

*Sharpsburg Borough, Pennsylvania*

*The Zoning Ordinance of Sharpsburg Borough*

December 2015

**ORDINANCE 16-03  
BOROUGH OF SHARPSBURG  
COUNTY OF ALLEGHENY  
COMMONWEALTH OF PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF SHARPSBURG, COUNTY OF ALLEGHENY,  
COMMONWEALTH OF PENNSYLVANIA AMENDING THE BOROUGH OF  
SHARPSBURG ZONING ORDINANCE, IN ITS ENTIRETY AND REPEALING ALL  
INCONSISTENT ORDINANCE.**

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**WHEREAS**, the Borough of Sharpsburg Planning Commission reviewed the proposed Ordinance and made a recommendation to the Borough Council; and

**WHEREAS**, the Borough of Sharpsburg Council held a public hearing as provided by the Pennsylvania Municipalities Planning Code, on December 17, 2015; and

**WHEREAS**, the Borough of Sharpsburg Council advertised notice of intent to adopt the proposed ordinance and the time, place and date of the public hearing; and

**WHEREAS**, the proposed ordinance was submitted to the Allegheny County Department of Economic Development, Planning Division for review and comments; and

**WHEREAS**, in the judgment of the Borough of Sharpsburg Council, the proposed Borough of Sharpsburg Ordinance 16-03 is consistent with the overall Etna – Millvale – Sharpsburg Comprehensive Plan adopted by the Borough.

**NOW THEREFORE**, in consideration of the foregoing, it is hereby ordained and enacted by the authority of the Borough of Sharpsburg Council;

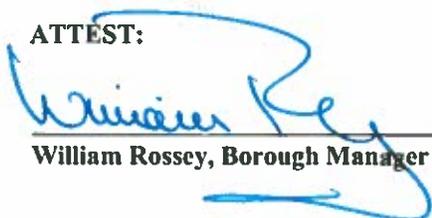
**SECTION 1:** The Borough of Sharpsburg Zoning Ordinance, is hereby amended in its entirety in order to restate the Borough of Sharpsburg Zoning Ordinance as set forth in Exhibit "A" attached hereto.

**SECTION 2:** Any ordinance, or any part of any ordinance inconsistent with the provisions of this ordinance, is hereby repealed to the extent of such inconsistency.

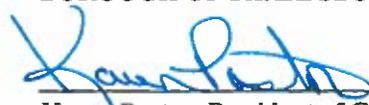
This ordinance shall be effective as of Monday, January 4, 2016.

**ORDAINED AND ENACTED** this 4<sup>th</sup> day of January 2016.

**ATTEST:**

  
\_\_\_\_\_  
William Rossey, Borough Manager

**BOROUGH OF SHARPSBURG**

  
\_\_\_\_\_  
Karen Pastor, President of Council

**EXAMINED AND APPROVED** by me this 4<sup>th</sup> day of January 2016.

  
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Michael J. Witherell, Solicitor

  
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Mayor Richard C. Panza

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## ARTICLE I Authority & Purposes

### §101. Title

- A. This Ordinance is known as the “Zoning Ordinance of Sharpsburg Borough,” and the Zoning Map is designated as the “Official Zoning Map of Sharpsburg Borough.”

### §102. Authority.

- A. This Ordinance is authorized under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, The Pennsylvania Municipalities Planning Code, July 31, 1968, as amended hereinafter, (PA MPC).

### §103. General Purpose, Intent and Objectives.

- A. This Ordinance is made with consideration for Sharpsburg Borough’s character, its various parts, and the suitability of the various parts for particular uses and structures. This Ordinance is enacted for the following purposes:
  - 1. To retain existing residents and business’ and attract new ones to the Borough because of its established character and riverfront opportunities.
  - 2. To promote, protect and facilitate one (1) or more of the following: public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency preparedness, disaster evacuation, providing adequate light and air, police protection, vehicle parking and loading berth/space, transportation, water, sewerage, schools, public grounds and other public requirements.
  - 3. To provide individual and mixtures of uses, buildings and/or structures compatible with the character of development or the permitted uses within the specified zoning districts.
  - 4. To maintain the stability of residential, commercial, institutional, industrial and open space areas within a framework of development for Sharpsburg Borough.
  - 5. To encourage and maintain walkability throughout the community.
  - 6. To protect private-sector and public-sector investments being made to the land and buildings.
  - 7. To promote and to foster the community development goals and objectives, including quality infill, redevelopment and/or adaptive reuse, as identified in the Etna-Millvale-Sharpsburg Multi-Municipal Comprehensive Plan, as amended.

### §104. Interpretation.

- A. In applying this Ordinance, it serves as the minimum requirements for promotion of health, safety, morals, and general welfare of Sharpsburg Borough. If this Ordinance imposes more stringent restrictions upon the use of buildings, structures and land than contained in applicable deeds or agreements, the requirements of this Ordinance supersede.

### §105. Application.

- A. The provisions of this Ordinance shall apply uniformly to all buildings, structures uses, signs and land areas. The requirements of this Ordinance are not applicable to temporary uses permitted by and/or conducted by Sharpsburg Borough or its authorized municipal authorities.

### **§106. Abrogation.**

- A. It is not intended by this Ordinance replaces or interferes with any existing ordinance or with any rule Sharpsburg Borough adopted or issued. If this Ordinance imposes greater restrictions upon the use of buildings or land, then the provisions of this Ordinance will supersede.

### **§107. Repealer.**

- A. Nothing in this Ordinance is construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance.

### **§108. Severability.**

- A. If any content of this Ordinance is declared invalid for any reason, such decision will not affect the remaining portions of this Ordinance, which remains in full force and effect, and for this purpose the provisions of this Ordinance are declared to be severable.

## ARTICLE II Form & Function

### §201. Ordinance Quick View.

- A. The Zoning Ordinance of Sharpsburg Borough presents a straightforward and simple set of regulatory provisions related to retaining cohesive form and function of lot development within Sharpsburg Borough.
- B. Requirements for proposed development within Sharpsburg Borough are summarized on the Article II maps and tables. These maps and tables include key development relationships pertaining to lot location, land use typologies, street typologies and additional massing information applicable to Sharpsburg Borough. As the relationship of buildings and streets is the foundation of the community, the way in which a lot presents its street wall as well as the way in which it is accessed by pedestrians and vehicles alike will enable the Sharpsburg Borough to maintain development continuity and historical development patterns. The other Articles of this Ordinance provide additional provisions related to zoning and land use.
- C. A series of application process diagrams located on file at the Sharpsburg Borough Administrative Office outline the general parameters and steps associated with various types of development submissions.

### §202. Zoning Map.

- A. The Zoning Map is composed of a series of zoning districts (Zones). The boundaries between zoning districts are, unless otherwise indicated, either the centerlines of streets, alleys, rights-of-way, lot lines, rail-roads, streams or such lines extended.
- B. The water surface and the land under the water surface of all waterways not otherwise zoned are placed in the same zoning district as the land which it abuts as shown on the Zoning Map. Where the Zones shown on the Zoning Map are different on opposite sides of the water area, then the Zone on each side extends to the center line or midpoint of the water area.
- C. Where Zone boundaries are not clearly fixed by the above methods, they will be determined by the use of the scale of the Zoning Map.
- D. Where a street or alley shown on the Zoning Map is officially vacated by replatting or otherwise, the land formerly in such street or alley right-of-way is included within the zoning district of adjoining lot(s) on either side of the vacated street or alley. Where the street or alley was a district boundary between two (2) or more different zoning districts, the district boundary is the former centerline of the vacated street or alley.
- E. When there is disagreement on the location of Zone boundaries, the Zoning Hearing Board will decide as the Board has the power and duty of interpreting the intent of the Zoning Map in accordance with the spirit and purpose of the Zoning Ordinance of Sharpsburg Borough.
- F. Records of all Zoning Map amendments are located on file in Sharpsburg Borough's Administrative Office.
- G. Sharpsburg Borough is divided into Zones as shown on the Zoning Map of Sharpsburg Borough which is referred to as the Official Zoning Map, together with all explanations on it, is adopted by reference and declared to be a part of this Ordinance.
- H. The Zoning Map of Sharpsburg Borough is identified by the signature of the President of the Borough Council, attested by the Borough Manager/Borough Secretary and bears the seal of Sharpsburg Borough under the following words: "This is to certify that this is the Zoning Map referred to in Ordinance Number of Sharpsburg Borough, Allegheny County, Pennsylvania," together with the date of adoption of this Ordinance.

## Form & Function

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- I. No changes of any nature are made in the Official Zoning Map or except in conformity with the procedures set forth in this Ordinance. Any unauthorized change will be considered a violation of this Ordinance.
- J. The Official Zoning Map, located in Sharpsburg Borough's Municipal Building Administrative Office, is the final authority as to the current zoning status in Sharpsburg Borough.
- K. Any amendments, legally adopted to change any zoning district boundaries of the Zoning Map, are to be noted on the map by Ordinance number and date of adoption of the amendment.
- L. Borough Council may by Ordinance update the parcel lines as available from Allegheny County on the Zoning Map, noting the applicable date and source on the map.

§203. Zone Use and Buildings.

**Table 1: Zone Use Table**

Table 1 identifies which land uses are permissible in each of the Borough’s Zones. After locating the Zone in which the lot is located, use the listing of uses described in the table below to determine what uses are permissible, allowed as outbuildings, secondary uses or uses by Conditional Use of Borough Council. In accordance with the PA Municipalities Planning Code, the Borough shares some land uses with Etna and Millvale Boroughs. Zoning Ordinances of Etna Borough and/or land use that is not noted as permissible in any Zoning District of Sharpsburg.

R= Use by Right; C = Conditional; S = Use by Special Exception

<i>Land Use</i>		<i>Sharpsburg</i>						
		<i>R-1</i>	<i>R-2</i>	<i>B</i>	<i>M</i>	<i>I</i>	<i>I-1</i>	<i>RO</i>
<b>Residential Uses</b>	1 Single-Family Dwelling	R	R	C	R			R
	2 Two-Family Dwelling	C	R	C	R			R
	3 Townhouse	C	R	C	R			R
	4 Apartment		C		R			C
	5 Mobile Home Park							
	6 Hi-Rise Residential		C		C			C
	7 Boarding House		C	R	C			
	8 Group Care Facility		C	C				
	9 Personal Care Boarding Home	C			C			
	10 All Other Residential Uses							
<b>Non-Residential Uses</b>	1 Amusement Arcade			R				R
	2 Animal Hospital					R	R	
	3 All Other Non-Residential Uses						C	
	4 Artisan Workspace/Sales				C	R	R	
	5 Auto Sales/Service and Repair				C			
	6 Auto Wrecking/Vehicle Salvage Yard						R	
	7 Bakery/Confectionery			R	R	R	R	C
	8 Banks and Financial Institutions			R	R			
	9 Bed and Breakfast	R	R	R	R			
	10 Brewery/Brew Pub/Tap Room			R	R	R	R	C
	11 Building Material Yards or Establishments				R	R	R	C
	12 Clinic, Small-scale				C			
	13 Club/Lodge	C	C	R	C			
	14 Community Center			R				C
	15 Convenience Store			R	R	R		R
	16 Day Care Facility	C	R	R	R	R	R	
	17 Day Care Home	C	R	R	R	R	R	R
	18 Emergency Services			R	R			
	19 Essential Services			R	R	R	R	
	20 Forestry	R	R	R	R	R	R	
	21 Fuel/Service Stations			R	R		R	C

## Form & Function

**Table 1: Zone Use Table**

R= Use by Right; C = Conditional; S = Use by Special Exception

Land Use		Sharpsburg						
		R-1	R-2	B	M	I	I-1	RO
22	Funeral Home			R	R			
23	Grocery Store/Butcher Shop/Green Grocer			R	R			R
24	Health/Fitness Club			R	R			C
25	Home Based Business, No Impact	R	R	R	R			C
26	Home Occupation	C	C	C	C			
27	Hospital				R			
28	Hotel/Motel			C	C			
29	Laundromat			R	R			
30	Laundry and/or Dry Cleaning Plant			C		R	R	
31	Library			R	R			
32	Light manufacturing					R	R	
33	Livery							
34	Manufacturing, Processing, Producing OR Fabricating Operation				C	R	R	
35	Marina, Docks, Portals for Water Access					R		C
36	Medical Office			R	R	R	R	
37	Mixed Non-residential/Residential			C	C			
38	Municipal Building	C	C	R	R	R	R	
39	Non-Commercial Greenhouse	R	R		R			
40	Outdoor Advertising					R	R	
41	Parking Lot or Facility, Public	C	C	R	R	R	R	R
42	Parking Lot, Private	R	R	R	R	R		R
43	Personal and Professional Services		R	R	R			R
44	Pharmacy		R	R	R			R
45	Place of Assembly/Worship	C		C	C			
46	Planned Mixed Use Development							C
47	Printing, Publications, and Engraving Plants			R	R	R	R	
48	Professional and Business Offices			R	R	R	R	R
49	Public Park, Recreation Area, Playground	R	R	R	R	R	R	R
50	Public Utility Building				S	S		
51	Research and Development Establishment	C	C	R	R	R	R	
52	Restaurant, Sit down			R	R			R
53	Restaurant, Take-out			R	R			R
54	Retail, Small-Scale			R	R			R

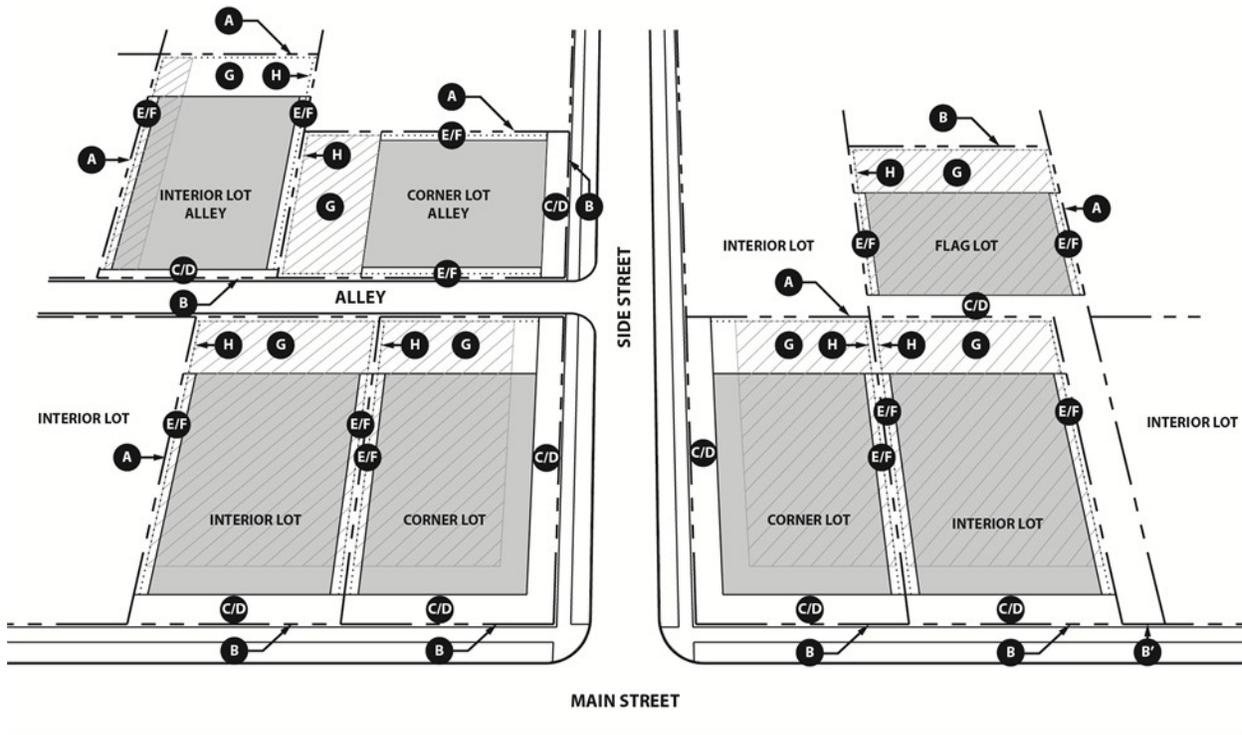
**Table 1: Zone Use Table**

R= Use by Right; C = Conditional; S = Use by Special Exception

Land Use		Sharpsburg						
		R-1	R-2	B	M	I	I-1	RO
55	Riverboat Gambling			R	R			C
56	School, Academic	R	R	R	R			
57	School, Commercial/Other			R	R	R	R	
58	Sewage Treatment Facility			S	S			
59	Sexually Oriented Business						C	
60	Storage Building for Retail onpremise			C	C			
61	Tattoo Shop			R			R	
62	Terminal Facility					C	C	C
63	Tower, Non-Communication					S		
64	Theater			R	R			R
65	Warehouse					R		
66	Wholesale Business			C	R	R	R	

§203. Lot Dimension and Building Type Standards

A. Typical Lot Configuration



## Form & Function

### B. Dimensional Criteria per Street Type and Lot Type (See also Street Typology Map)

		Street Type								
		S1	S2	S3	S4	S5	S6			
<i>Parcel Key</i>										
A	<b>Depth (Min. Feet)</b>	100'	100'	100'	100'	100'	100'			
B	<b>Front Lot Line Width (Min. Feet)</b>	20'	20'	20'	20'	50'	20'			
C D E F G H	<b>Setbacks</b>	<b>Principal Structure Setbacks</b>	Front	Min.	0'	0'	0'	avg. of existing building setbacks on block	0'	5'
				Max.	0'	5'	0'	5'	NA	10'
			Side	Min.	0'	2'	2'	2'	5'	2'
				Max.	2'	NA	NA	NA	NA	NA
			Rear	Min.	0'	0'	0'	0'	0'	0'
			<b>Min. Parking Setback</b>	Front	NA	NA	NA	NA	5'	5'
		Side		5'	5'	5'	5'	5'	5'	
		Rear		5'	5'	5'	5'	5'	5'	
		<b>Min. Setback - Fences on Side/Rear Yard</b>		NA	0'	0'	0'	0'	0'	
		<b>Min. Setback - Accessory Structure (side/rear)</b>		NA	NA	NA	2'	10'	5'	
<b>Riverfront Overlay Lot Coverage</b>		Max.	65%							

C. Building and Street Type Schedule (See also Street Typology Map)

=Permissible		Street Type					
Building Character Example	Building Type	S1	S2	S3	S4	S5	S6
	B1 Single						
	B2 Twin						
	B3 Row						
	B4 Modular						
	B5 Apartment/Flat						
	B6 Shop						
	B7 Business SS						
	B8 Business MS						
	B9 Civic						
	B10 Outbuilding A						
	B11 Outbuilding B						

**§204. General Application Types/Submission Items.**

Land Use applications to the Borough shall, at a minimum, contain:

- A. Residential land use applications
  - 1. Application Form
  - 2. Site Plan with utilities
- B. Non-residential land use applications
  - 1. Application Form
  - 2. Building Elevation (at street)
  - 3. Parcel map
  - 4. Site Plan with utilities
  - 5. Cross-section front yard to rear yard
  - 6. Copies of Highway Occupancy Permit, National Pollutant Discharge Elimination System submissions, as well as Department of Environmental Protection and Municipal Authority Application submissions
- C. Applications for land within the Riverfront Overlay shall follow a 2-step process.
  - Step 1: Development Overview  
In accordance with the Borough Application Form for Land within the Riverfront Overlay, the Development Overview shall present the overall proposed development, relationship(s) of land uses, the scale, quantity and density of development, generally anticipated phasing and vehicular/pedestrian circulation.
  - Step 2: Immediate Phase-specific Plan  
Following Borough Planning Commission review and recommendation associated with the Development Overview; the Immediate Phase-specific Plan shall present the portion(s) of development that is proposed for immediate Borough approval.
- D. Applications for Land within the Neighborhood Design Overlay as submitted for Borough Staff review.
  - 1. Application Form
  - 2. Site Plan with Utilities
  - 3. Design Overlay Checklist.
  - 4. Building Permit Form

**§ 205 Neighborhood Design Overlay Standards.**

- A. Applicability of These Standards.
  - 1. To uphold the intent of the community planning and development objectives and policies, these Design Standards are intended to apply to all development including those proposed as part of building permit, pertaining to identified lots within the following districts:

B. Application Review and Approval Process.

1. These standards apply to the formal review of proposed development within the Overlay. The application review process is triggered for any applicant seeking new construction or exterior changes or alteration to an existing building. Conformance with the Neighborhood Design overlay standards may be reviewed concurrently with a *Land Development, Change of Land Use or Building Permit* application.
2. Any application identifying a proposed request for modification to these standards shall be subject to Borough Planning Commission review and recommendation. Borough Council reserves the right to grant modifications to these standards based upon findings from application review and subsequent Planning Commission recommendation.
3. The purpose of these standards is to provide regulations and written and graphic standards to:
  - a. Implement the Borough’s Comprehensive Plan and related planning documents.
  - b. Create standards that are sensitive to the context of the Borough and architectural character of the community’s traditional neighborhoods and downtown.
  - c. Address the legislative intent of each design standard within this Article.
  - d. Promote general consistency of the built environment within the Borough. Buildings play a critical role in defining and activating streets which in turn define the Neighborhood Development Overlay area.
4. Overall intent for general consistency.
  - a. Borough Intent.
    - i. These standards are enabled by Section 708-A of the Pennsylvania Municipalities Planning Code, titled "Manual of Written and Graphic Design Guidelines."
    - ii. The sense of place within the neighborhood is intended to create a more functional and attractive outcome for the quality of life in the Borough.
    - iii. Images provided are intended to represent general applications of design or preferred examples, not specific details to specific sites.
  - b. Standards.
    - i. Planning, design, construction and maintenance of new and/or redeveloped buildings, structures, public realm, landscapes and hardscapes are to be generally consistent with this Article.
5. Criteria.
  - a. Building Location (Build-to Line)
    - i. Objective.
      - a) Buildings are intended to be located close to sidewalks, with parking located in the rear and/or side.
      - b) Traditional development in the Borough’s downtown is intended to form a continuous street wall along all streets.



ii. Standards.

- a) Buildings shall be located on a build-to line adjoining the sidewalk.
- b) New buildings on a block shall be located in alignment with existing buildings.
- c) For a lot with a front lot line of thirty (30) feet or greater in width, a maximum of 25% of the front face of the building may be set back a maximum of three (3) feet from the front line of the building.
- d) Buildings shall be located to anchor street corners, except where a Borough open space may be located.
- e) No accessory structure, utilities or dumpsters shall be located between the front line of a building and the front lot line.

b. Building Size and Types.

i. Objective.

- a) Smaller footprint mixed-use buildings are intended to predominate the building stock found in the Overlay area.
- b) Maintain a diversity of building types based on the character of the Overlay area and adjoining neighborhoods.



ii. Standards.

- a) New buildings shall be designed to be compatible in size with the predominate size of buildings on the same block.
- b) Vertical mixed-use buildings shall be maintained and created in the Overlay area.

c. Building Height.

i. Objective.

- a) Redeveloped and infill buildings are intended to reflect the predominant height pattern of established development within the Overlay.
- b) New buildings shall be at least two stories.

ii. Standards.

- a) The minimum height of principal buildings in the Overlay shall be 20 feet.
- b) The maximum height of buildings shall be 50 feet unless otherwise defined by this Ordinance.



- c) Additional height is encouraged at gateway and corner locations for architectural features, such as designated entrances.
- d. Building Frontage.
  - i. Objective.
    - a) Building configuration must reinforce the urban character of the Borough.
    - b) Buildings must be designed to reinforce public streets and open spaces.
    - c) Facade composition helps establish the visual interest of a building and determine how it blends in with its surroundings.
  - ii. Standards.

- a) Primary entrances of buildings must be located on public streets or open spaces and must be easily identifiable; buildings must not be oriented to front on parking or service areas.
- b) A minimum of 60% of the square footage of the facade adjacent to the right-of-way on the ground floor shall be window surface area. On each story above the ground floor, the facade of said story shall have a transparency of at least 35% of the gross square footage of said facade.
- c) No more than 30% of the window surface area for the ground floor facade shall be blocked by interior fixtures, opaque surfaces and/or signs unless such a fixture is used for the display of merchandise visible to patrons from the street.



e. Building Massing.

- i. Objective.
  - a) Vertically proportioned buildings are to predominate neighborhood development.
- ii. Standards.
  - a) Buildings are to be taller than they are wide or have a façade design that emphasizes vertical proportions.
  - b) Building massing should reflect human-scaled elements.
  - c) Any new or redeveloped existing building visible from the public right-of-way shall contain a minimum of two stories from grade. Each story shall be capable of occupancy by a use as permitted within the underlying Zoning District/Overlay.



f. Building Materials.

i. Objective.

- a) Common architectural language is encouraged.
- b) Building materials must reinforce the sustainable attitudes the Borough upholds.

ii. Standards.

- a) Building facades visible from Borough streets should use durable, high quality materials with brick and finished wood preferred. Masonry, stone and terra cotta along with detailing are acceptable secondary materials.
- b) The following materials are prohibited on all facades visible from public streets: particle board, plywoods and plastic sheathing; asphalt and fiberglass shingles as siding, vinyl siding, mirrored glass, industrial metal panels, concrete masonry units including prefinished types, exposed aggregate pre-cast concrete block, exterior finish insulation systems and simulated brick.
- c) Use of the following materials is discouraged: vinyl siding, wood roof shingles, split-faced concrete, reflective glass and imitation stone.
- d) Roofscares must be considered as important aspects of building design, as they are visible from the higher elevations of surrounding communities and Route 28. Roofing materials must be selected to be visually pleasing. Arrangement of mechanical equipment must be orderly and either screened or painted.



g. Lighting.

i. Objective.

- a) Lighting must create a safe, attractive nighttime environment.
- b) Lighting must express a hierarchy of pedestrian and vehicular zones.
- c) Lighting must define building entrances as well as highlight architectural and landscaping features.
- d) Lighting must provide the required functional lighting for safety and clarity of movement.
- e) Lighting must minimize negative impacts such as high illumination levels, distracting glare and spillover into surrounding areas thus measuring 0.0 footcandles at any lot line.
- f) All lighting must be dark sky compliant.



