

CHAPTER 27

ZONING

CITY OF DUQUESNE

**DRAFT
2017**

**Prepared by:
Environmental Planning & Design, LLC**

Chapter 27, ZONING

ARTICLE I - General Provisions	1
§ 101. Short Title.	1
§ 102. Statement of Purposes.....	1
§ 103. Community Development Objectives.....	1
§ 104. Application of the Regulations.	1
§ 105. Interpretation of Regulations.	2
§ 106. Exemptions to the Regulations.	3
ARTICLE II - Definitions	5
§ 201. Language Interpretations.....	5
§ 202. Abbreviations.....	5
§ 203. Definitions.....	6
ARTICLE III - Schedule of District Regulations	33
§ 301. Establishment of District Classifications.	33
§ 302. Zoning District Map and Boundaries.....	33
§ 303. Statement of Purpose for Zoning Districts.	34
§ 304. District Regulations.	35
§ 305. Lot, Yard and Height Regulations and Exceptions.	35
§ 306. Additional Standards.....	36
§ 307. CCD District Area and Dimensional Standards.....	45
ARTICLE IV - Conditional Uses	47
§ 401. Provisions for Conditional Uses.	47
§ 402. Application Procedure.....	47
§ 403. General Requirements and Standards for All Conditional Uses.....	48
§ 404. Specific Standards and Criteria.	49
ARTICLE V - Special Exceptions	71
§ 501. General Provisions.	71
§ 502. Application Procedure.....	71
§ 503. Requests for Reasonable Accommodations.....	71
§ 504. Specific Standards and Criteria.	73
ARTICLE VI - Supplemental Regulations	81
§ 601. General Intent.	81
§ 602. General Provisions and Exceptions.....	81

§ 603. Accessory Uses and/or Structures; General Provisions.....	81
§ 604. Accessory Uses and/or Structures; Specific Types.	82
§ 605. Fencing, Screening and Retaining Walls.....	83
§ 606. Radio, Television, Satellite Dish Antennas, Communications Antennas and Communications Equipment Buildings.....	84
§ 607. Signs.	86
§ 608. Off-Street Parking Requirements.	95
§ 609. Off-Street Loading Requirements.....	101
§ 610. Temporary Uses.....	102
§ 611. Site Development Standards.....	104
ARTICLE VII - Environmental Performance Standards.....	105
§ 701. Applicability.....	105
§ 702. Fire and Explosive Hazards.	105
§ 703. Toxic, Hazardous and Radioactive Materials.....	105
§ 704. Air Pollution and Odors.	105
§ 705. Glare.....	105
§ 706. Noise.....	106
§ 707. Vibration.	106
§ 708. Storage.	107
§ 709. Determination of Compliance.....	107
ARTICLE VIII - Nonconformities.....	109
§ 801. Continuation.....	109
§ 802. Unlawful Use Not Authorized.....	109
§ 803. Alterations, Repair, Enlargement, Reconstruction, Moving of Nonconforming Structures (Excluding Signs).	109
§ 804. Alteration, Enlargement or Expansion of a Nonconforming Use.....	110
§ 805. Change of Nonconforming Use.....	110
§ 806. Abandonment of Nonconforming Use.....	111
§ 807. Nonconforming Lot of Record.....	111
§ 808. Termination of Nonconforming Signs.	111
ARTICLE IX - Zoning Hearing Board.....	113
§ 901. Membership of the Zoning Hearing Board.....	113
§ 902. Organization of the Zoning Hearing Board.....	113
§ 903. Applications to the Zoning Hearing Board.	114
§ 904. Hearings.....	114
§ 905. Time Limitations for Filing Appeals.....	117

§ 906. Stay of Proceedings.....	118
§ 907. Jurisdiction of the Zoning Hearing Board.....	118
§ 908. Variances.....	119
§ 909. Special Exceptions.....	120
§ 910. Requests for Reasonable Accommodations.....	120
§ 911. Changes of Nonconforming Uses.....	120
§ 912. Appeals.....	120
§ 913. Applicability of Judicial Remedies.....	120
ARTICLE X - Administration and Enforcement.....	121
§ 1001. Zoning Officer.....	121
§ 1002. Certificate of Zoning Compliance.....	122
§ 1003. Occupancy Permit.....	123
§ 1004. Revocation of Certificates and Permits.....	123
§ 1005. Schedule of Fees.....	123
§ 1006. Amendments to the Zoning Ordinance or Map.....	124
§ 1007. Enforcement.....	126
ARTICLE XI - Group Residence Facilities	129
§ 1101. Purpose and Intent.....	129
§ 1102. Regulations Governing Group Residence Facilities.....	129
ARTICLE XII - Official City of Duquesne Zoning Map.....	131

ARTICLE I - General Provisions

§ 101. Short Title.

This Chapter shall be known and may be cited as the "City of Duquesne Zoning Ordinance," and the zoning district map shall be known and may be cited as the "Official City of Duquesne Zoning Map."

§ 102. Statement of Purposes.

The purposes of this Chapter are to promote the safety, health, convenience and general welfare; encourage the most appropriate use and redevelop of land throughout the City; conserve and stabilize the value of property; prevent overcrowding of land and buildings; avoid undue concentration of population; lessen congestion in the streets; secure safety from fire, panic and other dangers; provide adequate open spaces for light and air; facilitate adequate provision of roads, water, sewerage, drainage and other public facilities; conserve life, property, natural, scenic and historic resources; and conserve the expenditure of funds earmarked for public improvements.

§ 103. Community Development Objectives.

This Chapter is adopted in accordance with the City's Community Development Objectives as per the Joint Comprehensive Plan for the Cities of Duquesne and McKeesport. Specifically, this Chapter is adopted to achieve the following Community Development Objectives:

- A. To promote and protect the public health, safety and welfare of the residents of the City of Duquesne.
- B. To encourage and facilitate orderly community growth and development.
- C. To protect the character and maintain the stability of residential, commercial and industrial areas within the City of Duquesne.
- D. To provide adequate light, air, amenity and convenience of access to property.
- E. To encourage the application of mixed-use districts which support a combination of compatible land uses in appropriate locations.
- F. To prevent incompatible development or use of land and to prevent blighting conditions.

§ 104. Application of the Regulations.

- A. Compliance.
 - 1. No building, structure or land, or part thereof, shall hereafter be erected, constructed, reconstructed, moved, structurally altered, used or occupied except in conformity with all applicable provisions of this Chapter.
 - 2. No grading, earth moving, removal of topsoil, trees or other vegetative cover preparatory to any construction or alteration requiring a certificate of zoning compliance by this

Chapter shall be undertaken prior to the issuance of said certificate.

- B. Future Annexations. All territory which may hereafter be annexed to the City of Duquesne shall be considered to be in the R-1 Single-Family Residential District until otherwise classified.
- C. Reclassification of Public Facility if Use Ceases. Whenever a public agency intends to cease use of a public facility or land area, such as a school, recreation area, community center or municipal building, the agency shall send written notice to City Council. The Planning Commission shall then initiate a study of suitable reuses of the property and within ninety (90) days submit its recommendations to Council concerning any appropriate changes to existing zoning requirements.
- D. Pending Building Permits.
 - 1. Nothing in this Chapter shall require any change in construction or use of any structure for which a building permit was lawfully issued prior to the effective date of this Chapter, or any amendment thereto, provided construction has begun or a contract or contracts have been let pursuant to the permit issued prior to the effective date of this Chapter.
 - 2. Any building permit which was issued subsequent to the first public hearing on this Chapter, or any amendment to it, but prior to this Chapter's or amendment's effective date, shall be declared void at the time of adoption of this Chapter, if the structure or use does not conform to the provisions of this Chapter, or amendment, and if no construction (other than excavation) has begun or contract(s) let.

§ 105. Interpretation of Regulations.

- A. Wherever the regulations within this Chapter are at variance with other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, those which impose the most restrictive requirements shall govern.
- B. No structure or use which was not lawfully existing at the time of the adoption of this Chapter shall become or be made lawful solely by reason of the adoption of this Chapter; and to the extent that said unlawful structure or use is in conflict with the requirements of this Chapter, said structure remains unlawful hereunder.
- C. In interpreting the language of this Chapter to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to its intended meaning, in favor of the property owner and against any implied extension of the restriction.
- D. In judging whether or not the requirements of this Chapter have been met, the responsible approval agent shall be guided by generally accepted standards and practices for sound site planning and development, building design and construction.
- E. The City shall maintain, and make available upon request, a list of reference sources which it uses in applying the standards contained in this Chapter.

- F. In determining whether or not a proposed use is one authorized by this Chapter as either a permitted, conditional or special exception use, the approval agent shall utilize the Standard Industrial Classification Manual 1 published by the Federal Office of Management and Budget (most current edition) as a guide.

§ 106. Exemptions to the Regulations.

This Chapter shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

This page intentionally left blank.

ARTICLE II - Definitions

§ 201. Language Interpretations.

- A. For the purpose of this Chapter certain terms and words used herein shall be interpreted or defined as follows:
 - 1. Words used in the present tense shall include the future.
 - 2. Words in the singular shall include the plural.
 - 3. The word "person" includes a corporation, company, partnership and association, as well as an individual.
 - 4. The word "lot" includes the words "plot" or "parcel."
 - 5. The term "shall" is always mandatory.
 - 6. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designated to be used or occupied."
- B. The particular shall control the general.
- C. Whenever this Chapter calls for a measurement of spacing or distance between uses, it shall be taken from the principal entrance or access of one use or structure to the principal entrance/access of another along the most direct line or route on, along or across public streets.
- D. In case of any difference of meaning or implications between the text of this Chapter and any caption or illustration, the text shall control.

§ 202. Abbreviations.

As used in this Chapter, the following abbreviations shall represent the related terms:

ACED – Allegheny County Economic Development.

ADA – Americans with Disability Act, as amended.

BMP – Best Management Practice.

FEMA – Federal Emergency Management Agency.

MPC – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. § 10101 et seq., as amended.

PaDEP – Pennsylvania Department of Environmental Protection.

PennDOT – Pennsylvania Department of Transportation.

§ 203. Definitions.

- A. The definitions of all terms contained in Article II of the Duquesne Subdivision and Land Development Ordinance [Chapter 22] are incorporated herein and made a part hereof by reference.
- B. For purposes of this Chapter, certain words shall have the following meanings unless the context clearly indicates otherwise:

ACCESS – A means of approach or entry to or exit from a lot, structure or use of land.

ACCESSORY STRUCTURE or USE – A use, building or structure, the use of which is customarily incidental and subordinate to the main or principal use, building or structure and which is located on the same lot therewith. Authorized uses/structures may include, but are not limited to, garage or carport; shed or building for domestic storage or storage of a boat or vehicle; child's playhouse, garden house, gazebo and private greenhouse; private residential swimming pool, tennis court or similar private recreational facility; civil defense shelter for not more than two (2) families; fences; off-street parking and loading areas; signs; radio, television or satellite dish antenna; storage for an authorized business use subject to the zoning district regulations; administrative offices, employee restaurants and cafeterias when located in an authorized commercial or industrial building.

ACRE – An area of land consisting of forty-three thousand five-hundred sixty (43,560) square feet.

ADULT BUSINESS – An establishment open to the general public or a private club open to members which is used and occupied for one or more of the following activities:

- A. ADULT BOOKSTORE – An establishment in which twenty (20) percent or more of the net retail floor area offers for sale, for rent or lease, for loan, or for view upon the premises, pictures, photographs, drawings, prints, images, sculpture, still film, motion-picture film, videotape, or similar visual presentations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers sexual devices for sale.
- B. ADULT THEATER – A building or a room within a building used for presenting motion-picture film, videotape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.
- C. ADULT CABARET – An establishment, club, tavern, restaurant, theater or hall which features live entertainment distinguished or characterized by emphasis on sexual conduct or sexually explicit nudity.

ALL OTHER NON-RESIDENTIAL USES – Any non-residential land use not defined by this Ordinance.

ALL OTHER RESIDENTIAL USES – Any residential land use not defined by this Ordinance.

ALLEY – A public thoroughfare other than a side street which affords only secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION – An incidental change, rearrangement, replacement or enlargement in the structural parts or in the means of egress, whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another; or by change in use from one (1) district classification to another.

AMUSEMENT PARK – An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

APARTMENT – See "dwelling, multi-family."

APPLICANT – A landowner or developer, as hereinafter defined, who has filed an application for development, conditional use or special exception, including his/her heirs, successors and assigns.

AUTHORIZED USE – Any principal or accessory use allowed by this Chapter as a permitted, conditional or special exception use.

AUTOMOBILE SALES/SERVICE/RENTAL – Any building or land devoted to the retail sales of motor vehicles, including accessory service and repair facilities, if such service and repair are conducted within a completely-enclosed building and/or the retail repair, servicing, maintenance and reconstruction of motor vehicles, but not including car washes and/or a use whereby motor vehicles are stored awaiting transport to a different location.

BANK OR FINANCIAL INSTITUTION – A business establishment specializing in financial services including, but not limited to, savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents and developers of real estate.

BASEMENT – A story partly underground but having one-half (1/2) or more of its height above the average level of the adjoining ground.

BILLBOARD – See "Sign."

BLOCK – A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of municipalities.

BOARD – The Zoning Hearing Board established by this Chapter.

BREW-PUB – An establishment that brews a limited amount of beer and/or cider, with less production than that of a micro-brewery, and sells at least twenty-five (25) percent of the product on site. In addition to the brewed product, the establishment may also sell other alcoholic beverages and food as a secondary focus.

BUFFER YARD – An area of land which may include natural or artificial land forms, a planted area with shrubs, bushes, trees, grass or other ground cover material or a structure such as a fence or wall, which provides a compact visual screen in order to separate and protect adjacent properties with differing uses.

BUILDING – Any covered structure that is permanently affixed to the land including all manufactured homes and trailers used for human occupancy.

BUILDING AREA – The area of the lot within the building lines, bounded by the required yards; where there is no required yard, then bounded by the lot line.

BUILDING LINE – A line which designates the minimum distance that a building must be erected from a property line. For the front building line, such distance shall be measured at right angles from the front street right-of-way which abuts the property upon which said building is located and be parallel to said right-of-way line. The building line shall not include steps.

BUILDING MATERIALS SALES – A lot, structure or building used for office space and the permanent storage of goods, materials or machinery generally used in construction, which includes the sale of supplies but not the sale of heavy equipment.

BUILDING SPACING – The minimum distance between two (2) buildings. The building spacing shall be measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters, provided these exceptions do not encroach more than two (2) feet.

BUSINESS, PROFESSIONAL OFFICE – The office of an engineer, doctor, dentist, attorney, real estate or insurance broker, architect or other similar professional person; and any office used primarily for accounting, correspondence, research, writing, editing or business administration. Not included in this definition are banks and other financial institutions.

CALL CENTER – A facility used for receiving or transmitting a large volume of requests by telephone. The facility is operated by a company to administer incoming product support or information enquires from consumers or for telemarketing, solicitation of charitable or political donations, debt collection and market research.

CAR WASH – A structure, or portion thereof, either fully or partially enclosed, where one (1) or more vehicles may be washed using mechanized equipment or by self-service.

CELLAR – A story partly underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

CEMETERY – A burial place or graveyard for human remains, including mausoleum, crematory or columbarium.

CERTIFIED MEDICAL USE – The acquisition, possession or use of medical marijuana by a patient for use as part of treating the patient’s serious medical condition, as authorized by certification by the Commonwealth.

CHURCH – See "place of assembly/worship."

CITY – The City of Duquesne, Allegheny County, Pennsylvania.

CLEAR SIGHT TRIANGLE – The unobstructed sight along both roads or driveways at an intersection and across their included corner for distances sufficient to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision. The minimum sight triangle may vary according to type of street and speed limit. Sight distance along the street shall be measured at the height of the driver's eye, which is assumed to be three and seventy-five hundredths (3.75) feet above the road surface.

CLUB – An association organized and operated not for profit for persons who are bona fide members paying annual dues, and which owns, hires or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting.

COAL BLENDING AND HANDLING FACILITY – A facility in which coal is mixed, washed of soil and rock, crushed it into graded-sized chunks, prepared for transportation and loaded into rail cards or barges or similar vessels.

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

COMMUNICATIONS EQUIPMENT BUILDING – An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than two-hundred fifty (250) square feet.

COMMUNICATIONS TOWER – A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

COMMUNITY GARDEN – An area of land managed and maintained by a group of individuals to grow and harvest agriculture products and/or nonfood, ornamental agriculture products, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be used collectively by members of the group and may include common areas maintained and used by group members. No retail sales shall be permitted to occur on the lot where a community garden exists.

CONDITIONAL USE – A use permitted in a particular zoning district pursuant to the provisions in Article IV of this Chapter.

CONSTRUCTION – The construction, reconstruction, renovation, repair, extension, expansion,

alteration or relocation of a building or structure, including the placement of manufactured homes.

CONSTRUCTION TRAILER – A vehicle with or without its own motive power and used for a temporary field office or storage purposes at a construction site.

CONTRACTOR'S OFFICE/SHOWROOM – A room or group of rooms used for conducting business affairs that does not use any exterior storage area.

CONVENIENCE MARKET – A retail establishment selling food, health and beauty aids and similar convenience items in association with the retail sale of gasoline.

CORNER LOT – See "Lot, Corner."

COUNCIL – Council of the City of Duquesne.

COUNTY – Allegheny County, Pennsylvania.

COUNTY PLANNING AGENCY – Allegheny County Economic Development (ACED) as assigned by the Allegheny County Council.

CUSTOMARY RESIDENTIAL ACCESSORY USES – Land uses which are not the principal structure of a residential which may be, but not limited to, a garage, storage shed, carport and the like.

DAY – Measured by calendar days wherever a time period is stipulated in this Chapter.

DAY CARE CENTER, ADULT – A facility providing care for less than twenty-four (24) consecutive hours for three (3) or more adults who are not relatives of the operator and who because of physical or mental infirmity require assistance to meet personal needs, but who do not require nursing care.

DAY CARE CENTER, CHILD – A facility providing care, supervision and/or instruction for six (6) or more children for a period of less than twenty-four (24) hours and licensed to operate as such by the Pennsylvania Department of Public Welfare.

DAY CARE HOME, FAMILY – The care and supervision, for payment and for a period of less than twenty-four (24) consecutive hours, of not more than six (6) children who are unrelated to the occupant of the dwelling. Such home shall be registered by the State Department of Public Welfare.

DAY CARE HOME, GROUP – The care and supervision, for payment and for a period of less than twenty-four (24) consecutive hours, of up to eleven (11) children who are unrelated to the occupant of the dwelling. Such home shall be licensed by the Department of Public Welfare.

DECISION – Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the Allegheny County.

DENTAL OFFICE – A facility that specializes in dental practices where patients are not kept overnight.

DETERMINATION – Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The City Council;
- B. The Zoning Hearing Board; or
- C. The Planning Commission, only if and to the extent the Planning Commission is charged with a final decision on preliminary or final plans under Chapter 22, Subdivision and Land Development. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPMENT – Any change to real estate including, but not limited to, the erection, construction or placement of a structure or building, utilities, streets, parking and loading areas or other paved surfaces, filling, grading, excavation, mining, drilling or dredging operations; the placement of mobile homes; and the subdivision of land.

DEVELOPER – Any landowner, agent of such landowner or tenant with the permission of such landowner, who undertakes a development.

DRIVE-THRU FACILITY – A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

DRY CLEANING PLANT/COMMERCIAL LAUNDRY – A facility used for the cleaning of fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents.

DUPLEX – See "dwelling, two-family."

DWELLING – Any building or portion thereof which is designated or used for residential purposes.

MULTI-FAMILY DWELLING – A residential building containing three (3) or more separate dwelling units.

SINGLE-FAMILY DWELLING – A detached residential dwelling unit occupied by only one (1) family.

TOWNHOUSE DWELLING – A structure consisting of a series from three (3) to six (6) attached dwelling units, separated from one another by continuous vertical walls without opening from basement to roof. The term shall include "rowhouse" and "attached dwelling."

TWO-FAMILY DWELLING – A detached building, other than a manufactured home, occupied by only two (2) families, independent of each other, with two (2) units either attached side by side or one (1) above the other.

DWELLING UNIT – One (1) or more rooms used for living, sleeping and eating purposes with fixed facilities arranged for occupancy by one (1) family or household.

EASEMENT – A grant of limited use of private land for a public or quasi-public purpose, and within which the grantor shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

EATING AND DRINKING ESTABLISHMENT – A place open to the general public for the sale and consumption on the premises of food and/or beverages, which includes restaurants (both fast-food and sit-down), cafes, bars, and taverns.

ELDERLY HOUSING – A building or portion thereof with units designed and reserved specifically for the occupancy by persons sixty-two (62) or more years of age.

ELECTRONIC NOTICE – Notice given by a municipality through the Internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

ENGINEER, CITY – A professional engineer licensed as such in the Commonwealth of Pennsylvania, and duly appointed as the Engineer for the City.

EXISTING USE or STRUCTURE – A use or structure in existence as of the effective date of this Chapter.

FAMILY – An individual or two (2) or more persons related by blood, marriage, adoption or foster relationship, or not more than five (5) unrelated persons, excluding domestic servants, living together as a single, permanent housekeeping unit.

FEMA – Federal Emergency Management Agency.

FENCE – Any structure constructed of wood, metal, wire, mesh or masonry erected for the purpose of screening one (1) property from another to assure privacy, protection or confinement of the property.

FLOOR AREA – The aggregate of the horizontal areas of all rooms devoted to the principal use of the premises.

FLOOR AREA, GROSS – See "Gross Floor Area."

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

FRONT YARD – See "Yard, Front."

FUEL SERVICE STATION – Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including retail sales of motor vehicle accessories, which shall not include major repairing, body and fender work, painting, vehicular sales, nor rental facilities or automatic car washes.

FUNERAL HOME – An establishment which prepares the remains of deceased humans for burial and cremation. This use may also conduct funeral services.

GARAGE – A fully enclosed building for the storage of motor vehicles, not including buildings in which fuel is sold, or repair or other service is performed.

GOVERNING BODY – The Council of the City of Duquesne, Allegheny County, Pennsylvania.

GRADE – A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

GREENHOUSE – The indoor raising of plants, shrubs or trees for sale and transplantation.

GROSS FLOOR AREA – The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior wall or from the center line of walls separating two (2) buildings. For the purpose of determining permissible size and off-street parking and loading requirements, "floor area" shall include:

- (1) floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks or closets;
- (2) any basement floor area devoted to retailing activities; and
- (3) floor areas devoted to the production or processing of goods or to business or professional offices. For this purpose, floor area shall not include space devoted primarily to storage purposes (except as noted above), off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than are devoted to retailing activities, the production or processing of goods, or business or professional offices.

GROSS LEASABLE AREA – The gross floor area that is designed for tenants' occupancy and exclusive use.

GROUP CARE FACILITY – See “GROUP RESIDENCE FACILITY.”

GROUP RESIDENCE FACILITY – An establishment that provides room and board to persons who receive supervised, specialized services related to their health, age, social and/or rehabilitation requirements, provided by a governmental agency, agents who are licensed or certified by a government agency or any other responsible social service entity, person or persons.

HEIGHT, COMMUNICATIONS TOWER – The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

HEIGHT, MAXIMUM – The vertical distance measured from the mean level of the ground adjacent to the structure to the point midway between the highest and lowest point of the roof, but not including chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures,

ventilators, skylights, water tanks and similar roof structures required to operate and maintain the building on which they are located.

HOME-BASED BUSINESS, NO IMPACT – 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:

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

See also the MPC, as amended.

HOME OCCUPATION – An occupation conducted in a dwelling unit solely by members of the family residing on the premises, provided such occupation shall be clearly incidental and subordinate to the unit's residential purpose and shall be conducted entirely within the principal residential structure.

HOSPITAL – An institution licensed by the Commonwealth providing acute medical or surgical care and treatment for the sick and injured.

HOTEL/MOTEL/INN – A building or group of buildings containing rooms which provide sleeping accommodations for transient guests on a daily or weekly basis and may include food service and similar accessory services available to both guests and the general public. The term shall include motor hotel, motor inn, motor lodge, tourist court, inn and similar uses.

INDUSTRIAL – See "Manufacturing."

INDUSTRIAL DISTRICT – For the purpose of this Chapter, the “Industrial District” refers to the M-1 General Manufacturing District.

INSTITUTIONAL CARE FACILITY – A facility for persons who are residents by virtue of requiring a planned program of health, social and/or rehabilitative care and administrative management, supervised on a continuous twenty-four (24) hour basis. This category shall include facilities licensed by the State as a skilled or intermediate care facility but shall not include any facilities operated by or under the jurisdiction of any government bureau of corrections or for persons receiving care for an addiction to alcohol, drugs or other controlled substances.

INTERIM USES DURING REDEVELOPMENT – A temporary use of property approved by City Council which does not exceed more than five (5) years.

JUNKED OR SALVAGED BOATS – A boat that is inoperable and which, by virtue of its condition, cannot be economically restore to operable condition.

JUNKYARD – See "salvage yard."

KENNEL – The keeping of four (4) or more dogs or cats that are at least four (4) months in age for breeding, training, selling or boarding for a fee.

LAKES and PONDS – Natural or artificial bodies of water which retain water year-round. A lake is a body of water of two (2) or more acres. A pond is a body of water of less than two (2) acres. Artificial ponds may be created by dams or may result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than from the permanent pool in the event of any difference.

LAND DEVELOPMENT – Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with Section 503(1.1) of the MPC.

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

LIVE-WORK UNIT – A building unit or series of vertically-divided, attached units which are both the residence and place of business for the occupying tenant, with the business establishment located on the ground floor and/or basement and the dwelling quarters located on the upper floors.

LOADING SPACE, OFF-STREET – An off-street space conveniently located, accessible and properly designed for the temporary use by vehicles making bulk pickups or deliveries of merchandise or materials.

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

LOT, CORNER – A lot located at the intersection of two (2) or more 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 one hundred thirty-five (135) degrees.

LOT, INTERIOR – A lot, other than a corner lot, with frontage on only one (1) street.

