

**THE
CITY OF FARRELL
ZONING
ORDINANCE**

MERCER COUNTY, PENNSYLVANIA

1999

Prepared by

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**CITY OF FARRELL
ZONING ORDINANCE**

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**ZONING ORDINANCE
CITY OF FARRELL**

An Ordinance dividing the City into various zoning districts and regulating the construction, alteration and use of structures and land within each such district. Be it hereby ordained by the City Council of the City of Farrell, Mercer County, Pennsylvania that:

Article I

General Provisions

- 101 TITLE: The official title of this Ordinance shall be the Zoning Ordinance of the City of Farrell.
- 102 EFFECTIVE DATE: This Ordinance shall take effect on July 26, 1999.
- 103 PURPOSE AND AUTHORITY: This Ordinance is adopted by virtue of the authority granted to the City under Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and as further amended. The provisions of this Zoning Ordinance are designed:
- (a) To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development and proper density of population; emergency preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements, as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
 - (b) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
 - (c) To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing.

- (d) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

104 COMMUNITY DEVELOPMENT OBJECTIVES: The zoning regulations and districts set forth in this Ordinance are made in accordance with a comprehensive plan for the general welfare of the City and are intended for the following purposes:

- (a) To encourage the reuse, rehabilitation and continuing maintenance of the City's existing housing stock, especially due to the fact that Farrell does not lie in the path of residential growth.
- (b) To create a local economy which maximizes opportunities for community-based businesses.
- (c) To maintain opportunities for industrial businesses to flourish and continue creating real prosperity and importation of outside capital.
- (d) To encourage homeownership as the basis for secure, flourishing residential neighborhoods.

These are made with reasonable consideration of, among other things, the existing character of the various areas within the City and their respective suitability for particular uses.

105 COMPLIANCE: No structure shall be located, erected, demolished, constructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Ordinance, and after the lawful issuance of all permits and certifications required by this Ordinance. Except that the City of Farrell will be exempt from the provisions of this Ordinance in the exercise of its municipal functions. Where any use is not specifically mentioned within any district, it shall be the duty of the Zoning Officer to determine if the use is substantially and practically identical to the listed use. If the proposed use is not substantially and practically identical to a previously identified zoning use, the Zoning Officer shall not issue a permit. In such a case, the property owner may request an amendment under the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code. In considering the amendment, the governing body and Planning Commission may consider appropriate alternative districts for such a use and any necessary special exception or conditional use criteria.

106 INTERPRETATION OF REGULATIONS: Whenever the provisions of this Ordinance are at variance with any other lawfully adopted rules, regulations, or ordinances the more restrictive requirements shall govern.

- 107 SEVERABILITY: Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.
- 108 REPEAL: Any resolution or ordinance, or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

Article II

District Regulations

201 ZONING MAP: A map entitled the City of Farrell Zoning Map is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file and available for examination at the City offices.

202 ZONING DISTRICTS: The City is divided into the districts set forth by this Ordinance, and as shown by the district boundaries on the Zoning Map. These districts are:

202.1 R-1 Residential Districts: These districts are intended to provide for single-family detached dwellings and related uses.

202.2 R-2 Residential Districts: These districts are established to provide for a variety of housing types.

202.3 T-1 Neighborhood Opportunity Districts: These districts are established to provide for a traditional urban neighborhood mix of small-scale businesses and housing, and to provide for areas of transition between residential and commercial areas.

202.4 I-1 Industrial District: The purpose of this classification is to provide for the manufacturing and industrial activities and uses which are traditional to the City's economy, as well as any activities which could bring in outside capital in a quality environment.

202.5 I-2 Industrial District: This district is to provide for traditional local manufacturing activities, including heavy manufacturing.

202.6 C-1 Commercial District: The purpose of this district is to encourage all forms of beneficial reinvestment in the heart of the City. A variety of uses will be permitted provided that provisions are made to retain a humane, pedestrian scale of development.

202.7 C-2 Commercial District: This district is established to provide space for highway-oriented commercial uses in high traffic areas without jeopardizing surrounding residential areas.

202.8 C-3 Commercial District: This district is established to encourage the revitalization of the Broadway Corridor as a high quality gateway into the heart of the City.

202.9 M-1 Medical/Institutional District: This district is established for health care and related institutions or businesses and compatible uses.

202.10 TN-1 Traditional Neighborhood Development: The purpose of this classification is to establish an area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building.

- 203 ANNEXED AREAS: Any territory hereafter annexed by the City of Farrell will be automatically zoned R-1 Residential District, until otherwise classified by the City.
- 204 DISTRICT BOUNDARIES: District boundaries that are shown between the lines of streets, streams, and transportation right-of-ways shall be deemed to follow the center line. The vacation of streets shall not affect the locations of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such center lines, by the scale of 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 purpose set forth in all relevant provisions of this Ordinance.
- 205 ZONING DISTRICT CHANGES: All approved changes to Zoning Districts shall be promptly recorded on the Zoning Map by the Zoning Officer.
- 206 PERMITTED USES, CONDITIONAL USES AND SPECIAL EXCEPTIONS: The Permitted Uses, Conditional Uses and Special Exceptions for each District are shown in the following table (Section 1) and are considered principal uses unless clearly noted. Conditional Uses may be granted or denied by the City Council with the advice of the Planning Commission in accordance with the express standards and criteria of this Ordinance. In granting a Conditional Use, City Council may attach reasonable conditions as they may deem necessary to implement the purposes of this Ordinance and safeguard the neighborhood. Special Exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance. In granting a Special Exception, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and protect the neighborhood. Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Article X. Whenever in any district established under this Ordinance a use is not specifically permitted and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this chapter or any provision permitting the same, provided that the same shall comply and follow all requirements of this Ordinance, otherwise it shall not be permitted.

207 LOT, YARD AND HEIGHT REQUIREMENTS: The minimum lot area, minimum lot area per family, maximum lot coverage by buildings and structures, minimum depth of front yard, minimum depth of rear yard, side yard requirements, maximum height of structures and number of stories for each district shall be as specified in Tables 207 and 208.

TABLE 206
ZONING DISTRICTS

Permitted Uses, Conditional Uses and Special Exceptions

R-1 Residential District

Permitted Uses

Single-Family Housing
Parks and Playgrounds
Essential Services
Accessory Uses
Accessory Buildings
Family Day Care Homes
Churches

Conditional Uses

Public or Private Accredited School or Religious
Instruction Facilities (301.2)

Special Exceptions

Home Occupations Office (301.1)
Public Utilities (301.10)
Personal Care Homes (301.6)
Group Day Care Homes (301.4)

R-2 Residential District

Permitted Uses

Single-Family Dwellings
Multi-Family Dwellings
Two-Family Dwellings
Churches
Schools
Accessory Uses
Accessory Buildings
Family Day Care Homes
Essential Services
Parks and Playgrounds

Conditional Uses

Public or Private Accredited School or Religious
Instruction Facilities (301.1)
Planned Residential Development (302)

Special Exceptions

Conversion Apartments (301.15)
Home Occupations (301.3)
Group Day Care Homes (301.4)
Personal Care Homes (301.6)
Public Utilities (301.10)
Home Occupations Office (301.1)

T-1 Neighborhood Opportunity Districts

Permitted Uses

Single-Family Dwellings
Churches
Essential Services
Home Occupations
Accessory Uses
Accessory Buildings
Family Day Care Homes
Parks and Playgrounds
Lodges, Fraternal Organizations or Social Clubs

Conditional Uses

Group Day Care Homes (301.4)
Public or Private Accredited Schools or Religious
Instruction Facilities (301.2)
Planned Residential Development (302)

Special Exceptions

Limited Commercial (301.12)
Funeral Parlors (301.7)
Public Utilities (301.10)
Professional Offices (301.11)
Personal Care Homes (301.6)
Convenience Stores (301.13)
Medical Clinics (301.5)
Conversion Apartments (301.15)

I-1 Industrial District

Permitted Uses

Light Manufacturing
Commercial Bakeries
Commercial Laundries
Laboratory/Research Facilities
Rental Service/Equipment
Accessory Uses
Accessory Structures
Essential Services
Corporate Offices
Veterinary Clinics
Truck Terminals
Warehousing and Distribution
Eating/Drinking Places
Retail Businesses

Conditional Uses

Shopping Centers (301.17)

Special Exceptions

Public Utilities (301.10)

I-2 Industrial District

Permitted Uses

Light Manufacturing
Commercial Bakeries
Commercial Laundries
Laboratory/Research Facilities
Rental Service/Equipment
Accessory Uses
Accessory Structures
Essential Services
Corporate Offices
Veterinary Clinics
Truck Terminals
Warehousing and Distribution
Building Supply/Material Yards
Eating/Drinking Places
Retail Businesses
Parking Lots and Parking Garages

Conditional Uses

Shopping Centers (301.17)

Special Exceptions

Heavy Manufacturing (301.9)
Public Utilities (301.10)
Billboards (301.18)
Bulk Distribution of Chemical or Petroleum Products
(301.8)

C-1 Commercial District

Permitted Uses

Financial Institutions
Retail Businesses
Personal Services
Single-Family Dwellings
Professional Offices
Civic/Cultural Buildings
Medical and Dental Clinics
Parking Lots and Parking Garages
Public Parks and Playgrounds
Churches
Lodges, Fraternal Organizations or Social Clubs
Eating/Drinking Places
Public and Private Schools
Essential Services
Accessory Buildings
Accessory Uses
Light Repair Services
Gymnasium

Special Exceptions

Gasoline Service Stations (301.13)
Funeral Parlors (301.7)
Day Care Centers (301.4)
Convenience Food Stores (301.13)
Flea Markets (301.16)
Conversion Apartments (301.15)

Conditional Uses

Shopping Centers (301.17)
Planned Residential Development (302)

C-2 Commercial District

Permitted Uses

Automobile Sales/Rentals
Professional Offices
Eating/Drinking Places
Convenience Stores
Retail Businesses
Hotels/Motels
Theaters
Churches
Personal Services
Office Suppliers
Accessory Uses
Accessory Buildings
Financial Institutions
Essential Services
Professional Offices
Corporate Offices
Medical and Dental

Special Exceptions

Repair/Service Businesses/Service Stations
(301.13)
Public Utilities (301.10)
Mini-Storage Facilities (301.14)
Commercial Recreation (301.19)
Car Washes (301.20)
Flea Markets (301.16)
Radio, Television, Cellular Telephone, Microwave
Signal (301.21)

Conditional Uses

Day Care Centers (301.4)
Hospitals and Nursing Homes (301.2)
Shopping Centers (301.17)

C-3 Commercial District

Permitted Uses

Financial Institutions
Retail Businesses
Professional Offices
Civic/Cultural Buildings
Medical and Dental Clinics
Parking Lots and Parking Garages
Lodges, Fraternal Organizations or Social Clubs
Eating/Drinking Places
Gymnasium
Automobile Sales/Rentals
Convenience Stores
Hotels/Motels
Theaters
Offices Suppliers
Accessory Uses
Accessory Buildings
Essential Services
Corporate Offices

Special Exceptions

Repair/Service Businesses/Service Stations (301.13)
Commercial Recreation (301.19)
Car Washes (301.20)

Conditional Uses

Day Care Centers (301.4)
Shopping Centers (301.17)

M-I Medical/Institutional District

Permitted Uses

Medical and Dental Clinics
Hospitals
Nursing Homes
Personal Care Homes
Single-Family Dwellings
Multi-Family Dwellings
Two-Family Dwellings
Churches
Schools
Parks and Playgrounds
Professional Offices
Corporate Offices
Accessory Uses
Accessory Buildings

Conditional Uses

Planned Residential Development (302)
Day Care Centers (301.4)

TABLE 207
 LOT, YARD AND HEIGHT REQUIREMENTS
 SINGLE-FAMILY DWELLINGS AND ALL USES EXCEPT MULTI-FAMILY DWELLINGS

	R-1 Residential	R-2 Residential	C-1, T-1, C-3* Districts	I-2 District	All Other Districts
Minimum Lot Area	7,500 s.f.	7,500 s.f.	5,000 s.f.	1 acre	10,000 s.f.
Minimum Front Yard	25 feet	25 feet	30 feet	30 feet	30 feet
Minimum Rear Yard	30 feet	30 feet	30 feet	40 feet	40 feet
Minimum Side Yard	10 feet	10 feet	10 feet	25 feet	20 feet
Maximum Height	2.5 stories	2.5 stories	3 stories	4 stories	3 stories
Maximum Lot Coverage	35%	35%	40%	50%	35%

*In an effort to encourage a high quality commercial environment employing traditional features of pedestrian friendly commercial areas, the following standards may be applied in the C-3 District - Minimum frontage on Broadway may be reduced to zero feet.

