

BOROUGH OF CARNEGIE
ALLEGHENY COUNTY
ORDINANCE NO.: 2445
ZONING ORDINANCE
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ARTICLE 100

BASIC PROVISIONS

This Chapter is adopted by virtue of the authority granted to the borough by the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 (P.S. §10101 et seq., as may be amended from time to time).

§27-101. Title. This ordinance shall be known as the "Carnegie Zoning and Planned Development Ordinance".

§27-102. Purpose. The purpose of this chapter is to provide for implementation of the goals and objectives of the Borough's Comprehensive Plan, adopted February, 2012, as amended from time to time. The Comprehensive Plan shall be utilized when necessary, to establish policy in the interpretation of this Chapter. The Borough's comprehensive plan is commonly referred to as the Multi-Municipal Comprehensive Plan of Carnegie, Heidelberg, and Scott.

§27-103. Zoning Map. A map entitled "Carnegie Zoning District Map" and a map entitled "Carnegie Zoning Overlay Map" are hereby adopted as a part of this Ordinance. The maps, showing the division of the borough into the designated zoning districts and designated zoning overlays, shall be an integral part of this Chapter and shall be kept on file for examination in the offices of the Borough Secretary.

§27-104. Defined Words. Words used in a special sense in this Ordinance are defined in Article 1600.

§27-105. Community Development Objectives: The community development objectives which are the basis for the provisions of this Ordinance are included below and also set forth in the Comprehensive Plan as adopted and amended.

1. Securing safety of residents from fire, flood, panic and other natural and man-made disasters;
2. Providing adequate light, air and open space;
3. Ensuring that the development of the borough does not conflict with the development and general welfare of neighboring municipalities, the county and the state as a whole;
4. Providing sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements;
5. Encouraging economic vitality and tax base expansion through capitalizing on physical features and cultural resources;

6. Strengthening the traditional “Main Street” business district through the expansion and diversification of use and intensity, including housing;
7. Optimizing the competitive advantages of the borough’s facilities, location, proximity, and accessibility;
8. Enhancing the borough’s attractiveness to make it more competitive in the marketplace;
9. Reflecting the borough’s cultural heritage through future development; and
10. Preserving the borough’s historic character by reusing historic structures.

§27-106. Compliance. No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, nor shall any structure or land be altered or used, except in full compliance with all the provisions of this ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

1. From and after the effective date of this chapter, use of all land, every building or portion of a building erected, altered in respect to height, use or area, added to or relocated and every use hereafter established with any building or use accessory thereto in Carnegie Borough shall be in conformity with the provisions of this chapter.
2. Any building, structure or use of a building or land existing at the effective date of this chapter which is not in conformity herewith may be continued, extended or changed only in accordance with the regulations herein contained relating to nonconforming buildings and uses.

§27-107. Severability. If any provision of this Ordinance or the application of any provision to particular circumstances is held to be invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

§27-108. Interpretation. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare.

§27-109. Abrogation; Greater Restrictions to Prevail. It is not intended by this chapter to repeal, abrogate, annul, other than as enumerated in § 208-106 herein, or interfere with any existing ordinance or enactment or with any rule, regulation or permit adopted or issued thereunder except insofar as the same may be inconsistent or in conflict with any of the provisions of this chapter, provided that where this chapter imposes greater restrictions upon the use of buildings or land, then the provisions of this chapter shall control.

§27-110. Repeal. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

ARTICLE 200

DISTRICT REGULATIONS

§27-201. Districts Established. Carnegie Borough is hereby divided into districts of different types, each type being of such number, shape, kind and area and of such common unity of purpose and adaptability of use that are deemed most suitable to carry out the objectives of this chapter and the Comprehensive Plan.

§27-202. Zoning Districts. For the purposes of this chapter, Carnegie Borough is hereby divided into the following districts:

1. R-1 One-Family Residential District;
2. R-2 Two-Family Residential District;
3. R-3 Multiple-Family Residential District;
4. R-4 Multiple-Family Residential District;
5. C-1 Live Work District;
6. C-2 Civic/Professional District;
7. C-3 Office Commercial District;
8. D-1 Downtown District;
9. D-2 Cultural District;
10. D-3 Arterial District;
11. M-1 Planned Industrial District;
12. I-376 Corridor Outdoor Offsite Advertising Overlay; and
13. Parkway Protection Overlay.

§27-203. District Boundaries. Where uncertainty exists with respect to the boundaries of the district as indicated on the Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately coinciding with the center lines of street, highways, railroad lines or streams, such center lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be said district boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to center lines of streets or highways, such district boundaries shall be construed as being parallel thereto.
4. Where a vacated street is bounded on either side by a different zoning district, the former center line of the vacated right-of-way shall be considered the zoning district boundary line.

5. When the Zoning Officer cannot definitely determine the location of a district boundary by such means or by the scale of dimensions stated on the Zoning Map, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this ordinance.

§27-204. Boundary Tolerance.

1. The exact location of any disputed zoning district boundary line shall be determined by the Zoning Hearing Board.
2. Where a lot, held in single and separate ownership at the effective date of this chapter, is divided by a district boundary line, the uses permitted in the less restrictive district may extend into that portion of said lot in the more restrictive district provided that neither district is a residential district. The yard, lot coverage and other regulations of the more restrictive district shall apply to the portion of the lot where the less restrictive use has been extended.

ARTICLE 300

**PRINCIPAL USES, AREA AND BULK STANDARDS, AND REQUIREMENTS FOR
ACCESSORY USES.**

§27-301. Permitted Uses. The permitted uses for each district are shown on the attached Zoning Map (Table 27-301) and Table of Principal Uses (Table 27-302).

§27-302. Conditional Uses. The Borough Council may authorize conditional uses as specified in Table of Principal Uses (Table 27-302) if all conditions and provisions of Article 1000 are met.

§27-303. Table of Principal Uses. The table on the following page shows the land uses that are permitted or conditional uses in the Borough.

Table 27-302. Commercial & Mixed Use Districts Principal and Conditional Land Uses

Principal Land Use		<div style="display: flex; justify-content: space-between; text-align: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">One Family Residential</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Two Family Residential</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Multiple Family Residential</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Multiple Family Residential</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Downtown</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Cultural</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Arterial</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Live-Work</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Civic-Professional</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Office Commercial</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Planned Industrial</div> </div>											
		R-1	R-2	R-3	R-4	D-1	D-2	D-3	C-1	C-2	C-3	M-1	
1	Accessory Uses	p	p	p	p	c	c	c	c	c	c	c	
2	Adult Entertainment											c	
3	Agriculture	p	p	p	p								
4	Amusement Use											c	
5	Ancillary Cafeteria									c			
6	Animal Care and Control Service											c	
7	Antique Shop					p	c	p					
8	Any Principal Use Not Specifically Listed											c	
9	Apartment Building				p								
10	Apartment/Flat				p	c	c	c	p	p			
11	Appliance Store					c	c	p		c			
12	Auto Body Shop											c	
13	Auto Repair (other than Body Shop)											p	
14	Automobile Sales							p				p	
15	Bakery, Production							c	c				
16	Bakery, Retail					p	p		c				
17	Bank or Financial Institution						c	p		c			
18	Banquet Venue							p		p			
19	Bed and Breakfast/Inn					p	c			p			
20	Billboards and Electronic Changeable Copy Billboards											c	
21	Bowling Alley/Billiards							c	c				
22	Brewery/Distillery							p	p			c	
23	Business Services					c		c					
24	Car Wash							p					
25	Cemetery											c	
26	Child Day Care			c	c				c	c			
27	Civic, Social or Fraternal Club						c	p		c			
28	Coffee Shop/Sandwich Shop/Café					p	p	p					

Principal Land Use		R-1	R-2	R-3	R-4	D-1	D-2	D-3	C-1	C-2	C-3	M-1
29	College or University							c		c		c
30	Common Open Space	c	c	c	c					c		
31	Communication Antenna	c	c	c	c	c	c	c	c	c	c	c
32	Communication Equipment Building	c	c	c	c	c	c	c	c	c	c	c
33	Communication Tower	c	c	c	c	c	c	c	c	c	c	c
34	Community Center						c	p		c		
35	Community Use	p	p	p	p							c
36	Consignment/Secondhand Store					c	p	p				
37	Contractor's Yard											p
38	Convenience Store with Fuel							p				
39	Convenience Store without Fuel						c	p	c			
40	Conversion Dwelling			c	c							
41	Country Club/Golf Course											c
42	Craftsman/Fabrication, Small-Scale						c		p			
43	Day Care Home						c		c	c		
44	Dependent Dwelling	c	c									
45	Downtown Flat					c						
46	Drive Thru Facility							c				
47	Dry Cleaning Processing Facility											c
48	Essential Services	p	p	p	p	p	p	p	p	p	p	p
49	Florist					p	p					
50	Forestry	p	p	p	p	p	p	p	p	p	p	p
51	Funeral Home or Mortuary				c			p		c		
52	Furniture Store					c	p	p				
53	Gallery					c	p					
54	Garden Apartment		c	c	c			c	p	c		
55	Garden Center/Plant Nursery/Landscaping Business/Greenhouse											c
56	Gasoline Stations							c				
57	Green Grocer					p	p	p				
58	Grocery Store							p				
59	Group Care Facility/Assisted Living Residence/Personal Care Home/Group Residence								c	c		
60	Halfway House								c	c		
61	Hardware Store					c	c	p		c		

Principal Land Use		R-1	R-2	R-3	R-4	D-1	D-2	D-3	C-1	C-2	C-3	M-1
62	Health/Fitness Center					c	c	p	p			
63	Historical Museum						p					
64	Home-Based Business, Low Impact						p	p	p	p		
65	Home Occupation	c	c	c	c	c	c	c	c	c	c	c
66	Hospital											c
67	Indoor Commercial Recreation					c	c	p	p			
68	Institutional Facility			c	c	c	c					
69	Junk Yard											c
70	Kennel											c
71	Library						p					
72	Local Retail Shop					c	c	c	c	c	c	c
73	Long Term Nursing Facility											c
74	Manufacturing, Light							p	c			p
75	Medical Clinic							c		c		
76	Membership Club			c	c							
77	Micro-Brewery/Micro-Distillery					p	p	p		c		
78	Mixed-Use (Uses Allowed: Uses permitted in a said district from this list)					p	p	p	p	p		
79	Mobile Home	c	c	c	c							c
80	Mobile Home Lot											c
81	Mobile Home Park											c
82	Motel/Hotel							c				
83	Multi-Family Structure				c							
84	Multi-Purpose Workshop						p		p			
85	Municipal/State/Federal Building or Facility					c					c	c
86	Night Club					c	c	p				
87	No Impact Home Based Business	p	p	p	p	p	p	p	p	p	p	p
88	Offices, General					c	c	p	p	p		p
89	Offices, Medical					c	c	p	c	p		
90	Older Adult Living Center								c	c		
91	Omni Directional Communications Tower											c
92	One-Family House	p	p	p	p					p		
93	Panel Communications Tower	c	c	c	c	c	c	c	c	c	c	c
94	Parking Garage, Public						c	p	c	c		

Principal Land Use		R-1	R-2	R-3	R-4	D-1	D-2	D-3	C-1	C-2	C-3	M-1
95	Parking Lot, Private						c	p	c	c		
96	Parking Lot, Public					p	c	c	c	c		
97	Parks and Recreation	p										
98	Personal Care Home								c	c		
99	Personal Services					p	c	c				
100	Personal Storage Facility/Self Storage											c
101	Pharmacy					c	c	p				
102	Place of Assembly/Worship							c	c	c		
103	Planned Residential Development	c	c	c	c							
104	Printing					c	p		c			c
105	Pub/Tavern					p	p	p				
106	Public Utility Transmission Tower											c
107	Recreation Club, Private, Small-Scale	c	c	c	c	c	c	p	p			
108	Research and Development Facility											p
109	Restaurant, Fast-Food							p				
110	Restaurant, Sit-Down					p	p	c				p
111	Retail Liquor Store					c	c	p				
112	Retail Shop or Establishment, Large-Scale							p				
113	Retail Shop or Establishment, Small-Scale					p	p	p				
114	School					c		c			c	
115	Studio						p		c	c		
116	Telephone Exchange Building											c
117	Theater						c	p		p		
118	Townhouse			p	p		p	c	p	c		
119	Transportation Terminal											c
120	Two Family Houses			p	p							
121	Utility Structures											c
122	Veterinary Clinic							p		c		
123	Warehouse											p
124	Wholesale Distribution							p	c			

Table 27-303. Table of Area and Bulk Standards

District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Height – stories (feet)
R-1 One-Family Residence	8,000	65	35	10	25	2.5 (30)
R-2 Two-Family Residence	4,000	40	25	6	20	2.5 (30)
R-3 Multiple-Family Residence	6,500	50	35	10	25	2.5 (30)
R-4 Multiple-Family Residence	5,000	50	25	4	15	5 (60)
C-1 Live Work District	None	None	0	0	10	5 (60)
C-2 Civic/Professional District	5,000	40	20	5	20	3 (45)
C-3 Office Commercial	12,000	80	30	12	30	3 (45)
D-1 Downtown District	None	None	0	0	10	5 (60)
D-2 Cultural District	None	None	0	0	10	5 (60)
D-3 Arterial District	None	None	0	0	10	5 (60)
M-1 Planned Industrial District	5,000	50	10	5	20	5 (75)

1. Height Regulations: No structure shall exceed the maximum height above average ground level specified in the Table of Area and Bulk Standards (§27-303.), provided:
 - a. No accessory structure shall exceed a height of fifteen (15) feet.
 - b. No residential use except an apartment structure in the "R-4" District may exceed a height of thirty-five (35) feet or three (3) stories.
 - c. A structure for any permitted or conditional use in any District may exceed the maximum permitted height provided that 1) every required yard is increased by one foot for each additional foot of height, and 2) that the permit for such structure be reviewed and authorized as a Conditional Use as regulated by Article 1100.
 - d. The height regulations of this ordinance shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water or fire towers, ornamental towers, spires, chimneys, elevator bulkheads, smokestacks and flagpoles.
 - e. In determination of the height of a structure in stories, a basement shall be counted as a story when more than fifty percent (50%) of its wall surface, measured between floor and ceiling, is or will be above grade as shown on construction plans.
2. 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 Table of Area and Bulk Standards (§27-303.).
 - a. Lots which abut on more than one street shall provide the required front yard along every street, except in the "R-2" Two-Family Residence District where a corner lot of record shall have a yard of not less than ten (10) feet on the side street.
 - b. One and only one principal structure, together with permitted accessory structures, may be located on any lot, except that two or more principal structures may be permitted as a Planned Residential Development after approval and recording of the Development Plan as required by this Ordinance.
 - c. No structure, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies and platforms above normal grade level, shall project into any minimum front, side, or rear yard, except as provided below:
 1. Structures accessory to single family residences may extent into required rear and side yards, but not closer than ten feet to rear and side yard lot lines.

- 2. Minor utility fixtures, unenclosed patios, and articles of decoration around a main building may be located in any required yard.
- 3. A buttress, chimney, cornice, pier, or pilaster extending no more than twenty four inches (24") from the wall of the principal structure may be located in any required yard.
- 4. An unenclosed porch no more than one story or fifteen (15) in height and twelve feet in depth may be erected in the front yard of a residential structure, but may not extend into a required side yard.
- d. Trailers (utility, commercial, mobile homes, or living trailers) may not be stored in any required front or side yard.
- e. Non-residential structures or uses in any District shall not be located or conducted closer to any lot line of any lot in any "R" District than the distance specified in the following schedule:
- f. Minimum Side or Rear Yard Abutting any Lot in any "R" District are set forth in Table 27-304.

Table 27-304.

Minimum Yard	Use
8 Feet	Off-street parking spaces and access drives for non-residential uses
15 Feet	Churches or places of assembly, schools, public or semi-public structures
20 Feet	Recreation facilities, entertainment facilities, motels, all business uses and all industrial uses

- g. The Zoning Officer may authorize the projection of a principal structure into a required front yard on a lot located between two structures which may be non-conforming with respect to the front yard, provided the resulting front yard shall not be less than the median front yard of the two adjacent structures.
- h. Any portion of a lot once counted as a yard or as lot area per family in compliance with the area requirements of this Ordinance, shall not be counted again as required yard or lot area per family for another building.

- i. No required yard in any residential area shall be used for parking vehicles except on a driveway or in parking areas designated on an approved site plan. In single-family developments, not more than thirty percent of the front yard may be devoted to driveway access. In single-family attached developments, not more than fifty percent of the front yard may be devoted to driveway access. In multiple family developments, not more than forty percent of the front yard may be devoted to driveway access.

§27-304. Standards for Accessory Uses and Accessory Structures: The following provisions shall apply to accessory uses:

1. The pursuit of vocational or avocational interests by a resident, if not determined to be a Home Occupation or a No-Impact Home-Based Business, shall be deemed an accessory use to a dwelling, provided that such activity is clearly subordinate to the dwelling, that no equipment or facilities be involved which are dangerous or incompatible with the residential environment, and that there be no external evidence of any non-residential activity.
2. The exterior storage any motor vehicle which does not have a current inspection sticker shall constitute an auto salvage business and shall not be permitted as an accessory use.
3. The Zoning Officer may authorize the projection of an accessory structure into a required yard per the requirements of Table 27-302.

ARTICLE 400

ZONING DISTRICTS

§27-401. R-1 One-Family Residential District

1. Purpose. This district is intended to accommodate low-density single-family residential uses.
2. Permitted Principal Uses and Conditional Uses. Land uses in the R-1 district are permitted according to the table in the Table of Principal Uses (§27-302.).
3. Area and Bulk Standards. Uses in the R-1 district shall satisfy the standards included in the Table of Area and Bulk Standards (§27-303.).
4. Supplementary Regulations. Uses in the R-1 district shall also adhere to the regulations of:
 - a. Off-street parking and loading requirements per Article 900.
 - b. Sign requirements per Article 800.

§27-402. R-2 Two-Family Residential District

1. Purpose. This district is intended to accommodate low-density single- and two-family residential uses.
2. Permitted Principal Uses and Conditional Uses. Land uses in the R-2 district are permitted according to the table in the Table of Principal Uses (§27-302.).
3. Area and Bulk Standards. Uses in the R-2 district shall satisfy the standards included in the Table of Area and Bulk Standards (§27-303.).
4. Supplementary Regulations. Uses in the R-2 district shall also adhere to the regulations of:
 - a. Off-street parking and loading requirements per Article 900.
 - b. Sign requirements per Article 800.

§27-403. R-3 Multiple-Family Residential District

1. Purpose. This district is intended to accommodate medium density residential uses including single-, two- and multi-family residences.
2. Permitted Principal Uses and Conditional Uses. Land uses in the R-3 district are permitted according to the table in the Table of Principal Uses (§27-302.).
3. Area and Bulk Standards. Uses in the R-3 district shall satisfy the standards included in the Table of Area and Bulk Standards (§27-303.).
4. Supplementary Regulations. Uses in the R-3 district shall also adhere to the regulations of:

- a. Off-street parking and loading requirements per Article 900.
- b. Sign requirements per Article 800.

§27-404. R-4 Multiple-Family Residential District

1. Purpose. This district is intended to accommodate high density multi-family residential uses as well as limited recreational and institutional uses.
2. Permitted Principal Uses and Conditional Uses. Land uses in the R-4 district are permitted according to the table in the Table of Principal Uses (§27-302.).
3. Area and Bulk Standards. Uses in the R-4 district shall satisfy the standards included in the Table of Area and Bulk Standards (§27-303.).
4. Supplementary Regulations. Uses in the R-4 district shall also adhere to the regulations of:
 - a. Off-street parking and loading requirements per Article 900.
 - b. Sign requirements per Article 800.

§27-405. C-1 Live Work District

1. Purpose. The purpose of this district is to integrate uses such as offices, workshops, craftsman uses, as well as a variety of housing types. Lot and building types are medium in size, and buildings strive to be mixed-use with multiple stories.
2. Permitted Principal Uses and Conditional Uses. Land uses in the C-1 district are permitted according to the table in the Table of Principal Uses (§27-302.).
3. Area and Bulk Standards. Uses in the C-1 district shall satisfy the standards included in the Table of Area and Bulk Standards (§27-303.).
4. Supplementary Regulations. Uses in the C-1 district shall also adhere to the regulations of:
 - a. Off-street parking and loading requirements per Article 900.
 - b. Sign requirements per Article 800.

§27-406. C-2 Civic/Professional District

1. Purpose. The purpose of this district is to accommodate office, institutional, and residential uses into an area conveniently accessible to pedestrians and automobiles. Scale of lots and buildings mimic the existing platform set forth by the residential character.
2. Permitted Principal Uses and Conditional Uses. Land uses in the C-2 district are permitted according to the table in the Table of Principal Uses (§27-302.).

3. Area and Bulk Standards. Uses in the C-2 district shall satisfy the standards included in the Table of Area and Bulk Standards (§27-303.).
4. Supplementary Regulations. Uses in the C-2 district shall also adhere to the regulations of:
 - a. Off-street parking and loading requirements per Article 900.
 - b. Sign requirements per Article 800.

§27-407. C-3 Office Commercial District

1. Purpose. This district is intended to accommodate large-scale office space and does not accommodate residential uses.
2. Permitted Principal Uses and Conditional Uses. Land uses in the C-3 district are permitted according to the table in the Table of Principal Uses (§27-302.).
3. Area and Bulk Standards. Uses in the C-3 district shall satisfy the standards included in the Table of Area and Bulk Standards (§27-303.).
4. Supplementary Regulations. Uses in the C-3 district shall also adhere to the regulations of:
 - a. Off-street parking and loading requirements per Article 900.
 - b. Sign requirements per Article 800.

§27-408. D-1 Downtown District

1. Purpose. The purpose of this district is to maintain the existing character and walkability of the traditional downtown Carnegie, rich with retail shops, restaurants, and offices and residential type uses on the non-ground floors. The district is characterized by multi-story buildings with smaller footprints and setbacks.
2. Permitted Principal Uses and Conditional Uses. Land uses in the D-1 district are permitted according to the table in the Table of Principal Uses (§27-302.).
3. Area and Bulk Standards. Uses in the D-1 district shall satisfy the standards included in the Table of Area and Bulk Standards (§27-303.).
4. Supplementary Regulations. Uses in the D-1 district shall also adhere to the regulations of:
 - a. Off-street parking and loading requirements per Article 900.
 - b. Sign requirements per Article 800.

§27-409. D-2 Cultural District

1. Purpose. The purpose of this district is to designate an area for cultural venues, offices, limited restaurant and retail businesses, studios and workshops, as well as limited housing types. Lot and building types are medium in size, and buildings strive to be mixed-use with multiple stories.
2. Permitted Principal Uses and Conditional Uses. Land uses in the D-2 district are permitted according to the table in the Table of Principal Uses (§27-302.).
3. Area and Bulk Standards. Uses in the D-2 district shall satisfy the standards included in the Table of Area and Bulk Standards (§27-303.).
4. Supplementary Regulations. Uses in the D-2 district shall also adhere to the regulations of:
 - a. Off-street parking and loading requirements per Article 900.
 - b. Sign requirements per Article 800.

§27-410. D-3 Arterial District

1. Purpose. The purpose of this district is to delineate an auto-oriented area focused on existing transit facilities and commercial establishments with larger buildings and lots.
2. Permitted Principal Uses and Conditional Uses. Land uses in the D-3 district are permitted according to the table in the Table of Principal Uses (§27-302.).
3. Area and Bulk Standards. Uses in the D-3 district shall satisfy the standards included in the Table of Area and Bulk Standards (§27-303.).
4. Supplementary Regulations. Uses in the D-3 district shall also adhere to the regulations of:
 - a. Off-street parking and loading requirements per Article 900.
 - b. Sign requirements per Article 800.

§27-411. M-1 Planned Industrial District

1. Purpose. This zoning district is intended to accommodate larger and more intense uses such as industrial uses. It does not accommodate residential uses.
2. Permitted Principal Uses and Conditional Uses. Land uses in the M-1 district are permitted according to the table in the Table of Principal Uses (§27-302.).
3. Area and Bulk Standards. Uses in the M-1 district shall satisfy the standards included in the Table of Area and Bulk Standards (§27-303.).

4. Supplementary Regulations. Uses in the M-1 district shall also adhere to the regulations of:
 - a. Off-street parking and loading requirements per Article 900.
 - b. Sign requirements per Article 800.

ARTICLE 500

I-376 CORRIDOR OUTDOOR OFFSITE ADVERTISING OVERLAY

§27-501. Purpose. This district is intended to provide adequate space for larger outdoor advertising in the borough such as billboards and electronic changeable copy billboards.

§27-502. Concept. The I-376 Corridor Outdoor Offsite Advertising Overlay shall be deemed to be an overlay on any existing or future zoning districts enacted to regulate the use of land in the borough. The I-376 Corridor Outdoor Offsite Advertising Overlay is intended to supplement any existing regulations that relate to zoning or building construction within the borough. In those areas of the borough located within the I-376 Corridor Outdoor Offsite Advertising Overlay, the requirements of this section shall supersede the requirements of the underlying zoning districts.

§27-503. Location of Overlay. The I-376 Corridor Outdoor Offsite Advertising Overlay is located and bounded as shown on the “Carnegie Zoning Overlay Map” and is on file in the office of the Zoning Officer.

§27-504. Use Regulations. Land uses in the I-376 Corridor Outdoor Offsite Advertising Overlay are permitted per the underlying zoning districts according to the Table of Principal Uses (§27-303.). In addition to those uses in §27-303., the following uses shall be approved through conditional use in the I-376 Corridor Outdoor Offsite Advertising Overlay:

- a. Billboards; and
- b. Electronic Changeable Copy Billboards.

Billboards and Electronic Changeable Copy Billboards shall adhere to the standards included in 27-1104.4.

§27-505. Area and Bulk Standards. Uses in the I-376 Corridor Outdoor Offsite Advertising Overlay shall observe the standards in the Table of Area and Bulk Standards (§27-302.).

§27-506. Supplementary Regulations. Uses in the I-376 Corridor Outdoor Offsite Advertising Overlay shall also adhere to the regulations of:

- a. Off-street parking and loading requirements per Article 900.
- b. Sign requirements per Article 800.

ARTICLE 600

§601. Signage

General Requirements Applicable in the Commercial and Mixed Use Zoning Districts:

- A. Symbolic Signs
 - 1. Symbolic signs are exempt from any of the following provisions.
- B. Sign Design and Dimensions
 - 1. Table 27-701 identifies the permissible types of signs, the maximum square footages and the types of illumination allowed within the Arterial, Downtown, Cultural, Live-Work and Civic-Professional Districts. See also Tables 27-702 through 27-706 regarding the number of signs by type permitted for lot within each District.
 - 2. If a two-dimensional sign is in the form of a quadrilateral, circle, or other common shape, the sign area shall be measured by the sign's boundaries. If the sign is in the form of an irregular shape, then the area of an imaginary quadrilateral which completely envelops the boundaries of the shape shall be deemed the sign area.
 - 3. If a two-dimensional sign consists of individual letters, parts, or symbols, such as text upon a canopy, then the area of one imaginary quadrilateral which would completely envelop all the letters, parts or symbols shall be deemed the sign area.
 - 4. In calculating two-dimensional sign area, only one side of any double-faced sign shall be counted.
- C. Business Establishment Sign Regulations
 - 1. For public identification, every business, with the exception of home-based businesses, establishment is required to have a sign located upon the lot that business establishment is located.
- D. Sign Location
 - 1. All business establishment signs shall be located upon the same lot in which the business is located.
 - 2. No sign shall be attached to any tree or utility pole on public or private property.
 - 3. No sign shall be erected upon or mounted to any roof, nor shall any sign project beyond any property line unless supported by the building itself and not supported in the public right-of-way.
 - 4. Any projecting sign shall be situated to provide a clearance of eight (8) feet beneath the sign as to avoid interference with pedestrians.
 - 5. The sign of a ground floor establishment shall not extend above the ground floor boundary.

6. The sign of a non-ground floor establishment shall be located at the access doorway or within the ground floor lobby used to access the establishment, unless the sign is a landmark sign.

E. Signage Allocations

1. The District's overall permissible signage types and categories within the Arterial, Downtown, Cultural, Live-Work, and Civic-Professional Districts are identified on Table 27-701.
2. Table 27-702 identify the permissible allocation of signage types within the Arterial, Downtown, Cultural, Live-Work, and Civic-Professional Districts.

Quantities identified represent a maximum number of signs in each lettered sign category allowed for a single lot and all of the facades and tenant spaces encompassed within that lot. Any lot and its accompanying businesses are able to erect fewer than the allowable number of signs if desired and may also choose to not erect any sign at all from a given lettered category.

F. Public Safety

1. No sign may be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
2. Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited.
3. No sign may be erected so that by its location, color, size, shape, nature or message may obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
4. Temporary Signs and Sandwich Board Signs must be made of weather-proof, sturdy material that will not easily blow away or collapse and potentially cause harm to citizens.

G. Landscaping

1. Ground Signs
 - a. For each visible face, the landowner and/or developer shall provide landscaping equivalent to one and one-half (1.5) square feet for each square foot of sign area (both faces), located at the base of the sign structure. Landscaping shall consist of a combination of deciduous and evergreen ornamental grasses, groundcover and/or small shrubs. Turf grasses shall not be considered as landscaping for ground signs.
2. Pole Signs
 - a. For each visible sign, the landowner and/or developer shall provide landscaping equivalent to three (3) square feet for each square foot

of sign area (both faces), located at the base of the sign structure. Landscaping shall consist of a combination of deciduous and evergreen ornamental grasses, groundcover and/or small shrubs. Turf grasses shall not be considered as landscaping for pole signs.

H. Materials

1. Sign shall be made of high quality, highly durable materials that complement the building and street of which they become part. The following materials shall apply to signs:
 - a. Nylon or other flexible synthetic materials are limited to only temporary signs.
 - b. Any combination of the following materials may be used for a permanent sign:
 - i. Wood
 - ii. Stone
 - iii. Brick
 - iv. Glass
 - v. Metal
 - vi. Acrylic
 - vii. PVC
 - viii. Medium/High density overlay board

I. General Illumination Requirements

1. To preserve the existing character of the community, required external lighting for signs, with the exception of landmark signs, shall be gooseneck lighting, panel lighting, and flood lighting. Additional lighting options may be submitted to Borough Council for approval.
2. Internal Illumination and Internally Illuminated Signs.
 - a. Internal Illumination is permitted as a source of signage illumination that is restricted to the numbers, letters, and associated symbols of the sign. Internal illumination of the background, base, or non-letter, numbers, or symbols of the sign is prohibited. The background/base material shall be opaque and not allow for light to pass through the material. Transparent materials which allow for light to pass through may not exceed 50% of the total sign area.
 - b. When a sign incorporates internally illuminated lettering, the face of the letters shall be made of transparent materials but the non-face area of the letters shall be made of opaque materials.
3. No sign within one hundred fifty (150) feet of a residential zone may be illuminated between the hours of 12:00 a.m. and 6:00 a.m.
4. No sign shall contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.