- ii. Standards.
  - a) Building illumination – Illumination must be indirect (no light source visible). Indirect wall lighting, overhead downlighting or interior illumination which spills outside is encouraged.
  - b) Building entrances and architectural features should be clearly highlighted and defined.
  - c) Parking areas should be well lit and accented to provide a safe environment. Fixtures should be selected to minimize distracting glare and hazardous interference of any kind while complementing the scale of surrounding buildings. Between the hours of midnight and 7am, parking area lighting shall be reduced to 50% typical illumination.
  - d) Open Spaces - Maximum pole height of 14’ should be used.

**§ 206 Riverfront Overlay District**

A. General Provisions

1. Purpose: This Section is enacted to further the policy of the Borough of Sharpsburg to provide flexibility and promote ingenuity and creativity in the design and development of land along the Allegheny River due to its exceptional location. Land situated near or having access to the Allegheny River or its frontage should:
  - a. Be developed in consistency with Sharpsburg Borough’s adopted Comprehensive Plan and *Allegheny Places*: the Allegheny County Comprehensive Plan.
  - b. Utilize and enhance the amenities of the river and maintain, preserve and make these natural assets accessible to the public;
  - c. Permit certain, limited commercial and residential development; and
  - d. Be developed through planned projects where the developer provides public access to the riverfront, and installs appropriate amenities and improvements including, but not limited to walkways, planting, benches, lights, landscaping, marinas, picnicking and sports areas, bicycle trails, fishing access, and promenades along the river.
2. Authorized Uses: See Table 1: Zone Use Table.
3. Compliance: No Riverfront Development may be finally approved nor any structure built, altered, moved or enlarged in any Riverfront Development, unless and until the improvements required in connection therewith have either been constructed or their construction guaranteed, as herein provided.
4. Location of Overlay: The Riverfront Overlay is located and bounded as shown on the “Sharpsburg Riverfront Overlay Map” on file in the borough office.
5. Concept: The Riverfront 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.
6. Applicability: Where this article conflicts with the Code of Ordinances for the Borough of Sharpsburg, this Article shall apply. Failure to comply with the provisions of this Chapter with respect to a Riverfront Development shall be deemed a violation of the Zoning Ordinance.

7. Riverfront Development Procedure: Riverfront Developments may be allowed or denied by Council after recommendations by the Planning Commission in accordance with this Article. Where applicable and as granted by the Borough, provisions of Article VII-A of the Municipalities Planning Code may apply.
8. General Riverfront Development Criteria: A Riverfront Development Plan for a Riverfront Development shall be approved if, and only if, it is found to meet the following criteria:
  - a. Comprehensive Plan: The proposed Riverfront Development preserves the community development objectives of this Article, and is consistent with the Sharpsburg Borough Comprehensive Plan and Allegheny Places, the Allegheny County Comprehensive Plan.
  - b. Compatibility: The proposed Riverfront Development physically integrates with the larger community of which it is a part in the following ways:
    - c. A system of public streets is designed and constructed in a way so as to ensure coordination with streets outside of the development.
    - d. All utilities are designed and installed in a manner which ensures coordination with the infrastructure systems serving the borough.
    - e. Physical access is provided throughout the development in order to connect the community with the riverfront.
    - f. Riverfront: The proposed Riverfront Development incorporates plans and means for improving public access to, use of, and enjoyment of the scenic and other assets of the Allegheny River, and furthers the goals of the borough relative to the use and preservation of riverfront property.
    - g. Comparable Departure: Where the proposed Riverfront Development departs from Zoning and Subdivision and Land Development regulations otherwise applicable to the subject property, such departures must be shown to be in the public interest and promote the health, safety, and general welfare of the public.
    - h. Common Open Space: The proposals for the maintenance and conservation of any proposed common open space are reliable, and the amount and extent of improvements of such common open space is adequate with respect to the purpose, use, and type of development proposed.
    - i. Infrastructure: The physical design of the proposed Riverfront Development adequately provides for public services, pedestrian and vehicle traffic facilities and parking, light, air, recreation and visual enjoyment.
    - j. Safety: No use or design feature in the proposed Riverfront Development shall involve any element or cause any condition or traffic hazard that may be dangerous, injurious, or noxious to any other property or persons. Consideration of potential traffic hazards shall include, but not be limited to, the effect of the Riverfront Development on traffic congestion on the roads, streets, and highways affected by the Riverfront Development.
    - k. Timing: In the case of a Riverfront Development Plan which proposes development over a period of years, the Riverfront Development will provide at each stage of development a proportion of open space, planned facilities and amenities, and other improvements equal to the stage's proportion of the entire development. Conditions as required in this Article and as intended to protect the interests of the public and of the residents of the Riverfront Development and the integrity of the Riverfront Development Plan shall also be met.

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## B. Riverfront Infill Development

1. Procedure: Riverfront Infill Developments are authorized in the Sharpsburg Borough Riverfront Overlay.
2. Area and bulk requirements: Riverfront Infill Developments shall adhere to the following:
  - a. The number of dwelling units for residential uses shall not exceed ten (10) units per gross acre of land assigned to residential usage.
  - b. Nonresidential uses shall not exceed ten thousand (10,000) square feet of floor area per acre.
  - c. Mixed use structures shall not exceed ten (10) units per acre. Non-residential uses shall count every one thousand (1,000) square feet of floor area dedicated to non-residential use as one dwelling unit.
3. Required Improvements: The following improvements shall be completed in connection with every Riverfront Infill Development, and such improvements will be in conformance with such standards as may be specified and required in the Subdivision and Land Development Ordinance or other borough, county or state law.
  - a. Off-street parking spaces and off-street loading spaces shall be provided in accordance with the provisions of the Sharpsburg Borough Zoning Ordinance. Council may approve alternate design standards for off-street parking in response to specific site conditions such as attendant parking, indoor parking, interaction between abutting uses, accessibility to mass transit, bike and pedestrian systems, river transportation, or a clearly documented difference between expected parking load and required parking spaces.
  - b. Parking lots having an area of four thousand (4,000) square feet or more shall be landscaped with trees, shrubs and other plantings, appropriate in hardiness to their location, in accordance with the following:
    - i. The lot's perimeter shall be bordered with a landscaped border not less than five feet (5') in width, and the lot shall be screened from every adjacent residential use.
    - ii. A landscaped island of not less than one hundred (100) square feet shall be installed to separate long rows of parking stalls into groups of ten (10) or less stalls. Each island shall contain at least two (2) three and one-half inch (3.5") caliper trees and shall be planted in grass or other groundcover.
    - iii. Parking areas which abut a street, structure or open space may be required to provide a landscaped hedgerow, low wall, or similar landscaping device to adequately screen parked cars from view of the street or adjacent use.
  - c. Street lights shall be provided by the developer throughout the Riverfront Infill Development. Lighting standards for pedestrian areas and walkways shall not be higher than twelve feet (12') above ground level; lighting standards for parking areas and streets shall not be higher than eighteen feet (18') above ground level. Street lights shall be located to ensure adequate illumination in order to protect the safety of the visitors and residents of the Riverfront Development.
  - d. 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 sites and reasonable grades shall be produced. Provisions will be required to accommodate traffic from adjacent areas, but minor streets should be laid out so as to discourage through traffic.

- e. Where a Riverfront Development abuts or contains an existing or proposed major street, Council 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. Drainage structures, culverts, storm sewers, ditches and related installations shall be provided to ensure adequate drainage of all points along the streets.
  - g. Stormwater management facilities should be installed according to the Pennsylvania Stormwater Best Management Practices (BMP) Manual.
  - h. Pedestrian walks shall be required to assist circulation or provide access throughout the development and its open space, along the riverfront and to community facilities. Walkways shall either be provided between the river and any structure located beside the river or in a convenient and attractive location around the building. Walkways shall have a paved width of not less than four feet (4') and be so improved as to assure accessibility to handicapped persons.
  - i. A multi-use/purpose trail shall be provided along the riverfront. This trail shall connect with adjacent trails and form a continuous trail along the riverfront.
  - j. Bikeways, where provided, shall meet the requirements of the Pennsylvania Department of Transportation's Highway Design Manual (Publication 13M) Chapter 16.
  - k. Erosion and Sedimentation Control: When topsoil has been removed from the surface on a slope where erosion may cause a displacement of loose material, the area shall be seeded or otherwise treated as soon as possible to prevent damage to adjacent property or streets.
  - l. Utilities located within a Riverfront Development shall all be located underground.
- C. Riverfront Planned Development

1. Procedure: Riverfront Planned Developments are authorized in the Sharpsburg Borough Riverfront Overlay. All Riverfront Planned Developments shall require submission, review and approval of an application for tentative approval and an application for final approval in accordance with the following procedures and requirements:
  - a. All applications for tentative and final approval, shall be submitted to the Zoning Officer in the form specified by this Article. No application for tentative or final approval shall be deemed accepted or duly filed until the Zoning Officer determines that all plans and documents are complete and in accordance with the requirements of this Article. No application shall be placed on the agenda of the next regular meeting of the Planning Commission unless it is received and accepted by the Zoning Officer at least thirty (30) days prior to such meeting.
  - b. All applications for tentative and final approval will include a cash deposit for review fees. Review fees will be assessed to the applicant for all reasonable and necessary charges for the borough's Engineer or professional consultants, including but not limited to: architects; traffic, soils and other engineers; and lawyers. The review fees will be charged for the review and report on the application. The amount of the fee will be the rate or cost charged by the engineer or consultant to the municipality when fees are not reimbursed or otherwise imposed on applicants. The procedures relating to billing contained in the Municipalities Planning Code at 53 P.S. § 10503 are incorporated herein by reference.

- c. Concept Plan:
  - i. Prior to submission of an application for tentative approval, the developer is encouraged to present a schematic plan of the proposed development to the Planning Commission to assure mutual agreement on the location, extent, functioning, public orientation and goals of the proposed Riverfront Development but such agreement shall not be legally binding. Time deadlines applicable to applications for tentative or final approval shall not apply to concept plans.
  - ii. In the case of a Riverfront Planned Development that proposes development of only a portion of the parcel owned or controlled by the developer, the developer shall provide a concept plan that clearly delineates the proposed future development of all remaining portions of such parcel. This concept plan may be submitted as a part of the application for tentative approval.
- d. Application for Tentative Approval:
  - i. The developer shall submit an application for tentative approval to the Borough.
  - ii. The Borough Engineer shall forward one (1) copy each of the tentative application to the Planning Commission, the Zoning Officer, the County Health Department, and the County Planning Agency. Council shall not approve the application for tentative approval until reports from each of these agencies have been received, or until the expiration of thirty (30) days from the date the copies of the application for development were forwarded to said agencies.
  - iii. Council shall hold a public hearing pursuant to required public notice within sixty (60) days of the filing of such application for tentative approval. Council may continue such hearing, or refer the application back to the Planning Commission, but shall complete the hearing within sixty (60) days of the initial hearing. Council shall render its decision and provide official written communication of its decision to the developer not later than sixty (60) days after the conclusion of the public hearing, or within 180 days after the filing of the application, whichever occurs first.
  - iv. Council shall:
    - a) Grant tentative approval of the Riverfront Planned Development as submitted; or
    - b) Grant tentative approval of the Riverfront Planned Development subject to specified conditions not included in the Riverfront Planned Development's application for tentative approval as submitted; or
    - c) Deny tentative approval to the Riverfront Planned Development.
  - v. Council shall grant tentative approval to a Riverfront Planned Development if, and only if, it is found to meet the criteria set forth in this Article.
  - vi. Grant or Denial of Tentative Approval: The grant or denial of tentative approval shall include findings of fact related to the Proposed Riverfront Planned Development as submitted for approval, and the reasons for the decision shall be set forth with particularity in what respect the Proposed Riverfront Planned Development would or would not be in the public interest as set forth in this Article and including, but not limited to, each of the cited criteria:
    - a) In the event a Riverfront Planned Development 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 Riverfront Planned

Development shall be filed or, in the case of a Riverfront Planned Development that provides for development over a period of years, the periods of time within which application for final approval of each part thereof shall be filed.

- b) 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 (5) working days following the decision.
  - c) If the developer chooses to reject any conditions attached to the grant of tentative approval and so notifies Council within thirty (30) days of the date the developer receives the official written communication, it shall be deemed that the application for tentative approval was denied.
  - d) The grant of tentative approval may be revoked by Council if it is notified by the developer of his intention to abandon the proposed Riverfront Planned Development. The grant of tentative approval shall be deemed to be revoked if the developer does not submit an application for final approval or request an extension within the time limits required by this Article.
  - e) Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the Sharpsburg Borough Zoning Map.
- e. Final Application:
- i. An application for final approval may be for all the land included in a Riverfront Planned Development or, to the extent set forth in the tentative approval, for a section thereof. Application for final approval of each phase shall be filed with the Zoning Officer not later than twelve (12) months following the grant of tentative approval, unless otherwise specified by Council, provided that Council may approve an extension of this time period on written request of the developer.
  - ii. A public hearing on an application for final approval of the Riverfront Planned Development, or part thereof, shall not be required provided the Riverfront Planned Development, or the part thereof, submitted for final approval, is in compliance with the Riverfront Development Plan given tentative approval and with any specified conditions attached thereto.
    - a) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Article and the official written communication of tentative approval, Council shall, within forty-five (45) days from the date of the regular meeting of the Council next following the date the application for final approval is filed, grant such Riverfront Planned Development final approval. Should the next regular meeting of the Council occur more than thirty (30) days following the filing of the application, the forty-five (45) day period shall be measured from the 30<sup>th</sup> day following the filing of the application.
    - b) In the event the Riverfront Development Plan as submitted contains variations from the Riverfront Development Plan given tentative approval, Council may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the developer in writing of said refusal, setting forth the reasons why one (1) or more of said variations are not in the public interest. Should the next regular meeting of the Council occur more than thirty (30) days following the filing of the application, the forty-five (45) day period shall be measured from the 30<sup>th</sup> day following the filing of the application. In the event of such refusal, the developer may either:

- 1) Refile his application for final approval without the variations objected; or
  - 2) File a written request with the governing body that it hold a public hearing on his application for final approval.
  - 3) If the developer wishes to take either such alternate action the developer may do so at any time within which they shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the developer was advised that the Riverfront Development Plan was not in substantial compliance. In the event the developer shall fail to take either of these alternate actions within said time, they shall be deemed to have abandoned the Riverfront Development Plan.
- c) Any such public hearing requested by the developer shall be held within thirty (30) days after the request for the hearing is made by the developer. Within thirty (30) days after the conclusion of the hearing, Council shall by official written communication either grant final approval of the Riverfront Development Plan or deny final approval. The grant or denial of final approval of the Riverfront Development Plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval.
- i. Recording: A Riverfront Development Plan, or any part thereof, which has been given final approval, shall be so certified without delay by Council and shall be filed of record forthwith by the developer in the office of the Recorder of Deeds of Allegheny County before any development shall take place in accordance therewith. Upon approval of the final plat, the developer shall record the plat within 90 days of final approval, or 90 days after the date of delivery of an approved plat signed by the Borough Council, following completion of conditions imposed for such approval, whichever is later and post financial security in accordance with MPC §509. Upon the filing of record of the Riverfront Development Plan, the Zoning and Subdivision and Land Development Regulations otherwise applicable to the land included in such shall not apply.
  - ii. No modification of the provisions of a Riverfront Development Plan or part thereof, as finally approved, shall be made except with the consent of the borough.
  - iii. Abandonment of Plan: In the event that a Riverfront Development Plan or a section thereof is given final approval and thereafter the developer shall abandon the plan or the section thereof that has been finally approved, the developer shall so notify Council in writing; or, in the event that the developer shall fail to commence and carry out the Riverfront Planned Development in such reasonable period of time as may be specified in the development agreement (see Part 3.K.), no development or further development shall take place on the property included in the Riverfront Planned Development until a new subdivision or development plan has received final approval from Council.
- f. Modifications: Modifications may be allowed only by Council approval in accordance with §705(h) of the MPC when the modifications are minor, do not negatively impact the Plan and are in the public interest.

2. Plan Contents and Requirements: All Riverfront Planned Developments shall submit applications for tentative and final approval according to the following:
  - a. Application for Tentative Approval: The application for tentative approval shall include a Location Map, Site Analysis Study, Site Map, proposed Riverfront Development Plan, Traffic Study, Engineering Report, List of Modifications, and Schedule. The plan shall be prepared by a registered engineer, architect, registered professional land surveyor, or landscape architect. The application shall be submitted to the Zoning Officer with no less than twenty (20) copies, and shall be accompanied by a fee as established by Council.
  - b. A Location Map shall clearly show the location, area and zoning of the tract proposed for development, the area and zoning of adjacent properties and the location and relative distance to existing adjacent streets.
  - c. A Site Analysis Study shall include review and analysis of natural and geotechnical features, existing and potential scenic views, and structures or features of an archeological or historic interest.
  - d. A Site Map shall cover the entire tract and all lands within one hundred feet (100') of its boundaries and shall clearly and accurately show the following data:
    - i. Property lines and total acreage of the tract;
    - ii. The location of any existing bodies of water or watercourses using normal pool level as defined by the U.S. Army Corps of Engineer data;
    - iii. All existing streets, rights-of-way, and easements related to the development;
    - iv. The location of existing driveways on adjacent properties;
    - v. The location of natural features, including, but not limited to, streams or other natural watercourses, lands subject to flooding, including adjacent land within one hundred feet (100') of the site, wetlands, landslide-prone soils, and significant stands of existing trees;
    - vi. The location of existing structures, including structures located on abutting property if within fifty feet (50') of the common property line;
    - vii. Existing cultural features within one hundred feet (100') of the site such as trails, bike lanes, marinas, parks, boat dock, fishing piers, or other water access points, or recreational amenities;
    - viii. Required front, side and rear yard lines, and any required building line;
    - ix. Existing contour lines at two foot (2') intervals;
    - x. Location, dimensions, total square footage and ground floor plans of proposed structures, walkways, driveways, entrances, parking facilities, loading spaces, landscaping, signs, lighting facilities, fences or walls, fire hydrants and fire lanes and other site improvements or amenities;
    - xi. Proposed contour lines at two foot (2') intervals;
    - xii. Spot elevations on sites where the overall slope is less than two percent (2%);
    - xiii. Location and approximate size of existing and proposed utilities to serve the development;

- xiv. Schematic elevations at an appropriate architectural scale;
  - xv. Surface water runoff controls; and
  - xvi. Title block giving name of municipality, name of development, property owner, developer, north point, date and scale (minimum 1" = 50');.
3. The proposed Riverfront Development Plan shall include such maps, at a scale no smaller than one inch equals fifty feet (1" = 50'), and text needed to clearly show the following:
- a. A written narrative explaining the purpose of the proposed development, what is proposed, how it is consistent with the Sharpsburg Borough Comprehensive Plan and community development objectives, a discussion of any requested modifications and how such modifications, if granted, will not be contrary to the purposes of the Sharpsburg Borough Riverfront Zoning Overlay;
  - b. The name of the proposed development and names and addresses of the developer and the persons who prepared the plan;
  - c. The proposed street pattern, including the names, proposed ownership (public or private), paving widths, and rights-of-way of all streets, and the widths and locations of easements;
  - d. The layout of lots or parcels, where appropriate, including dimensions, number, and building lines;
  - e. The location, use, height, bulk, and number of families to be housed for every structure proposed;
  - f. The location of all off-street parking spaces and the total number of spaces to be provided;
  - g. The location, size, and kind of improvements proposed for all common open space, together with proposed ownership and maintenance arrangements for such open space;
  - h. The location, and design for all landscaping and screening proposed showing the height and type of screening;
  - i. The location and width of walks, sidewalks and trails, points of connection with existing or planned trails (or other pedestrian movement systems), and the use of trails where they are not limited to pedestrian use;
  - j. The substance of covenants, grants, easements, or other restrictions proposed;
  - k. A listing of borough, county, state or federal approvals and permits required by the proposed development.
4. A Traffic Study shall be prepared by a registered engineer or expert in traffic analysis and shall show with specificity the amount of traffic which will be generated by the proposed development and the feasibility of accommodating such traffic on adjacent streets. The study shall:
- a. Detail the short term and long term impact of the proposed Riverfront Development on the street system within a transportation impact area which area shall be determined by the Borough Engineer, based on the categories of land use, scale of the development, number and location of points of access and levels of service of existing intersections in close proximity to the development site.
  - b. Include data on existing street conditions in the impact area, including roadway width, condition, traffic volume and flow, projected levels of service, operating speeds, land use conflicts and safety.

- c. Provide a ten (10) year forecast of the average daily vehicle trips which will be generated by the proposed Riverfront Development, including the time of completion of development and occupancy of uses proposed; distribute and assign these trips to the most probable travel paths over the adjacent street system; and provide relevant peak hour volumes.
    - d. Identify measures needed to safely accommodate the anticipated volumes of traffic and the means for implementation of such measures, including measures for providing safe and adequate railroad crossings.
    - e. Include all data, computations and information pertinent to the Traffic Study, and such supplementary information and projections as Council or the Borough Engineer may require to clarify or justify the findings of the Traffic Study.
5. The Engineering Report shall be prepared by a registered engineer and shall include the following data wherever pertinent:
  - a. Profiles, cross-sections and specifications for proposed street improvements.
  - b. Profiles and other explanatory data concerning installation of water distribution systems, stormwater management facilities and sanitary sewers.
  - c. A report on the feasibility of connection to existing sanitary sewerage system, including distances to the nearest public sewer, service load of the development and the capacity of the treatment plant.
6. The List of Modifications shall include the required modifications to the municipal land use regulations otherwise applicable to the subject property per 707(4)(viii) of the MPC.
7. The Schedule shall be required only in the case of development plans which call for development over a period of years. The Schedule shall show the proposed times within which applications for final approval of all sections of the planned riverfront development are intended to be filed. This Schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
8. Application for Final Approval: The application shall be at the same scale and in the same format as the tentative plan and shall be comprised of one (1) reproducible copy and twelve (12) prints of the Riverfront Planned Development for the phase, including a site plan and supplementary data, a development agreement, and a certificate of completion of improvement or a guarantee of improvements as required by this Article, as well as any conditions set forth in the official written communication at the time of tentative approval.
9. Area and Bulk Requirements: Riverfront Planned Developments shall adhere to the following:
  - a. The maximum number of dwelling units for residential uses shall not exceed twelve (12) units per gross acre of land assigned to residential usage.
  - b. Nonresidential uses shall not exceed eighteen thousand (18,000) square feet of floor area per acre.
  - c. Mixed use structures shall not exceed eighteen (18) dwelling units per acre. Non-residential uses shall count every one thousand (1,000) square feet of floor area dedicated to non-residential use as one dwelling unit.
10. Arterial street access: The site must provide for access directly from an arterial street to ensure convenient and safe access which will not cause undue congestion or safety hazards on local streets. The Council may approve access using a service road to connect to an arterial street where there is a finding of fact and recommendation by the Planning Commission that such service road meets the goals of this Section.

11. Mandatory common recreation/open space dedication: Public access throughout the riverfront shall be ensured through the provision of common open space along such frontage. Not less than twenty percent (20%) of the total site area shall be set aside for common open space. At least fifty percent (50%) of the required common open space shall be developed to include marinas, walkways, bike trails, landscaping and appropriate recreational facilities. 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 users and occupants of the Riverfront 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; however, no public body is obliged by this Article 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, or
  - c. If the common open space includes a trail, deeded to an organization such as the Friends of the Riverfront.
  
12. Required Improvements: The following improvements shall be completed in connection with every Riverfront Planned Development, and such improvements will be in conformance with such standards as may be specified and required in the Subdivision and Land Development Ordinance or other borough, county or state law.
  - a. Off-street parking spaces and off-street loading spaces shall be provided in accordance with the provisions of the Sharpsburg Borough Zoning Ordinance. Council may approve alternate design standards for off-street parking in response to specific site conditions such as attendant parking, indoor parking, interaction between abutting uses, accessibility to mass transit, bike and pedestrian systems, river transportation, or a clearly documented difference between expected parking load and required parking spaces.
  - b. Parking lots having an area of four thousand (4,000) square feet or more shall be landscaped with trees, shrubs and other plantings, appropriate in hardiness to their location, in accordance with the following:
    - i. The lot's perimeter shall be bordered with a landscaped border not less than five feet (5') in width, and the lot shall be screened from every adjacent residential use.
    - ii. A landscaped island of not less than one hundred (100) square feet shall be installed to separate long rows of parking stalls into groups of ten (10) or less stalls. Each island shall contain at least two (2) three and one-half inch (3.5") caliper trees and shall be planted in grass or other groundcover.
    - iii. Parking areas which abut a street, structure or open space may be required to provide a landscaped hedgerow, low wall, or similar landscaping device to adequately screen parked cars from view of the street or adjacent use.
  - c. Street lights shall be provided by the developer throughout the Riverfront Planned Development. Lighting standards for pedestrian areas and walkways shall not be higher than twelve feet (12') above ground level; lighting standards for parking areas and streets shall not be higher than eighteen feet (18') above ground level. Street lights shall be located to ensure adequate illumination in order to protect the safety of the visitors and residents of the Riverfront Development.
  - d. 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 sites and reasonable grades shall be produced. Provisions will be required to accommodate traffic from adjacent areas, but minor streets should be laid out so as to discourage through traffic.

- e. Where a Riverfront Development abuts or contains an existing or proposed major street, Council 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. Drainage structures, culverts, storm sewers, ditches and related installations shall be provided to ensure adequate drainage of all points along the streets.
- g. Stormwater management facilities should be installed according to the Pennsylvania Stormwater Best Management Practices (BMP) Manual.
- h. Pedestrian walks shall be required to assist circulation or provide access throughout the development and its open space, along the riverfront and to community facilities. Walkways shall either be provided between the river and any structure located beside the river or in a convenient and attractive location around the building. Walkways shall have a paved width of not less than four feet (4') and be so improved as to assure accessibility to handicapped persons.
- i. A multi-use/purpose trail shall be provided along the riverfront. This trail shall connect with adjacent trails and form a continuous trail along the riverfront.
- j. Bikeways, where provided, shall meet the requirements of the Pennsylvania Department of Transportation's Highway Design Manual (Publication 13M) Chapter 16.
- k. Erosion and Sedimentation Control: When topsoil has been removed from the surface on a slope where erosion may cause a displacement of loose material, the area shall be seeded or otherwise treated as soon as possible to prevent damage to adjacent property or streets.
- l. Utilities located within a Riverfront Development shall all be located underground.
- m. Guarantee of Improvements:
  - i. Completion of improvement prior to final approval, requirements for guarantee of improvements, financial security, release from improvement bonds, and remedies to effect completion shall be in accordance with MPC §509 – 511.
  - ii. Bonds to ensure satisfactory completion of required public improvements and maintenance and inspection procedures shall conform to the Subdivision and Land Development Ordinance of the borough.
- n. Release of Improvement Bond: The Council shall promptly release the developer from any improvement security if, and only if, the Borough Engineer certifies in writing that all improvements have been completed in accordance with all agreements set forth as a condition of the required zoning approval. Council may authorize partial release of the improvement bond after certification of proportionate completion of required improvements.
- o. Development Agreement: At the time of final approval, the developer shall sign a Development Agreement in accordance with the form and content required by the Subdivision and Land Development Ordinance, the terms of the approval, and the terms hereof, which agreement will be prepared by the Borough Solicitor.

