

Elizabeth Borough
Allegheny County, Pennsylvania

ZONING ORDINANCE

ENACTED April 30, 2013

BOROUGH OF ELIZABETH, ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2013-002

**AN ORDINANCE OF THE BOROUGH OF ELIZABETH SUBSTANTIALLY
REVISING AND AMENDING THE BOROUGH OF ELIZABETH ZONING
ORDINANCE AND TO BE KNOWN AS THE BOROUGH OF ELIZABETH ZONING
ORDINANCE OF 2013.**

WHEREAS, the Borough of Elizabeth, by its duly elected Council, has determined that it is in the best interests of the economic development of the Borough, to change the zoning of a portion of the Borough to better suit the character of the neighborhood and expand the commercial area of the Borough; and

WHEREAS, Council has reviewed the zoning ordinance and the zoning map, and has determined that zoning changes are necessary in view of the ongoing efforts to revitalize the commercial business district in the Borough while retaining the integrity of the Borough's neighborhoods.

NOW THEREFORE, it is hereby ORDAINED by Council of the Borough of Elizabeth as follows:

Section 1. Council hereby adopts the following amendment to the fee schedule which shall amend and/or replace the fees provided for in Ordinance No. 483 and Amendment to Ordinance No. 483 and any other Ordinance adopted prior to this date with respect to the updates attached hereto as Exhibit "A".

Section 2. The official Zoning Map of the Borough of Elizabeth has been amended to reflect the area of the Borough effected by the zoning ordinance update.

Section 3. To the extent that the within ordinance is inconsistent with any prior ordinance or ordinances adopted by the Borough of Elizabeth, the within ordinance shall supersede and act to repeal the prior ordinance

Section 4. If any of the provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

This Ordinance has been adopted by Council of the Borough of Elizabeth this 30th day of April, 2013.

ATTEST:



Pam Sharp
Borough Secretary

BOROUGH OF ELIZABETH



Monica Glowinski, President
Council President

Elizabeth Borough
Allegheny County, Pennsylvania

ZONING ORDINANCE

Enacted
April 30, 2013

Steering Committee

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Funding and Technical Assistance

Funding was provided by Allegheny Places Municipal Planning Grant.

This Ordinance update was prepared on behalf of Elizabeth Borough by:



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Article I. PROVISIONS

Section 100. Grant of Power.

- (A) This ordinance replaces any former zoning ordinances for Elizabeth Borough.
- (B) The provisions of this Ordinance shall apply to all zoning districts, lots, structures, land developments and subdivisions within the municipal boundaries of Elizabeth Borough, Allegheny County, Pennsylvania.

Section 101. Long Title

- (A) A Municipal Zoning Ordinance regulating the location, height, bulk, erection, construction, alteration, razing, removal, and size of structures; the percentage of lot which may be occupied; the size of yards, courts, and other open spaces; the density and distribution of population; the intensity of use of land or bodies of water for trade, industry, residence, recreation, public activities, or other purposes; and the uses of land for agriculture, water supply, conservation, or other purposes, in all portions of Elizabeth Borough.

Section 102. Short Title.

- (A) This Ordinance shall be known and may be cited as “The Elizabeth Borough Zoning Ordinance.”

Section 103. Purpose.

- (A) This Ordinance is enacted pursuant to the Twin Rivers Council of Governments Comprehensive Plan and Allegheny Places and with consideration for the character of this municipality, its various parts, and the suitability of the various parts for particular uses and structures, for the following purposes:
 - (1) To promote, protect, and facilitate one (1) or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and National defense facilities; and the provision of adequate light and air, police protection, vehicle parking and loading/unloading space, transportation, water, sewage, schools, public grounds, and other public requirements, as well as:
 - (2) To prevent one (1) or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic, or other dangers.

Section 104. Relationship to the Comprehensive Plan and Community Development Objectives

- (A) This Ordinance is enacted to promote an orderly plan of development according to the goals, objectives and recommendations of the Twin Rivers Council of Governments (COG) Multi-Municipal Comprehensive Plan and Allegheny Places. The comprehensive plan includes data on existing conditions with reasonable consideration given to the existing character of the various areas within the municipalities and their respective suitability to particular land uses.
- (B) Specifically, it seeks to achieve the following Community Development Goals and Objectives:
 - (1) Promote infill development.
 - (2) Support fair housing practices for all.

- (3) Promote accessible and visitable housing.
 - (4) Encourage well-designed and contextually sensitive mixed use areas.
 - (5) Allow for a range of housing densities.
 - (6) Provide regulations which will provide adequate on-street and off-street parking areas and will assist in managing traffic and pedestrian access between residential and nonresidential areas.
 - (7) Preserve quality historic structures by promoting compatible use alternatives with an emphasis on the Central Business District in accordance with the 2001 Elizabeth Borough Central Business District Master Streetscape Plan.
 - (8) Provide for alternative uses for threatened or deteriorating commercial areas.
 - (9) Establish regulations which will allow for Traditional Neighborhood Development (TND) principles.
 - (10) Protect sensitive areas such as steep slopes, floodplains, woodlands, and open space through appropriate restrictions.
- (C) Specifically, it seeks to achieve the following Community Development Goals and Objectives found in Allegheny Places:
- (1) Direct development to existing urban areas
 - (2) Target investments for maximum return
 - (3) Maximize use of existing highways, transit and utilities
 - (4) Promote equitable and diverse development
 - (5) Protect environmental resources
 - (6) Optimize access to rivers
 - (7) Preserve quality existing places, our historical legacy and community character

Section 105. Conformance Required.

- (A) Following the effective date of this Ordinance, no building or land shall be used or occupied, no building or part thereof shall be erected, moved or altered and no site excavation shall take place unless in conformity with the regulations specified for the zoning district in which it is located or applicable special regulations.
- (B) The permitted uses enumerated for each zoning district are deemed to be exclusive and no other uses shall hereafter be permitted. The permitted uses are as enumerated for each zoning district and further defined in Article II Definitions of this Ordinance.
- (C) In all districts, after the effective date of this Ordinance, any existing land use, building, structure, or any tract of land which is not in conformity with the regulations of the district in which it is located, shall be deemed as non-conforming and be subject to the non-conforming regulations of this ordinance.
- (D) Following the effective date of this Ordinance, no building shall hereafter be erected or altered to exceed the height, accommodate a greater number of families, occupy a greater percentage of lot area or have narrower or smaller rear yard, front yard or side yards than are specified herein for the zoning district in which such building is located.
- (E) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

Section 106. Uses for Which No Provision Is Made

- (A) Uses that are similar to, and compatible with, a specifically listed use shall be permitted by conditional use in the same zoning district in which similar specifically listed use is permitted. Borough Council shall make findings with regards to the similarity of the uses.

Section 107. Interpretation

- (A) In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.
- (B) The interpretation and application of the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.
- (C) Whenever any regulations made under authority of this Ordinance impose higher standards of compliance than are required under the provisions of any other statute, the provisions of the regulations made under authority of this Ordinance shall govern, except when preempted by Federal or Commonwealth of Pennsylvania law.
- (D) Whenever the provisions of any other statute impose higher standards of compliance than are required under this Ordinance, the provisions of the other statute shall govern.
- (E) This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with the existing provisions of other laws or ordinances, except those specifically or implied repealed by this Ordinance or any private restrictions placed upon property by covenant, deed, or other private agreement unless repugnant hereto.
- (F) Provisions in any other ordinances that are concerned with design standards and which are enacted and administered for Elizabeth Borough shall not be considered to be in conflict with provisions of this Ordinance.

Section 108. Severability

- (A) It is hereby declared to be the intent of the Elizabeth Borough Council that:
 - (1) If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, tract of land, or other structure to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the dispute and the application of any such provision to other persons, property, or situations shall not be affected.

Section 109. Effective Date.

- (A) This Ordinance shall take effect immediately upon enactment by the Borough Council on the 30th day of April, 2013.

Article II. DEFINITIONS

Section 200. Interpretation of Words.

- (A) Words used in the present tense shall include the future tense.
- (B) Words used in the singular shall include the plural, and the plural shall include the singular.
- (C) The words “shall” and “will” are always mandatory and not discretionary.
- (D) The word “may” is permissive.
- (E) The masculine shall include the feminine and the neuter.
- (F) The words “used” or “occupied” as applied to any land, water, or building shall be construed to include the words “intended,” “arranged,” or “designed to be used or occupied.”
- (G) The word “structure” shall include the word “building” and shall be construed as if followed by the phrase “or part thereof.”
- (H) The word “erected” shall include the word “constructed.”
- (I) The word “moved” shall include the word “relocated.”
- (J) The word “person,” “applicant,” or “developer” includes an individual, corporation, partnership, unincorporated association, or any other similar entity.
- (K) If there is a difference in meaning or implication between the text of this Ordinance and any caption or illustrations, the text shall control.

Section 201. Meaning of Words.

- (A) Unless otherwise expressly stated, the following words or phrases shall, for the purpose of this Ordinance, have the meaning herein indicated.
- (B) When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning such as the context may apply.

Section 202. Definitions.

ABANDONED VEHICLE: Any vehicle that is not in a building or garage and which does not have a current Pennsylvania registration and / or a current safety inspection sticker. This term shall not apply to any vehicle or equipment used in the normal operation of a farm owned or leased by the person farming the land or upon the property of a state authorized automotive repair facility.

ABANDONMENT: To cease or discontinue a use or activity without the intent to resume said use or the voluntary discontinuance of a use for a continuous period of one (1) year or more without reference to intent. This does not apply to temporary or short-term interruption to a use or activity during remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. Commercial or industrial abandonment shall be measured from the date of the last record of sale or occupancy, whichever comes first, and residential abandonment shall be measured from the last date of occupancy.

ACCESS: A dust free improved way to permit vehicular access to a building, structure, land, or water area from the public street.

ACCESS DRIVE: The principal means of access into all off-street parking areas and the principal means of access to any non-residential use or multi-family residential use, including the principal means of access to loading and unloading areas.

ACCESSORY USE: A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use.

ADA: Americans with Disabilities Act of 1990, as amended.

ADULT-ORIENTED ESTABLISHMENT: The term includes any use meeting the definition for this term in Title 68, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended, and without limitation, the following establishments when operated for profit, whether direct or indirect: adult bookstores; adult motion picture theaters; adult mini-motion picture theaters; adult drive-in movie theaters; adult motels; massage parlors; any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member. Motion pictures shall include material, chat rooms and other material available through the Internet and motion pictures or videos available through cable, satellite or other television services on computers or equipment used in the establishment; and an adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other similar term. Any and all of these uses are considered an Adult Oriented Establishment. The term booths, cubicles, rooms, studios, compartments or stalls, for purposes of defining adult-oriented establishments, does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other entertainment for a fee, and which are not open to any persons other than employees.

AGRICULTURAL OPERATION: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes any enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

ALLEY, LANE, OR WAY: A service road that provides secondary means of through access to lots.

ALTERATION: As applied to a building or structure any incidental change, rearrangement, replacement or enlargement in the structural parts or in the means of egress, whether by extending on a side or by increasing in height, or the moving from one location or position to another. Any change in use from that of one zoning district classification to another.

AMPITHEATER: An outside gallery with seats for spectators.

ANIMAL DAY CARE: Any premises where animals are groomed, trained, exercised and socialized, but not kept or boarded overnight, bred, sold, or let for hire.

ANIMAL HOSPITAL / VETERINARY CLINIC: A facility where animals are given medical or surgical treatment. Use as a kennel shall be prohibited except for animals or pets undergoing medical or surgical treatment.

ANTENNA HEIGHT: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANETENNA SUPPORT STRUCTURE: Any pole, telescoping mast, tower, tripod or any other structure that supports a device used in the transmitting or receiving of radio frequency energy.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary, tentative, or final required to be filed and approved prior to start of construction or development including, but not limited to an application for a building permit for the approval of a subdivision plan or for the approval of a development plan.

ARCHITECT: An individual registered by the Commonwealth of Pennsylvania and certified by the American Institute of Architects (AIA) as a licensed architect.

ASSISTED LIVING FACILITY: A state-licensed facility designed to provide individual dwelling units or rooms for individuals who are independently mobile and are not in need of the level of service provided by a personal care home, and which provides on-site supervision and assistance available to residents on an occasional, “as needed” basis, and where at least one meal each day is provided in a common dining area and which includes certain design features associated with the needs of seniors which are not customary in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, transportation facilities, minimal housekeeping facilities, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

AUTOMOBILE CAR WASH: Any building, site or premise or portions thereof, used for washing or reconditioning the interior or exterior of automobiles. An automobile car wash shall include self-operated facilities not requiring attendants or employees, but shall not include incidental one-bay washing facility in an automobile repair or service station where such facilities are incidental to the operation of said automobile repair or service station.

AUTOMOTIVE REPAIR: Engine maintenance, repair or reconditioning, collision repair, including straightening and repainting, replacement of parts and incidental services.

BANK: An establishment that provides services such as retail banking, collection services, loan services, and tax and investment services to individuals and businesses. This use does not include check-cashing businesses.

BASEMENT OR CELLAR: A story partly underground but having at least one-half (1/2) of its height above the average level of the adjoining ground. It shall not be counted toward the overall height of a structure.

BED AND BREAKFAST INN: A residential accessory use consisting of a single family dwelling that contains not more than ten (10) guest bedrooms used for providing overnight accommodations to the public, not to exceed ten (10) consecutive days, and in which breakfast is the only meal served and is included in the charge for the room. The rented rooms do not contain kitchen facilities and do not constitute separate dwelling units.

BILLBOARD: See “Sign, Billboard.”

BOARDING HOUSE: A residential use in which, (a) a room or rooms that do not meet the definition in this Ordinance of a lawful dwelling unit are rented for habitation, or (b) a dwelling unit that includes greater than the permitted maximum number of related persons. A boarding house shall not include a use that meets the definition of a hotel / motel, assisted living facility, bed and breakfast inn, group home or nursing home. A boarding house may involve the providing of meals to residents. A boarding house shall primarily serve persons residing on-site for five (5) or more consecutive days. A boarding house can also be a rooming house and tourist home.

BOAT STORAGE: An enclosed building or separate structure used to store boats. This does not include outdoor storage.

BOAT AND MARINE SALES AND SERVICES: Any building or lot used for the sale, maintenance, servicing, repair, or painting of boats or other related watercraft.

BUFFER AREA: A strip of land adjacent to the boundary of a property or district, not less in width than is designated in this Ordinance, that is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no building or structure is permitted except a wall, fence or sign in compliance with this Ordinance.

BUILDABLE AREA: The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met. See Figure 2 in the Appendices.

BUILDING: An independent and detached structure having a roof supported by columns or walls or resting on its own foundation, including but not limited to mobile homes, garages, greenhouses and other accessory buildings, and requiring permanent location on the land.

1. Building, Principal - A building in which the principal use of the site is conducted or lot on which it is situated.
2. Building, Accessory – A detached building that is subordinate and incidental to the principal building on the same lot or premises.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridges for gable, hip, and gambrel roofs. See Figure 1 in the Appendices.

BUILDING INSPECTOR: The person officially appointed by the Elizabeth Borough Council to administer and enforce the Building Code.

BUILDING MATERIAL FACILITY: A retail facility for the sale of home, lawn and garden supplies and tools and construction materials such as brick, lumber, hardware and other similar materials.

BUILDING SETBACK LINE: An established line within a property defining the minimum required distance between the face of any building or structure and an adjacent right-of-way or property line. The face of the building includes basements, decks, sunrooms, foyers, bay windows, porches, patios with footers, projecting eaves and overhangs, dormers, and any other solid projections and solid entrances. Walks, terraces, and uncovered steps or stoops attached to a structure are exempt. Building lines shall also apply to all accessory buildings and structures except for signs, fences, and walls and shall apply to all yard lines. See Figure 2 in the Appendices.

BUS AND TRANSIT FACILITIES: A facility including terminals; depots; and passenger waiting, loading, and unloading stations of bus and other transit companies and districts. Also, includes facilities providing any and all types of general or specialized maintenance services or storage areas for buses and other transit vehicles of a transit company or district, public, or private, providing transportation services primarily for people, but which may transport freight as an incidental service.

BUS / OTHER TRANSIT SHELTER: A place on a bus or other transit route, usually marked by a sign, at which buses or other transit vehicles stop for passengers to load and unload that includes a covered structure.

BUSINESS SERVICES: Establishments engaged in rendering services to businesses and offices on a fee or contract basis including, but not limited to, advertising; mailing; data processing; office supplies; building maintenance; equipment servicing, rental, leasing and sales; employment service; and other similar business services.

CAMPGROUND: A publicly or privately owned site designed, designated, maintained, intended or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in cabins, tents or recreational equipment / vehicles open to the public for free or for a fee.

CANOPY: A roof-like structure either projecting from a building façade and open on three sides, or standing alone and open on four sides, and used for the purpose of protecting pedestrians and motorists from weather related elements.

CARPOR: An area for the storage of one (1) or more vehicles which may be covered by a roof supported by columns or posts and which shall have no more than two (2) walls. A carport is an accessory building or extension to a principal building and shall not extend into the side yards or front yards.

CARTWAY: That portion of the street right-of-way surfaced for vehicular use. Width is determined from one (1) edge of driving surface to the other edge of driving surface and shall not include the storm water gutter or face of curb.

CATERING BUSINESS: An establishment used for the preparation and delivery of food and beverages for off-site consumption. This establishment may provide for on-site pickup but may not provide for on-site consumption.

CELL SITE: A tract or parcel of land that contains the communication antenna, its support structure, accessory building(s) and parking, and may include other uses associated with, and ancillary to, cellular communication transmission.

CEMETERY: An area used, or intended to be used, for the burial of the deceased. Uses include cemeteries, columbaries, and mausoleums, and limited associated facilities such as offices and chapels.

CENTERLINE: An imaginary line running parallel to street or easement right-of-way lines and equidistant from the lines on each side of the street or easement, or a line following the center of a physical feature such as a stream.

CHURCH / PLACE OF WORSHIP / RELIGIOUS INSTITUTION: A church, synagogue, temple, mosque or other building used exclusively for public religious worship, including customary, incidental, educational and social activities in conjunction therewith.

CLINIC: An establishment with outpatient care for patients who are ambulatory including but not limited to diagnostic health services, general medical or psychiatric treatment and surgical services.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at a street intersection defined by lines of sight between specific points on the center lines of the intersecting streets. This definition does not apply to the intersection of a one-way street with a two-way street.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water suitable for recreational purposes or a combination of such land and water within a development site designed and intended for the use or enjoyment of residents or occupants of the development maintained and owned jointly or commonly by the residents or occupants of the development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

COMMUNICATION ANTENNA: Any device used for transmission or reception of radio, television, cellular telephone, pager, commercial mobile radio service, or any other wireless communications signals, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device.

COMMUNICATIONS CO-LOCATION: The act of installing wireless communications equipment, from more than one provider, on a single tower, building, or structure.

COMMUNICATIONS EQUIPMENT BUILDING: An unmanned building containing communications equipment required for the operation of communications antennas and covering an area on the ground no greater than two hundred fifty (250') square feet.

COMMUNICATIONS TOWER: A structure, other than a building, including any guy wires principally intended to support facilities for receipt or transmission of broadcast for commercial or public VHF and UHF television, FM radio, two-way radio, common carriers, cellular telephone, fixed point microwave, low power television, or AM radio, including accessory equipment related to telecommunications.

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

COMMUNITY FACILITY: A publicly, semi-publicly, or semi-privately maintained institution devoted to any of a variety of group activities - civic, social, fraternal, educational, cultural, municipal, and/or recreational with premises and facilities appropriate to such activities provided, however, that the said premises shall not include living quarters for persons other than those engaged in the institution's conduct and/or maintenance.

COMMUNITY GARAGE: An accessory use comprised of a group of private garages, detached or under one roof, arranged in a row or around a common means of access and erected for use of residents in the immediate vicinity.

COMPREHENSIVE PLAN: The Twin Rivers Council of Governments Comprehensive Plan, or the current adopted public document for Elizabeth Borough, Allegheny County, Pennsylvania prepared in accordance with the Pennsylvania Municipalities Planning Code (MPC), consisting of maps, charts, and textual material that constitutes a policy guide to decisions about the physical and social development of the municipality.

COMPRESSOR STATION: A facility designed and constructed to compress natural gas and/or oil that originates from a gas and/or oil well or collection of such wells operating as a midstream facility for delivery of gas and/or oil to a transmission pipeline, distribution pipeline, processing plant or underground storage field, including one or more natural gas and/or oil compressors, associated buildings, pipes, valves, tanks and other equipment.

CONDITIONAL USE: A use permitted or denied by the governing body in a particular zoning district, following recommendations by the Planning Commission, pursuant to express standards and criteria set forth in this Ordinance.

CONSISTENCY: an agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.

CONSTRUCTION AND RELATED BUILDING TRADES: Businesses relating to the building trades including: general contractors; highway and street construction; heavy construction; plumbing, heating, air conditioning; painting, paperhanging and decorating; electrical; masonry and other stonework; carpentry and flooring; roofing and sheet metal; concrete work; water well drilling; and similar trades.

CONTINUING CARE FACILITY: A residential facility, licensed by the Commonwealth of Pennsylvania, consisting of either a single building or a group of buildings, under common or related ownership, located on a single lot or on contiguous lots, containing two or more of the following services: assisted living facility; home and community based services facility; senior housing; independent living facility; nursing home; personal care home; personal support services for a continuing care facility; or skilled nursing facility.

CONVENIENCE STORE: A retail establishment with a sales area of five thousand (5,000) square feet or less offering for sale food products, household items, newspapers, magazines, or freshly prepared foods that may be available for on-site or off-site consumption. Accessory activities may include the operation of no more than two (2) arcade games, video games or other

similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing and the sale of liquefied petroleum gas and/or gasoline, but shall not include the repair or service of vehicles. Convenience stores shall not exceed more than four (4) fuel islands or more than eight (8) fueling positions. Convenience Store(s) without accessory use of sale of liquefied petroleum gas and/or gasoline (including diesel and alternative fuels) shall be defined as Retail Stores.

CONVERSION: The remodeling or alteration of a structure in order to accommodate more leasable or saleable units or a different use than what had originally been intended for the structure. This shall include the alteration of a non-residential structure into a dwelling unit(s) for at least one family, the modification of a single-family structure to accommodate more units than originally intended, the alteration of existing dwellings into a commercial use, and the alteration of an existing dwelling into a mixed commercial and residential use.

COUNTY: Allegheny County, Pennsylvania.

COUNTY COMPREHENSIVE PLAN: A land use and growth management plan prepared by the county planning commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation.

COVENANT: An agreement legally binding successor owners of a property to certain conditions regarding use of property stipulated by the original owner.

COVERAGE: That percentage of the lot area covered by the principal and accessory structures.

CREMATORY: Any facility designed for the cremation of human or animal remains. A crematory shall be considered the principal use of the property unless it is on the same property as a funeral home and if the remains are prepared for cremation at the funeral home and not transferred from another operation.

CUL-DE-SAC: A street closed at one end with a vehicular turn around provided at the closed end.

CUT: The extraction of previously undisturbed earth material in the process of grading.

DAY CARE CENTER, CHILD: A facility, other than a residential dwelling unit, where child care and educational instructions are provided for seven (7) or more children under the age of 16 who are not relatives of the operator, at anyone time for part of a 24 hour day, operated for profit, and which is licensed by the Pennsylvania Department of Welfare as a Day Care Center.

DAY CARE CENTER, ADULT: A facility other than a residential dwelling unit, where care and educational instructions are provided for seven (7) or more adults over the age of 62 who are not relatives of the operator, at anyone time for part of a 24 hour day, operated for profit, and which is licensed by the Pennsylvania Department of Welfare as a Day Care Center.

DENSITY: A measure of the number of dwelling units which occupy, or may occupy, an area of land.

DENSITY, GROSS RESIDENTIAL (ALSO GROSS DENSITY): The maximum permitted number of dwelling units in relation to total development acreage actually in use or proposed to be used. This area of land shall exclude public rights-of-ways whether within or adjacent but shall include parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces. See “Lot,” and “Development Area.”

DEVELOPMENT: Any man-made change to improved or unimproved lands or water area, including but not limited to buildings, structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

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

DISTRIBUTION FACILITY: Any premises or part thereof, which provide logistic support for business, such as freight management, inventory control, storage, packaging and consolidation of goods for distribution.

DOCK: A permanently fixed or floating structure extending from the upland into the water, capable of use for vessel mooring and other water-dependent recreational activities. The term “dock” also includes any floating structure, boat lift or mooring piling, detached from the land, capable of use for mooring vessels and/or for other water-dependent recreational activities. The term “dock” also includes any area adjacent to the dock designated for mooring purposes. This term does not include any vessel that is not permanently docked, moored, or anchored. A public dock is considered as one controlled and maintained by a governing body or authority for use by the general public and private dock is considered such if controlled by a private entity with restricted use or open for use for a monetary fee.

“**DRIVE-THRU FACILITY:** An accessory use of land, buildings, or structures, or parts thereof, to provide or dispense products or services through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. An ancillary drive-thru facility may be permitted only as an accessory use, i.e. in combination with other uses that can include, but are not limited to, a bank or financial institution, fast food restaurant, retail store, dry cleaners, laundry, or pharmacy. A drive-thru facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.”

DRIVEWAYS: The principal means of access to a single-family detached residential dwelling and to parking areas.

DRY CLEANER: An establishment that is primarily engaged in dry cleaning and laundry services including the pressing, repair, and dry cleaning of clothing, apparel, or other fabric, other than personal services directly to a consumer.

DWELLING: A building designed exclusively for residential purposes for one or more persons on a permanent basis. The word “dwelling” shall not include group residential facility, hotels, motels, boarding houses, nursing homes, rooming house, tourist home. For the purposes of this Ordinance, the following are the definitions of the various types of dwellings:

- (1) **DWELLING, SINGLE FAMILY DETACHED:** A detached or separate building designed for or occupied exclusively as a residence for one (1) family.

- (2) DWELLING, SINGLE FAMILY ATTACHED: A dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with at least one adjacent similar dwelling unit. This dwelling type shall include, but not be limited to, dwelling units commonly known as duplexes, townhouses, rowhouses, patio homes, carriage homes, and villas.
- (3) DWELLING, MULTI-FAMILY: A structure containing three (3) or more separate dwelling units for families living independently of each other, which may provide joint services and/or facilities but separate housekeeping, sanitary and cooking facilities.
 - (a) CONDOMINIUM: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act.
 - (b) CONVERSION APARTMENT: Conversion of an existing single-family detached dwelling into multiple dwelling units. *See definition for Conversion.*
 - (c) GARDEN APARTMENT: A multi-family residential building, not exceeding three (3) stories in height, in which units are arranged side to side, back to back or one above another, which may have either private external entrances or common hall access and which may have a private exterior yard area for each unit.
 - (d) HIGH-RISE APARTMENT: An apartment building which is four (4) or more stories in height but not exceeding the height limitations (in feet) of this Ordinance that has multiple dwelling units that share a common entrance and/or common interior corridor.
 - (e) RESIDENCE OVER BUSINESS: A building, where the bottom floors are used for commercial use while the upper floors are used for residential dwellings, including those dwellings used for some combination of residential and commercial purposes.
- (4) DWELLING, IN-LAW APARTMENT: A single-family residence which is accessory to a principal residential use, is completely separate in nature, and has no greater than one thousand (1,000) square feet of living space. The residence may have interior access to the principal dwelling for those needing assistance.

DWELLING UNIT: Any structure or portion thereof which is designed and used exclusively for the residential purposes of one (1) family and includes a minimum of three (3) habitable rooms and a bathroom, has separate and private cooking and sanitary facilities, and has a separate entrance into the unit, but may share a common entrance from the exterior. A Studio Apartment unit shall be a dwelling unit in all respects except that said unit may contain a minimum of one (1) habitable rooms and a bathroom, has separate and private cooking and sanitary facilities, and has a separate entrance from the exterior.

EASEMENT: A public or private right of use over the property of another.

- (1) Conservation Easement – An easement precluding future or additional development of the land for the purpose of protecting or preserving natural features.
- (2) Utility Easement – A right-of-way granted for limited use of land for public or quasi-public purpose.

EDUCATIONAL INSTITUTION: A structure or part of a structure designed and used for the training and teaching of children, youths and / or adults.

EMERGENCY SERVICES: An area utilized for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment providing rescue or ambulatory services.

ENERGY STORAGE FACILITY: Equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

ENGINEER: A professional engineer licensed as such by the Commonwealth of Pennsylvania.

EQUIPMENT RENTAL AND REPAIR: A business providing typical household tools and lawn / garden equipment for repair (such as sharpening, or the repair of small motors or engines) or rental, including hand-operated machinery, power tools, lawn mowers, hedgers, etc. This excludes vehicles, trucks and trailers licensed for street use.

ERECTED: Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for building. Excavation, filling, drainage, grading, and the like shall be considered part of the erection.

ESSENTIAL PUBLIC SERVICE INSTALLATIONS: The erection, construction, alteration, or maintenance by public utilities, cable television, or governmental agencies or authorities of underground or overhead water, sanitary, or storm sewers, gas, electrical, telephone transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants, and similar equipment and accessories in connection therewith and where reasonably necessary for the furnishing of adequate service to buildings and structures. This includes communications antenna and / or supporting tower owned or operated exclusively by an agency or authority of the municipality or Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency.

EXCAVATION: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or disturbed and any resulting conditions.

EXTRACTIVE OPERATIONS: Surface mining of coal, earth removal, stone removal or quarrying and such other operations and/or procedures that are normally conducted for profit wherein soil and/or its contents are removed as a business activity.

FAIR HOUSING ACT: Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600-3620).

FAMILY: An individual; two (2) or more persons related by blood, marriage or adoption; or not more than three unrelated persons living as a single housekeeping unit. A family may also include domestic servants and gratuitous guests. The foregoing restrictions do not apply to persons with disabilities as defined in the Fair Housing Act, 42 USC § 3601 et seq.

FAMILY DAY CARE HOME: Any single family residence, other than the child's own home, in which child day care is provided at any time for six (6) or less children who are not relatives to the care giver where the child care areas are not being used as a family residence.

FARMER’S MARKET: A regularly occurring (weekly, biweekly, monthly, bimonthly, semi-annually, annually, etc.) and seasonal commercial use with an organized display, indoors or outdoors, of agricultural products in their natural state for retail sale. Such agricultural products shall comprise at least 75% of the retail space available and may or may not be produced and / or grown on the property. Other products such as processed food (dried fruit, cheese or bread, for example), or artisan handiwork or art, may comprise the remaining twenty-five percent (25%) of the retail space available.

FENCE: A barrier constructed for the purpose of protection, confinement, enclosure, or privacy. The term “fence” shall include screening walls and shall include hedges and evergreen shrubbery exceeding thirty-six (36) inches in height.

1. **Decorative Fence** – A fence that has openings that comprise at least seventy-five percent (75%) of the surface area of the fence, including, but not limited to, split rail fences or wrought iron fences, whose purpose is to contribute to the landscaping and exterior design, rather than to enclose property.
2. **Security Fence** – A fence that has openings that comprise no less than twenty-five percent (25%) of the surface area of the fence, including, but not limited to, board fences, picket fences, chain link fences and the like.
3. **Privacy Fence** – A fence that has openings that comprise less than ten percent (10%) of the total surface area of the fence and may be erected in a rear or side yard to screen a deck, patio, or swimming pool.

FILL: Material, usually soil, used to raise or change the surface contour of an area, to construct an embankment or to be placed within a stone or concrete arch bridge.

