

**ZONING ORDINANCE**

**BOROUGH of CHURCHILL**

**Allegheny County, Pennsylvania**

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## ARTICLE ONE: BASIC PROVISIONS

101 REACTION CLAUSE: It is hereby ordained and enacted by the Borough Council of the Borough of Churchill, County of Allegheny, Commonwealth of Pennsylvania that from and after the passage and approval of this Ordinance, the several classes of districts specified herein shall be established, and the following regulations shall be in full force and effect. The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety and welfare of the people at large, and to be designed to encourage the establishment and maintenance of reasonable community standards of physical environment.

102 TITLE: This Ordinance may be cited as the "Churchill Borough Zoning Ordinance".

103 EFFECTIVE DATE: The effective date of this ordinance shall be the date of its enactment by Council of the Borough of Churchill and its approval by the Mayor.

104 DEFINED WORDS: Words used in a special sense in this Ordinance are defined in Article Six .

105 COMMUNITY DEVELOPMENT OBJECTIVES: The community development objectives which are the basis for the provisions of this Ordinance are set forth in the Comprehensive Plan as adopted by Council. In addition to the Comprehensive Plan, the following is a supplementary statement of the purpose and intent of the Churchill Borough Zoning Ordinance. The objectives are adopted as a statement of legislative findings and may be used in evaluating any proposed additions or deletions to the Churchill Borough Zoning Ordinance. Further specific regulations within the Ordinance have been adopted so as to reflect all legislative mandates and findings which may relate to future development.

105.1 The general objective for the management of growth in Churchill Borough is to provide a pleasant, attractive, healthy, safe, and convenient environment. This objective shall be pursued by the implementation of land use plans to:

- (a) Preserve and improve the natural environment;
- (b) Increase property values, and the economic base of the community;
- (c) Provide for safe, adequate, and attractive housing and to maintain the character and stability of the same;
- (d) Obviate losses from flooding;
- (e) Provide the necessary infra-structure of utilities and vehicular and pedestrian transportation arteries in the least intrusive way upon the community;

**(f) Provide for recreational and community facilities; and,**

**(g) Provide for ongoing community planning.**

**105.2 The preservation and improvement of the environment shall be pursued by:**

**(a) The elimination of visual and physical blight such as overhead utility lines, concentrations of signs of excessive size and proximity, large expanses of pavement and deteriorated structures;**

**(b) The preservation of natural topography and wooded slopelands, including the limiting of hillside development beyond a reasonable gradient, and the control of flood plains and water sheds;**

**(c) The prevention of excess erosion, hazardous rock and soil slippage, sedimentation and other soil and water management problems;**

**(d) The regulation and control of the design, construction, quality of materials, use, location, and maintenance of grading, excavation, and fill;**

**(e) The reclamation of derelict land; and,**

**(f) The acquisition by the Borough of and the promotion of the dedication of natural open space and wooded slopeland in order to link existing and proposed park sites and neighborhoods and to prevent ecological problems resulting from extensive cut and fill necessary to develop wooded slopelands.**

**105.3 The increase of property values, employment opportunities and the economic base of the community shall be pursued by:**

**(a) The promotion of balanced growth; and,**

**(b) The concentration of commercial and non-residential uses in the areas where streets and utilities can provide the necessary services and where conflicts with other uses can be minimized through site design and transition provisions.**

**105.4 The provision for safe, adequate and attractive housing for the entire population of the community shall be pursued by:**

**(a) The preservation of the residential character of the Borough as a visually attractive setting by encouraging the conservation of tree and garden areas, natural open spaces, and wooded slopeland; and,**

**(b) The provision of a range of housing density alternatives and a mix of housing types, correlating residential density and housing type with topography, environmental conditions, and the capacity of and distance from existing and proposed utilities, streets and community facilities; and,**

(c) The promotion of an attractive residential environment through the implementation of the other objectives set forth herein.

105.5 The prevention of loss of life, disruption of transportation and governmental services, unnecessary expenditure of public funds for flood protection and relief, and the related impairment of the tax base shall be pursued by:

(a) Regulation of uses and development in flood plains which, acting alone or in combination with other uses and development, may cause unacceptable increases in flood heights, velocities, and frequencies;

(b) Restricting and prohibiting certain uses, activities, and development from locating within areas subject to flooding;

(c) Requiring all those uses, activities, and developments that occur in flood plains to be protected and floodproofed against flooding and flood damage; and,

(d) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

105.6 The provision of the necessary infra-structure of utilities and transportation arteries shall be pursued by:

(a) The extension of water lines, storm and sanitary sewers, and roads and their improvement where economically feasible and essential to community development;

(b) The encouragement of public utilities to improve and extend services consistent with the objectives set forth herein, and,

(c) Traffic planning and control which will provide safe, rapid, and convenient movement of people and goods within and through the Borough, with a clear separation of through and local traffic, and minimal disruption of residential integrity.

105.7 The provision of recreational facilities to accommodate needs of the existing population shall be pursued by:

(a) The provision of recreational facilities to accommodate needs of the existing and future population;

(b) The promotion of the joint use of schools and parks to decrease duplication of services and to provide the greatest value for public expenditures;

(c) The promotion of acquisition or dedication of natural open space for park and recreational purposes as appropriate to meet the needs of Borough residents;

(d) The preservation of historical landmarks.

**105.8** The creation and implementation of land use plans which shall seek the foregoing objectives and which shall:

(a) Avoid incompatible land use and protect against detrimental effects through planting, open space, and natural breaks in topography;

(b) Concentrate development to prevent sprawl, conserve open space and make full use of utilities and services;

(c) Provide site plan control; and,

(d) Preserve the character and density of Churchill Borough , and maintain existing standards of neighborhood development.

**106 ZONING MAP:** A map entitled "Churchill Borough Zoning Map" is hereby adopted as a part of this Ordinance. The Zoning Map shall be kept on file for examination in the office of the Borough Manager in the Municipal Building.

**107 COMPLIANCE:** To ensure compliance with the provisions of this Ordinance the following permits and plat approvals are required:

**107.1** A zoning permit shall be required before any person may construct, reconstruct, move, alter, or enlarge any structure or building; or change the use of a structure or land to a different use; or change a non-conforming use or structure. With regard to any subdivision of property, no zoning permit shall be issued for the construction of any structure until the final plat has been approved by Council and has been recorded as required herein.

