

Chapter 18

Part A: Zoning

ORDINANCE No. 1, SERIES 1971 REVISION – 2016 – 2019 -2020

BOROUGH OF SAEGERTOWN, CRAWFORD COUNTY, PENNSYLVANIA

- As Revised By -

Ordinance No. 02, Series 1971	Ordinance No. 03, Series 1995
Ordinance No. 02, Series 1974	Ordinance No. 03, Series 1999
Ordinance No. 01, Series 1976	Ordinance No. 03, Series 2001
Ordinance No. 02, Series 1983	Ordinance No. 05, Series 2001
Ordinance No. 01, Series 1986	Ordinance No. 04, Series 2003
Ordinance No. 02, Series 1987	Ordinance No. 01, Series 2005
Ordinance No. 03, Series 1987	Ordinance No. 03, Series 2006
Ordinance No. 04, Series 1987	Ordinance No. 03, Series 2009
Ordinance No. 05, Series 1987	Ordinance No. 01, Series 2011
Ordinance No. 02, Series 1988	Ordinance No. 03, Series 2011
Ordinance No. 02, Series 1990	Ordinance No. 01, Series 2012
Ordinance No. 04, Series 1990	Ordinance No. 03, Series 2012
Ordinance No. 02, Series 1992	Ordinance No. 01, Series 2019
	Ordinance No. 03, Series 2020

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SECTION 1 - BASIC PROVISIONS

- 101 TITLE:** This Ordinance may be cited as Saegertown Borough Zoning Ordinance.
- 102 EFFECTIVE DATE:** This Ordinance shall take effect on this 5th day of May, 1971, last amended 2016.
- 103 DEFINED WORDS:** Words used in a special sense in this Ordinance are defined in Section 6.
- 104 COMMUNITY DEVELOPMENT OBJECTIVES:** The community development objectives which are the basis for the provisions of this Ordinance are set forth in the Comprehensive Plan as adopted and amended by the Governing Body.
- 105 ZONING MAP:** A map entitled "Saegertown Borough Zoning Map" is hereby adopted as a part of this Ordinance. The Zoning Map shall be kept on file for examination in the office of the Borough Secretary in the Municipal Building.
- 106 COMPLIANCE:** No structure as defined in Section 6, Structure: of this Ordinance, or building shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure, building or land be used or be designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance. Alterations to building interiors not affecting the external form and size of a building, including additions of shingling, or siding involving no change in building form, or substantial change in its size, shall not require a zoning application and permit; however, depending on the nature and cost of such work a building permit may be required
- 107 SEVERABILITY:** If any provisions of this Ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

SECTION 2 - DISTRICT REGULATIONS

201 ZONING DISTRICTS: The Borough is divided into the districts stated on Table 201 and as otherwise depicted by the district boundaries on the Zoning Map.

TABLE 201

District	District Name	Page No.'s
(A-1)	CONSERVATION	4
(A-2)	AGRICULTURAL	4
(R-1)	SINGLE FAMILY	5
(R-2)	RESIDENTIAL	6
(B-1)	BUSINESS	7
(M-1)	INDUSTRIAL	9
(FO)	FLOODPLAIN OVERLAY	10

(A-1) CONSERVATION

Permitted Uses:

- Agriculture
- Antennas, Communications, mounted on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings
- Open Land Recreation
- Parks
- Accessory Uses
- Gas & Oil Wells
- Essential Services

Conditional Uses:

- Single-Family Dwelling
- Schools
- Churches
- Cemeteries
- Public Building

Special Exception Uses:

- Communications Towers subject to the Standards for Communications Towers and Communications Equipment Buildings as Special Exceptions set forth herein Section 303.

Minimum Lot Area	3 - Acres
Minimum Lot Area per Family	3 - Acres

Minimum Width	250 - Feet
Front Yard Min. Set Back	50 - Feet
Side Yard Min. Set Back	30 - Feet
Rear Yard Min. Set Back	50 - Feet

(A-2) AGRICULTURAL

Permitted Uses:

- Agriculture
- Antennas, Communications, mounted on an existing Public Utility Transmission Tower, Building or other Structure, and Communications Equipment Buildings
- Cemeteries
- Open Land Recreation
- Parks, Schools, Churches
- Single-Family Dwelling
- Gas & Oil Wells
- Accessory Uses
- Essential Services

Conditional Uses:

- Airport
- Clinic
- Day Nurseries
- Halfway House/Rehabilitation Center/Homes
- Mobile Home Park
- Planned Residential Development
- Public Building
- Public Utility Structure
- Rest Home
- Multi-Family Dwelling

Minimum Lot Area	1 - Acre
Minimum Lot Area per Family	1 - Acre
Minimum Width	150 - Feet
Front Yard Min. Set Back	50 - Feet

(R-1) SINGLE – F A M I L Y

Permitted Uses:

- Agriculture
- Churches
- Parks, Schools, Open Land Recreational Activities
- Single-Family Dwelling
- Accessory Uses
- Essential Services

Conditional Uses:

- Cemeteries
- Clinic
- Planned Residential Development
- Public Building
- Public Utility Structure
- Rental units not permitted

Minimum Lot Area	10,500 Square Feet
Minimum Lot Area per Family	10,500 Square Feet
Minimum Width	75 - Feet
Front Yard Min. Set Back	30 - Feet
Side Yard Min. Set back	15 - Feet
Rear Yard Min. Set Back	35 - Feet

R-2 RESIDENTIAL

Permitted Uses:

- Multiple-Family Dwelling, New Construction
- Parks, Schools, Churches
- Single-Family Dwelling
- Short-Term Rentals
- Two Family Dwelling
- Accessory Uses
- Essential Services

Conditional Uses:

- Convalescent and Rest Homes
- Day Nurseries
- Funeral Homes
- Hospital
- Multiple Family Dwelling, by Conversion of Single Family Residential Dwelling
- Non-profit Clubs and Lodges
- Philanthropic and Charitable Institutions

- Planned Residential Development
- Public Buildings
- Public Utility Structure
- Rooming and Boarding Houses for Three or More Roomers

Minimum Lot Area	7,200 Square Feet
Minimum Lot Area per Family	2,500 Square Feet
Minimum Width	60 - Feet
Front Yard Min. Set Back	25 - Feet
Side Yard Min. Set Back	10 - Feet
Rear Yard Min. Set Back	25 - feet

NOTE: *The R-2 side yard requirement may be reduced by 1 1/2 feet for each 1,000 square feet of lot area over a basic minimum of 7,200 square feet, but in no case shall the side yard requirement under this provision be reduced below 5 feet.*

(B-1) BUSINESS

Permitted Uses:

- Agriculture
- Antennas, Communications, mounted on an existing Public Utility Transmission Tower, Building or other Structure, including existing Communications Towers and Communications Equipment Buildings
- Auto and Bicycle Sales and Repairs
- Banks
- Club and Lodges
- Commercial Recreation
- Commercial Schools
- Dry Cleaning Establishments with not more than ten employees on the premises in addition to one owner or manager
- Eating and Drinking Places
- Funeral Homes
- Gas Stations
- Gas & Oil Wells provided:
 - Not within 500 feet from:
 - A pre-existing building
 - Not within 2500 feet of:
 - A Borough water supply well
 - Following shall NOT be within 1000 feet of a preexisting building:
 - Natural Gas process plant
 - Natural gas compressor station
 - Similar facility
- Hospitals and Clinics

- Laundromats
- Medical and Dental Laboratories
- Motels
- Offices
- Parks, Schools, Churches
- Philanthropic and Charitable Institutions
- Printing Establishments with not more than ten employees on the premises in addition to one owner or manager
- Public Buildings
- Public Utility Structures
- Retail Stores
- Rooming and Boarding Houses
- Service Shops
- Single Family Dwelling / Home-Based Business
- Short-Term Rentals
- Theaters, Bowling Alleys, Billiard Parlors
- Upholstering Shops
- Accessory Uses
- Essential Services

Conditional Uses:

- Artisans' and Craft Work
- Light Industry
- Multiple Family Dwelling by Conversion of Single Family Residential Dwelling to New Construction of Multiple Family Dwelling - must meet min. sq. ft. requirement
- Research Laboratories
- Shopping Centers
- Wholesale Business
- Conditional Uses for Electronic Signs per Section 3:

Minimum Lot Area	20,000 Square Feet
Minimum Lot Area per Family	2,500 Square Feet
Minimum Width	100 - Feet
Front Yard Min. Set Back	5 - Feet
Side Yard Min. Set Back	10 - Feet
Rear Yard Min. Set Back	5 - Feet

Special Exception Uses:

Towers, Communications, subject to the Standards for Communications Towers and Communications Equipment Buildings as Special Exceptions set forth herein Section 303.

(M-1) INDUSTRIAL

Permitted Uses:

- Agriculture
- Animal Hospitals
- Antennas, Communications, mounted on an existing Public Utility Transmission Tower, Building or other Structure, including existing Communications Towers and Communications Equipment Buildings.
- Auto and Truck Repair Establishments
- Bakeries
- Greenhouses
- Light Manufacturing
- Mobile Home and Travel Trailer Sales
- Motor Vehicle Sales and Service
- Offices
- Open Land Recreation
- Public Buildings
- Public Utility Structures
- Research Laboratories
- Supply, Storage and Construction Yards
- Truck Terminal
- Warehousing
- Welding
- Retail Establishments
- Accessory Uses
- Essential Services

Conditional Uses:

- Commercial Recreation
- Gas Stations
- Industrial Park
- Manufacturing
- Motels
- Restaurants
- Shopping Center
- Single Family Residential (building or unit min. 960 sq. ft. per unit)
- Multi Family Residential (building or unit min. 600 sq. ft. per unit)

Minimum Lot Area	20,000 Square Feet
Lot Area per Family	10,500 Feet
Minimum Width	100 Feet
Front Yard Min. Set Back	50 Feet
Side Yard Min. Set Back	20 Feet

Conditional Uses for Electronic Signs as per Section 3

(FO) FLOODPLAIN OVERLAY

This District is superimposed on the other districts of the borough depending on the locations of areas subject to flooding. Regarding land use, the underlying district is governing; however in implementing any use shown in the underlying district the applicant shall comply with the additional regulations set forth in Chapter 15 – Part C.

202 DISTRICT BOUNDARIES: District boundaries shown on the lines of roads, streams, and transportation rights-of-way shall be deemed to follow the centerlines. The vacation of roads shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

203 PERMITTED USES: The permitted uses for each district are shown on Section 201. Uses not specifically listed *shall not be permitted*.

204 CONDITIONAL USES: The Borough Council may authorize conditional uses as specified in Section 201 if all conditions and provisions of Article 4 are met.

205 HEIGHT REGULATIONS: No structure shall exceed 45 feet in height above average ground level unless approved by the Zoning Hearing Board. The Board may authorize a variance to the height regulations in any district if:

205.1 All front, side, and rear yard set-backs are increased one foot for each additional foot of height; or

205.2 The structure is any of the following and does not constitute a hazard to an established airport; television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, cooling towers, ornamental towers and spire, chimneys, elevator bulkheads, smokestacks, conveyors, and flagpoles.

206 FLOOR AREA REQUIREMENTS: No single-family dwelling shall have a floor area of less than 960 square feet, except:

206.1 No single-family dwellings in the B-1 and M-1 zoning districts shall have a floor area of less than 600 square feet. (ref: section 407.3)

207 LOT AND YARD REQUIREMENTS: The minimum lot area, minimum width of lot, minimum depth of front yard, and minimum width of each side yard for each district shall be as shown on Table 201.

