

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE BOROUGH OF MANOR, WESTMORELAND COUNTY, PENNSYLVANIA, IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE (“MPC”), REPEALING CHAPTER 27 OF THE MANOR BOROUGH CODE OF ORDINANCES, RELATED TO ZONING, ALSO KNOWN AS THE “MANOR BOROUGH ZONING ORDINANCE”, AND REPLACING CHAPTER 27 IN ITS ENTIRETY; PROVIDING GENERAL PROVISIONS IN CONFORMITY WITH THE MANOR BOROUGH COMPREHENSIVE PLAN; FURTHER PROVIDING FOR DEFINITIONS; ADDITIONALLY PROVIDING FOR ZONING DISTRICTS, ALONG WITH PERMITTED USES, CONDITIONAL USES AND SPECIAL EXCEPTIONS AND REGULATIONS ASSOCIATED WITH SAID DISTRICTS AND USES, AND A MAP OUTLINING THE LOCATION OF SAID DISTRICTS, WHICH HAS NOT CHANGED; ALSO PROVIDING FOR SUPPLEMENTAL REGULATIONS GOVERNING NONCONFORMING USES AND STRUCTURES ALONG WITH VARIOUS GENERAL PERFORMANCE STANDARDS; FURTHER PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE MANOR BOROUGH ZONING ORDINANCE, ALONG WITH PROVIDING FOR THE RIGHT TO APPEAL FROM ADVERSE DECISIONS; AND ADDITIONALLY PROVIDING FOR THE CONTINUED OPERATION OF THE MANOR BOROUGH ZONING HEARING BOARD.

**WHEREAS**, the Borough of Manor encourages the reasonable development of all legal uses of property for the benefit of the Borough residents and guests; and

**WHEREAS**, the Borough desires to update its zoning regulations by repealing Chapter 27 of the Manor Borough Code of Ordinances related to zoning and replace it, in its entirety, and adopt a new Chapter 27, known as “Zoning” in accordance with its comprehensive plan:

**NOW, BE IT ORDAINED AND ENACTED**, and it is hereby Ordained and Enacted by the Borough Council of the Borough of Manor, Westmoreland County, Pennsylvania, as follows:

1. The Borough of Manor hereby repeals, in its entirety, Chapter 27 and shall replace it, in its entirety, with the following known as “Zoning”:

**ARTICLE I:  
General Provisions**

**§ 101. Short Title.**

This chapter shall be known and cited as the “Manor Borough Zoning Ordinance.”

**§ 102. Purpose and Community Development Objectives.**

- A. The following community development objectives are the basis for the provisions of this Ordinance. These objectives are adopted as a statement of legislative findings and may be used in evaluating any proposed amendments.

- B. The general objective for the management of growth in Manor Borough is to provide a pleasant, attractive, healthy, safe and convenient environment for living, working, education, shopping and recreation. This objective shall be pursued by the creation and implementation of land use plans to:
- (1) Preserve and improve the natural environment.
  - (2) Increase property values, employment opportunities and the economic base of the community.
  - (3) Provide safe, adequate and attractive housing.
  - (4) Obviate losses from flooding and minimize health hazards which might result from development.
  - (5) Provide the necessary infrastructure of utilities and vehicular and pedestrian transportation arteries.
  - (6) Provide recreational and community facilities.
  - (7) Provide for ongoing community planning and growth management.
- C. The preservation and improvement of the environment shall be pursued by:
- (1) The elimination of visual and physical blight such as overhead utility lines, concentrations of signs of excessive size and proximity, large expanses of unbroken pavement and dilapidated structures.
  - (2) The preservation of natural topography and woodlands, including the limiting of hillside development beyond a reasonable gradient, and the control of floodplains and watersheds.
  - (3) The prevention of excess erosion, hazardous rock and soil slippage, sedimentation and other soil and water management problems.
  - (4) The regulation and control of the design, construction, quality of materials, use, location and maintenance of grading, excavation and fill.
  - (5) The reclamation of derelict land.
  - (6) The dedication and acquisition by the Borough of natural open space and wooded slope land to link existing and proposed park sites and neighborhoods, and to prevent ecological problems resulting from extensive cut and fill necessary to develop wooded slop lands.
- D. The increase of property values, employment opportunities and the economic base of the community shall be pursued by:
- (1) The promotion of balanced economic growth and employment opportunities.
  - (2) The concentration of commercial and industrial uses in the areas where streets and utilities can provide the necessary services and where conflicts with other uses can be minimized through site design and transitional provisions.
- E. The provision of safe, adequate and attractive housing for the entire population of the community shall be pursued by:
- (1) Providing housing density alternatives and a mix of housing types, correlating residential density and housing type with topography, environmental conditions and the capacity of and distance from existing and proposed utilities, streets and community facilities.
  - (2) The removal of dilapidated housing, the rehabilitation of deteriorating housing, the maintenance of sound housing and the development of new housing.
  - (3) The promotion of an attractive residential environment through the implementation of the other objectives set forth herein.

- (4) The provision of residential areas with adequate commercial, governmental, recreational and educational facilities.
  - (5) The preservation of historical landmarks.
- F. The creation and implementation of land use plans shall seek to achieve the foregoing objectives and to:
- (1) Avoid incompatible land use if possible and protect against the detrimental effects of incompatible land uses through planting, open space and natural breaks in topography.
  - (2) Concentrate development where possible to prevent sprawl, conserve open space and make full use of utilities and services.
  - (3) Provide site plan control.
- G. The prevention of loss of life, disruption of commerce and governmental services, unnecessary expenditure of public funds for flood protection and relief and the related impairment of the tax base shall be pursued by:
- (1) Regulation of uses and development in floodplains which, acting alone or in combination with other uses and development, may cause unacceptable increases in flood heights, velocities and frequencies.
  - (2) Restricting and prohibiting certain uses, activities and development from locating within areas subject to flooding.
  - (3) Requiring all those uses, activities and developments that occur in floodplains to be protected and flood-proofed against flooding and flood damage.
  - (4) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- H. Providing necessary infrastructure for utilities and transportation arteries shall be pursued by:
- (1) The extension of water lines, storm and sanitary sewers and roads and their improvement where economically feasible to guide and promote development.
  - (2) The encouragement of public utilities to improve and extend services consistent with the objectives set forth herein.
  - (3) Traffic planning and control which will provide safe, rapid and convenient movement of people and goods within and through the Borough, with a separation of through and local traffic, provide for pedestrians and minimal disruption of existing and proposed development patterns and community integrity.
- I. Providing recreational and community facilities shall be pursued by:
- (1) The creation of outdoor and indoor recreational facilities to accommodate the existing and future population.
  - (2) The promotion of schools and parks in close proximity to decrease duplication of services and to provide the greatest value for public expenditures.
  - (3) The promotion of acquisition or dedication of natural open space for park and recreational purposes.
  - (4) The provision of residential areas with adequate commercial, governmental, recreational and educational facilities.
  - (5) The preservation of historical landmarks.

**§ 103. Compliance Required.**

Full compliance with all the provisions of this chapter, and the lawful issuance of all permits and certificates required by this chapter, shall be required before:

- A. Any structure is located, erected, constructed, reconstructed, moved, altered, converted or enlarged or any structure or land is altered or used.
- B. The subdivision or land development of any lot, tract or parcel of land is made.
- C. Any street, sanitary sewer, storm sewer, water main or other improvements in connection therewith is laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon.
- D. Any lot, parcel or tract in a subdivision is sold, transferred, leased or otherwise conveyed to new owners and/or occupants.
- E. Any grading, excavation or fill is enlarged, altered or repaired.
- F. Any sign is erected or altered as specified herein.

#### **§ 104. Permits Required.**

To ensure compliance with the provisions of this chapter, the following permits and plat approvals are required:

- A. A zoning permit shall be required before any person may construct, reconstruct, move, alter or enlarge any structure or building; or change the use of a structure or land to a different use; or change a nonconforming use or structure.
  - (1) No building permit shall be issued for the construction of a structure in a subdivision, land development or planned residential development until the final plat has been approved by the Council of Manor Borough and has been recorded as required herein.
  - (2) No zoning or building permit shall be issued for any use upon any lot, except a single-family home dwelling, until a site development plan has been submitted, reviewed and approved in accordance with the provisions of the Manor Borough Subdivision and Land Development Ordinance.
- B. An occupancy permit shall be required prior to the occupancy of land or structure or any portion thereof to certify the validity of conforming or nonconforming uses or structures. Any use of property existing without an occupancy permit shall not be deemed “lawfully existing” for purposes of determining whether a use of land or structure thereupon is nonconforming under Article X of this Ordinance.
- C. A zoning permit shall be required before any person may hereafter erect or alter in any way any sign regulated by this Ordinance.
- D. Every permit or permission granted hereunder shall become null and void if the work authorized has not been completed within one (1) year from the date of issuance. If the activity for which the original permit was issued continues for more than one (1) year, a new permit must be obtained. The permit may be renewed by the Zoning Officer if there has been no change in applicable regulations and if such renewal is requested within one (1) month of the date of expiration of such permit. If applicable regulations have been changed, the full review and approval procedure required by this chapter shall apply. No permit issued by authorization of the Zoning Hearing Board as set forth hereafter shall be renewed except by authority of the Zoning Hearing Board.
- E. Every permit shall be revocable if the Zoning Officer determines that the applicant or occupant is not complying with any condition required for the issuance of said permit.

**§ 105. Interpretation.**

The provisions of this chapter shall be interpreted as the minimum requirements imposed for the protection of the health, safety, morals and general welfare of the Borough.

**§106. Disclaimer of Liability.**

Neither the issuance of a permit under the provisions of this chapter, nor compliance with its provisions, nor nonconformance with conditions required by any such permit shall relieve any person from liability for damage resulting from any development activity, nor attach any liability upon the Borough for damages to persons or property. The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damage. This chapter shall not create liability on the part of the Borough or on any officer or employee thereof for any flood damage that results from reliance on this chapter, or any administrative decision lawfully made thereunder.

Further, the grant of a zoning permit in any district shall not constitute a representation, guarantee or warranty of any kind by the Borough and cooperating agencies, or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Borough, its officials, cooperating agencies and employees.

**§ 107. Severability.**

In the event that any word, phrase, section, sentence, clause or part of this Ordinance is held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Ordinance, it being the intent of the Borough of Manor that such remainder shall be and shall remain in full force and effect for this purpose and the provisions of this Ordinance are hereby decaled to be severable.

**§ 108. Finances.**

The Borough Council shall appropriate from general funds, or other sources, monies to finance the preparation, administration and enforcement of this Ordinance, to finance the work of the Zoning Hearing Board and to support or oppose, upon appeal to the Courts, decisions of the Zoning Hearing Board. For the same purposes, the Borough Council may accept gifts and grants of money and services from private sources and from the Commonwealth and Federal government. The Borough Council shall prescribe fees to be charged concerning the administration of this Ordinance.

**§ 109. Repealer.**

The provisions of the Manor Borough Zoning Ordinance No. 315 enacted on September 11, 1974, and any amendments thereto, are hereby repealed and shall be replaced by the terms of this Ordinance.

**ARTICLE II:  
Definitions and Word Usage**

**§ 201. Definitions and Word Usage.**

Words used in the present tense shall include the future. The singular number shall include the plural, and the plural shall include the singular. The word “shall” is mandatory and not permissive. The use of terms in the masculine gender shall also include the female gender and the female shall include the masculine; the words “used” or “occupied” include the word “intended, designed, or arranged to be used or occupied,” and certain terms or words shall have the meanings set forth in § 203 below.

### **§ 202. Application of Alternate Definitions.**

In the event a particular term or word defined in § 203 hereafter is also defined in a specific zoning district or overlay zone, the definition set forth for such word or term in the separate zoning district or overlay zone shall be controlling. In the event a term or word used in this chapter is not defined in § 203 herein or otherwise, then any definition for such term or word set forth in the Manor Borough Subdivision and Land Development Ordinance, as amended, shall be applied and controlling. In the event a term or word used in this chapter is not defined in § 203 herein or otherwise, Manor Borough Subdivision and Land Development Ordinance, as amended, then the common usage or meaning of such term or word shall be applied and controlling.

### **§ 203. Definitions.**

As used in this chapter, the following words shall have the meanings indicated:

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

**ACCESSORY USE** – A subordinate use located on the same lot as the main structure or use, which is clearly incidental and related to that of a main structure or main use of land.

**ADULT BUSINESS/SEXUALLY ORIENTED BUSINESS** – See Section 700 et seq.

**AGRICULTURE** – Any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture or animal or poultry husbandry; together with structures accessory to such agricultural use including, but not limited to, barns, stables, corn cribs, silos and any other use or structure that is clearly incidental and related to an agricultural operation.

**ANIMAL DAYCARE** – An establishment where domestic animals, including more than four (4) dogs or more than six (6) cats who are six (6) months or older are kept at any one time, whether for profit or not, within a completely enclosed building for periods of time less than 24 hours such that no animal is boarded overnight, for the purposes of providing observation and/or grooming of the animals during daytime hours when their owners are not able to do so.

**ANIMAL SHELTER** – A facility where stray, lost, abandoned or surrendered animals, mostly dogs and cats, and sometimes sick or wounded wildlife are kept and rehabilitated.

**APARTMENT** – A dwelling unit in a multiple-family residential structure containing three (3) or more dwelling units with a common entrance for lease to or occupancy by tenants. This does not include duplex, triplex or quadplex units.

**APPLICANT** – A landowner or holder of an agreement to purchase land, lessee or other person having a proprietary interest in land or the heir, successor or assign of such person, who has filed an application for the use, improvement or development of any parcel or structure or for the division of land or land development under the terms of this chapter.

**APPLICATION** – An application, either preliminary or final, required to be filed and approved prior to the use, involvement or development of any parcel or structure or the start of land development or subdivision and which is complete in all respects as required by this chapter.

**ASSISTED LIVING/PERSONAL CARE FACILITY** – A home or residential facility for people needing assistance with activities of daily living but wishing to live as independently as possible for as long as possible. Assisted living facilities are characterized by the offering of help or assistance with activities of daily living such as eating, bathing, dressing, laundry, housekeeping and assistance with medications.

**BANK** – A commercial bank, savings and loan company, credit union or other closely related business.

**BANQUET ROOM** – A room for the purpose of hosting a party, banquet, reception or other social event, operated within the buildings of clubs and fraternal organizations or within a restaurant.

**BAR** – See “Tavern (Bar)” hereafter.

**BASEMENT** – A portion of a building located partly underground, but having ½ or less of its clear floor-to-floor ceiling height below the average grade of the adjoining ground. A basement shall not be counted as a story as height measurement unless ½ or more of its volume is above the average elevation of the finished grade at the front of the building. An improved basement shall be counted as part of the floor area for a dwelling. A residential dwelling may be permitted as an accessory use in basements if all other requirements of this or other ordinances are met. This shall not be construed to permit a residential dwelling in the cellar.

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

**BED-AND-BREAKFAST** – A single-family dwelling occupied by the owner, in which rooms and breakfast are provided as part of an agreed upon fee.

**BILLBOARDS AND OUTDOOR ADVERTISING** – See Section 900 et seq.

**BOARDING HOUSE** – An owner-occupied dwelling or other structure whose rooms are used as temporary living quarters by transient individuals on a daily, weekly or monthly basis, with or without consideration.

**BOROUGH** – The Borough of Manor, Westmoreland County, Pennsylvania.

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

**CAREGIVER (MEDICAL MARIJUANA)** – The individual designated by a patient or, if the patient is under 18 years of age, to deliver medical marijuana.

**CEMETERY** – Land used or intended to be used solely for the interment of human and/or animal remains and dedicated for cemetery purposes, including mausoleums when operated in conjunction with and within the boundary of such cemetery. A cemetery does not include an area of property dedicated to the burial of family members, where members of the deceased’s immediate family (i.e., father, mother, sister, brother or spouse) continue to own and reside on the property.

**CHILDCARE CENTER/FACILITY** – Any place, home or institution which cares for children under the age of 16 years old apart from their parents, guardians or custodians for regular periods of time for compensation; provided, however, that the term “childcare center” shall not include bona fide schools or churches and other religious or public institutions caring for children within an institutional building or apply to a custodial relationship fixed by a Court.

**CHURCH** – A building whose principal use is for public worship by any denomination of faith.

**CLEAR SIGHT TRIANGLE** – An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

**CLEAN FILL** – An act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location, including the material being deposited and the condition resulting from such act. This shall not include scrape from commercial or industrial operators, used building materials or vehicles not in running condition.

**CLUB** – An establishment operated for social, recreational or educational purposes but open only to members and not the general public.

**COLLEGE OR UNIVERSITY** – A school or other institution providing post-secondary undergraduate education or post-graduate education, offering associates, bachelor’s, master’s or doctoral degrees. Technical schools offering supplemental instruction to high school students, junior and community colleges, or any branch campus thereof, may also be considered a college for purposes of this chapter depending on their size and the intensity of their use.

**COMMON OPEN SPACE** – An unimproved parcel of land integral to a planned residential development and subject to provisions which assure the continued availability and maintenance of such open space for the use and benefit of the residents of the planned development.

**COMMUNICATIONS ANTENNA** – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications 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 band 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 250 square feet.

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

**COMPLETELY DRY SPACE** – A space or area within a structure designed and constructed to prevent the passage of water and water vapor which will remain totally dry during flooding.

**CONDITIONAL USE** – A use permitted in a certain district, subject to conditions which require approval by Manor Borough Council under terms and procedures prescribed herein.

**CONSTRUCTION** – The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

**CONTRACTOR’S STORAGE YARD** – An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office, or a permanent business office used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

**CONVENIENCE STORE** – A small store or shop that sells items such as candy, ice cream, soft drinks, lottery tickets, newspapers and magazines, along with a selection of processed food and/or groceries, toiletries and other common items used in the household. Such a store may also offer money orders, wire transfer services and serve hot food or sandwiches for consumption off the premises.

**CONVENIENCE STORE WITH GAS FUELING ISLANDS** – A “convenience store” as defined herein with fueling islands or pumps for the sale and distribution of gasoline for automobiles, light trucks and other two-axle vehicles directly to the public. In addition to offering those products and services provided in convenience stores, convenience stores with gas fueling islands may also sell motor oil, windshield washer fluid, radiator fluid, other related automobile supplies or products, and maps.

**COUNCIL** – The elected members of the Council of the Borough of Manor, Westmoreland County, Pennsylvania.

**COUNTY** – Westmoreland County, Pennsylvania.

**CREMATORIUM/CREMATORY** – An establishment containing the equipment necessary for cremating human remains.

**DAYCARE CENTER** – Any place, home or institution which cares for preschool children apart from their parents, guardians or custodians for regular periods of time for compensation; provided, however, that the term “daycare center” shall not include bona fide schools or churches and other religious or public institutions caring for children within an institutional building or apply to a custodial relationship fixed by the Court.

**DISPENSARY** – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (“DOH”) of the Commonwealth to dispense medical marijuana.

**DISTRICT** – A zoning district in which the use and development of property is defined and/or regulated by this chapter.

**DOMESTIC PETS** – Animals or birds customarily found in a dwelling and kept for company or pleasure including, but not limited to, dogs and cats, provided there is not a sufficient number to constitute a kennel as defined herein; hamsters, gerbils, parakeets, canaries and similar small animals or birds, excluding any exotic animals including, but not limited to, lions, tigers, bears, ocelots, large or poisonous snakes, alligators, monkeys or other animals normally found in a zoo; nor any horses, pigs, chickens or other fowl or livestock customarily found on a farm.

**DRIVE-THROUGH** – A structure or portion of a building provided by a business that allows customers to purchase products or obtain services associated with such business without leaving their cars.

**DRUG, ALCOHOL and/or MENTAL HEALTH REHABILITATION FACILITY** – A facility, or any portion thereof, designed and operated to provide in-patient or outpatient treatment and/or counseling for persons suffering from drug addiction, alcohol addiction and/or mental health issues, whether such issues are related or unrelated to drug or alcohol addictions.

**DUPLEX** – A building designed or arranged to be occupied by two (2) separate families, containing two (2) separate living units separated by a common party wall, each of which is designed to be occupied as a separate, permanent residence.

**DWELLING UNIT** – A structure of area within a structure containing one (1) or more living or sleeping rooms with cooking and bathroom facilities for one (1) person or one (1) family.

**EASEMENT** – A grant by the owner of land for the use by others to cross or otherwise use grantor’s land for a specified purpose.

**ELEMENTARY OR SECONDARY SCHOOL** – A building or other facility providing educational services for students in accordance with the PA School Code, as amended.

**ELEVATION** – The vertical distance above mean, sea level elevation.

**ENGINEER** – A professional engineer who is licensed by the Commonwealth of Pennsylvania.

**ENTERTAINMENT FACILITY** – A theater, stadium, arena, amphitheater or related facility for the presentation of musical, theatrical or sporting events where the number of spectators normally is greater than the number of players and/or participants and where such use is not accessory to a school or church.

**EQUIPMENT REPAIR FACILITY (MAJOR)** – A place where heavy equipment and/or machinery is received for repair or service. Such a facility may also be used for the storage of materials or parts used for the repair or service of such equipment.

**EQUIPMENT REPAIR FACILITY (MINOR)** – A business establishment that repairs consumer electronics, appliances and tools that can be carried into the establishment by the customer, where all repairs are conducted inside the establishment and remain indoors. Equipment repaired at this type of establishment includes personal computers, cameras, small appliances, televisions, power tools, lawn mowers and similar devices.

**ESSENTIAL SERVICES** – Facilities of a public utility, municipal or other governmental agencies including, but not limited to, underground or overhead gas, electrical, steam, water or sewage transmission, distribution or collection systems, communication, supply or disposal systems, and such essential buildings and facilities required for the erection, construction, alteration, maintenance and operation of same. For purposes of the Ordinance communication towers or antennas defined herein shall not be deemed to be “Essential Services.” Further essential service buildings or structures shall be in each zoning district; however, subject to the regulations set forth in Article VII.

**EXCAVATION** – Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

**EXOTIC ANIMALS** – Members of the family Felidae, except those species commonly called “house cats,” and members of the family Canidae, except those commonly called “dogs,” and those licenses by the Pennsylvania Department of Agriculture. Exotic animals shall also include all non-native animals, except small animals and birds customarily kept as house pets.

**FAMILY** – One or more persons occupying a dwelling unit, related by blood, marriage or adoption, living together as a single housekeeping unit and using cooking facilities and certain rooms in common; as distinguished from a group occupying a boardinghouse, lodging house, bed-and-breakfast, short-term rental, club, fraternity, motel or hotel.

**FAMILY DAYCARE** – The accessory use of a single-family dwelling for the care of up to six (6) children conducted as a home occupation pursuant to the terms of this chapter.

**FARM** – A business that engages in the production and preparation for market of crops, livestock or livestock products, or in the production and harvesting of agricultural, floricultural, arboricultural, agronomic, horticultural, silvicultural or aquacultural crops or commodities or animal or poultry husbandry.

**FENCE** – A barrier, structure, or enclosure constructed of wood, metal masonry, vinyl, wire, or other materials, erected to delineate boundaries, provide privacy, control access, contain or exclude animals, or enhance security or aesthetics. Fence may include walls, hedges, or similar enclosures when specified, and must comply with height, material, and placement regulations established by applicable local ordinances.

**FORM OF MEDICAL MARIJUANA** – The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

**FLOOR AREA, COMMERCIAL ESTABLISHMENTS** – The sum of the horizontal areas of all space to which the customers and employees have access, including storage, office or other preparation or administrative spaces. “Gross floor area” is the sum of the horizontal area (square footage) of all floors of a structure as measured between the exterior faces of walls, including any accessory buildings as measured between the exterior faces of walls.

**FLOOR AREA, DWELLINGS** – The sum of the horizontal areas of all rooms used for habitation, not including cellars, attics, unheated rooms or rooms without the benefit of natural light supplied by either a skylight or window. “Gross floor area” is the sum of the horizontal area (square footage) of all floors of a structure as measured between the exterior faces of walls, including any accessory buildings as measured between the exterior faces of walls.

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

**FORESTRY** – The art and science of managing forests, tree plantations and related natural resources. Silviculture, a related science, involving the growing and tending of trees and forests shall be considered “forestry” for purposes of this chapter. Any use which principally concerns itself with: assisting forests to provide timber as raw material for wood products; wildlife habitat; natural water quality management; recreation; landscape and community protection; employment; aesthetically appealing landscapes; biodiversity management; watershed management; erosion control; and a “sink” for atmospheric carbon dioxide shall also be considered “forestry” for purposes of this chapter. All forestry operations shall comply with the rules and regulations set forth in the Stormwater Management Ordinance, as amended.

**FRONTAGE** – The distance between the points of intersection of the side and front lot lines. On a corner lot, frontage is the distance between the corner of the property abutting the intersection of rights-of-way and the intersection of the side lot line and the front property line. On lots arranged around a cul-de-sac where the radius of a curvature of the street is less than 150 feet, frontage shall be deemed to be the same as “mean lot width”.

**FUELING ISLANDS/GAS STATIONS** – Above and below ground facilities for the refueling or recharging of automobiles and other vehicles.

**FUNERAL HOME (MORTUARY)** – A business that provides burial, viewing and funeral services for the deceased and their families. This use may include rooms for a prepared wake, a chapel for the funeral and an office or place for carrying on the profession of funeral directing, but not cremation.

**GARAGE, PRIVATE** – An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the dwelling to which it is necessary.

**GARAGE, PUBLIC PARKING** – A building or structure designed for and/or used by the public for the parking of motor vehicles.

**GARAGE, REPAIR** – A building or portion thereof, other than a private or storage garage, designed and/or used for equipping, servicing, repairing or storing motor-driven vehicles owned by persons other than the owner of the property upon which the work is performed.

**GARDEN APARTMENT** – A multiple-family residential structure containing three (3) or more dwelling units, having a height no greater than three (3) stories and accessed through a common entrance.

**GARDEN CENTER** – A retail operation that grows, cultivates and/or sells plants and products related to gardens as its primary business, with facilities to care for and display plants.

**GREENHOUSE** – A retail business whose principal activity is the selling of plants grown on the site, having outside storage, growing and display areas.

**GROUP HOME** – Not more than four (4) persons: (a) unrelated by blood, marriage or adoption, (b) occupying or acting as occupants of a dwelling unit and living together as a single housekeeping unit, (c) using cooking facilities and certain rooms in common, (d) being sufficiently stable and permanent so as not to be fairly characterized as purely transient, and (e) who suffer from a mental or physical impairment which substantially limits one (1) or more of such person’s major life activities under the “Fair Housing Act”<sup>1</sup>. For purposes of this definition, an “occupant” shall also mean a person, or persons, employed either by an occupant, owner or landlord, individually or through a service, corporation, firm or other third-party business entity, to provide services to another occupant on a 24-hour per day basis, either as a full-time occupant or through rotating shifts.

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<sup>1</sup> See 42 U.S.C. § 3602(h)(1). This term excludes occupancies by persons actively addicted to drugs or alcohol but includes persons who are not actively addicted to or using drugs or alcohol but are in a state of recovery from same.

**HALF-WAY HOUSE** – A dwelling facility providing temporary living accommodation for not more than six (6) persons subject to and involved in a rehabilitation program conducted on site.

**HAZARD** – A danger or potential danger to life, limb or health, or a condition to having an adverse effect or potential adverse effect to the safety, use or stability of property, waterways, public ways, structures, utilities and storm sewers, including stream pollution or other condition which poses a threat to the public health, safety or welfare.

**HAZARDOUS MATERIAL** – Any material that, because of its quantity, concentration, physical or chemical characteristics, may pose a real hazard to human health and/or the environment. Hazardous materials include, but are not limited to, the following categories: explosives, compressed gases, flammable liquids, flammable solids, oxidizers and organic peroxides, toxic materials, radioactive materials, corrosives and/or any material listed with the Hazardous Material Information System (“HMIS”).

**HAZARDOUS WASTE** –

- A. Any garbage, refuse, sludge from an industrial or other wastewater treatment plant; sludge from a water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, or from community activities, or any combination of the above which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:
  - (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
  - (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored or transported, disposed of or otherwise managed.
- B. The term “hazardous waste” shall not include coal refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), 52 P.S. § 30.51 et seq., known as the “Coal Refuse Disposal Control Act,” and shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the Clean Streams Law (P.L. 1987, No. 394), 35 P.S. § 691.1 et seq., and shall not include solid or dissolved material in domestic sewage or solid or dissolved material in irrigation return flows or industrial discharges, which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), 33 U.S.C. § 1342; and shall not include source, special nuclear or by-product material as defined by the United States Atomic Energy Act of 1954, as amended (68 Stat. 923).

**HEIGHT** – The vertical distance from the basic grade at the front wall of a structure to the highest point of:

- A. The coping or parapet of a flat roof; or
- B. To the deck-line of a mansard roof; or
- C. To the highest point of the ridge of a gable, hip, gambrel or other similar roof.

**HEIGHT OF A COMMUNICATIONS TOWER** – The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

**HELIPAD** – A designated permanent area for the landing of helicopters, which shall not include refueling or basing of helicopters, nor the maintenance and repair of helicopters other than emergency repairs.

**HISTORIC STRUCTURE** – Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**HOME IMPROVEMENT STORE** – A retail location which stocks, sells and supplies lumber, wood and other building products and/or materials used for construction and/or home improvement projects.

**HOME OCCUPATION** – See Section 900 et seq.

**HOOKAH** – A substance typically smoked through a water pipe with a smoke chamber, a bowl, a pipe and a hose, commonly referred to as a “hookah,” and also known as “narghile,” “argileh,” “shisha,” “hubble-bubble,” and “goza,” or any other similar substance.

**HOOKAH BAR/LOUNGE** – Any establishment that is devoted to, marketed as or designed for, whether as its primary use or accessory use, the on-premises use of smoking hookah. Ther “hookah bar” includes, but is not limited to, establishments variously known as “hookah parlors,” “hookah cafes,” and “hookah lounges.” On-premises cigar smoking is not included in this term.

**HOSPITAL** – An institution for health care providing patient treatment by specialized staff and equipment, which often but not always provides longer-term patient stays.

**HOTEL** – A facility offering transient lodging accommodation to the general public that are accessed from a doorway internal to the building and which may provide additional services, such as restaurants, meeting rooms and recreational facilities.

**JUNKYARD** – A building, structure or property, or area within a building, structure or property, used for the dismantling, wrecking or storage of used motor vehicles, trucks, trailers, farm equipment, manufactured homes or other machinery or material or the salvaging, storage, sale or dumping of dismantled or partially dismantled, obsolete or wrecked machinery or their parts.

**KENNEL** – A building or structure, cage or pen used for the purpose of breeding, boarding or selling or raising animals as a hobby, or for private, commercial or professional business.

**LAND DEVELOPMENT** – Any of the following activities:

- A. The improvement of one (1) lot or two (2) 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 proposed 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 division of land.

**LANDSCAPING BUSINESS** – A business engaged in an activity that modifies the visible features of an area of land including, but not limited to: (a) living elements, such as flora or fauna; (b) natural elements, such as landforms, terrain shape and elevation, or bodies of water; (c) human elements such as structures, buildings, fences or other material objects created and/or installed by humans; and (d) abstract elements such as the weather and lighting conditions. A landscaping business may include an office, the storage of materials and equipment used in the operation of such a business and the direct sale of landscaping materials such as mulch, stone, gravel or other similar products directly to the public.

