

Chapter 27. Zoning

Part 1. GENERAL PROVISIONS

§ 27-101. Short Title.

[Ord. 315, 9/11/1974, § 101]

This chapter shall be known as and may be cited as the "Manor Borough Zoning Ordinance."

§ 27-102. Community Development Objectives.

[Ord. 315, 9/11/1974, § 102; as amended by Ord. 514, 7/15/2009, § II; by Ord. 520, 7/21/2010, § II; and by Ord. 539, 12/5/2012, § II]

1. The general objectives of this chapter are:
 - A. To maximize the landowners ability to use his land without adversely affecting his neighbors.
 - B. To protect and encourage the most appropriate use of land.
 - C. To secure safety from fire, flooding, and other dangers.
 - D. To insure the provision of adequate light, water, sewage disposal, vehicle parking, the prevention of undue concentration of population and crowding of land.
 - E. To prevent traffic hazards and congestion, to conserve the value of property.
 - F. To facilitate the provision of public and private development in harmony with these purposes and to promote the health, safety, general welfare, morality and convenience of the public.
 - G. To provide for the orderly development, expansion and improvement of the central business district by a unified and organized arrangement of buildings, services and parking areas, together with adequate circulation and open space, all planned and designed as an integrated unit, in a manner so as to provide an efficient, safe, convenient, and attractive shopping area.
 - H. To provide for the preservation and conservation of the natural environmental and natural resources and areas of particular value for recreational purposes while providing for such uses and development as are compatible with these objectives.
 - I. To provide for the health, safety, welfare and proper environment of the residents and their property in the Borough of Manor; to provide the procedures for the issuance of permits and approvals to enable oil and gas deposits to be extracted through direct, on-site wells; to permit wells to be drilled and placed in production in a safe manner with due regard for protection of existing structures, uses, property and persons residing and working within the Borough of Manor; and for the preservation and conservation of the natural environmental and natural resources and areas of particular value while providing for such uses and development as are compatible with these objectives.
 - J. It is also the purpose of this chapter to provide for the health, safety, welfare and proper environment for the residents and those persons being or working within the Borough and their properties; to provide the procedures for the issuance of conditional use permits to enable oil and gas deposits to be extracted through direct, on-site wells; to permit, by conditional use permits, wells to be drilled and placed into production and oil and gas operations to be undertaken and conducted in a safe manner with due regard for the protection of buildings, structures, uses and property and in a safe and healthy manner with due regard for the protection of persons being, residing and working within the Borough; and for the protection of natural resources and other environmental features.

§ 27-103. Interpretation.

[Ord. 315, 9/11/1974, § 103; as amended by Ord. 539, 12/5/2012, § IV]

1. In interpreting and applying the provisions of this chapter, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, general welfare, and community development objectives (§ 27-102).
 - A. Whenever any regulations made under authority of this chapter require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings, or smaller number of stories, or require a greater percentage of lot to

be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this chapter will govern.

- B. Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by and regulations made under authority of this chapter, the provisions of such statute shall govern.
- C. Unless prohibited or preempted by state or federal law, where the provisions of this chapter are more restrictive or impose more duties, obligations or responsibilities upon persons or the use, development or occupancy of land or buildings and structures than any other provision of another law, ordinance, rule or regulation of any kind, then the provisions of this chapter shall govern.
- D. This chapter is not intended to annul any permits issued prior to the effective date of the chapter nor to abrogate any easement, servitude, condition, restriction, covenant, or other private agreement; provided, that where the provisions of this chapter are more restrictive than such easements, servitudes, conditions, restrictions, covenants or other private agreements, the requirements of this chapter shall govern.
- E. The Borough Council finds that oil and gas operations are industrial uses. Any provision of this chapter or any activity undertaken pursuant to the terms of this chapter and the administration and enforcement of the same that imposes conditions, requirements or limitations on the construction of oil and gas operations shall not be construed or interpreted to be more stringent than conditions, requirements or limitations imposed on construction activities for other permitted industrial uses within the Borough.
- F. Any provision of this chapter or any activity undertaken pursuant to the terms of this chapter and the administration and enforcement of the same that imposes conditions, requirements or limitations on the heights of structures, screening and fencing, lighting or noise relating to permanent oil and gas operations shall not be construed or interpreted to be more stringent than conditions, requirements or limitations imposed on construction activities for other permitted industrial uses or land development within each applicable zoning district where the oil and gas operations are situate within the Borough.

§ 27-104. Severability.

[Ord. 315, 9/11/1974, § 104]

1. It is hereby declared to be the legislative intent that:
 - A. If a court of competent jurisdiction declares any provisions of this chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this chapter shall continue to be separately and fully effective.
 - B. If a court of competent jurisdiction finds the application of any provision or provisions of this chapter to any lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.

§ 27-105. Application to Public Utility Corporations.

[Ord. 315, 9/11/1974, § 105]

1. This chapter shall not apply to any existing or proposed building, structure, or extension thereof, used or to be used by public utility corporations, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building or structure in question is reasonably necessary for the convenience or welfare of the public.
2. Additionally, such public utility corporation, after any required public hearing, but in any case at least 60 days prior to entering into negotiations with any land owner for purchase, lease or easement shall so notify the Borough Council of such intended action.

§ 27-106. Municipal Liability.

[Ord. 315, 9/11/1974, § 106]

The grant of a zoning permit in any district shall not constitute a representation, guarantee or warranty of any kind by the Borough and cooperating agencies, or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Borough, its officials, cooperating agencies, and employees.

§ 27-107. Compliance.

[Ord. 315, 9/11/1974, § 107]

No structure shall be located, erected, constructed, reconstructed, moved, converted or be designed to be used, except in full compliance with all provisions of this chapter and after the lawful issuance of all permits and certificates required by this chapter.

§ 27-108. Scope of Regulations.

[Ord. 315, 9/11/1974, § 110]

1. Any building erected hereafter, any changes in uses of land or buildings established hereafter, any relocation of existing building occurring hereafter, any enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this chapter as follows:
 - A. All land, buildings and uses thereof shall be subject to:
 - (1) The individual district regulations in Part 2 which are applicable to the zoning districts in which said buildings, uses or land shall be located.
 - (2) The supplementary district regulations in Part 2 which are only applicable in the zoning district(s) specified in addition to the above noted regulations.
 - (3) The regulations applicable to all districts in Part 3 which are applicable in all zoning districts in addition to the above regulations.
2. All regulations shall be subject to the rules and definitions in Part 6 and shall be administered and enforced by the Zoning Officer, unless stated otherwise, as in the case of appeals, challenges, special exceptions and variations granted by the Zoning Hearing Board and amendments issued by the Borough Council.

§ 27-109. Finances.

[Ord. 315, 9/11/1974, § 111]

The Borough Council shall appropriate from general funds or other sources, monies to finance the preparation, administration and enforcement of this chapter, to finance the work of the Zoning Hearing Board and to support or oppose, upon appeal to the courts, decisions of the Zoning Hearing Board. For the same purposes, the Borough Council may accept gifts and grants of money and services from private sources and from the commonwealth and federal government. The Borough Council shall prescribe fees to be charged to the administration of this chapter.

Part 2. ZONING DISTRICT MAP AND DISTRICT USES

§ 27-201. Zoning District Map.

[Ord. 315, 9/11/1974, § 201; as amended by Ord. 524, 3/2/2011, § I; and by Ord. 539, 12/5/2012, § V]

1. A map showing zoning district boundaries of this chapter entitled "Manor Borough Zoning District Map," dated May 14, 2009, last revised, October 11, 2012, is hereby adopted and made an integral part of this chapter.
 - A. The Zoning District Map and "Zoning District Map List of Amendments" thereon shall be kept on file available for examination in the office of the Borough Zoning Officer.
 - B. The Zoning District Map and the Zoning District Map List of Amendments shall each be identified by the signature of the Council and Secretary, and the map shall bear the seal of the Borough under the following words; "This is to certify that this is the Zoning District Map referred to in Article II of Ordinance No. 315, of the Borough of Manor, Westmoreland County, Pennsylvania," together with the date of the adoption of this chapter.
 - C. When, in accordance with the amendment provisions of this chapter, amendments are made in district boundaries or other matter portrayed on the Zoning District Map, such amendments shall be made on the Zoning District Map promptly after having been approved by the Borough Council together with an entry on the Zoning District Map List of Amendments. Each entry shall include the date and a brief description of the nature of the amendments. Each such entry shall also be signed by the Zoning Officer. No amendment to this chapter which involves matter portrayed on the Zoning District Map shall be dependent upon such amendment and entry being made on said map.
 - D. No amendments of any nature shall be made on the Zoning District Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized amendment of whatever kind of any person or persons shall be considered a violation of this chapter.