LOT, THROUGH – A lot with frontage on two (2) parallel, or approximately parallel, streets, and which is not a corner lot; may also be referred to as a "double frontage lot."

LOT AREA – The area contained within the boundary lines of a lot.

LOT AREA PER DWELLING UNIT – The quotient obtained by the dividing the total lot area by the total number of dwelling units to be located on such lot.

LOT COVERAGE – That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding protecting roof eaves.

LOT LINE, FRONT – A street right-of-way line forming the boundary of a lot.

LOT LINE, REAR – The lot line that is most distance from, and is, or is most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot lines shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front line. If a zoning lot has two (2) or more front lot lines, the owner or developer shall designate the yard which is to be the rear yard.

LOT LINE, SIDE – A lot line which is neither a front lot line nor a rear lot line.

LOT OF RECORD – A lot which individually or as part of a subdivision has been recorded with the Allegheny County Department of Real Estate.

LOT WIDTH – The distance between the side lot lines measured at right angles to the lot depth at the established front building line.

MAILED NOTICE – Notice given by the City by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MANUFACTURING ACTIVITY – A business establishment or facility engaged in the mechanical or chemical transformation of materials or substances into new products, or engaged in assembling component parts of manufactured products if the new product is neither a structure nor other fixed improvement.

MANUFACTURING ACTIVITY, AUTHORIZED SIC – A facility engaged in the processing, fabrication or assembly of specific products authorized by the City of Duquesne and classified through the Standard Industrial Classification (SIC) system. Only manufacturing activities indicated in Table 300-1: AUTHORIZED USES BY A ZONING DISTRICT shall be permitted.

MARINA/BOAT DOCK – A facility for secure mooring, berthing, store and securing of boats. This facility may include minor boat repair and the sale of marine equipment sales and may also be a location for promotional events.

MARINA SALES AND SERVICES – A business establishment specializing in marine retail sales and service use in which fuel for boats is sold, and where accessory uses including but not limited to towing or minor vessel repair may also be provided.

MEDICAL CLINIC – A facility operated by one (1) or more physicians, practitioners or other licensed healthcare professionals for the examination and treatment of patients with medical problems on an out-patient basis. The medical services of the facility shall require a stay of less than twenty-four (24) hours.

MEDICAL OFFICE – A facility for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions. Such facility shall not be licensed by the State as an outpatient provider facility.

MEDICAL OR DENTAL LABORATORY – Medical laboratories provide analytical or diagnostic services to the medical profession or patients on a prescription basis. Dental laboratories are engaged in making dentures, artificial teeth and orthodontic appliances to order for the dental profession.

MEDICAL MARIJUANA – Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16 of 2016, and any subsequent amendments thereto.

MEDICAL MARIJUANA DISPENSERY – A person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health of the Commonwealth of Pennsylvania to dispense medical marijuana, or as otherwise defined in any subsequent amendments to the Medical Marijuana Act, Act 16 of 2016.

MEDICAL MARIJUANA GROWER/PROCESSOR – The use of the premises by a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to grow and process medical marijuana, or as otherwise defined in any subsequent amendments to the Medical Marijuana Act, Act 16 of 2016.

METHADONE TREATMENT FACILITY – Facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons. See also: “MEDICAL CLINIC.”

MICRO-BREWERY – An establishment where beer, cider, ale, etc. are brewed, and at least seventy-five (75) percent of the product is sold off-site. The maximum brewing capacity shall not exceed fifteen thousand (15,000) gallons per year.

MINERAL EXTRACTION – Any extraction of any mineral for sale or other commercial purpose that involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. Mineral extraction includes mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mine openings.

MINERALS – Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MINI-WAREHOUSE – A building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods or wares. No sales, service or repair activities other than the rental of dead storage units is permitted on the premises.

MIXED USE or OCCUPANCY – The conduct or carrying on of two (2) or more uses in one (1) building or on one (1) zoning lot.

MOBILE HOME – A transportable, single-family dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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, and constructed so that it may be used with or without a permanent foundation.

MOBILE HOME LOT – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is sold or leased by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK – A parcel (or contiguous parcels) of land which has been planned for the placement of two (2) or more mobile homes.

MODULAR UNIT – A unit transported on a removable or non-removable frame, in which some or all of the component parts are fabricated, formed or assembled off-site in a factory, transported to the site for assembly and installed on the building site. The term includes "module," "prefab," "factory-built," "panel-built," and similar terms. The completed unit shall comply with building code standards for conventionally constructed units; the modular-unit is considered real property.

MUNICIPALITIES PLANNING CODE (MPC) – The Pennsylvania Municipalities Planning Code (MPC; Act of 1968, P.L.805, No.247 as reenacted and amended).

NONCONFORMING BUILDING or STRUCTURE – A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or prior to the application of this Chapter or amendment to its

location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING LOT OF RECORD – An undeveloped lot which does not comply with the applicable provisions contained in this Chapter, or any amendment to it, but which was a legally recorded lot prior to the enactment of this Chapter or any amendment to it.

NONCONFORMING USE – A use, whether of land or of structure, which does not comply with the applicable use provisions in a Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such Ordinance or amendment, or prior to the application of such Ordinance or amendment to its location by reason of annexation.

NURSERY, RETAIL – A business establishment specializing in the handling of any article, substance or commodity related to the planting, maintenance or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the customer.

OIL AND GAS DRILLING AND PRODUCTION – The removal of oil and gas resources from the ground by means of drilling, as defined herein, in accordance with a valid permit issued by the Pennsylvania Department of Environmental Protection (PaDEP) under the provisions of the PA Oil and Gas Act (58 P.S. §601.101-§602.605), as now or hereafter amended.

OUTDOOR STORAGE OF MATERIALS – The storage of building materials and or equipment for a period greater than twenty-four (24) hours, including items for sale or lease not enclosed in a building.

OUTDOOR DINING – A dining area with seats and/or tables located outdoors of a restaurant, cafe, or other food service establishment and which is contiguous to said eating and drinking establishment.

PA DEP – The Pennsylvania Department of Environmental Protection.

PA DOT (PennDOT) – The Pennsylvania Department of Transportation.

PARKING FACILITY, PUBLIC – A structure/building that provides parking spaces available to the public, with or without the payment of a fee.

PARKING LOT – Any lot, parcel or yard used regularly in whole or part for the storage or parking or more than two (2) vehicles where such usage is not incidental to or in conjunction with a one (1) or two (2) family home.

PATIO – A roofless space, attached to or adjacent to a main or accessory structure which is used for outdoor leisure activities.

PAWN SHOP – A store which offers loans in exchange for personal property as equivalent collateral. If the loan is repaid in the contractually agreed time frame, the collateral may be repurchased at its initial price plus interest. If the loan cannot be repaid on time, the collateral may be liquidated by the pawn shop through a pawnbroker or secondhand dealer through sales to

customers.

PERSON – An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PERSONAL CARE HOME – A residential facility, operated for profit or otherwise, providing food, shelter and personal assistance or supervision for more than three (3) adults who are not relatives of the operator and who require assistance or supervision in daily routine activities such as bathing, dressing, diet or the taking of medication prescribed for self-administration, or as otherwise defined by the Commonwealth of Pennsylvania. For the purpose of this Ordinance, this term also includes “elderly housing,” as defined by this Ordinance, and “assisted living residence,” as defined by the Commonwealth of Pennsylvania.

PERSONAL SERVICE BUSINESS – Establishment providing services generally involving the care of the person or his/her apparel such as laundries, dry cleaning shops, barber/beauty shops, photographic studios, shoe repair and similar services. Such businesses typically serve only a local market area.

PHOTO AND FILM PROCESSING FACILITY – A business establishment or facility primarily engaged in the on-site development of film and photographs, and may also engage in the retail sale, lease, and service of photography and film equipment and supplies.

PLACE OF ASSEMBLY/WORSHIP – A building and/or lot that is designed for a not-for-profit assembly or collection of persons, for civic, political, educational, social or religious purposes, and where recreation, amusement, dining, or religious worship may occur as accessory activities. A place of assembly does not include a private club.

PLANNING COMMISSION – The Planning Commission of the City of Duquesne, Allegheny County, Pennsylvania.

PORCH – A roofed, open structure projecting from the front, side or rear wall of a building, and having no enclosed feature of glass, wood or other material more than thirty (30) inches above the floor thereof, except awning or screening or the necessary columns to support the roof.

PRE-FABRICATION FACILITY – A facility in which the assembly of the components of a structure takes place, and where the assembled or semi-assembled structure is then transported off-site to the site where the structure is to be located.

PRINCIPAL BUILDING – A building or buildings in which is conducted the main or principal use of the lot on which the building is situated.

PRINCIPAL USE – The main use of land or structures as distinguished from the subordinate or accessory use.

PRINTING AND PUBLISHING FACILITY – A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, oversized plotting, screen printing, and including offset printing.

PRIVATE – Of or pertaining to any building, structure, use or activity limited to members of an organization or to other persons specifically invited or permitted where no advertisement or inducement has been made to the general public.

PRIVATE CLUB – A building in which members of a community or association may gather for social, educational, or cultural activities.

PROFESSIONAL CONSULTANTS – Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PUBLIC – Of or pertaining to any building, structure, use or activity belonging to, or affecting, any duly authorized government body.

PUBLIC BUILDING or USE – Building or facility operated by a governmental agency or philanthropic organization, where administrative activities are conducted or social or educational services are provided to the general public. Such uses shall include, but are not limited to, a municipal building, library, community center, museum, or similar use/facility, excluding a school or recreational facility as defined by this Chapter.

PUBLIC/ESSENTIAL SERVICES – Underground or overhead gas, electrical, steam, water or communication transmission, distribution, collection, supply or disposal systems and their required buildings and fire or emergency service stations, which are owned and operated by a governmental agency or entity regulated and/or licensed by the Pennsylvania Public Utility Commission (PUC). Public/essential services do not include public or private incinerators, landfills or similar waste disposal facilities, whether or not owned or operated by a government or PUC-regulated entity.

PUBLIC HEARING – A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

PUBLIC NOTICE – Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the City. 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC PARKING FACILITY – A garage or a paved, open off-street area other than a driveway or street with adequate means of access and used exclusively for the parking of vehicles of visitors of the lot and/or area.

PUBLIC TRANSPORTATION FACILITY – An area of land dedicated to public transportation uses, such as storage and maintenance garages, passenger structures and rights-of-ways reserved specifically for public transportation systems.

PUBLIC UTILITY TRANSMISSION TOWER – A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and

used to support overhead electricity transmission lines.

RAILROAD – A carrier of person or property operated upon rails placed principally on a private right-of-way.

RAILROAD FACILITY – An area of land, a portion of which is covered by a system of tracks, that provides for the making up of trains by one (1) or more railroads or private industry concerns. Such a facility may consist of railroad yards, terminals, stations, loading/unloading areas, short-term storage of freight, operational structures and other railroad-related appurtenances. Necessary functions of a railyard include but are not limited to the classifying, switching, consolidating, moving, repairing, weighing, or transferring of cars, trains, engines, locomotives and rolling stock.

RAILROAD TERMINAL – A heavy rail facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or shipping transport.

RECREATION, COMMERCIAL – Land or buildings for the pursuit of sports and similar indoor or outdoor leisure time activities which are operated on a commercial, for-profit basis. Examples of uses in this category include bowling alleys, physical fitness and sports clubs, public golf courses, amusement parks, amusement arcades.

RECREATIONAL FACILITY, COMMERCIAL – A business establishment whose main purpose is to provide to the general public amusing or entertaining activities and where tickets are sold or fees are collected for the activity. Includes, but not limited to, skating rinks, water slides, miniature golf courses, arcades, bowling alleys and billboard halls.

RECREATIONAL FACILITY, PUBLIC or NONPROFIT – Land or buildings for the pursuit of sports and similar leisure time activities such as parks, swimming pools, tennis courts or ball fields, which are operated by a governmental or nonprofit organization. Excluded are any amusement establishments or other recreational facilities of a commercial nature.

RECYCLING FACILITY – A facility in which recyclable materials only is collected, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.

REPORT – Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the Applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESEARCH/DEVELOPMENT FACILITY – A use devoted to research design laboratory work and/or experimentation and any processing and fabrication incidental thereto, provided no materials or finished products shall be manufactured, processed or fabricated on the premises for sale except such as are incidental to said laboratory research, design and/or experimentation

conducted on said premises.

RESIDENTIAL CONVERSION – The changing of a building from its current or previous use into a residential use, such as the conversion of a commercial or institutional building into a single- or multi-family residential use, or the conversion of a large single-family dwelling into two (2) or more dwellings.

RESIDENTIAL USE – A use which is strictly residential in nature.

RESTAURANT – See "eating and drinking establishment."

RESTAURANT, FAST-FOOD – An establishment whose primary business is the sale of food and/or beverages to customers in a ready-to-consume state for consumption: (1) within the restaurant building; (2) within a motor vehicle parked on the premises; or (3) off the premises as carry out orders, and whose primary method of operation includes the following characteristics: food and/ or beverages are usually in edible containers or in paper, plastic or other disposable containers.

RESTAURANT, SIT-DOWN – An establishment whose principal business is the sale of foods, desserts or beverages to customers in a ready-to-eat state and whose design or principal method of operation includes either customers served at a counter or table by the restaurant's employees or a cafeteria-type operation where foods are consumed within the restaurant.

RETAIL BUSINESS – Commercial establishments engaged in selling merchandise directly to customers for personal or household consumption and rendering services incidental to the sale of goods. For the purpose of this Chapter, the following uses are excluded from the category: eating and drinking establishments; retail sales of building materials (except hardware, paint and wallpaper), lawn and garden supplies, automobiles, boats, mobile homes, recreational vehicles and other vehicles (except bicycles), gasoline and other fuels.

RIVER BARGE FACILITY – A barge site along a body of water designed for the loading and unloading of freight such as coal, finished steel, grain, aggregate or similar material. Such a facility may include docks, piers, conveyers, or related appurtenances for the loading and unloading of materials/freight, storage for materials/freight, operational structures and equipment.

SALVAGE YARD – Any area where scrap metal, paper, rags, tires and other waste and/or used materials (except tires) are bought, sold, exchanged, stored, bailed, packaged, disassembled or handled; or where inoperable machinery or motor vehicles are collected, dismantled, stored or sold for parts. Any use conducted entirely within an enclosed building is not a salvage yard.

SCHOOL – A place of instruction operated by a public, private, nonprofit or religious organization, having regular sessions, with regularly employed instructors and meeting all the requirements of the Pennsylvania Department of Education for providing primary, secondary, vocational or post-secondary education. This definition shall not include privately operated, for-profit schools of trade, vocation, avocation or business.

SCHOOL, COMMERCIAL – An educational institute or facility that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined

below) that may, or may not, be operated as a gainful business by some person or organization other than the public school district. Examples include, but are not limited to, ballet, karate, painting, photography, computer training, and dance schools.

SCHOOL, PRIVATE – An school that is established, conducted, and primarily supported by a nongovernmental agency and that is not operated as a gainful business.

SCREEN – Decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation.

SERVICE BUSINESS – Commercial establishments providing a wide variety of services for individuals, businesses, and other public and private organizations. For the purposes of this Chapter, the following uses are excluded from this category: funeral homes/mortuaries; hotels/motels/inns, rooming houses, camps or other lodging places; dry cleaning and carpet cleaning plants; vehicular repair services; theaters; commercial recreation and amusement services; research, development and testing services; nursing and personal care homes; hospitals; medical and dental laboratories; schools; and day care centers.

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

SHOPPING CENTER – A group of commercial businesses developed as a single entity and sharing a common parking lot.

SIGN – A structure that is arranged, intended, designed or used to advertise, announce or direct; or any device, illustration, description or identification posted, painted, or placed in some fashion on a building, structure or any surface for such a purpose. For the purpose of removal, signs shall also include all sign structures.

AMUSEMENT PARK SIGN – Any sign which is located within an amusement park. An amusement park sign may also qualify as another type of sign, such as a freestanding sign.

AWNING, CANOPY SIGN – A sign consisting of individual cut-out letters and/or symbols which are painted, stenciled or otherwise placed on a non-permanent awning or canopy.

BILLBOARD – A sign, other than one indicating a business conducted on the premises, upon which advertising matter of any character is printed, posted or lettered; it may be either freestanding or attached to the surface of a building or other structure, or applied directly to the surface.

BUSINESS SIGN – A sign which directs attention to a business, profession or industry conducted, or products sold or manufactured, on the same premises as the sign.

FLASHING/ANIMATED SIGN – Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times.

FREE STANDING SIGN – A sign erected on a free-standing frame, mast or poles and not attached to any building. Also known as a ground or detached sign.

IDENTIFICATION SIGN – A sign indicating only the name of the individual or organization occupying the premises; the profession of the occupant; or the name and/ or address of the building or management thereof.

MARQUEE SIGN – A sign placed on or under the edge of any canopy of permanent construction projecting from the wall of a building.

OFF-LOT DIRECTIONAL SIGN – A sign which conveys instructions or directions to a business, commodity, service conducted, sold or offered elsewhere than on the premises where the sign is displayed.

ONLOT DIRECTIONAL SIGN – A sign which conveys instructions or directions with respect to the use of the lot or building on which the sign is located including, but not limited to, signs which indicate street addresses and the availability of parking, telephones, rest rooms and other conveniences for the general public.

OUTDOOR ADVERTISING SIGN – See "billboard."

PROJECTING SIGN – A sign supported by a building wall and/ or roof attached along one (1) edge by a bracket, perpendicular to the wall surface or hung from a support attached to a building wall, projecting no more than six (6) feet.

WALL SIGN – A sign attached to or erected against a wall of a building with the face horizontally parallel to the building wall. It may be either a box-type sign or individual cut-out letters.

WINDOW GRAPHIC SIGN – A sign which is painted permanently on or similarly applied to the inside or outside of a window.

SIGN AREA – The area defined by the frame or edge of a sign, excluding the necessary supports or uprights on which the sign may be placed. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four (4) sided (straight sides) geometric shape which most closely outlines the copy of letters of the said sign. If the sign consists of more than one (1) section or module, all areas shall be totaled.

SIGN, TEMPORARY – A sign, the purpose of which is to identify or announce a short-term, temporary activity or use of a premises.

SINGLE-ROOM OCCUPANCY – A residential facility in which furnished rooms are rented on a weekly or monthly basis and which provides common facilities and services for laundry, cleaning, and meals.

SITE PLAN – A plan of a proposed development or use on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the City or prescribed by this Chapter.

SPECIAL DISTRICT – For the purposes of this Chapter, the terms “Special District” will refer to the City Center Development (CCD) District and all Overlays.

SPECIAL EXCEPTION – A use permitted in a particular zoning district pursuant to the

provisions of Article V.

START OF CONSTRUCTION – Construction shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water lines, or electrical or other service lines from the street.

STEPS – A construction or series of constructions placed for a foot support to effectuate the ascending or descending of a person or persons from one (1) level of elevation to another.

STORAGE – The placement of any material, supplies, vehicles or equipment at a given location for continuous periods of time exceeding seventy-two (72) hours.

STORAGE SHED – A small accessory structure, either wholly or partially enclosed, serving for storage of tools, equipment, supplies or other similar materials for safekeeping.

STORY – A story is that part of a building between the surface of any floor and the next floor above it or, if there is no floor above it, then the space between any floor and the ceiling next above it.

STREET – Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or other way, whether public or private, used or intended to be used by vehicular or pedestrian traffic.

STREET LINE – The line defining the edge of the legal width of a dedicated-street right-of-way.

STRUCTURE – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

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

SWIMMING POOL – A body of water in an artificial or semi-artificial receptacle or other container, whether located in or out of doors, used as a recreational facility for swimming, bathing or wading and having a depth of over twenty-four (24) inches. A swimming pool shall be deemed to include all buildings, equipment and appurtenances incidental to such a pool.

TATTOO PARLOR – A business providing tattoo and/or piercing services and licensed to operate as such by applicable entities.

TEMPORARY STRUCTURE or USE – Any structure or use which, by the type of materials, construction or intended purpose, is erected or located for not more than one (1) year. Included are tents, stands, construction trailers and other structures or uses of similar character.

TESTING LABORATORY – Establishments providing testing services (other than medical and diagnostic) such as assaying services, engineering and product testing.

THEATER – A business establishment or part of a building devoted to showing motion pictures or for dramatic, dance, musical or other live performances.

TRAFFIC STUDY – An analytical and informational document professionally prepared by a licensed professional traffic engineer or civil engineer in connection with a specific proposed land use application that forecasts, describes, and suggests ways of off-setting the traffic effects of the proposed new activities within a geographic area.

TRAILER – A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes having a body width not exceeding eight (8) feet.

TRUCK TERMINAL – A facility for the receipt, transfer, short-term storage and dispatching of goods transported by truck.

USE – The specific purpose of which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE – A departure from the specific regulations of this Chapter that may be granted by the Zoning Hearing Board pursuant to Article IX of this Chapter and the provisions of Articles VI and IX of the MPC for a particular piece of property that, because of special circumstances applicable to it, cannot be developed in compliance with the literal terms of this Chapter without undue physical hardship.

VEHICULAR REPAIR GARAGE – Any building or premises where vehicle repairs take place. This includes rebuilding or major reconditioning of work or damaged motor vehicles or trailers or any parts thereof, collision service, painting and engine steam cleaning.

VENDING MACHINE – A coin-operated device which dispenses a product or service without an attendant.

VETERINARY CLINIC or OFFICE or HOSPITAL – A business establishment maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases limited to domestic animals wherein overnight care is prohibited except when necessary in the medical treatment of the animal.

WAREHOUSE – A building where wares or goods are stored before distribution to retailers or are kept in reserve or bond.

WHOLESALE BUSINESS – A business establishment that is primarily engaged in selling merchandise to retailers; to industrial, commercial, instructional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

YARD – An open space on a lot which is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. (See illustrations.)

YARD, FRONT – A yard extending along the full width of a front lot line and back to the required building line. On corner and through lots, front yards shall be provided along all street frontages.

YARD, REAR – The required open space extending from the rear of the main building to the rear lot line (not necessarily a street line) across the entire width of the lot.

YARD, SIDE – The required open space between the side (face) of any building and the side lot line, extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. In the case of a through lot, side yards shall extend from the rear line of the required front yard. On corner lots, one (1) yard not fronting on the two (2) streets shall be designated a side yard.

ZONING HEARING BOARD – The Zoning Hearing Board of the City of Duquesne.

ZONING OFFICER – The official designated to administer and enforce this Chapter.