207.1 Lots which abut on more than one street shall provide the required front yards set backs along every street.

207.11 Exception to 207.1: If there is no access from one of the streets abutting the property (front or rear), that side of the property shall be governed by regular rear setback requirements. (Example: roundabout or interstate highway)

207.2 All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side, or rear yard, providing, however, the following specified structural projections and obstructions shall be allowed,

(Note of explanation: the yards into which the projections are permitted are indicated by F (front) for yards adjacent to the major abutting streets (address side of the building), where major streets are defined as streets with rights-of-way of a minimum width of 40 feet, or alleys with a minimum width of 20 feet; S (side) for interior side yards or side yards abutting streets of less than 40 feet of right-of-way; R for rear yards.). In no case shall the specified structural projection extend beyond the lot line)

(Lot and Yard – continued)

(a) Handicapped –accessible ramps – no setbacks

(b) Arbors or trellises, freestanding - not less than 4 feet from the lot line – F, S, R

(c) Air conditioning units, attached or unattached - not less than 3 feet from any lot line - F, S, R

(d) Reserved

(e) Reserved

- (f)** Reserved
- (g)** Reserved
- (h)** Fences and walls not more than 3 1/2 feet in height - not less than 1 foot from lot line –F
- (i)** Fences and walls not more than 6 feet in height - not less than 2 feet from any lot line – S, R
- (j)** Reserved
- (k)** Flag poles - not less than 3 feet from any lot line - F, S, R
- (l)** Garages, detached - not less than 7 feet from lot line – R
(F, S, use standard set-backs per the zoning district it is in)
- (m)** Lawn furniture such as benches, sundials, birdbaths –
not less than 3 feet from any lot line - F, S, R
- (n)** Open off-street parking and loading spaces - not less than 3 feet from any lot line - S, R
- (o)** Ornamental light standards not over 6 feet in height –
not less than 2-feet from any lot line - F, S, R
- (p)** Playground and laundry-drying equipment - not less than 5-feet from lot line – S, R
(F, use standard set-backs per the zoning district it is in)
- (q)** Playhouses and outdoor fireplaces - not less than 5 feet from lot line – S, R
(F, use standard set-backs per the zoning district it is in)
- (r)** Porches, open with or without roof, and not more than one-story in height – not less than 5-feet from any lot line - F, S, R
- (s)** Signs and nameplates as regulated in this Ordinance –
not less than 5-feet from any lot line - F, S, R
- (t)** Steps, open - not less than 3 feet from any lot line - F, S, R
- (u)** Swimming pools and tennis courts - not less than 2 feet from lot line, including appropriate fencing – R
(F, S, use standard set-backs per the zoning district it is in)

(v) Terraces and patios, open - not less than 5 feet from any lot line - F, S, R

(w) Toolhouses, sheds and other similar structures for the storage of accessory supplies - not less 7 feet from lot line except as noted in the A-1, B-1, and the M-1 zoning districts – S, R

(F, use standard set-backs per the zoning district it is in)

In determining side and/or rear yard distance requirements for a dwelling if the side and/or rear yard adjoins an alley. The set-back shall be a minimum of 13 feet from the center of all alleys.

207.3 Any lot of record existing at the effective date of this Ordinance and then held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this Ordinance.

207.4 Where septic tanks or on-lot sewage treatment occurs, the minimum lot size shall not be less than required by percolation tests, or such other tests required by the Department of Environmental Protection or its agent, and in no case shall it be less than one-half acre.

207.5 Non-residential structures or uses shall not be located or conducted closer to any lot line of any other lot in any "A" or "R" District than the distance specified in the following schedule; providing, however, that where a wall and/or fence a minimum of 5 1/2 feet high which effectively blocks all views into the non-residential uses in provided at or near the property line adjoining the "A" or "R" District the distances specified below can be reduced to 10 feet; and where, in addition to the provision of a wall and/or fence, trees and/or shrub plantings sufficient enough to form a continuous, intermingled planting screen are provided the specified 10 foot distance may be reduced to 5 feet:

**Minimum Side or Rear
Yard Abutting any Lot
in any "R" District**

Use

20-Feet	Off-street parking spaces and access drives for non-residential uses.
40-Feet	Churches, schools, and public or semi-public structures.
70-Feet	Recreation facilities, entertainment facilities, motels, all business uses and industrial uses.

207.6 **Reference Table** for Sheds (and accessory structures) or similar structures:

207.61 If a shed or similar structure has “utilities” it shall be considered a building and will require permits and inspections.

207.62 Accessory structures are permitted in the following districts:

(A-1) CONSERVATION

Front Yard	50-feet
Side Yard	30-feet
Rear Yard	7-feet

(A-2) AGRICULTURAL

Minimum Lot Area	1-Acre
Front Yard	50-feet

(R-1) SINGLE FAMILY (East of railroad tracks)

Front Yard	30-feet
Side Yard	7-feet
Rear Yard	7-feet

(R-2) RESIDENTIAL (Downtown)

Front Yard	25-feet
Side Yard	7-feet
Rear Yard	7-feet

NOTE: The R-2 *side* yard requirement may be reduced by 1 ½ ft. for each 1,000 square feet of lot area over a basic minimum of 7,200 square feet, but in no case shall the side yard requirement under this provision be less than 5 feet.

(B-1) BUSINESS

Front Yard	5-feet
Side Yard	7-feet
Rear Yard	5-feet

(M-1) INDUSTRIAL

Front Yard	50-feet
Side Yard	20-feet
Rear Yard	7-feet

In determining side and/or rear yard distance requirements, if the side and/or rear yard adjoins an alley, the minimum side and rear setbacks are thirteen (13) feet from the center of the alley.

208 (FO) FLOODPLAIN OVERLAY DISTRICT

Refer to Chapter 15 – Part C. for Flood and Federal Flood Insurance regulations.
(OR3-2012)

209 STORMWATER MANAGEMENT REGULATIONS

Refer to Chapter 15 – Part B for Stormwater management requirements.
(OR -2009)

SECTION 3 - GENERAL REGULATIONS

301 NON-CONFORMING USES: The following provisions shall apply to all non-conforming uses:

301.1 Any lawful use of a structure or land existing at the effective date of this Ordinance, may be continued although such use does not conform to the provisions of this ordinance. Such lawful use may be sold, leased, conveyed or otherwise legally transferred and the new owner may continue such lawful non-conforming use.

301.2 Reserved

301.3 Extensions of the non-conforming use of a building.

(a) A non-conforming use of a building may be extended throughout the building if no structural alterations are made therein; and, provided, it is specifically authorized as a special exception by the Zoning Hearing Board, such extension may include structural alterations.

(b) A non-conforming use of a building may be extended and expanded upon a lot which was a lot of record at the effective date of this Ordinance when authorized as a special exception by the Zoning Hearing Board; providing, however, that such extension does not replace a conforming use, that it does not extend or expand the building more than 25% of the area it occupied at the effective date of the establishment of the Saegertown Borough Zoning Ordinance, May 5, 1971, and 2016, and that all yard, height, and area requirements for the district in which it is located are met. A building expansion, for the purposes of this Ordinance may be considered to be an enlargement of the bulk or area of the existing building, or the construction of detached and separate building bulk or area.

301.4 A non-conforming use of a building or land may be changed to a use of an equal or more restricted classification but not to a use of less restricted classification if approved by the zoning hearing board as a special exception.

301.5 Any nonconforming building or use which has been damaged or destroyed by fire, casualty, deterioration resulting from age and wear, or any other means may be reconstructed and used as before, if such reconstruction is performed within 12 months of the date use of the building was discontinued. When discontinued: if the building is restored or the use covers no greater area than before discontinuation and contains no greater cubic content; and if the restored building or the use poses no health or safety threat or hazard.

301.6 In the event that any non-conforming use, conducted in a structure or on the land, ceases or is abandoned, for whatever reason, for the period of one year, such non-conforming use shall not be resumed.

302 **ACCESSORY USES:** Accessory uses and structures shall be defined and interpreted in this Ordinance to include, but not be limited to, the following:

(a) Garages

(b) Toolhouses, sheds, covered storage areas, carports and other similar structures for the storage of accessory supplies

(c) Swimming pools and tennis courts

(d) Signs as regulated in Section 304.

(e) Accessory radio and television antennas when less than 12 feet above the building on which they are mounted and satellite dish antennas.

(f) Foster homes not exceeding more than 6 children in number in each home or family day care homes for up to 6 children unrelated to the homeowner / caregiver

(g) Greenhouses used to grow plants either as hobby for the resident's personal use, or used in compliance with requirements for a home occupation as established in Article 6 and defined in Section 601.

(h) Storage of building materials and equipment and temporary structures for on-site construction purposes in the A-2 Agricultural, A-1 Conservation, R-1 Single-Family and R-2 Residential zoning districts, for a period not to exceed the duration of active construction. For purposes of this provision, a temporary use permit approved by the Borough Zoning Officer shall be

required. A temporary use permit shall only be issued for a maximum period of one (1)-year and shall become effective on the date the permit is approved by the Zoning Officer.

(i) Temporary storage structures and/or trailers used in connection with any lawful trade or business in the B-1 Business District. Provided, however, that a temporary use permit for temporary storage structures and/or trailers used in connection with any lawful trade or business shall only be issued for a maximum period of 180-days and shall become effective on the date the permit is approved by the Zoning Officer. Moreover, such temporary storage structures and/or trailers used in connection with any lawful trade or business shall not exceed fifty (50)-feet in length. Provide, further, that there shall be no more than one (1) temporary storage structure and/or trailer permitted pursuant to these provisions.

In approving an application for a temporary use permit under these provisions, the Zoning Officer may impose conditions that are deemed necessary to ensure that the permit will be in accordance with the requirements of this Zoning Ordinance and will not otherwise affect the health, safety and welfare of residents of the Borough. The fee for a temporary use permit shall be established by resolution of Borough Council.

The Zoning Officer may revoke any approved temporary use permit if the Zoning Officer determines that the permit was obtained by misrepresentation or fraud; that the use for which the permit was granted has ceased or has been suspended for forty-five (45) days; that the conditions of the permit have not been met; or the permit granted is being or has recently been determined to be contrary to the terms of the approval or in violation of a specific statute, ordinance, law or regulation.

A written determination of revocation of the temporary use permit shall be mailed to the property owner and the permit holder within ten (10)-days of such determination.

Any person may appeal the approval, conditions of approval, denial, or revocation of a temporary use permit to the Zoning Hearing Board in accordance with the appeal procedures of this Zoning Ordinance and the Municipalities Planning Code.

Notice of any approved temporary use permit shall be posted on the subject property.

The location or placement of any such temporary storage structure and/or trailer shall further be *required to meet all existing setbacks* as required by the Borough Zoning Ordinance in the zoning district within which it is located. Moreover, the location shall not be on, or encroach upon, any public or private rights of way.

Nothing in this section shall be interpreted to include toolhouses and other similar structures for the storage of accessories and supplies as set forth in Section 207.2(w).

302.1 Accessory farm buildings, including but not limited to, silos, storage bins, and the like, shall not be erected within 100 feet of a neighboring property.

(a) Feed lots, runs, pens, and similar intensively used facilities for animal raising and care shall not be located within 300 feet of a neighboring property.

(b) Roadside stands for sale of *home grown (on the premise)*, fruits and vegetables shall be permitted if they are erected at least 30 feet from the center of the road and parking space is provided off the road, they have written permission from the property owner, and they are not on public land owned by the Borough

(The following 2 sections were revised 12-14-20 by OR3-2020)

302.2 **Swimming Pools:** Every swimming pool must meet state building code guidelines pertaining to fences.

302.3 All methods of access to any unfenced pools must be removed or properly secured at all times to restrict access to the pool, when it is not in use and supervised by a responsible adult.

(Penalty for this section 302.2 and 302.3 shall be a Class D fine)

302.4 A single family dwelling shall be considered as an accessory use in the M-1 Industrial District providing said dwelling is contained within, is part of, subordinate to and serves the principal permitted structure and/or use. Provided however, that at some future time, for whatever the reason, said single-family dwelling unit subordinate use ceases to serve or have some relationship to the principal permitted structure or use, other than mere physical presence; then such use shall cease to be accessory to the principal permitted structure or use and shall not be permitted.

303 **SPECIAL EXCEPTIONS:** A special exception use is permitted under special standards and criteria which insure that the use will not prove injurious to the zoning district in which it locates and to the public interest in general. A developer desiring a special exception use shall submit adequate information including development plans where applicable to the Zoning Hearing Board which shall hear and decide the request in accordance with the standards and criteria established in this Ordinance. In granting a special exception the Zoning Hearing Board may attach such reasonable conditions, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of this Ordinance.