**LEGALLY ENCROACHING STRUCTURE** – A building or structure which was lawfully in existence prior to the adoption of the presently existing or any preceding zoning ordinance or amendments thereto which does not comply with the regulations of this chapter with respect to required yards, height or building coverage requirements (See “NONCONFORMING STRUCTURE”).

**LIBRARY** – A collection of books, sources, resources and services, and the structure in which it is housed, organized for use and maintained by a public body, an institution or a private entity.

**LIGHT MANUFACTURING** – The processing, fabrication and assembly of certain materials and products where no process involved will: (a) produce noise, vibration, air pollution, fire hazard or noxious emissions which can be detected or measured off-site; or (b) will disturb or endanger neighboring properties. “Light manufacturing” may include the production and/or assembly of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight nonferrous metal castings, film processing, light sheet metal products, plastic goods, food products and pharmaceutical goods.

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

**LOT** – A parcel of land.

**LOT OF RECORD** – Any lot which individually or as part of a subdivision has been recorded in the Office of the Recorder of Deeds of Westmoreland County and is identified as a separate and distinct parcel of land.

**LOT AREA** – The total area within the boundary lines of a lot, not including any part of a public street or width of the easement or right-of-way for same.

**LOT, BUILDING** – a parcel of land occupied or capable of being occupied by one (1) or more structures.

**LOT DEPTH** – A mean horizontal distance between the front and rear lot lines, measured midway between the side lot lines.

**LOT, WIDTH OF** – The distance between the side lot lines measured at the public right-of-way line or along the front building line of the lot on a cul-de-sac, as determined by the prescribed front yard requirements.

**MANUFACTURED HOME** – A structure, transportable in one (1) or more sections, built on a permanent chassis and designed to be occupied as a dwelling when connected to the required utilities; such structure bearing a label as required by and referenced in the Manufactured Housing Act (35 P.S. § 1656.1 et seq.), certifying that it conforms to Federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.). The term does not include park trailers, travel trailers, recreational or similar vehicles.

**MANUFACTURED HOME PARK** – A parcel of ground under single ownership, which has been planned and approved for the placement of manufactured homes for non-transient use consistent with the regulations set forth by the Borough for same.

**MANUFACTURING** – The processing and fabrication of any article, substance or commodity other than light manufacturing as hereinabove defined.

**MEDICAL CLINIC** – Any establishment where human patients are not hospitalized overnight but are examined and treated by doctors or others who are duly licensed with the Commonwealth of Pennsylvania to administer medical treatment.

**MEDICAL MARIJUANA** – Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16 of 2016, as amended.

**MEDICAL MARIJUANA DISPENSARY** – A person, including a natural person, corporations, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana; the term includes the facility from which medical marijuana is dispensed.

**MEDICAL MARIJUANA GROWER/PROCESSOR** – A person, including a natural person, corporations, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to grow and process medical marijuana.

**MEDICAL MARIJUANA REGISTRY** – The registry established by the Pennsylvania Department of Health for all medical marijuana organizations and practitioners.

**MICRO-BREWERY/MICRO-DISTILLERY** – A business establishment where beer, ale, spirits, etc. are brewed, typically in conjunction with a bar, tavern, or restaurant use. The maximum production capacity shall not exceed 20,000 gallons per year.

**MINI-STORAGE** – A series of individual storage facilities, either in a permanent or transportable structure, or a building or group of buildings containing a series of indoor individual units, on a property in single ownership, where such facilities are leased or rented to more than one (1) person, corporation or firm, designed and/or used for storage of equipment, materials, furniture or other personal belongings. A trailer, truck bed, motor home or other similar device or facility shall not be considered a “storage facility” under this definition.

**MIXED USE BUILDING** – A building in which a variety of types of authorized commercial and/or residential uses occur within a single building.

**MOBILE HOME** – See definition of “manufactured home.”

**MOBILE HOME PARK** - See definition for “manufactured home park.”

**MOBILE FOOD VENDOR** – Any business or person which sells edible goods from a nonpermanent location within Manor Borough. This term includes, but is not limited to:

- A. **MOBILE FOOD TRUCK** – A self-contained motorized unit selling items defined as edible goods and/or any motor vehicle used to sell items defined as edible goods.
- B. **CONCESSIONS CART** – A mobile vending unit that must be moved by non-motorized means and/or any type of wagon, trailer, cart, sled or other equipment that must be moved by non-motorized means (pulled or pushed).
- C. **CONCESSION TRAILER** – A vending unit which is pulled by either a motorized unit or any other device, animal or human, and has no power to move on its own.

**MODULAR HOME** – A framed structure designed for occupancy as a single-family dwelling whose primary components (i.e., walls, floors, ceilings and/or roof) are manufactured separately off site and assembled on site.

**MOTEL** – A structure or structures designed or utilized as temporary lodging for individuals, including auto courts, motor hotels, motor lodges, tourist courts and the like, containing at least two (2) sleeping room units, having not more than two (2) stories, where rooms are accessible directly from the outside.

**MULTIFAMILY DWELLING** – Two (2) or more dwelling units, including townhouses, duplexes, patio homes, triplexes and quadplexes, joined together by one (1) or more common walls; this excludes apartments containing two (2) or more dwelling units for lease or occupancy by tenants.

**MUNICIPAL, STATE OR FEDERAL BUILDING OR FACILITY** – The administrative building of a Federal, state or local government or agency thereof which houses its associated departments and their employees.

**NATURAL RESOURCES RECOVERY** – Any surface mining, subsurface mining, oil and/or gas well drilling, logging or other extraction of minerals or other natural resources including, but not limited to, the removal of topsoil, shale or other similar materials for transportation off the premises, or other activity considered by the Pennsylvania Department of Environmental Protection or Municipalities Planning Code as natural resources recovery.

**NO-IMPACT HOME-BASED BUSINESS** – 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, pick-up, delivery or removal functions to or from the premises in excess of those normally associated with residential use.

**NONCONFORMING LOT** – A lot whose width, area or other dimension does not conform to the regulations of this chapter, and which lawfully existed at the time the regulations with which it does not conform became effective.

**NONCONFORMING STRUCTURE** – Any structure or part of a structure legally existing at the time of enactment of a preceding zoning ordinance or this chapter or any of its amendments, which does not conform to the provisions of this chapter.

**NONCONFORMING USE** – Any use of land, or use of a structure, or use of land or structures in combination, lawfully existing at the time the original zoning ordinance of Manor Borough was adopted (September 25, 1991), which does not conform to the provisions of this chapter. Any use existing or permitted to be constructed as a result of the grant of a use variance, dimensional variance, conditional use, or special exception may continue to exist subject to the terms and conditions of its grant, if any, but shall not be considered as a nonconforming use for purposes of change, expansion or enlargement under this chapter.

**NURSERY** – The growing, storage and sale of garden plants, trees, shrubs and/or vines, conducted on a site of not less than 10 acres, for resale, including minor incidental retail sales, conducted on site.

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

**OFF SITE** – The conduct of a business or use which is not on site.

**OFFICE** - A room or suite of rooms, or a portion of a building in which a person transacts the affairs of a business, profession, service, industry or government, which does not involve the accessory sale of goods from the premises.

**ON SITE** – The premises where a residential, business, industrial or other use is actually conducted.

**OUTDOOR ENTERTAINMENT FACILITIES** – An outdoor stage, deck, or other designated area designed and intended for seasonal use by bands, disc jockeys, singers or other forms of entertainment which is not used as a part of the operations of a restaurant, bar, nightclub or other similar commercial enterprise. An outdoor stage, deck or other designated area designed and intended for seasonal use by bands, disc jockeys, singers or other forms of entertainment used or constructed as a part of the operations of a restaurant, bar, nightclub or other commercial enterprise, shall be considered an extension of such operations and not as an accessory structure.

**PENAL INSTITUTION** – A prison, jail, penitentiary or correctional facility in which people are physically confined or interred, and usually deprived of a range of personal freedoms as punishment for the commission of a crime.

**PERMIT** – A document issued by a designated official of the Borough associated with the use or development of land, or a structure or change in use of a structure or parcel of land, or a change of occupancy of a structure, certifying that all conditions necessary for the issuance of the permit have been met, and that the structure and land may be used for the purposes set forth in this chapter.

**PERSON** – A person, partnership, corporation, trust, firm organization or association.

**PERSONAL SERVICES** – A commercial establishment providing such personal services as hair dressing and cutting, manicures, pedicures, facials, clothes cleaning, laundering, shoe repair, tailoring and similar services.

**PLANNED GROUP UNIT** – At least three (3) acres of land, controlled by one (1) landowner, to be developed as a single entity for more than one (1) principal structure and built in accordance with a site development plan, which may provide for industrial and commercial uses, recreation and open space, subject to review and approval in accordance with provisions of this chapter and the Manor Borough Subdivision and Land Development Ordinance.

**PLANNED RESIDENTIAL DEVELOPMENT** – At least 25 acres of land controlled by a single landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of buildings, density, lot coverage and required open space to the regulations established for any one (1) residential district by this chapter.

**PLANNING COMMISSION** – The Planning Commission of the Borough of Manor, Westmoreland County, Pennsylvania.

**POWER GENERATION STATION** – A site or structure housing equipment needed for the generation, processing or distribution of power by a public utility.

**PRINCIPAL STRUCTURE** – The structure on a property in which the primary use of the property is conducted.

**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.

**QUADPLEX** – A multi-family dwelling containing four (4) separate dwelling units, each for the exclusive use of one (1) family, where each unit has a separate entrance and is attached to another along two (2) common walls in a cross-like fashion.

**RECREATION** – The expenditure of time in an active manner designed for therapeutic refreshment of one's body or mind or as an activity designed as a diversion from sedentary activities.

**RECREATION, INDOOR COMMERCIAL** – A building or other enclosed structure whose principal function is to provide active recreation to patrons for a fee. Indoor commercial recreation shall include, but not be limited to, uses such as bowling alleys, paintball courses, pool halls, arcades, batting cages, health and fitness clubs or other similar facilities.

**RECREATION, INDOOR PUBLIC** – A building or other enclosed structure whose principal function is to provide active recreation to members of the general public on a larger scale. Indoor public recreation shall include, but not be limited to, uses such as gymnasiums, public sports training buildings, swimming pools or other similar facilities owned or operation by a Federal, state or municipal governmental entity or a Municipal Authority organized for that purpose.

**RECREATION, OUTDOOR COMMERCIAL** – A facility providing for the conduct of recreational activity, in the open air, for a fee, regardless of whether such fee is paid in the form of a charge per use or as a membership.

Outdoor commercial recreation shall include, but not be limited to, uses such as golf courses, mini golf, driving ranges, racing tracks where patrons operate vehicles, outdoor paintball ranges, outdoor batting cages or other similar facilities.

**RECREATION, OUTDOOR PUBLIC** – An outdoor recreational facility used for the benefit of the public. Outdoor public recreation shall include, but not be limited to, uses such as parks, playgrounds, basketball and tennis courts, baseball, soccer or football fields, horseback riding, hiking or non-motorized biking trails, outdoor swimming pools or other similar facilities owned or operated by a Federal, state or municipal governmental entity or a Municipal Authority organized for that purpose.

**RECREATIONAL FACILITY** – A place designed and equipped for the conduct of sports and leisure activities.

**RESEARCH LABORATORY** – A facility for applied research conducted within an enclosed structure where no goods are produced in quantity.

**RESIDENT** – An occupant of a residential dwelling or a family member residing in the dwelling.

**RESTAURANT** – A public eating place offering sit-down counter and/or table service and custom-prepared foods for on premises consumption where alcohol sales are, or may be, only incidental or accessory to the principal use of food preparation and consumption.

**RESTAURANT, FAST FOOD** – A restaurant or eatery characterized by a limited menu of prepared or premeasured food items, where such food items are ordered by the customer at a counter or window, or from a vehicle, rather than from a table, and designed to facilitate quick service and takeout orders.

**RETAIL SALES ESTABLISHMENT** – A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

**SCREENING** – A fence, evergreen hedge or wall at least six (6) feet high measured from ground level and constructed or installed in such a way that it will block a line of sight. The screening may consist either of one (1) or several rows of bushes or trees, or of a constructed fence or wall.

**SEAT** – A fixed seat in a theater, auditorium or meeting room, or twenty-four (24) linear inches of an installed bench or pew or, in the absence of these, six (6) square feet of floor space in the seating area.

**SERVICE SHOPS** – A shop providing business services and/or personal services as herein defined.

**SEXUALLY ORIENTED BUSINESS (ADULT ORIENTED BUSINESS)** – See Section 700 et seq. herein.

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

**SHORT-TERM RENTAL** – A dwelling unit, whether or not occupied by the owner, designed principally for single-family occupancy, where all or portions of the same are leased out to and/or used as temporary living quarters by transient individuals on a daily, weekly or monthly basis, with or without consideration.

**SIGN** – Any surface or structure exposed to public view and intended, used or designed to identify advertise or promote any product, person, business, institution, organization, or place with written, graphic or sculptured matter as more specifically and particularly defined in § 900 et seq. hereafter.

**SINGLE-FAMILY DWELLING** – A detached building having accommodation for, and occupied by, not more than one (1) family.

**SINGLE HOUSEKEEPING UNIT** – A person or persons residing in the home in such a manner as to function as a family, being sufficiently stable and permanent and not purely transient.

**SITE** – The premises where a residential, business, industrial or other use is physically located and in operation.

**SOCIAL CLUB** – A chartered, nonprofit organization for the advancement of education, fraternal, cultural or civic pursuits and activities within the community. A “social club” set forth herein does not include an adult or sexually oriented business as defined hereinafter.

**SPECIAL EXCEPTION** – A use authorized in a particular zoning district by approval of the Zoning Hearing Board, in compliance with all ordinance provisions and subject to other conditions imposed by the Board.

**SPECIAL PERMIT** – A special approval required for hospitals, nursing homes, jails and new manufactured home parks and subdivisions, and substantial improvements to such existing parks, when such developments are located, in whole or in part, within a designated portion of a floodplain.

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

**STREAM** – Any river, run, creek or other drainage course draining surface water, in which standing or flowing water is clearly visible throughout most of the year, and as further defined by the Pennsylvania Department of conservation and Natural Resources.

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

**STRUCTURE** –

- A. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land including, but not limited to, an addition to buildings, billboards, carports, porches, children’s play equipment, above or below ground swimming pools of any kind, and other building features, but not including sidewalks, drives, fences and patios.
- B. Anything built, constructed or erected which requires location on the ground or attachment to something located on the ground.

**SUBDIVISION** – the division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the Court for distribution to heirs or devisees, transfer of ownership or building or land development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

**SUBSTANTIAL DAMAGE** – Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

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

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

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

**SWIMMING POOL** – A structure containing water of any depth or size, either above ground or wholly or partially sunk beneath adjacent ground level, installed or located on either a permanent or temporary basis, and used for swimming.

**TAVERN (BAR)** – An establishment primarily used for the serving of alcoholic beverages by the drink to the general public, and where some food or packaged alcoholic beverages are or may be served or sold incidental or accessory to the primary use for the service of alcoholic beverages.

**TENANT** – Shall mean any person or entity who shall inhabit, occupy or possess any premises owned or controlled by a landlord under a lease.

**TERMINAL** – Any premises used for the housing, storing or parking of motor-driven buses, trucks, trailers and/or similar vehicles.

**TERMINAL (FREIGHT)** – Any premises used by a motor freight company or other carrier of goods, which is the origin or destination point of goods being transported for the purpose of storing, transferring, loading and unloading good for subsequent transportation to their ultimate location.

**THEATRE, INDOOR** – A movie theatre, picture theatre or cinema used principally as a commercial venue for viewing motion pictures, movies or films by the general public through the purchase of a ticket.

**TOWNHOUSE** – A multifamily dwelling which contains at least three (3) dwelling units, having not less than two (2) nor more than three (3) stories each, designed for the exclusive use by one (1) family, where each unit has a separate entrance and is attached to another by continuous vertical walls, without opening, from basement to roof.

**TRIPLEX** – A multifamily dwelling having a single story and containing three (3) separate dwelling units, each for the exclusive use by one (1) family, where each unit has a separate entrance and is attached to another through a common floor or ceiling.

**TWO-FAMILY DWELLING (DUPLEX)** – A dwelling which contains two (2) dwelling units, each for the exclusive use by one (1) family, where each unit has a separate entrance and is attached to another by continuous vertical walls without opening from basement to roof.

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

**UTILITY SUBSTATION** – A structure housing equipment needed for the processing or distribution of service by a public utility, but not including offices or the overnight storage of maintenance vehicles.

**VARIANCE** – An authorization to vary from the terms or requirements of this chapter, which may be granted by the zoning Hearing Board in accordance with laws of Pennsylvania and this Ordinance.

**VEHICLE/AUTOMOBILE SALES** – The sale or leasing of new or used automobiles, manufactured homes, trucks, recreational vehicles or farm equipment, which may also include the servicing and maintenance of such vehicles when conducted within a fully enclosed structure.

**VEHICULAR WASH** – A building or property used to wash cars, trucks, boats, travel trailers or other vehicles operated or transported on public highways.

**VETERINARY CLINIC** – A facility where animals are treated by a licensed veterinarian but are not boarded except for treatment purposes.

**VERTERINARY HOSPITAL** – An establishment where animals are examined and treated by veterinarians, and which may include kennels for temporary boarding of animals during treatment.

VETERINARY OFFICE – The office of a veterinarian where animals are given medical or surgical treatment. Use as a kennel is prohibited, except that animals undergoing medical or surgical treatment may be housed if kept inside; use of the facility for boarding is prohibited.

VOCATIONAL SCHOOL – A commercial college, or related education or training facility, providing courses in business or technical fields conducted entirely within an enclosed facility, and where no supplies, materials or other training aids are stored or located outside.

WAREHOUSE – A building or property used for the storage of materials, equipment or other products for sale or distribution off site.

YARD – An open space on a lot, other than a court, unoccupied and unobstructed from the ground to the sky, not occupied by a structure or used for parking or storage, except as otherwise provided, and not including any portion of a public or private street, alley, road or the designated area of the right-of-way or easement of same.

YARD, FRONT – A yard established by the front setback line, extending along the full length of the rear lot line between the side lot lines.

YARD, REAR – A yard established by the rear setback line extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE – A yard established by the side setback lines extending along the side lot lines from the front yard to the rear yard.

ZONING HEARING BOARD (ZONING BOARD) – The members of the Zoning Hearing Board were duly appointed by the Council of the Borough of Manor, Westmoreland County, Pennsylvania.

ZONING OFFICER – The person or persons appointed by the Council of the Borough of Manor, Westmoreland County, Pennsylvania, to enforce this chapter.

### **ARTICLE III: Zoning Districts**

#### **§ 301. Districts Established.**

Manor Borough is hereby divided into districts of different types, each type being of such number, shape, kind and area and of such common manner of purpose and adaptability of use that are deemed most suitable to carry out the objectives of this chapter and the Comprehensive Plan.

#### **§ 302. Classes and Purposes of Districts.**

For the purpose of this chapter, the Borough of Manor is hereby divided into the following Zoning Districts:

##### **A. A-1 Agricultural:**

Purpose: This district is established (1) to protect areas of the Borough where agriculture is the primary activity, (2) where accessibility is difficult, and/or (3) to protect areas of unique natural beauty, by providing for low-intensity residential and agricultural uses and guide other more substantive land uses and development into other more appropriate zoning districts.

##### **B. F-P Floodplain Conservation District:**

Purpose: This district is established to (1) protect areas of the Borough from flooding, (2) facilitate the moving of flood waters in flood prone areas, and (3) encourage open land uses designed to be harmonious with and an appropriate part of the physical development of the Borough.

##### **C. R-1 Suburban Residential District:**

Purpose: This district is established to (1) facilitate the development, creation and preservation of properties for single-family residential purposes, (2) promote and encourage a suitable, lower density and safe environment for family life, (3) encourage the extension of public roads, sewage and water services to such properties, and (4) create developments having a suburban character in areas of the Borough suitable for same.

**D. R-2 Village Residential District:**

Purpose: This district was established to provide for high density residential uses and developments while preserving the existing character of residential neighborhoods.

**E. C-1 General Commercial District:**

Purpose: This district is established to accommodate retail and other commercial activities designed to serve the local community and/or the regional market. It is designed to serve customers traveling on foot or by vehicle and provide an efficient, attractive and pleasing environment for business proprietors and their customers.

**F. I-1 - Light Industrial District:**

Purpose: This district is established (1) to authorize and encourage industrial development, (2) to promote the creation of jobs and work opportunities, and (3) contribute to the economic soundness of the Borough in locations which will be harmonious with other surrounding development.

**G. OS - Open Space District:**

Purpose: This district is established to provide for preservation and conservation of the natural environment, natural resources and areas of particular value for recreational purposes while providing for such uses and development that are compatible with the intent of this Ordinance.

**H. Overlay Districts:**

1. FP Floodplain Overlay District.

a. Purpose: Manor Borough has adopted Ordinance No. 525-11-02, as amended, regulating development within floodplains. All development within designated floodplains, as indicated on the official FEMA maps, shall be considered part of the Zoning District Map as an Overlay District. Any development within this district shall be subject to those regulations contained in Ordinance No. 525-11-02, as amended, and comply with same prior to the issuance of any occupancy permit for same. Such provisions are incorporated herein by reference hereto as if set forth at length in this chapter. The identified floodplain areas described above shall consist of the following specific areas as indicated on the Official Maps prepared by FEMA, and shall be considered an as overlay to the Borough's Zoning Map:

- i. FW (floodway area): The areas identified as "floodway" in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified by the Flood Insurance Study.
- ii. FF (flood-fringe area): The remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated.
- iii. FE (special floodplain area): The areas identified as Zone AE in the Flood Insurance Study, where one-hundred-year flood elevations have been provided, but no floodway has been delineated.
- iv. FA (general floodplain area): The areas identified as Zone AE in the Flood Insurance Study for which no one-hundred-year flood elevations have been provided. When available, information

from other Federal, state and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year elevation shall be determined by using a point on the boundary line of the identified floodplain area which is nearest the construction site in question.

- b. Specifications and Requirements: Specific provisions and requirements for developments that are located within this overlay are located in Ordinance No. 525, as amended, or in the Borough's Subdivision and Land Development Ordinance. All development within this district shall comply with those provisions and requirements. Such provisions and requirements are incorporated herein by reference hereto as if same were set forth in detail hereafter.

2. PRD Planned Residential Development Overlay District.

- a. Purpose: The purpose of the Planned Residential Development ("PRD") Overlay District is to permit residential development which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical and efficient use of the land while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site and preservation of the natural scenic qualities of open space. It is the further intent to permit Planned Residential Developments in the A-1, R-1 and R-2 Zoning Districts, provided that the Planned Residential Development is located on a parcel(s) of 25 acres or greater.
- b. Specifications and Requirements: Specific provisions and requirements for the PRD Overlay are located in the Borough of Manor Subdivision and Land Development Ordinance. All development within this district shall comply with those provisions and requirements. Such provisions and requirements are incorporated herein by reference hereto as if same were set forth in detail hereafter.

**§ 303. Zoning Map.**

A map entitled "The Manor Borough Zoning Map," October 18, 2023, is hereby approved and adopted as part of this chapter. The Zoning Map shall be kept on file for examination in the Zoning and Planning Office at the Borough Municipal Building.

**§ 304. Zoning District Boundaries.**

District boundaries as shown on the District Map which follow the lines of roads, streams and transportation rights-of-way shall be deemed to follow their center lines. Neither the vacation of roads nor the change of stream beds shall affect the location of such district boundaries. One (1) set of the County Tax Assessment Maps for Manor Borough shall be maintained in the Zoning and Planning Office at the Borough Municipal Building showing district boundaries with respect to property lines. When the Zoning Officer cannot definitively determine the location of a district boundary by such center lines, by the scale of dimensions stated on the District Map or by the fact that it clearly coincides with a property line, he/she shall refuse action, and the Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the District Map.

**ARTICLE IV:**

**Tables of Uses and Requirements for Accessory Uses**

**§ 401. Permitted Uses.**

Uses Listed. The authorized uses and dimensional requirements for each district are shown on the Table of Permitted Uses, Conditional Uses, Uses by Special Exception, Yard and Area Requirements attached as Appendix A to this chapter. Uses not specifically authorized in a district shall be prohibited in that district.

#### **§ 402. Standards and Requirements for Certain Common Accessory Uses and Structures.**

The following provisions shall apply to those more common accessory uses and structures identified hereafter:

- A. Temporary Trailers. Temporary structures and trailers used in conjunction with construction work may be permitted only during the period that the construction work is in progress. Temporary trailers or structures accessory to the construction of commercial facilities shall be issued permits and must comply with the Pennsylvania Uniform Construction Code.
- B. Use of Mobile Home as Temporary Residence. The use of a mobile or manufactured home as a residence during the period of construction of a permanent dwelling shall only be authorized through a request for a special exception filed with the Zoning Hearing Board. The request for a special exception may be granted by the Zoning Hearing Board when it finds:
1. That the mobile or manufactured home is located on the same lot upon which the permanent dwelling is being constructed;
  2. The placement of the mobile home does not interfere with required setbacks in the zoning district;
  3. That the placement of the mobile home does not interfere with any site distance requirements or create a visual impairment for adjoining property owners;
  4. The mobile home has adequate sewage and water facilities;
  5. The mobile home proposed to be used is of sound construction and suitable for occupancy throughout the period of construction;
  6. The use of the mobile home as a residence shall not continue more than 12 months from the date a building permit is issued; and
  7. The placement of the mobile home shall not adversely affect the health, safety or well-being of adjoining property owners.
- C. Securing and Removal of Mobile Homes from Site. Any mobile home used as a temporary dwelling must be secured to the satisfaction of the Borough to prevent movement. Any mobile home used as a temporary residence must be removed from the site within 30 days of the receipt of an occupancy permit for the permanent dwelling. Under no circumstances shall any mobile home be used as a secondary dwelling after the occupancy permit for the permanent dwelling is issued. In the event construction of the dwelling is not completed within 12 months of the date a building permit is issued; the applicant must request an extension of time to continue using the mobile home as a temporary dwelling from the Zoning Hearing Board.
- D. Private Outdoor Swimming Pools.
1. A single private outdoor swimming pool is permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the residential structure or their guests. Such pool may not be located within the required rear or side yards of the district in which the pool is to be located; provided, however, that any walk, fence, slide, deck or accessory pool appurtenances surrounding the edge of the water may extend not more than three (3) feet into any required side or rear yard.
  2. At a minimum, all in-ground pools shall be surrounded and enclosed by a four (4)-foot-high fence structurally suitable to prevent direct access to the water in the pool. Such fence shall not have openings,

holes or gaps larger than four (4) inches in width or, if larger than four (4) inches in width, no larger than four (4) inches in length except for doors or gates; provided, that if a picket fence is erected or maintained, the horizontal dimensions shall not exceed four (4) inches. The walls of a dwelling house or accessory building may be used as a part of the fence.

3. Fences shall be constructed of weather-resistant materials and shall be assembled or fabricated with sufficient rigidity to prevent any substantial alteration or deformation of the lawful openings, holes or gaps. Fences surrounding in-ground pools shall be anchored using concrete pilings installed below the frost line.
  4. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings which forms any part of the enclosure hereinabove required need not be so equipped.
  5. The sides of a pool constructed above ground level shall be considered to meet the requirements for a fence preventing direct access to the pool, provided that such side of the pool is at least four (4) feet high, and that any stairs, steps or ladders used to reach the water surface of the pool are removable or capable of being folded up or secured in a way which would prevent their use when the pool is not in operation by the residents of the property or their guests. Sides of above-ground pools that are less than four (4) feet above ground level shall be fenced in accordance with this section.
  6. A privacy fence may be constructed to surround and enclose a pool constructed above the ground level; provided, however, that the height of any such fence shall not be greater than four and one half (4 ½) feet, measured from the top of the side of the pool to the top of the fence.
  7. The fencing provisions of this section shall not be limited to or affected by the general fencing requirements set forth herein; provided, however, that fencing existing on the perimeter of a property may be substituted to comply with the fencing requirements of this section where its proximity to the pool satisfies the purpose and intent of the fencing requirements contained in this section.
  8. For purposes of this section, a “swimming pool” shall mean any above-ground, below-ground, temporary or collapsible structure more than two (2) feet in height, and/or capable of holding more than 5,000 gallons of water for swimming, play or other recreational purposes. A “structure” less than two (2) feet in height and/or capable of holding less than 5,000 gallons of water shall not be a “swimming pool” for purposes of this section.
- E. Locations of Utility Sheds. Utility sheds not exceeding 300 square feet in size may be located within a required side or rear property setback but shall not be placed closer than five (5) feet to the rear or side property line. No development permit is required for the construction of such a utility shed.
1. No utility shed of any size shall be located within any area designated as common open space or as or within a buffer zone indicated on a recorded plan.
  2. No more than one (1) utility shed of any size may be constructed on a property. Any request for the construction of more than one (1) utility shed shall be made as a special exception request to the Zoning Hearing Board.
  3. No mobile home, travel trailer, trailer, commercial truck bed or other similar vehicle may be converted or used as a utility shed or storage shed on any property in the Borough.
- F. No-Impact Home-Based Business. A no-impact home based business shall be permitted in all residential zones as an accessory use permitted by right, provided that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land nor any master deed, by-law or other document

applicable to a common interest ownership community. Any business or commercial activity seeking to operate as a “No-Impact Home-Based Business” must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  2. The business shall employ no employees other than family members residing in the dwelling.
  3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  4. There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.
  5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
  6. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
  7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
  8. The business may not involve any illegal activity.
- G. Private Garages. Private garages may be detached, attached or integrated into a residentially occupied structure on a property occupied for residential purposes. Such garage shall be constructed subject to the following requirements:
1. A private garage may be constructed as a permitted accessory use to a residential dwelling, subject to the following limitations:
    - a. In the R-2 District, such garage shall not exceed 1,200 square feet in area;
    - b. In the R-1 District, such garage shall not exceed 1,200 square feet in area; and
    - c. In the C and A Districts, such garage shall not exceed 1,200 square feet in area.
  2. If a private garage is proposed to be constructed having a square footage in excess of that permitted in a zoning district, the applicant may seek a variance from the Zoning Hearing Board for such construction. In the event that more than one (1) private garage is desired to be built, the total square footage of all of the garages may not exceed the permissible area proscribed for the zoning classification in which it is located. If the square footage of all of the garages exceeds the maximum size permitted, the applicant may seek a variance from the Zoning Hearing Board for such construction.
- H. Use of Trailers for Storage. No mobile home, travel trailer, trailer, commercial truck bed or other similar vehicle may be converted or used for the storage or warehousing of materials or equipment as an accessory to commercial use on any property in the Borough. No mobile home, travel trailer, trailer, commercial truck bed or other similar vehicle may be converted or used for the storage or warehousing of materials or equipment as an accessory to any residential use on any property in the Borough.
- I. Fences. A fence may be erected in any required side or rear yard on properties in residential use; provided:
1. Such fence is located at least two (2) feet from the property line, unless an abutting property owner consents in writing to placement on the common property line;
  2. Such fence is erected with its finished side pacing the neighboring property;
  3. Such fence does not exceed six (6) feet in height;

4. Such fence is constructed at grade level and not upon a mound, hill, fill or other artificial elevation;
  5. Such fence is of durable construction and installed in a workmanlike manner consistent within industry standards;
  6. Such fence in a required front yard does not exceed four (4) feet in height, is at least 75% see through, and is at least 2 feet from the property line, but the fence has to provide clear sight distance to be determined at the discretion of the zoning officer. Since fence from required side yard which extends from the front building to the front of the property line does not exceed four (4) feet in height, is at least 75% see through.
  7. A chain link fence not more than 10 feet in height may be erected in any required yard for schools, playgrounds or parks. Such fence shall be located at least two (2) feet from the property line unless an abutting property owner consents in writing to placement on their common property line;
  8. A chain link fence no more than 10 feet high may be erected in any required yard on property in industrial or commercial use. A solid fence no more than 10 feet high may be erected in a required yard on properties in commercial or industrial use. Such fence shall be located at least two (2) feet from the property line unless an abutting property owner consents in writing to placement on their common property line;
  9. No fence shall be constructed without first making an application for and receiving a permit from the Borough;
  10. Electric or electrified fences shall not be permitted on properties in residential use and shall only be permitted for the confinement of farm animals for agricultural purposes or uses. This does not preclude underground electrical fences for domesticated animals;
  11. Fences, screen and walls must be erected in a safe manner to protect persons or animals and assure that they are not subject to danger or harm. No spikes, nails or other sharply pointed instruments of any kind or description shall be permitted to extend from, or be attached to, the wall or fence. Barbed or razor wire shall not be permitted except in special circumstances required from security purposes such as towers, municipal facilities, and public utilities, or as approved by the Zoning Officer.
- J. Residential Accessory Structures in the A-1 and C-1 Zones. On lots less than 60,000 square feet used entirely for residential purposes in any A-1 or C-1 Zoning Districts, accessory structures may be located not closer than 15 feet from any rear or side lot line. In the event that a residence on lots less than 60,000 square feet used entirely for residential purposes in any A-1 or C-1 Zoning District is located within the required front yard, an accessory structure may be constructed along a line running parallel to the front building line of the residence; provided, however, that such accessory structure shall not be closer than 25 feet from the edge of the hard surface of any paved roadway.
- K. Kennels and Runs. No kennel, run, pen or other structure intended for use as a shelter for common domestic pets shall be permitted as an accessory use or structure within any residential district. Where property in a residential district is used principally for agricultural purposes, a structure, run or pen intended for use as a shelter for other than common domestic pets shall be permitted as an accessory use, subject to the provisions of this chapter.