§ 27-202. Final Authority of Zoning District Map.

[Ord. 315, 9/11/1974, § 202]

Regardless of the existence of purported copies of the Zoning District Map (and this chapter) which may, from time to time, be made in the office of the Zoning Officer, the Zoning District Map (and this chapter) on file shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Borough.

§ 27-203. Rezoning.

[Ord. 315, 9/11/1974, § 203]

If any parcel or parcels shall be rezoned for a specific purpose and such parcel or parcels shall not be in compliance with such rezoning within one year, such parcel or parcels shall revert to the original classification. All requests for rezoning shall be approved or disapproved by the Borough Council after a public hearing.

§ 27-204. Establishment of Districts.

[Ord. 315, 9/11/1974, § 204]

All land area within the Borough of Manor is hereby divided into districts of different types, each type being of such number, shape, kind, and area, and of such common unity of purpose and adaptability of use, that are deemed most suitable to carry out the objectives of this chapter.

§ 27-205. Types of Districts.

[Ord. 315, 9/11/1974, § 205; as amended Ord. 514, 7/15/2009, § III]

1. The districts are established and designated as follows:
 - A. A-1 — Agricultural - Open Space District.
 - B. F-P — Floodplain Conservation District.
 - C. R-1 — Suburban Residential District.
 - D. R-2 — Village Residential District.
 - E. C-1 — General Commercial District.
 - F. I-1 — Light Industrial District.
 - G. CBD — Central Business District.
 - H. FPO — Floodplain Overlay District.
 - I. OS — Open Space District.
 - J. F-P — Floodplain Conservation District.

§ 27-206. Interpretation of District Boundaries.

[Ord. 315, 9/11/1974, § 206]

1. Where uncertainty exists with respect to the boundaries of district as indicated on the Zoning Map, the following rules shall apply:
 - A. Where the indicated boundaries on the Zoning District Map are or are approximately lot lines, property lines, public rights-of-way, streams, public rights-of-way or dimensions shall be construed to be the boundaries.
 - B. Zoning district boundaries shown on the Zoning District Map within or at a distance of 200 feet from the lines of streets, streams and transportation (public) rights-of-way shall be deemed to follow the centerlines of the preceding. Where zoning district boundaries are established as 200 feet from a centerline, the 200 feet shall be the maximum depth from the centerline allowed on abutting large lots (greater than five acres) of greater depth. However, small lots (five or less acres) or any lots of less depth than 300 feet from the centerline shall be uniformly zoned. The vacation of streets or property lines shall not affect the location of such zoning district boundaries.
 - C. When the Zoning Officer cannot definitely determine the location of a zoning district boundary by such centerlines, by the scale or dimensions stated on the Zoning Map, or by the fact that the boundary clearly coincides with a property line, shown on the Zoning Map, he shall, or the Board upon appeal shall, interpret the location of the zoning district boundary with reference to the nearest property lines indicated by the Westmoreland County Tax Base Maps and the scale of the Zoning Map and the intentions and the purposes set forth in all relevant provisions of this chapter. Large lots may be considered for subdivision or alternate development, when specific limitations in particular lot sections are considered.

§ 27-207. Statements of Purposes and Intent for the Districts.

[Ord. 315, 9/11/1974, § 207; amended by Ord. 514, 7/15/2009, § IV]

1. The A-1 Agricultural — Open Space District. It is the purpose of this district in areas where agriculture is the primary activity or in areas where agriculture is the primary activity or in areas where accessibility is difficult or in areas of unique natural beauty, to conserve the existing character of such areas by providing for low-intensity residential use and agricultural uses and to guide more substantive land development into other more appropriate zoning districts.

2. The F-P Floodplain Conservative District. In the interest of the public health, safety and welfare, the regulations of this district are intended to protect areas of floodplain subject to and necessary for flood waters, and to permit and encourage the retention of open land uses which will be so located and designed to constitute a harmonious and appropriate part of the physical development of the Borough.
3. The R-1 Suburban Residential District. It is the purpose of this district to establish areas composed of residential properties of a suburban character on lands in the Borough most logically suited for this type of development, both physically and locationally. Requirements for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. The requirements are designed to encourage the installation of public sewer facilities by permitting a higher density of development if public facilities are provided. More spacious lots are required if public facilities are not immediately available.
4. The R-2 Village Residential District. This district is established and specifically structured to accommodate higher density residential uses and to regulate uses to preserve the existing character of residential neighborhoods.
5. The C-1 General Commercial District. This district is established to accommodate those retail and business activities that serve the local community or the regional market. This district is oriented for the convenience of both the automobile conveyed customer and the pedestrian, and encourages the grouped type of retail sales and services for efficiency and an attractive, pleasing environment for businessmen and customers.
6. The I-1 Light Industrial District. This district is established to contribute to the soundness of the economic base of the Borough by permitting and encouraging industrial development to take place in locations that will constitute a harmonious and appropriate addition to the physical development of the Borough.
7. CBD Central Business District. It is the purpose of this district to provide for the orderly development, expansion and improvement of the Central Business District by a unified and organized arrangement of buildings, services, uses and parking areas, together with adequate circulation and open space, all planned and designed as an integrated unit, in a manner so as to provide an efficient, safe, convenient, and attractive shopping area.
8. OS Open Space District. It is the intent of this district to provide for the preservation and conservation of the natural environmental and natural resources and areas of particular value for recreational purposes while providing for such uses and development as are compatible with these objectives.
9. FPO Flood Plain Overlay District. It is the purpose of this overlay district to preserve the health, safety and welfare of the residents of the Borough and property and facilities in the Borough by applying to the properties within the underlying zoning district those provisions, standards, rules and regulations as set forth in the Borough's Floodplain Management Ordinance [Chapter 8], as existing and as amended from time to time, and as set forth in applicable state and federal laws, rules and regulations concerning floodplains, floodways and flooding.

§ 27-208. Applicability of Regulations.

[Ord. 315, 9/11/1974, § 208]

Except as provided by law or in this chapter, in each district, no building, structure, or land shall be used or occupied except for the purposes permitted in § 27-211 and for the zoning districts so indicated.

§ 27-209. Use by Right, Special Exception, and Unlisted Uses.

[Ord. 315, 9/11/1974, § 209; as amended by Ord. 514, 7/15/2009, § V; as amended by Ord. 519, 4/21/2010, § I]

1. Permitted Uses. In each zoning district permitted uses shall be according to the common meaning of the term or according to definitions given in Part 6. Conversely, uses not specifically listed or defined as included in this district shall not be permitted. This is specifically intended to prevent the encroachment of higher uses; however, and in each zoning district, a use listed as a special exception may be permitted provided the Zoning Hearing Board authorized the issuance of a zoning permit by the Zoning Officer, subject to the requirements of this chapter, and such further restrictions that said Board may establish,
2. Unlisted Uses. Uses not listed in this chapter may be added as permitted uses or special exceptions through the amendment procedure provided in § 609 of the Municipalities Planning Code, 53 P.S. § 10609. The Zoning Hearing Board shall decide all contested questions of interpretation and make findings on all relevant issues of fact.
3. Conditional Uses. Listed "conditional uses" in any district shall be granted or denied by the Borough Council pursuant to the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., and pursuant to the express standards and criteria set forth in this chapter. In granting a conditional use the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq. A fee shall be paid to the Borough for all applications made to the Borough Council for a conditional use under this chapter. The fee shall be in accordance with a schedule of fees established by resolution by the Borough Council. The fee is payable to the Borough at the time of application and shall accompany each application to the Borough Council.

§ 27-210. Uses Subject to Other Regulations.

[Ord. 315, 9/11/1974, § 210; as amended by Ord. 514, 7/15/2009, § V; by Ord. 539, 12/5/2012, § VII; and by A.O.]

