

ARTICLE IX
STANDARDS FOR CONDITIONAL USES

SECTION 9.1 **COMPLIANCE**

Nothing in this Ordinance shall relieve the Owner or his or her agent, the developer or the applicant for either a Conditional Use Permit or a Site Development Plan Approval from receiving a Subdivision Plan and/or Land Development Approval in accordance with Borough Subdivision and Land Development Ordinance.

SECTION 9.2 **CONDITIONAL USE**

- A. Objectives - On Application, and after public hearing, the Borough Council may authorize the issuance of land use permits for any of the Conditional Uses for which this Ordinance requires in the District in which such use is proposed to be located. In approving any such use, the Borough Council shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general, and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the expressed intent of this Ordinance and the accomplishment of the following objectives in particular:
1. That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.
 2. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the District in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the Zoning Classification of such properties.
 3. That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residential District:
 - (a) The location and size of such use, the nature and intensity of operation involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said Residential District or conflict with the normal traffic of the neighborhood; and
 - (b) The location and height of buildings; the location, nature, and height of walls and fences; and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land or buildings.

- B. Application - Each application for a conditional use shall be accompanied by a proposed plan showing the size and location of the lot, the location of all buildings and proposed facilities including access drives, parking areas, and all streets within two hundred feet (200') of the lot. In addition, each application shall provide plans and data that address and are in accordance with the express standards and criteria set forth in this Article for each respective conditional use.

- C. Referral To The County Planning Commission - Any conditional use application may be referred by the Secretary of the Mont Alto Borough Council to the Franklin County Planning Commission for review and comment at least thirty (30) days prior to said hearing by the Council. The County shall report to the Council, in writing, its advisory opinions, findings, and recommendations on said application within thirty (30) days. Failure of County response within the prescribed time period shall constitute a favorable opinion on said application by the County.

- D. Borough Council Action - The Borough Council shall, within thirty (30) days after the date of the public hearing on the application for conditional use approval, take final action to approve, or disapprove said conditional use application and shall so notify the applicant in writing.

- E. Conditions and Safeguards - The Borough Council may require the conditional use permits be periodically renewed. Such renewal shall be granted following due public notice and hearing and may be withheld only upon a determination prescribed by the Borough Council in conjunction with the issuance of the original permit have not been, or are being no longer, complied with. In such cases a period of sixty (60) days shall be granted the applicant for full compliance prior to the revocation of said permit.

- F. Effect Of Conditional Use Approval - Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the District in which such use is located provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

SECTION 9.3 **REQUIREMENTS OF SPECIAL STANDARDS**

Specific standards for Conditional Uses allowed in this Ordinance are set forth in this Article. These standards must be met prior to the Borough Council granting a Conditional Use Permit for such uses in applicable zones.

SECTION 9.4 **SPECIAL REQUIREMENTS FOR CLUSTER RESIDENTIAL SUBDIVISIONS**

The following modifications of minimum lot size and lot width requirements are permitted under the terms and specifications herein stated.

A. **Variable Lot Size Provision:**

The requirements specified in Article IV, may be reduced to not less than the standards noted hereafter:

R-125

Lot Area in Square Feet	10,000
Lot Width in Linear Feet	80
Gross Density (Lots Per Acre)	4

R-75

Lot Area in Square Feet	6,000
Lot Width in Linear Feet	60
Gross Density (Lots Per Acre)	7

Provided that the following terms and conditions are met:

1. The lots in question are created from a tract of land under common ownership and/or a land subdivision in accordance with the Borough of Mont Alto Subdivision and Land Development Ordinance.
2. The Borough Council, within its discretion, may permit lots created to be of lesser area and width than the minimum requirements for the zone in which they are located as specified above, but in no event shall more than thirty percent (30%) of the total lots created be less than Section 4.1 lot area and related regulations.
3. The size of corner lots shall not be reduced below the standards set forth in Section 4.1; reductions shall be directed at interior lots.
4. The total number of building lots in the subdivision when related to the total area of the tract shall not exceed the gross density standard (lots per acre) as outlined in this section.
5. The tract shall be developed as a single entity in coordination with common open space put aside for the benefit of all the building lots and their occupants.