303.1 Standards for Special Exception.

Special exceptions shall be granted where the following findings are made:

- a) The use is permitted as a special exception under the terms of this code.
- b) The specific criteria, if any, for allowing the use by special exception will be met.
- c) The use, if permitted, will be consistent with the community and development objectives and plans, and suitable to the tract with respect to matters such as highway access, availability of utilities and services, traffic impact, economic impact and impact on the neighborhood.
- d) It has not been established that the use for which the permit is sought would be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare, that the proposed use would create unreasonable traffic congestion, parking congestion, traffic hazards, fire hazards, water hazards, sanitary, or other health hazards, or that the proposed use would unreasonably interfere with or impair the supply of adequate and safe light, water, or air, the availability of adequate drainage or sewage or refuse facilities, or other utilities, or otherwise impose an undue threat to the health and safety of adjoining property owners.

303.2 The following uses may be authorized as special exceptions; and in addition to the general criteria set forth in Section 303.1 above these uses shall comply with more particular requirements as established hereunder;

(a) Reserved

(b) Reserved

(c) Reserved.

(d) Temporary structures and/or trailers used in connection with construction work or temporary storage structures and/or trailers used in connection with any lawful trade or business in accordance with Section 302(h) and 302(i).

(e) Home occupations in the A-1, A-2, R-1, R-2 and the B-1 zoning districts of this Ordinance providing, (a) there is no sign other than a name plate as permitted in Section 304.1 of this Ordinance, or no display that will indicate from the exterior that the building is being utilized in part, for any purpose other than a dwelling, (b) there is no commodity sold upon the premises except that which is produced by such home occupation, (c) there is no one employed or engaged in such home occupation *except a member or members of the immediate household living on the premises*, (d) there is no type of mechanical or electrical equipment used except as might normally be used for domestic and a vocational purposes, (e) there is no electrical disturbance that would affect radio, television, or other equipment in the vicinity, (f) the use generates no more than 6 vehicular trips to and from the premises at the

busiest hour of the *normal operating day* (between 7:00 am and 11:00 pm), (g) outdoor work, service, and storage areas, if any, shall be screened from the view of public roads and from adjacent residences, (h) and there shall be no noise, odor, dust, fumes, glare, or flashing light which is perceptible without instruments more than 50 feet from the boundaries of the lot.

303.3 Standards for Communication Towers as Special Exceptions

(a) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communication Antennas.

(b) The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(c) Communications Towers shall comply with all applicable Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation (BOA) and applicable Airport Zoning Regulations.

(d) Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structure within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that (1)-or more of the following reasons for not selecting such Structure apply.

(1) The proposed Antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.

(2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.

(3) Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

(4) Addition of the proposed Antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(5) A commercially reasonable agreement could not be reached with the owners of such Structures.

(e) Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20)-feet in width and shall be improved to a width of at least ten (10)-feet with a dust-free, all weather surface for its entire length.

(f) A communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel so long as the leased parcel meets the minimum lot size requirements for the Zoning District.

(g) Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.

(h) The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.

(i) In all Zoning Districts, the maximum height of any Communications Tower shall be one-hundred and fifty (150)-feet; provided however, that such height may be increased to no more than two-hundred (200)-feet, provided the required setbacks from all property lines (not lease lines) are increased by one (1)-foot for each one (1)-foot of height in excess of one-hundred and fifty (150)-feet.

(1) The foundation and base of any Communications Tower shall be set back from a property line (not lease line) located in any Residential District at least one-hundred (100)-feet and shall be set back from any other property line (not lease line) at least fifty (50)-feet.

(2) The base of a Communication Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.

(3) The Communications Equipment Building shall comply with the required yard and height requirements of the applicable Zoning District for an accessory structure.

(4) All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

(5) The site of a Communications Tower, which shall include tower and all supporting structures, shall be secured by a fence which shall otherwise **comply with the Saegertown Borough Zoning Ordinance**, with a maximum height of eight (8)-feet to limit accessibility by the general public.

(6) No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, the Federal Aviation Administration or other governmental agency which has jurisdiction.

(7) Communication Towers shall be protected and maintained in accordance with the requirements of the Borough's applicable Building Code.

(8) One (1)-off street parking space shall be provided within the fenced area.

(j) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association / Telecommunications Industry Association and applicable requirements of the Borough's Building Code.

(k) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; the name, address and emergency telephone number for the owner of the property, and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.

(l) If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator, or the property owner shall dismantle

and remove the Communications Tower within six (6) -months of the expiration of such twelve (12) -month period.

303.4 **Short-Term Rentals**

(A) Purpose

This Article “Short-Term Rentals” is intended to make the operation of short-term rentals legal for the Borough of Saegertown residents, protect the safety of renters and residents, ensure that the primary use remains residential, and ensure that short-term rentals will not be a detriment to the character and livability of the surrounding residential neighborhood.

(B) Applicability

The requirements of this section shall apply to all residential dwelling units within the Borough of Saegertown.

(C) Requirements

Short-term rentals are permitted as an accessory residential use in existing dwellings in zoning districts R2 and B1 only, where residential use is permitted, subject to the following requirements:

1. Only operator-occupied short-term rentals and owner-adjacent short-term rentals are permitted.
2. All short-term rental operators shall register with the Saegertown Borough prior to short-term rental use and occupancy in conformance with Section (f) below.
3. A dwelling unit or bedroom offered for short-term rentals shall comply with building code requirements for occupancy.
4. A dwelling unit or bedroom offered for short-term rentals shall comply with all standards and regulations promulgated by Resolution of Saegertown Borough Council.
5. A short-term rental operator may make available no more than one (1) dwelling unit for operator-occupied short-term rentals, which may include the separate short-term rental of no more than three (3) individual bedrooms, and one (1) dwelling unit for owner-adjacent short-term rentals.
6. Operators of short-term rentals shall remit to the appropriate body all fees and taxes as required by the Borough and/or State authorities.
7. Short-term rental operators shall maintain liability insurance appropriate to cover the short-term rental use.
8. An owner-adjacent short-term rental may be rented only as a whole unit to one party of short-term renters at any one time and not rented as separate bedrooms to separate parties.
9. On operator-occupied short-term rental during which the operator is away from the dwelling unit for more than seven (7) consecutive days may be rented only as a whole unit to one party of short-term renters at any one time and not rented as separate bedrooms to separate parties.

10. The number of individual bedrooms made available for operator-occupied short-term rentals within a dwelling unit shall not be greater than the number of lawful bedrooms in the dwelling unit.
11. Renting for an hourly rate, or for rental durations of less than twenty-four (24) consecutive hours shall not be permitted.
12. Industrial, Commercial, or Business meetings and uses are prohibited in short-term rentals.
13. There shall be one off-street parking space available for each bedroom of the dwelling unit.

(D) *Procedural Requirements*

1. The following information shall be provided to all short-term renters and posted in all owner-adjacent short-term rentals in a manner to be determined by Saegertown Borough Council:
 - a. Instructions for disposal of waste per the Borough's requirements.
 - b. An emergency-exit diagram in all bedrooms used for owner-adjacent short-term rentals and on all egresses from the dwelling unit.
 - c. Contact information for the short-term rental operator, or when the operator is not present, the contact information for a locally available contact (that resides and within 25 miles from the unit) designated to respond to all emergencies and problems that may arise during the rental period, whether from renters, neighbors or Borough authorities.
 - d. The certificate of registration for the short-term rental.
2. The operator of an owner-adjacent short-term rental shall keep accurate books and records, make them available upon request of Saegertown Borough officials, and maintain such books and records for a period of three (3) years.

(E) *Regulations*

The Saegertown Borough Council shall have the authority to promulgate regulations to carry out and enforce the provisions of this Ordinance by duly adopted Resolution.

(F) *Registration*

1. All dwelling units offered for short-term rentals shall register with the Borough of Saegertown and secure a certificate of registration according to standards set forth by the Borough of Saegertown, and pay all associated fees. The certificate of registration shall require the operator to agree to abide by the requirements of this Ordinance and all associated Resolutions. If the operator is not the owner of the property, the operator shall provide written evidence that the owner has consented to the short-term rental use of the property. All operators shall provide the Borough of Saegertown with proof that one of the units in the structure is used as the operator's primary residence, either by 1) providing proof of residence via recorded Instrument such as a deed and documentation evidencing primary residence, or 2) providing an affidavit, signed under the penalty of perjury, stating that the dwelling being used for short-term rental is the operator's primary residence, a property title or tenancy agreement

- along with a photo ID, and a government or utility correspondence with operator's name and address issued within the last three (3) months.
2. Prior to issuing or renewing a certificate of registration, Saegertown Borough or its designee shall conduct an inspection to verify that each dwelling unit and bedroom to be rented to short-term renters:
 - a. Meets all building code requirements for occupancy.
 - b. Meets all other requirements of this section "Short-Term Rentals" and regulations promulgated by the Borough of Saegertown.
 - c. Meet the requirements of Chapter 4 Part D of the Code of Saegertown Borough, including required inspections.
 3. It is the responsibility of the short-term rental operator to renew its certificate of registration every five years or upon change of operator or owner.

(G) Fees

Fees Assessable by Saegertown Borough for the Administration and Enforcement Undertaken Pursuant to this Article and the Code of Saegertown Borough shall be established by Saegertown Borough Council by **Resolution** from time to time.

304 SIGNS: No sign, billboard, or exterior graphic display shall be permitted in any district except as herein provided.

304.1 No permit unless otherwise stated below shall be required to erect the following signs:

(NOTE: THIS SECTION GOVERNS SIGNS ON PRIVATE PROPERTY, and the maximum square footage requirement shall be the combined square footage of all signs on the property, unless specifically permitted or restricted by other sections of this ordinance.

A) Temporary signs announcing a campaign, drive or event of a civic, philanthropic, political, educational or religious organization are permitted, and shall not exceed 16 square feet in area (total, combined if multiple signs) and shall be removed immediately upon the completion of the campaign, drive or event.

B) Temporary signs offering the sale or rental of the premises upon which the sign is erected; provided, that the area of any sign shall not exceed 4 square feet.

C) Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on premises where the work is being performed; provided that the area of such sign shall not exceed 16 square feet and provided, that such sign shall be removed upon completion of the work, but in no event shall the signs remain for more than 50 weeks.

D) Temporary signs announcing a public auction, yard sale, garage sale, yard sale, or similar event of less than 72 hours' duration, provided such signs are removed upon cessation of the event, do not exceed 4 square feet, and the event has received the proper permits.

E) Temporary signs announcing the birth of a child, birthday, commemoration, marriage, graduation, or similar event in the life of a householder shall be permitted provided such signs do not exceed 4 square feet and they are removed within seven (7) days.

F) Bulletin boards and similar spaces open to temporary signs emplaced for use by the general public without charge. If placed outside, such boards shall not exceed 16 square feet.

G) Any sign not visible from the outside a lot or a building.

H) No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling activity on the premises; provided, that the area of each sign shall not exceed 3 square feet in size (combined total) and provided they are not placed on the public right-of-way.

I) No trespassing signs are limited to a maximum of two (2) on a premises in the R-1, R-2, and B-1 districts, and the cumulative sq. ft. of the **combined** size shall not exceed the three (3) sq. ft.)

J) Signs noting historic nature of a house, site, building, or district, provided they do not exceed 6 square feet in size.

K) Temporary directional signs which list all occupants of a multi-tenant or multiple family building, or buildings in a multi-building development; provided, that the area of such sign does not exceed 16 square feet.

L) Rest room, exit, public telephone, and similar directional or informational signs emplaced for the benefit of the public or building tenants, provided they do not exceed 6 square feet in size.

M) No signs shall be placed on the public rights-of way of any street, alley or road without permission from the property owner.