TABLE 208
 MULTI-FAMILY LOT PROVISIONS
 (Applicable in all districts where multi-family dwellings are permitted)

	Min. Lot Size	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Lot Width
Multi-Family:* 3-12 Units	1,500 s.f./ Unit	25 feet	15 feet	25 feet	100 feet
12-25 Units	1,500 s.f./ Unit	25 feet	15 feet	35 feet	200 feet
25-50 Units	1,500 s.f./ Unit	25 feet	20 feet	40 feet	350 feet
50+ Units	1,500 s.f./ Unit	25 feet	30 feet	1 ft./Unit	11 ft./Unit

*No multi-family unit may be developed on a lot of less than six thousand (6,000) square feet.

Height Limit - 3 stories
 Maximum Coverage - 40%

YARD REQUIREMENTS FOR ACCESSORY USES AND BUILDINGS: Unless otherwise noted in this Ordinance, accessory structures for single-family dwellings may be located in side or rear yard areas to within three (3) feet of a lot line. Otherwise, all accessory uses and structures shall meet all yard lot and area requirements.

APPLICATION OF YARD REGULATIONS:

- A. Where a structure exists on an adjacent lot and is within one hundred fifty (150) feet of the proposed structure, and the existing structure has a front yard less than the minimum depth required, or where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yard(s) of the existing adjacent structure(s).
- B. With the exception of open decks, 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 yards, except as specifically noted in this Ordinance. Open decks may project four (4) feet into front or side yards and up to three (3) feet from the rear lot line.
- C. A wall or fence under eight (8) feet in height and paved terraces without walls, roofs of other enclosures may be erected upon the limits of any yard. Fences within required yard areas or retaining walls and fences required for screening under this Ordinance are not subject to the eight- (8) foot high limitation. This does not apply to natural screening, trees or buffer yards as required by this Ordinance. Fences or hedges may be permitted in front yard areas provided they are no higher than four (4) feet and do not impinge on the required vehicular line of sight at intersections.
- D. Swimming pools and associated decks shall be permitted in rear yards only, provided that the pool is located not less than ten (10) feet from any side yard line and ten (10) feet from the rear yard line. Pumps, filtration devices and similar apparatus required by the pool shall lie within the side or rear yard area.
- E. The following structures are exempt from height regulations provided they do not constitute a hazard: communication towers, church spires, chimneys, elevator bulk heads, smoke stacks, conveyors, flag poles, agricultural silos, standpipes, elevated water tanks, derricks and similar structures.
- F. Essential services are exempt from all area and yard regulations.
- G. Avocational Agriculture: It is envisioned that persons may wish to keep or raise animals such as sheep, goats, and horses for recreation or personal consumption. Such activities are a permitted accessory activity, to a single-family dwelling, provided:

- (1) Such activities are conducted on lots of at least two (2) acres. All fences, structures, and enclosures shall be suitable construction and kept in a clear and sanitary condition.
- (2) No run, fence line, or pasture is closer than fifteen (15) feet from neighboring lot lines.
- (3) No building in which animals are kept is closer than fifty (50) feet from a neighboring lot line.

Article III
Conditional Uses and Special Exceptions

301 CONDITIONAL USES AND SPECIAL EXCEPTIONS: The criteria for Conditional Uses and Special Exceptions are listed below. The City Council or the Zoning Hearing Board (as the case may be), in granting Conditional Uses and Special Exceptions, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a Conditional Use or a Special Exception, the City Council or the Zoning Hearing Board (as the case may be) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

Applications for Conditional Uses and Special Exceptions shall be made to the Zoning Officer. Conditional Uses shall be granted or denied by the City Council after the recommendation of the City of Farrell Planning Commission. Special Exceptions shall be granted or denied by the Zoning Hearing Board. Procedures for both shall follow those specified in this Ordinance and the Planning Code.

301.1 Home Occupations-Office: Home occupations are divided into two categories as shown in the Definition section. Home Occupations-Office shall conform to the following criteria:

- (a) The occupation must be carried on within the primary dwelling unit. Its area shall not exceed twenty-five percent (25%) of the dwelling's floor area.
- (b) The occupation is carried on by a member of the family residing in the dwelling, with no outside employees.
- (c) The occupation shall be primarily office in nature with few, if any, clients or customers calling.
- (d) On-site retail sales, repair services or professional or personal services involving extensive client and similar uses are specifically prohibited.

301.2 Schools, Hospitals, and Nursing Homes:

- (a) Shall provide all parking and loading/unloading requirements as required by this Ordinance.
- (b) Shall be located on a paved public street with a minimum cartway width of twenty (20) feet.

- (c) The design and landscaping shall be compatible with, and preserve the character of adjoining residential uses.
- (d) All parking and recreation/play areas which abut residential uses shall provide screen planting.
- (e) Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- (f) Such uses shall have, and present, all needed local, county, State or Federal permits, or applications for needed permits. If needed permits are in the application stages, the final approval for same shall be a condition prior to final approval.

301.3 Home Occupations: Home occupations are a potential intrusion upon residential areas and as such must meet all the requirements listed in this section:

- (a) Parking: In addition to providing the required parking spaces for residents of the dwelling units, off-street parking must be provided for employees and customers in accordance with the criteria set forth by this Ordinance.
- (b) Employees: No more than one (1) outside employee, other than a family member, shall participate or work in the home occupation.
- (c) Restrictions: No home occupation which would cause undue noise, traffic or other intrusion upon the neighborhood shall be allowed. Among the activities specifically excluded shall be kennels, veterinary offices, restaurants, small motor repair, automotive repair, automobile body work and similar undertakings.
- (d) Home occupations may include, but are not limited to, art studios, music studios (limited to one (1) student at a time), professional services, barber, beauty shops, and dressmakers.
- (e) The nature of the home occupation shall not change the outward characteristics of the home as a residential unit.
- (f) No more than thirty percent (30% in aggregate) of the home and accessory buildings may be used for a home occupation.
- (g) One (1) sign no larger than two and one-half (2.5) square feet may be used to announce the name or purpose of the home occupation.
- (h) Home occupations shall not operate before 8:00 A.M. nor after 9:00 P.M.

(i) Any retail sales shall consist primarily of items made on the premises. No more than twenty-five (25%) of on-premises sales shall be from items not made on the premises.

(j) No more than one (1) home occupation per dwelling shall be permitted.

301.4 Day Care: Day Care Services for Children have three (3) separate types (see Article X for definitions), Family Day Care Homes, Group Day Care Homes and Day Care Centers. Day care may be allowed in specified districts, as a Special Exception, providing the following criteria are met:

(a) Any outdoor play area shall be effectively fenced with a solid fence of at least four (4) feet in height.

(b) For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children. These will be for the safety of the children and the protection of the neighborhood.

(c) One (1) parking space for each employee shall be required plus one (1) parking space for each three (3) children.

(d) The operator shall secure and keep current all required licensed permits from the Commonwealth or other licensing agencies.

301.5 Medical and Dental Clinics:

(a) Such facilities shall exclude the quartering and treatment of the insane, penal, or correctional institutions.

(b) All required parking, loading and unloading shall be contained entirely on lot, including sufficient maneuvering room so that vehicles will not back onto a public street.

(c) All lighting shall be so arranged to prevent glare to adjoining properties.

(d) Any parking area next to a residential use shall be screened (see Screening).

(e) Building size shall not exceed four thousand (4,000) square feet.

301.6 Personal Care Homes: The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. Personal care homes are facilities which offer food, shelter, and personal assistance for a period of more than twenty-four (24) consecutive hours for four (4) or more adult residents who are not relatives of the operator and where the residents do not require

hospitalization or nursing facility care. In addition, such uses shall meet the following conditions:

- (a) There shall be no sign or exterior display beyond the name of the home or its use, such sign will not exceed two and one-half (2.5) square feet.
- (b) At least one (1) additional on-lot parking space shall be provided for each four (4) guests.
- (c) No home shall admit more than eight (8) guests/clients at any one time.
- (d) Required local, county and/or State certifications shall be presented to the Board. Specially included are to be permits from the Pennsylvania Departments of Welfare and Labor and Industry.

301.7 Funeral Parlors:

- (a) There shall be no receiving vault, preparation room or display of merchandise visible from outside the principal building.
- (b) There shall be a minimum of five thousand (5,000) square feet of off-street parking, but in no event less than that required by Article V of this Ordinance.
- (c) Loading, unloading facilities shall be entirely on lot.

301.8 Bulk Petroleum Products Distribution: The sale and hauling of chemical and petroleum products, especially in bulk quantities represent a potential hazard to the community. Due to this, such uses must:

- (a) Present evidence that all required Federal and State permits, licenses, etc. have been secured, or are in the process of being secured. Specifically, the regulations of the Pennsylvania State Fire Marshall shall be followed. This includes approval of underground tank installation. A Certificate of Occupancy will not be issued until all such permits are finalized.*
- (b) Copies of plans showing any underground piping, storage facilities, and related appurtenances as they involve chemical or petroleum products must be presented. "As-built" corrections must be made before a Certificate of Occupancy is issued.*
- (c) No structure involving the use, storage, or handling of chemical or petroleum products shall be within four hundred (400) feet of a residential use or district.
- (d) All lots shall be at least two (2) acres in size.

*This information will be shared with public safety organizations.

301.9 Heavy Manufacturing: Heavy manufacturing shall be located where the emission of objectionable gases, fumes, smoke or dust will not be objectionable to established permitted uses nearby or is controlled by the installation of special equipment. Outside storage yards abutting or immediately across a street from any "R" District shall be screened. They shall meet all performance standards set forth in this Ordinance.

301.10 Public Utilities: Lots containing structures or buildings for public utilities shall:

- (a) Be landscaped to present a minimum intrusion upon the neighborhood.
- (b) Be enclosed by a security fence. Notwithstanding any other section of this Ordinance, the height of this fence shall be adequate to provide proper security for the installation [eight (8) feet].
- (c) No outdoor storage shall be permitted.

301.11 Professional Offices: Shall adhere to the following criteria:

- (a) All parking requirements of this Ordinance shall be followed.
- (b) All parking lots which abut residential uses or districts shall use screen planting as a buffer.
- (c) If new construction, shall not exceed five thousand (5,000) square feet in building size.

301.12 Limited Commercial: The purpose of this use is to allow smaller retail operations in an urban residential environment. Such uses shall:

- (a) Provide all parking as required by this Ordinance on lot.
- (b) Provide screen plantings along lot lines which abut residential uses.
- (c) All compressors shall be so enclosed as to baffle their sound from surrounding uses.
- (d) All dumpsters and or garbage/trash storage areas shall be enclosed.
- (e) If new construction, total building size shall not exceed five thousand (5,000) square feet.

- (f) All signage shall be lit by indirect means.
- (e) All parking, loading and unloading facilities shall be clearly designed so motor vehicles will not be required to back into or from streets or roads when parking or leaving the premises.

301.13 Eating/Drinking Places, Service Stations, Service and Repair Businesses, Convenience Stores: Shall be permitted subject to the following regulations:

- (a) Any fuel pumps shall be at least thirty (30) feet from the front lot line and at least thirty (30) feet from a side lot line.
- (b) No vehicles will be parked or stored along the front property lines, except on a short-term bases (less than twelve [12] hours).
- (c) Any lot line abutting a residential district or residential use shall be screened using screen plantings.
- (d) There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, tires, vehicles which lack current Pennsylvania inspection stickers or parts of vehicles. The overnight parking of customer vehicles and the screened storage of the Department of Environmental Protection-approved trash containers shall be permitted.
- (e) All lighting shall be indirect, or designed to prevent glare to neighboring properties.
- (f) All compressors shall be enclosed to muffle their sound from surrounding uses.