#### D. Bonuses for Riverfront Developments

1. Purpose: Bonuses are offered in order to encourage Riverfront Developments to achieve the community development objectives of the borough and fulfill objectives of this Article.
2. Applicability: A proposed development may only apply either the sustainable development bonus or the graduated density bonus.
3. Sustainable Development Bonus:
  - a. Purpose: Green buildings improve air and water quality, reduce solid waste, conserve natural resources, reduce operation costs, optimize life-cycle economic performance and minimize the strain on local infrastructure. Given that buildings are responsible for a large portion energy and resource use, the provisions of this section are intended to promote sustainable developments that reduce the impact of the built environment in the borough.
  - b. Applicability: The following bonuses for Sustainable Development may be permitted in all Riverfront Infill Developments and Riverfront Planned Developments.
  - c. Density and Height Bonuses: In the event that a building or structure is determined by the United States Green Building Council to be a LEED Certified building, the maximum permitted density may be increased by twenty percent (20%). Also, in the event that a building or structure is determined to be a LEED Certified building, the maximum height of the building or structure may exceed the permitted height, but shall not exceed an additional twenty percent (20%) of the permitted height.
    - i. Structures utilizing the height bonus may not exceed a maximum height of forty-eight (48) feet or four (4) stories. Council shall only authorize this increased structure height if there is a finding of fact that the taller structure will not negatively affect views from surrounding areas, if the average floor area of such structure is no greater than fifteen thousand (15,000) square feet, and if there is no more than one (1) such structure for every ten (10) acres of site area in the Riverfront Development.
  - d. Performance Security: As a condition of any density and height bonus of this section, the applicant shall be required to provide a performance security in an amount equal to the value of the bonus. This performance security shall be calculated on the square footage of the additional space provided by the bonus multiplied by one hundred dollars (\$100) per square foot.
4. Graduated Density Bonus:
  - a. Purpose: The riverfront is home to many small and fragmented parcels with a variety of owners. These attributes make development along the riverfront more difficult. Allowing increased density within larger sites encourages the assembly of smaller parcels into a larger-scale redevelopment. Large-site redevelopment can have a positive impact in the riverfront area.
  - b. Applicability: The following bonuses may be applied if all of the following requirements are met:
    - i. The proposed development is a Riverfront Planned Development or Riverfront Infill Development that meets or exceeds ten (10) contiguous acres.
    - ii. The proposed development is determined by the United States Green Building Council to contain LEED Certified building(s).
    - iii. The proposed development fulfills all other requirements of Riverfront Planned Developments included in this Article and any other borough ordinances.

- c. Density and Height Bonuses: In the event that a proposed development is determined to satisfy the requirements of Part 4.D.2. the maximum permitted density may be increased by fifty percent (50%). Also, in the event that a building or structure is determined to satisfy the requirements of Part 4.D.2., the maximum height of the building or structure may exceed the permitted height, but shall not exceed an additional twenty percent (20%) of the permitted height.
  - i. Structures utilizing the height bonus may not exceed a maximum height of forty- eight (48) feet or four (4) stories. Council shall only authorized this increased structure height if there is a finding of fact that the taller structure will not negatively affect views from surrounding areas, if the average floor area of such structure is no greater than fifteen thousand (15,000) square feet, and if there is no more than one (1) such structure for every ten (10) acres of site area in the Riverfront Development.
- d. Performance Security: As a condition of any density and height bonus of this section, the applicant shall be required to provide a performance security in an amount equal to the value of the bonus. This performance security shall be calculated on the square footage of the additional space provided by the bonus multiplied by one hundred dollars (\$100) per square foot.

## ARTICLE III Conditional Uses

### § 301. General Criteria for Evaluation of Conditional Uses

- A. In evaluating an application for a Conditional Use, the Borough Council applies the provisions and procedures associated with Conditional Uses as set forth in the Pennsylvania Municipalities Planning Code.
- B. The following criteria for Conditional Uses apply to all Conditional Uses:
  1. Building and parking setbacks must be consistent with existing building and parking setbacks of adjoining and neighboring lots on the block in which the development is located. The location and arrangement of parking on a lot will be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on right-of-ways or residential activity in proximity to the lot is minimized. Sharpsburg Borough reserves the right to increase bufferyard requirements, require parking to be located behind the minimum front facade of the primary building or to designate other measures on the lot in order to maximize safety and/or minimize impacts to surrounding uses.
  2. A landowner and /or developer must provide a plan for photometrics of the lot. Illumination, when measured at a lot line, will be zero (0) footcandles.
  3. Unless the landowner and/or developer can present a development alternative which demonstrates it is feasible that surface parking can only exist within a lot's yard which is adjacent to Main Street or to another corner lot, no surface parking will front on Main Street or on a corner lot of said street.
  4. To protect and/or safeguard the character of existing development in Sharpsburg Borough, for cases where there is the re-use of a residential structure or a lot on which a residential structure exists, the landowner and/or developer will maintain the characteristics, inclusive of but not limited to massing, heights and exterior historical features, of said residential structure with surrounding residential structures.
  5. Hours of operation will be scheduled to minimize negative impacts on the surrounding neighborhood.
  6. A traffic impact study acceptable to the Borough Engineer, may 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 roadways' peak hour volumes.
- C. The consideration of a Conditional Use by Borough Council upon review of the Borough Planning Commission's recommendations must be predicated on the Applicant's submission of written application containing all of the information required under this section, together with a site plan meeting the requirements of this Ordinance and any other Borough Ordinance as applicable.
- D. A written submission must demonstrate that development for which the Conditional Use is sought:
  1. Will not endanger the public health and safety and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration as prohibited by Article V of this Ordinance.
  2. Meets all other requirements of this Ordinance in the Zone where the use is proposed.
  3. Is in general conformity with the Etna-Millvale-Sharpsburg Multi-Municipal Comprehensive Plan and is attractive and in harmony with the area in which it is proposed.

## Conditional Uses

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4. Is an appropriate use on the proposed lot as a Conditional Use.
  5. If defined as part of any Conditional Use and will be completed with the identified timeframe. Also, the Borough Council may extend time for any completion date if the Applicant or his agent requests such an extension and if good cause for the extension is shown. If, at the end of the identified timeframe or extended completion period, the Conditional Use is not completed, and if no extension has been granted, the Conditional Use will become null and void.
  6. Upon Borough Council designating a Conditional Use, any prior Conditional Use for the same tract of land becomes null and void.
  7. Information including Applicant address, location of site, listing of landowners who will receive notice of the zoning application, Zone and other relevant information as defined by Sharpsburg Borough must be submitted.
- E. The Site Plan will show to scale the entire lot to be ultimately developed and indicate the location, height, and use of structure, driveways, sign, parking areas and topographical and/or natural features of the lot. An architectural rendering of the structures proposed on the lot must also be submitted.
  - F. Conditional Uses will be subject to periodic inspections to insure compliance with the conditions of approval.
  - G. The Borough Council and/or Borough Planning Commission may attach additional conditions in order to protect the public's health, safety, and welfare. These conditions may include, but are not limited to, increased screening.
  - H. All conditions shall be kept on file at the Sharpsburg Borough Administrative Office with the applicable date, identified Borough representative signature and Borough seal.

### **§302. Uses for Conditional Use. Standards for Specific Uses.**

In addition to the general standards and criteria for conditional uses listed above, an application for any of the following uses which are listed in any Zoning District as a conditional use shall comply with the following applicable standards and criteria.

#### ALL OTHER NON-RESIDENTIAL USES

- A. Impacts the environment and adjacent streets and properties equal to or less than any use specifically listed in the Zoning District. In making such determination, the Borough Council shall consider the following characteristics of the proposed use:
  1. The number of employees.
  2. The floor area of the building or gross area of the lot devoted to the proposed use.
  3. The type of products, materials, equipment and/or processes involved in the proposed use.
  4. The magnitude of walk-in trade.
  5. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this Ordinance.
- B. Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
- C. Is in general conformity with the Borough Comprehensive Plan and harmony with the area in which it is proposed.

- D. Complies with any applicable standards and criteria specified in this Article for the most nearly comparable conditional uses or use by special exception specifically listed in the Zoning District in which it is proposed.
- E. Is in compliance with all other standards of this Ordinance and all other Borough Ordinances.

#### APARTMENT

- A. Parking spaces shall be located no more than three hundred (300) feet from the apartment's primary entrance.
- B. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- C. The means of a building's ingress and egress shall meet requirements as outlined in the Borough's Building Code.
- D. A twelve-foot (12') 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.
- E. The maximum number of units per building shall not exceed twenty-four (24).
- F. All dumpsters and/or waste collection areas shall be located at least fifty (50) feet from nearest residential unit and shall be enclosed by solid masonry screen walls on a minimum of three (3) sides.
- G. The primary vehicular entrance to an apartment development shall, at a minimum, have direct access to a collector road.
- H. Maximum height of lighting for outdoor parking areas and roadways shall be twenty-five (25) feet.
- I. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
- J. Bufferyards between a garden apartment development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the Borough's required bufferyard width. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the Borough Planning Commission.
- K. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
- L. If the parking area for a apartment development is adjacent to a single-family residential lot and demands greater than ten (10) automobiles, the following shall apply:
  - 1. An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.
  - 2. One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas; or
  - 3. A mound, a minimum of three and one-half (3.5) feet in height at its peak, shall be constructed whereas the sides do not exceed a four-foot horizontal to one-foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest but shall not include turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.

## Conditional Uses

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- M. An apartment shall not be located within a structure that most recently served as a Single-Family Dwelling.

### ARTISAN WORKSPACE/SALES

- A. A delivery 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. A listing of products which contain toxic and/or explosive materials shall be kept on record at all times.
- C. There shall be no exterior display or sign (except as permitted in the regulation of signs in this Ordinance), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building. In order to minimize conflict with surrounding residential neighborhood activity, an artisan workplace/sales area shall occupy a structure which is residential in character.
- D. As regulated by the Ordinance's Performance Standards, no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- E. Under no circumstances shall an artisan workplace/sales be interpreted to permit a commercial stable or a dog kennel, automobile sales, small engine repair shop, donut shop, or any occupation where the principal activity involves sales offered across the counter.

### AUTO REPAIR

- A. Such use shall not be located within one hundred (100) feet of any lot line adjoining residential use or zoning classification.
- B. There shall be no storage of parts or dismantled vehicles outside an enclosed building.
- C. All repair work shall be performed within an enclosed building, which has adequate ventilation and fire protection provisions.
- D. All towed vehicles shall be stored on the premises and no vehicle shall be stored or dismantled on any public street.
- E. Vehicles or equipment awaiting repair shall be kept in an enclosed wall or building or in an outdoor area which is screened by an eight (8) foot high hedge or opaque fence within a minimum capacity of eighty percent (80%).
- F. The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health and safety.

### AUTO SALES/SERVICE

- A. The minimum site area shall be two (2) acres.
- B. The site shall have frontage on and direct vehicular access to an arterial road as defined by this ordinance.
- C. The dealer shall provide an indoor showroom for the new equipment or vehicles.
- D. Only vehicles in "showroom condition" may be displayed on the property forward of the building setback line.

- E. All vehicles not in "showroom condition" (including but not limited to: those received in trade, awaiting repairs, for lease, etc.) shall be stored behind the building setback line and screened from view from the right-of-way and from adjoining properties by a landscape screen or fence of appropriate design, as approved by the Borough Planning Commission.
- F. Any vehicle or equipment that fits the definitions of "junked vehicle" or "abandoned vehicle" as defined in this Ordinance is prohibited from the premises.
- G. The outdoor storage provisions of this Ordinance shall be waived for such dealerships provided the above conditions are met and that the development complies with the percentage of impervious surface.
- H. The area used for display of merchandise offered for sale and the area used for the parking of customer and employee automobiles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six (6) inches in depth or other surfacing of an equivalent or superior character, approved by the Borough Engineer.
- I. Landscaping within or along the perimeter of surface parking and loading areas shall be encouraged to minimize the impact of heat and glare from paving.
- J. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.

#### BAKERY/CONFECTIONARY

- A. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- B. Outdoor storage of materials shall not be permitted.
- C. A Delivery Plan for the use shall be submitted for Council approval.

#### BOARDING HOUSE

- A. All off-street parking shall be provided on the lot.
- B. Exterior lighting for parking areas shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.
- C. Off-street parking shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of four (4) feet and a minimum opacity of eighty percent (80%).
- D. Building height and setbacks shall be consistent with surrounding development.
- E. All rooms available for boarding shall be located within the lot's principal building.
- F. Dumpsters shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).

#### BREWERY/BREW PUB/TAP ROOM

- A. The establishment shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
- B. The hours of operation and activities must be appropriately scheduled to protect the existing

## Conditional Uses

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neighborhood from detrimental noise, disturbance or interruption.

- C. The owner(s) and operator(s) of the establishment 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.

### BUILDING MATERIAL YARDS OR ESTABLISHMENTS

- A. All outdoor storage areas shall be screened from adjacent uses in accordance with this Article.
- B. A Delivery Zone Plan shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- C. Outdoor storage and sales shall be aligned and displayed in an orderly fashion and shall not be permitted in a front yard.

### CLINIC, SMALL-SCALE

- A. The landowner and/or developer shall be required to prepare and submit a traffic impact analysis of the proposed development. Potential implementation strategies of necessary infrastructure and/or safety improvements shall be identified in response to the analysis findings.

### CLUB/LODGE

- A. Delivery Plan for the use shall be submitted for Council approval.

### COMMUNITY CENTER

- A. A community center shall be designed in such a way that conforms to surrounding lots and structures.
- 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.

### FUEL/SERVICE STATION

- A. All minor repair work, vehicle washing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
- B. All automobile parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.
- C. All vehicles awaiting repair shall be stored on site in approved parking spaces and, under no circumstances, shall said vehicles be stored on or obstruct access to a public right-of-way.
- D. Canopies over gasoline pumps shall be subject to the requirements of Article VI of this Ordinance.
- E. Gasoline pumps shall be located at least thirty (30) feet from the edge of the right-of-way of a public street.
- F. All fuel, oil or similar substances shall be stored at least twenty-five (25) feet from any property line.
- G. All lighting shall be shielded and reflected away from adjacent lots, streets and roadways.

### GROUP CARE FACILITY

- A. The minimum area and bulk regulations for a Group Care Facility or Personal Care Boarding Home shall be the same as those required for all uses in the Zoning District in which the facility is located.
- B. A Group Care Facility or Personal Care Boarding Home shall have direct vehicular access to an arterial or collector road as defined by this Ordinance.
- C. No Group Care Facility or Personal Care Boarding Home shall be established within one thousand (1,000) feet of another Group Care Facility or Personal Care Boarding Home.
- D. A twelve (12') 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.
- E. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
- F. 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.
- G. Where 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 Officer in January of each year.

#### HEALTH/FITNESS CLUB

- A. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with offstreet parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- B. Outdoor storage of materials shall not be permitted.
- C. A Delivery Plan for the use shall be submitted for Council approval.

#### HI-RISE RESIDENTIAL

- A. Parking spaces shall be located no more than three hundred (300) feet from the primary entrance.
- B. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- C. The means of a building's ingress and egress shall meet requirements as outlined in the Borough's Building Code.
- D. A twelve (12') 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.
- E. All dumpsters and/or waste collection areas shall be located on the interior of the structure.
- F. The primary vehicular entrance to a high-rise apartment development shall, at a minimum, have direct access to a collector road.
- G. Maximum height of lighting for outdoor parking areas and roadways shall be twenty-five (25) feet.
- H. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1)

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foot candle.

- I. Bufferyards between apartment development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the Borough's required bufferyard width. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the Borough Planning Commission.
- J. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
- K. If the parking area for a high-rise apartment development is adjacent to a single family residential lot and demands greater than ten (10) automobiles, the following shall apply:
  1. An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.
  2. One and one-half (1.5) times the required number of plants for screening and buffering off- street parking and loading areas; or
  3. A mound, a minimum of three and one-half (3.5) feet in height at its peak, shall be constructed whereas the sides do not exceed a four-foot horizontal to one-foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest not including turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.

### HOME OCCUPATION

- A. Home occupation shall be a permitted conditional use subject to the following minimum standards and criteria:
- B. The home occupation shall be carried on wholly within the principal or accessory structures.
- C. No more than fifteen percent (15%) of the gross floor area of the principal dwelling and any accessory structures used shall be devoted to the conduct of the home occupation.
- D. Articles not produced on the premises shall not be sold on the premises.
- E. There shall be no display of merchandise available for sale on the premises; however, merchandise may be stored on the premise for delivery off the premises.
- F. Exterior displays or signs other than those permitted in Article VI of this Ordinance, exterior storage of material and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
- G. 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.
- H. The use shall not significantly intensify vehicular or pedestrian traffic, which is normal for the residences in the neighborhood.
- I. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of a structure.
- J. 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.
- K. The use shall not cause an increase in the use of water, sewage, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.

- L. The use shall not cause a negative impact on lot values in the immediate neighborhood.
- M. The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises, and commercial vehicles shall not be permitted to be parked on the premises.
- N. The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses or uses by special exception, including, but not limited to:
  - 1. beauty shops or barber shops containing more than two (2) chairs;
  - 2. clinics, hospitals or nursing homes;
  - 3. kennels, veterinary offices and clinics;
  - 4. mortuaries;
  - 5. private clubs;
  - 6. private instruction to more than three (3) students at a time;
  - 7. restaurants or tearooms;
  - 8. stables;
  - 9. tourist or boarding homes;
  - 10. vehicle or equipment rental, repair or sales;
  - 11. vehicle repair garages, as defined by this Ordinance.
- O. Day Care Homes other than those defined in this Ordinance shall meet all of the foregoing requirements for a home occupation as well as the following additional requirements:
  - 1. Adequate areas for outdoor recreation shall be provided and shall be secured by a fence with self-latching gate.
  - 2. A safe area shall be provided for the drop-off and pick up of children who do not obstruct the free flow of traffic on any public street.

#### HOTEL

- A. Drop-off/temporary parking areas shall remain free and clear of obstructions for general safety and fire department access.
- B. 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.
- C. Service of meals and/or beverages (alcoholic/non-alcoholic) must be secondary to the principal use of room or suite rental.
- D. Secondary eating establishments serving alcoholic beverages or secondary bars or nightclubs must be licensed by the Pennsylvania Liquor Control Board.
- E. The owner(s)/operator(s) of a hotel/motel shall be responsible for the conduct and safety of the renters and guests and shall be available to respond to inquiries and promptly quell any

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disturbances caused by renters or guests.

### LAUNDRY AND/OR DRY-CLEANING PLANT

- 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 shall not be permitted.

### MANUFACTURING, PROCESSING, PRODUCING OR FABRICATING OPERATION

- A. All uses shall be conducted within a completely enclosed building and shall create no external visible sign of the operation, such as noise, smoke, vibration or other factors.
- B. The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, hours of operation, and the emission of odors, fumes, dust, noise, vibration, and glaring light.

### MARINA, DOCKS, PORTALS FOR WATER ACCESS

- A. Ingress and egress of the lot shall be approved by Council.
- B. Outdoor storage of materials associated with maintenance shall not be permitted.
- C. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) foot candles.
- D. The plan for the use shall be prepared and sealed by an architect, engineer or landscape architect showing the overall use of the site, structures and facilities, decks, ramps, etc. The plan shall conform to all safety requirements of the United States Army Corps of Engineers.

### MOTEL

- A. Drop-off/temporary parking areas shall remain free and clear of obstructions for general safety and fire department access.
- B. 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.
- C. Service of meals and/or beverages (alcoholic/non-alcoholic) must be secondary to the principal use of room or suite rental.
- D. Secondary eating establishments serving alcoholic beverages or secondary bars or nightclubs must be licensed by the Pennsylvania Liquor Control Board.
- E. The owner(s)/operator(s) of a hotel/motel shall be responsible for the conduct and safety of the renters and guests and shall be available to respond to inquiries and promptly quell any disturbances caused by renters or guests.

MIXED NON-RESIDENTIAL/RESIDENTIAL

- A. When a number of different uses are proposed within a structure, facility or complex and when it can be demonstrated that one or more of such uses require parking needs at times other than normal business or operating hours, the Applicant may present for review and consideration a written report prepared by a professional traffic engineer or consultant, stating that a maximum combination of all such uses will not require that the total accumulative parking needs must be provided on the site. After review of the plan, if determined that a reduced overall parking requirement can satisfy the off-street parking needs of the combined facilities, the Applicant shall be permitted to reduce the parking spaces provided in accordance with the stipulated number of spaces by the appropriate reviewing body.

MUNICIPAL BUILDING

- A. All parking shall be located on the side or the rear of the building and be in conformance with the parking regulations outlined in this ordinance.
- B. The scale of the structure must reflect the structure styles of the surrounding residential areas and conform to all bulk area regulations as defined by this ordinance.

PARKING LOT OR FACILITY, PUBLIC

- A. If the parking facility is accessory to the principal use of a lot, it shall be included in all building coverage calculations.
- B. A parking facility shall be illuminated in conformance to the requirements of this Ordinance and any applicable provisions outline in the Borough Subdivision Ordinance.
- C. A parking facility shall not be located any closer to a right-of-way line or a property line than what is permitted by the building setbacks defined in this Ordinance.
- D. The perimeter of a parking garage/structure shall be landscaped with a five (5) foot wide bufferyard of evergreen plantings.

PLACE OF ASSEMBLY

- A. The minimum lot area shall be one (1) acre.
- B. A place of assembly's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. A traffic impact study shall be required to be submitted whereas the proposed development which 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. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
- D. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Borough Engineer to ensure employee and visitor safety.
- E. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.

## Conditional Uses

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- F. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
- G. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

### PLACE OF WORSHIP

- A. The minimum lot area shall be one (1) acre.
- B. A place of worship's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. A traffic impact study shall be required to be submitted whereas the proposed development which 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. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
- D. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Borough Engineer to ensure employee and visitor safety.
- E. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- F. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
- G. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

### MIXED USE, RESIDENTIAL/NON-RESIDENTIAL

- A. Dwellings shall be located on any floor except the main floor.
- B. Entrance to all dwellings may be located on any floor except the main floor.
- C. To preserve historically established character of the commercial district, non-retail-oriented uses shall only be located on a floor not designated as the main floor of the principal building.
- D. Any additional standards that are needed to protect public health, safety and welfare or to address unique characteristics of a particular site defined by the Borough Planning Commission and/or Council shall be complied with by the landowner and/or developer.

### RESEARCH AND DEVELOPMENT ESTABLISHMENT

- A. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in this Chapter.

- B. A research and development facility shall have one (1) 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.

#### RIVERBOAT GAMBLING

- A. If not located on the lot in which the use directly access to/from the water, parking shall be located on the lot immediately adjacent to the point of land/water access.

#### SEXUALLY ORIENTED BUSINESS OR ESTABLISHMENT

- A. The establishment shall not be located within one thousand (1,000) feet of any lot that is zoned residential.
- B. The establishment shall not be located within five hundred (500) feet of the lot boundary of any existing school, day care center, hospital, group care facility, personal care boarding home, group home, public park or playground, place of worship or establishment which is licensed to serve and/or sell alcoholic beverages.
- C. The establishment shall not be located within five hundred (500) feet of any other existing or proposed adult-oriented business.
- D. Persons or owners who intend to operate an adult-oriented business shall obtain from the Borough a license to operate such an enterprise pursuant to Borough Ordinances and shall pay to the Borough an investigation fee as may be set from time to time by resolution of the Borough Council. In addition, such persons or owners shall supply to the Borough detailed information regarding the ownership and financing of the proposed business as required on the licensing application as required by Borough Ordinance. Applications for licensing can be obtained at the Borough Planning Department and shall be filed with the Borough Zoning Officer. The establishment shall be initially licensed when it has met the requirements set forth in this Ordinance and Borough Ordinance. The license shall be valid through December 31st of the year in which the license is initially issued. For each year thereafter that the business intends to continue, the owner or operator shall seek an annual renewal of the license. The application for renewal shall be submitted to the Borough Zoning Officer by November 1st of the year proceeding the year for which the license renewal is sought. The lack of a license or failure to renew such license in a timely fashion shall be grounds for the Borough to deny or revoke an occupancy permit for an adult business.

#### SINGLE-FAMILY DWELLING

- A. All open space associated with the development of single-family dwellings shall be accessible to the public.
- B. Parking shall be provided on the same lot upon which the dwelling unit is located.
- C. In order to ensure that any proposed development does not create adverse conditions to the public road right-of-way, a traffic impact study, in accordance with Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hour volumes and the traffic movements produced by such development. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

## Conditional Uses

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### STORAGE BUILDING FOR RETAIL ON PREMISE

- A. The storage building shall be accessible both internally from the retail business and externally.
- B. The height of the storage building shall not exceed the height of the structure in which the retail is located.
- C. No outside storage shall be permitted and ventilation shall be provided as part of the storage building to ensure no build-up of heat, fumes, and the like.
- D. Service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- E. A Delivery Plan for the use shall be submitted for Council approval.

### TERMINAL FACILITY

- A. A Circulation Plan shall be submitted as part of the application and subject to Borough review to ensure safety of lot ingress and egress.

### TOWNHOUSE

- A. Parking shall be provided on the same lot upon which the dwelling unit is located.
- B. In order to ensure that any proposed development does not create adverse conditions to the public road right-of-way, a traffic impact study, in accordance with Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hours.