B. **Common Open Space Preservation Provision:**

Lot area and lot width as required in Article IV may be reduced by employing the use of common open space standard modifications as follows:

1. At the acceptance of the Borough all lands in the tract not included in proposed lots or rights-of-way may be dedicated or conveyed to the Borough of Mont Alto to be used for one (1) or more public purposes such as conservation, recreation, essential services, public works, administration, education, or similar land use.

2. The proposal must further the orderly development of the area and the proposed open space relates to the planning objectives for future land development and the provisions for public facilities and utilities in Mont Alto and Franklin County.
3. Any area offered to the Borough under this Subsection shall be adaptable to a public purpose use without undue public expenditure necessary to improve such land resulting from excessive topography, adverse drainage or soil conditions, or inadequate accessibility.
4. The standard density requirements of the Zoning District in which the modification is permitted.
5. The owner or owners of a tract of land approved by the Borough Council as per the recommendation of the Planning Commission, if applicable, in accordance with these modifications shall deed all lands to the proper entity, not included in lots and streets. They shall be determined by the Borough relative to their public purpose. Dedication or conveyance shall be in a form and manner acceptable to the Borough Solicitor.

SECTION 9.5 **SPECIAL REQUIREMENTS FOR PLANNED RESIDENTIAL DEVELOPMENTS**

A. Purpose:

1. To encourage innovations in residential development for greater variety, efficient use of open space, and conservation of natural features.
2. To provide greater opportunities for better housing and recreation in the Borough.
3. To encourage a more efficient use of land and services so that economies may benefit those who need homes.
4. In the aid of the above purposes, to provide a procedure which can relate the type, design, and layout of residential development to the particular site and demand for housing, in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development is carried out pursuant to sound, expeditious, and fair administrative standards and procedures.

B. Eligibility Requirements:

Any application for preliminary or final approval shall as a minimum meet the following requirements:

1. The proposed Planned Residential District shall consist of one or more contiguous parcels of land under single ownership.

2. The proposed Planned Residential Development shall contain a minimum of ten (10) acres of land.
3. The proposed Planned Residential Development shall be connected to both a public water supply system and sanitary sewer system. Where either a public water or sanitary sewer system cannot be feasibly provided to the Planned Residential Development the developer shall provide a centralized water supply system and sanitary sewer system, as approved by the Pennsylvania Department of Environmental Protection, to service the entire development.
4. Planned Residential Developments shall be permitted to locate only in the R-75 and R-125 Residential Districts in the Borough.

C. Land Use Control and Density Requirements

1. Residential Uses:

All planned residential developments shall consist of single-family detached dwellings and at least two of the following housing styles.

- a. Semi-detached single-family dwellings;
- b. Attached single-family dwellings;
- c. Multiple-family dwellings; and
- d. Sales Office shall be permitted as an accessory use to any residential development in excess of fifteen (15) lots or dwelling units. Any such sales office shall be houses in a building in keeping with the principal residential character of the property and comply with the applicable sign provisions of Section 5.9 of this Ordinance.

Each type of housing style shall constitute a minimum of twenty percent (20%) of the total number of housing units.

2. Non-Residential Uses:

The following Non-Residential Uses may be permitted in a Planned Residential Development to the extent that they are designed and intended primarily to serve residents of the Planned Residential Development and are compatible and harmoniously incorporated into the unitary design of the Planned Residential Development.

- a. Commercial uses such as retail shops or stores, service businesses and restaurants.
- b. Professional or business office uses, including branch banks.

- c. Institutional uses such as private schools, nursery schools and child day care centers, churches, community activity centers, nursing homes, and retirement homes.

3. Land Use Density:

Within the Planned Residential Development, density shall be regulated by the following standards.

- a. Average gross residential density of the total Planned Residential Development Site shall not exceed eight (8) dwelling units per acre.
- b. The percentage of the Planned Residential Development Site to be devoted to common open space shall be no less than thirty percent (30%) of the total site area.
- c. The percentage of the Planned Residential Development Site which is to be covered by buildings, roads, parking areas, and other impermeable cover shall not exceed thirty-five percent (35%) of the total site area.
- d. Areas of commercial use shall not exceed the following:

50 to 100 Acres - 7% of Site Area
100 to 200 Acres - 6% of Site Area
200 Acres and up - 5% of Site Area

Lot coverage of commercial buildings shall not exceed thirty-five percent (35%) of the land area designated for commercial use.

