

606 Yard Setback Requirements

The Yard Setback Requirements for each zoning district shall be as follows, unless specifically stated otherwise in this Ordinance. See Section 607 for Yard Setback Adjustment Regulations.

Zoning District	Minimum Front Yard Setback (1) (2)	Minimum Side Yard Setback (total both sides/one side) (2)	Minimum Rear Yard Setback (2)
R-1, Residential			
Principal Uses	35 feet	24/10 feet	30 feet
Accessory Uses	35 feet	24/10 feet	5 feet
R-2, Residential			
Principal Uses	30 feet	20/8 feet	25 feet
Accessory Uses	30 feet	10/5 feet	5 feet
C-B, Central Business			
Principal Uses	10 feet	16/8 feet	25 feet
Accessory Uses	10 feet	10/5 feet	5 feet
B-1, Business			
Principal Uses	25 feet	16/8 feet	25 feet
Accessory Uses	25 feet	10/5 feet	5 feet
B-2, Business			
Principal Uses	25 feet	40/20 feet	50 feet
Accessory Uses	25 feet	20/10 feet	25 feet
REC, Public Recreation			
Principal Uses	35 feet	24/10 feet	30 feet
Accessory Uses	35 feet	24/10 feet	5 feet
Notes:			
(1) Measured from the street right-of-way.			
(2) Within the C-B District, front and/or side yard setbacks may be reduced or eliminated with approval of a special exception by the Zoning Hearing Board. Notwithstanding this or any other section of this ordinance, side yards and rear yards within the C-B district shall be a minimum of 10 feet in all areas adjacent to a Residential District.			

607 Yard Setback Adjustment Regulations

607.01 Front Yards

- A. Each lot shall have a front yard setback as required in the district in which the lot is located.
- B. On corner or double frontage lots each side of a lot having a street frontage shall meet the required front yard setback and shall be subject to all front yard requirements of this Ordinance.
- C. Front Yard Setback Exception: In any district within a block containing a lot proposed for construction or expansion of a building, where 50 percent or more of the improved lots on such block frontage on one side of a street currently have front yards of less depth than is currently required for that district, and where the clear majority of such lots are already developed, the average of such existing front setbacks shall establish the minimum front yard depth for the remainder of the frontage.

607.02 Accessory Buildings and Structures

- A. Unless otherwise specified by this Ordinance, when an accessory building or structure is erected, constructed or placed on a corner lot, the accessory building or structure shall be located not less than the required front yard depth from any lot line having street frontage.
- B. Accessory buildings attached to the principal building by a breezeway or similar structure shall meet all yard requirements for a principal building.

607.03 Projection in Yards

- A. Patios, terraces or decks constructed at grade level and with no roof or walls may extend into any required yard space; provided, that at no time may a roof be constructed over or any walls constructed upon or around any portion of the patio, terrace or deck that is located beyond the required building setback lines.
- B. Cornices, eaves, sills or other similar architectural features, gutters, bay windows, chimneys, or similar structures, may project into the front, rear or side yard of a lot, not more than eighteen (18) inches.
- C. Exterior stairways, fire escapes or other required means of egress, ground-mounted doors for basement access, window awnings, chase for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard.
- D. Covered porches and patios, whether enclosed or unenclosed, shall be considered as part of the principal building and shall meet all yard requirements for a principal building.
- E. Walks, and window wells, and such other structures customarily incidental to the principal building may project into the front, side or rear yards of a lot providing the structure elevation shall be not more than twelve (12") inches above the yard grade.
- F. Handicapped ramps and landings necessary to provide entrance to a building may be located within a required setback area. Handicapped ramps serving an existing building may extend into a street right-of-way where necessary, if granted written approval by the Zoning Administrator.
- G. Fences and walls may be erected, altered and maintained within the required yard setbacks provided that they comply with Section 701.02 this Ordinance.

608 Height Regulations

The Height Regulations for each zoning district shall be as follows, unless specifically stated otherwise in this Ordinance. See Section 609 for Height Regulation Exceptions.

Zoning District	Maximum Height
R-1, Residential	
Principal Uses	35 feet
Accessory Uses	25 feet
R-2, Residential	
Principal Uses	35 feet
Accessory Uses	25 feet
C-B, Central Business	
Principal Uses	45 feet
Accessory Uses	35 feet
B-1, Business	
Principal Uses	45 feet
Accessory Uses	35 feet
B-2, Business	
Principal Uses	60 feet
Accessory Uses	60 feet
REC, Public Recreation	
Principal Uses	35 feet
Accessory Uses	25 feet

609 Height Regulation Exceptions

- A. The height of any building or structure may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard (front, side and rear yards) exceeds the minimum yard regulation for the district in which the building or structure is located.
- B. Height regulations shall not apply to barns or silos intended for farming operations, skylights, steeples of houses of worship, antennas, spires, belfries, cupolas, or domes not used for human occupancy, nor to chimneys, ventilators, water tanks, bulkheads, utility poles or towers, clock or bell towers, elevator shafts, mechanical equipment or other appurtenances usually required to be and customarily placed above roof level and not intended for human occupancy.
- C. No building shall be hereafter erected less than one (1) story in height
- D. See Section 1002.12 for height limitations applicable to communications towers.
- E. See Article 9 for height limitations applicable to signs.

- F. All buildings and structures shall conform to any applicable regulations relative to objects affecting navigable air space.

610 Number of Principal Uses and Principal Buildings per Lot

- A. A lot within a non-residential district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that every requirement is met for each use and each building. The following criteria also apply:
 - 1. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply. For example, if Use One requires a one acre lot area and Use Two on the same lot requires a 2 acre lot area, then the lot shall have a minimum lot area of 2 acres.
 - 2. In districts that permit both residential and non-residential uses, no more than one (1) single family detached dwelling shall be permitted on any lot, except that, where permitted, a manufactured/mobile home park or residential condominium development may include more than one single family detached dwelling per lot, provided all other requirements of this Ordinance are met.
 - 3. The lot may include a condominium form of ownership of individual buildings, with a legally binding property-owner's association, if the applicant proves to the satisfaction of the Zoning Administrator, based upon review by the Municipal Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.
- B. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.
 - 1. A manufactured/mobile home park or residential condominium development may include more than one principal building per lot, provided all other requirements of this Ordinance are met.
 - 2. A multi-family residential development with three (3) or more units may include more than one principal building per lot, provided all other requirements of this Ordinance are met, except that no more than one (1) single family detached dwelling shall be permitted.
 - 3. A condominium form of ownership of individual dwelling units, with a legally binding homeowners or other association, may be established if the applicant proves to the satisfaction of the Zoning Administrator, based upon review by the Municipal Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

Article 7 General Regulations

701 Accessory Buildings or Structures

701.01 General Requirements

- A. All accessory buildings and structures shall comply with all applicable lot, yard and height regulations in this Ordinance.
- B. An accessory building or structure shall not be erected, set, or placed in the required front yard setback of any zoning district, with the exception of security guard stations, outdoor lighting fixtures or as otherwise permitted by this Ordinance.
- C. An accessory building or structure shall not be erected, set, or placed in a front yard, unless specifically permitted by this Ordinance.
- D. Mailboxes, newspaper boxes, fences, walls, birdhouses, flagpoles, and pump covers may be placed in any required front, side or rear yard.
- E. Signs shall be erected, set, or placed in accordance with Article 9, Signs.
- F. Notwithstanding any provisions of this Ordinance to the contrary, doghouses and dog related structures shall be placed in rear yards only.
- G. No accessory building or structure shall be constructed upon a lot until construction of the principal building has been actually commenced and, except as provided elsewhere in this Ordinance, no accessory building or structure shall be used for living space.
- H. All accessory buildings and structures shall be erected, set or placed in accordance with adopted building codes
- I. No more than two accessory buildings having an area of 100 square feet of gross floor area or less shall be authorized on any residential lot located within the R-1 Residential or R-2 Residential Districts.
- J. No accessory building or structure (including in-ground swimming pools, patios and decks) shall be located or erected within 10 feet of the boundary of any public utility easement or easement interest that has been granted to the Borough or to a municipal authority or of the boundary of any stormwater detention or retention facility or like facility.
- K. In no case shall a detached private garage or accessory building be located closer than 10 feet to a dwelling located on an adjoining lot.
- L. Within the R-1 Residential and R-2 Residential districts, the total gross floor area of all accessory buildings shall not exceed 50% of the gross floor area of the principal structure.

701.02 Fences and Walls

- A. Fences and walls shall be permitted as an accessory use in all zoning districts. Any fence or wall shall be durably constructed and well-maintained. Fences or walls that have deteriorated shall be replaced or removed.
- B. No fence, wall or hedge shall obstruct the clear-sight triangle requirements of this Ordinance.

- C. No fence, wall, or structure shall be permitted or erected in a public or private drainage, utility or access easement, unless otherwise required by this Ordinance or other Albion Borough ordinance. Any such fence erected in violation of this section shall be removed or relocated at the owner's expense.
- D. Fences shall comply with the following:
 - 1. Any fence located within a front yard in a residential district shall:
 - a. be an open-style fence (such as picket, metal post, wrought iron or split rail) with a minimum ratio of 1:1 of open structural areas.
 - b. not exceed thirty-eight inches (38") in height.
 - c. not be constructed of chain link metal. Fences are encouraged to be constructed using weather resistant wood, vinyl materials that resemble wood, or vinyl materials that resemble historic style metal post fences.
 - 2. Within a residential district, on a corner lot at the intersection of two (2) streets, the maximum height of a fence shall be thirty-eight inches (38") along the street from which the residence takes its address. The maximum height in other yards shall be six and a half feet (6.5'), all subject to Section 701.02 (B) above.
 - 3. Brick may be used for posts or as a base for a fence, provided the maximum fence height is not exceeded.
 - 4. A fence shall not be required to comply with minimum setbacks for accessory structures.
 - 5. With the exception of fences located within the C-B Central Business, B-1 Business or B-2 Business districts, all fences shall have a maximum height of six and a half feet (6.5') unless specified otherwise by this ordinance.
 - 6. Fences within the C-B Central Business, B-1 Business or B-2 Business districts shall have a maximum height of eight and a half feet (8.5'), unless specified otherwise by this ordinance.
 - 7. A maximum height of twelve feet (12') shall be permitted where the applicant proves to the Zoning Administrator that such height is necessary to protect public safety around a specific hazard, such as around an electric substation.
 - 8. A maximum fence height of twelve feet (12') shall be permitted around the perimeter of a tennis court, basketball court or similar recreational facility.
 - 9. Structural posts of a fence may extend above the height of the fence.
 - 10. All fence heights shall be measured from the average surrounding ground level.
 - 11. No fence shall be built within an existing street right-of-way.
 - 12. A fence may be built without a setback from a lot line, however a small setback is recommended to provide future maintenance of the fence.
 - 13. Barbed wire shall not be used as part of fences around dwellings.
 - 14. If one side of a fence includes posts or supports, those posts or supports shall be placed on the interior of the fence, as opposed to facing onto a street or another lot.
 - 15. If a fence is finished only on one side, the finished side shall face outward away from the lot or parcel upon which it is located.

- E. Walls shall comply with the following:
1. Engineered retaining walls necessary to hold back slopes are exempted from the regulations of this Section and are permitted by right as needed in all zoning districts.
 2. Walls, except a retaining wall, within a front yard in a residential district shall have a maximum height of thirty-eight inches (38"). Within a residential district, on a corner lot at the intersection of two (2) streets, the maximum height of a wall shall be thirty-eight inches (38") along the street from which the residence takes its address; the maximum in other yards shall be six feet (6'), all subject to Section 701.02 (B) above.
 3. Walls that are structurally part of a building shall be regulated as part of that building.
 4. All wall heights shall be measured from the average surrounding ground level.
 5. With the exception of walls located within the C-B Central Business, B-1 Business or B-2 Business districts, all walls shall have a maximum height of six feet (6') unless specified otherwise by this ordinance.
 6. Walls within the C-B Central Business, B-1 Business or B-2 Business districts shall have a maximum height of eight feet (8'), unless specified otherwise by this ordinance.
 7. A maximum height of twelve feet (12') shall be permitted where the applicant proves to the Zoning Administrator that such height is necessary to protect public safety.

701.03 Swimming Pools (private residential)

Where permitted, private swimming pools, including above-ground and in-ground pools, shall comply with the following conditions and requirements:

- A. The pool shall be intended and used solely for the enjoyment of the occupants of the property on which it is located.
- B. The pool may be located only in the rear yard or side yard of the property on which it is an accessory use.
- C. The pool, including any above-ground decking, shall not be located closer than 10 feet from the boundary of any public easement affecting the property.
- D. All swimming pools shall be enclosed by a fence at least four feet high for the purpose of public safety. The fence is to be so constructed so that small children cannot climb under, through or on the fence. Gates shall also be so constructed so they can be secured to prevent access by small children. For aboveground pools, the pool structure may be used as part of the required fencing. Any ladder or steps used to access an aboveground pool must be secured to prevent access by small children.
- E. In addition to the above requirements, installation of swimming pools shall comply with applicable provisions of the PA Uniform Construction Code. Refer to the PA Uniform Construction Code for additional information.

702 Buffer Yard and Screening Requirements

702.01 General Requirements

The buffer and screening requirements of this Section shall apply to the following types of land developments commencing after the effective date of this Ordinance:

- A. Any new commercial, industrial or institutional land development that abuts a residential zoning district.
- B. Any expansion of an existing commercial, industrial or institutional land development that abuts a residential zoning district, and that increases gross floor area by fifty percent (50%) or greater.
- C. Any new multiple family residential development that consists of 10 or more dwelling units, and that abuts pre-existing residential development or platted residential lots.
- D. Any expansion of an existing multiple family residential development that results in a total of 10 or more dwelling units, and that abuts pre-existing residential development or platted residential lots.

702.02 General Design Standards

When required by this Ordinance, buffer yards shall comply with the following criteria:

- A. Buffer yards shall be designed to assure the protection of adjoining land uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the character of the area.
- B. Buffer yards shall be a minimum of six (6) feet in width, unless a wider width is specified by another section of this Ordinance, or unless a wider width is required by the Zoning Hearing Board as a condition of approval of a variance or special exception.
- C. Areas of the buffer yard not covered with a fence, wall, screening plantings, mulch or other pervious decorative cover shall be planted with grass or other attractive vegetative ground cover.
- D. Buffer yards shall be located along the side and rear lot lines that are not abutting a street and that are adjacent to a residential development or residential zoning district.
- E. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way nor any access drive serving a lot or parcel.
- F. Buffer yards may be used for controlled passive recreational purposes, but all other uses, including off-street parking and outdoor storage of materials or equipment, are prohibited. If necessary, driveways or walkways may cross a buffer yard.
- G. No building or other structure shall be constructed or placed on or within a buffer yard unless specifically permitted by this Ordinance.
- H. Screening: Buffer yards shall contain suitable, sight-obscuring screening, defined as one or more of the following:
 - 1. A sight-obscuring planting of shrubs and/or bushes of a variety that keep green leaves year round and will maintain full, dense growth from the ground to a height of between four (4) and six (6) feet. Plants shall be a minimum of three (3) feet in height at the time of planting, and shall be spaced to provide full, dense coverage without interruption.