**107.2** A zoning occupancy permit shall be required prior to any occupancy of land or structure or any portion thereof, or any change in occupancy of land or structure, or to certify the validity of non-conforming uses or structures.

**107.3** A sign permit shall be required before any person may hereafter erect or alter in any way any sign, except a name plate, political sign or temporary real estate sign as specified herein.

**107.4** A grading permit shall be required except for minor grading operations before any person may grade, excavate or fill any land, improve a street, or install any public utilities. (See Definition Sec. 601.28)

**107.5** Zoning permits shall become null and void if the work authorized has not been commenced within two years or is not completed within three years from the date of issue. If the zoning permit becomes null and void, a new permit must be obtained. The permit may be renewed by the Zoning Officer if there has been no change in applicable regulations, and

if such renewal is requested within one month of the date of expiration of such permit. If applicable regulations have been changed, the full review and approval procedure required by this Ordinance shall apply. No permit issued by authorization of the Zoning Hearing Board shall be renewed except by authority of the Zoning Hearing Board.

107.6 Every permit shall be revocable where the Zoning Officer determines that the applicant or occupant is not complying with every condition required by the issuance of said permit.

108 SEVERABILITY: If any provision of this Ordinance or the application of any provision to particular circumstances is held to be invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

109 INTERPRETATION: The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, morals, and general welfare of the public.

110 REPEALER: The Churchill Borough Zoning Ordinance of 1987, being Ordinance No. 609 and Ordinance Number 640 is repealed in whole.

**ARTICLE TWO: DISTRICT REGULATIONS:**

**201 ZONING DISTRICTS:** The Borough is divided into the Districts stated on Table 201 as shown by the District boundaries on the Zoning Map.

**202 DISTRICT BOUNDARIES:** District boundaries shown on the Zoning Map which follow the lines of roads, streams, and transportation rights of way shall be deemed to follow their centerlines. The vacation shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a District boundary by such centerlines, by the scale 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 purposes set forth in all relevant provisions of this Ordinance.

**203 PERMITTED USES:** The permitted uses for each District are shown on Table 201. Uses not specifically listed as permitted shall not be permitted, such uses being incompatible with the character of the Borough and its development under the Comprehensive Plan.

**204 CONDITIONAL USES:** Council may authorize Conditional Uses as specified on Table 201 if all conditions and provisions of Article Four are met.

**205 LOT AND YARD REQUIREMENTS:** The minimums for lot area, width of lot, depth of front and rear yard, and lot area per family for each district shall be as shown on Table 201.

**205.1** Lots which abut on more than one street shall provide the required front yards along every street.

**205.2** All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, and platforms in excess of five (5) feet above basic grade level, shall not project into any minimum front, side, or rear yard.

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

NEW TABLE 201. PERMITTED USES, CONDITIONAL USES, YARD AND AREA REQUIREMENTS

DISTRICT	"R-1" RESIDENTIAL	"R-2" RESIDENTIAL	"R-3" RESIDENTIAL	"R-4" RESIDENTIAL	"R-5" RESIDENTIAL	"C-1" COMMERCIAL	"C-2" COMMERCIAL
PERMITTED USES	Single Family Dwelling Public Park Accessory Use	Single Family Dwelling Public Park Accessory Use	Single Family Dwelling Public Park Municipal Building Accessory Use	Single Family Dwelling Public Park Cemetery Accessory Use	Single Family Dwelling Public Park Accessory Use	Research Lab Banks Business Services Offices Child Care Center Medical Clinic Public Use Accessory Use	Banks Business Services Offices Public Use Motel Accessory Use
CONDITIONAL USES	Multi-family Dwellings	Golf Club Multi-family Dwellings	Golf Club Multi-family Dwellings Church, School Cemetery Small Community Residence Facility	Group Residence Multi-family Dwelling Two-Family Dwelling Large Community Residence Facility	Golf Club Multi-family Dwellings Small Community Residence Facility	Church Communication Tower Funeral Home Municipal Building Nursery Public Park Restaurant Retail Store School Utility Substation	Single-Family Dwelling Child Care Center Church, School Group Residence Large Community Residence Facility Multi-family Dwellings Retail Store
MIN. LOT AREA	20,000 Sq. Feet	20,000 Sq. Feet	15,000 Sq. Feet	10,000 Sq. Feet	5,000 Sq. Feet	20,000 Sq. Feet	10,000 Sq. Feet
MIN. LOT AREA / PER FAMILY	5,000 Sq. Feet	5,000 Sq. Feet	4,000 Sq. Feet	4,000 Sq. Feet	4,000 Sq. Feet	n.a	2,500 Sq. Feet
MIN. LOT WIDTH	100 Feet	100 Feet	75 Feet	75 Feet	50 Feet	100 Feet	50 Feet
MIN.FRONT YARD	80 Feet	50 Feet	40 Feet	40 Feet	25 Feet	80 Feet	25 Feet
MIN. SIDE YARD	15 Feet	15 Feet	10 Feet	10 Feet	5 Feet	10 Feet	5 Feet
MIN. REAR YARD	25 Feet	25 Feet	20 Feet	20 Feet	10 Feet	25 Feet	10 Feet
MAX. LOT COVERAG	25 Percent	25 Percent	33 Percent	33 Percent	50 Percent	15 Percent	33 Percent



**207 EXTERIOR WALL SURFACES:** Exposed exterior walls of structures shall be composed of brick, stone, glass, metal or marble with wood used for trim only, except as provided herein.

**207.1** Wood may be used for exposed, exterior walls for residential structures of three stories or less.

**207.2** Council may approve alternative materials if, and only if, such material is determined to be equal or superior in quality and esthetic character compared to approved materials.

**207.3** An addition to an existing structure which is non-conforming with respect to this Section may be constructed in conformance with the materials of original construction of the existing portion of the structure with approval by the Zoning Officer.

**208 FENCES:** A fence may be erected into any required side or rear yard if the fence is no more than six (6) feet in height for residential uses. A fence which is at least fifty percent (50%) open as to construction and which is no more than three (3) feet high may be erected in any required residential front yard. A fence must be erected so that its finished side, if any, faces the street or abutting property.

**208.1** A chain link fence not more than ten (10) feet in height may be erected in any required yard for schools, playgrounds or parks.