D. Site Analysis

1. Natural Features Analysis:

In order to determine which specific areas of the total Planned Residential Development Site are best suited for high density development, which areas are best suited for lower density development, and which areas should be preserved in their natural state as common open space areas, the developer shall submit a Natural Features Analysis of the following subject categories:

- a. Hydrology/Drainage
- b. Geology
- c. Soils
- d. Topography
- e. Vegetation

2. Community Impact Analysis:

In order to determine the impact of the Planned Residential Development upon the Borough, an analysis of the potential affects of the Planned Residential Development upon public facilities, utilities, roadway systems, solid waste disposal, police and fire protection, school facilities and school budget, recreation, and borough revenues and expenses shall be required. Market analysis data which estimates potential market demand for various types of housing in the area of the proposed Planned Residential Development Site shall also be presented.

E. Site Design Requirements

1. Residential Uses:

- a. Dwelling unit structures shall be located and interspersed so as to promote pedestrian and visual access to common open spaces.
- b. Interior yards and/or structural spacing between dwellings and units shall be provided in accordance with the following minimums:

Front to Front	-	60 Feet
Front to Side	-	40 Feet
Front to Rear	-	60 Feet
Side to Rear	-	40 Feet
Side to Side	-	15 Feet
Rear to Rear	-	50 Feet
Corner to Corner	-	10 Feet

- c. Dwelling unit structures shall be located and arranged so as to promote privacy for residents within the Planned Residential Development and maintain privacy for residents adjacent to the Planned Residential Development. Structures shall be located within the development so that there will be no adverse impact such as excluding natural light or invading the privacy of adjacent structures.
- d. No building shall be erected to a height in excess of thirty-five feet (35') provided, however, that this height limit may be increased one foot (1') for each additional foot that the width of each yard exceeds the minimum required and that considerations of fire and other safety features have been adequately accounted for.
- e. No structure shall be located within twenty feet (20') of the right-of-way of collector streets.

2. Commercial Uses:

- a. All commercial uses shall be located in a single, concentrated area of the Planned Residential Development.

- b. All commercial uses shall be located with direct access to at least a collector street.
- c. Commercial signs are permitted subject to the following:
 - 1) A single sign for the commercial center shall be permitted provided such sign face shall be limited to a height of six feet (6') with a total area of fifty square feet (50 sq. ft.).
 - 2) Signs for individual uses shall be located on the face of structure and shall be no more than thirty square feet (30 sq. ft.) in area.
 - 3) Other than requirements a. and b. above, signs shall be subject to the requirements of this Ordinance.

3. Common Open Space:

- a. Common open space shall be designed as an integral part of the Planned Residential Development.
- b. Significant natural features such as woodland areas, large trees, natural watercourses and bodies of water, rock outcroppings, and scenic views shall be incorporated into common open space areas whenever possible. However, no less than twenty-five percent (25%) of the total common open area shall be suitable for intensive use as an active recreation area.
- c. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its natural, features, size, land use intensity, potential population, and the number and types of dwelling units to be developed.

4. Streets, Sewer and Water Utilities, Storm Drainage and Soil Erosion Control, Curbs and Gutters and Sidewalks:

Streets, sewer and water utilities, storm drainage and soil erosion control, curbs and gutters and sidewalks shall be designed and improved in accordance with the requirements and standards set forth in the Borough's Subdivision and Land Development Ordinance. Performance and maintenance guarantees and subsequent release of guarantees for all required improvements shall be in accordance with the requirements and procedures of the Borough's Subdivision and Land Development Ordinance.

5. Off-Street Parking:

Off-Street Parking Facilities shall be in accordance with Section 5.5 this Ordinance.

6. Other Utilities:

- a. All streets, off-street parking areas, and areas of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from adjacent residences.
- b. Telephone, electric, and cable television utilities shall be installed underground.

7. Tree Conservation and Landscaping:

- a. The protection of trees six inches (6") or more in diameter (measured at a height four and one-half feet [4'6"] above the original grade) shall be a factor in determining the location of common open space, structures, underground utilities, walks, and paved areas. Areas in which trees are preserved shall remain at original grade level and undisturbed wherever possible.
- b. Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the Planned Residential Development Site, landscaping shall be regarded as an essential feature of the Planned Residential Development. In these cases, landscaping shall be undertaken in order to enhance the appearance of the Planned Residential Development, aid in erosion control, provide protection from wind and sun, screen streets and parking areas, and enhance the privacy of dwelling units.