## **ARTICLE V: Area and Bulk Standards**

### **§ 501. Lot and Yard Requirements.**

The minimum lot area, minimum width of lot, minimum depth of front and rear yards and minimum width of each side yard shall be as shown on the Use Tables and Yard Space, Area and Bulk Requirements Table attached hereto.<sup>3</sup>

- A. Lots Fronting on Two or More Streets. Lots which abut on more than one (1) street shall provide the required front yard along each and every street.
- B. One Principal Structure Per Lot. One (1) and only one (1) principal structure, together with permitted accessory structures, may be located on any lot; except that two (2) or more principal structures may be permitted as part of a PRD or Condominium Development under the terms of the Pennsylvania Uniform Condominium Act.
- C. No Projection Into Required Yards. No structure, whether attached to the principal structure or not including porches, carports, balconies and platforms above basic grade level, whether open or enclosed, shall project into any minimum front, side or rear yard; except as may be permitted pursuant to this Ordinance.
- D. Trailers. Trailers, including utility, commercial or travel trailers and motorized recreational vehicles, may be stored in the driveway, but shall be operational, duly inspected and registered with the appropriate agency.
- E. Nonresidential Structures. Nonresidential structures or uses in any district shall not be located or conducted closer to any lot line of any lot in any R, C or A District than the distance specified in the following schedule:

<b>Minimum Side or Rear Yard Abutting any Lot in any R, C or A District</b>	
<b>(feet)</b>	<b>Nonresidential Structures or Uses</b>
20	Off-street parking spaces, signs and access drives for nonresidential uses
30	Churches, schools, public or semipublic structures
60	Recreation facilities, amusement facilities, motels, all business uses and all industrial uses

- F. Projections Authorized by Zoning Officer. The Zoning Officer may authorize the projection of a principal structure into a required front yard on a lot located between two (2) structures which are nonconforming with respect to the front yard, provided that the resulting front yard shall not be less than the median front yard of the two (2) adjacent structures.
- G. Calculation of Lot Area. No portion of a lot counted in whole or in part as a yard or as lot area for a structure in compliance with the area requirements of this chapter shall be taken into consideration or used again in the calculation of any other required yard or lot area for another structure.
- H. Driveways and Vehicle Parking in Required Yards. No required yard in any district shall be used for parking vehicles except on a driveway. For single-family dwellings, not more than 50% of the front yard may be devoted to driveway access and curb-cut. For single-family attached dwellings (i.e., a duplex), not more than 50% of the front yard may be devoted to driveway access and curb-cut. For multifamily dwellings, not more than 50% of the front yard may be devoted to driveway access and curb-cut. The surface must be impervious or gravel and shall not be vegetated surface. In nonresidential districts, driveway access shall be permitted in the land development plan approval process. All vehicles shall be operational, duly inspected and registered with the appropriate agency.
- I. Dwelling Units in Separate Ownership.

1. Where a property line divides a structure along a common wall, as in a townhouse or two-family dwelling, a side yard is not required as to the property line dividing the structure.
2. Two-family dwelling units or townhomes situated in residential zones may be subdivided along party walls without further approval by the Zoning Board, provided there is no alteration of any other existing side, front or rear yards.

**§ 502. Density Regulations for Single-Family Residential Developments.**

- A. The minimum lot area for each single-family residential dwelling and the maximum coverage ratios for single-family residential dwellings shall be in conformance with the following schedules:
  1. The minimum lot area per single-family dwelling (in square feet) shall follow the yard, space, area and bulk requirements set forth in Appendix A-1 in the A, R-1 and R-2 Districts.
  2. Single-family dwellings in the C-1, I-1 and FP Zoning Districts shall follow and comply with the yard, space, area and bulk requirements set forth for all structures in Appendix A for the zoning district in which the single-family dwelling is located.
- B. In calculating lot area for density purposes, any areas having a slope greater than 25% shall be subtracted from the lot area. For such calculations, the slope shall be measured between contours having vertical intervals no greater than 20 feet.
- C. In the R-1 District, the minimum lot area for single-family dwellings shall be 40,000 square feet for lots where no public water or sewage is provided; 30,000 square feet where either public water or public sewage is provided; and 20,000 square feet where both public water and sewage are provided. In the R-2 District, multifamily dwellings such as duplexes, triplexes and quadplexes outside a Planned Residential Development with access to public water and sewage shall maintain a minimum lot area of not less than 10,000 square feet.
- D. The foregoing applies to single-family residential uses only. Other uses permitted in each zoning district must follow the yard, area and bulk requirements set forth in Appendix A for the zoning district in which they are located.

**§ 503. Height Regulations; Exceptions.**

- A. No structure shall exceed the maximum height above basic grade specified in the yard, space, area and bulk requirements contained in Appendix A hereto, provided that:

No accessory structure shall exceed a height of 15 feet. The height regulations of this chapter shall not apply to television and radio towers. An applicant may request a special exemption from the Zoning Hearing Board to construct church spires, belfries, monuments, tanks, water or fire towers, ornamental towers, spires, chimneys, elevator bulkheads and smokestacks in excess of the maximum height requirements of a district. The Zoning Hearing Board shall only grant such special exception if it finds the proposed construction will not adversely impact or devalue surrounding properties, or otherwise be detrimental to the public health, safety and well-being.
- B. In determining the height of a structure in stories, a basement shall be counted as a story when more than 60% of its aggregate wall surface, measured between the floor and top of the wall, is or will be above grade as shown on construction plans. The height exceptions set forth herein shall not apply to any communications antennas or communications towers.
- C. Cell towers shall be permitted to have the same height limitation and other controlling conditions as provided in industrial districts.

#### **§ 504. Permitted Variations from Required Lot Areas, Setbacks and Dimensions.**

The minimum lot, yard and height requirements set forth in Appendix A to this chapter shall be controlling in all zoning districts, except as follows:

- A. Front Yard Exception. When an unimproved lot is located between two (2) improved lots, each having a principal building within 25 feet of the side lot line of the unimproved lot, the front yard of the unimproved lot may be reduced to a depth not less than the median front yard of the two (2) adjacent structures; provided, however, that it may not be reduced to less than 15 feet in residential districts.
- B. Projections Into Yards. The following projections into required yards may be authorized by the Zoning Officer, provided that no projection shall be located closer than three (3) feet to any side or rear lot line or 10 feet to any front lot line:
  - 1. Fire escapes, uncovered stairs and landings, canopies, eaves or other architectural features not required for structural support may project into the required side, front or rear yard not more than a total of three (3) feet.
  - 2. Accessory structures may project into yards as set forth herein.
  - 3. Patios may be located in the required yard area not closer than the following to any property line:
    - a. From side and rear property lines: five (5) feet;
    - b. From the front property line: 10 feet; and
    - c. Where a nonconforming structure is closer than five (5) feet to a side lot line, the patio may extend into the side lot to the existing width of the nonconforming structure.
  - 4. Notwithstanding any of the above provisions, the Zoning Officer may authorize handicapped access ramps to project into required yards to an extent necessary to make such handicapped access ramps safe and accessible in compliance with the standards established by the Pennsylvania Uniform Construction Code.
  - 5. Projections which are incidental or accessory to preexisting nonconforming structures as set forth hereafter.
- C. Changes to Conforming Uses and Buildings. Any repair, maintenance, restoration, reconstruction or enlargement of a structure of any conforming use on the same lot must comply with all regulations of this Ordinance.
- D. Legally Encroaching Nonconforming Structures. Except as may be otherwise governed or prohibited by the terms of this chapter, any legally encroaching nonconforming structure, including an accessory structure, as defined herein, may be expanded, enlarged, restored or reconstructed as provided below:
  - 1. Where the existing encroachment is into the required side yard, the building or structure may be expanded, enlarged, restored or reconstructed vertically and laterally even though part of the expansion, enlargement, restoration or reconstruction is located in the required side yard, so long as the expanded, enlarged, restored and/or reconstructed structure does not encroach further into the required side yard than the previously existing legally encroaching structure.
  - 2. Where the existing encroachment is into the required rear yard, the building or structure may be expanded, enlarged, restored or reconstructed vertically and laterally even though part of the expansion, enlargement, restoration or reconstruction is located in the rear yard, so long as the expanded, enlarged, restored and/or reconstructed structure does not encroach further into the required rear yard than the previously existing legally encroaching structure.

3. Where the existing encroachment is in excess of the height limitations, the building or structure may be expanded, enlarged, restored or reconstructed horizontally at the same height so long as the expanded, enlarged, restored and/or reconstructed structure does not exceed the height of the previously existing legally encroaching structure.
4. Where the existing encroachment is a combination of the required yard and height requirements, the building or structure may be expanded, enlarged, restored or reconstructed to the extent permitted by Subsections D 1 through 4 herein.
5. For purposes of determining the extent of any permitted encroachment, the point of encroachment of an “existing legally encroaching structure” shall be the point at which any expanded, enlarged, restored or reconstructed building attaches to the existing or preexisting legally encroaching structure. It is the intent of this section to permit enlargement, expansion, restoration and reconstruction of a nonconforming building along the common line of the area of the existing building to which it is attached.
6. An encroachment into any required rear, front or side yard, or an encroachment in excess of any height limitation, created by or through the grant of a variance, special exception or conditional use, may be restored or reconstructed to the extent of such grant, but not expanded or enlarged beyond same without the approval of the Zoning Hearing Board or Borough Council, as the case may be.

**§ 502. Traffic Impact Studies.** A traffic impact study shall be submitted to the Borough when:

- A. A proposed development is expected to generate, on average:
  1. 100 or more new peak hour trips on any adjacent street; or
  2. 1,000 or more average daily trips (ADT) on any adjacent street. The estimated number of trips shall be determined by an analysis of similar uses through data collected by the Institute of Transportation Engineers (ITE) or through similar uses acceptable to the Borough.
- B. A proposed development or change in use is expected to generate less than the trip criteria referenced in Subsection A 1 above, but known traffic deficiencies exist in the area of the proposed development or change in use, as determined by the Borough Traffic Engineer. The Borough may waive the study requirement for an individual development or change in use where the ITE traffic generation of data of said development or change in use documents a de minimis increase in the number of trips generated.
- C. In the opinion of the Borough, the proposed development or change in use is expected to have a significant impact on street-related safety or traffic flow, even if the criteria of Subsection A or B above are not met.
- D. When specifically required by this chapter.
- E. When required, a traffic impact study shall be submitted as part of any application for a permit or approval under this chapter. The scope of work for the study shall be first submitted to the Borough for approval. The study shall be performed by a qualified professional traffic engineer with experience preparing traffic impact studies.

## **ARTICLE VI:**

### **Conditional Use and Special Exemption Procedures – General Provisions**

**§ 601. Conditional Uses.**

The Council of Manor Borough may authorize conditional uses as specified within the Use Tables attached as Appendix A to this chapter after submitting requests for same for recommendation to the Planning Commission

in accordance with the procedures set forth in this section. A conditional use shall be approved if and only if it is found to meet the following criteria:

- A. The proposed use conforms to the district, is listed as a conditional use therein, and complies with the general regulations of this chapter.
- B. The proposed use meets any and all special standards which apply to such use as set forth in this Ordinance.
- C. The proposed use does not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or person, and complies with the performance standards of this chapter, the Borough's Subdivision and Land Development Ordinance or any other provision of the Code of Manor Borough, and any other ordinance, law, rule or regulation associated with same.
- D. The proposed use is sited, oriented and landscaped so that the relationship of its building and grounds to adjacent buildings and properties does not adversely affect:
  1. The public health, safety or welfare;
  2. The comfort of surrounding property owners; or
  3. Devalue adjacent properties.
- E. The proposed use will produce a total environmental effect consistent with and not harmful to the environment and character of the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding properties, the probable hours of operation, the activities to be conducted and the number of people to be assembled or to use the premises at any one time.
- F. The proposed use organizes vehicular access and parking to minimize conflicting traffic movement on adjacent streets and within the site.
- G. The proposed use will promote the objectives of this chapter and shall be consistent with the Comprehensive Plan of and for Manor Borough.
- H. The application for a land development containing a conditional use shall include not less than seven (7) prints of a site map and a proposed site development plan for the conditional use. The application shall also be submitted along with any documents required for a grading permit and any other information required for the Planning Commission to make preliminary determinations as to whether the proposed conditional use meets all applicable standards established for the requested use.
- I. The Planning Commission may request additional information from the applicant as is deemed necessary for the consideration of the request. The Planning Commission shall thereafter make preliminary determinations and recommend approval or disapproval of the proposed conditional use in accordance with the standards set forth for the conditional use.
- J. The Borough Council may approve or disapprove the conditional use and/or site development plan for a proposed conditional use following review and recommendation from the Planning Commission. The Planning Commission may recommend that the proposed conditional use be granted, denied or granted with reasonable conditions and safeguards to ensure its compliance with this Article and as it may deem necessary to implement the purposes of this chapter.
- K. The Council may accept, reject or modify the recommendations of the Planning Commission and, upon granting such relief, attach such conditions as they deem appropriate to any approval. Approval may be conditioned upon the grant of relief (i.e., dimensional variances, etc.) by the Zoning Hearing Board where same is required, but such conditional approval by Council shall not be binding on the Zoning Hearing Board, and any conditional use approval shall be deemed vacant if any requested relief is denied by the Zoning Hearing Board.

- L. The approval of a conditional use shall not be official, and no grading, building, occupancy or other permit shall issue until and unless any site plan for the development of the approved use is approved and executed by the Council of Manor Borough and recorded with the Recorder of Deeds of Westmoreland County, Pennsylvania.
- M. All development, construction and use of the site shall be in accordance with the conditional use approval and the approved plan, unless an application for a revised site plan is submitted to and approved by the Borough. Borough Council may, at their discretion, refer any request for site plan revision to the Planning Commission for review, comment and recommendation. Any development contrary to the approved plan shall be a violation of this chapter. Any requested revision to, or modification of, a previously granted conditional use shall follow the same procedure as an original request for conditional use approval.

**§ 602. Special Exceptions.**

- A. The Zoning Hearing Board shall hear and decide requests for special exemptions as indicated within the Table of Uses, attached as Addendum A to this chapter, and elsewhere within this chapter. A special exemption is issued for an exceptional use, which may be authorized within a particular zoning district if the Zoning Hearing Board determines it is available within the district. Such uses are made available as a privilege, not as a right; provided that the requisite facts and conditions detailed in this chapter are found to exist. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.
- B. In considering applications for special exemptions and variances in floodplain districts, the Zoning Hearing Board shall give due consideration to the danger to life and property caused by increased flood heights or velocities which may result from the proposed use or encroachment. No special exception or variance shall be granted for any proposed use, development or activity within the floodway unless such approval is conditioned upon the grant of a variance by Borough Council pursuant to the terms of this chapter and Chapter 57, Floodplain Management, of the Code of the Borough of Manor.
- C. In the event that the Zoning Hearing Board grants relief within a floodplain, the Board shall notify the applicant for such special exception or variance, in writing, that the construction of a structure below the one-hundred-year flood elevation increases risks to life and property and will result in increased premium rates for flood insurance.

**ARTICLE VII:**

**Express Standards for Certain Conditional, Special Exception and Permitted Uses**

**§ 701. Uses Required to Conform.**

- A. In addition to the requirements prescribed in this chapter, the following uses listed in this Article shall be required to conform with the requirements set forth hereafter regardless of whether they are authorized and constructed as a permitted use, special exception use or conditional use in any zoning district.

**1. Adult Oriented Businesses (Sexually Oriented Businesses).**

- a. Definitions.** As used in this Article, the following terms shall have the meanings indicated:

**ADULT ARCADE** – Any place to which the public is permitted or invited wherein coin-operated or slug-operated, or electronically, electrically or mechanically controlled stiff- or motion-picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

**ADULT BOOKSTORE or ADULT VIDEO STORE** – A commercial establishment which, as one of its principal business purposes, offers for sale or rental, for any form of consideration, any one (1) or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an “adult bookstore” or “adult video store.” Such other business purposes will not serve to exempt such commercial establishments from being categorized as an “adult bookstore” or “adult video store” so long as one (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

**ADULT CABARET** – A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- (1.) Persons who appear in the state of nudity;
- (2.) Live performances which are characterized by the exposure of specified anatomical areas or by specialized sexual activities; or
- (3.) Films, motion pictures, videocassettes, slides, digital imaging, photographic reproductions or any and all visual media using the most recent technology which are characterized by the depiction of specified sexual activities or specified anatomical areas.

**ADULT ENTERTAINMENT** –

- (1) An exhibition of any adult oriented motion pictures which are distinguished and characterized by an emphasis of matter depicting, describing or relating to specified sexual activities or sexual anatomical areas;
- (2) A live performance, display or dance of any type which has a significant or substantial portion of the performance, or any actual or simulated performance of specified sexual activities or exhibition, in viewing of specified anatomical areas or persons in a state of nudity or semi-nudity; or
- (3) Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT MOTEL** – A hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, digital imaging, photographic reproductions or any visual media using current technology which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- (2) Offers sleeping rooms for rent four (4) or more times in one (1) calendar day during five (5) or more calendar days in any continuous 30 day period.

**ADULT MOTION PICTURE THEATER** – A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT THEATER** – A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities.

**CHILD ORIENTED BUSINESS** – A commercial establishment which, as one of its principal business purposes, serves and/or sells children and their family’s food, apparel, goods, services, play and/or entertainment.

**EMPLOYEE** – A person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent, lessee, lessee of a dance floor or space or otherwise, and whether or not said person is paid a salary, wage or compensation by the operator of said business. “Employee” does not include a person exclusively on the premises for repair or maintenance of the premises or equipment located thereon or for the delivery of goods to the premises.

**ESCORT** – A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie, or to privately perform a striptease for another person.

**ESCORT AGENCY** – A person or business association who furnishes, offers to furnish or advertises to furnish, escorts as one of its primary business purposes for a fee, tip or other consideration.

**ESTABLISHMENT or ESTABLISH** – Includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business.
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.
- (3) The addition of any sexually oriented business or sexually oriented use to any other existing sexually oriented business or use.
- (4) The relocation of any sexually oriented business.

**KNOWING or KNOWINGLY** – Having a general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both: (a) The character and content of any material or performance described herein which is reasonably susceptible of examination by a permittee or persons; and (b) the age of a minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the permittee or person made a reasonable, bona fide attempt to ascertain the true age of such minor.

**MUNICIPALITY** – The Borough of Manor, Westmoreland County, Pennsylvania.

**NUDE MODEL STUDIO** – Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration. “Nude Model Studio” shall not include a proprietary school licensed by the Commonwealth of Pennsylvania as a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferrable to a college, junior college or university supported entirely or in part by taxation; or in a structure under the following conditions:

- (1) There is no sign visible from the exterior of the structure and no other such advertising which indicates that a nude or semi-nude person is available for viewing;
- (2) Where, in order to participate in a class, a student must enroll at least three (3) days in advance thereof; and
- (3) Where no more than one (1) nude or semi-nude model is on the premises at any one time.

**NUDITY or STATE OF NUDITY** – The appearance of a bare human buttock, anus, male genitals, female genitals or female breast.

**PERMITTEE** – A person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual or individuals listed as the applicants on any permit application.

**PERSON** – An individual, proprietorship, partnership, corporation, association or other legal entity.

**SEMI-NUDE** – A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

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

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude.

**SEXUALLY ORIENTED BUSINESS (ADULT ORIENTED BUSINESS)** – An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, swinger’s club or sexual encounter center.

**SPECIFIED ANATOMICAL AREAS** – The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

**SPECIFIED SEXUAL ACTIVITIES** – Includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated; and/or
- (4) Excretory functions as part of or in connection with any of the activities set forth in Subsections (1) through (3) above.

**SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS** – The increase in floor area occupied by the business by more than 25%, as the floor area exists on the date of enactment of this Article.

**SWINGER’S CLUB** – A social club, organization or meeting place where nonresident male and female persons, and/or persons of the same sex, engage in nude or semi-nude activities on the premises.

**TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS** – Includes any of the following:

- (1) The sale, lease or sublease of the business.
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.
- (3) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law, upon the death of the person possessing the ownership or control.

**VIEWING BOOTHS** – Booths, stalls, partitioned portions or a room, rooms or other enclosures which are available for viewing:

- (1) Films, movies, videos or visual reproductions of any kind depicting or describing specified sexual activities or specified anatomical areas; or
- (2) Persons who appear in a state of nudity or semi-nudity or who offer performances of presentations characterized by the exposure of specified anatomical areas or by specified sexual activities; and/or
- (3) Anatomical areas or specified sexual activities.

**b. Classification.** Sexually oriented business are classified as follows:

- [1] Adult arcades.
- [2] Adult bookstores.
- [3] Adult cabarets.
- [4] Adult motels.
- [5] Adult motion picture theaters.
- [6] Adult theaters.
- [7] Escort agencies.
- [8] Nude model studios.
- [9] Sexual encounter centers and/or swinger's clubs.

**c. Permit Required; Application.**

- [1] Any person who operates a sexually oriented business without a valid permit issued by the Borough is guilty of a violation of this chapter.
- [2] An application for a permit to operate a sexually oriented business must be made on a form provided by the Zoning Officer. Plans approved by the Pennsylvania Department of Labor and Industry depicting the floor plan and plot plan configuration of the premises, including a statement of total floor space to be occupied by the business, must accompany the application. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- [3] The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the Zoning Officer.
- [4] If a person who wishes to operate a sexually oriented business is an individual, he/she must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 10% or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of 10% or greater in the corporation must sign the application for a permit as applicant.

**d. Issuance of Permit.**

- [1] The Zoning Officer shall approve the issuance of a permit to an applicant within 30 days after the receipt of an application unless he/she finds one (1) or more of the following to be true:
  - [a] An applicant is under 18 years of age.
  - [b] An applicant or an applicant's spouse is overdue in his payment to the municipality of taxes, fees, fines or penalties assessed against him/her or imposed upon him/her in relation to a sexually oriented business.
  - [c] An applicant has failed to provide all information required for issuance of the permit or has falsely answered a question or request for information on the application form.
  - [d] An applicant is residing with a person who has been denied a permit by the municipality to operate a sexually oriented business within the preceding 12 months, or residing with

a person whose permit to operate a sexually oriented business has been revoked within the preceding 12 months.

- [e] The premises to be used for the sexually oriented business has been reviewed and has been disapproved of by the Zoning Officer as not being in compliance with applicable laws and ordinances.
- [f] The permit fee required by this Article has not been paid.
- [g] An applicant for the proposed establishment is in violation of or is not in compliance with any of the provisions of this Article.
- [h] An individual applicant or any individual holding a direct or indirect interest of more than 10% of a corporate applicant, or any of the officers and directors of a corporate applicant, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person in charge of the operation of the applicant's business has or have been convicted of an offense involving sexual misconduct within the Commonwealth of Pennsylvania including, but not limited to, prostitution, obscenity and possession of child pornography, or convicted of any offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania. In order for approval to be denied pursuant to this subsection, the person or person's conviction or release in connection with the sexual misconduct offense must have occurred within two (2) years of the date of application in the event of a misdemeanor and within five (5) years of the date of application in the event of a felony.

[2] The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

[3] The Zoning Officer shall complete his certification that the premises are or are not in compliance within 20 days of receipt of the application by the Zoning Officer.

**e. Fees.** The annual fee for a sexually oriented business permit is \$500.<sup>00</sup>.

**f. Inspection.**

[1] An applicant, or permittee, shall permit an administrative inspection of the premises by the Zoning Officer at any time that the permitted business operation is open for business in order to ensure continued compliance with the law.

[2] Any person who operates a sexually oriented business or his agent or employee violates the Manor Borough Zoning Ordinance if such person refuses to permit a lawful inspection of the premises as set forth above.

**g. Expiration of Permit.**

[1] Each permit shall expire one (1) year from the date of issuance and may be renewed only by making an application as provided in this chapter. Application for renewal should be made at least 60 days before the expiration date and, when made fewer than 60 days before the expiration date, the pendency of the application will not prevent the expiration of the permit.

[2] If the Zoning Officer denies renewal of a permit, the applicant shall not be issued a permit for one (1) year from the date of denial, except that after 90 days have elapsed since the date of

denial, the applicant may be granted a permit if the Zoning Officer finds that the basis for denial of the renewal permit has been corrected or abated.

**h. Suspension of Permit.** The Zoning Officer shall suspend a permit for a period not to exceed 30 days if he/she determines that a permittee or an employee of a permittee has:

- [1] Violated or is not in compliance with any section of this Article;
- [2] Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter; or
- [3] Knowingly permitted gambling by any person on the sexually oriented business premises.

**i. Revocation of Permit.**

- [1] The Zoning Officer shall revoke a permit if a cause for suspension set forth in this chapter occurs and the permit has been suspended within the preceding 12 months.
- [2] The Zoning Officer shall revoke a permit if he/she determines that:
  - [a] A permittee or any of the persons specified in this chapter is or has been convicted of the offenses specified in this chapter.
  - [b] A permittee gave false or misleading information in the material submitted to the municipality during the application process.
  - [c] A permittee or an employee of a permittee has knowingly allowed possession, use or sale of controlled substances on the premises.
  - [d] A permittee or an employee of a permittee has knowingly allowed prostitution on the premises.
  - [e] A permittee or an employee of a permittee knowingly operated a sexually oriented business during a period of time when the permittee's permit was suspended.
  - [f] A permittee or an employee of a permittee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other explicit sexual conduct to occur in or on the permitted premises.
  - [g] A permittee is delinquent in payment to the municipality or the Commonwealth of Pennsylvania of any taxes or fees relating to sexually oriented businesses.
- [3] When the Zoning Officer revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date revocation became effective, except that if the revocation is pursuant to Subsection A (1)(a)[2][a] above, the revocation shall be effective for two (2) years in the event of a misdemeanor or five (5) years in the case of a felony.
- [4] All permit denial, renewal, suspension or revocation decisions shall be sent in writing to the applicant and/or permittee. All such decisions which deny, refuse to renew, suspend or revoke a permit shall state specifically the Ordinance requirement not met and any other basis for the decision. After denial of an application, or denial of a renewal of an application, or after suspension or revocation of any permit, the applicant or permittee may appeal pursuant to procedures set forth in this chapter from a determination of the Zoning Officer. Any such appeal must be filed, in writing, with the Zoning Officer, within 10 days from the date of the mailing of the decision appealed from and shall specify, in detail, the basis for the appeal. Failure or refusal to file said appeal or specify the basis of said appeal with the Zoning Officer shall be deemed a conclusive determination as to the issues or matters addressed by the written

decision. If an appeal is timely filed, the Zoning Hearing Board of Manor Borough will then convene and conduct a hearing pursuant to the provisions of the Manor Borough Zoning Ordinance and shall render a written decision within the time frame set forth therein. In the case of a denial or renewal, or in the case of a permit suspension or revocation, the permittee may continue to operate to the same extent as immediately prior to the suspension or revocation until the earlier of:

- [a] The expiration of the 10 day appeal period without filing of an appeal; or
- [b] The date of a final decision dismissing any appeal.

[5] Any person aggrieved by a decision of the Zoning Hearing Board of Manor Borough may appeal to a Court of competent jurisdiction pursuant to the provisions of Article X-A of the Pennsylvania Municipalities Planning Code, 53 P.S. § 1001-A et seq. Manor Borough shall, upon filing of such appeal, consent to any request by a permit applicant or permittee to the Court to give expedited review of such appeal. Manor Borough shall certify any record to the Court within 20 days after the appeal is filed. In the case of a denial of a permit renewal, or in the case of a permit suspension or revocation, the permittee may continue to operate to the same extent as immediately prior to the denial, suspension or revocation until the earlier of:

- [a] The expiration of the 30 day appeal period without filing an appeal; or
- [b] The date of a decision dismissing an appeal by a Court of competent jurisdiction.

**j. Transfer of Permit.** A permittee shall not transfer his permit to another person. A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

**k. Location of Sexually Oriented Businesses and Violations.**

[1] A person is guilty of a violation of this chapter if he/she operates, or causes to be operated, a sexually oriented business outside of the district in which a sexually oriented business is permitted as a conditional use. No sexually oriented business shall be located outside a district in which a sexually oriented business is a permitted use. The hours of operation shall be from 8:00 a.m. to 10:00 p.m., Monday through Saturday, and no such operation shall be permitted on a Sunday or legal holiday.

[2] A person is guilty of a violation of this chapter if he/she operates, or causes to be operated, a sexually oriented business within 1,500 feet of:

- [a] A church, including, without limitation, any property owned or utilized for any purposes of a convent, monastery, religious cemetery, religious retreat or any other property utilized for religious functions or uses.
- [b] A public or private pre-elementary, elementary or secondary school.
- [c] A public library.
- [d] A public or private childcare facility or nursery school.
- [e] A public park adjacent to any residential district.
- [f] A child-oriented business.
- [g] A college and/or public or private university.
- [h] Any property situated in Manor Borough, Westmoreland County, Pennsylvania, which is zoned or used for residential purposes.