5. If a sign is located beneath a residential dwelling on the second story, then the lights shall be situated above the sign facing downwards, not beneath the sign facing upwards.
 6. LED illuminated signs may change messages and/or images, but this message and/or image change may not occur more than:
 - a. Arterial District: Once per one (1) minute.
 - b. All other districts: Once per five (5) minutes.
 7. Landmark Sign lighting directed toward the landmark sign shall be shielded and/or situated so that it illuminates only or primarily on the sign itself and does not shine directly into a public right-of-way or residential premises.
- J. Landmark Sign Requirements
1. Wall-Mounted Landmark Signs shall be permitted if the following requirements are met:
 - a. The total sign area shall not exceed two (2) square feet of sign face area for each lineal foot of building wall width to a maximum of eighty (80) square feet and shall be mounted no higher than forty (40) feet above ground unless the name of the building or business establishment or approved by Borough Council.
 - b. Only the name of the building or business establishment shall be mounted higher than forty (40) feet above ground level and may face in all directions but shall not be roof mounted nor project above the roof peak or parapet wall, shall not exceed in face area forty (40) square feet or two (2) percent of exposed facade area (whichever is larger), shall be limited to two (2) per building, shall include no motion or animation, shall not exceed a luminance of one thousand five hundred (1,500) nits during daylight hours between sunrise and sunset, shall not exceed a luminance of one hundred fifty (150) nits at all other times, shall permit electronic illumination with no motion or animation, and shall be subject to design review and approval by the Borough Council. All applications shall include certification that the sign will comply with luminance level standards at the time of application and must certify again that the sign is operating in compliance with the standards prior to issuance of an occupancy permit.
 - c. For buildings with multi-business tenants on the first and second floors one (1) additional tenant business or identification sign shall be permitted per tenant identifying the name of the tenant or business, the total face area of which shall not exceed two (2) square feet of sign face area for each lineal foot of tenant frontage

to a maximum of eighty (80) square feet per sign on each wall or facade and shall be mounted no higher than the second floor above ground.

2. Landmark signs mounted to the roof of a building shall not be permitted.
3. A free standing landmark sign shall not exceed a total surface area greater than 5% of the total principal building surface area. Specific height and width parameters are not defined by this Ordinance, but shall be required to be included in the site plan and approved by Borough Council prior to development.

K. Temporary Signs

1. The maximum number of days a temporary sign may be displayed consecutively shall be thirty (30) days, except for a real estate sign, which may remain displayed until the sale or lease of the premises or when the last unit of a multi-unit development is sold or leased.
2. The maximum amount of temporary signs that may be displayed per business establishment shall be three (3) signs per calendar year.
3. Display Periods of Temporary Signs
 - a. If the sign functions to advertise a temporary special, deal, or the like, the sign shall be removed within twenty-four (24) hours of the completion date of the advertised special.
 - b. Temporary on-site construction signs shall be removed within ten (10) days of the completion of the work.
 - c. Temporary real estate signs shall be removed within ten (10) days of the sale or lease of the premises, or when the last unit of a multi-unit development is sold or leased.

L. Off-Premise Signs

1. A written agreement shall be required that legally confirms permission of the location of the off-premise sign by the landowner of the building in which the off-premise sign shall be located.
2. Only one (1) off-premise sign shall be located upon the building in which the business establishment is located.
3. The business establishment for which the off-premise sign is displayed shall not be visible from East Main Street, West Main Street, Mansfield Boulevard or 3rd Street.
4. An off-premise sign shall only be located upon the ground floor of the said building.

M. Political Signs

1. Political signs shall not be regulated by the power of this Borough and are exempt from these provisions.

§602 - Definitions

ADDRESS/DIRECTORY/WAYFINDING SIGN – A type of permanent sign whose purpose is to assist the public in navigating the public realm.

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

AWNING SIGN – A permanent sign that is mounted, painted, or otherwise applied on or attached to an awning structure and which may include separate graphic areas on each of the awning structure's faces.

BACK-LIT ILLUMINATION – A means of illuminating a sign whose structure is mounted to the wall of a building and contains space between the structure and the wall itself, by locating lights behind the structure which shine onto the wall of the building, illuminating the sign from behind.

BANNER SIGN – A temporary sign having characters, letters or illustrations applied to cloth, canvas or other type of natural or man-made fabric.

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

BUILDING DIRECTORY – A permanent sign which is located inside a building or within the building's portico which displays the names and locations of the tenants of a multi-tenant site. A building directory is not located on a surface of a building wall that abuts the public right-of-way.

BUILDING SIGN – A permanent sign which displays the name of the building upon which the sign is erected/installed.

CANOPY SIGN – A permanent sign that is mounted, painted, or otherwise applied on or attached to a canopy structure and which may include separate graphic areas on each of the canopy structure's faces.

CHANGEABLE COPY – A sign or portion thereof on which the copy or symbols change automatically through electronical means or manually through the secure placement of letters or symbols.

COPY – The words and/or graphics to be printed.

DEDICATION SIGN – A permanent sign located on a building or structure which displays that a sponsoring body is associated with that building or structure.

DIGITAL DISPLAY – The portion of a sign message made up on internally illuminated components capable of changing the message periodically. Digital displays may include LED illumination or similar features of illumination.

DIRECTIONAL SIGN – A permanent sign less than four (4) feet in height located upon the same lot as its business establishment which indicates the ingress and egress points in order to guide the circulation of motorists and pedestrians to and on the site.

DOUBLE-FACED SIGN – A sign which displays text, shapes and/or symbols on both sides the object. Double-faced signs include pole signs, sandwich board signs, ground signs, real estate signs, and projecting signs.

EXTERNAL ILLUMINATION – A sign which is illuminated by lighting devices not located within the sign itself, but may or may not be attached to the sign, such as gooseneck lights, panel lights, and flood lights.

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

FLAG – A piece of fabric or other flexible material attached to or designed to be flown from a pole or similar device that is affixed to a building or the ground.

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

GROUND FLOOR – The space that is contained within the floor of the building base, which is on the same level as the sidewalk located in front of the front facade of the building, and extends upwards to the bottom of the floor of the space located directly above. The second floor begins at the top of its floor.

GROUND SIGN – A permanent freestanding sign suspended or supported by one or more braces anchored in the ground with no more than thirty (30) inches clearance from the bottom of the sign to the ground below. The signage area shall include the structure upon which the displayed message is located.

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

IDENTIFICATION SIGN – A permanent type of sign which is located upon the same lot as a business establishment whose purpose is to make the location and presence of the business establishment known to the public.

INCIDENTAL SIGN – A permanent sign which may or may not be permanently displayable upon the exterior surface(s) of the business establishment or upon the business establishment’s lot that conveys pertinent information to the public such as local events, specials, or a restaurant menu. An incidental sign may be located on the same structure as a secondary component to a business identification sign. Interior window signs, such as open signs, event flyers, “help wanted” signs, and displays of business hours, are not covered by incidental sign guidelines. The single stipulation for interior window signs directed to the exterior is that in aggregate, they may not cover more than 40% of window area.

INFORMATIONAL SIGN – A permanent group of signs whose purpose is to convey general information to the general public about the subject lot but which may or may not be associated with identification or wayfinding matters of said lot.

INFORMATIVE SIGN – A permanent sign which is a secondary component to a business establishment’s identification sign, located on the same structure as the business establishment’s identification sign that conveys information to the public such as current sales, calendar date, and temperature.

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

INTERNAL ILLUMINATION – A means of illuminating a sign internally by locating a light source within the sign that allows for light to project through the transparent material of the sign but not through the opaque material of the sign.

INTERPRETATIVE SIGN – A permanent sign which is not associated with the business establishment upon which the sign is located, but which conveys that an organization or institute, such as the “Western Pennsylvania Conservancy maintains a portion of this lot.”

LANDMARK SIGN – A permanent sign and sign structure attached to a building where said sign is designed to add interest and ingenuity and must be three-dimensional in construction. It is permitted with or without wording and used for the purposes of identifying a unique feature or distinct element of business operations.

LED ILLUMINATION – A means of illuminating a sign by incorporating LED lights that may or may not change in pattern and/or message.

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

NEON/TUBE ILLUMINATION – A means of illuminating a sign by incorporating neon tubing which illuminates internally.

OFF-PREMISE SIGN – A permanent sign which displays the existence and/or location of a business occupying a tenant space within the multi-tenant building not visible from the main public right-of-way.

This sign is erected on a tenant space of the multi-tenant building visible from the main public right-of-way and may contain business identification and directional information in regards to the business.

PERMANENT SIGN – A sign intended to be erected or used for a time period in excess of thirty (30) days which advertises the location of a business establishment.

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

PROJECTING SIGN – A permanent sign attached to a building or structure that does not protrude more than fifteen (15) inches perpendicularly from the building to which it is attached.

PYLON SIGN – A permanent freestanding sign in excess of eight feet in height that is detached from a building and is supported by one or more structural elements which are architecturally similar to the design of the sign.

REAL ESTATE SIGN – A temporary sign that relates to the sale, lease, or rental of property or buildings.

SANDWICH BOARD SIGN – A permanent advertising or business ground sign constructed in such a manner as to form an “A” shape, hinged or not hinged at the top and not secured or attached to the ground or surface upon which it is located. A Sandwich Board Sign is located within the public right-of-way but only within the establishment’s frontage boundary and is removed from the right-of-way upon the close of the business establishment.

SCULPTURAL FEATURE SIGN – A permanent three-dimensional sculptural feature resting on or attached to the ground and which may hold a sign. The feature is permitted with or without wording and may be either mobile (temporary) or immobile (permanent).

SHOPPING CENTER SIGN – A permanent sign mounted at or near the ingress/egress point of a shopping center which displays the different business establishments that comprise the shopping center on the same structure.

STREET ADDRESS SIGN – A permanent sign identifying the street numbers and/or street name, whether used for emergency and/or delivery purposes, associated with the lot.

SYMBOLIC SIGN – A permanent sign, most commonly in the form of a flag, which displays the design of a municipality, state, commonwealth, federal government body or nation.

TEMPORARY SIGN – A temporary sign that relates to the construction, development, or redevelopment of or upon a lot or relates to an advertisement conveying a transitory offer.

WALL SIGN – A permanent sign attached to a wall and not projecting away from the wall more than twelve (12) inches.

WINDOW SIGN – A permanent sign that is painted, suspended, or otherwise applied on or attached to a window or door window.

YARD SIGN – A temporary H-frame or I-frame sign affixed to the ground that is used for local advertising. The typical size is 18" × 24".

Table 27-601. Permanent Signage

		Downtown Zoning Districts					SIGNAGE EXAMPLES			
		ARTERIAL	LIVE-WORK	DOWNTOWN	CULTURAL	CIVIC-PROFESSIONAL				
IDENTIFICATION SIGNS	BUILDING-RELATED	AWNING	20 SQ FT NC NI		12 SQ FT NC NI	12 SQ FT NC NI				
		CANOPY	20 SQ FT (TOTAL GRAPHIC AREA PER CANOPY STRUCTURE) NC NI/II/IL/EL/BI		20 SQ FT (TOTAL GRAPHIC AREA PER CANOPY STRUCTURE) NC NI/II/IL/EL/BI	20 SQ FT (TOTAL GRAPHIC AREA PER CANOPY STRUCTURE) NC NI/II/IL/EL/BI	20 SQ FT (TOTAL GRAPHIC AREA PER CANOPY STRUCTURE) NC NI/II/IL/EL/BI			
		FLAG	15 SQ FT PER FACE NC NI	15 SQ FT PER FACE NC NI	15 SQ FT PER FACE NC NI	15 SQ FT PER FACE NC NI	15 SQ FT PER FACE NC NI			
		HANGING				12 SQ FT NC NI	12 SQ FT NC NI			
		LANDMARK	120 CU FT NC NI/II/IL/EL/BI		120 CU FT NC II/IL/EL/BI	120 CU FT NC NI/II/IL/EL/BI				
		MARQUEE	25 SQ FT (TOTAL GRAPHIC AREA PER MARQUEE STRUCTURE) NC/CC NI/II/IL/EL/BI	15 SQ FT (TOTAL GRAPHIC AREA PER MARQUEE STRUCTURE) NC/CC NI/II/IL/EL/BI		15 SQ FT (TOTAL GRAPHIC AREA PER MARQUEE STRUCTURE) NC/CC NI/II/IL/EL/BI/NT				
		PROJECTING	16 SQ FT PER FACE NC NI/II/IL/EL/BI	12 SQ FT PER FACE NC NI/II/IL/EL/BI	9 SQ FT PER FACE NC NI/II/IL/EL/BI	12 SQ FT PER FACE NC NI/II/IL/EL/BI/NT				
		WALL	40 SQ FT NC NI/II/IL/EL/BI	30 SQ FT NC NI/II/IL/EL/BI	30 SQ FT NC NI/II/IL/EL/BI	30 SQ FT NC NI/II/IL/EL/BI/NT				
		GROUND-FLOOR WINDOW	20 % OF TOTAL WINDOW AREA FOR EACH TENANT SPACE NC NI	15 % OF TOTAL WINDOW AREA FOR EACH TENANT SPACE NC NI	15 % OF TOTAL WINDOW AREA FOR EACH TENANT SPACE NC NI	15 % OF TOTAL WINDOW AREA FOR EACH TENANT SPACE NC NI	15 % OF TOTAL WINDOW AREA FOR EACH TENANT SPACE NC NI			
		UPPER-FLOOR WINDOW			4 SQ FT TOTAL PER TENANT SPACE (SIGN MUST BE PAINTED) NC NI	4 SQ FT TOTAL PER TENANT SPACE (SIGN MUST BE PAINTED) NC NI				
		LANDSCAPE-RELATED	GROUND	12 TOTAL SQ FT PER LOT (INCLUDES ALL FACES) NC NI/II/IL/EL/BI	12 TOTAL SQ FT PER LOT (INCLUDES ALL FACES) NC NI/II/IL/EL/BI		16 TOTAL SQ FT PER LOT (INCLUDES ALL FACES) NC NI/II/IL/EL/BI		16 (32 FOR PLACES OF WORSHIP) TOTAL SQ FT PER LOT (ALL FACES) NC CC/DD* NI NI/II/IL/EL/BI/LED*	
			POLE	28 SQ FT PER FACE (MAX HEIGHT 25 FT) NC NI/II/IL/EL/BI						
PYLON	32 SQ FT PER FACE NC NI/II/IL/EL/BI		32 SQ FT PER FACE NC NI/II/IL/EL/BI		16 SQ FT PER FACE NC NI/II/IL/EL/BI					
SANDWICH BOARD			6 SQ FT PER FACE NC/CC NI	6 SQ FT PER FACE NC/CC NI	6 SQ FT PER FACE NC/CC NI					
SHOPPING CENTER	120 SQ FT PER FACE (SIGN MUST BE ON A 2+ ACRE LOT) NC NI/II/IL/EL/BI									
ADDRESS/DIRECTORY/WAYFINDING	BUILDING DIRECTORY		5 SQ FT PER PUBLIC ENTRANCE NC/CC NI	3 SQ FT PER PUBLIC ENTRANCE NC/CC NI	3 SQ FT PER PUBLIC ENTRANCE NC/CC NI	3 SQ FT PER PUBLIC ENTRANCE NC/CC NI	3 SQ FT PER PUBLIC ENTRANCE NC/CC NI			
	BUILDING SIGN**	16 SQ FT PER BUILDING NC NI	16 SQ FT PER BUILDING NC NI	12 SQ FT PER BUILDING NC NI	16 SQ FT PER BUILDING NC NI	9 SQ FT PER BUILDING NC NI				
	DIRECTIONAL	6 SQ FT PER FACE, PER SIGN NC NI/II/IL	6 SQ FT PER FACE, PER SIGN NC NI/II/IL	6 SQ FT PER FACE, PER SIGN NC NI/II/IL	6 SQ FT PER FACE, PER SIGN NC NI/II/IL					
	STREET ADDRESS	2.5 SQ FT PER LOT NC NI	2.5 SQ FT PER LOT NC NI	2.5 SQ FT PER LOT NC NI	2.5 SQ FT PER LOT NC NI	2.5 SQ FT PER LOT NC NI				
	INFORMATIONAL	DEDICATION	3 SQ FT NC NI	3 SQ FT NC NI	3 SQ FT NC NI	3 SQ FT NC NI	3 SQ FT NC NI			
INCIDENTAL***		6 SQ FT NC/CC NI	6 SQ FT NC/CC NI	6 SQ FT NC/CC NI	6 SQ FT NC/CC NI					
INFORMATIVE		12 SQ FT PER FACE NC/CC/DD NI/LED	12 SQ FT PER FACE NC/CC/DD NI/LED							
INTERPRETATIVE		3 SQ FT PER FACE NC NI	3 SQ FT PER FACE NC NI	3 SQ FT PER FACE NC NI	3 SQ FT PER FACE NC NI	3 SQ FT PER FACE NC NI				
SCULPTURAL FEATURE	7 CU FT NC/CC NI/II/NT	7 CU FT NC/CC NI/II/NT	7 CU FT NC/CC NI/II/NT	7 CU FT NC/CC NI/II/NT	7 CU FT NC/CC NI/II/NT					

LEGEND	
CC	CHANGEABLE COPY
NC	NON-CHANGEABLE COPY
EI	EXTERNAL ILLUMINATION
BI	BACKLIT ILLUMINATION
NT	NEON/TUBE ILLUMINATION
DD	DIGITAL DISPLAY
II	INTERNALLY ILLUMINATED
IL	INTERNALLY ILLUMINATED LETTERING
LED	LED ILLUMINATION
NI	NO ILLUMINATION

* Only for places of worship
 ** Shall be located on the front face between the parapet and the top floor windows, or if the building is situated on a corner, may be located at the corner on the first floor
 *** The incidental sign guidelines here apply only to signs posted/erected on building exteriors. The single stipulation for interior window signs directed to the exterior is that in aggregate, they may not cover more than 40% of window area.

Table 27-602. Temporary Signage

		Downtown Zoning Districts					SIGNAGE EXAMPLES
SIGN TYPE		ARTERIAL	LIVE-WORK	DOWNTOWN	CULTURAL	CIVIC-PROFESSIONAL	
INFORMATIONAL	BANNER	36 SQ FT PER FACE NC NI	12 SQ FT PER FACE NC NI	12 SQ FT PER FACE NC NI	12 SQ FT PER FACE NC NI		
	BLADE	7 SQ FT PER FACE OF BLADE, PER 40 FT OF LOT FRONTAGE NC NI					
	REAL ESTATE SIGN	7 SQ FT PER FACE NC NI	7 SQ FT PER FACE NC NI	7 SQ FT PER FACE NC NI	7 SQ FT PER FACE NC NI	7 SQ FT PER FACE NC NI	
	YARD SIGN	3 SQ FT PER FACE NC NI	3 SQ FT PER FACE NC NI	3 SQ FT PER FACE NC NI	3 SQ FT PER FACE NC NI	3 SQ FT PER FACE NC NI	

LEGEND	
CC	CHANGEABLE COPY
NC	NON-CHANGEABLE COPY
E	EXTERNAL ILLUMINATION
B	BACKLIT ILLUMINATION
NT	NEON/TUBE ILLUMINATION
DD	DIGITAL DISPLAY
II	INTERNALLY ILLUMINATED
IL	INTERNALLY ILLUMINATED LETTERING
LED	LED ILLUMINATION
NI	NO ILLUMINATION

* Conditional use approval is contingent on the production of a signed, written agreement between the advertising entity and the owner of the property upon which the sign is to be located.

Table 27-603. Prohibited Signage

SIGN TYPE	SIGNAGE EXAMPLES
AIR DANCER SIGN	
SPIN SIGNS	
PENNANT SIGN	

Table 27-603. Sign Allocations – Arterial District

		SELECT UP TO ONE OPTION FROM EACH SIGN CATEGORY (L through O) ↓	AVAILABLE OPTIONS	MAXIMUM SIZE		
IDENTIFICATION SIGNS ▶	Landscape Signs ▶ (per lot)	L	1 Pylon Sign	32 sq ft per face		
			OR 1 Ground Sign	32 sq ft total graphic area		
			OR 1 Pole Sign (max height 25 ft)	28 sq ft per face		
			OR if located on a 2+ acre lot: 1 Shopping Center Sign	140 sq ft per face		
	↓					
	Building Signs ▶ (per street facade, unless otherwise noted)	B-1	1 Marquee Sign	25 sq ft		
			OR 1 Wall Sign	60 sq ft		
			OR if located on a corner lot: 1 Marquee Sign + 1 Wall Sign on a dif-ferent street facade	use max sizes listed above		
			OR 1 Landmark Sign	120 sq ft		
		↓				
		B-2	1 Awning Sign	20 sq ft total graphic area		
			OR 1 Canopy Sign	20 sq ft total graphic area		
OR 1 Projecting Sign			16 sq ft per face			
↓						
B-3		1 set of Ground Floor Window Signs (per tenant)	20% of total window area per tenant space			
↓						
ADDRESS/DIRECTORY/ WAYFINDING SIGNS (per lot) ▶		A	8 per lot (refer to Table 1 for individual sizes)	35 sq ft of total signage		
↓						
INFORMATIONAL SIGNS ▶ (per tenant)		I	4 per tenant (refer to Tables 1 and 2 for individual sizes)			
↓						
SCULPTURAL FEATURE SIGNS ▶ (per tenant)		S	1 per tenant (refer to Table 1 for size calculations)			
↓						
OFF-PREMISE SIGNS ▶ (per lot)		O	1 per tenant (conditional use—written agree- ment with property owner)	12 sq ft per face		

Table 27-604. Sign Allocations – Live-Work District

		SELECT UP TO ONE OPTION FROM EACH SIGN CATEGORY (L through O) ↓	AVAILABLE OPTIONS	MAXIMUM SIZE
IDENTIFICATION SIGNS ➤	Landscape Signs ➤ (per lot)	L	1 Pylon Sign	32 sq ft per face
			OR 1 Ground Sign	32 sq ft total graphic area
		↓		
	Building Signs (per street facade, ➤ unless otherwise noted)	B-1	1 Marquee Sign	15 sq ft
			OR 1 Wall Sign	40 sq ft
			OR if located on a corner lot: 1 Marquee Sign + 1 Wall Sign on a dif-ferent street facade	use max sizes listed above
			↓	
		B-2	1 Projecting Sign	12 sq ft per face
			OR 1 Flag Sign	15 sq ft per face
		↓		
	B-3	1 set of Ground Floor Window Signs (per tenant)	15% of total window area per tenant space	
	↓			
ADDRESS/DIRECTORY/ WAYFINDING SIGNS ➤ (per lot)	A	6 per lot (refer to Table 1 for individual sizes)	30 sq ft of total signage	
	↓			
INFORMATIONAL SIGNS (per tenant) ➤	I	2 per tenant (refer to Tables 1 and 2 for individual sizes)		
	↓			
SCULPTURAL FEATURE SIGNS (per tenant) ➤	S	1 per tenant (refer to Table 1 for size calculations)		
	↓			
OFF-PREMISE SIGNS (per lot) ➤	O	1 per tenant (conditional use—written agree- ment with property owner)	12 sq ft per face	

Table 27-605. Sign Allocations – Downtown District

		SELECT UP TO ONE OPTION FROM EACH SIGN CATEGORY (B-1 through O) ↓	AVAILABLE OPTIONS	MAXIMUM SIZE		
IDENTIFICATION SIGNS ▶	Building Signs (per street facade, unless otherwise noted) ▶	B-1	1 Landmark Sign	120 sq ft		
			OR	1 Wall Sign	40 sq ft	
			OR	if located on a corner lot: 1 Landmark Sign + 1 Wall Sign on a dif-ferent street facade	use max sizes listed above	
				↓		
				B-2	1 Awning Sign	12 sq ft total graphic area
					OR	1 Projecting Sign
				↓		
		B-3	1 Flag Sign	15 sq ft per face		
		↓				
		B-4a	1 set of Ground Floor Window Signs (per tenant)	15% of total window area per tenant space		
		↓				
		B-4b	1 set of Upper Floor Window Signs (per tenant; all portions of the sign must be painted)	4 sq ft total per tenant space		
		↓				
ADDRESS/DIRECTORY/ WAYFINDING SIGNS ▶ (per lot)		A	4 per lot (refer to Table 1 for individual sizes)	20 sq ft of total signage		
		↓				
INFORMATIONAL SIGNS ▶ (per tenant)		I-1	1 Sandwich Board Sign	9 sq ft per face		
		↓				
		I-2	3 of any other type of Informational Sign	refer to Tables 1 and 2		
		↓				
SCULPTURAL FEATURE SIGNS ▶ (per tenant)		S	1 per tenant (refer to Table 1 for size calculations)			
		↓				
OFF-PREMISE SIGNS ▶ (per lot)		O	1 per tenant (conditional use—written agree- ment with property owner)	12 sq ft per face		

Table 27-606. Sign Allocations – Cultural District

		SELECT UP TO ONE OPTION FROM EACH SIGN CATEGORY (L through O) ↓	AVAILABLE OPTIONS	MAXIMUM SIZE		
IDENTIFICATION SIGNS ➤	Landscape Signs ➤ (per lot)	L	1 Pylon Sign	16 sq ft per face		
	OR		1 Ground Sign	16 sq ft total graphic area		
			↓			
	Building Signs (per street facade, ➤ unless otherwise noted)		B-1	1 Marquee Sign	15 sq ft	
				OR	1 Wall Sign	40 sq ft
				OR	if located on a corner lot: 1 Marquee Sign + 1 Wall Sign on a dif-ferent street facade	use max sizes listed above
				OR	1 Landmark Sign	120 sq ft
			↓			
			B-2	1 Awning Sign	12 sq ft total graphic area	
				OR	1 Canopy Sign	12 sq ft total graphic area
				OR	1 Hanging Sign	12 sq ft
				OR	1 Projecting Sign	12 sq ft per face
				OR	1 Flag Sign	15 sq ft per face
		↓				
		B-3a	1 set of Ground Floor Window Signs (per tenant)	15% of total window area per tenant space		
		↓				
		B-3b	1 set of Upper Floor Window Signs (per tenant; all portions of the sign must be painted)	4 sq ft total per tenant space		
		↓				
ADDRESS/DIRECTORY/ WAYFINDING SIGNS ➤ (per lot)		A	4 per lot (refer to Table 1 for individual sizes)	30 sq ft of total signage		
		↓				
INFORMATIONAL SIGNS ➤ (per tenant)		I	3 per tenant (refer to Tables 1 and 2 for individual sizes)			
		↓				
SCULPTURAL FEATURE SIGNS ➤ (per tenant)		S	1 per tenant (refer to Table 1 for size calculations)			
		↓				
OFF-PREMISE SIGNS ➤ (per lot)		O	1 per tenant (conditional use—written agree- ment with property owner)	12 sq ft per face		

Table 27-607. Sign Allocation – Civic – Professional District

		SELECT UP TO ONE OPTION FROM EACH SIGN CATEGORY (L through O) ↓	AVAILABLE OPTIONS	MAXIMUM SIZE
IDENTIFICATION SIGNS ➤	Landscape Signs ➤ (per lot)	L	1 Ground Sign	16 sq ft churches: 32 sq ft total graphic area
	↓			
	Building Signs (per street facade, ➤ unless otherwise noted)	B-1	1 Awning Sign	12 sq ft total graphic area
			OR 1 Hanging Sign	12 sq ft
			OR 1 Flag Sign	15 sq ft per face
↓				
		B-2	1 set of Ground Floor Window Signs (per tenant)	15% of total window area per tenant space
↓				
ADDRESS/DIRECTORY/ WAYFINDING SIGNS ➤ (per lot)	A	4 per lot (refer to Table 1 for individual sizes)	20 sq ft of total signage	
↓				
INFORMATIONAL SIGNS ➤ (per tenant)	I	2 per tenant (refer to Tables 1 and 2 for individual sizes)		
↓				
SCULPTURAL FEATURE SIGNS ➤ (per tenant)	S	1 per tenant (refer to Table 1 for size calculations)		
↓				
OFF-PREMISE SIGNS ➤ (per lot)	O	1 per tenant (conditional use—written agree- ment with property owner)	12 sq ft per face	

ARTICLE 700

OFF-STREET PARKING AND LOADING

§701. OFF-STREET PARKING: Off-street parking spaces shall be provided in accordance with the specifications in this Section whenever any new use is established, or existing use is enlarged, in every District except that part of the Commercial Districts which is bounded by Mansfield, Kinney Street, Third Avenue, Williams Street and Broadway. Off-street parking requirements are set forth in Table 27-801.

Table 27-701 Table of Off-Street Parking Requirements.