### TWO-FAMILY DWELLING

- A. Parking shall be provided on the same lot upon which the dwelling unit is located.
- B. In order to ensure that any proposed development does not create adverse conditions to the public road right-of-way, a traffic impact study, in accordance with Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hour volumes and the traffic movements produced by such development. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

### WHOLESALE BUSINESS

- A. The building shall be substantially similar in design and appearance to a retail sales operation.
- B. The business shall not generate an unusually large volume of truck traffic.
- C. No manufacturing or major assembly of products shall occur on the premises.
- D. Areas associated with loading shall be screened with landscaping or fencing from neighboring use(s).

## Article IV Special Exceptions

### § 401. General Criteria for Evaluation of Zoning

- A. In evaluating an application for Zoning Hearing Board Exceptions, Sharpsburg Borough applies the guidelines and procedures associated with Special Exceptions in the Pennsylvania Municipalities Planning Code.
- B. Consideration of a Zoning Hearing Board Exception, upon review of recommendations by the Borough Planning Commission is predicated on the Applicant's submission of a written application containing all of the information required under §401.C. along with a site plan meeting the requirements of subsection §401.E .
- C. A written submission must demonstrate the Special Exception will meet the primary criteria outlined below and:
  - 1. Will not endanger the public health and safety if located where it is proposed and will not deteriorate the environment or generate nuisance conditions such as, but not limited to, those outlined in Article V.
  - 2. Meets all other requirements of this Ordinance in the Zone where the use is proposed.
  - 3. Is in general conformity with the Sharpsburg Borough Comprehensive Plan and is attractive and in harmony with the area in which it is proposed.
  - 4. Is an appropriate use on the proposed lot as a use by special exception.
  - 5. If defined as part of any special exception approval, said special exception use will be completed with the identified timeframe.
  - 6. Upon approval of any special exception by the Zoning Hearing Board, any prior approved special exception for the same lot becomes null and void.
  - 7. Information including address of Applicant, location of site, listing of landowners who will receive notice of such zoning application, Zone and other relevant information as defined by Sharpsburg Borough are submitted.
- D. In requesting a special exception, the Applicant has both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a special exception as set forth in this Ordinance.
- E. The Site Plan must show to scale the entire lot to be ultimately developed and indicate the location, height, and use of structure, driveways, sign, parking areas and topographical and/or natural features of the lot. An architectural rendering of the structures proposed must also be submitted.
- F. The Zoning Hearing Board may attach reasonable conditions, in order to protect the public's health, safety, and welfare. These reasonable conditions may include, but are not limited to, increased screening.
- G. Approval of all uses by special exception contained in this Ordinance are be subject to periodic inspections by the Zoning Officer to insure compliance with the required conditions of approval. Such periodic inspections will be conducted annually while the use is conducting active operations.

## Special Exceptions

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### PUBLIC UTILITY BUILDING

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

### SEWAGE TREATMENT FACILITY

- A. Equalization tanks shall be located at least one thousand (1,000) feet from any property line adjoining residential use or zoning classification and at least five hundred (500) feet from all other property lines.
- B. The maximum capacity of all sanitary sewer storage equalization tanks shall be 2.5million gallons. In residential use or zoning classification and at least five hundred (500) feet from all other property lines.

### TOWER, NON-COMMUNICATION

- A. The structure must be designed so that it may collapse upon itself.

## Article V Performance Standards and Supplementary Regulations

### §501. Performance Standards.

#### A. Compliance Required.

1. All uses must comply with the requirements of this Ordinance and the landowner and/or developer must demonstrate that a proposed use can comply with the standards below prior to Sharpsburg Borough issuing approval and operation commencing on the lot. Compliance must be determined by the Zoning Officer with respect to permitted uses, by the Zoning Hearing Board with respect to special exceptions, and by the Borough Council with respect to conditional uses. In order to determine whether a proposed use will conform to the requirements of this Article, Sharpsburg Borough may obtain a qualified consultant's report, whose cost for services will be borne by the Applicant.

2. All uses that require new facilities or expansion of existing facilities, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, will obtain such approval as required by the agency providing such service prior to project approval. No availability of essential services is permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services will be by and at the cost of the landowner and/or developer, unless the jurisdiction agrees otherwise. All service extensions are to be designed and installed in full conformance with the jurisdiction's standards for such service, and be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.

B. Fire Protection. Fire protection and fire-fighting equipment, procedures and safety protocols acceptable to Sharpsburg Borough Fire Standards and National Fire Protection Association must be readily available and followed where there is any activity involving the handling or storage of flammable or explosive material.

C. Radioactivity; Electrical Disturbances. Unless otherwise permitted by Sharpsburg Borough for medical purposes, no activity can emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.

D. Noise. The sound level of any use within this District may not exceed, at any point along the boundary of the lot on which the use is to be undertaken, Federal standards or recommended decibel levels in the designated octave bands, except for emergency alarm systems. Sound levels can be projected in accordance with similar or identical operations or uses and be measured with a sound levelmeter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association. Measurements must be made using the same measuring system which may now or hereafter be utilized by the United States Government for this purpose.

E. Vibrations. Except temporary vibration resulting from construction activity, vibrations detectable without instruments on any adjacent lot in any Zone will be prohibited.

F. Dust, Fumes, Vapor, and Gas Control. The emission of dust, dirt, flash, fumes, vapors, or gases which cause any damage to human health, animals, vegetation, or other forms of property, or which can cause soiling or staining of persons or property at any point beyond the lot line of the use creating such emission is hereby prohibited. No emission of liquid or solid particulate from any chimney or stack or otherwise can exceed .03 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. Identical processes or facilities may be compared to determine compliance with this subsection. For measurement for the amount of particles discharged as stated above, measurement procedures will follow those then employed by the Pennsylvania Department of Environmental Protection for similar or identical measurements.

### §502. Supplementary Regulations.

- A. Drainage Facilities and Floodplains. The provisions of Borough Ordinance #206 related to drainage facilities and Borough Ordinance #339 related to floodplains are applicable to matters of zoning within the Borough.
- B. Airport Hazard areas. Where applicable, Federal Aviation Administration requirements apply to ensure the safety of development impacted by airports. The Borough and Allegheny County Economic Development will provide an Applicant with applicable permitting requirements and restrictions.
- C. Communications Antennae. The following regulations are applicable to communication antennas mounted or located on existing or newly constructed non-residential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets and are permitted in all Zones.
  1. The Applicant must provide a certification from a professional engineer, having demonstrated capability and competence in matters of structural integrity, that the proposed installation will not exceed the structural capacity of the pole or building upon which the communications antenna is proposed to be located, considering wind, ice, snow and other loads associated with the communications antenna location.
  2. The Applicant must provide detailed construction drawings indicating how the communications antenna(s) will be mounted for review by the Municipal Engineer.
  3. Unless mounted on an existing utility pole, the minimum building setback requirements for the antenna must be five (5) feet from a lot line.
  4. The antenna cannot be more than twelve (12) feet higher than the structure on which it is to be mounted and must be designed to have minimal visual impact to the building or structure, utilizing techniques such as being the same color as the building or pole on which it is located.
  5. The Applicant must provide authorization from the legal owner of the lot to install the communications antenna and any structure accessory to the communications antenna.
  6. The Applicant must provide agreements, easements, or rights-of-way necessary to ensure access for the purpose of installation and maintenance.
  7. Any existing or newly constructed free-standing light pole/standard or utility transmission pole may be constructed, reconstructed or altered for the purpose of accommodating the location and/or installation of communications antenna, provided that the height of the light pole/standard or utility transmission pole, once constructed, reconstructed or altered, does not exceed sixty-five (65) feet.
  8. No communications antennas may cause interference with other communications antennas.
  9. If any accessory communications equipment building/cabinets are proposed for the operation of the communications antenna, the following regulations apply:
    - a. The communications equipment building/cabinets and associated equipment may be located at or near the base of any existing or newly constructed light pole/standard. If the communications equipment building/cabinets are proposed for a communications antenna located on a non-residential building or structure other than an existing or newly constructed light pole/standard such communications equipment building/cabinets may be located on the structure or building on which the communications antenna is located.
    - b. Screening must be provided at an opacity and height to obscure eighty-five percent (85%) of the proposed antenna base.

- c. For communications antennas mounted on utility transmission poles, the communications equipment building/cabinets must be located within the utility easement or right-of-way and are not to obstruct sidewalks, streets and/ or driveways nor interfere with traffic sight distances.
  - d. Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is equal to or less than one hundred (100) square feet will be subject to the height and setback requirements of the Zone for an outbuilding. Any communications equipment building/cabinets where the area encompassing the communicationsequipment building/cabinets is greater than one hundred (100) square feet will be subject to the height and setback requirements of the Zone for a primary building or structure.
- D. Temporary Construction Trailers or Sheds. Temporary construction trailers or sheds are permitted in all Zones subject to the following:
- 1. Temporary construction trailers or sheds are permitted only during the period that the construction work is in progress. A permit for the temporary structure must be obtained from the Zoning Officer prior to the commencement of construction and must be renewed every six (6) months. Unless otherwise defined by the Borough, the (1) maximum renewal is permitted.
  - 2. Temporary construction trailers or sheds must be located on the lot on which the construction is progressing and cannot be located within ten (10) feet of any lot line adjoining an existing residential use.
  - 3. Temporary construction trailers or sheds must be used only as temporary field offices and for storage of incidental equipment and supplies and cannot be used for any dwelling use.
  - 4. A temporary construction trailer may be permitted for use as a sales center for residential lots. The maximum gross floor area of such a temporary sales center is five hundred (500) square feet. A permit for the temporary trailer must be obtained from the Zoning Officer.
  - 5. No combustible materials can be stored in temporary construction trailers or sheds.
- E. Height Exceptions.
- 1. The height limitations of this Ordinance do not apply to the following structures: Place of worship steeples or spires; steeples; chimneys; elevator bulk heads and other mechanical equipment that is part of a primary structure; conveyors; flagpoles; silos; standpipes; elevated water tanks; derricks; public utility structures; and other structures not intended for human habitation which do not exceed the height limitations of the Zone by more than fifteen (15) feet.
  - 2. All buildings or structures are subject to all applicable Federal Aviation Administration (FAA) height and lighting restrictions.
- F. In instances where a building straddles or is proposed to straddle multiple lots or an alley, the landowner and/or developer is responsible for verifying with the Borough that no easements or rights-of-ways exist.
- 1. If there is a recorded right-of-way, the Borough reserves the right to determine if abandonment of the right-of-way for construction is appropriate in context of Sharpsburg Borough's community development objectives and the intent of this Ordinance. If abandonment is not appropriate, an application could be subject to denial.
  - 2. If there is an easement, the Borough reserves the right to determine if construction is or is not appropriate to occur on the easement in context of Sharpsburg Borough's community development objectives and the intent of this Ordinance. If construction on said easement is not appropriate, an application could be subject to denial.

### G. Fences and Walls.

1. Within residential districts, residential fences and enclosure walls may be erected provided:
  - a. A fence along the rear property line shall not exceed eight (8) feet in height;
  - b. A fence located along the side property line shall not exceed (6) feet in height;
  - c. No fence higher than four (4) feet shall be erected between the principal building and the street line. Fences located on corner lots shall be constructed at a height so as to not obstruct a driver's or pedestrian's view associated with necessary sight lines for safety.
  - d. All fence posts, rails or piers shall be so installed so that they face the interior of the lot of the one installing same.
  - e. Barbed wire, electrical or other hazardous fencing materials are prohibited.
2. Within residential districts, fences for a non-residential use located adjacent to a residential use shall be at maximum of four (4) feet high in a front yard and six (6) feet in any other yard.
3. The exterior side of a fence and/or wall must be oriented to the exterior of the lot on which it is erected or towards a public right-of-way.
4. Fences with may be placed on a front lot line so long as they possess a minimum of fifty (50) percent transparency. For each ten (10) percent of transparency less than 50% (e.g. 40, 30, 20, 10, 0%), the fence shall be placed an additional increment of six (6) inches from the lot line.

### H. Driveways.

1. Driveways.
  - a. Driveway access is regulated by the Street Typologies prescribed in this Ordinance.
  - b. All private garages and all off-street parking enclosed within a primary building must be connected directly to a public street or public alley by a private driveway no wider than twelve (12) feet. Where there are multiple off-street parking spaces in a private garage or enclosed within the principal building, the driveway may be widened to access said parking spaces.
  - c. The entire flare of any return radius on a driveway must fall within the right-of way; surfacing shall only be of paved asphalt or concrete with no modular units.

### I. Utilities.

1. All utilities for lots that have improvements or are redeveloped must be located underground unless otherwise approved by the Borough Council.
2. Utility connections such as gas meters, electric meters, phone, and cable must be located so as to minimize their visibility from the street thus any screening, if constructed, shall have not less than 50% opaqueness and not occur within the street right-of-way.
3. HVAC condenser units must be located so as to minimize their visibility from the street thus any screening, if constructed, shall have not less than 50% opaqueness and not occur within the street right-of-way.

### J. Drive-Thru Facility.

1. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by the Zoning Ordinance of Sharpsburg Borough.

2. In addition to the parking spaces required for the principal use, a minimum of five standing spaces, in tandem, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the site. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets or berms.
  3. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
  4. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the site.
- K. Dumpster Enclosures.
1. Dumpsters existing as of the effective date of this Ordinance and dumpsters constructed subsequent to the effective date of this Ordinance shall comply with the following:
    - a. No dumpster or dumpster enclosure shall be located within a required landscape bufferyard and may be located within a required yard only if a street or dedicated alley separates the lot from any adjacent residential lot. Required enclosures shall be defined by the Borough based upon review of proposed dumpster location and service area access in relationship to public right-of-way, building locations and vehicular/pedestrian circulation routes.
    - b. Dumpsters shall be maintained free of jagged or sharp edges or inside parts that could prevent the free discharge of their contents and closed lids.
    - c. All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or bollards shall be permanently affixed to the pad at least one foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection. The base of the enclosure must be poured concrete. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt.
  2. Businesses shall be encouraged to share dumpsters.
- L. General Landscaping.
1. One (1) landscaped island for every seven (7) parking spaces must be provided within all non-residential parking areas. All landscaped islands shall contain one (1) tree a minimum of two (2) inches dbh; one (1) tree per residential unit or one (1) tree per 1,000 square feet of development in the Rail-Trail Zone is required on a lot.
  2. For any Plan prepared and submitted as part of an Application that involves non-residential redevelopment, infill, construction, excavation or building expansion, it is recommended to include, and illustrate at scale, the location of trees, shrubs and groundcovers for the following:
    - a. All Borough required bufferyards with proposed plantings;
    - b. All Borough required planting independent of any bufferyard requirements;
    - c. Any planting in excess of the requirements of this Ordinance;
    - d. Any existing trees or vegetation which are to be preserved;
    - e. Any existing trees or vegetation which will be removed; and
    - f. The location and species of all existing trees six (6) inches in dbh. Applicants are encouraged to maximize the retention of all healthy existing trees six (6) inches or more dbh.

### M. Outdoor Storage.

1. The Borough aims to provide a safe and healthy environment to its residents and businesses.
2. The following items associated with outdoor storage are considered public health or safety menaces which may endanger the health or safety of the public and, as such, are subject to Borough inspection. Such items cannot be stored on a lot:
  - a. Unsanitary or improper storage or disposal of trash, garbage, refuse, debris, other solid waste or hazardous waste;
  - b. Unburied dead animals;
  - c. Accumulation of water causing mosquito or other vector breeding or proliferation;
  - d. Rodent or insect infestation;
  - e. Accumulation of bees, fowl or animals in such a manner to create a condition that may be injurious to the public health or safety;
  - f. Uncovered woodpiles and woodpiles exceeding one hundred twenty (120) cubic feet;
  - g. Fuel sources and fire hazards stored freely out-of-doors;
  - h. Furniture typically intended/constructed for indoor use stored out of doors;
  - i. Inoperable appliances, vehicles and equipment;
  - j. Mechanical equipment not intended for traditional landscaping purposes stored between the front facade of a main building and the front lot line; and
  - k. Motorized, mechanical and other powered vehicles and equipment stored between the front facade of a main building and the front lot line that is not in concealed storage (that which exceeds 85% or greater opacity) or between rear or side facades and rear or side yards that is not screened from adjacent lot(s).
  - l. Any other condition or objects that may be injurious or cause adverse effects to public health or safety.
3. Except for retail/wholesale landscape plant (living) species which require outside storage of materials for growth within the environment, the storage and display of materials outside a completely enclosed structure shall not be permitted.
4. Any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or a location otherwise approved by the Borough which screens the display/storage area from public view from the street or from any adjacent residential use.
5. All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from public view by an opaque fence or hedge which is at least six (6) feet in height and achieves eighty-five percent (85%) opacity.
6. When any condition that constitutes a public health or safety menace is found on occupied or vacant land or premises, the Borough shall notify in writing the landowner or occupant of the land or premises on which the condition exists and/or any other person who it believes is responsible for the health or safety menace. Such notice shall contain a description of the health or safety menace; the time within which the menace shall be abated, corrected or eliminated; and a statement that the landowner, occupant of the land or other person responsible may request a hearing within ten (10) days of the receipt of the notice. Notice sent

by registered or certified mail to the last-known address of the owner whose name is shown on the current real estate tax assessment records or occupant or other identified person responsible shall be deemed compliance with the notice requirement to the person responsible.

7. Upon receipt of the written notice from the Borough, the landowner, occupant of the land or other person responsible shall abate, correct or eliminate the health or safety menace. The amount of time allowed to abate, correct or eliminate the health or safety menace condition shall be determined by the Borough, and shall not be less than twenty-four (24) hours nor more than ten (10) days. If the Borough determines that the menace cannot be abated, corrected or eliminated within ten (10) days, the Borough may order temporary abatement measures and allow a longer period of time to abate, correct or eliminate the condition. The Borough may allow such a longer period of time only upon request of the landowner, occupant of the land or other person responsible and only upon a good faith showing that such longer period of time is necessary.
8. After receipt of the written notice, it is unlawful for the landowner, occupant of the land or other person responsible to fail to abate, correct or eliminate the health or safety menace within the time determined by the Borough.
9. If the written notice is undeliverable, or if after receipt of the written notice, the landowner, occupant of the land or other person responsible fails to abate, correct or eliminate the health or safety menace, the Borough may request Borough representatives to take reasonable steps to abate, correct or eliminate the health or safety menace whether the land or premises are occupied or vacant. If the landowner, occupant of the land or other person responsible denies free access for such purposes, the Borough may proceed after obtaining the applicable legal authorization. Costs and expenses incurred by the Borough in abating, correcting or eliminating a health or safety menace on private property shall be assessed against the owner and/or occupant of the land or premises and/or any other person responsible for the health or safety menace, and shall be recoverable from the owner in the same way as taxes and levies. Costs and expenses incurred by the Borough in abating, correcting or eliminating a health or safety menace on public property shall be recoverable from the person or persons responsible for causing the health or safety menace.

N. Parking

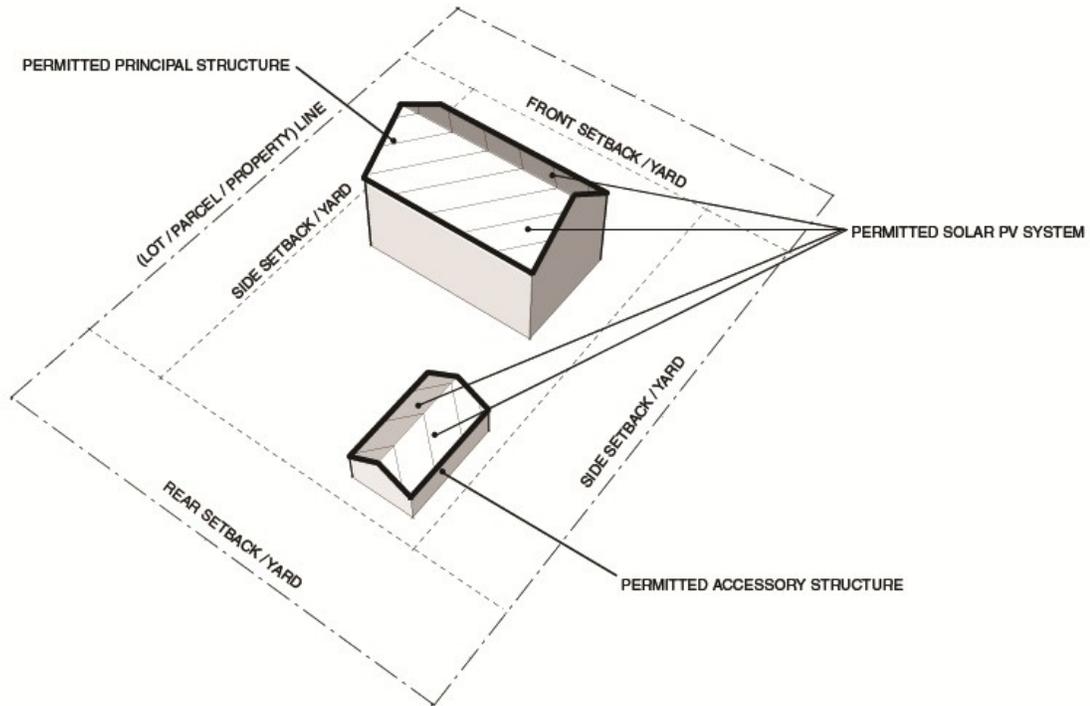
1. The minimum number of off-street parking spaces to be provided for every new or substantially reconstructed building shall be as follows:
  - a. Residential Uses: Two parking spaces per every dwelling unit.
  - b. Non-Residential Uses: One parking space per every 1,000 square feet.
2. The surfacing of parking areas shall only be of paved asphalt or concrete with no modular units.

O. Solar Collectors and Solar-Related Equipment.

1. Purpose. It is the purpose of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and lots. This Ordinance seeks to:
  - a. Provide lot owners and business owners/operators with flexibility in satisfying their on-site energy needs.
  - b. Reduce overall energy demands within the community and to promote energy efficiency. (c) Integrate alternative energy systems seamlessly into the community's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.

2. Applicability.
  - a. This Ordinance applies to building-mounted and ground-mounted systems installed and constructed after the effective date of the Ordinance.
  - b. Solar PV systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Ordinance.
  - c. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of this Ordinance.
3. Permitted Zoning Districts.
  - a. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper permit pursuant to Section and upon compliance with all requirements of this section and as elsewhere specified in this Ordinance.
  - b. Building-integrated systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance.
4. Location Within a Lot.
  - a. Building-mounted systems are permitted to face any rear, side and front yard or any unregulated yard area as defined in this Ordinance. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
  - b. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

**PERMITTED LOCATION: BUILDING-MOUNTED SOLAR PV SYSTEM  
ISOMETRIC**



5. Design and Installation Standards.

- a. The solar PV system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
- b. All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania. For ground-mounted systems, all exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit.
- c. The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the Commonwealth of Pennsylvania.

6. Setback Requirements.

- a. Ground-mounted systems. Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.

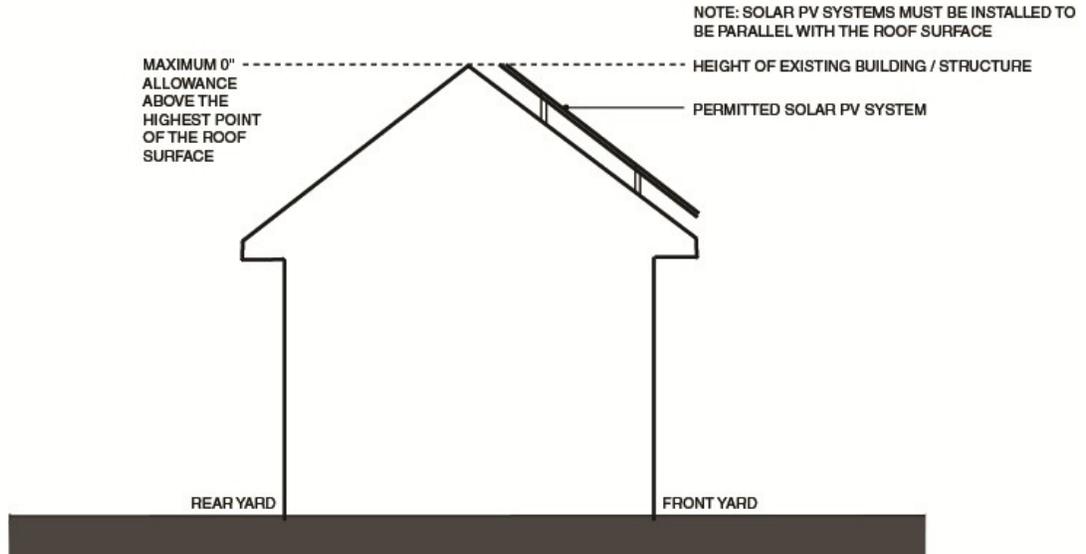
7. Height Restrictions.