N) No signs shall be placed on Borough Property, or the rights-of way around it, without prior permission, with the exception of political signs on Borough Building Property and entrance to it, the day before, the day of, and the day after an election. These signs must be removed by the day after an election or they will be discarded, or as directed in sections 304.11 to 304.15.

304.2 Banners Across Roadways:

- A) Banners placed across streets must be **approved by Borough Council** in advance, with no permit needed, provided one of more of the following:
1. These signs are not promoting sales (advertising a product) other than non-profit fund raisers.
 2. These signs are informational.
 3. These signs are displayed and removed per the direction of Borough Council.
 4. These signs are promptly removed if torn or damaged, or disrupting traffic.
 5. These signs are placed at least 14 feet high.

304.25 Signs in public rights-of-way

PennDOT-approved traffic signs and devices; signs not exceeding 6 square feet placed temporarily to advertise the sale or rental of real estate or a yard sale; signs not exceeding 6 square feet placed temporarily to provide notice of or direction to a civic, philanthropic, educational, or religious event or activity; historical markers, *as approved by the Borough* or other signs specifically permitted.

304.3 Directional Signs

A) Permanent off-premise Directional signs in connection with any legal non-profit organization provided they contain no information other than instructions for convenience of vehicular traffic in reaching such organization, are permitted, but require a permit, if they meet the following criteria:

- (1) Signs shall not have a combined one side surface size greater than 6 square feet.
- (2) Signs shall not project into and/or over public rights-of-way.
- (3) Signs and structures shall not be illuminated in any manner.
- (4) Written permission of the property owner of the proposed location be provided with the application, and/or provide evidence of having obtained a Penn DOT sign permit.

B) Directory signs which list all occupants of a multi-tenant or multiple family building, or buildings in a multi-building development; provided, that the area of such sign does not exceed on-half square foot per tenant or one square foot per building individual.

C) Rest room, exit, public telephone, and similar directional or informational signs emplaced for the benefit of the public or building tenants.

D) Temporary Directions signs are limited to thirty (30) days, or for a time period approved in writing by the zoning officer.

304.1 Reserved

304.3 Reserved

304.4 On premise business signs shall be permitted in connection with any legal business or industry when located on the same premises, and if they meet the following requirements.

- (A) Signs shall not contain information or advertising for any product not sold on the premises.
- (B) Signs shall not have a combined aggregate surface size greater than five square feet for each foot of width of the principal structure on the premises.

(C) Signs shall not project over public rights-of-way.

(D) Signs and structures shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic, and meet all requirements under section 304.7.

304.45 Temporary signs no larger than (3) square feet may be placed on a property, *with the permission of the property owner*, for a period of no longer than 60 days. These signs will count toward the total aggregate square footage that is permissible on a property including signs for which a permit has been issued. (example: “Watch for Motorcycles” or “Support Relay for Life”) These signs may not be advertisements for a product, or for a business out of the Borough.

304.5 Notice to Remove or Comply:

304.51 Any sign that is in violation of this ordinance shall be given a maximum of three (3) days to come into compliance with this ordinance or be fined accordingly.

304.6: Reserved

304.7: ELECTRONIC SIGNS:

A. Signs with video, LED displays, or similar electronic changeable copy messages are permitted as a conditional use in the B-1 and M-1 Districts. The inherent characteristic of electronic signs is their flexibility. This creates the potential for such signs to create an undue distraction to motorists if poorly programmed.

B. The developer/owner of the sign shall clearly describe the type of electronic sign proposed as it meets the appropriate definition of electronic signs by Sub-type under definitions in this Ordinance. The developer/owner shall submit a programming plan that shows any proposed use of animations, length of exposure for any message, and transition time or proposed effects between individual messages. This shall include estimated motorist reaction time to proposed messages and symbols, based upon the United States Sign Council's On-Premise Signs Guideline Standards, 2003 edition.(or any updates to the regulations). For planning purposes, the developer/owner should assume all driving environments in the Borough are complex as defined in the guideline standards. The Borough Council may establish limits upon use of any special effects, transitions, or length of message exposure as a reasonable additional condition and safeguard to the conditional use.

a. In the Business District, all such signs shall be a facade or wall sign type.

(a.1.) Freestanding or projecting electronic signs shall be prohibited. In the Industrial District, electronic signs may be

freestanding, projecting, or a facade or wall sign type.

(a.2.) Such signs shall meet all size, area, and setback limitations for the district in which it is proposed.

(a.3.) The size of an electronic sign shall be calculated upon the surface dimensions that have the ability to display a symbol or message.

b. Additional Setback from Residential Districts: All portions of the sign structure must be a minimum distance of fifty (50) feet from an abutting R-1 or R-2 District boundary.

c. . Setback from other electronic changeable copy, electronic graphic display or video display signs:

(c.1.) Electronic signs must be separated from other electronic signs by at least thirty-five (35) feet except on a corner lot or building with multiple street frontage.

(c.2.) No more than one (1) electronic sign is permitted per each street frontage, regardless of how many tenants occupy that lot.

d. Orientation:

(d.1.) When located within fifty (50) feet of a residentially used lot in an R-1 or R-2 residential zone, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot.

e. Audio or Pyrotechnics:

(e.1.) Audio speakers or any form of pyrotechnics are *prohibited* in association with an electronic sign.

f. The Borough Council may limit the hours of illumination or operation of electronic signs within one hundred (100) feet of any occupied dwelling in an R-1 or R-2 Residential District if a dwelling within the residential district is within view of the proposed sign.

g. All multi-vision signs shall have a transition time between sign faces of no more than two (2) seconds.

304.8 REPAIRS TO LIGHTED SIGNS:

- a. All lights and displays on electronic signs must be in working order, or repaired or replaced within 30 days of the parts not working.
- b. Temporary signs that are lighted or have a display must be repaired or replaced within 30 days of the parts not working.

304.9 MAINTENANCE OF SIGNS:

- a. All signs must be maintained in good condition, and shall not be faded, or have missing letters or the intended design. Signs not meeting these conditions must be repaired or replaced within 30 days from notice.
- b. All portable signs with interchangeable letters must be maintained in good

condition, missing letters shall be replaced, and must be maintained in a readable condition, and the message must be updated *at least monthly*.

304.10 **Roundabouts – Prohibited**
No sign shall be placed in or around any roundabout in the Borough, including the entrances to such, without permission from the Borough. This includes the Rights-of-Way of the roundabouts and the entrances to them, with the exception of those signs placed by the Borough, Penn Dot, or the Railroad.
(Penalty for this section is Class A fine)
(*This section added 12-14-2020 by OR3-2020*)

304.11 **Political Signs**

304.12 Signs promoting the election of an individual or a political party, do not require a permit, however may only be placed on Borough Property or rights-of way no sooner than thirty (30) days prior to the election. Signs on Borough Building property may be placed no sooner than 24 hours prior to an election and meet the criteria in section 304.1 (n).

304.13 Political signs on Borough Property must be removed within forty-eight (48) hours of the election, including the right-of-way along all streets and alleys. Signs that are not removed will be disposed of.

304.14 Political signs may be removed for mowing or maintenance of the property and the Borough or the property owner will not be responsible for damage to any sign.

304.15 Political signs on private property shall be permissible provided the size meets zoning regulations, including square foot requirements, and they are placed with permission from the property owner.

305 OFF-STREET PARKING: Off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or existing use is enlarged. The spaces shall be on the site where the new use is established or in the same zoning district provided the spaces are not more than 300 feet from the use served.

USE

PARKING SPACES REQUIRED

Dwelling

Two for each dwelling unit

Church, Theater, School	One for every four seats in largest meeting room
Stores, Shops, Restaurants, and Taverns; Clubs, Funeral Homes; Lodges; Banks	One for every 100 square feet of public floor space
Business Services, Warehouses, Professional Offices; Medical and Dental Laboratories; Animal Hospitals	One for every 250 square feet of net floor area
Manufacturing Plants; Offices; Philanthropic and Charitable Institutions; Printing and Cleaning Establishments; Repair Shops; Bakeries	One for every two employees
Hospitals; Clinics	One for every two beds or exam tables
Motels	One for each rental unit
Public Buildings	One for every two employees and one for each 7000 square feet of new floor area.
Day Nurseries	One for each two teachers and employees.
Convalescent and Rest Homes	One for each five beds <i>plus</i> one for each six employees including doctors.
Rooming and Boarding Houses	One for each dwelling unit
Bowling Alleys and Billiard Parlors	One for each five persons of the rated capacity.

305.1 No off-street parking space shall have an area less than 200 square feet exclusive of access drives.

305.2 Any off-street parking lot for more than two vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

305.3 Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

306 OFF-STREET LOADING: One off-street loading berth of not less than 35 feet by 10 feet shall be provided for every business and industrial use with a floor area of more than 10,000 square feet; with one additional berth required for each additional 25,000 square feet of floor area.

306.1 Off-street loading must include provisions to NOT make it necessary for delivery trucks (including semis) to back off any street, or park on any street, obstructing traffic at any time.

307 SATELLITE DISHES:

(A) Satellite disks may be permitted as a special exception by the Zoning Hearing Board in all zoning districts and subject to the manner of installation as follows:

(1) Ground mounted dishes shall comply with all yard setback regulations as required by principal structures of the applicable district. In order to be compatible with adjacent uses the Zoning Hearing Board may require the dish be painted a color other than white.

(2) Roof mounted dishes when mounted on single family, two family detached or semi-detached dwellings, mobile homes or modular dwellings shall comply with all height regulations as required in the applicable district and shall be a maximum of 2 feet in diameter.

(B) The Zoning Hearing Board in acting upon requests under this section shall be governed by the procedures set forth for the issuance of special exception permits.

308 REGULATIONS GOVERNING COMMUNICATIONS ANTENNAS and COMMUNICATIONS EQUIPMENT BUILDINGS:

308.1 Building mounted Communications Antennas shall not be located on any single family dwellings or two family dwellings.

308.2 Building mounted Communication Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20)-feet. Omnidirectional or whip Communications Antennas shall not exceed twenty (20)-feet in height and seven (7)-inches in diameter.

308.3 Directional or panel Communications Antennas shall not exceed five (5)-feet in height and three (3)-feet in width.

(A) Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.

(B) Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Borough Zoning Officer for compliance with applicable law.

(C) Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the Antennas are to be mounted so that installation and maintenance of the Antennas and Communications Equipment Building can be accomplished.

308.4 Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(A) Communications Antennas shall not cause radio frequency interference with other communications facilities located in the Borough, or interference with reception of televisions, radios, internet or other communication systems of residents or businesses in the Borough.

308.5 A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

308.6 The owner or operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such Antennas.

309 REGULATIONS GOVERNING ABANDONMENT AND REMOVAL OF COMMUNICATIONS ANTENNAS and COMMUNICATIONS EQUIPMENT BUILDINGS:

309.1 The owner of any telecommunications tower or antenna shall provide written notice to the Borough of Saegertown Zoning Officer within thirty (30)-days of the occurrence of either or both of the following:

(A) The tower or antenna has changed ownership;

(B) Use of all telecommunication tower or antennae on the tower has ceased.

309.2 All towers and antennae permitted under the requirements of these regulations that are not operated for a continuous twelve (12)-month period shall be considered abandoned, and the owner of such tower, or the owner of the property shall remove same within ninety (90)-days of receiving notice from the Borough of Saegertown. The failure to do so shall be a violation of this Ordinance. The owner of the tower, or the owner of the property or antenna may appeal within thirty (30)-days of the date of the notice of removal provided hereunder to the Zoning Hearing Board of the Borough of Saegertown. At such hearing, the owner shall be required to show just cause why the tower or antenna should not be considered abandoned and subject to removal.

309.3 At the time a request for a building permit is made, the applicant shall provide proof of the establishment of a financially secured and legally enforceable method of removing the telecommunications tower or antennae when it ceases to be used for a period of twelve (12)-months. This may be in the form of a bond or letter of credit in such amount as to be financially adequate to cover the cost of removing the telecommunications tower or antennae. Such bond or other appropriate financial surety shall be maintained by the owner of the tower, or the owner of the property so long as the tower exists.