**208.2** A fence of the chain link type no more than ten (10) feet high may be erected in any required yard for non-residential uses or commercial uses. A solid fence no more than ten (10) feet high may be erected in any required commercial or industrial yard with the approval of the Zoning Officer.

**209 EXTERIOR LIGHTS:** Exterior lights, where provided, shall be so placed and shielded to ensure that no light shines directly on any adjacent residential property, that reflected glare shall not exceed 0.25 foot candles when measured on any adjacent property, and no light shall diminish the visibility of vehicular traffic. Exterior light standards shall not exceed a height of twenty-four feet. No lights of any kind shall be placed or erected which diminish the character of a residential neighborhood.

### ARTICLE THREE: GENERAL REGULATIONS

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

**301.1** A non-conforming use may be continued, except that it shall not be extended, expanded, or changed unless to a conforming use, except when permitted as a special exception by the Zoning Hearing Board in accordance with the following:

(a) The changed use will more closely correspond with the uses permitted in the District, or

(b) The changed use will be in keeping with the character of the neighborhood in which it is located.

**301.2** Any non-conforming structure damaged by fire, flood, explosion, or other casualty may be reconstructed and used as before if such reconstruction is performed within twelve months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.

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

**302 ACCESSORY USES:** The following provisions shall apply to accessory uses:

**302.1** The exterior storage of not more than one motor vehicle which does not have a current inspection sticker shall be considered an accessory use, but two or more shall constitute an auto salvage business and shall not be permitted as an accessory use.

**302.2 Home Office:** The pursuit of vocational or avocational interests by a resident shall be permitted as an accessory use to a dwelling, provided:

(a) Such activity is clearly subordinate to the dwelling, does not occupy more than twenty-five percent of the floor area of one floor, does not entail internal or external alterations or construction features not customary in dwellings, and there is no external evidence of any non-residential activity.

(b) In connection with which there is no display or sign other than a name plate, no mechanical equipment used other than normal domestic or household equipment, no facilities which are dangerous or incompatible with the residential environment, and no selling of a commodity or nonprofessional service on the premises.

(c) In connection with a home office, not more than one assistant is employed and no colleagues or associates use such office.

(d) One additional off-street parking space shall be provided for each two hundred (200) square feet of floor area devoted to such activity.

(e) Reasonable safeguards are established against detrimental emission of smokes, fumes, odors, dust, noise, vibration, glaring light, or visual blight or pollution of any kind.

(f) Only one home office shall be permitted in each single-family dwelling.

(g) Any home office permitted under this section must be customary and incidental to the residential use.

302.3 Family Day Care of up to seven (7) children at any one time is a permitted accessory use to a single family dwelling.

302.4 Swimming Pools. Every private swimming pool shall be enclosed by a fence constituting a barrier to small children, four feet in height at all points, and with a gate in said fence which shall be locked when the pool is not in use or under the supervision of the owner or other designated responsible person of the premises upon which it is installed. Private swimming pools of the above ground type which have vertical walls of at least four feet from ground level and removable steps shall not be required to be fenced.

303 SPECIAL EXCEPTIONS: The following uses may be authorized with such conditions as are deemed appropriate by the Zoning Hearing Board.

(a) Living quarters in an accessory structure as an accessory use to a single-family house to accommodate domestic employees of the residents of the principal structure; and,

(b) Temporary structures and trailers used in conjunction with construction work, may be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for no longer than a six (6) month period.

304 SIGNS: No sign shall be permitted in any District, except as an accessory use, herein provided.

304.1 Permit: No sign, except a temporary real estate sign in accordance with 304.6, shall hereafter be erected or altered in any way unless a sign permit has been issued by the Zoning Officer. No sign permit for any sign larger than eight square feet shall be issued without the approval of the Planning Commission. Applications for sign permits shall include detailed drawings of the construction and design of the sign, and shall be accompanied by such fee as may be required by resolution of Council.

304.2 Animation: No sign shall move, flash, or emit noise.

**304.3 Nuisance:** No sign shall be constructed, located, or illuminated in any manner which causes undue glare, distraction, confusion, nuisance, or hazard to traffic or other properties.

**304.4 Name Plate Sign:** One name plate sign not exceeding two (2) square feet in surface area and not illuminated is permitted which announces the name, address, or professional activity of the occupant of the premises or the name of the building.

**304.5 Bulletin Board:** One Bulletin Board, not illuminated except by indirect light and not exceeding forty (40) square feet in surface area is permitted in connection with any church, school, country club, or similar public structure.

**304.6 Temporary Real Estate Sign:** One temporary real estate sign is permitted on any property being sold, leased, or developed if it is not illuminated, not less than fifteen (15) feet from the curb, and is no larger in surface area than six (6) square feet. Such sign shall be promptly removed when the sale, lease, or development of the property has been completed.

**304.7 Business Signs:** One sign on the building occupied shall be permitted if:

(a) No sign shall contain any information or advertising for any product not sold on the premises;

(b) The business sign shall have a surface area not greater than one (1) square feet for each foot of width of the structure and shall not be located on the roof nor extend above the height of the structure;

(c) No sign shall project over any public sidewalk or right-of-way; and

(d) No sign shall be illuminated except by indirect light;

**304.8 Additional Business Sign:** The Planning Commission may upon application authorize additional business signs if the business fronts on more than one thoroughfare.

**305 OFF-STREET PARKING:** Off-street parking spaces shall be provided in accordance with the specifications of this section whenever any new use is established, or existing use is enlarged.

USE:                      PARKING SPACES REQUIRED:

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Multi-family Dwellings, One bedroom : . . . . . One and one-half for each  
Dwelling Unit

Multi-family Dwellings,  
two or more bedrooms: . . . . . Two for each Dwelling Unit

Banks: . . . . . One for each 250 square feet of gross floor area.

Business Services: . . . . . One for each 250 square feet of gross floor area.

Church: . . . . . One for every four seats in the main meeting room

Light Manufacturing Spaces: . . . . . One for each 500 square feet of gross floor area.

Group Housing/Personal Care: . . . . . One for every three beds.

Enclosed use not elsewhere classified: . . . . . One for every 500 square feet of gross floor area.

Exterior use not elsewhere classified. . . . . Two for every acre of land improved for public access

Funeral Home: . . . . . Eight for each reposing room, 24 minimum.