2. Upon approval of the Zoning Hearing Board, a wall, fence (finished side out), or earthen berm may be substituted for planting materials. The Zoning Hearing Board shall establish conditions on the location, height, and design of same.
3. As a condition of approval of a variance or special exception, the Zoning Hearing Board may require a wall, fence (finished side out), or earthen berm in conjunction with planting materials. The Zoning Hearing Board shall establish conditions on the location, height, and design of same.
 - I. Existing Vegetation: Protection of existing vegetation is encouraged. Existing healthy vegetation may be used toward buffer and screening landscape requirements, to the extent that it provides the required level of density. If gaps occur in the natural setting of vegetation, as determined by the Zoning Administrator, new plant materials shall be required to achieve the necessary density levels.
 - J. Security Fences: Land developments of a hazardous nature including quarries, junk yards, outside storage, towers, fuel storage, or similar industrial activities may choose to incorporate a security fence in the required buffer area. If chain link or similar fencing materials are used, the exterior side of the fence shall be landscaped with evergreen shrubs a minimum of three (3) feet in height and six (6) feet on center at installation.

702.03 Installation and Maintenance

- A. It shall be the responsibility of the property owner or an association of property owners to install and permanently maintain the buffer yard and screening and/or landscaping required by this Ordinance.
- B. Fences and walls shall be maintained in a safe and structurally sound condition.
- C. Dead or diseased plants shall be removed and replaced within one (1) year.

702.04 Modifications of Requirements

- A. In the event that the location, topography, lot size, existing vegetation, or other characteristics of the development site warrant exceptions to the strict application of the buffer yard and screening requirements of this Ordinance, the Zoning Hearing Board may waive or modify such requirements.
- B. The Zoning Hearing Board may modify the buffer and/or screening requirements of this Ordinance as a condition of approval for a variance or special exception. Modifications may include, but are not limited to, increasing the width of the required buffer yard; additional landscaping requirements; and increasing the height requirements of plantings, fences, or other types of screening.

703 Dumpster Location

- A. Setback from Dwellings: An outdoor solid waste container with a capacity of over 25 cubic feet shall be kept the maximum distance that is feasible from any abutting dwelling, provided that the container is not in the minimum front yard setback area. In any case, an outdoor solid waste container shall be kept a minimum of 15 feet from an abutting dwelling. A solid waste dumpster shall not be located in a required front, side or rear yard setback or a required buffer yard.
- B. All waste containers shall be completely enclosed, and the lid shall be kept in place. The locations of all dumpsters shall be shown on all site plans and land development plans submitted to the municipality.
- C. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises, or for recycling containers that do not involve garbage.

704 Exterior Lighting

Where light fixtures are installed to provide exterior illumination, excluding overhead street lighting and warning, emergency, or traffic signals, the following restrictions shall apply.

- A. All outdoor lighting, whether or not required by this Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook.
- B. All future amendments to the recommended practices of the IESNA shall be made a part of the Ordinance without further action by the municipality.
- C. Street lighting fixtures, when required for safety considerations, may be controlled by photocells for dusk to dawn operation.
- D. The lighting from any luminary shall be shaded, shielded, or directed to prevent direct light from being distributed onto adjacent properties and/or surrounding areas. Unshielded lighting is not permitted, except for temporary holiday lighting. Lighting shall be designed so that glare or direct illumination does not exceed two tenths (0.2) foot candle beyond the property line on which the lighting originates.
- E. Lighting on private property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare).
- F. Pole-mounted lamps shall be placed directly above the area to be illuminated and shielded at the top and sides; or positioned near the perimeter of a property and aimed toward the area requiring illumination, subject to applicable yard setback provisions.
- G. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of mounting height, wattage, aiming angle, fixture placement, etc.
- H. The installation or erection of any lighting, which may be confused with warning signals, emergency signals, or traffic signals, shall not be permitted.
- I. Lighting of parking lots shall be in accordance with this Ordinance.

- J. Maintenance: Lighting fixtures shall be maintained so as to always meet the requirements of this Ordinance.
- K. Nonconforming Lighting: Any lighting fixture existing on the effective date of this Ordinance which does not conform with the requirements of this Ordinance shall be considered a lawful, nonconforming lighting fixture. A nonconforming lighting fixture shall be made to comply with the requirements of this Ordinance when such fixture is replaced or relocated.

705 Storage

705.01 Temporary Storage Units

The use of temporary storage units, including those commercially known as "pods" or enclosed "containers" of a box trailer with or without wheels, shall be permitted on a temporary basis subject to the following:

- A. Units shall be permitted for a maximum period of 60 consecutive days in any one calendar year. This period may be extended upon written request to the Zoning Administrator for a period not exceeding 180 days, except as provided for in Section 705.01 (B).
- B. Notwithstanding Section 705.01 (A), units used for temporary construction storage may be used for the period for which a valid building permit has been issued.
- C. Any enclosed "container" of a box trailer with wheels that is used for temporary storage shall be licensed, and shall be located in conformance with all applicable yard setback requirements for an accessory structure within the zoning district in which the property is located.
- D. The "container" of a box trailer, with or without wheels, shall not be used for permanent storage in any zoning district.
- E. The use of former mobile homes, former semi-rigs, former buses or similar vehicles for temporary or permanent storage is not permitted in any zoning district.

705.02 Recreational Vehicles & Recreational Equipment

The parking, storage and/or occupancy of recreational vehicles and recreational equipment, as defined in Article 2, and including travel trailers, pickup coaches, motorized homes and boat trailers, shall be subject to the following criteria:

- A. The occupancy of recreational vehicles and recreational equipment for living, sleeping and/or housekeeping purposes shall be prohibited, except for as follows:
 - 1. The temporary occupancy of recreational vehicles and/or recreational equipment shall be permitted in conjunction with a legally permitted campground or recreational vehicle park for a period of time not exceeding 9 consecutive months or 9 months within a calendar year. The requirements of Section 705.02 (A, 2) do not apply to recreational vehicles and recreational equipment located within a legally permitted campground or recreational vehicle park.

2. The temporary occupancy of recreational vehicles and/or recreational equipment shall be permitted, subject to the following conditions:
 - a. The temporary occupancy shall be for visitors and house guests only, and shall not be for commercial purposes.
 - b. The temporary occupancy period shall not exceed 30 consecutive days or 30 days within a calendar year unless a Zoning Permit is obtained, in accordance with Section 302.03 (C, 3), Zoning Permits for Temporary Uses and Structures.
 - c. Such vehicles and/or equipment, when used for temporary occupancy, must be parked off-street.
- B. Permanent parking and/or storage of recreational vehicles and recreational equipment shall be permitted in any zoning district subject to the following requirements. For purposes of this Section, permanent is defined as a period of time exceeding 90 consecutive days or 90 days within a calendar year.
 1. Except as provided for in Section 705.02 (A), above, parked and/or stored recreational vehicles and recreational equipment shall not be occupied or used for living or housekeeping purposes.
 2. Parking or storage of recreational vehicles and recreational equipment shall be limited to the interior of garages or other available on-lot accessory buildings, driveways, or that portion of the property located behind the principal building.
 3. Parking or storage of recreational vehicles and recreational equipment shall conform to all applicable yard setback requirements for an accessory structure within the zoning district in which the property is located.
- C. Derelicts: No recreational vehicles or recreational equipment shall be stored outdoors on a residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six months if not in condition for safe and efficient performance of the function for which it is intended.

705.03 Commercial Vehicles & Equipment Storage

- A. Commercial equipment including trucks (greater than one ton capacity) tandems, tractor-trailers, school buses, tractors or other commercial construction, earth moving, or cargo-moving vehicles and/or equipment shall not be parked overnight in the R-1 Residential or R-2 Residential Districts, except as provided for in Sections 705.03 (B), 705.03 (C), and 705.03 (D). In the C-B Central Business, B-1 Business, B-2 Business, and REC Public Recreation Districts, such vehicles and/or equipment shall not be parked overnight on any public thoroughfare or right-of-way.
- B. Farm tractors and other farm equipment used with a legally permitted agricultural use are excluded from Section 705.03 (A) requirements for the R-1 Residential District. However, such vehicles and/or equipment shall not be parked overnight on any public thoroughfare or right-of-way.

- C. Commercial equipment including trucks (greater than one ton capacity) tandems, tractor-trailers, tractors or other commercial construction, earth moving, or cargo-moving vehicles and/or equipment that are necessary to serve on-site construction are excluded from Section 705.03 (A) requirements for the R-1 Residential or R-2 Residential Districts while such construction is actively underway.
- D. The only overnight parking of commercial trucks and buses that shall be allowed in the R-1 Residential and R-2 Residential Districts shall be for a maximum of two (2) vehicles, each up to 14,000 pounds aggregate gross vehicle weight, and which shall only be allowed if such vehicle(s) is used by residents of the dwelling to travel to and from work.

705.04 Outside Storage and Display

- A. No outside storage and/or display of any material shall occur within a street right-of-way, required parking area, buffer yard, sidewalk or other area intended or designed for pedestrian use.
- B. No outdoor stockpiling of any material shall be permitted in the required front yard setback area.
- C. No outside storage or display of any material shall occur on areas with a slope in excess of 25% or within the 100 year floodway.
- D. Outside storage of any materials on property which abuts any public right-of-way and/or any residential zoning district must be screened from view at all times.
- E. Outdoor storage of loose and/or bulk materials, such as sawdust, straw, leaves, or similar items shall be covered or shielded from the weather to ensure confinement to the site during periods of wind, and to prevent runoff onto adjacent properties during storm events.
- F. The outside storage of used tires shall only be permitted as part of a municipality approved junkyard.

706 Performance Standards

- A. No use of land or structure in any district shall involve, or cause, any condition or material that may be dangerous, injurious, or toxic to any other property or person. Please note that some agricultural activities are protected by the Commonwealths "Right to Farm" Laws.
- B. **Noise:**
 - 1. Except as provided for in Sections 706 (B, 2) and 706 (B, 3), no person shall operate, and no property owner or business shall permit to be operated, any noise source in such a manner as to create a sound pressure level which exceeds the limits set forth in the table below. The noise limits for each parcel of land shall depend upon the zoning district within which the parcel is classified. All activities shall operate within the limits set forth in the table.

Zoning District	Time of Day	Maximum dBA	Maximum dBC
R-1 & R-2	7:00 am – 10:00 pm	55	65
R-1 & R-2	10:00 pm – 7:00 am	50	60
C-B, B-1 & REC	24 hours	60	70
B-2	24 hours	72	82

2. An increase in the maximum dBA and/or maximum dBC shall be permitted with the approval of a special exception by the Zoning Hearing Board.
3. The following activities are exempt from noise limitations.
 - a. Lawn mowing or lawn maintenance activities during the hours of 8:00 a.m. and 8:00 p.m.
 - b. Snow removal
 - c. Construction activities
 - d. Emergency Services
 - e. Normal farming operations
 - f. Work associated with the repair or restoration of public services, including but not limited to water, gas, sewer, telephone and electric.
 - g. Noncommercial public speaking and public assembly activities conducted on any public space.
 - h. Outdoor gatherings, shows, and sporting or other entertainment events conducted during the hours of 8:00 a.m. and 11:00 p.m.
- C. All commercial or industrial uses in any district must observe the following performance requirements.
 1. **Fire Protection:** Fire protection and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.
 2. **Electric Disturbance:** No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area.
 3. **Air Pollution/Smoke:** All air-borne emissions shall comply with the regulations of the Pennsylvania Department of Environmental Protection and the Environmental Protection Agency (US).
 4. **Glare:** All exterior lighting shall comply with Section 704, Exterior Lighting.
 5. **Water Pollution:** No permit shall be issued until all applicable wastewater, stormwater and erosion/sedimentation control permits have been obtained.
 6. **Vibration:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property, except that a temporary vibration as a result of construction activity shall be permitted.

707 Prohibited Uses

- A. The following uses are prohibited in all districts within the municipality.
 1. The incineration, reduction or storage of offal, animals, fish, or refuse, unless by the authority of or under the supervision of the municipality.
 2. The incineration or reduction of garbage and grass clippings.
 3. Dumps and dumping of any kind, other than solid waste landfill and composting, unless by the authority of or under the supervision of the municipality.
- B. The short-term rental of a dwelling unit or a bedroom within a dwelling unit is prohibited within the R-1 Residential District.

708 Encroachments into Rights-of-Way and Easement Areas

No encroachment into the right of way of a public street or highway or into an easement area granted to the municipality or to the public is authorized absent the prior approval of the municipality or PennDOT, as is applicable.

- A. No sign, display, fence, hedge, enclosure wall or other obstruction shall be placed within a public right-of-way or maintained so as to interfere with the free passage of pedestrians, motorists and others using the street, highway, sidewalk or other part of the right of way.
- B. Except for street trees as authorized by the municipality, no tree, shrub, hedge, fence, wall or other item shall be placed within the limits of any public right-of-way, street, highway or easement.
- C. Street trees may be placed within a public street right of way subject to the following standards:
 - 1. Trees shall be of nursery stock quality, and shall be free of insect pests and disease.
 - 2. They shall be located so as not to obstruct any part of a street, sidewalk or path.
 - 3. No such tree shall be located so as to obstruct or pose risk of obstruction to vehicles (including municipal vehicles) using the street.
 - 4. The owner of the abutting lot shall be responsible for the proper location and maintenance of said tree.
 - 5. No street tree shall be planted closer than 35 feet of any street corner, measured from the point of the nearest intersecting curbs or curb lines. No street tree shall be planted closer than 10 feet of any fire hydrant, utility pole or traffic sign.
 - 6. No street tree with a mature height of greater than 25 feet may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.
 - 7. No trees may be planted closer to any curb or sidewalk than the following:

Tree Height at Maturity	Minimum Distance From Curbs and Sidewalks
30 feet or less	2 feet
Greater than 30 feet, but less than 45 feet	3 feet
45 feet or more	4 feet

709 Individual Mobile Homes

Individual mobile homes shall be permitted on individual lots only if they meet the following conditions:

- A. The proposed lot shall meet all area and yard requirements of the district.
- B. The installation of the mobile home shall comply with the Commonwealth of Pennsylvania Uniform Construction Code.
- C. The unit shall be permanently installed on piers or a foundation in a manner that complies with the manufacturer's recommendations. In cases where the unit is installed on piers, skirting shall be provided.