RESIDENTIAL USES	
Apartment	1.5 spaces per dwelling unit
Conversion Dwelling	1.5 spaces per dwelling unit
Dependent Dwelling	1 space per dwelling unit
Downtown Flat	See §27-1207
Garden Apartment	1 space per dwelling unit
Group Residence	1 space per 3 residents plus 1 space per every employee on duty
Home Occupation	1 space per 300 sq.ft. of space occupied by the home occupation
Mobile Home Park	1 space per dwelling unit
Multiple-Family Structure	1 space per dwelling unit
No Impact Home Based Business	none
One Family House	2 spaces per dwelling unit
Planned Residential Development (PRD)	Per the uses in the PRD
Townhouses	2 spaces per dwelling unit
Two-Family House	2 spaces per dwelling unit
COMMERCIAL AND INDUSTRIAL USES	
Animal Care or Control Service	1 space per 300 square feet of gross floor area
Auditorium	1 space per 2 seats
Automobile Body Shop	1 space per 300 square feet of gross floor area and 2 spaces per service bay
Automobile Repair (other than "Automobile Body Shop")	1 space per 250 square feet of gross floor area and 2 spaces per service bay
Automobile Sales	1 space per 500 square feet of gross floor area, but not less than 3 spaces
Bank or Financial Institution	1 space per 200 square feet of gross floor area
Bowling Alley	2 spaces per alley
Business Services	1 space per 250 square feet of gross floor area
Car Wash	2 spaces per service bay or lane
Small Family Child Day Care Home	1 space per 375 square feet of gross floor area
Large Family Child Day Care Home	1 space per 300 square feet of gross floor area
Child Day Care Center	1 space per 300 square feet of gross floor area
Personal Care Home	1 space per 3 residents plus 1 space per every employee on duty
Long-Term Nursing Care Facility	1 space per 3 residents plus 1 space per every employee on duty
Assisted Living Residence	1 space per 2 units
Group Care Facility	1 space per 4 residents plus 1 space per employee
Institutional Facility	1 space per 3 residents plus 1 space per every employee on duty
Contractor's Yard	1 space per 5,000 square feet of lot area
Drive-Through Facility	Stacking for 4 vehicles at each bay, window, lane, ordering station, or machine in addition to the use's parking requirement
Dry Cleaning Processing Facility	1 space per employee or 1 space per 300 square feet of gross floor area, whichever is greater
Funeral Home or Mortuary	5 spaces per repose room: minimum of 12 spaces
Garden Center, Plant Nursery, Landscaping Business or Greenhouse	1 per 600 square feet of gross floor area
Gasoline Station	2 spaces per pump

COMMERCIAL AND INDUSTRIAL USES (continued)	
Junkyard	1 space per 2 employees and 1 space per 5,000 square feet of lot area
Kennel	1 space per 400 square feet of gross floor area
Manufacturing	1 space per 3 employees: minimum of 1 space for every 2,000 square feet of gross floor area
Manufacturing, Light	1 space per 3 employees: minimum of 1 space for every 2,000 square feet of gross floor area
Medical Clinic	1 space per 250 square feet of gross floor area
Older Adult Daily Living Center	1 space per 3 residents plus 1 space per every employee on duty
Personal Storage Facility	1 space per employee
Printing	1 space per 500 square feet of gross floor area
Motel, Hotel or Inn	1 space per rental unit
Offices, General	1 space per 200 square feet of gross floor area
Personal Services	1 space per 200 square feet of gross floor area
Research and Development Facility	1 space per 300 square feet of gross floor area
Restaurant (eating and drinking establishment)	1 space per 200 square feet of gross floor area
Retail Shop or Establishment	1 space per 200 square feet of gross floor area
Studio	1 space per 500 square feet of gross floor area
Adult Entertainment Establishment	1 per 3 seats and 1 per 300 square feet of gross floor area
Theater	1 space for every 4 seats in the largest meeting room
Transportation Terminal	1 space per 3,000 square feet of lot area
Warehouse	1 space per 250 square feet of gross floor area
Wholesale Distribution	1 space per 500 square feet of gross floor area
PUBLIC, RECREATIONAL AND INSTITUTIONAL USES	
Cemetery	1 space per 4 visitors to the maximum capacity
Church or Place of Assembly	1 space for every 4 seats in the largest assembly room
Civic, Social or Fraternal Club	1 space per 150 square feet of gross floor area
Communications Tower	1 space per tower
Communication Antenna (Co-location)	none
Community Center	1 space per 200 square feet of gross floor area
College or University	1 space per 5 students
School	1 space for every 4 seats in the largest meeting room
Country Club or Golf Course	1 space per 1.5 members
Halfway House	2 spaces per house and 1 space per guest room
Hospital	1 space per 800 square feet of gross floor area
Parks and Recreation (public)	5 spaces per acre plus additional parking for major facilities in the park per that facility's parking requirement
Recreation Club (private)	1 space per 4 seats or 4-person capacity
Utility Structures	1 per employee
AGRICULTURAL, CONSERVATION, AND NATURAL RESOURCE USES	
Agriculture	1 per employee
OTHER USES	
Any Principal Use not Specifically Listed	determined by Borough Council

- §701. Every off-street parking space shall have a rectangular area of not less than nine feet by eighteen feet.
- §702. Every off-street parking lot or driveway shall be graded for proper drainage and paved. Parking aisle separators, sidewalks and landscape plantings shall be provided as required and approved by Council. Notwithstanding the foregoing, the following exception shall be granted to the Carnegie Borough Parking Authority:
1. The requirement to pave parking lots shall be waived if the lot is either owned, leased or managed by the Carnegie Borough Parking Authority.
 2. The lots are constructed for temporary use only.
- §703. Parking spaces suitable for the needs of the handicapped will be provided on the site plan and signs, railings and ramps will be provided as appropriate to the site.
- §704. Any lighting used to illuminate an off-street parking lot shall be arranged so as to reflect light away from adjoining premises in any residential "R" District.
- §705. When determination of off-street parking results in a requirement of a fractional space, any fraction shall be counted as one parking space.
- §706. Off-street parking spaces shall be located on the same zoning lot as the principal use, except that spaces for churches and public places of assembly may be located on a different lot within four hundred (400) feet of the principal use after site plan approval.
- §707. All commercial establishments or structures now in existence in the C-1 Zoning District are exempt from any registered parking requirements until any major renovation, expansion, or demolition occurs at which time those structures must provide parking according to the requirements set forth in this Chapter.
- §708. Off-Street Loading: One off-street berth of not less than fifty feet by ten feet shall be provided for every new business or industrial use with a floor area of more than 10,000 square feet; and one additional berth shall be required for each additional 20,000 square feet of floor area over the first 20,000 square feet of floor area. Access and space to maneuver shall be sufficient so that no truck need back onto any public street nor across any public sidewalk.

ARTICLE 800

PERFORMANCE STANDARDS AND ADDITIONAL REQUIREMENTS

- §801. Performance Standards. All uses shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Council having jurisdiction may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.
- §802. Fire Protection: Fire prevention and firefighting equipment acceptable to the American Insurance Association shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
- §803. Electrical Disturbances: No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
- §804. Noise: Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
- §805. Vibrations: Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
- §806. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- §807. Air Pollution: No pollution of air by fly ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.
- §808. Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
- §809. Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
- §810. Water Pollution: Water pollution shall be subject to the standards established by the State and Federal Governments.

§811. Environmental Protection Requirements. The following provisions shall apply to all uses of land in all districts unless otherwise noted. Certain activities, such as highway construction and the like, may be excepted from the following requirements provided such activities are closely controlled by other governmental environment protection agencies, and that Borough reviewing agencies are satisfied that the spirit and intent of this Chapter is being met through the review processes, bonding requirements and administrative activities of the appropriate environmental protection agencies.

1. No cut or fill grade shall exceed a slope of 3:1 or 33 percent. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area including cuts and fills on land naturally exceeding 3:1 in slope.
2. All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within 2 weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum.
3. No cutting, fill, or other disturbing of land and mature tree cover is permissible within 100 feet of Chartiers Creek and/or its perennial tributary streams except as permitted by action of the Zoning Hearing Board. In such cases, the Board may grant permission provided special precautions are taken to insure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream or watercourse.

§812. The following provisions shall apply to all uses of land in all Residential Districts:

1. In any residential development other than one-family, the developer shall provide a pedestrian circulation system which, as a minimum, shall be comprised of sidewalks not less than 4 feet in width located along public streets. The pedestrian circulation system in a planned residential development shall be a part of the development plan.
2. In any one-family attached or garden apartment development variations may be required in the setback of the structures and in their roof lines and first floor elevations in order to best adapt to the specific topography of the site.
3. In any multiple family residential development designed to accommodate 30 or more families, the developer shall provide on-site security illumination in parking areas, entry ways and along paths of pedestrian travel.

4. In every residential development, all required yards will be permanently maintained in grass planting, or in other acceptable landscape planting.
5. The minimum floor area per dwelling unit, exclusive of garage areas, unfinished basement or attic, shall not be less than 1,000 square feet for a one family dwelling, a two-family dwelling or a one-family attached dwelling. In multiple family structures other than one-family attached units, the minimum floor area per dwelling unit shall not be less than: 750 square feet for a unit having three or more bedrooms; 600 square feet for a unit having two bedrooms; or 450 square feet for a unit having one bedroom or for an efficiency apartment.
6. The minimum floor area for a mobile home shall not be less than 840 square feet, and a mobile home shall not be permitted except in a mobile home park as provided herein.

ARTICLE 900

CONDITIONAL USES

§901. Applicability. The Borough Council shall have the power to approve conditional uses when this chapter specifically requires the obtaining of such approval and for no other use or purpose.

§902. Application and Approval Procedure.

1. Application Procedure

- a. An application for conditional use approval shall be filed with the Zoning Officer, on forms prescribed by the borough, at least thirty (30) days prior to the date of the regular meeting of the Planning Commission. A conditional use application shall not be considered to be administratively complete until all items required by this Chapter, including the application fee and/or deposit, have been received by the borough.
- b. The Zoning Officer shall review the application to determine whether all materials required by this Chapter have been submitted by the applicant. If all such materials have not been submitted by the applicant, then the Zoning Officer shall reject the application as administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter that have not been met.
- c. Within 5 days of receipt of an administratively complete application, the Zoning Officer shall submit one copy of the application and any materials submitted therewith to: the Borough Solicitor; the Borough Engineer; and any borough professional consultant deemed necessary by the Borough Manager.
- d. The Zoning Officer shall submit one copy of an administratively complete application and any materials submitted therewith to each member of the Borough Planning Commission by no later than the Friday prior to the date of the regular meeting of the Planning Commission.
- e. The Planning Commission shall review the application and forward its recommendation to the Borough Council.
- f. The Borough Council shall hold a hearing, pursuant to public notice, within the time periods and procedures required by the MPC. The hearing shall commence within 45 days of the date of the filing of an administratively complete application. Hearings

shall be conducted and held in accordance with the applicable provisions of the MPC.

- g. The Borough Council shall render a written decision on the conditional use application within 60 days of the last hearing. Where the application is contested or denied, the Borough Council decision shall be accompanied by findings of fact and conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this Chapter or any other rule, regulation, ordinance or statute shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
- h. In granting a conditional use pursuant to this Chapter, the Borough Council may impose any reasonable conditions it believes are necessary to ensure compliance with this Chapter, the Carnegie Borough Code of Ordinances, as amended, and all other ordinances of the borough, and as it otherwise deems necessary to implement the purposes of this Chapter and the MPC.
- i. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date.
- j. All development, construction and use shall be in accordance with the approved conditional use decision and plan, unless a revised conditional use application is submitted, approved and filed. The approved conditional use plan shall consist of the application, as submitted, together with all of its attachments and exhibits, as finally approved by the Borough Council, and the conditions attached by the Borough Council. Any development contrary to the approved conditional use decision and plan shall constitute a violation of this Chapter.

2. Application Content

- a. All applications for conditional use approval shall demonstrate compliance with the: general standards and criteria of this Article; the applicable express standards and criteria of this Article; and the applicable lot and yard requirements of the zoning district in which the use is proposed.
- b. All applications for conditional use approval shall be submitted to the Zoning Officer and contain the following items:
 - 1. One full scale copy and nine half-scale copies of all required plans, maps and drawings;
 - 2. Ten copies of all other application materials.

- c. An application for conditional use approval shall not be considered administratively complete until all items required by this Chapter, including the application fee and and/or deposit, have been received by the Zoning Officer.
 - d. All applications for conditional use approval shall contain the following:
 - 1. A development plan, as defined by this Chapter;
 - 2. A legal document verifying applicant's legal interest in the subject property (i.e. deed, sales agreement, lease);
 - 3. The application fee and/or deposit in an amount set from time to time by resolution of the Borough Council; and
 - 4. construction plans, where renovations or modifications of an existing building is immediately contemplated, showing the scope, nature and extent of said renovation or modification.
3. Expiration of Approval
- a. The grant of a conditional use shall expire 2 years after the date of the Borough Council written decision unless: (1) the applicant has applied for and obtained a building permit and commenced construction; or (2) in a case where the conditional use does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the conditional use approval. Expiration of the conditional use approval under this Article shall require the applicant to re-apply for conditional use approval.

§903. General Standards and Criteria.

- 1. Before approving a conditional use application, the Borough Council shall determine that the proposed use complies with the following general standards and criteria, which are in addition to any other requirements in this Chapter for a specific type of use or development:
 - a. The proposed use shall conform to the district and Conditional Use Provisions and all general regulations of this Ordinance.
 - b. The proposed use shall meet all special standards which may be applied to its class of Conditional Use as set forth in this Article.
 - c. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards set forth in Article 900.

- d. The proposed use shall be sited, oriented and landscaped so that the relationship of its building and grounds to adjacent buildings and properties does not impair health, safety or comfort and does not adversely affect values of adjacent property.
 - e. The proposed use shall produce a total environmental effect which is consistent with, and not harmful to, the environment of the neighborhood.
 - f. The proposed use shall organize vehicular access and parking to minimize conflicting traffic movement on adjacent streets.
 - g. The proposed use will not impede the normal and orderly development and improvement of surrounding property as permitted by this Ordinance.
 - h. The proposed use will be adequately served by existing storm and sanitary drainage facilities, public water, access streets and other necessary facilities.
 - i. The proposed use shall promote the objectives of this Ordinance and shall be consistent with the Comprehensive Plan for Carnegie.
2. The Borough Council shall grant a conditional use only if it finds adequate evidence presented by the applicant that the proposed conditional use is duly authorized under provisions of this chapter, that the application falls within the terms of the specific provisions allowing for conditional use and that the proposed use complies with all other requirements of this chapter. The Borough Council shall refuse an application for conditional use where opponents to the application establish by a preponderance of evidence that the application is contrary to the health, safety and morals or general welfare of the community at large. The Borough Council, in granting a conditional use, may attach such reasonable conditions and safeguards other than those related to offsite transportation or road improvement, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act and the zoning ordinance, except that conditions of approval shall not include those related to off-site transportation or road improvements pursuant to Section 603(c) (2) of the MPC.
 3. The Borough Council shall, among other things, require that any proposed use and location be:
 - a. In accordance with the Carnegie Borough Comprehensive Plan and consistent with the spirit, purposes and the intent of this chapter.
 - b. In the best interests of the Borough, the convenience of the community and the public welfare and be a substantial improvement to the property in the immediate vicinity.

- c. Suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
- d. In conformance with all applicable requirements of this chapter.

§904. Standards for Review of Specific Land Uses.

1. Adult Entertainment Uses.

a. Location.

1. No permit will be issued for any adult entertainment establishment which intends to be located within the below listed distances of such institutional or residential property lines:

- a. any other adult-oriented establishment whether such use is situated in Carnegie or otherwise - five hundred (500) feet
- b. public or private pre-elementary, elementary, or secondary school property - eight hundred (800) feet
- c. public library - six hundred (600) feet
- d. child day care or nursery school - eight hundred (800) feet
- e. public playground or park - eight hundred (800) feet
- f. child-oriented business - eight hundred (800) feet
- g. commercial recreation uses - six hundred (600) feet
- h. residential uses or zones - six hundred (600) feet
- i. public transit stop - two hundred fifty (250) feet

2. Measurement shall be from the closest point on one lot to the closest point on the other lot.

- b. No such establishment shall be open for or permit access by any person under the age of eighteen (18) years.
- c. The establishment shall include a double-door entrance, with inner door area containing a notice of no less than four square feet that those choosing to enter will be potentially exposed to obscene matters or materials.
- d. An adult-oriented establishment may be open for business only Monday through Saturday from 9:00 AM to 12:00 Midnight prevailing time. No adult-oriented establishment shall be open at any time on Sunday or on a legal holiday as set forth in the Act of May 31, 1893, P.L. 188 § 1, as amended, 44 P.S. §11.

- e. No materials or merchandise of any kind offered for sale, rent, lease, or loan or for view upon the premises of an adult-oriented establishment shall be exhibited or displayed outside of a building or structure.
 - f. Signs shall contain only the name of the business and the words “adult entertainment” or other term of like import.
 - g. This subpart may be found to apply to any uses not contemplated by this subject and subject to conditional use approval.
2. Antique Shop
- a. The business establishment shall not exceed twenty thousand (20,000) square feet in size.
 - b. A delivery and loading zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
3. Apartment/Flat
- a. All residential dwellings shall be located on the non-ground floor of the building.
 - b. Entry points to the dwelling shall not be located through the ground floor establishment space.
 - c. Parking shall be provided on the same lot upon which the dwelling unit is located and be no more than three hundred (300) feet from any one unit.
 - d. All ingress and egress points to parking areas shall be located on alleys and secondary streets, and shall not be located on primary streets such as Main Street or Mansfield Boulevard.
4. Appliance Store
- a. The business establishment shall be less than 20,000 square feet.
 - b. There shall be no outdoor storage of merchandise or equipment upon the lot.
5. Assisted Living Residence
- a. The assisted living residence shall meet all licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare.
 - b. The facility shall have direct access to an arterial roadway.
 - c. The assisted living residence shall be the sole occupant of the lot.
 - d. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.

- e. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
6. Automobile Sales
- a. The use shall not be located on lots of less than 15,000 square feet, shall have yards of not less than fifteen (15') feet, and shall place any tank for the storage of flammable or otherwise hazardous material according to the requirements of the Allegheny County Fire Marshall.
 - b. The business shall include a permanent building on the lot for office, display and repair use of not less than one thousand (1,000) square feet floor area.
 - c. Areas of the lot displaying vehicles for sale and for customer parking shall be paved with an all-weather surface and such areas shall be set back at least fifteen (15) feet from adjacent street curbs or edges of road pavements.
 - d. Displayed or parked vehicles and sign posts or other posts shall not be located closer than ten (10) feet to the curb or paved edge of an adjacent street or such further distance as may be necessary to create maximum sight distance lines for motorists entering and leaving the lot.
 - e. Automobile Sales uses shall not employ outdoor loudspeaker paging systems.
 - f. All repair work shall be done entirely within an enclosed building, vehicular access to which shall be oriented away from the street across the front of the lot, and screened by a hedge or fence if facing adjacent residential lots.
 - g. External lighting shall be reduced in intensity by 50% at the close of each business day. Lighting of the lot using strings of bare bulbs shall not be permitted.
 - h. Areas of lot not occupied by buildings or paved shall be landscaped and maintained.
7. Bakery, Production
- a. A maximum of twenty (20) percent of the ground floor area shall be dedicated to the display and customer transaction of the bakery.
 - b. A delivery and loading zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

- c. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of this Ordinance.
8. Bakery, Retail
 - a. A minimum of twenty (20) percent of the ground floor area shall be dedicated to the display and customer transaction and seating space of the bakery.
 - b. A delivery and loading zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
9. Bank or Financial Institution
 - a. All banks and financial institutions permitted as a Conditional Use shall not allow drive-thru facilities upon the establishment.
 - b. All ingress and egress points be placed and marked on the lot to minimize conflict with existing vehicular and pedestrian traffic patterns on and immediately surrounding the lot.
10. Bed and Breakfast/Inn
 - a. The operator of the Bed and Breakfast must be the owner of the business and shall reside on the premises.
 - b. Meals shall only be served to overnight guests of the Bed and Breakfast.
 - c. Guests shall be limited to a maximum length of fourteen (14) consecutive days in any thirty (30) day period.
 - d. No more than six (6) guest sleeping rooms shall be available and/or utilized at any one time for the transient guests. Each guestroom may provide lodging for up to two (2) individuals, unless children under the age of sixteen (16) years are accompanying the guest. In no instance shall the total number of guests in the Bed and Breakfast exceed fourteen (14) people.
 - e. No part of the facility shall be rented for social or business functions.
 - f. There shall be only one (1) lodging house located on the lot.
 - g. The lot shall meet all area and bulk regulations of the district in which it is located.
 - h. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of this Ordinance.

- i. Not more than one (1) identification sign shall be permitted. The identification sign must conform to Article 700 of this Ordinance.
 - j. All required parking spaces shall be provided on the lot and shall not be located in the front yard.
 - k. There shall be one (1) space provided for each room and one (1) space provided for each permanent resident.
 - l. The driveway entrance and all parking areas shall be constructed of well-compacted stone of better and approved by the Borough Engineer.
 - m. The conditional use of a Bed and Breakfast expressly excluded alternative housing for criminal offenders, drug or alcohol rehabilitation, halfway houses and similar uses.
11. Billboards and Electronic Changeable Copy Billboards
- a. A billboard shall be permitted as a use by conditional use or special exception subject to the following express standards and criteria:
 - 1. Location. Required spacing shall be measured from a point perpendicular to the structure along the front lot line parallel to the center line of the roadway to which the billboard is oriented.
 - a. The minimum front, side and rear yard requirements applying to a principal use as set forth within the zoning district in which the billboard is to be located shall apply to each billboard structure.
 - b. A billboard shall be considered a structure and shall be included in the calculation of maximum lot coverage. The maximum lot coverage calculation shall be cumulative, including the billboard and any other structures and buildings on the same lot therewith.
 - c. 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 or residential or non-residential structure or to limit or reduce the light and ventilation requirements regulated by borough provisions for building construction and fire prevention.
 - d. No billboard shall be constructed within the clear sight triangle of the public street or road on which it

- is situated and shall not in any case obstruct or impede traffic safety.
- e. Billboards shall maintain a lateral minimum spacing of seven hundred fifty (750) feet between billboard structures. Required spacing shall be measured from a point perpendicular to the centermost point of the billboard structure along the front lot line parallel to the center line of the roadway to which the billboard is oriented.
 - f. Billboards may not be mounted on the roof, wall or other part of a building or any other structure.
2. Size and height. A billboard shall have a maximum allowable gross surface area of seven hundred-fifty (750) square feet per sign face. A billboard shall have a maximum of two (2) sign faces per billboard structure.
- a. The billboard structure may have sign faces placed back to back or in a V-shaped configuration on a single billboard structure.
 - b. A billboard face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.
 - c. The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum sixty (60) miles per hour wind load.
 - d. The entire base of the billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such manner as to screen the foundation of the structure.
 - e. Landscaping shall be maintained by the billboard owner in an attractive and healthy manner in accordance with accepted conservation practices.
 - f. Permanent landscaping shall form a base and/or backdrop to the billboard when practical in the opinion of the Zoning Officer.
 - g. No bare earth cuts are permitted on a hillside.
 - h. All earth cuts or fills are to be permanently seeded or planted.

sign changes no more often than once every five (5) seconds.

- b. There shall be no effects of movement, blinking, animation, scrolling, flashing, or similar effects in the individual images.
- c. Changes of image shall be instantaneous as seen by the human eye, and shall not use blinking, fading, scrolling, shading, dissolving, or similar effects as part of the change.
- d. Any illumination intensity or contrast of light level shall remain constant.
- e. Location. Required spacing shall be measured from a point perpendicular to the structure along the front lot line parallel to the center line of the roadway to which the electronic changeable copy billboard is oriented.
 1. The minimum front, side and rear yard requirements applying to a principal use as set forth within the zoning district in which the electronic changeable copy billboard is to be located shall apply to each electronic changeable copy billboard structure.
 2. An electronic changeable copy billboard shall be considered a structure and shall be included in the calculation of maximum lot coverage. The maximum lot coverage calculation shall be cumulative, including the electronic changeable copy billboard and any other structures and buildings on the same lot therewith.
 3. No electronic changeable copy billboard shall be erected in such a manner as to block the view from the road or street of any existing business identification sign or residential or non-residential structure or to limit or reduce the light and ventilation requirements regulated by borough provisions for building construction and fire prevention.

4. No electronic changeable copy billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
 5. Electronic changeable copy billboards shall maintain a lateral minimum spacing of one thousand (1,000) feet between electronic changeable copy billboard structures or billboards. Required spacing shall be measured from a point perpendicular to the centermost point of the electronic changeable copy billboard structure along the front lot line parallel to the center line of the roadway to which the electronic changeable copy billboard is oriented.
 6. Electronic changeable copy billboards may not be mounted on the roof, wall or other part of a building or any other structure.
- f. Size and height. An electronic changeable copy billboard shall have a maximum allowable gross surface area of seven hundred-fifty (750) square feet per sign face. An electronic changeable copy billboard shall have a maximum of two (2) sign faces.
1. The electronic changeable copy billboard structure may have sign faces placed back to back or in a V-shaped configuration.
 2. An electronic changeable copy billboard face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.
 3. The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum sixty (60) miles per hour wind load.
 4. The entire base of the electronic changeable copy billboard structure shall be permanently landscaped with suitable

- shrubbery and/or bushes of minimum height of three (3) feet placed in such manner as to screen the foundation of the structure.
5. Landscaping shall be maintained by the electronic changeable copy billboard owner in an attractive and healthy manner in accordance with accepted conservation practices.
 6. Permanent landscaping shall form a base and/or backdrop to the electronic changeable copy billboard when practical in the opinion of the Zoning Officer.
 7. No bare earth cuts are permitted on a hillside.
 8. All earth cuts or fills are to be permanently seeded or planted.
- g. No electronic changeable copy billboard shall be mounted, affixed or attached to any vehicle, motor vehicle or trailer operated, maneuvered or towed on or upon any street, avenue, alley, road, or right of way with the borough. This prohibition shall include vehicles, motor vehicles or trailers designed, built, or used specifically for and as mobile electronic changeable copy billboards.
- h. Existing conforming billboards may be converted to accommodate electronic changeable copy billboards subject to the provisions of this Chapter. The conversion of any existing conforming billboard shall require a permit issued by the Zoning Officer.
- i. Permitting. All electronic changeable copy billboards, including the conversion of any existing conforming billboard to digital technology, shall require permits as follows:
1. Application for a building permit shall be made to the Zoning Officer, and shall be accompanied by such drawings, plans, specifications, and engineering designs as may be necessary to fully advise and acquaint borough personnel with the proposed sign and sign location. The

application shall be accompanied with the deed, lease, or other agreement by which the applicant has the right to erect, use or maintain the proposed sign at the stated location. Further, said application shall contain the following information: distance from proposed sign to closest billboard on the same side of the street and on the opposite side of the street; distance from proposed sign to closest electronic changeable copy billboard on the same side of the street and on the opposite side of the street; distance from proposed sign to closest residentially zoned (see Part 3 of this Chapter) property; location of all other electronic changeable copy billboards within a radius of one mile of the proposed location; and written certification from the sign manufacturer certifying that the light intensity of the sign has been preset to remain constant as established by this Ordinance, and that the preset intensity level is protected from end user manipulation by password protected software or other approved method.

2. The permit shall become null and void unless construction of the sign has been substantially completed within five (5) months from the date on which the permit was issued. In the event a permit becomes null and void after the expiration of five (5) months, the permittee shall be required to reapply for a permit for that site and pay another permit application fee. If, however, the permittee provides evidence that good cause prevented substantial commencement with the five (5) months, and such evidence is accepted by the Zoning Officer, then said permit may be extended one time for an additional three (3) months.

3. A permit application fee as set from time to time by the Borough Council shall be paid by each person or corporation seeking a permit under this section. This fee shall be in addition to, and not in lieu of, any other fees or licenses required.
- j. Non-conforming billboards may not be converted to electronic changeable copy billboard.
- k. For each electronic changeable copy billboard erected or for each conversion of a conforming billboard to an electronic changeable copy billboard, the applicant must remove four (4) of its non-conforming billboards within six (6) months of the issuance of the permit for said electronic changeable copy billboard.
- l. Maintenance.
 1. Any electronic changeable copy billboard that malfunctions, fails or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing or any similar effects, shall be restored to its normal operation conforming to the requirements of this Chapter within twenty-four (24) hours.
 2. Every ten (10) years, the owner of the electronic changeable copy billboard shall have a structural inspection made of the electronic changeable copy billboard by an engineer or an architect and shall provide to the borough a certificate from the engineer or architect certifying that the electronic changeable copy billboard is structurally sound.
 3. Annual inspections of the electronic changeable copy billboard shall be conducted by the borough to determine compliance with the provisions of this Chapter.
 4. Electronic changeable copy billboard found to be in violation of this Chapter shall be

brought into compliance or shall be removed within thirty (30) days upon proper notification by the borough. Failure to comply shall be a violation of this Chapter.

- b. Prior to approval for conditional use, billboards and electronic changeable billboards shall also comply with the requirements of Article 700 in addition to those set forth in this section.

12. Bowling Alleys

- a. All facilities shall have a paved parking area in accordance with this Chapter; and it shall not be closer than twenty-five (25) feet to any residential lot line.
- b. All facilities shall abut a public road and have a permanent access thereto.

13. Car Washes

- a. All automated washing facilities shall be in a completely enclosed building, as defined by this Ordinance. 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 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 washing equipment. Such stacking area shall be able to accommodate the number of vehicles equal to the maximum hourly processing capability of the aforesaid car wash. Such information shall be provided to the borough as part of the application for the conditional use.
- d. An area beyond the exit end of the washing equipment sufficiently large enough to accommodate one fourth (1/4) of the maximum hourly processing capability provided in above for the aforesaid vehicular car wash.
- e. The facility shall be connected to public sanitary sewer.
- f. Any car wash which also dispenses gasoline shall meet all applicable requirements of §27-1022 governing gasoline stations.

14. Cemeteries

- a. A minimum site of ten (10) acres is required.
- b. A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
- c. A ground water study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application

- d. All maintenance equipment shall be properly stored in an enclosed building when not in use.
- e. Burial sites shall comply with the setbacks required for principal structures in the zoning district and burial structures shall not be located within one hundred (100) feet of any property line adjoining residential use or Residential zoning district.

15. Child Day Care

- a. Applicable to R-3 and R-4 Districts:
 - 1. A minimum site of 8,000 square feet is required
 - 2. Proof of a valid license to operate child day care 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.
 - 3. All child day care facilities shall provide a minimum area for indoor play at a ratio of forty (40) square feet per child.
 - 4. All child day care facilities shall provide outdoor play space at a minimum ratio of sixty-five (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 twenty (20) feet in width.
 - a. The outdoor play area shall adjoin the building where the child day care facility is located.
 - b. The outdoor play area shall be no closer than thirty (30) feet to a private/public street right-of-way, or ten (10) feet to any other property lines.
 - c. 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 the Council. 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.
 - d. 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 the Council. Non-

- yielding surfaces shall not exceed on-quarter (1/4) of the required outdoor play space.
5. Safe vehicular access and off-street areas for the discharge and pick-up of children shall be provided in the following manner:
 - a. Minimum dimensions of discharge and pick-up areas shall measure eight by fifty-five (8 x 55) feet.
 - b. 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 and complete the discharge and pick-up without obstructing or interfering with the use of any public right-of-way, any parking space, or parking lot aisle.
 - c. 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 any 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 Engineer.
 - b. Applicable to C-1 and C-2 Districts:
 1. Exterior open space shall be provided, being usable and accessible only for the children at a minimum ratio of sixty-five (65) square feet per child. Interior space shall be provided as per the regulations of the Pennsylvania Department of Welfare. In addition, other lot and area requirements within the zoning district in which the day-care center is proposed shall apply.
 - a. Off-street parking spaces required for day-care centers shall be one (1) for each three hundred (300) square feet of gross floor area with a minimum of four (4) spaces.
 - b. Outdoor play areas shall be provided and shall be secured by a fence, at least four (4) feet in height, with a self-latching gate.
 - c. Ingress and egress to the site shall be designed to assure the safe dropping off and pick up of children,

if applicable. All drop-off locations shall be designed so as to not interfere with the free flow of traffic on adjacent streets.