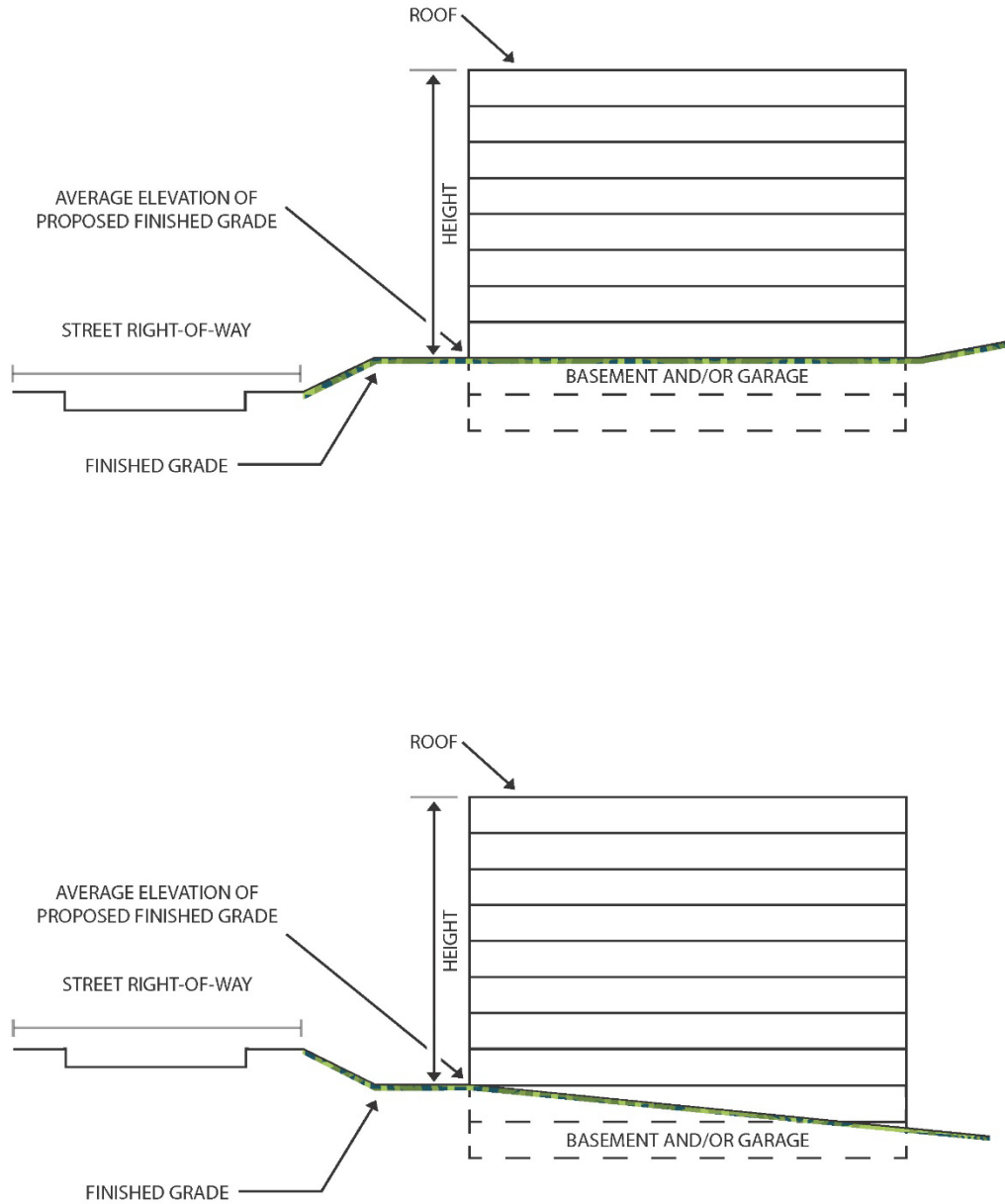


DIAGRAM 1 – BUILDING HEIGHT MEASUREMENT

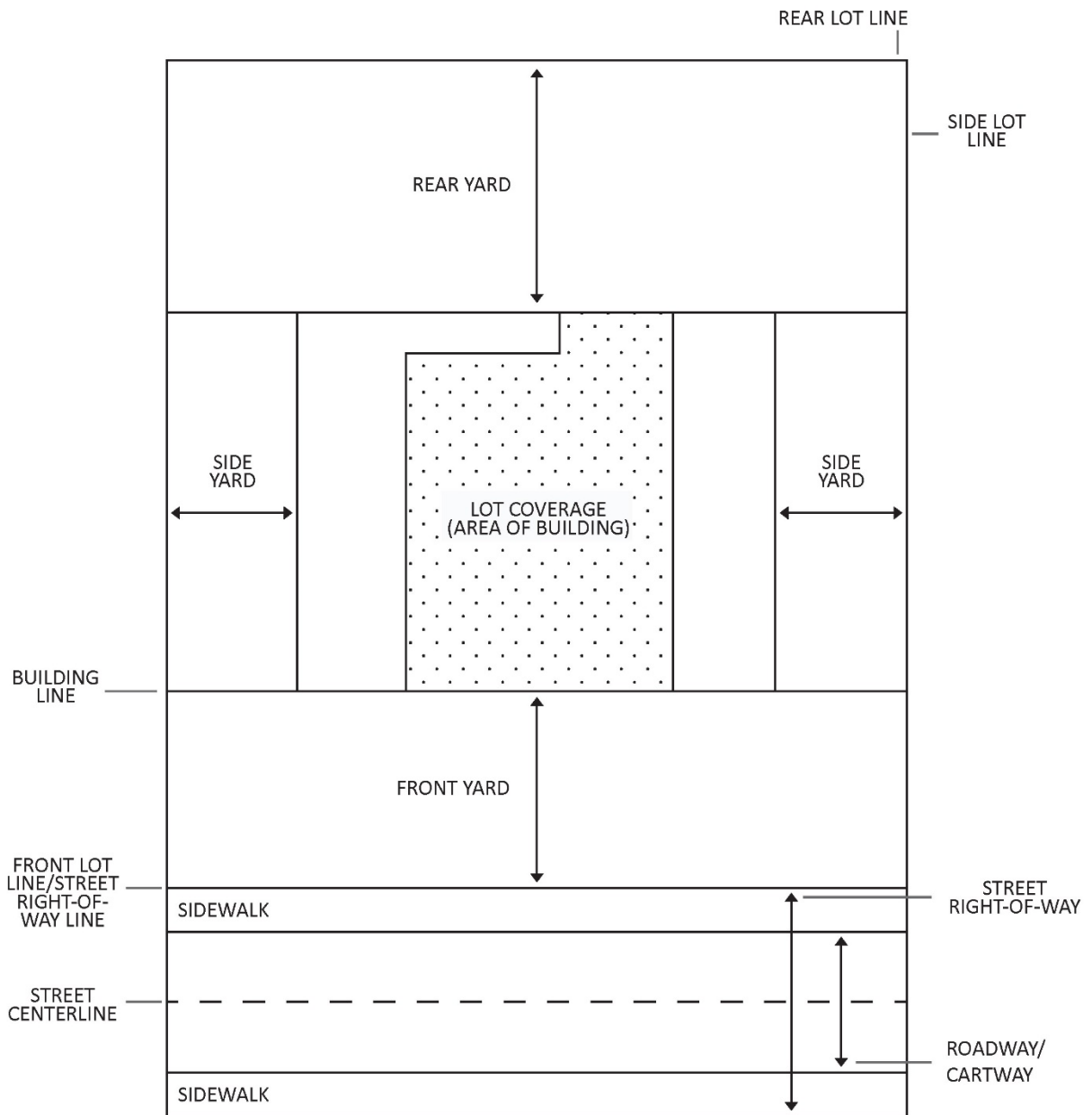


DIAGRAM 2 - AREA AND BULK REGULATION TERMS

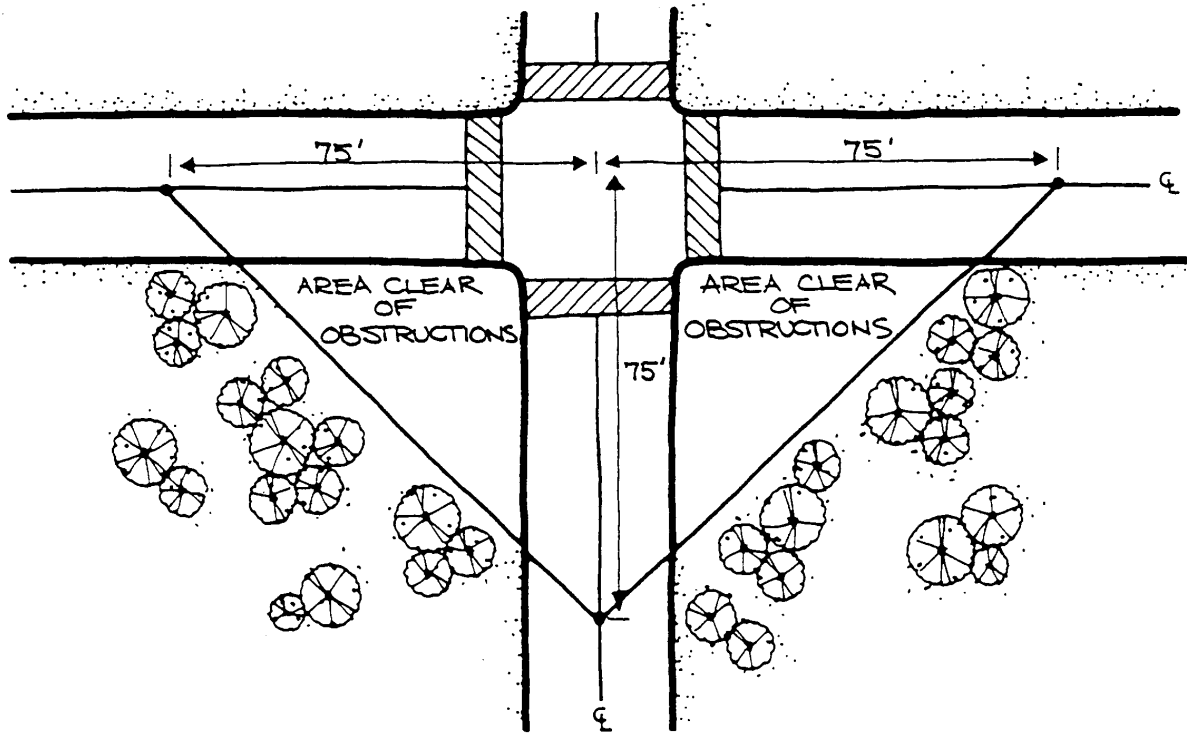


DIAGRAM 3 - CLEAR SIGHT TRIANGLE

This page intentionally left blank.

ARTICLE III - Schedule of District Regulations

§ 301. Establishment of District Classifications.

The City of Duquesne is hereby divided into the following zoning districts:

- A. Residential.
 - 1. R-1 – Single-Family Residential.
 - 2. R-2 – General Residential.
- B. Commercial.
 - 1. C-1 – Central Business District.
 - 2. C-2 – Planned Commercial.
 - 3. C-3 – General Commercial.
- C. Industrial.
 - 1. M-1 – General Manufacturing.
- D. Special.
 - 1. OZO – Opportunity Zone Overlay.
 - 2. LWO – Live-Work Overlay.
 - 3. CCD – City Center Development.

§ 302. Zoning District Map and Boundaries.

- A. Boundaries Established.
 - 1. The boundaries of the various zoning districts are hereby established on the map entitled "Official Zoning Map" on file in the office of the Zoning Officer. This map with all explanatory matter thereon is hereby made part of this Chapter. The Official Zoning Map shall be dated and signed by the City Clerk certifying that it is the true map adopted by City Council. All amendments shall be identified on the map and similarly certified.
 - 2. The boundaries between districts are, unless otherwise indicated, either the centerline of streets or such lines extended, or parallel lines thereto, or property lines or other physical boundaries and delineations. Where streets, property lines, or other physical boundaries and delineations are not applicable, boundaries shall be determined by the scale shown on the Official Zoning Map.

- B. Interpretation. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not specifically covered above, the Zoning Hearing Board shall interpret the district boundaries.
- C. Future Street Vacation. In the event that a street, alley or other way shown on the Zoning District Map is vacated, the property formerly in said street right-of-way shall be included within the zoning district of the adjoining property on either side of said vacated street or way. Where said street forms a zoning district boundary, the new district boundary shall be the new property line created by the former centerline of said vacated street.

§ 303. Statement of Purpose for Zoning Districts.

- A. R-1 Single-Family District. This district designates neighborhoods that typically contain single-family dwellings built on moderately sized lots. Other residentially related uses are also conditionally permitted, subject to certain compatibility standards.
- B. R-2 General Residential District. This district includes established neighborhoods which offer a variety of housing types. Special housing types, such as personal care homes, are conditionally permitted in this district along with other residentially related uses, subject to certain criteria.
- C. C-1 Central Business District. This district encompasses the City's main business district and provides for a wide variety of retail and service commercial uses along with business, professional and governmental offices and other related business uses. Residential uses are also permitted, consistent with the established character of this district.
- D. C-2 Planned Commercial District. This district designates suitable areas in the City, usually abutting major thoroughfares, where larger shopping centers and similar planned commercial complexes may be located.
- E. C-3 General Commercial District. This district denotes areas along major roadways that are suitable for the development of highway oriented businesses which require convenient automobile and/or truck access and off-street parking and loading. Site design standards include provisions to avoid traffic congestion and assure that these areas will blend attractively with adjoining residential and business areas.
- F. M-1 General Manufacturing District. This district provides for a wide range of manufacturing and other industrial uses including rail, truck, public and other transportation services.
- G. OZO Opportunity Zone Overlay. This overlay zone relates to portions of the R-1 and R-2 districts and permits a selection of appropriately scaled commercial and light industrial land uses and requires appropriately scaled buffer yards to separate the light industrial from residential uses. This overlay encourages development that does not currently exist within the area.
- H. LWO Live-Work Overlay. This overlay zone's intent is to promote the redevelopment of

Second Street, as a corridor where on-premises business enterprises and residential living can occur simultaneously. Addressing this need is a reflection of a recommendation from the Joint Comprehensive Plan of the Cities of Duquesne and McKeesport.

- I. CCD City Center Development District. This overlay zone encompasses the site of the former U.S. Steel Duquesne Works. The long range objective is to redevelop this area into a compatible mix of manufacturing, light industrial, railroad and related uses so that it will once again be a major economic generator for the City and surrounding region. Standards for this district, in conjunction with those contained in the City's Subdivision and Land Development Ordinance [Chapter 22], encourage creative and high quality site planning and design while minimizing adverse environmental impacts. They also encourage recognition of the site's riverfront and improved public access to the riverfront for leisure-time activities.

§ 304. District Regulations.

- A. Authorized Uses. Except as provided by law or this Chapter, in each district a building, structure or lot shall be used or occupied only for the purposes specified in Table 300-1, "Authorized Uses by Zoning District," which follows and is hereby adopted by reference and declared to be a part of this Chapter.
 - 1. Uses listed in Table 300-1 as "permitted" are those authorized by right provided they comply with all applicable requirements contained in this Chapter.
 - 2. Uses listed in Table 300-1 as "conditional uses" are permitted in a zoning district subject to the provisions of Article IV of this Chapter and after receiving approval from City Council.
 - 3. Uses listed in Table 300-1 as "special exception uses" are permitted in a zoning district subject to the provisions of Article V of this Chapter and after receiving approval from the Zoning Hearing Board.
- B. Area and Dimensional Requirements. The area and dimensional standards which shall apply to permitted, conditional and special exception uses within each zoning district are set forth in Table 300-2, "Area and Dimensional Standards by Zoning District," which follows and is hereby adopted by reference and declared to be a part of this Chapter.

§ 305. Lot, Yard and Height Regulations and Exceptions.

- A. Required Lot Area.
 - 1. Any lot together with the required yards and open areas on it shall be equal to or exceed the minimum lot area established for the zoning district in which it is located. In case of a subdivision or combination of lots, no lot shall be created which does not meet the requirements of this Chapter.
 - 2. Any portion of a lot once designated as a yard or as a lot area per dwelling unit in compliance with the lot area requirements of this Chapter, shall not be counted again as a required yard or lot area per dwelling unit for another lot or building, nor shall it be sold as a separate lot.

3. Any portion of a lot which is recorded or otherwise reserved for future streets shall not be used as a factor in determining lot area per dwelling unit or yard dimensions.
- B. Access to Public Street. All lots shall have access either directly or via a driveway to a public street. Such driveway shall have a uniform width of not less than twelve (12) feet.
 - C. Front Yards on Corner Lots. Lots which abut on more than one (1) street shall provide the required front yards along every street.
 - D. Front Yard Exceptions. Where a dwelling is proposed to be built on a lot which is situated between two (2) lots on which the existing principal dwellings have maintained a lesser front yard setback since the enactment of this Chapter, then the front yard of the proposed dwelling may be reduced to the average of the front yard of the two (2) abutting structures. This exception shall not apply to townhouses or multi-family dwellings.
 - E. Projections into Required Yards. All structures, whether or not attached to the principal structure and whether open or enclosed, including porches, balconies or other platforms above normal grade level, shall not project into any minimum front, side or rear yard with the follow exceptions:
 1. A buttress, chimney, cornice, pier or pilaster which does not project more than eighteen (18) inches from the wall of a building may project into a required yard.
 2. Balconies or other above-ground platforms and access steps to a structure, not exceeding six (6) feet in width, may extend up to three (3) feet into a required yard.
 3. A porch may extend into a required yard provided it is located not closer than ten (10) feet to any side or rear lot line or fifteen (15) feet to the front lot line.
 4. A patio may be located in a required yard provided it is no closer than three (3) feet to any side or rear lot line or ten (10) feet to any front line.
 - F. Height Exceptions. Church spires and towers, water towers and tanks, utility poles and towers, copulas, penthouses, domes not for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, silos and necessary mechanical or ornamental appurtenances may exceed the maximum height for the zoning district in which they are located. However, the required side yards shall be increased one (1) foot for each five (5) feet over forty-five (45) feet in height.

§ 306. Additional Standards.

- A. Traffic, Off-street Parking and Loading.
 1. In each zoning district all uses shall provide off-street parking and/or loading spaces in accordance with the provisions of §608 and §609 of this Chapter.
 2. For any application for zoning approval, a traffic study may be required by the approval agent in accordance with the Subdivision/Land Development Ordinance [Chapter 22].

The study should compute the weekday peak morning hour (between 7-9 a.m.) and weekday peak afternoon hour (between 4-6 p.m.) average vehicle trips according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. As a condition of approval, the Applicant may be required to submit a program to minimize or eliminate any problems identified by the study.

B. Townhouse and Multi-family Developments.

1. Townhouse or multi-family developments with more than one (1) principal building shall be arranged so as to:
 - a. Ensure adequate light and air exposures for buildings with walls containing main window exposures or main entrances. In no case shall any structure be located closer than fifteen (15) feet to any other structure when having a side-to-side (wall), rear-to-side, or rear-to-rear orientation; or closer than twenty-five (25) feet when having a front-to-front, front-to-rear or front-to-side orientation.
 - b. Minimize exposure to concentrated loading or parking facilities.
 - c. Provide adequate access for emergency vehicles to all buildings as approved by the City Fire Chief.
2. Multi-family dwellings which are accessory to a commercial structure shall comply with the standards for conversions in §306(C).

C. Residential Conversions. Conversions of existing single- or two-family dwellings to multi-family dwellings shall comply with the following:

1. The existing lot shall comply with the minimum lot area/unit for multi-family dwellings in the zoning district.
2. Off-street parking requirements for multi-family dwellings shall be met. No off-street parking shall be permitted in a front yard; parking may be provided in a side or rear yard, provided it is visually screened from the street and adjacent properties (see §608).
3. No individual dwelling unit shall contain less than six hundred (600) square feet of floor area and shall include kitchen and bath facilities.
4. All units shall comply with applicable requirements of the Pennsylvania Department of Labor and Industry regulations.
5. No dwelling unit shall be located in a cellar which is wholly below grade.
6. All dwelling units shall have adequate light and air exposure.

D. Commercial Districts.

1. Unless otherwise authorized by this Chapter, all uses in C-1, C-2 and C-3 districts shall be conducted wholly within an enclosed building; in C-4 districts the outdoor storage of materials or equipment may be approved in a side or rear yard provided such area is

separated from any public street or abutting property by a minimum six (6) foot buffer yard. Temporary sale of merchandise in front of the premises may be permitted only as a seasonal sale or seasonal sidewalk sale, subject to the provisions of §610 of this Chapter.

2. Unless otherwise authorized by this Chapter, there shall be no manufacturing, compounding, processing or treating of products other than that which is clearly incidental and essential to the commercial store or business. Any items so manufactured on the premises shall be sold at retail on the premises only; transfer of such products for sale at other locations is prohibited.

E. Industrial, Special Districts.

1. Outdoor storage of materials, products or equipment may be maintained in a side or rear yard if such area is separated from any public street or abutting property by a minimum fifteen (15) foot buffer yard.
2. No building on an industrial property shall be used for residential purposes, except that a security guard or custodian may reside on the premises.
3. Any use in these districts shall be required to demonstrate that it complies with the performance standards of Article VII of this Chapter. City Council may deny approval of any propose used or activity, which is otherwise authorized by this Chapter, if the Applicant fails to demonstrate compliance with all applicable provisions of Article VII as well as applicable Federal, State or County laws or regulations.

F. Buffer Yards.

1. Purpose. A buffer yard is intended to separate land uses which differ in terms of visual, functional or operational characteristics and, therefore, may negatively impact one another.
2. Approval. For permitted uses, requirements for buffer yards shall be approved by the Planning Commission. For any conditional or special exception use, requirements for buffer yards shall be determined by City Council or the Zoning Hearing Board, as appropriate, as part of the special use approval.
3. Rules for Providing Buffer Yards.
 - a. Buffer yards will typically be required alongside and rear lot lines only. However, a buffer yard may be required at any location on the lot where the approving agent determines it necessary to achieve the purposes of this Section.
 - b. Buffer yards shall be in addition to the yard requirements otherwise applicable to the lot (see Table 300-2).
 - c. The developer of a use shall be responsible for providing the required buffer yard according to the following rules:
 - (1) If a use is proposed adjacent to an existing use or vacant land of a different zoning classification, the proposed use shall provide all of the required buffer

yard.

- (2) If two (2) uses are proposed for adjacent sites being developed at the same time, each shall provide half of the required buffer yard.
 - (3) If a use is proposed for a site which is a part of a larger area for which a land development plan has been approved, then the proposed use shall provide half of the buffer yard between it and the proposed uses shown adjacent to it on the approved plan.
4. General Standard. A buffer area shall provide a year-round visual screen and may consist of one (1) or a combination of the following:
- a. A mix of fifty (50) percent evergreen or evergreen-type hedges and fifty (50) percent shrubs and deciduous trees inter-planted with a variety and size, at the time of planting, that will attain a height of at least six (6) feet within three (3) years.
 - b. A natural or artificial land form or wooded area, provided such area is preserved from future development by easement, deed restriction, covenant or similar measure.
 - c. A fence or wall between five (5) and eight (8) feet in height with at least sixty (60) percent of the surface being opaque.
5. Buffer yards within the Live-Work Overlay.
- a. Within the LWO, any non-residential use shall provide a continuous buffer yard consisting of a non-chain link fence or wall between three (3) and five (5) feet in height with at least (60) percent of the surface being opaque that screens the front yards, excluding entry points. Fences or walls not located in the front yard may be chain-link. If the non-residential use is outdoor storage of materials, the fence height shall be no less than eight (8) feet in height. See also §605.C.4.
 - b. Any non-residential use that has a front yard which abuts N. 2nd Street must provide a continuous hedge at least three (3) feet in height along the portion of the fence or wall within the front yard, with the hedge facing the public right-of-way.
 - c. If a non-residential use abuts a residential use, the buffer yard shall also consist of a continuous hedge at least three (3) feet in height along the portion of the fence or wall within the side yards. The continuous hedge shall be located on the side of the fence or wall that faces the residential use.
6. Minimum Size. In establishing the minimum width or depth of a buffer yard, the following standards shall apply:

	<u>C-1, C-2, C-3</u>	<u>LWO</u>	<u>M-1, CCD, OZO</u>
R-1, R-2	6 ft.	10 ft.	20 ft.
C-1, C-2, C-3	-	10 ft.	10 ft.
M-1, CCD, OZO	15 ft.	10 ft.	10 ft.

7. Size Variations.
 - a. Where the Applicant proposes to use a fence or wall as part of the buffer yard, the minimum required width of the buffer yard may be reduced by twenty-five (25) percent provided the proposed fence and/or wall adequately accomplishes the purpose of this Section.
 - b. The approving body may authorize a modification in the otherwise applicable buffer area requirements where it determines that: (1) a greater buffer area, or an element thereof, is required to accomplish the purposes of this Chapter; or (2) the changes in elevation between abutting properties or other natural features exist such that they decrease or eliminate the need for the buffer area at the points where the buffer area is required by this Chapter.
8. Uses in Buffer Yards. No structure shall be permitted within a required buffer area (except an authorized fence, wall or sign), nor shall a buffer area be used for parking, loading, vehicular circulation, storage or any other purpose. A driveway providing direct access to the use may transverse the buffer yard.
9. Design and Maintenance. The design, construction and maintenance of a required buffer yard shall comply with the standards contained in the City Subdivision and Land Development Ordinance [Chapter 22].

(see Tables on the following pages)

Table 300-1: AUTHORIZED USES BY A ZONING DISTRICT

<u>Permitted Uses</u>	<u>Conditional Uses</u>	<u>Special Exceptions</u>
R-1 SINGLE-FAMILY RESIDENTIAL DISTRICTS		
Single-family dwelling Place of assembly/worship Customary residential accessory uses Forestry Home-based business, no-impact Communications Antennas	School Cemetery	Two-family dwelling Day care center, adult/child Public building or use Recreational facility, public or nonprofit Home occupation Public/essential services
R-2 GENERAL RESIDENTIAL DISTRICTS		
Single-family dwelling Two-family dwelling Multi-family dwelling (<10 units) Townhouse dwelling Place of assembly/worship Customary residential accessory uses Forestry Home-based business, no-impact Communications Antennas	Multi-family dwelling (10+ units) Personal care homes Single-room occupancy Institutional care facility Group care facility Mobile home park School	All other residential uses Funeral home Private club Day care center, adult/child Public building or use Recreational facility, public or nonprofit Home occupation Public/essential services
C-1 CENTRAL BUSINESS DISTRICTS		
Brew-Pub Retail business Service business Business, professional offices Medical or dental offices Bank or Financial institution Forestry Funeral home Eating and drinking establishment Day care center, adult/child Convenience market Contractor's office/showroom Medical or dental laboratory Personal service business Communications Antennas	Drive-thru facility (as an accessory use) Multi-family dwelling Single-room occupancy Personal care home Institutional care facility Group care facility Theater Commercial recreational facility School, commercial Public parking facility School	Veterinary clinic/office/hospital Kennel Private club Recreational facility, public or nonprofit Public building or use Public/essential services Communications Tower

<u>Permitted Uses</u>	<u>Conditional Uses</u>	<u>Special Exceptions</u>
C-2 PLANNED COMMERCIAL DISTRICTS		
Any use authorized as a permitted use in a C-1 district Automobile sales/services/rental Public transportation facility Forestry	Shopping center Hotel/motel/inn Theater Retail nursery Drive-thru-facility (as an accessory use) Public parking facility	Public building or use Recreational facility, public or nonprofit Public/essential services
C-3 GENERAL COMMERCIAL DISTRICTS		
Brew Pub Micro-Brewery Service business Business, professional office Medical or dental offices Eating and drinking establishment Bank or financial institution Forestry Funeral home Pawn shop Private club Contractor's office/showroom Retail nursery Public transportation facility	Automobile sales/services/rental Car wash Fuel service station Public parking facility Railroad facility Tattoo parlor Vehicular repair garage	Public building or use Public/essential services
M-1 GENERAL COMMERCIAL DISTRICTS		
Any manufacturing activity that complies with the environmental performance standards of this Chapter (Article VII) Printing and publishing facility Wholesale business Warehouse Contractor's office/showroom Commercial recreational facility Dry cleaning plant/commercial laundry Forestry Retail nursery Vehicular repair garage Automobile sales/services/rental Car wash Public transportation facility Communications Antennas	Adult business Amusement park Amusement park sign Medical clinic Mineral extraction Research/development facility Testing laboratory Salvage yard Wholesale business Warehouse Truck terminal Railroad facility Public/essential services	All other non-residential uses Communications Towers
OZO OPPORTUNITY ZONE OVERLAY		
Any manufacturing activity that complies with the environmental performance standards of this Chapter (Article VII) Printing and publishing facility Contractor's office/showroom Vehicular repair garage Automobile sales/services/rental Forestry	Research/development facility Testing laboratory Truck terminal Wholesale business Warehouse Public/essential services Recreational facility, public or nonprofit Public building or use Interim uses during redevelopment Veterinary Clinic/office/hospital	Public building or use
LIVE-WORK OVERLAY		
Any use authorized as a permitted use in the R-2 district Contractor's office/showroom	Any use authorized as a conditional use in the R-2 district Live-work unit Outdoor storage of materials Pre-fabrication facility	Any use authorized as a special exception in the R-2 district

*Article III – Schedule of District Regulations
Zoning*

CCD-CITY CENTER DEVELOPMENT DISTRICTS		
<u>Permitted Uses</u>	<u>Permitted Uses Continued</u>	<u>Conditional Uses</u>
<p>Authorized SIC manufacturing activities, which include:</p> <p>Food and food processing (excluding slaughtering of animals) (20)</p> <p>Textile mills and products (22)</p> <p>Apparel and fabricated textile products (23)</p> <p>Saw and planing mills, millwork, cabinetry and other structural wood products (24)</p> <p>Furniture and fixtures (25)</p> <p>Paperboard containers and boxes and other converted paper and paperboard products (ex. pulp, paper and paperboard mills) (26)</p> <p>Drugs, soaps, detergents, cleaning products, perfumes, cosmetics and other toilet preparations (28)</p> <p>Rubber and plastic products (excluding tires and inner tubes) (30)</p> <p>Leather and leather products (31)</p> <p>Glass, glassware and products made of purchased glass (322, 327)</p> <p>Ceramic plumbing fixtures, bathroom accessories, electrical supplies, table and kitchen articles and related products (328)</p> <p>Abrasive products (excluding asbestos) (329)</p> <p>Fabricated metal products (excluding ordnance and Accessories) (34)</p> <p>Industrial and commercial machinery, computer equipment and office machines (35)</p> <p>Electronic and other electrical equipment and components (36)</p> <p>Transportation equipment (37)</p> <p>Measuring, analyzing and controlling instruments (38)</p> <p>Photographic, medical and optical goods (38)</p> <p>Watches and clocks (38)</p> <p>Jewelry, silverware and plated ware (391)</p> <p>Musical instruments (393)</p> <p>Dolls, toys, games, children's vehicles (394)</p> <p>Pens, pencils, crayons and other artists' materials (395)</p> <p>Costume jewelry and novelties (3961)</p> <p>Notions such as buttons, pins, needles and fasteners (3965)</p> <p>Brooms and brushes (3991)</p> <p>Signs and advertising displays (3993)</p> <p>Burial caskets (3995)</p> <p>Hard-surface floor coverings (3996)</p> <p>Printing and publishing facility (27)</p>	<p>Photo and film processing facility</p> <p>Wholesale business</p> <p>Warehouse</p> <p>Business, professional office</p> <p>Building materials sales</p> <p>Call Center</p> <p>Contractor's office/showroom</p> <p>Customary accessory uses</p> <p>Micro-Brewery</p>	<p>Research/development facility</p> <p>Testing laboratory</p> <p>Recycling facility</p> <p>Coal blending and handling facility</p> <p>Marina/boat dock, marina sales and service</p> <p>Medical marijuana dispensary</p> <p>Medical marijuana grower/processor</p> <p>Truck terminals</p> <p>Railroad terminals</p> <p>Railroad facility</p> <p>River barge facilities</p> <p>Helicopter landing</p> <p>Hospital</p> <p>Hotel/motel/inn</p> <p>Eating and drinking establishment</p> <p>Retail or service business as accessory to an authorized office or industrial use</p> <p>Recreational facility, public or nonprofit</p> <p>Public building or use</p> <p>Interim uses during redevelopment</p> <p>Public/essential services</p> <p>Special Exceptions – None</p>

NOTES: 1. The number following some use listings is the Standard Industrial Classification (SIC) code for that general type of use. It is included to assist in identifying specific allowable uses within a broad category.