8. Provisions For Encouraging The Use Of Renewable Energy Systems And Energy-Conserving Building Design:

Regulation for height and setbacks for structures, buildings, other improvements; for height and location of vegetation, shall be adjusted, if found reasonable, to relate to renewable energy systems or their components and energy-conserving building design techniques, by the Mont Alto Borough Council.

F. Ownership, Maintenance, and Preservation of Common Open Space

1. For the purpose of ownership, maintenance, and preservation of common open space, the developer shall establish a Homes Association in accordance with Section 5.8 of this Ordinance.
2. In the event that the organization established to own and maintain a common open space or any successor organization, shall at any time after establishment of the Planned Residential Development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Borough may serve written notice upon such organization or upon the residents and owners of the Planned Residential Development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of

maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Borough, in order to preserve the taxable values of the properties within the Planned Residential Development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not constitute a taking of said common open space, nor vest in the public any rights to use the same. Before the expiration of said year, the Borough, upon its initiative or upon the request of the organization here-to fore responsible for the maintenance of the common open space shall call a public hearing upon notice to such organization, or to the residents and owners of the Planned Residential Development, to be held by the Borough, at which hearing such organization or the residents and owners of the Planned Residential Development shall show cause why such maintenance by the Borough shall not, at the option of the Borough, continue for a succeeding year. If the Borough shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Borough may cease to maintain said common open space at the end of said year. If the Borough shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Borough may, in its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination in each year there-after. The decision of the Borough in any such case shall constitute a final administrative decision subject to judicial review.

3. The cost of such maintenance by the Municipality shall be assessed ratably against the properties within the Planned Residential Development that have a right of enjoyment of the common open space and shall become a lien on said properties. The Borough, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the prothonotary of the County, upon the properties affected by the lien within the Planned Residential Development.
4. An offer of dedication of common open space made by the developer in the development plan, before the establishment of any organization responsible for open space areas, and, if accepted by resolution or ordinance, the Borough may constitute a fulfillment of responsibility for providing and maintaining common open space areas.

G. Development in Stages

1. A Planned Residential Development may be developed in stages if the following standards are met:

- a. The location and approximate time of construction of each stage are clearly marked on the development plan.
- b. At least fifteen percent (15%) of the dwelling units in the development plan are included in the first stage.
- c. At least fifty percent (50%) of the dwelling units in any stage shall be completed before any commercial development shown in that stage shall be completed.
- d. The second and subsequent stages are completed consistent with the development plan and are of such size and location that they constitute economically sound units less than fifteen percent (15%) of the dwelling units included in the development plan.
- e. To encourage flexibility of housing density, design, and type in accord with the purposes of this Ordinance, gross residential density may be varied from stage to stage. A gross residential density in one stage which exceeds the permitted average gross residential density for the entire Planned Residential Development must be offset by a gross residential density in a subsequent stage which is less than the permitted average gross residential density for the entire Planned Residential Development.

H. Procedural Requirements (Application For Tentative Approval)

1. The application for tentative approval shall be submitted by or on behalf of the landowner to the Borough Secretary in accordance with the Preliminary Plan Requirements of the Borough's Subdivision and Land Development Ordinance.
2. The application for tentative approval shall be addition to the plans and supporting data required in the Sub-division and Land Development Ordinance and this Article contain the following:
 - a. The proposed land use areas within the Planned Residential Development, distinguishing between type of residential, non-residential, and open space uses.
 - b. The land use density of each land use within the Planned Residential Development and the average gross residential density for the entire Planned Residential Development.
 - c. The use and the approximate height, bulk, and location of buildings and other structures.
 - d. The location, function, size, ownership, and manner of maintenance of the common open spaces.

- e. The substance or covenants, grant of easements, or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for common open space areas and public utilities, and the legal form of provisions thereof.
- f. In the case of plans which call for development in stages, a schedule showing the approximate time within which applications for final approval of each stage of the Planned Residential Development are intended to be filed and the approximate number of dwelling units, types of dwelling units, and gross residential density for each type of dwelling unit planned for each stage. The schedule shall be updated annually on the anniversary of submission for tentative approval.
- g. Site plans shall be drawn at a scale no larger than one inch (1") to fifty feet (50').
- h. Copies of the site plan and supporting data included in the tentative approval application shall be submitted to the applicable agencies as required for Preliminary Plan approval in the Borough's Subdivision and Land Development Ordinance for review and comment.