- [3] A person is guilty of a violation of this chapter if he/she causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 1,500 feet of another sexually oriented business.
- [4] A person is guilty of a violation of this chapter if he/she causes or permits the operation, establishment or maintenance of more than one (1) sexually oriented business in the same building, structure or portion thereof and undertakes a substantial enlargement of a sexually oriented business as the same is defined herein.
- [5] For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of any use or premises identified in Subsection A(1)(k)[2] hereof.
- [6] For purposes of Subsection A(1)(k)[3] above, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- [7] Any sexually oriented business lawfully operating on the date of enactment of this Article that is in violation of Subsection A(1)(k)[1] through [6] hereof, shall be deemed a nonconforming use. In the event that two (2) or more sexually oriented businesses are located within 1,500 feet of one another and otherwise in a permissible location, the sexually oriented business which was the conforming use and the later-established business shall be considered a nonconforming use. In the event that any preexisting nonconforming sexually oriented business shall be abandoned or not utilized as a sexually oriented business for a period of at least 12 months, said business shall lose its preexisting nonconforming status and must thereafter comply with all provisions of this Article to reopen.
- [8] A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of any premises or use identified in Subsection A(1)(k)[2] hereof within 1,500 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

(2) **Injunction.** A person who operates, or causes to be operated, a sexually oriented business without a valid permit or in violation of this Article is subject to an action in equity or a suit for injunction as well as citations for violations of this chapter.

(3) **Agricultural Conversions.** The conversion and/or use of existing buildings or structures which are accessory to the agricultural use of property for the events and/or commercial uses limited to:

- (a) Weddings;
- (b) Wedding receptions;
- (c) Private receptions and parties; and
- (d) Retail sales of produce, meat, poultry, vegetables, flowers, jams, jellies or other products grown or otherwise produced on the property, provided they comply with all of the following requirements:

[1] The uses associated with agricultural conversions shall not be conducted on less than 10 acres of land.

- [2] The uses associated with agricultural conversion must be conducted by the owner of the property, their lessees or agents.
- [3] The uses associated with agricultural conversions must be conducted within a permanent, enclosed building or structure, except that additional activities' accessory and ancillary to the use of the conversion may be conducted in a tent or other temporary facility so long as:
  - [a] No "portable" restroom facilities are used and permanent restroom facilities sufficient to accommodate the proposed uses are provided and available in a permanent, enclosed building or structure on the property; and
  - [b] The tent or other facility is taken down and removed within 24 hours following the conclusion of the event or activity for which it was used.
- [4] The applicant must dedicate an area of not less than 80,000 square feet of the property for use as part of the agricultural conversion. Such 80,000 square feet shall include areas used for off-street parking and sanitary sewage facilities.
- [5] All off-street parking or other areas dedicated to the agricultural conversion must be set back so they are not closer than 100 feet to any existing lot line.
- [6] Any activity associated with the agricultural conversion of the property shall be conducted only between the hours of 10:00 a.m. and 11:00 p.m.
- [7] A 50 foot acoustically and visually insulating buffer area must be installed along any perimeter of the area designated for the agricultural conversion which abuts a residentially occupied structure. Such buffer may be installed within the 100-foot setback referenced above.
- [8] The applicant must obtain land development plan approval from the Council of Manor Borough and comply with the terms and provisions of the Borough's Subdivision and Land Development Ordinance, including, but not limited to, obtaining the approval of the area designated for the use of the agricultural conversion and the area used for off-street parking, on-site vehicular circulation patterns, lighting plans and both event and daily traffic control plans.
- [9] The applicant must comply with all existing laws of the Commonwealth of Pennsylvania regulating the use, event and/or the event or operations associated with the agricultural conversion, including, but not limited to, the Pennsylvania Uniform Construction Code and the Pennsylvania Liquor Code. The applicant shall provide and retain proof of certification of occupancy from the appropriate regulatory agencies and all other applicable building, safety and fire codes of the Federal, state, and local government at all times such use is in effect.
- [10] If weddings or other reception-type uses are being conducted as part of an agricultural conversion, such conversion shall be designed or constructed with sewage facilities to accommodate a capacity of more than 100 people at an event. However, in the event sewage facilities already existing on the property can accommodate a capacity in excess of 100 people, then the applicant may conduct activities associated with the agricultural conversion on the site having an occupancy capacity equal to the capacity for which the existing sewage facilities are designed, or a maximum of 200 people, whichever is less.
- [11] No building or structure associated with an agricultural conversion shall be permitted to be used as a bed-and-breakfast, or to provide any other form of overnight residential occupancy for rent, lease or otherwise, unless the owner, lessee or agent of the owner, or a member of the owner's immediate family, occupies the structure in which such accommodations are provided as their principal residence. For purposes of this section, the term "immediate family" shall mean the owner's spouse, parents or children.

**(4) Apartments.** The provisions contained herein apply to the development of all multifamily residential developments, whether allowed as a permitted, special exception or conditional use.

(a) General Requirements:

- [1] The use must comply with those area and bulk regulations for multifamily dwellings for the zoning district in which it is located.
- [2] Habitable space shall not be less than 640 square feet per dwelling unit.
- [3] Apartment buildings shall be limited to a maximum of 32 units per building.
- [4] All buildings shall be oriented to face the street and meet the minimum front yard setbacks for the district.
- [5] The use of alleys or rear access drives is required for apartment dwellings. In no instance shall off-street parking areas be the focal point for design. Off-street parking areas shall be located to the side or rear of buildings.

(b) Open Space and Recreation Area Requirements for Apartments on Lots Over Five (5) Acres in Size.

**Intent.** To create areas of common open space that are easily accessed by residents which provide focal points for community recreation and interaction, to preserve identified environmental features and add to the quality of life for residents. Common open space should be purposefully integrated into the overall design of a multifamily development to enhance the environmental and recreational effect of the apartment units and not merely be residual areas left over after buildings and parking lots are located.

- [1] A minimum of 25% of the total tract areas shall be required to be preserved as open space on the site. The required open space shall not include any primary conservation areas identified on site, including wetlands, one-hundred-year floodplains and steep slopes of 25% or greater.
- [2] A minimum of 10% of the tract or 400 square feet per dwelling unit, whichever is greater, shall be set aside as common usable open space in the form of a park for the enjoyment of the residents of the development. The usable open space shall be centrally located and accessible to all residents, be constructed on generally flat land and located on otherwise easily buildable land (net buildable land).
- [3] Acceptable forms of usable open spaces include improvements for a courtyard or plaza, with benches, shade trees, pedestrian connections, recreational ponds, an open grass area, and may also incorporate a play area for children depending on the anticipated resident group.
- [4] The usable open space area may be calculated as part of the minimum 25% required open space to be preserved on the site.
- [5] The following areas shall not be allowed as part of the calculation of common open space.
  - [a] Private yards, lots, decks and/or patios dedicated for use by a specific unit.
  - [b] Public right-of-way, private streets or drives and off-street parking areas.
  - [c] Land covered by a structure, except those allowed as part of the usable open space, such as gazebos, picnic shelters, tennis courts or swimming pools;
  - [d] Required perimeter setbacks.
  - [e] Retention and detention ponds used for stormwater management.
- [6] Pedestrian access to common open space shall occur within 500 feet of every building unit within the development.

**(c) Building Design Standards:**

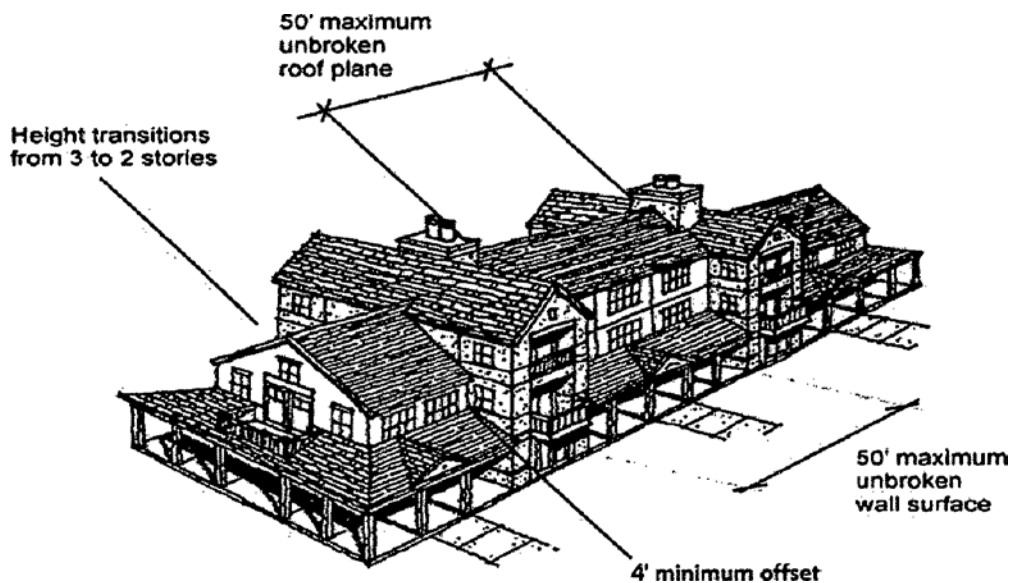
- [1] The establishment of building design standards for apartments located within Manor Borough is intended to benefit the community as a whole by attempting to achieve the following goals:
  - [a] To preserve, protect and promote public health, safety and welfare.
  - [b] To protect the Borough from unregulated construction of inferior and unsuitable buildings that are more prone to damage caused by fire and high winds, tornados and hurricanes that can result in physical injury to residents of those buildings.
  - [c] To minimize the spreading of a hazard within multifamily structures by utilizing superior materials and design.
  - [d] To preserve, enhance and balance the environmental, social, cultural and aesthetic values desirable in a rural-suburban community while promoting the development of a variety of high-quality housing choices consistent with the objectives of the adopted Comprehensive Plan.
  - [e] To provide protection from negative impacts of highly concentrated developments in order to protect property values of adjoining and predominant lower density residential properties.
  - [f] To promote development that is compatible with surrounding sites and preserves the sense of community.
  - [g] To plan for harmonious neighborhoods through higher standards of design results in increasing property values within these neighborhoods and require buildings that are less prone to deterioration.
  - [h] To increase the overall economic tax base of the Borough by attracting quality development.
- [2] In addition to the above-stated purposes, these building design standards are intended to create and add to the visual interest of Manor Borough's streets; to ensure quality and consistency in building, architectural character and style; to ensure compatibility with adjacent developments as applicable; to avoid featureless building massing; to provide building design details to reduce the visual scale of large multifamily buildings; to achieve manner of design through the use of similar materials; to ensure use of building materials that are durable and attractive; and to ensure accessory structures are compatible in design with the primary buildings they serve.
- [3] All building plans for apartments in all zoning districts shall be prepared and sealed by an architect and shall meet all provisions of this section.

**(d) Building Length/Height/Massing/Form.**

- [1] Intent. These standards are intended to achieve the following purposes:
  - [a] To provide a distinctive, quality, consistent, architectural character and style in new multifamily development that avoids monotonous and featureless building massing and design.
  - [b] To ensure building design and architectural compatibility within a multifamily development.
  - [c] As applicable, to ensure that new building design respects the context of adjacent residential neighborhoods, including the height, scale, mass, form and character of surrounding development.
- [2] Building Length. The maximum length of a multifamily residential building shall be 200 feet.
- [3] Building and Mass Form.

- [a] Apartment building design should incorporate visually heavier and more massive elements at the building base and lighter elements above the base. A second story, for example, should not appear heavier or demonstrate greater mass than that portion of the building supporting it.
- [b] The following common building materials are listed in order from heaviest to lightest: stone, brick, wood and stucco.
- [c] In instances where the same building material is used in differing colors, darker hues will be considered heavier than lighter hues.
- [d] All buildings shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes. Plain, monolithic structures with long, monotonous, unbroken wall and roof surfaces of 50 feet or more are prohibited. At least every 50 linear feet, wall and roof planes shall contain offsets or setbacks with a differential in horizontal plane of at least four (4) feet. (See Figure 1.)

**Figure 1 – Examples of Varied Roof Planes and Wall Surfaces**



**(5) Assisted Living or Personal Care Facilities.**

- (a) A minimum lot size of two (2) acres shall be required.
- (b) The maximum percentage of the lot covered by buildings shall not exceed 20%.
- (c) The maximum impervious surface ratio shall be 50%.
- (d) The assisted care nursing facility shall meet all licensing requirements of the Commonwealth of Pennsylvania.
- (e) The structure accommodating the use shall comply with the following setback requirements:
  - [1] Front yard: 50 feet minimum.
  - [2] Side yard: 50 feet minimum.
  - [3] Rear yard: 50 feet minimum.

[4] Street frontage: 100 feet.

- (6) **Automobile/Vehicle Sales.** Automobile sales shall be subject to the following standards:
- (a) Minimum required lot size: five (5) acres.
  - (b) Automobile sales uses shall provide a building having a minimum gross floor area of 10,000 square feet for display, sales and service activities.
  - (c) All exterior sales areas shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion and dust.
  - (d) All displayed vehicles shall be located at least 10 feet from any side or rear property line. Displayed vehicles shall not be located within 35 feet of the edge of any travelled roadway or within any grassy area required along a public road.
  - (e) No automobile sales use shall employ flashing lights, streamers, banners, inflatable or mechanical products or similar devices in any of its displays, signage or any building.
  - (f) Display vehicles shall not be parked in spaces required for customers, employees or service parking.
  - (g) Automobile sales uses shall not employ outdoor loudspeaker paging systems.
  - (h) All repairs and service shall be conducted in an enclosed building.
  - (i) Verification of compliance with all Pennsylvania Department of Environmental Protection (“DEP”) requirements relative to the handling and disposal of oil, battery acid, tires, etc., shall be provided.
  - (j) External lighting shall be reduced in intensity by 50% at the close of business each day.
- (7) **Bed-and-Breakfasts and Short-Term Rentals.** All bed-and-breakfasts and short-term rentals shall comply with the following requirements:
- (a) The bed-and-breakfast must be conducted within a single-family dwelling by an owner of the property who resides on the premises. In A-1 or C-1 zones, a short-term rental need not be occupied by the owner of the property where the entire property, and all dwelling units therein, are subject to a single common lease for all occupants. No modification to the external appearances of the building (except those required under the Pennsylvania Uniform Construction Code (34 Pa. Code, Chapters 401 through 405), which would alter its residential character shall be permitted.
  - (b) Accommodations for overnight lodging at a bed-and-breakfast and a short-term rental shall be limited to no more than seven (7) guest rooms. The guest rooms shall be rented to overnight guests on a daily or weekly basis.
  - (c) Accommodations at a bed-and-breakfast shall include breakfast or brunch prepared on the premises solely for its overnight guests with the charge for same being included in the cost of the room. Accommodations for short-term rentals may, but are not required to, provide breakfast or brunch prepared on the premises solely for its overnight guests with the charge for the same being included in the cost of the room.
  - (d) Outdoor areas such as decks, verandas, porches, lakes and other accessory structures may be used in conjunction with the bed-and-breakfast and short-term rentals, provided the use of same is limited to overnight guests during the course of their stay.
  - (e) No cooking facilities shall be provided in individual guests’ rooms.

- (f) Bed-and-breakfasts and short-term rentals must generally conform to the bulk and area regulations of the zoning district in which they are located and comply with the minimum area requirements set forth hereafter.
  - (g) Bed-and-breakfasts and short-term rentals shall comply with the rules and regulations of the Pennsylvania Uniform Construction Code and shall provide and retain proof of certification of occupancy from the Department and all other applicable building, safety and fire codes of the Federal, state, and local government at all times such use is in effect.
  - (h) The property on which the bed-and-breakfast or short-term rental is located must have an area of not less than 120,000 square feet.
  - (i) Each bed-and-breakfast and short-term rental shall provide a minimum of one (1) off-street parking space for each guest/rental room and two (2) off-street parking spaces for the owners of the property.
  - (j) Other than the property owner, their agents, workmen and employees, no person other than those leasing space for occupancy in a bed-and-breakfast or short-term rental shall be permitted on the premises of same.
  - (k) In addition to any approval required under this chapter or any other applicable Ordinance, all bed-and-breakfasts and short-term rentals must obtain land development plan approval from the Council of Manor Borough and comply with the terms and provisions of the Manor Borough Subdivision and Land Development Ordinance and any third-party Federal, state or local agencies having jurisdiction over same.
- (8) Billboards and/or Outdoor Advertising Signs.** Billboards and/or outdoor advertising signs or devices shall comply with those standards and conditions as set forth hereinafter in Article IX of this chapter regulating “Signs.”
- (9) Boarding House.** All boarding houses shall comply with the following requirements:
- (a) The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
  - (b) The service of meals shall be limited to residents only.
  - (c) Under no circumstances shall a boarding house have more than 10 residents, unless approved by Council as part of its decision.
  - (d) The owner and/or manager of the boarding house shall reside therein.
  - (e) Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 footcandle of illumination when measured from an adjacent lot line. As part of its decision, Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
  - (f) The use shall have frontage on and direct vehicular access to an arterial or collector street.
  - (g) Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
  - (h) The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
  - (i) The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impact (both pedestrian and vehicular) on the surrounding neighborhood.
  - (j) A traffic input study shall be required.

- (k) To ensure public safety and health, the site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and/or developer.
- (l) The owner and operator of the facility shall be responsible for the conduct and safety of the employees, tenants, customers, visitors and guests, and shall be available to respond to inquiries and promptly resolve any issues caused by the employees, tenants, customers, visitors and guests.

**(10) Cemeteries.** Cemeteries shall have:

- (a) A required minimum site area of 10 acres.
- (b) A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics. Such a plan shall be subject to review and approval by the Borough Engineer.
- (c) A groundwater study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application. Such a plan shall be subject to review and approval by the Borough Engineer.
- (d) An enclosed maintenance building must be constructed for the storage of all maintenance equipment and/or supplies. All maintenance equipment shall be properly stored in the enclosed building when not in use.
- (e) Burial sites which are required to comply with the setbacks required for principal structures in the Zoning District and burial structures shall not be located within 100 feet of any property line adjoining a residential use or Residential Zoning District.

**(11) Childcare Centers.** Childcare centers shall be at least 1,000 feet apart from each other, shall not be located on lots of less than the minimum area required for the zoning district and shall provide outdoor recreational facilities suitable to the age groups being served. Childcare centers shall not be located within 1,000 feet of any adult oriented business or liquor licensed establishment.

**(12) Church/Place of Worship.** Churches or places of worship shall have:

- (a) All buildings shall be set back at least 100 feet from the lot lines of residentially zoned properties and from the right-of-way of local streets.
- (b) A church/place of worship shall have direct access to an arterial or collector street. The point of vehicular access shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- (c) A church/place of worship in a residential zoning district must provide a buffer yard in accordance with said residential district.
- (d) The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- (e) Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or residential zoning district shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- (f) Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- (g) The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.

- (h) A traffic impact study is required.
- (i) To ensure public health and safety, the site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and/or developer.

**(13) Commercial Storage (Warehousing).**

- (a) No hazardous substances may be stored on the property.
- (b) All exterior storage areas shall be fenced with visually intrusive materials to obstruct the view of the exterior area, and the materials or equipment being stored thereupon, from adjoining properties.
- (c) Where the facility adjoins a property in residential use, in addition to the fence reference above, a buffer area of natural plantings shall be maintained on the outside of the fence along the adjoining residential property's boundary line.
- (d) All lighting shall be directed to the interior of the premises to prevent glare onto adjoining properties.
- (e) The exterior of the property exposed to vehicular traffic, including equipment and/or machinery stored or used as part of the commercial storage operation, shall have a dust-free surface.

**(14) Communications Antennas.**

- (a) Building-mounted communications antennas shall not be located on any single-family dwelling or two-family dwelling.
- (b) Building-mounted communications antennas shall be permitted to exceed the maximum height limitations of the zoning district in which they are located by no more than 20 feet.
- (c) Omnidirectional or whip communications antennas shall not exceed 20 feet in height and seven (7) inches in diameter.
- (d) Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.
- (e) 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.
- (f) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Borough Engineer.
- (g) 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 main building or structure on which the antennas are to be mounted so that the installation and maintenance of the antennas and communications equipment can be accomplished.
- (h) Communications antennas shall comply with all applicable standards established by the Federal Communications Commission ("FCC") governing human exposure to electromagnetic radiation.
- (i) Communications antennas shall not cause radio frequency interference with other communications facilities located in the Borough.
- (j) A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

- (k) The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

**(14) Communications Equipment Buildings.** A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

**(15) Communications Towers.**

- (a) The applicant must provide proof it is licensed by the Federal Communications Commission to operate a communications tower and, if applicable, communications antennas.
- (b) The applicant must demonstrate that the proposed communications tower and any communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (c) 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 communication tower. A “good faith effort” shall require that all owners of potentially suitable structures within a radius of ¼ mile of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
  - [1] 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.
  - [2] 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.
  - [3] Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or allow it to perform its intended function.
  - [4] Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structures exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - [5] A commercially reasonable agreement could not be reached with the owners of such structures.
- (d) Access shall be provided to the communications tower and communications equipment building by means of a public street or an easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all-weather surface for its entire length.
- (e) 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.
- (f) Recording of a plat of subdivision or land development shall not be required for a leased parcel on which a communications tower is proposed to be constructed, provided that the communications equipment building is unmanned.
- (g) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- (h) In the I-1 (Industrial) Zoning District, the maximum height of any communications tower shall be 180 feet.
- (i) 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 100 feet and shall be set back from any other property line (not lease line) at least 50 feet.

- (j) The base of a communications tower shall be landscaped to screen the foundation and base and communications equipment building from abutting properties.
- (k) The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.
- (l) The applicant shall submit certification from a Pennsylvania registered professional engineer that the 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.
- (m) 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.
- (n) 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.
- (o) The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility to the general public.
- (p) 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.
- (q) Communications towers shall be constructed and maintained in accordance with the requirements of the Pennsylvania Uniform Construction Code.
- (r) If a communications tower remains unused for a period of 12 consecutive months, it shall be considered abandoned, and the owner or operator shall dismantle and remove the communications tower within 90 days of the expiration of such 12 month period. Failure to remove and abandoned antenna or tower within 90 days shall be grounds to remove the antenna or tower at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- (s) One (1) off-street parking space shall be provided within the fenced area.

**(17) Daycare Centers.**

- (a) Proof of a valid license to operate child daycare facilities issued by the Pennsylvania Department of Public Welfare shall be provided to the Borough prior to the issuance of an occupancy permit by the Borough for the use.
- (b) All child daycare facilities shall provide a minimum area of indoor play at a ratio of 40 square feet per child.
- (c) All child daycare facilities shall provide outdoor play space at a minimum ratio of 65 square feet per child using the outdoor play facility. Long, linear configurations shall be avoided to assure the functionality of the space as a play area. At no point shall the play area be less than 20 feet in width.
  - [1] The outdoor play area shall adjoin the building where the child daycare facility is located.
  - [2] The outdoor play area shall be no closer than 30 feet to a private/public street right-of-way, or 10 feet to any other property lines.

The outdoor play space shall be completely enclosed by a safe and adequate fence or wall a minimum of four (4) feet in height unless a greater height is required by Borough Council or the Zoning Hearing Board. Any outdoor play area potentially susceptible to encountering vehicles leaving the roadway, travel lanes or access ways shall be protected by a barrier capable of preventing the vehicle from entering the play area.

[3] Non-yielding surfaces, such as concrete, asphalt, gravel, etc., are prohibited beneath any piece of permanently installed play equipment. Certain rubber padding may be permissible over hard surfaces when approved by Borough Council. Non-yielding surfaces shall not exceed 25% of the required outdoor play space.

(d) Safe vehicular access and off-street areas for the discharge and pick-up of children shall be provided in the following manner:

[1] Minimum dimensions of discharge and pick-up areas shall measure eight (8) feet by 55 feet.

[2] Discharge and pick-up areas shall be so located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way, any parking space or parking lot aisle.

[3] No area allocated as a discharge and pick-up area may be used to satisfy the area requirements for off-street parking, nor shall any portion of off-street parking area be used to satisfy the area requirements for discharge and pick-up areas. All off-street discharge and pick-up areas shall be separated from walkways, sidewalks, parking lot aisles, streets and alleys by curbing or other protective devices as approved by the Borough.

**(18) Drive-through Facilities.** All drive-through facilities shall have and comply with the following:

(a) Minimum stacking space requirements.

[1] All uses which include a drive-up window, or which are characterized by patrons remaining in their vehicles to receive service, shall provide on-site stacking areas to alleviate traffic congestion.

[2] Stacking areas shall be a minimum of 12 feet in width and 20 feet in length for each vehicle.

[3] All stacking areas shall be separate from other vehicular and pedestrian circulation aisles and parking spaces. Stacking lanes shall be separated through the use of landscaped islands bounded by concrete curbing.

[4] The number of stacking spaces required shall be determined in accordance with the following schedule:

[a] **Restaurant, Fast Food:** a minimum of seven (7) spaces as measured from the drive-through window.

[b] **Vehicular Washes:** a minimum of four (4) spaces measured from, but not including to, the bay.

[c] **Financial Institutions:** a minimum of four (4) spaces for each one (1) drive-through window, plus three (3) spaces for each additional drive-through window or automated teller machine.

**(19) Entertainment Facility.** All entertainment facilities shall have and comply with the following:

(a) The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and the subject property.

(b) The use shall have one direct point of vehicular access from an arterial or collector street. The point of vehicular access shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

- (c) For parking demands greater than 300 automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.
- (d) Where the proposed development is an addition or expansion of an existing structure, facility or development within the Borough, any addition or expansion shall complement the existing structure, facility and/or development and fit within a plan for future structures and facilities.
- (e) Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or residential zoning district shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. (or one hour after the last movie/show is completed, whichever is greater) and 6:00 a.m., prevailing time. As part of its decision, Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- (f) Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicular safety.
- (g) The vehicular and pedestrian circulation systems shall be designed to minimize the conflicts between vehicular and pedestrian circulation.
- (h) The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- (i) A traffic impact study is required.
- (j) To ensure public health and safety, the site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and/or developer.
- (k) The owner and operator of the facility shall be responsible for the conduct and safety of the employees, attendees, customers, visitors and guests, and shall be available to respond to inquiries and promptly resolve any issues and quell any disturbances caused by the employees, attendees, customers, visitors and guests.

**(19) Essential Services Building and Structures.** All essential services buildings and structures shall have any comply with the following:

- (a) The building or structure shall comply with the front, side and rear yards requirements, as well as height requirements, in accordance with the regulations of the district in which the building or structure is located.
- (b) Unhoused equipment shall be enclosed with a decorative metal or solid wooden fence, excluding chain link fences, which are six (6) feet in height and further screened by plants and shrubbery.
- (c) Housed equipment that is totally enclosed within a building or structure does not require a decorative metal or solid wooden fence; however, the yard shall be maintained in conformity with the district in which the housed equipment is located.
- (d) The external design of the building or structure shall be in conformity with the buildings in the district where the structure is located.
- (e) In any residential district, the permitted public essential services buildings and structures shall not include the storage of vehicle or equipment used in the maintenance of any utility.
- (f) No equipment causing excess noise, vibration, smoke, odor or hazardous effect shall be installed.

**(20) Farms and Agricultural Uses.**

- (a) **Ancillary Farming Business.** An ancillary farming business is permitted as an accessory to an agricultural use, provided that such ancillary business shall not be located on sites of less than 40 acres, and no operation shall be conducted closer than 200 feet to any adjoining property. No structure shall be erected, modified or used in connection with such ancillary farming business unless it is compatible with a structure customarily accepted as an accessory to the agricultural operation conducted on the site.
- (b) **Ancillary Dwellings.** Ancillary dwellings shall be a permitted accessory use for the sole and exclusive purpose of housing relatives or farm employees, provided that the overall density shall not exceed one (1) family dwelling unit per 10 acres.
- (c) **Animal and Machinery Requirements.**
  - [1] Horses, ponies, cattle, goats, sheep and grazing animals shall not be kept, corralled or stabled in areas less than two (2) acres in size. In addition, there shall not be more than one (1) such animal per acre.
  - [2] Fowl and pigs shall not be permitted on lots having an area less than two (2) acres.
  - [3] No vehicles or farm machinery shall be stored within 20 feet of any public right-of-way.
- (d) **Accessory Farm Buildings.**
  - [1] Accessory farm buildings shall not be erected within 100 feet of a neighboring property.
  - [2] Intensively used feed lots, runs or pens for more than 50 animals or 500 fowl shall not be located within 200 feet of a neighboring property. Pastures or crop lands shall not be considered as feed lots for purposes of this provision.
  - [3] No structure, run or pen intended for use as a shelter for other than common domestic pets shall be permitted as an accessory use within any residential district except where an agricultural use exists, in which case the provisions of this Ordinance limiting the size and number of dogs serviced by a kennel in Residential Districts shall apply.
  - [4] No stable or other outbuilding in which animals other than common domestic pets are kept, or any structure or other outside area where manure is stored, shall be located within 100 feet of any property line or within 125 feet of any occupied dwelling.
- (e) **Roadside Stands.** Roadside stands for the sale of agricultural projects shall be permitted if:
  - [1] They are erected at least 75 feet back from the nearest edge of the roadway service.
  - [2] They are used exclusively for the sale of agricultural products grown in the Borough.
  - [3] A current peddler's license is clearly displayed on the premises.
  - [4] Parking space is provided off the road right-of-way.
  - [5] No permanent sign is erected.
  - [6] For purposes of this section, wagons, trailers or other similar vehicles used for the transportation and sale of agricultural products shall not be placed in any location that, in the judgment of the Zoning and/or Code Enforcement Officer, provides insufficient access or is inadequate for the conduct of the use.
- (f) **Agricultural Buildings.**
  - [1] Agricultural buildings shall not be erected within 100 feet of a neighboring property;

- [2] Intensively used feed lots, runs or pens for more than 50 animals or 500 fowl shall not be located within 200 feet of a neighboring property. Pastures or crop lands shall not be considered as feed lots for purposes of this provision;
- [3] No structure, run or pen intended for use as a shelter for other than common domestic pets shall be permitted as an accessory use within any residential district except where an agricultural use exists, in which case the provisions of this chapter limiting the size and number of dogs serviced by a kennel in residential districts shall apply;
- [4] No stable or other outbuilding in which animals other than common domestic pets are kept, or any structure or outside area where manure is stored, shall be located within 100 feet of any property line or within 125 feet of any occupied dwelling;
- [5] If an agricultural structure is used for the housing of farm animals of any kind, the lot size upon which the agricultural structure is located must comply with the minimum lot size required for the number and type of animals housed;
- [6] When constructed in an R-1 Rural Residential District, agricultural structures shall comply with the following area and bulk requirements:

<b>Lot Size (acres):</b>	<b>Maximum Permitted Structure Size:</b>
Less than 2	Not permitted as a primary use
Greater than 2 but less than 5	1,400 square feet
Greater than 5 but less than 10	2,000 square feet
Greater than 10 but less than 50	5,000 square feet
Greater than 50	10,000 square feet

- [7] When constructed in an A-1 Agricultural Zoning District, agricultural structures shall comply with the following area and bulk requirements:

<b>Lot Size (acres):</b>	<b>Maximum Permitted Structure Size:</b>
0 to 5	2,000 square feet
Greater than 5 but less than 10	3,000 square feet
Greater than 10 but less than 50	5,000 square feet
Greater than 50	10,000 square feet

**(21) Funeral Homes and Mortuaries.** All funeral homes and mortuaries shall have a minimum lot area of not less than 40,000 square feet. The site of any funeral home or mortuary shall have frontage on and direct vehicular access to an arterial or collector street.

**(23) Gas Stations.** Gas stations shall not have any tank for the storage of flammable or otherwise hazardous material closer than 50 feet to any property line. In the event any statute, rule or regulation of the Commonwealth of Pennsylvania establishes a greater distance or additional requirements for the storage of flammable or hazardous materials, the distance established by such statute, rule or regulation shall apply.