710 Pets, Keeping Of

- A. Keeping of pets is permitted by right, as an accessory use in all zoning districts.
- B. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets.
- C. The keeping of "Exotic wildlife" as defined by the Pennsylvania State Law shall be prohibited.

711 Minimum Floor Area

All single-family detached dwellings shall have a minimum of 800 square feet of habitable floor area, which shall exclude unfinished basements and attics, enclosed porches, breezeways, garages, or other similar structural additions.

Article 8 Off-Street Parking and Loading

801 General Regulations

- A. Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off or beyond the public right-of-way.
- B. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements.

802 Off-Street Parking Requirements

- A. The number of off-street parking spaces required is set forth below. 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. Fractional numbers of parking spaces shall be increased to the next whole number. Where more than one (1) use exists on a lot, parking requirements for each use must be met, except as provided for in Section 802 B.

Land Use	Parking Required
RESIDENTIAL	
Single family dwellings	2 spaces per dwelling unit
Multiple family dwellings	2 spaces per dwelling unit plus 1 space per five dwelling units for guest parking.
Multiple family dwellings limited to persons over the age of 55, or limited to 1 bedroom units.	1.25 spaces per dwelling unit
Assisted Living Facilities	Combination of the following by service area: Personal care or nursing care centers: 1 space for each 4 beds plus 1 space per employee on largest shift. Apartment units: 1 space per dwelling unit plus 1 space per 5 units for guest parking. Single family units: 1.25 spaces per dwelling unit.

Albion Borough Zoning; Adopted August 13, 2019

Boarding Houses	1 space per resident based on maximum occupancy, plus 1 space for guest parking for each four (4) residents based on maximum occupancy.
Group Quarters	1 space per resident based on maximum occupancy, plus 1 space for guest parking for each four (4) residents based on maximum occupancy.
Home Based Business or Occupation	2 per dwelling unit, plus one per non-resident employee, plus one additional space
Mobile Home Parks	2 spaces per dwelling unit
AGRICULTURE	
Farmer's Market	(1) space per 200 square feet of retail sales area; minimum 3 spaces
Landscape Nurseries and Greenhouses	(1) space per 250 square feet of gross floor area of indoor display, plus (1) space per 2,500 sq. ft. of greenhouse or outdoor display open to the public
Market or Auction House	(1) space per 100 sq. ft. of gross floor area, and (2) spaces per vendor
Retail sale of agricultural products produced on the premises	(1) space per 200 square feet of retail sales area; minimum 3 spaces
Riding Academy or Boarding Stable	1 space per 2 stalls, plus 1 space per 4 seats of spectator seating, plus 1 space for each non-resident employee.
COMMERCIAL	
Amusement, Entertainment, and Recreation:	
Amusement Arcade	1 space per 80 sq. ft. of gross floor area
Bowling Alley	(2) spaces per lane, plus 1 space per employee on largest shift.
Billiard Room	2 spaces per table
Campgrounds	2 spaces per campsite

Albion Borough Zoning; Adopted August 13, 2019

Commercial Recreation (not otherwise covered)	(1) space per 2 persons permitted in maximum occupancy
Dance halls	(1) space per 100 sq. ft. of gross floor area, plus 1 per employee on largest shift.
Fairgrounds, amusement parks, carnivals, circuses, transient shows	(1) space per 3 persons permitted in maximum occupancy
Golf Courses	(4) spaces per hole, plus added spaces for restaurant uses if applicable
Golf Driving Ranges	(1) space per tee
Gyms, Indoor Athletic or Exercise Facilities	(1) space per 200 sq. ft. of gross floor area
Miniature Golf	(1) space per hole
Skating and Roller Rinks	(1) space per 250 sq. ft. of gross floor area
Sports Arenas and Stadiums	(1) space per 3 seats, plus 1 space per employee on largest shift
Swimming pools (other than one accessory to a residential development, private residence or hotel/motel)	(1) space per 100 sq. ft. of water surface area
Tennis Courts	(3) spaces per court
Theaters and Auditoriums	(1) space per 3 seats, plus 1 space per employee on largest shift
Offices/Professional Uses:	
Banks and Financial Institutions	(1) space per 250 sq. ft. of gross floor area
Offices, General	(1) space per 250 sq. ft. of gross floor area
Medical and Dental Offices, including outpatient clinics	(5) spaces per doctor, plus (1) space per employee on largest shift
Veterinary Clinics	(4) spaces per doctor, plus (1) space per employee on largest shift

Albion Borough Zoning; Adopted August 13, 2019

Retail Sales and Services:	
Pet grooming	1 per each 5 kennels; minimum of 3 spaces, plus 1 per employee on largest shift
Auto Sales	(1) per each 250 sq. ft. gross floor area indoor display, plus (1) per 5,000 sq. ft. outdoor display
Automotive/ Vehicle Rentals	1 space per 700 sq. ft. of gross floor area, plus 1 space per 300 sq. ft. of office, sales and other spaces to be used by customers or employees.
Automotive/Vehicle Service and Repair Facilities	2 spaces for each service bay area plus one space per employee on the largest shift, but in no case less than 1 space for each 400 sq. ft. of gross floor area.
Beauty or Barber Shop	(1) space for each customer seat, plus 1 space per employee on largest shift
Bed and Breakfast Inns and Homes	(1) space per guest room, plus (1) space per employee on largest shift
Car Wash Facilities	(3) spaces per wash line
Convenience Stores / Automotive Fueling Stations	(1) space per 150 sq. ft. of gross floor area open to the public, and 1 space per employee on largest shift
Day Care Centers	(1) space per employee on largest shift, plus (1) space per (6) visitors or students
Emergency Services	(1) space per employee on largest shift, plus (1) space per 250 sq. ft. of gross floor area open to the public
Flea Markets	(1) space per 200 square feet of retail sales area
Funeral Homes and Mortuaries	(25) spaces for the first parlor, plus (10) spaces for each additional parlor
Food markets and grocery stores	(1) space per 150 sq. ft. of gross floor area open to the public, and 1 space per employee on largest shift

Albion Borough Zoning; Adopted August 13, 2019

Hotel or Motel	1 space per guest room, plus 1 space for each employee on the largest shift, plus spaces associated with meeting rooms (1 space for 400 square feet of public meeting area). Spaces for restaurants and related facilities shall be in addition to these requirements.
Kennels and Animal Boarding Facilities	(1) space for every 15 animals of capacity, plus 1 space per employee on largest shift
Laundry or Dry Cleaners	(1) space per 400 sq. ft. of gross floor area
Laundromat, self-service	1 space per 3 washing machines, plus 1 space per employee on largest shift
Manufactured Home Sales; Recreational Vehicle Sales; and Monument Sales	(1) space per 250 sq. ft. gross floor area indoor display, plus (1) space per 5,000 sq. ft. outdoor display
Personal Services	(1) space per 250 sq. ft. of gross floor area
Repair Services	(1) space per 300 sq. ft. of gross floor area open to the public, plus (1) space per employee on largest shift
Restaurant, Fast-Food w/ Drive-thru	(1) space per 2 seats, plus (1) space per employee on largest shift
Restaurant, other than fast food w/drive-thru	(1) space per 3 seats, plus (1) space per employee on largest shift
Retail Stores or shops (except those otherwise listed)	(1) space per 200 sq. ft. of gross floor area open to the public, plus 1 per employee on largest shift
Retail Stores (Furniture, lumber or floor coverings sales)	(1) space per 500 sq. ft. of gross floor area open to the public, plus 1 space per employee on largest shift.
Tavern, Night Club, Lounge	Greater of (1) space per 50 sq. ft. of gross floor area open to the public or (1) per 2 seats; plus (1) space per employee on largest shift

Albion Borough Zoning; Adopted August 13, 2019

INDUSTRIAL	
Contracting Operation (construction, electrical, heating, plumbing, etc.)	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Distribution Centers/Beverage Bottling	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Industrial Uses (not otherwise covered)	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Manufacturing	(1) space per 1,000 sq. ft. of gross floor area, or (1) space per employee on largest shift, whichever is greater
Mini or self-storage facilities	1 space per 25 storage units, plus 1 space per employee on largest shift
Research and Technical Laboratories	(1) space per 1,000 SF, or (1) space per employee on largest shift, whichever is greater
Scrap (Junk or Salvage) Yards	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Transportation Terminal	1 space for every 100 sq. ft. of waiting room space, plus 1 space for each employee on the largest shift.
Warehouses	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Wholesale Establishments	(1) space per 1,000 sq. ft. of gross floor area, or (1) space per employee on largest shift, whichever is greater
INSTITUTIONAL, EDUCATIONAL, SOCIAL AND RELIGIOUS	
Athletic/ Sports Fields	(5) spaces per acre; plus (1) space per 3 seats for spectators, or if there are no seats, (1) space for every 40 sq. ft. of spectator seating area.

Albion Borough Zoning; Adopted August 13, 2019

Cemetery	(1) space per employee on largest shift, plus (1) space per 4 seats of chapel or assembly room capacity.
Community Garden	(3) spaces for the first acre and (1) space for each additional acre.
House of Worship	(1) space per 4 seats used for services
Municipal Buildings; Community Buildings	(1) space per 100 sq. ft. of gross floor area open to the public
Nursery Schools	(1) space per employee on largest shift, plus (1) space per (6) visitors or students
Hospitals	(1) space for each 1.5 beds, plus (1) space per employee on largest shift
Libraries and Museums	(1) space per 300 sq. ft. of gross floor area open to public, plus (1) space for each employee on largest shift
Monasteries or Convents	(1) space per 6 residents, (1) space per employee on largest shift, and (1) space per 5 chapel seats
Nursing Home	(1) space per 6 beds, plus (1) space per employee on largest shift
Park (10 acres or less)	(5) spaces for the first two acres and (1) space for each additional acre; plus additional spaces for facilities such as playgrounds, athletic fields, pavilions, swimming pools and tennis courts
Parks (greater than 10 acres)	(5) spaces for the first acre, plus 1 space for each additional 10 acres; plus additional spaces for facilities such as playgrounds, athletic fields, pavilions, swimming pools and tennis courts
Park Pavilion	1 space for each picnic table
Playgrounds	(4) spaces per 1,000 sq. ft. of playing area
Post Office	(1) space per 100 sq. ft. of gross floor area open to the public.

Albion Borough Zoning; Adopted August 13, 2019

Prisons	(1) space per employee on largest shift, plus 1 space per every (4) seats in visitation room
Social Clubs, Fraternal Clubs, Lodges and Similar Uses	(1) space per 100 sq. ft. of gross floor area open to the public.
Treatment Center/Pre-Release Detention Facility/Halfway House	1 space per 2 beds, plus 1 space for each employee on largest shift
Schools:	
Colleges or Universities	1 space for every three employees plus 1 space for every 10 students residing on campus and 1 space for every 5 students not residing on campus.
Elementary School	1.5 spaces per 30 person classroom.
Junior High School	3.5 spaces per 30 person classroom.
Senior High School	9.5 spaces per 30 person classroom
Vocational training and adult education facilities	(1) space per 1.5 students enrolled
College/University – Off-Campus Housing	(1) space per employee, plus (1) per 2 students
College/University – Campus Housing	(1) space per employee, plus (1) per 4 students

- B. Shared Parking Spaces: When more than one (1) use exists on a lot, parking requirements for each use must be met. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Zoning Hearing Board may reduce the total number of parking spaces required for the use that requires the least number of spaces.
- C. Parking Oversupply: The Zoning Hearing Board may authorize the reduction of the number of required off-street parking spaces as a special exception in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land.
 - 1. The applicant may be required to provide a parking analysis conducted by a licensed professional engineer experienced in the construction and design of parking facilities. Such analysis shall justify the reduction and document an adequate number of parking spaces needed to adequately support the proposed use(s) of the property.

2. In cases where a reduction in the number of required parking spaces is permitted, the Zoning Hearing Board may require the balance of parking spaces to be set aside in a natural state and a parking easement for future expansion if at some point additional parking becomes necessary.
3. As an alternative, the applicant may request that a percentage of the parking area be delineated as peak or overflow parking, permitted to be constructed with a grass paver, reinforced turf grass, or other pervious construction methods approved by the municipality.

803 ADA Parking Requirements

- A. All non-residential and multi-family off-street parking areas shall provide accessible parking spaces for use by motor vehicles that transport physically disabled persons in accordance with ADA standards.
- B. Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
- C. All spaces shall be clearly identified with pavement markings and a sign that includes the international symbol for barrier free environments. The sign shall include a statement informing the public that the parking space is reserved for use by physically disabled persons and the dollar amount of the fine for illegally parking in spaces reserved for physically disabled persons.
- D. Parking spaces reserved for use by the physically disabled shall be designed and constructed in accordance with ADA requirements.
- E. The number of parking spaces reserved for use by the physically disabled shall be in accordance with ADA requirements.

804 Parking Space Dimensions

- A. Individual off-street parking spaces shall be a minimum of nine feet by eighteen feet (9'x18') with the following exceptions:
 1. Angled off street parking spaces shall be a minimum of nine (9) feet wide and a minimum of nineteen (19) feet long (9' x 19').
 2. Parallel parking spaces shall be a minimum of eight (8) feet wide and a minimum of twenty-three (23) feet long (8' x 23').
 3. Parking spaces for the physically handicapped shall be in accordance with ADA standards.

805 Location of Parking Spaces

- A. Parking and loading areas shall be located entirely on the lot being served except where shared (Joint) parking facilities are developed to serve multiple adjacent lots, or unless parking requirements are modified in accordance with Section 805 (B).
- B. Modification of Parking Requirements within the C-B, Central Business District: Within the C-B Central Business District, the following apply:
 - 1. Credit for on-street parking: The number of off-street parking spaces required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, unless otherwise approved by the municipality.
 - 2. The Zoning Hearing Board may reduce or waive the off-street parking requirements with approval of a special exception. The applicant may request a reduction to or waiver of off-street parking requirements based on estimated peak use, pedestrian accessibility, availability of on-street parking, availability of off-street parking for public use, and/or other considerations. The Zoning Hearing Board may require the applicant to provide a parking impact study by a qualified professional.
- C. To the maximum extent practical parking and loading areas shall be located at the side or rear of buildings in order to reduce or eliminate the visual impact of vast areas of pavement.
- D. Parking facilities shall be located within the distances specified herein for the intended land use as measured from the furthest parking space, but in no case shall the distance exceed any requirements set forth by the Americans with Disabilities Act (ADA) or by the Pennsylvania Department of Labor and Industry.
 - 1. Commercial and Industrial Development - a maximum of one thousand (1,000) feet for employee parking and five hundred (500) feet for customer parking.
 - 2. Single Family or Two-Family Structures - off-street parking shall be provided entirely on the lot being served, and shall not encroach on the street right-of-way. The required parking may take the form of attached or separate garage(s), carport(s), or driveway(s).
 - 3. Multi-Family structures - off-street parking shall be located within one hundred (100) feet of the structure.