1. Uses permitted by right, as special exceptions or as conditional uses shall be subject, in addition to use regulations, to such regulations of year, lot size, lot width, building area, provisions for off-street parking and loading, and to such other provisions as are specified in other Parts hereof.
2. In particular, the laws of the commonwealth and the regulations of the Department of Environmental Protection regarding water supply and waste disposal shall be adhered to. Further, no zoning permit shall be issued until approval is obtained for water supply and sewage disposal.
3. Oil and gas operations where permitted by conditional use shall be subject, in addition to use regulations, to the applicable zoning district regulations of yard, frontage, setbacks, lot size and area, lot width, net building area, site capacity calculations, natural resource protection standards, easements, provisions for off-street parking and loading, floodplain standards, all overlay district regulations, and to such other provisions as are specified in other provisions of this chapter and this chapter.
4. Oil and gas operations permitted by conditional use shall be subject, in addition to the provisions of this chapter, to all laws, rules and regulations of other applicable Borough, county, state or federal requirements and licensing laws, rules and regulations and to the requirements of any agency having jurisdiction. These include, but are not limited to, laws, rules and regulations concerning soil erosion and sedimentation control, stormwater management, street and road regulations and fire protection requirements.
5. Where multiple uses exist or are proposed for a single parcel, each use must meet the required minimum net building area. Each oil and gas operation involving a well site shall be calculated based upon the "pad" area where the well and its attendant facilities are located, as well as any pond, impoundment, reservoir or access road areas.
6. Oil and gas operations permitted by conditional use shall be subject to the applicable standards of the Borough of Manor Stormwater Management Ordinance [Chapter 23]. Where the provisions for the management of stormwater under this chapter are in conflict with the provisions of the Stormwater Management Ordinance [Chapter 23], the provisions of the Borough of Manor Stormwater Management Ordinance [Chapter 23] shall be applicable.
7. Oil and gas operations permitted by conditional use shall also comply with all applicable provisions of the Borough of Manor Subdivision and Land Development Ordinance [Chapter 22] and the Manor Borough Building Code [Chapter 5, Part 1].

§ 27-211. Table of Use Regulations.

[Ord. 315, 9/11/1974, § 211; as amended by Ord. 364, 9/1/1982, §§ I — IV; by Ord. 514, 7/15/2009, §§ VII — VIII; by Ord. 520, 7/21/2010, § IV; by Ord. 539, 12/5/2012, § VI; by Ord. 547, 7/17/2013, § 2; and by A.O.]

1. All uses must have Department of Environmental Protection approval for sewage disposal if a public system is not available. Uses which do not require sewage disposal such as parking lots and tree growing, are exempt from this requirement. Also, all developments in excess of five acres must be submitted to the Westmoreland County Conservation District Office for review. Developments of five lots or more shall comply with provisions for underground electric utilities in accordance with an order by the Pennsylvania Public Utilities Commission dated July 8, 1970; also, the developer shall submit the proposed development plan to the local electric utilities company for review. The following sections contain a listing of the permitted and special exception uses:

A. Permitted Uses in A-1 Districts.

- (1) Accessory structures and uses.
[Amended by Ord. No. 585-19-05, 12/18/2019]
- (2) Agriculture.
- (3) Cemetery.
- (4) Essential services.
- (5) Golf courses.
- (6) Greenhouses.
- (7) Kennel or stable.
- (8) Lodge.
- (9) Nursery stocking.
- (10) Private recreation.
- (11) Public recreation.
- (12) Single-family dwelling.
- (13) Tree growing.
- (14) Utility station.
- (15) Private swimming pool as an accessory structure and use.
[Added by Ord. No. 585-19-05, 12/18/2019]

B. Special Exception Uses in A-1 Districts.

- (1) Apartment conversions.
- (2) Home occupations.
- (3) Mill, lumber or grain.
- (4) Mobile home parks.

C. Conditional Uses in A-1 Districts.

- (1) Recovery of subsurface gas and oil deposits.
- (2) Oil and gas operations.
- (3) Cellular communications towers.

D. Permitted Uses in R-1 Districts.

- (1) Accessory structure and use.
[Amended by Ord. No. 585-19-05, 12/18/2019]
- (2) Churches.
- (3) Educational institution (elementary).
- (4) Essential services.
- (5) Mobile homes.
- (6) Parking lot.
- (7) Private recreation.
- (8) Public buildings.
- (9) Public recreation.
- (10) Single-family dwelling.
- (11) Utility station.
- (12) Private swimming pool as an accessory structure and use.
[Added by Ord. No. 585-19-05, 12/18/2019]

E. Special Exception Uses in R-1 Districts.

- (1) Agriculture.
- (2) Apartment conversions.
- (3) Cemeteries.
- (4) Educational institutions.
- (5) Golf courses.
- (6) Greenhouses.
- (7) Home occupations.
- (8) Nursery stocking.^[1]

[1] *Editor's Note: Former Subsection 1.E(8), keeping of animals and fowls other than ordinary household pets, was repealed 12-21-2016 by Ord. 567.*

- (9) Planned unit and planned residential developments.
- (10) Townhouses.
- (11) Tree growing.
- (12) Two-family dwellings.

F. Prohibited Uses in R-1 Districts.

- (1) Recovery of subsurface gas and oil deposits.
- (2) Oil and gas operations.
- (3) Cellular communications towers.
- (4) The keeping of animals or fowl, other than ordinary household pets.

[Added by Ord. 567, 12/21/2016]

G. Permitted Uses in R-2 Districts.

- (1) Accessory structures and use.
[Amended by Ord. No. 585-19-05, 12/18/2019]
- (2) Apartment conversions.
- (3) Churches.
- (4) Educational institutions.
- (5) Essential services.
- (6) Parking lot.
- (7) Public building.
- (8) Public recreation.
- (9) Single-family dwelling.
- (10) Private swimming pools as an accessory structure and use.
[Amended by Ord. No. 585-19-05, 12/18/2019]
- (11) Two-family dwelling.

H. Special Exception Uses in R-2 Districts.

- (1) Educational institutions.
- (2) Funeral homes.
- (3) Greenhouses.
- (4) Home occupations.
- (5) Medical office.^[2]
[2] *Editor's Note: Former Subsection 1.H(5), keeping of animals and fowls other than ordinary household pets, was repealed 12-21-2016 by Ord. 567.*
- (6) Mobile home.
- (7) Multi-family dwellings.
- (8) Nursery stocking.
- (9) Personal services.
- (10) Private recreation.
- (11) Professional services.
- (12) Townhouses.

I. Prohibited Uses in R-2 Districts.

- (1) Recovery of subsurface gas and oil deposits.
- (2) Oil and gas operations.
- (3) Cellular communications towers.
- (4) The keeping of animals or fowl, other than ordinary household pets.
[Added by Ord. 567, 12/21/2016]

J. Permitted Uses in C-1 Districts.

- (1) Accessory business use.
- (2) Accessory use.
- (3) Apartment conversion.
- (4) Appliance repair.
- (5) Automobile, boat, and trailer sales.
- (6) Bank or financial institution.
- (7) Beverage distributors.

- (8) Business or professional office.
 - (9) Churches.
 - (10) Costume shop.
 - (11) Essential services.
 - (12) Funeral homes.
 - (13) Greenhouses.
 - (14) Home occupations.
 - (15) Medical office.
 - (16) Motel, hotel.
 - (17) Neighborhood shopping center.
 - (18) Nursery stocking.
 - (19) Parking lot.
 - (20) Personal services.
 - (21) Printing and publishing office.
 - (22) Private club.
 - (23) Private recreation (including pitch and putt, bowling alley, pool hall, etc.).
 - (24) Professional office and services.
 - (25) Public building.
 - (26) Public entertainment facilities.
 - (27) Regional shopping center.
 - (28) Restaurant and food stores (retail).
 - (29) Retail stores (convenience, non-manufacturing) beverages, books, confections, gifts, groceries, novelties, notions, periodicals, pharmaceuticals, sporting goods, and tobacco).
 - (30) Single-family dwelling.
 - (31) Taxi service.
 - (32) Tree growing.
 - (33) Utility stations.
 - (34) Veterinarian.
- K. Special Exception Uses in C-1 Districts.
- (1) Agriculture.
 - (2) Car wash facilities.
 - (3) Contractors office and storage.
 - (4) Department or variety stores.
 - (5) Educational institution.
 - (6) Farm equipment sales.
 - (7) Lumber yard.^[3]
[3] Editor's Note: Former Subsection 1.K(7), keeping of animals and fowls other than ordinary household pets, was repealed 12-21-2016 by Ord. 567.
 - (8) Multi-family dwelling.
 - (9) Planned unit or planned residential development.
 - (10) Rooming house.
 - (11) Schools, business.
 - (12) Taverns.