**(24) Group Homes.** No Group Home shall be conducted within 500 feet of another Group Home. In addition, any applicant for a Group Home must:

- (a) Show that the home will be conducted on a lot that meets the minimum lot size and setback requirements for the zoning district in which they are operating;

- (b) Provide information sufficient to determine whether the occupants of the home suffer from “a mental or physical impairment which substantially limits one (1) or more of such person’s major life activities” under the Fair Housing Act (“FHA”);
- (c) Provide information regarding the anticipated lengths of stay of each proposed occupant.;
- (d) Provide copies of all licenses and/or permits required under any Federal or state statute, law or other regulation to operate the Group Home on the property;
- (e) Provide the Borough with a history of police calls associated with any other Group Home facility owned or operated by the applicant for a two (2) year period preceding the date of the application;
- (f) Agree to provide the Borough with information concerning events on the property which result in police or emergency services involvement;
- (g) Agree, on an ongoing basis, to provide information sufficient to determine whether any new occupants of the home suffer from “a mental or physical impairment which substantially limits one (1) or more of such person’s major life activities under the Fair Housing Act, prior to such new occupant taking up occupancy; and
- (h) The Group Home must:
  - [1] Not substantially impair the value of other property in the neighborhood;
  - [2] Be capable of operating and being maintained in the character of a residential dwelling in harmony with the character of the general vicinity in which it is to be located;
  - [3] Be compatible in its nature and intensity, with the character of the zoning district and neighborhood;
  - [4] Not be injurious to the health, safety and welfare of the surrounding community or the public interest;
  - [5] At a minimum, the property shall be surrounded and enclosed by a six (6) foot high fence structurally suitable to prevent direct access to the residence. The residence shall be fenced in. Such a fence shall not have openings, holes or gaps therein larger than four (4) inches in width, except for doors and gates. The walls of the dwelling house or accessory building may be used as part of the fence. The fence shall be constructed of weather-resistant materials and shall be assembled or fabricated with sufficient rigidity to prevent any substantial alteration or deformation of the lawful openings, holes or gaps. The fence shall be anchored using concrete pilings installed below the frost line. All gates or door openings through the enclosure shall be equipped with self-closing and self-latching devices designed to keep, and be capable of keeping, such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings which forms any part of the enclosure hereinabove required need not be so equipped; and
  - [6] Be occupied by not more than four (4) occupants.

**(24) Halfway House.**

- (a) Each halfway house must be licensed, certified and/or sanctioned by the appropriate government agency/agencies it serves and shall be operated in compliance with all applicable rules and regulations of the licensing body/bodies. A copy of any required license, certification and/or evidence of sanctioning must be delivered to the Borough along with the application for a permit hereunder.
- (b) A halfway house shall be directly affiliated with a parent institution or organization which shall provide full-time supervision, services and administration for the residents of the house.
- (c) A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.

- (d) The users of the halfway house must reside on the premises and directly benefit from the services provided. No person residing off the premises shall be permitted to receive services on the premises.
- (e) Necessary permits for water supply and sanitary waste disposal must be obtained.
- (f) The halfway house shall not be located within 5,000 feet of any of the following uses:
  - [1] Camps (for minors' activity);
  - [2] Childcare or daycare facilities;
  - [3] Churches and similar places of worship;
  - [4] Community centers;
  - [5] Libraries;
  - [6] Museums;
  - [7] Parks;
  - [8] Playgrounds;
  - [9] Schools; and/or
  - [10] Other lands or places where minors congregate.
- (g) No halfway house shall be located within 3,000 feet of another halfway house.
- (h) Each application to conduct a halfway house shall be accompanied by a statement describing the following:
  - [1] The character of the halfway house;
  - [2] The policies and goals of the halfway house, and the means proposed to accomplish those goals;
  - [3] The characteristics of the residents and number of residents to be served;
  - [4] The operating methods and procedures to be used; and
  - [5] Any other facts relevant to the proposed operation of the hallway house.
- (i) Any use permit granted for the hallway house shall be bound and limited to the type and number of offenders listed on the application. Any increase in the number of offenders or change in the nature and/or extent of the programs provided shall be subject to prior approval by the Borough following those procedures set forth herein for the approval of original applications.

**(25) Home Occupations.**

- (a) Definition. As used in this section, the following term shall have the meanings indicated:

HOME OCCUPATION – The service-oriented occupations of an architect, engineer, clergyman, lawyer, accountant, artist, musician, writer, teacher giving instruction or tutoring, daycare of not more than six (6) nonresident children, dressmaking or tailor, milliner, seamstress, computer programmer, data processor, locksmith, jeweler, photographer, word processor, secretary; and the kitchen of a home catering or baking business, provided no commercial ovens, stoves, refrigerators or other commercial equipment or other cooking apparatus is installed for conduct of the business. The following are specifically determined not to be occupations included within this definition of “home occupation”:

- [1] Automotive repair or paint shop.
- [2] Physician, dentist, chiropractor or similar healthcare office.
- [3] Medical or dental laboratory.

- [4] Dance studio, exercise studio or similar use.
- [5] Daycare center for the care of more than six (6) nonresident children.
- [6] Funeral chapel or funeral home.
- [7] Gift shop.
- [8] Limousine, hearse, ambulance or taxi service.
- [9] Massage parlor.
- [10] Nursing home.
- [11] Outdoor repair or service.
- [12] Rental of any equipment or other items.
- [13] Veterinarian facility or commercial raising and care of animals.
- [14] Sale or repair of firearms.
- [15] Sale or repair of machinery or equipment.
- [16] Dog grooming (except in A-1 Agricultural Zones as set forth hereafter).
- [17] Any business or occupation which is primarily a retail or wholesale activity.

(b) General Standards. A home occupation conducted by a resident on the property shall be authorized in those zoning districts as set forth in the attached "Uses Tables," provided that each of the following conditions are met:

- [1] The home occupation is clearly subordinate to the dwelling, is located on one (1) floor only and does not occupy more than 25% of the floor area on any floor in which it is located; but in no case shall the floor area devoted to the home occupation exceed 260 square feet in measure. The home occupation shall be conducted entirely within the principal residence on the property.
- [2] The home occupation shall not include or require any external alteration of the structure.
- [3] No display or sign, other than a single nameplate firmly affixed to the building with dimensions not exceeding six (6) inches by 24 inches, shall be permitted. No external evidence of any activity, including but not limited to, a motor vehicle which contains a notice of the activity, shall be permitted.
- [4] To the extent that the home occupation is subject to state or other licensure which requires a sign or notification of a size greater than that permitted herein, the minimum-required sign shall be permitted. Documentation on the sign shall be permitted. Documentation on the sign requirements must be specified in the application for special exception relief.
- [5] No facilities, equipment or materials which are dangerous or incompatible with the residential environment on the property shall be used.
- [6] The home occupation shall not involve the storage of supplies, equipment, raw material or residue material outside of the structure in any shed or outbuilding on the property.
- [7] The home occupation shall be operated solely by an individual having his or her primary residence at the property in question and no employees, assistants or partners shall be used at any time in the pursuit of the home occupation.
- [8] The home occupation operation shall not cause or permit vehicles to be parked on any public street or thoroughfare as a direct or indirect result of business activity. Owners of a home occupation must

demonstrate that ample off-street parking is available to simultaneously accommodate the parking needs of customers of the home business, visitors to the residence, the occupants of the residence and other local residents. Business traffic to the residence shall be limited to 8:00 a.m. until 8:00 p.m., Monday through Saturday.

- [9] The home occupation shall not emit smoke, fumes, odors, dust, noise, vibration, glaring light, visual blight or pollution of any kind.
- [10] No retail or wholesale goods shall be sold or stored on the premises as a result of the home occupation activity other than those goods commonly used in the home occupation activity and which are clearly incidental thereto. Persons engaged in home catering and baking businesses shall be permitted to arrange for customer pick-up of pre-ordered items but shall not be permitted to engage in the sale of pre-made items on a wholesale or retail basis with the premises.
- [11] The home occupation shall occur only in an area of the residence clearly defined by architectural features such as walls, partitions, doors, etc., which are permanently affixed to the structure.
- [12] The home occupation shall not commence operations until the Manor Borough Zoning Officer has completed an on-site inspection and issued a certificate of occupancy for the home occupation use.
- [13] No home occupation approved by the Manor Borough Zoning Hearing Board pursuant to the terms of this section shall be changed, altered or increased in size or scope until and unless such changes, alteration or increase in size or scope have been resubmitted for approval to said Board, such reapproval has been granted, and the time set by law for appeal has passed.
- [14] Any licensing requirement specified by Federal, state or local agencies as a condition of operation for certain activities must be presented to the Manor Borough Zoning Hearing Board at the hearing on the matter, and proof of full compliance therewith must be presented to the Manor Borough Zoning Officer before an occupancy permit is issued.
- [15] The proposed home occupation 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.
- [16] The provisions of this section shall not regulate, apply to or otherwise impair or impede the operation of a no-impact home-based business as defined in this chapter.
- [17] Any home occupation subsequently determined to be in regular or reoccurring violation of the terms hereof or the terms of any additional reasonable restrictions imposed by the Zoning Hearing Board at the time of approval shall be subject to a revocation of any and all permits issued by Manor Borough under this provision and the termination of the home occupation use.

**(26) Hookah Bar/Lounge.** A substance typically smoked through a water pipe with a smoke chamber, a bowl, a pipe and a hose, commonly referred to as “hookah,” and also known as “narghile,” “argileh,” “shisha,” “hubble-bubble,” and “goza,” or any other similar substance.

- (a) Each hookah bar shall be located no closer than 1,200 feet from any other hookah bar/lounge, a sexually oriented business, a church/place of worship, archery or shooting ranges, public park, recreation facility, daycare center, nursery school, public library, a public, parochial or private elementary, elementary or secondary school.
- (b) All hookah bar/lounge activities shall take place indoors and no outdoor seating is permitted.
- (c) Hours of Operation. Hookah bars shall not be permitted to operate between the hours of 10:00 p.m. to 10:00 a.m.

- (d) Alcoholic Beverages. Alcoholic beverages shall not be permitted to be brought onto the premises for on-premises consumption. The sale and service of alcohol shall comply with all Federal, Commonwealth and local laws.
  - (e) Ventilation. Any establishment that will allow any sort of smoking on site shall provide adequate ventilation. The requirements imposed by the Manor Borough Fire Department may be more comprehensive than current building codes to prevent negative health and nuisance impacts on neighboring properties, including a requirement for a separate system to prevent smoke and vapors from migrating to adjoining suites or buildings. The ventilation shall, at a minimum, prevent smoke and vapor from migrating into adjacent buildings and/or suites and to outdoor public area. A mechanical exhaust hood system shall be required if an establishment heats coals indoors.
  - (f) Compliance. All hookah bars/lounges shall comply with all current Federal, Commonwealth and local laws, including, but not limited to, the Clear Indoor Air Act.
  - (g) Noise. Any noise shall be subject to the regulations established in the Manor Borough Code.
  - (h) Visibility and Illumination. No window coverings or signage shall prevent visibility of the interior of the establishment from the outside during operating hours. The interior of the establishment shall have adequate lighting to make the conduct of patrons within the establishment readily discernible to people of normal visual capabilities.
  - (i) Age Limits. No person under the age of 21 years old is permitted to be on the premises of any hookah bar/lounge. The owner/occupant shall require proof of identification to verify the age of customers and visitors.
- (27) Hospital.** A hospital shall be a permitted conditional use subject to the following express standards and criteria:
- (a) Safe areas for discharging and picking up patients shall be provided.
  - (b) Parking facilities shall be provided at the ratio of one (1) parking space for each employee and staff member on peak shift and one (1) additional parking space for each bed. Additional parking spaces shall be provided to satisfy Americans with Disabilities Act (“ADA”) requirements for medical care facilities.
  - (c) Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
  - (d) The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
  - (e) To ensure public health and safety, the site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and/or developer.
  - (f) Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or residential zoning district shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
  - (g) A traffic impact study is required.
- (28) Junkyards.** In addition to the requirements of this chapter, all junkyards must be operated on property containing at least 50 acres of ground, and all vehicles or junk shall be set back at least: (a) 500 feet from any residential dwelling, and (b) 100 feet from any other building. In addition, any junkyard must comply with

any regulations imposed by the Borough's Property Maintenance Code, Uniform Construction Code and any other Federal, state, or local law, rule, regulation or ordinance applicable to same.

**(29) Kennels.** Kennels shall be completely enclosed with a chain-link fence at least six (6) feet high. No dogs shall be housed outside overnight and, except for periods of exercise during daylight hours, be kept within a completely enclosed structure. Kennel buildings and runs shall be at least 100 feet from any property line and the premises shall be maintained in a sanitary manner at all times.

**(30) Light Manufacturing.**

(a) All manufacturing uses shall be conducted in an enclosed building except for parking, loading or storage. All buildings shall be of fireproof construction to meet the requirements of state and/or national fire codes and any building, plumbing or other codes for Manor Borough and the Commonwealth of Pennsylvania now in effect or thereafter enacted or amended.

(b) The property on which the use is conducted shall not exceed three (3) acres in size.

(c) The site shall be developed with permanent related buildings. No trailer or temporary modular units are permitted.

(d) Service bays shall be designed or oriented so as not to be readily visible from the public right-of-way.

**(31) Manufactured Homes Outside of Manufactured Home Parks and Recreational Vehicles.**

(a) Individual manufactured homes may be permitted as a single-family residential dwelling if:

[1] Same are constructed on a permanent masonry foundation comprised of concrete block or poured concrete;

[2] Disconnected from any chassis, wheels or other device used to transport same;

[3] Connected to all required utilities; and

[4] Comply with the area, size, height and other setback regulations for the zoning district in which they are constructed.

(b) All manufactured homes shall meet the specifications for manufactured homes set forth in United States Standards Institute, Standards for Mobile Homes, USA Standard A 119.1-1969, NFPA No. 501 B-1968, and any subsequent modification or amendment of such standards and the Pennsylvania Uniform Construction Code.

(c) No recreational vehicle of any size shall be permitted to be used or occupied as a temporary or permanent resident in any zoning district.

(d) No recreational vehicle shall be stored or maintained along a public road. For any parking of a recreational vehicle shall be permitted to be stored in accordance with the driveway requirements.

**(33) Manufactured Home Parks.** All manufactured home parks shall be designed, laid out, permitted, constructed, maintained and meet the requirements of Westmoreland County Mobile Home Park Subdivision Regulations and have approval by the Planning Commission prior to consideration by the Zoning Hearing Board.

**(34) Medical Marijuana Dispensary.** Each medical marijuana dispensary shall have and comply with the following requirements:

(a) The medical marijuana dispensary shall be legally registered in the Commonwealth and possess a current medical marijuana permit from the Pennsylvania Department of Health.

- (b) The medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent and secure building, and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- (c) The medical marijuana dispensary may not operate on the same site as the facility used for growing and processing medical marijuana.
- (d) The medical marijuana dispensary shall have a single, secure public entrance and shall implement appropriate security measures to deter and prevent the theft of medical marijuana and unauthorized entrance into areas containing medical marijuana.
- (e) Permitted daily hours of operations of a medical marijuana dispensary shall be from 8:00 a.m. to 8:00 p.m.
- (f) A medical marijuana dispensary shall not have drive-through service.
- (g) A medical marijuana dispensary may only dispense medical marijuana to certified patients and medical marijuana caregivers, and shall comply with all lawful, applicable state and local health regulations.
- (h) A medical marijuana dispensary shall comply with the separation requirements set forth in the Medical Marijuana Act. The separation distance shall be measured using a pedestrian route continually accessible to the public, measured from lot line to lot line, regardless of the municipality in which it is located.
- (i) Vehicular ingress and egress to and from the medical marijuana dispensary site shall be designated to accommodate the anticipated vehicles used to service the facility.
- (j) A traffic impact study is required.

**(34) Medical Marijuana Grower/Processor.** Each medical marijuana grower/processor shall have and comply with the following requirements:

- (a) A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, secured building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The medical marijuana grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- (b) The maximum floor areas of a medical marijuana grower/processor shall be limited to 20,000 square feet, of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product and marijuana-related materials used in production or for the required laboratory testing.
- (c) Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Pennsylvania Department of Health policy and shall not be placed within any unsecured refuse containers.
- (d) The medical marijuana grower/processor shall provide only wholesale products to other permitted medical marijuana uses. Retail sales and dispensing of marijuana and related products are prohibited at medical marijuana grower/processor facilities.
- (e) Medical marijuana grower/processor may not be located within 1,000 feet of the property line of a public, private or parochial school, or daycare center.
- (f) Vehicle ingress and egress to and from a medical marijuana grower/processor shall be designated to accommodate the anticipated vehicles used to service the facility.
- (g) A medical marijuana grower/processor must be legally registered with the Commonwealth and possess a current, valid medical marijuana permit from the Pennsylvania Department of Health.

- (h) Any odor must be managed by ventilation and exhaust equipment with operable filtration so that any odors are effectively confined to the interior of the building. There shall be no emission of dust, fumes, vapors, odors or waste into the environment that can be seen, smelled or otherwise perceived beyond the facility.
- (i) A plan shall be provided demonstrating that all external and internal lighting, including light for nighttime growing, is shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- (j) A minimum of a 50 foot buffer planting is required where a medical marijuana grower/processor facility abuts a residential use district.
- (k) A medical marijuana grower/processor facility must not be within 3,000 feet from another medical marijuana grower/processor facility.
- (l) No pictures, photographs, drawings or other depictions of the marijuana or marijuana paraphernalia shall appear on the outside of any medical marijuana grower/processor facility, or any sign associated therewith.
- (m) A medical marijuana grower/processor shall comply with any other lawful and applicable requirements or restrictions imposed by state and/or local laws or regulations.

**(35) Mini-storage Facility.** Each mini-storage facility shall have and comply with the following requirements:

- (a) Storage. No storage may take place outside of an enclosed storage unit.
- (b) Water or Sanitary Sewer Service. No storage unit shall have water or sanitary sewer service connections.
- (c) Caretaker Quarters/Management Office. A caretaker may reside on a portion of the site upon which the mini-storage facility is located. The operator of the facility may also maintain an office on the site, provided that the office is used solely and exclusively for the operation of the mini-storage facility. Both the caretaker's residence and management office shall have public water and public sewer service.
- (d) Access. Ingress or egress shall be from an arterial or collector street only.
- (e) Minimum distance from face of building to face of building: 30 feet minimum.
- (f) Minimum distance from end of building to end of building: 20 feet minimum.
- (g) If individual storage units are placed back-to-back (i.e., with a common back wall), the maximum width of the building housing such back-to-back units shall not exceed 60 feet.
- (h) Access driveway width: 22 feet minimum.
- (i) All access driveways shall be paved with an impervious surface and shall have a locking gate at its point of entry with a public road.
- (j) A landscaping plan shall be submitted with the site plan showing the site's buffer area in accordance with this chapter.
- (k) The perimeter of the property shall be securely fenced with visually intrusive materials to obstruct the view of the storage facility from adjoining properties.
- (l) Where the facility adjoins a property in residential use, in addition to the fence referenced above, a buffer area of natural plantings shall be maintained on the outside of the fence along the adjoining residential property's boundary line. All natural plantings shall be approved by Borough Council as part of the Land Development Plan approval process.
- (m) Lighting shall be directed inwards and not interfere with the surrounding area or distract traffic.

- (n) A fire hydrant must be provided on site with the location to be determined by the Fire Marshall.
- (o) Other than those facilities provided for by a caretaker or management office above, all other buildings on the site shall be used for mini-storage only and shall not be combined with any other use.
- (p) The personal storage facility shall provide a security system to prevent or discourage criminal activity.
- (q) No hazardous materials shall be stored in any mini-storage facility or on the premises of same.

**(36) Mobile Food Vendors.**

- (a) An applicant shall apply for a zoning permit no less than two (2) weeks prior to the vendor's anticipated date to begin operating in the Borough by filing the proper forms, which are available from the Borough.
- (b) Any permit issued under this section is not transferable.
- (c) The applicant must possess and provide a copy of a valid state vehicle operating license. Additionally, the operator of a motor vehicle used for mobile food vending must have a valid operating license.
- (d) Motor vehicles used for mobile food vending must have valid plates, inspection, registration and insurance.
- (e) Liability and Insurance Obligation. Every mobile food vendor must furnish evidence of Comprehensive Public Liability Insurance coverage for not less than \$500,000 (\$1,000,000 if located on Borough-owned property) in the event of bodily injury, including death, and, if applicable, Worker's Compensation Insurance. Such evidence shall be in the form of a certificate with a ten (10) day cancellation notice, which shall be furnished to the Borough. Failure to maintain the required insurance will be considered reason for the Borough to suspend the mobile food vendor's business license and shall be subject to fines and/or penalties as defined herein.
- (f) Display of Permit.
  - [1] Approved zoning and other required permits, including those from the Borough of Manor and the Westmoreland County Health Department as well as from the Pennsylvania Department of Agriculture, shall be displayed at all times in a conspicuous place where it can be read by the general public on the mobile food vendor truck, concession cart or concession trailer.
  - [2] It shall be unlawful for an individual to sell edible goods while displaying a valid permit in the name of another individual organization or entity.
- (g) Permit Revocations or Suspension.
  - [1] A zoning permit may be revoked upon conviction of any offense committed by an individual operating as a mobile food vendor in the Borough of Manor while engaged in the permitted business or if a final conviction occurs or is found to have existed at the time of application, or if civil judgments as set forth above are placed or found of record against an applicant. A permit may be suspended in the event of pending charges of a crime, as set forth above, upon a Magistrate's determination of probable cause in connection with such charges.
  - [2] A zoning permit may be suspended immediately, without notice, by the Borough Police Department if the mobile food vending is causing, contributing to or is part of a public safety concern for disturbance and/or excessive trash.
  - [3] A zoning permit may be revoked for nonconformity to the application location specifications or requirements, as well as to nonconformity to an approved location plan or diagram.
  - [4] A zoning permit may be suspended or revoked for not complying with the requirements of this section or any other ordinances or laws.

[5] It shall be unlawful for any individual directly or through an agent or employee to sell goods after the expiration of the zoning permit issued under this Ordinance.

(h) Location.

[1] A mobile food vendor shall not be located at a stationary location for a duration exceeding eight (8) hours and cannot exceed more than eight (8) hours during any 24-hour period. The mobile food vendor shall be open and operating during the entire period that the mobile food vendor is located at a stationary location within the Borough.

[2] A mobile food vendor shall not conduct sales in congested areas where the operation impedes vehicular or pedestrian traffic.

[3] A mobile food vendor shall not cause any congestion of traffic flow and, if vehicular or pedestrian flow becomes impeded, the vendor shall immediately and without delay vacate the area so as to allow for the free flow of traffic and relief of the congestion.

[4] No mobile food vendor shall be located on any private property without written permission from the property owner to do so and must comply if asked to leave by the property owner.

[5] A copy of the written permission to operate in a specific location signed by the private property owner, including a contact phone number for verification, shall be included with the zoning permit application.

[6] A copy of the written permission to operate in a specific location signed by the private property owner, including a contact phone number for verification, shall always be kept within the mobile vending unit.

[7] A five (5) foot clear space shall be maintained around the mobile food vending unit at all times.

[8] No mobile food vendor shall be allowed to conduct food sales in the public road right-of-way.

(i) Time. A mobile food vendor shall not conduct sales between the hours of 10:00 p.m. and 10:00 a.m.

(j) Waste.

[1] Each unit shall be equipped with a portable trash receptacle and shall be responsible for proper disposal of solid waste and wastewater in a sanitation facility legally accessed by the food service establishment.

[2] All areas must be cleaned following each sales period within a minimum of 20 feet of the sales location.

[3] Wastewater will not be allowed to drain on the ground or public roadway or be deposited into any sewer drain outlet.

(k) Noise.

[1] Continuous loud music or repetitive sounds shall not project from the mobile unit while parked or stopped, except those created by the normal operation of equipment normally associated with mobile food vending during hours of operation.

[2] The provisions of the Borough noise ordinance must be met during all periods of operation.

(l) Fire Safety.

[1] A tagged fire extinguisher with a 10 BC rating and a Class K fire extinguisher shall be located in the unit and kept accessible at all times.

[2] The hood shall be maintained and tested annually by an independent extinguisher company.

- [3] All compressed gas fuel cylinders shall be shielded and secured as required by the International Fire Code.
- [4] Proper electrical power shall be maintained and installed in accordance with our ordinances. Extension cords running from any residential living space for power will not be allowed. Borough-owned power sources may not be used without the express permission of the Borough.

(m) Exemptions.

- [1] Mobile food vendors as defined by this Ordinance, during any officially sanctioned Borough event on Borough property, are exempt from the requirements of this Ordinance, except those requirements as may be imposed by Borough Council. The mobile food vendor shall provide a certificate of insurance with the Borough named as an additional insured.
- [2] Private, not-for-profit or neighborhood mobile food vending (i.e., lemonade stands, fundraising sales) are exempt from the requirements of this Ordinance.

**(37) Motels/Hotels.** Motels/hotels shall have a minimum lot area of not less than 400 square feet per rental unit.

**(38) Nursing Home.** Each nursing home shall have and comply with the following requirements:

- (a) Nursing homes shall have a capacity of not less than 20 nor more than 200 beds.
- (b) Safe areas for discharging and picking up patients shall be provided.
- (c) Parking facilities shall be provided at the ratio of one (1) parking space for each employee and staff member on peak shift and one (1) additional parking space for each bed. Additional parking spaces shall be provided to satisfy ADA requirements for medical care facilities.
- (d) Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- (e) The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- (f) To ensure public health and safety, the site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and/or developer.
- (g) Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or residential zoning district shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- (h) A traffic impact study is required.

**(39) Oil and Gas Operations.** Oil and gas operations shall have and comply with the following requirements.

- (a) Definitions.

ABANDONED WELL – Any of the following:

- (1) A well:

- (a) That has not been in use to produce, extract or inject gas, petroleum or other liquid within the preceding 12 months.

- (b) For which equipment necessary for production, extraction or injection has been removed.
- (b) Considered dry and not equipped for production within 60 days after drilling, re-drilling or deepening.

The term does not include wells granted inactive status.

**ADDITIVE** – A hydraulic fracturing chemical.

**AGRICULTURAL ZONING DISTRICT** – The same meaning as such term is used in current lawful provisions of Act 13 of 2012. The following Borough Zoning Districts shall, for the specific purposes of this amendment of this chapter, be considered “Agricultural Zoning Districts”: “A-1” District.

**ALTERATION** – An operation which changes the physical characteristics of a well bore, including stimulation or removing, repairing or changing the casing. For the purpose of this chapter only, the term does include:

- (1) Repairing or replacing the casing if the activity does not affect the depth or diameter of the well bore, the use or purpose of the well does not change, and the activity complies with regulations promulgated in this chapter, except that this exclusion does apply:
  - (a) To production casings in coal areas when the production casings are also the coal protection casings.
  - (b) When the method of repairing or replacing the casing would affect the coal production casing.
  - (c) Stimulation of a well.

**BOARD** – The Oil and Gas Technical Advisory Board.

**BRIDGE** – An obstruction placed in a well at any depth.

**BUILDING** – An occupied structure with walls and roof within which persons live or customarily work.

**CASING** – A string or strings of pipe commonly placed in wells drilled for natural gas or petroleum.

**CEMENT OR CEMENT GROUT** – Any of the following:

- (1) Hydraulic cement properly mixed with water only.
- (2) A mixture of materials adequate for bonding or sealing of well bores as approved by regulations promulgated under this chapter.

**CHEMICAL** – Any element, chemical compound or mixture of elements or compounds that has its own specific name or identity, such as a chemical abstract service number.

**CHEMICAL DISCLOSURE REGISTRY** – The chemical registry website developed by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission or their successor organizations.

**CHEMICAL FAMILY** – A group of chemicals that share similar chemical properties and have a common general name.

**COAL MINE** – Any of the following:

- (1) Operations in a coal seam, including excavated portions, abandoned portions and places actually being worked.

- (2) Underground workings and shafts, slopes, tunnels and other ways and openings, including those which are in the course of being sunk or driven, along with all roads and facilities connected with them below the surface.

**COAL OPERATOR** – A person that operates or proposes to operate a coal mine as an owner or lessee.

**COMMISSION** – The Pennsylvania Public Utilities Commission.

**COMPLETION OF A WELL** – The date after treatment, if any, that the well is properly equipped for production of oil and gas or, if the well is dry, the date that the well is abandoned.

**DEPARTMENT** – The Department of Environmental Protection of the Commonwealth.

**DRILLING** – The drilling or re-drilling of a well or the deepening of an existing well.

**ENVIRONMENTAL ACTS** – All statutes enacted by the Commonwealth relating to the protection of the environment or the protection of public health, safety and welfare that are administered and enforced by the Department or by another Commonwealth agency, including an independent agency, and all Federal statutes relating to the protection of the environment, to the extent those statutes regulate oil and gas operation.

**FRESH GROUNDWATER** – Water in that portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials.

**GAS** – Any of the following:

- (1) A fluid, combustible or noncombustible, which is produced in a natural state from the earth and maintains a gaseous or rarified state at a standard temperature of 60° F. and pressure 14.7 PSIA.
- (2) Any manufactured gas, by-product gas or mixture of gases or natural gas liquids.

**HEALTH PROFESSIONAL** – A physician, physician assistant, nurse practitioner, registered nurse or emergency medical technician licensed by the Commonwealth.

**HYDRAULIC FRACTURING CHEMICAL** – Any chemical substance or combination of substances, including any chemicals and proppants, which is intentionally added to a base fluid for purposes of preparing a stimulation fluid for use in hydraulic fracturing.

**IMPOUNDMENT AREA** – The same meaning as such term is used in Act 13 of 2012, including as used in 58 Pa. C.S.A. § 3304 and more specifically shall mean a water and other fluid storage or impoundment area used exclusively for oil and gas operations.

**INACTIVATE** – To shut off the vertical movement of gas in a gas storage well by means of a temporary plug or other suitable device or by injecting bentonitic mud or other equally nonporous material into the well.

**INDUSTRIAL USES** – The same meaning in this chapter as the term “industrial uses” is used in current lawful provisions of Act 13 of 2012; and, without limiting the foregoing, shall include the following specific uses provided for in this chapter under the listing of uses in the Industrial Zoning Districts (I-1):

- (1) All uses identified as permitted uses, conditional uses and special exceptions in the above zoning district.

**LINEAR FOOT** – A unit of measurement in a straight line on a horizontal plane.

**NATURAL GAS** – A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, and possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as associated gas or

casing head gas, natural gas fields known as non-associated gas, coal beds, shale beds and other formations. The term does not include coal bed methane.

**NATURAL GAS COMPRESSOR STATION** – The same meaning as such term is used in Act 13 of 2012, including in 58 Pa. C.S.A. § 3301-3309.

**NATURAL GAS LIQUIDS** – Hydrocarbons in natural gas which are separated from the gas as liquids through the process of absorption, condensation, adsorption or other methods in gas processing of cycling plants.

**NATURAL GAS PROCESSING PLANT** – The same meaning as such term is used in Act 13 of 2012, including in 58 Pa. C.S.A. § 3301-3309.

**OCCUPIED BUILDING** – For the specific purposes of this chapter, means consistent with the definition of “building” pursuant to Act 13 of 2012 (58 Pa. C.S.A. § 3203), an occupied structure with walls and roof within which persons live or customarily work.

**OIL** – Hydrocarbons in liquid form at standard temperature of 60° F. and pressure 14.7 PSIA, also referred to as petroleum.