FISHING PIER: A platform extending from shore over water, used primarily to provide a means for persons to harvest or attempt to harvest fish there from. The term shall not be construed to include any residential dock, marina, or facility at which vessels are launched or moored, but shall include any abandoned bridge serving the function of a fishing pier; or, a raised walkway over water, supported by widely spread piles or pillars built for the purpose of providing land locked anglers access to fishing grounds that are otherwise inaccessible.

FLEA MARKET: A place where any person or group of vendors, whether professional or non-professional, offer for sale, trade, or barter any goods regardless of whether they are new, used, antique, or homemade; and regardless of whether they are offered for sale in open air, buildings, or temporary structures. The term “flea market” does not include the offering for sale of goods by the owner thereof at owner’s residence at what are commonly referred to as “garage sales” or “yard sales.” The term “flea market” also shall not include any business or occupation that has a valid business license or special use permit pertaining to the sale, trade, or barter of goods.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM): A map of the municipality on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the flood risk premium zones applicable to the Municipality.

FLOOD PLAIN, FLOOD HAZARD AREA, FLOOD-PRONE AREA: A land area adjoining a river, stream, water body, or water course which is likely to be flooded as established by the Federal Emergency Management Agency (FEMA).

FLOOR AREA: The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of exterior walls or from the center line of common walls separating buildings. In particular, floor area includes but is not limited to the following:

1. Basement space, if the floor to ceiling measures seven feet (7') or more.
2. Elevator shafts, stairwells and attic space (whether or not a floor has been laid), providing structural headroom of eight (8') feet or more.
3. Roofed terraces, exterior balconies, breezeways or porches, provided that fifty percent (50%) of the perimeter of these is enclosed.
4. Any other floor space used for dwelling purposes, no matter where located within a building.
5. Accessory buildings, excluding space used for accessory off-street parking or used for loading berths.
6. Any other floor space not specifically excluded, excluding space used for air conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

FLOOR AREA, GROSS: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

FLOOR AREA RATIO (FAR): Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FOOD AND GROCERY STORE: A store that sells bakery products, dairy products, delicatessen, and meats, as well as non-perishable items, to the public; this does not include convenience stores.

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

FOUNDATION, PERMANENT: A full perimeter masonry or poured concrete foundation resting upon a suitable concrete footer, said footer to be at least three (3) feet below finished grade. The foundation wall shall have a minimum width of six (6) inches with the footer projecting at least three (3) inches on each side.

FREIGHT TERMINAL: The premises and building(s) where cargo is stored and where railroad cars, aircraft, and trucks load and unload cargo for shipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

FRONTAGE: Lot boundary lines that are adjacent to a street.

FRONT BUILDING LINE: A line parallel to the front lot line, at a distance measured perpendicular there from as prescribed in this Ordinance for a required yard. Where there is no required yard then the lot line shall be the front building line. See Figure 2 in the Appendices.

FRONT YARD: The open space extending across the entire width of the lot between the front line of the building and the street right-of-way. The front yard is measured perpendicular to the building at the closest point to the street right-of-way.

FUEL DISEPENSER: A device which dispenses vehicle fuel and/or kerosene and which may contain multiple hoses or be capable of serving more than one (1) fueling position simultaneously.

FUEL ISLAND: A concrete platform measuring a minimum of six (6) inches in height from the paved surface on which fuel dispensers are located.

FUELING POSITION: A location at which a single vehicle may be fueled from a fuel dispenser.

FUNERAL HOME (INCLUDING MORTUARY): A building or part thereof used exclusively for human burial services, but shall not include facilities for cremation. Such building may contain space and facilities for:

- Embalming and the performance of other services used in the preparation of the dead for burial,
- The performances of autopsies and other surgical procedures
- The storage of caskets, funeral urns, and other related funeral supplies, and
- The storage of funeral vehicles.

GARAGE, COMMUNITY: An accessory use comprised of a group of private garages, detached or under one roof, arranged in a row or around a common means of access and erected for use of residents in the immediate vicinity.

GARAGE, PRIVATE: An enclosed and covered space for the use of the occupants of the premises for the storage of one (1) or more motor vehicles, provided that no business, occupation, or service is conducted for profit therein nor space therein, for more than one (1) car, is leased to a nonresident of the premises.

GARAGE, PUBLIC: A building or structure where motor vehicles can be temporarily parked for a fee.

GARAGE / YARD SALE: A sale of limited duration conducted from the yard, porch or garage of a single family or two-family dwelling but including no sales in a public right-of-way. Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises. Yard, porch or garage sales shall be considered an accessory use and not a home occupation. Such sales cannot exceed three (3) consecutive days at a time, and shall be limited to not more than twelve (12) days or any part of a day in total in a calendar year. Premises of churches, charitable organizations, schools, and other nonprofit organizations are not residences and hence are not subject to the restrictions applicable to garage / yard sales contained in this Ordinance.

GARDEN CENTER: Land and buildings where the wholesale or retail sale of nursery stock and garden supplies take place. Such nursery stock and supplies may include any of the following: ornamental plants, flowers, shrubs and trees cultivated in a nursery; seed, fertilizer, garden pesticides and herbicides in retail quantities and packaging; garden hand tools; plant containers; garden statuary and furniture; landscape lighting; bird feeders and supplies; and seasonal ornaments and novelties such as Christmas wreaths and decorations. Such use may include the provision of landscape design and or installation services, provided that such services are ancillary to the principal use and offered to clients whose residence or place of business exists elsewhere. Outdoor storage of lawn and garden supplies such as mulch, fertilizer, topsoil and

related landscape or garden supplies, such as ornamental stone or gravel, are permitted only where expressly authorized by the regulations governing the jurisdictional zoning district.

GAS STATION: Any premises used for supplying gasoline, oil, minor accessories, and service for automobiles at retail, direct to the motorist consumer, including the making of minor repairs, but not including major repairs: such as spray painting; body, fender, and frame repairs; or complete recapping/retreading of tires.

GENERAL CONSISTENCY, GENERALLY CONSISTENT: that which exhibits consistency.

GOVERNING BODY: Borough Council, Borough of Elizabeth, Allegheny County, Pennsylvania.

GRADE, ESTABLISHING: The elevation of the center line of - the streets as officially established by Elizabeth Borough.

GRADE, FINISHED: The completed surfaces of lots, walks, streets, and roads brought to grades as shown on official plans or designs relating thereto.

GRADING: The stripping or excavation of any material, the filling of any existing ground with natural or man-made material, and/or the relocation on any lot, tract or parcel of any existing ground or other material. Except for the surface stripping of coal, topsoil, rock and other commonly mined substances, such grading constitutes a change in use of the land.

GREENHOUSE, COMMERCIAL: An agricultural enterprise using a controlled environment (temperature and humidity) for the commercial cultivation and production of plants.

GREENHOUSE, PRIVATE: A structure consisting primarily of glass, clear plastic, or other light transmitting material in which temperature and humidity can be controlled for the cultivation or protection of plants or seedlings and does not exceed two hundred-fifty (250) square feet.

GROUP RESIDENTIAL FACILITY: An establishment that provides room and board in a family environment to persons who receive supervised care limited to health, social, rehabilitative or housing services. Such facilities may include child and adult services for individuals not in need of hospitalization or incarceration but who, because of age, convalescence, infirmity, disability or related circumstances, require such care. "Group residential facilities" include but are not limited to group homes, group quarters, halfway houses, nursing homes, rest homes, or similar services; however, the scope of all operations shall be of a limited nature as specified in this Ordinance.

GUYED TOWER: A tower which is supported by a cable, wire, rope, or other means of bracing.

HEALTH CLUB: Any establishment including, but not limited to, an athletic club, exercise center, health spa, figure salon, gymnasium, physical fitness center, or any other establishment by any other name that provides exercise equipment and one or more of the following: steam cabinet, steam room, sauna, vapor room, vapor cabinet, toilet facilities, lavatories, showers, lockers, and dressing rooms intended for patron use, excluding facilities used by or under direct supervision and control of licensed medical personnel located in a medical facility, facilities located in athletic departments of schools, and facilities of professional athletic teams. Accessory uses within the facility may include massage therapy, aerobics and physical fitness services

(Aerobic and strength training activities, group exercise classes, fitness assessment and counseling, and education seminars).

HEARING: An administrative proceeding conducted by a board pursuant to the Pennsylvania Municipalities Planning Code Section 909.1.

HEIGHT: For the purpose of determining the height limits in all zones set forth in Article ___ and shown on the maps incorporated therein, the datum shall be mean sea level elevation unless otherwise specified.

HOME-BASED BUSINESS, NO IMPACT: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

HOME OCCUPATION: A use or a service conducted entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and which does not change the residential character thereof.

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and abnormal physical and mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities, as defined in current state licensure requirements.

HOTEL / MOTEL / LODGE / INN: A building or group of buildings where for consideration, rooms or suites of rooms with no culinary facilities are used for temporary lodging of more than ten (10) persons, usually individually, with or without meals, wherein the occupants are furnished hotel services, including restaurant and maid service. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a boarding house and shall meet the requirements of that use.

ILLUMINATION: DIFFUSED LIGHT: Any light which travels through a shield or material other than the bulb or tubing necessary to enclose the light source, which shield or which material has the effect of dispersing the light before it strikes the eye of the viewer.

ILLUMINATION: DIRECT LIGHT: Any light which travels directly from its source to the viewer's eye. Includes flood lighting.

ILLUMINATION: INDIRECT OR REFLECTED LIGHT: Any light which proceeds from its source to an intermediate object before being seen by the viewer (i.e. reflected off a wall surface).

IMPERVIOUS SURFACE: Those surfaces which do not absorb water. They consist of all buildings, parking lots, streets, sidewalks, and any areas of concrete or asphalt or nonabsorbent material. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

IMPERVIOUS SURFACE RATIO: This is also the “maximum impervious coverage” and is measured by dividing the total areas of all impervious surfaces within the site by the total net buildable site area.

INCINERATOR: A device used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence, and combustion air can be controlled.

INDEPENDENT LIVING FACILITY: A multi-unit age-restricted housing development designed to provide individual dwelling units for senior persons who are independently mobile and not in need of supervision, but which includes certain design features associated with the needs of seniors which are not customary in the construction of conventional dwelling units, such as emergency call services, common dining facilities, common laundry facilities, transportation services and similar supporting services for the convenience of the residents. The dwelling units are comprised of apartments, condominiums, or single-family attached structures and may or may not feature a buy-in option in addition to monthly fees for services provided but are operated and maintained under a single management organization.

INDUSTRIAL PARK: An area of land arranged and / or constructed in accordance with a plan for a group of industrial purposes, having separate building sites designed and arranged on streets and having utility services, setbacks, side yards, and covenants or other such regulations controlling or restricting uses.

INSTITUTIONAL HOME: A public or private charitable establishment devoted to the shelter, maintenance, or education and care of minor children; homeless, aged or infirmed persons; or members of a religious community.

JOB TRAINING AND VOCATIONAL REHABILITATION SERVICES: An establishment providing rehabilitation training, habilitation services or job counseling and related services.

JUNK: Any worn, cast-off, or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage, or conversion to some other use. Any such second hand article or material shall not be considered junk if unaltered or unchanged, and without need of further reconditioning or disassembly it can be used for its original purpose as readily as when new.

JUNKYARD: The use of more than one hundred (100) square feet of area of any lot for more than seven (7) continuing days for the storage, keeping, or abandonment of junk, including scrap material from the dismantling, demolition, or abandonment of automobiles, or other vehicles or machinery or parts thereof. A “junkyard” shall include an automobile graveyard or motor vehicle graveyard. A junkyard is subject to the requirements of this Ordinance.

KENNEL: A use of land or structures in combination wherein four or more domestic animals or pets six months or older are groomed, bred, trained and/or boarded for compensation.

LABORATORY: A place where scientific studies are conducted, including testing, research, or analysis of medical, chemical, physical, biological, mechanical, or electronic nature.

LAND DEVELOPMENT: any of the following activities:

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

LANDFILL: A disposed site in which refuse and earth, or other suitable cover material are deposited and compacted in alternative layers as required by the federal and/or state agency having jurisdiction.

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

LANDSCAPE ARCHITECT: A registered professional landscape architect licensed as such by the Commonwealth of Pennsylvania.

LANDSCAPING: Improving the natural beauty of a piece of land by planting or altering the contours of the ground.

LAUNDROMAT: A commercial establishment where self-service washing machines and clothes dryers are available for public use on the premises to wash and / or dry clothing, apparel, or other fabric.

LIBRARY: Any premises, building or part of a building where books, films, maps and other educational materials are kept for reading, reference and lending by the public.

LIGHTING: See “Illumination.”

LINE, STREET: The dividing line between the street and the lot, also known as the right-of-way line.

LOADING/UNLOADING FACILITIES: The total composite of all off-street structures and facilities for a loading/unloading area to include but not be limited to the loading/unloading space(s), docking approach, access drive(s), and all related accessory facilities.

LOADING AND UNLOADING SPACE: A space not less than twelve (12) feet wide and fifty-five (55) feet deep with an overhead clearance of fourteen (14) feet six (6) inches plus an additional thirty (30) feet in depth for a docking approach. This space may be inside, enclosed, or outside of a structure and shall be used exclusively for the temporary standing of a motorized vehicle while loading or unloading merchandise or materials. This space shall be located off or beyond the public right-of-way and shall have direct access to a public street without the use of parking aisles. This space shall be on the same lot with a use or structure of which the loading/unloading space is being provided.

LOCAL STREET: See "Street."

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

- (1) Lot, Corner – A lot, abutting two (2) or more streets at their intersection, on which the building line for all streets must be observed.
- (2) Lot, Flag – A lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at a distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street from the buildable area of the lot which lies behind another property which fronts on the public street. Flag lots shall have a minimum frontage on a public street of fifty (50) feet.
- (3) Lot, Interior – A lot where the side property lines do not abut a street.
- (4) Lot, Through – An interior lot in which the front line and rear line abut upon streets. Where a single lot under individual ownership extends from a street to a street, the widest street shall be deemed the street upon which the property fronts.

LOT AREA: The area of a horizontal plane measured at grade and bounded by the front, side, and rear lot lines as measured from the street right-of-way line and not including any part of an alley, public space or public street.

LOT DEPTH: The mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

LOT LINE, EXTERIOR: Any property line that divides said lot from a public right-of-way.

LOT LINE, FRONT: The line contiguous with the street right-of-way line.

LOT LINE, INTERIOR: Any property line that divides said lot from another lot. Said lot line may be a side or rear lot line.

LOT LINE, REAR: The line, generally parallel to the front lot line, which defines the rear of the lot.

LOT LINE, SIDE: Any lot line which is not a front lot line or a rear lot line.

LOT OF RECORD: A lot that has been recorded in the Office of the Recorder of Deeds.

LOT WIDTH: The horizontal distance across the lot between the side lot lines.

LUMBERYARD: The principal use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

MANUFACTURED HOME: A structure that is transportable in one or more sections. In traveling mode, the home is eight feet or more in width and forty feet or more in length. A Manufactured Home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled. When erected on site, the home is at least 400 square feet; built and remains on a permanent chassis; and designed to be used as a dwelling with a permanent foundation built to Federal Housing Administration (FHA) criteria. The structure must be designed for occupancy as a principal residence by a single family.

MANUFACTURING, HEAVY: Manufacturing that includes the production, processing, cleansing, testing and distribution of materials, foods, foodstuffs or products that due to the nature of the materials, equipment or process utilized, is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

MANUFACTURING, LIGHT: The processing, handling or fabrication of materials and products where no processes are involved which will produce noise, vibration, air pollution, fire hazard, noxious emission, high traffic volumes or other factors which will disturb or endanger neighboring properties.

MARINA: A docking and servicing facility for boats and equipped to provide repair service, gassing, and supplies.

MASSAGE THERAPY BUSINESS: An establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, licensed massage therapists or similar professional person licensed by the Commonwealth of Pennsylvania as part of a medical clinic. This definition excludes a gymnasium, health and fitness center, school, barber / beauty shop, or similar establishment where massage or similar manipulation of the human body is offered by an individual as an incidental or accessory service and does not occupy more than twenty-five (25%) percent of the area of the establishment.

MAXIMUM LOT COVERAGE: The greatest percent of total lot area permitted by this Ordinance to be covered or to contain buildings and structures.

METHADONE TREATMENT FACILITY: A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

MECHANICAL EQUIPMENT: Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

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

MINERAL EXTRACTION: All or part of the process involved in the extraction and processing of minerals such as coal, ores, rock, sand, and gravel including mining, drilling, digging, and quarrying. This includes surface and underground mining operations.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile homes are those built prior to June 15, 1976 and thereby not produced nor inspected as a manufactured home in accordance with the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards and Regulations during its original construction.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile (includes manufactured) home.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MPC: The Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended).

MUNICIPAL AUTHORITY: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authorities Act of 1945."

MUNICIPAL USE: A structure or use owned and operated by the municipality and used for the purpose of, or in affiliation with, municipal operations or affairs.

MUNICIPAL WASTE: Any garbage, refuse, industrial, lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and community activities; but shall not include any sludge or hazardous waste from a municipal, commercial or institutional water supply treatment plant, sewage treatment plant or air pollution control facility.

MUNICIPAL WASTE LANDFILL: A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a construction/demolition waste landfill or a facility for the land application of sewage sludge.

MUNICIPALITY: Elizabeth Borough.

NATURAL GAS EXTRACTION: All or part of the process involved in the extraction and processing of natural gas, petroleum, or other liquid related to oil or gas production or storage, including brine disposal.

NEW CONSTRUCTION: Structures for which the start of construction commenced on or after the effective date of this ordinance.

NIGHTCLUB: A place of assembly, other than a dwelling unit, including private clubs that may offer food, drink, and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. A nightclub may also be operated as a restaurant during all or part of its hours of operation. An adult cabaret shall not be considered a nightclub.

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

NONCONFORMING STRUCTURE: A structure or a part of a structure which lawfully existed prior to the enactment of this Ordinance or its amendment (s) but which does not comply with the regulations of this Ordinance or its amendment(s).

NONCONFORMING USE: A use, whether of land, water body, or structure which was lawfully in existence prior to the enactment of this Ordinance or its amendment(s) but which does not comply with the regulations of this Ordinance or its amendment(s).

NURSING AND PERSONAL HEALTH CARE FACILITIES: An establishment engaged in providing inpatient nursing and health related personal care with at least one shift of licensed or registered nurse(s) excluding hospital services and excluding day-to-day personal care which is not health care by licensed or registered nurses.

OCCUPANCY PERMIT: A permit signed by the Zoning Officer setting forth that a building, structure or parcel of land is in compliance with this Ordinance and may lawfully be occupied or employed for specified uses.

OFFICE: An establishment primarily engaged in providing professional, financial, administrative, management, clerical or other services not involving the manufacture, assembly or repair of goods, or the storage or direct transfer of goods to the customer on the premises, except as may be incidental to a service provided on the premises.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

OUT PARCEL: A lot, tract, or land parcel within an area of development, but not presently planned or proposed for development. An application for a permit may exclude an area or out parcel and said area or out parcel will not be reviewed unless said area or out parcel will affect

the overall development plan. If ever the out parcel is planned or proposed for development, a separate application for a permit shall be processed.

PARCEL DELIVERY FACILITY: Any premises or part thereof used for courier and freight forwarding operations that involves collecting, temporary storage of, sorting and dispatching packages.

PARKING FACILITIES: The total composite of all off-street structures and facilities for a parking area to include but not limited to parking space(s), parking aisles, stand-by/stacking lanes, driveways, access drive(s), and all related accessory facilities.

PARKING LOT: An area utilized to meet the parking requirements of this Ordinance, including the parking aisles that provide access to the parking spaces, but not including any streets or driveways that provide access to the parking lot.

PARKING SPACE: An off-street space available for the parking of one motor vehicle exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street, alley, or aisle.

PATIO/DECK: An uncovered outdoor living area, without roof.

PERMITTED USE: A use by right which is specifically authorized in a particular zoning district.

PERSON: Any individual, public or private corporation, governmental agency, bureau or department of the state, municipal industry, co-partnership or association.

PERSONAL AND BUSINESS SERVICE: A commercial establishment providing services and/or goods to individuals and businesses. This includes but is not limited to barber shops, beauty salons, dressmakers and seamstresses, tailoring, dry cleaner (as defined herein), massage therapy business (as defined herein), shoe repair, and similar such establishments.

PERSONAL CARE FACILITY: A facility, licensed by the Commonwealth and conducted in accordance with Commonwealth requirements, providing health related care and service provided on a regular basis to more than three (3) patients who are resident individuals and who do not require hospital or 24-hour skilled nursing care, but who, because of mental, physical conditions, or age require the services under a plan of care supervised by licensed and qualified personnel. A Personal Care Facility may or may not be operated in conjunction with, or as part of, an Assisted Living Facility.

PET SHOP: A store where the primary business is the sale of animals to be used as pets, excluding boarding, veterinary and breeding services.

PHARMACY: A retail store which primarily sells prescription drugs, patient medicines, and surgical and sickroom supplies.

PHOTOGRAPHY STUDIO: A retail establishment for the purpose of photographing subjects and processing photographs for commercial purposes, but not including photography requiring professional models.

PLANTING STRIP: A landscape area attractively maintained and clear of foreign debris. The type and variety of landscaping material shall be approved by the Borough.

PLAT: the map or plan of a subdivision or land development, whether preliminary or final.

PLANNING COMMISSION: The Planning Commission of Elizabeth Borough, Allegheny County, Pennsylvania.

PORCH: A roofed over structure projecting from the front, side, or rear wall of a building.

PREMISES: Any lot, parcel, or tract of land or body of water and any building constructed thereon.

PRINCIPAL USE: The major dominant use of the lot on which it is located. Principal uses permitted shall be as defined within this Ordinance.

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

PUBLIC LANDS: Lands owned by the Borough, County, State, or Federal Government, their Agencies or Authorities.

PUBLIC MEETING: A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to Open Meetings).

PUBLIC NOTICE: Notices as defined and published pursuant to the MPC.

PUBLIC RIGHT-OF-WAY: Land reserved by way of public ownership or dedication for use as a road, street, alley, crosswalk, pedestrian way, or other public purpose.

PUBLIC USES: Includes only governmentally owned and operated uses.

PRINTING AND PUBLISHING SERVICES: A business use which specializes in the production of books, magazines, newspapers and other printed matter, as well as record pressing and publishing.

PRIVATE CLUB OR LODGE: An organization catering exclusively to members and their guests at premises for social, recreational or athletic purposes which are not conducted primarily for gain, provided that any merchandising or commercial activities are conducted only as required generally for the membership of such organization.

PROFESSIONAL OFFICE: An office or business conducted by an individual or association dealing with medicine, law, accounting, real estate, architecture, engineering, finance or related services, or engaged in providing professional, financial, administrative, management, clerical or other services not involving the manufacture, assembly or repair of goods, or the storage or direct transfer of goods to the customer on the premises, except as may be incidental to a service provided on the premises.

PUBLIC UTILITY: An enterprise regulated by the Pennsylvania Public Utility Commission or a government agency, or an activity offered by an authority or municipally owned agency, that renders a public service deemed necessary for public health, safety, and welfare, excluding police, fire and similar emergency services and is required by law to (1) serve all members of the public upon reasonable request, (2) charge just and reasonable rates subject to review by a regulatory body, (3) file tariffs specifying all of its charges, and (4) modify or discontinue its service only with the approval of the regulatory agency.

RECREATION, MUNICIPAL: Developed or undeveloped open spaces and/or structures and facilities which are provided by a governmental body for public use for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

RECREATION, COMMERCIAL INDOOR: Indoor facilities for leisure-time activities that are provided as a business pursuit, including facilities open to the public and those requiring membership; includes indoor theaters, lodges, fraternal organizations, bowling alleys and indoor skating facilities.

RECREATION, COMMERCIAL OUTDOOR: Outdoor facilities for leisure-time activities that are provided as a business pursuit, including outdoor facilities open to the public and those requiring membership; includes swimming pools, tennis courts, riding stables, drive-in theaters and golf courses.

RECREATION, PRIVATE: Developed or undeveloped open spaces and/or structures and facilities which are provided by individuals or private organizations for the use of specified individuals or groups of individuals sharing common relationships or associations for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

RECREATIONAL VEHICLE: A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or units include but are not limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, auto, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

RECYCLING FACILITY: A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reuseable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

RENEWABLE ENERGY SOURCE: Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

REPAIR SHOP: A shop specializing in repair and maintenance of metals, machinery, tools, or equipment, including custom work. Such shops shall not handle any hazardous materials or waste.

RESEARCH AND DEVELOPMENT: A structure or complex of structures designed or used primarily for research and development functions related to industry and similar fields.

RESTAURANT: Any establishment whose principal business is the sale of food or beverages.

RESTAURANT, FAST FOOD: A restaurant that provides the sale of food or beverages to the customer in a ready-to-consume state, either at seating facilities within the restaurant or carry-out consumption off the premises, and whose method of operation includes the serving of food in edible or disposable containers.

RESTAURANT, CARRY-OUT: An establishment whose principal business is the sale of food, desserts, or beverages to the customer in a ready to consume state, in edible or disposable containers, which is primarily consumed off the premises.

RESTAURANT, FULL SERVICE: A restaurant where customers are served at a table or counter by a restaurant employee and given an individual menu.

REFUSE AND WASTE COLLECTION AREAS: Visually screened areas for the collection of organic and nonorganic refuse and wastes not to exceed one hundred (100) square feet in area and not used for the storage or disposal of organic or nonorganic refuse, waste, or scrap materials beyond seven (7) days.

RETAIL USES: A use wherein the principal activity is the sale of merchandise at retail to the general public, and where such merchandise is typically sold in small quantities and broken lots, and not in bulk. Retail stores and shops shall include: drug stores and pharmacies; news stands; food stores and supermarkets; candy shops; dry goods; clothing stores; boutiques and gift shops; hardware and home improvement excluding building materials facilities, lumberyards, and garden centers; home furnishings and household appliance and electronics stores; small appliance repair shops; antique shops; art and crafts galleries; tailor and dressmaking shop; pet grooming without overnight boarding; beauty shops; bicycle sales and repair shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; auto accessory stores; and music stores.

RIGHT-OF-WAY: Land reserved for use as a street, alley, interior walk or other public purpose and dedicated for public use; all must be recorded in the County Recorder of Deeds office. For purposes of this Ordinance, public right-of-way lines shall prevail over private parcel lines that are designated as falling within the public "right-of-way." When a lot abuts a "right-of-way" of a public thoroughfare or alley, all applicable lot area and front, side and rear lot requirements shall be computed from the public right-of-way line.

ROADSIDE STAND: A building or open air market used for the seasonal retail sale of agricultural products.

SALVAGE YARD: An area more than two hundred (200) square feet outside of a building on any lot for the handling or storage or scrap metal, paper, rags or discarded, salvaged or waste materials of any kind. This includes automobile wrecking yards, used lumber yards, junk yards and storage of salvaged house wrecking and structural steel materials and equipment, but does not include yards for the storage or sale of operable used cars or machinery or the incidental processing of used or salvaged materials where permitted, as part of the lawful manufacturing or industrial use on the same premises.

SCREEN (BUFFER) PLANTING: A vegetative evergreen material of sufficient height and density to buffer the view of the occupants of an adjoining use from the structures and uses on the premises on which the screen planting is located.

SELF-STORAGE FACILITY: An establishment that rents storage space for personal use by the renter and where no materials of a hazardous nature (toxins, highly inflammable, etc.) are stored. The warehousing of wholesale and / or retail materials and / or products shall not be permitted.

SETBACK: The minimum distance that a structure can be located from a right-of-way or property line or another structure, thereby creating a required open space on a lot.

SEWAGE TREATMENT FACILITY: A place or premises, including buildings, where sewage and other solid or liquid wastes are treated or screened before discharge.

SHOPPING CENTER: A group of commercial establishments planned and developed as a unit.

SIGN: Any letter, numeral, symbol, emblem (including device, symbol, logo, or trademark) flag (including banner or pennant), or any other device, figure or similar character used to announce, inform, identify, advertise or otherwise make anything known which is visible from outside the building or structure.

1. **SIGN: ARCHED:** Any sign so designed that the face, or that area displaying the written or pictorial information, is of a curved shape which extends above a driveway or private road and which is attached to permanent supports at both extremities.
2. **SIGN: AWNING:** Any sign painted or applied to a structure made of cloth, canvas, metal or similar material, which is affixed to a building or projects from it.
3. **SIGN: BANNER:** A temporary sign constructed of cloth, canvas, or similar fabric materials, and which is attached at both extremities to poles, standards, or other permanent supports.
4. **SIGN: BILLBOARD:** A structure, building wall or other outdoor surface which may be free-standing or attached and is used to display lettered, pictorial, sculptured or other matter which directs attention to any product, announcement, commodity, person, or service offered somewhere other than on the premises.
5. **SIGN: BUSINESS IDENTIFICATION:** Any sign which directs attention to: a business, profession, or industry located upon premises where such sign is displayed; a type of product sold, manufactured, or assembled upon the premises; and a service or entertainment offered on said premises.
6. **SIGN: CANOPY:** A rigid multi-sided structure covered with fabric, metal or other material supported by columns or posts embedded in the ground.
7. **SIGN: FACE:** The entire area upon which pictorial, graphic or written material or information is placed for viewing in a single direction.
8. **SIGN: FLASHING:** Any illuminated sign or device in which the artificial light is not maintained stationary and/or constant in intensity and color at all times.
9. **SIGN: GROSS SURFACE AREA:** The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or similar character together with any frame or other material or color forming an integral part of the display or used to differentiate sign from the background against which it is placed; excluding necessary supports or uprights upon which such sign is placed. For signs utilizing individual letters or figures or characters mounted directly on the wall or face of a structure, the gross surface area shall be the entire area within a single continuous

- perimeter enclosing the extreme limits of this sign. Where any sign has two (2) or more faces, the combined area of all faces shall be used in determining the total gross surface area permitted.
10. SIGN: IDENTIFICATION: Any sign used to identify only the name or use of a public or non-profit facility occupying the premises upon which such sign is displayed.
 11. SIGN: INCIDENTAL: Any sign, handbill, or poster which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently, or which relates to such events or occurrence that are not taking place on the premises on which the sign is located. Examples of such signs include, but are not limited to, signs, handbills, or posters relating to garage sales, political candidates or ballot measures, concerts, "swap meets" and the like.
 12. SIGN: LIGHTED: A diffused or indirect. sign where the illumination See "Illumination."
 13. SIGN: MARQUEE: Any sign utilizing changeable copy painted on or attached to or supported by a marquee.
 14. SIGN: MOVING: Any sign or any part thereof located on said sign which oscillates, rotates, or moves.
 15. SIGN: NAMEPLATE: Any sign used to identify only the name of the individual(s) occupying the premises upon which such sign is located, and the street number of the occupant(s).
 16. SIGN: NEON OR SIMULATED NEON: Any sign composed of glass tubing containing a large proportion of neon gas. A neon sign may be a wall sign, projecting sign or window sign.
 17. SIGN: OVERHEAD: Any sign which projects beyond the building face and uses the building wall and/or roof as its main source of support and which has two (2) faces visible from outside the building.
 18. SIGN: PERMANENT: Any sign which is constructed or erected with a fixed and unchanging location either on the ground or attached to a building or other supporting structure.
 19. SIGN: PORTABLE: Any sign that is not permanently affixed to a building, structure, or the ground and which is designed and constructed so that it may be moved from one location to another.
 20. SIGN: PROJECTING: A sign which is attached directly to any building wall, balcony or soffit and which extends more than four (4) inches from the face of the wall.
 21. SIGN: REAL ESTATE: Any sign pertaining only to the rental or sale of the property upon which said sign is located.
 22. SIGN: SANDWICH BOARD: A movable sign or sign structure consisting of two (2) faces, connected and hinged at the top.
 23. SIGN: SELF-SUPPORTING: Any sign mounted on its own self-supporting structure and constructed on a permanent base.
 24. SIGN: TEMPORARY: Any informational or advertising sign, banner, or other. Display device constructed of cloth, canvas, wood, or other temporary material, with or without a structural frame, and intended for a limited period of display as further specified by the terms of this Ordinance.
 25. SIGN: WALL-MOUNTED: Any sign mounted, attached, or painted on a building having only one face visible from outside the building.