310 GAS AND OIL:

310.1 Purpose:

- A. The purpose of this Section is to provide for the health, safety and welfare of the residents of the Borough of Saegertown, through zoning and flood plain management provisions, for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the borough's residents.
- B. Oil and gas exploration, drilling and extraction operations involve activities that are economically important and will impact the borough. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative, and that minimizes the potential impact on the residents of the Borough.

310.2 Definitions:

- A. For use in this Section, the terms are defined under Article VI:.

310.3 Zoning Classifications:

- A. An oil or gas well site, or a natural gas compressor station, or a natural gas processing plant, or any similar facilities performing the equivalent functions shall be considered a principal use by right within Industrial and Agricultural Districts.
- B. An oil or gas well site which would be placed more than 500 feet from any preexisting building which is located off the property where the oil or gas well is sited may be permitted with the Business District(s) as a

conditional use. Otherwise, such siting and/or use shall be prohibited in the Business District.

- C. A natural gas compressor station or a natural gas processing plant or any similar facilities performing the equivalent functions which would be located more than 1000 feet from any preexisting building which is located off the property where the natural gas compressor station or the natural gas processing plant or similar facility is located may be permitted in the Business District as a conditional use. Otherwise, such siting and/or use shall be prohibited in the Business District.
- D. There shall be no oil or gas well site, or natural gas compressor station, or natural gas processing plant, or any similar facilities performing the equivalent functions within two thousand five hundred (2,500) feet from any of the water wells servicing Saegertown Borough.

310.4 Applicability:

- A. This ordinance applies to all oil and gas well sites, natural gas compressors stations, and natural gas processing plants that will be permitted or constructed after the effective date of the ordinance.
- B. Oil and gas well sites, natural gas compressor stations and natural gas processing plants that were permitted or constructed prior to the adoption of this ordinance shall not be required to meet the requirements of this ordinance;
 - 1. Provided that any modification to an existing or permitted oil or gas well site that occurs after the effective date of this ordinance and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any physical modifications to an existing natural gas compressor station or natural gas processing plant shall require compliance with and a permit under this ordinance.
- C. Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation.
 - 1. Borough acknowledges that it is preempted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

310.5 **Permit** Requirement:

- A. No oil or gas well site, natural gas compressor station, or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station, or natural gas processing plant shall be constructed or located within Saegertown Borough unless a permit has been issued by the borough to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of natural gas compressor stations or natural gas processing plants.
- B. The permit application, or amended permit application shall be accompanied by a

fee as established by duly authorized Resolution of the Borough.

- C. Any modification to an existing and permitted oil or gas well site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing natural gas compressor station or natural gas processing plant shall require a modification of the permit under this ordinance.
 - 1. Like-kind replacements shall not require a permit modification.

310.6 Pre-Application Conferences: (optional)

A. Purpose.

- 1. Before submitting an application the applicant is strongly encouraged to meet with the Borough staff to determine the requirements of and the procedural steps and timing of the application.
- 2. The intent of this process is for the applicant to obtain necessary information and guidance from the Borough staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.

B. Process.

- 1. A pre-application conference is voluntary on the part of the applicant and shall not be deemed the beginning of the time period for review as prescribed by law.
- 2. The pre-application conferences are intended for the benefit of the applicant in order to address the required permit submittals and are advisory only, and shall not bind the borough to approve any application for a permit or to act within any time limit relative to the date of such conference.

310.7 Permit Application:

A. The applicant shall provide to the Borough at the time of permit application:

- 1. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, and the location, and number and description of equipment and structures to extent known.
- 2. A narrative describing an overview of the project as it relates to natural gas processing plants.
- 3. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the borough or country for information of Emergency Responders.
- 4. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Borough and all Emergency Responders.
 - a. Such information shall include a phone number where such individual or individuals can be contacted twenty- four hours per day, three hundred sixty-five days a year.

- b. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Borough and all Emergency Providers.
- 5. A location map of the oil or gas well site showing the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings.
 - a. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site.
 - b. Such locations shall be configured to allow the normal flow of traffic on public streets shall be undisturbed.
 - c. This map must include a lot size, and distances of the proposed well to all lot lines.
- 6. A location map of the natural gas compressor station or natural gas processing plant including any equipment and structures and all permanent improvements to the site.
- 7. A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.
- 8. A certification or evidence satisfactory to the borough that, prior to the commencement of any activity at the oil or gas well site, the applicant shall have accepted and complied with any applicable bonding and permitting requirements;
 - a. Shall have entered into a borough roadway maintenance and repair agreement with the borough, in a form acceptable to the borough solicitor, regarding the maintenance and repair of the borough streets that are to be used by vehicles for site construction, drilling activities and site operation.
- 9. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that borough streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities;
 - a. The applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud, and debris occur as a result of applicant's usage.
- 10. Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Borough and all Emergency Responders.
- 11. A statement that the applicant, upon changes occurring to the operation's Preparedness, Prevention and Contingency Plan,

will provide to the Borough and all Emergency Responders the dated revised copy of the Preparedness, Prevention and Contingency Plan while drilling activities are taking place at the oil or gas well site.

12. Assurance that, at least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders.
 - a. The cost and expense of the orientation and training shall be sole responsibility of the applicant.
 - b. The applicant shall not be required to hold more than one site orientation and training course annually under this section.
13. A copy of the documents submitted to the department, or if no document has been submitted to the department, a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
14. A copy of all permits and Plans from appropriate regulatory agencies or authorities issued in accordance to environmental requirements.
15. A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
16. Applicant must provide a written plan on how waste water from the project is disposed of.
17. All waste water from the project must be removed from holding areas in the Borough before the well is placed in service.

B. Within 15 business days after receipt of a permit application and the required fee, the Borough will determine whether the application is complete and adequate and advise the applicant accordingly.

C. If the application is complete and fulfills the requirements of this ordinance, the Borough shall issue or deny a permit within 30 days following the date the complete application was submitted.

D. If the application is incomplete and/or inadequate the borough will notify the applicant of the missing or inadequate material and, upon receiving said material, issue or deny the permit within 30 days following receipt.

310.8 Design and Installation:

A. Access.

1. No oil or gas well site shall have access solely through a local street. Whenever possible, access to the oil or gas well site should be from a collector street.
2. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.

B. Structure Height.

1. Permanent structures associated with an oil and gas site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.
2. Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.
3. There shall be an exemption to the height restrictions contained in this section for the temporary placement of drilling rights, drying tanks, and other accessory uses necessary for the actual drilling or redrilling of an oil or gas well.
 - a. The duration of such exemption shall not exceed the actual time period of drilling or redrilling of an oil or gas well.
 - b. Provided further the time period of such drilling an exemption shall not exceed 6 months.
 - c. The operator shall give the Borough prior written notice of the beginning date for its exercise of the exemption.

C. Setbacks.

1. Drilling rigs shall be located a minimum setback distance of 1.5 times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.
2. The drilling pad for the oil or gas well site shall comply with all setback and buffer requirements of the zoning district in which the oil or gas well site is located.
3. Natural gas compressor stations or natural gas processing plants shall comply with all setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located.
4. Exemption from the standards in the subsection may be granted by the Borough upon a showing by the operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exemption.
5. Drilling pads, natural gas compressor stations or natural gas processing plants shall be set back 200 feet from buildings or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.
6. Any oil or gas well site, or natural gas compressor station, or a natural gas processing plant, or any similar facilities performing equivalent functions pursuant to this Ordinance, shall be a minimum distance of one hundred (150) feet from property lines within the district in which it is located.

D. Screening and Fencing.

1. Security fencing shall not be required at oil or gas well sites during the initial drilling, or redrilling operations, as long as manned 24-hour on-site supervision and security are provided.
2. Upon completion of drilling or redrilling security fencing consisting of a

permanent chain link fence shall be installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.

3. Security fencing shall be at least 6 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide.
4. Emergency Responders shall be given means to access oil or gas well site in case of an emergency.
5. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency.
6. In construction of oil or gas well sites the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.

D. Lighting.

1. Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 100 feet of the oil or gas well development.
2. Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.

E. Noise.

1. The applicant shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development.
2. Prior to drilling of an oil or gas well or the operation of a natural gas compressor station or a natural gas processing plant, the applicant shall establish by generally accepted testing procedures,
 - a. The continuous seventy-two hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or one-hundred feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school, medical, emergency or other public facility.
 - b. In lieu of the establishment of the ambient noise level established by the continuous seventy-two hour test the applicant may assume and use, for the purpose of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.
3. The applicant shall provide the borough documentation of the established ambient noise level prior to starting oil or gas drilling and/or production operations.

4. The noise generated during the oil and gas operations or the natural gas compressor station or the natural gas processing plant shall not exceed the average ambient noise level established in subsection (2) by more than:
 - a. 5 decibels during drilling activities,
 - b. 10 decibels during hydraulic fracturing operations.
 - c. 5 decibels for a gas compressor station or a natural gas processing plant.
 - d. Allowable increase in subsection c shall not exceed the average ambient noise level for more than 10 minutes within anyone-hour period.
5. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.
6. Exemption from the standards established in this subsection may be granted by the Borough during the drilling stage or at the oil or gas well site, or the gas compressor station, or at the natural gas processing plant for good cause shown and upon written agreement between the applicant and the borough.
7. Complaints received by the borough shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of forty-eight hours at the nearest property line to the complainant's residential or public building or one-hundred feet from the complainant's residential or public building, school, medical, emergency or other public facilities, whichever is closer.
 - a. The applicant shall report the findings to the borough and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.
8. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.

F. Prohibitions.

1. No drilling shall be allowed in the (AE) floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.
2. Oil and gas drilling in the 100 year Floodplain (AE) is discouraged but may be permitted by the Borough in its discretion if the following provisions are met.
 - a. If no other area provides access to the oil or gas deposit, then oil and gas drilling may be permitted in the floodplain.
 - (a.1.). The applicant must provide conclusive documentation that no other location allows access to the oil or gas deposit other than a location within the floodplain.
 - b. An adequate Emergency Evacuation Plan shall have been produced by the

- applicant and filed with the borough.
- c. No storage of chemicals shall be permitted within the floodplain.
 - (c.1.) An exemption from this requirement may be granted by the Borough if the applicant can show that such storage will not potentially cause any harm to property, persons, or the environment in the case of a 100-year (AE) flood;
 - (c.2.) Further provides security to the Borough assuring the applicant's ability to remedy any damage or injury that may occur.
- d. Only necessary and needed structures will be permitted within the floodplain.
- e. All structures within the flood zone shall be designed to withstand a 100-year storm event.
- f. An Engineer registered in Pennsylvania and qualified to present such documentation that structures will not cause additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the borough.

H. Water Testing.

1. Water tests shall be required once upon drilling through the water table to insure that the water table has been adequately sealed from leaks.
2. Water tests shall be provided and reviewed by the Borough's water consultant and/or Engineer to insure that there is satisfactory sealing of the water table before continuing any further drilling and/or related activities.

SECTION 4 - CONDITIONAL USES

401 GENERAL: Conditional Uses as specified in Article 2 may be allowed or denied by the Borough Council after recommendations by the Planning Commission in accordance with the following criteria and provisions.

402 APPLICATIONS: Applications for conditional uses will be filed with the Zoning Officer and shall be accompanied by:

402.1 An application fee in an amount equal to that set by resolution of the Borough Council.

402.2 Three copies of a site plan and supporting data which shows the size, location, and topography of the site, the use of adjacent land, the proposed size, bulk, use and location of buildings; the location and proposed function of all yards, open spaces, parking areas, driveways, storage areas and accessory structures; the location of all utilities, the provisions for parking, moving or loading of vehicles, and the timing of construction proposed.

403 REVIEW: The zoning officer shall forward copies of the Application to the Borough Council and to the Planning Commission for review and approval.

403.1 The Planning Commission shall forward its recommendation within 45 days unless the petitioner agrees in writing to a time extension and failure to act within the allotted time shall be deemed to be a favorable recommendation.