- d. Ingress and egress points shall be located upon the primary street/main thoroughfare and not upon a secondary street or alleyway.
16. Place of Assembly/Worship
 - a. All places of worship permitted as a Conditional Use shall be pre-existing places of worship.
 - b. Within the Civic-Professional District, the procurement of an existing place of assembly or worship by another enterprise already in possession of a place of assembly or worship is not permitted, as to reserve these buildings for future redevelopment and repurpose.
 17. Civic, Social or Fraternal Club
 - a. No outdoor active recreation area shall be located nearer to any lot line than one hundred (100) feet.
 - b. Sufficient screening shall be provided so as to protect the neighborhood from inappropriate noise and other disturbance.
 18. College, School or University
 - a. The school shall be the sole occupant of the lot and, other than an elementary school, shall have access directly to an arterial or collector street.
 - b. Access drives shall be located to take maximum advantage of sight distances for motorists; shall be as remote as possible from street intersections.
 - c. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
 - d. Recreational areas shall be located no closer than thirty (30) feet to an abutting street or ten (10) feet to other lot lines.
 - e. The school's course of instruction or other activities on the lot shall not create noise, dirt, glare, dust or other nuisances on adjacent properties.
 19. Communication Tower
 - a. Refer to requirements set forth in Article 1900.
 20. Community Center
 - a. A community center shall be designed in such a way that conforms to surround lots and structures to preserve the existing character of the community.

- b. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
21. Consignment/Secondhand Store
- a. The business establishment shall not exceed twenty thousand (20,000) square feet in size.
 - b. A delivery and loading zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
22. Convenience Store without Fuel
- a. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
 - b. In order to ensure pedestrian safety, access and circulation for both customers and deliveries/loading shall be posted on the lot.
 - c. A delivery and loading zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
 - d. Loading areas and docks shall be screened with either landscaping or fencing if abutting residential uses.
 - e. Dumpsters shall be located in the rear of the lot and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a maximum height of eight (8) feet and a minimum opacity of eighty (80) percent.
23. Conversion Dwellings shall have side yards of not less than fifteen (15') feet, and shall not be approved unless plans for such conversion prepared by a registered architect or engineer are submitted which clearly indicate that adequate light, ventilation and fireproofing are provided for, that each dwelling shall have separate kitchen and bath facilities, and that each unit shall be functional, convenient and private.
24. Country Club or Golf Course
- a. The course shall be designed so that golf balls will not be driven over or across any building, building lot, road, access drive, driveway or parking lot. In addition, the golf course design shall minimize the cart path crossing of streets.

- b. A minimum separation distance shall be maintained between the golf course and adjoining properties. The following minimum distances shall be measured from the centerline of the golf course to the adjacent property line.
 - 1. Seventy five (75') feet minimum distance from the centerline of the tee box to the adjacent property line.
 - 2. One hundred-fifty (150') feet minimum distance from the centerline of the landing area to the adjacent property line.
 - 3. One hundred (100') feet minimum distance from the centerline of the green to the adjacent property line.
 - c. The area between the edge of the course and the property line shall be utilized for planting, as appropriate, to preserve and protect adjoining properties and views from and of the golf course. Planting areas shall be delineated on the preliminary land development plan. The planting scheme (size, type and location of landscaping) shall be shown on the landscape plan submitted with the final land development plan.
 - d. All golf course buildings and structures shall be set back two hundred fifty (250') feet from any exterior lot line.
 - e. Any points where the golf course crosses a road shall be signed warning motorists and pedestrians.
 - f. No outdoor storage of golf carts or maintenance equipment shall be permitted.
 - g. A golf course may include the following accessory uses:
 - 1. A clubhouse with a pro shop, offices, restaurant/snack bar, game room, and childcare room.
 - 2. Golf cart maintenance and equipment storage and service facilities.
 - 3. Practice putting greens and driving range, without outdoor lighting.
25. Craftsman/Fabrication, Small-Scale
- a. A delivery and loading zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
 - b. Loading areas and docks shall be screened with either landscaping or fencing if abutting residential uses.
 - c. The establishment shall demonstrate that activities shall not impose detrimental noise, dust, odor, vibration, light or other disturbance or interruption to the surrounding neighborhood.

26. Day Care Home
- a. Exterior open space shall be provided, being usable and accessible only for the children at a minimum ratio of sixty-five (65) square feet per child. Interior space shall be provided as per the regulations of the Pennsylvania Department of Welfare. In addition, other lot and area requirements within the zoning district in which the day care home is proposed shall apply.
 - b. Off-street parking spaces required for day care homes shall be one (1) for each three hundred (300) square feet of gross floor area with a minimum of four (4) spaces.
 - c. Depending on traffic and/or adjoining use of the premises, a fence with approved height and strength by the Borough may be required along the lot's perimeter for the protection of those using the day care home.
 - d. Safe vehicular access and areas for discharging and picking up children shall be provided.
27. Drive-Through Facility
- 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 spaces in order to alleviate traffic congestion.
 2. Stacking spaces shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.
 3. All stacking areas shall be separate from other vehicular and pedestrian circulation aisles and parking spaces. It is recommended that stacking lanes be separated through the use of landscaped islands bounded by concrete curbing.
 4. The number of stacking spaces required shall be determined by the following schedule:
 - a. Restaurant, Fast Food: a minimum of five (5) spaces as measured from the drive-thru window.
 - b. Car washes: a minimum of four (4) spaces per car wash bay as measured from the bay.
 - c. Financial institutions: a minimum of four (4) spaces for one (1) drive-thru window, plus three (3) spaces for each additional drive-thru window or automated teller machines (ATM).

- d. Other Uses With Drive-Thru Windows or Similar Characteristics: for uses not provided herein, the Planning Commission shall determine the appropriate number of stacking spaces based on a use listed above that most closely approximates the proposed use, or through information provided by the developer or owner of the proposed use, or through consultation with other communities containing uses similar to the one proposed, or through a combination of these methods.
 - b. Drive-in facilities adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
 - c. Exterior microphone/speaker system shall be arranged or screened to prevent objectionable noise impact on adjoining properties.
 - d. All automated teller machines shall be located so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.
- 28. Dry Cleaning Processing Facility
 - a. All materials and equipment shall be stored within a completely enclosed building.
 - b. The use shall comply with all performance standards specified in this Ordinance.
 - c. The storage or manufacture of hazardous or potentially hazardous materials which are not listed on file with the borough shall not be permitted.
- 29. Funeral Home or Mortuary
 - a. Applicable to R-4 District:
 - 1. The minimum lot area shall be 40,000 square feet.
 - 2. The site shall have direct vehicular access to an arterial or collector street.
 - 3. Crematoriums are permitted as an accessory use to these land uses.
 - b. Applicable to C-2 District:
 - 1. A delivery and loading zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

2. Ingress and egress points shall be located upon the primary street/main thoroughfare and not upon a secondary street or alleyway.
30. Furniture Store
 - a. A delivery and loading zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
 - b. There shall be no display of furniture upon the public right-of-way.
 31. Gallery
 - a. The gallery shall be located on the ground floor of the building.
 - b. The gallery shall allow for the re-occurring viewing and sale of the art produced within the gallery space.
 32. Garden Apartments.
 - a. Applicable to the R-2, R-3 and R-4 Districts:
 1. Shall not have a lot area per family of less than two thousand five hundred (2,500) square feet per unit for the first four units, nor less than twelve hundred (1,200) square feet for the fifth and each additional unit in the R-2 and R-3 Districts.
 - b. Applicable to D-3 and C-2 Districts:
 1. Parking shall be provided on the same lot upon which the dwelling unit is located and be no more than three hundred (300) feet from any one unit.
 2. Within the Arterial District, all ingress and egress points to parking areas shall be located on alleys and secondary streets, and shall not be located on primary streets such as Main Street or Mansfield Boulevard.
 3. No dwelling unit shall be constructed within a floodplain area.
 33. Garden Center, Plant Nursery, Landscaping Business or Greenhouse
 - a. Commercial greenhouse heating plants shall be at least one hundred (100) feet from any property line.
 - b. For commercial greenhouses and garden centers, the retail sales area for a greenhouse shall not exceed twelve hundred (1,200) square feet. The growing area shall not be considered sales area.
 34. Gasoline Stations, Automobile Repair, or Automobile Body Shop
 - a. The minimum lot area shall be 10,000 square feet.
 - b. Minimum side yards shall be ten (10) feet.

- c. No tank for the storage of flammable or otherwise hazardous material shall be installed except in accordance with the requirements of the Allegheny County Fire Marshall.
 - d. All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
 - e. All accessory car washing areas shall discharge into public sanitary sewers.
 - f. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence inside of a row of shrubs or evergreens with a minimum height of four (4) feet.
 - g. All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public right-of-way.
35. Group Residences, Group Care Facilities and Institutional Facilities shall not be located on lots of less than 8,000 square feet, shall have side yards of not less than fifteen (15) feet, shall not be located within one-quarter of a mile from any other such facility, and shall not be approved unless plans prepared by a registered architect or engineer are submitted which clearly indicate that adequate light, ventilation and fireproofing are provided, and that the dwelling facility and its accommodations shall be functional and convenient with regard to the specific needs of the group to be housed in the facility.
- a. Applicable to R-3 and R-4 Districts:
 - 1. A License or Certification shall be obtained from the Commonwealth of Pennsylvania, County of Allegheny, or other federal, state or local agency prior to approval; or if there be no appropriate licensing or certifying agency, the applicant shall submit evidence that the proposal satisfies a demonstrated need and will be conducted in a responsible manner without detriment to surrounding properties.
 - 2. The sponsor shall file annually with the Zoning Officer information that the facility continues to satisfy the conditions of original approval.
 - 3. The sponsoring agencies shall be notified by mail of the annual filing date thirty (30) days prior to such date. Ten days (10) after the filing date, an advertisement will be placed in the local newspapers for one day listing those agencies that have applied for recertification and requesting

comments from residents and community organizations within thirty (30) days of the advertisement. Individuals or organizations wishing to file complaints should do so in writing to the Zoning Officer.

4. Change of ownership or of any conditions of original approval shall constitute a new use and the full procedure for obtaining approval of the conditional use shall be required.
- b. Applicable to C-1 and C-2 Districts:
1. The minimum area and bulk regulations for a Group Home or Care Facility shall be the same as those required for all uses in the Zoning District in which the facility is located.
 2. No Group Home or Care Facility shall be established within one thousand (1,000) feet of another Group Home or Care Facility.
 3. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
 4. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
 5. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs. All open space areas shall be secured by a fence with a self-latching gate.
 6. When applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Borough Zoning Office in January of each year.
36. Halfway House
- a. Halfway house must be licensed where required by an appropriate government agency (ies), and shall be in compliance with all applicable rules and regulations of the licensing body (ies). A copy of any required license must be delivered to the borough prior to beginning the use.

- b. A Halfway house shall be directly affiliated with a parent institution or organization which shall provide full-time supervision and administration to 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 residents of the halfway house shall reside on-premises to benefit from the services provided.
 - e. Necessary permits for water supply and sanitary waste disposal must be obtained.
 - f. The halfway house shall not be located within one thousand (1,000') feet of any the following uses:
 - 1. Child care facility;
 - 2. Churches and similar places of worship;
 - 3. Community center;
 - 4. Library;
 - 5. Museum;
 - 6. Park;
 - 7. Playground;
 - 8. school;
 - 9. Other lands where minors congregate;
 - g. The halfway house shall not be located with one thousand (1,000) feet of another halfway house.
 - h. Each application shall be accompanied by a statement describing the following:
 - 1. The character of the half-way house;
 - 2. The policies and goals of the half-way 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 half-way house.
 - i. Any use permit granted for the half-way house shall be bound to the type and number of offenders listed on the application.
37. Hardware Store
- a. The business establishment shall be less than 20,000 square feet.
 - b. There shall be no outdoor storage of merchandise or equipment upon the lot.
 - c. If the business establishment is adjacent to any residential dwellings, a bufferyard shall be installed along the parking area

- proposed adjacent to the lot line shared with the residential use, a minimum of three and one-half (3.5) feet in height at its peak, and the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The berm shall be landscaped with plants that provide four (4) seasons of vegetated cover not including turf grass.
- d. If the business establishment is adjacent to any residential dwellings, the parking spaces shall be situated so that motor vehicle headlights shall face inward towards the business establishment and not outwards towards neighboring residential dwellings.
 - e. If located on the lot, parking shall not be located in the front yard.
 - f. A delivery and loading zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
38. Health/Fitness Center
- a. If the health/fitness center is in the Downtown District, it must be located on a non-ground floor of the building.
 - b. The establishment shall demonstrate the activities to take place in the space shall not impose disruptions upon establishments located on floors below the space.
 - c. If the Health/Fitness Center is in the Cultural District, the building must be one that is pre-existing and is repurposed or redeveloped for a Health/Fitness Center.
39. Home Occupation
- a. The employees of a home occupation (other) may include the residents of said dwelling and a maximum of one (1) non-resident.
 - b. A home occupation shall not be permitted to be conducted in any accessory structure.
 - c. The use shall not create any additional environmental impact other than those impacts, including but not limited to road infrastructure, traffic, garbage, water and sewage, normally resulting from residential use.
 - d. The use shall not cause an increase in the use of water, sewerage, garbage, public safety or any other municipal services beyond that which is normal for an average residence in the neighborhood.
 - e. The use shall not require internal or external alterations or construction features which change the fire rating of the structure.

- f. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- g. There shall be no storage of materials or equipment outside an enclosed building.
- h. The conduct of any home occupation, including but not limited to the storage of goods or equipment, shall not reduce or render unusable areas required for enclosed parking for the dwelling unit.
- i. The use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
- j. All needs for parking generated by the conduct of a home occupation shall be provided for on the lot.
- k. The home occupation shall not involve the use of vehicles in excess of one (1) ton capacity or nine thousand (9,000) pounds gross vehicle weight for delivery of materials to or from the premises, and such vehicles shall not be parked on the premises.
- l. There shall be no regular display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for pickup and/or delivery. The home occupation shall not involve the use of advertising signs on or off the premises or any other local advertising media which shall call attention to the fact that the home is being used for business purposes other than a telephone listing or small classified ad briefly describing the service and providing only a telephone number.
- m. The following uses shall not be considered to be home occupations and shall be limited to the districts in which they are specifically authorized as permitted uses, conditioned uses or uses by special exception:
 - 1. Veterinary services.
 - 2. Automobile sales, rental, service and repair shops.
 - 3. Beauty shops and barbershops containing more than one (1) chair.
 - 4. Hospitals, nursing homes, group living facilities.
 - 5. Kennels.
 - 6. Funeral homes.
 - 7. Private clubs.
 - 8. Private instruction to more than three (3) students at a time.
 - 9. Restaurants.
 - 10. Keeping/boarding of horses for commercial enterprise.

- n. Small Family Child Day Care Homes, as defined by this Chapter, shall be considered a home occupation, provided that:
 - 1. All of the foregoing standards for a home occupation are met.
 - 2. All standards and criteria of §27-1104.8 are met.
 - o. Any approved home occupation which requires any type of public access to the dwelling must obtain all required approvals from the Pennsylvania Department of Labor and Industry.
 - p. Normal hours of operation shall be a maximum of 7 am to 9 pm for customer/client traffic.
40. Hospital
- a. The facility operator shall meet all state and federal rules and regulations for hospital facilities.
 - b. Minimum lot area - five (5) acres.
 - c. Minimum street frontage - three hundred (300') feet.
 - d. Public/community sewer and public/community water shall be used.
 - e. The subject property shall have frontage along an arterial roadway as defined in the Carnegie Borough Comprehensive Plan, as amended.
 - f. All height, area, setback and coverage standards within the underlying district shall apply.
 - g. Emergency entrances shall be located on a building wall facing away from adjoining residentially zoned properties.
 - h. The institution shall submit a copy of its emergency operations plan (EOP) to the borough. The EOP shall include detailed information regarding solid, medical and hazardous materials and waste handling including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with state and federal regulations. The applicant shall provide documentation of compliance to the Zoning Officer from the applicable state or federal agency.
41. Indoor Commercial Recreation
- a. If the indoor commercial recreation is in the Downtown District, it must be located on a non-ground floor of the building.

- b. If located on the non-ground floor of the building, the establishment shall demonstrate the activities to take place in the space shall not impose disruptions upon establishments located on floors below the space.
 - c. If located on the ground floor of the building and there are residential dwellings on the non-ground floor of the building, the establishment shall demonstrate the activities to take place in the space shall not impose disruptions upon establishments located on floors above the space.
42. Institutional Facility
- a. In order to ensure that any proposed development does not create adverse conditions to the public right-of-way, a traffic impact study, in accordance with the Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hours.
43. Junkyard
- a. Maximum lot area shall be five (5) acres.
 - b. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8') foot high opaque fence which shall be set back at least fifty (50') feet from all property lines and one hundred (100') feet from residentially-zoned or existing residential properties.
 - c. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.
 - d. All completely-enclosed buildings used to store junk shall be set back at least fifty (50') feet from all property lines.
 - e. No material may be stored or stacked so that it is visible from adjoining properties and roads.
 - f. All additional federal and state laws shall be satisfied. The applicant shall provide documentation of compliance to the Zoning Officer from the applicable state or federal agency.
 - g. All junk shall be stored or arranged so as to permit access to firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8') feet.
 - h. No oil, grease, tires, gasoline, or other similar material shall be burned at any time. No hazardous materials as defined by state and federal regulations shall be stored or burned at any time.

- i. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, not to cause any offensive or noxious sounds or odors, and not to cause the breeding or harboring of rats, flies, mosquitoes, or other vectors of disease.
 - j. No junkyard shall be located on land with a slope in excess of eight (8%) percent, prime agricultural soils, sinkhole prone soils, wetlands, woodlands, or floodplains.
44. Kennel
- a. All animals shall be confined to the property.
 - b. Adequate methods for sanitation and sewage disposal shall be provided.
 - c. Outdoor runs shall be located a minimum of 200 feet from any dwelling not located on the same lot.
 - d. Outdoor runs shall be screened with a solid fence to reduce the potential for inciting dogs to bark due to external influences.
 - e. A site plan, drawn to scale, shall accompany the application indicating the location of existing and/or proposed parking facilities, buildings, runs and other physical features.
45. Long-Term Nursing Care Facility
- a. The long-term nursing care facility shall meet all licensing requirements of the Commonwealth of Pennsylvania Department of Health.
 - b. The facility shall have direct access to an arterial or collector street.
 - c. The long-term nursing care facility shall be the sole occupant of the lot.
 - d. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
 - e. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
 - f. Buildings shall be set back from one another and residential occupancy shall be in conformance with this Chapter.
46. Manufacturing, Light
- a. A delivery and loading zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
 - b. Loading areas and docks shall be screened with either landscaping or fencing if abutting residential uses.

- c. The establishment shall demonstrate that activities shall not impose detrimental noise, dust, odor, vibration, light or other disturbance or interruption to the surrounding neighborhood.
47. Medical Clinic
- a. The medical clinic shall not allow overnight treatment or stay of patients.
 - b. If the medical clinic dispenses dolophine opioid analgesics or similar rehabilitation medications, the treatment must be performed on-site, and the patient shall remain at the facility until the temporary treatment is complete and the patient is deemed able to function in public.
48. Micro-Brewery/Micro-Distillery
- a. A micro-brewery/micro-distillery that is permitted as a Conditional Use must be located in a pre-existing building that has been repurposed or redeveloped for a micro-brewery/micro-distillery.
 - b. If abutting residential uses, the hours of operation and activities must be appropriately scheduled to protect all surrounding residential development from detrimental noise, disturbance or interruption.
49. Mobile Home Park
- a. A mobile home park shall only include mobile homes of single width or multiple widths, but shall not include travel trailers or motor homes.
 - b. The tract of land to be developed for a mobile home park shall be in single and separate ownership.
 - c. Any parcel to be used as a mobile home park shall have a minimum size of twenty-five (25) acres.
 - d. Any site proposed for a mobile home park shall not be subject to any nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odors or GLARE.
 - e. Every area to be used as a mobile home park must be served exclusively by an approved public or community water supply system and waste disposal system. In the case of community systems a maintenance and ownership agreement shall be required.
 - f. Density - The total number of lots in a mobile home park shall not exceed a maximum density of eight (8) lots per acre.

- g. Yard and Area Regulations - The following yard setback and lot area regulations shall apply to all mobile home parks developed pursuant to this Section.
1. setback from tract Boundary - No mobile home, auxiliary park buildings and other park structures may be located closer than seventy-five feet (75') to any boundary of a mobile park regardless of whether that boundary abuts a lot, water body, road or other right-of-way.
 2. lot area - All mobile home lots in a mobile home park, regardless of tenure, shall have a minimum lot size of five thousand (5,000) square feet.
 3. lot width - No individual mobile home lot shall be less than fifty (50') feet in width at the building setback line.
 4. No individual mobile home lot shall be less than twenty-five feet (25') in width at the right-of-way line or the edge of the pavement of a private street, measured fifty feet (50') from the center line of a public or private street or right-of-way, as applicable.
 5. building Area - The maximum coverage of any individual mobile home lot by all primary and accessory buildings and structures, including covered patios or decks, shall not exceed forty percent (40%).
 6. Minimum structure setbacks -
 - a. front yard - In no case shall the long side of a mobile home be located closer than thirty feet (30') from the edge of the street right-of-way; provided, however, that the short side (ends of unit) of a mobile home may be located no closer to the street right-of-way than twenty-five feet (25').
 - b. No more than six (6) mobile homes in a row shall have the same setback distance; where varied setbacks are implemented, the difference shall be at least four feet (4').
 - c. Side and rear yards - No mobile home or accessory building may be located closer than ten feet (10') to any side or rear lot line of an individual mobile home lot.

7. Distance Between structures - mobile homes and roofed structures of areas attached thereto shall be separated from each other, and from other buildings, other than accessory structures, at their closest points by a minimum of twenty feet (20'); provided, however, that whenever two mobile homes have their longer sides parallel or essentially parallel to each other for more than twenty-five percent (25%) of the length of either the minimum distance between the two mobile homes shall be thirty feet (30').
50. Motel/Hotel
 - a. Drop-off/temporary parking areas shall remain free and clear of obstructions for general safety and fire department access.
 - b. The applicant shall provide evidence that adequate infrastructure service and capacities shall be available on site and aligned with the development's demand.
 - c. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
 - d. Service of meals and/or beverages (alcoholic/non-alcoholic) must be secondary to the principal use of room or suite rental.
 - e. Secondary eating establishments serving alcoholic beverages or secondary bars must be licensed by the Pennsylvania Liquor Control Board.
 51. Municipal, State or Federal Building or Facility
 - a. The storage of maintenance vehicles and related apparatuses shall be within wholly enclosed buildings in the C-1, C-2, and C-3 zoning districts.
 52. Night Club
 - a. A nightclub serving alcohol shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
 - b. A nightclub's hours of operation and activities must be appropriately scheduled to protect all surrounding residential development from detrimental noise, disturbance or interruption.
 - c. The owner(s) and operator(s) of a nightclub shall be responsible for the conduct and safety of the patrons.
 - d. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed forty (40) square feet.

53. Office, General
 - a. Offices shall not be located on the ground floor if the tenant space's public access is from East Main Street, West Main Street, Mansfield Boulevard or 3rd Street. If the tenant space does not front East Main Street, West Main Street, Mansfield Boulevard or 3rd Street, then the office may be located on the ground floor.
54. Office, Medical
 - a. If located in a district as a Conditional Use, the office space must be located on the non-ground floor of the building.
55. Older Adult Daily Living Center
 - a. The older adult daily living center shall meet all requirements of the PA Code Title 6 Aging, Part 1 Department of Aging, Chapter 11 Older Adult Daily Living Centers, Subchapter A Licensure and Operation Requirements.
 - b. The facility shall have direct access to an arterial or collector street.
 - c. The maximum impervious surface ratio shall be 50%.
 - d. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
 - e. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
56. Parking Lot, Private
 - a. Ingress and egress points must be located on side streets, not main thoroughfares.
 - b. Parking spaces must be oriented and angled so that vehicle lights do not shine directly into establishments, residents, or cause driving hazards for other drivers.
 - c. All off-street parking lots shall have a bufferyard between the parking spaces and right-of-way. This bufferyard shall be a minimum of three (3) feet tall, be at least 80% opaque, and may be comprised of landscaping, fencing, or a structure, or a combination of these. If a structure or fence, the more finished side shall face the right-of-way.
57. Parking Lot, Public
 - a. Ingress and egress points must be located on side streets, not main thoroughfares.
 - b. Parking spaces must be oriented and angled so that vehicle lights do not shine directly into establishments, residents, or cause driving hazards for other drivers.

- c. All off-street parking lots shall have a bufferyard between the parking spaces and right-of-way. This bufferyard shall be a minimum of three (3) feet tall, be at least 80% opaque, and may be comprised of landscaping, fencing, or a structure, or a combination of these. If a structure or fence, the more finished side shall face the right-of-way.
58. Personal Care Home
- a. The personal care home shall meet all licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare.
 - b. The personal care home shall be the sole occupant of the lot.
 - c. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
 - d. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
 - e. Buildings shall be set back from one another and residential occupancy shall be in conformance with this Chapter.
59. Personal Services
- a. There shall be no outdoor storage of materials or equipment of the establishments.
 - b. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the Borough for record.
 - c. Disposal of any materials used at the establishment cannot be located upon the lot unless contained in completely enclosed air-tight waste receptacles.
60. Personal Storage Facility
- a. The storage of hazardous materials such as toxic or explosive substances is prohibited.
 - b. Wholesale or retail sales, garage sales, flea market, or outside storage is prohibited.
 - c. The maximum size of the individual storage units shall be five hundred (500) square feet.
 - d. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
 - e. The lot shall have direct ingress/egress to a public collector or arterial road, as defined by this Chapter, and points of

- ingress/egress shall not be through a road on which the current use of the majority of lots fronting on the road is one-family dwellings.
- f. Vehicular access to the lot shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector road on which the lot has frontage.
 - g. All one-way driveways shall have a minimum of one (1) ten (10)-foot parking lane, plus one (1) fifteen (15) foot travel lane.
 - h. All two-way driveways shall provide a minimum of one (1) ten (10)-foot parking lane, plus two (2) twelve (12)-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.
 - i. All interior driveways shall be paved with an impervious surface sufficient for the loads the driveways are expected to bear.
 - j. A minimum eight (8)-foot fence with a self-latching gate shall be placed surrounding the property. The fence shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque.
 - k. The minimum distance from the face of any storage building to the face of any adjacent storage building shall be twenty-eighty (28) feet for storage units which are less than fifteen (15) feet in depth and forty-two (42) feet for storage units which are more than fifteen (15) feet in depth.
 - l. The minimum distance from the end of any storage building to the end of any adjacent storage building shall be twenty (20) feet.
 - m. The maximum length of any storage building shall be two hundred (200) feet.
 - n. Maximum lot coverage by all buildings shall be forty percent (40%).
 - o. Office space may be provided which shall not exceed five percent (5%) of the total floor area devoted to storage.
 - p. Storage shall occur completely within enclosed buildings.
 - q. Storage units shall not be equipped with water or sanitary sewer service.
 - r. No business activity other than rental of storage units shall be conducted on the premises.
61. Pharmacy
- a. All pharmacies permitted as a Conditional Use shall not allow drive-thru facilities upon the establishment.

- b. All ingress and egress points shall be placed and marked on the lot to minimize conflict with existing vehicular and pedestrian traffic patterns on and immediately surrounding the lot.
62. Planned Residential Development (PRD)
- a. See 27-1400
63. Printing
- a. There shall be no outdoor storage of materials or equipment of the establishments.
 - b. A facility shall have one point of ingress and egress to a public arterial or collector street.
 - c. Hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
 - d. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the Borough for record.
64. Parking Garage, Public
- a. Any parking garage shall be subject to building setbacks as defined by the district in which it is located.
 - b. A parking garage shall be illuminated in conformance to the requirements of this Ordinance.
 - c. Ingress and egress points must be located on side streets, not main thoroughfares.
65. Recreation Club, Private, Small-Scale
- a. Applicable to R-1, R-2, R-3 and R-4 districts
 - 1. Shall not be located on lots of less than 10,000 square feet, shall have yards of not less than twenty-five (25') feet
 - b. Applicable to D-1 and D-2 districts
 - 1. If the private recreation club is in the Downtown District, it must be located on a non-ground floor of the building.
 - 2. The establishment shall demonstrate the activities to take place in the space shall not impose disruptions upon establishments located on floors above or below the space.
66. Restaurant, Sit-Down
- a. All ingress and egress points shall be placed and marked on the lot to minimize conflict with existing vehicular and pedestrian traffic patterns on and immediately surrounding the lot.