- (13) Townhouses.
- (14) Travel trailer camp.
- (15) Two-family dwelling.
- (16) Upholster and cabinet maker.
- L. Conditional Uses in C-1 Districts.
 - (1) Recovery of subsurface gas and oil deposits.
 - (2) Oil and gas operations.
- M. Prohibited Uses in C-1 Districts.
[Added by Ord. 567, 12/21/2016]
 - (1) The keeping of animals or fowl, other than ordinary household pets.
- N. Permitted Uses in I-1 Districts.
 - (1) Accessory uses.
 - (2) Agriculture.
 - (3) Automobile, boat and trailer sales.
 - (4) Auto repair and car wash facilities.
 - (5) Bank or financial institution.
 - (6) Business or professional office.
 - (7) Churches.
 - (8) Construction equipment sales.
 - (9) Contractors office and storage.
 - (10) Essential services.
 - (11) Farm equipment sales.
 - (12) Gasoline service station.
 - (13) Greenhouses.
 - (14) Landscaping sales and services.
 - (15) Lumber yard.
 - (16) Manufacturing, including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and other products.
 - (17) Mill, grain or lumber.
 - (18) Nursery stocking.
 - (19) Parking lot.
 - (20) Printing and publishing office.
 - (21) Public building.
 - (22) Research laboratories.
 - (23) Tree growing.
 - (24) Upholster and cabinet maker.
 - (25) Utility station.
 - (26) Warehousing and wholesale business.
- O. Special Exception Uses in I-1 Districts.
 - (1) Apartment conversions.
 - (2) Gasoline service stations.
 - (3) Home occupations.
 - (4) Licensed junkyard and towing service.

- (5) Kennel or stable.
- (6) Mobile homes.
- (7) Mobile home park.
- (8) Multi-family dwellings.
- (9) Planned unit or planned residential developments.
- (10) Recycling.
- (11) Restaurants.
- (12) Single-family dwellings.
- (13) Storage, other than:
 - (a) Celluloid.
 - (b) Garbage, offal, dead animals, or refuse.
 - (c) Gas (in its various forms) in excess of 10,000 cubic feet.
 - (d) Gasoline in excess of an amount necessary for use on the premises.
 - (e) Gunpowder, fireworks, or other explosives.
 - (f) Junk scrap, metal, paper or rags.
 - (g) Petroleum and petroleum by-products in excess of an amount necessary for use on the premises.
 - (h) Rawhides or skins.
- (14) Taverns.
- (15) Truck and bus terminal.
- (16) Unit storage.

P. Conditional Uses in I-1 Districts.

- (1) Adult business, subject to the following specific standards and conditions:
 - (a) Adult businesses shall not be located within 300 linear feet of any property which is zoned residential in the Borough of Manor.
 - (b) Adult businesses shall not be located within 500 linear feet of the property boundary line of any property having any of the following uses:
 - 1) Public or private school (existing).
 - 2) Day care center.
 - 3) Hospital.
 - 4) Group care facility.
 - 5) Nursery school.
 - 6) Personal care home.
 - 7) Private or public park or playground (existing or dedicated on an approved and recorded subdivision plan).
 - 8) Church (place of worship).
 - 9) Library.
 - (c) Alcoholic beverages shall not be sold on the premises of an adult business.
 - (d) No adult business shall be located within 1,000 linear feet of any other existing or proposed adult business.
 - (e) Any adult business which exhibits on the premises, film, video cassette or other method of image production which depicts nudity or sexual conduct shall comply with the following:
 - 1) At least one employee shall be on duty at all times that any patron is on the premises.
 - 2) Where viewing rooms are located on the premises, an unobstructed view of access to all such rooms shall be available to the employee on duty.
 - 3) No viewing room shall be occupied by more than one person at any time.
 - 4) No connections or openings to adjoining viewing rooms shall be permitted.

- 5) A minimum of one foot candle of illumination measured at floor level shall be provided in every area where patrons are permitted access.
- 6) Where live performances are given, separate stage and viewing areas shall be provided with separate access to each and no connecting access between the areas.
- (f) An annual occupancy permit issued by the Zoning and Codes Officer shall be obtained prior to the operation of any adult business.

(2) Recovery of subsurface gas and oil deposits.

(3) Oil and gas operations.

(4) Cellular communications towers.

Q. F-P-Floodplain Conservation District Use Regulations.

(1) Permitted Uses in F-P Districts.

- (a) Cultivation and harvesting of crops according to recognized soil conservation practices.
- (b) Pasture, grazing land.
- (c) Outdoor plant nursery, orchard.
- (d) Recreation use such as: park, day camp, picnic grove, golf course, hunting, fishing and boating club, excluding structures Forestry, lumbering and reforestation, excluding storage and mill structures.
- (e) Harvesting of any wild crops such as marsh hay, ferns, moss or berries.
- (f) Game farm, fish hatchery, hunting and fishing reserves.
- (g) Wildlife sanctuary, woodland preserve, aboretum.

(2) Special Exception Uses in F-P Districts.

- (a) Residential front, side and/or rear yards and uses customarily incidental thereto (including, but not limited to, swimming pools, and non-wire fences) except that no structures shall be permitted. Inclusion of floodplain lands within the residential lots in order to meet minimum lot area or yard requirements is contingent upon complying with the objectives and standards, and with any other pertinent Borough regulations. If such compliance cannot be shown, the land area within the Floodplain Conservation District shall not be calculated for purposes of determining lot areas or yard requirements.
- (b) Non-paved parking lots are permitted where required by the regulations for any other class or district.
- (c) Front, side and/or rear yards of any other class or district, except that an area so utilized shall not be inconsistent with the objective and standards, or with any other pertinent municipal regulations.

(3) Prohibited Uses in F-P Districts.

- (a) All structures and buildings with exception of flood retention dams, culverts and bridges as approved by the Commonwealth of Pennsylvania, Department of Environmental Protection.
- (b) The filling of marshlands, removal of topsoil or damming or relocation of any watercourse except with the approval of the Borough Planning Commission and the Commonwealth of Pennsylvania, Department of Environmental Protection.
- (c) Sanitary landfill, dump, junkyard, and outdoor storage of vehicles and/or materials.
- (d) On-site sewage disposal systems.
- (e) Cellular communications towers.

R. CBD Central Business District.

(1) Permitted Uses.

- (a) Business or professional office, bank, savings and loan association or other financial institution, passenger station for public transportation.
- (b) Retail establishment for sale of dry goods, drugs, food, jewelry, variety and general merchandise, hardware, household furnishings and supplies, instruments, electronic appliances including repair service, job printing and department stores, except that no retail establishment can sell, provide or dispense automotive or truck fuels.
- (c) Restaurant, tearoom, cafe, confectionery or other place serving food or beverages, provided that no outdoor counter or curb service shall be permitted.
- (d) Indoor theatre, bowling lanes or other similar place of indoor recreation.
- (e) Personal service shop including barber, beauty salon, shoe repair, tailor, dressmaking, pick-up station for laundry and dry cleaning.