Motels: . . . . . One for every rental unit plus one per employee.

Office, Clinics: . . . . . One for every 300 square feet of gross floor area

Retail Stores: . . . . . One for every 175 square feet of gross floor area.

Church, School : . . . . . One for every four seats in the largest meeting room.

Single and Two Family Dwelling: . . . . . Two for each Dwelling Unit

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

**305.2 Any off-street parking lot shall be graded for appropriate drainage and surfaced so as to provide a durable and dustless surface. Continuous six inch (6") curbing shall be installed to assure safe and efficient flow of traffic, prevent encroachment onto required yards and direct storm water, and such curbing shall be installed in compliance with an approved site plan. Parking aisle separators, sidewalks, and landscape plantings shall be provided as required and approved by Borough Council. Parking perpendicular to the grade shall be permitted up to a grade of five (5%) percent; parking parallel to the grade shall be permitted up to a grade of seven (7%) percent; no parking shall be permitted on a grade in excess of seven (7%) percent.**

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

**305.4 Parking spaces suitable for the needs of the handicapped will be provided as approved on the site plan and signs, railings, and ramps will be provided as appropriate to the site.**

**305.5 Alternate Parking - Borough Council Supervisors may require or approve alternate design standards for off-street parking in response to unusual conditions such as a clearly documented difference between expected parking load and required parking spaces; provided any reduction in the number of required spaces so granted shall be off-set by a reserved area for future installation of a like number of spaces to be so improved at the discretion of Borough Council.**

**305.6 When determination of off-street parking results in a requirement of a fractional space, any fraction shall be counted as one parking space.**

**305.7 Off-street parking spaces shall be located on the same development lot as the principal use, or on an adjacent lot in the same development district.**

**306 PERFORMANCE STANDARDS: Any use which constitutes a public nuisance or which does not comply with the requirements of this section is prohibited. In order to determine whether a proposed use will conform to the requirements of this Ordinance or is a public nuisance, the Borough Council may obtain a**

qualified consultant to testify whose cost for services shall be borne by the applicant.

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

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

**306.3 Noise:** Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement. Any standard set by an appropriate governmental agency shall be used as a guide.

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

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

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

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

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

**306.9 Water Pollution:** No water pollution as defined by the standards established by the Pennsylvania Department of Environmental Protection.

**306.10 Dumping:** No refuse or other substances, such as pool water, shall be disposed or discharged onto neighboring properties.

**307 SITE PLAN REVIEW:** No Zoning Permit shall be issued for any use upon any lot except a one-family home until a site development plan has been submitted, reviewed and approved in accordance with the following provisions. However, existing structures where the occupancy is being changed without any change in use category and where no new construction or addition to structures or change in the site are exempt from this requirement.

**307.1** The application shall consist of not less than seven (7) copies of the letter of application together with not less than seven (7) prints of each drawing submitted as part of the proposed site development plan. The proposed site development plan shall be drawn by a licensed architect, engineer, planner,

surveyor or landscape architect in accordance with standard architectural and engineering practices to clearly indicate the following:

- (a) Property lines and total acreage of the parcel proposed for development;
- (b) All existing streets, sidewalks, rights-of-way, and easements related to the development;
- (c) The location of existing driveways on adjacent properties;
- (d) The location of relevant natural features, including, but not limited to, streams or other natural water courses, and adjacent lands which are subject to flooding, and significant stands of existing trees;
- (e) The location of existing structures, including structures located on abutting property if within fifty feet of the common property line;
- (f) Required front, side, and rear yard lines, and any required building line;
- (g) Contour lines at two foot intervals where average slope is ten percent or less, and five foot intervals where average slope exceeds ten percent, and twenty (20) foot intervals where average slope exceeds twenty-five (25%) percent;
- (h) Location, dimensions, total square footage and ground floor elevations of proposed structures, walkways, driveways, entrances, parking facilities, loading spaces, landscaping, signs, lighting facilities, fences or walls, fire hydrants and fire lanes and other site improvements or amenities;
- (i) Contours and sufficient elevations to show proposed gradings and data to show gradient of access drives, parking facilities and surface water run-off;
- (j) Location and approximate size of utilities to serve the development;
- (k) Schematic elevations at an appropriate architectural scale;
- (l) Surface water run-off controls;
- (m) Profiles of existing site and profile as changed by improvements;
- (n) Title block giving name of development, property owner, developer, northpoint, date and scale (minimum, 1"= 50'); and,
- (o) Such other information as may be required by the Zoning Officer.

307.2 Action shall be taken by Council, either approving or disapproving, within sixty-five (65) days from the date of the regular Council meeting at which the site plan first appears as an agenda item. Failure of Council to so act shall be considered approval of the plan as submitted. Council may attach such conditions as they deem appropriate to approval. Approval may be conditioned upon the grant of a variance or of a special exception by the Zoning Hearing

Board where such variance or special exception is required, but such conditional approval by Council shall not be binding on the Zoning Hearing Board, and the conditional approval shall be cancelled if the requested variance or special exception is denied by the Board.

**307.3** Site plan approval shall not be official until and unless the site plan as approved by Council and including all conditions of approval by Council is filed with the Zoning Officer within ninety days of action by Council.

**307.4** Site Plan approval shall be valid from a period of one year following Council action. If the proposed improvements are not under construction within one year or completed within two years, Council approval shall be void.

**308 SITE DEVELOPMENT STANDARDS:** Council shall not approve a Site Development Plan unless the following standards are met:

**308.1 Screening:** A planted visual barrier or landscape screen shall be provided and maintained on any property in a commercial district which is contiguous to any residential district, except where natural or physical barriers exist which are deemed to provide an adequate buffer by the Planning Commission. This screen shall be composed of plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of trees planted with specimens no younger than three years in age and planted at intervals of not more than ten feet. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than two feet, placed in alternating rows to produce a dense visual barrier. Any plant not surviving three years after planting shall be replaced.

**308.2 Storage:** Any article or material stored temporarily outside an enclosed building as an incidental part of the primary commercial or industrial operation shall be so screened by opaque ornamental fencing, walls, or evergreen planting, that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

**308.3 Landscaping:** Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with natural surroundings. Any off-street parking area with five or more spaces shall provide a landscaped perimeter for the parking area of not less than five percent of the parking area and not less than five feet in width, which shall be in addition to open area requirements of the district. At least one tree per five parking spaces, or portion thereof, shall be provided.