(A) The Borough Council shall schedule a public hearing upon the application for conditional use no later than 50 days after the complete application was filed with the Zoning Officer.

(B) The Borough Council shall render its decision on the conditional use application not later than 30 days after the public hearing.

403.2 The Borough Council may attach such conditions as they deem necessary to the approval of any conditional use. The approved site plan and all attached conditions shall be forwarded to the Zoning Officer by the petitioner within 60 days of final approval.

403.3 All development, construction and use shall be in accordance with the approved plan, unless a revised plan is re-submitted, approved. Any development contrary to the approved plan shall constitute a violation of this Ordinance.

404 CRITERIA FOR APPROVAL: A conditional use shall be approved if and only if it is found to meet the following criteria:

404.1 The proposed use conforms to the district and conditional use provision and all general regulations of this Ordinance.

404.2 The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this Article.

404.3 The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, noxious to any other property or persons, and shall comply with the performance standards of Section 405.

404.4 The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

404.5 The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

404.6 The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

404.7 The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

405 PERFORMANCE STANDARDS: All conditional uses shall comply with the requirements of this Section. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Borough Council may obtain a qualified consultant to testify.

405.1 Fire Protection: Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

405.2 Electrical Disturbances: No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

405.3 Noise: Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from the requirement.

405.4 Vibrations: Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

405.5 Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

405.6 Air Pollution: No pollution of air by flyash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.

405.7 Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

405.8 Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

405.9 Water Pollution: Water Pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection (DEP).

406 MOBILE HOME PARKS: Mobile home parks shall be permitted only if in accordance with all State and County laws and with the requirements following:

406.1 A valid permit has been issued by the Pennsylvania Department of Environmental Protection indicating the proposed development meets all applicable State rules and

regulations including, but not limited to water supply, sewage disposal, refuse handling and storage.

406.2 Mobile homes, modular units, and double-wide, triple-wide, and expandable mobile homes are permitted for installation in the park.

406.3 The minimum gross area of the site shall be 10 contiguous acres and the land shall not be subject to hazards of insect or rodent infestation, or flooding.

406.4 The minimum width of the portion of the site used for vehicular access shall be 60 feet.

406.5 The locations of the mobile home stands (that part of the mobile home lot reserved for placement of the mobile home) shall be carefully related to site topography and to each other, preserving as much as possible of the natural site.

406.6 Mobile home lots within the park shall be a minimum of 3,500 square feet; modular home lots and double, triple, and expandable mobile home lots shall be a minimum of 5,500 square feet; lots shall be directly accessible to the internal street system, and there shall be provided on each lot a patio area of at least 100 square feet with a least dimension of 10 feet. Two off-street parking spaces shall be provided for each mobile home lot, one of which shall be located on the mobile home lot itself; each off-street parking space shall contain a minimum of 200 square feet with a least dimension of 10 feet. Driveways, parking spaces, and patios shall be constructed with a permanent, paved stable, dust-free surface adequate for use during all seasons.

406.7 Mobile home stands shall be constructed of an appropriate material, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads. A gradient on the mobile home stand shall occur in only one direction perpendicular to an edge, and shall be a maximum of 4 degrees in gradient.

406.8 There shall be a minimum distance of 30 feet between each individual mobile home, including accessory structures attached thereto, and any portion of any other mobile home or any other structure in the mobile home park. There shall be a minimum distance of 15 feet between each individual mobile home and the nearest abutting internal street, pedestrian walkway, or internal park. There shall be a minimum distance of 50 feet between each individual mobile home and the mobile home park property lines.

406.9 The internal street system shall be *privately owned and maintained* and shall be designed for safe and convenient access to all mobile home lots and to any facilities for common use by park occupants. Streets shall provide a sound, all-weather driving surface, be reasonably smooth and free from mud, dust and standing water. Streets shall be a minimum width of 15 feet for one-way streets and 22 feet for two-way streets; where

on-street parking is permitted 10 feet of road surface shall be added to each side of the street on which on-street parking is permitted.

406.10 A recreation area shall be provided to serve the residents of the mobile home park; a minimum of 10% of the gross acreage shall be established and developed as common recreation and park space.

406.11 Walks should be planned and constructed so as to help provide safe and convenient access throughout the park connecting the individual mobile home lots to common recreation and park areas and to each other. Common walks should be at least 4 feet wide and walks on individual lots should be at least 3 feet wide; walks shall provide a sound all-weather walking surface, and be reasonably free from mud, dust, and standing water.

406.12 Adequate storage facilities must be provided for each mobile home, conveniently located so the mobile home lots are provided for storage of often used outdoor equipment, furniture, lawn mowers and tools and such other material that is used only infrequently and which cannot be conveniently stored in the typical mobile home.

406.13 No sign intended to be read from any public street adjoining the mobile home park shall be permitted except that; one identification sign not more than 8 square feet in area may be installed at the principal entrance providing it is located no closer than 5 feet from any exterior property line of the mobile home park.

Depending on the situation screening areas should be installed at the mobile home park boundary adjacent to other adjoining uses. Screening may consist of wall, fencing, or dense plantings or a combination of these materials. Open fencing such as chain link fence, if used, should be installed with plantings and located inside the planting.

406.14 Modular homes, manufactured homes, modular units or mobile homes that retain a chassis for possible future transport are only permitted in mobile home parks, regardless of the square footage.

406.15 Mobile Home Parks are only permitted as a conditional use in the A2 (Agriculture) zoning district. They are not permitted in any other zoning district.

406.16 Mobile Home Parks must have a Penna. certified professional engineer approve and sign a storm water plan prior to construction of the park, in addition to any other regulations required.

407 CONSTRUCTION OF MULTIPLE-FAMILY DWELLING AND THE CONVERSION OF SINGLE-FAMILY RESIDENTIAL DWELLING TO MULTIPLE-FAMILY USE: The Saegertown Borough Council may authorize, as a Conditional Use in the (B-1) Business District the construction of multiple-family

dwelling and in the (R-2) Residential and (B-1) Business District, the conversion of any single-family dwelling existing as of the effective date of this Ordinance, into a multi-family dwelling subject to Section 404 and the following requirements:

407.1 Two (2)-emergency exits shall be required for each dwelling unit.

407.2 Two (2)-accessible off-street parking spaces sufficient to allow vehicles safe ingress and egress and further of sufficient width to permit the occupants of the vehicle to remove themselves from the vehicle shall be provided for each proposed dwelling unit. Such off-street parking spaces shall be located on the site, with a minimum of 200 square feet per space.

407.3 Except as may be required by any other applicable building or construction code, no such dwelling unit shall have a floor area of less than six-hundred (600)-square feet in the (B-1) Business District or the (M-1) Industrial District . Moreover, no such dwelling unit shall have a floor area of less than nine-hundred and sixty (960)-square feet in all other Districts.

408 **HALFWAY HOUSE/REHABILITATION CENTER/HOME:** The Saegertown Borough Council may authorize, as a Conditional Use in (A-2) Agricultural as of the effective date of this Ordinance subject to Section 404 and the following requirements:

408.1 There should be no more than twelve (12) residents;

408.2 Halfway House/Rehabilitation Center/Home for Adjustment must be located at least 500 feet from residential districts, single family, duplex, and multifamily uses, public parks and recreational facilities, child care facilities, and public or private schools;

408.3 Treatment of alcoholic, narcotic, or psychiatric problems is allowed under this use only if expressly permitted by a conditional use permit;

408.4 Halfway House/Rehabilitation Center/Home for Adjustment must comply with all applicable municipal, state and federal laws, codes and regulations;

408.5 Signs identifying the uses of Halfway House/Rehabilitation Center/Home for Adjustment shall not be permitted;

408.6 A security plan must be submitted with an application for a conditional use permit. The security plan must demonstrate compliance with the security requirements of any applicable municipal, state or federal law, codes or regulations;

408.7 Halfway House/Rehabilitation Center/Home for Adjustment shall not constitute any adverse impact to the health, safety and welfare of any surrounding properties or persons;

408.8 Halfway House/Rehabilitation Center/Home for Adjustment shall not admit or accommodate residents who, at the time of their admission or at any time during their stay, exhibit a pattern of violent behavior; nor shall Halfway House/Rehabilitation Center/Home for Adjustment admit or accommodate residents who have been convicted of any of the following crimes: murder, rape, felony or misdemeanor crimes against children.

408.9 An application for Halfway House/Rehabilitation Center/Home for Adjustment shall include the following information in addition to any other such information otherwise required:

(A) The name, address and telephone number of the operator, the agency holding required licenses, and the owner of the property on which the facility is to be established;

(B) The address of the proposed site;

(C) The name of the government agency providing or expecting to provide a license to the operator as well as determine the issuance or validity of any such license;

(D) The proposed design capacity of the facility in terms of the number of residents and staff;

(E) Written policies governing admission to residence in the facility, and the rules for residents, including the rules for the storing and taking of medicine;

(F) A written affidavit from the operator that all residents have been determined to be capable of functioning adequately in a community setting and will not constitute a reasonably foreseeable danger to the community;

(G) Description of the supervision and security arrangements, and a description of the arrangements for maintenance of the facility and the grounds;

(H) Description of the services to be provided to residents.

(I) Number, size, location and surfacing of all off-street parking spaces, and a statement of the operative policy and any keeping of vehicles by residents;

(J) Any other information deemed necessary by Council for the Borough of Saegertown to determine compliance of the provisions of this section and the other applicable provisions of the Zoning Ordinance.

SECTION 5 - ADMINISTRATION & ENFORCEMENT

501 ZONING OFFICER: The Zoning Officer, who shall be appointed by the Borough Council, shall:

501.1 Administer and enforce the provisions of this Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.

501.2 Issue Zoning permits. If the work described in the Zoning Permit has not been substantially completed within 2 years of the date of issuance thereof the Permit shall be considered as expired and written notice to this effect shall be given the applicant by the Zoning Officer together with notice that further work as described in the canceled Permit shall not proceed until a new Zoning Permit has been obtained or an extension granted.

501.2a This two year time limit, shall include any permit that requires inspection by an approved outside inspection agency or person, regardless of that organizations limits on the length of time permitted to allow completing of the project, and regardless if the project requires a “Borough Building Permit” or not.

501.2b Construction that has been permitted by the borough or the approved inspection agency must begin within one (1) year from the date the permit has been issued, or the permit shall be deemed void, and permit fees shall not be returned to the permittee. A new permit may be applied for and new fees shall be required.

501.2c A permit issued hereunder shall expire, regardless of the state or status of construction, twenty-four (24)-months after the issuance date. An applicant may apply to the Zoning Officer for an extension thereof for an additional maximum period of twelve (12)-months. The application for an extension of time shall be made to the zoning Officer and shall not be considered unless said application is received at least ninety (90)-days prior to the expiration of the original permit. An application for extension of time shall not be granted unless “good cause” is alleged and proven to grant the extension. In the event of a denial of the application for an extension of time by the Zoning Officer, the applicant may appeal to the

Zoning Hearing Board, which shall hear such matter in accordance with applicable Ordinance provisions.

501.3 Maintain a permanent file of all Zoning Permits and applications as public records.

502 ZONING PERMITS: A Zoning Permit shall be obtained before any person or entity may:

502.1 Occupy or use any vacant land; or

502.2 Occupy, use, alter, enlarge, move, construct or place any structure or;

502.3 Change the use of a structure or land to a different use; or

502.4 Change a non-conforming use.

502.5 Applications for a Zoning Permit shall be accompanied by a plot plan showing clearly and completely the location, dimensions and nature of any structure involved and such other information as the Zoning Officer may require for administration of this Ordinance, together with a filing fee in accordance with a schedule annually affixed by resolution of the Borough Council. Upon the satisfactory completion of an application for a Zoning Permit the Zoning Officer shall have up to 10 days in which to render a decision on the application. The Zoning Officer shall either issue the Permit, deny the Permit, inform the applicant that his application must be processed as a special exception or as a conditional use. In instances where a denial of the Zoning Permit may be appealed to the Zoning Hearing Board in variance proceeding the applicant shall be so informed.