SIGN-STRUCTURE: A sign structure is defined as the supporting structure erected and used to support a sign such as brackets, posts, monument bases, etc.

SKILLED NURSING FACILITY: A facility licensed by the Commonwealth that provides nursing care and related medical or other personal health services on a continuous twenty-four (24) hour basis for individuals not in need of hospitalization but whom, because of age, disability, illness or other infirmity, require high-intensity comprehensive planned nursing care.

SLOPE: The face of an embankment, fill, or cut whose surface makes an angle with the plane of the horizon. Slope is expressed as a percentage based upon the vertical difference in feet per one hundred feet of horizontal distance.

SOCIAL SERVICES: An establishment providing one or more social services for an individual or a family limited to counseling, referral, temporary or disaster relief or welfare service.

SOLAR COLLECTOR: A free standing or fixed device, or combination of devices, structures or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply. DO WE NEED THIS NOW?

SOLAR ENERGY: Radiant energy (direct, diffuse and reflected) received from the sun.

SOLAR ENERGY SYSTEM: An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user. This definition shall include the terms passive solar and active solar systems.

SOLAR GLARE: The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

SPECIAL EXCEPTION: Uses permitted upon allowance by the Zoning Hearing Board pursuant to the express standards and criteria of this Ordinance.

SPECIAL EVENT: An activity, occurring one or more times, involving the assembly of people for cultural, ceremonial, educational or celebratory purposes.

STABLE: The keeping of one (1) or more animals other than two (2) household pets within a roofed enclosure. A stable is not a home occupation. A stable is not an accessory use to a residential dwelling unless specifically permitted. A stable may be an agricultural use.

STOOP: A covered or uncovered area at a front, side, or rear door not exceeding twenty-four (24) square feet in area.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STREET: A public or private way, other than an alley, that affords the principal means of on-grade access to abutting properties. A "street" may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place or other appropriate name.

STREET CLASSIFICATIONS: The following street classifications shall apply to all streets in the Borough:

- 1) Principal and Minor Arterials – Carries major movements of traffic within or through the community. Arterial streets typically carry Average Weekday Traffic (AWDT) volumes of greater than 8,000 vehicles per day.
- 2) Collector – Carries the internal traffic movements within the Borough and connects developed areas with the arterial system. The “collector” system simultaneously provides abutting property with road access and accommodates local internal traffic movements. Collector streets typically carry an AWDT in the range of 3,000 to 7,999 vehicles per day.
- 3) Local – Provides access to immediately adjacent land but normally carries a small portion of the total vehicle miles traveled daily. AWDT volumes are typically less than 3,000 vehicles per day.
- 4) Private – Any vehicular way which is not dedicated as a public street.

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

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to land. The term structure shall not include a paved parking area of a lot unless such area is covered by a roof or canopy. A structure shall also not include a covered paved driveway or sidewalk.

1. **ACCESSORY STRUCTURE:** A detached structure customarily incidental and subordinate to the principal structure and located on the same lot.
2. **PRINCIPAL STRUCTURE:** The structure or portion thereof housing the main use of the land.
3. **TEMPORARY STRUCTURE:** Any structure which is erected to be in place for not more than twelve months, including but not limited to tents, air-supported structures, portable bandstands, reviewing stands, bleachers, mobile office units, construction sheds, sales offices for lots or dwellings or other structures of a similar character.

STUDIO, DANCE OR MUSIC: The use of a premises by a teacher of music and/or dance where students are taught these arts for a fee and where more than one (1) student may be taught in a class at one time. This term is synonymous with “Dancing School” and “Music School” and similar terms.

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 purposes, 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.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO) –The Subdivision and Land Development Ordinance of Elizabeth Borough or Allegheny County, as appropriate.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either (a) before the improvement started, or (b) before the damage occurred if the structure has been damaged and is being restored. Substantial improvement is started when the first alteration of any structural part of the building commences.

SUBSTANTIVE GROUNDS or QUESTION: A challenge or appeal that shall raise an issue that this Ordinance or the Official Zoning Map is unconstitutional or that this Ordinance or the

Official Zoning Map exceeds the powers (statutory authority) granted by the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended).

SWIMMING POOL: Any structure which demands a permanent location in or on the soil which is devoted or intended to be devoted to the art or sport of swimming or diving and the within definition is intended to include swimming pools regardless of whether the same are portable or non-portable, containing in excess of six (6) inches of water.

1. Commercial Swimming Pool – A swimming pool operated for profit and open to the public upon payment of a fee.
2. Private Swimming Pool – A swimming pool that is an accessory structure appurtenant to a one-family or a two-family dwelling and used only by persons residing on the same lot and their private guests.
3. Public Swimming Pool – A swimming pool operated by a unit of government for the general public.
4. Semi-public Swimming Pool – A swimming pool that is an accessory structure appurtenant to a multiple family dwelling, hotel, motel, church, club, etc. and used by persons who reside or are housed on the same lot or who are regular members of such organizations.

TATTOO PARLOR: An establishment whose principal business activity is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

TAVERN / DRINKING ESTABLISHMENT: An establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises and that derives in a six-month period less than fifty percent of its gross revenues from the sale of food and beverages for consumption on the premises. This term also includes bar.

TEMPORARY SHELTER: A structure or part thereof, operated on a non-profit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment related relocation activities, or who have bona fide emergency housing needs.

THEATER: A building or part of a building devoted to the showing of movies, musical performances, dance, or theatrical productions, usually on a paid admission basis.

TOWER: A structure other than a building, such as a monopole or self-supporting tower, designed and used to support any facility or another structure, other than communications antennas. Guyed towers shall not be deemed within this term and are not permitted. This term shall be broadly interpreted so as to include without limitation all such structures.

TRADE, VOCATIONAL, BUSINESS AND COMMERCIAL SCHOOLS: An establishment providing training or educational courses for degree and non-degree programs.

TRANSPORTATION SERVICES: A facility for private taxicab, limousine, bus service and similar passenger service.

TRAILER (CAMPING AND RECREATIONAL EQUIPMENT): Shall include travel trailers, pickup coaches, motorized homes, and recreational equipment as follows:

1. TRAVEL TRAILER: A portable structure built on a chassis, designed to be towed and used as a temporary dwelling for travel, recreational, and vacation purposes, and permanently identified as a travel trailer by the manufacturer of the trailer.
2. PICKUP COACH: A structure designed primarily to be mounted on a pickup or other truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation purposes.
3. MOTORIZED HOME OR RECREATION VEHICLE: A portable temporary dwelling designed and constructed as an integral part of a self-propelled vehicle.
4. BOAT: A vessel designed to travel on water.
5. BOAT TRAILER: A trailer designed to haul a boat (as defined above) over land areas.

TRUCK TERMINAL: A facility where trucks load and unload goods, products, cargo and / or other materials to be broken down or aggregated in different size loads and reshipped to other destinations.

USE: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a tract of land.

USE, MIXED: The occupancy of a building or of a lot for more than one (1) use.

VARIANCE: Relief granted pursuant to the provisions of this Ordinance and Articles VI and IX of the MPC.

VEHICLE: Any device in, upon or by which any person or property is or may be transported or drawn upon a street, excepting tractors, agricultural machinery, devices moved by human power or used upon stationary rails or tracks.

VEHICLE REPAIR AND SERVICE: Any building or lot used for the maintenance, servicing, repair, or painting of vehicles. This use does not include the sale of automobiles, impoundment, or a gasoline service station.

VEHICLES SALES, RENTAL, AND SERVICE: A facility for the sale, rental and service of automobiles, trucks, buses, boats and marine equipment, motorcycles, campers, motor homes, and recreational vehicles, but not including heavy equipment.

WAREHOUSE AND STORAGE: A structure primarily used for the storage of goods and materials.

WATER BODY/WATER: An area of water including, but not limited to, ponds, lakes, reservoirs, rivers, streams, and creeks.

WETLANDS: Lands regulated as wetlands by the Pennsylvania Department of Environmental Protection and / or the U.S. Army Corps of Engineers. Such areas are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WHOLESALE USES: An establishment primarily engaged in selling and distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling to, such individuals or companies.

WIND ENERGY EQUIPMENT (SMALL WIND FACILITIES): A single tower, or multiple towers, situated on a lot to provide energy from a wind turbine source to an individual home, multi-family residential use, office, or business and industrial and agricultural uses located on the same lot. The wind energy is not to be provided to others for sale off-site in the power grid, except in the case of net metering directly to the utility company. The small wind energy system may follow the rules of net metering under the State policy.

WIND TURBINE: A device for converting wind energy into mechanical (windmill) or electrical energy.

YARD: A space on the same lot with a principal structure, open, unoccupied and unobstructed by structures, except as may be otherwise provided in this Ordinance.

1. **YARD, FRONT:** A yard extending along the full length of the front lot line, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar improvements; the depth of which is the least distance between the front lot line at the right-of-way line and the building line. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. An enclosed porch, shall be considered as part of the main building and shall not project into a required front yard. On a corner lot, the Zoning Officer shall have the authority to determine which yard is the front yard, based upon the predominate pattern in the area.
2. **YARD, REAR:** A yard extending along the full length of the rear lot line between the rear of the principal building and the rear lot line; unoccupied other than by steps, walks, terraces, driveways, lampposts and similar improvements.
3. **YARD, SIDE:** An area between any building and side lot line, as defined herein, extending from the front yard to the rear yard, or on through lots, from one front lot line to the other lot line. Any yard not a rear yard or a front yard shall be deemed to be a side line. A structure or building shall not extend into the required side yards unless specifically permitted by this Ordinance.

ZONING AMENDMENT: Any change which includes revisions to this Ordinance Text and/or the Official Zoning Map.

ZONING APPROVAL: Approval under the provisions of this Ordinance certifying that an application for development or application for zoning approval for occupancy and use has fulfilled the requirements of this Ordinance.

ZONING DISTRICT: An area illustrated on the Official Zoning Map to define and delineate the location, extent, use, and nature of permitted activities regulated by this Ordinance.

ZONING HEARING BOARD: A Board comprised of members, who are appointed by the governing body, to hear and decide matters as defined in the MPC section 909.1.

ZONING MAP: The Official Zoning Map of the Borough of Elizabeth delineating the Zoning Districts together with all amendments subsequently adopted.

ZONING OFFICER: The individual authorized by the governing body having the powers and subject to the provisions set forth in the MPC, whose duty it shall be to administer this Ordinance and such other Ordinances that may be assigned by the governing body.

Article III. Zoning Districts

Section 300. Establishment of Zoning Districts.

(A) The following Zoning Districts are hereby established in the Borough of Elizabeth:

- (1) R-1: Low-Density Residential
- (2) R-2: Medium-Density Residential
- (3) MU: Mixed Use
- (4) CBD: Central Business District Commercial
- (5) I/C: Flex Industrial / Commercial
- (6) I-2: Heavy Industrial
- (7) RO: Riverfront Overlay

Section 301. Zoning Map.

(A) The boundaries of the Zoning Districts hereby established are shown on the Official Zoning Map bearing the date of adoption of this Ordinance. The Map and all notations, references, subsequent amendments, and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

Section 302. District Boundaries.

(A) Where uncertainty exists as to the boundaries of any District as shown on the Official Zoning Map, the following rules shall apply:

- (1) District boundary lines, unless otherwise indicated on the Map, follow or are parallel to the center line of streets and streams; and to lot or property lines as they exist on a recorded deed or plan of record in the Allegheny County Recorder of Deeds Office at the time of the adoption of this Ordinance.
- (2) Where the boundary of a district follows a stream or other body of water abutting another municipality, the boundary shall be deemed to be the limits of jurisdiction of Elizabeth Borough, unless otherwise indicated.
- (3) Where streets, property lines or other physical boundaries and delineations are not applicable, boundaries shall be determined by the scale shown on the original Official Zoning Map on file in the office of Elizabeth Borough.
- (4) When a district boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance, the regulations which apply to the lot in the less restricted district shall extend over the portion of the lot in the more restricted district for a distance of not more than one hundred (100) feet beyond the district boundary line.
- (5) In other circumstances not covered in this section, the Zoning Hearing Board shall interpret the district boundary.

Section 303. Interpretation of Boundaries.

(A) Where physical or cultural features existing on the ground conflict with those shown on the Official Zoning Map, or in circumstance not covered by Section 302 above, the Zoning Hearing Board shall interpret the intent of the Official Zoning Map as to the location of the district boundary.

Section 304. R-1: Low Density Residential

(A) Purpose. To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance, the R-1 Low Density Residential District is intended to preserve and promote the existing single-family residential fabric of Elizabeth Borough while still encouraging continued growth by providing for low-densities of development and such additional public and semi-public uses as may be compatible with existing neighborhood patterns. It is meant to protect the character of the Borough’s more historic and traditional neighborhoods and prevent encroachment of more intense, incompatible land uses that may disrupt or impinge upon residential quality-of-life. These regulations are designed to ensure adequate light, air, privacy and open space for dwelling sites consistent with residential use requirements.

(B) Principal Uses. The following is a list of uses that are Permitted, permitted by Special Exception, or permitted by Conditional Use:

<i>R-1: Low-Density Residential</i>		
Permitted	Special Exception	Conditional
Cemetery	Agricultural operation	Communication antenna
Church, places of worship / religious institution	Boat storage	Communications co-location
Community facility	Day care center, child	Communications tower
Dwelling, single-family detached	Day care center, adult	Mobile home park
Essential public service installations	Family day care home	
Library	Recreation, commercial outdoor	
Recreation, municipal		

(C) Accessory Uses. The following accessory uses are either Permitted, or permitted by Special Exception:

<i>R-1: Low-Density Residential</i>	
Permitted	Special Exception
Garage, community	Dwelling, in-law apartment
Garage, private	Wind Energy Equipment (Small Wind Facilities)
Home-based business, no impact	
Home occupation	

(D) Dimensional Requirements.

R-1: Low-Density Residential

Minimum Lot Area		
	Dwelling, detached single family	4,500 square feet, or at least 75% of the average of the two immediately adjacent properties
	All other uses	7,000 square feet
Minimum Lot Width		
	All principal uses	35 feet, or the average of the two immediately adjacent properties
Minimum Front Yard		
	All principal uses	10 feet, or the average of the two immediately adjacent properties
Minimum Side Yard		
	Principal and Accessory Structures	The aggregate of the two side yards shall be not less than 10 feet.
Minimum Rear Yard		
	Principal Structures	25 feet
	Accessory Structures	5 feet
Maximum Structure Height		
	Principal Structures	35 feet (3 1/2 stories)
	Accessory Structures	25 feet (2 1/2 stories)
Maximum Lot Coverage		
		60%

Section 305. R-2: Medium-Density Residential District

(A) Purpose. To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance the R-2 Medium Density is intended to provide areas for higher-density residential land uses in the areas of the Borough where such activity has already been established or is most likely to occur in the future. These regulations are designed to provide a transition between traditional single-family residential neighborhoods and more mixed use areas. They are meant to encourage creative and adaptive re-use of properties and a wide variety of housing types and styles while ensuring that the traditional neighborhood character of the Borough is preserved. These regulations are designed to ensure adequate light, air, privacy and open space for dwelling sites consistent with residential use requirements. They are also intended to maintain desirable residential qualities within the district and to prevent the encroachment of land uses that are incompatible with this intents and purpose of this district.

(B) Principal Uses. The following is a list of uses that are Permitted, permitted by Special Exception, or permitted by Conditional Use:

<i>R-2: Medium-Density Residential</i>		
Permitted	Special Exception	Conditional
Cemetery	Boarding house	Communication antenna
Church, places of worship / religious institution	Bus / other transit shelter	Communications co-location
Dwelling, Multi-family - Duplex	Day care center, child	Communications equipment building
Dwelling, single-family attached	Day care center, adult	Communications tower
Dwelling, single-family detached	Dwelling, Multi-family - Conversion apartment	Community facility
Essential public service installations	Educational institution	Mobile home park
Library	Family day care home	
Parking lot	Recreation, commercial outdoor	
Recreation, municipal		

(C) **Accessory Uses.** The following accessory uses are either Permitted, or permitted by Special Exception:

<i>R-2: Medium-Density Residential</i>	
Permitted	Special Exception
Garage, community	Dwelling, in-law apartment
Garage, private	Wind Energy Equipment (Small Wind Facilities)
Home-based business, no impact	
Home occupation	

(D) **Dimensional Requirements.**

<i>R-2: Medium-Density Residential</i>		
Minimum Lot Area		
	All uses	3,500 square feet, or at least 75% of the average of the two immediately adjacent properties
Minimum Lot Width		
	All uses	30 feet, or the average of the two immediately adjacent properties
Minimum Front Yard		
	All principal uses	10 feet, <i>or</i> the average of the two immediately adjacent properties
Minimum Side Yard		
	Principal and Accessory Structures	The aggregate of the two side yards shall be not less than 10 feet.
Minimum Rear Yard		
	Principal Structures	15 feet
	Accessory Structures	5 feet
Maximum Structure Height		
	Principal Structures	35 feet (3 1/2 stories)
	Accessory Structures	25 feet (2 1/2 stories)
Maximum Lot Coverage		
		65%

Section 306. MU: Mixed Use District

(A) Purpose. To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance the MU – Mixed Use District is intended to provide for an appropriate mix of compatible residential, commercial, and professional offices that will allow for the existing mix of residences and businesses to continue while providing for a transition between residential areas and the downtown commercial core. It is also meant to provide for more flexible use of properties while still protecting the historic character of the Borough.

(B) Principal Uses. The following is a list of uses that are Permitted, permitted by Special Exception, or permitted by Conditional Use:

<i>MU: Mixed Use</i>		
Permitted	Special Exception	Conditional
Animal hospital / veterinary clinic	Animal daycare	Bus / other transit shelter
Automobile car wash	Greenhouse, commercial	
Bed and breakfast inn	Skilled nursing facility	
Catering business		
Church, places of worship / religious institution		
Community facility		
Construction and related building trades		
Convenience store		
Day care center, child		
Day care center, adult		
Docks, public and private		
Dwelling, Multi-family - Duplex		
Dwelling, Multi-family - Conversion apartment		
Dwelling, Multi-family - Garden apartment		
Dwelling, single-family attached		
Dwelling, single-family detached		
Educational institution		
Essential public service installations		
Equipment rental and repair		

<i>MU: Mixed Use</i>		
Permitted	Special Exception	Conditional
Family day care home		
Fishing Piers		
Institutional home		
Laundromat		
Library		
Marina		
Municipal use		
Parking facilities		
Personal care facility		
Personal and business services		
Photographic studio		
Professional office		
Recreation, commercial outdoor		
Recreation, municipal		
Restaurant, full service		
Retail stores < 7,000 sq. ft.		
Studio, dancing or music		
Trade, vocational, business, and commercial schools		
Vehicle repair and service		

(C) **Accessory Uses.** The following accessory uses are either Permitted, or permitted by Special Exception:

<i>MU: Mixed Use</i>	
Permitted	Special Exception
Dwelling, in-law apartment	Wind Energy Equipment (Small Wind Facilities)
Garage, community	
Garage, private	
Home-based business, no impact	
Home occupation	

(D) Dimensional Requirements.

<i>MU: Mixed Use</i>		
Minimum Lot Area		
	All uses	2,500 square feet, or at least 90% of the average of the two immediately adjacent properties
Minimum Lot Width		
	All uses	25 feet, or the average of the two immediately adjacent properties
Minimum Front Yard		
	All principal uses	There is no minimum front yard setback required. All buildings shall be built to the property line or, as recommended by the Planning Commission, within 4 feet of the front yard setback of the immediately adjacent properties.
Minimum Side Yard		
	Principal and Accessory Structures	There is no minimum side yard setback required. For corner properties, the front yard shall face one of the primary numbered streets (Third, Second, First, Water) and the side yard setback shall be within 4 feet of the front yard setback of the immediately adjacent property on the side street.
Minimum Rear Yard		
	Principal Structures	15 feet
	Accessory Structures	5 feet
Maximum Structure Height		
	Nonresidential principal uses	45 feet (4 1/2 stories)
	All other principal and accessory structures	35 feet (3 1/2 stories)
Maximum Lot Coverage		
	Dwelling, detached single family	75%
	Dwelling, multi-family (all types)	80%
	All other uses	85%

Section 307. CBD Central Business District

(A) Purpose. To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance the CBD: Central Business District is intended to provide for a concentrated mix of business and commercial uses at higher intensities that allow for continued economic growth and development of the community commercial core while maintaining and enhancing a traditional organization and cohesiveness in the downtown core of Elizabeth Borough.

(B) Principal Uses. The following is a list of uses that are Permitted, permitted by Special Exception, or permitted by Conditional Use:

<i>CBD: Central Business District</i>		
Permitted	Special Exception	Conditional
Assisted living facility	Boarding house	Recreation, commercial outdoor
Bank	Dwelling, Multi-family - High-rise apartment	
Bus / other transit shelter	Retail stores, 7,000 to 22,000 sq. ft.	
Church, places of worship / religious institution		
Clinic		
Community facility		
Day care center, child		
Dwelling, Multi-family - Residence over business		
Emergency services		
Essential public service installations		
Farmer's market		
Food and grocery store		
Health club		
Laundromat		
Library		
Municipal use		
Night club		
Parking facilities		
Parking lot		
Personal and business services		
Pet Shop		
Pharmacy		

<i>CBD: Central Business District</i>		
Permitted	Special Exception	Conditional
Photographic studio		
Private club or lodge		
Professional office		
Recreation, municipal		
Restaurant, carry-out		
Restaurant, full service		
Retail stores < 7,000 sq. ft.		
Studio, dancing or music		
Tavern / drinking establishment		
Theater		

(C) Accessory Uses. The following accessory uses are either Permitted, or permitted by Special Exception:

<i>CBD: Central Business District</i>	
Permitted	Special Exception
Garage, private	Garage, community
Home-based business, no impact	Solar Energy Equipment
Home occupation	Wind Energy Equipment (Small Wind Facilities)

(D) Dimensional Requirements.

<i>CBD: Central Business District</i>		
Minimum Lot Area		
	All uses	600 square feet, or at least 90% of the average of the two immediately adjacent properties
Minimum Lot Width		
	All uses	15 feet, or the average of the two immediately adjacent properties
Minimum Front Yard		
	All principal uses	There is no minimum front yard setback required. All buildings shall be built to the property line or, as recommended by the Planning Commission, within 4 feet of the front yard setback of the immediately adjacent properties.
Minimum Side Yard		
	Principal and Accessory Structures	There is no minimum side yard setback required.
Minimum Rear Yard		
	Principal and Accessory Structures	There is no minimum side yard setback required.
Maximum Structure Height		
	Principal and Accessory Structures	55 feet (5 1/2 stories)
Maximum Lot Coverage		
	All uses	100%

Section 308. I/C – Flex Industrial / Commercial District

(A) Purpose. To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance the I/C Flex Industrial / Commercial District is intended to create an area for more intense, concentrated nonresidential uses, including commercial amenities with larger footprints and light industrial and business uses, as well as to provide an organized and cohesive transitional district between the downtown commercial core and heavy industrial areas.

(B) Principal Uses. The following is a list of uses that are Permitted, permitted by Special Exception, or permitted by Conditional Use:

<i>I/C: Flex Industrial / Commercial</i>		
Permitted	Special Exception	Conditional
Animal daycare	Boarding house	Hospital
Automobile car wash	Boat storage	Mobile home park
Bank	Bus and transit facility	
Business services	Distribution facility	
Catering business	Dwelling, Multi-family - Duplex	
Construction and related building trades	Dwelling, Multi-family - Garden apartment	
Continuing care facility	Dwelling, single-family attached	
Convenience store	Dwelling, single-family detached	
Crematorium	Flea market	
Day care center, child	Garden Center	
Day care center, adult	Greenhouse, commercial	
Educational institution	Hotel / motel / lodge	
Emergency services	Industrial park	
Essential public service installations	Institutional home	
Equipment rental and repair	Kennel	
Farmer's market	Mineral extraction	
Food and grocery store	Nursing and personal healthcare facility	
	Oil and gas wells	
Funeral home / mortuary	Parking facilities	
Gas Station	Personal care facility	
Group residential facility	Repair shop	
Health club	Restaurant, fast food	
Laboratory	Retail uses > 22,000 sq. ft.	
Laundromat	Roadside stand	
Manufacturing, light	Self-storage facility	

<i>I/C: Flex Industrial / Commercial</i>		
Permitted	Special Exception	Conditional
Municipal use	Skilled Nursing Facility	
Parking lot	Tattoo parlor	
Personal and business services	Warehouse and storage	
Pet Shop		
Pharmacy		
Printing and publishing services		
Professional office		
Recreation, commercial indoor		
Recreation, commercial outdoor		
Recreation, municipal		
Research and development		
Restaurant, carry-out		
Restaurant, full service		
Retail stores, 7,000 to 22,000 sq. ft.		
Sales, retail and wholesale		
Shops, custom work and repair		
Tavern / drinking establishment		
Trade, vocational, business, and commercial schools		
Transportation services		
Vehicle repair and service		
Vehicle sales, rental, and service		

(C) **Accessory Uses.** The following accessory uses are either Permitted, or permitted by Special Exception:

<i>I/C: Flex Industrial / Commercial</i>	
Permitted	Special Exception
Home-based business, no impact	Drive-thru facility
Home occupation	Solar Energy Equipment
	Wind Energy Equipment (Small Wind Facilities)

Dimensional Requirements.

<i>I/C: Flex Industrial / Commercial</i>		
Minimum Lot Area		
	All uses	7,000 square feet
Minimum Lot Width		
	All uses	45 feet
Minimum Front Yard		
	Principal and Accessory Structures	25 feet
Minimum Side Yard		
	Principal and Accessory Structures	The aggregate of the two side yards shall not be less than 10 feet
Minimum Rear Yard		
	Principal and Accessory Structures	25 feet
Maximum Structure Height		
	Principal and Accessory Structures	45 feet (4 1/2 stories)
Maximum Lot Coverage		
	All uses	75%

Section 309. I-2 – Heavy Industrial

(A) Purpose. To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance the I-2 Heavy Industrial District is intended to provide appropriate locations for heavy industrial uses and to ensure a smooth transition from adjacent residential and commercial areas to industrial sites and locations. The district is intended to be flexible enough to allow proper space for larger, more disruptive industrial uses by encouraging their establishment in suitable, appropriate areas, and by taking into account neighboring land uses, adequacy of access to rail, river, and highway transportation networks, and the available of public utilities. These regulations are intended to provide appropriate protective parameters for industrial uses and structures which may have physical characteristics that are potentially harmful, offensive, or hazardous to neighboring properties and uses.

(B) Principal Uses. The following is a list of uses that are Permitted, permitted by Special Exception, or permitted by Conditional Use:

<i>I-2 Heavy Industrial</i>		
Permitted	Special Exception	Conditional
Automobile car wash	Bus and transit facility	Adult-oriented establishment
Boat and marine sales and services	Dump	Communication antenna
Business services	Incinerator	Communications co-location
Construction and related building trades	Kennel	Communications equipment building
Convenience store	Mineral extraction	Communications tower
Crematorium	Recycling facility	Extractive operations
Distribution facility	Retail uses > 22,000 sq. ft.	Junkyard
Emergency services	Salvage yard	Landfill
Essential public service installations	Truck terminal	Methadone treatment facility
Equipment rental and repair		Municipal waste landfill
Farm equipment supply and sales		Sewage treatment facility
Farmer's market		Wholesale uses and distribution facilities which handle materials that are flammable, explosive, or hazardous
Flea market		Wind turbine
Freight terminal		
Garden Center		
Gas Station		
Greenhouse, commercial		

I-2 Heavy Industrial

Permitted	Special Exception	Conditional
Home-based business, no impact		
Home occupation		
Hotel / motel / lodge		
Industrial park		
Lumberyard		
Marina		
Manufacturing, heavy		
Manufacturing, light		
Municipal use		
Night club		
Oil and gas wells		
Parcel delivery facility		
Parking facilities		
Parking lot		
Printing and publishing services		
Professional office		
Recreation, commercial indoor		
Recreation, commercial outdoor		
Recreation, municipal		
Repair shop		
Research and testing laboratories		
Restaurant, carry-out		
Restaurant, full service		
Restaurant, fast food		
Retail stores, 7,000 to 22,000 sq. ft.		
Roadside stand		
Sales, retail and wholesale		
Self-storage facility		
Shops, custom work and repair		
Tattoo parlor		
Trade, vocational, business, and commercial schools		
Transportation services		
Vehicle repair and service		
Vehicle sales, rental, and service		
Warehouse and storage		
Wholesale uses		

(C) **Accessory Uses.** The following accessory uses are either Permitted, or permitted by Special Exception:

<i>I-2 Heavy Industrial</i>	
Permitted	Special Exception
Solar Energy Equipment	Drive-thru facility
Wind Energy Equipment (Small Wind Facilities)	

(D) **Dimensional Requirements.**

<i>I-2 Heavy Industrial</i>		
Minimum Lot Area		
	All commercial uses	7,000 square feet
	All industrial uses	25,000 square feet
Minimum Lot Width		
	All commercial uses	75 feet
	All industrial uses	175 feet
Minimum Front Yard		
	Principal and Accessory Structures	45 feet
Minimum Side Yard		
	Principal and Accessory Structures	The aggregate of the two side yards shall not be less than 50 feet
Minimum Rear Yard		
	Principal and Accessory Structures	50 feet
Maximum Structure Height		
	Principal and Accessory Structures	35 feet (3 1/2 stories)
Maximum Lot Coverage		
	All commercial uses	75%
	All industrial uses	60%

Section 310. Riverfront Overlay.

(A) Purpose. To further the objectives set forth in the purpose statements and community development objectives in Article I of this Ordinance the RO: Riverfront Overlay District is intended to preserve and enhance the value of the river as a valuable public resource; to encourage uses and improvements along the river that enhance the environmental, scenic, recreational and economic values of the river; and to encourage opportunities for the public to view, use and enjoy the river.

(B) Principal Uses. The following is a list of uses that are Permitted, permitted by Special Exception, or permitted by Conditional Use:

<i>RO: Riverfront Overlay</i>		
Permitted	Special Exception	Conditional
Bed and breakfast inn	Agricultural operation	Docks, public and private
Food and grocery store	Hotel / motel / lodge	Fishing piers
Marina	Independent living facility	Night Club
	Restaurant, carry-out	Restaurant, full service
		Restaurant, fast food
		Retail stores < 7,000 sq. ft.
		Tavern / drinking establishment
		Theater

(C) Accessory Uses. The following accessory uses are either Permitted, or permitted by Special Exception:

<i>RO: Riverfront Overlay</i>	
Permitted	Special Exception
Garage, community	Dwelling, in-law apartment
Garage, private	Wind Energy Equipment (Small Wind Facilities)

(D) Dimensional Requirements.