- a. Notwithstanding the height limitations of the zoning district:

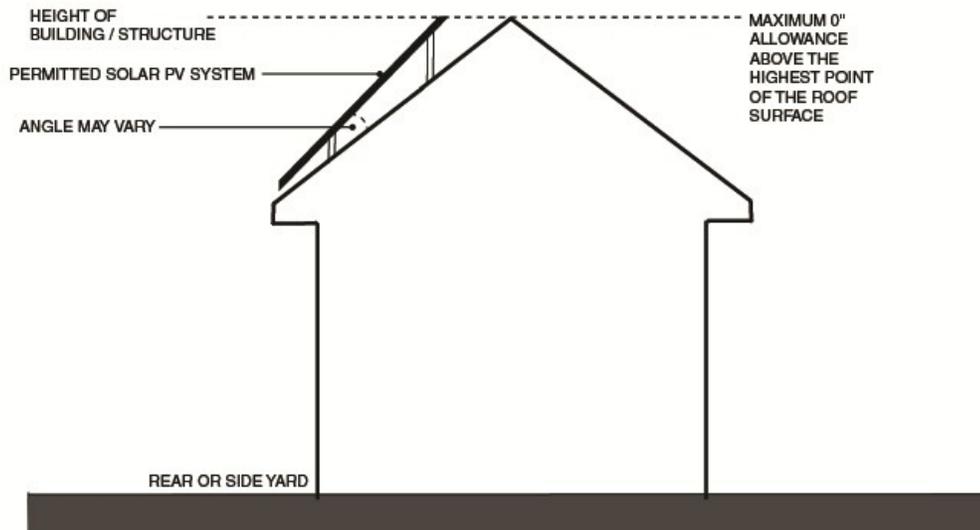
## Performance Standards and Supplementary Regulations

- i. For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.
- ii. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

### HEIGHT RESTRICTION, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

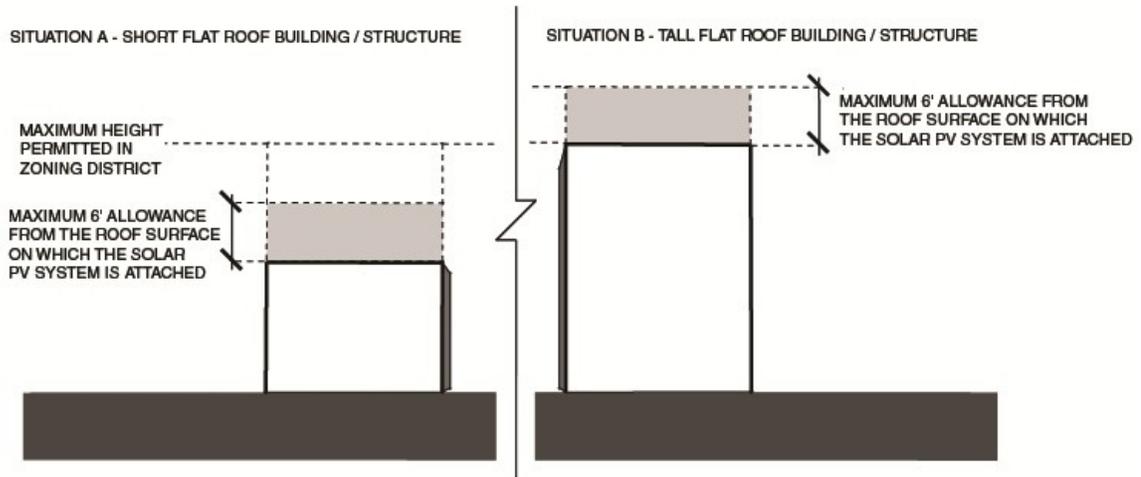


### HEIGHT RESTRICTION, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

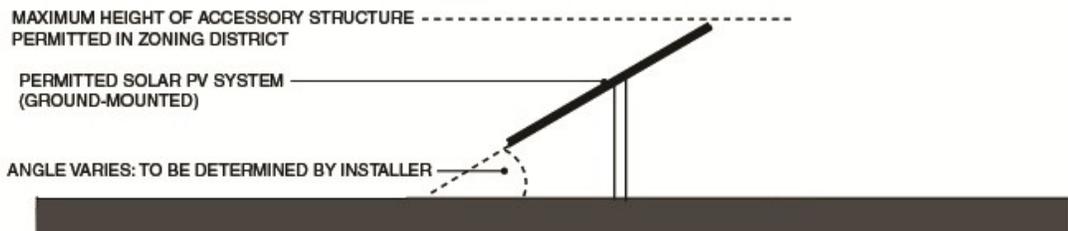


- b. Notwithstanding the height limitations of the zoning district:
  - i. For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
  - ii. Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar PV system is to be installed.

**HEIGHT RESTRICTION, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ISOMETRIC**



**HEIGHT RESTRICTION: GROUND-MOUNTED SOLAR PV SYSTEM ELEVATION**

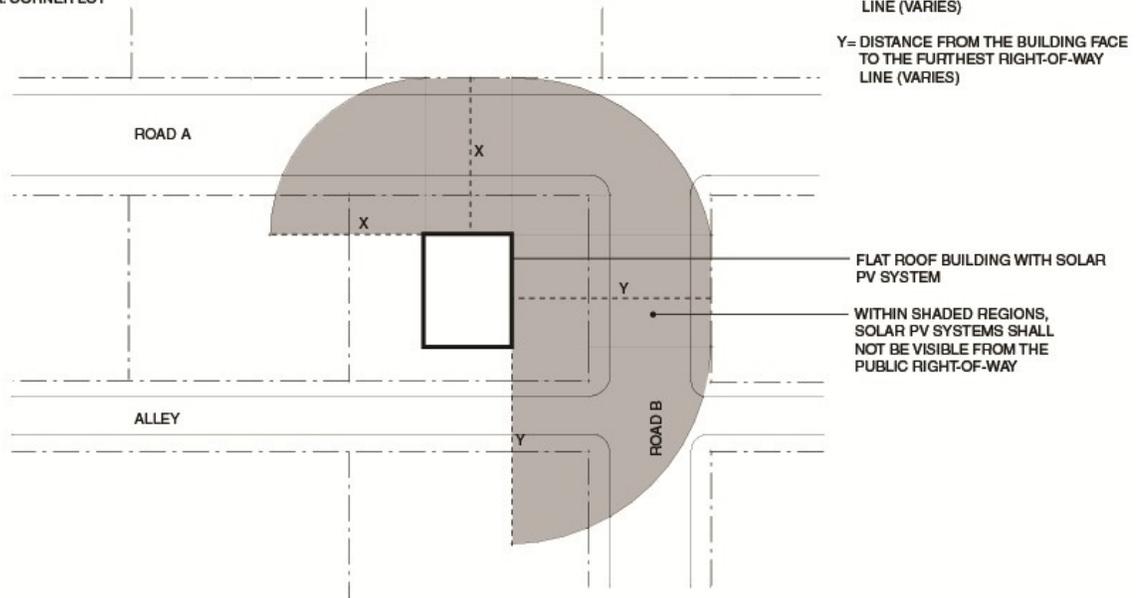


- 8. Screening and Visibility.
  - a. Building-mounted systems on a sloped roof shall not be required to be screened.

- b. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a fifty (50) foot radius of the lot, exclusive of an alley as defined by this Ordinance, at a level of 5 (five) feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way within a fifty (50) foot radius when measured at a distance of 5 (five) feet from the ground.

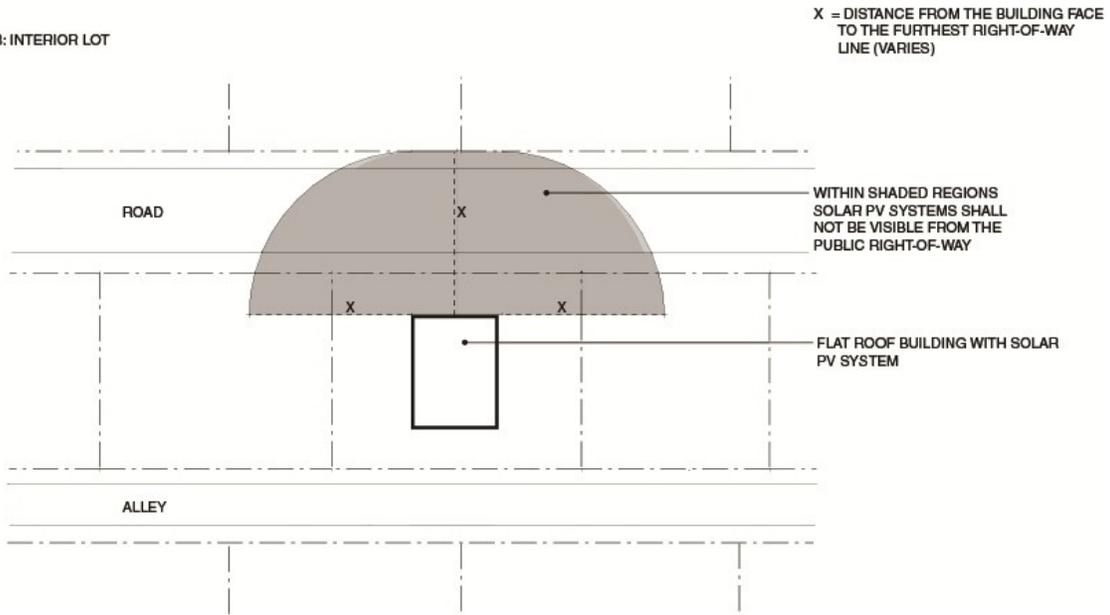
**SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM PLAN**

SITUATION A: CORNER LOT



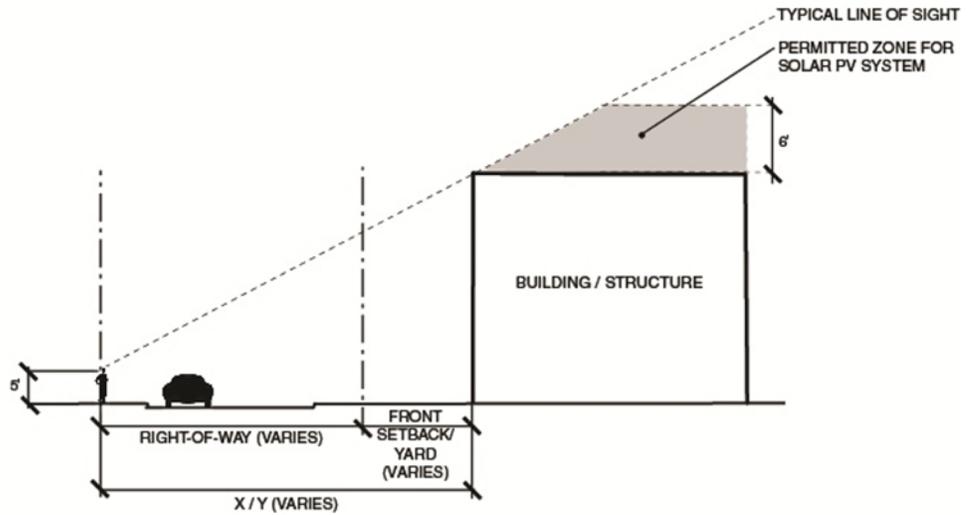
**SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM PLAN**

SITUATION B: INTERIOR LOT



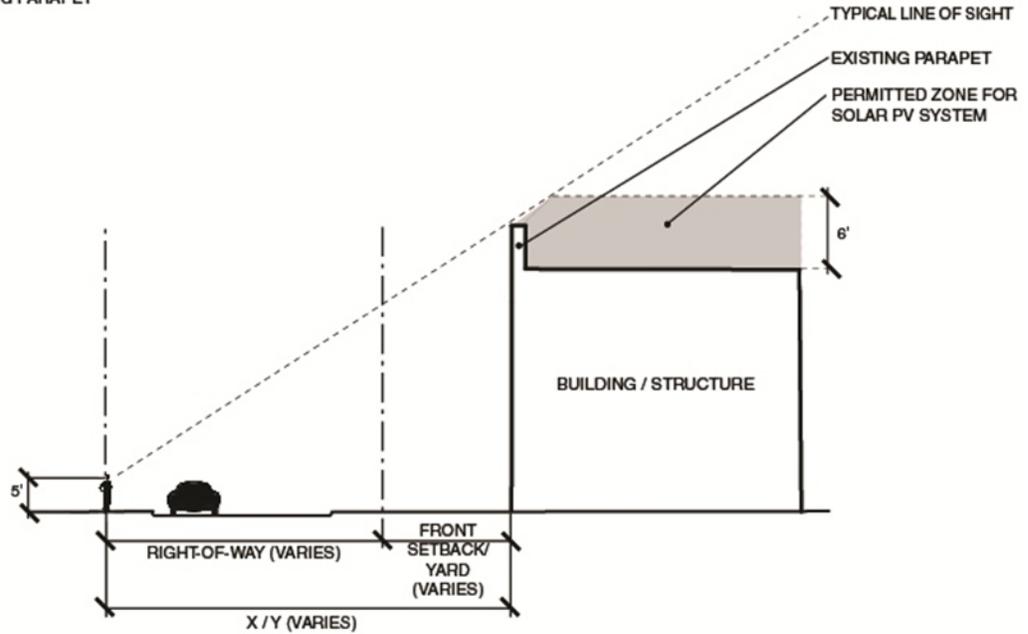
**SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION**

SITUATION A: WITHOUT BUILDING PARAPET



**SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION**

SITUATION B: WITH BUILDING PARAPET



9. Impervious Lot Coverage Restrictions.

- a. The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

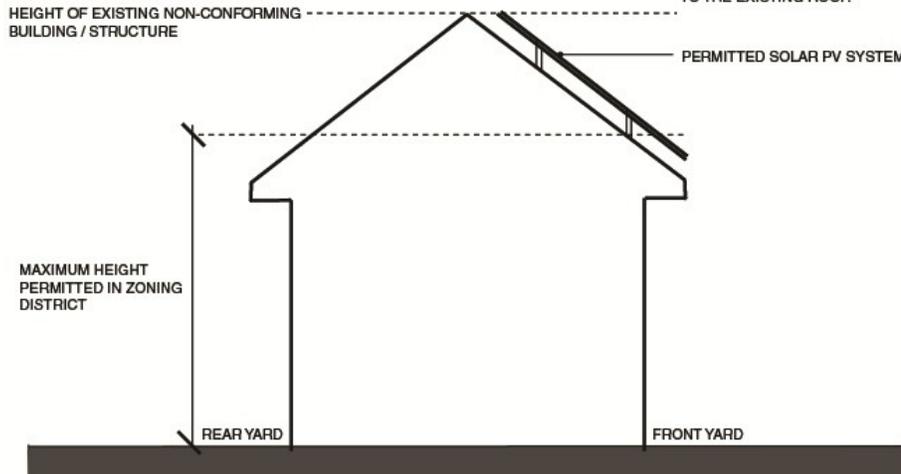
10. Non-conformance.

- a. Building-mounted systems:
  - i. If a building-mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Ordinance.

**NON-CONFORMING BUILDING, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION**

\*PERMITTED SOLAR PV SYSTEM MAY BE GRANTED WITH ADMINISTRATION APPROVAL.

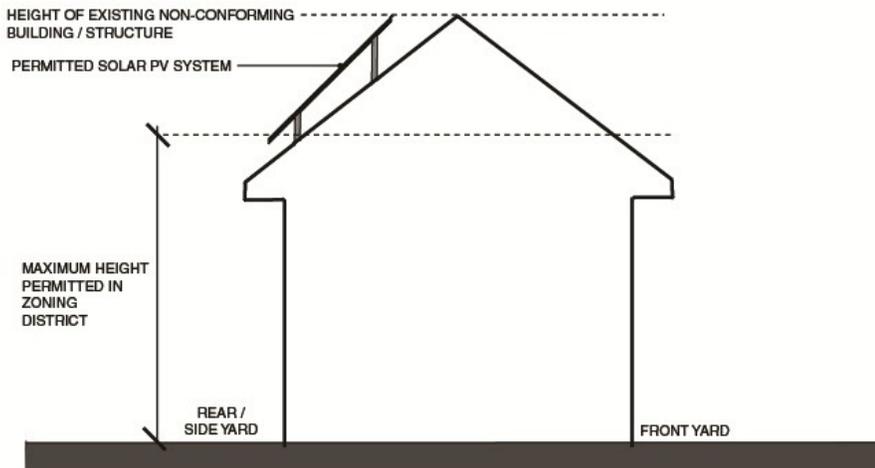
NOTE: SOLAR PV SYSTEMS SHALL NOT EXTEND BEYOND HIGHEST POINT ON THE EXISTING ROOF SURFACE AND THE SLOPE OF INSTALLATION SHALL BE PARALLEL TO THE EXISTING ROOF.



**NON-CONFORMING BUILDING, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION**

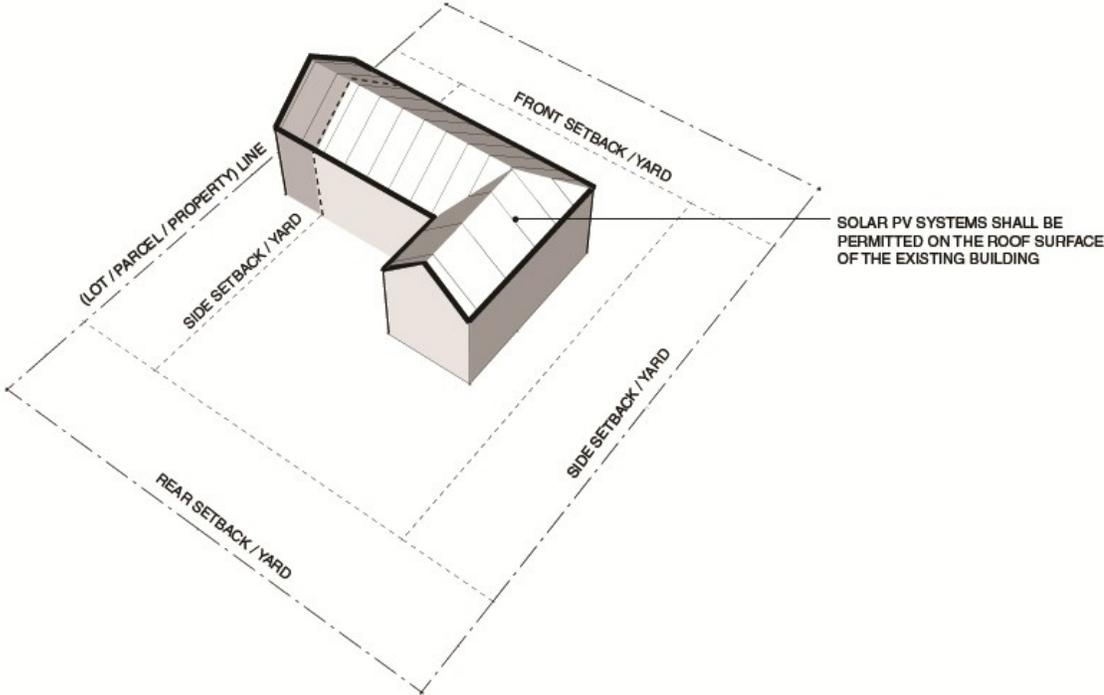
\*PERMITTED SOLAR PV SYSTEM MAY BE GRANTED WITH ADMINISTRATION APPROVAL.

NOTE: SOLAR PV SYSTEMS SHALL NOT EXTEND BEYOND HIGHEST POINT ON THE EXISTING ROOF SURFACE



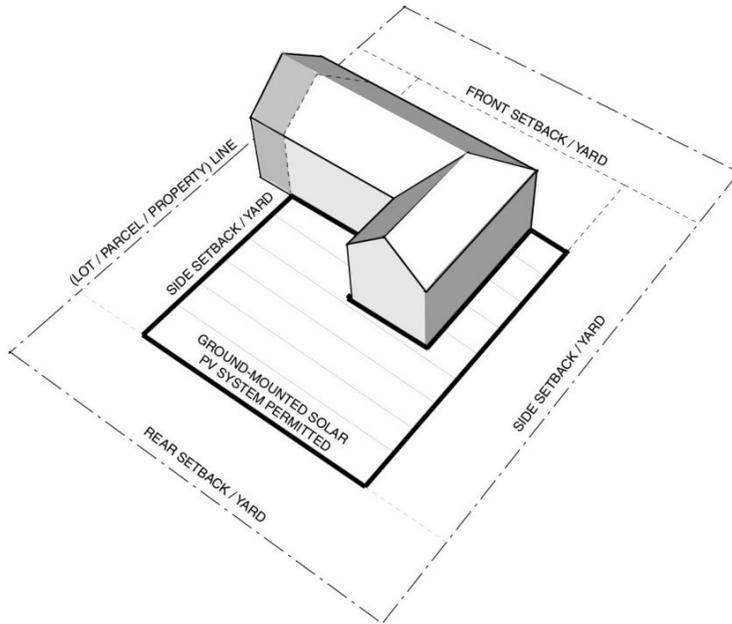
- ii. If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Ordinance.

**NON-CONFORMING LOT, SETBACKS, AND / OR LOT COVERAGE LIMITS: BUILDING-MOUNTED SOLAR PV SYSTEM ISOMETRIC**



- b. Ground-mounted systems. If a ground-mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

NON-CONFORMING LOT, SETBACKS: GROUND-MOUNTED SOLAR PV SYSTEM  
ISOMETRIC



11. Signage and/or Graphic Content.

- a. No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

12. Performance Requirements.

- a. All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance.

13. Inspection, Safety and Removal.

- a. The Borough of Sharpsburg reserves the right to inspect a solar PV system for building or fire code compliance and safety.
- b. If upon inspection the Borough determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Borough may order the lot owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the lot owner of his or her right to appeal such determination.

- c. If a lot owner fails to repair or remove a solar PV system as ordered, and any appeal rights have been exhausted, the Borough may enter the lot, remove the system and charge the lot owner and or facility owner and operator for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the lot owner's expense.
  - d. In addition to any other available remedies, any unpaid costs resulting from the Borough's removal of a vacated abandoned or de-commissioned solar PV system shall constitute a lien upon the lot against which the costs were charged. Legal counsel of the Borough shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Borough in connection with the removal work and the filing of the municipal claim.
14. Permit Requirements.
- a. Before any construction or installation on any solar PV system shall commence, a permit issued by the Borough of Sharpsburg shall be obtained to document compliance with this Ordinance.

## Article VI Signage

### §601. Purpose.

It is the purpose of this Section to provide for the regulation of various signs within the District in which they are located.

### §602. Sign application and Sign Permit.

A sign application shall be prepared and a permit shall be issued by the Borough for all permanent signs.

### § 603. Sign Regulations:

#### Purpose:

It is the purpose of this Section to provide for the regulation of various signs within the District in which they are located.

#### Residential Districts:

Signs shall be permitted in residential districts subject to the following:

- A. No sign shall be fixed higher than ten (10) feet above the general level of the ground in the immediate area in which it is located.
- B. Nameplate Signs: Only one nameplate sign shall be permitted for each dwelling unit not exceeding one and one-half (1 1/2) square feet in area, indicating the name or address of the occupant, and permitted business, except that on a corner lot two (2) such signs, with one facing each street, shall be permitted.
- C. Identification Signs:
  1. Only one identification sign shall be permitted for each multi-family dwelling unit containing two (2) or more dwelling units. The size of such sign shall not exceed eight (8) square feet in area, indicating the name and address of the building, and the management company, if applicable, except that on a corner lot, two (2) such signs, with one facing each street, shall be permitted. Non-residential uses approved in residential districts as conditional uses may install signage in accordance with Section 3(E) herein.
  2. "For Sale" or "For Rent" Signs: Only one (1) such sign shall be permitted for each property and shall not exceed ten (10) square feet in area. All such signs shall be removed within seven (7) days when no longer needed.
  3. Bulletin Signs for Houses of Worship: Only one (1) such sign shall be permitted for each place of worship and shall not exceed fifteen (15) square feet in area.
  4. No flashing, illuminated, moving or animated signs shall be permitted.
  5. All signs shall either be located within the front yard of the residence, or in the case of a building or wall mounted sign, shall not exceed fifteen (15) inches in depth, and no signs shall be placed within any right-of-way.

## Signage

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### Business, Mixed Use, and Industrial Districts:

The number, type, and size of signs permitted in a Business, Mixed Use, or Industrial District are as follows:

- A. Each business located within a Business, Mixed Use, or Industrial District shall be permitted to mount or erect one:
  1. Wall mounted sign, one (1) roof sign, one (1) canopy sign, and one (1) free standing sign. Said free standing sign shall include a monument, pylon, pole, A-frame, or groundtype sign. If a business is located on a corner lot, said business is permitted to mount one (1) additional wall mounted sign, with one facing each street. No signs shall be placed within any right-of-way.
  2. Wall Mounted Signs: The total area of wall mounted signage shall not exceed fifteen (15%) percent of the total front surface area of the business or a total signage area of two hundred (200) square feet, limited to the face and sides of the building, in the case of a business located on a corner lot aforesaid, whichever is lesser.
  3. Roof Signs: Roof signs shall not exceed twelve (12) feet in height and the total area of signage shall not exceed fifty (50) square feet. Said roof signs shall be mounted on the roof of the business, must have sufficient clearance (6"), and no portion of the roof sign shall project or extend beyond the front of the building.
  4. Canopy or Awning Signs: Canopy or awning signs shall be located in front of the business, the minimum height of which shall be fourteen (14) feet measured from the ground level to the bottom of the awning, and a maximum height not to exceed seventeen (17) feet measured from ground level to the top of the awning.
  5. Free-Standing Signs: The total area of free-standing signs shall not exceed one (1) square foot for each lineal foot of building frontage, the total area of which in any case shall not exceed a maximum of fifty (50) square feet. Monument signs shall not exceed twelve (12) feet in height. Pylon signs shall not exceed twelve (12) feet in height. Pole signs shall not exceed twenty-five (25) feet in height in a Business District and Mixed-Use District, and thirty-five (35) feet in height in an Industrial District. Ground or A-frame signs shall be permitted to be located in any front or side' yard area, provided they are that they are in conformance with the performance standards of this Section.
  6. No flashing, moving, or animated signs shall be permitted except pole, A-frame or ground signs. Only pole, A - frame, or ground signs shall be permitted to be illuminated but said illumination shall not create undue glare or shine directly into any residential dwelling, or obstruct or impair the visibility of any passing motorist or pedestrian traveling along any public way or street, create a public safety hazard, or disrupt the quiet enjoyment within any residential dwelling. All signs which are permitted to be illuminated pursuant to this Section shall be interior illuminated only.
  7. No sign erected in conjunction with a commercial business district which is located within one hundred and fifty feet (150') of a residential district zoning boundary shall be illuminated between the hours of Midnight (12:00 A.M.) and 6:00 A.M., unless the business operates twenty-four (24) hours a day, and is open to the public.

### Temporary Signs:

- A. Temporary signs, including but not limited to banner or "tarp" signs, shall be permitted for a period not to exceed thirty (30) days in any consecutive 12-month period, and shall be limited to two (2) signs per business with the total area of such signage not to exceed thirty-two (32) square feet total. Such signs must be located on the business premises, and must otherwise conform to the requirements of this Section.

"For Sale" or "For Rent" signs:

- A. Only one "For Sale" or "For Rent" sign shall be permitted per property and shall be located in the front of said property.
- B. All "For Sale" or "For Rent" signs shall not exceed ten (10) square feet in area. All such signs shall be removed within seven (7) days when no longer needed.