806 Joint Parking Facilities

- A. Joint parking facilities shall be allowed in the C-B, Central Business, B-1, Business, B-2 Business, and REC, Public Recreation districts.
- B. Joint parking facilities shall be allowed subject to the following requirements:
 - a. Parking facilities shall be located within the distances specified in Section 805 (D) for the intended land use as measured from the furthest parking space.
 - b. The required number of parking spaces shall be not less than the total required separately for each use with the following exception:
 - 1) Where it shall be demonstrated that the uses jointly utilizing the parking facility are utilizing the parking facility at different periods of the day or different days of the week, the Zoning Hearing Board may grant a reduction for the total number of parking spaces needed, requiring only the number of spaces needed based on the one use of the facility requiring the most spaces.
 - c. An agreement for the joint use of a parking facility shall be recorded as a deed restriction, irrevocable license, easement or other recordable document in a form satisfactory to the municipality's solicitor filed at the Erie County Recorder of Deeds in the chain of title of the land to be burdened in perpetuity or for a period to extend throughout the life of the use requiring the maintenance of the required number of spaces.

807 Drainage, Surfacing, and Maintenance Standards

- A. Any new or enlarged commercial, institutional, industrial, or multi-family residential off-street parking and/or loading areas shall be graded for proper drainage, and shall comply with the Albion Borough Stormwater Management Ordinance.
- B. All parking and loading areas and access drives shall have a mud and dust-free surface.
- C. Parking and loading areas shall be kept clean and free from rubbish and debris.

808 Lighting

- A. All public parking shall be lit during evening operating hours.
- B. All standards shall be located on raised parking islands and not on the parking surface.
- C. Lighting shall comply with the requirements set forth in Section 704, Exterior Lighting.

809 Screening, Landscaping and Setbacks

- A. Off-street parking areas for more than thirty-five (35) vehicles and all off street loading areas shall be effectively screened on any side that adjoins a dwelling, residential district, or platted residential lots. In addition, there shall be a planting strip of at least five (5) feet between the front lot line and the parking lot. Such planting strips shall be suitably landscaped and maintained.
- B. No off-street parking area for more than thirty-five (35) vehicles shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, or platted residential lots.
- C. No off-street loading area shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, or platted residential lots.

- D. Large parking areas containing more than forty (40) spaces shall be broken down into sections, where possible. Landscaped dividing strips, berms, and similar elements shall separate large parking areas.

810 Driveway Regulations

Driveways for single-family dwellings and multiple family dwellings with less than 5 units shall meet the following standards:

- A. Where a residential lot fronts on both a local street and a collector or arterial street, driveway access shall be from the local street.
- B. The number of driveways may not exceed two (2) per lot on a street frontage.
- C. Driveways may not exceed a width of 24 feet at the right-of-way line, excluding driveway radii.
- D. Setbacks: All driveways shall be setback at least:
 - a. Forty (40') feet from any street intersection.
 - b. Five (5') feet from any fire hydrant
 - c. Five (5') feet from any side and/or rear property lines. However, this setback shall be waived along the property line when a shared driveway is proposed.
- E. Any driveway intersecting with a State-owned road shall require a Highway Occupancy Permit from the Pennsylvania Department of Transportation.
- F. Driveways shall not interfere with normal traffic movement nor be constructed in a manner to be inconsistent with the design, maintenance and drainage of the street.
- G. Where a new driveway is proposed to cross a drainage swale adjacent to a public or privately maintained street, the property owner shall install a drainage pipe of adequate size and length underneath the driveway to handle the runoff. Where such intersections are to be created along a municipal road or privately maintained road, officials from the municipality shall determine the appropriate pipe size and length. However, in no case shall a pipe less than fifteen inches (15") in diameter be installed. Where a state-owned street is involved, PennDot shall make the necessary determinations.
- H. A driveway location shall be delineated on all plans / permits, as applicable.
- I. Driveways shall be located so as to provide adequate sight distance at intersections with streets. Such sight distances shall be no less than a minimum of 100 feet along the centerline of a collector or arterial road, or a minimum of 75 feet along the centerline of a local street.

811 Access Drive Regulations

Access drives for non-residential properties and multiple family dwellings of 5 or more units shall meet the following criteria:

- A. Access to off-street parking areas shall be limited to a minimal number of well-defined entrance and exit lanes that are separated by dividers, planting islands, or in the case of low volume facilities, pavement markings. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted.
- B. Except as specified elsewhere, the number of access drives intersecting with a street shall not exceed two (2) per lot. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.
- C. Setbacks: All access drives shall be setback at least:
 - a. Fifty (50') feet from any other access drive or driveway located upon the same lot.
 - b. Fifty (50') feet from any street intersection.
 - c. Ten (10') feet from any side and/or rear property lines. However, this setback shall be waived along the property line when a joint parking lot is shared by adjoining uses.
- D. Clear-Sight Triangle: Access drives shall be located and constructed so that a clear-sight triangle meeting the requirements of Section 604 is maintained.
- E. Any access drive intersecting with a State-owned road shall require a Highway Occupancy Permit from the Pennsylvania Department of Transportation.
- F. Access Drive Width: Access drives for commercial, institutional and industrial properties shall have a minimum width of twelve (12') feet for each lane of travel. However, an access drive shall be no less than eighteen (18') feet wide in cases where the access is to off-street loading or unloading areas required by this Ordinance.

812 Stacking Requirements for Drive-in, Drive-Through Facilities

This section provides vehicle stacking standards for drive-in and/or drive-through facilities. These may include such uses as banks, fast-food restaurants and car washes. The purpose of these standards is to provide minimum stacking capacity for various uses so vehicles will not use public streets while queuing in line for service. All references to stacking capacity relate 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 is nine (9) feet. 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. For uses not listed on the table below, guidelines for the Institute of Traffic Engineers or the written recommendations of a professional engineer may be used.

Use	Minimum Stacking Capacity
Restaurant	8 per drive-through window ¹
Bank	5 per drive-through window
Car Wash	4 per wash bay

¹ If there are separate order and pickup windows, four (4) for each shall be accepted.

813 Loading Area Requirements

- A. An off-street loading area shall be an area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys.
- B. An off-street loading area shall be in addition to and not considered as meeting a part of the requirements for off-street parking space.
- C. All non-residential uses shall provide adequate off-street loading areas to accommodate the intended needs of the proposed land use either inside or outside of a building.
- D. To the maximum extent practical, off-street loading areas shall be located at the side or rear of buildings in order to reduce the visual impact of vast areas of pavement.
- E. In all districts, adequate off-street loading areas shall be provided so that all vehicle loading, maneuvering or unloading is completely off the public road right-of-way, and vehicles need not back out onto any public road right-of-way. Within the C-B, Central Business District the Zoning Hearing Board may approve a variance from this requirement.
- F. The applicant shall provide details on the type of vehicles operating in connection with the proposed use to justify the loading and unloading areas proposed. Each required space shall meet the following minimum dimensions. Overhead clearance shall not be less than fourteen (14) feet.

Largest Type of Truck Service	Minimum Width (feet)	Minimum Length (feet)
Tractor trailer	12	70
Trucks (other than tractor trailers, pick-ups or vans)	10	35
Pick-up truck or van	10	20

- F. Sufficient screening and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjoining residential uses or districts.
- G. Off-street loading areas shall be designed to accommodate easy ingress and egress of all delivery vehicles and shall be designed to prevent interference with the flow and safety of traffic and pedestrians.
- H. No off-street loading area shall be located within any building setback area and/or buffer area.

Albion Borough Zoning; Adopted August 13, 2019

- I. The following off-street loading area/space requirements for specific uses shall be provided as listed below:

Off-Street Loading Requirements		
Type of Use	Number of Spaces Per	Gross Floor Area
Hospital or other Institution	None 1 +1	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Hotel, motel, and similar lodging facilities	None 1 +1	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Industry or Manufacturing	None 1 +1	First 2,000 square feet 2,000 to 25,000 square feet Each additional 40,000 square feet (or fraction)
Multi-Family Dwellings	None	N/A
Office Building, including banks	None 1 +1	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Retail sales and services, per store, and restaurants	None 1 2 +1	First 2,000 square feet 2,000 to 10,000 square feet 10,000 to 40,000 square feet Each additional 100,000 square feet (or fraction)
Theater, auditorium, bowling alley, or other recreational establishment	None 1 +1	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Funeral homes	None 1 +1	First 3,000 square feet 3,000 to 5,000 square feet Each additional 10,000 square feet (or fraction)
Wholesale or warehousing (except mini-warehousing)	None 1 +1	First 1,500 square feet 1,500 to 10,000 square feet Each additional 40,000 square feet (or fraction)

(This page intentionally left blank.)

Article 9 Signs

901 Applicability

Any sign erected, altered, or maintained after the effective date of this Ordinance shall conform to the following regulations.

902 Purpose & Intent

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The purpose and intent of this Article is to regulate signs within the municipality in a manner that balances the right of free speech by sign display against the competing public and governmental interests in community aesthetics, traffic safety, preventing sign clutter and visual pollution, and other negative effects associated with excessive and/or inappropriate signage.

903 Definitions Specific to Signs

Abandoned Sign: A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of billboard signs, or at least 360 days in the case of on-premises signs.

Address Sign: A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.

Awning: A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Awning Sign: Any sign painted on, or applied to, an awning.

Billboard: A permanent sign in a fixed location which meets any one or more of the following criteria: (1) it is used for the display of an off-site commercial message; (2) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration, i.e., it is general advertising for hire; (3) the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.

Building Frontage: The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

Building Sign: A building-mounted sign which is attached to, displayed on, or painted on the exterior of a building or structure. For purposes of this ordinance, building signs include wall signs, awning signs, canopy signs, projecting signs, and marque signs.

Canopy: A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

Canopy Sign: Any sign that is part of, or attached to a canopy.

Changeable Copy Sign: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are manual changeable copy signs and electronic changeable copy signs, which include: message center signs, digital displays, and Tri-Vision Boards.

Commercial Message: A message that proposes a commercial transaction or pertains primarily to the economic and/or commercial interests of the message sponsor and/or the sign audience.

Digital Display: The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

Directional Sign: Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

Freestanding Sign: A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of **freestanding signs**:

Ground Sign: A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as *monument sign*)

Pole Sign: A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

General Advertising for Hire: The enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising.

Government/Regulatory Sign: Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.

Illumination: A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

Illuminated Sign: A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

Incidental Sign: A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs do not contain any commercial advertising.

Incidental Window Sign: Signs displayed in the window displaying information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs are informational only and do not contain a commercial message.

Legibility: The physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics.

Manual Changeable Copy Sign: A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

Marquee: A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

Marquee Sign: Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

Memorial Sign: A memorial plaque or tablet, including grave markers or other remembrances of persons or events, which is not used for a commercial message.

Message Center Sign: A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

Message Sequencing: The spreading of one message across more than one sign structure.

Mural (or mural sign): A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

Non-commercial message: A constitutionally protected message that addresses topics of public concern or controversy such as, by way of example and not limitation, politics, religion, philosophy, science, art or social commentary. For purposes of this ordinance, this definition shall be construed in light of relevant court decisions.

Nonconforming Sign: A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

Offsite Commercial Message: A message that advertises commercial products, accommodations, services or activities not provided in or on the property or premises upon which it is located.

Official Traffic Sign: Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

On-Premises Sign: A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

Onsite or on-premises commercial message: A message that advertises the commercial business, establishment, accommodation, services or activities provided on the premises on which the sign is located, or is expected to be provided in the near future.

Permanent Sign: A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Private Drive Sign: A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

Projecting Sign: A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee.

Public Sign: A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

Security Sign: An on-premises sign regulating the use of the premises, such as a "no trespassing," "no hunting," or "no soliciting" sign. (Also known as *warning sign*)

Shielded: The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

Sign: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

Sign Area: The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See Section 905 (D) for standards for measuring sign area.

Sign Face: The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

Sign Height: The vertical distance from normal grade to the highest point of the sign. Any berm or filling or excavating solely for the purpose of locating the sign, shall be computed as part of the sign height.

Sign Supporting Structure: Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

Street Frontage: The side or sides of a lot abutting on a public street or right-of-way.

Temporary Sign: A sign that is not permanently installed in the ground or permanently affixed to a building or structure, and whose intended use does not appear to be indefinite.

Tri-Vision Boards: An outdoor unit with a slatted face that allows three different copy messages to revolve at intermittent intervals.

Vending Machine Sign: A sign displayed on a vending machine indicating the name of the product being sold and/or the price of such product.

Wall Sign: A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign.

Window Sign: Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

904 Signs Exempt from Permit Requirements

- A. Temporary signs are permitted in all districts, and do not require a Zoning Permit. Temporary signs shall comply with Section 910, Temporary Signs, unless exempted by Section 904 (B).
- B. The following signs are permitted in all districts, and do not require a Zoning Permit. They are not included in the determination of the maximum number of signs or the maximum area of signs allowed on a property, provided that the applicable conditions have been met.
 1. Official traffic signs
 2. Government/regulatory signs
 3. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside.
 4. Address signs - Up to two (2) signs stating address, number and/or name of occupants of the premises and that do not include any commercial advertising or other identification.
 - i. *Residential districts.* Signs not to exceed two (2) sq. ft. in area.
 - ii. *Non-residential districts.* Signs not to exceed five (5) sq. ft. in area.
 5. Public signs - Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.
 6. Security and warning signs

7. Memorial signs, public monument or historical identification sign, including plaque signs up to three (3) sq. ft. in area.
8. Signs which are a permanent architectural feature of a building or structure, such as a cornerstone, or identifying letters carved into or embossed on a building, provided the letters are not made of a reflective material nor contrast in color with the building.
9. Incidental signs, including incidental window signs.
10. Directional signs, provided they do not contain any commercial messaging.
 - i. *Area*: No single directional sign shall exceed four (4) sq. ft. in area.
 - ii. *Height*: Directional signs shall have a maximum height of five (5) ft.
 - iii. *Illumination*: Directional signs shall be non-illuminated.
11. Vending machine signs
12. Art and murals, provided such signs do not contain any commercial messaging.
13. Flags, provided such flags do not contain any commercial messaging.

905 General Regulations

- A. Sign location:
 1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
 2. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.
- B. Sign Setback Requirements: The minimum setback requirement shall meet the setback requirements in the table below. All portions of the sign, including overhangs, must meet minimum setback requirements.

Condition	Minimum Setback from Property Lines
Sign area of 32 sq. ft. or less	5 feet
Sign area greater than 32 sq. ft.	10 feet
Sign adjacent to residential property	10 feet
Billboards	See Section 911

- C. Sign Materials & Construction: Every sign shall be structurally safe and erected or installed in strict accordance with any applicable provisions of the PA Uniform Construction Code; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.