<i>RO: Riverfront Overlay</i>		
Minimum Lot Area		
	Dwelling, detached single family	1,800 square feet
	All other uses	1,800 square feet
Minimum Lot Width		
	All principal uses	30 feet
Minimum Front Yard		
	All principal uses	10 feet, or average of the two immediately adjacent properties
Minimum Side Yard		
	Principal and Accessory Structures	The aggregate of the two side yards shall be not less than 10 feet.
Minimum Rear Yard		
	Principal Structures	10 feet
	Accessory Structures	5 feet
Maximum Structure Height		
	Principal Structures	35 feet (3 1/2 stories)
	Accessory Structures	25 feet (2 1/2 stories)
Maximum Lot Coverage		
	60%	

Article IV. GENERAL REGULATIONS

Section 400. Purpose.

(A) The purpose of this Article is to establish standards and policies for all uses in all districts. These regulations shall serve as general development standards by establishing uniform criteria for fencing, landscaping, lighting, off-street parking and loading, and similar criteria that are ancillary aspects to all uses within Elizabeth Borough. The provisions for this Article shall apply in addition to any other applicable zoning regulations.

Section 401. Accessory Structures or Uses.

(A) For the purposes of this Article, accessory structures or uses shall include but not be limited to the following:

(1) In the R-1, R-2, and MU Districts:

- (a). Children's playhouses, picnic shelters, greenhouses (noncommercial), garages, carports, garden houses, or buildings for domestic storage.
- (b). Tennis courts, basketball courts or similar private recreational facilities.
- (c). The storage of camping, sports and similar equipment owned or leased for noncommercial purposes for the use of the residents of the premises.
- (d). Home gardening.
- (e). Swimming pools, provided they comply with the following conditions and requirements:
 - (i). The pool is intended, and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 - (ii). The pool may be located only in the rear yard of the property on which it is an accessory use.
 - (iii). The pool paved areas and accessory structures adjacent thereto shall not be located closer than ten (10) feet to any property line of the property on which it is located.
 - (iv). The swimming pool shall be walled or fenced as to prevent uncontrolled access from the street or from an adjacent property and said fence shall not be less than four (4) feet high in height and shall be maintained in good condition. An above ground pool that has a top edge four (4) feet above the ground completely around the perimeter of the pool will not require an additional fence. Access to above ground swimming pool is to be removed or locked within the swimming pool is unattended.

(2) In the MU, C-1, I/C, and I-2 Districts:

- (a). The storage of merchandise and goods normally carried in stock in conjunction with the principal use.
- (b). The storage of goods used in, or produced by, manufacturing activities

(3) In all Districts:

- (a). Off-street motor vehicle parking areas and loading and unloading areas.
- (b). Fences and ornamental walls.

(B) All accessory uses shall require a Zoning/Development Permit.

(C) There must be a principal structure on the lot prior to the issuance of a Zoning/Development Permit for an accessory structure.

(D) No use that is to be carried on in an accessory structure shall be in violation of the permitted uses in that district.

(E) All accessory uses shall comply with the side and rear yard setback requirements for that district.

(F) No accessory structures or uses shall be closer than five (5) feet to a principal structure.

Section 402. Essential Public Service Installations.

- (A) Essential Public Service Installations shall be permitted in all zoning Districts subject to regulations by the Public Utility Commission.

Section 403. Fences.

- (A) Fences and hedges may be placed within the side, rear, and front yard setbacks.
- (B) Height Restrictions - No fences shall be erected, altered, or placed, and no hedge or other planting shall be allowed to grow so as to exceed a height of those listed below except those specifically noted in item C.
- (1) Front Yard - four (4) feet
 - (2) Rear and Side Yards - six (6) feet.
 - (3) No fence shall violate the clear sight triangle restrictions or shall be located within the road right-of-way.
- (C) Exceptions to the fence height restrictions shall include fences used for security reasons for permitted commercial, industrial and recreational uses.
- (D) The use of chain-link or cyclone fencing, or similar types is prohibited in the front yard setback of residential or commercial uses.
- (E) No barbed wire, other sharp pointed material, or similar material dangerous to the public health and safety shall be used in the construction of a fence unless said material is at least eight (8) feet above the ground level and within the I-2 Zoning District.
- (F) Fences shall be defined to include a front and back face. The finished side of the fence shall be considered the front face and the front face shall be oriented toward the exterior of a lot.

Section 404. Flood Hazards.

- (A) No building, structure, or use shall be located in any manner, or built in any way, as to constitute a flood hazard within ~~on~~ a flood plain or in a flood prone area as established by the Federal Emergency Management Agency, the Pennsylvania Flood Plain Management Act, and Borough Ordinances established to comply with the Federal and State Regulations.

Section 405. Height Measurements.

- (A) Measurement of height shall be the vertical distance from the mean level of the ground at the front of the building to the point on the roof measured as follows:
- (1) In case of flat roof structures - highest point.
 - (2) In case of mansard roof structures - deck line of roof.
 - (3) In case of gable or hip and gambrel roof - average height of roof between eaves and ridge.
- (B) Special structures such as cooling towers, elevators, bulkheads, fire towers, tanks, water towers, and antennas which require a greater height than provided in the Zoning District may be erected to a greater height than permitted provided:
- (1) The structure shall not occupy more than twenty-five (25) percent of the lot area, shall not be placed in the front yard and the side or rear yard requirements for the lot in which the structure is erected shall be increased by one (1) foot for each foot of height over the maximum height permitted.
 - (2) The height limitations of this Zoning Ordinance shall not apply to flagpoles, church spires, or chimneys.

Section 406. Landscaping, Buffering, and Screening.

(A) Landscaping.

- (1) Any part of a tract that is not used for buildings or other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted and

continually maintained with an all-season ground cover (such as grass) and landscaped with trees and shrubs.

- (2) Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.
- (3) Wherever possible, the landscape plan shall preserve and utilize such areas of healthy natural vegetation (such as woodlands and meadows) which may have existed upon a given site prior to development activity.
- (4) New planting materials shall be chosen to prevent soil erosion and subsequent sedimentation, and shall be disease-free and suitable for the local climate. All new planting materials shall be healthy nursery stock. The selection of plant materials shall be based upon the Borough of Elizabeth's climate and soils, and the selection of native and indigenous plant materials is strongly encouraged.
- (5) Except where otherwise noted, all new trees shall be balled and burlapped and shall have a minimum size of not less than 1.5 inches caliper diameter breast height (DBH).
- (6) All shade trees, buffer yards and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.
- (7) No certificate of occupancy will be issued for premises upon which buffering and site landscaping is required as a component of development plan approval until it has been installed. In the event that the season is not appropriate for such installation, a performance guarantee shall be posted with the Borough in an amount equal to one hundred ten percent (110%) of the estimated cost of installation. Buffering and site landscaping shall be installed within nine (9) months of the township's receipt of the performance guaranty.

(B) Buffer Yards.

- (1) Buffer yards and plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this Article.
- (2) No buffer yard shall be permitted where it may impose a threat to the public safety by obstructing the view of motorists to oncoming traffic or pedestrians.
- (3) A buffer yard shall not be required where the lot abuts an area of existing natural vegetation that effectively screens the lot from casual observation to a height of at least eight (8) feet.
- (4) A buffer yard may be used for passive recreation or stormwater management. It may contain pedestrian, bike or equestrian trails, provided that no plant material is eliminated, the total width of the buffer yard is maintained and all other regulations of this chapter are met. In no case shall this relieve the owner from the responsibility of providing the required plantings.
- (5) Buffer yards shall fall into one of the following categories:
 - (a). Buffer yard A. This screen is intended to partially block visual contact between adjacent uses and to create a strong impression of separation of spaces. The following buffer area and plantings are required per twenty five (25) linear feet. Minimum width of buffer yard area shall be five (5) feet.
 - (i). Two (2) understory trees.
 - (ii). Six (6) shrubs.
 - (iii). As an option, a six (6) foot fence, wall or evergreen hedge can take the place of the required plantings.

- (b). Buffer yard B. This screen is intended to provide an opaque visual screen that excludes visual contact between adjacent uses and creates a very strong impression of separation. The following buffer area, plantings and/or other structural screen are required per fifty (50) linear feet. Minimum width of buffer yard area shall be forty (40) feet.
 - (i). Four (4) canopy trees.
 - (ii). Four (4) understory trees.
 - (iii). Five (5) evergreen trees.
 - (iv). Twenty (20) shrubs.
 - (v). As an option, the requirement for plantings may be replaced with a six (6) foot solid wood fence, solid masonry/brick wall or solid evergreen hedge or a three (3) foot earthen berm with required plantings and perennial ground cover sown on the berm.

Table 4.1: Required Buffer Yards Between Uses.

<i>Proposed New Use</i>	<i>Adjacent Use</i>				
	<i>Single-family use</i>	<i>Attached single-family / duplex use</i>	<i>Multi-family use</i>	<i>Commercial use</i>	<i>Industrial use</i>
<i>Single-family uses</i>	None	None	A	A	B
<i>Attached single-family / duplex use</i>	None	None	A	A	B
<i>Multi-family use</i>	A	A	None	A	B
<i>Commercial use</i>	A	A	A	A	A
<i>Industrial use</i>	B	B	B	A	A

(C) Parking Lot Landscaping.

- (1) Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights; to delineate driving lanes; and to define rows of parking. Furthermore, parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots.
- (2) A minimum of one deciduous tree shall be required for every five (5) off-street parking spaces.
- (3) If a lot will include 30 or more new parking spaces, one (1) landscaped island shall be provided for every 15 parking spaces within each lot. Otherwise, the trees may be planted around the parking area.
- (4) Deciduous trees required by this section shall meet the following standards:
 - (a). Type of Trees Permitted. Required trees shall shade paved areas, be resistant to disease, road salt and air pollution and be attractive.
 - (b). Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
 - (c). Minimum Size. The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 1.5 inches or greater.
 - (d). Planting and Maintenance. Required trees shall be:
 - (i). planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air, and properly protected by curbs, curbstops, distance or other devices from damage from vehicles.

- (5) A minimum vegetative area shall be provided that includes at least a 3 feet minimum radius around all sides of the trunk of each required deciduous tree that is within or adjacent to a parking lot. Where a tree is required to be planted abutting a street, a minimum vegetative area shall be provided that is not less than 3 feet wide and 3 feet long surrounding the tree.
- (6) If the land between parking areas and the side or rear lot lines or street right-of-way line is landscaped to the satisfaction of the Borough, parking may be allowed in front, side and rear yards, but no closer than ten (10) feet from a side or rear lot line or street right-of-way line except in cases where commercial or industrial land uses abut a residential district, in which case the minimum shall be twenty-five (25) feet from a side or rear lot line or street right-of-way line.
- (7) The landscaped areas shall not obstruct sight distances for motorists or pedestrians, nor shall such landscaping create any potential hazard to public safety.
- (8) Landscaped areas shall be protected from the encroachment of vehicles by use of curbing, wheel stops, bollards, fencing, or other approved barriers.

Section 407. Lighting.

- (A) This section shall only regulate exterior lighting that spills across lot lines or onto public streets.
- (B) This Section shall not apply to:
 - (1) Street lighting that is owned, financed or maintained by the Borough or the State, or
 - (2) An individual porch light of less than six (6) feet total height in a front yard setback (not including a spot light).
- (C) No luminaire, spotlight or other light source that is within two hundred (200) feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding thirty-five (35) feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities.
- (D) All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- (E) All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- (F) Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
- (G) Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 1.0 horizontal foot-candle at a distance ten (10) feet inside the residential lot line.
- (H) Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
- (I) For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas, lighting fixtures shall be aimed downward and shall include full cut-off measures as needed to properly direct the light and to meet the maximum spillover requirements of Subsection (G) and to prevent glare onto streets. The municipality may require that light fixtures for non-residential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots.
- (J) For lighting of predominantly non-horizontal surfaces such building walls and wall signs, lighting fixtures shall be fully shielded and shall be aimed so as to not project light towards neighboring residences or past the object being illuminated or skyward. Any lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Lighting of a billboard should be attached to

the top of the billboard and project downward. However, lighting shall be allowed of the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag.

Section 408. Lot and Yard Requirements.

- (A) Every use, building, and/or structure hereafter erected or exterior dimensions altered shall be situated so that in no case shall more than one (1) principal building, structure, or use be located on one (1) lot except as specifically noted below.
 - (1) Where a lot, parcel, or tract is for a nonresidential or mix of residential and non-residential uses, more than one (1) principal use, building, or structure may be located upon the lot, parcel, or tract, but only when such uses, buildings, or structures conform to all open space and yard requirements around the perimeter of the lot, parcel, or tract for the District in which the lot, parcel, or tract is located. The minimum lot coverage shall not be exceeded as specified for the Zoning District in which the proposed development, uses, buildings, or structures are to be located.
- (B) All yards required to be provided under this Zoning Ordinance shall be open to the sky and unobstructed by any building or structure: however, the following exceptions shall be permitted within the required yards.
 - (1) Fences as specified in Section 403.
 - (2) Signs provided there are a minimum of five (5) feet from the public street right-of-way line.
 - (3) Steps or stoops may project into the front yard setback; however, said projection shall not be closer than three (3) feet to the street right-of-way line.
 - (4) Unenclosed porches or patios may project into the front yard setback provided they do not exceed the building line by more than ten (10) feet.
 - (5) Balconies may project from the principal building into the rear and side yard provided they do not project more than six (6) feet.
 - (6) Open or lattice enclosed fire escapes, fireproof outside stairways or balconies opening upon fire towers and the ordinary projection of chimneys and flues may project into the side rear yard if placed so as not to obstruct light or ventilation and where they do not project out more than three (3) feet from the wall of the building.
 - (7) Sills, eaves, belt courses, cornices, and ornamental features provided they do not project out more than three (3) feet from the wall of the building.
 - (8) Driveway(s) and sidewalk(s) may project into the required yards.
- (C) The front yard/building line requirements shall be adjusted in the following case:
 - (1) Where the frontage on one (1) side of a street between two (2) intersecting streets is developed with buildings that have observed a front yard setback greater in depth than herein required, new buildings shall not be erected closer to the street than the building line so established by the nearest adjacent building(s).
- (D) Where any main wall of a structure located on an irregularly shaped lot does not parallel the lot line which the wall faces, the yard or minimum distance to the lot line at every point shall be at least equal to the minimum dimension required for the yard or distance to the lot line.
- (E) Any lot which abuts on more than one (1) street shall measure the front yard setback from the principal street.
- (F) No part of a yard or other open space required around any principal or residential building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another principal residential building or structure. Exceptions are specifically noted within this Ordinance unless otherwise granted by the Zoning Hearing Board.

Section 409. Off-Street Parking, Loading, and Unloading Regulations.

(A) Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets and roads. At the time of the erection of any principal building or structure or when any such building or structure is enlarged or increased in capacity or when any private or public facility use permitted under this Ordinance is established, permanent off-street parking and loading spaces shall be provided as specified herein. An application for a zoning or building permit for a new or enlarged structure or use shall include therewith a plot plan, drawn to scale and fully dimensioned, showing all off-street parking and loading facilities to be provided in compliance with the requirement of this Ordinance. The following general regulations apply to the required parking, loading and unloading facilities.

(1) Availability of Facilities. The off-street parking, loading, and unloading facilities shall be available throughout the hours of operation of the land use and/or activity for which such facilities are provided. In addition, off-street space(s) shall be provided for the parking of delivery vehicles awaiting loading or unloading and arriving after the hours of operation of the land use or activity for which such facility is provided.

(2) Parking Space Design.

- (a). For angle parking, stalls shall be between eight and a half (8.5) feet and nine (9) feet in width and be between eighteen (18) and twenty (20) feet in length. At the discretion of the Borough, a portion of the required parking spaces may be reduced to a minimum of seven and a half (7.5) feet wide by sixteen and a half (16.5) feet in length, if clearly identified as “Compact Car” spaces.
- (b). For parallel parking, stalls shall be between seven (7) feet and eight and a half (8.5) feet in width and between twenty-two (22) feet and twenty-four (24) feet in length.
- (c). The minimum width of aisles providing access to stalls, varying with angle of the parking, shall be as follows in *Table 4.2: Parking Standards*:

<i>Angle of Parking</i>	<i>Minimum Aisle Width (Double-Sided Parking)</i>	<i>Minimum Aisle Width (Single-Sided Parking)</i>
Parallel	12'	12'
45	12'-8"	12'-8"
60	16'	16'
75	18'	18'
90	24'	18'

(d). Parking spaces for use by persons with disabilities shall meet Americans with Disabilities Act of 1990 (ADA) standards. All commercial, public, and industrial uses shall provide handicapped parking spaces for the physically challenged as follows in *Table 4.3: ADA Parking Standards*:

Table 4.3: ADA Parking Standards

<i>Total Parking Spaces</i>	<i>Required Handicap Accessible Spaces</i>	<i>Required Van Accessible Spaces</i>
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	1
301-400	8	1
401-500	9	2
501-1000	2% of total spaces	
over 1000	20 plus 1 per 100 spaces over 1,000	

- (i). One (1) parking access aisle of no less than five (5) feet in width shall be provided for each handicap accessible parking space and shall be a part of the accessible route of no less than three (3) feet in width to the building or facility entrance.
- (ii). Additionally, one (1) in every eight (8) handicap accessible spaces, but not less than one (1), shall be served by an access aisle with a minimum width of eight (8) feet and shall be designated “Van Accessible” as required by ADA.
- (iii). All handicap parking spaces shall be at least nineteen (19) feet in length and at least eight (8) feet wide and shall provide minimum vertical clearance of eight (8) feet two (2) inches at the parking space and along at least one (1) vehicle access route to such spaces from the site entrance(s) and exit(s). Parking access aisles shall be part of an accessible route to the building or facility entrance and shall be five (5) feet wide, except parking spaces reserved for vans, which shall be eight (8) feet wide. Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce clear width of an accessible route. Parking spaces and access aisle shall be level with surface slopes not exceeding 1:50 (two (2) percent) in all directions.
- (iv). Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

(3) Arrangement.

- (a). The required parking area shall be measured exclusive of interior drives or maneuvering areas.
- (b). All parking areas shall be designed to be accessible year-round.

- (c). Required parking areas shall be asphalt, except where an alternative paving material is permitted or required by the Borough upon the recommendation of the Borough Engineer. Parking spaces shall have an approved all-weather surface.
 - (d). Reserve parking areas may be permitted or required to comprise precast porous paver blocks (such as “grasscrete”), gravel, grass or other approved material, depending upon the degree of anticipated use, based upon the recommendation of the Borough Engineer.
 - (e). Parking spaces shall be clearly delineated by suitable markings. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings or signage.
- (4) **Wheel Stops.** Wheel stops shall be provided for parking lots with a slope of more than three (3) percent, except that the installation of wheel stops is optional for parking stalls oriented at right angles to the direction of slope. Wheel stops are also required on the perimeter of parking lots which are adjacent to walls, fences, or pedestrian walkways.
- (5) **Exemption from Off-Street Parking**
- (a). These requirements shall apply in all zoning districts whenever any new use is established which exceeds five thousand (5,000) square feet of gross floor area. Whenever an existing use is structurally altered or enlarged to increase the total gross floor area by more than fifty (50) percent or whenever an existing use is changed which results in an increase of the number of parking spaces required for the new use of more than ten (10) spaces, the additional parking required for shall be provided; however, the existing parking shall not be required to be increased.
 - (b). For uses in the CBD and MU Districts, the Planning Commission may exempt the applicant from providing some or all of the parking required by this Section in accordance with the standards shown in *Table 4.4: Off-Street Parking Exemption*, provided it can be demonstrated that adequate parking exists on-street or in off-street public or private lots available to the potential customers or residents of the proposed use within three hundred fifty (350) feet of the proposed use:

Table 4.4: Off-Street Parking Exemption	
<i>Gross Floor Area of Building</i>	<i>Exemption</i>
7,000 square feet or less	100%
7,001 to 17,000 square feet	75%
12,001 to 20,000 square feet	50%
20,001 to 30,000 square feet	25%
30,001 square feet or greater	None

- (c). In addition, the establishment of any new use in an existing building which has lot coverage of eighty-five (85) percent or greater may be granted a one hundred (100) percent exemption by the Borough Council, upon recommendation of the Planning Commission, provided a traffic study is provided, prepared by a

registered traffic engineer, which documents the availability of public parking spaces conveniently located with respect to the existing building adequate to meet the increased parking demand, or at the discretion of the Borough Engineer and Borough Council.

(6) Lighting.

- (a).** Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of any Residential Zoning District or residential use and away from any streets or highways. Light standards shall not exceed fifteen (35) feet in height. The lighting system shall furnish an average minimum of 1.0 footcandle during hours of operation and shall be designed with a full cut-off luminaries with a cutoff angle of ninety (90) degrees.

(7) Signing.

- (a).** For purposes of safety, all traffic movements (vehicular and pedestrian) and parking movements shall be controlled and/or separated utilizing signing (on pole standards or pavement marking) and/or various forms of curbing.
- (b).** The traffic movement patterns and signage shall be approved by the Borough.

(8) Maintenance of Off-Street Parking and Loading Areas.

- (a).** Owners of all parking and loading/unloading facilities shall be required to maintain both the number and the quality of such parking and/or loading/unloading facilities, parking aisles, standby/stacking lanes, driveways, and access drives in accordance with the conditions, standards, and requirements set forth in this Ordinance for as long as the principal use for which these facilities are required is in existence. They shall be required to keep these areas free of trash, debris, vehicle repair operations or display, and advertising uses.

(9) Yards and Setbacks for Off-Street Parking and Loading Facilities.

- (a).** All parking and loading/unloading spaces and areas, parking aisles and standby/stacking lanes over four (4) spaces shall be separated from the paving edge of a public street and from adjoining property line(s) by a planting strip the depth of which shall be two (2) feet. Such planting strip shall be properly landscaped or screened. In some circumstances the Borough may require wheel stops or curbing at the perimeter of parking facilities or loading/unloading facilities to serve as a suitable barrier to prevent vehicle encroachment beyond the planting strip, yard and/or property line.
- (b).** All off-street parking and loading/unloading facilities of non-residential uses abutting a residential use or residential Zoning District shall be screened from this residential lot, use, and/or Zoning District by a visual screen.

(10) Underground / Subsurface Garages. A garage or similar structure used as an off-street parking and/or loading/unloading facility may be constructed under a side yard or rear yard.

- (a).** The space above the underground/subsurface garage may be regarded as part of the required yard space (open space) of the lot on which it is located provided that a minimum of three (3) sides of the underground garage are below the level of the exterior grade of the surrounding yard.

- (B)** Any structure or building hereafter erected or enlarged for any of the following uses or combination of uses or any open areas hereafter used for one or several uses shall be provided with not less than the minimum off-street parking spaces as set forth below. Parking facilities required for special exception or conditional uses may apply to existing structures whose use has changed. Said parking spaces shall be developed in accordance with applicable General Regulations within this Article. Fractional numbers of parking spaces shall be increased to the next whole number. Where a lot or a structure contains more than one (1) use the total of all

parking requirements for all uses shall apply unless applicant follows the requirements for Multiple Occupancy in Subsection (B) (8) above. NOTE: Uses listed below are defined under Article II of this Ordinance:

<i>Class I: Residential</i>	
Group residential facilities	1 for every 3 rooms, plus 1 per employee on largest shift
Hotel / motel / lodge	1 for each sleeping room up to 250 rooms; 0.75 for each sleeping room from 251 rooms to 500 rooms; 0.50 for each sleeping room in excess of 500 rooms
Multi-family (3 bedroom unit or less)	1 per unit
Multi-family (3 bedroom unit or more)	2 per unit
Single-family	2
All other residential uses	2
<i>Class II: Moderate Intensity Nonresidential</i>	
Clinic	1 for every 350 sf of GFA
Funeral home or mortuary	1 for every 50 sf of GFA in the parlors plus 1 per 300 sf of remaining GFA
Hospital	2.2 for each bed proposed to be constructed
Offices	1 for every 400 sf of GFA
Personal and business services	1 for every 174 sf of GFA
Veterinary clinic	1 for every 200 sf of GFA
All other nonresidential noncommercial uses	1 for every 150 sf of GFA

<i>Class III: Educational and Religious</i>	
Art gallery / museum	1 for every 325 sf of GFA in exhibit area or gallery space
Church	1 for every 5 fixed seats in auditorium / sanctuary; if no fixed seats, 1 for every 40 sf of GFA in main auditorium or sanctuary
Day care center	1 for every employee on duty during largest shift plus 1 for every 5 children in attendance when the facility is operating at maximum capacity
Library	1.2 for every 1,000 sf of GFA
Schools:	
Elementary school	1.5 per 30-person classroom
Middle / junior high school	3.5 per 30-person classroom
High school	9.5 per 30-person classroom
College, university, or trade school	1 for every 3 employees plus 1 for every 10 students residing on campus and / or 1 for every 5 students not residing on campus
All other institutional uses	1 for every 500 sf of GFA
<i>Class IV: Commercial</i>	
Bank	1 for every 250 sf of GFA plus 3 for each ATM not located in a drive-thru
Food and grocery store and / or Convenience store	1 for every 250 sf of GFA
Greenhouse, commercial and / or Garden center and / or Nursery	1 for every employee on largest shift plus 1 for every 400 sf of growing and display area accessible to the public
Restaurant / Tavern / drinking establishment (including outdoor decks, patio and/or seating areas)	1 for every 125 sf of GFA or 1 for every three (3) patrons based on the occupancy permit
Retail uses	1 for every 250 sf of GFA
All other commercial uses	1 for every 250 sf of GFA

<i>Class V: Industrial</i>	
Automobile car wash	2.5 for each bay or stall for stacking space
Gas station	1 for each employee on duty during largest shift plus 2 for each service bay plus 1 per 250 sf of GFA of convenience store
Heavy manufacturing	1 for every 400 sf of GFA of office space, plus 1 per 2,000 sf of GFA of warehouse, assembly, or storage space
Light manufacturing	1 for every 400 sf of GFA of office space, plus 1 per 1,500 sf of GFA of warehouse, assembly, or storage space
Research and development and / or Laboratory	1 for each 2,000 sf plus 1 for each employee on duty during largest shift
Self-storage facility	1 for every 40 storage units or bays
Transportation depot	1 for every 150 sf of waiting area
Truck terminal	1 for 1,000 sf of GFA plus 1 for each employee on duty during largest shift
Vehicle repair	1 for every 200 sf of GFA
Vehicle sales, rental, and service	1 for every 180 sf of GFA
Warehouse and / or Distribution facility	1 for every 400 sf of GFA of office space, plus 1 per 1,700 sf of GFA of wholesale / warehouse space
Wholesale establishment	1 for each 3,500 sf of GFA plus 1 for each employee on the largest shift
All other industrial uses	1 for every 400 sf of GFA, plus 1 for each employee on duty during largest shift

<i>Class VI: Recreation</i>	
Driving range (golf) / miniature golf	1 for each tee; 1 for each hole
Golf course	5 for every green
Health club	1 for every 200 sf of GFA
Movie theater	1 for every 3 seats
Park pavilion	1 for each picnic table
Recreation, municipal or private (5-10 acres)	1 for the first 2 acres and 1 for each additional acre plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation, municipal or private (over 10 acres)	5 for the first acre and 1 for each additional 10 acres plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation, indoor	1 for every 250 sf of GFA
Theater or Auditorium	1 for every 3 seats
All other recreational uses	To be determined by the Zoning Hearing Board (ZHB)

- (C) Areas provided for the loading and unloading of delivery trucks and other vehicles and for the servicing of shops by refuse collection, fuels, and other service vehicles shall be arranged so that they may be used without:
- (1) Blocking or interfering with the use of accessways, automobile parking facilities, or pedestrian ways, or
 - (2) Backing out into a street.
- (D) All required loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane. No loading berth for vehicles of more than two (2)-ton capacity shall be located less than one hundred (100) feet from any residential district. No permitted or required loading berth shall be located within fifty (50) feet of any property line. No loading facilities shall be constructed between the building setback line and a street right-of-way line or within a required yard.
- (E) All off-street loading areas shall be adequately buffered from adjacent streets and properties and landscaped in accordance with the provisions of this Article.
- (F) In any district, in connection with every building or building group or part thereof that is to be occupied by commercial, industrial or other nonresidential uses that rely on the delivery or distribution of materials or merchandise, there shall be provided and maintained on the same lot with such buildings off-street loading berths in accordance with the following standards.
- (G) Exemptions to Off-Street Loading Requirements in the Central Business District and Mixed Use District
- (1) The Zoning Officer may authorize an exemption to the off-street loading standards of this section provided that:
 - (a). The Zoning Officer determines that projected vehicular service volumes do not warrant the provision of the number of off-street loading spaces otherwise required;

- (b). That such volume will not cause undue interference with the public use of streets or ways, nor imperil public safety or that
- (c). The configuration of lot(s) and streets prevent the economical provision of adequate loading and unloading areas

<i>Floor Area Total Number of Use (square feet)</i>	<i>Delivery Van-Sized Loading Berths</i>
<i>Schools</i>	1
<i>Retail and service, commercial</i>	1
<i>Wholesale, commercial, under 10,000 sf</i>	1
<i>Wholesale, commercial, over 10,000 sf</i>	2
<i>Warehousing or storage, under 10,000 sf</i>	1
<i>Warehousing or storage, for each additional 20,000 or fraction thereof</i>	1 (in addition to above)
<i>All other commercial of industrial uses</i>	1

Section 410. Outdoor Storage

- (A) Commercial equipment including trucks, five (5) ton capacity or larger, tandems, tractor-trailers, tractors, or other commercial or construction and cargo-moving vehicles or equipment shall not be stored or parked overnight in the R-1 or R-2 Zoning Districts unless within the confines of an accessory structure clearly incidental to the principal structures on the same lot.
- (B) Trailers as defined within the terms of this Ordinance and including travel trailers, pickup coaches, motorized homes, and boat trailers may be parked subject to the following requirements:
 - (1) At no time shall parked or stored camping and recreation equipment be occupied or used for living, sleeping, or housekeeping purposes.
 - (2) Parking and storing of camping and recreational equipment shall be limited to the interior of automobile garages, other available on-lot accessory buildings, or to that portion of the lot beyond the public street right-of-way.

Section 411. Refuse and Waste Collection Areas; General Storage and / or Disposal.

- (A) Refuse and waste collection areas appropriate to serve all uses are required; and such areas shall be visually screened from adjacent properties and the public way by an approved screen constructed of material similar to the principal structure on the property or by mature landscape material. Such screening shall follow general guidelines established in Section 406, Landscaping and Screening. The screening requirement shall not apply to a single-family detached or two-family residential dwelling. Adequate provision shall be made for access to the refuse and waste collection area by disposal agency equipment. No person shall use any refuse and waste collection area unless such area complies with these provisions.
- (B) Adequate screening shall prevent direct views of loading areas, trash bins, storage areas outside an enclosed building, service areas, and associated service driveways from adjacent properties or from the public or private right-of-way.
- (C) All organic refuse or garbage shall be stored in tight, vermin-proof containers. In multi-family, commercial and industrial developments, garbage storage shall be centralized to expedite collection and enclosed on three (3) sides by an architectural screen or plantings.
- (D) No land area in excess of one hundred (100) square feet or any water body shall be used as a storage area or disposal site for any organic and/or nonorganic material within any Zoning District except where specifically permitted and in accordance with the regulations of Section 526, Junk yards and salvage yards.