- (f) Offices or office building for administrative, executive and professional activity, and similar activities involving the performance or rendering of professional services, such as financial institution, mortician, the sale of real estate and business office including the showing of samples, sale promotion and demonstration of equipment; provided, however, that no merchandise shall be warehoused on the premises except for sale, exchange or delivery thereon; and, further provided, that nothing herein preclude sale or manufacturer's representatives from arranging for the sale of merchandise manufactured, fabricated or warehoused at, or delivered to, locations outside of the Central Business District.
 - (g) Automatic self-service laundry and dry cleaning establishment with certificates of approval by the public health agency having jurisdiction, with regard to waste disposal, by the Fire Marshall, with regard to compliance with all safety regulations.
 - (h) Any use which is similar to the above and which is not primarily a highway type commercial establishment. This shall be handled as a special exception by the Zoning Hearing Board under the provisions of § **27-510**.
 - (i) Appropriate public uses and essential services including, but not limited to, municipal buildings, public safety buildings, fire stations, libraries and museums.
 - (j) Home occupations.
 - (k) Multi-family unit on the second or third floors over a permitted business establishment.
 - (l) Multifamily unit building.
[Added Ord. No. 590-21-02, 9/15/2021]
- (2) Conditional Uses.
- (a) School Bus Parking and Dispatch Center. Such use shall meet the following specific requirements as well as the general standards and requirements for a conditional use.
 - 1) Such center shall be accessed only from an arterial roadway.
 - 2) Freestanding exterior lighting shall be of the sharp cut-off type and shall not provide illumination in excess of one foot-candle per square foot at the property boundary line unless otherwise approved by the Borough Council after proof of necessity for such variance.
 - 3) Centers generating in excess of 50:00 p.m. peak hour trips shall submit a traffic impact analysis.
 - 4) No material classified as hazardous by the Pennsylvania Department of Environmental Protection shall be stored on the site.
 - (b) General Requirements. Any application for a conditional use shall demonstrate that:
 - 1) The use will not endanger the public health, safety or welfare if located where proposed, and will not deteriorate the environment or generate nuisance conditions.
 - 2) The use can be accommodated on the site with no variances required.
 - 3) The use is compatible with, or will support, the uses in the neighborhood of the site.
 - 4) The use does not require extensive earth moving or revision of drainage patterns, or create substantial increase in stormwater flow.
 - 5) The use will not create excessive traffic congestion, and adequate off-street parking is provided for the use.
 - 6) Areas of the property not to be covered by buildings or parking are to be landscaped and maintained.
 - 7) Primary access points to the property are located as far as possible from road or street intersections, and adequate sight distances for the posted speed limits have been met.
 - 8) The conditional use must not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted nor substantially diminishes or impairs property values within the neighborhood.
 - 9) All floodplain ordinances, laws, rules and regulations of the Borough, commonwealth and federal government must be met.
 - 10) The Borough Council may attach such reasonable conditions and safeguards in addition to those expressed herein to implement the purposes of this chapter.
- (3) Prohibited Uses.
- (a) Recovery of subsurface gas and oil deposits.
 - (b) Oil and gas operations.
 - (c) Cellular communications towers.

S. OS Open Space District.

- (1) Permitted Uses.
 - (a) Stormwater facilities approved by the Borough pursuant to the Stormwater Management Ordinance [Chapter 23] and other applicable state and federal laws, rules and regulations.
- (2) Conditional Uses. A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes.
 - (a) Public and private parks and recreation areas, golf courses, country clubs, and swimming pools.
 - (b) Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative material.
 - (c) Yard areas.
 - (d) Conservation uses such as preservation of natural vegetation and excessive slope areas exceeding 25% slope conditions.
 - (e) Accessory buildings and nonresidential structures customarily incidental to the above uses.
 - (f) Dedicated "green space."
 - (g) Monuments.
 - (h) Pervious parking lots customary and accessory to a permitted use.
- (3) Prohibited Uses.
 - (a) Recovery of subsurface gas and oil deposits.
 - (b) Oil and gas operations.
 - (c) Cellular communications towers.

§ 27-212. A-1-Area and Height Requirements and Special Regulations.

[Ord. 315, 9/11/1974, § 212]

1. Each lot in this district shall comply with the following minimum requirements except as otherwise provided in Part 3:

A. Areas (not including rights-of-way of streets, alleys or crosswalks).

- (1) Lot Area Per Family.
 - (a) Dwelling without public water supply and sewage treatment: one acre.
 - (b) Dwelling with either public water supply or sewage treatment, but not both: 20,000 square feet.
 - (c) Dwelling with public water supply and sewage treatment: 12,000 square feet.
- (2) Front yard depth: 30 feet. Accessory structures and uses are not permitted in front yards.
[Amended by Ord. No. 585-19-05, 12/18/2019]
- (3) Rear yard depth:
[Amended by Ord. No. 585-19-05, 12/18/2019]
 - (a) From principal structure: 35 feet.
 - (b) From accessory structures or uses:
 - 1) Accessory structure with greater than 150 square feet: 10 feet.
 - 2) Accessory structure with 150 square feet or less: six feet.
- (4) Lot width:
 - (a) Interior lot: 90 feet.
 - (b) Corner lot: 120 feet.
- (5) Side yard width:
 - (a) Interior lot.
[Amended by Ord. No. 585-19-05, 12/18/2019]
 - 1) Principal structure: No less than eight feet on one side, and a combination of 20 feet on both sides.
 - 2) Accessory structure with 150 square feet or less: No closer than six feet from the property line on one side; but a combination of 20 feet must be maintained for both sides.

- 3) Accessory structure with greater than 150 square feet: No less than eight feet on one side, and a combination of 20 feet on both sides.
 - (b) Corner lot: Abutting a street, no less than the depth of front yard required on the adjoining lot on that street; not abutting a street, no less than eight feet.
- B. Heights (Maximum).
- (1) Single-family dwellings: 30 feet (not exceeding two stories).
 - (2) Other main structures: 45 feet (not exceeding three stories).
 - (3) Accessory structures: 15 feet (not exceeding one story).
 - (4) Structures such as farm silos and other farm related roof structures shall be permitted above the height requirements by the Zoning Officer.
- C. Special Regulations. In addition, uses in A-1 Districts are also subject to the general standards in Part 3.

§ 27-213. R-1-Area and Height Requirements and Special Regulations.

[Ord. 315, 9/11/1974, § 213]

1. Each lot in this district shall comply with the following minimum requirements except as otherwise provided in Part 3:
 - A. Areas (not including right-of-way of streets, alley or crosswalks).
[Amended by Ord. No. 585-19-05, 12/18/2019]
 - (1) Lot Area Per Family.
 - (a) Dwelling without public water supply and sewage treatment: 20,000 square feet.
 - (b) Dwelling with either public water supply or sewage treatment, but not both: 10,000 square feet.
 - (c) Dwelling with public water supply and sewage treatment: 8,500 square feet.
 - (d) Two-family or multi-family dwelling with public water supply and sewage treatment: 20,000 square feet for the first unit plus 5,000 square feet for each additional unit.
 - (2) Front yard depth: 25 feet. Accessory structures and uses are not permitted in front yards.
 - (3) Rear yard depth:
 - (a) From principal structures: 35 feet.
 - (b) From accessory structures or uses:
 - 1) Accessory structure with greater than 150 square feet: 10 feet.
 - 2) Accessory structure with 150 square feet or less: six feet.
 - (4) Lot width:
 - (a) Interior lot: 70 feet.
 - (b) Corner lot: 90 feet.
 - (5) Side yard width:
 - (a) Interior lot:
 - 1) Principal structure: No less than eight feet on one side, and a combination of 20 feet must be maintained on both sides.
 - 2) Accessory structure with 150 square feet or less: No closer than six feet from the property line on one side; but a combination of 20 feet must be maintained for both sides.
 - 3) Accessory structure with greater than 150 square feet: No less than eight feet on one side, and a combination of 20 feet on both sides.
 - (b) Corner lot: abutting a street, not less than the depth of front yard required on the adjoining lot on that street; not abutting a street, no less than eight feet.
 - B. Heights (maximum).
 - (1) Single-family dwellings: 30 feet (not exceeding two stories).
 - (2) Other main structures: 45 feet (not exceeding three stories).
 - (3) Accessory structures: 15 feet (not exceeding one story).

- (4) Structures such as farm silos and other roof structures shall be permitted above the height requirements by the Zoning Officer.

C. Special Regulations. In addition, uses in R-1 Districts are also subject to the general standards in Part 3.

§ 27-214. R-2-Area and Height Requirements and Special Regulations.

[Ord. 315, 9/11/1974, § 214]

1. Each lot in this district shall comply with the following minimum requirements except as otherwise provided in Part 3.

A. Area (not including rights-of-way of streets, alleys, or crosswalks).

(1) Lot area per family:

- (a) Dwelling without public water supply and sewage treatment: 20,000 square feet.
- (b) Dwelling with either public water supply or sewage treatment, but not both: 10,000 square feet.
- (c) Dwelling with public water supply and sewage treatment: 8,500 square feet.
- (d) Two-family or multi-family dwelling with public water supply and sewage treatment: 20,000 square feet for the first unit plus 3,000 square feet for each additional unit.

(2) Front yard depth: 25 feet. Accessory structures and uses are not permitted in front yards.

[Amended by Ord. No. 585-19-05, 12/18/2019]

(3) Rear yard depth:

[Amended by Ord. No. 585-19-05, 12/18/2019]

(a) From principal structure: 30 feet, or the average depth of rear yards on the same block. See illustration.

(b) From accessory uses or structure:

- 1) Accessory structures with greater than 150 square feet: 10 feet.
- 2) Accessory structures with 150 square feet or less: six feet.