301.14 Mini-Storage Facilities: These structures are also known as self-service storage facilities and consist of one or more larger buildings which are divided into small separate units. These units, often the size of a single garage, are then rented for storage, normally for personal goods. Such uses must adhere to the following regulations:

- (a) There shall be no outdoor storage of any type, at any time.
- (b) In addition to the required side and rear yards, an additional ten (10) foot buffer yard shall be required. This buffer yard is to be planted in evergreen trees to provide a visual buffer to surrounding properties.
- (c) Each such facility shall be serviced by at least two (2) well-marked driveways of ten (10) to twelve (12)feet in width.

- (d) The entire complex shall be surrounded by a security fence at least six (6) feet but no greater than eight (8) feet in height. Said fence shall be no closer to any lot line than ten (10) feet.

301.15 Conversion Apartments: The purpose of conversion apartments is to allow for the conversion of older, larger single-family homes into multi-family units. To be allowed to convert from a single-family into a multi-family unit, the following criteria must be met:

- (a) All units must have separate kitchen and bathroom facilities as well as living/sleeping spaces.
- (b) Individual residential units shall have a minimum floor area four hundred fifty (450) square feet exclusive of common spaces.
- (c) All required parking shall be accommodated on lot.
- (d) Each unit shall be permanently separated from others.
- (e) Evidence of compliance with all labor and industry codes will be provided.

301.16 Flea Markets: These are periodic but often intense uses. They shall:

- (a) Have a lot size of at least two (2) acres.
- (b) Present, and have approved by public safety agencies of the City of Farrell, a plan for ingress and egress, on-lot parking and sanitation.
- (c) All parking shall be on-lot.
- (d) Such operations will not begin before 7:00 A.M. nor continue after 10:00 P.M.

301.17 Shopping Centers: For proposed shopping centers, the developer shall submit:

- (a) An existing site plan at a scale which may range from one (1) inch to ten (10) feet through one (1) inch to fifty (50) feet. The site plan shall show existing site conditions, including buildings, natural features, and utilities.
- (b) A proposed site plan to include proposed building, parking, vehicular and pedestrian access areas, storm drainage, landscaping, lighting, utility location and size, and provide screen plantings along each side or rear yard which abuts residential uses or districts. Such screen plantings shall be landscaped to provide an attractive visual barrier between the use and adjacent residential areas.

- (c) A sketch plan showing surrounding properties, land use, and utilities within two hundred (200) feet of the proposed development.
- (d) A schedule of uses will be provided, along with parking lot capacity and a brief overview of operations.

301.18 Billboards: Billboards shall be permitted as a Special Exception, provided:

- (a) Such signs shall not be placed within one hundred fifty (150) feet of another on the same side of the road or one hundred (100) square feet of another on the opposite side of a road.
- (b) Such signs shall not be placed within two hundred fifty (250) feet of any residence, church, school or similar edifice.
- (c) Such signs shall not be placed within two hundred fifty (250) feet of any road intersection, or at a curve or at any place where vehicular line-of-sight could be partially or completely obstructed.
- (d) Such signs shall not exceed two hundred fifty (250) square feet when viewed from its widest silhouette.
- (e) Show evidence of compliance with all applicable regulations of the Pennsylvania Department of Transportation.

301.19 Commercial Recreation: These particular uses by their nature can generate noise or excessive activity adversely affecting neighboring properties. Outdoor uses shall:

- (a) Have a lot of not less than six (6) acres in size.
- (b) In addition to required side and rear yards, provide a buffer yard of an additional twenty (20) feet, which yard is to be planted in evergreen trees in order to help provide a visual and sound barrier to nearby properties.
- (c) There shall be no outdoor speakers.
- (d) Operating hours shall be between 8:00 A.M. and 10:00 P.M. prevailing time.

Indoor uses shall:

- (a) Have no outdoor speakers.
- (b) Present evidence of compliance with Labor and Industry (PA) building regulations.

301.20 Car Washes

- (a) Car Stacking: The entrance to the car wash shall be designed as to permit a waiting line which meets the requirements for drive-through facilities under this Ordinance.
- (b) All such facilities shall present a drainage plan.

301.21 Radio Transmission Towers and Antenna: This criteria will only apply to commercial or public towers in excess of one hundred (100) feet in height. Home "ham" or "CB" uses are excluded. Such uses shall:

- (a) Maintain setbacks from all property lines as required by appropriate yard standards but in no case less than twenty percent (20%) of the tower height.
- (b) The tower base and all guy wire ground anchors shall be suitably protected by fencing.
- (c) All accessory structures, including studios, shall observe required yard, coverage, height regulations, as well as adhering other provisions of this Ordinance.

302 PLANNED RESIDENTIAL DEVELOPMENT:

Purpose: The purpose of the Planned Residential Development regulations is to encourage the flexibility in the design and development of land in order to promote its most appropriate use; to encourage grouping of housing and a mixture of housing types in alternative patterns and in a variety of ways; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic qualities of open areas.

Development Objectives:

1. Extend greater opportunities for traditional community living, working, housing, and recreation to all citizens and residents of Farrell.
2. Encourage a more efficient use of land and public services and to reflect changes in technology of land development and by directing new development in a traditional pattern of mixed and multiple-use and varied housing types.
3. Provide a procedure which can relate the type, design, and layout of residential development to the particular site, the particular demand for housing existing at the time of development, and to Farrell's goal of encouraging residential/mixed-use development in a manner consistent with the preservation or enhancement of property values within existing zoning districts.

4. Insure that the increased flexibility and design specificity of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay.
5. Promote the creation of developments that are identifiable in the townscape, include open space, and help preserve and create attractive natural areas.
6. Allow future development to replicate the best from Farrell's historic patterns of settlement.

Applicability of Article: The provisions of this Article are a furtherance of the land use and development controls of land in the City. This Article shall not affect any of the provisions of applicable Subdivision and Land Development Ordinances or this Zoning Ordinance as they apply to the City as a whole. After a development plan is duly filed, approved and recorded under the provisions of this Article, the land area included in the development plan shall be governed entirely by the provisions of this Article with the exception that provisions of the governing Subdivision and Land Development Ordinance and this Zoning Ordinance specifically referenced within this Article shall also apply.

Basis for Consideration: Consideration for approval or disapproval of a Planned Residential Development shall be based on and interpreted in light of the effect of the development on the comprehensive plan of the City of Farrell, and in light of the effect of the development on the use of the property adjacent to and in the areas close to the Planned Residential Development.

This Article shall not be construed to mean the developer of a Planned Residential Development can by merely meet the standards set herein and develop a Planned Residential Development as a permitted use. These standards and requirements are minimums only. The governing body may require more stringent standards, based on the specific and unique nature of the site and the surrounding areas, in order to protect the health, safety, and welfare of the citizens of the City. In cases where additional standards are necessary for a specific site, this Zoning Ordinance and the Municipal Subdivision and Land Development Ordinance shall apply towards the site until the proposed development plan has been filed, approved, and recorded having met these additional standards.

Modifications: The City Council may, by conditional use approval, permit the modification of the provisions of this Article, including but not limited to provisions relating to the percentage of types of dwelling units and the amount of increases in density or similar modifications, in order to encourage Planned Residential Development. Any modification of the requirements of this Article shall be subject to the following standards:

1. The design and improvement of the Planned Residential Development shall be in harmony with the purpose and intent of this Article.
2. The design and improvement of the Planned Residential Development shall generally enhance the development plan, or in any case not have an adverse impact on its physical, visual, or spatial characteristics.
3. The design and improvements of the Planned Residential Development shall generally enhance the street scape and neighborhood, or in any case not have an adverse impact on the street scape and neighborhood.
4. The modification shall not result in configurations of lots or street systems which shall be impractical or detract from the appearance of the proposed Planned Residential Development.
5. The proposed modification shall not result in any danger to the public health, safety, or welfare by making access to the dwellings by emergency vehicles more difficult, by depriving adjoining properties of adequate light and air, or by violating the other purposes for which zoning ordinances are to be enacted.
6. Landscaping and other methods shall be used to insure compliance with the design standards and guidelines of this Article.
7. The landowner shall demonstrate that the proposed modifications will allow for equal or better results and represents the minimum modification necessary.

If the governing body determines that the landowner has met his burden, it may grant a modification of the requirements of this Article. In granting modifications, the governing body may impose such conditions as will, in its judgment, secure the objectives and purposes of this Article.

General Standards: The Planned Residential Development must meet all of the following general standards:

1. The Planned Residential Development is consistent with the Comprehensive Plan and this Ordinance's Statement of Community Development Objectives.
2. The Planned Residential Development is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision for the preservation of streams and stream banks, wooded cover, rough terrain, and similar areas.
3. The Planned Residential Development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.

4. Performance bond for all public improvements in the development must be posted as required in the Municipal Subdivision Ordinance.

Common Open Space: A minimum portion of the planned small communities must be devoted to open space uses. These uses may be any combination or single use, including: golf courses, scenic areas and vistas, outdoor recreational pursuits, passive public spaces, community meeting spaces, horticultural features, or developed parklands.

Peripheral Open Space: To minimize conflicts with neighboring uses, all setbacks as normally required by the zoning district in which the Planned Residential Development is proposed shall be reserved as peripheral open space where the Planned Residential Development borders other developments or uses. This space shall surround the entire development. It may be owned by a single party, land trust, government, homeowners' association, or individual homeowners, provided that means are emplaced to ensure this peripheral area remains undeveloped or utilized for agriculture in perpetuity. If the lands are to be developed as parklands or golf courses, the developer shall submit a plan for a homeowners' association or similar management structure to assure maintenance in perpetuity.

Interior Open Space: Certain lands shall also be reserved as interior open space. These areas must be owned by a land trust, government, homeowners' association, or similar responsible body to ensure maintenance or proper management in perpetuity. If devoted to agriculture, means for appropriate permanent dedication to prevent its development shall be included.

1. Minimum Area for Interior Open Space: When added with peripheral open space, the interior open space shall be of a percentage so that at least twenty-five percent (25%) of the total Planned Residential Development shall be retained as open space.

Standards for Residential Development Within a Planned Residential Development:

1. The density of residential units shall generally decrease from the interior of the planned residential development. Peripheral areas shall only be devoted to single-family dwellings, open space, or non-residential uses.
2. Institutional uses, such as churches and community centers, may be freely spaced throughout the development as long as such facilities are reasonably accessible through the Planned Residential Development's street system.
3. To the maximum extent possible, the residential street system shall parallel existing tree lines, and similar natural features.

4. Area and Bulk Regulations: To meet the minimum peripheral open spaces required, the side, front and rear yard regulations for single family dwellings in the district in which the PRD is located shall apply to the entire Planned Residential Development and those individual lots or buildings which abut the boundaries of the proposed planned small development. To encourage flexibility in design, there shall be no minimum area, yards or bulk requirements within the development, provided that all open space requirements are met.

Applicable and Uses Permitted: Planned Residential Developments may include the following additional uses: multiple-family dwellings, community clubs, churches, and retail or service businesses, and related uses. With the exception of churches, such non-residential uses shall be allowed only to the extent that the Municipality finds them to be compatibly and harmoniously incorporated into the design of the planned development, and presenting no threat to the health, safety and general welfare of abutting properties. Mobile home subdivisions and mobile home parks are excluded from the Planned Residential Development.