Section 412. Temporary Use.

- (A) A temporary principal use where permitted shall meet the following criteria:
 - (1) The site for the temporary use is a minimum of twenty five (25) feet from any residential dwelling and off the public right-of-way.
 - (2) Off-street parking at a rate adequate for the patrons of the temporary use shall be provided.
 - (3) Safe access for police, fire, and other emergency vehicles can be obtained through and around the site.
- (B) One of the following temporary principal uses (for a period of up to four (4) weeks in one (1) calendar year) may be permitted if the above conditions are complied with:
 - (1) Selling of Christmas Trees or other seasonal items.
 - (2) Community or Neighborhood Fair.
 - (3) Mobile amusement.
 - (4) Art show, craft demonstration, or exhibit.
- (C) A temporary accessory use (for a period not to exceed two (2) days a week for a six (6) month period in one (1) calendar year) limited to home garden sales, a roadside stand shall be permitted provided they meet the following criteria:
 - (1) The roadside stand shall not exceed two hundred (200) square feet in area.
 - (2) Off-street parking at a rate adequate for the patrons of the temporary use shall be provided.
- (D) A temporary accessory use (for a period not to exceed twelve days in one (1) calendar year) limited to household yard or garage sale shall be permitted.

Section 413. Vehicular access and control.

- (A) Unless clearly impractical or inappropriate due to physical conditions or traffic access management considerations, lots which abut two (2) or more public streets shall have direct access only to the street of lesser functional classification.
- (B) Vehicular Ingress and Egress to Arterial and Collector Streets.

- (1) Where lots are created having frontage on an arterial or collector street, any proposed development street pattern shall provide reverse frontage to local streets within the subdivision, unless clearly impractical due to lot configuration or topography.
 - (2) Where any use other than a single-family detached dwelling has vehicular access to or from an arterial or collector street, the Borough may require that all vehicular entrances and exits be provided with deceleration and acceleration lanes, as may be recommended or required by the Borough Engineer and/or the Pennsylvania Department of Transportation. In no event shall vehicles be permitted to back directly into the public street from the off-street parking area.
- (C) Location of Ingress and Egress.
- (1) Ingress and egress for lots shall be designed and arranged so that:
 - (a). The edge of any access driveway onto a street shall be at least forty (40) feet from any street intersection, measured from the nearest intersection of right-of-way lines, and in no case, within the curb radius, except for a cul-de-sac turnaround.
 - (b). Any nonresidential use with less than one hundred (100) feet of street frontage shall not have more than one (1) access driveway to such street. Furthermore, no use that has greater than one hundred (100) feet of street frontage shall have more than two (2) access driveways for each four hundred (400) feet of frontage. The Borough may require common access point(s) for two (2) or more uses, where practical, to minimize vehicular access points along streets other than local streets. All access driveways shall be designed to conform to PennDOT specifications with regard to State roads and the subdivision requirements for local roads, as applicable.
 - (c). Regardless of frontage, a development may be restricted to a single driveway depending on usage and interior and exterior traffic patterns.
 - (d). In no case shall a use construct a driveway that reduces the number of on-street parking spaces in a zoning district unless specifically permitted by the Borough.
 - (e). Each nonresidential use shall provide access easements for its parking aisles and driveways guaranteeing access to all abutting nonresidential lots, unless all possible interconnections between two abutting lots must cross wetlands, floodplain or slopes of fifteen (15) percent or more.
 - (2) All dead end and cul-de-sac streets are governed by the requirements set forth in the Subdivision and Land Development Ordinance.
- (D) Sidewalks shall connect nonresidential buildings with all parking areas, sidewalks along streets and bike trails or sidewalks on abutting property.

Article V. SUPPLEMENTAL REGULATIONS

Section 500. Purpose.

- (A) The purpose of this Article is to establish standards and policies for specific uses in all districts that require particular considerations. These regulations will supplement general development standards by establishing uniform criteria for each use – whether a permitted use by right, a special exception, or a conditional use – and are set forth to achieve compatibility with the principal uses permitted in a zoning district. The provisions for this Article shall apply in addition to any other applicable zoning regulations.

Section 501. Adult entertainment shall be subject to the following regulations:

- (A) Adult entertainment uses shall not be located within five-hundred (500) feet of any residential structure; within five hundred (500) feet of any church, school, park or playground; or within five hundred (500) feet of any other adult entertainment use.
- (B) Advertisements, displays, or other promotional materials for adult entertainment facilities shall not be shown or exhibited so as to be visible to the public from any street, sidewalk, or other public place.
- (C) All building openings, entries, exits, or windows for adult entertainment facilities shall be located, covered, or screened in such a manner as to prevent a view into the interior from any street, sidewalk, or other public place.
- (D) In the case of an adult drive-in motion picture theater, viewing screens shall be situated and screened so as to prevent observation from any street or adjoining property.
- (E) An adult-oriented establishment shall be initially licensed when it has met the requirements of this Section. 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 a renewal of the license. The application for renewal shall be submitted to the Borough Zoning Officer by November 1st of the year preceding 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-oriented establishment.

Section 502. Agricultural operation shall be subject to the following regulations:

- (A) All agricultural practices shall comply with the Pennsylvania Department of Environmental Protection (DEP) standards regarding nutrient management.
- (B) Commercial composting is prohibited. Any on-site composting shall be limited for use on premises on which such composting is made and produced.
- (C) Solid and liquid wastes shall be disposed of frequently in a manner to avoid creating insect or rodent problems, or a public nuisance. No emission of noxious, unpleasant gases shall be permitted in such quantities as to be offensive outside the lot lines of the tract occupied by an agricultural user.
- (D) Surface water run-off shall be diverted away from adjacent properties and shall not contaminate downstream watercourses.
- (E) No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- (F) Structures may be erected for a private stable, pen, barn, shed, or silo for raising, treating, and storing products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.
- (G) Standings under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding, or other potential nuisances.

- (H) Fences for pens, corrals, or similar enclosures for livestock must be of sufficient height and strength to retain the animals. No pen, corral, or similar enclosure may be closer than twenty (20) feet to an adjacent property line unless it is a part of a larger property line divider.
- (I) Any new operation as part of an existing agricultural operation shall not be approved by the Borough until erosion and sedimentation control plan has been prepared and found satisfactory by the Allegheny County Conservation District, if said plan is applicable.

Section 503. Animal daycare shall be subject to the following regulations:

- (A) The number of pets / animals to be permitted shall be determined by the Zoning Officer and / or Zoning Hearing Board.
- (B) Kennels / overnight boarding facilities shall not be permitted unless submitted as part of an application for kennels / boarding facilities.
- (C) Such uses shall be located at least fifty (50) feet from any property line adjoining an existing residential district.
- (D) Hours of operation shall be between 7 AM and 6 PM.
- (E) Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a six (6) foot high compact hedge or one hundred (100) percent opaque fence on all sides which are visible from an existing residential lot or a public right of way.
- (F) At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.

Section 504. Boat storage

- (A) Boats must be no more than thirty-five (35) feet in length.
- (B) Boats must be stored in an enclosed building not to exceed thirty-six (36) feet in height, or may be stored upon a rack provided such rack is covered by a roof, canopy, or secure tarp.
- (C) All storage apparatus must be located at least six (6) feet from the side and rear property lines.
- (D) Any on site boat maintenance, regardless of size, such as, but not limited to mechanical repairs, sandblasting, gel-coat and fiberglass repairs and sanding, are prohibited.
- (E) Driveway access to storage individual storage garages or facilities shall be of adequate size such that no vehicle is forced to directly back onto a public street.

Section 505. Bus or other transit shelter shall be subject to the following regulations:

- (A) Bus shelters shall not be greater in size than six (6) feet by twelve (12) feet.
- (B) Such bus shelters may not carry upon its exterior walls advertising signs.
- (C) Such bus shelters may not be right-of-way unless approved by the governmental body

Section 506. Communications antennas, communications co-location, communications equipment buildings, and communications towers shall be subject to the following regulations:

- (A) Communication towers shall be erected within the minimum yard and building setback requirements of the districts in which they are to be built.
- (B) The height regulations of this Ordinance may be increased provided that every minimum yard setback is increased by one (1) foot for each one (1) foot of height above the maximum height. The setback requirement may be waived if the tower is equipped with a “fold point,” which, if there is a failure, would cause the failure to occur at a predetermined point. The communications towers shall not at any time exceed two hundred (200) feet.
- (C) Any applicant proposing construction of a new communication tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) miles radius of the proposed

tower site be contacted and that the applicant state the reasons why the sites would not be suitable.

- (D)** Communication towers shall be securely anchored in a fixed location on the ground, and plans submitted showing a cross section of the proposed structure, structural compliance with building codes documenting that the proposed structure meets or exceeds those standards, and documentary evidence from a professional engineer shall be provided that the proposed structure will withstand wind, storm, ice, lightening, and other natural forces. Additionally, documentation shall be provided by a professional engineer demonstrating that the communication tower is structurally capable of handling antennas, dishes and other equipment mounted or attached to the communication tower and what the maximum load limits are for the structure.
- (E)** The owner of the land and tower operator will not prohibit co-location by other personal wireless service companies.
- (F)** All communication towers shall have a finish that reduces the visibility of the structure. Communication towers shall not have strobe lights or any illumination unless required by local, state, or federal regulation.
- (G)** The communication tower and all equipment shall be enclosed by a chain link fence ten (10) feet high with three (3) strands of barbwire constructed on the top of the chain link fence. The communication tower shall be shielded or guarded against climbing of unauthorized personnel. Access to the site shall be restricted and remain locked. The base of a communication tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties with a natural screening no higher than six (6) feet. Structures related to the communication tower shall be equipped with a twenty-four (24) house security system.
- (H)** The communication tower and related equipment shall be promptly removed if the communication tower is not used for communication purposes for any continuous one (1) year period.
- (I)** The communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel with in a lot meeting the minimum lot size requirements for the zoning district.
- (J)** Recording of a plat of subdivision shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.
- (K)** The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- (L)** The foundation and base of any communications tower in the industrial zone shall be set back from a property line (not lease line) in any residential district at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.
- (M)** The communication equipment building shall comply with the required yards and height requirements of the zoning district in which it is proposed to be located.
- (N)** The applicant shall submit certification from a registered Pennsylvania Structural Engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Universal Construction Code (UCC).
- (O)** The applicant shall demonstrate that the location of the proposed communications tower complies with all building and safety codes and that tower structure failure, falling ice or other debris will not adversely affect surrounding areas.
- (P)** All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- (Q)** No signs or lights shall be mounted on a communications tower, except as may be required by local, state, or federal regulation.

- (R) Communications towers shall be protected and maintained in accordance with the requirements of the Elizabeth Borough Building Code.
- (S) One (1) off-street parking space shall be provided within the fenced area.
- (T) In January of each year, the owner or operator of a communications tower shall submit written verification to Elizabeth Borough that there have been no changes in the operating characteristics of the communications tower as approved at the time of approval of the use, including, at a minimum:
 - (1) Copy of the current Federal Communications license, if applicable;
 - (2) Name, address and emergency telephone number for the operator of the communications tower;
 - (3) Copy of Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas;
 - (4) At any time during the calendar year, if an amendment to the Federal Communications Commission license is issued, a copy of the amended license shall be submitted to the Borough.

Section 507. Community garage shall be subject to the following regulations:

- (A) Access for community garages shall be off of alleys or shared driveways only.
- (B) Parking shall be available for up to six (6) cars.
- (C) No machinery or industrial equipment, chemicals or pollutants or otherwise hazardous substances may be stored in the garage structure.
- (D) Outside storage is strictly prohibited.
- (E) Commercial garages shall not exceed fifteen (15) feet, or one story, in height.
- (F) Commercial garages shall be an accessory use to residential uses only. Commercial garages as a principal structure or primary use on a lot are strictly prohibited.

Section 508. Day care center, adult and child, shall be subject to the following regulations:

- (A) The facility operator(s) shall abide by all provisions of Chapter 3290 - Family Child Day Care Homes of the Pennsylvania Code, as amended.
- (B) A day care facility operator shall forward a copy of the current certificate of registration as issued by the Department of Welfare to the Borough.
- (C) Off-street parking is provided at a rate of one (1) space per employee plus one (1) parking space for every four (4) clients in attendance at any given time and said parking placed behind the building line. In no instance shall clients or those picking up or dropping off clients idle in the street right-of-way or otherwise block public traffic patterns.
- (D) Additionally, sixty-five square feet of usable and accessible open space shall be provided for each client on the same lot as the use and at a minimum twenty-five (25) percent of the lot shall be landscaped and developed as an open space/recreational area in less than eight (8) percent slope for the clients.

Section 509. Distribution facility shall be subject to the following regulations:

- (A) All principal use and activities associated with the distribution center shall be conducted within an enclosed building or loading dock zone that complies with the appropriate building code requirements adopted by Elizabeth Borough.
- (B) The landowner shall provide Elizabeth Borough and the emergency service responders (police, fire and ambulance) with a complete list of materials, chemical and/or substances that are typically stored or maintained on the property that could be considered hazardous or dangerous to the employees, visitors and/or emergency service responders.

- (C) Where overnight parking is permitted, the trucks or commercial vehicles utilizing the facilities shall not be kept running or idling for a period of time that exceed the provisions specified by the Pennsylvania Diesel Powered Motor Vehicle Act and other state or federal laws.
- (D) The proposed lighting for the distribution facility shall comply with the requirements specified under Section 407 of this Zoning Ordinance.
- (E) All proposed signs for the warehouse and distribution shall comply with the provisions specified in Article VI of this Zoning Ordinance.
- (F) The use and related activities shall not emit noise, glare, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat and/or other perceptible or objectionable nuisances that would impact neighboring properties, or be noticeable at or beyond the property line.
- (G) Exterior storage areas for trash and rubbish shall comply with the provisions specified under Section 406 (C) of this Zoning Ordinance.
- (H) Buffers shall comply with provisions specified under Section 406 (B) (5) (b).
- (I) The disposal of all materials and wastes shall be accomplished in a manner that complies with local, state and federal laws. The applicant shall provide documentation to Elizabeth Borough that licensed waste haulers have been contracted to dispose of the discarded materials and wastes from the site. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with these requirements.
- (J) The applicant shall develop, implement and maintain a working plan for the trash disposal, recycling and the clean-up of litter that is a result of the warehouse and distribution.

Section 510. Drive-thru facility shall be subject to the following recommendations:

- (A) Drive-thru facilities are permitted as an accessory use to a principal commercial or nonresidential use only.
- (B) Entries and/or exits to drive-thru facilities shall be a minimum of one hundred and fifty (150) feet from the street centerline of any intersection, or from another drive-thru facility on the same side of the street, except within a shopping center. Shorter distances from road intersections may be approved if the Borough Engineer determines that public safety and/or the efficiency of traffic circulation are not being compromised.
- (C) Pedestrian walkways shall not intersect the drive-thru aisles, but where they do, they shall have clear visibility.
- (D) Drive-thru aisles shall have a minimum twelve-foot (12') width on curves and a minimum eleven-foot (11') width on straight sections.
- (E) Drive-thru aisles shall provide sufficient stacking area behind the menu board to accommodate a minimum ten (10) cars (approximately two hundred (200') feet). From the menu board to the pick-up window there shall be a minimum of two (2) additional stacking spaces (approximately forty (40') feet).
- (F) No drive-thru aisles shall exit directly into a public right-of-way. Aisles shall be integrated with the on-site circulation and shall merge with the driveway. There shall be provided one (1) parking space for every two (2) employees. A minimum of six (6) parking spaces required.
- (G) Drive-thru aisles shall be separated from landscaping areas by a six-inch (6") high, poured in place, concrete curb or other suitable protective device meeting Borough approval.
- (H) Speakers at drive-thrus shall not be audible from adjacent residential uses. Sound attenuation walls, landscaping or other mitigation measures may be required as necessary.
- (I) All service areas, restrooms, and ground mounted mechanical equipment shall be screened from public view.
- (J) Landscaping shall screen drive-thru aisles or stacking lanes from the public right-of-way and shall be used to minimize the visual impacts of reader-board signs and directional signs.

- (K) Menu board shall be a maximum of thirty (30) square feet, with a maximum height of six (6) feet, and shall face away from the street.

Section 511. Dwelling, In-law apartment shall be subject to the following regulations:

- (A) In-Law Apartments shall be considered an accessory use to a detached single family dwelling.
- (B) The In-Law Apartment may be a complete, separate housekeeping unit that functions as a separate unit from the single-family residence of which it is a part.
- (C) Only one In-Law Apartment may be created within a single-family residence.
- (D) An In-Law Apartment may only be created in a dwelling that would otherwise be classified as a single-family detached residence.
- (E) The lot on which the single-family residence must comply with all applicable zoning requirements for its district after the accessory apartment has been created.
- (F) Adequate provision must be made for the disposal of sewage, waste and drainage generated by the occupancy of the entire residence, including the In-Law Apartment, in accordance with the requirements of Elizabeth Borough.
- (G) The In-Law Apartment shall be designed so that the appearance of the building remains that of a single-family residence as much as is feasibly possible. Any new entrances shall be located on the side and rear of the building.
- (H) The In-Law Apartment shall be clearly a subordinate part of the single-family residence. It shall be no greater than one thousand (1,000) square feet nor have more than two (2) bedrooms.
- (I) In addition to the two (2) required off-street parking spaces for the single-family residence, one (1) additional off-street space shall be provided for the In-Law Apartment.
- (J) The construction of an In-Law Apartment must be in conformity with state and local Building Code Requirements.
- (K) An In-Law Apartment permit shall be issued solely in the name of the record owner(s) of the single-family residence premises and shall automatically terminate upon either:
- (L) The transfer of the ownership of the premises, except in the instance where there is a transfer between co-owners; or
- (M) Cessation of the record owner(s)' occupancy of either the single-family residence or the in-law apartment as his, her or their principal place of residence
- (N) For purposes of this subsection, a bona fide temporary absence will not be considered a cessation of occupancy

Section 512. Dwelling, Multi-family- Duplex, and Dwelling, Multi-family – Conversion apartment shall be subject to the following regulations:

- (A) Minimum lot size shall be six thousand (6,000) square feet.
- (B) Minimum lot width shall be sixty (60) feet.
- (C) Minimum yard, maximum building height and lot coverage plus gross residential density requirements shall be complied with.
- (D) Off-street parking facilities, comprising one (1) parking space per dwelling unit shall be provided and placed behind the building line.
- (E) All dumpsters and/or waste collection areas shall be located twenty-five (25) feet from nearest residential unit and shall be enclosed by screening and fencing as provided for in Section 403 and Section 406 (C).
- (F) Bufferyard A as provided for in Section 406 (B) (5) (a).
- (G) Each dwelling unit shall contain the following:
 - (1) Separate entrance from the exterior.
 - (2) Separate sanitary facilities, cooking, and dining accommodations.
 - (3) A minimum of three (3) rooms including a bathroom and at least two (2) other habitable rooms, at least one (1) of which shall serve as a bedroom.

Section 513. Dwelling, Multi-family – High-rise Apartment shall be subject to the following regulations:

- (A) Minimum lot size shall be one (1) half-acre, however, a minimum of two thousand one hundred and seventy-eight (2,178) square feet of lot shall be required for each dwelling unit, or a gross residential density of twenty (20) units per acre.
- (B) Minimum lot width shall be one hundred (100) feet.
- (C) Minimum front yard shall be fifty (50) feet.
- (D) Minimum side yard shall be fifteen (15) feet per side.
- (E) Minimum rear yard shall be forty (40) feet.
- (F) Maximum height shall be thirty-five (35) feet unless passenger elevators are provided, and in no case shall the height exceed eighty (80) feet.
- (G) Maximum lot coverage shall be fifty (50) percent.
- (H) Fire safety design requirements shall be incorporated into the building as per the requirements of the Borough Fire Marshall and/or Fire Department.
- (I) Off-street parking facilities, comprising a minimum of one (1) parking space per dwelling unit shall be provided and placed behind the building line. In addition, guest parking in the amount of one (1) parking space shall be provided for each four (4) dwelling units.
- (J) All dumpsters and/or waste collection areas shall be enclosed by screening and fencing as provided for in Section 406 (C).
- (K) Bufferyard A as provided for in Section 406 (B) (5) (a).
- (L) Each dwelling unit shall contain the following:
 - (1) Separate sanitary facilities, cooking, and dining facilities.
 - (2) A minimum of three (3) rooms including a bathroom and at least two (2) other habitable rooms, at least one (1) of which shall serve as a bedroom.

Section 514. Educational institution shall be subject to the following regulations:

- (A) The minimum lot size shall be twenty-six thousand (26,000) square feet.
- (B) Point of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- (C) The location, orientation and lot circulation shall be coordinated with the Borough in order to minimize the disturbance of surrounding open space.
- (D) All dumpsters and/or waste collection areas shall be screened as outlined in Section 406 (C).
- (E) Bufferyard A as provided for in Section 406 (B) (5) (a).

Section 515. Extractive operations shall be subject to the following regulations:

- (A) All extractive operations shall be subject to the regulations set forth for Section 529, Mineral Extraction.

Section 516. Family day care home shall be subject to the following regulations:

- (A) The principal use of the property shall be residential in nature and day care services may only occur as a home occupation or accessory use.
- (B) There shall be no signage, advertising, or business lighting associated with the use.
- (C) The facility operator(s) shall abide by all provisions of Chapter 3290 - Family Child Day Care Homes of the Pennsylvania Code, as amended, when applicable (when care is given to four (4) to six (6) children).
- (D) A day care facility operator shall forward a copy of the current certificate of registration as issued by the Department of Welfare to the Borough, when applicable.

Section 517. Flea Markets shall be subject to the following regulations:

- (A) The flea market shall have maintained restroom facilities and shall comply with Pennsylvania Department of Environmental Protection, Regional Office facilities regulations.

- (B) The flea market shall have adequate on-site parking, including areas for customer parking and vendor loading/unloading. Required parking shall be one (1) space for every two hundred (200) square feet of indoor / outdoor sales area.
- (C) The flea market shall maintain an opaque fence of at least six (6) feet in height around the perimeter of the market area (parking areas may or may not be excluded).

Section 518. Garden Centers and Greenhouse, Commercial uses, nurseries shall be subject to the following regulations:

- (A) The display and sale of items not grown on the premises shall be incidental to the nursery or greenhouse operation. The display area for these items shall not exceed twenty-five percent (25%) of the total gross display and sales area on the subject property.
- (B) All outdoor display areas shall be set back at least fifteen (15) feet from the street right-of-way line.
- (C) All structural improvements, including parking and loading facilities, but not including a freestanding sign, shall be screened from adjoining residentially zoned properties.
- (D) One (1) freestanding or attached sign may be permitted advertising the business.
 - (1) Such sign shall not exceed twelve (12) square feet in size and must be set back at least ten (10) feet from all lot lines.

Section 519. Gasoline service stations shall be subject to the following regulations:

- (A) Any gasoline service station shall be less than five hundred (500) feet along the front property line from another gasoline service station, and shall not be less than fifty (50) feet from a residential lot or residential zoning district.
- (B) Equipment above surface or ground for the service of motor vehicles shall be no closer than fifteen (15) feet to any property line.
- (C) The width of any entrance driveway leading from the public street to such service station shall not exceed thirty (30) feet at its intersection with curb line or edge of pavement.
- (D) No two driveways leading from a public street to such service station shall be within fifteen (15) feet of each other at their intersection with the curb or street line.
- (E) Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or onto streets.
- (F) Bufferyard B as provided for in Section 406 (B) (5) (b).
- (G) All lighting shall conform to the requirements of Section 407 of this Ordinance.

Section 520. Home occupations, shall be subject to the following regulations:

- (A) Official residence shall be maintained by the occupant who may be the owner, a renter, or a lessee.
- (B) This use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- (C) The exterior appearance of the dwelling unit is constructed and maintained as a residential use.
- (D) The use shall only be within the principal structure or an integral attached garage.
- (E) There shall be no more than three (3) employees employed on the premises.
- (F) Off-street parking shall be provided for as required in this Ordinance.
- (G) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
- (H) There shall be allowed one (1) on-site non-illuminated identification sign not to exceed four (4) square feet and vehicular signs.
- (I) Permitted home occupations.
 - (1) The storage of automobiles, boats, travel trailers, motor homes, and nonhazardous materials within fully enclosed structure(s).

- (2) Beauty parlors and barber shops, provided that no more than two (2) stylist or barber chairs are provided and all other provisions of this Ordinance are met.
- (3) Instructional services, provided that a maximum of two (2) musical students may be instructed at any one time. Non-music instruction shall be limited to no more four (4) students at any one time and no more than two (2) trips per hour.
- (4) Family Day Care Homes, as provided for in Section 516 of this Ordinance.
- (5) Professional, technical, or business pursuits that involve only office-related functions and practices
- (6) Light handicrafts, sewing, and photography

Section 521. Hospitals shall be subject to the following regulations:

- (A) The property shall be served by public water and public sewers.
- (B) All hospitals and / or medical centers shall be licensed by the Commonwealth and the license shall be maintained throughout the occupancy. Failure to maintain the license shall be grounds for revocation of the Certificate of Occupancy.
- (C) Water pressure and volume shall be adequate for fire protection.
- (D) Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- (E) The parking and circulation plan shall be referred to the State Police and volunteer fire company for comments regarding traffic safety and emergency access.
- (F) Bufferyard B as provided for in Section 406 (B) (5) (b).
- (G) Lighting shall be in accordance with Section 407 of this Ordinance.
- (H) Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).
- (I) If a private use helipad for air emergency vehicles shall be proposed, it shall meet all requirements and certifications of the Federal Aviation Administration (FAA).

Section 522. Hotels / motels / lodge / inn shall be subject to the following regulations:

- (A) Each guest room shall contain not less than two hundred fifty (250) square feet of floor area.
- (B) The maximum building height shall be four (4) stories, but not to exceed forty-five (45) feet.
- (C) All dumpsters and/or waste collection areas shall be screened as outlined in Section 406 (C).
- (D) Bufferyard B as provided for in Section 406 (B) (5) (b).
- (E) All lighting shall conform to the requirements of Section 407 of this Ordinance.

Section 523. Incinerator shall be subject to the following regulations:

- (A) A certified incinerator shall be permitted only when it is necessary to accommodate the solid waste management needs of the area which it is intended to serve.
- (B) A certified incinerator shall have the following dimensions:
 - (1) The incinerator shall have a firebox or charging compartment of not over ten (10) bushels or approximately twelve (12) feet in capacity.
 - (2) The incinerator shall be provided with a chimney extending not less than ten (10) feet above grade and shall be equipped with a spark arrestor.
 - (3) The incinerator should be constructed to withstand internal temperatures of at least 1200 degrees F. in intermittent operation and to provide resistance to alternate heating and cooling. The design should be such that during a period of at least two (2) years of normal usage the structural parts will not warp, crack, corrode, or otherwise fall in a manner so that doors or covers do not fit tightly or that masonry cracks or other openings are produced through which flying brands or sparks may pass.
- (C) Location.

- (1) The incinerator is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.
- (2) The incinerator shall not be located within fifteen (15) feet of any building or structure and generally should be positioned so that there is not direct exposure to buildings, wood fences, or piled combustible materials in the event of failure of the spark arrestor. The incinerator shall be located so that a nuisance is not created by reason of their smoke.

Section 524. Industrial park shall be subject to the following regulations:

- (A) The minimum lot area shall be three (3) acres.
- (B) Parking shall be adequate for each intended use within the industrial park and shall be in conformance with Section 409 of this Ordinance.
- (C) Bufferyard B as provided for in Section 406 (B) (5) (b).
- (D) All lighting shall conform to the requirements of Section 407 of this Ordinance.

Section 525. Institutional home, shall be subject to the following regulations:

- (A) The institutional home shall be owned and sponsored by a governmental agency, their licensed or certified agent or a non-profit social service corporation.
- (B) Supervision is provided by adults who are certified to provide such supervision by the owner of the service.
- (C) Supervision is provided by a minimum of two (2) adults on a 24-hour a day basis while residents are on the premises.
- (D) The number of residents shall be limited to no more than fourteen (14) persons including clients, staff and family of staff. Client residents shall be limited to ten (10) persons.
- (E) All minimum front yard, side yard and rear yard requirements as well as maximum lot coverage shall be complied with. Nonconforming structures shall not be used as an institutional home.
- (F) Minimum off-street parking spaces required shall be one (1) parking space for every two hundred (200) square feet of net floor area.
- (G) A Group Care Service shall provide exterior open space usable and accessible to the clients at a minimum rate of sixty-five square feet per client.
- (H) All dumpsters and/or waste collection areas shall be located within the rear yard setback and shall be enclosed by screening and fencing as provided for in Section 403 and section 406 (C)
- (I) Buffer Yard A, pursuant to Section 406 (B) (5) (a) shall be provided along the side and rear property lines.
- (J) All lighting shall conform to the requirements of Section 407 of this Ordinance.

Section 526. Junk yards and salvage yards shall be subject to the following regulations:

- (A) The outdoor area devoted to the storage of junk shall be completely enclosed with a fence with a minimum height of eight (8) feet with a self-latching gate. Fencing shall conform to the requirements of Section 403 of this Ordinance.
- (B) Service Area Screening standards of Section 406 (C) of this Ordinance shall apply.
- (C) Buffer yard B, as provided for in Section 406 (B) (5) (B) of this Ordinance shall apply.
- (D) All lighting shall conform to the requirements of Section 407 of this Ordinance.
- (E) All completely-enclosed buildings used to store junk shall be set back at least fifty (50) feet from all property lines.
- (F) No material may be stored or stacked so that it is visible from adjoining properties and roads.
- (G) Any person or owner proposing to store waste tires or tire derived materials shall obtain DEP approval prior to such storage.
- (H) Such premises shall be maintained in a manner so as not to cause a public or private nuisance, a menace to the health or safety of persons on or off the premises, offensive or noxious sounds or

odors, the breeding, harboring, or infestation of rats, rodents, or vermin, or a violation of any health or sanitation law, ordinance, or regulation of any governmental body.

- (I) No material shall be burned at any time. The only exception will be the burning of waste oil for energy recovery provided that it meets DEP requirements.
- (J) No junk yard shall be located on land with a slope in excess of five percent (5%).
- (K) All additional Federal and State laws shall be satisfied.

Section 527. Kennels shall be subject to the following regulations:

- (A) The operator or owner of a kennel shall hold all current state and local licenses and permits for the location, activity, and number of animals so specified.
- (B) Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of twenty-five (25) feet from any principal structure on adjacent lots.
- (C) Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a six (6) foot high compact hedge or one hundred (100) percent opaque fence on all sides which are visible from an existing residential lot or a public right of way.
- (D) Any structure used to house animals shall be equipped with code-approved nontoxic noise-dampening material or acoustic tile. If adjacent properties are developed as residential lots, the kennels shall be soundproofed to minimize noise impact on adjacent properties.
- (E) All kennels shall operate under a plan approved by the Borough for the disposal of animal waste.
- (F) At no time shall animals be permitted to run loose on the lot other than in a completely enclosed area.