**308.4 Lighting:** All parking areas, driveways, and loading areas, entry ways, and pedestrian paths shall be provided with a lighting system which shall furnish an average minimum of 0.5 foot candles within such areas during hours of operation. All lighting shall be completely shielded from traffic on any public

right-of-way and from any residential district, and so that glare shall not exceed 0.25 foot candles when measured on any adjacent property.

**308.5 Interior Circulation:** The interior circulation of traffic in commercial areas shall be designated so that no driveway or access lane providing parking spaces shall be used as a through-street. If parking spaces are indicated by lines with angles other than 90 degrees, then traffic lanes shall be restricted to one-way permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than ten feet in width.

**308.6 Access:** Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel, and other service vehicles shall be adequate in size and shall be so arranged that they may be used without blockage, or interference with the use of public streets or sidewalks, other accessways, or automobile parking facilities.

**308.7 Traffic Control:** No design shall be approved which is likely to create substantial pedestrian or vehicular traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration and deceleration lanes, turning lanes, traffic and lane markings, walkways, and signs. The developer shall be responsible for the construction of any such traffic control devices.

**308.8 Stormwater Management:** Adequate storm water retention facilities shall be provided to ensure that stormwater run-off after development shall not be greater than the run-off which would occur from the site in its natural state during a storm with a twenty-five year probability.

**309 ENVIRONMENTAL PROTECTION REQUIREMENTS:** The following provisions shall apply to all uses of land in all districts unless otherwise noted. Certain activities such as highway construction may be exempt from the following requirements provided such activities are controlled by other governmental environmental protection agencies, and Borough reviewing agencies are satisfied that the spirit and intent of the Zoning Ordinance is being met through the review processes, bonding requirements and administrative activities of the appropriate environmental protection agencies.

**309.1** Any person, partnership or corporation proposing to dump wastes or hazardous materials on any land within the Borough of Churchill must first obtain permits from the United States Environmental Protection Agency and appropriate Pennsylvania and Allegheny County agencies to certify that such wastes and materials are not hazardous to the health, safety and general welfare of the residents of the Borough of Churchill and the surrounding region.

**310 WOODLANDS, WETLANDS AND STEEP SLOPE PROTECTION:** Existing stands of mature woodlands, natural wetlands and steep slopes from twelve to twenty-five percent shall be developed so as to minimize adverse environmental effects, unnecessary grading and clearing. Land with slope exceeding twenty-five percent shall be certified by a soils engineer as being safe for development before any plans shall be approved.

## ARTICLE FOUR: CONDITIONAL USES

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

**402 APPLICATION:** Applications for Conditional Uses shall be filed with the Zoning Officer and shall be accompanied by:

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

**402.2** Seven (7) copies of a site plan and supporting data which shows the size, location, and topography of the site, the use of adjacent land, the proposed function of all yards, open spaces, parking areas, driveways, storage areas and accessory structures; the location of all utilities; and the timing of construction proposed.

**403 REVIEW:** The Zoning Officer shall immediately forward copies of the Application to Council and to the Planning Commission for review and approval.

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

**403.2** Council shall hold a public hearing within sixty days of their receipt of an application for a Conditional Use, and shall render their decision within sixty (60) days of the filing of the application.

**403.3** Site plan approval shall not be official until and unless the site plan as approved by Council and including all conditions of approval by Council is filed with the Zoning Officer within ninety (90) days of approval. All development, construction, and use shall be in strict accordance with the approved plan, unless an application for a reviewed site plan is approved in accordance with the provisions of this Section. Any development contrary to the approved plan shall constitute a violation of this Ordinance.

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

(a) The proposed use shall conform to the District and Conditional Use Provisions and all general regulations of this ordinance;

(b) The proposed use shall meet all special standards which may apply to its class of Conditional Use as set forth in this Article;

(c) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards of Section 306;

(d) The proposed use shall be sited, oriented, landscaped and screened to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties;

(e) The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood;

(f) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood;

(g) The proposed use shall promote the objectives of this Ordinance and shall be consistent with the Comprehensive Plan; and,

(h) The proposed use shall be consistent with past development of the Borough and its current character.

**405 MULTIPLE-FAMILY DWELLINGS:** Application for garden apartments, town houses, apartments or other multiple-family dwelling structures shall be approved if, and only if, it is found to meet the following criteria:

(a) No multiple-family dwelling structure shall be built on a lot with an area less than three (3) acres;

(b) Proposed development shall have direct access onto a collector street or a principal thoroughfare;

(c) No existing single-family structure shall be converted to provide housing for more than one family;

(d) No structure shall be erected on land which is prone to flooding, or has a slope of 25 percent or greater prior to any grading, or on any portion of any site which will subject such structure or structures on any adjacent or nearby properties to excessive erosion or landslide hazards; and,

(e) The developer shall provide adequate plant material fencing and other landscape material as shown on a Landscape Plan submitted with his application, to provide an effective buffer to screen and protect adjacent single-family residential areas.

**406 GROUP DWELLINGS:** Group dwellings shall be at least 2,000 feet apart from each other, shall not be located on lots of less than 12,000 square feet, nor on lots having less than five hundred (500) square feet for every sleeping room or for every two beds, whichever is greater. Such uses shall have side yards of not less than thirty (30) feet, and shall not be approved unless plans prepared by an architect or engineer are submitted which clearly indicate that adequate light, ventilation, and fireproofing are provided, and that the dwelling facility and its

accommodations shall be functional and convenient with regard to the specific needs of the group to be housed in the facility. Group dwellings shall be approved only after Council has found that plans and programs for management of the group dwelling are adequate and appropriate to the population to be housed and that adequate provisions have been made to assure the safety and welfare of the residents of the facility and of the adjacent neighborhood, including parking. Continued operation shall be subject to monitoring by such Review Agency as may be established and appointed by Council.

407 **SMALL COMMUNITY RESIDENTIAL FACILITIES:** Small Community Residential Facilities shall be conditionally allowed provided that the proposed use meets all yard requirements of that district, that the residential facility is adequate for the population to be housed in it, and that the proposed use does not unduly interfere with the residential character of the neighborhood in which it is located.