D. Sign Area.

1. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
2. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
3. Signs may be double-sided. For double-sided signs only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart
4. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.

E. Sign Illumination.

1. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
 - a. Light sources to illuminate signs shall not cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
 - b. Digital display and message center signs are permitted only within the C-B, Central Business; B-1, Business; and B-2 Business districts, unless a special exception is granted by the zoning hearing board. The length of time each message shall be displayed shall be no less than five (5) seconds.

906 Prohibited Signs

The following signs are unlawful and prohibited:

- A. Abandoned Signs
- B. Signs erected in a public right-of-way, or on public land, other than those approved by the municipality, or those required by law.
- C. Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.

907 Government Signs

Signs erected or required by government agencies or utilities, including government/regulatory signs, official traffic signs, public signs, legal notices and other signs required by law shall be exempt from the regulations of this ordinance.

908 Freestanding Signs

Permanent, freestanding signs, as defined by this ordinance, are subject to the number, height and sign area requirements identified in the table below, unless otherwise specified by this ordinance, or unless a special exception is approved by the Zoning Hearing Board.

Freestanding Signs - Number, Height and Area Regulations			
Condition	Maximum Number	Maximum Area (per sign face)	Maximum Height
Residential Properties in R-1, R-2 and B-1 Districts (includes Home Occupations and Bed & Breakfast)	1/lot	6 sq. ft.	4 feet
Residential Subdivisions of 10 or more lots; Apartment Complexes, Condominium Complexes or Multi-Family Dwellings with 5 or more units; mobile home parks; assisted living facilities	1/street entrance	32 sq. ft.	6 feet
Properties within the REC Public Recreation District	1/street entrance	32 sq. ft.	8 feet
Permitted Non-Residential Uses in R-1 and R-2 Districts	1/street frontage	32 sq. ft.	6 feet
Properties within C-B District	1/street frontage	24 sq. ft.	12 feet
Properties within B-1 District	1/street frontage	100 sq. ft.	24 feet
Properties within B-2 District	1/street frontage	100 sq. ft.	24 feet

909 Building Signs

Permanent, building signs, as defined by this ordinance, are subject to the number, height and sign area requirements identified in the table below, unless otherwise specified by this ordinance, or unless a special exception is approved by the Zoning Hearing Board.

Building Signs - Number, Height and Area Regulations			
	Maximum Number	Maximum Area (total per building unless stated otherwise)	Maximum Height
Residential Properties in R-1 and R-2 and B-1 Districts (includes Home Occupations and Bed & Breakfast)	1/dwelling unit	4 sq. ft./dwelling unit	The eave line or the bottom of the second story window sill, whichever is lower
Apartment Complexes, Condominium Complexes or Multi-Family Dwellings with 5 or more units; assisted living facilities	1/building	1.5 sq. ft. per linear foot of building frontage facing public street or parking lot	The eave line or the bottom of the second story window sill, whichever is lower
Permitted Non-Residential Uses in R-1 and R-2 Districts.	unlimited	1.5 sq. ft. per linear foot of building frontage facing public street or parking lot	The eave line or the bottom of the second story window sill, whichever is lower
Properties within C-B, B-1 and REC Public Recreation Districts	unlimited	1.5 sq. ft. per linear foot of building frontage facing public street or parking lot	The eave line or the bottom of the second story window sill, whichever is lower
Properties within B-2 District	unlimited	1.5 sq. ft. per linear foot of building frontage facing public street or parking lot	The eave line of the building

910 Temporary Signs

Temporary signs, as defined in this ordinance, are subject to the regulations set forth below:

- A. *Residential Uses*: Within the R-1, Residential and R-2, Residential districts, each legal dwelling unit may have a total display area (cumulative of all temporary signs) of 24 square feet at all times. Such signage may be used to display any protected noncommercial message, but may not be used for general advertising for hire.
- B. *Permitted Non-Residential Uses in Residential Zones*: Within the R-1, Residential; and R-2, Residential districts, each legally permitted non-residential establishment may have a total display area (cumulative of all temporary signs) of 36 square feet at all times. Such signage may be used to display any on-premises, commercial message and/or protected noncommercial message, but may not be used for general advertising for hire.
- C. *Non-Residential Districts*: Within the C-B, Central Business; B-1, Business; B-2, Business; and REC Public Recreation districts, the total display area of all temporary signs is unlimited. Such signage may be used to display any on-premises, commercial message and/or protected noncommercial message, but may not be used for general advertising for hire.
- D. *Maximum Height*: Temporary signs shall comply with the same height requirements applicable for permanent signs, and as set forth in Section 908 for freestanding signs, and Section 909 for building signs.
- E. *Removal of Temporary Signs*: Temporary signs relating to or identifying a transpired election or event shall be removed within seven (7) days following the election or event.

911 Billboards

- A. *District Permitted*: Billboards are permitted only in the B-2, Business District.
- B. *Sign Size*: The maximum sign area of a billboard is 100 square feet, unless a special exception is approved by the Zoning Hearing Board.
- C. *Height*:
 1. The lowest edge of a billboard shall be at least seven (7) ft. above the finished grade.
 2. Billboards shall have a maximum height of 24 feet, unless a special exception is approved by the Zoning Hearing Board. However, in no case shall the height be greater than 30 feet.
- D. *Location and Spacing*: Billboards shall be:
 1. Located no closer to the right-of-way than a distance equal to the height of the billboard or 15 feet, whichever is greater.
 2. Located no closer than 25 feet from any property line
 3. Not located on sewer rights-of-way, or water, electric, or petroleum pipelines.
- E. *Number of Signs per Lot*: There shall be no more than one billboard per lot. Vertically or horizontally stacked signs shall not be permitted. Billboards are not included in the determination of the maximum number of signs or the maximum area of signs allowed on a property for purposes of Section 908 and Section 909 of this ordinance.
- F. *Content*: Billboards shall not display any message or graphic of an obscene or pornographic nature as determined by the municipality.

Albion Borough Zoning; Adopted August 13, 2019

- G. Double-Sided Billboards: Billboards may be single or double-sided, in accordance with Section 905 (D), Sign Area.
- H. Message Sequencing: Message sequencing is prohibited.
- I. Construction and Maintenance.
 - 1. All plans for billboards shall be certified by a licensed engineer registered in Pennsylvania.
 - 2. All billboards shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All billboards shall be structurally sound and maintained in good condition and in compliance with the Pennsylvania Uniform Construction Code.
 - 3. The rear face of a single-face, billboard shall be painted and maintained with a single neutral color as approved by the municipality.
- J. Identification of Sign Owner: The name, address, and phone number of the owner of the billboard shall be identified on the structure of such sign.
- K. Landscaping: Landscaping shall be provided at the base of all billboards. Trees and/or shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used.
- L. Additional Regulations. All billboards shall comply with any and all applicable zoning regulations, and any and all municipal, state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the more strict regulation shall apply.
- M. Application/Plan Requirements. Plans submitted for billboards shall include the following:
 - 1. The location of the proposed sign on the lot with the required sign setbacks from the property line and right-of-way.
 - 2. The location of sewer rights-of-way, or water, electric, or petroleum pipelines, as applicable.
 - 3. Certification under the seal by a licensed engineer that the billboard, as proposed, is designed in accordance with all federal, state, and local laws, codes, and professional standards.
- N. Illumination of Billboards:
 - 1. Billboards may be illuminated, provided that:
 - a. All light sources are designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the billboard and away from adjoining properties.
 - b. Light sources are not visible from any street or adjoining properties.
- O. Safety. In applying for special exception relief, the applicant bears the burden of proof to establish that the proposed billboard will not create a public health or safety hazard in the manner and location that it is proposed and in the manner by which it is to be operated.

912 Removal of Unsafe, Unlawful, or Abandoned Signs

A. Unsafe or Unlawful Signs.

1. Upon written notice by the municipality, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by the municipality to be a nuisance, or it is deemed unsafe by the municipality, or it is unlawfully erected in violation of any of the provisions of this Ordinance.
2. The municipality may remove or cause to be removed the sign at the expense of the owner and/ or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, the municipality may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

B. Abandoned Signs.

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 90 days of the sign becoming abandoned as defined in this Ordinance. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.
2. Where the owner of the property on which an abandoned sign is located fails to remove such sign within 180 days the municipality may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the municipality may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

913 Nonconforming Signs

- A. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.
- B. All permanent signs and sign structures shall be brought into conformance with the sign regulations when and if any of the following occurs:
 1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
 2. If more than 50% of the sign area is damaged, it shall be repaired to conform to this Ordinance.
 3. An alteration in the structure of a sign support.
 4. A change in the mechanical facilities or type of illumination
 5. A change in the material of the sign face.
 6. The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
 7. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of a Use Certificate.

- C. Prior to the events listed in Section 913 B, nonconforming signs may be repainted or repaired up to 50% of the replacement cost of the sign, the sign copy may be changed, and sign faces may be replaced provided that these actions do not increase the dimensions of the existing sign, and do not in any way increase the extent of the sign's non-conformity.

914 Signs on the Premises of Legally Nonconforming Uses

- A. Signs on the premises of legally nonconforming uses (such as an office in a residential area) may remain until the existing use of the premises is discontinued.
- B. If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the characteristics of the sign or signs that existed on that property at the time this Ordinance was adopted.

915 Substitution Clause

Notwithstanding any provision of this Article to the contrary, to the extent that this Article allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Article.

(This page intentionally left blank.)

Article 10 Criteria for Special Exceptions and Identified Permitted and Accessory Uses

1001 General Criteria for Special Exceptions

Special Exceptions shall only be granted if the proposed use meets the following general criteria, in addition to any specific criteria established in this Ordinance for the particular use (See Section 1002). In granting a Special Exception, the Zoning Hearing Board may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes of this Ordinance.

The applicant must demonstrate that the proposed use complies with the following:

- A. The proposed use shall be consistent with the Albion Borough Comprehensive Plan.
- B. The proposed use shall be consistent with the purpose and intent of this Ordinance and the zoning district within which it will be located.
- C. The proposed use shall not be detrimental to the public health, safety or general welfare.
- D. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
- E. The proposed use shall not substantially change the character of the neighborhood in which it would be located.
- F. The proposed use shall be adequately served by public facilities and services. Public facilities and services that may be considered include, but are not limited to water, sewer, electric, schools, streets, fire and police protection, and storm drainage.
- G. The proposed use shall be acceptable in terms of its impact on traffic volumes and/or traffic circulation, and there shall be adequate arrangements to mitigate traffic congestion, traffic circulation problems, conflicts and hazards.
- H. The proposed use shall not require a significant extension of a street, sewer facilities or water facilities if such extension would place a financial burden upon the Borough, unless the Borough has firm plans to extend such facilities absent the use proposed.
- I. The proposed use shall comply with all those criteria specifically listed in Section 1002 of this Ordinance, as applicable.
- J. The proposed use must comply with all applicable regulations contained in this Ordinance and all other applicable Borough ordinances and regulations.

1002 Specific Criteria Applicable to Identified Uses

In addition to all other applicable regulations of this Ordinance, the following subsections set forth criteria that shall be applied to particular types of special exception uses or uses permitted by right. These criteria must be satisfied prior to approval of any applications for a special exception or use permitted by right. The applicant shall be required to demonstrate compliance with these criteria and must furnish whatever evidence is necessary to demonstrate such compliance. In cases where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive shall apply, unless stated otherwise.

1002.01 Adult-Related Uses

Adult-related uses (Adult Book Store, Adult Cabaret, Adult Theater, etc.) shall be subject to the following criteria:

- A. Any building or structure used and occupied as an adult-related use shall have an opaque covering over all windows or glass in doors in any area in which materials, merchandise, or film are exhibited or displayed, so that no sale materials, merchandise, or film shall be visible from outside of the building or structure.
- B. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
- C. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter and warning all other persons that they may be offended upon entry.
- D. No adult-related use may change to another adult-related use, except upon approval of an additional special exception use.
- E. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- F. Adult-Related uses shall not be located within 1,000 feet of a school; and shall not be located within 500 feet of a house of worship or licensed, child day-care center.
- G. No sexual activity or conduct shall be permitted.
- H. No more than one adult-related use may be located within one building.
- I. No person shall operate an adult entertainment establishment without first obtaining a Zoning Permit as provided in this Ordinance and all other applicable permits required by law.

1002.02 Agriculture

Agricultural uses shall be subject to the following criteria:

- A. The minimum lot area shall be ten (10) acres.
- B. No farm building may be erected within 150 feet from an adjoining property line. Where the property line is a public road, the 150 feet may be measured from the edge of the road right-of-way farthest from the new structure.
- C. Concentrated animal feeding operations (CAFO) with over 1,000 "animal units", as defined by the United States Department of Agriculture (USDA), shall be a minimum of three hundred (300') feet from any property line and a minimum of five hundred (500') from any dwelling on an adjoining property.

1002.03 Animal Shelters, Kennels, Veterinary Clinics, and Pet Grooming Establishments

Animal Shelters, Kennels, Veterinary Clinics, and Pet Grooming Establishments shall be subject to the following criteria:

- A. All kennels shall comply with the Pennsylvania Dog Laws as administered by the Pennsylvania Department of Agriculture and show evidence of ongoing compliance (current licenses).
- B. Dog Kennels shall be located within an enclosed building and shall be sound-proofed, if necessary, to reduce noise impacts on adjacent properties.
- C. Any outdoor runs or similar facilities shall be constructed for easy cleaning, and shall be adequately secured by a fence with a self-latching gate.

1002.04 Assisted Living Facility

Assisted Living Facilities shall be subject to the following criteria:

- A. Copies of all required licenses or permits issued by county, state, or federal agencies shall be submitted to the municipality, and these required licenses, certificates, or permits shall be a condition for final approval.
- B. The applicant shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building(s) will be architecturally compatible with the neighborhood.
- C. The property shall be landscaped to present a minimum intrusion upon the neighborhood.
- D. All outdoor lighting shall be shielded and reflected away from adjoining properties.
- E. All required parking shall be accommodated on-lot, with all parking to occur in rear or side yard areas.
- F. All off-street parking and/or loading areas shall be screened from adjoining residential uses or zoning districts.
- G. The facility shall front on an arterial or collector road.
- H. Ingress, egress and internal circulation shall be designed to ensure safety and to minimize impacts on public roads.
- I. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.