Application for Tentative Approval of Planned Residential Development: In order to provide an expeditious method for processing a development plan for a Planned Residential Development under the provisions of this Ordinance, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with a Planned Residential Development and the continuing administration thereof shall utilize the following provisions:

1. An application for tentative approval of the development plan for a Planned Residential Development shall be filed by or on behalf of the landowner.
2. The application for tentative approval shall be filed by the landowner in such form, upon the payment of such a reasonable fee as is specified by the municipality. The application shall be filed with the Zoning Officer.
3. All planning, zoning, and subdivision matters relating to the platting, use and development of the Planned Residential Development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the municipality, shall be determined and established by the governing body with the advice of the Planning Commission.
4. The provisions shall require only such information in the application as is reasonably necessary to disclose to the municipality:
 - a. General Data

- i. Name of proposed Planned Residential Development.
- ii. North point.
- iii. Graphic scale and legend describing all symbols shown on the plan.
- iv. Day, month and year the plan was prepared and date and description of revisions to the plan occurring after formal submission.
- v. Name and address of the owner and deed book and page numbers of the deeds conveying the property to the owner. Name of the developer and their billing address (if different).
- vi. Name, address and seal of the individual or firm preparing the plan.
- vii. Names of abutting property owners, tax parcel numbers, and their deed book and page numbers.
- viii. Key map showing the location of proposed Planned Residential Development and all roads within five thousand (5,000) feet therefrom.
- ix. Mercer County tax parcel numbers of all parcels included in the Planned Residential Development.
- x. A Certification of Ownership and Plan Acknowledgment Signature Block.
- xi. An Offer of Dedication Signature Block.
- xii. Municipal Approval Signature Block.
- xiii. Recorder of Deeds Signature Block.

b. Existing Features

- i. Perimeter boundaries of the total property showing bearings to the nearest minute and distances to the nearest hundredth of a foot.
- ii. Total acreage of the property and total square feet within each lot of the development.
- iii. Natural features, including sinkholes, watercourses, tree masses and unique vegetation or natural features; flood plain, steep slopes and topographic contour lines at vertical intervals of ten (10) feet.

- iv. Existing Features, including sewer lines and laterals, water mains and fire hydrants, electrical lines and poles, culverts and bridges, railroads, buildings, streets, including right-of-way and cartway widths and approximate grades, development of abutting properties, including location and types of uses.
- c. Proposed Development: The Planned Residential Development is envisioned as an area in which an integrated development will occur which incorporates a variety of residential and related uses permitted within the conditional use. The respective areas of the Master Plan devoted to specific residential, commercial and institutional uses should be shown and within each area, the following should be included:
- i. The appropriate location, and use of buildings and other structures (all area dimensions shall be indicated in square feet).
 - ii. The approximate location and area of driveways and parking and loading areas.
 - iii. The approximate property lines of lots to be subdivided, measured to the nearest foot.
 - iv. The approximate location of sidewalks and bike or foot paths.
 - v. The approximate location of utility and drainage easements.
 - vi. The approximate location and pipe diameter of sewer and water mains.
 - vii. The approximate location of fire hydrants.
 - viii. Perimeter setbacks and required buffer yards.
 - ix. Street information, including: location and width of right-of-way and cartway, proposed street names, approximate road profiles along the center line of each proposed street, showing finished grade at a scale of one (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical.
 - x. A conceptual landscaping plan indicating the treatment of materials and landscaping concepts used for private and common open space.
 - xi. A general grading plan showing any major alterations to the topography of the site.

- xii. The approximate location and area of proposed common or dedicated open space, including: the proposed use and improvements of common open space, the approximate location and use of common recreational facilities, and the approximate location and area of land to be dedicated for public purposes.
 - xiii. A table shall be included on the plan describing each phase or section with quantitative data, including the total area of the development and approximate area of each phase.
 - xiv. The total area devoted to each use, the number of residential units, the percentage of each type of use and the total floor area in the development and in each phase.
 - xv. Floor Area Ratio (F.A.R.) in the development and each phase.
 - xvi. The area of streets, parking, sidewalks, and walkways and the total area paved and percent of area paved or covered by the structures in the development and each phase or section.
 - xvii. The total area devoted to planned recreational or open space use throughout the entire development and in each phase.
 - xviii. The calculations of impervious surface in the development and in each phase.
- d. The following information should be included with a narrative statement submitted with the Master Plan:
- i. A statement of the ownership of all of the land included within the Master Plan.
 - ii. An explanation of the design pattern of the Planned Residential Development.
 - iii. A statement describing any proposed innovative design concepts included in the plan, including their purpose and conceived benefits.
 - iv. The substance of covenants, grants of easements or other restrictions proposed to be imposed on the use of land, buildings and structures, including proposed easements or grants for public use or utilities. The covenants should specifically indicate that any land proposed for parks, recreation or open space shall be used for such purposes in perpetuity.

- v. A description of the form of organization proposed to own and maintain the common open space, recreational facilities or other common facilities.
 - vi. A statement of the proposed use and improvement of common open space and recreational facilities.
 - vii. A description of proposals to preserve natural features and existing patterns and detention pond areas. If detention ponds are proposed, the plan should include preliminary pond sizing calculations.
- e. Development Schedule: When it is anticipated that development pursuant to an approved Master Plan will occur in phases over a period of years, the following shall be included with the application for master plan approval:
- i. The phases in which the land development will be submitted for final land development approval and the approximate date when each phase will be submitted for final plan approval.
 - ii. The approximate date when each phase will be completed.

Any phase of development pursuant to an approved Master Plan shall be able to function independently of the undeveloped phases while being compatible with adjacent or neighboring land use.

If development pursuant to a Master Plan is to be done in phases, over a period of years and according to an approved schedule, the gross density of any phase, or in combination with previously developed phases, shall be in general proportion to residential and non-residential density requirements.

5. The application for tentative approval of a Planned Residential Development shall include a written statement by the landowner setting forth the reasons why, in his opinion, a Planned Residential Development would be in the public interest and would be consistent with the comprehensive plan for the development of the Municipality.
6. The application for tentative approval shall be forwarded to the Municipality Planning Commission for their review and comments. The Planning Commission shall have thirty-five (35) days, from the date of filing, to complete their review and make their recommendations to the governing body.

Public Hearings:

1. Within sixty (60) days after the filing of an application for tentative approval of a Planned Residential Development pursuant to this Ordinance, a public hearing

pursuant to public notice of said application shall be held by the Municipality in the manner prescribed in the Pennsylvania Municipalities Planning Code.

2. The governing body may continue the hearing from time to time, and where applicable, may refer the matter back to the Planning Commission for additional review, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

The Findings:

1. The governing body, within sixty (60) days following the conclusion of the public hearing provided for in this Article, shall, by official written communication, to the landowner, either:
 - a. Grant tentative approval of the development plan as submitted;
 - b. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - c. Deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, the tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the municipality to notify such governing body of his refusal to accept all said conditions, in which case, the Municipality shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the governing body of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

2. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
 - a. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the Municipality;
 - b. the extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including

but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;

- c. the purpose, location and amount of the common open space in the Planned Residential Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - d. the physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation, and visual enjoyment;
 - e. the relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established; and
 - f. in the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the Planned Residential Development in the integrity of the development plan.
3. In the event a development plan is granted tentative approval, with or without conditions, the municipality may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than twelve (12) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

Status of Plan After Tentative Approval:

1. The official written communication provided for in this Article shall be certified by the municipal secretary of the governing body and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be note on the zoning map.
2. Tentative approval of a development plan shall not qualify a plat of the Planned Residential Development for recording nor authorize development or the issuance of any building permits. A development plan which has been given

tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the period of time specified in the official written communication granting tentative approval.

3. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the governing body in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the City Clerk.

Application for Final Approval:

1. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Zoning Officer of the Municipality designated by the Ordinance within one (1) year of the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond and such other requirements as may be specified by this Ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or the part thereof, submitted for final approval, shall not be required provided the development plan, or the part thereof submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto. The submission shall be reviewed by the Zoning Officer and the Planning Commission for compliance prior to being forwarded to the governing body. This review is to take place in thirty-five (35) days.
2. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, by the City shall, within forty-five (45) days of such filing, grant such development plan final approval.

3. In the event the development plan as submitted contains variations from the development plan given tentative approval, the City may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
 - a. Refile his application for final approval without the variations objected; or
 - b. File a written request with the approving body that it hold a public hearing on his application for final approval.

If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternative actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Article for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the City shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance.

4. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the City and shall be filed of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, of said Planned Residential Development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of Section 513(a) of the Pennsylvania Municipalities Planning Code and post financial security in accordance with Section 509 of the Pennsylvania Municipalities Planning Code.

5. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the City in writing; or, in the event the landowner shall fail to commence and carry out the Planned Residential Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to the City of Farrell Zoning Ordinance in the manner prescribed for such amendments.

303 Traditional Neighborhood Development

Purpose and Authority: This chapter derives its purpose and authority from Article VII-A of the Pennsylvania Municipalities Planning Code, specifically:

- A. To insure that the zoning regulations which are concerned in part with the uniform treatment of dwelling type, bulk, density, intensity and open space within each zoning district shall not be applied to the improvement of land by other than lot-by-lot development in a manner that would distort the objectives of the City's Community Development Goals and Objectives.
- B. To encourage innovations in residential and nonresidential development and renewal which makes use of a mixed-use form of development so that the growing demand for housing and other development may be met by greater variety in type, design and layout of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses.
- C. To extend greater opportunities for better housing, recreation and access to goods, services and employment opportunities to all citizens and residents of this Commonwealth.
- D. To encourage a more efficient use of land and of public services to reflect changes in the technology of land development so that economies secured may benefit those who need home and for other uses.
- E. To allow for the development of fully integrated, mixed-use pedestrian-oriented neighborhoods.
- F. To minimize traffic congestion, infrastructure costs and environmental degradation.
- G. To promote the implementation of the objectives of the City of Farrell Comprehensive Plan for guiding the location of growth.

- H. To provide a procedure in aid of these purposes which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.
- I. To insure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedure as shall encourage the disposition of proposals for land development without undue delay.
- J. Where not specified, in this Article, standards from Article VII-A of the Pennsylvania Municipalities Planning Code or the City of Farrell Zoning Ordinance shall govern.

Procedures: Traditional Neighborhood Developments shall be designated as Overlay Zones in the City of Farrell and will be enacted by zoning amendment. The application for and approval of a Traditional Neighborhood Development after Overlay Zone designation shall be consistent with procedures outlined in this section.

- A. Application for Tentative Approval of Traditional Neighborhood Development: In order to provide an expeditious method for processing a development plan for a Traditional Neighborhood Development under the provisions of this Ordinance, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with a Traditional Neighborhood Development and the continuing administration thereof shall utilize the following provisions:
 - 1. The application for tentative approval shall be filed by the developer in such form, upon the payment of such a reasonable fee as is specified by the municipality. The application shall be filed with the Zoning Officer.
 - 2. All planning, zoning, and subdivision matters relating to the platting, use and development of the Traditional Neighborhood Development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the municipality, shall be determined and established by the governing body with the advice of the Planning Commission.
 - 3. The provisions shall require only such information in the application as is reasonably necessary to disclose to the municipality:

- a. General Data
 - i. Name of proposed Traditional Neighborhood Development.
 - ii. North point.
 - iii. Graphic scale and legend describing all symbols shown on the plan.
 - iv. Day, month and year the plan was prepared and date and description of revisions to the plan occurring after formal submission.
 - v. Statement of property owned by the proposed developer within the overlay area, or property being developed on behalf of another owner and any agreements relative to ownership.
 - vi. Name, address and seal of the individual or firm preparing the plan.
 - xi. An Offer of Dedication Signature Block.
 - xii. Municipal Approval Signature Block.
 - xiii. Recorder of Deeds Signature Block.
- b. Existing Features
 - i. Total acreage of the property and total square feet within each lot of the development.
 - ii. Existing Features, including sewer lines and laterals, water mains and fire hydrants, electrical lines and poles, culverts and bridges, railroads, buildings, streets, including right-of-way and cartway widths and approximate grades, development of abutting properties, including location and types of uses.
 - iii. Land and building uses for all property within the proposed Traditional Neighborhood Development, including pre-existing neighborhood density and how the proposed development would affect pre-existing densities. .
- c. Proposed Development: The Traditional Neighborhood Development is envisioned as an area in which an integrated development will occur which incorporates a variety of residential

and related uses permitted within the conditional use. The respective areas of the Master Plan devoted to specific residential, commercial and institutional uses should be shown and within each area, the following should be included:

- i. The appropriate location, and use of buildings and other structures (all area dimensions shall be indicated in square feet).
- ii. The approximate location and area of driveways and parking and loading areas.
- iii. The approximate property lines of lots to be subdivided, measured to the nearest foot.
- iv. The approximate location of sidewalks and bike or foot paths.
- v. The approximate location of utility and drainage easements.
- vi. The approximate location and pipe diameter of sewer and water mains.
- vii. The approximate location of fire hydrants.
- viii. Perimeter setbacks and buffer yards.
- ix. Street information, including: location and width of right-of-way and cartway, proposed street names, approximate road profiles along the center line of each proposed street, showing finished grade at a scale of one (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical.
- x. A conceptual landscaping plan indicating the treatment of materials and landscaping concepts used for private and common open space.
- xi. A general grading plan showing any major alterations to the topography of the site.
- xii. The approximate location and area of proposed common or dedicated open space, including: the proposed use and improvements of common open space, the approximate location and use of common recreational facilities, and the approximate location and area of land to be dedicated for public purposes.