Billboards:

- A. Billboards shall not be permitted in any Residential, Business, or Mixed-Use District. Billboards shall only be permitted in an Industrial District.
- B. Billboards must have a minimum separation distance of five hundred (500) feet.
- C. The signage area of billboards shall not exceed one hundred (100) square feet.
- D. Billboards shall not be mounted on a roof, wall, or other part of a building or any other structure.
- E. All billboards must be in conformance with the performance standards of this Section.

Performance Standards:

All signs under this Section shall be subject to the following performance standards:

- A. Signs shall be properly maintained, in good working order, and legible in appearance.
  - 1. All portions of signs shall be a minimum of fifteen (15) feet from any right-of-way or adjoining property line except flush mounted signs, but in no case shall any sign project or extend into a public right-of-way and otherwise shall be located within the property lines or boundaries of the subject property.
  - 2. All signs shall be located so as not to interfere with the regular and orderly flow of pedestrian and vehicular traffic, or otherwise cause or contribute to causing a threat to the health, safety and welfare of any individual, including, but not limited to, a resident, motorist, or pedestrian.
  - 3. Permits Required: A building and sign permit are required before any sign may be erected or mounted within the Borough of Sharpsburg. All applicants who apply for a sign permit shall pay a permit fee to the Borough Secretary, in accordance with the Borough of Sharpsburg's schedule of fees, as amended from time to time by Borough Council.
  - 4. No animated sign (except time and temperature indicators), signs illuminated by a flashing, pulsating or intermittent source, strung pennants or bare bulbs, or signs lighted in such a manner as to create glare conditions on adjacent properties or any adjacent street are permitted.
  - 5. Signs containing an integral lighting source, as well as their structural supports, must be made of non-combustible materials, meaning those materials which will not ignite or deform at temperatures below 1,200 degrees Fahrenheit.
  - 6. The maximum lumens measured at any one lot line of the lot on which the lumens are generated is zero (0).
- B. Maintenance and Inspection.
  - 1. Every permitted sign must be constructed of durable material, kept in good condition and repair.

2. If the durability and/or condition of said sign is not improved within the time period defined by the Zoning Officer, the sign can be removed by Sharpsburg Borough at the expense of the owner or person in possession of the lot on which the sign is located. The Zoning Officer will notify the responsible party with a certified letter prior to any removal action being taken by Sharpsburg Borough.
  3. Any damaged sign shall be repaired within sixty (60) days.
  4. Any sign which has been damaged to such extent that it may pose an imminent hazard to passersby, as determined by the Zoning Officer, must be repaired or removed immediately.
  5. Any internally illuminated sign cabinets or sign panels which have been damaged shall remain non-illuminated until repaired.
  6. Failure to comply with these sign maintenance requirements constitutes a violation of the Zoning Ordinance of Sharpsburg Borough.
- C. Removal of Signs.
1. On-premise signs advertising a use no longer in existence or a product no longer available must be removed or changed to advertise the new use or product immediately after cessation of the original use. Signs once removed can be replaced only by signs in conformance with this Ordinance.
  2. Whenever any business, activity or product on a lot is discontinued, vacated or no longer sold, all signs relating to the discontinued or vacated business must be removed within thirty (30) days of the vacation or discontinuance of the business or activity.
  3. If the landowner and/or developer fails to remove the sign by the end of the thirty-sixth (36<sup>th</sup>) day from which the permit had been issued, Sharpsburg Borough is permitted to remove the sign at the landowner and/or developer's expense.

## Article VII Non-Conformities

### § 701. Non-conformities

The provisions of this Section apply to buildings, structures, signs, lands and uses which would not be permitted as the result of the application of this Ordinance to their location or use in Sharpsburg Borough, or as a result of the reclassification of the lot containing them, or of the adoption of other amendments to this Ordinance after the initial passage. This Article is concerned with properties of inadequate area and/or frontage, uses of land and/ or structures for activities not permitted in the zone and structures placed on a lot too close to lot boundary lines for compliance with standards of the zone in which they are located.

#### A. Non-conforming Lots of Record.

1. Existing Lots of Record. Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the zone in which it is located, even though its dimensions are less than the minimum requirements of this ordinance. Where two or more adjacent lots of record with less than the required area and width are held by one owner on or before the date of enactment of this Ordinance, the request for a permit will be referred to the Zoning Hearing Board which may require replatting to fewer lots which would comply with the minimum requirements of this Ordinance.
2. No provision of this Ordinance relating to side and rear yard requirements will prevent the reasonable use of a non-conforming lot of record. The Zoning Officer may grant a reduction in the requirement for side yards and rear yards for lots of record which lack required lot width or depth. However, such yard dimensions may not be reduced by more than forty percent (40%) of that required without the approval of the Zoning Hearing Board.

#### B. Non-conforming Uses of Land and Structures.

1. Where at the effective date of adoption or amendment of this Ordinance, lawful use of land, or land and the structure or structures on it, exists and is made no longer permissible under the requirements of this Ordinance, as adopted or amended, such use may be continued indefinitely, so long as it remains otherwise lawful, provided the following conditions are applied.
  - a. No non-conforming use of land can be extended by acquisition of additional land to occupy a greater land area than was occupied at the effective date of adoption or amendment of this Ordinance.
  - b. No structure containing a non-conforming use but capable of being enlarged without violating setback or height requirements in the Zone where it is located may be increased in volume more than fifty percent (50%) over the volume of such structure at the time of adoption of this Ordinance or subsequent amendments that made the use non-conforming. A non-conforming use which occupies part of a structure may be extended throughout the structure it occupied at the time of adoption of this Ordinance or subsequent amendment that made the use non-conforming, but the expansion under such circumstances may not be extended to occupy land outside the original structure.
2. If any such non-conforming use of land or use of land and structures in combination ceases or is abandoned for any reason, including destruction of buildings, for a period of at least one (1) year, any subsequent use of such land, or land and structures in combination, must conform to the regulations for the Zone where such land is located, except that where a hardship to the operator of the non-conforming use clearly exists as a result of financial, health or other calamity, the Zoning Hearing Board may grant an extension of the one (1) year limit consistent with the hardship, but not more than one (1) additional year.

3. The non-conforming use of a structure or a lot may be changed only to a conforming use unless:
    - a. The Applicant demonstrates a hardship in converting the use to a conforming use; or
    - b. The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing non-conforming use. However, this requirement does not preclude an owner from selling a non-conforming use to a succeeding owner to operate as it was operated prior to the sale. Each succeeding owner of a non-conforming use must secure a zoning certificate of compliance from the Zoning Officer who may ask the Zoning Hearing Board for a decision if the owner has reason to doubt that the non-conforming use will be continued in the same manner as formerly.
  4. The non-conforming use of a structure and/or land, or combination of structure and land may be superseded by a use permitted in the Zone where the lot is located and the use of the premises must conform to the regulations of the Zone.
  5. Where a non-conforming use of structure and premises exists in combination, removal of the structure and/or use in the structure terminates the non-conforming use of the premises.
  6. The maintaining or strengthening to a safe condition of any non-conforming structure may not be interpreted as being denied by any portion of this Article.
- C. Non-Conforming Structures.
1. A structure that exists on a lot at the effective date of this Ordinance or any amendment to it and does not conform to the requirements regarding height or minimum setbacks from adjacent streets or lot lines, such structure may remain indefinitely subject to the following provisions.
    - a. Any replacement of a non-conforming structure must be made in compliance with the regulations governing development for the Zone in which the lot is located, except that if a hardship is alleged by the owner, the owner may request a special exception of the Zoning Hearing Board which may approve replacement on the same foundation that supported the structure to be replaced, but in no case a location that was less conforming than the original location.
    - b. If a non-conforming structure is moved, it must conform to requirements of this Ordinance regarding location on the lot.
- D. Record of Non-Conforming Uses.
1. The Zoning Officer must keep the data current by the addition of non-conforming uses as amendments to this Ordinance are adopted and by the deletion of non-conforming uses as they are eliminated.
  2. The record may be kept by map or written documentation.

## Article VIII Rezoning

### §801. Purpose of Rezoning.

Rezoning can be initiated to protect the safety, capacity and efficiency of Sharpsburg Borough's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Sharpsburg Borough Comprehensive Plan. See also the Pennsylvania Municipalities Planning Code §609.

### §802. Rezoning Application Forms.

Rezoning applications are completed on the official forms provided by the Zoning Officer. All Applicants submitting rezoning applications are required to prepare a series of plans, analyses and reports as enumerated in §804 to demonstrate the compatibility of a rezoning proposal.

### §803. Review of Rezoning Applications.

- A. The Zoning Officer:
  1. Will perform a review of the application and packet for completeness. An incomplete or insufficient application and packet will be returned to the Applicant. A completed application and packet will be forwarded to the Borough Planning Commission for review.
  2. Will provide the Applicant a letter within seven (7) business days stating that the application has been submitted with all required information attached.
- B. As part of the rezoning approval process, the Borough Planning Commission and Borough Council can consider the motivation and implications of each plan, analysis and report.
- C. The Borough Planning Commission:
  1. Will consider any projected beneficial and/or detrimental effects on Sharpsburg Borough and may hold a public hearing on the application, if they deem it applicable.
  2. Will Submit a written recommendation either in favor or not in favor of the rezoning proposal including a specific statement as to whether or not the proposed rezoning is in accordance with the objectives of the Sharpsburg Borough Comprehensive Plan.
  3. Will forward Borough Council a recommendation for the nature of action regarding rezoning.
- D. The Borough Council will hold a public hearing on the application and compose a brief summary explanation of its decision and forward the decision and explanation to the Applicant. Upon rezoning approval, the Zoning Officer will update the Zoning Map accordingly.

### §804. Application Criteria.

- A. Application Requirements. The plans and reports that a landowner and/or developer are to submit shall include:
  1. Sketch Plan.
  2. Estimated infrastructure (sanitary sewer and potable water) demands (gallons per day).
  3. Off-street parking projections (number of parking spaces) available on site.
  4. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, hours of operation.

5. Depending upon the location of lot access, infrastructure service/demands and impacts identified in §804.A.4. on adjoining lots, the Borough Council may require a landowner and/or developer to prepare other potential related studies. The Borough Planning Commission and the Borough Council reserve the right to request additional information as part of the rezoning review and approval process in order to evaluate the applicability of the rezoning.

## Article IX Permits

### §901. Building Permits.

- A. Building permit information regarding application, review and issuance is available from the Borough.

### §902. Occupancy Permits.

- A. Occupancy permit information regarding application, review and issuance is available from the Borough.

### §903. Temporary Use Permit.

- A. The purpose of a Temporary Use Permit is to ensure compatibility of the temporary use with surrounding lots.
- B. A Temporary Use Permit application is available from the Zoning Officer.
- C. Areas to be reviewed as part of the permit process may include, but not be limited to, traffic circulation, parking, public conveniences, signs and any other special operating characteristics.

### §904. Zoning Certificate.

- A. A zoning certificate is required prior to the establishment, change or alteration of any use, or the construction, enlargement, expansion or alteration of any structure.
- B. A Zoning Certificate application is available from the Zoning Officer.

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## Article X Amendments

### §1001. Enactment of Zoning Ordinance Amendments.

The Borough Council may amend, supplement, or repeal any of the regulations and provisions of this Ordinance as set forth in the PA MPC.

- A. The Borough Council will conduct hearings and make decisions in accordance with the PA MPC. Before voting on the enactment of an amendment, the Borough Council will hold a public hearing, pursuant to public notice.
- B. In the case of an amendment other than that prepared by the Borough Planning Commission, the Borough Council will submit each amendment to the Borough Planning Commission to provide the Borough Planning Commission an opportunity to submit recommendations.
- C. Prior to the public hearing on the amendment by the Borough Council, the amendment shall be forwarded to Indiana County for recommendations.

### §1002. Procedure for Landowner Curative Amendments.

- A. A landowner and/or developer who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which the landowner and/or developer has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the PA MPC, 53 P. S. §10916.1. See also §609, §610 and §916.1 of the PA MPC, 53 P. S. §10609, 10610, and 10916.1.
- B. The Borough Council will conduct hearings and make decisions in accordance with the PA MPC.
- C. The Borough Council, if it determines that a validity challenge has merit, may adopt landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council will consider material submitted by the landowner and also consider:
  1. The impact of the proposal upon roads, sewer facilities, water supplies, school and other public service facilities;
  2. 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 Ordinance or Zoning Map;
  3. The suitability of the lot for the intensity of use proposed by the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
  4. 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.

### **§1003. Procedure for Borough Curative Amendments.**

- A. If Sharpsburg Borough determines that this Ordinance, or any portion hereof, is substantially invalid, it can take the following actions:
  1. Sharpsburg Borough can declare by formal action, this Ordinance or portions hereof, substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Borough Council will:
    - a. By resolution make specific findings setting forth the declared in validity of this Ordinance which may include:
      - i. References to specific uses which are either not permitted or not permitted in sufficient quantity;
      - ii. Reference to a class of use or uses which requires revision; or,
      - iii. Reference to this entire Ordinance which requires revisions.
    - b. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
  2. The Borough Council will conduct hearings and make decisions in accordance with the PAMPC.

### **§1004. Content of Public Notice.**

- A. Public notices of proposed zoning ordinances and amendments include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within Sharpsburg Borough where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing. If the proposed amendment involves a Zoning Map change, notice of said public hearing shall comply with PA MPC §609(2)(i).

## Article XI Administration and Enforcement

### § 1101. Administration.

- A. Borough Council. Under this Ordinance, the Borough Council has the duty to:
  - 1. Consider and adopt or reject proposed amendments or the repeal of this ordinance as provided by law. Borough Council cannot hear and decide questions of enforcement that may arise.
  - 2. Appoint and remove members of Borough Planning Commission, Zoning Hearing Board and the Zoning Officer. Removal requires just cause and a formal hearing.
  - 3. Receive and consider Borough Planning Commission's ordinance-related recommendations.
  - 4. Ask for recommendations of the Borough Planning Commission on the adoption or amendment of this Ordinance and for these matters specified in §303(a) of the PA MPC, as amended.
  - 5. Advertise and host a public hearing before adopting a zoning ordinance or any of its amendments.
  - 6. Establish fees for the issuance of land development, building, occupancy and sign permits in accordance with PA MPC §717.3(e)
  - 7. May prescribe fees for processes outlined in PA MPC §717.3(e)
  - 8. Has exclusive jurisdiction to hear and render final adjudications for:
    - a. All applications pursuant to §508 of the PA MPC, 53 P. S. §10508, for approval of subdivisions or land developments under Part V of the PA MPC, 53 P. S. §10501 et seq.
    - b. Applications for conditional use under the express provisions of this Ordinance.
    - c. Applications for curative amendment to this Ordinance or pursuant to §609.1 and 916.1(a) of the PA MPC, 53 P. S. §10609.1, 10916.1(a).
    - d. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the PA MPC, 53 P. S. §10609.
    - e. Appeals from the determination of the Zoning Officer or the Borough Engineer in the administration of any land use ordinance or provisions with reference to sedimentation and erosion control and storm water management as enabled by the PA MPC.
- B. Borough Planning Commission. Powers and duties of Borough Planning Commission are those outlined in §209.1 of the Pennsylvania Municipalities Planning Code, as amended.
- C. Zoning Hearing Board. Powers and duties of Zoning Hearing Board are those outlined in Article IX of the Pennsylvania Municipalities Planning Code, as amended.
- D. Zoning Officer.
  - 1. Duties generally involve:
    - a. The day-to-day administrative procedures of this Ordinance.
    - b. Receiving, reviewing, and issuing of building and zoning permits and certificates of occupancy, maintaining records of applications and permits, performing inspections to determine compliance with this Ordinance.

- c. Notify persons violating this Ordinance.
    - d. Keeping this Ordinance and map up-to-date.
    - e. Accepting applications for and presenting facts at hearings before the Zoning Hearing Board.
  2. Borough Council may amend the duties of the Zoning Officer as deemed necessary for the health, safety and welfare of the residents.
  3. The Zoning Officer:
    - a. Must administer this Ordinance by its literal terms.
    - b. Does not have any discretionary power and can neither waive nor tighten any requirement of the Ordinance.
    - c. Is required to meet qualifications established by Sharpsburg Borough and the Pennsylvania MPC and must be able to demonstrate a working knowledge of the municipal zoning.
    - d. May also serve as the Building Inspector.
- E. Building Inspector.
  1. The Building Inspector enforces this Ordinance by issuing building permits and occupancy permits for only such structures and uses that comply with the provisions of this Ordinance. The Building Inspector conducts all inspections necessary to determine compliance with the Ordinance and maintains records thereof.
  2. The Building Inspector is responsible for:
    - a. Maintaining all of the records of this Ordinance including, but not limited to, all maps, amendments and variances, nonconforming uses appeals and applications.
    - b. Collecting fees that accompany applications for building and occupancy permits and variances.
    - c. Receiving, filing and forwarding to the Borough Council and the Borough Planning Commission for action all applications for amendments to this Ordinance.
    - d. Receiving, filing and forwarding to the Zoning Hearing Board all applications for variances and appeals.
  3. The Building Inspector may also serve as the Zoning Officer.

### **§ 1102. Enforcement Remedies.**

- A. Enforcement Notice.
  1. If it appears to Sharpsburg Borough that a violation of this Ordinance has occurred, Sharpsburg Borough will initiate enforcement proceedings by sending an enforcement notice as provided in this Ordinance.
  2. The enforcement notice must be sent to the owner of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, and to any other person requested in writing by the owner of record.
  3. An enforcement notice shall state at least the following:
    - a. The name of the landowner and any other person against whom Sharpsburg Borough intends to take action.

- b. The location of the lot 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 Ordinance.
- d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within the timeframe as defined by the enforcement notice.
- f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

B. Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance must, upon being found liable in a civil enforcement proceeding commenced by Sharpsburg Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by Sharpsburg Borough as a result thereof. No judgment may commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Sharpsburg Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues constitutes a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there can be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Magistrate Judge and thereafter each day that a violation continues will constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance must be paid over to Sharpsburg Borough. The appropriate officers their agents of the Borough are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance.
2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section can be construed or interpreted to grant to any person or entity other than Sharpsburg Borough the right to commence any action for enforcement pursuant to this Section.

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## Article XII Definitions

### § 1201. Definitions

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Chapter to have the meanings here indicated. The singular shall include the plural and the plural shall include the singular. The word "used" shall include the words "arranged," "designed" or "intended to be used." The present tense shall include the future tense. The word "may" is permissive. The word "shall" is mandatory.

**ABUTTING** - Having a common border with or being separated from such common border by an alley or easement.

**ACCESS** - A means of approach or entry to or exit from a lot, a site or a parcel.

**ADJACENT** - Within proximity to or sharing a common boundary.

**ALLEY** - A functional service way providing a secondary public means of access to abutting properties.

**ALTERATION** - Any change in a structure that increases or diminishes exterior dimensions or modifies openings in the exterior walls.

**AMENDMENT** - A refinement to this Ordinance which includes revisions to the zoning text and/or the Zone Map by resolution of the Borough Council.

**AMUSEMENT ARCADE** - Any business establishment where amusement devices are located.

**ANIMAL HOSPITAL** - A business establishment operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals.

**APARTMENT** - A building of three or fewer stories containing suite of rooms or a single room in a building with three (3) or more dwelling units, each with its own cooking, food storage, bathing and toilet facilities and with access directly or by a common hallway to the outside. An apartment building is three or less stories.

**APPLICANT** - A landowner and/or developer who has filed an application for development, including his heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT** - Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for zoning approval, for the approval of a subdivision or land development, or for the approval of a development plan. Every application for development must include the form designated by the Zoning Officer, the appropriate site plan and all other information required by this Chapter.

- A. **APPLICATION, FINAL** - The application for final approval of a development to be submitted by a land- owner and/or developer to the Borough.
- B. **APPLICATION FOR FINAL APPROVAL** - The application for development for final approval of a planned development to be submitted by a landowner and/or developer to the Zoning Officer.
- C. **APPLICATION FOR TENTATIVE APPROVAL** - The application for development for tentative approval of a planned development to be submitted by a landowner and/or developer to the Zoning Officer.
- D. **APPLICATION, PRELIMINARY** - The preliminary application of a development to be submitted by a land- owner and/or developer to the Borough.

## Definitions

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**APPROVAL, FINAL** - The ultimate approval of a planned development by Council which follows tentative approval and filing of the final development plan.

**APPURTENANCE** - The visible, functional or ornamental objects accessory to and part of a structure.

**ARTISAN WORKSPACE/SALES** - An establishment, in conjunction with or without a dwelling, designed for the preparation, instruction, display and/or sale of individually crafted work related to artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, literature or performance of fine arts such as but not limited to drawing, vocal or instrumental music.

**AUTO SALES/SERVICE AND REPAIR**- A business establishment used for the display or sale of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles and/or or boats. Such use may also include the servicing or repair of vehicles of the brand of vehicles sold at the establishment.

**AUTO WRECKING/VEHICLE SALVAGE YARD** - A lot used for the storage of any scrap material or junk, including without limitation appliances, fixtures, nonworking automobiles, automobile parts, machines or machinery parts, equipment, containers and building materials.

**AVERAGE FLOOR AREA:** The value created by dividing the floor area of the entire structure by the number of floors/stories in the structure.

**BAKERY/CONFECTIONARY** - A facility where baked goods are prepared and baked which may utilize an open flame and/or commercial grade kitchen.

**BANKS AND FINANCIAL INSTITUTIONS** - A business establishment where the principal business is the receipt, disbursement, or exchange of funds and currencies such as banks, savings, loans, credit unions or check cashing establishments. Establishment may not offer a drive thru window.

**BASEMENT** - The space enclosed by the foundation or ground floor walls of a building partly or wholly below the average level of the adjacent ground. A basement shall not be counted as a story for purpose of height measurements unless one-half (1/2) or more of its height is above the finished lot grade level.

**BED AND BREAKFAST** - A business establishment, other than that related to a sexually oriented business, that occupies a single-family dwelling and, if applicable, associated accessory structures where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events such as weddings, parties, seminars and conferences.

**BERM** - A bank of earth generally intended to screen activity on a lot from activity on an adjacent lot(s) or vice versa or public way.

**BEST MANAGEMENT PRACTICES** - Conservation practices or systems of practices and management measures that: (a) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; (b) minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; and (c) includes allowing proper use and storage of fertilizers/pesticides.

**BLOCK** - An area bounded by streets, right-of-ways, streams or other similar natural features.

**BLOCK FACE** - The contiguous facades of buildings along one (1) side of a street between two (2) intersecting streets. A corner lot shall have two (2) block faces.

**BOARD** - Any body granted jurisdiction under the Pennsylvania Municipalities Planning Code or a land use ordinance which has the authority to render final adjudications.

**BOARDING HOUSE** - A building arranged or used for overnight lodging by three (3) or more persons, but not exceeding ten (10) persons, with or without meals, for compensation by transient residents arriving upon their

own accord and not for the purposes as a sexually oriented business. Overnight loading occurs in individual sleeping rooms with no cooking facilities. A boarding house may include common areas and a common kitchen available for use by residents.

**BOROUGH** – Borough of Sharpsburg, Allegheny County, Pennsylvania.

**BOROUGH COUNCIL** - The governing body of the Borough of Sharpsburg, Allegheny County, Pennsylvania.

**BOROUGH MANAGER/BOROUGH SECRETARY** - The duly appointed Borough official designated to administer the regulations, programs and services of the Borough of Sharspburg.

**BOUNDARY** - A line which may or may not follow a visible feature that defines the limits of a geographic entity such as a block, a block numbering area, a census tract, a county, a municipality, a lot, a district, a property or a place.

**BREW PUB** - A business establishment which provides on-site alcoholic beverage sales for drinking on the premises, where food is served, where live entertainment (not including adult entertainment) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian.

**BREWERY** – A facility that brews ales, beers, meads, and/or similar beverages on site.

**BUFFERYARD** - An area of land together with trees, grass, ground cover, shrubs, bushes, or other natural landscaping material, walls, berms or fences thereon, located between different land uses to minimize potential conflicts between them.

**BUILDING, ACCESSORY** - A detached, subordinate building, the use of which is clearly incidental to the principal structure or use of the lot.

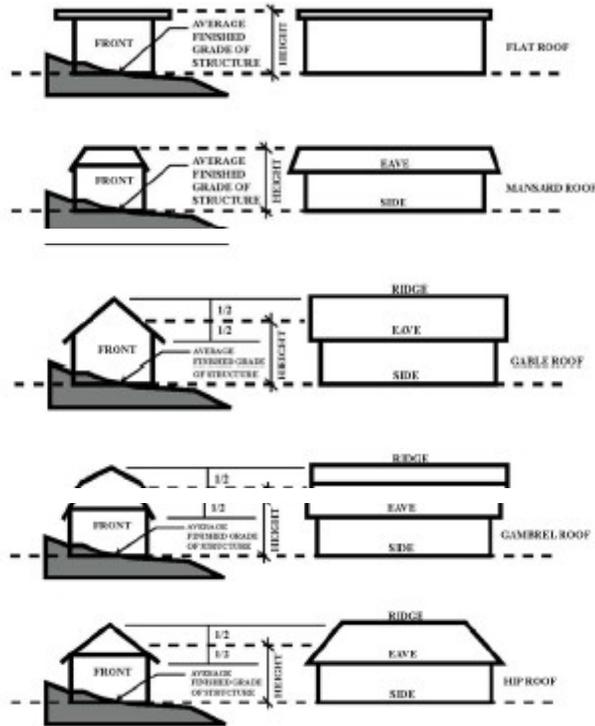
**BUILDING COVERAGE** - That percentage of the lot area covered by the buildings. In determining building coverage, cornices, eaves and gutters shall be excluded.

**BUILDING HEIGHT** - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the following points:

[DIAGRAM ON FOLLOWING PAGE]

## Definitions

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**BUILDING-INTEGRATED SYSTEM**- A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

**BUILDING LENGTH** - The longest dimension of a building, measured to the outside walls at ground level.

**BUILDING LINE** - A line parallel to and a distance from the lot lines in accordance with the requirements of this Chapter.