Section 528. Landfills (including Municipal Waste Landfills) shall be subject to the following regulations:

- (A) No land area on a lot or land parcel in excess of one hundred (100) square feet or any water body shall be used beyond seven (7) days as a storage area disposal site or refuse and collection area, for any organic or nonorganic material within any Zoning District unless specifically permitted and in accordance with Pennsylvania Act 97 of 1980, known as the Solid Waste Management Act, and the Rules and Regulations of the Bureau of Solid Waste Management, Pennsylvania Department of Environmental Resources, and the following conditions shall also apply:
 - (1) The site is located a minimum of two hundred (200) feet from an adjoining residential structure or a R-1 or R-2 Zoning District, and a minimum of fifty (50) feet from any public road or right-of-way. Such set-back area shall be kept free of weed and scrub growth unless the adjoining property is wooded.
 - (2) The yard or storage area shall be completely enclosed with a visual screen as provided in Section 406(C). Access to the yard or storage area through this visual screen shall be controlled in such method as shall be approved by Borough Council.
 - (3) All material within the yard or storage area shall be arranged so as to permit access by firefighting equipment, to prevent the accumulation of water, and stored no more than six (6) feet in height unless enclosed within a structure or building.
 - (4) The yards and storage areas shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds, vibrations, or odors, nor to cause the breeding or harboring of pests, rodents, or other vectors.
 - (5) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces; nor shall any substance which can contaminate a stream or water course or otherwise render such stream or water course undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or water course.
 - (6) All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be

stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

- (7) The disposal of unwanted materials shall be controlled by the Borough's Ordinances in regard to burning, dumping, etc., as well as the controls of such disposal by the Pennsylvania Department of Environmental Protection.
- (8) The site contains one (1) entrance and one (1) exit each less than thirty (30) feet in width.
- (9) Off-street parking shall be provided within the site enclosure and shall be enclosed within the site's visual screening.
- (10) Lighting shall conform to Section 407.

Section 529. Mineral extraction shall be subject to the following regulations:

(A) The applicant must provide the Zoning Hearing Board with:

- (1) A plan for access to the site, including copies of any road bonds, or submission of application of any road bonds;
- (2) The areas to be mined;
- (3) Location of adjacent properties, roads, and natural features;
- (4) Any required federal and state permits, or proof of the submission of application;
- (5) Or other required local permits, or proof of the submission of application;
- (6) A copy of approved Erosion and Sedimentation Control Plans;
- (7) A copy of all National Pollutant Discharge Elimination System (NPDES) permits;
- (8) A copy of lease agreement;
- (9) A copy of blasting plan;
- (10) A copy of hours of operation;
- (11) A copy of the remediation plan;
- (12) A copy of the memorandum of the lease agreement;
- (13) An emergency contact list for daylight hours and hours after main office would be closed, and
- (14) An emergency services response plan to local fire companies (such plan can include a meeting with emergency response providers to outline emergency response procedures).

(B) The Zoning Hearing Board may designate certain conditions that may pertain to roads as follows:

- (1) The operator shall provide to the zoning hearing board information as to how they shall clear mud and debris from roads.
- (2) The operator shall clear mud and debris from roads as soon as the operator notices it on the road or as soon as the operator is notified of a problem with mud and debris.
- (3) The Zoning Hearing Board may designate certain conditions that may pertain to buffering and screening standards as follows:
 - (a). A fence around the perimeter of the property shall be provided. The fence shall be a minimum six (6) foot high chain link fence. Warning signs shall be placed on the fencing.
 - (b). Landscaped buffers shall be required as follows:
 - (i). Bufferyard A, as provided for in Section 406 (B) (5) (a), abutting residential areas. Plantings will be in front of all fencing that is visible to a resident, with the intent to conceal stockpiles, waste piles, processing or manufacturing equipment, open excavation, and/or quarrying pit.
 - (ii). Bufferyard B, as provided for in Section 406 (B) (5) (b), abutting major transportation routes. Plantings shall be high enough to conceal stockpiles, waste piles, processing or manufacturing equipment, open excavation, and/or quarrying pit.

Section 530. Mobile home parks shall be subject to the following regulations:

- (A) The minimum site area of any mobile home park shall consist of three (3) contiguous acres.
- (B) All mobile home parks shall comply with the following minimum requirements:
 - (1) They shall be free from adverse influence by wetlands, garbage, or rubbish disposal areas or other potential breeding places for insects or rodents.
 - (2) They shall not be located in an identified floodplain area.
 - (3) All lots shall be serviced by public and/or private sewer and water.
 - (4) Guest parking shall be provided in a common off-street parking area at the ratio of one (1) parking space for every three (3) mobile home lots.
 - (5) Minimum lot width shall be forty (40) feet for single unit mobile homes and seventy feet (70) for double mobile home units.
 - (6) All solid waste containers shall be screened from all lots and public right-of-ways with fencing a minimum of six (6) feet in height.
- (C) Mobile Home Park Lot Requirements
 - (1) Mobile home lots within the park shall have a minimum lot area of six thousand (6,000) square feet.
 - (2) Mobile homes lots shall contain at least four hundred (400) square feet of open space which is not to be located in any required yard setback or buffer area.
 - (3) The area of the mobile home lot shall be improved to provide adequate foundation for the placement of the mobile home in such a position as to allow a minimum of fifteen (15) feet between the mobile home and the street right-of-way.
 - (4) The maximum number of mobile home lots within each mobile home park shall not be more than seven (7) lots per acre of the total area of the mobile home park.
- (D) Screening and Buffer Requirements within the Mobile Home Park.
 - (1) Repair, maintenance, storage areas or facilities, and sewage treatment buildings shall be effectively and attractively screened from the mobile home lots, internal streets, and public roads or streets by man-made screens or natural plant materials. The outside property lines of the mobile home park shall be screened using Bufferyard A as provided for in Section 407 (D) (13) (a).
 - (2) All mobile homes shall be located at least fifty (50) feet from any of the above facilities and structures.

Section 531. Nursing and personal healthcare facility shall be subject to the following regulations:

- (A) No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Pennsylvania Department of Social Services, the Pennsylvania Department of Health, and other such appropriate local, state and federal agencies which may have authority in a particular case.
- (B) The facility may include the following supporting uses:
 - (1) Common leisure and/or recreational areas
 - (2) Common dining area
- (C) In the consideration of an application for such a use, the concentration of such facilities shall be taken into account to prevent clustering in certain neighborhoods or areas, thereby creating an institutional setting and changing the area's character and social structure.
- (D) No such use shall be established in any area until local municipal or County emergency services has determined that adequate emergency medical service and fire protection is available in short response time.
- (E) The location for such use should be convenient to shopping, social, educational, and cultural uses.
- (F) All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.

- (G) Off-street parking shall be as required by the provisions set forth in Section 409 herein. All off-street parking and loading areas shall be effectively screened in accordance with the provisions set forth in Section 406 (D) of this Ordinance.
- (H) Bufferyard A, as provided for in Section 406 (B) (5) (a).
- (I) Waste disposal storage areas shall be located within the rear yard setback and shall be screened in accordance with Section 406 (C).
- (J) Lighting shall conform to Section 407.
- (K) The proposed use including all structures, roads and landscaping shall be sited, designed and constructed in a manner, which minimizes the impact of the development on the neighborhood and Elizabeth Borough. The scale of the physical facilities shall be such that the appearance of the project will be visually harmonious and appropriate to the neighborhood and immediate area.

Section 532. Oil and gas wells shall be subject to the following regulations:

- (A) The property owner or his agent shall submit a copy of a letter notifying Borough Council prior to issuance of a Temporary Zoning/Development Permit and commencement of the drilling operation.
- (B) Upon receipt of a temporary use permit application, a processing fee, and the aforementioned letter; the Zoning Officer shall issue a temporary use permit placard for the drilling operation. The property owner or his agent shall conspicuously post this placard at the nearest point of public access.
- (C) Revocation of any required federal, state, municipal, or other required approvals shall constitute an automatic revocation of the temporary Zoning/Development Permit.

Section 533. Parking facilities shall be subject to the following regulations:

- (A) The parking structure shall be included in all building coverage calculations.
- (B) A parking structure shall be illuminated in conformance to the requirements of Section 407.
- (C) A parking structure 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 for the Zoning District in which it is located.
- (D) Bufferyard B as provided for in Section 406 (B) (5) (b).
- (E) Lot shall have a maximum of one (1) identification sign per ingress/egress point. Ingress/Egress points must be designed so as not to impact surrounding development and traffic patterns.

Section 534. Personal care facility shall be subject to the following regulations:

- (A) No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Pennsylvania Department of Social Services, the Pennsylvania Department of Health, and other such appropriate local, state and federal agencies which may have authority in a particular case.
- (B) The maximum dwelling unit density shall be twenty-four (24) rooms per acre.
- (C) The facility may include the following supporting uses:
 - (1) Common leisure and/or recreational areas
 - (2) Common dining area
- (D) In the consideration of an application for such a use, the concentration of such facilities shall be taken into account to prevent clustering in certain neighborhoods or areas, thereby creating an institutional setting and changing the area's character and social structure.
- (E) No such use shall be established except on a lot fronting on, and having access to, a road designated as a major collector (or higher) unless the Elizabeth Borough Zoning Hearing Board finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
- (F) No such use shall be established in any area until local municipal or County emergency services has determined that adequate emergency medical service and fire protection is available in short response time.

- (G) The location for such use should be convenient to shopping, social, educational, and cultural uses.
- (H) No structure used for or in conjunction with such use shall be located closer than one hundred (100) feet to any lot line in any Residential District.
- (I) All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
- (J) Off-street parking shall be as required by the provisions set forth in Section 409 herein. All off-street parking and loading areas shall be effectively screened in accordance with the provisions set forth in Section 406 (C) and Section 406 (D) of this Ordinance.
- (K) Waste disposal storage areas shall be located within the rear yard setback and shall be screened in accordance with Section 406(D).
- (L) Bufferyard A, as provided for in Section 406 (B) (5) (a).
- (M) Lighting shall conform to Section 407.
- (N) The proposed use including all structures, roads and landscaping shall be sited, designed and constructed in a manner, which minimizes the impact of the development on the neighborhood and Elizabeth Borough. The scale of the physical facilities shall be such that the appearance of the project will be visually harmonious and appropriate to the neighborhood and immediate area.

Section 535. Recreation, commercial outdoor shall be subject to the following regulations:

- (A) The facility area and lot boundaries shall be landscaped as required by the Zoning Hearing Board to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
- (B) All structures shall not be less than twenty-five (25) feet from any property line.
- (C) All facilities shall abut a public road and have a permanent access thereto.
- (D) Alcoholic beverages without a state liquor control board license, amplified music, and juke boxes shall be prohibited on the premises.
- (E) Operating hours for such facility shall be no earlier than 7 A.M. and no later than 11 P.M., prevailing time. The Zoning Hearing Board may limit hours within this time frame based on the use and location of the facility. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.
- (F) All pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
- (G) Tennis courts shall be protected by a permanent fence ten (10) feet in height behind each base line extending ten (10) feet beyond the playing area in each direction.
- (H) All dumpsters shall be located in the rear yard setback and shall be screened as provided for in Section 406 (C).
- (I) Fences for other types of facilities shall be as prescribed by Section 403.
- (J) Bufferyard B as provided for in Section 406 (D) (5) (a).

Section 536. Recycling facility shall be subject to the following regulations:

- (A) Recycling facilities are required to comply with the dimensional requirements contained in the Pennsylvania Solid Waste Management Act, 35 P.S. §§ 6018.101 , et. seq., and implementing regulations PA. Code §§ 271.1 et. seq., and any applicable permit issued by the Pennsylvania Department of Environmental Protection, unless such dimensional requirements are waived as provided for in the Pennsylvania Sold Waste Management Act, 35 P.S. §§ 6018.101, et. seq, and implementing regulations, PA. Code §§ 271.1 et. seq.
- (B) No recycling facility shall be located within two hundred (200) feet of any existing residence except for the residence of the facility owner.
- (C) All recycling facilities shall be located a minimum of one-hundred twenty-five (125) feet from any street right-of-way.
- (D) Bufferyard B as provided for in Section 406 (B) (5) (b).

- (E) A fence around the perimeter facility shall also be provided. The fence shall be a minimum eight (8) foot high privacy fence as prescribed in Section 403.
- (F) Lighting shall conform to the provisions set forth in Section 407 of this Ordinance.

Section 537. Repair shop shall be subject to the following regulations:

- (A) No portion of the front or side lines of a repair or service shop or any part of their appurtenances or accessory uses, shall be placed within twenty-five (25) feet of any residential dwelling.
- (B) Parts or materials shall not be stored outside of any principal or accessory structure unless specifically permitted by the Zoning Hearing Board. Any outside storage areas permitted shall be effectively screened from adjacent properties using one of the fencing materials prescribed in Section 403.
- (C) All dumpsters shall be located in the rear yard setback and shall be screened as provided for in Section 406 (C).
- (D) Bufferyard A as provided for in Section 406 (B) (5) (a).

Section 538. Restaurant, fast food shall be subject to the following regulations:

- (A) Drive-thrus shall be subject to the regulations set forth in Section 510.
- (B) All dumpsters shall be located in the rear yard setback and shall be screened as provided for in Section 406 (C).
- (C) Mechanical equipment location(s) are subject to Council approval and shall be designed and screened so that visibility from an adjacent residential zoning district is minimized to the greatest extent possible.
- (D) No more than one (1) sign shall be permitted; said sign shall be a ground, monument, or wall sign.

Section 539. Retail uses > 22,000 sq. ft. shall be subject to the following regulations:

- (A) A traffic impact study shall be required to be submitted if the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- (B) Architectural style shall be coordinated to create visual cohesiveness. Within the development collectively constituting the large retail establishment, all buildings, the principal structure, accessory structures, canopies, parking lots and other open spaces as well as signs shall be of a unified design.
- (C) Façades greater than one hundred (100) feet in length shall incorporate wall plan projections or recesses having a depth of at least three percent of the length of the façade and extending at least twenty (20) percent of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.
- (D) Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings, and other such design features as may be selected by the owner along no less than sixty (60) percent of their horizontal length. Where large retail establishments contain separately owned stores with separate exterior customer entrances, the street level façade and façades that face the main entry to the establishment shall be transparent between the height of three feet and eight feet above the walkway grade no less than sixty (60) percent of the horizontal length of the building façade.
- (E) Roofs shall have no less than two of the following features:
 - (1) Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments.

- (2) Overhanging eaves, extending no less than three feet past the supporting walls.
- (3) Surface coverings on flat roofs shall be of material that is non-reflective and non-glare. Heavy-duty contoured asphalt shingles, cedar shakes, and metal roofing materials are acceptable for pitched roofs.
- (4) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of the vertical rise for every one-foot of horizontal run.
- (F) The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include but are not limited to compartmentalized construction, including plumbing, electrical service, heating, ventilation and air conditioning.
- (G) Establishments furnishing shopping carts shall provide defined areas on the site for the storage of such carts that shall be clearly marked and designed for such use.
- (H) Trash receptacles for patron use shall be provided outside of any establishment with take-out service or convenience shopping.
- (I) Sidewalks shall be provided along all street frontage, in front of all stores and commercial uses, and pedestrian access to sidewalks on or adjacent to the property.
- (J) All off-street parking shall be located on the lot.
- (K) All dumpsters shall be located in the rear yard setback and shall be screened as provided for in Section 406 (C).
- (L) Bufferyard B as provided for in Section 406 (B) (5) (b).
- (M) Lighting shall conform to the standards set forth in Section 407.

Section 540. Roadside stand

- (A) A roadside stand may operate for a maximum of one hundred and eighty (180) days in any one (1) year.
- (B) One (1) parking space shall be provided for every one hundred and sixty (160) square feet of retail / selling space.
- (C) Retail goods shall be limited to fresh produce, fruit, and other related food items (such as canned goods, etc.). Nursery and garden items may also be sold provided they comprise no greater than thirty (30) percent of product.
- (D) If there is more than one (1) vendor, or if a greater variety of retail items other than those listed in (C) above are offered, the Roadside Stand shall be considered a Farmer's Market and permitted as such.
- (E) Signage shall be limited to one (1) on-premise sign not to exceed thirty-six (36) square feet in size. Off-premise signs (such as those advertising available product along the roadway) shall be permitted at the discretion of the Zoning Hearing Board.
- (F) All dumpsters shall be located in the rear yard setback and shall be screened as provided for in Section 406(C).
- (G) Lighting shall conform to the standards set forth in Section 407.

Section 541. Salvage yards shall be subject to the following regulations:

- (A) All salvage yards shall be subject to the regulations set forth in Section 526, Junk yards and salvage yards, herein.

Section 542. Self-storage facility shall be subject to the following regulations:

- (A) The storage of hazardous materials such as toxic or explosive substances is prohibited.
- (B) Wholesale or retail sales, garage sales, flea market, or outside storage is prohibited.
- (C) The maximum size of the individual storage units shall be five hundred (500) square feet.
- (D) All areas designed for circulation shall be paved in accordance with Borough paving standards.

- (E) Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- (F) Vehicular access to the lot shall be limited to one (1) two-way or two (2) one-way driveways.
- (G) All one-way driveways shall have a minimum of one (1) ten (10) foot parking lane, plus one (1) fifteen (15) foot travel lane.
- (H) All two-way driveways shall provide a minimum of one (1) ten (10) foot parking lane, plus two (2) twelve (12) foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.
- (I) Bufferyard A as provided for in Section 406 (B) (5) (a).
- (J) Fencing as prescribed in Section 403 shall be provided around the exterior of the property at the edge of each bufferyard.
- (K) Storage units shall not be equipped with water or sanitary sewer service.
- (L) No business activity other than rental of storage units shall be conducted on the premises.

Section 543. Sewage treatment facility shall be subject to the following regulations:

- (A) The applicant shall provide copies of state and federal permits for these activities; copies of the Material Safety Data Sheets (MSDS) for each material; and certify and provide evidence that said activity complies fully with all applicable state, federal, county, or municipal requirements. Nothing in this Ordinance is intended to relieve any party of the responsibility to comply with all applicable state, federal, county, or municipal laws.
- (B) No sewage treatment facility shall be located within two hundred (200) feet of any existing residence except for the residence of the facility owner.
- (C) Bufferyard B as provided for in Section 406 (B) (5) (b).
- (D) A fence around the perimeter facility shall also be provided. The fence shall be a minimum eight (8) foot high privacy fence as prescribed in Section 403.
- (E) Lighting shall conform to the provisions set forth in Section 407 of this Ordinance.

Section 544. Skilled nursing facility shall be subject to the following regulations:

- (A) No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Pennsylvania Department of Social Services, the Pennsylvania Department of Health, and other such appropriate local, state and federal agencies which may have authority in a particular case.
- (B) In the consideration of an application for such a use, the concentration of such facilities shall be taken into account to prevent clustering in certain neighborhoods or areas, thereby creating an institutional setting and changing the area's character and social structure.
- (C) No such use shall be established in any area until local, municipal, or County emergency services has determined that adequate emergency medical service and fire protection is available in short response time.
- (D) The location for such use should be convenient to shopping, social, educational and cultural uses.
- (E) All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
- (F) All off-street parking and loading areas shall be effectively screened in accordance with the provisions set forth in Section 406 (D) et. seq. of this Ordinance.
- (G) All dumpsters shall be located in the rear yard setback and shall be screened as provided for in Section 406 (C).
- (H) Bufferyard A as provided for in Section 406 (B) (5) (a).
- (I) The proposed use including all structures, roads and landscaping shall be sited, designed and constructed in a manner, which minimizes the impact of the development on the neighborhood. The scale of the physical facilities shall be such that the appearance of the project will be visually harmonious and appropriate to the neighborhood and immediate area.

Section 545. Solar energy systems shall be subject to the following regulations:

- (A) Any solar energy equipment authorized by this Ordinance shall be considered accessory structures and the generation of energy or heat as an accessory use to the principal use in any zoning district and shall be subject to and comply with the following:
- (1) A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
 - (2) A solar energy system connected to the utility grid shall provide written authorization from the local utility company to Elizabeth Borough acknowledging and approving such connection.
 - (3) A solar energy system may be roof mounted or ground mounted.
 - (4) A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
 - (5) A ground mounted system shall not exceed the maximum building height for accessory buildings.
 - (6) The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
 - (7) A ground mounted system or system attached to an accessory building shall not be located within the required front yard setback.
 - (8) The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district.
 - (9) All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
 - (a). Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of the Zoning Ordinance may be used.
 - (b). Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
 - (c). Mechanical equipment shall comply with the setbacks specified for accessory structures in the underlying zoning district.
 - (10) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
 - (11) Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement from the Federal Aviation Administration may be necessary.
 - (12) All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
 - (13) A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or

indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.

- (14) A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.
 - (15) The design of the solar energy system shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system per the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and the regulations adopted by the Department of Labor and Industry. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer registered in the Commonwealth of Pennsylvania.
 - (16) The solar energy system shall comply with all applicable Borough Ordinances and Codes so as to ensure the structural integrity of such solar energy system.
 - (17) Before any construction can commence on any solar energy system the property owner must acknowledge that he/she is the responsible party for owning and maintaining the solar energy system.
- (B) If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.
- (C) If a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Borough Building Code Official, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Borough Building Code Official. If the owner fails to remove or repair the defective or abandoned solar energy system, the Borough may pursue a legal action to have the system removed at the owner's expense.

Section 546. Truck terminals shall be subject to the following regulations:

- (A) A truck terminal shall provide a designated overnight parking area and a designated overflow parking area that are both screened by the truck terminal building by a fence or evergreen hedge as prescribed in Section 403 and Section 406 (D).
- (B) No more than a total of eight (8) trucks and truck trailers in any combination may be parked outdoors in the designated overnight parking area.
- (C) No more than a total of three (3) trucks and truck trailers in any combination may be parked outdoors in the designated overflow parking area.
- (D) No outdoor storage of materials, truck or trailer equipment or parts, or truck cargo shall be permitted, unless placed within the screened overflow parking area as required in (A) above.
- (E) Truck terminals shall be located no closer than one thousand (1,000) feet from any other truck terminal.
- (F) Bufferyard B as provided in Section 406 (B) (5) (b).
- (G) Lighting shall be as provided for in Section 407.

Section 547. Warehouse and storage shall be subject to the following regulations:

- (A) 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) The goods available for sale shall be the same as those that could be offered at retail by a principal permitted use in the same zoning district.

- (E) Areas associated with loading shall be screened with landscaping or fencing from neighboring use(s) as provided for in Section 407 (F), Section 414, and Section 404.
- (F) Bufferyard B as provided in Section 407 (D) (13) (b).
- (G) Off-street loading shall be provided for as prescribed in Section 411 (G).
- (H) Lighting shall be as provided for in Section 407.

Section 548. Wholesale uses and distribution facilities which handle materials that are flammable, explosive, or hazardous shall be subject to the following regulations:

- (A) There shall be no open storage of junk or salvage materials of any type in conjunction with the operation.
- (B) All incident or accessory storage is within the confines of an enclosed building. Wholesale uses shall also include space for administrative offices, customer services, and interior display.
- (C) Any loading docks or semi-trailer sized overhead doors shall not face upon a public road, or if no practical option is demonstrated, loading doors shall be setback at least seventy (70) feet from the front lot line or be structurally obscured from view.
- (D) Sites proposed for wholesale uses may be rejected by the Planning Commission based on a determination that the use is improper or out of character with adjoining uses, by reason of:
 - (1) Breaking the continuity of a planned retail shopping center.
 - (2) Having direct visual exposure to sensitive environmental resources such as streams, rivers, floodplains, or wetlands.
 - (3) Sharing common road frontage with residential uses.
- (E) Areas associated with loading shall be screened with landscaping or fencing from neighboring use(s) as provided for in Section 403 and Section 406 (C).
- (F) Bufferyard B as provided in Section 406 (B) (5) (b).
- (G) Off-street loading shall be provided for as prescribed in Section 409.
- (H) Lighting shall be as provided for in Section 407.

Section 549. Wind energy equipment (small wind facilities) shall be subject to the following regulations:

- (A) Any small wind energy equipment authorized by this Ordinance shall be considered accessory structures and the generation of energy as an accessory use to the principal use in any zoning district.
- (B) Wind energy equipment shall be located on the same lot as the principal use.
- (C) Power generated by wind energy equipment shall not exceed fifty (50) kilowatts of maximum output capacity for residential uses or one hundred (100) kilowatts of maximum output capacity for non-residential uses. There shall be no commercial use of wind energy equipment for generation of energy, except for energy purchased by a public utility in accordance with law or other government regulations.
- (D) No wind energy equipment shall be located in the front yard.
- (E) Wind energy equipment shall comply with all setback requirements of the applicable zoning district.
- (F) Wind energy equipment shall not exceed a height of one hundred and forty-five (145) feet. The height of a wind turbine shall be measured from the average approved finished grade at the perimeter of the base of the turbine to the highest vertical point of the rotor at its maximum vertical position.
- (G) Only a single pole structure shall be permitted for the wind turbine. The pole shall be self-supporting upon its foundation without the use of guy wires or other supports.
- (H) Wind turbines shall not be artificially lighted.
- (I) Wind energy equipment shall comply with all applicable requirements of the Federal Aviation Administration (FAA).

- (J) Wind turbines shall be set back from any occupied building, property line, street, utility, utility line, and fuel source at a distance of not less than 1.5 times the height measured from the average approved finished grade at the perimeter of the base to the highest vertical point of the rotor at its maximum vertical position.
- (K) The wind energy equipment shall meet and be installed in accordance with all applicable requirements of the Borough Building Code.

Section 550. Wind turbines (large wind facilities) shall be subject to the following regulations:

- (A) No wind turbines, or addition of a wind turbine to an existing wind energy facility shall be constructed, operated, or maintained within Elizabeth Borough without a permit.
- (B) The applicant must provide written notice of application to all property owners and tenants occupying property within two thousand (2,000) feet of the boundaries of the property upon which the wind energy facilities will be located.
- (C) No wind turbines shall be located where the center of the tower(s) is a distance of five (5) times the height of the tower from the base to the hub of the rotor from any off-site occupied residence or occupied commercial structure existing at the time of the filing of a nonresidential subdivision plan, unless the owner of such existing residential or commercial structure shall have executed a non-disturbance easement, covenant or consent which has been recorded in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania.
 - (1) Such easement or covenant shall run with the land and, at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or flickering reflections and/or shadows which may arise as a result of the location of a wind turbine generator(s) within the established setback distance of an existing residential or commercial structure on the property of the owner executing same.
 - (2) Such easement, covenant or consent before recording shall be submitted to the governing body for approval at the same time the nonresidential land development plan is submitted for approval.
 - (3) Such easement, covenant or consent shall meet such requirements as to form and content consistent with this Ordinance as may be required by the municipal governing body.
- (D) Unless satisfactory evidence is furnished to the municipal governing body that the developer has included in a lease agreement or other agreement with landowner a provision for sufficient security for the decommissioning and removal of tower facilities and restoration of the site at the time when the turbine generator facilities no longer have a useful life, which provisions are at least as stringent as the requirement herein imposed, and unless satisfactory evidence has been furnished to the governing body that such security has in fact been provided, the developer shall meet the following requirement:
 - (1) The developer shall immediately following the first year of operation and every fifth year thereafter, at its own expense, retain an independent engineer acceptable to the municipal governing body to estimate the cost of decommissioning and removal of the tower facilities and restoration of the site, net of any expected salvage value of the tower(s) and its components and the developer shall submit such report to the municipal governing body and landowner upon receipt.
 - (2) If the independent engineer concludes that such decommissioning, removal and restoration will cost in excess of the estimated salvage value, the developer shall set aside funds (“required decommissioning funds”) sufficient for decommissioning and restoration by either providing a performance bond, a surety bond, a letter of credit or by depositing required decommissioning funds sufficient to off-set any shortfall in salvage value into an escrow account to be held by an escrow agent acceptable to the

- Developer and the property owner for the benefit of the property owner, as well as the Developer, subject to claims of the landowners.
- (3) The escrow agent shall provide those funds to the party removing such turbine(s) and restoring the property in the event the cost of disassembling and removal thereof from the premises and restoration of the premises exceeds the salvage value of the improvement.
- (E) The submission of a nonresidential land development plan shall constitute the agreement and consent of the developer and owner of the property, their respective heirs, successors and assigns that:
- (1) The salvage value of the turbine(s) and its components may be utilized to off-set the cost of decommissioning, removal and site restoration; and,
 - (2) If the developer or then owner fails to remove the turbine(s) and restore the site within a reasonable time, after said tower(s) has ceased to be in operation for a period of twelve (12) months, then the municipality may dispose of the tower(s) and its related components and apply the salvage value to the costs of decommissioning, removal and restoration.
 - (3) The estimated cost of decommissioning will be updated every fifth year, to take into account inflation or other factors deemed relevant by the independent engineer including, but not limited to, any increase or decrease of the market value of the structure and its related components being decommissioned and the cost of labor to perform the decommissioning.
 - (4) The deposit, bonds or letters of credit shall be adjusted accordingly to the current required decommissioning funds and any sum necessary to make prior contribution equal to the Required Decommissioning Funds necessary to perform the decommissioning removal and restoration.
 - (5) Any funds in excess of the Required Decommissioning Funds will be returned to the developer after decommissioning, removal and restoration.
 - (6) Any costs of decommissioning, removal and restoration in excess of the decommissioning shall be promptly paid by the developer or then owner of the turbine(s) to the contractor retained for the removal and restoration.
 - (7) Any performance bond, surety bond or letter of credit, if used, in lieu of a deposit of cash, shall contain such terms and provisions as shall be acceptable to the municipal governing body.
- (F) All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- (G) All electrical components of the Wind Turbine shall conform to relevant and applicable local, state, and municipal codes, and relevant and applicable international standards.
- (H) Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.
- (I) The applicant shall cooperate with local emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facilities and shall provide a copy of the project summary and site plan to local emergency services.
- (J) Lighting shall be screened or shielded from any adjacent residentially zoned or residentially used property, in accordance with the provisions set forth in Section 407 of this Ordinance
- (K) Bufferyard B as provided in Section 406 (B) (5) (b).
- (L) Noise and shadow flicker shall be minimized to the greatest extent possible.

Article VI. SIGNS

Section 600. Purpose.

- (A) The purpose of this Article is to encourage the proper placement, size, type, and illumination of signs. These provisions are designed to preserve the historic character of Elizabeth Borough and to mitigate the adverse effects signage can have on this character.

Section 601. Applicability

- (A) The provisions set forth herein shall apply to all zoning districts.
- (B) Sign regulations shall pertain to and govern the location, illumination, animation and maintenance of all signs that are visible from the public right-of-way.
- (C) No sign shall be improved, placed, or replaced without first meeting the standards set forth herein.

Section 602. Sign area.

- (A) The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols, together with the background on which they are displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing, or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
- (B) Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
- (C) Signs may be multi-sided. In determining the area of a double-sided sign, only one side shall be considered, provided both faces are identical in size. When the interior angle formed by the faces of a multi-sided sign is greater than forty-five (45) degrees, then all sides of such sign shall be considered in calculating the sign area.

Section 603. Height of a sign.

- (A) The distance from the highest portion of the sign to the mean grade at the base of the sign. In the case of a sign located on an isolated mound, height shall be measured to the original grade.

Section 604. Sign structure.

- (A) Sign structures shall be similar to the architectural style of the building that it is located on.

Section 605. Location of signs.

- (A) No sign shall be constructed, erected, or so located that any portion of the sign structure projects over or is placed within the right-of-way lines of any public highway or street except for official traffic signs or for street or road signs as required and erected by Local, State, and/or Federal governmental agencies or authorities.
- (B) No sign, structure, wall, or other obstruction to sight visibility shall be erected within the clear sight triangle as defined within this Ordinance.
- (C) The location of any sign shall not encroach upon any of the side or rear yard requirements of the Zoning District in which such sign may be erected.
- (D) No wall sign shall project more than twelve (12) inches beyond the edge of the building.
- (E) No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to be unobstructed.
- (F) Signs, not including historical markers and banners approved by the Elizabeth Borough, shall not be affixed to a utility pole, lighting standard, parking meter, park bench, tree, shrub, rock, or natural object except plaques of a maximum of two (2) square feet.