2. There are no uses authorized as special exceptions in this district.

Table 300-2: BULK AND AREA STANDARDS

Dist.	Type of Use	Minimum Lot Area (sq. ft.)	Minimum Yards ¹ (feet)			Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum Height Principal Access (ft.)
			Front	Side	Rear			
R-1	Single-Fm	4,000	20	5	30	40	40	35
	Other Use	6,000	30	10	35	50	40	35
R-2	Single-Fm	3,000	20	4	30	30	45	35
	Two-Fm	4,000	20	5	30	40	45	35
	Townhouse	2,000/unit	20	10	25	25/units	50	35
	Multi-Fm	1,500/unit	25 ²	10	30	60	50	35
	Other uses	7,000	30	10	35	50	50	35
C-1	All uses	5,000	25	10	35	--	50	35
C-2	Multi-Fm	900/units	25	10	25	--	60	40
	Pers. Care, inst. Care	None ³	25	10	25	--	50	40
	Other Uses	None	--	--	10	--	80	40
C-3	All uses	None	35	10	25	--	60	40
C-4	All uses	None	35	10	25	--	60	40
M-1	All uses	10,000	25	15	35	100	60	50
OZO	All uses	10,000	25	15	25	100	60	40
LWO	Single-Fam	3,000	20	4	30	30	45	35
	Live-Work	3,000	20	4	30	30	45	35
	Multi-Fm	1/2 acre	25 ²	10	30	60	50	7 stories
	Other Uses	4,000	20	15	30	40	70	40
CCD	(see §307 for specific standards as related to this zoning district)							

¹ The yard shall be increased one (1) foot for each two (2) foot the structure exceeds forty-five (45) feet.

² Principal structure front yard setbacks shall not vary more than five (5) feet from the principal structure front yard setback in any adjacent lots.

³ The minimum lot area shall be sufficient to comply with the provisions for yards, lot coverage, parking and loading, buffer yards and any other applicable requirements

§ 307. CCD District Area and Dimensional Standards.

- A. Lot Area. There is no prescribed minimum lot area for uses or lot dimensions. However, a use's lot area shall be sufficient to meet the requirements of this Chapter governing lot coverage, setbacks, building spacing, buffer yards, parking and loading and other applicable provisions.
- B. Building Setbacks and Spacing. All structures shall comply with the following setbacks or siting standards:
 - 1. Minimum setback from a public street right-of-way: Thirty (30) feet.
 - 2. Minimum setback from the top of the river bank or from the top edge of a wall abutting the river one hundred (100) feet. This setback shall not apply to any railroad right-of-way, river barge loading or marina/boat dock.
 - 3. All buildings shall be located in a manner to avoid undue exposure to concentrated loading or parking facilities and shall be oriented to preserve visual and audible privacy between adjacent buildings and lots.
 - 4. All buildings shall be cited so that they are readily accessible to emergency vehicles and comply with all applicable City regulations
 - 5. All uses shall provide buffer yards in accordance with §306.F. Upon recommendation from the Planning Commission, City Council may approve an increase or reduction in the required yard where it deems necessary to minimize potential negative impacts between adjacent land uses.
- C. Maximum Lot Coverage. Sixty-seven (67) percent.
- D. Maximum Building Height. Sixty (60) feet or four (4) stories, whichever is less, or principal or accessory structures.
 - 1. City Council may designate public view corridors for the district. The purpose of view corridors is to preserve scenic perspectives for viewers at specified public locations outside the CCD district. Within any view corridor, a lesser maximum height standard may be imposed.

This page intentionally left blank.

ARTICLE IV - Conditional Uses

§ 401. Provisions for Conditional Uses.

- A. Conditional uses are to be allowed or denied by City Council pursuant to public notice and hearing and recommendations by the Planning Commission, and pursuant to expressed standards and criteria set forth for a particular use listed under this Article.
- B. In allowing a conditional use, City Council may attach such reasonable conditions and safeguards, in addition to those expressed herein, as it may deem necessary to implement the purpose of this Ordinance. Planning Commission may recommend reasonable conditions and safeguards for City Council’s consideration.

§ 402. Application Procedure.

- A. Application Content. Applications for conditional uses shall be submitted to the Zoning Officer in the form prescribed by the City. The application shall contain or be accompanied by such copies, information and plans as required by the application form, which shall include a site or plot plan drawn to scale showing the proposed development activity and other information necessary to evaluate the application under the provisions of this Chapter.
- B. Complete Application. Within five (5) working days of receiving an application, the Zoning Officer shall determine if the application is complete. If it is not, the Zoning Officer shall notify the Applicant of any deficiencies and shall not take further action to process the application until the deficiencies are remedied.
- C. Review Procedure.
 - 1. Within ten (10) days after receiving a complete application, the Zoning Officer shall forward a report to the Planning Commission, City Council and the Applicant, describing the extent to which the proposed use complies with the applicable requirements of this Chapter.
 - 2. The Planning Commission shall review the application and submit its recommendations in writing to City Council, with one (1) copy to the Applicant.
 - 3. Following the Planning Commissions’ review, City Council shall hold a public hearing pursuant to public notice on the application.
 - 4. Within forty (40) days after the hearing, City Council shall act to approve or deny the application. In approving an application, City Council may impose reasonable conditions and safeguards, in addition to those expressed in this Chapter, which it determines necessary to accomplish the objectives of this Chapter.
 - 5. If an application is approved with conditions or denied, within ten (10) days of its action, City Council shall provide the Applicant with a written decision. This report shall

specify any conditions of approval or identify the reason for its denial, making reference to the facts, ordinance provisions, rules or regulations upon which City Council based its decision.

6. If City Council fails to render a decision within ninety (90) days after filing a complete application, the application shall be deemed to be approved, unless the Applicant agrees to an extension of time.

D. Expiration of Approval.

1. A conditional use approval shall expire after one (1) year from date of approval if the Applicant fails to obtain a certificate of zoning compliance and start construction. The Applicant may request in writing an extension of this time limit of up to one (1) year where good cause can be shown.
2. If at any time after a conditional use is approved the Applicant is found to be in violation of any of the conditions of approval, the standards of this Article or other requirements of this Chapter; the recipient of the approval shall be subject to the penalties described in Article X of this Chapter.

§ 403. General Requirements and Standards for All Conditional Uses.

City Council shall grant a conditional use only if it finds adequate evidence that any proposed development will meet all of the following general requirements as well as any specific requirements and standards set forth for a particular use listed under this Article.

- A. City Council shall, among other things, require that any proposed use and location be:
 1. Consistent with the spirit, purposes and the intent of this Ordinance.
 2. Consistent with the goals of the Joint Comprehensive Plan for the Cities of Duquesne and McKeesport.
 3. In the best interest of the City of Duquesne, the convenience of the community, the public welfare and be a substantial improvement to the property in the immediate vicinity.
 4. Suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
 5. In conformance with all applicable requirements of this Ordinance, including but not limited to all of the performance standards of Article VII and all City of Duquesne Ordinances.
- B. The conditional use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons and shall comply with the performance standards in Article VII herein.

- C. The conditional use shall organize vehicular access and parking to minimize traffic congestion. City Council shall not approve a use in areas where a traffic engineering study prepared by registered engineer specially certified in traffic planning or road/site engineering indicates that a proposed use or structure will burden existing traffic so as to enhance the danger and congestion in travel and transportation and increase the number of accidents unless the owner or Applicant agrees to provide such traffic improvements as determined by the study.
- D. The Applicant shall have the burden of providing evidence to the City of Duquesne of compliance with the general requirements of this section and the specific requirements of this Article.
- E. The Planning Commission and/or City Council may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.
- F. In addition to the requirements outlined in this Ordinance, site-specific and application-specific conditions recommended by Planning Commission and/or imposed by City Council, the conditional use must comply with the applicable standards and requirements as set forth by the City of Duquesne Subdivision and Land Development Ordinance [Chapter 22].

§ 404. Specific Standards and Criteria.

For the types of uses identified in this Article, City Council shall determine that the proposed use complies with these standards which shall be in addition to all other applicable requirements in this Chapter.

- A. Adult Business.
 - 1. No person may operate or be employed at an adult business without first obtaining all permits and licenses as required by the City of Duquesne.
 - 2. No adult business shall be located within five-hundred (500) feet of any lot which is zoned residential.
 - 3. No adult business shall be located within five-hundred (500) feet of any other adult business.
 - 4. No adult business shall be located within one-thousand (1,000) feet of any hospital, medical or dental hospital, place of assembly/worship, school, day care center, public or nonprofit recreational facility, public use/building or any other public place where children may customarily go.
- B. Amusement Park.
 - 1. Any amusement park ride shall be located a minimum of one-half (1/2) of the ride height from the park property lines.
 - 2. The Applicant shall demonstrate to the Zoning Hearing Board's satisfaction that any amusement ride will accommodate the retrieval of patrons of the ride in a safe and expedient manner during emergency conditions.

3. The Applicant shall demonstrate to the Zoning Hearing Board's satisfaction that an amusement ride of such a height is an industry normality and is necessary to remain competitive with similar amusement, theme or water parks.
4. The Zoning Hearing Board shall find that any amusement park ride that is a height in excess of two-hundred (200) feet will not create more of a negative impact with regard to noise, lighting or general aesthetic value, to the extent that it will be detrimental to the use or development of, or change the essential character of the area in which the use is proposed than what an amusement ride of two-hundred (200) feet would create if the special exception was not granted.

C. Amusement Park Sign.

1. No signs within an amusement park shall exceed an area of one hundred (100) square feet.
2. Signs may be illuminated in any manner authorized by §607(B).3.
3. No sign shall exceed twenty (20) feet in height, which includes the height of the supporting structure.

D. Automobile Sales/Service/Rental.

1. In C-3 districts, such a business shall sell and service only passenger automobiles, vans or small trucks (e.g. pick-up trucks).
2. The business shall include a permanent building on site for offices, display and/or repair. A trailer shall not meet this requirement.
3. Areas for vehicular display and customer parking may be located in a front yard. These shall be paved, and a minimum five (5) foot, landscaped setback shall be provided along the entire width of the lot.
4. If a fuel service station is an accessory use, all conditions required herein for said use shall be met.
5. If a vehicular repair garage is an accessory use, all conditions required herein for said use shall be met.
6. No strings of lights, flags, flashers or any other display paraphernalia shall be permitted. Lighting from spot or flood lights shall be oriented away from adjacent highways and properties.
7. No vehicle shall be displayed or offered for sale outdoors which does not have all mechanical and body components necessary for safe and lawful operation in this State.

E. Car Wash.

1. All operations including brushing, steaming and polishing shall take place in an enclosed building. Final spot wiping may be done as the cars exit the wash. This provision shall not apply to self-service car washes which may utilize partially enclosed structures.
2. All access drives and waiting areas shall be paved and large enough to accommodate all traffic at peak operating periods so that the operation shall not conflict with normal street operation. A traffic study in accordance with §306 of this Chapter shall be required.
3. Parking. One (1) space for each two (2) employees on a peak shift.

F. Cemetery.

1. No more than ten (10) percent of the entire cemetery area shall be devoted to accessory structures (excluding those serving as grave markers or memorials), such as offices, chapel or maintenance facilities.
2. A dwelling for custodial personnel may be permitted on the property.
3. Buffer yards or other screening, placed in accordance with §306 (institutional uses), may be required along the facility's boundaries in order to separate and screen adjacent properties.

G. Coal Blending and Handling Facility.

1. The facility shall comply with all applicable County, State and Federal laws and regulations regarding its operation. The facility shall obtain and maintain all required permits or approvals from such agencies as a condition of occupancy.
2. The facility shall provide buffer yards along all property lines in accordance with §306.F(6). Fencing or similar screening may be required to protect adjacent properties and uses from negative visual or environmental impacts such as fugitive dust emissions. In such event, the otherwise applicable restrictions for fencing height, placement or materials may be waived.
3. The height of any outdoor coal storage pile shall not exceed the maximum height standards for the district in which it is located.
4. Any buildings or structures for the blending and handling operations shall be located on the site in accordance with applicable zoning district requirements.

H. Convenience Market.

1. No vehicular repair or maintenance services shall be provided in conjunction with the sale of gasoline.
2. Fuel service areas shall comply with the applicable provisions for fuel service stations with the exception of required spacing between similar facilities.

I. Drive-thru Facility as an Accessory Use.

1. A business establishment may have a drive-thru facility if it meets the following conditions:
 - a. The business establishment is a bank or financial institution or an eating and drinking establishment.
 - b. Drive-thru access shall permit the queuing of three (3) vehicles.
 - c. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining lots.
 - d. All entrances and exits shall be placed and marked on the lot to minimize conflict with existing vehicular and pedestrian traffic patterns on and immediately surrounding the lot.

J. Eating and Drinking Establishment.

1. Required off-street parking for the restaurant shall be clearly designated and shall be located within three hundred (300) feet of the entrance to the restaurant.
2. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
3. Outdoor storage of materials shall not be permitted.
4. In the CCD district, the eating and drinking establishment shall be located so that its front yard or a side yard directly abuts Grant Ave.
5. In the CCD district, the eating and drinking establishment shall not be a fast-food restaurant.
6. If the eating and drinking establishment provides an area for outdoor dining, this area must be located on the same lot, shall not protrude into the public right-of-way and be enveloped in a fence and/or wall at least three (3) feet in height.

K. Fuel Service Station.

1. No fuel service station shall be located within one thousand (1,000) feet of another fuel service station.
2. Access driveways to the service station shall be at least thirty (30) feet from the intersection of any public streets
3. Fuel pumps, air towers and water outlets may be located outside an enclosed building; provided, that no portion of these facilities shall be closer than ten (10) feet of any property line.

4. Any repair or maintenance service shall be conducted entirely within an enclosed building. Paint spraying or body and fender work shall not be permitted.
5. All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet from the pumps.
6. All refuse shall be stored in compliance with the City Fire Code [Chapter 5, Part 3] and other applicable Ordinances.
7. No vehicle shall be parked or stored on a public right-of-way or property at any time. Non-operable vehicles or vehicles awaiting repairs may be parked or stored on the premises; provided, they do not exceed the number of available off-street parking spaces for the service station.
8. Rental of automobiles, vans (less than twenty (20) feet long) or utility trailers is an authorized accessory uses; provided, that no more than three (3) vehicles are visible on the premises at any time.

L. Group Care Facility.

1. See Article XI: Group Residence Facilities.

M. Helicopter Landing.

1. The helicopter landing area shall include a dust-controlled area of land, water or structural surface that is designed to be used for helicopter or other vertical takeoff and landing craft operations and parking. It may include refueling and maintenance facilities, aircraft parking spaces and passenger waiting areas.
2. The landing shall obtain the necessary approvals and licenses for its operation from the State Department of Transportation and Federal Aviation Administration (FAA).
3. The approach/departure flight path for the landing area shall not be over an elementary or secondary school or school stadium, playground or playfield. If required, flight paths shall be approved by State and Federal agencies.
4. The landing area shall be located:
 - a. At least five hundred (500) feet from any elementary or secondary school or any school or public outdoor recreational area.
 - b. At least two hundred (200) feet from residential uses in a residential district or four hundred (400) feet if the landing area will be receiving more than three (3) operations per month between 10:00 p.m. and 7:00 a.m.
 - c. At least thirty-five (35) feet from any lot line.

- d. At least two thousand (2,000) feet from any other helicopter landing area. (All distances shall be measured as the hypotenuse of the vertical and horizontal separation distances.)
5. Prior to approval, the Applicant shall submit a noise analysis demonstrating the noise impact in terms of Ldn. The noise level must not exceed that otherwise authorized for the district and not result in more than a +3 dBLdn increase at any residential use in a residential district.
6. In approving a helicopter landing area, Council may set conditions on the hours or type of operation, number of helicopter landings in a given time period, number of helicopters based there, parking, buffer yards and related aspects in order to protect public safety and to carry out the objectives of this Chapter.
7. Following approval, the City shall be notified of any significant change in aircraft technology used at the landing area which must be approved by State or Federal authorities or which relates to the use of larger helicopters or ones which produce an increase of three (3) dB in noise levels (measured at a four hundred (400) foot distance). Any such change may require a change in the original conditional use approval.

N. Hospital.

1. The facility shall be licensed by the Commonwealth and have the required approvals of all regulatory agencies or accreditation organizations.
2. The minimum lot area shall be five (5) acres.
3. The property shall have its principal traffic access to an arterial or collector street with sufficient capacity to handle the traffic to be generated. A traffic study shall be required in accordance with §306 of this Chapter.
4. Where the use adjoins existing residential uses, a minimum twenty-five (25) foot buffer area shall be provided. Care shall be taken to locate emergency, loading and service entrances where they are not offensive to adjoining properties.
5. A landscape area, at least fifteen (15) feet in depth, shall be provided along the entire front property line, except for approved entrances.

O. Hotel/Motel/Inn.

1. If such facility includes eating and drinking facilities to serve both overnight guests and the general public, then it must provide off-street parking for such facilities in accordance with §608 of this Chapter.
2. Areas not occupied with buildings and parking areas shall be completely landscaped and planted with lawns, ornamental trees and shrubs.
3. Sleeping units shall contain a bedroom and bath and have a floor area of not less than two hundred fifty (250) square feet.

4. If the lot upon which a hotel/motel is erected abuts a residential district, it shall be screened by well-maintained landscaping not less than six (6) feet high nor more than ten (10) feet high or an ornamental fence within the same height limitations, the ratio of the solid portion to the open portion of which shall not exceed three (3) to one (1).
5. The facility shall have access from a public street of sufficient size and capacity to accommodate the projected traffic. If any road improvements or traffic signals are required to an existing public road as a result of the proposed hotel, the hotel owner or developer shall bear the cost of any such improvements.
6. In the CCD district, the hotel/motel/inn shall be located so that its front yard or a side yard directly abuts Grant Ave.

P. Institutional Care Facility.

1. Where required, a full or provisional license from the Commonwealth is necessary for initial and continued approval. Suspension of the license automatically revokes the occupancy permit and special use approval.
2. Change of ownership, sponsorship or any other condition contained in the original approval of the home shall constitute a new use, and the procedure for obtaining an exceptional use approval of a new facility shall be executed.
3. The maximum number occupants (including resident staff members) shall be:
 - a. R-2 Districts. Twenty (20) persons.
 - b. C-2 Districts. No limit.
4. One (1) off-street parking space shall be provided for each staff member, operator or employee on a peak shift plus one (1) for each three (3) residents or beds in the facility.
5. The facility shall have its principal traffic access from a public street with sufficient capacity and operating characteristics to handle the traffic generated by the use. A traffic study, in accordance with §306 of this Chapter, may be required.
6. Ambulance, delivery and service areas shall be obscured from the view of adjacent residential properties by fencing, planting, earthen mounds or similar screening measures approved by the City.
7. The facility shall comply with local, County and State building, fire, health or safety codes. An automatic fire suppression system shall be required in homes having six (6) or more occupants. The system shall be installed in accordance with City Ordinances. Smoke detectors shall be installed in, or in the immediate vicinity of, each bedroom or sleeping area of the home and in the basement or cellar if there is one. When activated, the detector shall provide an alarm suitable to warn the occupants. When more than one (1) detector is required to be installed within the home, the detectors shall be interconnected so that the activation of one (1) alarm will activate all the alarms.

8. On June 1st of each year following the original approval, the owner or sponsor shall file with the Zoning Officer information indicating that the facility continues to satisfy the conditions of original approval. If the facility is shown to be operating in compliance with the terms of the original approval, then the Zoning Officer shall renew the occupancy permit for another year. If the information indicates that there is any change in operation, or if any complaint has been lodged against the facility, the Zoning Officer shall forward the information to the Zoning Hearing Board who shall decide the renewal of the approval and occupancy permit.

Q. Interim Uses During Redevelopment.

1. During the redevelopment of a site and the demolition of structures, Council may approve interim uses for existing building or land that would not otherwise be allowed the zoning district, provided such interim use shall not exceed a period of five (5) years.
2. Council may only approve such interim use when it determines that:
 - a. Such use will not negatively affect the eventual reuse of the site by authorized uses nor impede any necessary site improvement or redevelopment activities (e.g., construction of roads, utilities, etc.)
 - b. The use will not have any adverse environmental impacts on any permanent development on the site or surrounding areas and complies with all applicable Federal, State and County laws and regulations.
 - c. The use represents a minimum action that could be taken to make economic use of the property until permanent development of the property is feasible.
3. As part of the approval process, Council may establish reasonable conditions on the duration of the interim use, its operating characteristics, location and measures to protect to permanent development (e.g., fencing, buffer yards, etc.).
4. Prior to approval, an agreement shall be executed between the City, the property owner and operator of the interim use which specifies the nature of the use, the approved duration for the use and all conditions of operation. The agreement shall also state actions to be taken by the operator of the interim use to assure that when the use is terminated the subject building or land remains either in the same condition as when the use started or is improved or more suitable for reuse by an authorized use. The agreement may include provisions for its renewal for additional time periods not exceeding five (5) years at the discretion of City Council.

R. Live-work Unit.

1. Off-street parking must be located on the lot and provide one (1) space for the resident, one (1) space per each non-resident employee staffed during peak shift per establishment.
2. No living quarters shall be located on the ground floor or basement of the building.

3. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of this Chapter.

S. Marina/Boat Dock.

1. Outdoor storage of materials shall not be permitted.
2. The plan for the use shall be prepared and sealed by an architect, engineer or landscape architect showing the overall use of the site, structures and facilities, decks, ramps, etc. The plan shall conform to all safety requirements of the United States Army Corps of Engineers.
3. Exterior lighting on the premise shall be reduced to fifty (50) percent luminosity after 11:00 P.M.

T. Marina Sales and Services.

1. All repairs and services to boats and boating accessories shall be done inside an enclosed building, such as a garage or shed.
2. The storage of for-sale, junked or salvaged boats shall be permitted on a lot that is at least three hundred (300) feet from the entrance of the establishment's office building, stored inside or under a permanent structure with a roof. The establishment shall not service more than ten (10) inoperable boats at a time.
3. If there is outdoor storage of boats, the entire perimeter of the lot shall be fenced with a solid fence, a planted screen, or a combination of both, at least eight (8) feet in height. The owner or operator of the salvage yard shall be responsible for maintaining the fence or screen in good condition.
4. Exterior lighting on the premise shall be reduced to fifty (50) percent luminosity after 11:00 P.M.

U. Medical Clinic.

1. The facility shall be licensed by the Commonwealth and have the required approvals of all regulatory agencies or accreditation organizations.
2. If the medical clinic offers methadone treatment services, then the clinic shall be subject to the following requirements as per §621 of the MPC, hereby amended:
 - a. The clinic shall not be established or operated within five-hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed facility. See also §621 of the MPC.