- b. A delivery and loading zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
 - c. If the business establishment is adjacent to any residential dwellings, a bufferyard shall be installed along the parking area proposed adjacent to the lot line shared with the residential use, a minimum of three and one-half (3.5) feet in height at its peak, and the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The berm shall be landscaped with plants that provide four (4) seasons of vegetated cover not including turf grass.
 - d. If the business establishment is adjacent to any residential dwellings, the parking spaces shall be situated so that motor vehicle headlights shall face inward towards the business establishment and not outwards towards neighboring residential dwellings.
 - e. If located on the lot, parking shall not be located in the front yard.
 - f. A delivery and loading zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
67. Retail Liquor Store
- a. All development shall be designed in accordance with the Pennsylvania Liquor Control Board.
 - b. No outdoor storage of merchandise and/or supporting equipment shall be permitted.
 - c. The hours of operation shall be limited to 8 a.m. to 9 p.m.
68. Studio
- a. Within the Live-Work District and Civic Professional District, all studios must be located on the non-ground floor.
 - b. The establishment shall demonstrate that workshop or studio activities shall not impose detrimental noise, dust, odor, vibration, light or other disturbance or interruption to the surrounding neighborhood.
69. Theatre, Motion Picture
- a. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

- b. The motion picture theatre must comply with all setback and building regulations as set forth by this Ordinance in the district in which it is located.
70. Transportation Terminal
- a. The proposed use shall have direct access to an arterial street.
 - b. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
 - c. Maximum lot coverage by all building shall be forty percent (40%).
 - d. Shall not be located on lots of less than two acres, shall have side yards of not less than twenty-five (25') feet, and shall not have any tank for the storage of flammable or otherwise hazardous material closer than forty (40) feet to any property line.
71. Townhouse
- a. Parking shall be provided on the same lot upon which the dwelling unit is located.
 - b. Within the Arterial District, all ingress and egress points to parking areas shall be located on alleys and secondary streets, and shall not be located on primary streets such as Main Street or Mansfield Boulevard.
 - c. No habitable space of the dwelling shall be located on the ground floor if the dwelling is located in the floodplain. Non-habitable space and interior parking garages are permitted on the ground floor.
72. Veterinary Clinic
- a. Animal holding areas shall be within an enclosed building.
 - b. There shall be no overnight animal housing unless deemed necessary by the licensed veterinarian.
 - c. The clinic shall not serve as a kennel.
73. Utility Structures
- a. A solid fence shall be required to completely screen the structure. A six foot high row of shrubs or evergreens shall be planted around the exterior of the fence.
74. Wholesale Distribution
- a. The building shall be substantially similar in design and appearance to a retail sale establishment.
 - b. No assembly of products or manufacturing shall occur on the premises.

- c. A delivery and loading zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
75. Any Principal Use Not Specifically Listed
- a. Uses which are not specifically listed as permitted or conditional uses in any zoning district may be authorized in the M-1 District by the Carnegie Borough Council 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 the 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, the 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 Council determines will aid in determining the impact of the use.
 - 4. The proposed use shall comply with the expressed standards and criteria of the zoning district in which the use is to be located and all other requirements of this Chapter.
 - 5. The proposed use shall be in accordance with the community development objectives of this Chapter and the Comprehensive Plan, as adopted and amended.
 - c. Prior to the hearing before the 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, the Council may impose any reasonable conditions it believes are necessary to ensure compliance with this Chapter.

ARTICLE 1000

NONCONFORMING USES, STRUCTURES, AND LOTS

§1001. Nonconforming Uses. The following provisions shall apply to all nonconforming uses.

1. A nonconforming use may be continued but shall not be extended, expanded, or changed unless to a conforming use, except as permitted by the Zoning Hearing Board in accordance with the following:
 - a. The new use will more closely correspond to the uses permitted in the district.
 - b. The changed use shall be in keeping with the character of the neighborhood in which it is located.
2. A zoning certificate must be obtained within 1 year 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.
3. Any nonconforming structure damaged by fire, flood, explosion, or other casualty may be reconstructed and used as before it such reconstruction is performed within 12 months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.
4. In the event that a nonconforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of 1 year, or is abandoned for any period, such nonconforming use shall not be resumed.
5. Where a nonconforming use is conducted inside a structure, the floor area of the structure and the nonconforming use within it may be enlarged to an extent not greater than twenty (20) percent of the floor area existing at the time of adoption of this Chapter, when permitted by the Zoning Hearing Board in accordance with the following:
 - a. There shall be no increase in noncompliance, if any, with lot and yard requirements.
 - b. Off-street parking, as required by Article 800 shall be provided as to the enlarged portion.

§1002. Nonconforming Structures. The following provisions shall apply to all nonconforming structures, as defined by this Chapter, in all zoning districts:

1. Continuation. A nonconforming structure may be sold or otherwise transferred to other owners or may be continued.
2. Structural alteration. No such structure may be enlarged or structurally altered in a way that increases its nonconformity.

3. Damage or destruction. Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other accident or act of God may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that the repair or reconstruction and re-occupancy of the structure is initiated and completed within one (1) year of the date of such casualty.
4. Moving. Should a nonconforming structure be moved for any reason for any distance, it shall thereafter conform to the requirements of the zoning district in which it is located.
5. Signs.
 - a. Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than 75% of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Article.
 - b. Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of sign face shall be permitted.

§1003. Nonconforming Lots. The following regulations shall apply to all nonconforming lots, as defined by this Chapter, in any zoning district:

1. Where two or more adjacent lots of record with continuous frontage have less than the required area and width and are held by one owner, the lots shall be considered to be an undivided lot for the purpose of complying with this Article. No division of any lot shall be made which does not comply with the requirements of this Article.
2. Any lot of record existing at the effective date of this Chapter and held in separate ownership different from the ownership of adjoining lots may be developed in accordance with the requirements of the zoning district of the lot of record.
3. Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of record shall be the average depth of the nonconforming front yards of the adjacent developed nonconforming lots which are in the same block on the same side of the street and in the same recorded plan as the undeveloped lot. Private

garages, storage sheds, swimming pools and similar structures shall be located to the rear of the permitted principal structure and may be permitted in the rear yard, provided that they are no closer than 10 feet from the rear property line and are not located on any easements or rights-of-way.

§1004. Continuation. Subject to the provisions of this Article, a nonconforming lot, nonconforming structure or nonconforming use may be continued even though such does not conform with the provisions of these regulations for the district in which it is located. The Zoning Officer may keep and maintain a list of all nonconforming lots, structures or uses existing at the time of the passage of this Chapter, its predecessors or amendments thereto, and which may come to exist in the future.

ARTICLE 1100

ZONING HEARING BOARD

§1101. Membership. The membership of the Zoning Hearing Board shall consist of five (5) members appointed by the Borough Council by resolution. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board Chairman shall promptly notify Borough Council when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the borough, nor shall any member be an employee of the borough.

§1102. Alternate Members.

1. Appointment of Alternate Members. The Borough Council may appoint at least one (1) but no more than five (5) residents of the borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §27-1202.2, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the borough, nor shall any alternate be an employee of the borough. Any alternate may participate in any proceedings or discussion of the Board, but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to §27-1202.2 of this Chapter. Designation of an alternate pursuant to this subsection shall be made by the Chairman of the Zoning Hearing Board on a case-by-case basis in rotation according to declining seniority among all alternates.
2. Participation by Alternate Members. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case.

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

§1104. Organization of the Zoning Hearing Board. The Zoning Hearing Board shall elect its officers from its own membership, 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 two members, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearings on its behalf. In such a case, the parties may, prior to the decision, waive a decision by the Zoning Hearing Board and accept the decision of the hearing officer as provided in the MPC, as amended. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with the ordinances of the borough and the laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the borough, and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

§1105. Expenditures for Services. Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board and alternates to the Zoning Hearing Board, when designated pursuant to §27-1202.1, may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

§1106. Conduct of Hearings. A hearing shall commence within 60 days of the filing of an administratively complete application. Public notice, as defined herein, of the hearing, shall be advertised and posted as required by the MPC, and in addition thereto the Zoning Hearing Board shall post at least one copy of the notice on the affected property. Hearings shall be conducted in accordance with the applicable provisions of the MPC.

§1107. Zoning Hearing Board Decisions.

1. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a decision or, when no decision is called for, make written findings on the application in accordance with the requirements of the MPC and within 45 days after the last hearing before the Zoning Hearing Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together

with the reasons therefore. Conclusions based on any provisions of this Chapter, or any other land use ordinance, rule or regulation or any provision of the MPC shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that the hearing officer's decision or findings are final, the Zoning Hearing Board shall make the hearing officer's report and recommendations available to the parties within 45 days, the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the hearing officer.

2. A copy of the final decision or, when no decision is called for, of the findings, shall be delivered personally or mailed to the applicant no later than the day following its date.

§1108. Jurisdiction of the Zoning Hearing Board. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications on the following matters:

1. Substantive challenges to the validity of this Chapter, except those challenges brought before the Borough Council pursuant to §609.1 and §916.1(a)(2) of the MPC.
2. Appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
3. Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
4. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 910.2. of the MPC.
5. Appeals from the zoning officer's determination under section 916.2. of the MPC.
6. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision and Land Development applications.

§1109. Variances.

1. Application. The Board shall hear requests for variances where it is alleged that the strict application of the provisions of this Chapter inflict unnecessary hardship upon the applicant. Application for a variance shall be made in writing on the prescribed form obtained from the Zoning Officer. The Zoning Officer shall forward the application to the Board, which shall determine the time and place of the hearing.
2. Standards for Variances. The Board may grant a variance, provided that all the following findings are made where relevant in a given case:
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district which the property is located.
 - b. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter; and that authorization of a variance is therefore necessary to enable the reasonable use of property.
 - c. That such unnecessary hardship had not been created by the applicant.
 - d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
 - e. That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue.
3. Review by Planning Commission. The Zoning Hearing Board may request the review and comments of the Planning Commission on any variance application, which shall be made part of the public record.
4. Conditions. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the MPC.

Expiration. The grant of a variance shall expire one (1) year after the date of the Zoning Hearing Board's written decision unless (a) the applicant has applied for and obtained a building permit and commenced construction, or (b) in the case

where the variance does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the variance.

§1110. Special Exceptions: The Board shall hear and decide requests for special exceptions. In granting a special exception, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

§1111. Parties Appellant before the Board. Appeals under §27-1209 may be filed with the Board in writing by the landowner affected, by any officer or agent of the borough or any person aggrieved. Requests for a variance under §27-1211(2)(E) may be filed with the Zoning Hearing Board only by a landowner or any tenant with the permission of such landowner.

§1112. Time Limitation.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate borough officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor interest.
2. Any appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued, except appeals of the Zoning Officer's issuance of an enforcement notice, which shall be filed within ten (10) days after receipt of the enforcement notice.

§1113. Stay of Proceedings.

1. Upon filing of any proceeding referred to in §27-1212 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Hearing Board or the Allegheny

County Court of Common Pleas, on petition, after notice to the Zoning Officer or other appropriate agency or body.

2. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the Allegheny County Court of Common Pleas to order such persons to post a bond as a condition to continuing the proceedings before the Zoning Hearing Board, pursuant to provisions of the MPC.

ARTICLE 1200

ADMINISTRATION AND ENFORCEMENT

§1201. Zoning Officer.

1. Appointment. The Zoning Officer shall be appointed by Borough Council and shall administer and enforce this Ordinance.
2. Duties of the Zoning Officer. In order to administer and enforce this Ordinance, the Zoning Officer shall:
 - a. Administer and enforce the provisions of this ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.
 - b. Receive all applications for Building Permits, Zoning Certificates and Occupancy Permits and maintain records thereof.
 - c. Receive, file and forward to the Borough Council all applications for conditional uses and maintain records thereof.
 - d. Issue Building Permits, Zoning Certificates and Occupancy Permits for all applications that have been reviewed and approved according to the provisions of this chapter and other applicable ordinances.
 - e. Maintain a permanent file with all zoning certificates, occupancy permits, and applications as Public Records.
 - f. Receive, review and issue permits for fences, accessory uses, signs and temporary uses.
 - g. Receive, file and forward to the Zoning Hearing Board the records in all appeals and all applications for variances and maintain records thereof.
 - h. Inspect buildings, structures, and uses of land to determine compliance with the provisions of this chapter.
 - i. Issue enforcement notices for violation of any provision of this chapter.
 - j. Initiate civil enforcement proceedings for failure to comply with enforcement notices unless the Borough Council, after receipt of the enforcement notice, directs to the contrary by motion or resolution.
 - k. Initiate, with approval or at direction of the Borough Council, appropriate equitable enforcement action to prevent, restrain, abate or correct any violation of this Chapter.

- l. Revoke any order or zoning use or occupancy permit issued under a mistake of fact or contrary to the provisions of this Chapter.
- m. The Zoning Officer may make and maintain accurate and current records of all legal nonconformities under this Chapter
- n. The Zoning Officer may identify and register all nonconforming uses and structures as required by law. A zoning certificate shall then be issued to the owner of said use or structure.

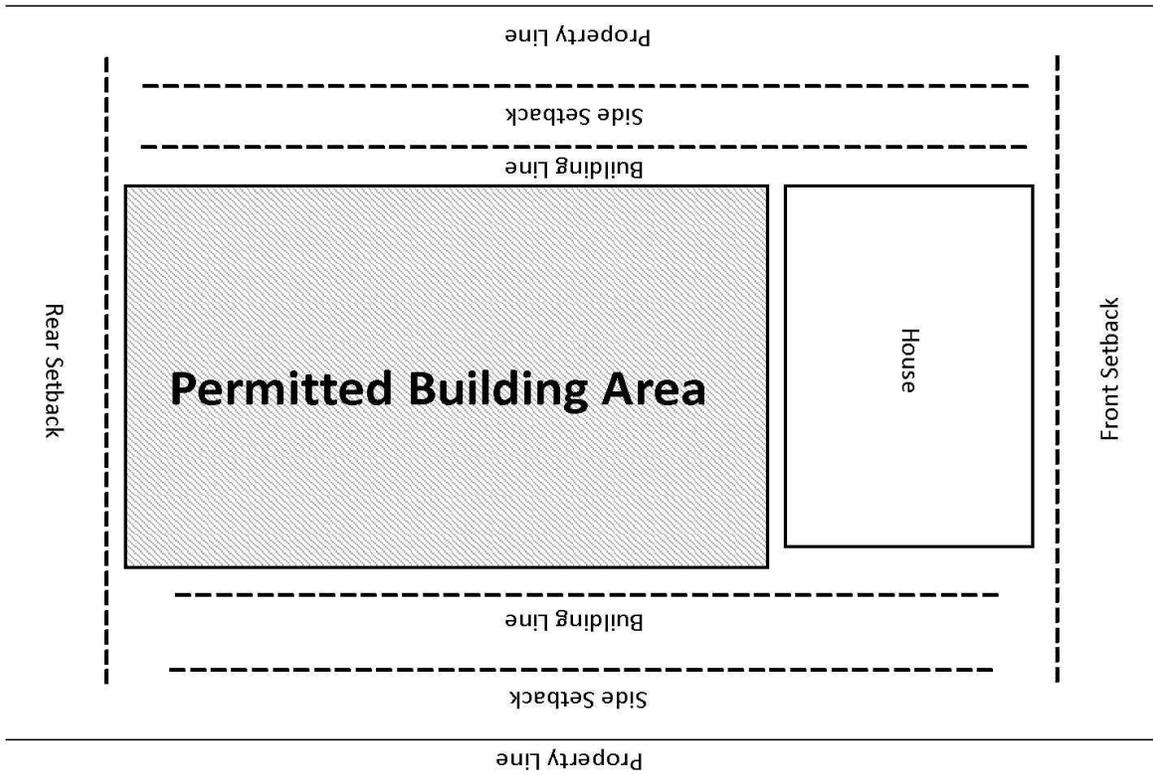
§1202. Zoning Certificates and Occupancy Permits.

1. No use of land shall be made or any building or structure constructed, altered, remodeled, sold, leased, occupied or used nor any use of building, structure or land be changed until a zoning certificate and occupancy permit has been issued by the Zoning Officer.
2. The improvements of land preliminary to any use of such land shall not be commenced prior to the issuance of the Zoning Certificate.
3. A Zoning Certificate shall be obtained before any person may:
 - a. Occupy or use any land; or
 - b. Change the use of a structure or land for a different use; or
 - c. Construct, reconstruct, move, alter, or enlarge any structure or building; or
 - d. Change a non-conforming use.
4. Any permit issued in conflict with the provisions of this chapter shall be null and void.
5. Application and Issuance Procedure.
 - a. Whenever the proposed activity, whether new construction or alternation of an existing use, requires a building permit, the applications for the zoning certificate and occupancy permit shall be made prior to or simultaneously with the application for the building permit. However, the building permit shall not be issued until the zoning certificate has been granted.
 - b. When no building permit is required, the application for the zoning certificate and occupancy permit may be made at any time prior to the use or occupancy of the structure or land.
 - c. Permit applications shall be submitted in writing on such forms as established by the borough. The Zoning Officer may request any information necessary to determine the application's compliance with this Chapter.
 - d. Applications shall include a Site Development Plan prepared in accordance with Article 600.

- e. The Zoning Officer shall not issue the zoning certificate or occupancy permit unless the property complies with all applicable borough, county, state and federal laws, ordinances and regulations, and until all other required approvals and permits have been obtained from applicable borough, county, state and federal agencies, including, but not limited to a PennDOT highway occupancy permit. The applicant shall submit copies of all such required approvals and permits to the Zoning Officer.
- f. Where approvals are not required by other borough agencies or governmental entities, the Zoning Officer shall review and approve or disapprove the application. However, the Zoning Officer may seek the advice and recommendations of the Planning Commission on any application.
- g. An application for a zoning certificate does not permit occupancy. A occupancy permit is also required. Under certain circumstances, application for any approval of a zoning certificate and occupancy permit may be combined.
- h. Upon completion of the work, the applicant shall notify the Zoning Officer who shall examine the building, structure or use of land involved. If the Zoning Officer shall find that such construction, erection, structural alteration or use of building and land has been completed in accordance with the provision of this Chapter and other applicable ordinances, the occupancy permit shall be issued.
- i. As a condition to the issuance of any zoning certificate or occupancy permit, a landowner shall permit the Zoning Officer to inspect both the exterior and interior of the property, as deemed necessary by the Zoning Officer. Any failure or refusal to permit such inspection shall result in denial of any application for zoning certificate or occupancy permit.
- j. The borough shall not issue a no-lien letter in connection with the sale of any property in the borough unless and until either the proposed buyer or proposed seller has applied for and obtained a occupancy permit in connection with the sale of the property.
- k. No permit for any use or construction which will involve the on-site disposal of sewage or waste and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site shall be issued until a certificate of approval has been issued by the Allegheny County Department of Health and conforms to all applicable borough regulations.

- iii. Storage shed or gazebo in rear yard.
 - iv. Open deck no higher than first floor in side or rear yard.
 - v. Air conditioner/condenser or generator in side or rear yard.
 - vi. Air conditioner/condenser or generator in front yard no closer to street than existing front porch or stoop.
- b. The construction or erection of the above described accessory uses may be permitted under this Section despite the proposed use not being in compliance with certain designated setback requirements provided that the applicant can establish, by submittal of a plot plan, photograph(s) and other pertinent data such as written approval by surrounding property owners, the following:
- i. In respect to the side yard requirements, the proposed construction or erection will not place the accessory use any closer to the neighboring property than the applicant's existing building line location. See Table 1203.1.
 - ii. The establishment, maintenance, location and operation of the proposed use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - iii. Authorization of the proposed Area and Bulk Standard exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property within the neighborhood.

Table 1203.1



§1204. Schedule of Fees. The Borough Council shall establish, from time to time, by resolution, fees and charges for all permits and applications required by this chapter.

§1205. Enforcement Notice

1. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
2. 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 to any other person requested in writing by the owner of record of the parcel. The enforcement shall be delivered personally or by certified mail. The enforcement shall state at least the following:
 - a. The name of the owner of record and any other person against whom the municipality intends to take action.
 - b. The location of the property in violation.
 - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
 - d. The date before which steps for compliance must be commenced and the date before which the steps must be completed.
 - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within ten (10) days of receipt of the enforcement notice pursuant to the procedures set forth in this Chapter.
 - f. That failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.

§1206. Preventive Remedies.

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - a. The owner of record at the time of such violation.
 - b. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - c. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - d. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

§1207. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated 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 more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the

determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay. Upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

§1208. Amendments. Amendments of this Chapter may be initiated by Borough Council, by the Planning Commission, or by a petition of a landowner within the borough in accordance with the following provisions:

1. Petitions for amendment by landowners, other than curative amendments under §27-1309 of this Chapter, shall be filed in writing with the Zoning Officer, and the petitioner, upon such filing, shall pay a filing fee and/or review deposit in accordance with the schedule fixed by resolution of Borough Council.
2. Any proposed amendment other than one proposed by the Planning Commission shall be referred to the Planning Commission for review. The Planning Commission shall review the proposed amendment and report its findings and recommendations, in writing, to the Borough Council and to the petitioner.
3. In the event the Planning Commission recommends approval of the proposed amendment, in whole or in part, or if a public hearing is requested by at least one (1) member of the Borough Council, a public hearing will be scheduled on the proposed amendment and a copy of the same submitted to the County Planning Agency at least thirty (30) days prior to the public hearing in accordance with the requirement of the MPC.
4. If the proposed amendment involves a Zoning Map change, notice of the public hearing shall be conspicuously posted by the borough at points deemed sufficient by it along the tract to notify potentially interested citizens. The affected tract shall be posted at least one (1) week prior to the date of the hearing.
5. Notice of any proposed Zoning Map change shall also be mailed by the borough at least thirty (30) days prior to the public hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the borough. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This subsection shall not apply to a comprehensive rezoning.

6. If, after any public hearing held upon an amendment, the proposed amendment is substantially revised or further revised to include land previously not affected by it, then the Borough Council shall hold another public hearing pursuant to Public Notice before proceeding to vote on the amendment.
7. The Borough Council shall act on a proposed amendment to this Chapter within ninety (90) days of the date of the meeting at which the public hearing on the amendment is closed. If the Borough Council fails to so act within the said ninety (90) day period, then the proposed amendment shall be deemed denied.
8. Within thirty (30) days after enactment, a certified copy of the amendment to this Chapter shall be forwarded to the County Planning Agency.
9. The proposed amendment shall also be published, advertised and made available to the public in accordance with the requirements of the MPC.

§1209. Landowner Curative Amendments. Any landowner who wishes to challenge, on substantive grounds, the validity of this Chapter or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he/she has an interest may prepare and submit a curative amendment to the Borough Council, in the form he/she proposes it be adopted, together with a written request that the challenge and proposed amendment be heard and decided in accordance with the requirements of the MPC. The Borough Council shall hold a public hearing, pursuant to public notice, on the matter within 60 days of receiving an administratively complete curative amendment request. Public notice of the public hearing shall be given by the borough in accordance with the requirements of the MPC. Public hearings shall be conducted and held in accordance with the applicable provisions of the MPC. The Borough Council shall comply with all applicable requirements of the MPC regarding the conduct of hearings and decisions related thereto.

1. Referral to Planning Commission and County Planning Agency. The curative amendment and challenge shall be referred to the Planning Commission and the County Planning Agency or its designee at least 30 days prior to the public hearing for review and comment.
2. Declaration of Invalidity by the Court. If the borough does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. Evaluation of Merits of Curative Amendment. If the Borough Council determines that a validity challenge has merit, then the Borough Council may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or the Zoning Map.
 - c. The suitability of the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and natural features for the intensity of the proposed uses.
 - d. The impact of the proposed use on the lot's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

§1210. Municipal Curative Amendments. If the Borough Council determines that this chapter or a portion thereof is substantially invalid, it may implement the procedure for municipal curative amendment provided in §609.2 of the MPC.

ARTICLE 1300

PLANNED RESIDENTIAL DEVELOPMENTS

§1301. Planned Residential Developments shall require submission, review and approval of a preliminary application and of a final application in accordance with the following procedures and requirements

1. Procedure for Planned Residential Developments. Planned Residential Developments may be allowed or denied by Council after recommendation by the Planning Agency in accordance with the following procedures.
 - a. The preliminary application shall include a Location Map, Site Map, Proposed Development Plan, and Engineering Report. The application shall be submitted to the Zoning Officer with not less than seven copies, and shall be accompanied by the fee.
 - b. The Zoning Officer shall forward one copy each of the preliminary application to the Planning Commission, the Borough Engineer, the Health Department, and the County Planning Commission. Council shall not approve the preliminary application until reports from each of these agencies have been received, or until the expiration of thirty days from the date the copies of the application for development were forwarded to said agencies.
 - c. Council shall hold a public hearing within sixty days of the filing of such preliminary application. Council shall render their decision not later than thirty days after the conclusion of the public hearing.
 - d. Council shall give tentative approval to a Proposed Development Plan if, and only if, it is found to meet the criteria set forth in §27-1401.2.
 - e. The grant or denial of tentative approval shall include findings of fact related to the Proposed Development Plan as submitted for approval, and the reasons for the decision shall be set forth with particularity in what respect the Proposed Development Plan would or would not be in the public interest including, but not limited to, each of the cited criteria.
 - f. In the event a Development Plan is granted tentative approval, with or without conditions, Council may set forth in the official written communication the time within which an application for final approval of the Development Plan shall be filed or, in the case of a Development Plan which provides for development over a period of years, the periods of time within which applications for final

approval of each park thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve months.

- g. The decision of Council shall be in writing and shall be given to the developer personally, or mailed to him at his last known address, not later than five working days following the decision.
- h. Failure of Council to render decision and to communicate it to the Applicant in the time and in the manner required, shall be deemed an approval of the application and terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation or of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation and communication shall have like effect.
- i. Council may:
 - i. Grant tentative approval of the subject Development Plan as submitted;
 - ii. Grant tentative approval subject to specified conditions not included in the Development Plan as submitted; or
 - iii. Deny approval of the Development Plan.
- j. If the Developer chooses to reject any conditions attached to the grant of tentative approval, he may void such tentative approval by notifying Council within thirty days of the date of the decision.
- k. The grant of tentative approval may be revoked by Council if they are notified by the Developer of his intention to abandon the proposed Development Plan. The grant of tentative approval shall be deemed to be revoked if the Developer does not submit an application for final approval within the time limits required by this Article.
- l. Application for final approval of each phase shall be filed with the Zoning Officer not later than twelve months following the grant of tentative approval, unless otherwise specified by Council. The application shall comprise one reproducible copy and six prints of the Development Plan for the phase, including a Site Plan and supplementary data, and a Certificate of Completion of Improvements or a Guarantee of Improvements as required by this Ordinance.

2. Requirements for Planned Residential Development

- a. A Development Plan for a Planned Residential Development shall be approved if, and only if, it is found to meet the following criteria:
 - i. The proposed Development Plan complies with all standards and conditions of this Ordinance, preserves the community development objectives of this Ordinance, and is consistent with the Comprehensive Plan.
 - ii. Where the proposed Development Plan departs from Zoning and Subdivision Regulations otherwise applicable to the subject property, such departures are in the public interest and promote the health, safety, and general welfare of the public.
 - iii. The proposals for the maintenance and conservation of any proposed common open space are reliable, and the amount and extent of improvements of such open space is adequate with respect to the purpose, use, and type of development proposed.
 - iv. The physical design of the proposed Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.
 - v. The total environment of the proposed Development Plan is harmonious and consistent with the neighborhood in which it is located.
 - vi. the proposed Development Plan will afford a greater degree of protection of natural watercourses, topsoil, trees, and other features of the natural environment, and prevention of erosion, landslides, siltation and flooding than if subject property were developed in accordance with the provisions of the Zoning and Subdivision Ordinances which otherwise apply.
 - vii. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards of §27-900.
 - viii. In the case of a Development Plan which proposes development over a period of years, the Development Plan will provide a sufficiency of the terms and conditions as required in this Article intended to protect the interests of

the public and of the residents of the planned residential development in the integrity of the development plan.

- b. Planned Residential Developments may be approved under provisions of this ordinance if, and only if, they comply with the following standards and provisions.
 - i. Ownership. The entire site for the Planned Residential Development shall be owned or controlled by the developer.
 - ii. Minimum Size: The site shall not be less than five acres.
 - iii. Frontage: The minimum frontage abutting on a public right of way shall not be less than one hundred feet.
 - iv. Access: The site must provide for access from arterial streets indicated in the Comprehensive Plan to assure convenient and safe access which will not cause undue congestion or hazard on local streets.
 - v. Safety: the site shall be of such a character so as to avoid danger to health or peril from fire, flood, or other hazard. Land containing or providing hazards to life, health and property, such as quarries, open ditches, land subject to flooding, subsidence, or underground fires shall not be subdivided for residential purposes until such hazards have been eliminated or adequate safeguards are provided under the Development Plan.
 - vi. Permitted Uses: The following uses may be permitted in a Planned Residential Development provided their design, arrangement, landscaping, relationship to adjacent properties and uses, and 1 construction meet the requirements set forth in this Ordinance:
 - a. In the "R-1" - One-Family Residence: one-family houses, recreation facilities and accessory uses.
 - b. In the "R-2" - Two-Family Residence: one-family houses, recreation facilities and accessory uses.
 - c. In the "R-3" - Multiple Family Residence: one-family dwellings, townhouses, recreation facilities and accessory uses.
 - d. In the "R-4" - Multiple Family Residence: one-family dwellings, townhouses, apartments, recreational facilities and accessory uses.
 - e. In the "C-3" - Office Commercial: mobile home parks provided the park has not less than fifteen

- acres and provides for a lot area of not less than four thousand (4,000) square feet for each mobile home.
- vii. Permitted Density: The overall density shall not exceed average lot area per family, calculated exclusive of public or private streets, of ninety percent (90%) of the minimum lot area per family as permitted in this ordinance.
 - viii. Open Space Requirements: Not less than fifteen percent of the total site area shall be set aside for open space, and not less than fifty percent of such open space shall be developed to a degree commensurate with its location and probable usage. The Common Open Space shall be so dedicated or otherwise preserved and maintained so as to always remain open and available for use by the occupants of the Planned Residential Development. The Common Open Space, including all improvements and facilities, shall be either:
 - a. Dedicated for public use to a public body which agrees to operate and maintain the dedicated land and facilities, but no public body is obliged by this Ordinance to accept such dedication, or
 - b. Deeded to an organization representing the property owners of the development, which organization shall covenant to operate and maintain land and facilities. Such organization may not be dissolved nor dispose of the Common Open Space unless the maintenance of the Common Open Space is otherwise guaranteed to the borough's satisfaction.
 - ix. Common Open Space Maintenance: If the organization established to own and maintain Common Open Space, or any successor organization, fails to maintain such Common Open Space in reasonable order and condition in accordance with the development plan, the borough may serve written notice upon such organization or upon the residents of the Planned Residential Development setting forth the maintenance deficiencies, requiring correction of deficiencies within thirty days, and stating the date and place of a hearing thereon which shall be held within fourteen days of the notice. At such hearing the borough may modify the terms of the original notice as to the

deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies so set forth shall not be corrected within the specified time limit, the borough, in order to preserve the taxable values of the properties within the Planned Residential Development and to prevent the Common Open Space from becoming a public nuisance, may enter upon and maintain the Common Open Space for one year. This maintenance shall not constitute a taking nor vest in the public any rights to use the Common Open Space. Before the expiration of the year, the Council shall set a public hearing where such organization or residents of the Planned Residential Development may show cause why maintenance by the borough should not, continue for another year. If Council determines that such organization is ready and able to maintain said Common Open Space in reasonable condition, the borough shall cease to maintain said Common Open Space at the end of said year. If the Council shall determine that such organization, is not ready and able to maintain said Common Open Space in a reasonable condition, the borough may, in its discretion, continue to maintain said Common Open Space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

- a. The cost of such maintenance by the borough shall be assessed ratably against the properties within the Planned Residential Development that have a right of enjoyment of the Common Open Space, and shall become a lien on said properties. The borough at the time of entering upon said Common Open Space for the purpose of maintenance shall file with the County a notice of lien upon properties affected.
- x. **Minimum Building Setback:** No structure shall be located closer to any boundary of the site than fifty feet. Any structure exceeding thirty-five feet in height shall be set back one additional foot for every two feet of height exceeding thirty-five feet.
- xi. **Building Spacing:** The requirements determining the spacing of buildings shall be as flexible as possible so as to encourage imaginative site design. The spaces between

- buildings shall guarantee adequate light, air and emergency access. The minimum distance between the nearest points of any exterior building walls shall be not less than thirty feet, except that for residential buildings, exterior end walls not exceeding two stories in height with no opening therein shall be not less than fifteen feet apart.
- xii. **Maximum Size of Structure:** No structure shall have a maximum dimension greater than 250 feet. No town house shall have a height greater than two and one-half stories, or 35 feet. No apartment shall have a height greater than three habitable stories, or 35 feet. Chimneys, spires, towers, tanks, or similar projections may exceed the prescribed height limitation by not more than twenty-five percent.
 - xiii. **Building Groupings:** Structures used for dwelling units shall be oriented so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each structure shall be so arranged so as to avoid undue exposure to concentrated loading or parking facilities.
 - xiv. **Staging Development:** The density of development within various portions of the Planned Residential Development may vary, provided each such area or portion of the Development Plan meets all requirements of this Ordinance. It is further required that programs for the construction of areas of greater density concentration than permitted on the entire tract will be offset by site improvements which, because of their size or cost, are in proportion to the number of dwelling units to be constructed in each stage. As an alternative to part or all of the site improvements required to offset development densities in excess of the overall permitted density, the borough may require the reservation of open space by grant, easement, or covenant in favor of the borough in an amount and location necessary to balance the excess development density of each stage.
3. **Required Improvements:** The following improvements shall be completed in connection with every Planned Residential Development, and such improvements will be in conformance with such standards as may be specified and required in the Carnegie Subdivision Ordinance or other borough, county or state law.

