or change of the display between messages shall not be more than one (1) second. Transitions that involve fading or other animations other than scrolling shall not be permitted.

3. Illumination: The owner of the sign or their agent shall measure sign luminance with a luminance meter set to measure foot-candles accurate to at least two decimals. Luminance shall be measured with the sign off, and again with the sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square footage of the sign. Electronic signs of ten square feet or less shall be measured at a distance of thirty-two (32) feet. Electronic Signs of greater than ten (10) square feet shall be measured at a distance of 39 feet. The difference between the off and solid-message measurements using the criteria shall not exceed 0.3 foot-candles at night. A letter certifying compliance shall be provided to the zoning officer.

4. Dimming Capabilities: All permitted electronic signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurement. The sign or billboard nighttime light output shall be capable of being further dimmed if the Borough so requires when the lighting is judged to create a nuisance or hazard.

5. Electronic signs which malfunction shall be turned off except for testing during any correction or repair.

6. No sign may be illuminated or functioning between the hours of 11 p.m. and 6 a.m.

7. The total sign area, including support structure, shall conform to the size requirements for the district in which it is located, but in no event may the height of the sign, including support structure, exceed 10 feet.

8. An image or graphic may be displayed but must be stationary. Any digital display containing animation, streaming video, or text or images which flash, pulsate or move in any manner other than text scrolling is prohibited. No sound may be used.

# **ARTICLE 10**

## **Administration and Enforcement**

### **§1001. Administration.**

#### **(A) Zoning officer.**

1. The Borough of Linesville shall appoint the zoning officer who shall administer and enforce the provisions of this code and shall do so in accordance with the provisions of this code and of the Pennsylvania Municipalities Planning Code. The zoning officer shall also have the duties as set forth by this code. The zoning officer shall not hold any elective office in the Borough.
2. Duties of the zoning officer. The zoning officer shall administer this code in accordance with its literal terms and shall not have the power to permit any construction, development or conversion or any use or change of use which does not conform to this code. The officer shall be considered as qualified to perform their duties by meeting the qualifications established by the Borough. In addition, the zoning officer's duties, obligations and responsibilities include the following:
  - a) Application for Zoning Permits. The zoning officer shall receive applications for zoning permits. Application for a zoning permit must be filed by the property owner, contractor, agent or developer prior to the start of construction/development to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable Borough ordinances and regulations. The zoning officer shall consult when necessary with other Borough officials responsible for administering and enforcing other applicable regulations, including but not limited to building code officials. Applications conforming to this code shall be approved; those not conforming to this code shall be denied.
  - b) Inspections. The zoning officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a zoning permit or a zoning permit has been requested. Such inspections may be made from time to time during construction and upon the termination of construction.
  - c) Appeals. The zoning officer shall receive all applications for conditional uses, special exceptions, appeals and variances and forward same to the appropriate body.
  - d) Enforcement. The zoning officer is authorized to institute civil enforcement proceedings as a means of enforcing this code.

### **§1002. Permits and Applications.**

#### **(A) Zoning permits.**

1. Permit Required. A zoning permit shall be required for and prior to:
  - a) Construction, erection, placement, movement, alteration or enlargement of a walled building or structure that would block a line of sight between two points and larger than 100 sf, and for fences and carports.
  - b) Placement of a mobile home.
  - c) Change in use of any building or structure.

- d) Use and development of land or change in the use, except the placing of vacant land under cultivation.
  - e) Change in use or extension of a nonconforming use.
  - f) Construction or alteration of a driveway or access drive.
2. Permits Not Required. Zoning permits are not required for:
- a) Sidewalks, terraces, patios, flag poles, dog houses, and lawn and recreational equipment (such as swings, playhouses, benches, picnic tables and ornamental objects).
  - b) Minor repairs to existing buildings or structures including minor alterations to the interiors of buildings and alterations involving exterior siding and roofing which do not affect the external form and size of a building.
3. Application for Permit. All applications for zoning permits shall be made, in writing, on a form furnished by the Borough and shall include a dated plot plan drawn as accurately as possible. This plan shall be scaled to a reasonable level of accuracy. The following information shall be provided, as applicable:
- a) Name, address and phone number of applicant and the landowner or landowners, and relationship of applicant to landowner.
  - b) Name, address and phone number of contractor or other agent of the landowner, if applicable.
  - c) Description of property, including geographic orientation.
  - d) Existing use of property.
  - e) Proposed use of property.
  - f) Description of proposed work.
  - g) Estimated cost.
  - h) Dimensions of the lot and dimensions and location of proposed work (including but not limited to such information as floor area, number of stories and height of proposed work.)
  - i) Existing and proposed setbacks.
  - j) Location of road access, driveways, curb cuts and location and amount of parking spaces and loading facilities, if applicable.
  - k) The number of dwelling units, if applicable.
  - l) Existing and proposed screening or buffering, including materials and plant types and sizes.
  - m) A statement that the applicant is the owner of the lot or a copy of a written agreement between the owner and the applicant to permit the proposed construction.
  - n) A statement that the applicant affirms the information provided on the application is true and correct to the best of their knowledge.
  - o) A statement regarding other permits required and whether they have been obtained.
  - p) All other information necessary for the zoning officer to determine compliance with this code and all other pertinent ordinances.
4. Issuance of Permits.
- a) No zoning permit shall be issued until the applicant has established that the proposed work or use will be undertaken in conformity with the requirements of this and all other applicable federal, state and local laws and regulations,