V. Medical Marijuana Dispensary.

1. A medical marijuana dispensary must be legally registered in the Commonwealth of Pennsylvania and possess a current, valid medical marijuana permit from the Department of Health of the Commonwealth of Pennsylvania.
2. A medical marijuana dispensary shall only dispense medical marijuana in an indoor, enclosed, permanent and secure building and shall not be located in a trailer, mobile or modular unit, mobile home or any other motor vehicle.
3. Medical marijuana dispensaries shall have a single, secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
4. Permitted hours of operation of a dispensary shall be 8 a.m. to 8 p.m. (of the same calendar day).
5. A medical marijuana dispensary shall be a maximum of three-thousand (3,000) gross square feet, of no more than five-hundred (500) square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.
6. A medical marijuana dispensary shall:
 - a. Not have a drive-through facility;
 - b. Not have outdoor seating areas;
 - c. Not have outdoor vending machines;
 - d. Prohibit the administering of, or the consumption of medical marijuana on the premises; and
 - e. Not offer direct or home-delivery service.
7. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
8. A medical marijuana dispensary may not be located within one-thousand (1,000) feet of the property line of a public school or day care center, as per Pennsylvania Act 16. This distance shall be measured with a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use.
9. A medical marijuana dispensary shall be a minimum distance of one-thousand (1,000) feet from the next nearest medical marijuana facility.
10. All external lighting serving a medical marijuana dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

W. Medical Marijuana Grower/Processor.

1. A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Commonwealth of Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
2. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana-related materials and equipment used in activities related to production and cultivation.
3. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing or processing occurs.
4. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Commonwealth of Pennsylvania Department of Health Policy and shall not be placed within any unsecure exterior refuse containers.
5. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
6. Medical marijuana grower/processors shall not be located within one-thousand (1,000) feet of the property line of any school, day care center, adult/child, personal care home, institutional care facility or group care facility.
7. All external lighting serving a medical marijuana grower/processor must be shielded in such a manner as to not allow light to be emitted skyward or onto adjoining properties.
8. A bufferyard shall be required which is in accordance with § 306.F. of this Chapter.

X. Mineral Extraction.

1. There shall be no removal of minerals or vegetative cover within one-hundred (100) feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).
2. No mineral extraction shall be conducted within three-hundred (300) feet of the property line of any public building or use, place of assembly or worship, school, commercial building, public or nonprofit recreational facility.
3. No mineral extraction shall be conducted within three-hundred (300) feet of any property line of an occupied residential dwelling unless the consent of the owner has been obtained in advance of the filing of the application for zoning approval.

Y. Mobile Home Park.

1. See Chapter 22, Subdivision and Land Development Ordinance, as amended.

Z. Multi-Family Dwelling.

1. Off-street parking spaces shall be located no more than three hundred (300) feet from the apartment's primary entrance and located on the same lot of record.
2. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
3. The means of a building's ingress and egress shall meet requirements as outlined in the Pennsylvania Uniform Construction Code.
4. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
5. All dumpsters and/or waste collection areas shall be located at least fifty (50) feet from nearest residential unit. Dumpsters shall be located in the rear setback yard and shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.
6. Maximum height of lighting for outdoor parking areas and roadways shall be twenty-five (25) feet.
7. As part of all land development, the Applicant shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
8. Buffer yards between an apartment development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the required buffer yard width. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the City of Duquesne.
9. Slopes shall be graded at a maximum of a three (3) foot horizontal to one (1) foot vertical (3:1) ratio.
10. Said development shall not be permitted on any corner lots within the commercial district, unless said corner lot within the commercial district is abutting a residential district.
11. A traffic study may be required, at the expense of the Applicant, if deemed necessary by City Council.
12. If the parking area for a development is adjacent to a single-family residential lot and demands greater than ten (10) automobiles, the following shall apply:
 - a. An additional ten (10) foot buffer yard with one (1) of the following shall be provided

along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.

- b. One and one-half (1½) times the required number of plants for screening and buffering off-street parking and loading areas; or
- c. A mound, a minimum of three and one-half (3½) feet in height at its peak, shall be constructed whereas the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest but shall not include turf grass. The Applicant shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.

AA. Outdoor Storage of Materials.

- 1. The perimeter of the site shall be screened as per §306.F.5.
- 2. Exterior lighting on the premise shall be reduced to fifty (50) percent luminosity after 9:00 P.M.

BB. Personal Care Home.

- 1. A full or provisional license from the Commonwealth is necessary for initial and continued approval. Suspension of the license automatically revokes the occupancy permit and special use approval.
- 2. Change of ownership, sponsorship or any other condition contained in the original approval of the home shall constitute a new use, and the procedure for obtaining an exceptional use approval of a new facility shall be executed.
- 3. No personal care home shall be located within one thousand (1,000) feet of another personal care home or group residence facility.
- 4. The maximum number of occupants (including resident staff members) shall be:
 - a. R-2 Districts. Twenty (20) persons.
 - b. C-1 Districts. No limit.
- 5. One (1) off-street parking space shall be provided for each staff member, operator or employee plus one (1) for each four (4) residents in the home.
- 6. Buffer yards in accordance with §306 (institutional uses) may be required.
- 7. The facility shall comply with local, County and State building, fire, health or safety codes. An automatic fire suppression system shall be required in homes having six (6) or more occupants. The system shall be installed in accordance with City Ordinances. Smoke detectors shall be installed in, or in the immediate vicinity of, each bedroom or sleeping area of the home and in the basement or cellar if there is one. When activated,

the detector shall provide an alarm suitable to warn the occupants. When more than one (1) detector is required to be installed within the home, the detectors shall be interconnected so that the activation of one (1) alarm will activate all the alarms.

8. On June 1st of each year following the original approval, the owner or sponsor shall file with the Zoning Officer information indicating that the facility continues to satisfy the conditions of original approval. If the facility is shown to be operating in compliance with the terms of the original approval, then the Zoning Officer shall renew the occupancy permit for another year. If the information indicates that there is any change in operation, or any complaint has been lodged against the facility, the Zoning Officer shall forward the information to the Zoning Hearing Board who shall decide the renewal of the approval and occupancy permit.

CC. Place of Assembly/Worship.

1. If a residential facility (e.g., a convent, monastery) is part of the complex within an R-1 District, it shall not house more than ten (10) persons.
2. The place of assembly/worship shall have direct access to a public street of sufficient capacity to handle the traffic generated by the proposed use.

DD. Pre-fabrication Facility.

1. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of this Chapter.
2. Outdoor storage of materials shall not be permitted.
3. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the City for record.

EE. Public Building or Use.

1. Front, side and rear yards shall be provided in accordance with the regulations of the zoning district in which the facility is located.
2. Height restrictions shall be as required by the zoning district regulations.
3. Outdoor storage of equipment shall be enclosed within a fence constructed of materials present on the majority of adjacent principle structures. Said fence shall be a minimum of six (6) feet in height.
4. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the zoning district in which the facility is located.
5. Screen planting in Residential and Commercial Districts shall be completed in accordance with this Chapter.

6. The external design of the building shall be to the greatest extent possible in conformity with the design of the majority of buildings on the block, block face and adjacent lots of the subject lot.

FF. Public/Essential Service.

1. The proposed use shall be essential to serve the immediate community.
2. No business office, storage yard or building shall be located in a residential district. In other districts, any storage area or building shall comply with the applicable provisions for the district in which it is located.
3. The location, design and operation of such use shall not adversely affect the character of the surrounding neighborhood.
4. No minimum lot area is required, but the proposed use shall comply with standards for lot coverage, yards and building height for the zoning district in which it is located.
5. A buffer yard is required in accordance with §306 provisions.

GG. Public Parking Facility.

1. A public parking facility shall not be accessed within fifty (50) feet of a roadway intersection.
2. If the facility is not a garage, the perimeter of the facility which abuts the public right-of-way shall be landscaped with a minimum of three (3) foot high hedge or screened with a minimum four (4) foot high masonry wall.
3. Curb cuts shall be located a minimum of sixty (6) feet from an intersection and sixty (60) feet from other curb cuts.
4. The use shall be located to minimize disruption to pedestrian movements.

HH. Railroad Facility.

1. Hours of activity must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
2. No building or structure within the railroad facility shall exceed a height of seventy (70) feet.
3. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the City for record.

II. Railroad Terminal.

1. Hours of activity must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
2. There shall be no outdoor storage of freight.
3. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the City for record.

JJ. Recreational Facility, Commercial.

1. No outdoor active recreation area shall be located closer than twenty-five (25) feet to any lot line. Buffer yards may be required to protect adjacent properties from undue noise or disturbance.
2. Facilities serving food or beverages are allowable as an accessory use provided they only serve patrons of the recreational facility and are only open when the facility is operating.
3. Any outdoor lighting from buildings or facilities shall be directed away from any residential uses or public streets.

KK. Recreational Facility, Public or Nonprofit.

1. No outdoor active recreation area shall be located closer than twenty-five (25) feet to any lot line. Buffer yards may be required to protect adjacent properties from undue noise or disturbance.
2. All principal structures, such as clubhouses or bath houses, shall be setback at least forty (40) feet from any lot line.
3. Facilities serving food or beverages are allowable provided they are only open when the facility is operating.
4. Any outdoor lighting from buildings or facilities shall be directed away from any residential uses or public streets.

LL. Recycling Facility.

1. A recycling facility shall only handle those materials currently designated for municipal recycling programs by Pennsylvania Law (Act 101 of 1988). All processing and handling of materials shall take place within an enclosed building.
2. Prior to receiving final approval from the City, the facility shall obtain all necessary approvals and/ or permits required from PaDEP and/ or other governmental agencies. A suspension or revocation of the PaDEP or other governmental approval/permit shall be an automatic suspension or revocation of City permits and approvals.

3. If there is a change of ownership or permittee occurs, the new owner/permittee shall submit a new application for conditional use approval, which shall be contingent upon receipt of necessary approvals/permits from PaDEP and/or other governmental agencies.

MM. Research/Development Facility or Testing Laboratory.

1. All activities shall be conducted within an enclosed building.
2. The facility shall provide evidence of compliance with all applicable county, State and Federal laws and regulations regarding the handling of any hazardous substances or live animals.
3. A written description of all hazardous materials typically used or stored by the proposed use shall be submitted with the application. Upon approval of the application, this listing shall be updated annually and submitted to the City Fire Chief and Emergency Management Coordinator; failure to do so may result in the occupancy permit and special use approval being revoked.

NN. Retail or Service Business.

1. Within the CCD, a retail or service business shall be permitted in association with an authorized office or industrial use if it meets the following requirement:
 - a. The retail or service business shall have a separate entrance and shall not require visitors to enter through the primary workspace.

OO. River Barge Facility.

1. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
2. Exterior lighting on the premise shall be reduced to fifty (50) percent luminosity after 11:00 P.M. unless shipments are being received or launched.
3. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the City for record.
4. The outdoor storage of materials shall not exceed twelve (12) barge containers. Equipment that is not secured shall be required to be stored in an enclosed building, such as a garage or shed, during non-business hours.
5. A five (5) foot-wide buffer yard consisting of a continuous row of evergreen trees shall be provided around the perimeter of the site except for at the ingress/egress points and along the river.

PP. Salvage Yard.

1. The minimum lot area for a salvage yard shall be five (5) acres. All structures for the salvage yard shall comply with the applicable provisions of the zoning district in which it is located.
2. There shall be no exterior storage of any materials or equipment within fifty (50) feet of any front lot line or within twenty-five (25) feet of any side or rear lot line.
3. The entire perimeter of the salvage yard shall be fenced with a solid fence, a planted screen, or a combination of both, at least eight (8) feet in height. The owner or operator of the salvage yard shall be responsible for maintaining the fence or screen in good condition.
4. The acceptance, handling and/or storage of any item or material on the premises of the salvage yard shall comply with the environmental performance standards of Article VII of this Chapter. If any Federal, State or County laws or regulations govern the operation, proof of compliance with these shall be a condition of approval.

QQ. School.

1. The minimum lot area shall be five (5) acres.
2. Access to the facility shall be from a public street with sufficient capacity to handle the traffic generated by the proposed use without creating undue traffic congestion or hazards. A traffic study shall be required in accordance with §306 of this Chapter.
3. Outdoor play areas shall be set back a minimum of twenty-five (25) feet from any lot line. Additional setbacks or buffer yards may be required where necessary to provide safety for the students or protect adjacent properties from inappropriate noise and disturbances.
4. Any outdoor lighting of facilities shall be directed away from any neighboring residential uses and public streets

RR. School, Commercial.

1. Required off-street parking for the school shall be clearly designated and shall be located within three hundred (300) feet of the entrance of the school.
2. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.
3. Student “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

SS. Shopping Center.

1. A shopping center shall only contain those uses authorized in the zoning district in which the center is located.
2. A shopping center shall provide all off-street parking on the same lot as the center according to the following:

0 - 400,000 sq. ft.	1 space / 250 sq. ft.
400,001 - 600,000 sq. ft.	4.5 spaces / 1,000 sq. ft.
600,001 sq. ft. and over	5 spaces / 1,000 sq. ft.

(Note: All square footages are gross leasable area.)

TT. Single-Room Occupancy.

1. All off-street parking shall be provided on the lot.
2. Exterior lighting for parking areas shall be reduced to fifty (50) percent luminosity after 11:00 P.M.
3. Off-street parking shall be screened with an earth berm, landscaped buffer yard that is at least ten (10) feet in width, fence or wall within a minimum height of four (4) feet and a minimum opacity of eighty (80) percent.
4. Building height and setbacks shall be consistent with surrounding development
5. All rooms available for boarding shall be located within the lot's principal building.
6. Dumpsters shall be located in the rear setback yard and shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.

UU. Tattoo Parlor.

1. Applicable business and Health Department licensing shall be available and displayed in public at all times.
2. An hours-of-operation schedule shall be submitted at the time of application. Hours of operation shall be scheduled to not cause detrimental impacts of noise, traffic and other performance related standards on surrounding neighborhood development.
3. No tattoo parlor lot shall be located within a one-thousand (1,000) foot radius of another tattoo parlor lot line.

VV. Theater. (See standards for "Recreation, Commercial.")

WW. Truck Terminal.

1. A Circulation Plan shall be submitted as part of the application and subject to Council review to ensure safety of lot ingress and egress.
2. Exterior lighting on the premise shall be reduced to fifty (50) percent luminosity after 11:00 P.M.
3. A traffic study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
4. There shall be no outdoor storage of freight.
5. A five (5) foot-wide buffer yard consisting of a continuous row of evergreen trees shall be provided around the perimeter of the lot except for at the ingress/egress points. At any edge of the lot which is adjacent to a trail, then the required buffer yard shall be increased to ten (10) feet in width.

XX. Veterinary Clinic/Office/Hospital.

1. Animal holding areas shall be within an enclosed building.
2. There shall be no overnight animal housing unless deemed necessary by the licensed veterinarian.
3. The clinic shall not serve as a kennel.

YY. Vehicular Repair Garage.

1. All repair services shall be conducted within an enclosed building which complies with State and City regulations for such uses.
2. All parts and supplies shall be stored within an enclosed building.
3. The storage of debris, used parts and other refuse shall comply with applicable City Ordinances; no storage area shall be visible from adjacent properties or a public street.
4. No vehicle shall be parked, stored on a public right-of-way or property at any time. No more than four (4) vehicles awaiting repairs shall be parked or stored outdoors at any one (1) time. All others must be stored within a building or totally screened from view by a solid fence.
5. If a vehicular repair garage includes gasoline and/or other petroleum sales, all requirements for a fuel service station shall be met.

ZZ. Wholesale, Warehousing Business Handling Hazardous or Toxic Substances.

1. The property shall have direct access to a public street with sufficient capacity to handle the amount and type traffic generated by the proposed use. Access shall not be via any local residential streets or one (1) on which a school is located. A traffic study in accordance with §306 may be required.
2. Access driveways shall be of adequate design to accommodate anticipated truck traffic safely without causing congestion on public streets
3. The facility shall comply with all applicable Federal, State, County and local laws and regulations regarding the handling of hazardous or toxic substances.
4. A written description of all hazardous materials stored or distributed by the proposed facility shall be submitted with the application and transmitted to the City's Emergency Management Coordinator and Fire Chief and the County Fire Marshall. This information shall be updated annually and resubmitted to all parties; failure to do so may result in the occupancy permit and special use approval being revoked.

This page intentionally left blank.

ARTICLE V - Special Exceptions

§ 501. General Provisions.

- A. Special exception use designation indicates that the use is generally compatible with the permitted uses in the zoning district but requires a determination of appropriateness at a specific location in order to reduce any potential impacts on the surrounding area.
- B. Special exception uses shall be approved or denied by the Zoning Hearing Board, as in accordance with the standards and criteria of this Article and all other applicable requirements of this Chapter.

§ 502. Application Procedure.

- A. Application Content. Applications for special exception uses shall be submitted to the Zoning Officer in the form prescribed by the City. The application shall contain or be accompanied by such copies, information and plans as required by the application form, which shall include a site or plot plan drawn to scale showing the proposed development activity and other information necessary to evaluate the application under the provisions of this Chapter.
- B. Complete Application. Within five (5) working days of receiving an application, the Zoning Officer shall determine if the application is complete. If it is not, the Zoning Officer shall notify the Applicant of any deficiencies and shall not take further action to process the application until the deficiencies are remedied.
- C. Review Procedure.
 - 1. Once an application is complete, the Zoning Officer shall forward it to the Zoning Hearing Board. The Zoning Hearing Board shall approve or deny an application in accordance with the provisions of Article IX of this Chapter.
- D. Expiration of Approval.
 - 1. A special exception use approval shall expire after one (1) year from date of approval if the Applicant fails to obtain a certificate of zoning compliance and start construction. The Applicant may request in writing an extension of this time limit of up to one (1) year where good cause can be shown.
 - 2. If at any time after a special exception use is approved the Applicant is found to be in violation of any of the conditions of approval, the standards of this Article or other requirements of this Chapter; the recipient of the approval shall be subject to the penalties described in Article IX of this Chapter, including a revocation of the special use approval.

§ 503. Requests for Reasonable Accommodations.

- A. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit an application for a special exception

to the Zoning Hearing Board. The Zoning Hearing Board shall require the information outlined in Article IX of this Chapter.

- B. The Zoning Hearing Board may hold any meeting(s) and/or hearing(s) necessary in its discretion to elicit information or argument pertinent to the request for accommodation.
- C. The Zoning Hearing Board's decision shall be in writing; the discussion shall be issued to the Applicant and the City Council within thirty (30) days of filing of the request for accommodation or at the next regularly scheduled Zoning Hearing Board meeting, whichever is the later of the two (2).
- D. A request for reasonable accommodation should be directed to the Zoning Hearing Board. In considering a request for reasonable accommodation, the Zoning Hearing Board shall, with the advice of the appointed legal counsel, apply the following criteria:
 - 1. Whether the Applicant is handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.
 - 2. The degree to which the accommodation sought is related to the handicap or disability of the Applicant.
 - 3. A description of hardship, if any, that the Applicant will incur absent provisions of the reasonable accommodation requested.
 - 4. The extent to which the requested accommodation is necessary to afford the Applicant an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.
 - 5. The extent to which the proposed accommodation may impact other landowners in the immediate vicinity.
 - 6. The extent to which the proposed accommodation may be consistent with or contrary to the zoning purposes promoted by the Joint Comprehensive Plan for the Cities of Duquesne & McKeesport, and the community development objectives set forth in this Chapter.
 - 7. The extent to which the requested accommodation would impose financial and administrative burdens upon the City of Duquesne.
 - 8. The extent to which the requested accommodation would impose an undue hardship upon the City of Duquesne.
 - 9. The extent to which the accommodation would require a fundamental alteration in the nature of the City of Duquesne's regulatory policies, objectives and regulations.
 - 10. The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or non-disabled persons.
 - 11. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when they are no longer

needed to provide handicapped or disabled persons equal opportunity to use and enjoy the dwelling in question.

12. The extent to which the requested accommodation will increase the value of the lot during and after its occupancy by Applicant.

§ 504. Specific Standards and Criteria.

For the types of uses identified in this Article, the Zoning Hearing Board shall determine that the proposed use complies with these standards which shall be in addition to all other applicable requirements in this Chapter.

A. All Other Non-Residential Uses.

A use not expressly listed within Table 300-1: AUTHORIZED USES BY A ZONING DISTRICT may be considered for a special exception application upon review and determination that the Applicant’s demonstration of the proposed use meets all the following criteria:

1. Impacts the neighborhood and adjacent streets, circulation and lots equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
 - a. The number of employees.
 - b. The floor area of the building, gross area of the lot and/or scale of development in devoted to the proposed use.
 - c. The type of products, materials, equipment and/or processes involved in the proposed use.
 - d. The magnitude of walk-in trade.
 - e. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this Chapter.
 - f. The hours of operation.
 - g. The extent of pervious and impervious surfaces in relationship to that currently present on adjacent lots and the overall block in which development, infill, reuse and/or redevelopment is proposed.
2. Elevations and site plans must be provided with the application.
3. Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
4. Is in general conformity with the adopted Joint Comprehensive Plan for the Cities of Duquesne and McKeesport and harmony with the area in which it is proposed.

5. Complies with any applicable standards and criteria specified in this Article for the most nearly comparable conditional uses or use by special exception specifically listed in the Zoning District in which it is proposed is in compliance with all other standards of this Chapter and all other applicable City of Duquesne Ordinances.

B. All Other Residential Uses.

1. Parking shall be provided on the same lot upon which the dwelling unit is located and be no more than three hundred (300) feet from any one unit.
2. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
3. The means of a building's ingress and egress shall meet requirements as outlined in the Pennsylvania Uniform Construction Code.
4. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
5. The maximum number of units per building shall not exceed twelve (12).
6. The primary vehicular entrance to the residential development shall, at a minimum, have direct access to a collector road.
7. Maximum height of lighting supports for outdoor parking areas and roadways shall be twenty-five (25) feet.
8. As part of all land development, the Applicant shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
9. Bufferyards between the residential development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the City's required bufferyard width. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the Planning Commission.
10. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
11. If the parking area for the residential development is adjacent to a single-family residential lot and contains more than ten (10) parking spaces, the following shall apply:
 - a. An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.

- b. One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas; or
 - c. A mound, a minimum of three and one-half (3.5) feet in height at its peak, shall be constructed whereas the sides do not exceed a four-foot horizontal to one-foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest but shall not include turf grass. The Applicant shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lot.
12. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of eighty (80) percent.

C. Communications Towers.

- 1. The Applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.
- 2. The Applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon complies with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 3. Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
- 4. Any Applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building, structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable structures within a one quarter (1/4) mile radius of the proposed Communications Tower site be contacted and the one (1) or more of the following reasons for not selecting such structure apply:
 - a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - c. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its extended function.

- d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - e. A commercially reasonable agreement could not be reached with the owners of the structure.
5. Communications Towers Standards and Other Design Requirements.
- a. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface or its entire length.
 - b. A Communications Tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
 - c. Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.
 - d. The Applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.
 - e. In all Zoning Districts except M-1, the maximum height of any Communications Tower shall be one hundred fifty (150) feet; provided, however, that such height may be increased to no more than two hundred (200) feet in height in excess of one hundred fifty (150) feet. In the M-1 Zoning District, the maximum height of any Communications Tower shall be one hundred eighty (180) feet.
 - f. The foundation and base of any Communications Tower shall be set back from a property line (not lease line) located in any Residential District at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.
 - g. The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.
 - h. The Communications Equipment Building shall comply with the required yards and height requirements of the applicable Zoning District or an accessory structure.
 - i. The Applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/ Telecommunications Industry Association and applicable requirements of the City's Building Code.

- j. The Applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
 - k. All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
 - l. The site of a Communications Tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.
 - m. No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
 - n. Communications Tower shall be protected and maintained in accordance with the requirements if the City’s Building Code.
 - o. One off-street parking space shall be provided within the fenced area.
- D. Communications Equipment Building.
- 1. See §502.C as applicable.
- E. Day Care Center, adult/child.
- 1. All day care centers must be licensed by the appropriate State agency and must operate in accordance with the requirements of the agency. This requirement is a condition of occupancy.
 - 2. Any outdoor recreational areas on the property shall be no closer than twenty-five (25) feet to an abutting street or ten (10) feet to any property lines. They shall be fenced with a self-latching gate or otherwise secured.
 - 3. Safe vehicular access and off-street areas for discharging and picking up children or adults shall be provided.
 - 4. One (1) parking space shall be provided for each staff member plus one (1) for each six (6) children or adults cared for at the center. Parking areas for four (4) or more vehicles shall be screened in accordance with §608.6 when abutting a residential use or district.
- F. Funeral home.
- 1. Parking shall be provided on the lot upon which the funeral home is located.
 - 2. A list of products which contain toxic and/or explosive materials shall be submitted to the City of Duquesne and kept on record.

G. Home Occupation.

1. There shall be no exterior evidence of such use other than a small nameplate sign placed in accordance with §607 of this Chapter.
2. There shall be no retail sales directly to customers on the premises. This provision shall not exclude telemarketing or similar telephone sales occupations.
3. The floor area devoted to a home occupation shall not exceed twenty-five (25) percent of the ground floor area of the principal residential structure, excluding garage. This restriction may be waived for any registered family day care home or licensed group day care home.
4. There shall be no exterior display of goods or interior display which is visible from the outside.
5. There shall be no storage of materials or products outside the dwelling unit unless in an enclosed structure which complies with the requirements of this Chapter.
6. There shall be no greater traffic volume generated by such home occupation than would normally be expected in a residential area. Frequent and repetitive servicing by commercial vehicles for supplies and materials shall not be permitted. Off-street parking spaces may be required as a condition of approval.
7. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectible to normal senses off the lot.
8. No equipment or processes shall be used which create visual or audible interference in any radio, television or telephone off the premises or causes fluctuations in line voltage off the premises.
9. Only members of the family occupying the dwelling shall be employed.
10. Permitted home occupations shall not include:
 - a. Nursery schools, dancing schools, exercise or health centers, day care centers, unless specifically permitted by the district regulations.
 - b. Group day care homes in R-1 districts.
 - c. Funeral homes/mortuaries.
 - d. Eating and drinking establishments.
 - e. Animal kennels, hospitals or veterinarian offices.
 - f. Boarding houses, group residence facilities, personal care homes.
 - g. Medical or dental laboratories or hospitals.