**OIL AND GAS OPERATIONS** – The term includes the following:

- (1) Well location assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil and gas well of any depth.
- (2) Water and other fluid storage or impoundment areas used exclusively for oil and gas operations.
- (3) Construction, installation, use, maintenance and repair of:
  - (a) Oil and gas pipelines.
  - (b) Natural gas compressor stations.
  - (c) Natural gas processing plants or facilities performing equivalent functions.
- (4) Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in Subsections (a), (b) and (c), to the extent that:
  - (a) The equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant.
  - (b) The activities are authorized and permitted under the authority of a Federal or Commonwealth agency.

**OIL AND GAS WELL OR WELL** – As used in this chapter is intended to have the same meaning as the term “well” as defined in § 3203 of Act 13 of 2012 58 Pa. C.S.A. § 3203).

**OIL AND GAS WELL OR WELL SITE** – As used in this chapter is intended to have the same meaning as the term “well site” as used in Act 13 of 2012 58 Pa. C.S.A. § 3304(b)(5.1)).

**OPERATING COAL MINE** – Any of the following:

- (1) An underground coal mine which is producing coal or has been in production of coal at any time during the 12 months immediately preceding the date its status is put in question, including contiguous worked-out or abandoned coal mines to which it is connected underground.
- (2) An underground coal mine to be established or reestablished under Subsection.

**OPERATING WELL** – A well that is not plugged and abandoned.

**OPERATOR** – A well operator.

**ORPHAN WELL** – A well abandoned prior to April 18, 1985, that has not been affected or operated by the present owner or operator and from which the present owner, operator or lessee has received no economic benefit other than as a landowner or recipient of a royalty interest from the well.

**OUTSIDE COAL BOUNDARIES** – When used in conjunction with the term “operating coal mine,” the boundaries of the coal acreage assigned to the coal mine under an underground mine permit issued by the Department of Environmental Protection.

**OWNER** – A person who owns, manages, leases, controls or possesses a well or coal property. The term does not apply to orphan wells, except where the Department of Environmental Protection determines a prior owner or operator benefitted from the well as provided in § 3220(a) of Act 13 of 2012 (relating to plugging requirements).

**OWNER OF BUILDING OR ADJOINING LOT** – For the purposes of this chapter, shall have the same meaning as such term as used in Act 13 of 2012 (58 Pa. C.S.A. § 3304(b)).

**PERMANENT OIL AND GAS OPERATIONS** – As used in this chapter, is intended to have the same meaning as the term “permanent oil and gas operations” as used in Act 13 of 2012 (58 Pa. C.S.A. § 3304(b)(3)).

**PERMITTED USE** – A use which, upon submission of written notice to and receipt of a permit issued by a Zoning Officer or equivalent official, is authorized to be conducted without restrictions other than those set forth in § 3304 of Act 13 of 2012 (relating to uniformity of local ordinances).

**PERSON** – An individual, association, partnership, corporation, political subdivision or agency of the Federal government, state government or other legal entity.

**PETROLEUM** – Hydrocarbons in liquid form at standard temperature of 60° F. and pressure 14.7 PSIA, also referred to as oil.

**PILLAR** – A solid brick of coal surrounded by either active mine workings or a mined-out area.

**PLAT** – A map, drawing or print accurately drawn to scale showing the proposed or existing location of a well or wells.

**RESERVOIR PROTECTIVE AREA** – The area surrounding a storage reservoir boundary, but within 2,000 linear feet of the storage reservoir boundary, unless an alternate area has been designated by the Department of Environmental Protection, which is deemed reasonably necessary to afford protection to the reservoir, under a conference held in accordance with § 3251 of Act 13 of 2012 (relating to conferences).

**RESIDENTIAL DISTRICT OR RESIDENTIAL ZONING DISTRICT** – The same meaning as the term “Residential District” as used in current lawful provisions of Act 13 of 2012. The following zoning districts shall, for the purposes of this chapter, be considered “Residential Zoning Districts”: R-1 District and R-2 District.

**RETREAT MINING** – Removal of coal pillars, ribs and stumps remaining after development mining has been completed in that section of a coal mine.

**REVIEW PERIOD FOR CONDITIONAL USES** – As used in this chapter, is intended to have the same meaning as such phrase is used in the current lawful provisions of Act 13 of 2012, and as specifically set forth elsewhere in this chapter.

**REVIEW PERIOD FOR PERMITTED USES** – As used in this chapter, is intended to have the same meaning as such phrase is used in the current lawful provisions of Act 13 of 2012, and as specifically set forth elsewhere in this chapter.

**SECRETARY** – The Secretary of Environmental Protection of the Commonwealth.

**STORAGE OPERATOR** – A person who operates or proposes to operate a storage reservoir as an owner or lessee.

**STORAGE RESERVOIR** – Portion of a subsurface geological stratum into which gas is or may be injected for storage purposes or to test suitability of the stratum for storage.

**UNCONVENTIONAL FORMATION** – A geological shale formation existing below the base of the Elk Sandstone or its geological equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

**UNCONVENTIONAL WELL** – A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.

**WATER MANAGEMENT PLAN** – A plan associated with drilling or completing a well in an unconventional formation that demonstrates that the withdrawal and use of water sources protects those sources as required by law and protects public health, safety and welfare.

**WATER PURVEYOR** – Any of the following:

- (1) The owner or operator of a public water system as defined in § 3 of the Act of May 1, 1984 (P.L. 206, No. 43), known as the “Pennsylvania Safe Drinking Water Act.”
- (2) Any person subject to the Act of June 24, 1939 (P.L. 842, No. 365), referred to as the “Water Rights Law.”

**WATER SOURCE** –

- (1) Any of the following:
  - (a) Waters of this Commonwealth.
  - (b) A source of water supply used by a water purveyor.
  - (c) Mine pools and discharges.
  - (d) Any other waters that are used for drilling or completing a well in an unconventional formation.
- (2) The term does not include flowback or production waters or other fluids:
  - (a) Which are used for drilling or completing a well in an unconventional formation.
  - (b) Which do not discharge into waters of this Commonwealth.

**WELL** – A bore hole drilled or being drilled for the purpose of, or to be used for, producing, extracting or injecting gas, petroleum or another liquid related to oil and gas production or storage, including brine disposal, but excluding a bore hole drilled to produce potable water. The term does not include a bore hole drilled or being drilled for the purpose of, or to be used for:

- (1) Systems of monitoring, producing or extracting gas from solid waste disposal facilities, if the bore hole is a well subject to the Act of July 7, 1980 (P.L. 380, No. 97), known as the “Solid Waste Management Act,” which does not penetrate a workable coal seam.

(2) Degasifying coal seams if the bore hole is:

- (a) Used to vent methane to the outside atmosphere from an operating coal mine; regulated as part of the mining permit under the Act of June 22, 1937 (P.L. 1987, No. 418), known as the “Surface Mining Conservation and Reclamation Act”; and drilled by the operator of the operating coal mine for the purpose of increased safety.
- (b) Used to vent methane to the outside atmosphere under a federally funded or state-funded abandoned mine reclamation project.

**WELL AND PIPELINE LOCATION ASSESSMENT OPERATIONS** – The same meaning as such term is used in Act 13 of 2012, including in 58 Pa. C.S.A. § 3304.

**WELL CONTROL EMERGENCY** – An incident during drilling, operation, workover or completion that, as determined by the Department, poses a threat to public health, welfare or safety, including a loss of circulation fluids, kick, casing failure, blowout, fire and/or explosion.

**WELL CONTROL SPECIALIST** – Any person trained to respond to a well control emergency with a current certification from a well control course accredited by the International Association of Drilling Contractors or other organization approved by the Department.

**WELL OPERATOR** – Any of the following:

- (1) The person designated as operator or well operator on the permit application or well registration.
- (2) If a permit or well registration was not issued, a person who locates, drills, operates, alters or plugs a well, or reconditions a well, with the purpose of production from the well.
- (3) If a well is used in connection with underground storage of gas, a storage operator.

**WETLAND** – Areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and which normally support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

**WORKABLE COAL SEAMS** – A coal seam which:

- (1) Is actually being mined in the area in question under this chapter by underground methods.
  - (2) In the judgment of the Department of Environmental Protection, can reasonably be expected to be mined by underground methods.
- (b) Upon conditional use approval for oil and gas operations, said use shall be valid for a period of one (1) year from the date of the approval. If the oil and gas operations approved have not been initiated within one (1) year after the conditional use approval, the conditional use approval shall expire. An extension may be granted by the Borough of Manor Council for an additional period of time, not to exceed a maximum of one (1) year, upon written request by the applicant filed prior to the expiration of the original one-year period, subject to the finding that the plan is in compliance with all applicable provisions and requirements.
- (c) The recovery of subsurface gas and oil deposits is prohibited on any property subject to a conservation easement.
- (d) The recovery of subsurface gas and oil deposits shall be subject to, in addition to use regulations, the applicable zoning district regulations of yard, frontage, setbacks, lot size and area, lot width, net building area, site capacity calculations, natural resource protection standards, easements,

provisions for off-street parking and loading, floodplain standards, all overlay district regulations, and to such other provisions as are specified in other provisions of this part and this chapter.

- (e) The recovery of subsurface gas and oil deposits shall be subject to, in addition to the provisions of this part, all laws, rules and regulations of other applicable Borough, county, state or Federal requirements and licensing laws, rules and regulations, and to the requirements of any agency having jurisdiction. These include, but are not limited to, laws, rules and regulations concerning soil erosion and sedimentation control, stormwater management, street and road regulations and fire protection requirements.
- (f) Where multiple uses exist or are proposed for a single parcel, each use must meet the required minimum net building area. Each well site shall be calculated based upon the “pad” area where the well and its attendant facilities are located, as well as any pond, impoundment, reservoir or access road areas.
- (g) The recovery of subsurface gas and oil deposits shall be subject to the applicable standards of the Borough of Manor Stormwater Management Ordinance. Where the provisions for the management of stormwater under this part are in conflict with the provisions of the Stormwater Management Ordinance, the provisions of the Borough of Manor Stormwater Management Ordinance shall be applicable.
- (h) The recovery of subsurface gas and oil deposits shall also comply with all applicable provisions of the Borough of Manor Subdivision and Land Development Ordinance and Manor Borough Building Code.
- (i) Offensive or noxious odors, fluids, gases, dust or glare shall be confined to the subject parcel or the leasehold premises and shall not impact any occupied structures or dwellings at any time during the siting, drilling, stimulating, completion, altering and production periods.
- (j) Junk, refuse, trash or abandoned materials shall not be disposed of on site. All refuse stored on site for final off site disposal shall be located within a building, covered dumpster or other enclosure designed and constructed for the proper storage of such materials.
- (k) Only one well site shall be permitted on any one (1) parcel.
- (l) Any expansion of the ground surface area used and/or devoted to the well site, drilling or production operations shall require further conditional use approval.
- (m) Any hazardous or toxic material shall be properly and securely contained, stored and removed in accordance with applicable Federal or state regulations. On site disposal of such material is prohibited.
- (n) All operations shall be in accordance with all applicable Federal and State laws, rules and regulations, as amended; and pursuant to all rules, regulations and procedures promulgated thereunder.
- (o) All drilling and production operations, including wells, derricks, retaining pits, impoundments, vacuum pumps, storage tanks, vehicles, compressors, structures, machinery and ancillary equipment, shall be located at least 200 feet from any structure used as a residential dwelling or from any structure used for public assembly, including schools and churches; or from any occupied nonresidential structure, if the owner of such structures are not the owner or lessor of the property on which the well site is located.
- (p) All aspects of the recovery of subsurface gas and oil deposits including, without limitation, all drilling, production operations, buildings, and/or pipelines, shall be located at least 100 feet from the right-of-way of any public or private street; and 50 feet from any property line. Pipelines from

the well site shall be permitted to traverse the required setback only to the extent necessary to transport extracted product (gas and oil) off site.

- (q) No recover of subsurface gas and oil deposits shall be conducted within 1,000 feet of any properties known to be a landfill or known to be designated as a site containing hazardous substances under Federal or state cleanup laws.
- (r) The well owner(s) and well operator(s) shall be jointly liable and responsible for prevention and prompt removal of spills involving waste materials, oil and toxic or hazardous materials.
- (s) The minimum lot size for a gas and oil well site, other than a Marcellus Shale formation well, shall be two (2) acres. The minimum lot size for a gas well site for a Marcellus Shale formation well shall be 10 acres.
- (t) All well site structures, equipment and operations within 200 feet of a residential structure or a place of public assembly shall be fully screened from offsite view from such residential structure or public place of assembly.
- (u) Existing or planted screening consisting of trees, shrubs and other vegetation, as well as topography, if sufficient proof of same is presented to Council as part of the conditional use process.
- (v) Fencing, if sufficient proof of same is presented to Council as part of the conditional use process.
- (w) For areas of potential wildfire hazards, fire line intensities shall be abated to less than 100 BTU/foot/second through fuel breaks or other equally effective means around structures or areas of operation. A fire protection plan shall be submitted to the Borough's Emergency Management Agency for review and approval.
- (x) A duly authorized representative of the Borough shall have the authority, at any time, both in relation to the enforcement of this part and pursuant to the Borough's enforcement rights under 58 Pa. P.S. § 601.504(b) of Pennsylvania's Oil and Gas Act, to enter upon property where a drilling site is contemplated, upon property where a well is in the process of being drilled, or upon a producing well site, for the purpose of inspecting the site, equipment and all other things necessary to assure compliance on this part.
- (y) Unless other times and days are approved by Council as a condition of the grant of a conditional use, the hours of activity for the siting, drilling, stimulating, inspection, servicing, completion or alteration of the well and its site, shall be limited to Monday through Saturday, 7:00 a.m. to 7:00 p.m., except for emergencies.
- (z) Air and Water Quality; Noise. Operators shall conform to all of the following in connection with air and water quality and noise:
  - [1] Air contaminant emissions shall be in compliance with all county, state and Federal regulation including, without limitation, the control provisions of the Clean Air Act, as amended; and all fugitive dust regulations for smoke, ash, dust, fumes, gases, odors and vapors.
  - [2] Noise. The operator shall take all possible precautions and measures to minimize the level and duration of noise created by the drilling operation including, without limitation, maximum muffling of generators and construction of noise dissipaters or earthen berms. All equipment used in drilling, completion or production of a well must comply with the noise limitations in this subsection.
    - [a] The noise (sound) pressure levels at any point beyond the property boundary containing the well shall be no more than 55 decibels (dB) during day (7:00 a.m. to 7:00 p.m.); and no more than 45 decibels (dB) during the night (7:00 p.m. to 7:00 a.m.) and on Sundays

and Federal holidays. These noise standards shall also apply to any gas compressors, and to all equipment used for well sitting, drilling, stimulation, completion, alteration, production and other related operations.

- [b] Based upon special site characteristics, additional noise measures may be required upon inspection and determination by the Borough.
- [c] When taking noise measurements to determine whether additional noise mitigation measures are necessary, sound pressure levels shall be measured under conditions that are representative of the most demanding assumptions related to the specific site. Consideration shall be given to (including, but not limited to) the nature and proximity of adjoining properties, time of day, prevailing weather patterns, amount of vegetative cover on or adjacent to the property, and topography of the site.
- [d] If, based upon special site conditions and analysis, additional noise measurements are necessary, one (1) or more of the following additional noise abatement measures, listed below in ascending order of mitigation, shall be required:
  - (i) Acoustically insulated housing or covers enclosing any motor or engine.
  - (ii) Screening the site or noise emitting equipment by fence or landscaping.
  - (iii) Solid wall or fence of acoustically insulating material surrounding all or part of the facility.
- (aa) The applicant shall maintain, both at the property and on file with the Borough Emergency Management Agency, a current list and the Material Safety Data Sheet (MSDS) for all chemicals used in the drilling operations (including, but not limited to, types of additives, polymers, salts, surfactants and solvents) and in any hydraulic fracturing operations.
- (bb) Emergency Preparedness and Public Safety Plan. As part of the conditional use application, the applicant shall provide an emergency preparedness and public safety plan. The plan shall demonstrate the following:
  - [1] Name, address and phone number, including 24-hour emergency number for at least two (2) persons responsible for drilling operations.
  - [2] As-built facilities plan.
  - [3] First responders plan for potential emergencies including, but not limited to, explosions, fires, geological activity, flooding or pipe rupture.
  - [4] Specific emergency preparedness plan for all potential hazardous scenarios.
- (cc) The operator shall be responsible for keeping all public and private rights-of-way, which are used to enter or exit the well site, substantially free from mud, dirt and other debris. If any substantial amount of mud, dirt or other debris is carried onto public or private rights-of-way from the well site, the operator shall clean the roads at regular intervals.
- (dd) The applicant shall file with its application for a conditional use, all plans for:
  - [1] The transportation and delivery of equipment, machinery, water, chemicals, products, material and items to be utilized in the siting, drilling, stimulating, completion, alteration and operation of the well;
  - [2] The storage, transportation and removal of gas, hydrocarbons, fracturing fluids, waste products and other items from the well site; and

[3] Roads, streets, alleys, rights-of-way, easements or other property interests to be utilized for the transportation, delivery and/or removal of equipment, machinery, chemicals, products, gas, hydrocarbons, fracturing fluids, water, waste products and other items to and/or from the well site.

- (ee) A duly authorized representative of the Borough shall have the authority, at any time, both in relation to the enforcement of this chapter and pursuant to the Borough's enforcement rights under Act 13, to enter upon property where a drilling site is contemplated, upon property where a well is in the process of being drilled, or upon a producing well site for the purpose of inspecting the site, equipment and all other things necessary to assure compliance with this chapter.
- (ff) Unless other times and days are approved by Council as a condition of the grant of a conditional use, the hours of activity for the siting, drilling, stimulating, inspection, servicing, completion or alteration of the well and its site shall be limited to Monday through Saturday, 7:00 a.m. to 7:00 p.m., except for emergencies.
- (gg) The operator shall be responsible for keeping all public and private rights-of-way, which are used to enter or exit the well site, substantially free from mud, dirt and other debris. If any substantial amount of mud, dirt or other debris is carried onto public or private rights-of-way from the well site, the operator shall clean the roads at regular intervals.

**(40) Outdoor Entertainment Facilities.** All outdoor entertainment facilities shall comply with the following requirements:

- (a) Such facility shall be constructed in compliance with all applicable building and/or construction codes in effect at the time the application is made;
- (b) If alcoholic beverages are to be sold or consumed on or within such facility on special events or occasions, the applicant must obtain approval from the Pennsylvania Liquor Control Board that such facility has been approved for such purposes and provide a copy of such approval to the Borough, along with any application filed with the Borough prior to any consumption of alcohol on the premises. Failure to provide such approval shall cause the application to be rejected as administratively incomplete.
- (c) If such facility abuts a property in any residential zoning district, the operation of such facility shall not extend past 10:00 p.m. on Sunday through Thursday evenings, nor past 11:00 p.m. on Friday and Saturday. For the purposes of this paragraph, "operation" shall include entertainment, music and the sales or consumption of food, alcoholic or non-alcoholic beverages.
- (d) If such facility abuts a property in any residential zoning district, the facility shall be buffered to visually insulate and dampen sound from the facility from the adjoining property. The nature and extent of any buffer area shall be reviewed and approved by the Zoning Hearing Board.
- (e) Outdoor entertainment facilities which are used in or form a part of a bar, restaurant, nightclub or other similar commercial use are considered an extension of the existing premises and shall not be permitted in any area where such bar, restaurant or nightclub is adjacent to a property in any residential zoning district.
- (f) A traffic impact study is required.

**(41) Outside Storage Areas in Commercial and Industrial Districts.** Outside storage areas in commercial and industrial districts, (a) shall be buffered by fencing, planting or topography so to eliminate or minimize adverse effects on neighboring properties; and (b) shall have no waste material stored in such area. The creation of such an area will not eliminate the requirements for waste handling required in this chapter or other ordinance of the Borough applicable to same.

- (42) Penal/Correctional Institution.** All penal/correctional institutions shall comply with the following requirements:
- (a) All penal/correctional institutions shall present Council with a security plan that takes into account the safety of Borough residents.
  - (b) Penal/correctional institutions shall not lie within 1,500 feet of:
    - [1] A church;
    - [2] A public or private pre-elementary, elementary or secondary school;
    - [3] A public library;
    - [4] A childcare facility or nursery school;
    - [5] A public park; and/or
    - [6] A child oriented business.
  - (c) No penal/correctional institutions may be located where any adjacent property contains a preexisting single-family home in separate ownership from the proposed facility.
  - (d) Penal/correctional institutions shall be located upon lots of at least two (2) acres.
- (43) Public Buildings and Uses.** Public buildings and uses, when located in or adjacent to a residential district, shall provide proper separation and protection from abutting residential properties.
- (44) Recreation Facility (Indoor/Outdoor).** All recreational facilities shall comply with the following requirements:
- (a) Lighting or other features which encourage use of the area after dusk shall not be permitted.
  - (b) The design of the proposed recreational facilities and any proposed recreational structures shall comply with all applicable requirements governing flood plains and wetlands.
  - (c) All indoor facilities shall meet the minimum lot area required for the zoning ordinance in which the property is located.
  - (d) In addition to the required parking spaces for vehicles required by this Ordinance for the proposed uses, parking areas for bicycles shall be provided.
  - (e) No storage of equipment or materials shall be permitted outside a completely enclosed structure.
  - (f) All areas which are not used for active recreational facilities, structures or parking areas shall be maintained in a natural state or attractively landscaped.
  - (g) Areas kept in a natural state shall be adequately maintained to eliminate the accumulation of litter and growth of weeds and tall grass.
  - (h) If such facility abuts a property in any residential zoning district, the facility shall be buffered to visually insulate and dampen sound from the facility from the adjoining property. The nature and extent of any buffer area shall be reviewed and approved by the Zoning Hearing Board.
  - (i) Outdoor speakers shall not be permitted if there are dwellings within 500 feet of the property in any direction. If outdoor speakers are allowed, the volume and direction shall be regulated to minimize impact on adjoining properties.
  - (j) If such facility abuts a property in any residential zoning district, the operation of such facility shall not extend past 10:00 p.m. on Sunday through Thursday evenings, nor past 11:00 p.m. on Friday

and Saturday. For the purposes of this paragraph, “operation” shall include entertainment, music and the sales or consumption of food, alcoholic or non-alcoholic beverages.

- (k) If alcoholic beverages are to be sold or consumed on or within such facility on special events or occasions, the applicant must obtain approval from the Pennsylvania Liquor Control Board that such facility has been approved for such purposes and provide a copy of such approval to the Borough, along with any application filed with the Borough prior to any consumption of alcohol on the premises. Failure to provide such approval shall cause the application to be rejected as administratively incomplete.
  - (l) Adequate sanitary facilities shall be provided to the public at this site.
  - (m) A traffic impact study is required.
- (45) Research Laboratory. A research laboratory shall be a permitted conditional use subject to the following express standards and criteria:
- (a) The laboratory area shall not exceed a maximum of 15,000 square feet of gross floor area.
  - (b) The gross floor area of the laboratory shall not exceed 40% of the gross floor area of the building containing such laboratory.
  - (c) Laboratories that store Environmental Protection Agency (“EPA”) regulated substances with reportable quantities over 100 lbs. are prohibited.
  - (d) Laboratories that store EPA regulated substances with reportable quantities equal to or less than 100 lbs., which are also liquids or gases at ambient conditions, in quantities greater than the respective reportable quantity are prohibited.
  - (e) Laboratories with the following then-current North American Industry Classification System (“NAICS”) categories are prohibited: (1) All Other Animal Production Code (Code 112990); (2) Biological Testing Laboratories or Services (under Code 541380); (3) Veterinary Testing Laboratories (Code 541940); and (4) Laboratory Equipment Manufacturing (Code 339113).
  - (f) Laboratories shall be designated by the owner with applicable NAICS categories.
  - (g) Council shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the location and orientation of the laboratory’s probable traffic generation, parking needs, generation of noise, dust, odor, vibration, pollution, light or other disturbance or interruption.
  - (h) Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or residential zoning district shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
  - (i) Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
  - (j) The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
  - (k) The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
  - (l) A traffic impact study is required.

- (m) The owner and operator of the facility shall be responsible for the conduct and safety of the employees, customers, visitors and guests, and shall be available to respond to inquiries and promptly resolve any issues caused by the employees, customers, visitors and guests.

**(46) Satellite Parking.** Off-street parking lots, which are not located on the same lot as the principal use, may be permitted, provided that:

- (a) The parking lot will not be unduly intrusive and will blend harmoniously into the neighborhood.
- (b) Such a lot shall be located within 100 feet of the principal use, shall be buffered and landscaped, and all lighting used shall be shielded so as not to reflect on adjoining residential lots.
- (c) Traffic circulation from the parking lot shall not create a hazardous or unsafe situation.
- (d) Reasonable safeguards are established against detrimental emission of smoke, fumes, dust, noise or visual blight or pollution of any kind.
- (e) The parking lot is located in a zoning district in which the principal use is permitted use.

**(47) Shopping Center.** A shopping center shall be a permitted conditional use subject to the following express standards and criteria:

- (a) The minimum site shall be five (5) acres.
- (b) The site shall be planned as a unit, and uniform signage, landscaping and common parking and loading areas shall be proposed to promote design and efficiency.
- (c) Ingress, egress and internal traffic circulation shall be designed to minimize congestion and ensure safety and provide access for emergency and fire vehicles.
- (d) All outdoor lighting shall be shielded and reflected away from adjacent streets and residential properties.
- (e) There shall be no storage of materials or equipment outside a completely enclosed building. All sales shall be conducted within a completely enclosed building.
- (f) All uses shall be located at least 50 feet from any property line which adjoins a residential use.
- (g) All parking areas shall be located at least 20 feet from any property line which adjoins a residential use.
- (h) A traffic impact study is required.

**(48) Terminals and Freight Terminals.**

- (a) Terminals shall not be located on lots of less than five (5) acres suitable for such use and shall have a buffer area sufficient to insulate same from any adjoining residential use. Access for motor freight vehicles or buses shall be by way of streets of adequate width as determined by the Borough. In addition to adequate area within the site for docking, manipulation and the maneuvering of motor freight vehicles, a reservoir of parking areas for cars and other personal vehicles of employees or drivers shall be provided at the rate of one (1) parking space for every vehicle housed at the terminal. The number, location and width of entrances to and exits from the site shall be approved by the Borough.
- (b) Freight terminals shall not be located on lots of less than five (5) acres suitable for such use and shall have a buffer area sufficient to insulate same from any adjoining residential use. Access for motor freight vehicles or buses shall be by way of streets of adequate width as determined by the Borough. In addition to adequate area within the site for docking, manipulation and the maneuvering of motor freight vehicles, a reservoir of parking areas for motor freight vehicles

waiting to be loaded or unloaded shall be provided at the rate of one (1) parking space for every four (4) loading or unloading docks. The number, location and width of entrances to and exits from the site shall be approved by the Borough.

- (c) No terminal shall be closer than 300 feet to a residential dwelling, public or private school, daycare center, hospital or public park, as measured from the subject site's property line to the nearest property line of the residence(s), school, daycare center, hospital or park site. All vehicles parked, stored or housed on site need to be in operable condition and maintain valid registration and inspection stickers.
- (d) No repair work shall be conducted on any vehicle parked, stopped, stored or housed on the site of any terminal or freight terminal.
- (e) A traffic impact study is required.

**(49) Theater.** A theater/auditorium shall be a permitted conditional use subject to the following express standards and criteria:

- (a) The primary visitor drop-off and pick-up area shall be located in a manner than minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- (b) The use shall have one (1) direct point of vehicular access from an arterial or collector street. The point of vehicular access shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- (c) For demands greater than 300 automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.
- (d) Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or residential zoning district shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. (or one hour after the last movie/show is completed, whichever is greater) and 6:00 a.m., prevailing time. As part of its decision, Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- (e) Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- (f) The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- (g) The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- (h) A traffic impact study is required.
- (i) To ensure public health and safety, the site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and/or developer.
- (j) The owner and operator of the facility shall be responsible for the conduct and safety of the employees, attendees, customers, visitors and guests, and shall be responsible for the conduct and safety of the employees, attendees, customers, visitors and guests, and shall be available to respond to inquiries and promptly resolve any issues and quell any disturbances caused by the employees, attendees, customers, visitors and guests.

**(50) Utility Substations.** Utility substations shall provide proper separation and protection for abutting properties and must not engage in routine trucking movements on local residential and substandard streets.

**(51) Vehicular Wash.** All vehicular washing facilities shall comply with the following:

- (a) All automated washing facilities shall be in a completely enclosed building. All other car washing facilities shall be under a roofed structure which has at least two (2) walls.
- (b) Drainage water from the washing operation shall be controlled on site so that it does not flow or drain onto berms, streets or other property.
- (c) A stacking area shall be required on the lot for automobiles accessible to the end of the automated washing facilities. Such stacking areas shall be able to accommodate the number of vehicles equal to the maximum hourly processing capability of the automated washing facility. Such information shall be provided to the Borough as part of the application for the use.
- (d) An area beyond the exit end of the building housing the washing equipment sufficiently large enough to accommodate 25% of the maximum hourly processing capability provided for the aforesaid vehicular car wash.
- (e) The facility shall be connected to public sanitary sewer facilities.
- (f) A traffic impact study is required.

**(52) Other Uses Not Specifically Listed as Permitted, Special Exception Uses or Conditional Uses.**

- (a) Uses which are not specifically listed as permitted, conditional uses or special exceptions in any zoning district may be authorized in the I-1 District by the Council of Manor Borough Board as conditional uses.
- (b) In order to obtain a conditional use under this section, the applicant bears the burden of establishing the following to the satisfaction of Council:
  - [1] The proposed use must be fully consistent and in harmony with the purpose of the district in which it will be located.
  - [2] The impact of the use on the environment and adjacent streets is equal to or less than any use specifically permitted as a permitted or conditional use in the subject district.
  - [3] In determining the impact on the environment and adjacent properties, Council shall consider such development characteristics as the number of employees, the floor area of the proposed building devoted to the proposed use, the type of products involved, the materials, equipment or services involved, the magnitude of walk-in trade, traffic generation, parking demand, environmental impacts, and any other information that the Board determines will aid in determining the impact of the use.
  - [4] The proposed use shall comply with the express standards and criteria of the zoning district in which the use is to be located and all other requirements of this chapter and the Borough subdivision and land development regulations.
  - [5] The proposed use shall be in accordance with the community development objectives of this Ordinance.
- (c) Prior to the public hearing before Borough Council, the applicant shall submit all studies, documents and testimony which the applicant wishes to be considered in connection with the conditional use application, for review and recommendation by the Borough Planning Commission.

- (d) When granting a conditional use pursuant to this section, Council may impose any reasonable conditions it believes are necessary to ensure compliance with this chapter and the Borough subdivision and land development regulations.