A. **503(A) ENFORCEMENT NOTICE**

B. : When it appears to the Borough and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. 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 the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

- a. The name of the owner of record and any other person against whom the Borough intends to take action.
- b. The location of the property in violation.
- c. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.
- d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

- e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board, the Zoning Officer or the Borough Secretary within 10 days in accordance with procedures set forth in this Ordinance.
- f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

503 (C) ENFORCEMENT: Any person, partnership or corporation who or which has violated or permitted the violation of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgement of not more than \$500 (or a legal amount set by resolution of Borough Council) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the 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 there after each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the borough. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

504 Reserved

505 AMENDMENTS: The Borough Council may amend this Ordinance as proposed by a member of the Borough Council, by the Planning Commission or by a petition of a person residing or owning property within the Borough Council in accordance with the following provisions.

- (a) It shall be the responsibility of the Borough Secretary to insure that copies of the proposed amendment are delivered to the County Planning Commission (unless the proposal originated there) directing that they respond not later than 30 days after delivery with their recommendation.
- (b) The Zoning Officer shall only be required to forward the amendment proposal to the Planning Commissions as set forth in Section 505a when he has received a complete and adequate statement of what is proposed.

505.1 Petitions for amendment shall be filed with the Planning Commission, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee in accordance with a schedule annually affixed by resolution. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Borough Council and to the petitioner. The proposed amendment shall be introduced before the Borough Council only if a member of the Borough Council elects to do so. If an amendment proposed by petition is not introduced, the advertising deposit shall be refunded to the petitioner; otherwise, such deposit shall be paid to the Municipality.

505.2 Any proposed amendment introduced by a member of the Borough Council without written findings and recommendations from the Planning Commission shall be referred to the Planning Commission for review at least thirty days prior to public hearing by the municipality.

505.3 Before voting on the enactment of an amendment the Borough Council shall hold a public hearing thereon pursuant to public notice. If, after any public hearing held upon an amendment the proposed amendment is revised or further revised to include land previously not affected by it or if it changes substantially, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

- (a) The Borough Council shall set a public hearing on the amendment proposal within 45 days after the receipt of the recommendations of the County Planning Commission and, if applicable, the Borough Planning Commission.

505.4 Review by County Planning Commission: At least 30 days prior to the public hearing for a zoning ordinance amendment the Borough Council or the Saegertown Planning Commission shall submit the proposed change or amendment to the Crawford County Planning Commission for its review and recommendations.

505.5 Review by Borough Solicitor: It shall be the duty of the Borough Solicitor to review any proposed amendment and insure that it conforms to Section 609 of Act 247, The Pennsylvania Municipalities Planning Code, 53 P.S., Section 10609. If, in the opinion of the Solicitor, said proposed amendment does not so conform, he is authorized to prepare a revision to said proposal to insure compliance with said section.

506 ZONING HEARING BOARD: Creation and **Appointment – A Zoning Hearing Board** is hereby created. The Board shall consist of three members appointed by the Borough Council. Each member shall be a resident of the Borough. The terms of office of the members shall be three years and shall be so fixed that the terms of office of one member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough,

except that no more than one member of the Board may also be a Member of the Planning Commission.

506.1 Organization – The Board shall elect from its own membership a Chairman and a Secretary who shall serve annual terms as such and may succeed themselves. The Board may make and alter rules and forms for its procedures, consistent with laws of the Borough and the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Borough once a year. For the conduct of any hearing and the taking of action, a quorum shall be not less than a majority of all members of the Board, but where two members are disqualified to act in a particular matter, the remaining member may act for the Board. Within the limits of funds appropriated by the Borough Council, the board may employ or contract for a secretary, a clerk, or legal counsel. The Borough Secretary may act as the Board Secretary if both the Board and Borough Council agree.

506.2 Functions –

- (A) The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the administration of this Ordinance.
- (B) The Board shall hear challenges to the validity of the Zoning Ordinance and/or map and any parts thereof; except it may not hear challenges pertaining to the process of enactment or adoption of the Ordinance and map. At the conclusion of the hearing the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the Court.
- (C) The board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship on the applicant. The board may by rule prescribe the form of application and may require preliminary application to the zoning officer. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the zoning ordinance.
 - (1) That there are unique physical circumstances or conditions, including irregularity narrowness or shallowness of lot size or shape, or exceptional; topographical or other conditions peculiar to the particular property and the necessary hardship is due to such conditions and not the circumstances or conditions generally crated by the provisions of the zoning code in the neighborhood or district in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the

provisions of the zoning code and that the authorization of a variance is therefore necessary to enable the reasonable use of property.

- (3) That such unnecessary hardship has not been created by the appellant.
- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

- (D) The Board shall issue special exception permits for any of the uses requiring such permits under the terms of this Ordinance. The Board shall hear and decide requests in accordance with the established standards and criteria. In granting special exception permits the Board shall prescribe the basis upon which the permit was issued and the conditions deemed necessary or desirable for the protection of public interests. No special exception permits shall be granted by the Board unless it finds that the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and that the use will be in harmony with the general purpose of this Ordinance.
- (E) Where the Board has jurisdiction over a zoning matter pursuant to the above subsections the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any other municipal ordinance or requirement pertaining to the same development. In any such case, the Board shall have no power to pass upon non-zoning issues, but shall take evidence and make a record thereon as provided in this Ordinance. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to court.

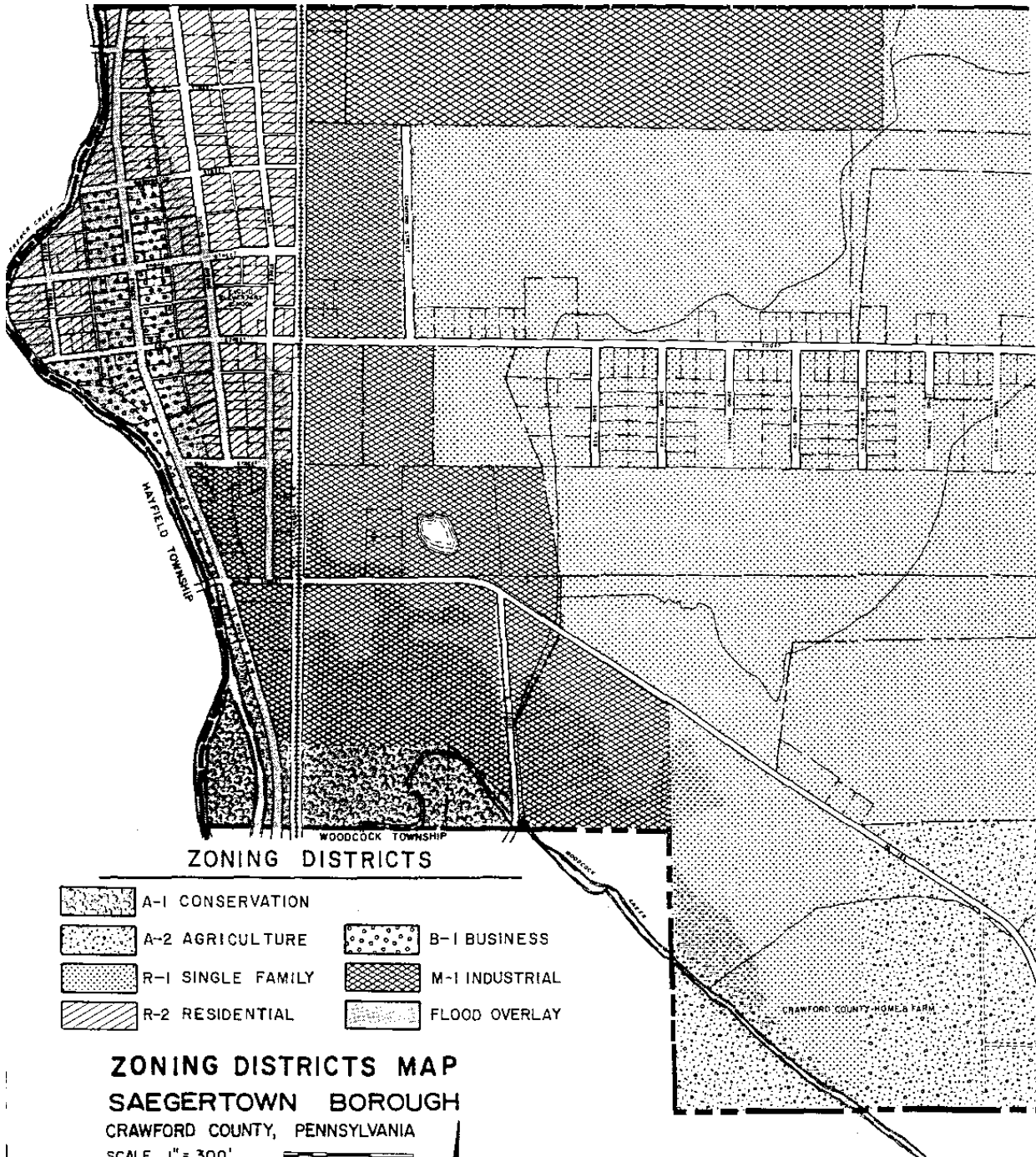
506.3 Procedure – the hearing procedure of the Zoning Hearing Board shall be governed by the provisions of the Pennsylvania Municipalities Planning Code (Act 247) of 1968 as amended and such rules, not inconsistent therewith, as the Board may adopt. The Board shall conduct the hearings and make decisions in accordance with the following requirements:

- (A) Any appeal from the strict requirements of the Zoning Ordinance shall be taken by filing a notice of appeal with the Zoning Officer and with the Zoning Hearing Board. The grounds of appeal shall be stated in the notice of appeal. The Zoning Officer shall transmit to the Board all of the documentary material consisting the record upon which the action for appeal was taken.








- (B) The appellant shall, at the time of filing his appeal, pay the Zoning Officer a fee as determined by a resolution of the Borough Council to defray or help defray the cost of the appeal, including advertising.
- (C) Each appeal shall be tried on its merits at a public hearing. Public notice of such appeal shall be given. The Board also shall give notice to the applicant, the Zoning Officer and such other persons as the Borough Council may designate by ordinance. Notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provisions, by rules of the Board. The Board may adjourn any hearing for the purpose of giving further notice.
- (D) The Planning Commission shall furnish all pertinent narrative material, maps, charts and other data relative to the problem for reference by all concerned. The Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem and request interpretations of said data by a representative of the Planning Commission.
- (E) The Chairman 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.
- (F) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (G) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (H) The Board shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
- (I) The Board shall render a written decision or, when no decision is called for, make written findings on the application within forty-five days after the last hearing before the Board. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore.
- (J) Where the Board fails to render a decision within the period required the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.

- (K) 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 not later than one day following the date of the decision. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

- (L) No person shall be allowed to file any proceeding with the Board later than thirty days after any application for development has been approved by an appropriate municipal official, agency, or body if such procedure 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.



ZONING DISTRICTS

 A-1 CONSERVATION	 B-1 BUSINESS
 A-2 AGRICULTURE	 M-1 INDUSTRIAL
 R-1 SINGLE FAMILY	 FLOOD OVERLAY
 R-2 RESIDENTIAL	

**ZONING DISTRICTS MAP
SAEGERTOWN BOROUGH
CRAWFORD COUNTY, PENNSYLVANIA
SCALE 1" = 300'**

PREPARED BY THE
CRAWFORD COUNTY
PLANNING COMMISSION

BEING A PART OF ORDINANCE NO. 1, SERIES 1971 AS ADOPTED APRIL 5th, 1971.

SECTION 6 – DEFINITIONS

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

Accessory Use or Structure: A use or structure which: (a) is customarily part of but incident and subordinate to and serves the principal permitted use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served.

Agriculture: Any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Uses permitted in conjunction with an agricultural use may include barns, stables, corncrubs, silos and any other use or structure that is clearly related to an agricultural operation.

Applicants: Any person, owner, operator, partnership, company, corporation and its subcontractors and agents or any legal entity that makes application for any reason pursuant to the Saegertown Borough Code.