- xiii. A table shall be included on the plan describing each phase or section with quantitative data, including the total area of the development and approximate area of each phase.
 - xiv. The total area devoted to each use, the number of residential units, the percentage of each type of use and the total floor area in the development and in each phase.
 - xv. Building footprints in the development and each phase.
 - xvi. The area of streets, parking, sidewalks, and walkways and the total area paved and percent of area paved or covered by the structures in the development and each phase or section.
 - xvii. The total area devoted to planned recreational or open space use throughout the entire development and in each phase.
 - xviii. The calculations of impervious surface in the development and in each phase.
- d. The following information should be included with a narrative statement submitted with the Master Plan:
- i. A statement of the ownership of all of the land included within the Master Plan.
 - ii. An explanation of the design pattern of the Traditional Neighborhood Development, with particular attention as to how the proposed development relates to historic forms of development within the neighborhood.
 - iii. A statement describing any proposed innovative design concepts included in the plan, including their purpose and conceived benefits.
 - iv. The substance of covenants, grants of easements or other restrictions proposed to be imposed on the use of land, buildings and structures, including proposed easements or grants for public use or utilities. The covenants should specifically indicate that any land proposed for parks, recreation or open space shall be used for such purposes in perpetuity.
 - v. A description of how the proposed development meets standards and conditions of Section 706 A of the

Pennsylvania Municipalities Planning Code, any variations, necessary, and why any variations are consistent with the public interest. A description shall also be included as to how the proposed development meets or does not meet density standards outlined in the City of Farrell Zoning Ordinance for the underlying district or districts.

- vi. A statement of the proposed use and improvement of common open space and recreational facilities.
 - vii. Where all property in the proposed development is not owned by the landowner, a statement of how development will be integrated to present a cohesive neighborhood, or tentative acquisition plans.
 - viii. A statement of consistency with the City Comprehensive Plan, particularly any Land Use Plans, and consistency with any design manuals or illustrative guidelines the City may adopt pursuant to this Article.
- e. Development Schedule: When it is anticipated that development pursuant to an approved Tentative Plan will occur in phases over a period of years, the following shall be included with the application for master plan approval:
- i. The phases in which the land development will be submitted for final approval and the approximate date when each phase will be submitted for final plan approval.
 - ii. The approximate date when each phase will be completed.

Any phase of development pursuant to an approved Tentative Plan shall be able to function independently of the undeveloped phases while being compatible with adjacent or neighboring land use.

If development pursuant to a Tentative Plan is to be done in phases, over a period of years and according to an approved schedule, the gross density of any phase, or in combination with previously developed phases, shall be in general proportion to residential and non-residential density requirements.

4. The application for tentative approval of a Traditional Neighborhood Development shall include a written statement by the developer setting forth the reasons why, in his opinion, a Traditional Neighborhood Development

would be in the public interest and would be consistent with the comprehensive plan for the development of the Municipality.

5. The application for tentative approval shall be forwarded to the Municipality Planning Commission for their review and comments. The Planning Commission shall have thirty-five (35) days, from the date of filing, to complete their review and make their recommendations to the governing body.

Public Hearings:

1. Within sixty (60) days after the filing of an application for tentative approval of a Traditional Neighborhood Development pursuant to this Ordinance, a public hearing pursuant to public notice of said application shall be held by the Municipality in the manner prescribed in the Pennsylvania Municipalities Planning Code.
2. The governing body may continue the hearing from time to time, and where applicable, may refer the matter back to the Planning Commission for additional review, provided, however, that in any event, the public hearing or hearings shall be concluded within thirty (30) days after the date of the first public hearing.

The Findings:

1. The governing body, within sixty (60) days following the conclusion of the public hearing provided for in this Article, shall, by official written communication, to the developer, either:
 - a. Grant tentative approval of the development plan as submitted;
 - b. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - c. Deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, the tentative approval is granted subject to conditions, the developer may, within thirty (30) days after receiving a copy of the official written communication of the municipality to notify such governing body of his refusal to accept all said conditions, in which case, the municipality shall be deemed to have denied tentative approval of the development plan. In the event the developer does not, within said period, notify the governing body of his refusal to accept all

said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

2. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
 - a. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the municipality;
 - b. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 - c. The purpose, location and amount of the common open space in the Traditional Neighborhood Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - d. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation, and visual enjoyment;
 - e. The relationship, beneficial or adverse, of the proposed Traditional Neighborhood Development to the neighborhood in which it is proposed to be established; and
 - f. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the Traditional Neighborhood Development in the integrity of the development plan.
3. In the event a development plan is granted tentative approval, with or without conditions, the municipality may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which

applications for final approval of each part thereof shall be filed. Except upon the consent of the developer, the time so established between grant of tentative approval and an application for final approval shall not be less than twelve (12) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

Status of Plan After Tentative Approval:

- A. The official written communication provided for in this Article shall be certified by the municipal secretary of the governing body and shall be filed in his office, and a certified copy shall be mailed to the developer. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be note on the zoning map.
- B. Tentative approval of a development plan shall not qualify a plat of the Traditional Neighborhood Development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the developer (and provided that the developer has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the developer, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the period of time specified in the official written communication granting tentative approval.
- C. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the developer shall elect to abandon said development plan and shall so notify the governing body in writing, or in the event the developer shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the City Clerk.

Application for Final Approval:

- A. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Zoning Officer of the municipality designated by the Ordinance within one (1) year of the official written communication granting tentative approval. The application shall include any drawings, specifications,

covenants, easements, development agreement for applicable public improvements and such other requirements as may be specified by this Ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or the part thereof, submitted for final approval, shall not be required provided the development plan, or the part thereof submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto. The submission shall be reviewed by the Zoning Officer and the Planning Commission for compliance prior to being forwarded to the governing body. This review is to take place in thirty-five (35) days.

- B. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, by the City shall, within forty-five (45) days of such filing, grant such development plan final approval.
- C. In the event the development plan as submitted contains variations from the development plan given tentative approval, the City may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the developer in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the developer may either:
 - 1. Refile his application for final approval without the variations objected; or
 - 2. File a written request with the approving body that it hold a public hearing on his application for final approval.

If the developer wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the developer was advised that the development plan was not in substantial compliance. In the event the developer shall fail to take either of these alternative actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the developer, and the hearing shall be conducted in the manner prescribed in this Article for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the City shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance.

- D. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the City and shall be filed of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, of said Traditional Neighborhood Development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the developer. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of Section 513(a) of the Pennsylvania Municipalities Planning Code and post financial security in accordance with Section 509 of the Pennsylvania Municipalities Planning Code.
- E. In the event that a development plan, or a section thereof, is given final approval and thereafter the developer shall abandon such plan or the section thereof that has been finally approved, and shall so notify the City in writing; or, in the event the developer shall fail to commence and carry out the Traditional Neighborhood Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to the City of Farrell Zoning Ordinance in the manner prescribed for such amendments.
- F. Minimum Size of Overlay: To qualify for designation, the minimum size of a Traditional Neighborhood Development must be such that it will be bounded on all sides by an existing or proposed public street or alley. Traditional Neighborhood Developments meeting this minimum may extend beyond this area and Overlay designation may end in mid-block.
- G. Uses: Regardless of the underlying zoning designation, the following uses shall be permitted as a part of a Traditional Neighborhood Development Overlay District.

- Single-Family Dwellings
- Home Occupations
- Multi-Family Dwellings (maximum of 4 units per structure)
- Day Care Facilities
- Financial Institutions
- Professional Offices
- Civic and Cultural Building
- Limited Retail Business

Personal Services
Public Parks and Playgrounds

H. Design and Development Standards for Public or Private Improvements:

1. Streets, sidewalks, alleys, and footpaths shall be integrated into the existing City systems to the maximum extent possible. Proposed new streets, except alleys, shall have sidewalks.
2. Any drive-through facilities shall be designed to enter and exit on the street or alley determined to have the least vehicular and pedestrian traffic.
3. Parking: All parking lots, except where there is a compelling reason to the contrary, shall be located in the rear or side of buildings. Off-street parking may be located within five hundred (500) feet of the principal entrance of the building. In calculating total parking needs, if mixed-use developments are shown to have different peak times, the City may grant a thirty percent (30%) reduction in parking. In the case of parking structures, the design of exterior surfaces shall be of a form and material which relates to abutting buildings. The entrance to all off-street parking lots or structures shall be designed to minimize pedestrian conflicts. Parking lots located in side yard areas shall have a maximum lot width of sixty (60) feet.
4. Landscaping: All parking lots shall be landscaped consistent with Section 502 D of the City of Farrell Zoning Ordinance. If not existing, street trees shall be provided to the following standards:
 - a. Street trees shall be planted in the strip between cartway edge and sidewalk.
 - b. Such trees shall be 2" to 2.5" in diameter, measured at chest height, when planted, and shall be spaced at intervals no greater than forty (40) feet along both sides of each street, including arterial roads, but not including rear access lanes or alleys.
 - c. Species shall be selected according to the following criteria*:
 - d. Cast moderate shade to dense shade in summer;
 - e. Long-lived (over 60 years);
 - f. Mature height of at least fifty (50) feet*;
 - g. Be tolerant of pollution and direct or reflected heat;

- h. Require little maintenance, by being mechanically strong (not brittle) and insect- and disease-resistant;
- i. Be able to survive two (2) years with no irrigation after establishment.

*This criteria may be adjusted if street trees are planted in proximity of either overhead or underground utilities. The selection of specific tree species will be generally left to the applicant. However the Planning Commission or City Council may reject a selected species if there is clear evidence it cannot be used successfully.

All common areas, transition areas between various land uses, setback areas and other spaces shall be suitably landscaped.

I. Lot, Yard, Density and Design Standards:

1. Structures shall be placed close to the street at generally one quarter of the width of lot or less.
2. All multiple-family dwelling units shall have a private rear-yard patio or upper-floor terrace. No multiple-family dwelling shall have a unit area of less than six hundred (600) square feet.
3. Spatial relationships between buildings and other structures shall be geometrically logical and/or architecturally formal. On a lot with multiple buildings, those located on the interior of the site shall front toward and relate to one another, both functionally and visually. A lot with multiple buildings may be organized around features such as courtyards, greens, or quadrangles which encourage pedestrian activity and incidental social interaction among users. Buildings shall be located to allow for adequate fire and emergency access.
4. Buildings shall be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale.
5. Buildings shall be located to front toward and relate to public streets, both functionally and visually, to the greatest extent possible. Buildings shall not be oriented to front toward a parking lot. Blank windowless walls shall be discouraged on facades of buildings
6. Buildings shall define the streetscape through the use of uniform setbacks along the building line for each block. The building line shall be generally continued across side yard setback areas

between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges or fences which define front yards.

Article IV
Nonconforming Uses and Structures

401 NONCONFORMING USES AND STRUCTURES: The following provisions shall apply to all nonconforming uses and structures. It is the intention of the City of Farrell that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as allowed in this Article.

- A. Any nonconforming use may be continued, but may not be extended or expanded unless to a conforming use, except as permitted by the Board in accordance with the provisions of this Ordinance.
- B. Any nonconforming building which has been damaged or destroyed by fire or any other means may be reconstructed and used as before, if such reconstruction is performed within twelve (12) months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content. Reconstruction shall follow the procedure established for existing lots of record in this Ordinance.
- C. If a nonconforming structure is reoccupied by any lawful use within that district, which involves no physical change to the structure's dimensions, all yard, lot and area requirements shall be waived. Yard, lot and area requirements shall apply to nonconforming use or structure changes requiring a special exception.
- D. In the event that any nonconforming use, conducted in a structure ceases, for voluntary reasons, for a period of one (1) year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance.
- E. The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance.
- F. A nonconforming use may be changed to a different nonconforming use with the approval of the Board as a special exception provided that the Board finds the new use less potentially injurious to the health, safety and welfare of its neighborhood, and more consistent with the permitted uses within the zoning district.
- G. A building or structure hosting a nonconforming use may, with the approval of the Board as a special exception, be extended, enlarged or replaced if the floor area of the additional or expanded building space

is less than fifty percent (50%) of the floor area of the building occupied by the nonconforming use before the expansion or enlargement.