1002.05 Automobile/Vehicle Service and Repair Facilities

Service and/or Repair Facilities for Automobiles, Buses, Recreational Vehicles, Boats, Motorcycles, Snowmobiles and similar vehicles shall be subject to the following criteria:

- A. All service and/or repair activities shall be conducted within a completely enclosed building.
- B. All exterior parking and storage areas shall be screened from adjoining residential uses and districts.
- C. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street).
- D. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residential uses or districts.
- E. All vehicles and machinery shall be repaired and removed from the premises.
- F. The demolition or junking of vehicles and machinery is prohibited.
- G. The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

1002.06 Bed and Breakfast Inns

Bed and Breakfast Inns are intended to provide overnight or short-term [not more than two (2) weeks] accommodations for transient guests in a home-like atmosphere. They shall be subject to the following criteria:

- A. A bed and breakfast inn shall be allowed only in an owner-occupied, single-family, detached residential dwelling or building(s) accessory thereto. No modification to the external appearances of the building (except fire escapes) which would alter its residential character shall be permitted.
- B. Accommodations for overnight lodging at a bed and breakfast inn shall be limited to no more than five guest rooms and to no more than 10 guests at a given time.
- C. Accommodations at bed and breakfast inns may include breakfast prepared on the premises for guests and included in the charge for the room. No meal other than breakfast may be prepared on the premises for the registered guests.
- D. No cooking facilities shall be provided or permitted in individual guest rooms.
- E. A bed and breakfast inn must conform to all zoning regulations with regard to parking, access, signs, area, setbacks, etc., as are applicable under this Ordinance.
- F. All outdoor lighting shall be shielded and reflected away from adjoining properties.
- G. The use of a residential dwelling for a bed and breakfast inn must be approved by the PA DEP the sanitary sewage system upgraded, if necessary.
- H. No goods may be publicly displayed for sale on the premises.
- I. All bed and breakfast inns shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the federal, state, or local government.

1002.07 Boarding Houses and Group Quarters

Boarding Houses and Group Quarters shall be subject to the following criteria:

- A. There shall be a minimum of 350 square feet of habitable floor area provided for each occupant.
- B. A common kitchen and dining facility shall be provided, and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require kitchen and dining facilities if an affiliated institution provides them elsewhere.
- C. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used, and that all other federal and state license requirements have been met.
- D. For proposed new developments, the applicant shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building(s) will be architecturally compatible with the neighborhood.
- E. For conversion of an existing dwelling into a boarding house or group quarters, the following apply:
 1. Any extensions or modifications to the external appearance of the building (except fire escapes) shall complement its residential character.
 2. All floors above or below grade shall have a permanently affixed direct means of escape to ground level.
- F. The property shall be landscaped to present a minimum intrusion upon the neighborhood.
- G. All required parking shall be accommodated on-lot, with all parking to occur in rear or side yard areas.
- H. All off-street parking and/or loading areas shall be screened from adjoining residences.
- I. Meals shall be offered only to registered tenants.

1002.08 Campgrounds and Recreation Vehicle Parks

Campgrounds and Recreation Vehicle Parks shall be subject to the following criteria:

- A. A subdivision or land development plan that meets all standards of the Albion Borough Subdivision and Land Development Ordinance shall be required.
- B. The minimum lot area shall be ten (10) acres.

1002.09 Car Wash Facilities

Car wash facilities shall be subject to the following criteria:

- A. The applicant shall present evidence that water and sanitary sewer facilities have been approved by the Erie County Department of Health and/or DEP, and are adequately sized.
- B. Use of a water-reclamation and/or water-recovery system shall be required to capture and reuse as much water as practical and feasible.
- C. Driveway areas, wash stalls and waiting areas shall be improved with an impervious surface, and shall be maintained free of debris and obstructions.

1002.10 Cemeteries

Cemeteries shall be subject to the following criteria:

- A. A minimum lot area of five (5) acres shall be required.
- B. The owner/developer shall provide a site plan showing all proposed burial areas (both short and long range); all structures, parking areas and access and interior circulation roads. Said plan shall be prepared by a registered landscape architect, architect or engineer.
- C. A drainage plan showing existing and proposed runoff characteristics shall be submitted with the application for Borough approval.
- D. Ingress, egress, and internal circulation shall be designed to ensure safety and minimize impact on public roads.
- E. Burial areas, structures, and circulation roads shall be located a minimum of twenty (20) feet from adjacent property lines.
- F. Burial plots and/or facilities shall not be permitted in floodplain or flood fringe areas.
- G. All areas that abut residential uses or districts shall be screened with a vegetative barrier of natural or planted materials.
- H. The owner/developer shall provide appropriate procedures, documents or other legal documents which will satisfactorily assure the continued maintenance of the proposed cemetery.

1002.11 Commercial Recreation, Outdoor

Outdoor Commercial Recreation activities shall be subject to the following criteria:

- A. The applicant shall provide a written documentation of the scope of operation, and measures used to mitigate problems associated with noise, light, litter, dust and pollution.
- B. The applicant shall furnish evidence that any exterior public address system and/or exterior lighting has been arranged and designed so as to prevent objectionable impact off the site.
- C. Where an outdoor recreational use other than a golf course adjoins a residential district or residential use, trees and shrubs must be planted on the site of the recreational use so as to form an effective visual barrier between the recreational use and the residential use or district.
- D. A structure(s) exceeding the maximum permitted height may be permitted so long as it is set back from all property lines at least a horizontal distance equal to its height, plus an additional fifty feet (50'). Such structure(s) shall not be occupied for residential use.
- E. A traffic study may be required to demonstrate safe access and control of traffic into and out of the facility. The traffic study shall include at a minimum a study of the internal traffic patterns in the off-street parking area to ensure the safe movement of traffic for pedestrians and vehicles and convenient access to nearby areas.
- F. Applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- G. The Borough may limit the hours of operation as a reasonable additional condition and safeguard.

1002.12 Communications Towers

Communications Towers that exceed 50 feet in height, and that are not used to deploy small wireless facilities (see definition), shall be subject to the following criteria:

- A. General: The tower shall be designed, constructed, inspected, operated, maintained, repaired, modified and removed in strict compliance with all current applicable state and federal technical, and safety codes.
- B. Height: There shall be no maximum height. However, the tower shall be no greater in height than its minimum functional height. The applicant shall submit documentation justifying the total height.
- C. Setback Requirement: The minimum setback requirement from all property lines shall be a minimum of 110% of the combined height of the tower and antenna, or the underlying zoning district requirement, whichever is greater.
- D. Aviation Safety: The tower shall comply with all state and federal laws and regulations concerning aviation safety.
- E. Interference: The tower shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services.
- F. Collocation: The tower shall be designed to accommodate both the applicant's antennas and comparable antennae for future users. As a condition of approval, the applicant shall provide the municipality with a written commitment that it will allow other service providers, including public safety and emergency service providers, to collocate antennae on the tower where technically and economically feasible. The applicant will commit to negotiate, in good faith, a reasonable cost for the shared use of the tower by other service providers.
- G. Lighting: The tower shall not be artificially lighted, beyond what is required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
- H. Stealth Technology: The tower and associated facilities shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.
 1. The tower shall employ stealth technology and the tower shall be painted an appropriate color to harmonize with the character of the area and surrounding land uses.
 2. All utility buildings and accessory structures associated with the tower shall be designed to blend into the environment in which they are situated, or shall be screened from public view by landscaping.
- I. Discontinuation: In the event that use of the tower is planned to be discontinued, the owner shall provide written notice to the municipality of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned towers or portions of towers shall be removed as follows:
 1. All unused or abandoned towers and accessory facilities shall be removed within 6 months of the cessation of operations at the site unless a time extension is approved by the municipality.

2. If the tower and/or accessory facility is not removed within 6 months of the cessation of operations at a site, or within any longer period approved by the municipality, it will be considered a violation of this ordinance and the municipality will proceed with the enforcement remedies as outlined in Section 305.
- J. Towers 200 feet or Greater in Height: In addition to the preceding criteria, towers that are 200 feet or greater in height shall also be subject to the following criteria:
1. Fencing: A security fence with a minimum height of 8 feet shall surround the tower, including guy wires, associated equipment, and buildings.
 2. Landscaping Plan: The applicant shall submit a landscaping plan that describes the following:
 - a. The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the tower shall be preserved to the maximum extent possible.
 - b. An evergreen screen shall be created by planting trees (a minimum of six feet tall at planting that will grow to a minimum of fifteen feet tall at maturity) on ten foot centers maximum.
 - c. Ground mounted equipment associated with, or connected to the tower shall be screened from public view using landscaping and/or screening, as described above.
 3. Access Requirements: The following shall apply:
 - a. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to the tower and any associated buildings.
 - b. Where applicable, the applicant shall present documentation to the municipality that the property owner has granted an easement for the proposed facility and maintenance responsibilities.
 - c. The easement shall be a minimum of 20 feet in width and the access road shall be improved with a dust-free, all weather surface to a width of at least 10 feet throughout its entire length.
 4. Bonding: The facility owner or operator shall post and maintain funds for removal of all structures associated with the tower in an amount 110% of the identified removal costs, as adjusted over time.
 - a. The removal funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the municipality.
 - b. An independent and certified professional engineer shall be retained by the applicant to estimate the cost of removal without regard to salvage value of the equipment. Said estimates shall be submitted to the municipality after the first year of operation and every five (5) years thereafter.

1002.13 Convenience Stores/Automobile Fueling Stations

Convenience Stores with Fuel Dispensing, Gasoline Service Stations and Automotive Fueling Stations shall be subject to the following criteria:

- A. A site circulation plan shall be provided that depicts the separation of fueling service areas, service station areas and convenience store areas. The plan shall show the location and dimensions of all structures, fuel pumps and location of the tank field; the location and dimensions of parking, landscaping areas and signage; and the description of internal circulation and access, in accordance with the standards herein.
- B. Minimum setbacks from street right-of-way lines for structures and/or buildings shall be in accordance with the underlying zoning district or as listed below, whichever is most restrictive:
 - 1. Pumps: 40 feet;
 - 2. Building: 50 feet;
 - 3. Canopies: 35 feet.
- C. All exterior lights of such premises shall be arranged and aligned to reflect light away from neighboring premises and public rights-of-way.
- D. Fuel delivery shall not impede traffic-flow patterns.
- E. Motor vehicles shall not be permitted to be parked on sidewalk areas.
- F. Sufficient screening and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjoining residential uses or zoning districts.

1002.14 Day Care Facilities, All Types

The purpose of this section is to set forth criteria for the types of day care regulated by this Ordinance (See Article 2, Definitions).

- A. Family Child Day Care Home
 - 1. Such operations must obtain any permits/certificates required by the Commonwealth of Pennsylvania.
- B. Group Child Day Care Home
 - 1. Such operations must obtain any permits/certificates required by the Commonwealth of Pennsylvania.
 - 2. The use shall not require internal or external alterations or construction features which are not customary to a dwelling (except fire and safety requirements).
 - 3. Any outdoor play area shall be effectively screened from adjoining residential uses.
 - 4. Safe off-street "pick up" and "drop off" points shall be provided in order to minimize traffic congestion. The passenger "pick up" and "drop off" points shall be arranged so that the passengers do not have to cross traffic.

- C. Child Day Care Center
 - 1. Such operations must obtain any permits/certificates required by the Commonwealth of Pennsylvania.
 - 2. Any outdoor play area shall be effectively screened from adjoining properties.
 - 3. Safe off-street "pick up" and "drop off" points shall be provided in order to minimize traffic congestion. The passenger "pick up" and "drop off" points shall be arranged so that the passengers do not have to cross traffic.
- D. Day Care Center for Adults
 - 1. Such operations must obtain any permits/certificates required by the Commonwealth of Pennsylvania.
 - 2. Any outdoor recreation area shall be effectively screened from adjoining properties.
 - 3. Safe off-street "pick up" and "drop off" points shall be provided in order to minimize traffic congestion. The passenger "pick up" and "drop off" points shall be arranged so that the passengers do not have to cross traffic.

1002.15 Drive-through Facilities for Commercial Uses

Drive-through facilities shall be subject to the following criteria:

- A. All property lines adjoining a residential use or district shall have a buffer yard of ten feet (10') as measured from the property line.
- B. Entrance and exit driveways shall be clearly marked.
- C. The alignment of driveways for order and pickup purposes shall be so arranged or screened to avoid headlight glare on adjacent residential uses or districts.
- D. Auto/pedestrian circulation shall be designed to allow adequate sight distance between patron entrances/exits and drive-through lanes.
- E. Outside speakers shall not be audible from any residential use or district.
- F. A solid wall of at least twenty-four (24) inches in height shall be emplaced along any portion(s) of a drive-through lane that abuts a sidewalk.
- G. All drive-through lanes shall have an off-street stacking area sufficient to prevent traffic backups onto adjoining roads.

1002.16 Dry Cleaning, Laundry Services and Laundromats

Dry Cleaning and Laundry Services, and Laundromats, shall be subject to the following criteria:

- A. All activities shall be conducted within an enclosed building.
- B. All windows and doors on walls facing adjoining residential uses or districts shall be kept closed.
- C. Any exhaust ventilation equipment shall be directed away from adjoining residential uses or districts.

1002.17 Emergency Services Stations

Emergency Services Stations shall be subject to the following criteria:

- A. The building(s) shall be compatible both in design and function with the general character of the area in which it is proposed to be located.
- B. Sufficient screening and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjoining residential uses or districts.
- C. All lights shall be fully shielded and directed away from adjoining property.
- D. The entrance and exit for the facility shall be so designed as to allow adequate sight distances and generally ensure a safe entrance onto public roads.
- E. Fire stations are also subject to the following:
 1. Sufficient off-street parking area shall be provided to accommodate fund raising and social activities which may be held within the building(s). Examples of such activities include but are not limited to fund raising events, bingo games, banquets, receptions, dinners, etc.
 2. There shall be adequate space in front of the fire station so trucks and equipment may be backed into their parking bays without using public roads.

1002.18 Essential Service Structure, Class 2

Structures associated with Class 2, Essential Services, as defined by this Ordinance, shall be subject to the following criteria:

- A. The structure(s) shall be landscaped to present a minimum intrusion upon the neighborhood.
- B. Notwithstanding any other section of this Ordinance, the structure(s) may be enclosed by a security fence with a maximum height of eight (8) feet, except that a maximum height of twelve feet (12') shall be permitted where the applicant proves to the Zoning Hearing Board that such height is necessary to protect public safety around a specific hazard, such as around an electric substation.
- C. The structure(s) shall not be used for offices, garages, power generation, repair or large-scale storage.
- D. No storage of vehicles or movable equipment or material shall be permitted outside of a building.
- E. The Zoning Hearing Board may grant an exemption from, or reduction of, lot and yard requirements.

1002.19 Farmers Market and/or Flea Market

Farmers Markets and/or Flea Markets shall be subject to the following criteria:

- A. The retail sales area, as defined in Article 2, shall be set back at least fifty feet (50') from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.
- B. Off-street parking shall have an all-weather, dust free surface.
- C. Off-street loading shall be calculated upon the retail sales area and according to the schedule listed in Section 813 of this Ordinance.
- D. The outdoor display and/or sale of merchandise shall not begin prior to one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset.
- E. Any amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties.
- F. Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

1002.20 Funeral Homes, Mortuaries and Crematoriums

Funeral homes, Mortuaries and Crematoriums shall be subject to the following criteria:

- A. The applicant shall furnish evidence that the use of materials and disposal of wastes will be accomplished in a manner which complies with State and Federal regulations.
- B. Parking shall be designed to prevent traffic backups onto adjoining roads.
- C. A one hundred foot off-street stacking area for the formation of the funeral procession shall be provided on the site.
- D. No funeral procession shall be allowed to form on public streets.