Area: Area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

Basement: A portion of a residential building all or partly underground, having at least one-half of its height below the average level of the adjoining ground and wherein at no point is there an entrance at, or nearly at, outside grade level. A basement shall not be considered as a story for the purpose of this ordinance. For sites in the designated flood hazard area of the Borough the following definition for "basement" shall be used: "Any area of a building having its floor sub-grade (below ground level) on all sides; within any floodplain area a basement area of a structure, which is below ground on all sides, is considered to be the structure's "lowest floor"."

Basement (Within the Floodplain Area): Is defined to mean the body of a structure which is below ground on all sides and is considered to be the structure's "lowest floor." "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Bed and Breakfast: A single-family dwelling that consists of a single dwelling unit together with the rental of not more than five (5)-sleeping rooms on a daily or weekly basis to tourists, vacationers or other transients where the provision of meals is limited to the breakfast meal and where the bed and breakfast operation is conducted by persons who own and reside within the dwelling unit without the assistance of any employees. A minimum of one (1) off-street parking space must be available for each rental room.

Boarding/Lodging House: A building or portion thereof containing not more than five (5)-rental lodging/sleeping rooms for persons not related to the building owner/occupant, by prearrangement for definite periods of time not less than one (1)-week in duration. Meals may be served. A minimum of two (2) off-street parking spaces must be available for each rental room.

Building: A combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation, and / or an occupied structure with walls and roof with which persons live or customarily work. The term shall not include a barn, shed or other storage building, but shall include a garage.

Camper: A portable dwelling (such as a specially equipped trailer or automotive vehicle) for use during casual travel and camping, including “recreational vehicles”.

Clinic: Any establishment where human patients, are examined and treated by doctors or dentists but not hospitalized overnight.

Collector Street: A public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

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

Communications Equipment Building: An unmanned Building or cabinet containing communications equipment required for the operation of Communication Antennas and covering an area on the ground not greater than 250-square feet.

Communications Tower: A Structure other than a Building, such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

Communications Tower (Height of): The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

Department: The Department of Environmental Protection of the Commonwealth of Pennsylvania.

Derrick: Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

Drilling Pad: The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

Dwelling: Any structure designed or used as the living quarters for one or more person, including any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons and any unit that has a separate bathroom and cooking facilities.

Dwelling Unit: Means a building or portion thereof containing one or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared by other dwelling units intended for the separate and exclusive use of the persons occupying the unit.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communications, supply or disposal systems and their essential Buildings, excluding Communications Towers and Communications Antennas, as defined herein.

Family: One or more related persons occupying a dwelling or premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Flood: A temporary inundation of normally dry land areas.

Floodplain Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Floodproofing: Means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Fracking: The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

Floor Area of a Single Family Dwelling: The sum of the gross horizontal area of the several floors of a single family dwelling excluding the basement area as defined herein. All dimensions shall be measured between exterior faces and walls.

Floodway: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100)-year magnitude.

Governing Body: The Borough Council, Borough of Saegertown, Crawford County, Pennsylvania.

Halfway House/Rehabilitation Center/Home: (a) A facility for the rehabilitation of persons who are prisoners, former prisoners, or juvenile offenders, in a controlled environment with supervision, treatment, and the dispensing of medication; and/or (b) a facility where counseling is provided on-site for those persons on probation, parole or already released from correctional institutions or other persons found guilty of criminal offenses.

Home Occupation: Any customary use, occupation or profession conducted on the premises by a member or members of the immediate family residing in the dwelling on said premises which use, occupation, or profession is secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and is consistent with the surrounding residential district.

Hotel/Motel: A building made up of two (2)-or more separate quarters, each having its own sanitary facilities, used independently of each other and used principally for overnight accommodations for compensation. This term shall not include boarding, rooming or lodging house or bed and breakfast as defined in this Ordinance.

House Trailer: A mobile home that still retains an individual chassis for possible future transport, whether a single or double unit.

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

Local Street: A public street or road designed to provide access to abutting lots and to discourage through traffic.

Lot: A parcel of land occupied or capable of being occupied by one or more structures.

Lot (Depth of): A mean horizontal distance between the front and rear lot lines.

Lot (Minimum Area of): The area of a horizontal plane measured at grade and bounded by the front, rear and side lot lines exclusive of any portion of the right-of-way of any public thoroughfare.

Lot (Width of): The mean width measured at right angles to its depth.

Lot of Record: Any lot which individually or as a part of a subdivision, has been recorded in the Office of Recorder of Deeds of the County.

Lower Area of a Single Family Dwelling: The sum of the gross horizontal area of the several floors of a single family dwelling excluding the basement area as defined herein. All dimensions shall be measured between exterior faces and walls.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; providing that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one or more sections, built on a permanent chassis, 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 with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured Home Park: A parcel of land under single ownership which has been planned and improved for the placement of manufactured homes for non-transient use, consisting of two or more manufactured homes. In this ordinance the term manufactured home park has the same meaning as the term mobile home park.

Manufacturing: The processing and fabrication of any article, substance or commodity.

Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Mobile Home: A transportable, single family dwelling, which exceeds either 8 feet in width and/or 32 feet in length, built on a chassis, used with or without a permanent foundation, intended for permanent occupancy, office, or place of assembly which normally arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and maintains frame or axle capable of moving the unit from time to time.

Mobile Home (Double or Triple Wide): A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling while still retaining their individual chassis for possible future transport.

Mobile Home (Expandable): A mobile home with one or more room sections that fold, collapse or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

Modular Unit (Wheelless Modular): A factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into one structure, normally requiring prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements to be incorporated into a structure at the site, and has a permanent basement or block foundation installed under it and lacks an axle and a frame.

Multi-Family Dwelling: A building containing more than one (1)-dwelling unit.

Non-conforming Use: Non-conforming use is any use or arrangement of land or structures legally existing at the time of enactment of this Ordinance or any of its amendments, which does not conform to the provisions of this Ordinance.

Oil and Gas: Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil and gas well.

Oil and Gas Development or Development: The well site preparation, construction, drilling, re-drilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

Oil or Gas Well: A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

Oil or Gas Site: The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

One Hundred Year Flood: A flood that, on the average, is likely to occur once every one hundred (100)-years (i.e. that has one (1)-percent chance of occurring each year, although the flood may occur in any year) as defined by the Federal Emergency Management Agency. (FEMA) (AE Zone)

Operator: The person designated as the well operator on the permit application or well registration.

Operator-occupied short-term rental. The short-term rental of a dwelling unit, or of no more than three (3) individual bedrooms within such dwelling unit, that is the primary residence of its operator.

Owner-adjacent short-term rental. The short-term rental of a dwelling unit that is not the primary residence of the operator, but is located within a residential building with a total of four or fewer dwelling units where all dwelling units in the building are owned by the operator, and of the dwelling units in the building is the primary residence of the operator.

Owner: A person or legal entity that owns, manages, leases, controls or possesses an interest in real estate.

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

Natural Gas Processing Plant: A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

Public Utility Transmission Tower: A Structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Regulatory Flood Elevation: The one hundred (100)-year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

Recreational Vehicle: means a vehicular unit primarily designed as temporary living quarters for recreational, camping or travel use. Such a vehicle either has its own motive power or is designed to be mounted on or drawn by a vehicle. Recreational vehicle includes motor homes, truck campers, travel trailers, campers or camping trailers.

Rooming House: A building or portion thereof containing not more than five (5)-rental lodging/sleeping rooms for persons not related to the building owner/occupant, by prearrangement for definite periods of time not less than one (1)-week in duration. Meals are not available on the site. At least one (1) off-street parking must be available for each rental room.

Shed: A detached accessory structure or building designed and used for storage of personal property used in connection with the principal structure. There shall be no utilities used or connected to the shed as defined herein.

Short-term rental: Any rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment or any other consideration, as residential accommodations for a duration of less than thirty (30) consecutive days.

Short-term renter: Any person or persons occupying a dwelling unit, or bedroom within a dwelling unit, as a short-term rental for a duration of less than thirty (30) consecutive days.

Short-term rental operator: The person or persons offering a dwelling unit or bedroom for short-term rental, who may be either the owner or the primary leaseholder of the dwelling unit with the written permission of the property owner.

Sign: Any structure, building, wall or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or other representations used for announcement, direction, advertisement or identification. Banners and freestanding signs are included in this Ordinance and controlled by its provision. The word "sign" includes the word "billboard," but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor traffic or directional signs where said signs are placed and under the control of a State or local government.

Sign Accessory: A small ancillary sign attached to a permanent freestanding sign, the area of which is not included in calculating the total sign area of the permanent freestanding Sign.

Sign Area: The "area of a sign" shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered the smallest rectangle, which can be drawn to encompass all of the letters and symbols. The area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from anyone point, which are part of the same sign structure. When two sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

Sign, Banner: A sign constructed of lightweight plastic, vinyl, cloth or similar material, which is designed to be tied or attached to structural supports.

Sign, Changeable Copy: A sign, or portion of a sign, that is designed so that characters, letters or illustrations can be changed or rearranged, either manually or electronically, without altering the face or the surface of the sign.

Sign, Off premise: Any outdoor sign, display, light, fixture, painting, drawing, message, plaque, poster or billboard or other thing which is designated, intended or used to advertise or inform of an activity or use conducted at a site and parcel of real estate different from the property on which the sign is located.

Sign, On premise: Any outdoor sign, display, light, fixture, painting, drawing, message, plaque, poster or billboard or other thing which is designated, intended or used to advertise or inform of an activity or use conducted on the premises on which the sign is located.

Sign, Permanent Freestanding: A sign constructed in a permanent location, supported by structures or poles which are installed in an underground foundation.

Sign, Portable: A sign which is designed to be movable, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

Sign, Roof: A sign which is attached to a building and extends in whole or in part more than 2 feet above the highest point of the roof of the building, or extends more than 2 feet beyond any portion of the roof in a two dimensional elevation view of the side of the building which faces the same direction as the sign.

Sign, Wall: A sign which is attached to or painted on the wall or sloping roof of a building, and which does not extend more than 2 feet beyond any portion of the roof in a two dimensional elevation view of the side of the building which faces the same direction as the sign, and which does not extend more than 2 feet horizontally from the building wall.

Single Family Dwelling Floodplain Area: In any floodplain area the definition for floor area of a single family dwelling shall be defined the same definition as set forth above in basement Section 601.4(b) “lowest floor”

Special Permit: A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Storage Well: A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including but not limited to buildings, billboards, signs, carports, porches, swimming pools, outdoor fireplaces, walls and other building features but not including sidewalks, drives, fences and patios or unenclosed porches, platforms or landing places not covered by a roof or canopy and located at or below the level of the adjacent doorsill.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, 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 residential dwellings shall be exempted.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

Supply Yard: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

Temporary Structure: Any structure not on a permanent foundation or permanently attached or affixed to the ground in any manner. Said structure to be used for a specified period of time. This definition shall not include toolhouses and other similar structures for the storage of accessories and supplies as set forth in 207.2(w).

Toolhouse: See definition of “Shed”.

Travel Trailer: See definition of “Recreational Vehicle” and “Camper”.

Yard: The open space on a lot which is unoccupied and unobstructed from its lowest level to the sky except for the permitted obstructions listed in this Ordinance.

Yard (Front): A yard extending along the full length of a front lot line and back to a line drawn parallel with such front lot line at a distance therefrom equal to the required front yard.

Yard (Interior Side): A side yard which adjoins another lot or an alley separating such side yard from another lot.

Yard (Rear): A yard extending along the full length of a rear lot line and back to a line drawn parallel with such rear lot line at a distance therefrom equal to the required rear yard.

Yard (Side): A yard extending along the side lot to a line drawn parallel with such side lot line at a distance therefrom equal to the required side yard.

Yard (Street Corner Side): A side yard which adjoins a street.

This Ordinance enacted by the Borough Council of the Borough of Saegertown, County of Crawford, and State of Pennsylvania May 5, 1971, and subsequently revised and amended.

(end ordinance DEC/06)