- a. Off-Street parking spaces shall be provided in accordance with the provisions of §27-800.
- b. Areas should be provided for bus loading areas and bus shelters within one quarter mile of each residential concentration. The bus loading area shall be large enough for a bus to pull out of the flow of traffic.
- c. Street lights shall be provided by the Developer throughout the Planned Residential Development. The street lights shall be located to ensure adequate illumination in order to protect the safety of the residents of the Planned Residential Development.
- d. Proposed streets shall be related to street plans or parts thereof as have been officially adopted by the borough. Proposed streets shall conform to the requirements herein as well and as to any other plans, statute, ordinance, law or regulation applicable thereto. Streets shall be logically related to the topography in order that usable lots and reasonable grades shall be produced. Minor streets shall be so laid out as to discourage through traffic, but provisions will be required for street connections into and from adjacent areas.
- e. Where a Planned Residential Development abuts or contains an existing or proposed major traffic street, the Governing Body may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with major streets, and separation of local and through traffic.
- f. Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all points along the streets.
- g. Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the Planned Residential Development. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front and property lines of lots and at all other or rear, and at all angles lot corners.
- h. Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a width of not less than ten feet and a paved walk of not less than four feet.
- i. When topsoil has been removed from the surface on a slope where erosion may cause a displacement of loose material, the area shall

be seeded or otherwise treated to prevent damage to adjacent property or streets.

- j. All utilities located within a Planned Residential Development shall be located underground.

ARTICLE 1400

FENCES AND WALLS IN RESIDENTIAL DISTRICTS

§1401. General Regulations:

§1402. All fences shall be kept and maintained in a good state of repair and in harmony with the general beauty of the surrounding neighborhood.

§1403. A permit for the erection of all fencing, walls, or screens shall be obtained from the Building Inspector prior to the start of any such erection. An application fee in an amount as established, from time to time, by resolution of Borough Council, shall accompany any permit application(s). A drawing showing the proposed location, height, and type of material of any fence, wall or screen shall also be submitted with such application. The Building Inspector shall approve or deny such application within 30 days of its submission. Said decision shall be communicated to the applicant in writing.

§1404. The decision of the Building Inspector may be appealed to the Council of the Borough of Carnegie. The applicant need merely file a written letter with the Borough Secretary requesting that Council review the decision of the Building Inspector. The Council of the Borough of Carnegie shall approve or deny said appeal(s) within 30 days from the date of said written letter. The decision of the Council of the Borough of Carnegie shall be final and shall be communicated to the applicant in writing.

§1405. The fee for the issuance of a permit for the erection of a fence, wall or screen shall be in an amount as established, from time to time, by resolution of Borough Council, payable to the Borough of Carnegie, The Building Inspector shall receive, from the Borough of Carnegie, a commission of 50 percent of the application and/or permit fees.

§1406. Fencing or screening may be constructed of wood, masonry, metal, wire mesh or similar materials, including fences of interwoven material construction, such as the basket-weave type, No fence, wall or screen constructed of concrete block shall be erected, nor shall any fence be erected which is constructed of dangerous materials or which has sharp points or edges protruding therefrom,

§1407. Residential Fencing:

§1408. In Residential Districts, fences may be erected in side and rear yards but they shall not exceed the height of 6 feet. Fences, walls or screens may be erected in a front yard provided it is an ornamental (see through and open) fence, wall or screen which shall not exceed the height of 4 feet. Such ornamental fence shall not be erected closer to the street than the front building setback line.

- §1409. In the case of corner lots, authorized fences shall be erected in side yards, abutting a street only in accordance with the following criteria:
- §1410. A fence, wall or screen shall be located behind the building line shown on the recorded plot.
- §1411. In the event that §27-1602.A. does not apply, a fence shall be located no closer to the street right-of-way line than the side of the dwelling abutting the said street.
- §1412. In the event paragraphs §27-1602.A. and §27-1602.B. do not apply, a fence shall be located a distance from the street right-of-way line at least equal to the front yard of the rear abutting lot which fronts on that street.
- §1413. In the event §27-1602.A., §27-1602.B., and §27-1602.C. do not apply, a fence shall be located a distance from the street right-of-way line equal to the depth of the front yard of the same lot.
- §1414. Security Fencing:
- §1415. Security fencing provided for a business establishment, school, playground, park, public right-of-way or other public use, shall be an open fence and shall not exceed the height of 10 feet.
- §1416. No security fences shall be permitted and/or provided for business establishments located within the C-1 or C-2 Zoning District of the Borough of Carnegie.
- §1417. Clear Sight Triangles:
- §1418. No fence, wall, screen, tree, shrub or other planting authorized by this Chapter, including front yard fences, screens, walls, trees, shrubs and other plantings are permitted if they block a clear view or vision for vehicular traffic. Clear-sight-triangles shall be maintained as follows:
- §1419. Street intersections-shall be the entire triangular area as measured 75 feet from the intersection of the center lines of the streets.
- §1420. Residential driveway with a public street-15 feet on the drive by the safe stopping distance for the public street which shall be determined by the Building Inspector.
- §1421. Public street with public street-150 feet on arterial streets and 75 feet on collector and local streets.
- §1422. Commercial, industrial driveway with a public street-150 feet on arterials, 75 feet on collector or local streets.

§1423. Any specified standard may be modified if determined necessary by the Council of the Borough of Carnegie.

§1424. Any tree, shrub, hedge or other plant material planted in areas applicable to the clear-sight-triangle shall not exceed a height of 30 inches.

§1425. Additional Requirements:

§1426. The following regulations shall be applicable to fences permitted under this Chapter:

§1427. Security fence for business establishment, school, playground, park, public right-of-way or other public use-open fence with a ratio of open to solid portion of 6:1.

§1428. Residential fencing-open fence with a ratio of 1:1.

§1429. No fence, wall, or planted screen, consisting of trees, shrubs or other plant material, shall be erected in a dedicated street right-of-way.

Any person, firm or corporation who shall violate any provision of this Article shall be subject to the enforcement, penalty and remedy provisions of this Chapter.

ARTICLE 1500

PARKWAY PROTECTION OVERLAY

§1501. Basic Provisions.

1. Title. The official title of this Overlay is "Carnegie Parkway Protection Overlay."
2. Interpretation. In the event of conflicts between the provisions of this Article and any other ordinance or regulation, the more restrictive provisions shall apply.
3. Purposes and Objectives. This Part is adopted to achieve the following objectives:
 - a. To promote economic development.
 - b. To promote the public health, safety and welfare of the residents of the Borough.
 - c. To encourage high-quality development and orderly community growth.
 - d. To protect and preserve natural resources and the environment.
 - e. To conserve and stabilize property values.
4. District Boundaries. The boundaries of the district shall be as depicted on the Official Borough of Carnegie Zoning Map (Overlays), which is hereby made an official part of this Article.
5. Compliance. No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Article and after the lawful issuance of all permits and certificates required by this Article and any other regulations of the Borough of Carnegie.

§1502. Signs.

1. Off-Premises Signs.
 - a. Pursuant to Article 700 of this Chapter, no new construction or other permits shall be issued for any off-premises sign within the Parkway Protection Overlay District.
 - b. Primary Use. An off-premises sign shall constitute a primary use of any lot upon which it is located. Only one primary use shall be permitted on any lot within the Parkway Protection Overlay District.
 - c. Illumination. Whenever external illumination is used for an existing off premises sign within the district, the source of the light shall be screened or shielded in such a manner that the source is

not visible. No sign shall be illuminated between the hours of 10 p.m. and 6 a.m. No signs shall have internal illumination within the district, and any sign located adjacent to a dwelling unit or lot zoned for residential use shall be located, shielded and screened to prevent direct light or glare onto a dwelling unit or residential lot.

2. On-Premises Signs.

a. Ground Signs. Except as provided below, all on-premises signs located in the Parkway Protection Overlay District shall be freestanding ground signs of the types depicted in the accompanying illustration.

1. Maximum Height. Five feet, including any base; provided, that special logo identification features may be constructed to the height of 7 feet. The total square footage of the logo shall not exceed 9 square feet on each face.
2. Maximum Length. Twenty feet for the sign face and 30 feet for the overall length, including the base structure.
3. Maximum Surface Area. No on-premises sign face shall exceed 60 square feet on each face. No on-premises sign shall have more than two faces.
4. Maximum Number. No more than one free-standing sign shall be allowed on any lot. However, where an establishment is part of a larger retail, commercial or industrial development, shopping center or similar land use with multiple occupants or tenants, the total number of freestanding on premises signs shall be limited to two signs per lot that identify the development or center, not individual occupants or businesses therein; provided, that a uniform sign plan has been submitted and approved for the entire development. No freestanding on-premises signs shall be allowed for individual establishments within a larger shopping center, commercial or industrial development, or similar land use with multiple occupants or tenants.
5. Illumination. Whenever external illumination is used for a sign, the source of the light shall be screened or shielded in such a manner that the source is not visible. No sign shall be illuminated between the hours of 10 p.m. and 6 a.m. except during the time the establishment displaying the sign is open for business. No sign shall have internal illumination within the district, and any sign located

- adjacent to a dwelling unit or lot zoned for residential use shall be located, shielded and screened to prevent direct light or glare onto a dwelling unit or residential lot.
6. Landscaping. The sign base shall be planted with a mixture of evergreen and deciduous shrubs to equal a minimum of five with a requirement of one plant per 2 linear feet of the sign base.
 7. Minimum Setback. All signs must be set back at least 5 feet from the property line, except that 100 feet of the parkway. However, if the lot upon which the sign is to be erected is less than 100 feet in depth, then the sign may be erected at a minimum distance of one-half the maximum depth of the lot. Furthermore, if the sign is constructed in a uniform parkway style as depicted in the accompanying illustration, then the sign may be placed at a minimum distance of 50 feet of the parkway within the landscaped buffer yard required in Article 700 herein.
 8. Minimum Spacing Between On-Premises Ground Signs. One hundred feet between the closest freestanding sign edges.
 9. Color/Materials. All on-premises signs shall be constructed of brick or stone and shall be of predominantly natural earth-tone colors.
- b. Special Sign Standards for Automobile Service Stations. In addition to other signs allowed by this Part, automobile service stations may erect changeable copy signs advertising the prices of different grades of gasoline or other fuels; provided, that:
1. Such signs are permanently mounted either on fuel pumps or on the supports of a canopy covering the fuel pumps.
 2. Such signs shall not be erected higher than 12 feet above the ground.
 3. There shall be no more than four sign faces per pump island, none of which shall exceed 9 square feet.
 4. In addition to the size limits for on-premises signs contained in Article 700, the combined surface area of all such signs at each pump island shall not exceed 16 square feet.
 5. Such signs shall not be internally illuminated.
- c. Additional Standards for Wall/Building Signs. In addition to the on premises signs permitted according to the regulation in this Part,

there shall be allowed one additional sign for each lot, principal structure on each lot, or each business in a multi-occupancy or tenant development affixed to the wall of the principal structure, subject to the following requirements.

1. The sign shall identify the principal user of the building, lot or space.
 2. The sign shall extend no further than 12 inches from the wall to which it is attached.
 3. The sign shall be attached to the wall so that the face of the sign is substantially parallel to the wall.
 4. The maximum vertical dimension of the sign shall be no greater than 4 feet and shall not extend beyond any wall or parapet of the building.
 5. The maximum horizontal dimension shall be 1 foot for every front foot of a building, to a maximum of 15 feet.
 6. Wall signs shall have no more than one color.
- d. Additional Standards for Window Signs. In addition to the regulations contained in this Part, all window signs shall comply with the following requirements. The total area of all window signs on display at anyone time, including temporary window promotional signs, shall not exceed 25 percent of the total area of the window in which they are located. A series of windows that are separated by frames less than 6 inches in width shall be considered as a single window for the purposes of this computation.
- e. Additional Standards for Canopy and Awning Signs. In addition to the regulations contained in this Chapter, all canopy and awning signs shall comply with the following requirements. The characters or letters of the sign shall not exceed 6 inches in height and shall appear only on the apron of the canopy or awning.
- f. Additional Standards for Temporary Signs. In addition to the standards contained in Article 700. of this Chapter, all temporary signs within the Parkway Protection District shall conform to the standards:
1. Maximum Height. Eight feet, including base, provided that the Borough Council shall have the authority to permit taller signs upon finding unusual topographic conditions, due to which placement of the sign on property below the level of the parkway would render such sign ineffective for conveying information to the public. In providing relief from such conditions, the Borough Council shall restrict the

- maximum height of the sign to the shortest height possible that will still enable the sign message to be conveyed to the public. However, in no instance shall any sign exceed 15 feet in height from base to the highest point on the sign.
2. **Maximum Number.** No more than one temporary sign shall be allowed on any lot in addition to any other sign allowed by district regulation.
 3. **Sign Base.** All temporary signs must be affixed to the ground. No portable temporary signs are allowed in the district.
 4. **Minimum Setback.** All temporary signs must be set back at least 10 feet from the property line of the lot within which it is located, except that no sign shall be erected within 100 feet of the parkway. However, if the lot upon which the sign is to be erected is less than 100 feet in depth, then the sign may be erected at a minimum distance of one-half the depth of the lot from the parkway.
 5. **Color/Materials.** The frame and all structural elements of any temporary sign shall be painted a natural earth-tone color to blend in with the surrounding landscape. Only wood, metal, stone or brick materials may be used for the frame and structural elements.
 6. **Landscaping.** No landscaping is required for temporary signs.
3. **Prohibited Signs.**
- a. In addition to the signs prohibited in Article 700. of this Chapter, the following signs shall be prohibited in the Parkway Overlay District:
 1. Portable signs.
 2. Attention-getting devices, flags, pennants and banners, except on a temporary basis in connection with the opening of a business for a period of no longer than 30 days.
 3. Signs, other than official traffic signs, using the words "stop," "look," "listen," "slow," "danger" or any other word, phrase, symbol or character that imitates official traffic signs and that may be misleading or confusing to motorists.
 - b. The following display devices shall not be defined as signs and shall be exempt from the requirements of these district regulations, except as they may interfere with traffic safety or in any other way become a public safety hazard:

1. Holiday displays or decorations displayed for recognized holidays.
 2. Memorial plaques or historic markers or other similar displays.
 3. Official government displays and notice boards owned and maintained by a governmental entity including, but not limited to, traffic control devices, public notices, government flags and other displays warning of hazardous or dangerous conditions.
 4. Street numerals indicating the address of a building or establishment.
 5. Vehicle displays attached to any operative vehicle that is related to the purpose or use of the vehicle, such as taxi signs and delivery vehicle signs. Displays affixed to vehicles that are not related to the function of the vehicle shall be subject to the off-premises sign regulations contained herein.
4. Sign Placement. In addition to all placement requirements contained herein, no sign shall be placed in such a position that it will obstruct the view of motorists or cause any other danger to motorists or pedestrians within a public right-of-way or on adjoining lots. Nor shall any sign be placed within the clear sight triangle required to be maintained at all street intersections, driveway and accessway entrances onto public streets. (See definition Section for definition of "clear sight triangle").
5. Nonconforming Signs.
- a. Any sign within the Parkway Protection Overlay District that was lawful at the time of the enactment of these regulations, or at the time of enactment of any amendment hereto, that renders the sign nonconforming, shall be deemed a legal nonconforming sign and may be continued only as provided in this Section. However, before a property owner receives subdivision approval, a certificate of occupancy, or building permit to develop his or her property or develop another primary use on a lot, all nonconforming signs must be removed.
 - b. Normal maintenance of a nonconforming sign may occur, including any necessary repairs and alterations that do not enlarge, extend or intensify the nonconformity.
 - c. No structural alterations, enlargement or extension shall be made of a nonconforming sign, except when the alteration is required by law or will eliminate the nonconforming condition.

- d. No conforming sign shall be erected on the same premises as an existing nonconforming sign until the nonconforming sign has been removed or changed to a conforming sign. However, in shopping center or similar retail, commercial or industrial development with multiple occupants or tenants, the fact that one particular establishment therein has a nonconforming sign will not prohibit a different establishment therein from erecting a conforming sign on the premises.
- e. A nonconforming sign shall be made to conform with the requirements of this district whenever there is a change in the use or occupancy of the building which the sign services, or whenever the building or structure which the sign serves is externally expanded or remodeled.
- f. Whenever the use of a nonconforming sign, or the use that the sign serves, has been discontinued for a period of 6 consecutive months, or whenever it is evident that there is a clear intent on the part of the owner to abandon the use of a nonconforming sign, or the use that the sign serves, then the sign thereafter shall be removed or made to conform with the provisions of this Section.
- g. If a nonconforming sign is damaged or destroyed by any means to the extent of 50 percent or more of its replacement value at the time of the damage or destruction (based on the then-prevailing costs), then the sign shall be made to conform to the provisions of the Parkway Protection Overlay District. However, if the damage or destruction is less than 50 percent of the replacement value, then the sign may be restored to its original condition. In either event, restoration or repair of the sign must begin within 3 months after the date of damage or destruction and diligently pursued to completion, and the repaired or reconstructed sign shall be made to conform to the building code and electrical code of the Borough of Carnegie in force at the time of the repair or reconstruction.

§1503. Buffers; Setbacks; Landscaping.

- 1. Setbacks.
 - a. Buildings. All buildings shall be set back a minimum of two times the maximum height of the building, but in no case less than 100 feet from the parkway right-of-way, except where the maximum depth of the lot upon which the building is located is less than 200 feet, in which case the setback may be reduced to a minimum of 50

- percent of the maximum depth of the lot. However, in no case shall the setback be reduced to less than 25 feet.
- b. Accessory Uses; Parking Lots; Signs. All accessory uses, parking lots and signs shall be set back at least 100 feet from the parkway right-of-way, except where the maximum depth of the lot upon which the building is located is less than 200 feet, in which case the setback may be reduced to a minimum of 50 percent of the maximum depth of the lot. However, in no case shall the setback be reduced to less than 25 feet.
 - c. Retaining Walls. Retaining walls shall be set back a minimum of 35 feet from the parkway right-of-way.
2. Landscape Buffers.
- a. Landscaping. All setbacks and buffer yards required by this Article shall be landscaped as depicted in the accompanying illustration. Planting requirements per 100 feet of length for buffer yards are as follows:
 - 1. Forty-Foot to 100-Foot Wide Buffer Yards.
 - a. Six canopy trees.
 - b. Nine understory trees.
 - c. Forty shrubs.
 - d. Twenty evergreen trees.
 - 2. Twenty-five-Foot to 40-Foot Wide Buffer Yards.
 - a. Five canopy trees.
 - b. Six understory trees.
 - c. Twenty shrubs.
 - d. Ten evergreen trees.
 - 3. The exact placement of required plants shall be the decision of each user except that the following requirements shall be satisfied:
 - a. Evergreen (or conifer) plant materials shall be used in clusters, rather than singly.
 - b. Planting schemes shall be based on a four season plan and materials selected that highlight each season: spring-flowering plants; summer-shade; fall-leaf color; winter-branch form, texture, windbreak capability.
 - c. All buffered areas shall be seeded with grass unless other natural ground cover is to be established and maintained.

- b. View of Buildings. To permit views of buildings on lots adjacent to the parkway, openings may be defined in the landscaping.
 - c. Maintenance. Buffer yards shall be maintained by the owner of the property. Debris and litter shall be cleaned on a semiannual basis. Damage to 15 percent or more of the plant material for any reason, including disease, wind or fire, shall require replacement of all such damaged plant materials.
 - d. Ownership. Buffer yards may remain in the ownership of the original developer of a land use, or may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve district, a municipality, or an open-space conservation group; provided, that the Borough Council determines any such conveyance adequately guarantees the protection and maintenance of the buffer yards for the purposes of this Chapter.
 - e. Existing Trees and Vegetation. All existing trees and vegetation within buffers shall be protected in accordance with provisions set forth in Part 6. Existing vegetation and trees may be used to meet buffer yard landscaping requirements to the extent they satisfy all other provisions of this Part. Additionally, up to 20 percent of existing vegetation and trees in the buffer area may be removed in a contiguous area to provide views of buildings on the lot from the parkway.
3. Parking Lot Screening / Interior Landscaping. All parking lots constructed or expanded by 5 percent in area or in number of spaces after the effective date of this Chapter shall be screened around their entire perimeter (except on the sides directly adjacent to the buildings they save) with a landscaped buffer meeting the following requirements as depicted in the accompanying illustration.
- a. Perimeter Landscaping. The minimum width on any landscaped parking lot buffer shall be 10 feet. The buffer yard shall include either of the following:
 - 1. Canopy trees at 30 feet on center with continuous evergreen shrubbery at 3 feet on center and 2 feet, 6 inches in height at time of planting in between.
 - 2. Flowering ornamental trees at 30 feet on center with a continuous strip of evergreen shrubbery at 3 feet on center at a height of 2 feet, 6 inches at the time of planting in between.

- b. Interior Landscaping. All off-street parking areas with more than five parking spaces must be landscaped in accordance with §27-601.4.G. of this Chapter.

§1504. Steep Slopes.

1. General.

- a. On land within the Parkway Protection Overlay District, the following standards shall apply to all grading and development of steep slopes as defined below:
 - 1. Twelve to less than 15 percent slope-no more than 70 percent of such areas shall be developed and/or regraded or stripped of vegetation.
 - 2. Fifteen to less than 2 percent slope-no more than 4 percent of such areas shall be developed and/or regraded or stripped of vegetation.
 - 3. Twenty-five to less than 30 percent slope-no more than 15 percent of such areas shall be developed and or regraded or stripped of vegetation.
 - 4. More than 30 percent slope-no development shall be allowed except upon submission of a report by a certified soil or geotechnical engineer indicating that the steep slope may be safely developed. If development is allowed to proceed under this subsection, no more than 15 percent of such areas shall be developed and/or regraded or stripped of vegetation.
 - 5. All applications for subdivisions or development on slopes in excess of 12 percent shall be accompanied by a slope map prepared by a qualified professional such as a landscape architect, planner or engineer indicating the contours and percent of slope throughout the property and a soils map indicating the locations, character and extent of all areas determined by the Soil Survey of Allegheny County.
 - 6. All applicants shall utilize the Soil Survey of Allegheny County to identify landslide prone soils on the development site. If any landslide prone soils are indicated, then the applicant shall have further studies conducted by a qualified professional soils or geotechnical engineer to determine the exact dimensions and location of the

landslide prone area. No such landslide prone area may be disturbed or developed.

7. No development shall take place within 20 feet of any area determined to be landslide prone by a geotechnical study performed pursuant to this Part.
 8. In any area that is cut and filled or regraded, the resulting slope shall not exceed 33 percent (3:1).
- b. Graded and Filled Slopes. In addition to standards set forth in the above paragraph, the standards set forth in §27-911.1. of this Chapter shall apply.

§1505. Stream Corridors and Drainageways.

1. All development along perennial streams (as depicted in blue on relevant topographical maps of the United State Geological Survey) within the district shall comply with the setback requirements set forth in §27-911.4. of this Chapter in addition to the standards set forth below:
 - a. All existing vegetation within the 100-foot setback area provided in §27-911.4. of this Chapter shall be preserved and, where necessary to provide adequate screening, supplemented with additional landscaping.

§1506. Tree and Vegetation Protection.

1. Survey. All plans for subdivision or development approval shall identify the location of all trees greater than 12 inches in diameter at breast height, their species, diameter and canopy drip lines.
2. Individual Tree Protection.
 - a. All healthy trees in excess of 12 inches in diameter at breast height, wherever located on a site, shall be protected and preserved to the maximum extent feasible.
 - b. All trees in excess of 12 inches in diameter at breast height (dbh) that are removed during site preparation or development shall be replaced with trees of the same size as follows:
 1. Twelve inches in diameter, replace six trees of similar species 4 inches dbh for every one removed.
 2. From 12 inches to 19 inches in diameter, replace nine trees of similar species 45 inches dbh for every one removed.
 3. Greater than 18 inches in diameter, replace 12 trees of similar species 4 inches dbh for every one removed.

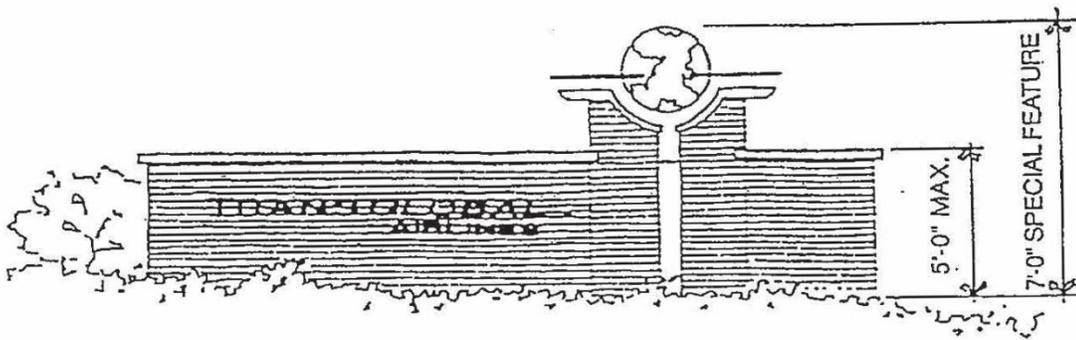
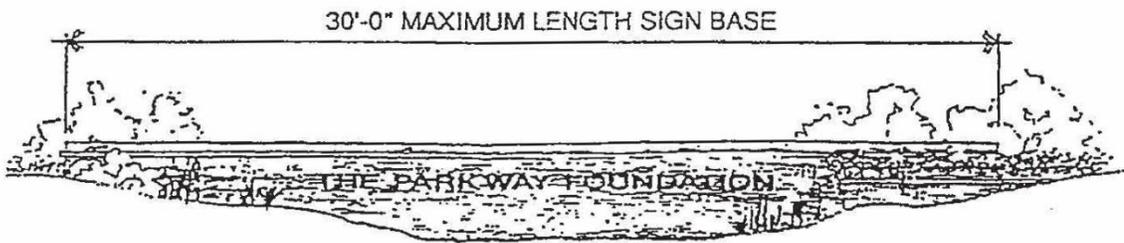
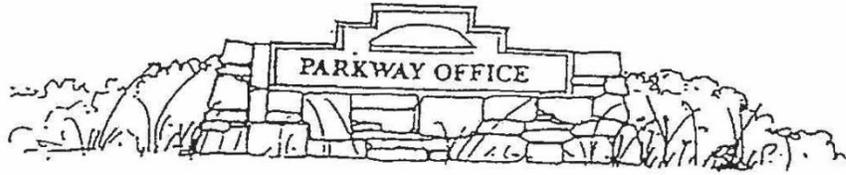
§1507. Building and Site Design.

1. Building Design.

- a. Roof Structure. Rooftops should contribute to the visual continuity of the corridor and should be considered as a design element that will be seen from view points at ground level, from other buildings and from the parkway. The following standards shall apply:
 1. Buildings having up to and including two stories shall have fully enclosed roofs. No visible roof-mounted mechanical equipment shall be allowed.
 2. Buildings of three stories or more shall also have fully enclosed roofs of articulated roof forms that express the building and at the same time shield exposed roof-mounted mechanical systems from view.
- b. Screening of Accessory Uses and Technical Equipment.
 1. In addition to the screening requirements contained in §27-701.4.a. of this Chapter, all mechanical equipment and trash collection areas shall be screened from public view and designed so as to be integral to the site and primary architecture.
 2. Loading docks, trash collection areas, service entrances and similar uses shall be oriented away from the parkway whenever possible.
 3. The visual impact of utilities, data transmission dishes, and related services should be minimized in all developments. Utility lines shall be installed underground and all transmitters, switching boxes and other utility cabinets shall be screened from view of the parkway.
- c. Public Works and Utilities. When it is necessary to construct public works and utilities such as water towers, high tension electric lines, microwave relay towers and similar facilities on hillsides, they should be located so as not to be visible from the parkway or to reduce their visual impact to the maximum extent possible by locating off the tops or brows of hills and ridgelines and being constructed of materials whose color blends in with the surrounding landscape.