408 **LARGE COMMUNITY RESIDENTIAL FACILITIES:** Large Community Residential Facilities shall be conditionally allowed provided that the proposed use meets all yard requirements of that district, that the residential facility is adequate for the population to be housed, and that the proposed use does not unduly interfere with the residential character of the neighborhood in which it is located. The sponsoring agency shall name a responsible party with whom complaints can be registered, and shall file annually a statement indicating that the facility continues to meet all conditions of original approval. Any change of sponsorship or in any of the conditions of original approval shall be promptly reported.

409 **UTILITY SUBSTATIONS AND COMMUNICATION TOWERS:** Utility Substations and/or Communication Towers shall meet all yard and setback requirements as provided by this ordinance, and shall be securely anchored in a fixed location on the ground, and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other such natural forces. The utility substation or communication tower must meet the bufferyard requirements of Section 205.4 of this ordinance. The lot surrounding the utility substation or communication tower shall have sufficient area on every side such that front, side and rear yard shall each be capable of containing the fallen structure. Whenever possible, the proposed utility station or communication tower will co-locate with another such use, to minimize intrusion into residential neighborhoods. Any such use shall be appropriately screened with landscaping to minimize the visual intrusion into residential neighborhoods.

**ARTICLE FIVE: ADMINISTRATION AND ENFORCEMENT**

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

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

**501.2** Issue Zoning Permits and Occupancy Permits.

**501.3** Maintain a permanent file with all zoning permits, occupancy permits, and applications as Public Records.

**501.4** The Zoning Officer shall identify and register all non-conforming uses and structures, together with the reason that the use or structure is non-conforming. A zoning occupancy permit shall then be issued to the owner of the said use or structure.

**502 ZONING PERMIT:** A Zoning Permit shall be obtained before any person may:

- (a) Occupy or use any vacant land; or;
- (b) Change the use of a structure or land for a different use; or;
- (c) Construct, reconstruct, move, alter, or enlarge any structure or building; or;
- (d) Change a non-conforming use.

**502.5** Applications for the Zoning Permit shall be accompanied by a plot plan showing clearly and completely the location, dimensions, and nature of any structure involved, and such other information as the Zoning Officer may require for administration of this Ordinance, together with the filing fee in accordance with the schedule established by resolution of Council.

**503 ZONING OCCUPANCY PERMIT:** A Zoning Occupancy Permit shall be obtained before any person may occupy or use any structure hereafter constructed, reconstructed, moved, altered, or enlarged.

**504 REVIEW OF A PROPOSED ONE-FAMILY HOUSE:** The application for approval of a zoning permit for the erection or expansion of a one-family house shall consist of not less than three drawings of the proposed site plan together with any documents that may be required for a grading permit. The Zoning Officer shall approve such application if it meets all requirements of this Ordinance within thirty (30) days, or disapprove the application for cause within the same time period.

**505 ENFORCEMENT REMEDIES:** In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this ordinance, Council, in addition to other remedies, may institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent in or about such premises any act, conduct, business or use constituting a violation.

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

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

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

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

**507 ZONING HEARING BOARD:** In accordance with law, Council shall appoint and organize a Zoning Hearing Board, which Board shall adopt rules to govern its procedures. The Board shall hold meetings, keep minutes, and pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing all as required by law. The board shall have the functions, powers and obligations specifically granted by law.

**507.1 Variances:** The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the property of the applicant. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance. The Board may grant a variance provided the following findings are made where relevant in a given case:

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the district in which the property is located;

(b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of such property;

(c) That such unnecessary hardship has not been created by the appellant;

(d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and,

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

**507.2 Special Exceptions:** The Zoning Hearing Board shall hear and decide requests for special exceptions enumerated in this ordinance. A special exception is issued for an exceptional use which may be permitted within a particular zoning district if the Zoning Hearing Board determines its availability. Such uses are made available as a privilege, not as a right, assuming that the requisite facts and conditions detailed in this Ordinance are found to exist. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

**507.3 Appeals from the Zoning Officer:** The Zoning Hearing Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or of the District Map or any valid rule or regulation governing the action of the Zoning Officer. Appeals from decisions or interpretations of the Zoning Officer may be made by landowners, developers, or persons aggrieved and may relate to such subject matter as to whether a zoning permit or zoning occupancy permit should be issued or whether a stop work order should be issued.

**507.4 Challenges to the Validity of the Ordinance:** The Zoning Hearing Board shall hear challenges to the validity of this Ordinance or Map raising substantive questions. Procedural questions or an alleged defect in the process of enactment or adoption of any ordinance or map shall be raised by an appeal taken directly from the action of Council to the Court.

507.5 Stay of Proceedings: Upon the filing of proceedings before the Zoning Hearing Board appealing a determination of the Zoning Officer, challenging an ordinance or requesting a variance or special exception and during the pendency of such proceedings before the Zoning Hearing 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 Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Hearing Board or by the Court having jurisdiction of appeals on petition after notice to the Zoning Officer or other appropriate agency or body.

507.6 Hearings: The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

(a) Notice shall be given to the public, the applicant, the Zoning Officer, such other persons as Council shall designate by ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance, or in the absence of ordinance, provision by rules of the Zoning Hearing Board.

(b) The hearing shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member or alternate member as a hearing officer.

(c) The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board and any other person, including civic or community organizations permitted to appear by the Zoning Hearing Board.

(d) The chairman or acting chairman of the Zoning Hearing 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.

(e) 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.

(f) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(g) The Zoning Hearing Board or hearing officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the party ordering it.

(h) The Zoning Hearing Board or hearing officer shall not communicate directly or indirectly with any party or his representative in connection with any issue involved, except upon notice and opportunity for all parties to participate, shall not take notice of any communication, report, staff memoranda or other materials unless parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings after the commencement of hearings which any party or his representative unless all parties are given an opportunity to be present.

(i) The Zoning Hearing 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 Zoning Hearing Board or hearing officer. Where the Zoning Hearing Board fails to render the decision within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer or fails to hold the required hearing on the application within sixty (60) days from the date of the applicant's request for hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Borough shall give public notice of said decision within ten (10) days in the same manner as provided above.

(j) A copy of the final decision, or where no decision is called for, of the findings, shall be delivered to the applicant and to all other persons who have filed their name and address with the Zoning Hearing Board personally or by mail not later than the day following its date.