including, but not limited to, the subdivision and land development regulations, any and all Borough building codes, Pennsylvania Sewage Facilities and Clean Streams Acts, Pennsylvania Dam Safety and Encroachments Act, Pennsylvania Fire and Panic Act, and that all other permits required have been, or will be, issued under these laws or regulations.

- b) Within 15 days after receipt of the application, the zoning officer shall issue or deny the permit or issue a written request for additional information required in order to determine whether a permit should be issued.
  - c) No permit shall be issued unless all required fees have been paid.
  - d) If after 90 days after receipt of the application, sufficient information has not been received to determine whether the permit should be issued, the application shall be denied unless the zoning officer finds there is good cause for allowing additional time and grants a written extension of time.
5. Expiration of Permit. If work described in the permit application has not begun within one year from the date of issuance, the permit shall expire.
- (B) Variances, special exceptions and conditional uses.
- 1. Uses permitted by special exception and variance are only permitted when approved by the zoning hearing board in accordance with the criteria set forth in this code and as required by law, after public hearing pursuant to public notice, and in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
  - 2. Uses permitted by conditional use are only permitted when approved by the Borough Council in accordance with the criteria set forth in this code and as required by law, after public hearing pursuant to public notice, and in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
  - 3. Applications. Requests for variance, special exception or conditional use shall be first presented to the zoning officer for review by filing an application with the zoning officer who shall determine whether a variance, special exception or conditional use is necessary.
  - 4. Standards for Variance. A variance may be granted where the provisions of the code inflict unnecessary hardship and all the following findings are made, where relevant, in a given case:
    - a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning code in the neighborhood or district in which the property is located.
    - b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
    - c) That such unnecessary hardship has not been created by the appellant.
    - 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.

- 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.

5. Standards for Special Exception. Special exceptions shall be granted where the following findings are made:

- a) The use is permitted as a special exception under the terms of this code.
- b) The specific criteria, if any, for allowing the use by special exception will be met.
- c) The use, if permitted, will be consistent with the community and development objectives and plans, and suitable to the tract with respect to matters such as highway access, availability of utilities and services, traffic impact, economic impact and impact on the neighborhood.
- d) The use will not adversely affect the health, safety, or welfare of residents in the neighborhood, community, or zoning district in which the use is to be located, will not change the essential character of the neighborhood or district in which the use is proposed and will not cause an impact related to noise, dust, light, odor, and adequacy of parking.
- e) The use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements or materially burden other public services such as schools, police, or fire.
- f) The use meets all other requirements for the zoning district in which the use is proposed.
- g) It has not been established that the use for which the permit is sought would be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare, that the proposed use would create unreasonable traffic congestion, traffic hazards, fire hazards, water hazards, sanitary, or other health hazards, or that the proposed use would unreasonably interfere with or impair the supply of adequate and safe light, water, or air, the availability of adequate drainage or sewage or refuse facilities, or other utilities, or otherwise impose an undue threat to the health and safety of adjoining property owners.

6. Standards for Conditional Use. A conditional use permit shall be granted where the following findings are made:

- a) The use is permitted as a conditional use under the terms of the code.
- b) The specific criteria, if any, for allowing a conditional use will be met.
- c) The use conforms with the community and economic development objectives, would be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located, and would not be hazardous, disturbing, or detrimental to existing or future neighboring uses, physically, environmentally, socially or economically.
- d) The use will be adequately served by public facilities and services such as highways, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated.