(4) Lot width:

- (a) Interior lot: 70 feet.
- (b) Corner lot: 90 feet.

(5) Side yard, width:

(a) Interior lot:

[Amended by Ord. No. 585-19-05, 12/18/2019]

- 1) Principal structure: No less than seven feet on one side, and a combination of 16 feet must be maintained on both sides. Commercial uses in established business districts may be voided of this requirement and abut the sidewalks.
- 2) Accessory structure with 150 square feet or less: No closer than six feet from the property line on one side, but a combination of 16 feet must be maintained for both sides.
- 3) Accessory structure with greater than 150 square feet: No less than seven feet on one side, and a combination of 16 feet on both sides.

(b) Corner lot: abutting a street, not less than the depth of front yard required on the adjoining lot on that street; not abutting a street, no less than eight feet.

B. Heights (Maximum).

- (1) Single-family dwelling: 30 feet (not exceeding two stories).
- (2) Other main structures: 45 feet (not exceeding three stories).
- (3) Accessory structures: 15 feet (not exceeding one story).
- (4) Structures such as farm silos, church steeples, and other roof structures shall be permitted above the height requirements by the Zoning Officer.

C. Special Regulations.

- (1) Commercial uses may not be permitted between two residential structures, if the residential structures are within 100 feet of the site.
- (2) The Zoning Officer shall encourage commercial developers to locate within 200 feet of an existing commercial use.

- (3) Uses in a R-2 District are also subject to the general standards in Part 3.

§ 27-215. C-1-Area and Height Requirements.

[Ord. 315, 9/11/1974, § 215]

1. Each lot in this district shall comply with the following minimum requirements except as otherwise provided in Part 3:
 - A. Areas.
 - (1) Front yard depth: 25, or the average depth of front yards on the same block, see illustrations.
 - (2) Rear yard depth: 15 feet.
 - (3) Side yard depth: 7 1/2 feet on each side; however, where an adjacent commercial building is abutting the side property line, buildings may be extended to the property line provided that proper firewalls are used as approved by the Borough Fire Chief.
 - (a) Side yard abutting a street: not less in width than the depth of front yard required on the adjoining lot on that street.
 - (b) Side yard abutting a Residential District: 25 feet.
 - B. Heights (Maximum).
 - (1) Main structures: 45 feet (not exceeding three stories).
 - (2) Accessory structures: 15 feet (not exceeding one story).
 - C. Special Regulations.
 - (1) Commercial uses may not be permitted between two residential structures, if the residential structures are within 50 feet of the site, unless a public hearing is held and the Board determines that the proposed use will not be harmful to adjacent residential uses.
 - (2) Uses in a C-1 District are also subject to the general standards in Part 3.

§ 27-216. I-1-Area and Height Requirements and Special Regulations.

[Ord. 315, 9/11/1974, § 216]

1. Each lot in this district shall comply with the following minimum requirements except as otherwise provided in Part 3:
 - A. Areas (not including rights-of-way of streets, alleys or crosswalks).
 - (1) Front yard depth: 35 feet.
 - (2) Rear yard depth-
 - (a) Abutting a residential district: 35 feet.
 - (b) Abutting other districts: 25 feet.
 - (3) Lot width: 200 feet.
 - (4) Side yard width: 15 feet, except:
 - (a) Abutting a residential district: 25 feet.
 - (b) Abutting a street-not less than 15 feet or not less than the depth of front yard required on the adjoining lot on that street.
 - B. Heights (Maximum).
 - (1) Main structures: 80 feet.
 - (2) Accessory structures: 15 feet; exceptions will be considered.
 - C. Special Regulations.
 - (1) All required yards shall be landscaped and maintained.
 - (2) Uses in I-1 Districts are also subject to the General Standards (especially Performance Standards) in Part 3.

§ 27-217. CBD-Area and Height Requirements.

[Ord. 514, 7/15/2009, § IX]

1. Each lot in this district shall comply with the following minimum requirements except as otherwise provided in Part 3:

A. Areas.

- (1) Front yard depth: 15 feet, or the average depth of front yards on the same block. See illustrations.
- (2) Rear yard depth: 15 feet.
- (3) Side yard depth: 7 1/2 feet on each side; however, where an adjacent commercial building is abutting the side property lien, buildings may be extended to the property line provided that proper firewalls are used as approved by the Borough Fire Chief.

B. Heights (Maximum).

- (1) Main structures: 45 feet (not exceeding three stories).
- (2) Accessory structures: 15 feet (not exceeding one story).

C. Special Regulations.

- (1) Uses in CBD District are also subject to the general standards in Part 3.

Part 3. GENERAL STANDARDS

§ 27-301. General Performance.

[Ord. 315, 9/11/1974, § 300; as amended by Ord. 539, 12/5/2012, § VIII]

No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious or noxious, or cause offensive odor, smoke, dust, dirt, noise, vibration, glare, excessive traffic, attract vermin or rodents or constitute a nuisance or be a detriment to the health, safety, moral or general welfare of the community or to any other person or property in the Borough. All uses in all districts shall be subject to the following standards of operation set forth in this chapter.

§ 27-302. Compliance.

[Ord. 315, 9/11/1974, § 301; as amended by Ord. 539, 12/5/2012, § VIII]

In cases where the Borough determines that compliance cannot be adequately determined from the information submitted by the applicant or issues develop over the need for or the adequacy of compliance the Borough may require evaluation and report by a qualified consultant. In such instance the Borough shall advise the applicant of the Borough's needs and first offer the applicant to address the Borough's issues by an evaluation and report from a qualified consultant. In the alternative the applicant shall authorized the Borough to select and engage such consultant. In either case the cost and expenses for such services shall be borne by the applicant.

§ 27-303. Fire Protection.

[Ord. 315, 9/11/1974, § 302]

1. Fire prevention and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any industrial activity involves the handling or storage of flammable or explosive materials.
 - A. All industrial uses shall be carried on only in buildings approved by the Department of Labor and Industry, and shall be carried on in such a manner as to conform fully to the standards herein, and with such precautions against fire and explosion hazards as to produce no exposure hazard to a use on an adjacent property, either at present or in the future.
 - B. The storage, utilization or manufacture of materials or products, ranging from free to active burning as determined by the Borough Fire Chief or the Westmoreland County Fire Marshall, is permitted subject to compliance with all other performance standards and provided the following conditions are met:
 - (1) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.
 - (2) Materials or products which produce flammable or explosive vapors or gases under ordinary weather conditions shall not be permitted; provided, however, such materials as are used or required in emergency or standby equipment or in secondary processes auxiliary to the principle operation shall be exempt from this requirement.

§ 27-304. Electrical Disturbances.

[Ord. 315, 9/11/1974, § 303]

No activity shall cause repetitive or continuous electrical disturbance adversely affecting the operation of other electrical equipment.

§ 27-305. Noise.

[Ord. 315, 9/11/1974, § 304; as amended by Ord. 539, 12/5/2012, § VIII]

1. No new use proposed in any District which by the nature of its use, operation or activity produces noise of objectionable character or volume as noted by a person of ordinary and reasonable sensibilities at the property line of the parcel upon which the offending use is located, will be permitted. The following standards shall apply in each district for any use in the district unless standards are established for subcategories of uses, in which case such subcategory standards shall apply:
 - A. Steady-state Noise Emanated from Stationary, Portable or Mobile Equipment, Processes or Facilities. Steady-state noise emanating from any equipment or sources onto adjacent real properties or to a receiving property within any district within the Borough, which will persist during indefinite or periodic intervals of time of two hours or more in a calendar day, or for a period of one hour during two or more days in any seven consecutive days period, shall not exceed the maximum noise levels set forth below:
 - (1) Maximum noise level 7:00 a.m. to 10:00 p.m.: 60 dBA.
 - (2) Maximum noise level 10:00 p.m. to 7:00 a.m.: 60 dBA.

In addition, if steady-state noise emanating from any equipment or sources onto adjacent real properties or to a receiving property within any district within the Borough exceeds 90 dBA for any period of 15 minutes or more, but less than the time frames set forth above, then the applicant or occupant shall install and maintain suitable noise baffles to reduce such noise levels to meet the above standards in order to protect the adjacent properties or receiving properties from such noise.