- H. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance and where construction is completed within six (6) months from the date of issuance of the permit.
- I. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- J. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Article shall also apply to any use which thereby becomes nonconforming.

402 EXISTING LOTS OF RECORD: The following provisions shall apply to all lots of record as defined. It is the intention of the City of Farrell that the side and rear yard requirements of this Zoning Ordinance should not prevent the reasonable use of a lot of record.

- A. Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this Ordinance. However, such lot must comply with the yard, height and coverage standards of the zoning district wherein it is located. However, to prevent the overcrowding of housing, any land or building to be developed as multiple-family dwellings must conform to all area, height and yard regulations for the district in which it is located.
- B. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

- C. No division of any parcel shall be made which creates a lot width or area below the requirements for its current or intended use, and zoning district as stated in this Ordinance.

- D. No provisions of this Zoning Ordinance relating to side and rear yard requirements shall prevent the reasonable use of a lot of record. The Zoning Officer, upon request, may grant a reduction in requirement for side yards and rear yards for lots of record which lack required lot width and/or required lot area. However, in no event may such yards be reduced by more than fifty percent (50%) required by the lot regulations for its district without approval of the Zoning Hearing Board.

Article V

Off-Street Loading and Parking

501 OFF-STREET LOADING AND PARKING: Off-street loading and parking space shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged, except that unless required by special exception or conditional use, all uses in the C-1 Commercial District are exempt from these provisions. Otherwise lawful uses occupying a pre-existing structure and making no physical changes to the buildings dimensions shall also be exempt, provided there are no conditional use or special exception requirements, and that there are adequate on-street or available off-street spaces to meet the requirements within two hundred (200) feet of the development as determined by the Zoning Officer.

- A. Truck and Trailer Parking in Residentially Zoned Areas Prohibited: No semi-tractor, trailer, or combination thereof, or similar vehicle having a registered gross weight in excess of seventeen thousand (17,000) pounds, which requires a commercial driver's license, shall be parked, either on-street or off-street in any area of the City designated by the City's Zoning Ordinance as an R-Resident District unless said vehicle is either parked or stopped for the purpose of delivering or picking up merchandise or materials from a residence or commercial establishment in those districts, or a suitable off-street parking space is provided on a lot of greater than twenty thousand (20,000) square feet.

- B. Off-Street Loading: Unless located in the C-1 Commercial District, every use which requires the receipt or distribution, by vehicles, of material or merchandise, shall provide off-street loading berths in accordance with its size per the following table:

TABLE 501(A)
OFF-STREET LOADING SPACE REQUIREMENTS

<u>Use</u>	<u>First Berth</u>	<u>Second Berth</u>
Industrial:		
Manufacturing	5,000	50,000
Warehouse	10,000	50,000
Storage	10,000	50,000

<u>Use</u>	<u>First Berth</u>	<u>Second Berth</u>
Commercial:		
Wholesale	10,000	50,000
Retail	10,000	40,000
Service Establishment	30,000	60,000
Restaurants	40,000	80,000
Office Building	10,000	100,000
Hotel	10,000	100,000
Institutional:		
Schools	10,000	100,000
Hospitals	50,000	100,000
Nursing Homes	50,000	100,000
Civic/Cultural Buildings:		
Auditoriums	30,000	100,000
Stadiums	30,000	100,000

Note: All figures are given in gross feet of floor area for each listed use.

- C. Size and Access: Each off-street loading space shall be not less than twelve (12) feet in uniform width and sixty-five (65) feet in length, including fifteen (15) foot height clearance. It shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto.

502 OFF-STREET PARKING:

- A. Size and Access: Off-street parking spaces shall have an area determined by their use. In the case of dwellings, industrial and manufacturing establishments, warehouses, wholesale and truck terminals, and institutional uses, each space shall be not less than one hundred sixty-two (162) square feet, being at least nine (9) feet wide and eighteen (18) feet long. For all other uses, each space shall have a uniform area of one hundred eighty (180) square feet, being at least ten (10) feet wide and eighteen (18) feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided a lawful service drive leading to the parking or storage areas or loading spaces. Such lawful service drive shall not be less than ten (10) feet

wide. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street. Specifically, single-lane driveways shall be at least ten (10) feet wide but shall not exceed twelve (12) feet. Double drives (for ingress and egress) may be up to twenty-four (24) feet wide. All lawful service drives must comply with standards as maintained by the City Engineer. With the exception of lawful service drives and approved parking spaces in parking lots, no motor vehicles shall be stored in front yard areas.

- B. Number of Parking Spaces Required: The number of off-street parking spaces required is set as follows: Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met.

TABLE 502 - PARKING

<u>USE SPACES</u>	<u>REQUIRED PARKING</u>
Automotive Sales Lots	1 for each 200 sq. ft. of lot area
Gasoline Service Station/Repair Garages	1 for each 200 sq. ft. GFA
Service Stations	1 for each 200 sq. ft. GFA
Single-Family Dwelling and Duplex	1 per two bedrooms
Multiple-Family Dwelling	2.0 per dwelling unit*
Mobile Home Parks	2.0 per each mobile home lot
Inns, Hotels and Motels, Bed and Breakfast	1 per guest room**
Funeral Home and Mortuaries	25 for the first parlor 10 for each additional parlor
Hospitals	1 per each bed**
Nursing Homes/Personal Care Homes	1 per each 3 beds**
Churches	1 per each 4 seats
Schools	1 per each teacher and staff 1 for each 4 classrooms plus 1 for each 4 high school students
Museums and Libraries	1 per each 500 sq. ft. GFA**
Sports Arenas, Stadiums, Theaters, Auditoriums, Assembly Halls	1 per each 3 seats**
Community Buildings, Social Halls, Dance Halls, Clubs and Lodges	1 space for each 60 sq. ft. of public floor area
Roller Rinks	1 space for each 200 sq. ft. GFA
Bowling Alleys	5 per alley
Banks and Offices (not elsewhere classified)	1 for each 250 sq. ft. GFA
Medical or Veterinary Office and Clinics	6 spaces per doctor
Retail Stores	1 per each 200 sq. ft. GFA
Fast Food/Drive-Through Restaurants	1 per each 50 GFA**
Furniture Stores	1 per each 400 sq. ft. GFA
Food Supermarkets	1 per each 200 sq. ft. GFA
Restaurants, Taverns and Nightclubs	1 for each 2.5 patron seats
Industrial and Manufacturing Establishments, Warehouses, Wholesale and Truck Terminals	1 space per employee, on the largest shift, plus 1 space for each 10,000 sq. feet for visitors
Commercial Recreation (not otherwise covered)	1 space for every 3 persons permitted in maximum occupancy
Dormitories, Fraternities/Sororities	1 for each 2 rooms

*Multiple-family units devoted to the elderly shall only be required to provide one and one-half (1-1/2) parking spaces per unit. Such uses must supply adequate proof they will be dedicated to elderly tenants and shall be required to follow normal parking standards if they revert to non-elderly use.

**Plus one (1) space per employee and staff on major shift.

Note: GFA means gross floor area.

- C. Location and Design: Required parking spaces shall be located on the same lot with the principal use. The Zoning Officer may permit parking spaces to be dedicated and located not more than two hundred (200) feet from the lot of the principal use, if located in the same zoning district as the principal use, and the Administrator finds that it is impractical to provide parking on the same lot with the principal use. Lots shall meet the following standards:
- D. Screening and Landscaping: Off-street parking areas for more than five (5) vehicles, and off-street loading areas, shall be effectively screened on any side which adjoins a residential district (see definition of Screening) or use. To minimize storm water runoff, there shall be a planting strip of at least five (5) feet width between all lot lines and the parking lot. Such planting strip shall be suitably landscaped and maintained. At a minimum, such a planting shall consist of one (1) hardwood or coniferous tree per each four (4) spaces, or one (1) shrub per each space, or any combination thereof. The balance of the planting strip may be maintained in annual plants or perennial grasses. At the time of planting, all shrubbery or coniferous trees shall be a minimum of eighteen (18) inches in height as measured from the ground. Hardwood trees shall be a minimum of thirty-six (36) inches in height as measured from the ground. Parking lots containing more than forty thousand (40,000) square feet of impervious surface shall devote an additional eight percent (8%) of surface area to interior planting strips.
- E. Minimum Distance and Setbacks: No off-street loading or parking area for more than five (5) vehicles shall be closer than ten (10) feet to any adjoining lot line containing a dwelling, or to any adjoining lot line within a residential zoning district, school, hospital, or similar institution.
- F. Surfacing: With the exception of single-family and two-family dwellings or conversion apartments, all parking and loading areas and access drives shall have a paved surface, graded with positive drainage to dispose of surface water. A plan for such parking areas shall be submitted, including drainage provisions, to the City Engineer for approval. Lots shall be designed to provide for orderly and safe loading and parking.
- G. Lighting: Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from the adjoining premises of any residential district or use and away from roads or highways.

503 REQUIREMENTS FOR DRIVE-IN, DRIVE-THROUGH FACILITIES: This section provides standards for Drive-In, Drive-Through Facilities. These include such uses as banks, restaurants, and car washes. The purpose of these standards is to provide minimal stacking capacity for various uses so vehicles will not use public streets while queuing in line for service. All references to stacking capacity relates to typical automobiles. A length of twenty (20) feet per auto will

be used to accommodate one (1) vehicle and minimal head space. Minimum stacking lane width in nine (9) feet. Developers should add to these minimal standards if their business needs shall exceed same.

<u>Use</u>	<u>Stacking Capacity</u> <u>Per Drive-In Window</u>
Restaurant	8* per drive-in window
Bank	5 per drive-in window
Car Wash	4 per wash bay

*If there are separate order and pickup windows, four(4) for each shall be accepted.

Note, stacking capacity is to be measured from the lot line to the service window and is not to include any area of the public right-of-way.

Article VI

Sign Regulations

601 SIGNS: The following sign regulations shall be observed in all districts:

- A. The following signs shall be permitted in all districts, and no permit shall be required to erect such signs:
1. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, political, educational or religious organization, provided such sign shall not exceed thirty-two (32) square feet in area and shall be removed immediately upon the completion of the campaign, drive or event.
 2. Temporary signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed six (6) square feet in the case of a single-family dwelling, two-family dwelling or conversion apartment, or thirty-two (32) square feet for all other uses.
 3. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed thirty-two (32) square feet, and provided that such sign shall be removed upon completion of the work.
 4. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing on the premises, provided that the area of each such sign shall not exceed four (4) square feet.
 5. Signs noting the historic nature of a house, site, building, or district. Such signs may be freestanding or attached to the significant edifice, provided they do not exceed four (4) square feet in size.
 6. Temporary signs announcing a public auction, yard sale, garage sale, or similar event of less than forty-eight (48) hours duration, provided such signs are removed upon cessation of the event.
 7. 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 thirty-two (32) square feet.

8. Directory signs which list all the 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 one-half ($\frac{1}{2}$) square foot per tenant or one (1) square foot per individual building.
 9. 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 thirty-two (32) square feet.
 10. Any signs not visible from outside a lot or building.
 11. Rest room, exit, public telephone, and similar directional or informational signs emplaced for the benefit of the public or building tenants.
- B. No signs shall be permitted within public rights-of-way, except traffic signs and similar regulatory notices placed by a duly constituted governmental body.
- C. Construction and Maintenance: All signs shall be constructed in a workmanlike fashion using durable materials. Signs shall be designed and constructed to withstand wind forces and in accordance with appropriate mechanical or electrical standards. The owners of signs shall keep them in safe and good repair. Signs which become deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner. If the owner of a sign cannot be found or identified, the owner of the property whereon the sign is located shall be responsible for its repair or removal.
- D. No sign shall be emplaced where it would block the line of sight for a public street or lawful service drive.
- E. Signs may be lighted with non-glaring lights, or may be illuminated by shielded floodlights. No red, green or amber lights shall be permitted, and lighting shall be screened from adjacent properties. No lights of intermittent, flashing or animated types shall be permitted. All electrical connections shall be shielded by underground or overhead electrical wires which meet all City Ordinances. No temporary signs shall be illuminated by direct means.
- F. No signs shall be permitted which are posted, stapled or otherwise attached to public utility poles or trees.
- G. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.