3. Public Hearings:

- a. Within sixty (60) days after the filing of a complete application for tentative approval of a Planned Residential Development pursuant to this Ordinance, a public hearing pursuant to public notice on said application shall be held by the Borough. The President, or, in his absence, the acting President, of the Borough Council may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.
- b. A verbatim record of the hearing shall be caused to be made by the Borough whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in record.

4. Findings:

- a. The Borough shall, by official written communication to the landowner, within sixty (60) days following the conclusion of the public hearing provided for in this Article, either:
 - 1) Grant tentative approval of the development plan as submitted.

- 2) Grant tentative approval subject to specified conditions not included in the development plan as submitted.
 - 3) Deny tentative approval to the development plan.
- b. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval may, within thirty (30) days after receiving a copy of the official written communication of the Borough, notify such agency of his refusal to accept all said conditions, in which case, the Borough shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Borough of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
- c. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact(s) related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communications shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact(s) and conclusions on the following:
- 1) In those respects in which the development plan is or is not consistent with the goals and objectives for this Ordinance.
 - 2) The extent to which the development plan departs from Zoning and Subdivision Regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
 - 3) The purpose, location and amount of the common open space in the Planned Residential Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
 - 4) The physical design of the development plan and the manner in which said design does or does not make adequate control over vehicular traffic, and further the amenities of light and air, recreation, and visual enjoyment.
 - 5) The relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established.

- 6) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and the residents of the Planned Residential Development in the integrity of the development plan.
 - 7) The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.
- d. In the event a development plan is granted tentative approval, with or without conditions, the Borough shall set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the period of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

5. Status Of Plan After Tentative Approval:

- a. The official written communication provided for in this Ordinance shall be certified by the Secretary of the Borough and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted in the Zoning Map.
- b. Tentative approval of a development plan shall not qualify a plat of the Planned Residential Development for recording nor authorize development or the issuance of any land use permits. A development plan which has been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Borough pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development for final approval is filed or, in the case of development over a period of years, provided applications are filed, within periods of time specified in the official written communication granting tentative approval.
- c. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the official review agency in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final

approval has not been given shall be subject to those local Ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map in the records of the Secretary or Clerk of the Borough.

6. Application For Final Approval:

- a. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the Borough Secretary and within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.
- b. The application for final approval shall be in accordance with the design and improvement requirements for Final Plan contained in the Borough's Subdivision and Land Development Ordinance at a scale not smaller than one inch (1") to fifty feet (50'). In addition the following information shall be require:
 - 1) Total acreage of development, land uses in each area, total number of dwelling units, number of each type of dwelling unit, average gross residential density, and gross residential density in each section.
 - 2) Building coverage lines accurately locating all types of dwelling units, and non-residential structures, giving dimensions of the structures, distances between the structures, distances to street rights-of-way and parking areas, with distances accurate to the nearest foot.
 - 3) Accurate dimension of common open spaces areas specifically indicating those areas to be preserved in their natural state and those areas to be developed for active recreation. Where common open space areas are to be developed, the location of structures in common open space areas shall be illustrated.
 - 4) In the case of a Planned Residential Development proposed to be developed over a period of years, final plan requirements will apply to the section for which final approval is being sought. However, the final plan presented for the section to be developed must be considered as it relates to information regarding densities and types of dwelling units, location of common open space, sanitary sewer and water distribution systems, and street systems presented for the entire development in the application.
 - 5) Architectural drawings illustrating exterior designs of each type of typical dwelling unit and non-residential structures to be constructed.

- 6) All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These shall bear the certificate of approval of the Borough Solicitor as to their legal sufficiency.
- 7) Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the final plan.
- 8) Such certificates of approval by Authorities as have been required by the Borough including certificates approving the water supply system and the sanitary sewer system.

7. Guarantee of Improvements:

The guarantee of improvement construction and completion shall be as set forth in the Borough's Subdivision and Land Development Ordinance.

8. Procedures After Application For Final Approval:

- a. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, as required by the Ordinance and the official written communication of tentative approval, the Borough Council shall, within forty-five (45) days of such filing, grant such development plan final approval.
- b. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Borough Council may refuse to grant final approval and shall, within forty five (45) days from the filing of application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in public interest. In the event of such refusal, the landowner may re-file his application for final approval without the variations objected to.
- c. File a written request with the Borough Council that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall already have passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is shall be conducted in the manner prescribed in this Ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Borough Council shall, by official written communication, either grant final approval to the development plan or deny

final approval. The grant or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance.