- (G) A wall mounted or overhead sign shall not project above the average elevation, that being the average height between the highest and lowest point of the main roof of the supporting building. A freestanding sign shall not project more than thirty-five (35) feet above the average ground level at the base of such sign.
- (H) No sign shall be erected, placed, or constructed in any Zoning District on a movable base, sled, trailer vehicle, or any device of any type which may be used for the purpose of displaying such portable sign which is capable of being moved from one location to another. No sign shall be permitted that is not permanently affixed to a building, structure, or the ground with the exception of permitted temporary signs which shall be securely affixed to a building, structure, or the ground.

Section 606. Materials.

- (A) Sign materials should be consistent with and complement the original construction materials and architectural style of the building façade on which they are to be displayed. All signs, excluding awning and window signs, shall be constructed only of wood, metal, stone or other appropriate material with painted, engraved or raised messages. Plastic sign inserts shall be permitted for internally lit signs in I/C and I-2 Districts only.

Section 607. Illumination of signs.

- (A) A sign may be either internally or externally illuminated if such illumination is permitted under the provisions of this Ordinance and if the illumination is confined to and directed to the surface of the sign.
- (B) If externally lit, the illumination of a sign shall be so shielded that the source of light shall not be visible from any point off the lot on which the sign, building, or structure being illuminated is erected, and so that only the sign, building, or structure is directly illuminated.
- (C) If internally lit, sign lettering may be back-lit, halo-lit illumination, or reverse channel letters with halo illumination.
- (D) No illumination utilizing red, green, or yellow lights, or a combination thereof, shall be utilized if such sign interferes with the effective visibility of any adjacent traffic signal or if such sign is located adjacent to a roadway where such illumination might give the appearance or impression of a traffic signal.
- (E) No illumination involving flashing or movement, or causing the illusion of movement by reason of the lighting arrangement shall be permitted.
- (F) Illumination shall be permitted only to the extent necessary to allow signs to be seen and read at night at a distance not to exceed five hundred (500) feet.
- (G) Neon lighting and simulated neon lighting is not permitted in residential districts.

Section 608. Construction of signs.

- (A) Every sign permitted under this Ordinance must be kept in good condition and repair as determined by the Elizabeth Borough Zoning Officer.
- (B) A sign using electricity shall be installed in conformance with the national electrical code. All signs not attached to a building shall be connected by underground service only.

Section 609. Sign removal.

- (A) A sign shall be found in violation of this Ordinance, and may be required to be removed by the Zoning Officer, under the following circumstances:
 - (1) The sign has not been maintained in good condition and safe repair, and has deteriorated to the point that it cannot perform its intended use, or creates a safety hazard. The Zoning Officer shall specify a period of time in which the owner of the sign may repair or rehabilitate the sign, thereby restoring its intended use or correcting the safety hazard.

- (2) The sign has been erected without an applicable permit or does not comply with the other requirements of this Ordinance.

Section 610. Prohibited signs and illumination.

(A) It shall be unlawful, upon or after the effective date of this Ordinance or any amendment thereto, for any person, firm or corporation to erect any of the following signs within the Borough of Elizabeth:

- (1) Any sign which by color, shape or location conflicts with or resembles a traffic signal device
- (2) Signs erected without the permission of the property owner or authorized agent
- (3) Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic
- (4) Any sign that obstructs free ingress or egress from a door, window, fire escape or other exit way
- (5) Roof signs
- (6) Rotating signs (except barber poles)
- (7) Any sign inconsistent with this Ordinance.

Section 611. Signs exempt from permits.

(A) The following signs shall not require sign permits when constructed within Elizabeth Borough:

- (1) Address signs and nameplates
- (2) Flags
- (3) Government signs
- (4) Graphics or murals
- (5) Holiday decorations
- (6) Incidental signs
- (7) Point of purchase displays
- (8) Street identification signs
- (9) Temporary signs, as listed in § 615
- (10) Traffic control devices
- (11) Trespassing signs
- (12) Window displays

Section 612. Off-premise signs.

(A) No sign shall be used for display or advertising except that pertaining to the use conducted on the property upon which such sign is erected except as provided herein.

(B) Billboards.

- (1) Billboards are permitted as a conditional use in the I/C District. They are not permitted in the R-1, R-2, MU, CBD, I-2 and Riverfront Overlay Districts.
- (2) Billboards shall not be erected within two hundred (200) feet of any "R" District, nor shall they be located within two hundred (200) feet of any church, school, or cemetery.
- (3) The minimum front side and rear yard requirements applying to a principal use as set forth within a zoning district in which the Billboard is to be located shall apply to each Billboard structure.
- (4) The maximum lot coverage as specified within the applicable Zoning District shall apply to any lot upon which a Billboard structure is located and shall be cumulative including any other structures and buildings on the same lot.
- (5) Billboards shall not be closer than ten (10) feet to any public right-of-way and shall not be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
- (6) No billboard shall be erected in such a manner as to block the view of traffic from the road or street.

- (7) A billboard shall have a maximum permitted gross surface area of three hundred (300) square feet per sign face. It shall not have more than two (2) sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of ninety (90) degrees or less.
 - (8) The dimensions of the gross surface area of the billboard's sign face shall not exceed twenty (20) feet in total height or twenty-five (25) feet in total length, provided the total permitted gross surface area for the sign face is not exceeded.
 - (9) A Billboard structure shall have a maximum height of 35 feet from ground to top of sign measured at the center of the sign.
 - (10) Billboards are not permitted to be mounted upon the roof of a building or any other structure.
 - (11) A maximum of two (2) Billboard structures shall be erected on a single lot of record at a minimum spacing of seven hundred and fifty (750) feet between structures.
 - (12) A Billboard structure shall be independently supported and have vertical supports of metal or wood which are galvanized or otherwise treated to prevent rust, corrosion or deterioration.
 - (13) The entire base of the Billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such a manner as to screen the foundation of the structure.
 - (14) All cuts and grading shall be in accordance with Borough requirements. No bare cuts are permitted on a hillside. All cuts or fills are to be permanently seeded or planted.
 - (15) A Billboard shall be properly maintained. A Billboard structure shall be entirely painted every three (3) years unless constructed of a material not subject to corrosion or deterioration if not painted.
 - (16) Every ten (10) years the owner of the Billboard shall have a structural inspection made of the Billboard by a qualified Pennsylvania Registered Engineer or Architect. As a result of said inspection the owner of the Billboard shall provide to the Borough a certificate from the Engineer or Architect certifying that the Billboard is structurally sound. Annual inspections of the Billboard shall be conducted by the Borough to determine compliance with this section of the Zoning Ordinance. Those signs found to be in violation of this Ordinance shall be required to bring the Billboard into compliance with this Ordinance or to remove it within thirty (30) days upon proper notification by the Borough. .
 - (17) A Billboard with display lighting shall be constructed so that they do not glare upon adjoining property. No Billboard structure, Sign Face, or display lighting shall move, flash, or emit noise. No Display lighting shall cause distraction, confusion, nuisance, or hazard to traffic, aircraft, or other properties. The use of colored lighting is not permitted.
- (C) In addition to the above, the following requirements apply to all Off-Premises Signs erected within this Borough.
- (1) No signs shall be permitted on public lands except with the written approval of the Owner or the government agency responsible for the management of the property.
 - (2) At no time will such signs be placed on any utility pole.
 - (3) All applicable regulations pertaining to size, location, lighting, construction, maintenance, and removal of this Article shall be adhered to in the erection and maintenance of all signs.

Section 613. Temporary signs.

- (A) Special Event Display. Temporary special event signs shall be permitted on all non-residential uses in all zoning districts per the following requirements:
 - (1) One (1) non-illuminated temporary special event display shall be permitted on non-residential structures provided that no more than two (2) non-illuminated signs or banners

with an aggregate surface area not exceeding forty-eight (48) square feet shall be erected on any establishment.

- (2) All such signs shall be self-supporting or wall-mounted. Banners may be permitted as a Conditional Use.
 - (3) Such signs shall not be reflective or illuminated unless permitted as a Conditional Use.
 - (4) Temporary signs shall be erected and maintained for a period not exceeding thirty (30) days during any consecutive twelve month period and they shall be securely attached to the building or to the permanent supporting structure for the business identification sign.
 - (5) Such signs shall be terminated one (1) week following the special event or cessation of use.
 - (6) Temporary special event displays for public, semi-public, or civic events (associated with any public building, church, school, or building that houses a non-profit organization) shall require a permit and shall be permitted to be placed over a public right-of-way on an arterial or collector street provided the owner of the right-of-way grants permission.
- (B) Real Estate Sales Sign.** Temporary real estate signs shall be permitted in all districts, per the following requirements:
- (1) One (1) non-illuminated real estate sign shall be permitted on a lot that is being sold provided that the sign is properly maintained and shall not exceed six (6) feet in height.
 - (2) Such sign shall not exceed twelve (12) square feet in surface area when located on a property in the R-1 and R-2 Districts.
 - (3) Such sign shall not exceed thirty-two (32) square feet in surface area when located on a property in the MU, CBD, I/C, and I-2 Districts.
 - (4) Such sign shall be removed within thirty (30) days of the sale or rental of the property on which it is located.
- (C) Development Sign.** Temporary development signs shall be permitted in all districts, per the following requirements:
- (1) One (1) non-illuminated development sign shall be permitted on a lot that is being developed provided that the sign is properly maintained, is a ground sign and shall not exceed thirty-two (32) square feet in surface area
 - (2) Such sign shall not exceed six (6) feet in height when located on a property in the R-1 and R-2 Districts.
 - (3) Such sign shall not exceed ten (10) feet in height when located on a property in the CBD, I/C, MU, I-2 Districts.
 - (4) Such sign shall be removed within thirty (30) days of the sale of the last lot or completion of the proposed construction in the development.
- (D) Construction Sign.** Temporary constructions signs shall be permitted in all districts, per the following requirements:
- (1) One (1) non-illuminated construction sign that shall be a ground sign and shall not exceed twelve (12) square feet in surface area shall be permitted.
 - (2) Such sign shall not exceed four (4) feet in height in the R-1 and R-2 Districts and shall not exceed six (6) feet in height in the CBD, I/C, MU, and I-2 Districts.
 - (3) Such sign shall be removed within thirty (30) days of the completion of the work.
- (E) Garage Sale, Yard Sale, or Other Temporary Activity.** Signs advertising garage or yard sales shall be permitted in all districts, per the following requirements:
- (1) The signs shall not exceed twelve (12) square feet in sign area.
 - (2) Signs shall be permitted only on the premises where the sale is to be conducted and limited to one per street frontage.
 - (3) All signs shall be removed within 24 hours of the close of the garage or yard sale.
- (F) Political Signs.** Temporary political signs shall be permitted in all districts per the following requirements:

- (1) The gross surface area of such sign shall not exceed four (4) square feet in all R-1 and R-2 districts.
- (2) Such signs shall not project higher than thirty (30) inches from the base of the sign or grade of the nearest adjacent roadway, whichever is higher, and shall not be located in the clear sight triangle at driveways or intersections.
- (3) Such signs must be removed within one (1) week following that election.
- (4) The owner of the property upon which such sign is erected shall be responsible for the placement, maintenance, and removal of such sign in accordance with the terms of this Article.
- (5) No sign of a political nature shall be reflective or illuminated.
- (6) All such signs of a political nature shall be self-supporting or wall-mounted. Overhead signs, arched signs, and banners are prohibited.
- (7) No person shall post any sign of any kind whatsoever upon private property without permission of the property owner.
- (8) Such signs are permitted on any Borough-owned property or Borough maintained open space provided a proper permit is secured. On election days, political signs are permitted, and do not require a permit, for that day and that day only at polling places.

Section 614. On-premises signs.

- (A) Awning and canopy signs shall be permitted in all districts according to the following regulations:
- (1) One (1) canopy sign shall be permitted above each entrance providing public access to the building.
 - (2) One (1) awning sign shall be permitted above each entrance providing public access to the building and above windows.
 - (3) Awning and canopy signs shall not be less than seven (7) feet above the sidewalk.
 - (4) Awning signs may display the name, logo and nature of the business on the front and / or side face.
- (B) Bulletin board signs are permitted in conjunction with any institutional use (municipal, church, school, library, fire hall, park or playground, or similar), per the following requirements:
- (1) One (1) non-illuminated or indirectly illuminated bulletin board sign shall be permitted per street frontage on a lot that contains an authorized church, school, library, or other public or semi-public use or building provided the sign shall not exceed twenty-four (24) square feet in surface area.
 - (2) It shall either be a freestanding ground sign or a wall sign; if a freestanding ground sign, it shall not exceed a height of six (6) feet.
- (C) Changeable copy signs are permitted for institutional uses in the R-1 and R-2 Districts and all non-residential uses in the CBD, MU, I/C, and I-2 Districts, per the following requirements:
- (1) One (1) non-illuminated or indirectly illuminated changeable copy sign shall be permitted for each establishment provided that the copy is changed manually and the maximum surface area of the sign shall not exceed thirty-two (32) square feet.
 - (2) The changeable copy sign may either be a wall sign, attached to an existing or proposed freestanding business sign, or may be independent freestanding.
 - (3) Internally illuminated changeable copy signs are not permitted.
- (D) Directory signs are permitted in I/C and I-2 Districts per the following requirements:
- (1) One (1) non-illuminated, indirectly illuminated, or internally illuminated directory sign shall be permitted for buildings or sites that contain three (3) or more establishments.
 - (2) The directory sign shall be permitted as either a separate wall sign or shall be attached to an existing or proposed freestanding pole business sign structure.
 - (3) The maximum surface area of any such directory sign shall not exceed thirty-two (32) square feet.

- (E)** Electronic changeable copy signs are permitted in the I/C and I-2 Districts per the following requirements:
- (1)** One (1) electronic changeable copy sign attached to a permitted freestanding sign shall be allowed per lot.
 - (2)** Each message displayed on the electronic changeable copy sign shall be static or, if it is a scrolling or flashing message, shall be depicted for a minimum of ten (10) seconds before moving to the next part of the text.
 - (3)** Signs which depict time and temperature are permitted to allow for a minimum of five (5) seconds of depiction of the time and temperature before moving on to the next part of the message.
 - (4)** Where text is displayed on a background, the text shall be brighter than the background (i.e., dark text shall not be displayed on a bright background).
 - (5)** No freestanding electronic changeable copy sign shall exceed forty (40) percent of the total allowable sign face area for any on-premises freestanding sign. In addition, the maximum height of an electronic changeable copy sign shall conform to the freestanding sign height standards as specified in §616H(8).
 - (6)** On-premises freestanding electronic changeable copy signs shall not be illuminated more than one-half hour before the time at which the premises is open to the public or more than one-half hour after the time at which the premises is closed to the public, or 10:00 p.m., whichever is later, except in the case of twenty-four-hour businesses, where the illumination must be dimmed or turned off between the hours of midnight and 4:00 a.m.
- (F)** Flashing or animated signs are permitted in the I/C and I-2 Districts only, per the following requirements:
- (1)** One (1) flashing or animated sign is permitted per lot, and shall be part of or attached to, either a changeable copy sign or an electronic changeable copy sign and subject to the regulations contained in §616J, respectively, herein.
- (G)** Freestanding signs are permitted in the CBD, MU, I/C, I-2, and Riverfront Overlay Districts, per the following requirements:
- (1)** One (1) freestanding business sign shall be permitted for a lot regardless of the number of establishments on the lot.
 - (2)** Commercial properties with more than one (1) street frontage that are greater than ten thousand (10,000) square feet in lot size may have one (1) freestanding business sign per street.
 - (3)** The freestanding business sign shall be either a ground sign or pole sign.
 - (4)** The ground or pole sign shall be either non-illuminated, indirectly illuminated, or internally illuminated.
 - (5)** The maximum surface area of the ground or pole sign shall not exceed thirty-two (32) square feet, if there is one (1) establishment on the lot, or shall not exceed sixty-four (64) square feet in surface area if there is more than one establishment on the lot
 - (6)** Freestanding signs shall not be located closer than ten (10) feet to any public street right-of-way or property line.
 - (7)** A freestanding ground or pole sign shall be permitted only if the building is set back from the curb a minimum of twenty (20) feet.
 - (8)** The maximum height of a pole sign shall be twenty (20) feet. The maximum height of a ground sign shall be four (4) feet.
 - (9)** The bottom edge of any freestanding pole sign shall be a minimum of seven (7) feet above ground level.
 - (10)** If it is a freestanding ground sign, the bottom edge must be a minimum of eighteen (18) inches or more from ground level.
- (H)** Home occupation signs are permitted in any district where a home occupation is a permitted, conditional, or special exception use, per the following requirements:

- (1) One (1) non-illuminated home occupation identification sign shall be permitted for a home occupation provided that the sign shall not exceed eight (8) square feet in surface area.
- (2) Such sign shall not be illuminated or reflective.
- (3) A home occupation sign shall either be attached to the wall of the dwelling or structure or shall be a freestanding pole sign which shall not exceed four (4) feet in height.
- (I) Legal nonconforming use signs are permitted in the R-1 and R-2 Districts, per the following requirements:
 - (1) One (1) non-illuminated or indirectly illuminated business or identification sign shall be permitted on a lot that contains a legal nonconforming non-residential use in a residential zoning district, provided the sign shall not exceed twenty-four (24) square feet in surface area. The identification shall be a wall sign.
- (J) Marquee signs shall be permitted on theaters in the CBD and MU Districts according to the following regulations:
 - (1) Signs shall not exceed two hundred (200) square feet and shall not extend more than eight (8) feet from the façade of the building.
 - (2) The bottom of the marquee sign shall be no less than eight (8) feet above grade and the height shall not extend beyond the parapet wall of the building.
 - (3) The sign may incorporate any or all of the following features: flashing, blinking and running white or amber lights, neon lettering and lighting.
- (K) Nameplate signs that indicate the name of the Owner or occupant of a residential use and the street number may be erected and maintained in all districts provided:
 - (1) Non-illuminated nameplate signs shall not exceed a gross surface area of four (4) square feet.
 - (2) Illuminated nameplate signs shall not exceed two (2) square feet in gross surface area.
 - (3) Nameplate signs shall be wall-mounted or self-supporting.
 - (4) Only one (1) such sign shall be permitted on each side of said dwelling unit facing a public street.
- (L) Non-residential identification signs are permitted in R-1 and R-2 Districts, per the following requirements:
 - (1) One (1) non-illuminated or indirectly illuminated identification sign shall be permitted on a lot in a residential zoning district which contains a non-residential use other than a home occupation, provided that the sign shall not exceed twenty-four (24) square feet in surface area. The identification sign shall be a wall sign or a freestanding ground sign.
- (M) On-premise directional signs are permitted in all zoning districts, per the following requirements:
 - (1) On any lot that contains two (2) or more multi-family or non-residential buildings and / or any lot that provides more than fifty (50) parking spaces, on-premise directional signs shall be permitted provided that the surface area of any one (1) sign shall not exceed four (4) square feet and the height of any sign shall not exceed three (3) feet.
 - (2) On such lots with lot areas of ten thousand (10,000) square feet or less, a maximum of four (4) such signs shall be permitted.
 - (3) For lots with lot areas greater than ten thousand (10,000) square feet, but less than one (1) acre, a maximum of six (6) such signs shall be permitted.
 - (4) For lots greater than one (1) acre, an additional two (2) such signs shall be permitted for each additional acre in excess of one (1) acre.
- (N) Permanent Window Signs are permitted in all districts per the following requirements:
 - (1) The sign shall not occupy more than 20% of the window area or glass.
 - (2) Interior neon or simulated neon window signs shall be permitted, provided they are no larger than two (2) square feet.
- (O) Projecting signs are permitted in the CBD, MU, and Riverfront Overlay Districts, per the following requirements:

- (1) One (1) projecting sign that is non-illuminated or indirectly illuminated shall be permitted per street frontage for each establishment.
- (2) The maximum surface area of such projecting sign shall not exceed twenty-four (24) square feet.
- (3) The projecting sign shall not extend more than four (4) feet from a wall and must clear the sidewalk by at least eight (8) feet.
- (4) The sign may not interfere with pedestrian or vehicular traffic in any manner.
- (P) Projecting signs are permitted in the I/C and I-2 Districts, per the following requirements:
 - (1) One (1) projecting sign that is non-illuminated, internally illuminated or indirectly illuminated shall be permitted per street frontage for each establishment.
 - (2) The maximum surface area of such projecting sign shall not exceed twenty-four (24) square feet.
 - (3) The projecting sign shall not interfere with pedestrian or vehicular traffic in any manner.
- (Q) Residential identification signs are permitted in R-1, R-2, MU, and Riverfront Overlay Districts, per the following requirements:
 - (1) One (1) non-illuminated or indirectly illuminated identification sign shall be permitted as a wall sign on a multi-family residential building or as a freestanding ground sign at the entrance to any residential development, provided the sign shall not exceed twelve (12) square feet in surface area. The maximum height of a freestanding ground identification sign shall be three (3) feet.
- (R) Sandwich boards shall be permitted in the MU, CBD, RO, I/C, and I-2 Districts according to the following regulations:
 - (1) Signs shall not exceed twelve (12) total square feet.
 - (2) Signs are permissible along the sidewalk, provided a minimum walking distance of three (3) feet shall be maintained to allow for a pathway for pedestrians.
 - (3) Only one (1) sandwich board per street frontage will be permitted per the business it advertises.
 - (4) Sandwich boards shall be weighted at the base or of sufficient weight so that the sign cannot be moved by strong winds.
 - (5) Sandwich boards shall be taken indoors at the close of business each day.
- (S) Traffic or parking signs are permitted in the CBD, MU, RO, I/C and I-2 Districts per the following requirements:
 - (1) Such signs shall be limited to such information or instructions necessary for the convenience of vehicular traffic in reach such business.
 - (2) Such signs shall not exceed a gross sign area of four (4) square feet.
 - (3) Such signs may be externally illuminated so long as the lighting is directed to the sign only and not the surrounding area.
- (T) Wall signs are permitted in the CBD, MU, and RO Districts, per the following requirements:
 - (1) One (1) business wall sign or professional wall sign that is non-illuminated or indirectly illuminated per street frontage will be permitted for each establishment.
 - (2) The maximum surface area of such wall sign shall not exceed one (1) square foot in surface area for every two (2) linear feet of building frontage.
 - (3) The surface area of a wall sign for any one (1) establishment shall not exceed fifty (50) square feet.
 - (4) Such signs shall not project more than six (6) inches from the wall of the building.
- (U) Wall signs are permitted in the I/C and I-2 Districts, per the following requirements:
 - (1) One (1) business wall sign or professional wall sign that is non-illuminated, indirectly illuminated or internally illuminated per street frontage will be permitted for each establishment.
 - (2) The maximum surface area of such wall sign shall not exceed one (1) square foot in surface area for every two (2) linear feet of building frontage.

- (3) The surface area of a wall sign for any one (1) establishment shall not exceed fifty (50) square feet.
- (4) Such signs shall not project more than six (6) inches from the wall of the building.

Section 615. Permit procedures.

- (A) It shall be unlawful to erect, construct or significantly alter any sign which requires a sign permit without first filing with Elizabeth Borough an application in writing to the Zoning Officer, which shall include the following:
- (1) The name, address, and telephone number of the property owner, and the signature of the owner or duly authorized agent for the owner.
 - (2) Two (2) copies of a plan drawn to scale depicting:
 - (a). The design of each sign face and sign structure with the dimensions, total area, sign height, depth, structural details, materials, lighting scheme, and proposed location.
 - (b). The building elevations, existing and proposed facades, parapet walls, cornices, and the location and size of all proposed and existing signage.
 - (c). Such other information as required by the Elizabeth Borough Zoning Officer.

Section 616. Nonconforming signs.

- (A) Any sign legally existing at the time of the adoption of this Ordinance that does not conform to the requirements of this Article, shall be considered a nonconforming sign and shall be bound by the regulations herein:
- (1) All nonconforming signs may be repainted, resurfaced or repaired, provided that they are not substantially destroyed or abandoned, and provided such does not increase the dimension of the existing sign.
 - (2) In the event that any non-conforming sign is damaged by casualty to the extent of seventy-five percent (75%) of its cost of replacement at the time of destruction, or becomes dangerous, dilapidated or an imminent hazard such sign shall not be restored or replaced except in conformity with the regulations of this Ordinance.
 - (3) A nonconforming sign must be removed within thirty (30) days after notification by the Zoning Officer or be made to conform to this Ordinance in every respect whenever:
 - (a). It is not securely attached to the ground, wall or roof and can be easily moved or damaged, or
 - (b). It becomes so deteriorated that it no longer serves a useful purpose of communication and is a nuisance as determined by Elizabeth Borough, or
 - (c). It is abandoned by the owner or the use is abandoned. (Note: Abandonment does not apply to properties wherein the owner is actively seeking a new tenant or owner).
 - (4) All costs and expenses of removal shall be the obligation of the Owner(s) of said property and the Borough may proceed to collect said costs and expenses by any legal procedure that the Borough deems advisable, including, without limitation, the filing of a municipal lien.

Article VII. NONCONFORMITIES

Section 700. Purpose.

- (A) The purpose of this Article is to provide for the continuation of uses that do not conform to the Elizabeth Borough Zoning Ordinance, but which were in operation prior to the enactment of this Ordinance or amendments thereto, except as otherwise provided in Article VI, §617, Nonconforming Signs.

Section 701. General regulations.

- (A) These regulations shall apply to any use of a structure or lot in any Zoning District that is a nonconforming use as defined by this Ordinance. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another Zoning District of a different classification, these regulations shall apply to any uses which thereby become nonconforming.
- (B) Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Ordinance.
- (C) All nonconforming uses may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within eighteen (18) months of the date of destruction and be completed within 2.5 years of the destruction. No enlargement or expansion of the nonconforming structure shall be undertaken unless the provisions of §702 herein are met. An exception to this would be for nonconforming structures that are federal, state, or locally designated historic structures or contributing structures to the Elizabeth Borough Historic District. These structures may be restored or reconstructed regardless of the extent of destruction or the time it takes to complete the reconstruction.
- (D) Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently perused within two (2) months of the date of such permit, and the first floor of which shall have been completed within six (6) months of the date of this Ordinance, and which entire building shall be completed according to such plans as filed within two (2) years from the date of this Ordinance.
- (E) If a nonconforming use or structure is moved for any reason from the lot upon which it was located at the date of the enactment of this Ordinance, it shall thereafter conform to the regulations of the Zoning District in which it is relocated.
- (F) Nothing in this Zoning Ordinance shall be interpreted as authorization for or approval of the continuance of the illegal use of a structure or premises or construction of a structure or building in violation of zoning regulations in existence at the time of enactment of this Zoning Ordinance.

Section 702. Extension or enlargement of a nonconforming use or structure.

- (A) Single-family dwellings that are nonconforming uses in any nonresidential zoning district classification may be enlarged or expanded to occupy a greater area of the lot or to increase the height of the dwelling, provided all applicable area and bulk regulations of the Zoning District in which the property is located are met.
- (B) No other nonconforming use of a lot or nonconforming use of a structure shall be enlarged or increased or extended to occupy a greater area of the lot or structure than was occupied at the effective date of adoption or amendment of this Ordinance, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessitated by the natural

expansion and growth of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the Zoning District in which it is located.

- (C) A nonconforming use may be extended into a structure or onto an adjoining lot or portion of a lot provided that the adjacent lot or structure or portion thereof was owned by the owner of the nonconforming use at the time the use became nonconforming. Nonconforming uses where the owner of the nonconforming use does not own the adjacent lot or structure at the time the use became nonconforming shall not be permitted extension or expansion onto adjacent properties or structures.

Section 703. Changes to a nonconforming use or structure.

- (A) A nonconforming use shall not be changed to any use other than a conforming use, except as permitted as a use by special exception by the Zoning Hearing Board in accordance with the following standards:
- (1) The new use will more closely correspond to the uses authorized in the District as permitted uses, conditional uses or uses by special exception.
 - (2) 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 nonconforming use.
 - (3) Any change from one nonconforming use to another shall comply with the parking requirements of this Ordinance for the new use and shall be subject to the area, bulk and buffer area regulations for such use in the Zoning District where such use is authorized as a permitted use, conditional use or use by special exception.
 - (4) Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.
 - (5) A nonconforming use may be permitted to change to a use that is similar in nature to the existing nonconforming use at the discretion of the Planning Commission. It is within the rights of the Planning Commission to determine if the use is similar in nature based upon the proposed new use's impact on surrounding properties and its appropriateness within the context of the Zoning District in which it is located.

Section 704. Abandonment.

- (A) A nonconforming use of a building or land which has been abandoned shall not thereafter be used except in conformance with the regulations of the Zoning District in which it is located.
- (B) A nonconforming use shall be considered abandoned as follows:
- (1) When the intent of the owner to discontinue the use is apparent; or
 - (2) When the characteristic equipment and furnishings of nonconforming use have been removed from the premises and not been replaced by similar equipment within ninety (90) days, unless other facts show intention to resume nonconforming use; or
 - (3) When a nonconforming use has been discontinued for a period of twelve (12) months; or
 - (4) When it has been replaced by a conforming use; or
 - (5) When it has been replaced by another nonconforming use of equal or more restrictive classification.
 - (6) If restoration of any nonconforming use shall not have been commenced within a period of one (1) year from damage or destruction which may have destroyed the same, as provided for in §701 (C).
- (C) When application is made not later than one (1) year from the date the use was discontinued or abandoned, the Zoning Hearing Board may approve an extension of not more than one (1) additional year within which the use may be resumed. No additional extensions may be approved.

- (D) When the discontinuance is beyond the control of the owner or tenant and was without intent to abandon the use, the Zoning Officer may permit the nonconforming use to continue indefinitely until such a time when intent to abandon is established.

Section 705. Registration of nonconformity.

- (A) The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this Ordinance or any amendment that created the nonconformity, the Zoning Officer shall register the same on a map and by the Allegheny County Assessor's Tax Parcel Number as a legal nonconforming use.
- (B) In the course of administering this Ordinance and reviewing applications for zoning permits, building permits, occupancy permits or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

Section 706. Nonconforming structures.

- (A) A nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a required yard setback than the existing nonconforming structure does and, further provided that no new nonconformities are created. All other alterations or enlargements shall require review by the Zoning Hearing Board and after public hearing the Zoning Hearing Board may determine undue hardship and may authorize a variance for the reasonable modification of such structure.
- (B) Any nonconforming structure that has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction and re-occupancy of the structure occurs within eighteen (18) months of the date that the original structure was damaged or destroyed. No enlargement or expansion of the nonconforming structure shall be undertaken unless the provisions of §702 herein are met.
- (C) Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the Zoning District in which it is located.

Section 707. Nonconforming lots.

- (A) Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.
- (B) Where structures exist on adjacent nonconforming lots of record that have front yards less than the minimum depth required, the minimum front yard for an adjacent nonconforming lot of record shall be the average depth of the nonconforming front yards on the adjacent nonconforming lots in the same block on the same side of the street.

Section 708. Disclaimer.

- (A) Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public, provided all other requirements of this Section are met.

Article VIII. ADMINISTRATION & ENFORCEMENT PROCEDURES

Section 800. Purpose.

- (A) The purpose of this Article is to describe the procedures for administration and enforcement of this Ordinance and the duties and responsibilities of the Zoning Officer, Zoning Hearing Board, Borough Council, and Planning Commission.