 - (1) No person shall cause or permit any steady-state sound to emanate from a source property which exceeds the levels set forth in this section when measured at the following locations:
 - (a) Within 25 feet of any receiving residence, occupied structure or building located in any district.
 - (b) At any point along the boundary line between the source property and the receiving property in any Residential or Village Districts.
 - (2) Maximum permissible noise levels at any time in any Residential District or Village are:
 - (a) Daytime (7:00 a.m. to 10:00 p.m.)-60 dBA.
 - (b) Nighttime (10:00 p.m. to 7:00 a.m.)-60 dBA.
 - (3) The use of residential maintenance equipment including, but not limited to, power mowers, on a temporary basis, in residentially zoned districts shall be exempt from the standards in this section.
2. Sound measurements made to determine compliance with the conditions and standards of these sections shall be made using a sound level meter which conforms to Type 1 or Type 2 as specified in ANSI Specifications S1, 4-1971 or more current specifications.

§ 27-306. Air Pollution.

[Ord. 315, 9/11/1974, § 305]

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

§ 27-307. Erosion and Sedimentation.

[Ord. 315, 9/11/1974, § 306]

1. No erosion and/or sedimentation by wind or water shall be permitted which will carry substances into the air, waters of the commonwealth, neighboring properties or public rights-of-way. As of July 1, 1973, plans for excavation shall include conservation plans as required by the rules and regulations of the Pennsylvania Clean Streams Act, 35 P.S. § 691.1 et seq. Developments over five acres shall be submitted to the Westmoreland County Conservation District Office for review and recommendations.
2. Required Trees. The maintenance or replacement of at least 15% of the existing trees during and after construction on the unbuilt portions of the land is required in all districts. These trees will be exempted from maximum height regulations.

§ 27-308. Heat.

[Ord. 315, 9/11/1974, § 307]

No use shall carry on any operation that would produce heat perceptible from any property line of the lot on which the operation is located.

§ 27-309. Glare and Outdoor Lighting.

[Ord. 315, 9/11/1974, § 308; as amended by Ord. 539, 12/5/2012, § VIII]

1. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light or employ unshielded illumination sources beyond its lot lines or onto any public road. Spillover lighting from parking areas shall not exceed two foot-candles per square foot beyond the property line.
2. All exterior light fixtures, except lighting for residential and agricultural uses and street lighting and associated traffic safety devices provided by a public utility or governmental entity within a public right-of-way, shall comply with the following standards:
 - A. Outdoor Luminaire Design.
 - (1) For lighting horizontal tasks such as private drives, sidewalks, entrances and parking areas, full cutoff luminaires shall be used.
 - (2) Luminaires shall be equipped with light directing and/or shielding devices such as shields, visors, skirts or hoods to redirect offending light distribution and/or reduce direct or reflected glare.
 - (3) Light fixtures, including mounting base, shall not exceed 35 feet in height above finished grade.
 - B. Glare Control.
 - (1) Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall vegetation, fences or similar methods be considered acceptable for reducing glare.
 - (2) Neither the direct nor reflected light from any exterior lighting fixture shall create a disabling glare that would be a potential traffic hazard for motor vehicles on public roads.
 - (3) No exterior lighting fixture shall have any blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color. Deliberately induced sky-reflected glare, caused by the use of searchlights, beacon light or laser source lights for advertising or entertainment purposes, is prohibited.
 - (4) The Zoning Officer may require that lighting be controlled by automatic timing devices to extinguish light sources during specific periods to mitigate the adverse consequences of light pollution when such action is necessary to protect adjacent properties and uses.

§ 27-310. Vibration.

[Ord. 315, 9/11/1974, § 309]

1. Any use or portion thereof creating intense or earthshaking vibrations shall be set back from the lot lines on all sides to a distance which will insure that in no case shall any such vibration create a nuisance or hazard beyond said lot lines.
 - A. Vibrations detectable without instruments on neighboring property in any zoning district except the Industrial District shall be prohibited.
 - B. Vibrations detectable without instruments on neighboring property in the Industrial District shall be permitted providing such vibrations do not endanger, or in any way damage persons or properties on neighboring lots.

§ 27-311. Problem Development Land.

[Ord. 315, 9/11/1974, § 310]

1. Land where development and the public health, safety and general welfare are threatened by special development problems, consisting of excessive slope, heavy traffic or periodic flooding, shall conform to the following additional regulations pursuant to § 605, Clause 2, of the Municipalities Planning Code, 53 P.S. § 10608.
 - A. In all districts, both permitted uses and special exceptions are subject to regulation, restriction or prohibition of uses and structures by the Board at or near (1) major thoroughfares and transportation arteries, their intersections and interchanges, (2) natural or artificial bodies of water, (3) places of relatively steep slope or grade, (4) public buildings and public grounds, (5) places having unique historical or patriotic interest or value, and, (6) floodplain areas, subsidence areas, gas and oil wells, and other places having a special character of use affecting and affected by their surroundings.
 - B. Approval for such problem development land as described herein shall be considered by the Board if improvement through such measures as excavation or clean fill will eliminate the development problem.

§ 27-312. Steep Slope.

[Ord. 315, 9/11/1974, § 311]

Land having a slope in excess of 24% shall be deemed steep slope land. For the purpose of determining compliance with the area requirements of this chapter, the area of steep slope land shall be computed at one-tenth of the value of other land; that is, each 10 square feet of steep slope land shall be counted as one square foot in computing such compliance.

§ 27-313. Floodplain Overlay District.

[Ord. 315, 9/11/1974, § 312; as amended by Ord. 524, 3/2/2011, § II]

1. The various floodplain districts classified as special flood hazard areas as delineated in the Flood Insurance Study and the accompanying Flood Insurance Rate Map for the Borough of Manor, issued by the Federal Emergency Management Agency, effective March 17, 2011, or the most recent revision thereof including all digital data developed as part of the Flood Insurance Study, and any subsequent revisions and amendments, are hereby adopted as the Floodplain Overlay Zoning District in the Borough and declared to be a part of this chapter.
2. The above Floodplain Overlay Zoning District is hereby established as part of the Official Zoning Map of the Borough, which is declared to be part of this chapter and shall be kept on file at the Borough Offices.

§ 27-314. Off-Street Parking Requirements.

[Ord. 315, 9/11/1974, § 313]

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building which, after the effective date of this chapter, is erected, enlarged or altered for use for any of the following purposes in any district:

Residential	2 per dwelling unit
Church or School	1 per 6 seats in principal assembly room
Private Club or Lodge	1 for each 200 square feet of floor space, excluding storage and kitchen
Theater	1 per 4 seats
Hospital and Rest Home	1 per 3 beds and 1 for each 2 employees on the maximum working shift
Hotel and Motel	1 per transient room
Professional Office	1 for each 250 square feet of floor space
Business Service	1 for each 250 square feet of floor space
Wholesale Business	1 for each 250 square feet of floor space
Medical Clinic	1 for each 250 square feet of floor space
Retail Business	1 for 100 square feet of floor space excluding storage and kitchen
Eating and Drinking Establishment	1 for 100 square feet of floor space excluding storage and kitchen
Personal Services Establishment	1 for 100 square feet of floor space excluding storage and kitchen
Bowling Alley	5 for each alley
Funeral Home	1 for each 30 square feet of public display space
Recreational Assembly Place	1 for each 100 square feet of floor space, excluding storage and kitchen
Industrial Use	1 for each 2 employees on the maximum working shift or 1 for each 250 square feet of floor space

NOTE: Exceptions for off-street parking requirements may be granted by the Board for the established commercial district in Central Manor.

§ 27-315. Design Standards.

[Ord. 315, 9/11/1974, § 314]

1. The design standards specified below shall be required for all off-street parking facilities with a capacity of three or more vehicles, built after the effective date of this chapter:
 - A. The minimum dimensions of stalls and aisles shall be as follows:
 - (1) Stall width shall be at least 10 feet.
 - (2) Stall depth shall be at least 20 feet with said dimensions measured on the angle for all angle parking and 22 feet for parallel parking.

- (3) Minimum width of aisles providing access to stalls for one-way traffic only, varying with the angle for the parking, shall be:

Angle of Parking	Minimum Aisle Width
Parallel	12 feet
30	12 feet
45	14 feet
60	18 feet
90	18 feet

- (4) Minimum width of aisles providing access to stalls for two-way traffic shall be 25 feet.

- B. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- C. The width of entrance and exit drives shall be:
 - (1) A minimum of 12 feet for one-way use only.
 - (2) A minimum of 20 feet for two-way use.
- D. In no case shall parking areas for three or more vehicles be designed to require or encourage cars to back into a public street in order to leave the lot.