- h. Automobile, truck, bus or boat repair, sale or rental facilities.
- i. Theaters and other entertainment and commercial recreation facilities.

H. Kennel.

- 1. No animal shelter or run shall be located closer than one-hundred (100) feet to any residential building other than the kennel's owner's.
- 2. No disposal of dead animals shall occur on the premises.
- 3. One (1) off-street parking space shall be provided for each employee plus one (1) space for each eight (8) animals in capacity, except for training where one (1) space for each three (3) animals is required.
- 4. A minimum five (5) foot buffer yard may be required in accordance with §306 of this Chapter.

I. Public Building or Use.

- 1. Front, side and rear yards shall be provided in accordance with the regulations of the zoning district in which the facility is located.
- 2. Height restrictions shall be as required by the zoning district regulations.
- 3. Outdoor storage of equipment shall be enclosed within a fence constructed of materials present on the majority of adjacent principle structures. Said fence shall be a minimum of six (6) feet in height.
- 4. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the zoning district in which the facility is located.
- 5. Screen planting in Residential and Commercial Districts shall be completed in accordance with this Chapter.
- 6. The external design of the building shall be to the greatest extent possible in conformity with the design of the majority of buildings on the block, block face and adjacent lots of the subject lot.

J. Public/Essential Service.

- 1. The proposed use shall be essential to serve the immediate community.
- 2. No business office, storage yard or building shall be located in a residential district. In other districts, any storage area or building shall comply with the applicable provisions for the district in which it is located.

3. The location, design and operation of such use shall not adversely affect the character of the surrounding neighborhood.
4. No minimum lot area is required, but the proposed use shall comply with standards for lot coverage, yards and building height for the zoning district in which it is located.
5. A buffer yard is required in accordance with §306 provisions.

K. Private Club.

1. The use of the club shall be exclusively for members and their guests.
2. Food and beverages may be served provided kitchen and dining areas comply with all City and County Ordinances and regulations.
3. Alcoholic beverages may be served or sold to members and guests provided such service is secondary and incidental to the promotion of some other common objective of the organization and complies with all applicable State, County and City laws and regulations.
4. All buildings shall be setback at least twenty (20) feet from any lot line.

L. Recreational Facility, Public or Nonprofit.

1. No outdoor active recreation area shall be located closer than twenty-five (25) feet to any lot line. Buffer yards may be required to protect adjacent properties from undue noise or disturbance.
2. All principal structures, such as clubhouses or bath houses, shall be setback at least forty (40) feet from any lot line.
3. Facilities serving food or beverages are allowable provided they are only open when the facility is operating.
4. Any outdoor lighting from buildings or facilities shall be directed away from any residential uses or public streets.

M. Two-family dwelling.

1. Parking shall be provided on the same lot upon which the dwelling is located.

N. Veterinary Clinic/office/hospital.

1. Animal holding areas shall be within an enclosed building.
2. There shall be no overnight animal housing unless deemed necessary by the licensed veterinarian.
3. The clinic shall not serve as a kennel.

ARTICLE VI - Supplemental Regulations

§ 601. General Intent.

The regulations contained in this Article are intended to apply to all uses, structures or lots within all zoning districts.

§ 602. General Provisions and Exceptions.

- A. Dwelling in a Cellar. No dwelling unit or units shall be located in a cellar that is wholly below grade.
- B. Clear Sight Distances at Intersections. A clear sight triangle, as defined by this Chapter, must be maintained at all intersections of public and/or private streets and driveways. Required sight distances along intersecting streets shall be determined in accordance with the applicable PennDOT standards.
- C. Animals. Domestic animals such as chickens, cows, horses or pigs or exotic animals such as lions, tigers, bears, large or poisonous snakes, alligators and similar dangerous animals shall not be permitted in any zoning district.

§ 603. Accessory Uses and/or Structures; General Provisions.

- A. Permit and Maintenance Requirements. A permit shall be obtained from the Zoning Officer for any new, expanded or altered accessory use or structure. The owner is responsible for maintaining the accessory use or structure in safe condition according to all applicable regulations.
- B. Use Limitations.
 - 1. All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.
 - 2. No accessory structure shall be used for dwelling purposes unless expressly authorized by this Chapter.
 - 3. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.
 - 4. In any residential district, none of the following shall be parked or stored on any lot except in an enclosed garage or carport:
 - a. Trucks or vans exceeding seven thousand (7,000) pounds in gross vehicle weight or designated as Class III or above by the Pennsylvania Vehicle Code.
 - b. Construction vehicles or equipment.
 - c. Motor vehicles without a current inspection sticker.

5. Construction vehicles or equipment may be parked on a lot while construction is underway provided a permit has been duly granted for the construction activity.
 6. Outdoor storage of equipment, supplies or other materials shall not be permitted as an accessory use in any zoning district unless authorized by the district regulations (Article III).
- C. Maximum Height. No accessory structure shall exceed fifteen (15) feet in height unless otherwise authorized by this Chapter.
- D. Location and Spacing.
1. Front Yard.
 - a. Except for authorized signs and fences, no accessory use/ structure shall be permitted in a required front yard of any residential property.
 - b. In commercial, industrial and special districts, signs, fences and off-street parking (but not loading) areas may be permitted in a required front yard provided any front yard parking area shall maintain a minimum three (3) foot, landscaped setback from any street right-of-way or sidewalk line.
 2. Side Yards. Unless otherwise specified by this Chapter, accessory uses/structures may be permitted provided they are no closer than three (3) feet to any lot line in any residential district and five (5) feet in all other districts.
 3. Rear Yards. Unless otherwise specified by this Chapter, accessory uses/structures shall not occupy more than fifty (50) percent of any required rear yard nor be located closer than three (3) feet to any property line.
 4. On a corner lot in any zoning district, an accessory use/structure located in a side or rear yard shall maintain the same setback from the street right-of-way as the principal structure on the lot.
 5. No part of any accessory structure shall be located closer than ten (10) feet to any principal structure, unless it is attached to or forms a part of such principal structure. No accessory structure shall be located closer than five (5) feet to another structure (other than a fence) on an abutting property.

§ 604. Accessory Uses and/or Structures; Specific Types.

- A. Swimming Pools, Ponds. As accessory structures, such facilities shall be located, fenced and operated in accordance with the City Building Code [Chapter 5, Part 1].
- B. Air Conditioning Systems.
1. In a residential district, any outdoor installation constructed or placed on a lot in connection with an air conditioning system designed to cool all or part of a residence shall be located to the rear or side of the residence and no closer than eight (8) feet to any principal structure located on an adjacent lot.

2. Room air conditioners designed to cool a single room of a residence shall be placed in a rear window, wherever possible.

§ 605. Fencing, Screening and Retaining Walls.

Unless otherwise specified by this Chapter, the following standards shall apply:

- A. Height. Fences, walls, hedges or other planted screens may be erected in any yard subject to the following height restrictions:
 1. Located in a Front Yard area. Four (4) feet maximum in height.
 2. Located in a Side or Rear Yard area. Six (6) feet maximum in height.
 3. Located in Any Yard in a M-1 or CCD District. Twelve (12) feet maximum in height.
 4. Located in Any Yard of a Public School, Recreational Facility, Building or a Public/Essential Service. Ten (10) feet maximum in height provided that the ratio of solid to open portion does not exceed one (1) to four (4).
 5. The height of a fence, wall or hedge shall be measured from the existing natural grade to its top, regardless if the fence, hedge or wall is situated on a structure above grade.
 6. The height of fences, walls, hedges or other planted screens within the LWO shall be subject to the requirements as set forth by §306.F.5 of this Chapter.
- B. Placement.
 1. A fence or screen cannot be erected in a public or dedicated right-of-way.
 2. A fence, wall or hedge placed in a front yard shall be placed at least one foot back from the sidewalk but not within any public right-of-way.
 3. Fences, walls or hedges, whether publicly or privately owned, shall comply with §602.B, "Clear Sight Distances at Intersections."
 4. A retaining wall may be erected along any property line or in any yard where it is required to prevent a landslide or other hazardous condition.
- C. Materials.
 1. The finished side of the fence or wall shall always face the abutting properties or street.
 2. A fence erected in a front yard shall be no more than fifty (50) percent opaque.
 3. The following fencing materials are specifically prohibited within all Zoning Districts and Overlays:

- a. Barbed wire.
 - b. Pointed fences less than four (4) feet in height.
 - c. Canvas fences.
 - d. Cloth fences.
 - e. Electrically charged fences.
 - f. Poultry fences.
 - g. Turkey wire.
 - h. Temporary fences such as snow fences.
 - i. Expandable and/or collapsible fences except during the construction of a building.
4. In addition to the restrictions in §605.C.3, the following fencing materials shall be prohibited in front yards within the LWO:
 - a. Chain-link fences of any type, including chain-link fences with vinyl slats.

§ 606. Radio, Television, Satellite Dish Antennas, Communications Antennas and Communications Equipment Buildings.

A. Radio or Television Antenna.

1. A radio or television antenna is a permissible accessory structure in any zoning district subject to the requirements of this Section.
2. Such structure may be mounted on a roof or installed in a rear yard area only; provided, that no ground level structure shall be located within ten (10) feet on any property line.
3. The maximum height for such structure shall not exceed the otherwise allowable height in the zoning district by more than twenty (20) feet. If placed on a roof, any antenna exceeding eight (8) feet in height shall be mounted with guide wires.
4. Any such structure shall comply with any applicable airport zoning and Federal regulations.
5. Radio or television antenna structures located on the ground shall be screened from adjacent properties by evergreen trees or other suitable materials, as approved by the Planning Commission.

B. Satellite Dish Antenna.

1. A satellite dish antenna is a permissible accessory structure in any zoning district subject to the requirements of this Section.

2. Such antenna may be installed in a rear area only; provided that no such structure shall be located within fifteen (15) feet of any property line.
3. When installed on the ground, the maximum height of a satellite dish antenna shall not exceed fourteen (14) feet when positioned vertically and shall have a maximum diameter of ten (10) feet.
4. A satellite dish antenna may be roof mounted in commercial and industrial districts; provided, that the maximum height shall not exceed fifteen (15) feet above the roof line, when positioned vertically and the maximum diameter shall not exceed twelve (12) feet.
5. When installed on the ground, the satellite dish antenna shall be screened from adjacent properties by evergreen trees or other suitable materials as approved by the Planning Commission; provided, that the City shall not require screening which obstructs the line of sight to the transmitting satellite.

C. Communications Antennas and Communications Equipment Buildings.

1. Communications Antennas permitted by right in the R-1, R-2, C-1, C-2, and M-1 districts shall only be mounted on an existing Public Utility Transmission Tower, building or other structure, and Communications Equipment Buildings.
2. Building mounted Communications Antennas shall not be located on any single-family dwelling or two-family dwelling.
3. Building-mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable zoning District by no more than twenty (20) feet.
4. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
5. Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
6. Any Applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
7. Any Applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit detailed construction and evaluation drawings indicating how the antennas will be mounted on the Structure for review by the Planning Commission for compliance with the City's Building Code and other applicable laws.
8. Any Applicant proposing Communications Antennas to be mounted on a building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment

Building can be accomplished.

9. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
10. Communications Antennas shall not cause radio frequency interference with other communications facilities located in the City.
11. A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
12. The owner or operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas.

D. Exceptions to Requirements. The Zoning Hearing Board may modify requirements for the height, size or placement of a radio, television, satellite dish antenna or communications antennas and communications equipment buildings when it can be demonstrated that they effectively preclude reception. When requesting a change to any requirement, it shall be the responsibility of the Applicant to submit the necessary technical information to assist the Zoning Hearing Board in making such a determination.

§ 607. Signs.

A. Applicability of Standards.

1. Any sign hereafter erected, altered, painted, relocated, remodeled, enlarged or maintained shall comply with the provisions of this Section, the City Building or Property Maintenance Code [Chapter 5] and other applicable Ordinances.
2. The following signs shall be exempt from the requirements of this Section, provided that the provisions of §602(B), "Clear Sight Distances at Intersections," shall apply:
 - a. Address numerals.
 - b. Traffic, directional legal notices, or similar instructional or regulatory signs erected by a unit or agency of government.
 - c. Flags or similar emblems of a government, educational, religious, philanthropic or corporate organization, which are displayed on private property; provided, the flag pole or other supporting structure shall not exceed the applicable height limitations of the zoning district.
 - d. Erection or installation. The Planning Commission shall be the approving body for all permanent signs; the Zoning Officer shall approve temporary signs in accordance with §607(H).

B. General Regulations.

1. Prohibited Signs. The following types of signs are prohibited in all zoning districts:
 - a. Flashing or animated signs.
 - b. Signs painted directly onto a building or structure.
 - c. String pennants or banners, other than as temporary signs.
 - d. Bare bulb or light strings or search lights.
 - e. Signs which by reason of color, shape, location or other characteristics or signs that use admonitions such as "stop," "go," "slow" or "danger" which might be confused with legitimate traffic-control devices.
 - f. Signs attached to autos, trucks, vans, trailers or similar vehicles, other than as temporary signs. This Section is not intended to prohibit any sign lettered on or attached to a vehicle where the basic purpose of the sign is not to serve as the principal identification sign for the business or to advertise any special promotion or sale of products sold on the premises.

2. Location/Placement.
 - a. All signs shall be located on the same lot containing the use or structure to which the sign relates, except for authorized billboards and off-lot directional signs.
 - b. No sign mounted on a building or roof shall project above the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip roof.
 - c. No sign shall be attached to a utility pole or tree whether on private or public property unless specifically authorized by this Chapter.
 - d. Signs erected at a street or driveway intersection shall comply with §602.B, "Clear Sight Distances," of this Chapter.
 - e. No sign shall be erected in or projecting over any public right-of-way unless specifically authorized by this Chapter.

3. Illumination.
 - a. Illuminated signs shall be designed and placed so as not to interfere with, distract or blind operators of motor vehicles or to create glare on adjacent properties.
 - b. Signs may be illuminated either directly or indirectly in accordance with the regulations for the zoning district in which they are located.
 - (1) Directly Illuminated Sign. A sign designed to give forth artificial light directly (or through a transparent or artificial material) from a source of light internal to the sign, including exposed lamp signs.

- (2) Indirectly Illuminated Sign. A sign with a light or lights external to the sign, such that the light shines on or illuminates the sign and in such way that no direct rays therefrom are visible elsewhere on the property.
 - (3) Neon Tube Illumination. Consisting of a light source supplied by a neon tube which is bent to form letters, symbols or other shapes.
4. Design Criteria. In order to encourage high quality and variety in design of permanent signs, particularly in the City's business districts, the Planning Commission will consider the following criteria:
- a. The sign is expressive of the establishment's unique identity and type of use.
 - b. It is legible in the circumstance in which it is seen.
 - c. It is appropriate to the specific building on which it is located, and compatible with surrounding uses, in terms of type, placement, size, color and lighting.
 - d. It does not cover or interrupt significant or traditional architectural features of the building on which it is located.
 - e. It complies with all specific requirements of this Chapter.
5. Double Frontage, Corner Lots. Where a use fronts on more than one (1) public street, it may locate one (1) sign on each street frontage. Each sign shall comply with size and other applicable requirements. The permissible sign size for one (1) frontage shall not be combined with that for the other frontage for the purpose of placing the combined sign area on one (1) frontage.
6. Double-Face Signs. In computing the square-foot area of a double-face sign, only one (1) side shall be considered, provided both faces are identical. If the interior angle formed by the two (2) faces of the double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign.
7. Materials and Maintenance. Permanent signs shall be constructed of durable materials and maintained in good condition and repair. If any sign deteriorates to an unsightly or hazardous condition, the Zoning Officer shall order it repaired, replaced or removed in accordance with §1007 of this Chapter.
8. Removal. If a use ceases operation for a period of six (6) months, all signs, including any supporting structures, shall be removed. If the signs are not removed, the Zoning Officer shall order them removed within thirty (30) days in accordance with the procedures of §1007.
9. Multiple-Occupancy Buildings.
- a. Where several businesses or uses occupy a building, each business shall be entitled to a share of the building's allowable sign area, which share shall be equal to the

proportionate amount of the floor area that the business occupies to gross floor area of the building.

- b. In a commercial, industrial or special districts, nameplates, not exceeding five (5) square feet in area, identifying building occupants, may also be attached to a wall of the structure adjacent to the principal entrance or permanently painted or applied to a window in the door of the structure.
- c. The owner/agent shall develop guidelines for signing for the building which shall promote the use by individual occupants of signs of similar or compatible size, type, style, color, lighting and other design characteristics. A copy of these guidelines shall be filed with the City.
- d. It shall be the responsibility of the owner/agent to provide all occupants with suitable sign pace that is consistent with the provisions of this Chapter. Failure of the owner/agent to do so shall not constitute a basis for granting a variance to any sign requirements.

C. Permitted Signs; All Districts.

- 1. The following signs are permitted in any zoning district subject to the stated requirements:
 - a. Nameplate or identification sign not exceeding two (2) square feet and attached to a wall of the structure indicating the occupants of the structure, a permitted home occupation, or, in the case of a multiple-occupancy structure, the name of the owner and/or management agency.
 - b. Memorial or historical sign or tablet placed by a public or nonprofit organization, not exceeding fifteen (15) square feet, non-illuminated or indirectly illuminated.
 - c. Off-lot direction signs, not to exceed nine (9) square feet in area. Such signs may be erected on public or private property, subject to the approval of the property owner. If located along a public street, the location and spacing of such sign shall be approved by PennDOT, the County or City, as applicable.
 - d. On-lot directional signs displayed on private property, not exceeding six (6) square feet in area or six (6) feet in height per sign. More than one (1) such sign is permitted on a zoning lot.
 - e. Warning, no trespassing, private property or similar signs displayed on private property, not exceeding five (5) square feet per sign. More than one (1) sign is permitted on a zoning lot.
 - f. Temporary signs, as authorized by §607.H.
- 2. The above-listed signs shall be non-illuminated in any residential district but may be indirectly illuminated in any other zoning district.

D. Residential Districts.

1. Authorized Types of Signs. One (1) wall sign or two (2) free standing signs.
2. Maximum. Thirty (30) square feet.
3. Illumination. Signs shall be non-illuminated or indirectly illuminated.
4. Other Requirements.
 - a. A free standing sign shall be setback at least ten (10) feet from any property line or public right-of-way and shall not exceed eight (8) feet in height (including sign and supporting structure).
 - b. Signs for legal nonconforming uses in these districts shall conform to the standards for conditional/special exception uses

E. Commercial Districts.

1. Authorized Types of Signs and Maximum Size.
 - a. A wall sign, not to exceed one (1) square foot for every two (2) feet of building frontage but not more than fifty (50) square feet in area; or
 - b. An awning, canopy sign, or marquee sign, which does not exceed twelve (12) square feet in the C-1 or C-2 district, fifteen (15) square feet in the C-3 district, and twenty (20) square feet in the C-4 district.
 - c. A window graphic sign, not exceeding more than twenty-five (25) percent of the total window area.
 - d. A projecting sign, not to exceed nine (9) square feet in area in the C-1 and C-2 districts and twelve (12) square feet in area in the C-3 and C-4 districts.
 - e. A sandwich board sign, not to exceed six (6) square feet in area per face.
2. Illumination. Except as otherwise provided, signs in this district may be illuminated in any manner authorized by this Chapter.
3. Other Requirements.
 - a. Unless otherwise allowed by this Chapter a single business establishment shall have only one (1) principal identification sign.
 - b. A shopping center or similar unified complex may have one (1) free standing sign which identifies the name of the center or complex and/or individual business occupants, not to exceed two hundred (200) square feet and twenty (20) feet in height. In addition, each business within the center or complex may have an identification sign which complies with the provisions of this Section.

- c. A free standing sign shall be permitted in C-3 and C-4 districts subject to the following:
 - (1) The business fronts on a public street; the principal structure is set back twenty (20) feet or more from the street right-of-way and the lot's frontage is one hundred (100) feet or more.
 - (2) The sign shall not exceed one (1) square foot for every two (2) square feet of building frontage but not more than fifty (50) square feet in area.
 - (3) The sign is setback at least ten (10) feet from a street right-of-way and at five (5) feet from any side lot line.
 - (4) The sign does not exceed twenty (20) feet in height (including sign and supporting structure).
 - d. Wall signs shall be located in a continuous portion of a building facade unbroken by doors, windows or major architectural details. Typically, the signable wall area of a building will be the area between the lintel bar and the parapet of a one (1) story building or between the line and the floor level of the floor above in the cases of a multi-story building. A wall sign which pertains to an establishment located above the first floor may extend as high as the window sill of the third story but no higher. Wall signs shall not project more than twelve (12) inches from the building wall.
 - e. Projecting signs shall not protrude more than fifteen (15) inches perpendicularly from the building to which it is attached.
 - f. Sandwich board signs shall be removed from the public right-of-way and stored inside the business establishment during hours when the business establishment is not in operation. The sign shall not obstruct the foot-traffic of pedestrians upon sidewalks. If the sidewalk is too narrow to accommodate both the sign and pedestrians comfortably, the sign shall not be permitted.
 - g. In C-1 districts signs shall only be placed on awnings or canopies which are made of canvas or canvas-like material, retractable and sloping rather than rounded. Such signs shall only be indirectly illuminated.
- F. Industrial and Special Districts.
- 1. Authorized Types of Signs and Maximum Size.
 - a. A wall sign, not to exceed one (1) square foot for every two (2) feet of building frontage but not more than sixty (60) square feet; or
 - b. A canopy sign, not to exceed twenty (20) square feet.
 - c. A window graphic sign in the CCD district, not exceeding more than fifty (50) percent of the total window area.

- d. A free standing sign, not to exceed one (1) square foot for every one (1) foot of building frontage but not more than sixty (60) square feet and not to exceed twenty-five (25) feet in height.
 - e. A business park sign, not to exceed one hundred (100) square feet in area and not to exceed twelve (12) feet in height.
2. Illumination. Signs may be illuminated in any manner authorized by §607.B.3.
3. Other Requirements.
- a. An industrial park or similar unified complex may have one (1) free standing sign which identifies the name of the center or complex and/or individual business occupants and does not exceed two hundred (200) square feet. In addition, each business within the park or complex may have a principal identification which complies with the provisions of this Section.
 - b. For a single business establishment, a free standing sign shall only be authorized if:
 - (1) the business fronts on a public street;
 - (2) the principal structure is set back thirty (30) feet or more from the street right-of-way; and,
 - (3) the zoning lot has a frontage of one hundred (100) feet or more.
 - c. When authorized, a free standing sign shall be set back at least fifteen (15) feet from a street right-of-way or side lot line, and shall not exceed twenty-five (25) feet in height (including sign and supporting structure) or the height of the building(s) to which is related, whichever is less.

G. Billboards.

1. Permitted Location and Size.
- a. Billboards, as defined by this Chapter, shall be permitted in M-1 districts only; provided, no billboard shall be placed adjacent to, or so that it fronts on, the Monongahela River.
 - b. The size of any one (1) billboard shall be limited to a maximum area of one (1) square foot for every foot of property frontage on the street right-of-way but in no case shall exceed four-hundred (400) square feet.
2. Regulations.
- a. A sign structure shall contain no more than one (1) billboard.
 - b. No billboard shall project above the ridge line of a sloping roof or the eave line of a flat roof, if attached to a building.

- c. No billboard shall exceed thirty-five (35) feet in height if free standing, as measured at ground level at the base of the sign.
- d. No billboard shall be closer than five hundred (500) feet to any other billboard, place of worship, school, recreational facility (public or nonprofit), residential district or located in such a way that the advertising face is visible for a residential district.
- e. No billboard shall be painted directly on the wall of any building.
- f. There shall be no more than one (1) billboard structure placed on a zoning lot.
- g. No billboard shall be located within one hundred (100) feet of the nearest edge of any street right-of-way, except that any billboard located along and visible from a highway which is designated as part of the Federal interstate or primary aid system, shall comply with the applicable State regulations for outdoor advertising signs and shall obtain the required permits from PennDOT.
- h. All applications for the erection of a billboard shall be accompanied by evidence of property ownership or a lease or other permission from the landowner to erect the billboard.
- i. Billboards may be illuminated subject to the following:
 - (1) Flashing, moving or intermittent light or lights are prohibited.
 - (2) Signs shall not cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.
 - (3) Signs shall not be illuminated so as to interfere with the effectiveness or obscure an official traffic sign, device or signal.

H. Temporary Signs.

- 1. Authorization. Temporary signs, such as those advertising real estate for sale or rental, contractor or other professional services during construction or remodeling, grand openings, sales, exhibits, cultural or religious activities, political campaigns, private residential garage/yard sales or similar events are permitted subject to the following requirements.
- 2. Permit. A permit for a temporary sign shall be obtained from the Zoning Officer, specifying its duration, location, type and the parties responsible for its removal.
 - a. Permits are not required for real estate, construction, political campaign or private garage/yard sale signs, but such signs shall comply with the provisions of this Section.
- 3. Duration. The period of the temporary sign shall not exceed thirty (30) days, unless otherwise authorized herein, and the sign shall be removed immediately upon expiration

of the permit. Permits for temporary signs for the same use or lot shall not be issued more than four (4) times in any calendar year.

4. Off-Lot Directional Signs.

- a. Such signs directing persons to a temporary event, exhibit, show or similar activity sponsored by a nonprofit organization shall not exceed twenty (20) square feet in area. They shall not be posted earlier than four (4) weeks before the event and shall be removed within one (1) week of its conclusion.
- b. Such signs directing persons to a new real estate development, in which units or lots are currently being sold or leased, shall not exceed six (6) square feet in area and shall be removed after sixty (60) percent of the units/lots are sold or leased.
- c. Such signs may be located on public or private property provided written permission of the property owner is submitted with the permit application.

5. Real estate signs advertising the premises on which they are located for sale or lease shall not exceed twelve (12) square feet in residential districts or thirty-two (32) square feet in other districts. One (1) sign may be placed on each street frontage of the property. Signs shall be removed within fifteen (15) days of the sale or lease of the premises, or when the last unit of a multi-unit development is sold or leased.