- H. Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
- I. When the business for which a sign is utilized is closed or vacated for whatever reason, all business signs shall be removed within sixty (60) days of the closure.

602 In the R-1 and R-2 Residential Districts and the M-1 Medical/Institutional District, the following signs shall be permitted:

- A. Home occupation or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed four (4) square feet and provided that each such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not closer than ten (10) feet from a lot line.
- B. Sign, bulletin board, announcement board or identification signs for schools, churches, hospitals, multiple-family dwellings, subdivisions, allotments or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed thirty-two (32) square feet and not more than one (1) such sign shall be erected on any one (1) street frontage. Such signs shall only be illuminated by indirect means
- C. All non-dwelling uses may maintain up to two (2) signs of any type per street frontage for informational or identification purposes, provided the total area of such signs does not exceed sixty-four (64) square feet. Only wall signs, as defined by this Ordinance, may be self-illuminated. All other sign types shall employ indirect means of lighting.

603 In the C-1 or C-2/I-1 Districts, signs will be permitted as authorized by Table 603:

TABLE 603
SIGN IN C-1 AND C-2/I-1 DISTRICTS

Sign Type

District	Freestanding		Projecting		Facade/Wall		Roof	
	Area	Projection	Area	Projection	Area	Projection	Area	Projection
T-1	32 s.f.	8'	9 s.f.	6'	32 s.f.	NA	NA	35'
C-1	32 s.f.	15'	12 s.f.	6'	20% of surface	NA	NA	15'
C-2/I-1	100 s.f.	35'	25 s.f.	15'	30% of surface	NA	100 s.f.	10'

Supplementary Criteria

<u>T-1</u>	<u>C-1</u>	<u>C-2/I-1</u>
One (1) permanent sign of any type per street frontage	Two (2) permanent signs per street frontage	Three (3) permanent signs

- A. Within the I-1, C-1, T-1, or C-2, all signs allowed in the R-1, R-2, or M-1 Districts shall be permitted by right.
- B. Temporary Signs: In all the Business Districts and the T-1, temporary signs shall be permitted in building windows, and shall not require a permit. Except for window signs and those signs noted in 601, all temporary or portable signs shall be prohibited.
- C. Permanent Window Signs: Permanent window signs are permitted in all Business Districts by right without a permit provided: No more than fifty percent (50%) of each window surface and twenty-five percent (25%) of all building windows include such a sign.

604 SIGN REGULATIONS AND NONCONFORMING USES: Nonconforming uses may keep all permanent, pre-existing signs, provided that such signs do not obstruct vehicular lines of site or threaten public safety. If the signage for the use is changed, all future signs shall comply with regulations for the district in which the nonconforming use is located.

Article VII

Administration, Enforcement and Appeals

- 701 ZONING OFFICER: The City of Farrell shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall also have the duties as set forth by this Ordinance. The Zoning Officer shall not hold any elective office in the City.
- 702 DUTIES OF THE ZONING OFFICER: The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. The Administrator shall be considered as qualified to perform his/her duties by meeting the qualifications established by the City. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:
- A. Application for Building/Zoning Permits: The Zoning Officer shall receive applications for Building and Zoning Permits. A Building and Zoning Permit is an application filed prior to the start of construction/development by a developer to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable City ordinances and regulations. The Zoning Officer shall consult with other City officials responsible for administering and enforcing other applicable regulations, including but not limited to, building code officials. Applications conforming to this Ordinance shall be approved; those not conforming to this Ordinance shall be denied.
 - B. Inspections: The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a Building and Zoning Permit or a Zoning Permit has been requested. Such inspections may be made from time to time during construction and shall be made upon the termination of construction.
 - C. Appeals: The Zoning Officer shall receive all applications for Conditional Uses, Special Exceptions and Variances and forward same to the appropriate body.
 - D. Enforcement: The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance.

703 PERMITS AND ZONING PERMITS:

- A. Permit Required: A building and zoning permit shall be required for and prior to:
1. Construction, erection, movement, alteration or enlargement of a building or structure.
 2. Placement of fences, sidewalks, or driveways.
 3. Change in use of any building or structure.
 4. Use and development of land or change in the use, except the placing of vacant land under cultivation.
 5. Change in use or extension of a nonconforming use.
- B. Permits Not Required: Building and zoning permits are not required for:
1. Steps, patios, flag poles, dog houses, and lawn and recreational equipment (such as swings, benches, picnic tables and ornamental objects).
 2. Minor repairs to existing buildings or structures including minor alterations to the interiors of buildings which do not affect the external form and size of a building, consistent with the permit exceptions of the City's various building codes.
- C. Application for Permit: All applications for building and zoning permits shall be made, in writing, on a form furnished by the City and shall include a dated plot plan drawn as accurately as possible. This plan shall be scaled to a reasonable level of accuracy. The following information shall be provided:
1. Name, address and phone number of applicant and the landowner or landowners, and relationship of applicant to landowner.
 2. Description of property, including geographic orientation.
 3. Existing use of property.
 4. Proposed use of property.
 5. Zoning district.
 6. Description of work contemplated.
 7. Estimated cost.

8. Actual dimensions of the lot and dimensions and location of buildings or proposed additions (including such things as floor area, number of floors or stories, height, and other dimensions).
9. Existing and proposed setbacks.
10. Existing and proposed percent of lot coverage.
11. Location of all buildings and structures on abutting land within fifty (50) feet of the lot line.
12. Location of road access, curb cuts, and location and number of parking spaces and loading facilities, if applicable.
13. The number of dwelling units, if applicable.
14. Existing and proposed screening or buffering, including materials or plant types.
15. A statement that the applicant is the owner of the lot or a copy of a written agreement between the owner and the applicant to permit the proposed construction.
16. A statement regarding other permits required and whether they have been obtained.
17. All other information necessary for the Zoning Officer to determine compliance with this Ordinance and all other pertinent ordinances.

D. Issuance of Permits:

1. No building and zoning permit shall be issued until the applicant has established that the proposed work or use will be undertaken in conformity with the requirements of this and all other applicable federal, state and local laws and regulations, including, but not limited to, the Subdivision and Land Development regulations, any and all City building codes, Pennsylvania Sewage Facilities and Clean Streams Acts, Pennsylvania Dam Safety and Encroachments Act, Pennsylvania Fire and Panic Act, and that all other permits required have been, or will be, issued under these laws or regulations.
2. Within fifteen (15) days after receipt of the application, the Zoning Officer shall issue or deny the permit or issue a written request for additional information required in order to determine whether a permit should be issued.

3. No permit shall be issued unless all required fees have been paid.
 4. If, ninety (90) days after receipt of the application, sufficient information has not been received to determine whether the permit should be issued, the application shall be denied unless the Zoning Officer finds there is good cause for allowing additional time for consideration of the application and grants a written extension of time.
- E. Expiration of Permit: If work described in the permit application has not begun within one (1) year from the date of issuance, the permit shall expire.
- 704 SIGN PERMIT: A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement by this Ordinance.
- A. Application for a sign permit shall be made, in writing, to the Zoning Officer, and shall contain all information necessary for such Administrator to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance.
 - B. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.
 - C. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:
 1. Dimensions of lot or building upon which the sign is proposed to be erected.
 2. Exact size, dimensions and location of the said sign on lot or building.
 3. Any other lawful information which may be required by the Zoning Officer.
- 705 FEES: Fees for building and zoning permits and sign permits; applications for special exceptions, variance and conditional use; appeal proceedings before the Zoning Hearing Board or City Council; and other matters of zoning administration shall be established in accordance with the Pennsylvania Municipalities Planning Code and other governing law and be adopted by Resolution of the City Council. These fees shall be set forth in a schedule of fees which shall be posted and made available to the public. The applicable fees shall be paid to the Zoning Officer at the time of application, appeal or such other time as the Zoning Officer may direct. Action on applications or appeals may be withheld if fees have not been paid in full.

706 VARIANCES, SPECIAL EXCEPTIONS AND CONDITIONAL USES:

- A. Uses permitted by special exception and variance are only permitted when approved by the Zoning Hearing Board in accordance with the criteria set forth in this Ordinance and as required by law, after public hearing pursuant to public notice, and in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
- B. Uses permitted by conditional use are only permitted when approved by the City Council in accordance with the criteria set forth in this Ordinance and as required by law, after public hearing pursuant to public notice, and in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
- C. Applications: Requests for variance, special exception or conditional use shall be first presented to the Zoning Officer for review by filing an application containing the information required. The Zoning Officer shall determine whether a variance, special exception or conditional use is necessary.
- D. Standards for Variance: A variance may be granted where the provisions of the Ordinance inflict unnecessary hardship and all the following findings are made, where relevant, in a given case:
 - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance 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 Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the 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.
- E. Standards for Special Exception: Special exceptions shall be granted where the following findings are made:
1. The use is permitted as a special exception under the terms of this Ordinance.
 2. The specific criteria, if any, for allowing the use by special exception will be met.
 3. 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.
 4. 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, 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.
- F. Standards for Conditional Use: A conditional use permit shall be granted where the following findings are made:
1. The use is permitted as a conditional use under the terms of the Ordinance.
 2. The specific criteria, if any, for allowing a conditional use will be met.
 3. The use conforms with the community and economic development objectives; would be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located; and would not be hazardous, disturbing, or detrimental to existing or future neighboring uses, physically, environmentally, socially or economically.

4. The use will be adequately served by public facilities and services such as highways, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools; and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated.
 5. The use will not involve activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive traffic, noise, vibrations, smoke, dust, fumes, electrical disturbance, glare or odors; undue pollution of or danger to the air or water by dust, dirt, fumes, smoke, odor, radioactivity or other polluting substances.
 6. The use will cause no emissions and/or discharges into the air or water which do not meet governmental standards.
 7. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance and significance.
 8. The use will provide through maintenance of setbacks and screening by plantings, fences or other landscape features an effective buffer to block unsightly views and noise from adjacent properties and public roadways.
- G. Conditions: The Zoning Hearing Board may approve variances and special exceptions and the City Council may approve conditional uses subject to reasonable and appropriate conditions.
- H. Expiration of Special Exceptions, Variances and Conditional Uses: The validity of a special exception variance, or conditional use permit shall not exceed one (1) year from the date of authorization and shall expire if the applicant has failed to obtain other appropriate permits, and commence work or use as planned and approved within one (1) year.

707 VIOLATIONS:

- A. Enforcement Notice: When it appears to the City 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:

1. The name of the owner of record and any other person against whom the City intends to take action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

708 CAUSES OF ACTION: In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the City, the Zoning Officer of the City, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the City at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Farrell City Council. No such action may be maintained until such notice has been given.

709 ENFORCEMENT REMEDIES: Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the City 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 this 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 (5th) day following the date of the determination of a violation continues shall constitute a separate violation by the district justice and thereafter 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 City. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the City and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

Article VIII

Zoning Hearing Board

- 801 CREATION: There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of residents of the City appointed by the City Council pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Ordinance and as herein further provided. It is the intention of this Ordinance that the currently constituted Zoning Hearing Board of the City of Farrell shall be continued and the same members are hereby appointed to the Zoning Hearing Board created by the Ordinance with the same terms as were provided under the previous Ordinance.
- 802 APPOINTMENT: The terms of office of the Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the City 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 City, nor be a member of the Planning Commission. The City Council shall also appoint alternate members to the Board. The appointment, rights and duties of the alternates shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code. It is the intention of this Ordinance that the currently constituted Zoning Hearing Board of Farrell shall be continued and the same members are hereby appointed to the Zoning Hearing Board created by the Ordinance with the same terms as were provided under the previous Ordinance.
- 803 REMOVAL OF MEMBERS: Any Board member may be removed for misfeasance or nonfeasance in office, or for other just cause, by a majority vote of the City Council, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- 804 ORGANIZATION OF BOARD: The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but where a majority is disqualified to act in a particular matter, at least one (1) alternate member shall be seated. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with City ordinances and laws of the Commonwealth. The Board shall keep full public records of its business

and shall submit a report of its activities to the City Council as requested by the City Council.