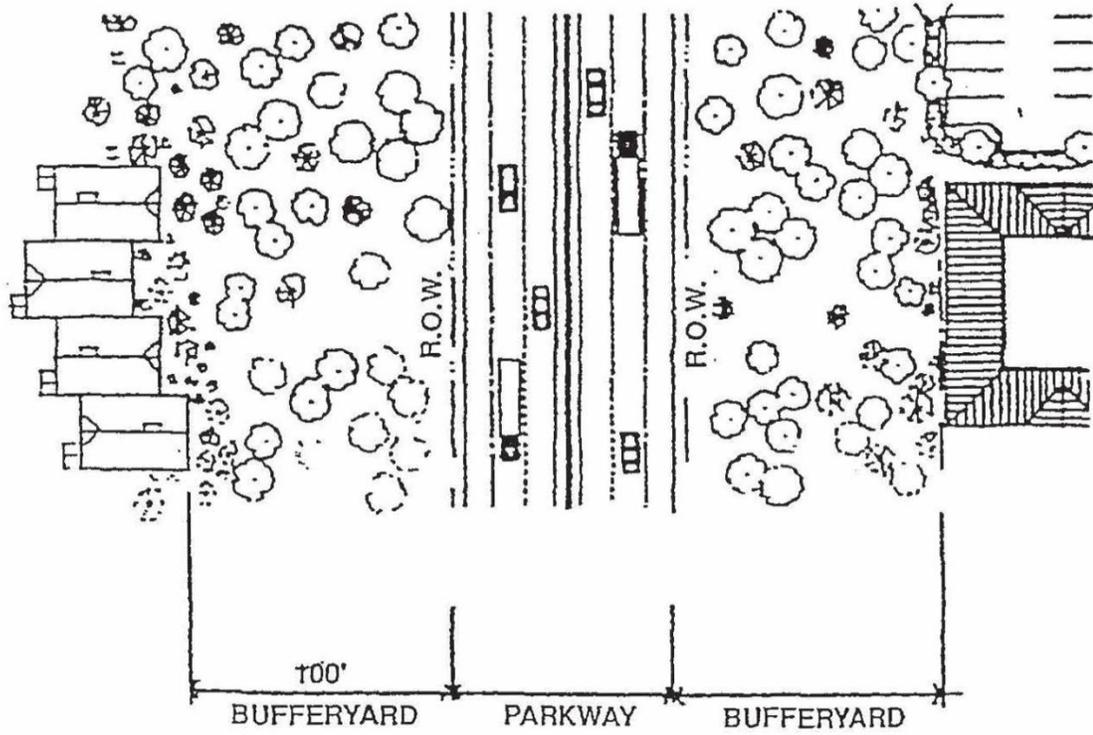
§1508. Supporting Illustrations.

1. Ground Signs



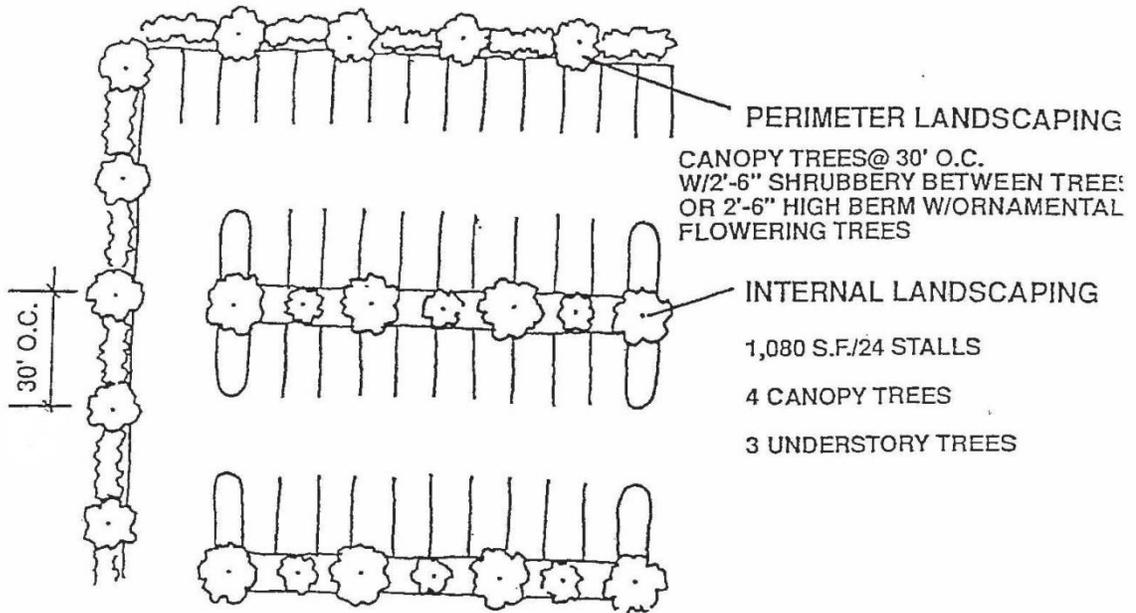
GROUND SIGNS

2. Buffer/Setbacks/Landscaping



BUFFER/SETBACKS/LANDSCAPING
STANDARDS

3. Interior Landscaping

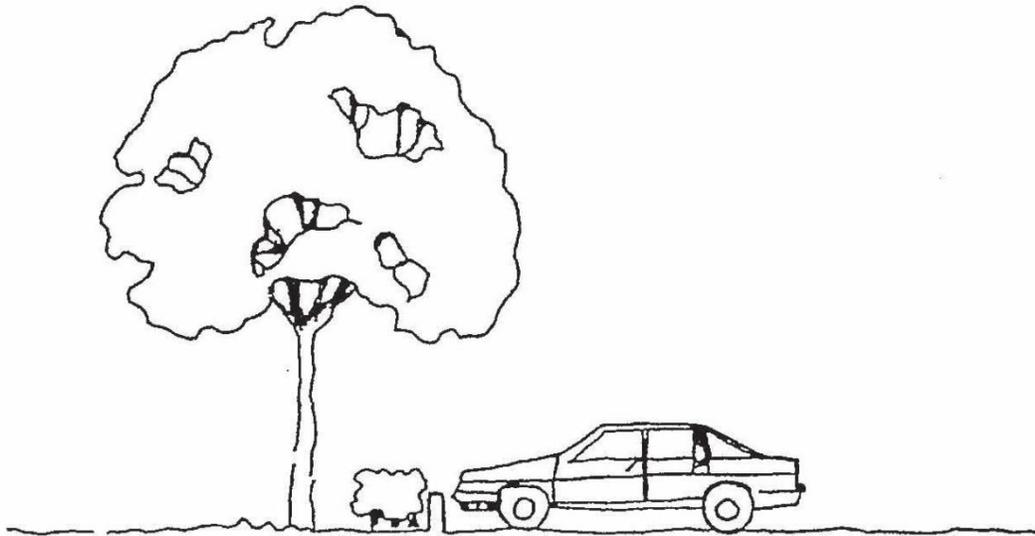


INTERIOR LANDSCAPING

4. Parking Lot Buffering and Landscaping



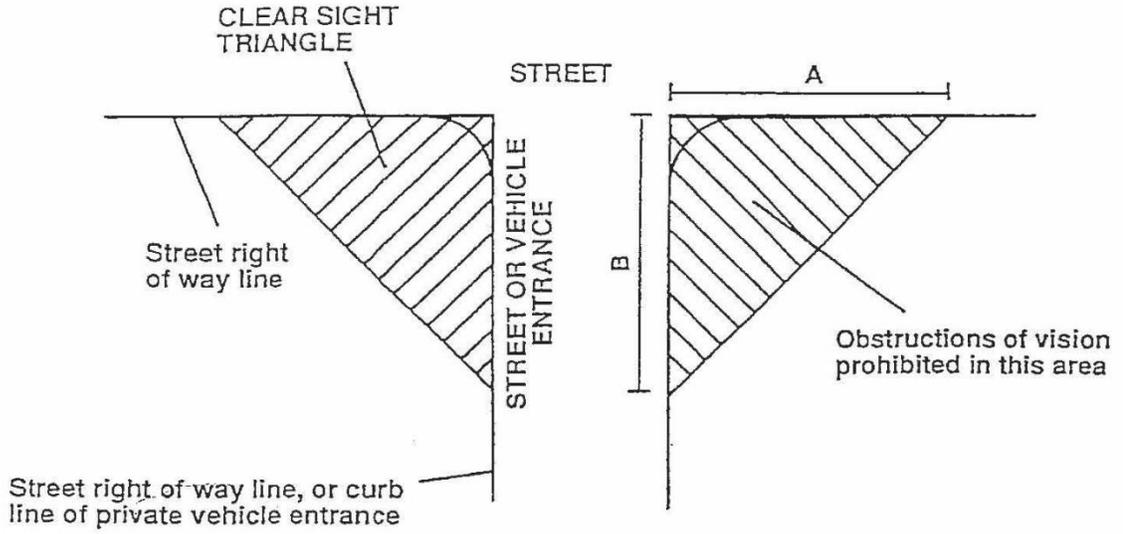
EARTH BERM



CANOPY TREES WITH SHRUBS

PARKING LOT SCREENING/
INTERIOR LANDSCAPING

5. Clear Sight Triangles



"A" (DISTANCE IN FEET)		"B" (DISTANCE IN FEET)			
		RA	RS	RC	A
30	RESIDENTIAL ACCESS (RA)	30	100	120	130-150
100	RESIDENTIAL SUBCOLLECTOR (RS)	30	100	120	130-150
120	RESIDENTIAL COLLECTOR (RC)	30	100	120	130-150
130-150	ARTERIAL (A)	30	100	120	130-150

SIGHT TRIANGLE

ARTICLE 1600

DEFINITIONS AND WORD USAGE

§1601. General: Certain words used in this Ordinance are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and plural the singular. The word "shall" is mandatory and not permissive.

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

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

ADULT ENTERTAINMENT USES - Any theater, shop, bookstore, model studio, sexual encounter center, massage, massage parlor, escort service, adult cabaret, adult motel or other establishment which at any time displays motion picture films, videotapes, books, magazines, publications or other forms of adult entertainment of a sexual nature or content including, but not limited to, the display of any motion picture, videotape, book, magazine, dancing or any other form of live theatre production and entertainment which is X-rated, is pornographic or obscene, depicts any live or simulated sex act or includes exposed male or female genitalia. Inclusive in this definition of Adult Entertainment are the following means of representing activities herein described:

- A. Live theatre production – any dramatic, musical or comedic production performed in the presence of a live audience.
- B. Massage – any method of treating superficial soft parts of the human body, for remedial, hygienic or other purposes, consisting of rubbing, stroking, kneading, or any similar treatment, accomplished by hand, or any part of the human body, or by the use of any instrument.
- C. Massage Parlor – any building or structure or portion thereof, located within the district, which is opened to members of the general public, with or without the payment of a fee, at which massage services are offered.
- D. Model studio
 1. Any place where there is conducted the business of furnishing figure models who pose in the nude for the purpose of being observed or viewed by any person or of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted for person who pay a fee, or other consideration or compensation, or a gratuity, for the right or opportunity so to depict the figure model, or for admission to, or for permission to remain upon, or as a condition for remaining upon the place.

2. Any place where there is conducted the business of furnishing or providing or procuring, for a fee or other consideration or compensation or gratuity, figure models who pose in the nude to be observed or viewed by any person or to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.
 3. Exception. The words “model studio” do not include:
 - (a) Any studio which is operated by any State college or junior college, public or private school, or any governmental agency wherein the person, firm, association, partnership or corporation so operating has met the requirements established by the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma or honorary diploma; or
 4. Any place where there is conducted the business of furnishing, providing or procuring figure models solely for any studio described in subsection 1 of this subsection.
- E. Motion Picture Film – shall include any:
1. Film or plate negative.
 2. Film or plate positive.
 3. Film designed to be projected on a screen for exhibition.
 4. Films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen.
 5. Video tape or any other medium used to electronically reproduce images or a screen.
- F. Nude – shall include:
1. Completely without clothing.
 2. With the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the showing of the breast with less than a fully opaque covering of any portion thereof below the top of nipple, or the covered male genital in a discernibly turgid state.
- G. Obscene Matter – any matter:
1. Which the average person, applying contemporary standards, would find, when considered as a whole, appeals to the prurient interest;
 2. Masturbation, excretory functions, or exhibition of the genitals or genital areas; and,
 3. Ultimate sexual acts, normal or perverted, actual or simulated.
 4. The matter taken as a whole, lacks serious literary, artistic, political, educational or scientific value.
- H. Publication – shall include any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, motion picture film or internet or computer transmissions which is displayed in an area open to the public, offered for sale or exhibited in a coin-operated machine, or for any other type of admission or exhibition fee.

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

AMUSEMENT USE - A theatre, stadium, arena, bowling alley, or related facility for the presentation of musical, theatrical or sporting events where the number of spectators normally is greater than the number of players and where such use is not accessory to a school or church.

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

ANIMAL CARE OR CONTROL SERVICE - A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

ANTENNA - Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities as defined below.

ANTIQUÉ SHOP - A business establishment used for the sale or trading at a negotiated price or fee of articles which are over 50 years old or have collected value at the time of the sale.

APARTMENT BUILDING - A multiple-family residential-only structure containing three or more dwelling units having a height greater than three stories.

APARTMENT/FLAT - A room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence, located in a building containing two or more such rooms or suites or located in a building devoted primarily to nonresidential use.

APPLIANCE STORE - A business establishment specializing in the retail sale of home appliances such as vacuum cleaners, televisions, toasters, hairdryers, mixers, fans, and the like.

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

ASSISTED LIVING RESIDENCE - Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.

AUTOMOBILE BODY SHOP - A facility which provides collision repair services, including body frame straightening, replacement of damaged parts, and painting.

AUTOMOBILE REPAIR - Any building or portion thereof used for the repair or replacement of engines, transmissions, differentials, drivetrains, or any parts thereof, in addition to the replacement of parts, service, and incidental repairs to motor vehicles.

AUTOMOBILE SALES - Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, or motorcycles or other similar motorized transportation vehicles.

BAKERY, PRODUCTION – A business establishment specializing in the mass production of baked goods, primarily intended for off-premise distribution and consumption but may allow for a small portion of the establishment to be designate for on-site sale and consumption.

BAKERY, RETAIL – A business establishment specializing in the retail production and sale of pastry confections to be sold primarily at the establishment and secondarily at local establishments that sell food.

BANK OR FINANCIAL INSTITUTION - An institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

BANQUET VENUE – A business establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. The establishment may or may not offer catering services to individuals renting the space, but shall not offer food and beverages to the general public who is not renting the facility.

BASEMENT - A story partly below ground and having one half or more of its height below the average level of the adjoining ground.

BASIC GRADE - The average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans; in the case of a structure abutting the front property line, the elevation of the curb in front of the center of the structure, or if there be no curb, the elevation of the proposed grade line at the center of the front lot line; in case no grade line is established the actual existing grade of the travelled roadway shall apply.

BED AND BREAKFAST/INN - A transient lodging establishment, generally in a single-family dwelling or detached guest houses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

BILLBOARDS - A sign, greater than fifty (50) square feet in area, displaying advertising, whether of a stable or changeable copy nature, which pertains to a business, organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located.

BOARD - The Zoning Hearing Board of the Borough of Carnegie.

BOROUGH - The Borough of Carnegie, Allegheny County, Pennsylvania.

BOWLING ALLEY/BILLIARDS - An indoor facility for the sport of bowling or duck-pin bowling, with customary accessory uses such as snack bars.

BREWERY/DISTILLERY – A business establishment focusing on the large-scale production of beer, cider, and/or spirits, brewing more than 15,000 barrels of product per year, which may serve their product in this establishment but does not offer food.

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

CAR WASH - Mechanical facilities for the washing or waxing of private automobiles, light trucks, and vans, but not commercial fleets.

CEMETERY - Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

CHILD DAY CARE – A public, private, non-profit or profit facility regulated and licensed by the Pennsylvania Department of Public Welfare (“DPW”), providing care or supervision to children, excluding (a) care provided by the operator to his or her relatives (child, step-child, grandchild or foster-child) and (b) care furnished in places of worship during religious services. The following are the categories of CHILD DAY CARE:

- (1) SMALL FAMILY CHILD DAY CARE HOME - A home other than the child’s own home, operated for profit or not-for profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator.
- (2) LARGE FAMILY CHILD DAY CARE HOME - A home other than the child’s own home, operated for profit or not-for profit, in which child day care is provided at any one time to between seven and twelve children unrelated to the operator.
- (3) CHILD DAY CARE CENTER - The premises in which care is provided at any one time for seven or more children unrelated to the operator.

CIVIC, SOCIAL OR FRATERNAL CLUB - Buildings and facilities, owner and operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.

CLEAR SIGHT TRIANGLE - The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or right-of-way line and the curb of a driveway), each point being that distance from the intersection, and the two intersecting right-of-way lines) (or right-of-way line and a driveway) specified in the accompanying illustration.

COFFEE SHOP/SANDWICH SHOP/CAFÉ – A business establishment that serves coffee and other drinks as well as other foods as a secondary focus.

COLLEGE or UNIVERSITY - A college or university giving general academic instruction as prescribed by the Commonwealth of Pennsylvania or other proper authority. Included within this term, as adjuncts, are areas or buildings, when located on school ground which are not detached from the school ground proper except by an intervening street, for (1) administration, (2) social or athletic activities, (3) dining halls, (4) parking lots, (5) housing of students or faculty in dormitory, fraternity, or sorority house, or other type of dwelling.

CO-LOCATION - The mounting of one or more WCFs, including antennae, on an existing Tower-Based WCF, or on any structure that already supports at least one Non-Tower WCF.

COMMON OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designated and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMONWEALTH - The Commonwealth of Pennsylvania.

COMMUNICATIONS ANTENNA - Any device used for the transmission or reception of radio, television, wireless telephone, personal communications services (PCS), pager, commercial mobile radio service or any other wireless communication signals, including without limitation omnidirectional 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 ham or citizen band radio antennas.

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

COMMUNICATIONS TOWER - A structure other than a communications equipment building designed and used to solely support communications antennas.

COMMUNITY CENTER - A public, quasi-public or privately maintained institution devoted exclusively to a variety of group activities - civic, social, recreational, educational and/or cultural - and maintaining the premises and facilities appropriate for such activities; provided, however, that the said premises shall not include living quarters for persons other than those engaged in the conduct and/or maintenance of the institution.

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

COMPREHENSIVE PLAN - The Comprehensive Plan of the Borough of Carnegie. This plan is commonly referred to as the Carnegie, Heidelberg, and Scott Multi-Municipal Plan.

CONDITIONAL USE - A use permitted in a particular zoning district pursuant to the provisions of this Chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 et seq.

CONSIGNMENT/SECONDHAND STORE – A business establishment engaged in selling and/or buying and reselling used merchandise, such as clothing, furniture, books, shoes, or household appliances.

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

CONVENIENCE STORE WITH FUEL – A business establishment, selling a limited variety of food and nonfood products, including prepared food but with limited or no patron seating, typically with extended hours of operation, which also sell gasoline or other motor vehicle fuels.

CONVENIENCE STORE WITHOUT FUEL – A business establishment, selling a limited variety of food and nonfood products, including prepared food but with limited or no patron seating, typically with extended hours of operation, but does sell gasoline or other motor vehicle fuels.

CONVERSION DWELLING - A dwelling unit, two or more of which have been created by the subdivision of any structure or any single dwelling unit whether or not structural alterations or additions are entailed.

COUNCIL - The Borough Council of the Borough of Carnegie.

CRAFTSMAN/FABRICATION, SMALL-SCALE – A business establishment that produces on the premises articles for sale of artistic quality or effect and/or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, and similar products.

DAY CARE HOME – A day care facility that is operated as a secondary use to a single-family dwelling, that is registered in the Commonwealth of Pennsylvania, and offers care and supervision to no more than six (6) persons at any one time who are not related to the operator.

DEP - The Pennsylvania Department of Environmental Protection.

DEPENDENT DWELLING - A dwelling unit such as a garage apartment, carriage house, "granny flat" or the like which is an accessory use to the principal single family dwelling, installed and intended solely for the use of elderly parents, or other dependent, close relatives.

DEVELOPMENT PLAN - The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this chapter shall mean the written and graphic materials referred to in this definition.

DEVELOPER - any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DISTRIBUTED ANTENNA SYSTEMS (DAS) - Network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DOWNTOWN FLAT - A dwelling unit located in the upper stories of a building and/or structure that is used primarily for commercial use.

DRIVE THROUGH FACILITY - Any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

DRY CLEANING PROCESSING FACILITY - A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort using volatile solvents and the processes incidental thereto.

DWELLING UNIT - One or more living or sleeping rooms which are arranged, designed, used, or intended for use as living quarters. A dwelling unit shall have permanent sanitary facilities; permanent facilities for sleeping, cooking and eating, and be served by a heating system capable of providing 68 degrees Fahrenheit throughout the unit when outside temperature is 0 degrees Fahrenheit.

EGRESS - A continuous and clear path of travel from any point in a building or structure to a public street.

ELECTRONIC CHANGEABLE COPY BILLBOARD - A billboard that is capable of changing its content through electronic signals.

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

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

ESSENTIAL SERVICES – The erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television or other telecommunications transmission lines provided by public or private entities, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or

municipal or other government agencies or for the public health or safety of the general welfare, but not including buildings. Communication towers shall not be considered essential services.

FAMILY - One (1) or more persons related by blood, adoption, or marriage, occupying a dwelling unit and living and cooking together as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel. Unless all members are related by blood, marriage or adoption, no such family shall contain more than six persons.

FCC - Federal Communications Commission.

FENCE - A barrier constructed of materials other than shrubbery and erected for the purpose of protection, confinement, enclosure or privacy.

FLOOR AREA - In a dwelling, the sum of the horizontal areas of all rooms used for habitation but not including cellars, attics, unheated rooms, nor rooms without either a skylight or window. In a store, shop, restaurant, club or funeral home, the sum of the horizontal areas of all space to which the customer has access and excluding storage, office, other preparation or administrative spaces. Gross floor area is the sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls.

FLORIST – A business establishment whose primary activity is the selling of plants which are not grown on site within an enclosed building.

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

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

FUNERAL HOME or MORTUARY - A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.

FURNITURE STORE – A business establishment specializing in the retail sale and/or repair of furniture.

GALLERY – A business establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

GARDEN APARTMENT - A garden apartment is one which is generally located in a structure containing not less than four (4) dwelling units; not exceeding three (3) stories in height; sometimes designed around courts or common green spaces; often having private balconies or patios; and, frequently exhibiting different facades and design features between structures in a garden apartment complex.

GARDEN CENTER, PLANT NURSERY, LANDSCAPING BUSINESS or GREENHOUSE - A commercial activity devoted to the raising and sale of plants and implements for gardening.

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

GOLF COURSE/COUNTRY CLUB – A recreational facility operated by a public or private entity which has, as its principal use, facilities for playing golf and which may include one (1) or more of the following accessory uses: a clubhouse and/or restaurant, locker rooms, pro shop, swimming pool, facilities for racquet sports.

GOVERNING BODY - The Borough Council, Borough of Carnegie, Allegheny County, Pennsylvania.

GREEN GROCER – A business establishment that sells primarily fresh fruits and vegetables for an advertised price.

GROCERY STORE – A business establishment that sells produce, dry goods, meats, baked goods, dairy items, frozen foods and the like. This includes supermarkets, food stores, dairies, delicatessens, but does not include convenience stores.

GROUP RESIDENCE/GROUP CARE FACILITY - A dwelling unit in a residential area where room and board are provided to eight (8) or fewer unrelated persons of any age who are permanent residents, including necessary staff who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents; such services being provided by a governmental agency, its licensed or certified agents or any other responsible nonprofit corporation meeting the minimum requirements of the sponsoring agency. This category shall not include facilities operated by or under the jurisdiction of any government bureau of corrections or similar institution.

HALFWAY HOUSE – A group residence for those who have completed treatment at a rehabilitation facility, whether criminal in nature or not, but are not yet ready to return to independent living in the community and where residents participate in structured programs designated to ease successful reintegration into society.

HARDWARE STORE – A business establishment where retail items such as plumbing, heating, electrical supplies, tools, and paints are sold.

HEALTH/FITNESS CENTER – A business establishment where members or nonmembers use equipment or space for the purpose of physical exercise.

HEARING - An administrative proceeding conducted by a board pursuant to section 909.1. of the PA MPC.

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

HEIGHT OF A TOWER-BASED WCF - The vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-Based WCF, including antennae mounted on the tower and any other appurtenances.

HISTORICAL MUSEUM – An institution devoted to the procurement, care, study, and display of objects possessing a historical significance.

HOME-BASED BUSINESS, LOW IMPACT – A business or commercial activity carried on entirely within a building whose principal use is a single family dwelling whose impacts exceed those of a no impact home-based business.

HOME OCCUPATION - An occupation carried on in a dwelling solely by the dwellers therein as an accessory use which may include the employment of only one (1) assistant. The use of mechanical equipment, noticeable noise, odor, or other nuisance, shall be governed by the performance standards of this Chapter. The display, storage, or sale of goods, signs, or advertisement of commodities or services related to the conduct of a retail business is not a home occupation.

HOSPITAL - A building or part thereof used for the medical, psychiatric, obstetrical, or surgical care on a 24-hour basis. The term hospital shall include facilities used for medical research and training for health care professions, general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such other facilities, which provide in-patient care. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

INDOOR COMMERCIAL RECREATION – A business establishment, privately owned, generally intended for use by all ages that provides recreation or entertainment within an enclosed facility including but not limited to swimming pools, dance halls, bowling alleys, billiards and pool halls, video and other coin-operated game parlors, miniature golf courses, indoor rifle range and indoor archery range.

INSTITUTIONAL FACILITY - An establishment that provides room and board to persons who are residents by virtue of receiving supervised, specialized services limited to health, social and/or rehabilitative services provided by a governmental agency, their licensed or certified agents or any other responsible social service corporation. The facility shall be appropriately staffed on a 24-hour a day basis as normally prescribed by County or Commonwealth regulations. This facility shall not include business or professional offices, business activities, fraternal or social clubs, hospitals, rooming or boarding homes.

JUNK - Scrap or waste material of whatsoever kind or nature collected or accumulated for resale, disposal, or storage.

JUNKYARD - Any lot or parcel, building, or structure used in whole or in part for the storage, collection, processing, or disposal of junk.

KENNEL, PRIVATE OR COMMERCIAL - A facility for the boarding of animals, the breeding of small animals such as dogs and/or cats, or the boarding, grooming, sale or training of small animals such as dogs and/or cats for which a fee is charged.

LAND DEVELOPMENT – Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. A group of two or more 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
 - b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) Development in accordance with Section 503(1.1).

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

LIBRARY – A public enterprise for generally borrowing of, but typically not the sale, of literary, musical, artistic, or reference materials, and additionally may be used as a music and performance hall, in which case the sale of tickets in exchange for attendance of performances may or may not occur.

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

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

LONG-TERM NURSING CARE FACILITY – A facility licensed by the Department of Health that provides skilled or intermediate nursing care or both levels of care to two (2) or more patients, who are unrelated to the nursing home administrator, for a period exceeding twenty-four (24) hours..

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

LOT OF RECORD - Any lot which individually or as a part of a subdivision, has been recorded in the Allegheny County Department of Real Estate.

LOT COVERAGE - The area of a lot or parcel which is covered by main and/or accessory buildings or structures.

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

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

LOT, WIDTH OF - The mean width measured at right angles to its depth.

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

MANUFACTURING - The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products.

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

MAXIMUM EXTENT FEASIBLE - No feasible and prudent alternative exists, and all possible planning to minimize potential harm has been undertaken.

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

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

MICRO-BREWERY/MICRO-DISTILLERY – A business establishment where beer, ale, etc. are brewed, or spirits are distilled, typically in conjunction with a bar, tavern, or restaurant use. The maximum brewing/distilling capacity shall not exceed 15,000 gallons per year.

MIXED-USE – A lot or building on or in which various permitted land uses, such as office, commercial, institutional and/or residential are combined with non-residential at street level and residential or nonresidential on upper floor(s).

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

MOBILEHOME LOT - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

MOBILEHOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

MONOPOLE - A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connecting appurtenances.

MOTEL/HOTEL - A building, or a group of buildings, having units containing sleeping accommodations which are available for a temporary, rental occupancy by transients and providing sufficient off-street parking facilities adjacent or convenient thereto. A tourist home containing provisions or facilities for accommodation of more than four (4) transient occupants not normally quartered on the premises shall be considered as a motel facility under the provisions of this Chapter.

MULTIPLE FAMILY STRUCTURE - A residential structure containing three or more dwelling units.

MULTI-PURPOSE WORKSHOP – A facility either operated as a for-profit, non-for-profit, or public enterprise, that provides building space, tools, equipment and materials for a nominal fee and which can be used to fabricate artwork, goods, etc., with the exception of sound production, for sale or personal use. The facility may be used to hold classes or workshops as a secondary function.

MUNICIPAL ENGINEER – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

NIGHT CLUB – A business establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment are permitted.

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, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic 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.

NON-CONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NON-CONFORMING SIGNS - Any lawful sign which does not conform to the applicable sign regulations of the district in which it is located, either on the effective date of this Chapter or as a result of subsequent amendments thereto.

NON-CONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NON-CONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions in this zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF) - All Non-Tower Wireless Communications Facilities, including but not limited to, antennae and Related Equipment. Non-Tower WCF shall not include support structures for antennae or any Related Equipment that is mounted to the ground or at ground-level.

OCCUPANCY PERMIT - A document issued by the Zoning Officer upon completion of the construction of a structure, or change in use of structure or parcel of land, or change of occupancy of structure, and indicating that the use and structure is in compliance with this Ordinance, that all conditions attached to the granting of the Zoning Certificate have been met, and that the structure and land may be occupied and used for the purposes set forth in the Zoning Certificate.

OFFICES, GENERAL - All offices related to financial institutions, insurance, real estate service, banking, credit services, business services, advertising, duplicating, medical and health services, legal services, any professional offices and similar functions requiring the use of the property for general offices or personal services.

OFFICES, MEDICAL – A business establishment where one (1) or more licensed medical professionals provide diagnostic services, medical, dental, and/or psychiatric services and/or treatment diagnosis and treatment to the general public without overnight accommodation and may include uses such as reception areas, waiting areas, consultation rooms, x-ray and a dispensary, providing that all such uses shall have access only from the interior of the building or structure. The clinic generally operates on an appointment basis and does not primarily take walk-in patients. Any facility for methadone treatment or other narcotic treatment programs approved by the Pennsylvania Department of Health shall not be considered a medical office use.

OLDER ADULT DAILY LIVING CENTER - A premises operated for profit or not-for-profit in which older adult daily living services are simultaneously provided for four (4) or more clients who are not relatives of the operator for part of a 24-hour day.