6. Construction signs advertising the services of professionals or building trades during sale, construction or alteration of a premises are permitted, provided only one (1) such sign shall be located on a development site. The sign shall not exceed fifteen (15) square feet and shall be removed within fifteen (15) days of the completion of work.

7. Political campaign signs posted on private property shall have the permission of the owner. A security deposit of one hundred (\$100) dollars shall be required to be submitted to the City in order to erect a political campaign sign. No such sign shall be placed more than thirty (30) days before the election and shall be removed within seven (7) days following the election. Once the sign is removed, the property owner shall receive the security deposit back.

8. Signs announcing a garage or yard sale, not exceeding four (4) square feet, may be placed on the premises where the sale is to be held. Signs shall not be erected more than three (3) days prior to the sale and must be removed within twenty-four (24) hours of its completion. Such signs shall not be posted on the same property more than two (2) times in any calendar year.

I. Amusement Park Sign

1. Regulations for amusement park signs are set forth in §404.C. of this Chapter.

§ 608. Off-Street Parking Requirements.

A. Application.

1. Unless specifically exempted by the provisions of this Chapter, all structures built and all uses established hereafter shall provide off-street parking areas in accordance with this Chapter.
2. When an existing structure or use is expanded, parking spaces for the area or capacity of such expansion shall be required in accordance with this Chapter.
3. An expansion or alteration of an existing use, or a subdivision or combination of zoning lots, shall not result in the elimination of any existing required off-street parking spaces.

B. General Provisions.

1. **Open Parking.** Open air parking area shall be located on a lot in accordance with the provisions of the district regulations and applicable regulations for accessory uses (see §603).
2. **Enclosed Parking.** Enclosed parking facilities containing off-street parking shall be subject to the area and bulk requirements applicable in the district in which they are located; unless otherwise specified in this Chapter.
3. **Location.** Required off-street parking spaces shall be located on the same zoning lot as the structure or use that they serve unless a joint use or off-site parking plan is approved (see §608.B.9 and §608.B.10).
4. **Design and Maintenance.**
 - a. **Size.** The minimum dimensions for a conventional parking space will be nine (9) feet in width by eighteen (18) feet in length, exclusive of curbs and maneuvering space. For a handicapped parking space, the size shall be twelve (12) feet in width by twenty (20) feet in length.
 - b. **Access.** Each parking space shall open directly onto an aisle or driveway in accordance with the following:

Parking Angle (degrees)	Aisle Width (feet)
30	12
45	13
60	18
90	24

Only one (1) way traffic shall be permitted in aisles serving spaces with an angle less than ninety (90) degrees. Driveways and aisles for other than single-, two-family or individual townhouse dwellings shall be designed so that each vehicle may have ingress and egress from the space without moving any other vehicle. Accesses to parking areas shall be designed so as to provide safe exit and entrance from the public street, in accordance with applicable City or PennDOT specifications.

- c. Surfacing. All parking areas, including those for single-family dwellings, i.e., driveways, shall be graded and paved or otherwise improved with an all-weather, dustless material of asphalt, concrete, grouted brick, paving blocks or similar materials approved by the City.

5. Handicapped Parking Spaces.

- a. Design Standards for Handicapped Parking Spaces. Parking lots shall comply with the latest version of the Americans with Disabilities Act.
- b. Minimum Number of Parking Spaces. If off-street parking spaces are provided for employees, visitors, customers, or residents in multi-family dwellings, then the following spaces shall be required:

Total Parking Spaces in Lot	Required Minimum Number of Handicapped Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7

- c. Handicapped parking spaces shall be the closest parking spaces to the entry point of the establishment or dwelling.
6. Screening. Open off-street parking areas containing more than fifteen (15) parking spaces shall be screened on each side which adjoins or faces a residential district by a wall, fence, earthen mound or densely planted compact evergreen hedge not less than three (3) feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, such wall, fence or hedge. Open parking areas for fifty (50) or more cars shall be interspersed with land forms or other appropriate landscaped or planted area approved by the Planning Commission.
7. Lighting. Any lighting used to illuminate off-street parking areas and driveways shall be directed away from residential properties and public streets so as not to interfere with such uses. The lighting system shall furnish minimally an average of one (1) foot candle during hours of operation.

8. **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facility, other than for a single- or two-family dwelling. The repair work or service of one (1) motor vehicle may occur in the driveway of a single- or two-family dwelling, but any repair work or service of additional cars shall be restricted to a garage, shed, or any other enclosed structure and shall not occur in the driveway or on the street. Motor vehicle repair work or service is prohibited in carports, on a vacant lot or in the shared parking area of a multi-family dwelling.
9. **Joint Use of Parking Spaces.**
 - a. Two (2) or more uses may share a common parking area provided the total spaces equal or exceed the sum of the spaces required for each use individually. However, the Planning Commission may approve a joint parking plan which permits a reduction in this total subject to the following:
 - (1) A written report shall be prepared by the Applicant which clearly demonstrates that one (1) or more uses require parking at times when other uses in the building or complex are not normally in operation and, therefore, the uses could share parking, these reducing the total spaces that otherwise would be required for all uses.
 - (2) Not more than fifty (50) percent of the required parking spaces for any one (1) use shall be supplied jointly with other uses, except that up to one hundred (100) percent of the spaces for a place of worship or school may be supplied jointly with another use.
 - (3) All uses shall be located within three hundred fifty (350) feet of the joint parking spaces and connected by safe pedestrian access.
 - (4) A written agreement shall be executed with the City assuring the continued availability of the joint parking spaces to all proposed uses.
 - b. This joint parking provision shall not apply to shopping centers.
 - c. Any change or expansion of the uses sharing the joint parking area shall require a new review by the Planning Commission and may result in additional spaces being required and a revised agreement with the City.
 - d. Continued compliance with approved joint parking plan is a condition of occupancy; any violation thereof may result in the suspension or revocation of the occupancy permit.
10. **Off-Site Parking Facilities.** The Planning Commission may approve a plan for providing all or some of the required off-street parking spaces on a lot other than where the principal use is located; provided, that:
 - a. Both lots are held in the same ownership or a lease has been executed for the spaces which guarantees their availability for as long as the use exists. Evidence of ownership or a copy of the lease shall be filed with the City.

- b. The off-site spaces are located within the same zoning district as they serve, are within three hundred fifty (350) feet distance from the use and connected by a safe pedestrian walkway.
 - c. The continued availability of the approved off-site parking shall be a condition of occupancy for the principal use which they serve; any violation thereof may result in the suspension or revocation of the principal use's occupancy permit.
11. Parking for Recreational Vehicles. A recreational vehicle shall be parked or stored in an off-street parking space complying with the applicable requirements of this Chapter.

C. Required Spaces by Type of Use.

- 1. When calculating the required number of spaces, a fractional space of one-half (1/2) or over shall be considered an entire space while a fraction below one-half (1/2) may be disregarded.
- 2. In the case of a single- or two-family resident or townhouse unit, a driveway for the dwelling may count as one (1) off-street parking space, provided such parking does not block access to parking for another dwelling.
- 3. Wherever employee parking is required by this Section, it shall be calculated based on the number of employees on a peak shift.
- 4. The following shall be the minimum number of parking spaces required; additional spaces may be required by the City as a result of the development application review:

Table 608-1: MINIMUM REQUIRED PARKING SPACES

<u>USE TYPE</u>	<u>MINIMUM REQUIRED SPACES</u>
Single-, Two-family, Townhouse, Multi-Family Dwellings	Two (2) per dwelling
Personal Care Home	One (1) space per staff member, operator or employee plus one (1) for each four (4) residents
<u>Commercial Uses</u>	
Retail or Service Commercial unless specifically listed	One (1) per three-hundred (300) sq. ft. gross floor area (GFA)
Bank, Financial Institution	One (1) per two-hundred (200) sq. ft. GFA
Business and Professional Offices other than medical or dental offices	One (1) per three-hundred (300) sq. ft. GFA
Call Center	One (1) per two (2) employees on the two (2) largest shifts combined
Eating and Drinking Establishments	Sit-down restaurant: One (1) per two and one-half (2.5 seats) at tables and one (1) per two (2) seats at a bar or counter, plus one (1) per two (2) employees
Funeral home/mortuary	One (1) per three (3) seats in any chapel or seating area and not less than five (5) space for each viewing area or room
Fuel service station; vehicular repair garage	Two (2) spaces per service bay or station, plus one (1) per employee
Hotel/Motel/Inn	One (1) per guest room plus parking requirements for any restaurant, bar or other facilities as required by this Chapter.
Medical or Dental Offices	One (1) per examining room, plus one (1) for each two (2) chairs in waiting room, plus one (1) per physician and staff member
Private school for art, music, crafts, dance etc.	One (1) per staff member plus one (1) per three (3) students
Theater	One (1) per four (4) seats
Veterinary office or clinic or hospital	One (1) per one-hundred fifty (150) sq. ft. GFA, plus one (1) per staff member

<u>USE TYPE</u>	<u>MINIMUM REQUIRED SPACES</u>
<u>Industrial Uses</u>	
Manufacturing, warehouse and wholesale	One (1) per two (2) employees on the two (2) largest shifts combined; or one (1) per eight-hundred (800) sq. ft. GFA if employment is not known
<u>Other Uses</u>	
Places of assembly/worship	One (1) per three and one-half (3.5) fixed seats
Hospital	One (1) per three (3) beds plus one (1) for each staff physician and one (1) for each two (2) other employees on a peak shift
Medical Marijuana Dispensary	One (1) per three-hundred (300) sq. ft. GFA
Medical Marijuana Growing/Processing	Based on review by Planning Commission
Private clubs and lodges	One (1) per two-hundred (200) sq. ft. GFA
Recreational Facility, Commercial	Bowling Alley: five (5) per alley. Other: One (1) per four (4) persons of maximum design capacity for the facility plus one (1) for each employee at peak shift
Recreational Facility, public or nonprofit	Swimming pools: One (1) space per thirty-eight (38) sq. ft. of water area. Tennis Court: Four and one-half (4.5) spaces per court. Other: One (1) per four (4) persons of maximum design capacity for the facility
Schools – Elementary	One (1) per fifteen (15) classroom seats
-- High school	One (1) for each two (2) teachers and staff plus one (1) for each ten (10) students
All Other Uses	Based on review by Planning Commission

D. Reduction of Required Parking Spaces.

1. C-2 District. Off-street parking requirements may be waived or modified by the Planning Commission for any new or expanded use located in this district if the proposed use is located in a building which predates the adoption of this Chapter and for which off-street parking was not provided prior to the Chapter's effective date.

§ 609. Off-Street Loading Requirements.

A. Application.

1. In any zoning district, all structures and uses which require the receipt or distribution of materials or products by trucks or similar delivery vehicles, shall provide accessory off-street loading spaces as required by this Chapter.
2. When an existing structure or use is expanded, accessory off-street loading spaces shall be provided in accordance with the following regulations for the area of such expansion. No existing required off-street loading spaces shall be eliminated or reduced by an expansion or alteration of an existing use, or subdivision or combination of zoning lots.
3. Off-street loading requirements may be modified or waived by City Council where the applicant can show that:
 - a. Existing site constraints affect the application of these standards; or
 - b. The proposed use or uses for a structure need fewer loading spaces than required by this Chapter or that uses can share loading spaces thus reducing the total required for the structure.

B. General Provisions.

1. Location. All required loading spaces or berths shall be located on the same lot as the use served, and no portion of the vehicle shall project into any traffic lane. All motor vehicle loading berths which abut or are adjacent to a residence district or use shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, door, planted screen or any combination thereof, not less than six (6) feet nor more than eight (8) feet in height. No permitted or required loading space or berth shall be located within fifty (50) feet of the nearest point of intersection of any two (2) public streets or highways. No loading space or berth shall be located in a required front yard, and any loading space or berth located in a required rear yard shall be open to the sky.
2. Area. Unless otherwise specified, a required off-street loading space shall be fourteen (14) feet in width by at least fifty-five (55) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least sixteen (16) feet. The required length may be reduced by ten (10) feet, if the Applicant certifies that the off-street loading use will only be single-unit trucks or smaller.
3. Access. Each required off-street loading space shall be designed with appropriate means of vehicular access to a street, highway or alley in a manner which will least interfere

with traffic movement.

4. Surfacing. All open off-street loading shall be improved with a compacted select gravel base, not less than seven (7) inches thick, surfaced with an all-weather, dustless material.
5. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any off-street loading facilities.
6. Utilization. Space allocated for any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

C. Required Off-street Loading Spaces.

1. Uses exceeding two thousand five hundred (2,500) square feet GFA shall provide off-street loading area in accordance with the following:

<u>USE</u>	<u>REQUIRED BERTH</u> (based on gross floor area)
Manufacturing, Wholesale, Other Industrial Uses	One (1) berth for every ten-thousand (10,000) sq. ft. up to a maximum of three (3) berths, then one (1) berth for each additional twenty-five thousand (25,000) sq. ft. or fraction thereof.
Business and Professional Offices, Hotel	One (1) berth for every ten-thousand (10,000) sq. ft., not exceeding a total of two (2) required stalls
Food Stores and Other Retail Stores	One (1) berth for every five-thousand (5,000) sq. ft. up to a maximum of two (2) stalls and then one (1) berth for every twenty-thousand (20,000) sq. ft. or fraction thereof.

2. Uses for which off-street loading facilities are required by this Section, but which are located in buildings that have a floor area that is less than the minimum for which off-street loading facilities are required, shall provide adequate receiving facilities, accessible by motor vehicle, from any adjacent alley, service drive, or open space on the same lot, in accordance with the provisions of this Chapter.

§ 610. Temporary Uses.

- A. Permit Required. An occupancy permit is required for any temporary use of land and/or a structure.
- B. Authorized Temporary Uses.
 1. Residential Districts.
 - a. Model home in a plan of homes used temporarily as a sales office which shall

terminate upon the sale or rental of the last unit.

- b. Rental or sales office in a multi-family residential complex.
 - c. Outdoor fair, exhibit, show, other special event sponsored by a nonprofit organization.
 - d. Private garage/yard sale.
 - e. Other temporary uses, as approved by the Planning Commission.
2. All Other Zoning Districts.
- a. Flea market.
 - b. Outdoor fairs, exhibits.
 - c. Temporary sales events
 - d. Rental or sales office in a development complex.
 - e. Other temporary uses, as approved by the Planning Commission.

C. Conditions of Approval.

- 1. Adequate traffic and pedestrian access and off-street parking areas must be provided to the extent possible.
- 2. An occupancy permit shall not be issued until all licenses, permits or approvals required from other governmental agencies are submitted.
- 3. The City Chief of Police and Fire Chief shall receive a copy of the permit.
- 4. If the Applicant does not own the land on which the temporary use is to be located, evidence of the landowner's permission to use the property shall be submitted.
- 5. The temporary use shall be conducted in a safe manner within the conditions set forth by the City. This includes, but is not limited to, provisions for security, trash pick-up and daily maintenance of the grounds.
- 6. The Zoning Officer may refer any application for a temporary use to Planning Commission for recommendations.
- 7. The provisions of this Section in no way shall be deemed to authorize the outdoor display or sale of automobiles, trailer or equipment rentals, used furniture, appliances, plumbing or building materials, or similar display of sale in any district except as specifically authorized by this Chapter.

D. Temporary Construction Structures. Temporary structures and trailers used in conjunction with construction work may not be moved onto a site until the building permit has been issued and must be removed within thirty (30) days after the completion of construction. Permits for such temporary structures shall not exceed one (1) year but up to three (3) annual

renewals of the permit may be obtained.

§ 611. Site Development Standards.

- A. General Provisions. All uses, lots and structures within all zoning districts shall comply with the applicable requirements of Article VI, General Design Principles, of the City Subdivision and Land Development Ordinance [Chapter 22] for the design, location, installation or provision of streets, driveways, traffic circulation, parking, sidewalks, and pedestrian ways, lighting, public utilities, stormwater management, erosion/sedimentation controls, grading and natural feature preservation.

- B. Landscaping. All portions of a lot, excluding a lot for a detached single- or two-family dwelling, not covered with buildings, buffer yards, streets, drives, parking and loading areas shall be suitably landscaped in accordance with the standards contained in §608 of the Subdivision and Land Development Ordinance, Chapter 22, as amended.

ARTICLE VII - Environmental Performance Standards

§ 701. Applicability.

All new and existing uses established within the City shall comply with the performance standards contained in this Article. The standards shall apply to an existing use or structure, or portion thereof, when it is extended, enlarged, moved, structurally altered or reconstructed.

§ 702. Fire and Explosive Hazards.

- A. All activities and all storage of flammable solid, liquid and gaseous substances and explosive materials shall comply with all applicable Federal, State and local laws and regulations including the provision of adequate firefighting equipment as specified by any law or regulation. All buildings and structures and activities within such buildings and structures shall conform to the City building and fire codes and other applicable Ordinances.
- B. Storage tanks or facilities for flammable liquids shall be located at least fifty (50) feet from any lot line.

§ 703. Toxic, Hazardous and Radioactive Materials.

Any activity which involve the use of toxic, hazardous or radioactive materials shall comply with all applicable Federal and State Requirements regarding the use, storage, transportation, emission and disposal of such materials. Any such use or activity shall obtain and maintain all necessary licenses and permits from appropriate Federal and State agencies as a condition of occupancy.

§ 704. Air Pollution and Odors.

- A. There shall be no emission of smoke, ash, dust, fumes, particulate matter or other air pollutant which violates applicable Federal, State, County or City laws and regulations. Any use or activity in the City shall obtain and maintain all necessary licenses and permits from the appropriate County, State and Federal agencies as a condition of occupancy.
- B. There shall be no emission of odorous gases or other matter in such quantities as to be offensive on adjoining streets or adjacent lots. Odor thresholds shall be measured in accordance with ASTM d-1391-57 "Standard Method for Measurements of Odor in Atmospheres (Dilution Method)."

§ 705. Glare.

- A. No direct reflected glare whether from any lighting source or production operation shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level. Glare shall be defined as direct or indirect light from such activities of greater than one-half (1/2) foot candle at habitable levels.
- B. When any street lighting produces illumination in excess of one (1) foot candle at a particular point in a residential zoning district, the contribution by light sources from any property in a

nonresidential zoning district, as measured at the same point, shall not exceed fifty (50) percent of the street lighting.

- C. No outdoor lighting shall be of such intensity or brilliance as to cause glare which would impair the vision of drivers.

§ 706. Noise.

- A. No operation or activity shall cause or create noise in excess of the sound levels prescribed below at any point on or beyond a lot boundary. For the purposes of this Chapter, the noise level will be measured in decibels (dBA) which indicate the sound pressure level obtained from a frequency weighing network corresponding to the A- scale on a standard sound level meter.

1. Residential Districts. Not to exceed a maximum of sixty (60) dBA for more than one (1) hour per twenty-four (24) hours.
2. Commercial Districts. Not to exceed a maximum of sixty-five (65) dBA for more than eight (8) hours per twenty-four (24) hours.
3. Industrial and City Center Districts. Not to exceed a maximum of seventy-five (75) dBA.
4. Where two (2) zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive of the noise level standards shall govern.

- B. The preceding noise standards shall not apply to the following: (1) noises emanating from construction and/or maintenance activities between 7:00 a.m. and 9:00 p.m.; (2) noises caused by safety signals, warning devices and other emergency-related activities or uses; and transient noises emanating from moving sources, such as trucks, automobiles, airplanes and trains.

- C. In addition to these regulations, all uses or activities within the City shall conform to any applicable City, County, State or Federal noise regulations.

§ 707. Vibration.

- A. Vibration shall be measured at or beyond any adjacent lot line as indicated in Table A below and such measurements shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three (3) component measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.

- B. The maximum vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$P.V. = 6.28 F \times D$$

P.V. = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration, inches

The maximum particle velocity shall be the vector sum of the three (3) individual components recorded. Such particle velocity shall not exceed the values given in Table A. Where vibration is produced as discrete impulses, and such impulses do not exceed a frequency of one hundred (100) per minute, then the values in Table A may be multiplied by two (2).

**TABLE A
MAXIMUM GROUND TRANSMITTED VIBRATION BY ZONING DISTRICT**

<u>Vibration Measured in</u>	<u>Adjacent Lot Line</u>	<u>Residential Districts</u>
Residential Districts	0.02	0.02
Commercial Districts	0.06	0.02
Industrial, Special Districts	0.10	0.02

§ 708. Storage.

All garbage, trash and rubbish shall be stored in covered, vermin-resistant containers and shall be screened from public view.

§ 709. Determination of Compliance.

- A. If a proposed use or activity appears not to comply with the performance standards contained in this Article, the City may require the Applicant to submit sufficient data and evidence to make an objective determination. Where the City must obtain technical assistance to determine compliance with any standard, the cost of such assistance shall be added to any required application fees.
- B. For any existing use, the Zoning Officer shall investigate any purported violation of the performance standards and, with Council approval, employ qualified experts to assist in the determination of a violation. If a violation does exist, the costs for such technical experts shall be added to any other fines and penalties contained in this Chapter.

This page intentionally left blank.

ARTICLE VIII - Nonconformities

§ 801. Continuation.

- A. Any nonconforming use, building or structure, as defined by this Chapter, may continue subject to the provisions of this Article.
- B. The Zoning Officer shall keep and maintain a list of all nonconformities existing at the time of the passage of this Chapter and which may come to exist in the future.
- C. The owner of a lawful nonconformity may secure a certificate of nonconformance which shall document the owner's right to continue the nonconformity. The certificate shall be issued by the Zoning Officer and detail the exact nature of the nonconformity. A copy of the certificate shall be retained by the Zoning Officer.

§ 802. Unlawful Use Not Authorized.

Nothing in this Article shall be interpreted as authorizing or approving the continuance of the use of structure or premises in violation of zoning regulations in effect at the time of the effective date of this Chapter.

§ 803. Alterations, Repair, Enlargement, Reconstruction, Moving of Nonconforming Structures (Excluding Signs).

- A. Nothing in this Article shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
- B. A nonconforming building or structure may be altered, repaired, enlarged or reconstructed provided its nonconformity is not increased and the structure complies with other applicable requirements of this Chapter.
- C. If a nonconforming structure or use thereof is destroyed totally or partially by fire or other disaster, it may be reconstructed (and the nonconforming use thereof continued) provided:
 - 1. The amount of the damage does not exceed fifty (50) percent of the structure's fair market value; and
 - 2. Reconstruction is completed with twelve (12) months of such happening. The reconstruction shall not make the building or structure more nonconforming, in any aspect, than it was prior to destruction and shall comply with applicable State and local building codes.
- D. A conforming use in a nonconforming building or structure may expand within the existing building.
- E. A nonconforming structure or building shall not be moved to any other location on the lot or any other lot unless every portion of such structure, the use thereof and the lot shall conform to all provisions of this Chapter.

§ 804. Alteration, Enlargement or Expansion of a Nonconforming Use.

- A. In order to allow for reasonable economic growth, a nonconforming use may expand in terms of gross floor area, or lot coverage (measured in square feet) if there is no building, in accordance with the following limits:
 - 1. Residential Districts. Up to thirty (30) percent increase.
 - 2. Commercial, Industrial, Special Districts. Up to fifty (50) percent increase.
- B. Such expansion shall:
 - 1. Comply with applicable area and dimensional requirements in the district in which it is located;
 - 2. Not result in making an existing conforming building or structure nonconforming;
 - 3. Not involve the extension of the nonconforming use onto any lot other than that which it presently occupies; and
 - 4. Not reduce or eliminate any off-street parking and/ or loading spaces that fulfill the requirements of this Chapter.
- C. The Zoning Hearing Board may authorize an expansion or enlargement exceeding the otherwise allowable percentages where the purpose of the expansion is to provide required off-street parking or loading space or to correct a hazardous or unsafe condition in violation of a local, county, State or Federal law, provided the expansion is not materially detrimental to surrounding properties or the interest of the City.

§ 805. Change of Nonconforming Use.

When a nonconforming use is changed to a conforming or more conforming one, it shall not be subsequently changed to a nonconforming use. A nonconforming use may be changed to a similar nonconforming use or one which more closely conforms to the uses authorized in the zoning district. A change of one (1) nonconforming use to another nonconforming use requires review and approval by the Zoning Hearing Board, in accordance with the following:

- A. The proposed use is within the same type of use category as the original nonconforming use, such as one (1) personal service business to another, or is a use that more closely conforms to the current district regulations. In making a determination of similar use, the Zoning Hearing Board shall be guided by the *Standard Industrial Classification Manual*, Federal Office of Management and Budget (current edition).
- B. The proposed use will not be any more objectionable than the original nonconforming use in terms of congestion; traffic generation and requirements for off-street parking and loading; outdoor storage of wastes, materials, supplies and equipment; height, area and bulk of all structures.

§ 806. Abandonment of Nonconforming Use.

The discontinuance of a nonconforming for a period of twelve (12) months within a period of eighteen (18) consecutive months, and/or the change of use to more restricted or conforming use for any period of time shall be considered an abandonment of the nonconforming use. Thereafter, such nonconforming use shall not be revived.

§ 807. Nonconforming Lot of Record.

- A. Notwithstanding the regulations imposed by any other provision of this Chapter, a single- or two-family dwelling may be erected on any lot of record in any residential or mixed residential district; provided, that the following requirements are met:
 - 1. The lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, at such location, was not prohibited by any Zoning Ordinance then in effect.
 - 2. The lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable Zoning Ordinance or Ordinances.
- B. Construction permitted by the above shall comply with all otherwise applicable regulations, except lot area and lot width.

§ 808. Termination of Nonconforming Signs.

- A. Upon adoption of this Chapter, the Zoning Officer shall prepare a list of all nonconforming signs.
- B. If the existing use ceases, any new use shall replace the nonconforming sign with a conforming one.
- C. If the Zoning Officer order repairs on any nonconforming sign, which equal sixty (60) percent or more of the sign's replacement value, then the sign shall be brought into conformance as part of the repairs.
- D. A nonconforming sign cannot be enlarged or altered in any aspect, except to make safety improvements or changes which will make the sign conforming, or more conforming, to the provisions of this Chapter. Whenever the boundaries of a district change so as to transfer an area from one (1) district to a district of a different classification, the foregoing provisions shall apply to any nonconforming use, structure or lot of record existing therein.