- e) The use will not involve activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive traffic, noise, vibrations, smoke, dust, fumes, electrical disturbance, glare or odors; undue pollution of or danger to the air or water by dust, dirt, fumes, smoke, odor, radioactivity or other polluting substances.
  - f) The use will cause no emissions and/or discharges into the air or water which do not meet governmental standards.
  - g) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance and significance.
  - h) The use will provide through maintenance of setbacks and screening by plantings, fences or other landscape features an effective buffer to block unsightly views and noise from adjacent properties and public roadways.
7. Conditions. The zoning hearing board may approve variances and special exceptions and the Borough council may approve conditional uses subject to reasonable and appropriate conditions.

**§1003. Fees.** Fees for zoning permits and sign permits, applications for special exceptions, variance and conditional use, appeal proceedings before the zoning hearing board or Borough council, and other matters of zoning administration shall be established in accordance with the Pennsylvania Municipalities Planning Code and other governing law and be adopted by resolution of the Borough council. These fees shall be set forth in a schedule of fees which shall be posted and made available to the public. The applicable fees shall be paid to the Borough at the time the application or appeal is filed with the Borough. Action on applications or appeals may be withheld if fees have not been paid in full.

**§1004. Violations, Penalties, and Remedies.**

(A) Violations.

1. Enforcement Notice. When it appears to the Borough and/or the zoning officer that a violation has occurred, the zoning officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested, in writing, by the owner of record. The enforcement notice shall state the following:
  - a) The name of the owner of record and any other person against whom the Borough intends to take action.
  - b) The location of the property in violation.
  - c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the code.
  - d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - e) That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in this code.
  - f) That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

(B) Causes of action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this code, the Borough, the zoning officer of the Borough, or any aggrieved owner or tenant of real property who shows that their property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Linesville Borough council. No such action may be maintained until such notice has been given.

(C) Enforcement remedies. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this zoning code shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this code to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Borough. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Borough and its zoning officer the right to commence any action for enforcement pursuant to this section.

***REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK***

# ARTICLE 11

## Zoning Hearing Board

**§1101. Creation.** There is hereby created a zoning hearing board, herein referred to as the "board," consisting of three residents of the Borough appointed by the Borough Council pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said board shall perform all the duties, and exercise all powers prescribed by said code and as herein further provided.

**§1102. Appointment.** The terms of office of the board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The board shall promptly notify the Borough council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other office in the Borough, whether elected or appointed. The Borough council may also appoint up to three alternate members to the board. The appointment, rights and duties of the alternates shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code. It is the intention of this code that the currently constituted zoning hearing board of Linesville shall be continued, and the same members are hereby appointed to the zoning hearing board created by the code with the same terms as were provided under the previous code.

**§1103. Removal of Members.** Any board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by a majority vote of the Borough council, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

**§1104. Organization of Board.** The board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the board, but where two members are disqualified to act in a particular matter, at least one alternate member shall be seated. The board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the board as provided in Section 908 of the Municipalities Planning Code. The board may make, alter and rescind rules and forms for its procedure, consistent with Borough ordinances and laws of the commonwealth. The board shall keep full public records of its business and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

**§1105. Expenditures for Services.** Within the limits of funds appropriated by the Borough Council, the board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the board may receive compensation for the performance of their duties, as may be fixed from time to time by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

**§1106. Legal Counsel.** Where legal counsel is desired, an attorney, other than the Borough solicitor, shall be used.

**§1107. Hearings.** The board shall conduct hearings and make decisions in accordance with the following requirements:

(A) Notice shall be given to the public by notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing. Written notice shall be given to the applicant, the zoning officer, and to any person who has made timely request for the same. Written notices may be prescribed by rules of the board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

(B) The Borough council may prescribe reasonable fees with respect to hearings before the zoning hearing board. Fees for said hearings may include compensation for the secretary and members of the zoning hearing board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the zoning hearing board, expenses for engineering, architectural or other technical consultants or expert witness costs.

(C) The first hearing before the board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed, in writing, to an extension of time.

(D) The hearings shall be conducted by the board or the board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the board, but the parties may waive decision or findings by the board and accept the decision or findings of the hearing officer as final.

(E) The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The board shall have power to require that all persons who wish to be considered parties enter appearances, in writing, on forms provided by the board for that purpose.

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

(G) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

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

(I) The board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

(J) The board or the hearing officer shall not communicate, directly or indirectly, with any party or their representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the board's solicitor is exempt from this restriction, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or their representative unless all parties are given an opportunity to be present.

(K) The board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the board or hearing officer. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this code or the Municipalities Planning Code, or any rule or regulation, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that their decision or findings are final, the board shall make the hearing officer's report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the board fails to render the decision within the period required by this code or the Municipalities Planning Code, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed, in writing or on the record, to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as herein above provided, the board shall give public notice of said decision within 10 days in the same manner as provided in Subsection 908(1) of the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.