Section 801. Zoning Hearing Board.

- (A) The Borough Council shall appoint a Zoning Hearing Board (Board).

- (B) The membership shall consist of the following:

- (1) Either three (3) or five (5) residents of the Borough appointed by the Borough Council.
- (2) The term of office for a three (3) member board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year.
- (3) The term of office for a five (5) member board shall be three (3) years and shall be so fixed that the term of office of no more than two (2) members of a five (5) member board shall expire each year.
- (4) A five (5) member board shall not be changed to a three (3) member board except upon an affirmative vote on the question by a majority of the electors in the Borough voting thereon at a referendum held at the municipal or General election prior to a year in which the terms of two (2) members on the Board expire.
- (5) If a three (3) member board is changed to a five (5) member board, the members of the existing three (3) member board shall continue in office until their term of office would expire under prior law and ordinances.
- (6) The Borough Council shall appoint at least (1) but no more than three (3) residents of Elizabeth Borough to serve as alternate members of the Board. The term of an alternate member shall be three years.
- (7) No member of the board (or alternate) may hold any other elected or appointed office in the Borough including but not limited to Borough Council, planning commission, or zoning officer
- (8) No member of the board (or alternate) may be an employee of the Borough.

- (C) The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies on the Board shall be only for the unexpired portion of the term.

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

Section 802. Organization and administrative functions of Zoning Hearing Board.

- (A) The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

- (B) For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board.

- (C) The Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board.

- (D) The Chairman of the Board may designate alternate members of the board to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to reach quorum. Any alternate member shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final decision on the matter or case. Designation of

an alternate shall be made on a case by case basis in rotation according to declining seniority among all alternates.

- (E) The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Borough and laws of the Commonwealth of Pennsylvania.
- (F) The Board shall keep full public records of its business, and shall submit a report of its activities to the Borough Council once a year.
- (G) Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council. Alternate members of the Board may receive compensation, as may be fixed by the Borough Council, for the performance of their duties, but in no case shall it exceed the rate of compensation authorized to be paid to Borough Council.

Section 803. Zoning Hearing Board functions and responsibilities.

- (A) The Board shall have exclusive jurisdiction to hear and render final adjudications in matters as defined in the MPC §909.1(a).
- (B) The Board shall hear substantive challenges to the validity of this Ordinance as described in the MPC § 916.1.
- (C) The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant.
 - (1) The landowner shall file a written request for a Variance upon a form furnished by the Board and shall pay a fee in accordance with the schedule fixed by resolution by the Borough Council. No application shall be considered officially received until the application is completed in full and the fee is paid.
 - (2) The hearing shall be conducted in accordance with this Article, § 806.
 - (3) The Board may grant a variance provided all the following findings are made where relevant in a given case:
 - (a). That the unnecessary hardship is due to the unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical, or other physical conditions peculiar to the particular property, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
 - (b). That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (c). That such unnecessary hardship has not been created by the applicant.
 - (d). That the variance, if authorized, will not alter the essential character of the neighborhood nor the district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (e). That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - (4) In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the MPC.
 - (5) A variance applies only to that particular piece of property for which it is granted.

- (D) The Board shall hear and decide requests for Special Exceptions in those cases where this Ordinance indicates a Special Exception may be granted subject to compliance with both the expressed standards and criteria identified for the Use in Article V: Supplemental Regulations as well as the general standards and criteria of this Subsection:
- (1) The landowner shall file a written request for a Special Exception upon a form furnished by the Board and shall pay a fee in accordance with the schedule fixed by resolution of the Borough Council. No application shall be considered officially received until the application is completed in full and the fee is paid.
 - (2) The hearing shall be conducted in accordance with this Article.
 - (3) The Board shall determine if the applicant has shown that the proposed special exception will not substantially injure or detract from the use of the neighboring property or from the character of the neighborhood, and that the use of property adjacent to the area included in the proposed change or plan is adequately safeguarded.
 - (4) The Board shall determine if the applicant has shown that the proposed special exception will serve the best interests of Elizabeth Borough, the convenience of the community and the public welfare.
 - (5) The Board shall determine if the applicant has shown that the effect of the proposed special exception will facilitate the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and public schools.

Section 804. Conditional uses.

- (A) Borough Council shall hear and decide all requests for Conditional Uses in those cases where this Ordinance indicates a Conditional Use may be granted subject to compliance with the standards and criteria prescribed within this Ordinance and conditions for development prescribed by Borough Council after review of the Planning Commission's recommendations of the proposed conditional use development.
- (B) The landowner shall file a request for the granting of a Conditional Use along with all maps, plans, and text which may be necessary to explain the development proposed and its compliance with the standards and criteria of this Ordinance with the Borough Secretary. Said request shall be filed in triplicate on a form furnished by the Borough and shall be accompanied by a fee specified by the Borough Council. No request shall be officially received until the application form is completed in full and a fee is paid. Twenty (20) copies of the request shall be filed so that all council members, planning commission members, staff and the municipal engineer may have a copy.
- (C) Borough Council shall transmit copies of the request as well as all documentation to the Planning Commission for recommendations at least forty-five (45) days prior to the scheduled public hearing.
- (D) Borough Council shall schedule a public hearing with public notice as described in the MPC §908(1), (1.2) and (10).
- (E) Borough Council shall render a decision and inform the Applicant of said decision within forty-five (45) days of the hearing date.
- (F) In addition to the standards and criteria specified elsewhere in this Ordinance, the following are hereby established as the general standards and criteria governing the allowance of Conditional Uses herein before authorized:
 - (1) The proposed use conforms to the applicable regulations of the district.
 - (2) The proposed use should not cause undue noise, glare, or pollution of the surrounding areas, as determined by the Council, upon recommendation by the Borough Engineer and Borough Planning Commission.
 - (3) Anticipated levels of traffic congestion, noise, glare, and pollution created by the proposed use will be similar to the levels created by the uses permitted in the district.

- (4) Any visual or functional conflicts between the proposed use and surrounding existing uses shall be kept to a minimum. Increased setbacks, planted buffers, wooden fences or other measures may be required by the Borough Council to minimize potential conflicts, or to reduce anticipated levels of noise. Visual and functional conflicts include, but are not limited to, loading docks, parking lots, service driveways, or large nonresidential buildings adjacent to residential neighborhoods or open space areas, without adequate buffering.
- (5) In granting a Conditional Use, Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may be deemed necessary to implement the purposes of this Ordinance.

Section 805. Zoning Ordinance Amendment Applications

- (A) Applications for amendment of this Ordinance shall contain the materials specified below, unless the applicant is proceeding for curative amendment or appeal within this Ordinance. In the latter cases, the applicant shall be bound by the requirements contained therein.
- (B) The applicant's name and address and his representative and the interest of every person represented in the application;
- (C) A fee as specified by the participating municipal fee schedule charged to any person or persons desiring to amend this Ordinance;
- (D) A plan showing the extent of the area to be rezoned; streets bounding and intersecting the area; the land use and zone classifications of abutting districts, and photographs of the area to be rezoned and abutting areas;
- (E) A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning;
- (F) The approximate time schedule for the beginning and completion of development in the area;
- (G) A site plan to scale, indicating the location of structures, uses, and areas for off-street parking and loading.
- (H) In the case of a text change, a draft of the change in text shall be part of the application.

Section 806. Hearings.

- (A) The Board shall conduct hearings and make decisions and/or findings in accordance with the requirements set forth in this Section.
- (B) The parties to the hearing shall be the Borough Council, the Applicant, any person affected by the application who has made timely appearance of record before the Board, and any person(s) including civic and community organizations permitted by the Board to appear. All persons who wish to be considered parties shall enter appearances in writing to the Board for that purpose.
- (C) Applications for a hearing before the Board and decisions and/or findings of the Board shall be filed with the Borough Secretary. Applicants shall file their request upon forms to be furnished by the Zoning Hearing Board and pay a fee in accordance with the schedule fixed by resolution by the Borough Council. No application shall be considered officially received until the application is completed in full including requested documentation and/or illustrations and the fee is paid.
- (D) Public notice of the hearing shall be given to the public, the applicant, the zoning officer, the Borough Council, the Planning Commission, and to any person who has made timely request for the same. A notice of the hearing shall be given to other persons at such a time and in such manner as the Borough Council or the Board shall designate. A notice of said hearing shall be conspicuously posted on the affected tract or tracts of land or water body.
- (E) In addition, at least fourteen (14) days prior to the public hearing, written notices shall be sent by first class mail to the addresses to which real estate tax bills are sent for all real property located within three hundred (300) feet of the property line boundaries of the property for which the

appeal is filed including properties across any street right-of-way. The names and addresses shall be provided by the applicant.

- (F) The Board shall conduct hearings in accordance with the following requirements:
- (1) The hearing shall commence not later than sixty (60) days after the application has been officially received and fee has been paid unless the applicant has agreed to an extension of time.
 - (2) Each subsequent hearing before the Board or Hearing Officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.
 - (3) An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing.
 - (4) Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. And applicant, may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of hearings for rebuttal.
 - (5) The hearings shall be conducted by the Board or the Board may appoint any member or independent attorney as a Hearing Officer. The decision, or where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
 - (6) The presiding official of the Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers including witnesses and documents requested by the parties.
 - (7) The parties have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all relevant issues.
 - (8) Formal rules of evidence shall not apply but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 - (9) The Board or the Hearing Officer shall keep a stenographic record of the proceedings. A transcript of the proceedings as well as copies of graphic or written material received in evidence shall be made available to any party at cost.
 - (10) The Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate: shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.
 - (11) The Board or the Hearing Officer may continue the hearings provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.
- (G) The Board or the Hearing Officer shall render a written decision on the application within forty-five (45) days after the date of the last hearing.
- (H) The contents of the decision shall contain the following:

- (1) Each decision shall be accompanied by findings of fact and conclusions.
- (2) Conclusions based on any provision of this Ordinance, the Official Zoning Map, the Pennsylvania Municipalities Planning Code, any Borough Ordinance, Rule, or Regulation, or Laws of the Commonwealth of Pennsylvania shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
- (I) If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representation thereon to the Board prior to a final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer.
- (J) Except for challenges filed under MPC §916.1 where the Board fails to render the decision with the period required by this Ordinance or fails to commence, conduct or complete the required hearing as provided in this Article §806(F)(1), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.
- (K) When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in this Ordinance. If the Board shall fail to provide such notice, the applicant may do so.
- (L) Nothing this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- (M) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 807. Mediation option.

- (A) Parties to proceedings authorized in this Ordinance may utilize mediation as an aid in completing such proceedings. In proceedings before the Board, in no case shall the Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Ordinance once they have been formally initiated. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- (B) Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The municipality, in offering the mediation option, shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - (1) Funding mediation;
 - (2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
 - (3) Completing mediation, including time limits for such completion;
 - (4) Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code, provided there is written consent by the mediating parties, and by an applicant or Borough decision-making body, if either is not a party to the mediation;
 - (5) Identifying all parties and affording them the opportunity to participate;
 - (6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;

- (7) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance.
- (C) No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 808. Appeals.

- (A) Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of this Ordinance shall be filed by the landowner affected, any officer or agency of the Borough, or any person aggrieved.
- (B) Any person seeking to limit or secure reversal of an approved application for a permit shall file such proceeding with the Board no later than thirty (30) days after such application has been approved unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- (C) Upon filing of any appeal and during its pendency before the Board, all land development in question and all official action thereunder shall be stayed. If the Zoning Officer or any other appropriate agency or body certifies to the Board that such stay would cause imminent peril to life or property, the land development or official action shall not be stayed unless by a restraining order. Said restraining order may be granted by the Board or by the Court having jurisdiction over zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.
- (D) When persons other than the Applicant for a land development file with the Board proceedings designed to reverse or limit the approval of the land development, the applicant may petition the Court having jurisdiction over zoning appeals to order such persons to post bond as a condition to continue the proceedings before the Board. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.
- (E) Any action taken or decision rendered under this Article may be appealed to the County Court of Common Pleas by any parties aggrieved by said action or decision under the provisions and procedures provided in the MPC.
- (F) All appeals from decisions rendered by Elizabeth Borough or the Board shall be taken to the Allegheny County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by the MPC §908(9).

Section 809. Zoning officer.

- (A) This Ordinance shall be administered by the Zoning Officer. The Borough Council shall appoint a Zoning Officer who shall not hold any elective office in the Borough.
- (B) The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the requirements of this Ordinance.
- (C) Within this power, the Zoning Officer shall have duties as follows:
 - (1) The Zoning Officer shall literally interpret and enforce all the provisions of the Zoning Ordinance and shall have such duties and powers as are conferred on him or her by the Zoning Ordinance and are reasonably implied for that purpose.
 - (2) Receive and act upon applications for zoning permits to authorize the erection, reconstruction, alteration or repair of and additions to buildings and structures or changes of use and other matters addressed in this ordinance; and enforce compliance with the provisions of this Ordinance. The Zoning Officer shall not have the power to permit any

construction or any use or change of use which does not conform to the Zoning Ordinance.

- (3) Examine, or cause to be examined, all structures and/or land for which an application has been filed for a zoning permit and conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance. In carrying out such surveys, the Zoning Officer or his or her representative may enter upon any land or building and shall carry proper identification.
- (4) Receive the application and review application for completeness and compliance.
- (5) Notify applicants of deficiencies in application(s) and request additional information.
- (6) Declare the application officially received.
- (7) Receive and refer to the appropriate Board all applications for special exception or variance.
- (8) Participate in all proceedings before the appropriate Board, presenting facts and information to assist the Board in reaching a decision that shall be compatible with this Ordinance.
- (9) Receive and refer to the appropriate Council all applications for conditional use.
- (10) Receive and refer to the Planning Commission and Council all petitions requesting rezoning of properties.
- (11) Issue the permit after all reviews, comments, and approvals have been received.
- (12) Make inspection(s).
- (13) Issue stop work order(s) which may be necessary in event of violations of this Ordinance or of any issued permit.
- (14) Issue denials for permits, and clearly state the reason for the denial.
- (15) Issue Occupancy Permits only after all construction and development conforms to the requirements of this Ordinance and other related Borough Ordinances and, if applicable, all conditions imposed by the Board have been complied with.
- (16) Where a permit has been issued in reliance upon information submitted by the applicant, which is later found to be materially untrue, or has been issued improvidently, revoke such issued permit or certificate of use. Such revocation shall be in writing and state the reason(s) for revocation, and shall be sent to the person to whom the permit or certificate of use was issued via U.S. certified mail.
- (17) Issue all notices and prosecute all actions necessary to enforce this Ordinance and permits as issued.
- (18) The Zoning Officer shall identify and register nonconforming uses and nonconforming structures and submit his findings to the Borough's Planning Commission.
- (19) An official record shall be kept of all business and activities of the office of the zoning Officer specified by provisions of this Zoning Ordinance, and all such records shall be open to public inspection at all appropriate times.

Section 810. Coordination with other Borough requirements and permits; state and federal requirements and permits.

- (A) In all cases, any application for a permit of any of the types heretofore described in this Ordinance shall be decided not only on the basis of compliance with this Zoning Ordinance, but also on the basis of compliance with all other applicable Borough Ordinances and all other applicable rules and regulations of the various Borough authorities and agencies which might be concerned, as well as State and Federal requirements and permits.

Section 811. Zoning Permit

- (A) No use shall be established or changed, no structure shall be erected, constructed, reconstructed, or altered, and no building or property used or occupied, changed in use, or changed in occupancy or tenant, until a zoning permit has been secured from the Zoning Officer to ensure the use or

construction are in accordance with the requirements of this Ordinance. In addition, a zoning permit shall be required prior to any of the following:

- (1) Use of any building or other structure, or portion thereof, hereinafter erected, reconstructed, changed, improved, enlarged, or otherwise altered regardless of requirements for issuance of a building permit, including placement of a mobile home on a property.
- (2) Use of land or change in the use thereof, except the placing of vacant land under cultivation shall not require a permit.
- (3) Change in use or expansion of a nonconforming structure, or portion thereof.
- (4) Change in intensity of use, or extending or displacing the use of any building, structure, and/or land.

Section 812. Building permit.

(A) A Building Permit shall be required prior to the:

- (1) Placement, erection, or construction of a building or structure.
- (2) Structural alteration or reconstruction of a building or structure.
- (3) Addition to a building or structure.
- (4) Relocation of a building or structure.
- (5) It shall be unlawful for any person or persons to commence work for any building activity noted herein until a Building Permit has been duly issued thereto.

Section 813. Occupancy permit.

(A) An Occupancy Permit shall be required prior to:

- (1) The occupancy and use of a new building or structure or one that has been structurally altered.
- (2) The occupancy and use of a building or structure that has been moved or relocated.
- (3) A change in the use of an existing building, structure, water body, or land area except to a use of the same type.
- (4) A change of a nonconforming use, building or structure.

(B) The procedure for a permit application shall adhere to the following:

- (1) Applications for an Occupancy Permit shall be reviewed by the Zoning Officer. The Zoning Officer shall issue the findings or approval of the application.
- (2) Upon approval of the request for an Occupancy Permit, one (1) copy of this permit shall be given to the Applicant, and one (1) copy of the permit shall be kept on file in the Borough Office.
- (3) In the event of denial, the Zoning Officer shall forward to the Applicant a written statement containing the reason(s) for such denial.
- (4) An Occupancy Permit shall remain valid for as long as the structure or building is used in the manner the permit has been issued for.

(C) The Zoning Officer, or his fully appointed representative, shall make an inspection of a new, structurally altered or relocated building or structure or a building or structure for which a change of use is proposed. Such inspection may be made upon the completion of construction, if applicable / and may be made at the same time that the final inspection required under the Building Permit process is conducted. A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer in regard to conformance to this Ordinance.

(D) Such inspection may be made upon other properties for which an Occupancy Permit has been requested if the Zoning Officer deems it necessary.

(E) Temporary Occupancy Permit.

- (1) The Zoning Officer may issue a Temporary Occupancy Permit which may permit the occupancy of a structure during alteration or may permit the partial occupancy of a structure during its construction or erection

- (2) Such a Temporary Occupancy Permit shall be valid only for a period not exceeding six (6) months from its issuance, and shall be subject to such restrictions and provisions as may be deemed necessary by the Zoning Officer to adequately insure the safety of persons using or occupying the structure.
- (3) Application for such a Temporary Occupancy Permit shall be made in the same manner as for a Occupancy Permit and the application for or issuance of such a Temporary Permit shall in no way affect the obligation to apply for and obtain an Occupancy Permit.

Section 814. Temporary permit.

- (A) Permits for temporary structures related to construction work authorized under a valid building permit may be issued by the Zoning Officer only for the time that construction work is in progress and for a period not to exceed six months. The permit may be renewed for an additional six month period upon demonstration of continued need for the structures; however, all temporary structures shall be removed upon completion of construction.

Section 815. Amendment to the Zoning Ordinance.

- (A) Whenever the public necessity, convenience, or general welfare indicate; the Borough Council by Ordinance and in compliance with applicable laws, particularly the MPC, may amend, supplement, or change the regulations as established by this Ordinance.
- (B) Before voting on the enactment of an amendment, the governing body shall hold a public hearing thereon, pursuant to public notice.
- (C) If a council proposed amendment is not prepared by the Planning Commission, said proposed amendment shall be referred to the Planning Commission for review and comments forty-five (45) days prior to the public hearing.
- (D) The proposed amendment shall be referred to Allegheny County Department of Economic Development, Planning Division for review and comment forty-five (45) days prior to the public hearing.
- (E) The proposed amendment shall be advertised as required by the MPC.
- (F) If the proposed amendment would effect a change in the Zoning Map, notice of said public hearing shall be posted in the manner required by the MPC §609(b)(1).
- (G) In addition to the requirement that notice be posted where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the public hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the municipality. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.
 - (1) This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
- (H) Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to Allegheny County Department of Economic Development, Planning Division.

Section 816. Landowner curative amendment.

- (A) A landowner who desires to challenge on substantive grounds the validity of this Ordinance, of the Official Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment(s) be heard and decided as provided in the MPC §916.1.
- (B) The governing body shall commence a hearing within sixty (60) days of the request, pursuant to public notice as required by the MPC.
- (C) The Borough shall refer the curative amendment and challenge to the Planning Commission and Allegheny County of Economic Development, Planning Division for review and commentary.

The Borough shall also advertise the proposed amendment as required by the MPC, and if the proposal involves any change to the Zoning Map, any affected property shall be posted as required by the MPC §609(b)(1).

- (D) The hearing shall be conducted in accordance with MPC §908 and all references therein to the Zoning Hearing Board shall, for purposes of this section be references to the Elizabeth Borough Council: provided, however, that the provisions of MPC §908(1.2) and (9) shall not apply and the provisions of MPC §916.1 shall control.
- (E) If the governing body does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- (F) If the governing body determines that a validity challenge has merit, the governing body may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the challenged defects. The governing body shall consider the curative amendments, plans, and explanatory material submitted by the landowner and shall also consider:
 - (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools 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 Map.
 - (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features.
 - (4) The impact of the proposed use on the site'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.
 - (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- (G) If the Borough does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

Section 817. Municipal Curative Amendments

- (A) If a municipality determines that its zoning ordinance or any portion thereof is substantially invalid, it shall take action as described in the MPC §609.2.

Section 818. Enforcement Notice.

- (A) If it appears to Elizabeth Borough that a violation of any zoning ordinance enacted under this Ordinance or prior enabling laws has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
- (B) The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- (C) An enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom the Borough intends to take action.
 - (2) The location of the property in violation.

- (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- (D) In any appeal of an enforcement notice to the Zoning Hearing Board the Borough shall have the responsibility of presenting its evidence first.
- (E) Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

Section 819. Validity.

- (A) Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the parts of or sections remaining shall remain in effect as though the part or section declared unconstitutional has never been a part thereof.

Section 820. Remedies.

- (A) In case any building, structure, or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance or prior laws, Borough Council may instruct an officer of the Borough in addition to other remedies, to institute in the name of the Borough any appropriate action or proceedings to prevent, restrain, correct, or abate such violation, structure, or land, or to prevent, in or about such premises any act, conduct, or use constituting a violation.

Section 821. Enforcement Remedies.

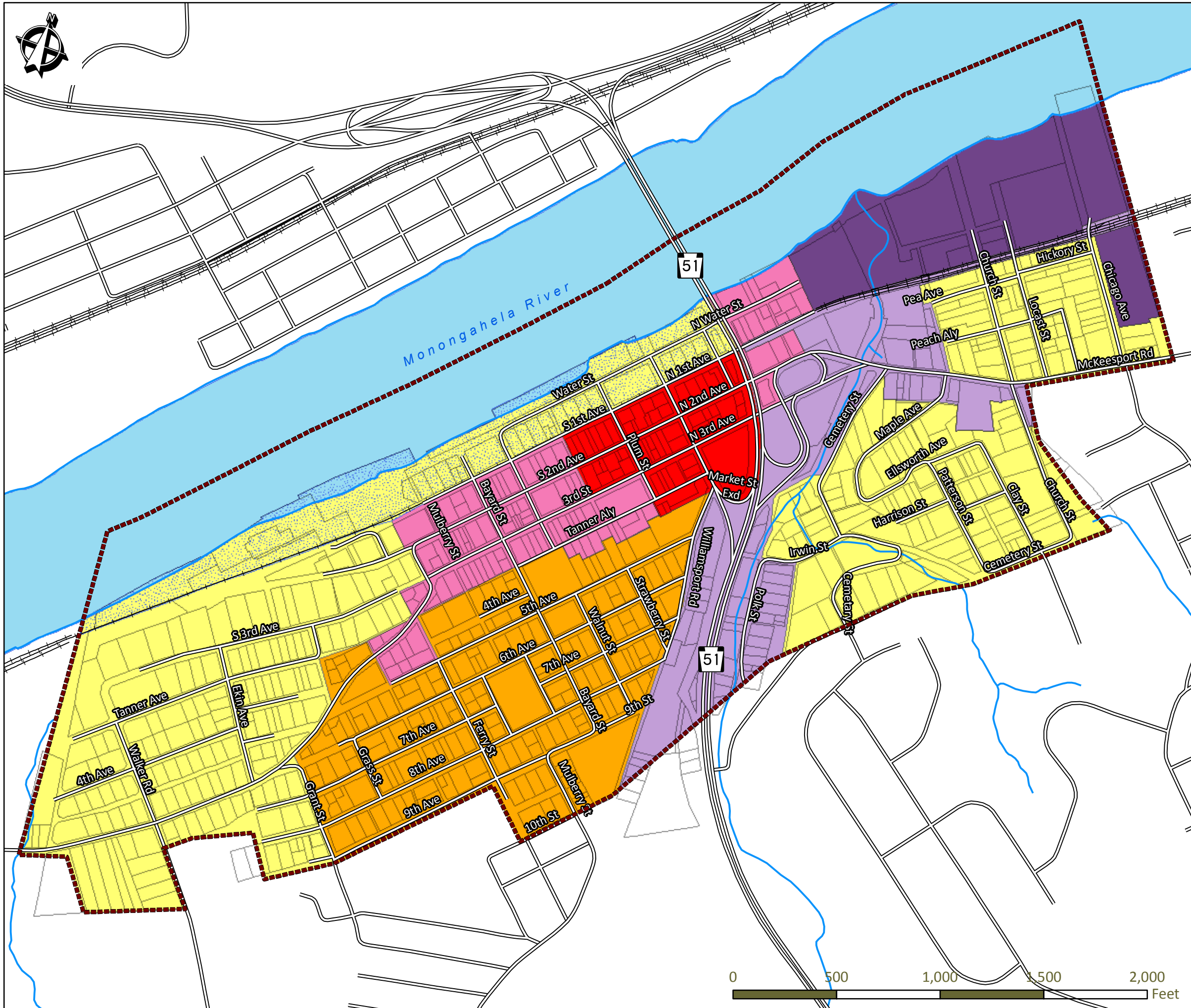
- (A) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by Elizabeth Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by Elizabeth Borough as a result thereof.
- (B) No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Elizabeth Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the 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 the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- (C) All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to Elizabeth Borough.
- (D) 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.
- (E) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than Elizabeth Borough the right to commence any action for enforcement pursuant to this section.

Section 822. Fees and Expenditures.

- (A) Each applicant for any permit required under this Ordinance or for any variance from or special exception to this Ordinance shall, at the time of making application, pay to the Zoning Officer for the use of the Elizabeth Borough a fee or fees in accordance with a fee schedule adopted by resolution of the Borough Council or as such schedule may be amended from time to time by resolution of the Borough Council.
- (B) The Borough Council may prescribe reasonable fees with respect to hearings before the Board. Fees for said hearings may include compensation for the secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- (C) The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

Section 823. Time limitations

- (A) No person shall file any proceeding before the Board later than thirty (30) days after a preliminary or final application for development has been approved by an appropriate Township officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- (B) The failure of anyone, other than the landowner, to appeal from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to the MPC §916.2 shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- (C) All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.



Elizabeth Borough Official Zoning Map

Legend

- Borough Boundary
- Property Lines
- River
- Road
- Railroad
- Stream

Zoning Districts

- R-1 Low-Density Residential
- R2 Medium-Density Residential
- CBD Central Business District
- MU Mixed Use
- I/C Flex Industrial Commercial
- I-2 Heavy Industrial
- Riverfront Overlay District

Enacted this 30th day of April, 2013 by the
Borough Council of Elizabeth,
Ordinance No. 2013-002



Source: Data used is courtesy of
Allegheny County and PASDA.

Figure 1. Building Height.

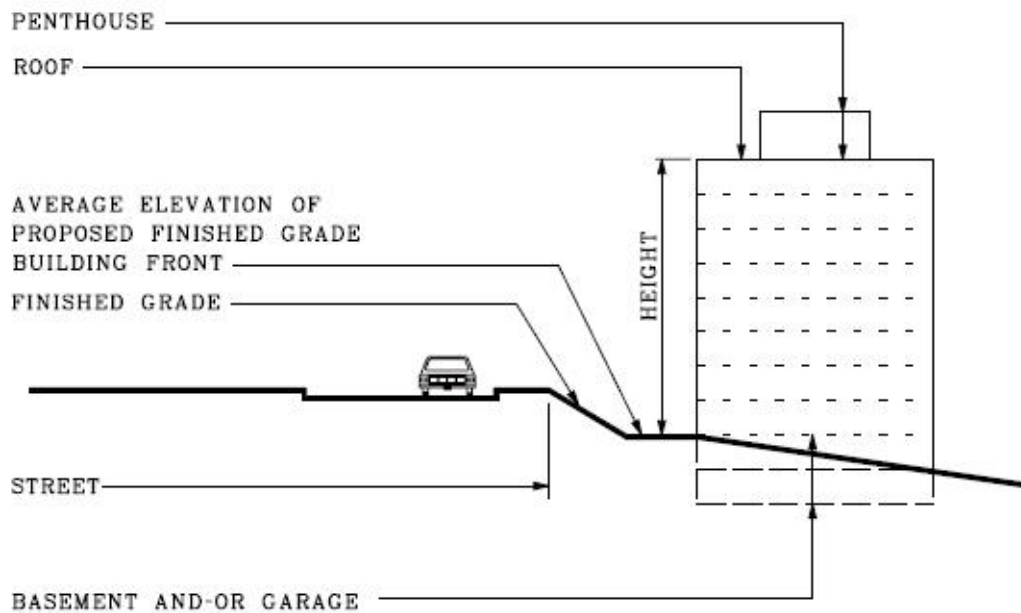
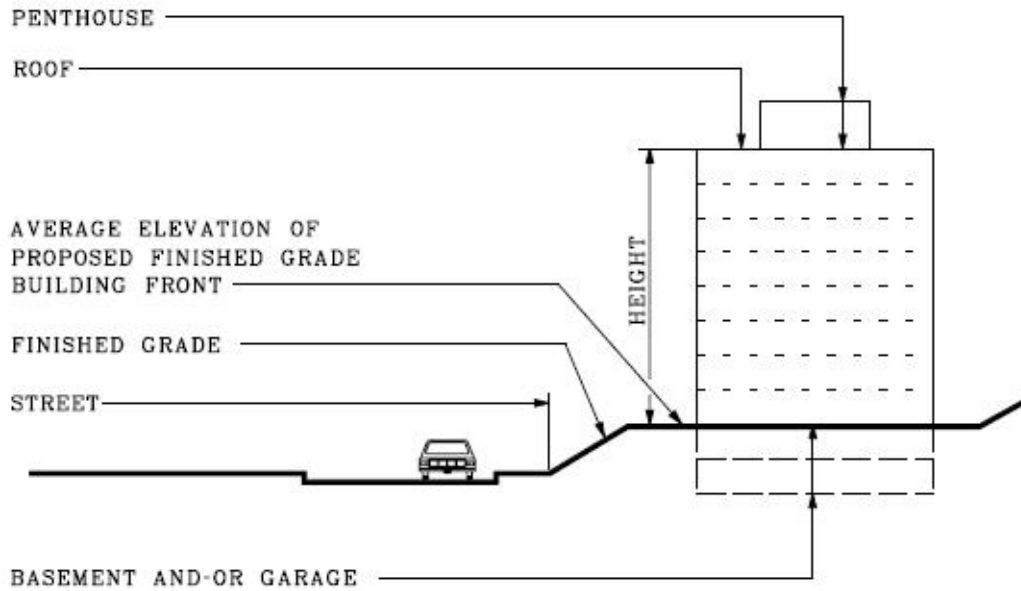


Figure 2. Lot Area.