- d. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the governing body and shall be filed or recorded within thirty (30) days after final approval has been granted in the Office of the County Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the Zoning and Subdivision Regulations otherwise applicable to the land included in such plan, shall cease to apply thereto.

Pending completion within a period of two (2) years of said Planned Residential Development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.

- e. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the governing body, in writing; or, in the event the landowner shall fail to commence and carry out the Planned Residential Development or of that part thereof, within a period of two (2) years after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is re-subdivided and is reclassified by enactment of an amendment to the Borough Zoning Ordinance in the manner prescribed for such amendments in the Borough Zoning Ordinance.

SECTION 9.6 **SPECIAL REQUIREMENTS FOR ESSENTIAL SERVICES**

- A. The proposed installation in a specific location must be reasonably necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is to be located.
- B. The design of any building in connection with such facilities must conform to the general character of the area and not adversely affect the enjoyment of property rights in the zoning district in which it is located.
- C. Adequate fences and other safety devices must be provided as may be required. Fences, when used to enclose public utility facilities such as electrical power substations, shall be built in accordance with the applicable requirements of the Commonwealth of Pennsylvania Utilities Commission.

- D. Sufficient landscaping, including shrubs, trees and lawn, shall be provided and be periodically maintained.
- E. Adequate off-street parking shall be provided.
- F. All of the area, yard, building coverage and height requirements of the respective zoning district must be met.

SECTION 9.7 **SPECIAL REQUIREMENTS FOR SERVICE STATIONS AND REPAIR GARAGES**

- A. The minimum lot size for service stations shall be one (1) acre and the minimum frontage shall be one hundred and fifty feet (150'). All yards shall be a minimum of fifty feet (50').
- B. All appliances, storage areas, and trash facilities other than gasoline pumps or air pumps shall be within a building. Gasoline filling pumps and air pumps shall be permitted within the required front yard space of service stations but shall be no closer than thirty feet (30') to any future street line. All lubrication, repair, or similar activities shall be performed in a fully enclosed building and no dismantled parts shall be displayed outside of any enclosed building.
- C. No junked motor vehicle or part thereof, or motor vehicles incapable of normal operation upon the highway, shall be permitted on the premises of any service station. It shall be deemed prima facie evidence of violation of this Ordinance if more than three (3) motor vehicles incapable of operation are located at any one time upon any premises not within a closed and roofed building excepting, however, that a number not exceeding six (6) motor vehicles may be located upon any service station premises outside of a closed or roofed building for a period of time not to exceed four (4) days and providing that the owners of said motor vehicles are awaiting their repair disposition.
- D. In any repair garage, areas used for outside storage of materials or vehicles shall be screened to be obscured from view from all adjacent properties by a planting of massed evergreens five feet (5') in width.
- E. No service station shall have an entrance or exit for vehicles within two hundred feet (200') along the same side of a street of any fire house, school, playground, church, hospital, public building or institution, except where such property is on another block or abuts another street which the lot in question does not abut.

SECTION 9.8 **SPECIAL REQUIREMENTS FOR MOTOR VEHICLE, MACHINERY, AND EQUIPMENT SALES AND SERVICE**

- A. Such uses involving new or used automobiles, motorcycles, other similar vehicles, farm machinery, construction equipment and recreation vehicles shall have a minimum lot area of one (1) acre.