## ARTICLE SIX: DEFINITIONS

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

**601.1 ACCESSORY USE:** A use or secondary structure which is clearly incidental and subordinate to the principal use, located on the same lot as the principal use, and which is customarily associated with the principal use.

**601.2 ACCESSORY STRUCTURE:** A subordinate structure, or a portion of the main structure, having less area than the main structure, and having a height no greater than twenty-four (24') feet, the use of which is clearly incidental to and customarily found in connection with the main structure or principal use of the land.

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

**601.4 BOARD:** The Zoning Hearing Board established by this Ordinance.

**601.5 BUILDING PERMIT:** A permit issued under the authority of the Churchill Borough Building Code, authorizing the applicant to proceed with erecting the permitted structure.

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

**601.7 CHILD CARE CENTER:** Any place, home or institution which cares for eight (8) or more children under the age of sixteen (16) years apart from their parents, guardians, or custodians for regular periods of time for compensation; provided, however, that the term "child care center" shall not include or apply to bona fide schools, custody fixed by a court, children related by blood or marriage within the third degree of the custodial person, or churches and other religious or public institutions caring for children within an institutional building.

**601.8 COMMUNICATION TOWER:** A utility structure regulated under the provisions of the Federal Telecommunications Act of 1996.

**601.9 CONDITIONAL USE:** A specific exception to the standard regulations of this Ordinance which requires approval by Council under terms and procedures and with conditions prescribed in this Ordinance.

**601.10 COUNCIL:** The Borough Council of the Borough of Churchill, Allegheny County, Commonwealth of Pennsylvania.

**601.11 DWELLING, SINGLE-FAMILY:** A separate, detached building, designed for or occupied, exclusively as a residence by one-family.

**601.12 DWELLING, TWO-FAMILY:** A separate, detached structure designed for or occupied, exclusively as a residence by two families.

**601.13 DWELLING, MULTIPLE:** A structure designed or occupied otherwise than as a one-family dwelling or a two-family dwelling. The term "multiple-dwelling" shall be understood to include garden apartments, town houses, and all other family dwellings of similar character, where apartments or suites are occupied and used as a separate complete housekeeping unit, but not to include hotels, motels, or rooming houses.

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

**601.15 FAMILY DAY CARE:** The accessory use of a single-family dwelling for the care of up to seven (7) children at any one time.

**601.16 GROUP RESIDENCE:** A residential facility which is licensed, regulated or supervised by a County, State or Federal agency housing at least one (1) and not more than twelve (12) persons plus staff.

**601.17 GOLF CLUB:** A recreational facility operated by and for its members whose primary purpose is the provisions of recreational facilities for the use of members and their guests.

**601.18 HAZARDOUS WASTE:** Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant or air pollution control facility, and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from Borough, commercial, industrial, institutional mining, or agriculture operations, or from community activities, or any combination of the above which because of its quantity, concentration, or physical, chemical, or infectious characteristics may create products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

**601.19 HEIGHT:** The vertical distance measured from the mean level of the land immediately adjacent to a structure to the highest projection of the structure including any secondary structure attached to the principal structure.

**601.20 LAND DEVELOPMENT:** The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot, or lots regardless of the number of occupants or tenure, or the division or allocation of land or space between or among two or more existing or prospective occupants by means of or

for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features, or a subdivision of land.

**601.21 LARGE COMMUNITY RESIDENTIAL FACILITY:** A residential facility which is licensed, regulated or supervised by a County, State or Federal agency housing at least one (1) and not more than twelve (12) persons who require assistance from a trained caregiver, and who live together as a single housekeeping unit..

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

**601.23 LOT COVERAGE:** The ratio of the lot which is covered by any structure, platform or projection thereof to the area of the lot.

**601.24 LOT OF RECORD:** Any lot which individually or as a part of a subdivision, has been recorded in the County Office of the Recorder of Deeds.

**601.25 LOT, DEPTH OF:** A mean horizontal distance between the front and rear lot lines.

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

**601.27 MANUFACTURED DETACHED DWELLING:** A mobile home or similar dwelling unit manufactured off-site when placed on a permanent foundation and used as a single family house.

**601.28 MINOR GRADING OPERATIONS:** Grading where neither the cut or fill exceeds a vertical change of five feet and the Borough Engineer determines that there is little possibility of erosion and sedimentation; or grading involved in the reasonable, regular, normal maintenance and landscaping improvements by individual homeowners where the standards of this Ordinance are not violated; or the stock-piling of rock, sand, and aggregate on an approved site, or earthmoving for the construction of a one-family house in an approved plat where erosion and sedimentation control measures are being employed in accordance with the approved grading plans and specifications for the plat, or temporary excavation below finished grade for basements, additions to existing one-family houses, accessory swimming pools or structures for which a building permit has been issued and where the Borough Engineer determines that the possibility of erosion and sedimentation exists.

**601.29 MOBILE HOME:** A prefabricated dwelling unit designed for transportation on streets and highways on its own wheels or on a flat bed or other trailers, and arriving at the site where it is intended to be occupied as a dwelling complete and ready for occupancy except for connection to utilities and minor or incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation.

**601.30 LOT, WIDTH OF:** The length of a straight line drawn between the points where the required front setback line intersects the side lot lines.

**601.31 MEDICAL CLINIC:** Any establishment where human patients are not hospitalized overnight but are examined and treated by doctors or others who are duly licensed to perform medical healing arts.

**601.32 NON-CONFORMING LOT:** A lot whose width, area or other dimension does not conform to the regulations of this Ordinance and which was a lot of record or lawfully existed at the time the regulations with which it does not conform became effective.

**601.33 NON-CONFORMING STRUCTURE:** Any structure legally existing at the time of enactment of this Ordinance or any of its amendments, which does not conform to the provisions of this Ordinance.

**601.34 NON-CONFORMING USE:** Any use or arrangement of land or structures legally existing at the time of enactment of this Ordinance or any of its amendments which does not conform to the provisions of this Ordinance.

**601.35 PLANNING COMMISSION:** Churchill Borough Planning Commission.

**601.36 PUBLIC NUISANCE:** Any act, operation, business or conduct done, performed or carried on, which may be offensive by reason of emission of odor, dust, smoke, gas, vibration or noise, glaring light, or interference with radio or television reception in the dwellings throughout the Borough, or which shall constitute a public nuisance under the laws of the Commonwealth of Pennsylvania or which shall be incompatible with the primary use of property in the Borough as an essentially residential community; or any condition which by its visibility adversely affects the character of surrounding properties.