- A. **BUILDING LINE, FRONT** - A line parallel to the front lot line, a distance from the front lot line in accordance with the front yard or setback requirements of this Chapter.
- B. **BUILDING LINE, REAR** - A line parallel to the rear lot line at a distance from the rear lot line in accordance with the rear yard or setback requirements of this Chapter.
- C. **BUILDING LINE, SIDE** - A line parallel to the side lot line in accordance with the side yard or setback requirements of this Chapter.
- D. **BUILDING MATERIAL YARDS OR ESTABLISHMENTS** - A place for short- or long-term storage, collection and/or distribution of heavy equipment, machinery or materials used in construction, farming or industrial operations.

**BUILDING, NON-CONFORMING** - A lawfully existing building or other structure which contains a conforming use, but which does not comply with the applicable lot size requirements, lot coverage limitations, off-street parking requirements or other requirements related to the characteristics of the structure or its location on the lot, may be continued so long as it remains otherwise lawful.

**BUILDING PERMIT** - A document issued by the Borough which allows construction to proceed.

**BUILDING, PRINCIPAL** - The building housing the principal use of the lot on which it is located.

**CELL** - The smallest basic solar electric device which generates electricity when exposed to light.

**CLINIC, SMALL-SCALE** - A building or structure where two (2) 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 a first-come, first-serve basis and does not take appointments. It has relatively high pedestrian or customer traffic throughout the year. Any facility for methadone treatment, other narcotic or similar treatment programs approved by the Pennsylvania Department of Health shall not be considered a small-scale clinic use.

**CLUB/LODGE** - A business establishment, other than a sexually oriented business, operated for social, recreational, educational or fraternal purposes, some serving alcoholic beverages where permitted, but open only to members and their guests.

**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 designed 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.

**COMMUNITY CENTER** - A building where activity for the benefit of the general public occurs with meeting rooms and/or accessory fitness facilities.

**COMPREHENSIVE PLAN** - The official Comprehensive Plan of Sharpsburg Borough, as amended from time to time, adopted pursuant to the provisions of Article III of the Pennsylvania Municipalities Planning Code.

**CONDOMINIUM** - A multi-family dwelling where each dwelling unit in the structure is individually owned and the owner of each unit has an undivided interest in the common elements and facilities of the structures and surrounding grounds.

**CONSTRUCTION** - The construction, reconstruction, renovation, repair, extension, expansion, structural alteration or relocation of a structure, including the placement of mobile homes.

**CONTERMINOUS** - Having a common boundary or abutting.

**CONVENIENCE STORE** - A general merchandise and grocery store usually with less than 3,000 square feet of gross floor area and open for business for extended hours.

**COUNCIL** - The Borough Council of the Borough of Sharpsburg.

**COUNTY** - Allegheny County, Pennsylvania.

**COVERAGE** - A percentage figure referring to that portion of a lot covered only with principal and accessory buildings.

**DECIBEL** - A unit for measuring the relative intensity of sounds based on an expressed a ratio of two (2) amounts of acoustic signal power equal to ten (10) times the common logarithm of this ratio.

## Definitions

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**DENSITY** - The measurement of compactness of residential development as to the number of dwelling units per one (1) acre or forty-three thousand five hundred sixty (43,560) square feet.

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

**DEVELOPMENT** - The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings; any use or change in use of any buildings or land; or extension of any use of land, for which permission may be required pursuant to this Chapter.

**DEVELOPMENT PLAN** - The provisions for development, including a planned 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.

- A. **DEVELOPMENT PLAN, FINAL** - A development plan which has been submitted for final approval of a planned development to Council.
- B. **DEVELOPMENT PLAN, PRELIMINARY** - The written and graphic material describing provisions for development of a planned development, including a plan; the name of the planned development; all covenants relating to use, location, size, height and bulk of buildings and other structures; intensity of use or site density; parking areas; location and size of common areas; and uses submitted for tentative approval.

**DISABLED** - "Handicapped" as defined according to the Fair Housing Act Amendments of 1988, 42 U.S.C. § 3602(h), and any amendments thereto.

**DISTURBANCE** - Grading, excavation, construction and similar activities that have occurred or may occur on a lot.

**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.

**DOCKS/PORTALS FOR WATER ACCESS** - A constructed or altered segment of the riverbank or shore used for the purpose of enabling a recreational boat to be placed into the water from a trailer or other apparatus used to transport or store the boat.

**DRIVEWAY** - A vehicular connection from a lot to the public right-of-way. A driveway terminates at the right-of-way line and/or the access drive.

**EASEMENT** - Authorization by a lot owner of the use by another and for a specified purpose of any designated part of his lot.

**ELECTRONIC NOTICE** - Notice given by the Borough 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 SERVICES** - Any service to citizens for injury or life-threatening events, including but not limited to ambulance, paramedic or fire and rescue services provided by a public or private agency. A building, structure and/or lot used for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment utilized to provide private rescue or ambulatory services, fire and/or police services.

**ENGINEER** - An individual licensed and registered to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed as set forth in P.L. 534, No. 230; however, a professional engineer may perform engineering land surveys.

**ENGINEER, BOROUGH** - A licensed and registered professional engineer in Pennsylvania designated by the Borough to perform the duties of engineer as herein specified.

**ERECTED** - Anything built, constructed, reconstructed or moved on or upon any lot.

**ESSENTIAL SERVICES** - The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, disposal or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, off-street parking spaces 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 governmental agencies or for the public health, safety or general welfare, but not including buildings.

**FACADE** - The exterior walls of a building that can be seen by the public.

**FAMILY** - An individual, or two (2) or more persons related by blood, marriage, or adoption or foster child care, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or not more than five (5) persons living together in a group living arrangements with supervision, provided that the group living arrangements meets all of the following criteria:

- A. It provides non-routine support services, including supervision, personal care, social or counseling services and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of a physical disability, old age, mental disability, or other handicap or disability as defined by the Fair Housing Act and the Americans with Disabilities Act.
- B. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long term basis, a joint economic, social and cultural life;
- C. Does not involve the housing of persons on a non-permanent basis;
- D. Does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of correction or similar institution;
- E. Family shall not include persons living together in a Group Care Facility, Group Care Home, Boarding House, Personal Care Home, as defined herein or any other supervised group living arrangement for persons not protected by the Fair Housing Act or the Americans with Disabilities Act or any persons who constitute a direct threat to others or their physical lot.

**FCC** - Federal Communications Commission.

**FENCE** - An artificially constructed barrier of specified material or combination of materials erected to enclose or screen areas of land or portions of buildings or structures.

**FILL** - Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. Fill also can refer to the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

**FINAL DRAWINGS** - Drawings submitted for final approval of a planned development.

**FLOOR AREA, GROSS** - The sum of the gross horizontal areas of all of the floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**FOOTCANDLE** - Unit used to measure the amount of light falling on a surface at a point on a surface which is one foot from, and perpendicular to, a source of illumination that produces one (1) uniform candela.

## Definitions

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**FORESTRY** - The management of forests and timber lands 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.

**FRONTAGE** - The portion of a lot between the facade and the lot line that fronts the thoroughfare or a civic open space or the privately held portion between the facade of a building and the lot line.

**FUEL/SERVICE STATION** - A business establishment supplying gasoline and oil, tires, accessories and services for vehicles directly to the populace, including minor repairs and the sale of groceries, but not including such major repairs as spray painting, body, fender, axle, frame, major engine overhaul or recapping/ retreading of tires.

**FUNERAL HOME** - A building licensed by the Commonwealth of Pennsylvania that contains a suitable storage room for the deceased and may include embalming facilities and rooms for the display of burial ceremonies of the deceased, but excludes crematories.

**GARAGE** - A building or structure part thereof, used or intended to be used for the parking and storage of motor vehicles.

- A. **GARAGE, PRIVATE** - An accessory use which is attached to or an integral part of a residential building or dwelling unit or an accessory structure used for the storage of motor vehicles and other personal property owned and used by the residents of the residential building or dwelling unit and in which no occupation, business or service for profit is carried on. A private garage may be used for the storage of not more than one (1) commercial vehicle owned or used by the owner or tenant of the residential building or dwelling unit and for the storage of not more than three private noncommercial vehicles owned or used by persons other than owner or tenant of the residential building or dwelling unit.
- B. **GARAGE, PUBLIC** - Any building used for temporary parking of motor vehicles for an established fee or reservation and where said garage is not associated with other automotive retail uses.

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

**GOVERNMENT OPERATIONS** - See Post Office, Emergency Services, Municipal Buildings.

**GRADE, ESTABLISHED** - The elevation of the center line of the streets, as officially established by the Borough.

**GRADE, FINISHED** - The proposed or completed elevations of the land surface, including the surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**GROCERY STORE/BUTCHER SHOP/GREEN GROCER** - 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.

**GROUND FLOOR** - The floor of a building nearest in elevation to the exterior grade at the front of the building.

**GROUND-MOUNTED SYSTEM** - A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

**GROUP CARE FACILITY** - A premise providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems, or past correctional offenses require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

**HABITABLE SPACE** - The area of a building for living, sleeping, eating or cooking and comfort facilities.

**HEALTH/FITNESS CLUB** - Any establishment having a source of income or compensation derived from offering a service to the public involving health, healing or fitness-related activities and providing or offering to provide physiological or psychological healing or therapy. This includes but is not limited to a health club, massage therapy establishment and public spa or public hot tub. This term shall not include any business or establishment operated for the practice of a profession which is licensed by the Commonwealth of Pennsylvania, such as physicians, dentists, nurses, podiatrists, chiropractors, physical therapists and similar occupations. Massage facilities shall constitute no more than five (5) percent of the floor area of the building.

**HI-RISE RESIDENTIAL** - A building of no less than four stories with a suite of rooms or a single room in the building with three (3) or more dwelling units, each with its own cooking, food storage, bathing and toilet facilities and with access directly or by a common hallway to the outside.

**HOME BASED BUSINESS, NO IMPACT** - A business administered or conducted 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 must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
- E. No on-site parking of commercially identified vehicles shall be permitted.
- F. 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.
- G. The business activity may not generate any solid waste or sewage discharge, in volumes or type, which is not normally associated with residential use in the neighborhood.
- H. The business activity shall be conducted only within the dwelling and may not occupy more than twenty- five (25) percent of the habitable floor area.
- I. The business may not involve any illegal activity.

**HOME OCCUPATION** - A business conducted within a dwelling whereas said business is not classified as a home based business, no impact.

**HOSPITAL** - Building(s) used for the short-term care of patients suffering from physical or mental illnesses, but not including narcotics addiction or those found to be criminally insane, and which may or may not be publicly or privately operated.

**HOTEL** - A business establishment, not including a sexually oriented business, inclusive of a building or portion thereof designed or used for transient rental for sleeping purposes. All room access is through interior hallways or courtyards. No cooking facilities, other than a microwave or toaster oven, may be permitted in any sleeping room. Accessory shops, restaurants, swimming pool, fitness center, spa, services and conference centers catering to the general public can be provided where conference rooms and banquet halls are also be available for rent. Supervision is provided in shifts twenty-four (24) hours a day by an on-site manager.

## Definitions

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HVAC - Equipment used to heat, cool or ventilate a structure.

IMPERVIOUS SURFACE - Any material that prevents, impedes, or slows infiltration or absorption of stormwater directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel and other surfaces.

IMPERVIOUS SURFACE COVERAGE -The portion of the lot area covered by impervious surfaces; impervious surface coverage shall be measured as a percentage of the total lot area.

IMPERVIOUS PAVING OR IMPERVIOUS PAVEMENT - Pavement designed to prevent percolation or infiltration of stormwater through the surface into the soil below where the water is naturally filtered and pollutants are removed.

IMPROVEMENTS FOR DEVELOPMENT (IMPROVEMENTS) - Those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to grading, swales, detention/retention basins, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and street shade trees.

INFILL - Development of vacant or remnant lands within an existing neighborhood.

INFILTRATION BASIN - A stormwater BMP that is constructed within highly permeable soils that provides temporary storage of stormwater runoff. An infiltration basin does not normally have a structural outlet to discharge runoff from the stormwater quality design storm. Instead, outflow from an infiltration basin is through the surrounding soil.

INFILTRATION BERM - An Infiltration Berm is a stormwater BMP consisting of a mound of compacted earth with sloping sides that is usually located along a contour on relatively gently sloping sites. Berms can also be created through excavation/removal of upslope material, effectively creating a Berm with the original grade. Berms may serve various stormwater drainage functions including: creating a barrier to flow, retaining flow for volume control, and directing flows. Grading may be designed in some cases to prevent rather than promote stormwater flows, through creation of "saucers" or "lips" in site yard areas where temporary retention of stormwater does not interfere with use.

INFILTRATION TRENCH - A stormwater BMP consisting of a "leaky" pipe in a stone-filled trench with a level bottom. An Infiltration Trench may be used as part of a larger storm sewer system, such as a relatively flat section of storm sewer. Or it may serve as a stormwater system for a small area, such as a portion of a roof or a single catch basin. In all cases, an Infiltration Trench must be designed with a positive overflow.

KILOWATT (KW) - A unit of electrical power equal to 1,000 Watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. 1,000 kW is equal to 1 megawatt (MW).

LAND DEVELOPMENT - The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

- A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of the number of occupants or tenure; or
- B. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- C. A subdivision of land Development in accordance with Section 503(1.1) of the Pennsylvania's Municipalities Planning Code and the Borough Subdivision and Land Development Code.

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

**LANDSCAPE ARCHITECT** - An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of landscape architecture.

**LAUNDROMAT** - A facility where patrons wash, dry or clean clothing or other fabrics in machines operated by the patrons.

**LAUNDRY AND/OR DRY-CLEANING PLANT** - A business establishment for receiving, pickup and pressing of garments and where cleaning or drying operations are conducted.

**LEED CERTIFIED BUILDING** - Shall mean a building certified, under the Leadership in Energy and Environmental Design (LEED) program of the United States Green Building Council that meets LEED standards for either New Construction and Major Renovation Projects or Core and Shell Projects.

**LIBRARY** - A public or semi-public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

**LIGHT MANUFACTURING** - The processing and fabrication of certain materials and products where no process involved will produce noises, vibration, water pollution, fire hazard or noxious emissions 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, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

**LOADING BERTH/SPACE** - An on- or off-street area for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**LOT** - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law, not including any part of a public right-of-way, and to be used, developed or built upon as a unit. A site or parcel may include more than one lot, but a lot cannot include more than one site.

- A. **LOT AREA** - The total area of a lot measured on a horizontal plane bounded by the front, side and rear lot lines of the lot.
- B. **LOT, BUILDABLE AREA OF** - That lot area in which the principal structure may be located and which is bounded by the front, rear and side building lines of the lot.
- C. **LOT, CORNER** - A lot situated at and abutting the intersection of two (2) or more streets. A corner lot has neither a rear yard nor a rear lot line.
- D. **LOT COVERAGE** - The percentage of the total area of a lot or lots occupied by buildings/ structures but not including any permanently uncovered paved areas, porches, patios or steps.
- E. **LOT DEPTH** - The mean horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.
- F. **LOT, INTERIOR** - A lot other than a corner lot with only one (1) frontage on a street.
- G. **LOT LINE** - A line that bounds a lot.
- H. **LOT LINE, FRONT** - That lot line which extends along a private or public street.

## Definitions

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- I. LOT LINE, REAR - That lot line which is most distant from and is most nearly parallel to the front lot line, except for corner lots and three-sided lots, which have no rear lot line.
- J. LOT LINE, SIDE - The lot line which is not a front lot line or rear lot line.
- K. LOT, THROUGH - A double frontage lot, the front lot line and rear lot lines of which abut streets, alleys or ways.
- L. LOT WIDTH - The distance between the side lot lines measured along the front building line of the lot.

LOT, NON-CONFORMING - A lot consisting entirely of a tract of land that:

- A. Has less than the prescribed minimum lot size, width, depth, or any combination thereof, for the district in which it is located.
- B. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot such size, width, depth, or any combination thereof, at such location would not have been prohibited by any Zoning Ordinance.
- C. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable Zoning Ordinance.

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.

MAJOR STREET - A street that predominantly serves through traffic.

MANUFACTURING, PROCESSING, PRODUCING OR FABRICATING OPERATION - 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 not otherwise defined as light manufacturing.

MARINA - A business establishment for secure mooring of recreational boats, including facilities for storage and repair of boats and sale of boating supplies and fuel, for use by the owner or resident of the lot, and those other than the owner or resident of the lot, upon which the facility is located. A marina may include a restaurant and/or boat and motor sales store/repair as an accessory use.

MASSAGE THERAPY ESTABLISHMENT - Any business or part thereof where massage therapy services are provided by a person having graduated from a massage therapy training program approved by the authorizing board within the Commonwealth of Pennsylvania or equivalent agency if trained in another state; by a person certified through a massage therapy certification examination approved by the National Commission for Certifying Agencies; by a person certified through the National Certification Board for Therapeutic Massage and Bodywork; or is a practitioner or member of either of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA).

MEDICAL OFFICE - A building or structure 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.

**MIXED NON-RESIDENTIAL/RESIDENTIAL** - A lot or building on or in which various non-residential and/or residential land uses are combined as an integrated development. A "single site" may include contiguous but unconsolidated lots.

**MOTEL** - A business establishment inclusive of a building or group of buildings, whether detached or in connected units, used as individual sleeping units with separate exterior entrances, open year-round and designed for temporary occupancy, primarily for transient automobile travelers. Supervision is provided in shifts by twenty-four (24) hour on-site management.

**MUNICIPAL BUILDING** - Any building, structure or lot used by the Borough, a municipal-related use or a municipal authority/commission created by the Borough including but not limited to administrative facilities and public works facilities.

**MULTI-FAMILY** - A building and lot are occupied by more than one family.

**MULTI-USE/PURPOSE TRAIL** - A way designed for and used by a variety of equestrians, pedestrians, and cyclists using non-motorized bicycles.

**NET METERING AGREEMENT** - An agreement with a local electric utility that allows customers to receive a credit for surplus electricity generated by certain renewable energysystems.

**NON-COMMERCIAL GREENHOUSE** - A facility, not associated with a business establishment, whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

**NON-CONFORMING STRUCTURE** - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of the Zoning Ordinance of Sharpsburg Borough 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 of the Zoning Ordinance of Sharpsburg Borough 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.

**OBSCENE MATERIALS** - Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written, visual media or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and taken as a whole, appeals to the prurient interest; and taken as a whole, does not have serious literary, artistic, political or scientific value.

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

**OCCUPANCY** - The physical possession upon, on or within any lot or structure for a use.

**OCCUPANCY PERMIT** - The written authorization issued by the Borough of Sharpsburg's Zoning Officer for use of land or buildings.

**OUTDOOR ADVERTISING** - Any sign, billboard, statuary or poster that directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

## Definitions

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**OWNER** - The person or persons having the right of legal title to, beneficial interest in or a contractual right to purchase a lot or parcel.

**PARCEL** - Any designated piece or tract of land located in the Borough established by a plat or otherwise as permitted by law.

**PARKING LOT OR FACILITY, PUBLIC** - A public garage or a paved, open off-street area other than a driveway or street with adequate means of access and used exclusively for the parking of vehicles of occupants or visitors of the lot; however, a driveway serving a single-family dwelling or which is for the exclusive use of an individual dwelling unit in a residential building may be used as parking area.

**PARKING LOT, PRIVATE** - An area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking by the public.

**PARKING SPACE** - An area of land reserved within a dedicated street right-of-way, public garage or a parking lot, for the parking or storage of one (1) motorized vehicle.

**PARKING SPACE, OFF-STREET** - An area wholly outside any public right-of-way, constructed to accommodate the storage of a vehicle as required by this Ordinance and, which is connected to a public street by a driveway.

**PARKING SPACE, ON-STREET** - An area wholly within a public street right-of-way constructed to accommodate the storage of a vehicle as required by this Ordinance.

**PARTY WALL** - A vertical divider or partition between adjoining structures owned in common or in severalty or by one owner alone and providing mutual rights of support for the respective adjacent buildings or structures.

**PEDESTRIAN-ORIENTED** - Development which is designed with a primary emphasis on the street sidewalk and on pedestrian access to the site and building, rather than on vehicle access and parking areas.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC)** - The Pennsylvania Municipalities Planning Code, Act 247 as amended, which is an Act that empowers municipalities to plan their growth and development as well as to govern the same by zoning, subdivision and land development ordinances, by official maps, to promote conservation of energy; to establish Planning Commissions [Agencies], Planning Departments and Zoning Hearing Boards.

**PERSON** - An individual(s), partnership(s), co-partnership(s), association(s), corporation(s), limited liability company(ies), limited liability partnership(s), and any and all other entities.

**PERSONAL AND PROFESSIONAL SERVICES** - A business enterprise conducted for gain which primarily offers services to the general public such generally operating on a first-come, first-serve basis and has relatively high pedestrian or customer traffic throughout the year such as shoe repair, valet service, watch repairing, barbershop, beauty parlors and related activities.

**PERFORMANCE SECURITY** - A financial guaranty to insure that all improvements, facilities or work requested by this Chapter will be completed in compliance with the Chapter and the approved plans and specifications of a development, including but not limited to a performance bond, line of credit or escrow account in the amount of one hundred ten (110) percent of the cost of the facilities or improvements.

**PERFORMANCE STANDARD** - A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare, heat or solid waste generated by or inherent in uses of land or buildings.

**PERMITTED USE BY RIGHT** - An authorized use which, upon an application for development, may be granted in accordance with the provisions of this Chapter.

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

**PHOTOVOLTAIC (PV)** - A semiconductor based device that converts light directly into electricity.

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

**PLACE OF WORSHIP** - A building use and/or lot where people regularly observe, practice, or participate in religious or spiritual services, meeting and/or activities.

**PLAN** - A survey of a lot upon which is shown the location of existing and/or proposed structures; existing contours and proposed grading; location and dimensions of yards; proposals for the disposition of sanitary waste and stormwater; indications of zoning compliance; name of Applicant and landowner; area location map; dates of preparation and revisions; and evidence of preparation by a registered architect, landscape architect or engineer.

**PLANNED MIXED-USE DEVELOPMENT** - An area of land, controlled by a land owner, to be developed as a single entity for a combination of residential and non residential 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 a municipal zoning ordinance.

**PLANNED RESIDENTIAL DEVELOPMENT** - An area of land, controlled by a land owner, to be developed as a single entity for a number of dwelling units, or combination of residential with or without supporting non-residential 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 a municipal zoning ordinance.

**PLANNING COMMISSION** - The Planning Commission of the Borough of Sharpsburg.

**PLAT** - The map or plan of a subdivision or land development, whether preliminary or final.

**PLAT, FINAL** - The final map of the land development or subdivision that is submitted for community approval and which, if approved, is filed with the County Recorder of Deeds.

**PLAT, PRELIMINARY** - A preliminary map of the proposed land development or subdivision that is submitted for Borough consideration.

**PORCH** - A covered entrance to a building or structure which may or may not be enclosed and which projects out from the main wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PRINTING, PUBLICATIONS, AND ENGRAVING PLANTS** - A business establishment that provides duplicating services using blueprinting, engraving or offset printing processes on paper, fabric or other materials and includes the collating and binding of books, booklets, reports and pamphlets, but does not provide self-serve facilities or accommodate walk-in trade. Duplicating services provided by photocopying or like technological processes are not included and are considered personal and professional services.

**PRIVATE** - Belonging to or concerning an individual person, company or interest independent from federal, state or local government agency.

**PROFESSIONAL OR BUSINESS OFFICES** - A business establishment that serves clients and operates on an appointment basis, with relatively low pedestrian or vehicular traffic, including offices of recognized professionals such as lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institution.; or an office of a governmental agency, social service organization, notary, public or private utility, political organization or the like not including a municipal facility.

**PUBLIC** - Owned, operated or controlled by a government agency, federal, state or local.

## Definitions

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**PUBLIC HEARING** - A formal meeting held pursuant to public notice by Council or the Planning Commission, intended to inform and obtain public comment prior to taking action in accordance with this Chapter.

**PUBLIC IMPROVEMENTS** - All streets, walkways, gutters, curbs, sewers, water lines and other utilities or related facilities to be dedicated to or maintained by the public.

**PUBLIC MEETING** - A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

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

**PUBLIC PARK, RECREATION AREA, PLAYGROUND** - Swimming pools, skating rinks, recreational centers and other recreational areas and facilities (excluding golf courses) owned and/or operated by the Borough or other public-sector designated entity. This also includes areas of land suitable for the development of specific active recreation facilities or leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including but not limited to baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multi-purpose fields and playground.

**PUBLIC PARKING FACILITIES** - An open, paved area, excluding a street or other public way, or a structure used for the parking of automobiles and available to the public, whether for free or for compensation.

**PUBLIC UTILITY BUILDING** - A building, structure or portion of a lot, which under public franchise or other lawful relationship, provides the public with transmission and communications services, electric distribution or other similar facilities or services.

**RAILROAD** - A public or private right-of-way on which tracks for trains are constructed.

**RAIN GARDEN** - A Rain Garden (also called Bio-retention) is a stormwater BMP consisting of an excavated shallow surface depression planted with specially selected native vegetation to treat and capture runoff and underlain by a sand or if needed gravel infiltration bed.

**REDEVELOPMENT** - The act of improving by renewing and restoring; the act or process of rehabilitating or rejuvenating a blighted area or accommodating new development within the context of existing streets and buildings.

**REPLACEMENT** - The act of removing an existing building/structure and constructing a new building/structure.

**RESEARCH AND DEVELOPMENT ESTABLISHMENT** - A building or group of buildings, including incubator facilities, but not medical laboratories, used primarily for applied and developmental research, where product testing may be an integral part of the operation and goods or products may be manufactured solely when necessary for testing, evaluation, and test marketing. This usage excludes the use of toxic, biological, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids.

**RESTAURANT, SIT DOWN** - A business establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state and whose principal method of operation includes one or both of the following characteristics: customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

**RESTAURANT, TAKE-OUT** - 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.

**RETAIL, LARGE** - Any business establishment not otherwise specifically defined in this Article that sells or rents commodities and/or services on the premises directly to the general public, available for immediate purchase and removal, but not including the manufacturing or processing of any products.

**RIGHT-OF-WAY** - That portion of land dedicated to public use for street or utility purposes.

**RIVER** - The Allegheny River.

**RIVERBOAT GAMBLING** - A boat, ferry, barge or similar structure licensed by the Commonwealth of Pennsylvania on which gambling games are allowed. This includes land-based facilities or uses which, which are required for access to riverboat gambling.