- B. There shall be a building in conjunction with all new uses, as detailed in Section 9.8A which shall contain not less than 3,000 Sq. Ft. of usable floor area. Further, there shall be a building containing not less than 200 Sq. Ft. of usable floor area for all used motor vehicles, machinery and equipment sales and service operations.
- C. Total impervious lot coverage shall not exceed fifty percent (50%).
- D. The area devoted to outside display of new and used cars, machinery, equipment or vehicles shall not exceed twenty-five percent (25%) of the total lot area. All outdoor display and service areas, including driveways and parking facilities, shall be paved. Vehicles, machinery and construction equipment shall be kept at least twenty-five feet (25') from the right-of-way and property lines and be neatly arranged on the lot.
- E. Buildings, in addition to sales and display rooms, may contain administrative offices, parts rooms, and space for storage of automobiles and trucks for sale and for repair and service and repair facilities incidental to the business of sale of automobiles and trucks. Front yards may be used only for necessary driveways and customer parking, subject to the regulations provided by this Chapter governing driveways and parking.
- F. As an accessory to the use of the principal building, side and rear yards not devoted to required seeding and buffer areas may be used for storage, display and sale of automobiles and trucks. The areas so used for storage, display or sale of automobiles or trucks shall be enclosed and shielded from adjoining properties and streets by shrubbery. Where the yard or portion thereof faces a major road, the height of said shrubbery shall be no greater than two and one-half feet (2.5'), and for every other portion the height of said shrubbery shall be of such size and species and density as will prevent the transmission of headlight glare from within the enclosure. All areas over which vehicles may travel or stand shall have durable and dustless pavements. All lighting within or upon the building or grounds shall be shielded so that the source of illumination shall not be visible from the street or other properties. No signs or banners other than those specifically permitted by this Chapter shall be permitted. All vehicular repair, service and maintenance shall be conducted within a fully enclosed building.

No motor vehicle parts and no wrecked or demolished vehicles shall be permitted to stand outside a fully enclosed building, except that wrecked or demolished vehicles are permitted to stand in a portion of the rear yard, provided that said portion shall not exceed two thousand five hundred square feet (2,500 Sq. Ft.) in area and that said portion shall be enclosed by a solid fence six feet (6') in height and that said fence shall be screened from view from outside the enclosure by shrubbery of such size, species, and density as will do so.

SECTION 9.9 **SPECIAL REQUIREMENTS FOR CEMETERIES**

- A. Any cemetery shall have a minimum lot size of five (5) acres.

- B. A landscaped buffer strip not less than ten feet (10') wide consisting of evergreen trees (conifers) shall be provided along all lot lines which form a common boundary with any residential or commercial district. They shall be a minimum of five feet (5') in height when newly planted and planted at intervals of ten feet (10') or less off-center.

SECTION 9.10 **SPECIAL REQUIREMENTS FOR PUBLIC AND PRIVATE KENNELS**

- A. Any kennel, public or private, shall be at least fifty feet (50') from any property line and one hundred feet (100') from any residence on adjacent lots or one hundred feet (100') from any required setback lines of those lots when they happen to be vacant.
- B. The Borough Council, or its agent, may require additional setback distance, screening and other conditions to protect adjacent uses from nuisance characteristics.

SECTION 9.11 **SPECIAL REQUIREMENTS FOR ROOMING HOUSES OR RESIDENTIAL HOTELS**

- A. At least one flush water closet, lavatory basin, and bath tub or shower, properly connected to a water and sewer system, and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house or residential hotel, including members of the operator's family wherever they share and use the said facilities. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the building inspector.
- B. Every room occupied for sleeping purposes by one person shall contain at least 120 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 70 square feet of floor space for each occupant thereof.
- C. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this state and/or the Borough.
- D. The operator of every rooming house or residential hotel shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house or residential hotel; and he shall further be responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
- E. Every provision of this Ordinance which applies to rooming houses shall also apply to residential hotels, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations or any state board or agency.

SECTION 9.12

SPECIAL REQUIREMENTS FOR ADULT BOOK STORES AND ADULT THEATERS

The use and occupancy of any land, building or structure as an Adult Book Store or Adult Theater shall be subject to the following:

- A. An Adult Book Store or Adult Theater shall be permitted only in a Commercial-Industrial (C-1) Zone.
- B. An Adult Book Store or Adult Theaters shall not be permitted to be located within one thousand (1,000) feet of any property line of any public or private school, public park or playground, or any place of worship.
- C. No materials, merchandise, or films offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- D. Any building or structure used and occupied as an Adult Book Store or Adult Theater shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film shall be visible from outside of the building or structure.

SECTION 9.13

SPECIAL REQUIREMENTS FOR DRIVE-IN AND FAST FOOD RESTAURANTS

- A. Ingress and egress standards shall meet the requirements of the Borough's Subdivision and Land Development Ordinance, along with the following provisions:
 - 1. The minimum distance of any driveway to property line shall be ten (10) feet.
 - 2. The minimum distance between driveways on the site shall be sixty-five (65) feet measured from the two (2) closest driveways' curbs.
 - 3. The minimum distance of a driveway into the site from a street intersection shall be thirty (30) feet measured from the intersection of the street centerlines to the nearest end of the curb radius.
 - 4. The angle of driveway intersection with the street shall be at 90° degrees or be based upon safe traffic movements and shall be approved by the Borough Engineer.
 - 5. Drive-in or Fast Food Restaurants adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- B. Parking requirements shall meet the criteria in Section 5.5 of this Ordinance, along with the following provisions: one (1) space for each full-time employee, plus one (1) space per one hundred (100) square feet of gross floor area, plus a minimum of five (5) additional spaces.