**ARTICLE VIII:  
Off-Street Parking and Loading**

**§ 801. Off-Street Parking.**

- A. Off-street parking in commercial, industrial and manufacturing districts, when located in the front yard, shall not be closer than 35 feet to the edge of the traveled roadway. Except for the entrance or exit, the area between the edge of the berm and the beginning of the parking area shall be planted and maintained with grass; provided, however, that any grassy area shall be not less than 15 feet in width. There shall be at least one (1) entrance and one (1) exit onto a public highway. Off-street parking spaces shall be provided in accordance with the specifications in this section whenever any new use is established, or existing use is enlarged.
- B. Off-street parking facilities shall be provided as listed in the Table of Off-Street Parking attached hereto in Appendix A. For other uses that do not fit into one of the categories listed below, the determination of the appropriate parking space requirements shall be recommended by the Planning Commission based on a parking needs study.
- C. The Borough may require or approve alternate design standards for off-street parking in response to unusual conditions such as dead car storage, attendant parking, indoor parking, interaction between different abutting uses in the same development district or a clearly documented difference between expected parking loads and required parking spaces, provided that any reduction in the number of required spaces so granted shall be offset by a reserved area for future installation of a like number of spaces to be so improved at the discretion of the Borough.
- D. Every off-street parking space shall have a rectangular area of not less than nine (9) feet by 18 feet. If parking spaces are indicated by lines other than 90°, then traffic lanes shall be restricted to one-way, permitting head-in parking only. All one-way parking lanes shall be not less than 12 feet wide. All two-way parking lanes shall be not less than 24 feet wide.
- E. Every off-street parking lot shall be graded for proper drainage and paved in accordance with Borough standards. Continuous six (6) inch curbing shall be installed to assure safe and efficient flow of traffic, prevent encroachment onto required yards and direct stormwater; such curbing shall be installed in compliance with an approved site plan. Parking aisle separators, sidewalks and landscape plantings shall be provided as required and approved by the Borough. Parking perpendicular to the grade shall be permitted up to a grade of 5%; parking parallel to the grade shall be permitted up to a grade of 7%; no parking shall be permitted on a grade in excess of 7%.
- F. Parking spaces suitable for the needs of the handicapped will be provided as approved on the site plan, and signs, railings and ramps will be provided as appropriate to the site.
- G. Any lighting used to illuminate an off-street parking lot shall be arranged so as to reflect light away from adjoining premises in any R District.
- H. When determination of off-street parking results in a requirement of a fractional space, any fraction shall be counted as one (1) parking space.
- I. Unless otherwise authorized under this Ordinance, off-street parking spaces shall be located in the same development lot as the principal use.

- J. A multiple-family dwelling or multi-story dwelling designed and operated as housing for the elderly shall require a minimum of one (1) parking space on the same lot with the main structure or structures for each two (2) dwelling units.

**§ 802. Off-Street Loading.**

- A. One (1) off-street loading berth of not less than 60 feet by 10 feet shall be provided for every new business or industrial use with a floor area between 2,500 square feet and 20,000 square feet. One (1) additional berth shall be required for each additional 20,000 square feet of floor area. Access and space to maneuver shall be sufficient so that no truck need back onto any public street or across any public sidewalk. All off-street loading areas shall be located immediately adjacent to the building containing the business or industrial use.

**ARTICLE IX**  
**Signs**

**§ 901. Signs.**

The regulations contained in this Article shall apply to all signs in all zoning districts. With the exception of outdoor advertising signs as set forth herein, all signs shall be treated as accessory to the principal use of the property.

**§ 902. Definitions.**

For the purposes of this Article, the definitions set forth below shall apply unless the context clearly indicates otherwise. In the event a term is not specifically defined herein, then the general definitions set forth in this chapter shall apply.

**INDIRECT ILLUMINATION** – Illumination by means of lamps or external lighting devices reflected on a sign. Indirect illuminated lighting must be:

- A. Stationary;
- B. Constant in intensity and color at all times;
- C. Concentrated on the face of the sign; and
- D. Shielded so there is no illumination or glare beyond or outside the face of the sign.

**INTERNAL ILLUMINATION** – Lighting by means of lamps or lighting devices internal to the sign, which is either behind the face of the sign or an integral part of the sign structure.

**SIGN** – Any surface, fabric device or display which bears lettered, pictorial or sculpted matter, including forms shaped to resemble any human, animal or product, designed to convey information visually or attract the attention of the general public, except official flags of governmental jurisdictions or public or charitable or non-profit organizations which do not exceed 50 square feet in area. The term “sign” as used herein shall include the frame and any supporting structure to which the display area is affixed.

**SIGN AREA** – That area enclosed by one (1) continuous line, connecting the extreme points or edges of a sign. The area includes all lettering, wording or accompanying design or symbols, together with the background, whether open or enclosed, on which they are displayed. The area of the sign does not include minimal supporting framework or bracing, but all other ornamental attachments or decorative structure shall be included in determining the area of a sign.

**SIGN, ARCADE** – A sign suspended beneath a ceiling of an arcade, a roof or marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof or marquee to identify the location of establishments within a shopping center or similar building.

**SIGN, BANNER** – A temporary sign painted or printed on a strip of cloth, vinyl, plastic or paper designed to be hung from poles, across the wall of a building or in a window.

**SIGN, BILLBOARD** – See “sign, outdoor advertising structure.”

**SIGN, BULLETIN BOARD** – A type of manual, changeable copy sign used by churches and schools to announce events and constructed to allow letters or symbols to be changed periodically.

**SIGN, BUSINESS IDENTIFICATION** – A fixed, non-changeable copy sign which contains only the name and/or address of a single business located on a premises or of the plaza or other commercial development in which a business is located and a description of the goods, services, facilities or events available on the premises.

**SIGN, CANOPY** – A fixed, non-changeable copy, business identification sign containing only the name of the business on the premises, located on a canopy, overhang or other structure, regardless of whether the canopy is attached to the principal structure in which the business is located or is freestanding, designed to provide cover over gasoline pumps or fueling island.

**SIGN, CONSTRUCTION** – A temporary sign erected during the work period announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.

**SIGN, DEVELOPMENT IDENTIFICATION** – A permanent wall or freestanding ground sign containing only the name and address of a plan of subdivision, commercial site or a multi-family building development.

**SIGN, DIGITAL PRICE PANEL** – An electronic sign used by gasoline stations to identify the price of gasoline for sale on the premises upon which the sign is located.

**SIGN, ELECTRONIC** – A changeable copy sign capable of displaying a message in pictures or other photographic images, symbols, numbers and/or text which may be changed electronically, mechanically or rearranged automatically by computer or other form of programming.

**SIGN, GROUND** – A freestanding sign which is affixed to the ground by means of a permanent foundation and which provides a maximum clearance of 18 inches between the bottom edge of the sign and the adjacent ground level.

**SIGN, HOME OCCUPATION or HOME OFFICE IDENTIFICATION** – A sign containing only the name and address of the occupant of the premises and his occupation.

**SIGN, MANUAL CHANGEABLE COPY** – A sign that is designed so that characters, letters or illustrations can be changed or rearranged manually without altering the face or surface of the sign.

**SIGN, MEMORIAL/HISTORICAL PLAQUES** – Commemorative plaques placed by a recognized agency of the Borough, county, state or Federal government, or historical society or community organization recognized by the Borough.

**SIGN, OFF-PREMISES DIRECTIONAL** – Signs displaying the location of or direction to a business or event which is not on the premises or site where the business is located, or event is occurring.

**SIGN, ON-SITE DIRECTIONAL** – An on-site sign which directs vehicular or pedestrian traffic to parking areas, proper exits, loading areas, entrance points and similar areas within the site on which it is located.

**SIGN, OUTDOOR ADVERTISING STRUCTURE** – An off-premises sign which directs attention to a person, business, commodity, service, activity or establishment which is unrelated to the principal use of the land or not available on the land on which the sign is located.

**SIGN, OVERHANG** – A sign, other than a wall sign or arcade sign, affixed to a building or wall whose leading edge extends beyond such building or wall more than six (6) inches, including awnings, marquees or similar structures used for business identification.

**SIGN, POLE** – A freestanding sign which is supported by one (1) or more poles, uprights or braces, having a minimum clearance between the bottom edge of the sign and the adjacent ground level and a maximum height as specified herein.

**SIGN, POLITICAL** – A temporary sign which indicates the name or affiliation of anyone seeking public office or which refers to an issue concerning which a public election is scheduled to be held.

**SIGN, PRIVATE NOTIFICATION** – Signs bearing legal and/or property notices, such as “No Trespassing,” “Private Property,” “No Turnarounds,” “Safety Zone,” “No Hunting” and similar messages.

**SIGN, REAL ESTATE** – A temporary sign advertising the open house, sale or rental of premises. The signs may also bear the words, “Sold,” “Sale Pending” or “Rented” across their face or by means of an attached sign.

**SIGN, REAL ESTATE DIRECTIONAL** – A real estate sign having an area not greater than 216 square inches or one and one-half (1 ½) square feet located off the premises subject to sale and intended to direct the public to the premises subject to sale. Any sign used by a developer, or agency working for such developer, to advertise a development or subdivision, or any lot contained therein, shall not be considered under this section.

**SIGN, RESIDENTIAL IDENTIFICATION** – A sign containing only the name and address of the occupant of the premises.

**SIGN, ROOF** – A sign erected and maintained upon or above the roof of any building which projects no more than six (6) feet above the highest point of the roof.

**SIGN, TEMPORARY BUSINESS IDENTIFICATION** – A temporary banner, flag, pennant or similar display constructed of durable material and affixed to the wall of a building or an existing sign frame while a permanent business identification sign is being constructed, procured and/or assembled containing the name, address and a description of the goods, services, facilities or events on the business premises upon which it is located.

**SIGN, TEMPORARY SPECIAL EVENT DISPLAY** – A banner, flag, pennant or similar display constructed of durable materials and affixed to the wall of a building or over a public right-of-way or an A-frame or sandwich board sign whose sole purpose is to advertise a special event.

**SIGN, TEMPORARY STEP-IN** – A sign having an area not greater than four (4) square feet used to advertise a business, event, product, service or other commercial activity, capable of being inserted into the ground either manually or by foot. Any sign used by a real estate developer, or any agency working for such developer, to advertise a development or subdivision, or any lot contained therein, shall be considered under this definition.

**SIGN, WALL** – A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than six (6) inches from the wall of the building.<sup>17</sup>

### **§ 903. Types and Classes.**

Signs in all zoning districts shall be categorized according to the types and classes described below and shall comply with the requirements for those types and classes in this section.

A. Classes. Signs are classified by physical attributes into the following categories:

- (1) Freestanding, including pole sign and ground sign;
- (2) Wall;
- (3) Arcade sign;
- (4) Bulletin board;
- (5) Roof sign;
- (6) Overhanging;

- (7) Billboard; and
- (8) Changeable copy (manual and electronic).

B. Types. Signs are categorized by use, function or purpose into the following types:

- (1) Residential identification;
- (2) Home occupation or home office identification;
- (3) Development identification;
- (4) Real estate;
- (5) Construction;
- (6) Private notification;
- (7) On-site directional;
- (8) Political signs;
- (9) Business identification signs;
- (10) Temporary special event display signs; or
- (11) Memorial/historical plaques.

#### **§ 904. General Sign Regulations.**

The following regulations shall apply to all zoning districts:

A. Restricted Signs. The following signs shall not be permitted in any zoning district:

- (1) A-frame or sandwich board signs, except when authorized as temporary special event displays;
- (2) Portable or wheeled signs;
- (3) Banners and pennants, other than temporary special event displays and temporary business identification signs authorized by this Article;
- (4) Balloons or inflatable structures of any kind, except when authorized as temporary special event displays;
- (5) Moving or flashing signs, except for that portion of a permitted sign which indicates time or temperature;
- (6) Signs on trees, utility poles or official traffic control devices or signs;
- (7) Signs which imitate or have features similar to traffic control devices;
- (8) Signs painted on walls or chimneys of a building or on fences or walls, other than murals or similar decorative displays on building walls which do not contain any advertising other than the name of the artist and a small acknowledgement of the sponsor of the display; or
- (9) Overhanging signs, as defined herein.

B. Exempt Signs. The following signs shall be exempt from these regulations:

- (1) Residential identification signs, as defined herein;
- (2) Holiday decorations displayed for recognized Federal or state holiday, provided they do not interfere with traffic safety, nor do not, in any other way, become a public safety hazard;
- (3) Memorial/historical plaques, as defined herein;

- (4) Window displays, as defined herein, provided they shall not exceed 20% of the gross surface area of all windows in an establishment; or
- (5) Signs erected by a governmental agency, including street signs and official traffic signs, but not including off-premises directional signs regulated elsewhere herein.
- C. Lots with Multiple Street Frontage. In all zoning districts, lots fronting on more than one (1) street shall be permitted to have one (1) authorized sign on each street.
- D. Construction and Development Signs. In all zoning districts, and where authorized herein, construction and development signs shall be considered temporary signs which shall be removed within 30 days of the completion of construction or within six (6) months from the date of placement, whichever occurs last.
- E. Private Notification Signs. In all zoning districts, legal notification signs posted on private property by property owners, such as “No Trespassing,” “No Hunting” and the like, shall be limited to a surface area not to exceed two (2) square feet. The placement and maximum number of signs permitted along the road frontage shall be one (1) sign for every 75 feet of frontage.
- F. Visibility. No sign shall be located, placed or constructed where it will cause a hazard, obstruct the visibility of traffic exiting or entering a street, or obscure a traffic signal or other traffic control device. No sign, other than official traffic signs and off-street premises directional signs, shall hang over or be erected within the right-of-way of any street.
- G. Illumination. Illumination, when authorized by this Article, shall be directed upon the sign face and not toward adjoining properties or streets. Flashing or oscillating signs, or the flashing or oscillating illumination thereof, is prohibited. All lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall not create glare nor affect or interfere with the intensity of ambient light on surrounding properties.
- H. Maintenance and Inspection. All signs must be constructed of a durable material and maintained in good condition. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance and the Zoning Officer shall give notice to the owner in writing to repair or remove the sign within a time period to be determined by the Zoning Officer. Upon failure of the owner to comply, the Borough may, at its discretion, remove the sign at the owner’s expense, or pursue any other remedies available to the Borough under this chapter.
- I. Removal of Signs. Whenever any business is discontinued or vacated, any sign relating to the discontinued or vacated business shall be removed within 30 days of the date when the business is vacated or discontinued. The Zoning Officer shall give notice to the owner in writing to remove any sign found to be in violation of this section within 10 days. Upon failure of the owner to comply, the Borough shall remove the sign at the owner’s expense. Whenever the use of the property upon which the sign is located has been abandoned for its intended use, then any sign existing on the property, together with its frame and supporting structures, shall also be deemed to be abandoned. Any reuse of the property, and any sign constructed in furtherance thereof, shall thereafter comply with the terms of this chapter.
- J. Permits Required. Except as set forth herein, all signs constructed, placed or maintained within the Borough shall require a permit. The Zoning Officer shall issue the required permits upon submission of an application which complies with all applicable provisions of this Article and payment of the required fee established from time to time by Resolution of the Borough Council. No permit shall be required for the following types of signs: notification, real estate, political and construction signs and off-premises directional signs erected by a governmental agency. Permits shall be required for all other signs authorized by this chapter or otherwise. This section recognizes the distinction between real estate signs

and real estate directional signs. All real estate directional signs (“REDS”) shall be subject to permitting and regulation as set forth hereafter.

- K. Expiration of Permits. Except for temporary step-in signs and real estate directional signs as set forth hereafter, any permit issued by the Zoning Officer for the erection, alteration, replacement or relocation of any sign shall expire automatically within six (6) months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.
- L. Sign Location. Except for billboards, political signs, real estate directional signs and temporary step-in signs, as defined herein, all signs shall be located within the area of the property they are intended to serve.
- M. Owner. For all purposes, the owner of the property upon which a particular sign is located shall be fully responsible for compliance with the terms of this Article. Notice issued to the owner of the property shall constitute sufficient notice for enforcement purposes.
- N. Conflict of Laws. To the extent that any provision of this Article relating to the construction or maintenance of signs shall conflict with the standards of the Pennsylvania Uniform Construction Code as now in effect or hereafter amended, then the regulatory provisions of the Pennsylvania Uniform Construction Code shall be deemed controlling.
- O. Permit Location. All sign permits issued by the Borough shall be kept and maintained on the property on which the sign is located. The approval form for real estate directional signs shall be kept and maintained in the brokerage office to which such permit is issued.
- P. Height. Unless otherwise specified in this chapter, no sign, frame, flagpole or other fixed freestanding structure bearing a sign shall exceed 20 feet in height.

#### **§ 905. Signs Authorized in all Zoning Districts.**

The following signs are authorized in all zoning districts:

- A. Bulletin Board Signs. One (1) bulletin board sign which does not exceed 24 square feet in surface area shall be permitted only in connection with any church, school, library or similar public or semi-public building.
- B. Temporary Development Sign. One (1) non-illuminated, temporary development sign shall be permitted for each development provided the surface area of each side of the sign shall not exceed 32 square feet. The development sign shall not exceed six (6) feet in height when located in any residential zoning district and shall not exceed 10 feet in height in any other zoning district. Such sign(s) shall be removed within one (1) year from the date final approval of the subdivision or site development plan is granted by the Borough. Any such sign shall be placed not less than 10 feet from the edge of any road surface and shall not be placed in a location which restricts sight distances.
- C. Temporary Construction Sign. One (1) non-illuminated, temporary construction sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the signs shall not exceed 12 square feet in area and shall be removed within 30 days of the completion of the work. Any such sign shall be placed not less than 10 feet from the edge of any road surface and shall not be placed in a location which restricts sight distances.
- D. Temporary Special Event Sign. One (1) non-illuminated temporary special even display sign shall be permitted to be erected by a public agency, church or non-profit organization along a public right-of-way with the permission of the owner of the abutting property, or on the face of a building, church or building housing a non-profit organization, provided that: (1) the area of the sign shall not exceed 32 square feet per side; (2) the sign is displayed for a period no longer than 30 days; and (3) is removed within five (5) days following the end of the event is erected to promote. The 30 day period may be

extended with permission of Borough Council. The temporary special event display sign shall be illuminated if approved by Council. Any such sign shall be placed not less than 10 feet from the edge of any road surface and shall not be placed in a location which restricts sight distances.

- E. Home Occupation Identification Sign. One (1) non-illuminated home occupation identification sign shall be permitted for an approved home occupation, provided that the surface area of the sign does not exceed two (2) square feet, the sign is mounted on the dwelling, the sign contains only the name, address and occupation of the resident, and does not contain any logo or other advertising.
- F. Political Signs. Non-illuminated temporary political signs erected during a political campaign shall be permitted, provided:
  - (1) They are not of a type restricted by any other provision of this chapter;
  - (2) Such signs are not put into place more than 60 days prior to the day of any primary or general election; and
  - (3) Such signs are removed within seven (7) days following the day of any primary or general election.
- G. Off-Premises Directional Signs. A maximum of four (4) off-premises directional signs shall be permitted to be erected by any agency or business other than a governmental agency. The off-premises directional signs shall be non-illuminated, and no individual sign shall exceed six (6) square feet in surface area in the aggregate (three (3) square feet per side). Such signs shall not be permitted within any public right-of-way. Such signs may be permitted on private property abutting a public right-of-way only if permission is granted by the owner of the property abutting that right-of-way. Evidence of permission from the landowner upon which the sign is to be constructed is required. Such signs shall be located not less than 10 feet from the edge of the right-of-way. Temporary off-premises directional signs for purposes of real estate sales shall be governed by and subject to those provisions contained herein relating to real estate directional signs. However, one (1) day signs used to provide directions to real estate open houses and/or auction sales on the day of the open house or auctions shall not require permits under this section.
- H. On-Site Directional Signs. All properties in any form of commercial or industrial use, or which contains two (2) or more multi-family dwellings, shall provide on-site directional signs showing, at a minimum, all points of entry and exit from the site, interior traffic flow patterns, truck and/or loading areas and parking areas. Signs showing the points of entry and exit from the site may be internally illuminated. Directional arrows painted on the paved surface may be used to show interior traffic flow patterns. The size of any above-ground sign shall not exceed three (3) square feet on any one (1) side. The number of on-premises directional signs required for any development shall be determined by the Zoning Officer and shall depend on the nature, size and location of the site and the number needed to ensure the protection of the public health, safety and welfare.
- I. Temporary Step-In Signs. Temporary step-in signs shall be permitted in all zoning districts and shall be subject to the following regulations:
  - (1) Any person, corporation or firm seeking to place temporary step-in signs in Manor Borough shall apply for a permit with the Code of the Borough of Manor Enforcement Officer for same.
  - (2) Any permit issued for a temporary step-in sign by the Code Enforcement Officer shall expire not more than 14 days from its date of issuance.
  - (3) The permittee shall remove any temporary step-in sign on the date the permit for same expires. The Borough may remove any temporary step-in sign, without notice to the permittee, following the expiration of the permit.

- (4) The applicant for a permit to place a temporary step-in sign shall pay a fee to be established by Borough Council. The initial fee for a permit to install a temporary step-in sign shall be \$15.<sup>00</sup> per sign. The permittee shall be entitled to a refund of \$5.<sup>00</sup> per sign if request for such refund is made to the Code Enforcement Officer within three (3) business days of the date upon which the permit expires and the permittee provides sufficient evidence to the Code Enforcement Officer that the sign has been removed consistent with the terms of this Subsection I. The failure to remove any temporary step-in sign as required by this Subsection I shall be deemed a waiver of the permittee's right to request or receive a refund. Borough Council may amend the fee and refund amount provisions of this Subsection I by Resolution hereafter.
- (5) Any corporation that qualifies as tax exempt under Section 501(c) of the Internal Revenue Code advertising an event it is sponsoring shall pay an application fee of \$5.<sup>00</sup> per sign and shall be entitled to a refund of its entire permitting fee for up to 20 signs upon compliance with all other provisions of this Subsection, including but not limited to, those relating to the removal of those signs permitted hereunder. No refund shall be given for permits in excess of 20.
- (6) A permit issued for a temporary step-in sign may be renewed one (1) time for an additional 14 day period for a non-refundable fee of \$5.<sup>00</sup> per sign.
- (7) Except for a tax-exempt organization advertising an event it is sponsoring, no person, corporation, partnership or firm shall be entitled to have more than five (5) active temporary step-in sign permits at one (1) time.
- (8) No temporary step-in sign shall be located closer than six (6) feet from the edge of the paved surface of any road, right-of-way or private drive. No temporary step-in sign shall be located within 15 feet of the intersection of the paved surfaces of any two (2) connecting road surfaces, such distance being measured back from the point of intersection along the length of each road. Notwithstanding the foregoing, no temporary step-in sign shall be located in an area which blocks, impairs or otherwise interferes with the sight triangle at any intersection or the view of persons or vehicles entering or exiting any private residential or commercial property.
- (9) The Zoning Officer shall issue the required permits upon submission of an application which complies with all applicable provisions of this Article and payment of the required fee established by Resolution of the Borough Council hereafter.

J. Real Estate Directional Signs. The Council of Manor Borough hereby acknowledges that the real estate industry requires special consideration in the issuance of permits for directional signs as the location of its product changes. Accordingly, the following shall be the process through which real estate directional signs are regulated within the Borough:

- (1) Applications for real estate directional signs (hereinafter, "REDS") shall be made by an officer manager or director of a licensed real estate brokerage office. For purposes of this subsection, a licensed real estate brokerage office shall include the main office and any home or branch office.
- (2) REDS permits shall be issued on an annual basis and may be obtained at the beginning of January of each year. The annual permit fee for REDS is hereby established at \$15.<sup>00</sup> per sign. The annual permit fee may be modified by Resolution of Borough Council hereafter. There shall be no proration of annual permit fees regardless of the date of application for same, the date such permit is issued, or the date such permit is set to expire. There shall be no refund of any portion of any annual permit fee upon removal of any REDS.
- (3) All REDS permits shall expire on December 31<sup>st</sup> of each calendar year. In the event a licensed real estate brokerage office has not purchased more than the office's allocation of REDS permits in January of any year, it may obtain additional REDS permits in subsequent months, up to its permit

limit; provided, however, that any additional permit purchased after January shall expire on December 31<sup>st</sup> of each year it is purchased, regardless of its purchase date.

- (4) One (1) permit shall be required for each sign having an area not exceeding 216 square inches (i.e., a 12 inch by 18 inch sign). Each real estate brokerage office shall be entitled to 30 REDS permits for signs not exceeding 216 square inches without a showing of cause. Thereafter, upon good cause shown, each brokerage office may see up to 20 additional REDS permits from the Code Enforcement Office. Good cause shown shall be determined by the Code Enforcement Officer and shall be based on the following considerations:
  - (a) The number of real estate agents working within the brokerage office at the time the request is made;
  - (b) The number of properties for which listing agreements have been entered into with the brokerage office at the time the request is made;
  - (c) The location of properties listed by the office in remote areas of the Borough requiring the use of multiple signs; and
  - (d) Other considerations determined by the Code Enforcement Officer to be good cause for the issuance of such permits.
- (5) The office manager or director of a licensed real estate brokerage office shall be responsible for the allocation of REDS among properties listed within his/her office and agents working within his/her office. No property for which a listing agreement has been entered into with a brokerage office shall have more than four (4) REDS allocated to it at any one (1) time.
- (6) All REDS shall be removed by the licensed real estate brokerage office within five (5) days of closing on the property for which the REDS is used.
- (7) One (1) day signs used to provide directions to single-day real estate open houses and/or single-day auction sales on the day of the open house or auction shall not require permits under this section.
- (8) No real estate directional sign shall be located closer than six (6) feet from the edge of the paved surface of any road, right-of-way or private drive. No real estate directional sign shall be located within 15 feet of the intersection of the paved surfaces of any two (2) connecting road surfaces, such distance being measured back from the point of intersection along the length of each road.

#### **§ 906. Signs Authorized in Residential Zoning Districts.**

In addition to those signs referenced above, only the following signs shall be permitted in any residential zoning district:

- A. Development Identification Sign. One (1) permanent, freestanding ground sign containing only the street address and/or name of a residential subdivision plan, multi-family building or other development shall be permitted for each site. Such a sign shall not exceed 24 square feet in area. A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall, provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan.
- B. Business Identification Sign. One (1) non-illuminated or indirectly illuminated wall or freestanding ground sign shall be permitted for the identification of any business use, authorized or otherwise permitted in a residential zoning district. Such a sign shall not exceed 12 square feet in area.
- C. Home Occupation Identification Sign. One (1) non-illuminated home occupation identification sign shall be permitted for an approved home occupation, provided that:

- (1) The surface area of the sign does not exceed two (2) square feet;
- (2) The sign is mounted on the dwelling;
- (3) The sign contains only the name, address and occupation of the resident; and
- (4) Does not contain any logo or other advertising.

**§ 907. Signs Authorized in Commercial, Industrial and Institutional Districts.**

The following signs shall be permitted in commercial, industrial and institutional districts:

- A. Temporary Special Event Display. Temporary special event displays, as defined in this Article, shall be permitted in conjunction with grand openings, going-out-of-business sales and similar events, provided that:
  - (1) No more than two (2) signs or banners shall be permitted on any establishment at any one (1) time.
  - (2) The temporary special event display signs, banners or similar displays shall be securely attached to the building or to the supporting structure of a freestanding pole business identification sign, except that one (1) freestanding A-frame or sandwich board sign no larger than six (6) square feet in surface area may be placed on private property, provided it shall not obstruct the free flow of pedestrian or vehicular traffic and shall not be placed in any public right-of-way.
  - (3) Temporary special event display signs shall be displayed for a period not to exceed 10 consecutive days on no more than two (2) occasions in any 12 month period, unless extended by permission of Borough Council for a specified of time.
  - (4) The aggregate surface area of all temporary special even display signs shall not exceed 40 square feet per establishment. In the event there is more than one (1) establishment on a site, the maximum aggregate surface area of all temporary special event display signs on the site at any one time shall not exceed 100 square feet.
  - (5) Portable or wheeled signs or a freestanding A-frame or sandwich board sign authorized by this chapter may be permitted to be used as temporary special event signs.
  - (6) Temporary special event display signs may be illuminated for special events with the permission of the Borough.
- B. Multi-Tenant Commercial Development Identification Sign. Either one (1) permanent ground sign or one (1) permanent pole sign, containing only the street address and/or name of a multi-tenant commercial plaza or development, shall be permitted for each site. The area of the sign identifying the multi-tenant commercial plaza or development shall comply with the dimensional requirements set forth for the ground and pole signs set forth hereafter. A sign identifying the name of a commercial plaza or development may be affixed to a freestanding decorative wall provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the development. In addition to the name and/or address of the development or plaza, the identification sign may contain the names of businesses located within the plaza or development, provided the sign for each business does not exceed four (4) square feet in area.
- C. Single-Occupant Commercial Development Identification Sign. Either one (1) permanent ground sign or one (1) permanent pole sign, containing only the street address and/or name of a single-occupant commercial development, shall be permitted for each site. The area of the sign identifying the single-occupant commercial development shall comply with the dimensional requirements set forth for the ground and pole signs set forth hereafter. A sign identifying the name of the development may be affixed to a freestanding decorative wall provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the development.

- D. Changeable Copy Signs. In addition to the authorized business identification signs, one (1) changeable copy sign shall be permitted per lot regardless of the number of businesses on the lot, which shall not exceed 80 square feet in aggregate area (i.e., the combined area of both sides) and shall be permanently affixed to the wall of the building or to the supporting structure of the authorized freestanding sign on the lot, provided the sign is used solely for advertising products, services and activities available on the site.
- E. Business Identification Signs.
- (1) Wall Signs. Each business establishment within a plaza or commercial development, or any business operating in a single-occupant commercial development may have only one (1) wall sign. Such sign may be illuminated or non-illuminated. The aggregate area of all wall signs shall not exceed two (2) square feet for each lineal foot of width of the front wall of the building or portion of the building occupied by the business or a maximum of 100 square feet, whichever is less. No wall sign shall be located on the roof nor extended above the height of the building.
  - (2) Ground Signs. In addition to any authorized wall signs, one (1) freestanding illuminated, or non-illuminated ground sign shall be permitted per development, regardless of the number of businesses on the lot, provided that:
    - (a) No freestanding pole sign exists or is proposed to be erected on the lot.
    - (b) The maximum surface area of the ground sign shall not exceed 24 square feet in any commercial district and shall not exceed 64 square feet in any industrial district.
    - (c) The height and location of the signs shall be designed so as not to interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street and, in no case, shall the total height exceed six (6) feet.
    - (d) All freestanding ground signs shall be located at least 10 feet from any property line, except where property abuts a public right-of-way, the ground sign shall be set back at least 10 feet from the right-of-way.
  - (3) Pole Signs. In addition to any authorized wall signs, one (1) freestanding pole sign shall be permitted per development, regardless of the number of business on the lot, provided that:
    - (a) No freestanding ground sign exists or is proposed to be erected on the lot.
    - (b) The pole sign may be non-illuminated or internally illuminated. No pole sign shall be directly illuminated from an external light source.
    - (c) The maximum height of the top of the pole sign shall be 20 feet.
    - (d) The minimum height of the bottom edge of the sign shall be eight (8) feet.
    - (e) The surface area of each side of any freestanding pole sign shall bear the exact same information and the maximum surface area of each side shall not exceed:
      - [1] For one (1) occupant: 60 square feet of display or surface area;
      - [2] For two (2) occupants: 90 square feet of display or surface area;
      - [3] For three (3) or more occupants: 120 square feet of display or surface area;
      - [4] For four (4) or more occupants in a facility or complex having a gross leasable floor area less than 100,000 square feet: 200 square feet of display or surface area; and
      - [5] For four (4) or more occupants in a facility or complex having a gross leasable floor area of 100,000 square feet or more: 300 square feet of display or surface area.