**RIVERFRONT DEVELOPMENT** - Any land development that occurs within the Riverfront Overlay. For the purposes of this Article, Riverfront Developments shall be classified as either a Riverfront Infill Development or a Riverfront Planned Development.

**RIVERFRONT DEVELOPMENT PLAN** - The provisions for riverfront development, including a riverfront planned development or riverfront infill 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 riverfront development plan" when used in this act shall mean the written and graphic materials referred to in this Article.

**RIVERFRONT INFILL DEVELOPMENT** - All Riverfront Developments that are not Planned Riverfront Developments. A Riverfront Infill Development shall not exceed five (5) acres.

**RIVERFRONT PLANNED DEVELOPMENT** - An area of land, controlled by a landowner, to be developed as a single entity for a single use or a combination of uses of five (5) acres or more, 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 borough zoning ordinance.

**ROOF LINE** - The top ridge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

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

**SCHOOL, COMMERCIAL/OTHER** - A specialized instructional establishment that provides on-site training of business, commercial, medical and/or trade skills such as accounting, data processing, computer repair, vocational trades and/or equipment usage.

**SCRAP YARD** - A lot used for the storage of any scrap material or junk, including without limitation appliances, fixtures, nonworking automobiles, automobile parts, machines or machinery parts, equipment, containers and building materials.

**SEMIPUBLIC USES** - Places of worship, places of assembly, schools, and other similar institutions of an educational, religious, charitable or philanthropic nature.

**SETBACK** - The minimum distance from a lot line required by the Ordinance where a building or structure may be built.

**SETBACK (LINE), FRONT** - The line extending the full width of the lot and situated at the minimum dimension defined from a front lot line.

## Definitions

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**SETBACK (LINE), REAR** – The line extending the full width of the lot and situated at the minimum dimension defined from a rear lot line.

**SEWAGE TREATMENT FACILITY** – Any designed for the collection, removal, treatment, and disposal of water-borne sewerage generated within a given service area.

**SEXUALLY ORIENTED BUSINESS** – An establishment, club, tap room, restaurant, theater or hall which features products for sale or entertainment that is distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity such as an adult book and video store or adult entertainment nightclub.

**SHORELINE** - Seventy-five feet (75') from the shoreline of the Allegheny River.

**SIDE YARD** - The line extending the full width of the lot and situated at the minimum dimension defined from a side lot line.

**SIGN** - Any letter, word, model, banner, flag, device, structure, representation or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, including the following types:

**ADA SIGNS** - Any sign needed for a facility or building to achieve compliance with the requirements of the American Disabilities Act.

**BULLETIN BOARD** - A non-electronic structure constructed with flat face(s), used for posting notices.

**CANOPY** - Any rigid structure, made of cloth, metal or other materials with the frame attached to a building and generally supported by the ground, extending over areas intended for pedestrian traffic, and the structure is primarily for purposes of shelter rather than advertising.

**DIRECTIONAL SIGN** - A sign directing traffic but bearing no advertising matter.

**FLAG** - A piece of cloth or bunting varying in size, color and design, used as a symbol, sign, signal, emblem or advertisement.

**GROUND (MONUMENT) SIGN** - Any sign supported by uprights or braces placed upon the ground and not attached to any building or the structure, having no more than two (2) faces.

**HOME OCCUPATION SIGN** - A sign permitted in association with an occupation conducted on the premises within a dwelling unit occupied by the operator of the business.

**ILLUMINATED SIGN** - Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

**MARQUEE** - Any permanent roof-like structure extending from the wall of a building, but not supported by the ground, constructed of durable material such as metal or glass, extending over areas intended for pedestrian and/or vehicular traffic, and the structure is primarily for purposes of shelter rather than advertising.

**POLE/PYLON SIGN** - A freestanding sign erected on a lot on a pole or pylon, the bottom edge of which is high enough to provide visibility for motorists and allow for safe pedestrian circulation underneath it.

**SINGLE-FAMILY DWELLING** - A dwelling unit and lot designed and intended to be occupied by one (1) family that is not attached to another dwelling unit.

**SITE** - A parcel of land located in the Borough, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one (1) lot.

**SITE AREA** - The total area of the lot or lots comprising a site.

SITE PLAN - A plan prepared by a registered surveyor, engineer, landscape architect or architect for a use authorized by right which contains the following:

- Name of Applicant and landowner
- Name of development, if any;
- Evidence of preparation by a licensed architect, landscape architect or engineer; Graphic and written scale; North arrow;
- Dates of preparation and revision of site plan;
- A site location map;
  - A site plan drawn to no greater than one hundred (100) foot scale upon which is delineated and clearly identified the location, extent and area in acres, if applicable, of the following: Property lines for the site and adjacent parcels;
  - Site area;
  - Proposed bufferyards;
  - Location and dimensions of existing and proposed public and private roads, streets, driveways, walks and paths;
  - Existing and proposed structures with proposed site density and approximate height of structures indicated for each proposed type of structure and use;
  - Proposed location and dimensions of all yards and open spaces;
  - Existing contours and proposed grading plan;
  - General proposals for the disposition of stormwater runoff;
  - Proposals for the disposition of sanitary wastes and the provision of water supplies;
  - All applicable areas or uses regulated or mandated by this Chapter, including but not limited to off-street parking, exterior lighting, signs and outdoor storage.

SOLAR-BASED ARCHITECTURAL ELEMENT- Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment.

SOLAR PHOTOVOLTAIC (PV) RELATED EQUIPMENT- Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

SOLAR PHOTOVOLTAIC (PV) SYSTEM- A solar collection system consisting of one or more building-and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system is a generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations and do not produce excess on-site energy greater than currently permitted by Pennsylvania Public Utility Commission guidelines.

## Definitions

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**SPECIAL APPROVAL** - a use permitted in a particular zoning district by the Borough Council upon satisfaction of all criteria enumerated in Part III of this Ordinance and pursuant to the provisions associated with Conditional Use in Article VI of the Pennsylvania Municipalities Planning Code, 53 P. S. §10601 et seq.

**STOOP** - An uncovered approach less than twenty-five (25) square feet in area or, if a covered approach, no posts are included in supporting such cover.

**STORAGE BUILDING FOR RETAIL ON PREMISE** - A structure for the storage of goods directly related to a retail use of the lot.

**STORAGE FIRM** - A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property. No sales, service or repair activities other than the rental of dead storage units are permitted on the premises.

**STORMWATER MANAGEMENT** - The collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, ground water, and/or runoff, together with applicable managerial (nonstructural) measures.

**STREET** - A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways, whether public or private, used or intended to be used by vehicular traffic or pedestrians.

**STREET GRADE** - The officially established grade of the street upon which a lot fronts or, in its absence, the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

**STREET LINE** - The right-of-way line of a street.

**STREET WALL** - A general reference as to how and where the parts of buildings that face the street line up to define the perceived boundaries of public and private space.

**STREET WIDTH** - The distance between street lines measured at right angles to the centerline of the street.

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

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

**SUBSURFACE INFILTRATION BED** - A stormwater BMP characterized by the temporary storage and infiltration of stormwater runoff accomplished by placing an infiltration bed of varying types beneath an engineered layer of soil and vegetation.

**SURVEY** - A precise legal description of a lot and the graphic delineation of precise lot boundaries; lot dimensions and areas; all easements and public and private rights-of-way; and North point and graphic scale affecting the lot, prepared by a professional land surveyor licensed and registered in the Commonwealth of Pennsylvania. The survey shall be on sheets of twenty-four (24) inches by thirty-six (36) inches.

**SWIMMING POOL** - Any body of water or receptacle for water having a depth at any point greater than two (2) feet or a surface area greater than two hundred fifty (250) square feet, used or intended to be used for swimming and constructed, installed or maintained outside any building.

**TAP ROOM** - A business establishment which provides on-site alcoholic beverage sales for drinking on the premises, without kitchen facilities, where live entertainment (non-sexually oriented business or establishment) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian.

**TATTOO SHOP** - A business establishment that includes placing of designs or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration or scarification of the skin by means of the use of needles or other instrument designed to contact or puncture the skin; and/or the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**TENTATIVE APPROVAL** - The grant of tentative approval of an application for development of a planned development by Council subsequent to a landowner and/or developer's submission of an application for tentative approval and a public hearing in accordance with Article VI of this Chapter.

**TERMINAL FACILITY** - A parcel used for a centralized storage of trucks or where trucks are congregated at a warehouse or other loading facility to load and unload products.

**THEATER** - A business establishment, other than an adult movie theater or adult movie house, inside a completely enclosed building devoted to showing pictures and/or live dramatic or musical performances on a paid admission basis. A theater usually contains an auditorium in addition to other performance-related facilities. This term shall not refer to a place of assembly.

**TOWER, NON-COMMUNICATION** - Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts, intended for the primary purpose of mounting any type of service except communications-related antenna or similar apparatus above ground.

**TOWNHOUSE** - A building which contains at least three (3) but no more than eight (8) dwelling units, each of which are separated from the adjoining unit or units by a continuous, common wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.

**TRACKING SYSTEM** - A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

**TRANSPARENT** - The condition/state of being clear, unobstructed by signage, interior graphic elements, reflective coating, translucent or textured finish, racking or any type of fixed furniture that can be seen through from both the interior and exterior of the structure.

**TRANSPARENCY** - The degree to which something is transparent.

**TWO-FAMILY DWELLING** - A freestanding building containing two (2) dwelling units for two (2) families, arranged in a side-by-side or over-and-under configuration.

**WAREHOUSE** - A building or structure used for the storage and handling of goods, materials, freight, or merchandise awaiting sale on another lot or location, but not including the maintenance or fueling of commercial vehicles. Warehousing which is incidental to retail sales and which does not constitute in excess of thirty (30) percent of the total floor area of the retail establishment shall be excluded from this definition. Incidental sales may occur on the lot.

**UNDEVELOPED LAND** - Any lot or portion of a lot which has not been graded, improved or prepared for the construction of a building, structure or improvement.

**UNREGULATED YARD AREA** - Area not within a building and not in a defined setback or yard area.

A. **USE** - An activity, business or purpose for which any lot or structure is utilized.

## Definitions

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- B. USE, ACCESSORY - A use customarily incidental and subordinate to the principal use of the lot.
- C. USE, AUTHORIZED - Any principal use or accessory use allowed by this Chapter as a permitted use by right, conditional use, use by planned development or use by special exception.
- D. USE BY SPECIAL EXCEPTION - An authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria.
- E. USE, CONDITIONAL - An authorized use which may be granted only by Council pursuant to express standards and criteria after recommendation by the Planning Commission and after a public hearing held in accordance with the requirements of this Chapter.
- F. USE, NONCONFORMING - A use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or an amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment.
- G. USE PERMITTED BY RIGHT - An authorized use which, upon an application for development, may be granted by the Zoning Officer in accordance with the provisions of this Chapter.
- H. USE, PRINCIPAL - The main purpose or activity for which a lot is used or for which a structure or part of a structure or lot is used.
- I. USE, TEMPORARY - A use requiring utilities, established for more than seven (7) but less than one hundred (100) consecutive days with the intent to discontinue upon the expiration of a specified time period.

VARIANCE - Relief granted pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code.

VEGETATED SWALE - A Vegetated Swale is a stormwater BMP consisting of a broad, shallow, trapezoidal or parabolic channel, densely planted with a variety of trees, shrubs, and/or grasses. It is designed to attenuate and in some cases infiltrate runoff volume from adjacent impervious surfaces, allowing some pollutants to settle out in the process. In steeper slope situations, check dams are used to further enhance attenuation and infiltration opportunities.

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

WHOLESALE BUSINESS - A business establishment primarily engaged in selling merchandise, dry goods, and food stuffs to retailers, institutional, commercial or professional business customers or other wholesalers, not to the general public. The activities may include the merchandise warehousing and distribution.

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 could support the placement or installation of a Wireless Communications Facility if approved by the Borough.

**YARD** - A required open space unoccupied and unobstructed by any principal structure or portion of a principal structure; however, accessory structures, parking areas and driveways are permitted in yards in accordance with the requirements of this Chapter.

- A. **FRONT YARD** - A yard extending across the full lot width and abutting the front lot line. The required minimum depth measurement of the front yard shall be the horizontal distance between the front lot line and a line parallel thereto at a distance from the front lot line in accordance with the yard requirements set forth in each district in this Chapter.
- B. **REAR YARD** - A yard extending between the side yards of the lot and abutting the rear lot line. The required minimum depth measurement of the rear yard shall be the horizontal distance between the rear lot line and a line parallel thereto at a distance from the rear lot line in accordance with the yard requirements set forth for each district in this Chapter.
- C. **SIDE YARD** - A yard abutting a side lot line, extending between the rear line of the front yard and the rear lot line. The required minimum width measurement of the side yard shall be the horizontal distance between the side lot line and a line parallel thereto at a distance from the side lot line in accordance with the yard requirements set forth for each district in this Chapter.

**ZONE** - A geographical area with boundaries that includes surface areas as indicated on the Zone Map.

**ZONING APPROVAL** - Approval under the provisions of this Chapter certifying that an application for development or application for occupancy permit has fulfilled the requirements of this Chapter.

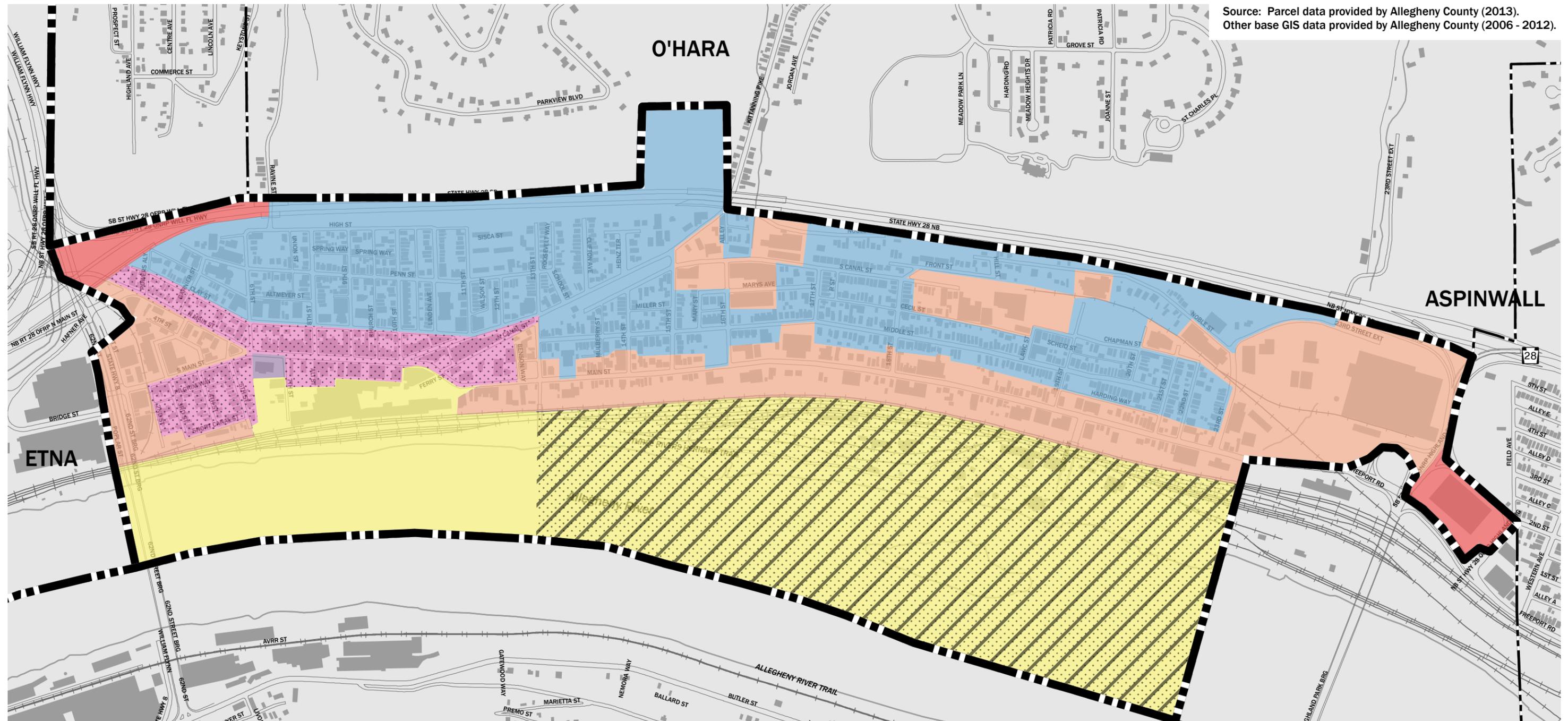
**ZONING HEARING BOARD** - A board appointed by Council to examine appeals for relief from strict conformance to application of this Chapter, to consider special exceptions and to hear testimony regarding the validity of any regulations upon development in the Borough and to perform those other functions which this Chapter directs it to perform.

**ZONING HEARING BOARD EXCEPTION** - A use permitted in a particular zone district upon satisfaction of all criteria enumerated in Part IV of this Ordinance and pursuant to the provisions associated with Special Exception of Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P. S. §10601 et seq.

**ZONING MAP OFFICIAL** - The official map of the Borough that indicates the districts and other relevant information thereon and shall be a part of this Chapter by reference.

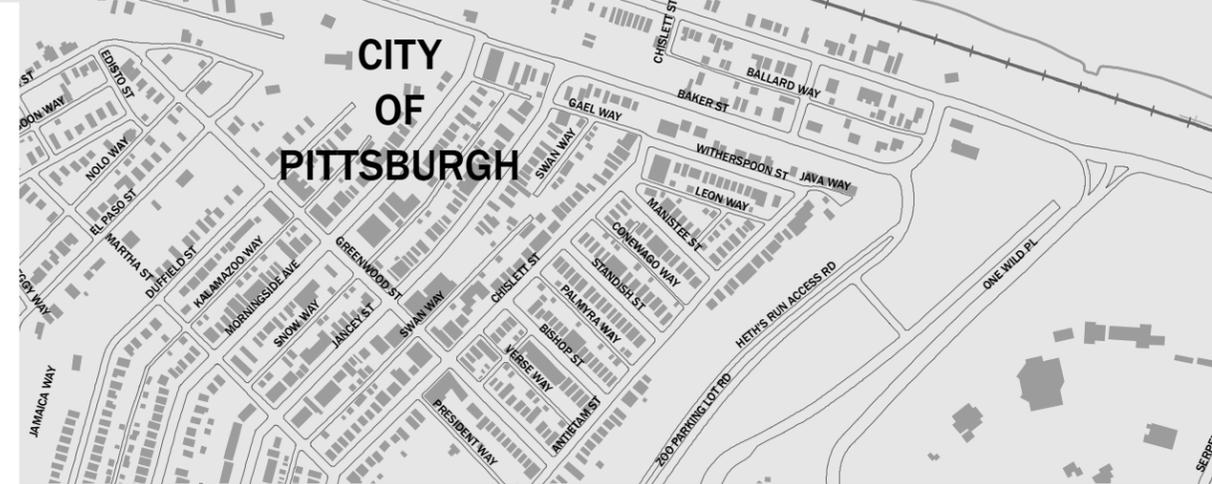
**ZONING OFFICER** - The administrative officer appointed by Council who shall administer and enforce the provisions of this Chapter in accordance with its literal terms. The Zoning Officer shall have all the powers and be subject to all the provisions set forth in the MPC with respect to Zoning Officers.

Source: Parcel data provided by Allegheny County (2013).  
Other base GIS data provided by Allegheny County (2006 - 2012).



**Legend**

- Study Area Boundary
- Municipal Boundaries
- Roads
- Buildings
- Railroads
- Rivers/Streams/Ponds
- R1: Residential District
- R2: Residential District
- B: Business District
- M: Mixed Use District
- I: Industrial
- II: Industrial I
- Riverfront Overlay
- Neighborhood Design Overlay



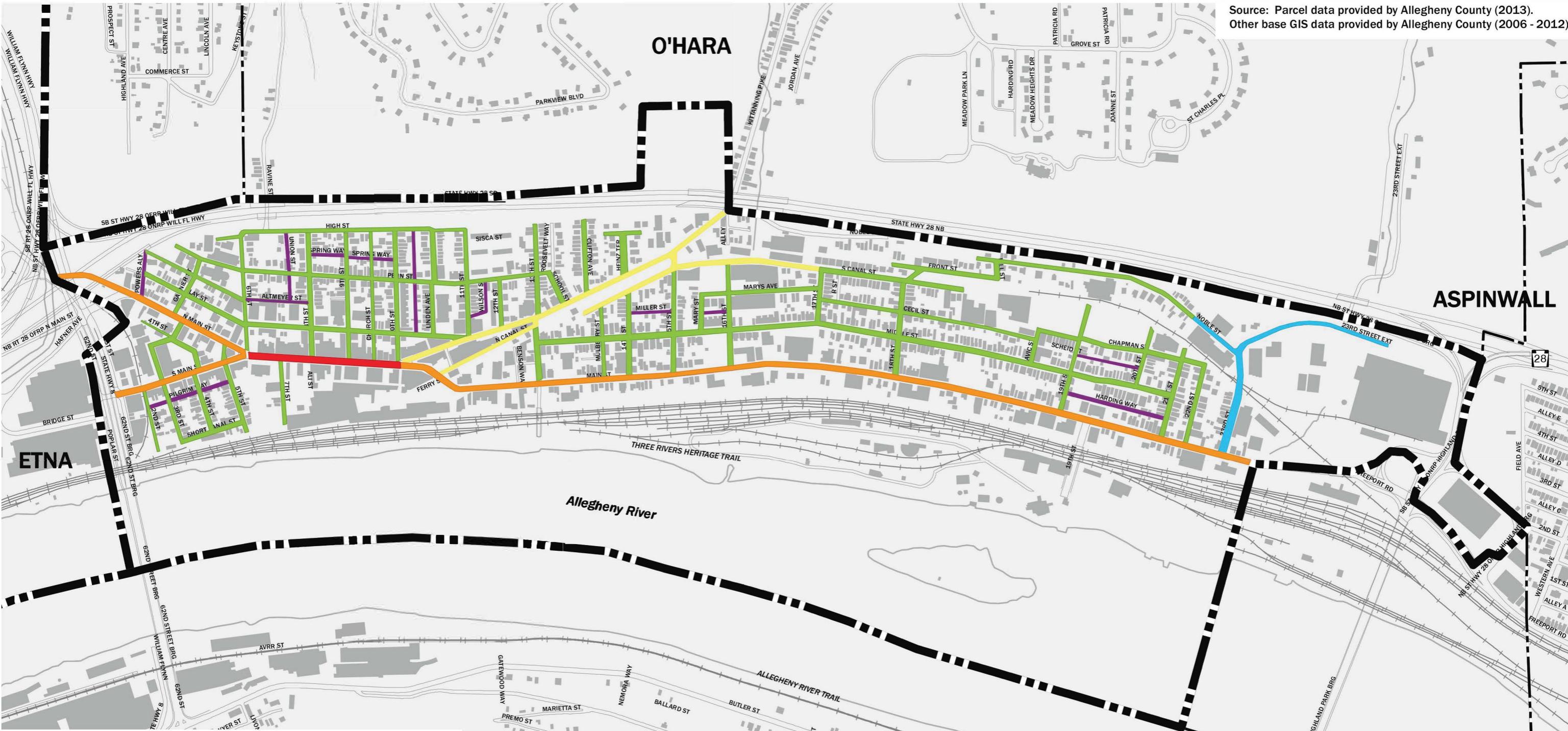
**ZONING MAP**  
**SHARPSBURG ZONING ORDINANCE**

Prepared for: Sharpburg Borough  
Prepared by: Environmental Planning and Design, LLC

September 2015  
2111.15.

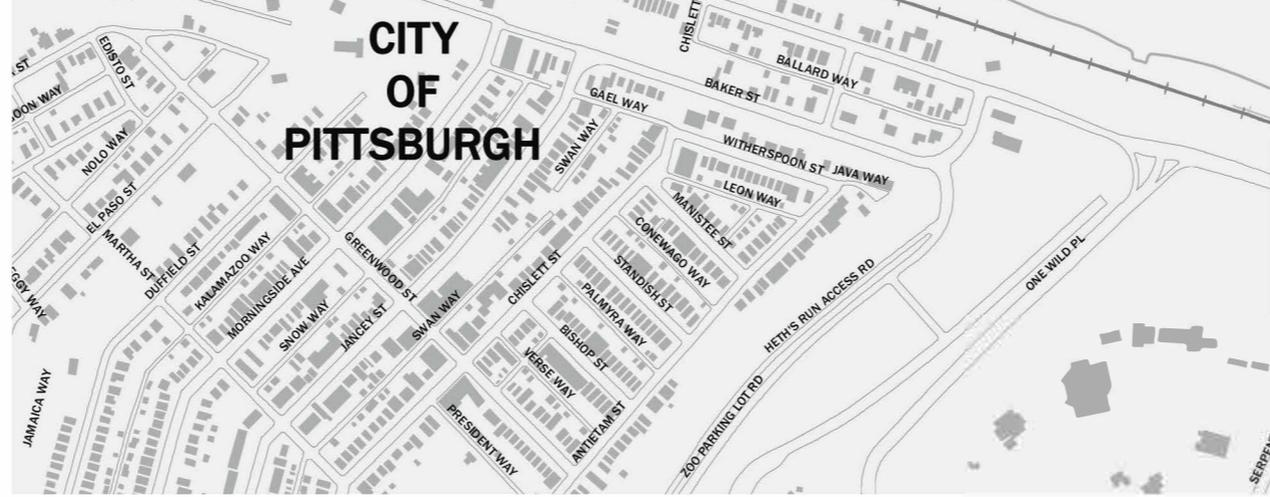
0 300 600 Feet

NORTH



**Legend**

- Study Area Boundary
- Municipal Boundaries
- Roads
- Buildings
- Railroads
- Rivers/Streams/Ponds
- Street Typology 1
- Street Typology 2
- Street Typology 3
- Street Typology 4
- Street Typology 5
- Street Typology 6



## STREET TYPOLOGY MAP

### SHARPSBURG ZONING ORDINANCE

Prepared for: Sharpsburg Borough  
 Prepared by: Environmental Planning and Design, LLC

July 2016  
 2111.16.