1002.21 Heliports and Helistops

Heliports and Helistops shall be subject to the following criteria:

- A. The applicant shall submit evidence confirming that the facility will be constructed, operated, and maintained in accordance with applicable rules and regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation, related to the use of airports, heliports and/or helistops.
- B. The facilities shall not be detrimental to the health, welfare and safety of Borough residents and their property.
- C. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the special exception application.
- D. Landing pads shall be clearly marked with the insignia commonly recognized to indicate same.

- E. Heliports shall meet the following additional requirements:
 - 1. The minimum lot area shall be three (3) acres.
 - 2. The applicant shall provide the delineation of the heliport hazard zone to the municipality and all adjoining municipalities with land located within the hazard zone.

1002.22 Home Based Business or Occupation

Home based businesses or occupations that do not meet all of the criteria of a no-impact home based business shall be subject to the following criteria:

- A. The home based business or occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- B. There shall be no exterior evidence of the use other than a home based business or occupation identification sign, as authorized by this Ordinance.
- C. A home based business or occupation may be conducted in either a principal or an accessory structure, but in either case shall not occupy floor area greater than thirty percent (30%) of the habitable floor area of the dwelling.
- D. The use shall not require internal or external alterations or construction features which are not customary to a dwelling.
- E. There shall be no storage of materials or equipment outside an enclosed building.
- F. The business activity must not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- G. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- H. Adequate parking for the home based business or occupation shall be provided on the lot.
- I. There shall be no more than two (2) employees who are not residents of the premises.
- J. Home based businesses or occupations may include, but are not limited to the following:
 - 1. Dressmaking, sewing, and tailoring, provided that no laundry service, pressing or cleaning is done on the premises
 - 2. Painting, sculpting, writing
 - 3. Telephone answering
 - 4. Home crafts such as model making, rug weaving, wood working, and ceramics
 - 5. Computer programming
 - 6. Architectural, engineering, drafting or graphic services
 - 7. Accounting services
 - 8. Offices
 - 9. Internet based services where customers are not coming to the home
 - 10. Any other similar use as determined by the Zoning Hearing Board

1002.23 Home Based Business (No Impact)

No-Impact, Home Based Businesses shall be subject to the following criteria:

- A. The home based business or occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- B. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- C. The business shall employ no employees other than family members residing in the dwelling.
- D. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- E. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- F. The business activity must not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- G. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- H. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

1002.24 House of Worship

Houses of Worship shall be subject to the following criteria:

- A. For proposed new developments, the applicant shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building(s) will be architecturally compatible with the neighborhood.
- B. For conversion of an existing dwelling into a house of worship, the following apply:
 - 1. Any extensions or modifications to the external appearance of the building (except fire and safety requirements) shall complement its residential character.
 - 2. All floors above or below grade shall have a permanently affixed direct means of escape to ground level.
- C. The property shall be landscaped to present a minimum intrusion upon the neighborhood.
- D. All required parking shall be accommodated on-lot, with all parking to occur in rear or side yard areas.
- E. All off-street parking and/or loading areas shall be screened from adjoining residential uses or districts.
- F. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.
- G. Residential uses (Rectories, Convents, etc.) that are related to the house of worship shall be subject to the following criteria:
 - 1. All such uses shall be accessory, and located upon the same lot as the house of worship.
 - 2. All such uses shall comply with all requirements of Section 1002.07, Group Quarters.

- H. Educational or Day Care Facilities related to the house of worship are subject to the following:
1. All such uses shall be accessory, and located upon the same lot as the house of worship.
 2. Day care facilities shall comply with the requirements of Section 1002.14, Day Care Facilities.
 3. If education or day care is offered below the college level, an outdoor play area shall be provided, at a rate of sixty five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall be set back a minimum of twenty five feet (25') from all property lines. Outdoor play areas shall be screened from adjoining residential uses or districts. All outdoor play areas must provide a means of shade, such as shade tree(s), pavilion(s), or other shading devices.
 4. Enrollment shall be defined as the largest number of students and/or children under supervision at any one time during a seven day period.
 5. Passenger "drop off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
 6. All educational or day care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone unless otherwise provided in this Section.

1002.25 In-Law Apartments

In-Law Apartments shall be subject to the following criteria:

- A. The in-law apartment may be located only within an owner-occupied, single-family dwelling.
- B. The in-law apartment may not exceed nine hundred (900) square feet of habitable floor area, unless in the opinion of the Zoning Administrator a greater amount of floor area is warranted based on the characteristics of the dwelling.
- C. Only one in-law apartment is allowed within any single-family dwelling.
- D. The in-law apartment shall be occupied by an in-law(s) of, or a family member related to the occupants of the principal dwelling by blood, marriage or adoption. The occupancy or rental of the in-law apartment by a person(s) other than as previously described is prohibited.
- E. The in-law apartment shall be occupied by a maximum of two (2) people.
- F. The use shall not require external alterations or construction features which are not customary to the architectural character of a single-family dwelling.

1002.26 Mineral Extraction, Sand and Gravel Pits

Mineral extraction or mining operations including coal, limestone, sand, gravel and other open-pit surface mining activities shall be subject to the following criteria:

- A. General provisions:
 1. Prior to the issuance of a Zoning Permit, the owner/operator of a mining operation shall file with the Zoning Administrator a copy of all approved clearances, permits, plans and/or other documents required by the Pennsylvania Department of Environmental Protection per the Surface Mining and Reclamation Act (Act 418, P.L. 1198 as amended).
 2. In no case shall any operation on the site impede the flow of a natural watercourse.

3. All operations shall be conducted in a manner which will not allow water to collect and/or create a stagnant water condition except that storm water retention facilities are permitted.
 4. A performance bond or other security may be required by the Borough in order to insure against damages to Borough roads or other public and private properties or interests.
 5. The minimum lot size shall be five (5) acres.
 6. The operator shall submit for Borough approval a plan for restoration of the area to be mined, which shall include anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater intervals than 5 feet, steps which will be taken to conserve the topsoil, the location of future roads, drainage courses or other improvements contemplated.
 7. When operator has performed all requirements contained in the restoration plan, as determined by the Borough, a written certificate will be issued by the Zoning Administrator that indicates that the restoration is complete and is in compliance with the plan.
- B. General Setback Requirements: The following are considered to be the minimum acceptable setback distances from existing structures, roadways, etc. as prescribed by Act 418 as amended; and no operator shall conduct a surface mining operation within these setbacks. However, PADEP may require a greater setback or grant a variance for a lesser distance.
1. Public roadways and railroads--100 feet from the existing right-of-way line.
 2. Occupied dwellings-300 feet unless this distance is waived by the owner thereof.
 3. Public buildings and parks, schools, churches and other community or institutional buildings-300 feet.
 4. Railroads-100 feet from the existing railroad right-of-way.
 5. Cemeteries-100 feet from the property line(s) of the cemetery.
 6. Existing streams-100 feet from the present stream bank.
 7. No stockpiles, spoil piles, refuse material, plant facilities and processing and/or mining equipment shall be located within fifty (50) feet of an existing property line where the adjacent property is not owned or leased by the operator or unless the adjacent owner waives the aforementioned setback.
 8. Irrespective of the above setback requirements for items 2 and 3, a twenty-five (25) foot minimum setback shall be maintained from all property lines where such structures are involved and the adjacent property(s) is not owned by the operator. The purpose of this provision is to prevent mining up to a property line in situations where such mining could take place without violating the 300 foot setback requirement for existing structures; i.e., a structure could be located 350 feet from its property line which could allow the operator to mine up to the property line and still be within the required 300 foot setback distance.

1002.27 Mixed Use Structures (Residential and Commercial)

Mixed use structures, containing a combination of commercial and residential uses shall be permitted within the C-B, Central Business District, subject to the following criteria (Note: These criteria do not apply in the B-1, Business District.):

- A. The ground floor of the principal structure shall be used for commercial uses permitted within the district. Residential uses are permitted only on the second, third and fourth floors of the principal building.
- B. The number of residential dwellings shall be limited to a density of eighteen (18) residential dwelling units per acre.
- C. The maximum height of the structure shall not exceed four (4) stories or 45 feet.
- D. Applicant shall submit evidence that adequate parking is available for the proposed use.

1002.28 Mobile Home Parks

Mobile Home Parks shall be subject to the following criteria:

- A. Mobile Home Parks shall fully comply with the requirements set forth by the Albion Borough Subdivision and Land Development Ordinance.
- B. The minimum lot area shall be five (5) acres.

1002.29 Multiple Family Dwellings (5 or more units)

Multiple Family Dwellings consisting of 5 or more dwelling units shall be subject to the following criteria:

- A. For proposed new developments, the applicant shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building(s) will be architecturally compatible with the neighborhood.
- B. For conversion of existing dwellings into apartment buildings, the following apply:
 - 1. Any extensions or modifications to the external appearance of the building (except fire escapes) shall complement its residential character.
 - 2. All floors above or below grade shall have a permanently affixed direct means of escape to ground level.
- C. The property shall be landscaped to present a minimum intrusion upon the neighborhood.
- D. All required parking shall be accommodated on-lot, with all parking to occur in rear or side yard areas.
- E. All off-street parking and/or loading areas shall be screened from adjoining residences.
- F. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.
- G. Multiple Family Dwellings consisting of ten (10) or more dwelling units shall front on an arterial or collector road.
- H. Multiple Family Dwellings or developments consisting of ten (10) or more dwelling units shall comply with Section 702, Buffer and Screening Requirements.

- I. Multi-family residential land developments consisting of 10 or more dwellings shall reserve no less than ten percent (10%) of total lot area as passive or active recreation space for the benefit of residents. This land shall be suitable for the purpose for which it is proposed.

1002.30 Public Utility Buildings

Public utility buildings, such as offices or garages shall be subject to the following criteria (See also, Section 106 C):

- A. If located within a residential district, the applicant must demonstrate that the selected location is necessary for public service and the use cannot be supplied if located elsewhere.
- B. If located within a residential district, all buildings and structures shall be designed (to the extent possible) to be architecturally compatible with the neighborhood.
- C. In any residential district, the outdoor storage of vehicles or equipment, used in the maintenance of a utility, shall be screened from adjoining roads and all properties.
- D. There shall be no required minimum lot size. However, each lot shall provide required minimum front, side, and rear yard setbacks and comply with the maximum lot coverage requirements as prescribed in the underlying zoning district.
- E. Height regulations for the underlying zoning district shall be followed.
- F. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical, or microwave disturbance, or any other objectionable impact, nuisance or safety hazard beyond the subject property.

1002.31 Recycling Centers

Recycling Centers for the recycling of paper, plastic, glass and metal products shall be subject to the following criteria:

- A. All operations, including collection shall be conducted within an enclosed building.
- B. There shall be no outdoor storage of materials processed, used or generated by the operation.
- C. The applicant shall provide a written documentation of the scope of operation, and measures used to mitigate problems associated with noise, fumes, dust, and litter.
- D. The applicant will be required to assure regular maintenance of the site to immediately collect stray debris.

1002.32 Restaurants

Restaurants shall be permitted as a special exception within the R-2 Residential District, subject to the following criteria (Note: These criteria do not apply in the C-B Central Business District, B-1 Business District or the B-2 Business District.):

- A. Within the R-2 Residential District, restaurants shall have lot frontage on either N. Main Street, Route 6N or Route 18. Restaurants not fronting on one of these roads shall be prohibited.

1002.33 Retail Business (10,000 square feet or larger)

Retail Businesses with gross floor area greater than or equal to 10,000 square feet shall be subject to the following criteria:

- A. All such uses shall comply with the requirements set forth by the Albion Borough Subdivision and Land Development Ordinance.
- B. A traffic study may be required to demonstrate safe access and control of traffic into and out of the facility. The traffic study shall include at a minimum a study of the internal traffic patterns in the off-street parking area to ensure the safe movement of traffic for pedestrians and vehicles and convenient access to nearby areas.
- C. Applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.

1002.34 Riding Academy or Boarding Stable

Riding Academies and Boarding Stables shall be subject to the following criteria:

- A. No more than 10 equine animals shall be kept with the exception that one additional equine animal may be kept for each additional acre of land over five acres.
- B. All animals, except while exercising or pasturing, shall be confined in a building erected or maintained for that purpose and which complies with the following requirements:
 - 1. The building shall be located a minimum of 150 feet from adjoining lot lines.
 - 2. The building shall be located a minimum of 75 feet from any public or private road right-of-way.
 - 3. The building shall have a minimum of 200 square feet of gross floor area for each equine animal.
- C. All outdoor training, show, riding, boarding or pasture areas shall be enclosed by a minimum four-foot high fence and shall be set back a minimum of 100 feet from any adjacent residence whose owner is not the owner of this use.
- D. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
- E. Parking areas shall be set back a minimum of 50 feet from adjoining lot lines.

1002.35 Sawmills

Sawmills shall be subject to the following express standards and criteria:

- A. The use shall be subject to the Performance Standards of this Ordinance (See Section 706).
- B. All milling operations shall be located at least three hundred (300) feet from any existing dwelling on adjoining property and at least one hundred (100) feet from any property line.
- C. Routes to be used by hauling trucks shall be approved by the municipality. If bonding of the road(s) is required by the municipality, proof of compliance is required.
- D. Milling operation shall be discontinued from 7:00 p.m. to 7:00 a.m.

1002.36 Schools, Hospitals and Nursing Homes

Schools, Hospitals and Nursing Homes shall be subject to the following criteria:

- A. All necessary licenses or permits issued by county, state, or federal agencies shall be presented and these required licenses, certificates, or permits shall be a condition for final approval.
- B. The facility shall be located on a State road with a paved cartway.
- C. The minimum lot area for a nursing home shall be two (2) acres; the minimum lot area for a hospital shall be five (5) acres.
- D. Sufficient screening and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjacent residential uses or districts.
- E. All outdoor lighting shall be shielded and reflected away from adjoining properties.
- F. Applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- G. Ingress, egress and internal circulation shall be designed to ensure safety and to minimize impacts on public roads.