(L) A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to the applicant no later than the day following its date. To all other persons who have filed their names and addresses with the board no later than the last day of the hearing, the board shall provide, by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

#### **§1108. Board's Functions.**

(A) Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code.

(B) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Borough and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

(C) Appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any

cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

(D) Appeals from a determination by the Borough engineer or the zoning officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

(E) Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Municipalities Planning Code.

(F) Appeals from the zoning officer's determination under Section 916.2 of the Municipalities Planning Code, relating to preliminary opinion.

(G) Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.

(H) Variances. The board shall hear requests for variances where it is alleged that the provisions of this code inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application and may require preliminary application to the zoning officer. The board may grant a variance provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this code in the neighborhood or district in which the property is located;
2. 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 this code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the applicant;
4. 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
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

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

(I) Applications for Special Exceptions. In hearing an application for special exception, the board shall refer to the specific criteria applicable for the particular use.

(J) The board may also attach reasonable safeguards in addition to specific criteria listed based upon impacts determined during the course of the hearing.

§1109. Parties Appellant Before Board. Appeals and proceedings to challenge the code may be filed with the board, in writing, by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance may be filed with the board by any landowner or any tenant with the permission of such landowner.

§1110. Time Limitations – Persons Aggrieved. No person shall be allowed to file any proceeding with the board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Borough officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to their interest after such approval, he shall be bound by the knowledge of their predecessor in interest. See also Section 914.1 of the Municipalities Planning Code.

§1111. Stay of Proceedings. Upon filing of any proceeding referred to in Section 1108 and during its pendency 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. See also Section 915.1 of the Municipalities Planning Code.

## **ARTICLE 12 AMENDMENTS**

§1201. General. The Borough Council may introduce and/or consider amendments to this code and to the zoning map as proposed by a member of the Borough council, the planning commission, or person or persons residing or owning land in the Borough.

**§1202. Referral.** Any proposed amendment presented to the Borough council without written findings or recommendations from the Borough Planning Commission and the Crawford County Planning Commission. The proposed amendment shall be referred to these agencies for their review and recommendations prior to the public hearing by the Borough Council. The board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of 30 days from the date that such proposed amendments were submitted to the Borough and county planning commissions.

**§1203. Action.** Before acting upon a proposed amendment, the Borough council shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same be examined and shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the zoning map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Municipalities Planning Code at least one week prior to the date of the hearing.

**§1204. Curative amendments.**

(A) A landowner who desires to challenge on substantive grounds the validity of this zoning code or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Borough council with a written request that their challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code. The Borough Council shall commence a hearing thereon within 60 days. As with other proposed amendments, the curative amendment shall be referred to the Linesville Planning Commission and the Crawford County Planning Commission at least 30 days before the hearing is conducted by the Borough Council. Public notice shall be given in accordance with applicable provision of the Municipalities Planning Code. The hearings shall be conducted in accordance with instructions as set forth by Section 916.1 of the Municipalities Planning Code. The findings, actions and considerations of the Borough council shall be in accordance with Section 609.1 of the Municipalities Planning Code.

(B) The Borough of Linesville may institute a municipal curative amendment in accordance with Section 609.2 of the Municipalities Planning Code.

## **Article 13**

### **PLANNING COMMISSION**

**§1301. Creation.** The Linesville Borough Planning Commission has been created in accordance with Article II of the Pennsylvania Municipalities Planning Code (MPC) to fulfill the advisory role to the Linesville Borough Council in the administration of this Ordinance and the adopted subdivision and land development regulations of Linesville Borough.

**§1302 Membership.**

- (A) The membership of the Planning Commission shall consist of five members, all of whom shall be residents of the Borough. At least three of the five members shall be citizen members and shall not be officers or employees of the Borough.
- (B) The term of office for each member shall be four years, and the terms of no more than two members shall expire in any calendar year.
- (C) When any vacancies occur, the chairperson of the Planning Commission shall promptly notify the Linesville Borough Council.

**§1303 Duties.** The Planning Commission shall, at the request of the Linesville Borough Council, have the power and shall be required to, at the request of the Linesville Borough Council:

- (A) Represent the Borough in the development of or otherwise prepare any future comprehensive plans;
- (B) Maintain and keep records of its actions;
- (C) Make recommendations to the Linesville Borough Council concerning adoption or amendment of an official map;
- (D) Prepare and present to the Linesville Borough Council a zoning ordinance and make recommendations to the Linesville Borough Council on proposed amendments to it; and
- (E) Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code (MPC) or as prescribed in this Ordinance.