This page intentionally left blank.

ARTICLE IX - Zoning Hearing Board

§ 901. Membership of the Zoning Hearing Board.

- A. The membership of the Zoning Hearing Board shall be three (3) resident of the City, who shall hold no other office in the City nor be an employee of the municipality, appointed by resolution by City Council in accordance with the provisions of the MPC. The Zoning Hearing Board shall promptly notify the Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.
- B. Council may appoint by resolution at least one (1) but no more than three (3) City residents to serve as alternate members of the Zoning Hearing Board. An alternate member's term of office shall be three (3) years. When seated pursuant to the provisions of §902.C, an alternate shall participate as a Zoning Hearing Board member in all proceedings and discussions of the Zoning Hearing Board, including voting, and shall have all the powers and duties provided by law to a Zoning Hearing Board member. Alternates shall hold no office in the City nor be an employee of the municipality. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member or be compensated unless designated as a voting member pursuant to §902.C.
- C. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of Council, taken after the member has received fifteen (15) days 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.

§ 902. Organization of the Zoning Hearing Board.

- A. Officers. The Zoning Hearing Board shall elect a Chairman and Vice Chairman annually at its first meeting in January. Officers may succeed themselves.
- B. Quorum. For the conduct of any hearing and the taking of any action, a quorum shall be a majority of all the member of the Zoning Hearing Board, but the Zoning Hearing 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 Zoning Hearing Board as provided in §904.
- C. Designation of Alternates. If by reason or absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members as may be needed to provide a quorum. Any alternate member shall continue to serve on the Zoning Hearing Board in all proceedings involving he matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of any alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternatives.
- D. Procedural Rules. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure consistent with the Ordinances of the City and laws of the Commonwealth.

- E. Records. The Zoning Hearing Board shall keep full public records of its business; all records and files of the Zoning Hearing Board shall be kept in the office of the Zoning Officer and shall be the property of the City.
- F. Report to Council. Upon request by Council, the Zoning Hearing Board shall submit a report of its activities.
- G. Compensation. Members and alternate members of the Zoning Hearing Board shall receive no compensation for the performance of their duties.
- H. Expenditures for Services. Within the limits of funds appropriated by Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and any other technical and clerical services. The Zoning Hearing Board's legal counsel shall be an attorney other than the City Solicitor. City Council shall make provision in its budget and appropriate funds for the operation of the Zoning Hearing Board based on an annual budget request submitted by the Zoning Hearing Board.

§ 903. Applications to the Zoning Hearing Board.

- A. Submission. It is strongly recommended that any application that may require a variance(s) submit all materials associated with Ordinance requirements to the Planning Commission prior to the process of applying for any variance(s). All applications for hearings shall be filed with the Zoning Officer on the form provided by the Zoning Officer. The application shall contain or be accompanied by such copies, information and plans as required by the application form, including a site or plot plan drawn to scale showing the proposed activity and other information necessary to evaluate the application under the provisions of this Chapter.
- B. Determination of Completeness. Within five (5) working days after receiving an application for a hearing, the Zoning Officer shall determine if the application is complete. If the application is not complete, the Zoning Officer shall notify the Applicant in writing of any deficiencies and shall not process the application in writing any further until the Applicant remedies the deficiencies. Failure to provide the missing element of the application within thirty (30) days shall constitute withdrawal of the application.

§ 904. Hearings.

- A. Time Limit. Once an application for a hearing is complete, the Zoning Hearing Board shall fix a time and place for such hearing within sixty (60) days from the receipt of the Applicant's application, unless the Applicant has agreed to an extension of time. Each subsequent hearing before the Zoning Hearing Board shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the Applicant in writing or on the record. An Applicant shall complete the presentation of their case-in-chief within one-hundred (100) days of the first hearing. Upon the request of the Applicant, the Zoning Hearing Board or hearing office shall assure that the Applicant receives at least seven hours of hearings within the one-hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one-hundred (100) days of the first hearing held after the completion of the Applicant's case-in-chief. Any Applicant may, upon request, be granted additional hearings to complete his case-in-chief

provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the Applicant and municipality, be granted additional hearings to complete their opposition to the application provided the Applicant is granted an equal number of additional hearings for rebuttal.

B. Notice.

1. Public notice shall be given in accordance with this Chapter.
2. Written notice shall be mailed to the Applicant, the Zoning Officer, the City Clerk, members of City Council, the Chair of the Planning Commission and any person who has made timely request for such notices.
3. Written notice shall be posted conspicuously on the affected property at least one (1) week prior to the hearing.
4. Written notice shall be mailed to adjacent property owners of lots on the same street within one hundred (100) feet of the lot in question and to every lot not on the same street within one hundred (100) feet. Failure to send or receive such notice as required in the subsection shall not invalidate any action of the Zoning Hearing Board.

C. Conduct.

1. Hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint one (1) member or an independent attorney as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Zoning Hearing Board, but the appellant or Applicant, in addition to the City, may, prior to the decision of the hearing, waive the decision or finding by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
2. Parties to the hearing shall be the City, any person who is affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
3. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents required by the parties.
4. 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.
5. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

6. The Zoning Hearing 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 Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or by the persons appealing from the decision of the Zoning Hearing Board if such appeal is made. In either case the cost of additional copies shall be paid by the person requesting such copies; in other cases the party requesting the original transcript shall bear the cost thereof.
7. The Zoning Hearing Board or the hearing officer shall:
 - a. Not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate;
 - b. Not take any notice of any communication, reports, staff memoranda or other materials, except advice from its solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and
 - c. Not inspect the site or its surroundings after the commencement of hearing with any party or his representative unless all parties are given an opportunity to be present.
8. The Zoning Hearing Board or the hearing officer shall render a written decision or, when no decision is called for, make written finding on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer.
9. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reason therefore. Conclusions based on any provisions of this Chapter or of any act, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
10. If the hearing is conducted by a hearing officer, and no stipulation has been made that the officer's decision or findings are final, the Zoning Hearing Board shall make the hearing officer's reports and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to the final decision or entry of findings. The Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.
11. Where the Zoning Hearing Board fails to render a decision within the time period specified by this subsection, or fails to hold a hearing within the required time period, the decision shall be deemed to have been rendered in favor of the Applicant, unless the Applicant has agreed in writing on the record to an extension of time.
12. When a decision has been rendered in favor of the Applicant because of the failure of the Zoning Hearing Board to meet or render a decision as provided above, the Zoning

Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision; notice shall be given in the manner prescribed by §904.B. If the Zoning Hearing Board fails to provide such notice, the Applicant may do so. Nothing in this subsection shall prejudice the right to any party opposing the application to appeal the decision to a court of competent jurisdiction.

D. Final Decision.

1. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the Applicant personally or sent by certified mail no later than one (1) day after the decision.
2. The Zoning Hearing 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 all findings may be examined to:
 - a. All persons who filed their names and address with the Zoning Hearing Board not later than the last day of the hearing;
 - b. The Zoning Officer;
 - c. The City Clerk;
 - d. President of Council; and
 - e. Chair of the Planning Commission.
3. The Zoning Hearing Board may cancel or revoke an approval for any violation of this Chapter or of the conditions imposed with the approval.

§ 905. Time Limitations for Filing Appeals.

- A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves the he had no notice, knowledge or reason to believe that such approval had been give. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- B. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of an Ordinance or map pursuant to §916(B) of the MPC shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- C. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

§ 906. Stay of Proceedings.

- A. Upon filing of any proceeding and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or 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 Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property. In this case, the development or official action shall not be stayed otherwise than by restraining order which may be granted by the Zoning Hearing Board or the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.
- B. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the Applicant, the Applicant may petition the County Court of Common Pleas to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. The court's hearing and decision on the petition shall be in the manner prescribed by the MPC, §915.1.

§ 907. Jurisdiction of the Zoning Hearing Board.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use Ordinance, except those brought to Council together with a curative amendment, according the provisions of the MPC, §916.1.
- B. Challenges to the validity of a land use Ordinance raising procedural questions or alleged defects in the process of enactment, which challenges shall be raised by appeal within thirty (30) days after; the effective date of said Chapter.
- 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; the registration or refusal to register any nonconforming use, structure or lot; or a preliminary land use determination pursuant to §916.2 of the MPC.
- D. Appeals from a determination by the City Engineer or Zoning Officer with reference to the administration of any floodplain Ordinance.
- E. Applications for variances from the terms of this Chapter and any floodplain Ordinance.
- F. Applications for special exceptions and changes to nonconforming uses pursuant to the provisions of this Chapter.
- G. Appeals from the determination of the Zoning Officer charged with the administration of any transfers of development rights or performance density provisions of this Chapter.
- H. Appeals from the determination of the Zoning Officer or City Engineer in the administration of any land use Ordinance or provision thereof with reference to sedimentation and erosion and stormwater management insofar as the same relate to development not involving

subdivision and land development applications.

§ 908. Variances.

- A. Authority. The Zoning Hearing Board shall hear a request for a variance where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the Applicant. The Zoning Hearing Board may rule prescribe the form of application and may require preliminary application to the zoning officer.
- B. Standards. The Zoning Hearing Board may grant a variance only if the Applicant demonstrates and the Zoning Hearing Board finds:
 - 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 to be circumstances generally created by the provisions of this Chapter 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 Chapter; and the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - 3. That such unnecessary hardship had not been created by the appellant.
 - 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.
 - 5. That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue.
- C. Planning Commission Comments. The Zoning Hearing Board shall request the review and comments of the Planning Commission on any variance application, which shall be made part of the public record.
- D. Conditions. The Zoning Hearing Board may attach to any variance such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.
- E. Limitations. Variances shall not be granted which would:
 - 1. Permit a structure to be constructed or used which deviates from any dimensional requirement of this Chapter by more than fifteen (15) percent.
 - 2. Permit an increase in the otherwise allowable area of the sign by more than ten (10) percent.

- F. **Time Limits.** A variance shall be valid for a period of one (1) year. If a building permit is not issued and construction commenced, or if no building permit is required, an occupancy permit is not issued, the variance shall become null and void.

§ 909. Special Exceptions.

- A. **Authority.** The Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria as specified in Article V of this Chapter.
- B. **Conditions.** In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter.
- C. **Planning Commission Comments.** The Zoning Hearing Board may request the review and comments of the Planning Commission on any application for a special exception, which shall be made part of the public record.

§ 910. Requests for Reasonable Accommodations.

See §504 of this Chapter.

§ 911. Changes of Nonconforming Uses.

The Zoning Hearing Board shall hear requests for a change of one (1) nonconforming use to another in accordance with the provisions of §805 of this Chapter.

§ 912. Appeals.

All appeals from the decision of the Zoning Hearing Board shall be taken to the County Court of Common Pleas within thirty (30) days after the entry of the decision of the Zoning Hearing Board in accordance with the provisions of Article X-A of the MPC.

§ 913. Applicability of Judicial Remedies.

Nothing contained in this Chapter shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

ARTICLE X - Administration and Enforcement

§ 1001. Zoning Officer.

- A. Appointment. City Council shall appoint a Zoning Officer to administer and enforce this Chapter. The Zoning Officer shall demonstrate a working knowledge of municipal zoning; meet the qualifications established by Council; and not hold any elective officer in the City.
- B. Duties of the Zoning Officer. The Zoning Officer shall:
1. Receive all applications for certificates of zoning compliance and occupancy permits and maintain records thereof.
 2. Issue certificates of zoning compliance and occupancy permits for permitted uses where the applications comply with the literal terms of this Chapter and other applicable Ordinances.
 3. Receive, file and forward to the Planning Commission and City Council all applications for conditional uses; maintain records thereof; and issue certificates of zoning compliance when authorized by Council.
 4. Receive, file and forward to the Zoning Hearing Board the records in all appeals, and all applications for special exception uses, variances and changes of nonconforming uses; maintain records thereof; and issue certificates of zoning compliance when authorized by the Zoning Hearing Board.
 5. Inspect buildings, structures and uses of land to determine compliance with the provisions of this Chapter and seek, upon approval of Council, any expert technical advice on issues as they may arise.
 6. Issue stop, cease and desist orders and issue written correction orders for any condition found to be in violation of this Chapter and other applicable Ordinances.
 7. Institute, with approval of or at the direction of the City Council appropriate legal action to prevent, restrain, abate or correct any violation of this Chapter.
 8. Revoke any order, certificate of zoning compliance or occupancy permit issued under a mistake of fact or contrary to the provisions of this Chapter.
 9. Make and maintain accurate and current records of all legal nonconformities under this Chapter.
 10. Submit a written monthly report to Council listing all permits, certificates, notices and orders issued and report to Council on any activities upon request.
- C. Inspections. Upon presentation of proper identification, the Zoning Officer shall have the authority to enter any building, structure, premises, property or development in the City, at

any reasonable hour, in order to verify the information provided in a pending application, assure compliance with any approved application or enforce the provisions of this Chapter.

§ 1002. Certificate of Zoning Compliance.

A. Applicability. A certificate of zoning compliance shall be obtained from the Zoning Officer before any person may:

1. Occupy or use any vacant land or structure.
2. Change the use of an existing structure or land to a different use.
3. Construct, reconstruct, move, alter or enlarge any structure or building.
4. Change, alter or extend a nonconforming use.

B. Procedure for Obtaining Certificates.

1. Applications for a certificate of zoning compliance shall be submitted in writing to the Zoning Officer in the form prescribed by the City and be accompanied with any required fees.
2. All applications shall be accompanied by plans prepared according to City requirements and shall contain such information as may be necessary to determine compliance with this Chapter and all other pertinent Ordinances. All applications with accompanying plans and documents shall become a public record after approval or denial.
3. An application shall not be deemed officially filed until it is complete. Within five (5) working days after receiving an application, the Zoning Officer shall determine if the application is complete. If it is not, the Zoning Officer shall notify the Applicant in writing of any deficiencies and shall not process the application any further until the Applicant remedies the deficiencies. Failure to provide the missing elements of the application within thirty (30) days shall constitute a withdrawal of the application.
4. The Zoning Officer shall not issue a certificate of zoning compliance unless the application complies with all the provisions of this Chapter and all required approvals and/ or permits have been obtained from all applicable City, County, State and Federal agencies. The Applicant shall submit copies of such approvals/permits required from other governmental agencies to the Zoning Officer.

C. Coordination with Building Permits. Whenever the proposed activity requires a building permit under the terms of the City Building Code [Chapter 5, Part 1], the application for the zoning certificate shall be made prior to or simultaneously with the application for the building permit. However, the building permit shall not be issued until the zoning certificate has been approved.

D. Changes. After issuance of the certificate of zoning compliance, no changes of any kind shall be made to the approved application and plans without written approval of the Zoning Officer, or in the case of a conditional or special exception use approval, City Council or the

Zoning Hearing Board, as appropriate. Requests for any such change shall be in writing and shall be submitted to the Zoning Officer.

- E. Duration of Certificate. A certificate of zoning compliance shall expire within one (1) year from the date of issuance if the subject use is not commenced or construction has not begun. All work must be completed no later than two (2) years from the date of issuance of the permit.

§ 1003. Occupancy Permit.

- A. An occupancy permit shall be obtained before any person may occupy or use any new or existing structure or lot. Issuance of a certificate of zoning compliance does not allow occupancy; an occupancy permit is also required.
- B. Upon completion of the work covered by any certificate of zoning compliance or before the occupancy of any new or existing lot or structure, the Applicant shall notify the Zoning Officer who shall examine the such building, structure or use of land within ten (10) days after notification. If the Zoning Officer shall find that such construction, erection, structural alteration, or use of building and/ or land is in accordance with the provisions of this Chapter, other applicable Ordinances, and the approved plans, the occupancy permit shall be issued.
- C. The Zoning Officer may issue a temporary occupancy permit which allows the use or occupancy of a building or structure during structural alteration thereof or permits the partial use or occupancy of a building or structure during its construction or erection. Such a temporary permit shall only be valid for a period not exceeding three (3) months from its issuance, and shall be subject to such restrictions and provisions as may be deemed necessary by the Zoning Officer to ensure the safety of persons using or occupying the building, structure or land involved.

§ 1004. Revocation of Certificates and Permits.

- A. In the event the Zoning Officer discovers that the work or occupancy does not comply with the approved application or any applicable laws and Ordinances, or that there has been a false statement or misrepresentation by an Applicant, the Zoning Officer shall revoke the certificate of zoning compliance or occupancy permit and proceed with whatever legal action is necessary to correct the violation.
- B. Any certificate or permit issued in error which conflicts with the provisions of this Chapter shall be null and void.

§ 1005. Schedule of Fees.

The City may establish by resolution from time to time fees for the administration of this Chapter and for hearings before the Zoning Hearing Board in accordance with the provisions of the MPC, §617.3 & §908.

§ 1006. Amendments to the Zoning Ordinance or Map.

- A. Amendments Other Than Curative Amendments. See also §402 and §609 of the MPC.
1. Council may amend this Chapter as proposed by a member of Council, by the Planning Commission, or by a petition of a landowner, an agent of the landowner or a person residing in the City.
 2. Petitions for amendment by a landowner or resident shall be filed with the Zoning Officer, and the petitioner, upon such filing, shall pay any fee in accordance with the Schedule of Fees.
 3. Any amendment not prepared by the Planning Commission shall be referred to it for review and recommendations at least thirty (30) days prior to the public hearing on the amendment.
 4. At least forty-five (45) days prior to the public hearing, the amendment shall be sent to the County Planning Agency for its recommendations.
 5. Before voting on the enactment of an amendment, City Council shall hold a public hearing thereon, pursuant to public notice as defined by this Chapter. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted as points deemed sufficient by the City along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
 6. If after any public hearing held upon an amendment, the proposed amendment is substantially changed or is revised to include land previously not affected by it, Council shall resubmit the amendment to the County Planning Agency and hold another public hearing at least thirty (30) days, or as otherwise required by the MPC, after submitting the revised amendment to the County Planning Agency, pursuant to the public notice, before proceeding to vote on the amendment.
 7. The proposed amendment shall be published once in one (1) newspaper of general circulation in the City not more than sixty (60) days nor less than seven (7) days prior to passage. The publication shall include either the full text or a brief summary of the amendment, prepared by the City Solicitor and stating the amendment's provisions in reasonable detail. If the full text is not published:
 - a. A copy shall be supplied to a newspaper of general circulation at the time the public notice is published.
 - b. An attested copy of the proposed amendment shall be filed in the County law library or other office designated by the County.
 8. A vote on any proposed amendment shall take place at a regular or special meeting of Council, following the public hearing or hearings.

9. Within thirty (30) days after enactment, a copy of the amendment shall be forwarded to the County Planning Agency.

B. Curative Amendments by Landowners.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or Map (or any provision thereof) which restricts or prohibits the use or development of land in which he/she has an interest, may submit a curative amendment to City Council, as provided by the MPC.
2. Council shall commence a hearing within sixty (60) days of the request. Procedures for hearing and deciding the challenge and proposed curative amendment shall be in the manner prescribed by the MPC, §609.1 & §916.1.

C. Municipal Curative Amendments.

1. The City, by formal action, may declare this Chapter or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity.
2. Within thirty (30) days following such declaration and proposal, Council shall:
 - a. By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:
 - (1) References to specific uses which are either not permitted or not permitted in sufficient quantity,
 - (2) Reference to a class of use or uses which require revision, or
 - (3) Reference to the entire Chapter which requires revisions.
 - b. Begin to prepare and consider a curative amendment to correct the declared invalidity.
3. Within one hundred eighty (180) days from the date of the declaration and proposal, the City shall either enact a curative amendment to validate, or reaffirm the validity of this Chapter. The procedures for adopting a curative amendment shall be prescribed by §609 of the MPC.
4. Upon the initiation of the procedures set forth above, Council shall not be required to entertain or consider any landowner's curative amendment. Similarly, the Zoning Hearing Board is not required to give a report on any challenge to the validity of this Chapter if the said challenge is based upon grounds identical to or substantially similar to those specified in Council's resolution.
5. Upon the initiation of the procedures, Council shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the Pennsylvania MPC nor shall the Zoning Hearing Board be required to give a report requested under

- §909.1 or §916.1 of the MPC subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by clause (1)(a). Upon completion of the procedures as set forth in clauses (1) and (2), no rights to a cure pursuant to the provisions of sections 609.1 and 916.1 shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this section.
6. The City may not again utilize the above procedure for a municipal curative amendment for a thirty-six (36) month period following the date of the enactment of a curative amendment or the reaffirmation of the validity of this Chapter. However, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the City by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the City may utilize the provisions of this Section to prepare a curative amendment to this Chapter to fulfill said duty or obligation.

§ 1007. Enforcement.

A. Notices.

1. Whenever the Zoning Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or of any regulation adopted pursuant thereto, the Zoning Officer shall give notice of such alleged violation. The notice shall be sent to the owner of record, 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.
2. Such notice shall state:
 - a. The name of the owner of record and any other person against whom the City intends to take action.
 - b. The location of the property in violation and the specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Chapter.
 - c. The date by which steps for compliance must commence and when such steps must be completed.
 - d. The recipient's right to appeal in accordance with the procedures contained in this Chapter.
 - e. That failure to comply with the notice within the specified times, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.

B. Causes of Action.

1. 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 Chapter; the Zoning Officer with approval of Councilor any aggrieved owner or tenant of real property who shows that his 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.

2. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the City at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on City Council. No such action may be maintained until such notice has been given.

C. Enforcement Remedies.

1. Any person who has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City, pay a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) plus court costs, including reasonable attorney fees incurred by the City. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a verdict by the district justice.
2. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to applicable rules of civil procedure.
3. Each day that a violation continues shall constitute a separate violation unless the district justice further determines that there was a good faith basis for the person violating this Chapter to have believed that there was no such violation. In such case there shall be deemed to have been only one (1) such violation until the fifth day following the date of the district justice's determination of a violation; thereafter each day that a violation continues shall constitute a separate violation.
4. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the City.
5. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
6. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this Section.

This page intentionally left blank.

ARTICLE XI - Group Residence Facilities

§ 1101. Purpose and Intent.

The purpose and intent of this Article is to protect the health, safety, welfare, order and prosperity of present and future residents of the City of Duquesne, and to preserve adequate protection from fire and other dangers, to provide adequate light, air, water, drainage and sanitation, to protect and promote economy in government expenditure and to protect the tax base by preventing excessive concentration of population and by regulating the number and nature of group residence facilities in the City of Duquesne.

§ 1102. Regulations Governing Group Residence Facilities.

- A. These services shall be provided in a family environment and only to persons who are in need of supervision and/or specialized services and who are:
 - 1. Children under the age of eighteen (18) years.
 - 2. Physically or mentally handicapped persons of any chronological age.
 - 3. Elderly, sixty-two (62) or more years of age.
- B. Excluded from the category "group residence facility" and prohibited from being established within the City are:
 - 1. Facilities for persons over age eighteen (18) who are under the jurisdiction of the Bureau of Corrections of any governmental body or who have recently been released from such jurisdiction.
 - 2. Facilities for persons eighteen (18) years of age or younger who are under the jurisdiction of a governmental institution whose function involves maintenance and supervision of juvenile offenders of the law.
 - 3. Facilities which function as rehabilitative operations for alcohol and/or drug abusers or for convicted felons recently released or on probation from penal institutions.
- C. Supervision of the group residence facility shall be provided by responsible adults whose number and qualifications shall be determined and certified by the sponsoring agency or entity. At least one (1) responsible staff member shall be on the premises at all times twenty-four (24) hours a day.
- D. The number of residents shall be limited in accordance with the zoning district wherein the property is located and, in any event, shall not at any one (1) time exceed eight (8) residents, including supervising adults and their children.
- E. Any party or parties seeking to occupy a dwelling or other building as a group residence facility shall file a detailed statement of intent describing the nature of the proposed use of the facility, the number of anticipated occupants and the licensure or certification obtained for the facility in order to be issued on occupancy certificate. Within ten (10) days of the

filing of this statement, the Zoning Hearing Board shall place an advertisement in the local newspaper describing the proposed facility and inviting written comment within two (2) weeks from interested individuals or organizations. Such written comments shall be filed with the Zoning Hearing Board and considered by the Zoning Hearing Board before an occupancy certificate is issued.

- F. The group residence facility shall be licensed or certified by a government agency prior to application for a City of Duquesne occupancy certificate.
 - 1. If a licensing agency does not exist, the Applicant must demonstrate to the Zoning Hearing Board that the proposal satisfies a demonstrated need and shall be conducted in a responsible manner without detriment to surrounding properties.
 - 2. The license or certification of the group residence facility shall be renewed yearly subject to the procedure of the issuing agency, and evidence of the renewal shall be provided to the Zoning Hearing Board. If no issuing agency exists, the sponsor shall file information demonstrating to the Zoning Hearing Board that the conditions of the original proposal continue to be met.
- G. The group residence facility shall be inspected yearly by the City of Duquesne Building Inspector to determine if it continues to satisfy conditions of the original approval.
- H. A group residence facility shall be located not less than one (1) mile away from any other group residence facility in the City of Duquesne. The said one (1) mile separation distance shall be measured by drawing a circle with a one (1) mile radius where the center of the circle is the proposed facility.
- I. Onsite parking shall be provided at the ratio of one (1) space per staff member plus one (1) for every two (2) residents licensed to drive and permitted by the sponsor to do so.
- J. The minimum lot area and yard setback shall conform with those described for the zoning district where the facility is located. Where the building proposed to house the facility is an existing building which has been established as a lawful dwelling through pre-existing use, the dimensions may be reduced by the Zoning Hearing Board.
- K. Change in the sponsorship of the group residence facility or any conditions of original approval shall constitute a new use and the full procedure for obtaining a new use shall be exercised.

ARTICLE XII - Official City of Duquesne Zoning Map

ZONING MAP
CITY OF DUQUESNE