- (f) No portion of any sign shall project over any public right-of-way.
  - (g) All freestanding pole signs shall be set back at least 10 feet from every property line, except where property abuts on a public right-of-way, the sign shall be set back at least 10 feet from the right-of-way.
- (4) Roof Signs. Roof signs shall be permitted only in the industrial zoning districts. One (1) roof sign shall be permitted per building, regardless of the number of establishments in the building. Roof signs may be illuminated or non-illuminated. Roof signs shall be permitted only in place of a wall sign. The surface area of a roof sign shall not exceed two (2) square feet for each lineal foot of width of the front wall of the building or a maximum of 200 square feet, whichever is less. Roof signs shall not project more than six (6) feet above the highest point on the roof on which they are erected.
- (5) Arcade Signs. In shopping centers or office complexes which have pedestrian access ways covered by a roof, marquee or exterior arcade, one (1) arcade sign, as defined herein, shall be permitted for each business in the building; provided that the maximum surface area of each sign shall not exceed eight (8) square feet.
- (6) Temporary Business Identification Signs. A temporary business identification sign as herein defined may be placed on a building or over the standard of any existing sign to identify the business conducted on the premises while a permanent business identification sign is being procured, constructed, repaired or replaced, provided:
- (a) Such sign shall not exceed the dimensions permitted for business identification signs in the zoning district in which such sign is located;
  - (b) The applicant for a sign permit or owner of the property produces evidence that a permanent business identification sign has been purchased for the premises which meets the requirements of this chapter; and
  - (c) Such temporary business identification sign remains on the premises for not more than 90 days from the date the permit for same is issued.
- (7) Canopy Signs. A canopy sign may be placed only on a free or attached canopy over gasoline pumps or gasoline fueling islands. Such signs shall only contain the name and/or trade logo of the entity operating the business on the premises on which the canopy is located. The area of any canopy sign in which name and trade logo is depicted shall be counted against the overall area of wall or pole signage permitted on the property.
- (8) Digital Price Panel Signs. The manual changeable price panel of a sign displaying the price of gasoline at a gas station may be changed to a digital price panel, provided the area of the digital price panel does not exceed the area of the existing manual changeable price panel.

F. Electronic Signs.

- (1) Electronic signs shall not be permitted in any residential, conservation or agricultural zoning district.
- (2) Electronic signs are permitted in the C-1 and I-1 Districts, subject to the limitations imposed for each district as set forth hereafter. Regardless of the area in which it is located:
  - (a) The display, message or text of an electronic sign shall not change more than once every 10 seconds.
  - (b) No electronic sign shall have more than two (2) faces. In the event an electronic sign contains two (2) faces, each face of the sign shall be synchronized with the other so that any copy or display changes at the same time on both sides/faces.

- (c) The square footage of any electronic sign shall be determined by its aggregate area. The aggregate area of signs having two (2) faces or display areas (i.e., signs having two (2) sides or signs arranged at angles so they may be seen from opposing directions) shall be determined by adding all display areas together. The display area shall be equal on each side. Any electronic sign arranged at an angle shall have an acute angle of not more than 30° between faces at any point.
  - (d) Except for billboards as set forth hereafter, electronic signs shall only be used to advertise the business or businesses of tenants or occupants of the property and the activities of same which take place on the property upon which the sign is located. Such signs shall not be used to advertise the business of the owners, tenants or occupants of the property, or their events or activities, conducted off the property. Such signs shall not be used to advertise the business, events or activities of any other person, organization, entity, business or firm conducted off the site, except as hereafter provided in the I-1 District.
  - (e) No more than one (1) electronic sign shall be permitted on any property in any zoning district or location regardless of the number of businesses, occupants or tenants occupying or leasing space in same.
  - (f) The copy on all electronic signs shall be controlled or controllable from the premises upon which the sign is located.
  - (g) No electronic sign shall have a display or copy which streams, rolls, pulsates, waves, flashes or contains any type of animation, movement, spinning, oscillation, scrolling or “tickertape” effect, background movement or any other form of motion of any other nature or kind, other than that necessary to change the fixed display or copy. In addition, the copy on any electronic sign shall not change by any form of “side-to-side,” “top-to-bottom” or “bottom-to-top” movement.
  - (h) An electronic sign may only be constructed and maintained on a property in any zoning district if no other changeable copy sign exists. An electronic sign may be substituted for an existing changeable copy sign only if all existing changeable copy signs on the property are removed in their entirety. Electronic signs may not be coordinated with manual changeable copy signs.
  - (i) An electronic sign must be attached to and be a part of the approved structure for a pole sign or ground sign. No electronic sign shall be permitted as a part of, or in addition to, a wall sign, roof sign or arcade sign.
  - (j) The display area of any electronic sign shall not exceed five (5) feet in height.
  - (k) When made part of a pole sign, the display area of an electronic sign shall not be less than eight (8) feet from ground level nor extend higher than 20 feet from ground level.
- (3) Requirements for Electronic Signs by District and Use:
- (a) In the C-1 Zoning District, no one (1) side shall exceed 40 square feet, and the total area of such sign shall not exceed 80 square feet in the aggregate.
  - (b) In the I-1 Zoning District:
    - [1] No one (1) side shall exceed 40 square feet, and the total area of such sign shall not exceed 80 square feet in the aggregate; and
    - [2] Shopping centers which fall within the definition of large retail sales establishments may have a single electronic sign having a total area not in excess of 120 square feet, with a maximum area of 60 square feet on each side.

(c) General Advertising Requirements:

- [1] Electronic signs in the I-1 District may be used to advertise events, operations, activities or programs conducted or carried out by the owners of the property, or to provide public service announcements. Such signs may also be used to advertise the business of tenants or occupants of the property, but not the events or activities of the tenants or occupants of the property where same are conducted off the site.
- [2] For purposes of this section, the term “public service announcement” shall mean emergency alerts or warnings, severe weather warnings or alerts, special events or activities put on or carried out by the Borough of Manor or any of its volunteer fire departments, special events or activities put on or conducted by non-profit organizations having their principal place of operation within the Borough, provided such events are (1) carried out for charitable, fund-raising purposes; (2) open to the general public for attendance and participation; and (3) conducted solely within the geopolitical boundaries of the Borough.
- [3] The term “public service announcement” shall not be deemed or construed to mean:
  - (i) Any activity advertising an event conducted whole or in part for profit;
  - (ii) The general activities or logo relating to any corporation, business, organization or person, regardless of whether same is for profit or not for profit, not having its principal place of operations within the Borough; and/or
  - (iii) An event or activity conducted outside the geopolitical boundaries of Manor Borough.

**§ 908. Billboards.**

Billboards shall not be permitted in any residential zoning district. Billboards shall be permitted only as conditional uses on property located in the C-1 and I-1 Zoning Districts following recommendation by the Planning Commission and a public hearing by Borough Council, provided all of the following requirements are met:

- A. Location. Billboards may be authorized as a conditional use only in the aforesaid zoning districts, provided all of the following requirements are met:
  - (1) Billboards shall not be erected within 500 feet of the boundary line of any R District or within 500 feet of any public or private school, church or cemetery; said 500 feet being measured along the radius of a circle from the center-most point of the billboard structure extending in all directions.
  - (2) On interstate and limited access highways, billboards shall not be erected within 500 feet of an interchange or safety rest area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
  - (3) Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structures of 1,000 feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the building structure along a line extending from the center-most point of the billboard which is parallel to the center line of the roadway to which the billboard is oriented.
  - (4) All minimum front, side and rear yard requirements applying to principal structures in the particular zoning district in which the billboard is located shall apply to each billboard structure.

- (5) No billboard shall be erected in such a manner as to block the view from the road or street of any existing business identification sign, residential or non-residential structure, or limit or reduce the light and ventilation requirements for any building.
  - (6) No billboard shall be constructed in any fashion which shall obstruct or impede traffic safety.
  - (7) No billboard shall be erected over any sidewalk or public right-of-way.
  - (8) Billboards shall not be part of a roof or wall, nor shall they be mounted on the roof, wall or other part of a building or any other structure.
- B. Size and Height. A billboard shall have a maximum allowable gross surface area of 225 square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:
- (1) A billboard shall have no more than two (2) sign faces per billboard structure, which may be placed back-to-back or in a V-shaped configuration having an interior angle of 90° or less.
  - (2) The dimensions of the gross surface area of the billboard's sign face shall not exceed 20 feet in total height or 25 feet in total length, provided the total allowable gross surface area for the sign face is not exceeded.
  - (3) A billboard structure shall have a maximum height above the curb of the roadway from which it is intended to be viewed of 40 feet.
- C. Construction Methods. Billboards shall be constructed in accordance with the following additional requirements:
- (1) A billboard structure shall have one (1) vertical support being no more than three (3) feet in diameter or width and without additional bracing or vertical supports.
  - (2) A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, noncombustible materials. Structures constructed with galvanized metal shall be painted.
  - (3) The vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum one-hundred-mile-per-hour wind load. Structural design computations shall be made and certified by a registered engineer and shall be submitted to the Borough with the application for conditional use.
  - (4) The base shall be installed using a foundation and footing designed and certified by a registered professional engineer and shall be submitted to the Borough with the application for conditional use.
  - (5) The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such a manner as to screen the foundation of the structure.
  - (6) Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
  - (7) No bare cuts shall be permitted on a hillside, and all cuts or fills shall be permanently seeded or planted.
  - (8) A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum footcandle of 1.5 upon the adjoining property.
  - (9) Display lighting shall not operate between 12:00 midnight and 5:00 a.m., prevailing local time.

(10) No billboard structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.

D. Maintenance.

(1) Every billboard structure shall be subject to the maintenance standards for signs as generally set forth in this chapter.

(2) In the event that the Borough shall determine that a billboard is in such a state of disrepair and/or dilapidation as to no longer be structurally sound, notice of such condition shall be issued in accordance with the provisions of this chapter relating to the issuance of notices of violation, revoking the permit for such sign until and unless the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania registered engineer within the time period prescribed in the notice. The owner of the billboard shall provide the Borough with a certificate from the engineer certifying that the billboard is structurally sound.

(3) Billboards using removable paper or other materials shall be maintained in such a condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.

E. Liability Insurance. No billboard sign shall be erected unless the applicant shall provide a certificate of insurance for public liability and property damage which shall hold the Borough and third persons harmless for those matters or claims arising out of the erection and maintenance of the billboard. The amount of insurance to be maintained shall be determined and adjusted from time to time by Resolution of the Borough Council. The insurance certificate shall contain a clause stating that the insurance shall not be cancelled or reduced without first giving 10 days' notice to the Borough.

F. Duration of Approval. Approval of the conditional use shall be valid for six (6) months from the date of action by Borough Council granting the conditional use. If the applicant fails to obtain a sign permit for the approved billboard within the six (6) month period, approval of the conditional use shall expire automatically without written notice to the applicant.

G. PennDOT Approval. The issuance of a sign permit for a billboard which has been granted approval of a conditional use shall be conditioned upon the approval of the Pennsylvania Department of Transportation ("PennDOT") for billboards along state highways. If the applicant fails to submit evidence of the required approval by Penn DOT within 30 days of the issuance of the conditional sign permit, the sign permit shall be revoked by the Borough Zoning Officer, who shall provide written notice to the applicant. The applicant may reapply for the required sign permit upon submission of evidence of PennDOT approval without payment of any additional sign permit fee, provided the application is filed within the six (6) month period during which the conditional approval is valid.

H. Application Fees. Said application shall be accompanied by an application fee in an amount equal to that set from time to time by Resolution of Borough Council.

I. Nonconforming Billboards. Any billboard which does not conform to the requirements of this section shall not be enlarged or moved unless the billboard complies with all provisions of this section. Any billboard which is damaged or destroyed by more than 51% of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this section.

J. Electronic Billboards. No existing billboard may be converted to or replaced with an electronic sign face, nor shall any new billboard be constructed with an electronic sign face, unless it meets the size, dimension, location, construction, maintenance and all other provisions of this chapter relating to and required for new billboards herein, and, provided:

- (1) The display, message or text of the electronic billboard does not change more than once every 10 seconds;
- (2) The electronic billboard does not have more than two (2) faces. In the event an electronic billboard contains two (2) faces, each face of the sign shall be synchronized with the other so that any copy or display changes at the same time on both sides/faces;
- (3) The square footage complies with the square footage required for standard billboards as determined by its aggregate area. The aggregate area of signs having two (2) faces or display areas (i.e., signs having two (2) sides or are arranged at angles so they may be seen from opposing directions) shall be determined by adding all display areas together. The display area shall be equal on each side. Any electronic billboard arranged at an angle shall have an acute angle of not more than 30° between faces at any point.
- (4) The copy on the electronic billboard is controlled or controllable from a fixed location within the Borough.
- (5) The electronic billboard does not have a display or copy which streams, rolls, pulsates, waves, flashes or contains any type of animation, movement, spinning, oscillation, scrolling or “tickertape” effect, background movement or any other form of motion of any other nature or kind, other than that necessary to change the fixed display or copy. In addition, the copy on any electronic sign shall not change by any form of “side-to-side,” “top-to-bottom” or “bottom-to-top” movement.
- (6) The electronic billboard is constructed and maintained on a property where no other billboard exists. An electronic billboard may be substituted for an existing billboard only if all existing billboards on the property are removed in their entirety. Electronic billboards may not be coordinated with fixed copy billboards.
- (7) No other electronic billboards or electronic signs exist within 1,000 lineal feet in any direction from the proposed billboard.
- (8) The billboard has automatic dimming devices and is appropriately dimmed during evening hours.
- (9) Any new billboard must obtain the same conditional use approval as a standard billboard pursuant to the terms of this chapter.

### **§ 909. Revocation of Permits.**

In the event the Zoning Officer shall determine that a sign was erected in violation of any provision set forth in the permit issued for that sign, or if the Zoning Officer shall determine that a sign is in a state of disrepair or dangerous condition, then the following procedures for permit revocation shall apply:

- A. A notice of violation shall be issued to the owner of the property upon which the sign is located and, if known, to the actual owner of the sign specifically identifying the violation and establishing a term of not more than 30 days for the violation to be remedied.
- B. If the owner does not take remedial action within the time period specified in the notice of violation, then the permit shall be revoked by the determination of the Zoning Officer and the sign shall be removed.
- C. The owner may appeal the notice of violation by filing a request for hearing by the Zoning Board within the time specified for remedial action and by payment of an application fee equal to the amount then being assessed by the Borough for the appeal of determinations by the Zoning Officer.
- D. In the event of an appeal, the Zoning Board shall advertise and hold a hearing under the guidelines set forth for appeals from the determination of the Zoning Officer and issue a written decision thereafter consistent with the provisions of the Municipalities Planning Code.

**ARTICLE X:  
Nonconforming Structures and Uses**

**§ 1001. Nonconforming Uses.**

The following provisions shall apply to all nonconforming uses:

A. Certificates of Nonconformance. A certificate of nonconformance must be obtained by the owner of any nonconforming use as evidence that the use lawfully existed prior to the adoption of the provision which made the use nonconforming.

B. Continuation, Enlargement, Change or Restoration.

(1) Continuation. The lawful use of any lot, building or structure which was lawfully existing at the time of the enactment of the Manor Borough Zoning Ordinance on September 11, 1974, or, in the case of an amendment to the use or dimensional requirements of this chapter, at the time of such amendment, may be continued as a nonconforming use except as hereinafter provided.

(2) Enlargement and Expansion. A use that does not conform to the use regulations of the district in which it is located may be enlarged by the approval of a special exception by the Zoning Hearing Board only one (1) time, regardless of ownership of the site, provided that:

(a) The proposed enlargement is contained entirely within the parcel of property upon which the nonconforming use was located at the time such use became nonconforming. No nonconforming use, or accessory use thereto, shall encroach upon or extend to another parcel of land added to the original parcel after the date the use became nonconforming.

(b) Permission to enlarge or expand the existing nonconforming use, as described in this section, shall not be construed to permit a new use or uses to be established on the property.

(c) A nonconforming use within an existing structure may be expanded to other areas within the nonconforming use, provided the expansion of such nonconforming use does not exceed 50% of the area of the structure already dedicated to the nonconforming use.

(d) A structure containing a nonconforming use may be enlarged to accommodate the expansion of a nonconforming use, provided the enlargement does not exceed 50% of that area of the structure already dedicated to the nonconforming use.

(e) A nonconforming use of land alone may be expanded through existing property provided the expansion does not exceed 50% of the area of the land already dedicated to the nonconforming use. Along with their application for a special exception under this section, the applicant for expansion must submit a survey, prepared by a registered engineer or land surveyor, containing metes and bounds descriptions of the following areas:

[1] The perimeter of the property;

[2] The area of the property accommodating the nonconforming use at the time of application; and

[3] The area of the property over which the nonconforming use is to be expanded.

(f) The property shall be marked with temporary markers locating the areas referenced in this paragraph on the ground from the time of application through the date the Zoning Hearing Board acts on the application. In the event the Zoning Hearing Board approves such an application, the property shall be marked with permanent markers locating the areas referenced in this paragraph within 30 days of the date of the Board's decision.

- (g) Any proposed enlargement or expansion of a nonconforming use of land or structure shall conform to the dimensional standards (i.e., setback, area, coverage, height, etc.) as well as any and all other requirements of the district in which the nonconforming use is located.
- (3) Change of Nonconforming Use. A nonconforming use or structure may be changed to another nonconforming use or structure only if the Zoning Hearing Board determines that the change is equally appropriate or more appropriate to the character of the district and neighborhood in which the property is located. In making such determination the Board shall, where applicable, take into consideration the following factors:
- (a) Number of employees;
  - (b) Amount of employee and visitor parking required;
  - (c) Number of commercial vehicles serving the proposed use and the number of such vehicles to be parked at the premises or vicinity of the use;
  - (d) Traffic volumes and congestion to be generated;
  - (e) Adverse environmental effects generated by the proposed use;
  - (f) The extent to which the property owner will take measures to reasonably decrease the impact of the use upon adjacent properties;
  - (g) The size and location of the property on which the use is located;
  - (h) The impact of the proposed use on abutting properties;
  - (i) The hierarchy of uses authorized as permitted, conditional or special exception uses within the Borough under this chapter, as may be required under the laws of the Commonwealth of Pennsylvania, beginning with the A-1 District and ending with the I-1 District; and
  - (j) Such other criteria as the Zoning Hearing Board may deem relevant.
- (4) Restoration, Relocation or Reconstruction. If an existing nonconforming use or structure is destroyed, then a permit for its reconstruction may be obtained if such permit application is filed within 90 days of the initial destruction, and reconstruction is completed within 18 months after obtaining said permit. An existing nonconforming use or structure which is damaged, but not destroyed, can be restored without regard to when the initial damage occurred or when the restoration is completed, so long as the building permit applicant otherwise qualifies for a building permit. Any restoration under this paragraph shall not cause the change or expansion of the nonconforming use. Also, a nonconforming use or structure, when razed or removed from the premises, shall not be relocated on the premises except in conformity with the regulations of the district in which it is then located.

C. Effect of Change and Abandonment of a Nonconforming Use.

- (1) No nonconforming use or structure may be reestablished after it has been discontinued for a period of 12 months or more and evidence of the owner's intent to abandon the use is present. Failure to use the property for the nonconforming use for a period of 12 months or more shall be evidence of the owner's intention to abandon the nonconforming use.
- (2) A preexisting nonconforming use of property which has been discontinued and abandoned for a period in excess of 12 months, shall not be considered as a nonconforming use for purposes of this section. However, such discontinued use of the property may be taken into consideration by the Zoning Hearing Board in considering a request for use or dimensional variances for any new use of the property.

- (3) The change from one nonconforming use to another nonconforming use under this chapter shall operate to extinguish, discontinue and end the prior nonconforming use.
  - (4) Where multiple nonconforming uses lawfully exist on a property at the date of this Ordinance's enactment, the discontinuance of any of such uses for a period of 12 months shall operate to extinguish and discontinue such nonconforming use.
- D. Nonconforming Uses in Floodplains. When any nonconforming use or structure located in a floodplain is expanded, reconstructed or otherwise modified under this section, and the cost of same is equal to 50% or less of its market value, any expanded, reconstructed or modified area shall be flood-proofed and elevated to the greatest extent practicable.
- (1) In the event any nonconforming use or structure located in a floodplain shall be expanded, reconstructed or otherwise modified under this section, and the cost of same is equal to or exceeds 50% of its market value, the entire structure shall be modified to fully comply with the flood-proofing standards of this chapter.
  - (2) No nonconforming structure located in a floodway district shall be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by constructing such improvements consistent with the regulations for the floodway district.
- E. Towers and Antennas.
- (1) Additions to towers. The construction of or additions to towers and regulated under this chapter shall not be considered by the Zoning Hearing Board as an expansion of a nonconforming use of the property or structure.
  - (2) Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of Sections of this chapter and any other applicable state, local or federal regulations.
  - (3) Rebuilding damaged or destroyed nonconforming towers or antennas. Notwithstanding the foregoing provisions, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit if the type, height and location of the tower on site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or if said permit expires, the tower or antenna shall be deemed abandoned as set forth above.

## ARTICLE XI

### Administration and Enforcement

#### § 1101. Zoning Officer.

The Zoning Officer shall be appointed by Borough Council and is hereby vested with the authority to:

- A. Administer and enforce the provisions of this chapter in accordance with its terms. The Zoning Officer shall not have the power to permit any construction or any use or change of use which does not conform to this chapter.

- B. Issue permits required by this chapter.
- C. Maintain a permanent file with all permits and applications required under this chapter as public records.
- D. Identify and register all nonconforming lots, uses and structures as required by law, together with the reasons why the use or structure is nonconforming and issue any necessary permit to the owner of said use or structure.

**§ 1102. Enforcement Notices.**

- A. If it appears to the Borough that a violation of this chapter or prior enabling laws have occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and/or to any other person requested, in writing, by the owner of record to receive notice.
- C. An enforcement notice shall state at least the following:
  - (1) The name of the owner of record and any other person against whom the Borough intends to take action.
  - (2) The location of the property in violation.
  - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
  - (4) The date on or before which steps for compliance must be commenced and the date by which such steps must be completed.
  - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this chapter.
  - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
  - (7) In any appeal of any enforcement notice to the Zoning Hearing Board the Borough shall present its evidence first.
  - (8) Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

**§ 1103. Violations and Penalties.**

Any person, partnership, corporation or other entity violating the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not less than \$300.<sup>00</sup> nor more than \$600.<sup>00</sup> plus all court costs, and reasonable attorney fees incurred by the Borough in the pursuit thereof. Each day that a violation continues to exist after the date specified in the enforcement notice to correct same, shall constitute a separate violation and be subject to a separate penalty, without the necessity of initiating a separate action. No judgment shall commence or be imposed, levied or payable until a court of competent jurisdiction determines that a violation exists. Where a civil judgment for a violation of this chapter has not been timely paid, the violator shall be liable for the penalty imposed, including daily penalties of not less than \$300.<sup>00</sup> nor more than \$600.<sup>00</sup> for each day a violation continues, plus court costs and reasonable attorneys' fees incurred by the Borough in subsequent enforcement proceedings.

- A. The transfer or attempted transfer of all or any portion of the premises upon which the violation occurs shall not exempt the seller/transferor or the buyer/transferee from such penalties or from the remedies herein provided for violations occurring during the seller or transferor's period of ownership.
- B. The owner or tenant of any structure or premises or land or lot or part thereof, or any agent, architect, attorney, banker, builder, contractor or other person who commits, participates in, assists in or maintains such violation may each be found to be in separate violation of this chapter and be subject to those penalties herein provided.
- C. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property subject to development, or resulting from a subdivision of real property, in violation of this chapter or any other ordinance referenced herein.
- D. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property subject to development, or resulting from a subdivision of real property, where a violation of this chapter or any other ordinance referenced herein, exists on the property for which the permit or approval is sought.

**§ 1104. Expiration and Extensions of Permits and Approvals.**

- A. All permits and approvals issued under this chapter shall expire one year from the date the permit is issued or approval given, unless the construction of the structure contemplated therein is completed or an occupancy permit for the operation of the use is issued by the Borough.
- B. Any variance or special exception use granted or approved by the Zoning Hearing Board shall expire one (1) year from the date the decision of the Zoning Hearing Board is issued unless the construction of the structure contemplated therein is completed or an occupancy permit for the operation of the use is issued by the Borough. In the event the applicant cannot complete construction or obtain an occupancy permit within one year, such applicant may request the Zoning Hearing Board for an extension of time, not to exceed one year.
- C. Any conditional use granted or approved by Borough Council shall expire one year from the date the decision of Borough Council is issued unless the construction of the structure contemplated therein is completed or an occupancy permit for the operation of the use is issued by the Borough. In the event the applicant cannot complete construction or obtain an occupancy permit within one year, such applicant may request Borough Council for an extension of time, not to exceed one (1) year.

**§ 1105. Cumulative Remedies.**

The remedies available to the Borough in the enforcement of this chapter are cumulative. Nothing contained in this chapter shall be deemed or construed to preclude the Borough from taking such other legal action, at law or in equity, necessary to prevent or remedy any violation or otherwise enforce the terms of this chapter. In addition to any relief requested, the Borough shall be entitled to recover all attorney's fees, costs and expenses incurred by the Borough in those proceedings.

**ARTICLE XII  
Amendments**

**§ 1201. Amendments.**

- A. General. The provisions of this chapter may be amended by Borough Council consistent with the procedures prescribed in the Pennsylvania Municipalities Planning Code.
- B. Amendment of Floodplain Boundaries. The delineation of any of the floodplain districts may be amended as specified above where natural or man-made changes have occurred or where studies by the

United States Army Corps of Engineers, River Basin Commission or other qualified agency, document the need for such change. Prior to any such change, approval shall be obtained from the Federal Insurance Administration.

### **ARTICLE XIII**

#### **The Zoning Hearing Board**

#### **§ 118-45. Zoning Hearing Board.**

- A. Appointment and Powers. Borough Council shall appoint a Zoning Hearing Board, which shall adopt rules to govern its procedures. The Zoning Hearing Board shall hold meetings, keep minutes and, pursuant to required public notice, conduct hearings, compel the attendance of witnesses, take testimony under oath and render decisions in writing, as required by the Pennsylvania Municipalities Planning Code. A fee shall be charged in accordance with a schedule established by resolution of Borough Council for any appeal or proceeding before the Zoning Hearing Board. The Zoning Hearing Board shall have the functions, powers, duties and obligations specifically granted by law.
- B. Appointment of Members. The Zoning Hearing Board shall consist of five (5) regular members. The term of each member shall be five (5) years and shall be so fixed that the term of office of one member of the five (5) member board shall expire each year. Members of the Board shall hold no other elected or appointed office in the Borough, nor shall any member be an employee of the municipality.
- C. Appointment of Alternate Members. Borough Council may also appoint up to three (3) additional members who may serve as alternates to replace a regular member in the event one or more of the regular members are unable to participate by way of absence or disqualification due to a conflict. The term of office of an alternate member shall be three (3) years. When seated, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for regular Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as may otherwise be provided by law. Alternates shall hold no other elected or appointed office in the municipality, including service as a member of the planning commission or as a Zoning Officer, nor shall any alternate be an employee of the municipality.
- D. Election of Officers and Designation of Hearing Officer. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the regular members of the Board. The Board may designate and appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties before the Board may waive further action by the board.
- E. Hearings. Hearings shall be conducted by the Board, or the Board may appoint any member or an independent attorney as a hearing officer for taking testimony and evidence and making such findings for decision by the Board. However, the parties before the Board may, prior to the commencement of the hearing, waive the decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- F. Appeals from the Zoning Officer. The Zoning Hearing Board shall hear and decide appeals where it is alleged that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this chapter or of the District Map or any valid rule or regulation governing the action of the Zoning Officer. Appeals from decisions or interpretations of the Zoning Officer may be

made by landowners, developers or persons aggrieved and may relate to such subject matter as to whether a permit, enforcement notice, notice of violation or stop-work order under this chapter should be issued. All appeals to the Zoning Hearing Board from any determination of the Zoning Officer shall be filed with the Zoning Hearing Board within 20 days of the date the determination is issued.

- G. Challenges to the Validity of the Zoning Ordinance. The Zoning Hearing Board shall hear challenges to the validity of this chapter or map raising substantive questions as permitted by the Pennsylvania Municipalities Planning Code and/or the case law of the Commonwealth of Pennsylvania existing at the time the appeal is filed.
- H. Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the property of the applicant. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. The Hearing Board may grant a variance, provided that the following findings are made, where relevant, in a given case:
- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter 118, Zoning, in the 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 that the authorization of a variance is therefore necessary to enable the reasonable use of such property.
  - (3) That such unnecessary hardship has 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 that will afford relief and will represent the least modification possible of the regulation in issue.
- I. Special Exceptions. The Zoning Hearing Board shall hear and decide all requests for special exceptions made under this chapter. In granting any special exception request, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.
- J. Stay of Proceedings. The filing of proceedings before the Zoning Hearing Board appealing a determination of the Zoning Officer, challenging an ordinance or requesting a variance or special exception shall stay any further action by the Borough pending disposition of the matter before the Zoning Hearing Board unless the activity on the property, and the stay of Borough action, would adversely affect the public health, safety or welfare.
- K. Hearings. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:
- (1) Notice shall be given to the public, the applicant, and to any person who has made a timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by the Pennsylvania Municipalities Planning Code.
  - (2) The hearing shall be conducted by the Hearing Board, or the Hearing Board may appoint any member or alternate member as a hearing officer.

- (3) The parties to the hearing shall be the Borough, any person 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.
- (4) The Chairman or Acting Chairman of the Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- (5) 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.
- (6) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- (7) The Zoning Hearing Board or hearing officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost. 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 party ordering it.
- (8) The members of the Zoning Hearing Board or hearing officer shall not communicate directly or indirectly with any party or his representative in connection with any issue involved, except upon notice and opportunity for all parties to participate, shall not take notice of any communication, report, staff memoranda or other materials unless parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- (9) The Zoning Hearing Board or the hearing officer shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Hearing Board or hearing officer. Where the Hearing Board fails to render the decision within 45 days after the last hearing before the Hearing Board or hearing officer or fails to hold the required hearing on the application within 60 days from the date of the applicant's request for hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed, in writing, to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Hearing Board to meet or render a decision as hereinabove provided, the Borough shall give public notice of said decision within 10 days of the date the "deemed decision" occurs.
- (10) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant and to all other persons who have filed their names and addresses with the Hearing Board personally or by mail not later than the day following its date.

**Appeals.** Any person with standing who is aggrieved by the decision of the Board may file an appeal to the Court of Common Pleas of Westmoreland County, Pennsylvania, consistent with the provisions of the Municipalities Planning Code and case law existing at the time the appeal is filed.

**SECTION 10:** If any word, phrase, section, sentence, clause or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such as unconstitutionality, invalidity or illegality, shall not affect or impair any of the remaining words, phrases, sections, sentences, clauses or parts of this Ordinance. It is hereby declared

to be the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid word, phrase, section, sentence, clause or part thereof not been included therein.

**SECTION 11: General Repealer.** Any ordinance or parts of ordinances in conflict with this Ordinance are hereby specifically repealed.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

**ORDAINED AND ENACTED** by the Council of the Borough of Manor this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

BOROUGH OF MANOR

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
President

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Mayor

CERTIFICATION

I, JOSEPH N. LAPIA, duly qualified Secretary-Treasurer of the Borough Council of the Borough of Manor, Westmoreland County, Pennsylvania, do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ is a true and correct copy of the original Ordinance No. \_\_\_\_\_, duly passed and adopted by a majority vote of the Borough Council of the Borough of Manor at a duly advertised and convened regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and that the minutes of said meeting showing how each member voted have been duly recorded in the official minutes of said Borough Council and remains in effect as of this date.

IN WITNESS WHEREOF, I affix my hand and attach the seal of the Borough of Manor, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Certified to by:

\_\_\_\_\_  
Joseph N. Lapia,  
Secretary-Treasurer