1002.37 Scrap (Junk or Salvage) Yards

Scrap (Junk or Salvage) Yards shall be subject to the following criteria:

- A. The outdoor area devoted to the storage of scrap or other materials shall be completely enclosed by an eight foot (8') high, security fence.
- B. The outdoor area devoted to the storage of scrap or other materials shall be screened from adjacent properties and roads in accordance with Section 702.02.
- C. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations.
- D. All scrap or other materials shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no scrap or other materials piled to a height greater than eight feet (8').
- E. The burning of scrap or other materials is prohibited.
- F. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- G. No scrap yard shall be located on land with a slope in excess of five percent (5%).
- H. All junked vehicles shall be emptied of fuel, oil and other petroleum products, air conditioning fluid, anti-freeze, and batteries.
- I. The processing or storage of hazardous materials, as the same are defined by the Department of Environmental Protection, shall not be permitted, except as needed to remove vehicular fluids, batteries, and similar incidental material.

1002.38 Self-Storage Facilities

Self-Storage Facilities shall be subject to the following criteria:

- A. Any lighting shall be fully shielded and directed away from adjacent properties and streets.
- B. All areas that abut residential uses or districts shall be screened from view with fencing and/or landscaping.
- C. The minimum lot area shall be two (2) acres.
- D. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.
- E. The outside storage of privately-owned recreational vehicles and/or boats is permitted. However, such outside storage shall not be located within the required front setback area.

1002.39 Social Clubs and Fraternal Organizations

Social Clubs and Fraternal Organizations shall be subject to the following criteria:

- A. The applicant shall furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to hours of operation, noise, light, litter, or loitering outside the building.
- B. Sufficient screening and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjoining properties.
- C. All lighting fixtures shall be shielded and directed away from neighboring properties.

1002.40 Solid Waste Processing, Transfer Stations, and/or Disposal Facilities

Solid waste processing, transfer stations, and/or disposal facilities shall be subject to the following criteria:

- A. Copies of all required licenses or permits issued by county, state, or federal agencies shall be submitted to the municipality, and these required licenses, certificates, or permits shall be a condition for final approval.
- B. The applicant shall submit copies of all plans, specifications, applications and supporting data that have been or will be presented to the Pennsylvania Department of Environmental Protection for review to the Borough. If a special exception use is granted, the operator shall continue to submit such documentation to the municipality when it is submitted to the Pennsylvania Department of Environmental Protection.
- C. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Municipal Waste Planning, Recycling and Waste Reduction Act or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating waste recycling and recovery, and the regulations of the Pennsylvania Department of Environmental Protection implementing such statutes.
- D. The minimum lot area shall be 50 acres for solid waste disposal facilities and 10 acres for solid waste transfer stations and/or processing facilities.
- E. A fence with a minimum height of eight feet shall enclose the facility. The fence used shall have openings less than three inches in dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the facility, with plantings at least 36 inches high

and placed in a double-staggered row with not less than five feet on center between plants. The vegetation shall be evergreen and of a variety to obtain a height of at least eight feet at maturity. The use shall be screened completely from normal view.

- F. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the municipality a hydrogeological study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as a part of the study; and shall clearly set forth the conclusions and recommendations of the professional.
- G. The operator shall limit access to the site to those times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, gates, locks or other means to deny access at unauthorized times.
- H. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
- I. Sufficiently long vehicle-stacking lanes into the facility shall be provided so that vehicles waiting to be weighed will not back onto public roads.
- J. All access drives onto the site shall be paved for a distance of at least 200 feet from the street right-of-way line. In addition, a one-hundred foot long crushed stone section of access drive shall be placed just beyond the preceding two-hundred-foot paved section to help collect any mud that may be attached to a vehicle's wheels. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site.
- K. The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the primary road system serving the site.
- L. A traffic study shall be required to document any improvements to local or state roads which may be needed in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network. The applicant shall make all such improvements and/or provide or guarantee financial security in an amount sufficient to cover the cost of such improvements.
- M. The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
- N. The operator shall provide the municipality with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within two weeks from the date such notice of violation was received by the operator.
- O. Litter control measures shall be implemented to prevent the scattering of materials and a plan for the cleanup of litter shall be submitted to the municipality.
- P. All municipal waste awaiting recycling or resource recovery shall be stored within an enclosed area bounded by solid walls or fences.
- Q. Solid waste processing and/or disposal facilities or operations shall be set back a minimum of 300 feet from all adjacent property lines.
- R. No structures or parking areas shall be located closer than 300 feet to any property line.

- S. The unloading, transfer and disposition of materials shall be supervised by a qualified facility operator.
- T. The use shall be subject to the Performance Standards of this Ordinance (See Section 706).

1002.41 Special Events of a Temporary Nature

Special Events of a Temporary Nature shall be subject to the following criteria:

- A. Within the REC Public Recreation district, a zoning permit is not required for a special event of a temporary nature. However, written notification shall be provided to the Borough a minimum of 10 days in advance of the event.
- B. Special Events shall not exceed 5 days in duration, exclusive of one day each for preparation and cleanup, unless an extension is approved by the Borough Council. The Albion Fair is exempt from this requirement.
- C. The special event shall not create significant adverse impacts to adjacent properties or the surrounding area due to light, noise, dust, odor or pollution.
- D. The special event shall not create a significant adverse impact on traffic volumes and/or traffic circulation, and there shall be adequate arrangements to mitigate traffic congestion, traffic circulation problems, conflicts and hazards.
- E. Adequate water and sanitary facilities shall be supplied to accommodate the special event. Any temporary sanitary facilities shall be removed within 48 hours after the conclusion of the event.
- F. Proper provision shall be assured for the collection and removal of trash and recyclable materials and for cleanup of such materials throughout and upon conclusion of the event.
- G. Hours of operation shall be limited to 9:00 am until 11:00 pm, on any day, unless authorized by the Borough Council. The Albion Fair is exempt from this requirement.
- H. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads.
- I. All temporary signs associated with the special event shall be removed upon conclusion of the special event.
- J. Any food and beverage service uses must be associated with the special event.
- K. Any retail uses, such as gift or souvenir shops, must be associated with the special event.
- L. Any child care service uses must be associated with the special event.
- M. Access shall be provided for emergency vehicles, to all public assembly areas, all buildings, all work areas and any additional areas where emergencies may occur.
- N. Carnival and amusement rides may exceed the maximum height permitted within the zoning district in which the special event is located, provided they are set back from all property lines a minimum distance equal to their height, plus an additional fifty feet (50').

1002.42 Target Ranges and Paintball Facilities

Target ranges (firearms or archery) and paintball facilities shall be subject to the following criteria:

- A. Outdoor target ranges for firearms shall be prohibited.
- B. Outdoor target ranges for archery shall be subject to the following criteria.
 - 1. Outdoor target ranges for archery shall only be permitted in the B-2 Business District, and shall require approval of as a special exception use by the zoning hearing board.
 - 2. Minimum lot area: 10 acres
 - 3. Minimum lot width: 300 feet
 - 4. All outdoor firing ranges shall be at least 200 feet from any property line or street right-of-way line.
 - 5. The use shall not present a danger to public health and safety. The applicant shall show adherence to best design practices to ensure safety.
- C. Outdoor paintball facilities shall be subject to the following criteria.
 - 1. Outdoor paintball facilities shall only be permitted in the B-2 Business District, and shall require approval of as a special exception use by the zoning hearing board.
 - 2. Minimum lot area: 5 acres
 - 3. Minimum lot width: 300 feet
 - 4. All outdoor paintball activities shall be at least 100 feet from any property line or street right-of-way line.
 - 5. The use shall not present a danger to public health and safety. The applicant shall show adherence to best design practices to ensure safety.
- D. Indoor target ranges (firearms, archery or paintball) shall be subject to the following criteria:
 - 1. The use shall not present a danger to public health and safety. The applicant shall show adherence to best design practices to ensure safety.
 - 2. The applicant shall present a plan to minimize any noise created by activities through buffering, acoustic engineering, or topography.

1002.43 Taverns and Nightclubs

Taverns and Nightclubs shall be subject to the following criteria:

- A. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter.
- B. The applicant shall furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building. Noise levels shall not exceed the maximum levels established in Section 706 of this Ordinance.
- C. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.
- D. The site shall be located a minimum of 150 feet from any school, child or adult day care facility, community center, cultural facility or house of worship

1002.44 Treatment Center/Pre-Release Detention Facility

Treatment Centers and Pre-Release Detention Facilities shall be subject to the following criteria:

- A. The Center/Facility must be licensed where required by an appropriate government agency(s) and shall be in compliance with all applicable rules and regulations of the licensing body(s). A copy of any required license must be delivered to the municipality prior to beginning the use.
- B. The Center/Facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the house.
- C. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
- D. The residents of the Center/Facility shall reside on the premises to benefit from the services provided.
- E. The Center/Facility shall not be located within 1,000 feet of any house of worship, public recreation facility, school facility, day-care center or public library.
- F. The Center/Facility shall not be located within 1,000 feet of another Center/Facility.
- G. Each special exception application shall be accompanied by a statement describing the following:
 - 1. The composition of the Center/Facility;
 - 2. The policies and goals of the Center/Facility and the means proposed to accomplish those goals;
 - 3. The characteristics of the residents and number of residents to be served;
 - 4. The operating methods and procedures to be used; and
 - 5. Any other facts relevant to the proposed operation of the Center/Facility.
- H. Any use permit granted for the Center/Facility shall be bound to the type and number of offenders listed on the application. Any change in the type or number of offenders being housed shall require a new hearing before the zoning hearing board.

1002.45 Vehicle Sales, Rentals and Service

Vehicle Sales, Rentals and Services shall be subject to the following standards and criteria:

- A. All repair and servicing shall be conducted within an enclosed building.
- B. All required off-street parking spaces shall be reserved for parking and shall not be used for the display of merchandise.
- C. All outdoor lighting fixtures shall be shielded and directed away from neighboring properties and public streets.
- D. All areas that abut residential uses or districts shall be screened from view with fencing or landscaping.

1002.46 Wind Turbines, Small

Small Wind Turbines, as defined by this Ordinance, shall be subject to the following criteria:

- A. The small wind turbine shall be used solely to generate power to serve a principal and/or accessory building located on the lot on which said turbine is situated (without regard to any excess power generated going to a power grid).
- B. The small wind turbine shall be located in the side or rear yard area.
- C. The small wind turbine shall comply with all height and yard setback requirements of the zoning district within which it is located.

1002.47 Wholesale, Warehouse and Storage Facilities

Within the REC, Public Recreation District, the following criteria apply. (Note: These criteria do not apply in the B-2 Business District.)

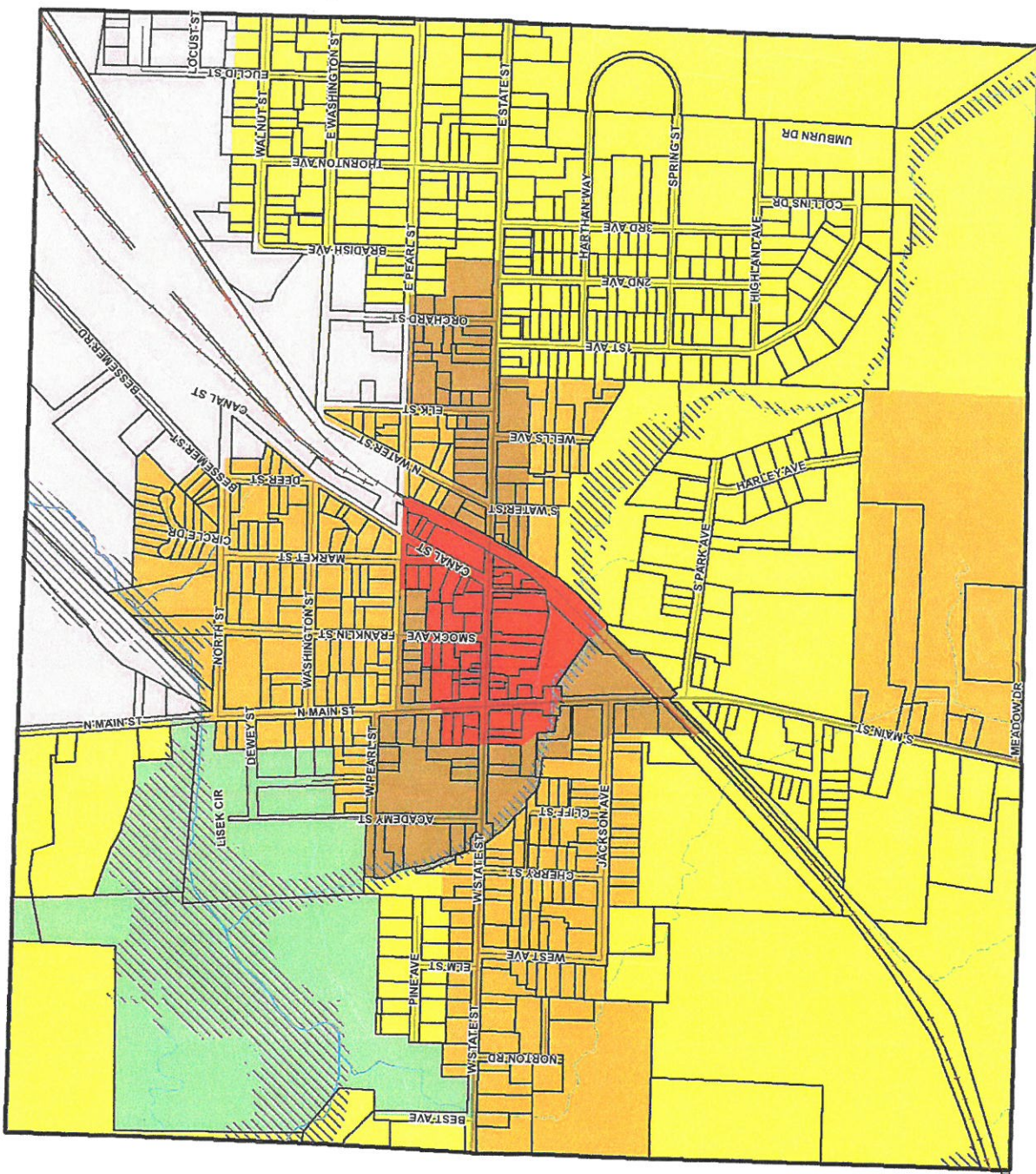
- A. Wholesale and Warehouse Facilities shall be prohibited within the REC, Public Recreation District.
- B. Within the REC, Public Recreation District, the seasonal use of buildings as storage facilities shall be permitted as a special exception subject to the following criteria:
 - 1. All storage shall be within an enclosed building. The outside storage of privately-owned recreational vehicles, boats, and similar items is prohibited.
 - 2. The use shall be seasonal, and shall not exceed a period of 9 consecutive months or 9 months within a calendar year.

Albion Borough

Zoning

DRAFT 5/7/19

- R-1 Residential
- R-2 Residential
- C-B Business
- B-1 Business
- B-2 Business
- REC Public Recreation
- F-P Flood Plain Overlay



Adopted August 13 2019