- C. The entire parking area shall be paved with a permanent surface of concrete or asphaltic cement. All grading and drainage improvements shall meet the stormwater management requirements in Section 605 of the Borough's Subdivision and Land Development Ordinance. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.
- D. All Drive-in or Fast Food Restaurant buildings and structures shall be designed and planned to take advantage of and be compatible with natural features of the site and area, and shall not be in conflict with the character of existing structures in areas where a definite pattern or style has been established.
- E. All Drive-in and Fast Food Restaurants shall provide suitable storage of trash areas which are so designed and constructed as to allow no view of the trash storage from the street, to prevent waste from blowing around the site or onto adjacent properties or public rights-of-way, and to permit safe, easy removal of trash by truck or hand.
- F. Exterior lighting proposed for use on the site shall be planned, erected, and maintained so the light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. The light source shall not be higher than twenty (20) feet and shall not be visible from adjacent properties or public rights-of-way.
- G. A well maintained fence, wall, hedge or vegetative material at least five feet (5') in height and of a density to screen from the view of adjacent property owners the structures and uses on the premises with the screening. This screening shall be located along the side and rear property lines.

SECTION 9.14 SPECIAL REQUIREMENTS FOR HOME OCCUPATIONS

Home occupations, no-impact home-based businesses, and professional offices or studios are permitted as a conditional use subject to the following provisions:

A. **Where Permitted:**

Within a single dwelling unit or in a building or other structure accessory to the dwelling unit and provided not more than two (2) persons in addition to those persons residing in said dwelling are employed in the home occupation.

B. **Evidence Of Use:**

Does not display or create outside the building any evidence of the home occupation, except that one (1) unanimated, non-illuminated flat sign having an area of not more than four square feet (4 Sq. Ft.) shall be permitted on each street front of the same lot on which the building is situated.

C. **Permitted Uses:**

One of the following customary home occupations shall be permitted for a single family dwelling provided all off-street parking standards and any other requirements are in compliance:

1. Medical, dental, or other professional office or studio.
2. Rooming and/or boarding of not more than three (3) persons.
3. Custom tailoring.
4. Tutoring for not more than four (4) students simultaneously.
5. Barber shop or beauty parlor.
6. Any similarly related customarily conducted home occupation which is clearly incidental to the residential use of the premises and neighborhood and is approved by the Borough Council.

SECTION 9.15 SPECIAL REQUIREMENTS FOR BED AND BREAKFAST RESIDENCE OR INN

- A. A concept regarding rental of rooms on a temporary basis with an arrangement to provide breakfast to the renter, commonly known as a "Bed and Breakfast Residence or Inn", may be a desirable and practical use in certain zoning districts in Mont Alto Borough. Such use may be granted as a Conditional Use provided that the Bed and Breakfast establishment does not adversely affect the residential character of the neighborhood and that such use is carried on in an existing residential structure.
- B. The Bed and Breakfast residence may be permitted by the Borough Council if applicants for a Bed and Breakfast Residence own and occupy the building where said use will occur as their principal residence and are in accordance with the following:
1. Primary use of the building shall remain residential.
 2. The quarters to be utilized by the guests and the occupants of the premises shall be in the principal residential structure. Separate structures, accessory buildings and garages are not permitted to be used as living units or sleeping rooms.
 3. The use by a guest shall be a maximum stay of seven (7) days.
 4. No more than three (3) rooms shall be used for sleeping areas for guest occupancy.
 5. One (1) off-street parking space shall be provided for each sleeping area designated for guests.

6. Serving of meals to overnight guests shall be limited to breakfast only.
7. Each room that is designated for guest occupancy must be provided with a smoke detector.
8. A sign of not more than four (4) square feet may be erected to advertise such accommodations.
9. No exterior modification or additions shall be made to a building or structure to accommodate the change of use to a Bed and Breakfast.