**601.37 RESEARCH LABORATORIES:** A building or group of jointly used structures in which pure and applied research is conducted by the owner subject to the following conditions and limitations.

(a) Any improved products or processes will not be manufactured or offered for sale in the Research Laboratory structures or the land appurtenant thereto;

(b) No research operations or experiments will be conducted that will be obnoxious, offensive, or hazardous either by reason of emission of odor, dust, smoke, gas, vibration or noise, or by radiation of nuclear energy (whether from source material, special nuclear material, or by-product material); and,

(c) No research operations or experiments will be conducted which interferes with radio or television reception in the dwellings throughout the Borough; or which constitutes a public nuisance under the laws of the Commonwealth of Pennsylvania, or which is incompatible with the primary use of property in this Borough as an essentially residential community.

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

**601.39 SCHOOL:** A place or institution for teaching; an establishment for learning; the structures and classrooms and laboratories constituting the same, together with the ground annexed thereto, including offices for school administration and related accessory uses and structures, but excluding accessory structures and uses which are incompatible with a residential neighborhood such as stadium lights, wherein and whereon are conducted regular sessions with regularly employed instructors, or weekly sessions, for those subjects that are fundamental and essential in general education, and/or a trade or vocation, and/or religious instruction, operated not for private profit and under the supervision of a lawfully constituted ecclesiastical governing body, or under the supervision of the Commonwealth of Pennsylvania.

**601.40 SIGN:** Any surface or structure exposed to public view and intended, used, or designed to identify, advertise, or promote any product, person, business, institution, organization, or place with written, graphic, or sculptured matter, but not including 1) signs to regulate and control traffic and parking or to promote public health, safety, and welfare; 2) religious, patriotic, fraternal, national, or cultural symbols, if unaccompanied by lettering and applied to a tower, spire, flagpole, wall, or cornice of a structure; nor 3) non-illuminated signs posted inside a display window where such signs do not obstruct clear vision into a store by police and health authorities.

**601.41 SITE PLAN:** A graphic and written presentation of a proposed development.

**601.42 SOILS ENGINEER:** A person registered by the Commonwealth of Pennsylvania as a professional engineer and who has training and experience in soils engineering.

**601.43 SOIL SURVEY:** The unpublished and operational soil survey for Allegheny County, Pennsylvania, and the accompanying text Soil Survey Maps and Interpretations for Developing Areas in Allegheny County, Pennsylvania, as prepared by the USDA Soil Conservation Services.

**601.44 SMALL COMMUNITY RESIDENTIAL FACILITY:** A residential facility which is licensed, regulated or supervised by a County, State or Federal agency housing at least one (1) and not more than three (3) persons who live together as a family unit, and who require assistance from a trained caregiver.

**601.45 STRUCTURE:** Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including an addition to structures, billboards,

carports, porches and other building features, but not including sidewalks, drives, fences, and patios.

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

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

**601.48 UTILITY SUBSTATION:** A structure, or an addition to an existing structure, housing equipment needed for the processing or distribution of service by a public utility or cellular communications network, but not including offices or the overnight storage of maintenance vehicles.

**601.49 VARIANCE:** An authorization to vary slightly from the strict interpretation of the standards of this Ordinance which may be granted by the Zoning Hearing Board in accordance with law.

**601.50 YARD:** An open space adjacent to a lot line, open and unobstructed from the ground to the sky, except as otherwise provided herein.

**601.51 YARD FRONT:** A yard extending across the full width of the lot and extending back in depth the required minimum distance from the front lot line to a line parallel thereto on the lot.

**601.52 YARD REAR:** A yard extending across the full width of the lot and extending forward in depth the required minimum distance from the rear lot line to a line parallel thereto on the lot.

**601.53 YARD SIDE:** A yard on each side of the lot along the full depth of the lot and extending laterally in width the required minimum distance from the side lot line to a line parallel thereto on the lot.

**601.54 ZONING OFFICER:** The person officially hired by Churchill Borough to enforce this Ordinance.

**601.55 ZONING OCCUPANCY PERMIT:** A document issued by the Zoning Officer upon completion of the construction of a structure, or change in use of structure or parcel of land, or change of occupancy of structure, validating that all conditions attached to the granting of the zoning permit have been met, and that the structure and land may be occupied and used for the purposes set forth in this Ordinance.

**601.56 ZONING PERMIT:** A document issued by the Zoning Officer stating that a proposed use or development will be in compliance with this Ordinance, and authorizing the applicant to proceed to obtain required Building Permits.

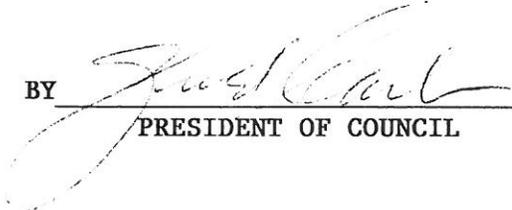
ORDINANCE NO. 661

AN ORDINANCE OF THE BOROUGH OF CHURCHILL ENACTING A NEW ZONING  
ORDINANCE AND REPEALING THE PREVIOUS ZONING ORDINANCES NOS. 609 AND  
640, AS ATTACHED HERETO.

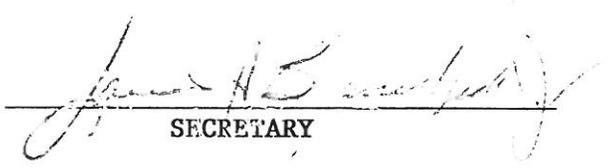
ORDAINED AND ENACTED INTO AN ORDINANCE THIS 10th DAY OF JUNE, 1997.

THE BOROUGH OF CHURCHILL

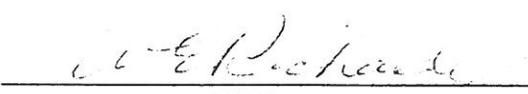
BY

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

  
\_\_\_\_\_  
SECRETARY

EXAMINED AND APPROVED THIS 10th DAY OF JUNE, 1997.

  
\_\_\_\_\_  
MAYOR