OMNIDIRECTIONAL COMMUNICATIONS ANTENNA - A type of communications antenna, also known as a whip antenna, that consists of a thin rod that is capable of sending and/or receiving signals for communication devices.

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

PA MPC - The Pennsylvania Municipalities Planning Code, 53 P.S §10101 et seq.

PANEL COMMUNICATIONS ANTENNA - A type of communications antennal whose antenna surface is flat and is usually developed in multiples.

PARKING COMMITMENT CERTIFICATE - A document issued by the Borough Zoning Officer and used to officially record the location of parking spaces committed for use by downtown flat residents.

PARKING GARAGE, PUBLIC – A structure of portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking garage structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

PARKING LOT, PRIVATE – A privately held parking lot, including parking aisles and access drives that provide access to parking spaces but excluding any streets that provide access to the parking lot.

PARKING LOT, PUBLIC – A parking lot provided and/or operated by the public sector intended for the purposes of providing public parking spaces on the parcel.

PARKS and RECREATION - A facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including but not limited to basketball, hockey, wrestling, soccer, tennis, volleyball, racquetball, athletic fields, miniature golf, skateboard park, swimming, bathing, wading and other therapeutic facilities, batting cages, and trampoline facilities. Such facility may also provide other regular organized or franchised events, snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities.

PERSONAL CARE HOME –

- (1) A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living.
- (2) The term includes a premise that has held or presently holds itself out as a personal care home and provides food and shelter to four or more adults who need personal care services, but who are not receiving the services.

PERSONAL SERVICES - Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel including but not limited to barber and beauty shops, dog grooming, tailor, dressmaker, shoe repair, photographer, laundry and the like.

PERSONAL STORAGE FACILITY/SELF STORAGE FACILITY - A building or group of buildings in a controlled access and usually fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares.

PHARMACY – A business establishment which primarily sells prescription drugs, patent medicines and legal surgical, medicinal and sickroom supplies. A pharmacy may be within a retail establishment.

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

PLANNED RESIDENTIAL DEVELOPMENT - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the zoning ordinance.

PLANNING AGENCY – A planning commission, planning department, or a planning committee of the governing body.

PRINTING - An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

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

PUB/TAVERN – A business establishment specialize in the sale of alcoholic beverages, as well as the sale of food not necessarily as a secondary focus.

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

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning commission, intended to inform and obtain public comment, prior to taking action in accordance with the PA MPC.

PUBLIC MEETING - A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings).

PUBLIC NOTICE - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

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.

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

RECREATION CLUB, PRIVATE, SMALL-SCALE – A business or not-for-profit establishment not exceeding 5,000 square feet which is operated by and for its members and providing recreational facilities for the use of members and their guests.

RELATED EQUIPMENT - Any piece of equipment related to, incidental to, or necessary for, the operation of a Tower-Based WCF or Non-Tower WCF. By way of illustration, not limitation, Related Equipment includes generators and base stations.

RESEARCH AND DEVELOPMENT FACILITY – Any establishment which carried on basic, applied, industrial and/or scientific investigations and/or research, including laboratories and testing facilities, in the natural, physical or social sciences or engineering and development and/or testing as an extension of such research with the objective of creating end products; and which may include pilot manufacturing, as an accessory use. The term also includes medical laboratories where prosthetic devices or medical equipment testing takes place exclusively on written work order of a licensed member of the dental or medical profession, but excludes other medical testing; and further specifically excludes the housing of animals or activities requiring overnight stays by subjects or investigators, biological engineering, gene enhancement and/or biological reengineering.

RESTAURANT - A restaurant is defined as any building, structure or facility in which food is prepared or processed for sale to the general public, and where tables, chairs, and/or counters are provided for the consumption of prepared foods entirely within the walls of the principal structure; provided further, that for purposes of this Chapter.

RESTAURANT, FAST FOOD – A business establishment that offers quick food service for consumption on or off the premises which is accomplished through a limited menu of items already prepared and held for service or prepared, fired or grilled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

RESTAURANT, SIT DOWN – A business establishment maintained, operated, and /or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools.

RETAIL LIQUOR STORE – A business establishment which is state-owned and operated that sells distilled spirits.

RETAIL SHOP or ESTABLISHMENT - Including building materials, hardware, general merchandise, food products, new and used automobile sales (excluding gasoline service stations), clothing, apparel, and clothing accessories, furniture, home furnishing and similar equipment, eating and drinking establishments, sporting goods, drugs, specialty food shops, paint stores, electrical supplies, variety stores, department stores, bakeries, dairy products, household appliances, taverns and similar retail or general commercial outlets.

RETAIL SHOP OR ESTABLISHMENT, LARGE SCALE – A business establishment engaged in selling goods or merchandise to the general public for personal or household consumptions and rendering services incidental the sale of such goods and has a lot size greater than 5,000 sq. ft.

RETAIL SHOP OR ESTABLISHMENT, SMALL SCALE – A business establishment engaged in selling goods or merchandise to the general public for personal or household consumptions and rendering services incidental the sale of such goods and has a lot size less than 5,000 sq. ft.

SANDWICH SHOP – A business establishment that specializes in the preparation and serving of sandwiches and other similar foods, to be consumed on or off the premises but does not have a drive-thru facility.

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

SCHOOL - Any public, parochial, or private place of instruction, not including institutions of higher learning, having regular sessions, with regularly employed instructors or teachers, who are certified by the Pennsylvania Department of Education in accordance with such standards as the State Board of Education may establish, which teach those academic subjects that are fundamental and essential in general education, and which provide kindergarten, elementary, or secondary stages of education, or a vocational school, under the supervision of the Commonwealth or lawfully constituted ecclesiastical governing body and with standards of instruction meeting the requirements of the Commonwealth of Pennsylvania, including intermediate units established by the public school system of the Commonwealth of

Pennsylvania, but excluding any privately operated school of trades, vocations, avocations, business, and institutional schools, or drug or alcohol addiction program or foundation.

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

SECURITY ILLUMINATION - Level of illumination in prescribed areas of 0.25 foot candles.

SIDE YARD WIDTH - The prescribed minimum open space extending from the side of any building or accessory structure to the side lot line throughout the entire depth of the yard. Any lot line not a rear line or a front line shall be deemed as a side line.

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

SITE - A lot, tract or parcel of land or a series of lots, tracts or parcels of land which are adjoining where earth disturbance activities are continuous and performed at the same time.

SITE PLAN - A map of a final development plan to be officially recorded after approval by the borough.

STEALTH TECHNOLOGY - Camouflaging methods applied to wireless communications towers, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

STREET - Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicle traffic or pedestrian, whether public or private.

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

STUDIO - A work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft; a place for the study of an art.

SUBSTANTIALLY CHANGE OR SUBSTANTIAL CHANGE - (1) Any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed wireless communications facility may

exceed the size limits set forth herein if necessary to avoid interference with existing antennae; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

SURFACE WATERS OF THIS COMMONWEALTH - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface water or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

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

TELEPHONE EXCHANGE BUILDING - A Building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone messages between subscribers and other businesses of the telephone company. This definition shall not include Communications Equipment Buildings or other Buildings required or used for the operation of Communications Facilities, Communications Towers or Communications Antennas.

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

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF)- Any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be Tower-Based WCF.

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

TRANSPORTATION TERMINAL - Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. The terminal may also serve as a passenger station that is central to an area and serves as a junction at any point with other line. A bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight.

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

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

UTILITY STRUCTURE - All lines, and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, and cable.

VARIANCE - Relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the PA MPC.

VETERINARY CLINIC – A facility devoted to the medical care and treatment of small animals, including household pets, but does not allow for the overnight stay of animals and pets unless deemed necessary by a licensed veterinarian.

WAREHOUSE — A building used primarily for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles.

WBCA - Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)

WHOLESALE DISTRIBUTION - An establishment primarily engaged in selling merchandise to retailers, institutional, industrial, commercial or professional business customers or other wholesalers, rather than the general public, or acting as a broker for such merchandise sales. Wholesale distribution includes the warehousing of merchandise and distribution of such merchandise from the site of the principal business to other wholesale or retail businesses or institutional customers.

WIRELESS - Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF) - The antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT) - Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Borough owned land or property.

WIRELESS SUPPORT STRUCTURE - A freestanding structure, such as a Tower-Based wireless communications facility or any other support structure that is constructed primarily to support the placement or installation of a wireless communications facility if approved by the Township.

YARD - An open, unoccupied space, other than a court, not occupied with a building, open and unobstructed from the ground to the sky, except as otherwise provided herein.

- (1) **REQUIRED YARD** - a yard between the lot line and the buildable area, of the dimensions required by this Chapter.
- (2) **REQUIRED FRONT YARD** - a yard across the full width of the lot extending from the front yard line to a line full parallel therewith and a distance therefrom as prescribed in this Chapter.
- (3) **REQUIRED SIDE YARD** - a yard between the required front and rear yards, extending from the side line of the lot to a line parallel therewith and a distance therefrom as prescribed in this Chapter.
- (4) **REQUIRED REAR YARD** - a yard extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

ZONING CERTIFICATE - A document issued to an applicant by the Zoning Officer certifying that the proposed use of land and structures, the characteristics of the uses, and the approved site plan are in conformance with all pertinent provisions of this ordinance, and authorizing the applicant to proceed with the preparation and development of such land and structure.

ZONING DISTRICT - A district of the Borough of Carnegie into which the Borough has been divided for the purposes of zoning as set forth in §§106 and 107 of this Chapter.

ZONING HEARING BOARD - The Zoning Hearing Board of the Borough of Carnegie.

ZONING OFFICER - The Zoning Officer of Carnegie Borough shall be the Borough Building Code Official with such powers and duties as are conferred in this Chapter.

ARTICLE 1700

AIRPORT DISTRICT OVERLAY

§1701. Purpose. The purpose of this ordinance is to create an airport district overlay that considers safety issues around the Pittsburgh International Airport, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

§1702. Relation to Other Zone Districts. The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

§1703. Definitions. The following words and phrases when used in this ordinance shall have the meaning given to them in this section unless the context clearly indicates otherwise.

AIRPORT ELEVATION - The highest point of an airport's useable landing area measured in feet above sea level. The airport elevation of the Pittsburgh International Airport is 1,204 feet above mean sea level.

AIRPORT HAZARD - Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CPR Part 77 and 74 Pa. Cons. Stat. §5102.

AIRPORT HAZARD AREA - Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

APPROACH SURFACE (ZONE) - An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.

CONICAL SURFACE (ZONE) - An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

DEPARTMENT - Pennsylvania Department of Transportation.

FAA - Federal Aviation Administration of the United States Department of Transportation.

HEIGHT - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE (ZONE) - An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

LARGER THAN UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

NON-PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE (ZONE) - An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure I, is derived from the primary surface.

RUNWAY - A defined area of an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

TRANSITIONAL SURFACE (ZONE) - An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.

TREE - Any object of natural growth.

UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.

§1704. Establishment of Airport Zones: There are hereby created and established certain zones within the Airport District Overlay ordinance, defined in Section 3 and depicted on Figure I and illustrated on The Pittsburgh International Airport (PIT) Airspace Plan (Drawings 7a, 7b, & 7c of 19 of the PIT Airport Master Plan, as amended), hereby adopted as part of this ordinance, which include:

1. Approach Surface Zone
2. Conical Surface Zone
3. Horizontal Surface Zone
4. Primary Surface Zone
5. Transitional Surface Zone

§1705. Permit Applications. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in §27-1906.

No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

§1706. Variance. Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

1. No Objection - The subject construction is determined to not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
2. Conditional Determination - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 9 - Obstruction Marking and Lighting.
3. Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this ordinance.

§1707. Use Restrictions. Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Pittsburgh International Airport.

§1708. Pre-Existing Non-Conforming Uses: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the underlying zoning ordinance,) may only be reestablished consistent with the provisions herein.

§1709. Obstruction Marking and Lighting. Any permit or variance granted pursuant to the provisions of this ordinance may be conditioned according to the process described in §27-1906 to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

§1710. Violations and Penalties. Any person, partnership or corporation who or which shall violate the provisions of this ordinance shall, upon conviction thereof, be subject to fines, penalties and/or imprisonment, as appropriate, subject to the provisions of Chapter 27, Section 1405 of the Carnegie Borough Code of Ordinances, hereby incorporated by reference.

§1711. Appeals.

1. Applications for Zoning Certificates under this Section shall be in accordance with Chapter 27, Section 1402 of the Carnegie Borough Code of Ordinances.
2. Applications for Zoning Occupancy Permits under this Section shall be in accordance with Chapter 27, Section 1405 of the Carnegie Borough Code of Ordinances.
3. Appeals from administrative decisions made by the Carnegie Borough Zoning Officer pursuant to this Section shall be made to the Carnegie Borough Zoning Hearing Board in accordance with Chapter 27, Section 1408 of the Carnegie Borough Code of Ordinances.
4. Decisions of the Carnegie Borough Zoning Hearing Board made pursuant to this Section may be appealed to the Carnegie Borough Council if filed within thirty days of the date of the mailing of any decision of the Carnegie Borough Zoning Hearing Board.
5. Decisions of the Carnegie Borough Council shall be considered Final Decisions.

§1712. Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

§1713. Severability. If any of the provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

ARTICLE 1800

WIRELESS COMMUNICATIONS FACILITIES

§1801. Purposes and Findings of Fact.

1. The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of Wireless Communications Facilities in the Borough of Carnegie (referred to herein as the “Borough”). While the Borough recognizes the importance of Wireless Communications Facilities in providing high quality communications service to its residents and businesses, the Borough also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

§1802. By enacting these provisions, the Borough intends to:

- (4) Accommodate the need for Wireless Communications Facilities while regulating their location and number so as to ensure the provision for necessary services;
- (5) Provide for the managed development of Wireless Communications Facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Carnegie Borough residents and wireless carriers in accordance with federal and state laws and regulations;
- (6) Establish procedures for the design, siting, construction, installation, maintenance and removal of both Tower-Based and Non-Tower based Wireless Communications Facilities in the Borough, including facilities both inside and outside the public rights-of-way;
- (7) Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other Wireless Communications Facilities;
- (8) Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by requiring that competing providers of wireless communications services co-locate their commercial communications antennas and related facilities on existing towers;
- (9) Promote the health, safety and welfare of Carnegie Borough residents.

- §1803. The following regulations shall apply to all Non-Tower WCF:
1. Permitted in all zones subject to regulations. Non-Tower WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to applicable permitting by the Borough.
 2. Non-conforming Wireless Support Structures. Non-Tower WCF shall be permitted to co-locate upon non-conforming Tower-Based WCF. Co-location of WCF upon existing Tower-Based WCF is encouraged even if the Tower-Based WCF is non-conforming as to use within a zoning district.
 3. Standard of care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
 4. Wind. All Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended).
 5. Aviation safety. Non-Tower WCF shall comply with all federal and state laws and regulations concerning aviation safety.
 6. Public safety communications. Non-Tower WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
 7. Radio frequency emissions. A Non-Tower WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,” as amended.
 8. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:

- a. All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough.
 - b. If the WCF or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.
9. Insurance. Each Person that owns or operates a Non-Tower WCF shall provide the Borough with 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 Non-Tower WCF.
10. Indemnification. Each person that owns or operates a Non-Tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Non-Tower WCF. Each person that owns or operates a Non-Tower WCF shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Non-Tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
11. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
 - a. The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

§1804. The following regulations shall apply to all collocated Non-Tower WCF that do not Substantially Change the Physical Dimensions of the Wireless Support Structure to which they are attached and fall under the Pennsylvania Wireless Broadband Collocation Act:

1. Permit required. WCF Applicants proposing the modification of an existing Tower-Based WCF shall obtain a building permit from the Borough. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Borough in accordance with applicable permit policies and procedures.
2. Timing of approval for applications that fall under the WBCA. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Borough, the Borough shall notify the WCF Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the WCF Applicant in writing of such decision. If additional information was requested by the Borough to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the Borough's sixty (60) day review period. The timing requirements in this section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.
3. Related Equipment. Ground-mounted Related Equipment greater than three (3) cubic feet shall not be located within fifty (50) feet of a lot in residential use or zoned residential.
4. Permit fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Non-Tower WCF or \$1,000, whichever is less.

§1805. The following regulations shall apply to all Non-Tower WCF that do Substantially Change the Wireless Support Structure to which they are attached, or that otherwise do not fall under the Pennsylvania Wireless Broadband Collocation Act:

1. Prohibited on Certain Structures. No Non-Tower WCF shall be located on single-family detached residences, single-family attached residences, or any residential accessory structure.
2. Conditional Use Authorization Required. Any WCF Applicant proposing the construction of a new Non-Tower WCF, or the modification of an existing Non-Tower WCF, shall first obtain a conditional use authorization from the Borough. New constructions, modifications, and

replacements that do fall under the WBCA shall be not be subject to the conditional use process. The conditional use application shall demonstrate that the proposed facility complies with all applicable provisions in the Carnegie Borough Zoning Ordinance.

3. Historic Buildings. No Non-Tower WCF may be located upon any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is listed on the official historic structures and/or historic districts list maintained by the Borough, or has been designated by the Borough to be of historical significance.
4. Retention of Experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these WCF provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
5. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs.
6. Development Regulations. Non-Tower WCF shall be located or co-located on existing Wireless Support Structures, such as existing buildings or Tower-Based WCF, subject to the following conditions:
 - a. The total height of any Wireless Support Structure and mounted WCF shall not exceed 15 feet above the maximum height permitted in the underlying zoning district, unless the WCF Applicant applies for, and subsequently obtains, a variance, with the exception of non-tower WCFs attached to high-tension utility poles, towers or structures, where the height may not exceed the height of the existing utility pole, tower or structure. Non-tower WCFs attached to an existing building or structure shall not protrude horizontally more than three (3) feet and shall be of such type and scale so as to match and blend in with the building.
 - b. In accordance with industry standards, all Non-Tower WCF Applicants must submit documentation to the Borough justifying the total height of the Non-Tower WCF. Such documentation shall be analyzed in the context of such justification on an individual basis.

- c. If the WCF Applicant proposes to locate the Related Equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - d. A security fence of not less than twelve (12) feet shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
7. Design Regulations.
- a. Non-Tower WCF shall employ Stealth Technology and be treated to match the Wireless Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Borough.
 - b. Non-commercial usage exemption. Carnegie Borough residents utilizing satellite dishes and antennae for the purpose of maintaining television, phone, radio, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this Ordinance.
8. Removal, Replacement and Modification.
- a. The removal and replacement of Non-Tower WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not Substantially Change the overall size of the WCF or the numbers of antennae.
 - b. Any material modification to a WCF shall require notice to be provided to the Borough, and possible supplemental permit approval to the original permit or authorization.
9. Inspection. The Borough reserves the right to inspect any WCF to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

§1806. Regulations Applicable to all Non-Tower WCF located in the Public Rights-of-Way.

In addition to the Non-Tower WCF provisions listed in Section B of 27-408, the following regulations shall apply to Non-Tower WCF located in the public rights-of-way:

1. Location and Co-location. Non-Tower WCF in the ROW shall be located or co-located on existing poles, such as existing utility poles or light poles. If co-location is not technologically feasible, the WCF Applicant shall locate its Non-Tower WCF on existing poles or freestanding structures that do not already act as Wireless Support Structures with the Borough's approval.
2. Design Requirements:
 - a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - b. Antenna and Related Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted. The base of such WCF shall be landscaped so as to screen the foundation and base and any communications building from abutting properties.
3. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
4. Equipment Location. Non-Tower WCFs and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:
 - a. In no case shall ground-mounted Related Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot;

- b. Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
 - d. Any graffiti on any Wireless Support Structures or any Related Equipment shall be removed at the sole expense of the owner.
 - e. Any proposed underground vault related to Non-Tower WCF shall be reviewed and approved by the Borough.
5. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- a. The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
 - b. The operations of the Borough or other governmental entity in the Right-of-Way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An emergency as determined by the Borough.

§1807. General and Specific Requirements for All Tower-Based Wireless Communications Facilities

- 1. The following regulations shall apply to all Tower-Based Wireless Communications Facilities.
 - a. Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and

construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.

- b. Notice. Upon submission of an application for a Tower-Based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The WCF Applicant shall provide proof of the notification to the Borough.
- c. Conditional Use Authorization Required. Tower-Based WCF are permitted in certain zoning districts by conditional use and at a height necessary to satisfy their function in the WCF Applicant's wireless communications system. No WCF Applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The WCF Applicant shall demonstrate that the antenna/tower/pole for the Tower-Based WCF is the minimum height necessary for the service area.
 1. Prior to Council's approval of a conditional use authorizing the construction and installation of Tower-Based WCF, it shall be incumbent upon the WCF Applicant for such conditional use approval to prove to the reasonable satisfaction of Council that the WCF Applicant cannot adequately extend or infill its communications system by the use of equipment such as redoes, repeaters, antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The WCF Applicant shall further demonstrate that the proposed Tower-Based WCF must be located where it is proposed in order to serve the WCF Applicant's service area and that no other viable alternative location exists.
 2. The conditional use application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant

- in determining the need for the proposed site and installation.
3. The conditional use application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety.
 4. Where the Tower-Based WCF is located on a property with another principal use, the WCF Applicant shall present documentation to Council that the owner of the property has granted an easement for the proposed WCF and that vehicular access will be provided to the facility.
 5. The conditional use application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all other applicable provisions in this section.
- d. Engineer Inspection. Prior to the Borough's issuance of a permit authorizing construction and erection of a Tower-Based WCF, a structural engineer registered in Pennsylvania shall issue to the Borough a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional hearings or at a minimum be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.
- e. Visual Appearance and Land Use Compatibility. Tower-Based WCF shall employ Stealth Technology which may include the tower portion to be painted silver or another color approved by Council, or shall have a galvanized finish. All Tower-Based WCF and Related Equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. Council shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing

at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.

- f. Co-location and siting. An application for a new Tower-Based WCF shall demonstrate that the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building, or sited on land owned and maintained by the Borough of Carnegie. Council may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the commercial communications antenna(s) on an existing structure. The WCF Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one quarter ($\frac{1}{4}$) of a mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:
1. The proposed antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
 2. The proposed antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
 3. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 4. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- g. Permit Required for Modifications. To the extent permissible under applicable state and federal law, any WCF Applicant proposing the modification of an existing Tower-Based WCF, which increases the overall height of such WCF, shall first obtain a permit from the Borough. Non-routine modifications shall be prohibited without conditional use authorization.
- h. Gap in Coverage. A WCF Applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage or capacity exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive

means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Borough's decision on an application for approval of Tower-Based WCF.

- i. Additional Antennae. As a condition of approval for all Tower-Based WCF, the WCF Applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate antennae on Tower-Based WCF where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional antennae without obtaining the prior written approval of the Borough.
- j. Wind. Any Tower-Based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended.)
- k. Height. Any Tower-Based WCF shall be designed at the minimum functional height. The maximum total height of a Tower-Based WCF, which is not located in the public ROW, shall not exceed two hundred (200) feet, as measured vertically from the ground level to the highest point on the structure, including antennae and subsequent alterations.
- l. Related Equipment. Either one single-story wireless communications equipment building not exceeding 500 square feet in area or up to five metal boxes placed on a concrete pad not exceeding 10 feet by 20 feet in area housing the receiving and transmitting equipment may be located on the site for each unrelated company sharing commercial communications antenna(e) space on the Tower-Based Wireless Communications Facility.
- m. Public Safety Communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- n. Maintenance. The following maintenance requirements shall apply:
 1. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

2. Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Borough's residents, and utilize the best available technology for preventing failures and accidents.
- o. Radio Frequency Emissions. A Tower-Based WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- p. Historic Buildings or Districts. A Tower-Based WCF shall not be located upon a property, and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the Borough.
- q. Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- r. Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Borough Secretary.
- s. Noise. Tower-Based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Borough Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- t. Aviation Safety. Tower-Based WCF shall comply with all federal, state and municipal laws and regulations concerning aviation safety.

- u. Retention of Experts. The Borough may hire any consultant and/or expert necessary to assist the Borough in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- v. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Borough, the Borough shall notify the WCF Applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Borough shall advise the WCF Applicant in writing of its decision. If additional information was requested by the Borough to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.
- w. Non-Conforming Uses. Non-conforming Tower-Based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this section.
- x. Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
 - 1. All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within ninety (90) days of the cessation of operations at the site unless a time extension is approved by the Borough.
 - 2. If the WCF and/or accessory facility is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.

3. Any unused portions of Tower-Based WCF, including antennae, shall be removed within ninety (90) days of the time of cessation of operations. The Borough must approve all replacements of portions of a Tower-Based WCF previously removed.
- y. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring, and related costs.
- z. FCC License. Each person that owns or operates a Tower-Based WCF over forty (40) feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
- aa. Reservation of rights. In accordance with applicable law, the Borough reserves the right to deny an application for the construction or placement of any Tower-Based WCF for numerous factors, including but are not limited to, visual impact, design, and safety standards.
- bb. Insurance. Each person that owns or operates a Tower-Based WCF greater than forty (40) feet in height shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF forty (40) feet or less in height shall provide the Borough with 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 each Tower-Based WCF.
- cc. Indemnification. Each person that owns or operates a Tower-Based WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Tower-

Based WCF. Each person that owns or operates a Tower-Based WCF shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of Tower-Based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

- dd. Engineer signature. All plans and drawings for a Tower-Based WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
- ee. Financial security. Prior to receipt of a zoning permit for the construction or placement of a Tower-Based WCF, the WCF Applicant shall provide to the Borough financial security sufficient to guarantee the removal of the Tower-Based WCF. Said financial security shall remain in place until the Tower-Based WCF is removed.

§1808. The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Public Rights-of-Way:

- 1. Development Regulations.
 - a. Tower-Based WCF shall not be located in, or within one hundred (100) feet of, and area in which utilities are primarily located underground.
 - b. Tower-Based WCF greater than forty (40) feet in height are permitted as a conditional use in the following zoning districts by conditional use, subject to the above prohibition:
 - 1. R-1 One-Family Residential District;
 - 2. R-2 Two-Family Residential District;
 - 3. R-3 Multiple-Family Residential District;
 - 4. R-4 Multiple-Family Residential District;
 - 5. C-1 Live Work District;
 - 6. C-2 Civic/Professional District;
 - 7. C-3 Office Commercial District;
 - 8. D-1 Downtown District;
 - 9. D-2 Cultural District;
 - 10. D-3 Arterial District;
 - 11. M-1 Planned Industrial District;
 - 12. I-376 Corridor Outdoor Offsite Advertising Overlay; and

13. Parkway Protection Overlay. Sole use on a lot. A Tower-Based WCF shall be permitted as a sole use on a lot, provided that the lot meets the minimum lot size in the underlying zoning district. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal one hundred ten percent (110%) of the proposed WCF structure height.
- c. Combined with another use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 1. The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the WCF.
 2. Minimum lot area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting if the proposed WCF is greater than forty (40) feet in height.
 3. Minimum setbacks. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal one hundred ten percent (110%) of the proposed WCF structure height.
2. Design Regulations.
 - a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Borough.
 - b. To the extent permissible by law, any height extensions to an existing Tower-Based WCF shall require prior approval of the Borough.
 - c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennae and comparable antennae for future users.
 - d. Any Tower-Based WCF over forty (40) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

3. Surrounding Environs.
 - a. The WCF Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
 - b. The WCF Applicant shall submit a soil report to the Borough complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA/TIA-222, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.
4. Fence/Screen.
 - a. A security fence having a minimum height of twelve (12) feet shall completely surround any Tower-Based WCF greater than forty (40) feet in height, as well as guy wires, or any building housing WCF equipment.
 - b. Landscaping shall be required to screen as much of a newly constructed Tower-Based WCF as possible. Council may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of Council, they achieve the same degree of screening. Existing vegetation shall be preserved to the maximum extent possible.
5. Accessory Equipment.
 - a. Ground-mounted Related Equipment associated to, or connected with, a Tower-Based WCF shall be placed underground or screened from public view using Stealth Technologies, as described above.
 - b. All Related Equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
6. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility.
7. Parking. For each Tower-Based WCF greater than forty (40) feet in height, there shall be two off-street parking spaces.

8. Inspection. The Borough reserves the right to inspect any Tower-Based WCF to ensure compliance with the Zoning Ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

§1809. The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Public Rights-of-Way.

1. Location and development standards.
 - a. Tower-Based WCF forty (40) feet or shorter in height are prohibited in areas in which utilities are located underground.
 - b. Tower-Based WCF forty (40) feet or shorter in height shall not be located in the front façade area of any structure.
 - c. Tower-Based WCF forty (40) feet or shorter in height shall be permitted along certain collector roads and arterial roads throughout the Borough, regardless of the underlying zoning district, provided that they are not situated within fifty (50) feet of an area in which utilities are underground. A map of such permitted roads is kept on file at the Borough Zoning Office.
2. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
3. Equipment Location. Tower-Based WCF and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:
 - a. In no case shall ground-mounted Related Equipment, walls, or landscaping be located within 18 inches of the face of the curb.
 - b. Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.

- d. Any graffiti on the tower or on any Related Equipment shall be removed at the sole expense of the owner.
 - e. Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Borough.
4. Design regulations.
- a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Borough.
 - b. Tower-Based WCF in the public ROW shall not exceed forty (40) feet in height.
 - c. To the extent permissible under state and federal law, any height extensions to an existing Tower-Based WCF shall require prior approval of the Borough, and shall not increase the overall height of the Tower-Based WCF to more than forty (40) feet.
 - d. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennae and comparable antennae for future users.
5. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- a. The construction, repair, maintenance or installation of any Borough or other public improvement in the Right-of-Way;
 - b. The operations of the Borough or other governmental entity in the right-of-way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An emergency as determined by the Borough.
6. Reimbursement for ROW Use. In addition to permit fees as described in this section, every Tower-Based WCF in the ROW is subject to the Borough's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs including, but not limited to, the costs of the administration and

performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Borough. The owner of each Tower-Based WCF shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above.

§1810. Police powers. The Borough, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the Borough under applicable federal, state and local laws and regulations.

§1811. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.

§1812. Effective Date. This Ordinance shall become effective five (5) days after enactment by the Council of the Borough of Carnegie.

ORDAINED and ENACTED into law by Borough Council of the Borough of Carnegie, Allegheny County Pennsylvania, and its meeting held on _____ day of _____, 2017.

Steve Beuter, Borough Manager

Sue Demko, Council President

Jack Kobistek, Mayor

Approved as to form:

Joseph G. Lucas, Esquire
Borough Solicitor