- 805 EXPENDITURES FOR SERVICES: Within the limits of funds appropriated by the City Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed from time to time by the City Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the City Council.
- 806 LEGAL COUNSEL: Where legal counsel is desired, an attorney, other than the City Solicitor, shall be used.
- 807 HEARINGS: The Board shall conduct hearings and make decisions in accordance with the following requirements.
- A. Notice shall be given to the public by notice published once each week for two (2) successive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
 - B. The City Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
 - C. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time.
 - D. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

- E. The parties to the hearing shall be the City, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances, in writing, on forms provided by the Board for that purpose.
- F. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. 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.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- J. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- K. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of

this Ordinance or the Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed, in writing, or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 607(1) of the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.

- L. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their names and addresses with the Board no later than the last day of the hearing, the Board shall provide, by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

808 BOARD'S FUNCTIONS:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the City and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the City Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code.
- F. Appeals from the Zoning Officer's determination under Section 916.2 of the Planning Code.
- G. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.
- H. Variances: The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided that all of the findings are made where relevant in a given case meet the criteria in Article VII.
- I. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance.
- J. Hearing applications for special exceptions. In hearing an application for a special exception, the Board shall refer to the specific criteria applicable for the particular use. If the use is not listed within the Ordinance, the Board shall utilize the criteria set forth in Article VII of this Ordinance. The Board may also attach reasonable safeguards in addition to specific criteria listed.

809 PARTIES APPELLANT BEFORE BOARD: Appeals and proceedings to challenge the Ordinance may be filed with the Board, in writing, by the landowner affected, any officer or agency of the City, or any person aggrieved. Requests for a variance may be filed with the Board by any landowner or any tenant with the permission of such landowner.

- 810 TIME LIMITATIONS; PERSONS AGGRIEVED: No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate City officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also Section 914.1 of the Planning Code.
- 811 STAY OF PROCEEDINGS: Upon filing of any proceeding referred to in Section 708 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. See also Section 915.1 of the Planning Code.

Article IX

Amendments

- 901 GENERAL: The City Council may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the City Council, the Planning Commission, or by a petition of a person or persons residing or owning property within the City.
- 902 PETITIONS: Petitions for amendments shall be filed with the Zoning Officer; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by the City.
- 903 REFERRAL: Any proposed amendment presented to the City Council without written findings and recommendations from the City Planning Commission and the Mercer County Planning Commission, shall be referred to these agencies for their review and recommendations prior to the public hearing by the City Council. The Board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the City and County Planning Commissions.
- 904 ACTION: Before acting upon a proposed amendment, the City Council shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same be examined, shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one (1) week prior to the date of the hearing.
- 905 CURATIVE AMENDMENTS: A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a Curative Amendment to the City Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (Act 247), as amended. The City Council shall commence a hearing thereon within sixty (60) days. As with other proposed amendments, the Curative Amendment shall be referred to the Farrell Planning Commission and the Mercer County Planning Commission at least thirty (30) days before the hearing is conducted by the City Council. Public notice shall be given in accordance with applicable provision of the Planning Code. The hearings shall be conducted in accordance with instructions as set forth by Section

916.1 of the Planning Code. The findings, actions and considerations of the City Council shall be in accordance with Section 609.1 of the Planning Code.

The City of Farrell may institute a Municipal Curative Amendment in accordance with Section 609.2 of the Planning Code.

Article X

Definitions

- 1001 INTERPRETATION: For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The word "building" includes "structure" and shall be construed as if followed by the words "or any part thereof." The phrase "used for" includes "arranged for," "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.
- 1002 SPECIFIC TERMS: The following words and phrases shall have the meaning given in this section.

Accessory Building - a subordinate building, incidental to, and located on the same lot as, the principal building, and used for an accessory use.

Accessory Use - a use incidental to, and subordinate to and located on the same lot occupied by the principal use to which it relates.

Basement - a floor level completely below grade or floor level in which more than two-thirds (2/3) of the perimeter walls are below grade. A wall shall be considered below grade where the dimension from the first floor line to the finished grade is five (5) feet or less, and the slope of the finished grade extending ten (10) feet from the building walls does not exceed thirty (30) degrees.

Billboard - a sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Building - a roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

Car Wash - an area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery - land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and

mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Church - a place of assembly used for congregate religious services and worship. Although accessory uses, such as educational and recreational facilities for use of church members are permitted, other facilities and uses will be regarded as separate principal uses.

Commercial Recreation - a facility which offers various indoor or outdoor recreational opportunities for its patrons including such games as: pool, billiards, bowling, video games, miniature golf and similar pursuits.

Conditional Use - a use to be allowed or denied by the City Council pursuant to public notice and hearing and recommendations by the City of Farrell Planning Commission and pursuant to the express standards and criteria set forth in this Ordinance. In allowing a conditional use, the City of Farrell may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and of this Ordinance.

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

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

Convenience Store - a retail establishment of limited size [less than five thousand (5,000) square feet], designed for the sale of sundries, groceries and gasoline (and sometimes diesel fuel).

Corporate Offices - the place of business of an industrial, warehousing or similar business concern, regardless of its legal and organizational form. Corporate offices shall be considered those places where the management, sales or accounting and clerical functions of a business located off premises occur. Corporate offices do not include professional services offices when a primary service is rendered such as realtors', architects' or engineers' offices.

Day Care Services for Children (Day Care) - provides out-of-home care for part of a 24-hour day to children under sixteen (16) years of age, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This Ordinance identifies three levels of Day Care Services for Children:

- (a) Family Day Care Homes - facilities in which child day care is provided at any one time to four (4), five (5), or six (6) children who are not relatives of the care giver.

(b) Group Day Care Homes - facilities in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence. (Care of six (6) to twelve (12) children where the child care areas are not used as a family residence will be considered a Day Care Center.)

(c) Day Care Centers - facilities in which care is provided for seven (7) or more children, at any one time, where the child care areas are not used as a family residence.

Child care for less than four (4) children will not be considered as Day Care Services. For the purposes of this Ordinance, adult day care shall be considered under the same classifications, substituting the term “adults” for “children.”

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

Dog Kennel - the keeping of more than four (4) dogs that are more than six (6) months old, owned or unowned, for any period of time, or any facilities identified as a kennel by the laws or regulations of Pennsylvania.

Dwelling - a building arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include "hotel," "motel," "rooming house" or "tourist home."

(a) Single-family dwelling - a building containing only one (1) dwelling unit.

(b) Two-family dwelling - a building containing two (2) dwelling units, collectively defined under this Ordinance as a duplex, regardless of configuration.

(c) Multi-family dwelling - a building containing three (3) or more dwelling units, including apartment houses, townhouses, flats, and garden apartments.

(d) Detached dwelling - a dwelling with yards on all four (4) sides.

Dwelling Unit - a building or portion thereof containing one (1) 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 with other dwelling units, and used or intended to be used by one (1) family.

Eating and Drinking Places - a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

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, including poles, wires, mains, drains, sewers, pipes conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health and safety or general welfare, but not including buildings.

Floor Area - the sum of the gross area of the several floors of a building or buildings measured from the face of the exterior walls, or from the center line of the walls separating two (2) buildings.

Gasoline Service Station - an area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

General Consistency, Generally Consistent - that which exhibits consistency.

Height of Building - the vertical distance measured from the average level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

Home Occupation - any use customarily carried on entirely within a dwelling, by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Examples include, but are not limited to: professional services, such as legal, financial, accounting or engineers, barber and beauty shops, studios of artists, writers and associations [limited to one (1) student at any time].

Home Occupation Office - a professional office which is also a home occupation.

Hospital - an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Junk - any discarded material or article, and shall include, but not be limited to, scrap metal, scrapped or abandoned motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. For the purpose of this Ordinance, a proper container shall mean a solid plastic or metal container, with a sealable lid, specifically designed for the storage of waste matter.

Junk Yard - any place where any junk is stored, disposed of, or accumulated. This definition shall include recycling centers, recycling yards, and salvage businesses. However, it does not include municipal recycling centers where no materials are stored in an exterior environment.

Limited Commercial - a small commercial establishment providing light retail goods or services for the convenience of residents of the municipality, which is compatible with the essential character of the neighborhood or District; is not disruptive to neighboring residential uses; confines sales, services and storage activities to the interior of the building; and conforms with the other requirements of the District in which it is located. Limited commercial establishments shall further be defined as those which do not exceed five thousand (5,000) square feet of gross leasable area.

Lot - a tract or parcel of land, regardless of size, held in single or joint ownership, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed or required. The term "lot" shall also mean "parcel," "plot," "site," or similar term.

Lot, Corner - a lot at the point of intersection of and abutting on two (2) or more intersecting streets.

Lot, Line - any line dividing a lot from another lot or from an abutting street or other right-of-way.

Manufacturing, Light - the assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce: noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties within four hundred (400) feet, including production of the following goods: Home appliances; electrical instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition, machine tools; dies and gauges; ceramics; apparel; light weight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats).

Mini-Storage Facilities - a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Mobile Home - a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park - a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two (2) or more mobile home lots.

Motel - a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

Nonconforming Lot - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Structure - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - a use, whether of land or structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Nursing Home - a facility to give long-term skilled care to geriatric or handicapped patients and licensed as such a facility by the Commonwealth of Pennsylvania.

Parking Space - an open space with a dustless all-weather surface, or space in a private garage or other structure with an effective length of at least eighteen (18) feet and a uniform width of at least nine (9) feet for the storage of one (1) automobile and accessible from a public way.

Personal Care Home - a facility giving geriatric care in a home-like setting and licensed as such by the Commonwealth of Pennsylvania.

Personal Services - any enterprise conducted for man which primarily offers services to the general public, such as: shoe repair, valet services, barber shops, beauty parlors and related activities.

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

Planning Code - the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act No. 170 of 1988 and as further amended from time to time.

Professional Office - the office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar occupation.

Public Parks and Playgrounds - parks and playgrounds which are owned and operated by the City of Farrell or by an authority created for such purposes by the City of Farrell.

Repair/Service Business (see also Service Station) - a building designed and used for the storage, care, repair or refinishing of motor vehicles or engines including both minor and major mechanical overhauling, paint, and body work.

Repair Services, Light - Non-vehicular repair services in which all activities and storages are conducted entirely within a building.

Room - room shall mean any enclosed area within a dwelling unit, meeting this Ordinance for sleeping, living, cooking, or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.

Rooming House - a dwelling having five (5) or more sleeping rooms for rent to persons not related to its other occupants. The term "rooming house" includes the term "boarding house."

Sanitary Landfill - a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Screen Planting - screen planting for this Ordinance shall mean an evergreen hedge at least six (6) feet high at time of planting, planted in such a way that it will block a line of sight. The screening may consist of either one (1), or multiple rows of bushes or trees and shall be at least four (4) feet wide. It shall be the responsibility of the property owner to maintain a screen planting, replacing trees as needed. The zoning officer may require replacement of screening trees.

Screening - screening shall mean a fence, screen planting or wall at least six (6) feet high, provided in such a way that it will block a line of sight.

Service Station - buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires and motor vehicles.

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. 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 public traffic or directional signs. (See also Billboard.)

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.

Sign, Business - a sign which directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed.

Special Exception - a use permitted with special permission granted by the Zoning Hearing Board, to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this Ordinance when such use is not permitted by right.

Story - that portion of a building located between the surface of any floor and the next floor above; if there is not more than one (1) floor the space between any floor and the ceiling next above it shall be considered a story.

Street - a public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

Street Line - a line defining the right-of-way boundaries of a street.

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

Traditional Neighborhood Development - an area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

Truck Terminal - land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Warehousing and Distribution - a use engaged in storage, wholesale, and distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Yard - that portion of a lot which is unoccupied and open to the sky and extends from the lot line to the yard line.

Yard Line - a line within a lot defining the minimum distance between any building or structure or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.

Yard, Front - a yard between an adjacent right-of-way and the building line and extending for the full width of the lot.

Yard, Rear - a yard between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

Yard, Side - an open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line.

Zoning Officer - the Zoning Officer of the City of Farrell, or his/her authorized representative.