§ 27-316. Home Occupations.

[Ord. 315, 9/11/1974, § 315]

- 1. Any home occupation such as art studios and dressmaking, or teaching with musical instruction limited to one pupil at a time, or the professional office of a physician, dentist, lawyer, etc., shall comply with the following requirements:
 - A. The home occupation shall be carried on by a member of the family residing in the unit with not more than one employee who is not part of the family.
 - B. The home occupation shall be carried on wholly within the principal or accessory structure.
 - C. Objectionable noise, vibration, smoke, dust, odors, heat, or glare shall not be produced.
 - D. Adequate off-street parking shall be provided at a rate of one space for every customer.
 - E. See definition, "home occupation."

§ 27-317. Mobile Home Parks.

[Ord. 315, 9/11/1974, § 316]

Mobile home parks shall meet the requirements of the Westmoreland County Mobile Home Park Subdivision Regulations and have approval by the Planning Commission prior to consideration by the Zoning Hearing Board.

§ 27-318. Mobile Homes.

[Ord. 315, 9/11/1974, § 317; as amended by A.O.]

- 1. Mobile homes may be located, providing:
 - A. The provisions of all Borough regulations and Department of Environmental Protection regulations regarding water supply and sewage disposal are adhered to.
 - B. The lot area, dimensional, and other applicable requirements of this part for single-family dwellings shall be met.
 - C. Mobile homes shall be acceptably skirted within 60 days of placement, subject to inspection by the Zoning Officer.

§ 27-319. Required Open Space.

[Ord. 315, 9/11/1974, § 318]

Developments with townhouses, multi-family and two-family dwellings shall be required to provide at least 5% open space to be used for recreational activities, in such a location as to best serve the development.

§ 27-320. Planned Residential Developments.

[Ord. 315, 9/11/1974, § 319]

1. Planned residential developments maybe permitted if the development meets the requirements of this section. After the plan is approved by the Zoning Hearing Board, all development, construction and use shall be in accordance with that plan. Upon enactment of an ordinance regulating planned residential developments, this section shall be revised:
 - A. The area of the land to be developed shall not be less than 10 acres.
 - B. Properties adjacent to the area shall not be adversely affected.
 - C. The average number of dwellings units per acres shall not be higher than that permitted in the district in which the plan is located.
 - D. The use of the land shall not differ substantially from the uses permitted in the district in which the plan is located, except that limited business facilities, intended to serve only the planned residential development area and fully integrated into the design of the project, may be considered.
 - E. The plan shall be reviewed and recommendations made by the Planning Commission to determine and assure that the proposed unit plan is in the best interest of the Borough. The Commission may recommend reasonable controls and/or restrictions.

§ 27-321. Annexed Areas.

[Ord. 315, 9/11/1974, § 320]

All land annexed to a municipality after the effective date of this chapter shall be classified automatically as being in an A-1 District. The Commission shall recommend to the Council appropriate zoning for the annexed area within not more than six months after the effective date of annexation; and until the Council has adopted a zoning district for the annexed area, the provisions of an A-1 District shall apply to such annexed areas.

§ 27-322. Existing Lots of Record.

[Ord. 315, 9/11/1974, § 321]

Any lot of record existing at the effective date of this chapter may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this chapter.

§ 27-323. Maintenance of Yards and Property.

[Ord. 315, 9/11/1974, § 322; as added by Ord. 377, 6/6/1984, § 1; and as amended by Ord. 539, 12/5/2012, § VIII]

1. The owner or lessee of any property located near or adjacent to any developed property or area shall maintain such property so that:
 - A. All portions of the property shall be kept free of junk, debris, disabled motor vehicles, and dangerous or noxious material.
 - B. Any material stored outside an enclosed structure being used for commercial or industrial purposes, as an incidental part of the primary operation, shall be screened by opaque ornamental fencing, walls or evergreen plant material in order to minimize visibility if the storage area is readily visible from adjoining properties not owned by the user. Materials shall not be deemed to include operable vehicles.
 - C. The required screen shall have a height adequate to achieve its purpose. Plant materials used for screening shall consist of dense evergreen plants. They shall be of a kind or used in such a manner so as to provide a continuous opaque screen within 24 months after commencement of operations in the area to be screened. The Borough Council shall require that either new planting or alternative screening be provided if, after 24 months, the plant materials do not provide an opaque screen.
 - D. Landscaping in commercial and industrial districts adjacent to public rights-of-way shall meet the following requirements:
 - (1) Any part or portion of a site that is being occupied and that is not used for buildings, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan. A replacement program for nonsurviving plants shall be included.
 - (2) Any single parking area with 25 or more spaces shall utilize at least 5% of its area in landscaping.

§ 27-324. Design Review Requirement.

[Ord. 315, 9/11/1974, § 322; as added by Ord. 514, 7/15/2009, § X; and amended by Ord. 539, 12/5/2012, § VIII]

1. All zoning applications for development, improvement or modification of sites in business or industrial zoning districts or involving an industrial use regardless of zoning district shall be submitted to the Borough Planning Commission for design

review prior to approval by the Zoning Officer (uses by right), Borough Council (conditional uses) or the Zoning Hearing Board (special exceptions).

2. Zoning applications shall include data and drawings in sufficient detail for evaluation and review of:
 - A. Site location and physical characteristics.
 - B. Building locations-on-site and adjacent thereto.
 - C. Structure design and related amenities.
 - D. Accessory uses-storage, structures and parking.
 - E. Site access and adjacent traffic considerations.
 - F. On-site circulation.
 - G. Landscaping plan.
 - H. Drainage, utility and other support requirements.
 - I. Initial and projected use potential.
 - J. Any additional data deemed appropriate and necessary by the Planning Commission to evaluate the proposed development.
 - K. Stormwater management plan which complies with the Borough's Stormwater Management Ordinance [Chapter 23] or the stormwater management requirements of the commonwealth or United States.
 - L. Outdoor lighting plan.

§ 27-325. Home Based Business.

[Ord. 315, 9/11/1974, § 323; as added by Ord. 514, 7/15/2009, § XI]

Home based businesses as defined in this chapter shall be permitted in all residential zoning districts and in all zoning districts in which single-family dwellings are permitted, subject to the standards and conditions as set forth in such definition and the standards and conditions set forth in the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.

§ 27-326. Recovery of Subsurface Gas and Oil Deposits.

[Ord. 315, 9/11/1974; as added by Ord. 520, 7/21/2010, §§ IV, V]

1. Standards.
 - A. The recovery of subsurface gas and oil deposits is prohibited on any property subject to a conservation easement.
 - B. The recovery of subsurface gas and oil deposits shall be subject, in addition to use regulations, to the applicable zoning district regulations of yard, frontage, setbacks, lot size and area, lot width, net building area, site capacity calculations, natural resource protection standards, easements, provisions for off-street parking and loading, floodplain standards, all overlay district regulations, and to such other provisions as are specified in other provisions or this part and this chapter.
 - C. The recovery of subsurface gas and oil deposits shall be subject, in addition to the provisions of this part, to all laws, rules and regulations of other applicable Borough, county, state or federal requirements and licensing laws, rules and regulations and to the requirements of any agency having jurisdiction. These include, but are not limited to, laws, rules and regulations concerning soil erosion and sedimentation control, stormwater management, street and road regulations and fire protection requirements.
 - D. Where multiple uses exist or are proposed for a single parcel, each use must meet the required minimum net building area. Each well site shall be calculated based upon, the "pad" area where the well and its attendant facilities are located, as well as any pond, impoundment, reservoir or access road areas.
 - E. The recovery of subsurface gas and oil deposits shall be subject to the applicable standards of the Borough of Manor Stormwater Management Ordinance [Chapter 23]. Where the provisions for the management of stormwater under this part are in conflict with the provisions of the Stormwater Management Ordinance [Chapter 23], the provisions of the Borough of Manor Stormwater Management Ordinance [Chapter 23] shall be applicable.
 - F. The recovery of subsurface gas and oil deposits shall also comply with all applicable provisions of the Borough of Manor Subdivision and Land Development Ordinance [Chapter 22] and the Manor Borough Building Code [Chapter 5, Part 1].
 - G. A conditional use approval for a well shall be valid for a period of one year from the date of the approval. If drilling of a well has not been initiated within one year after the conditional use approval, the conditional use approval shall expire. An extension may be granted by the Borough of Manor Borough Council for an additional period of time, not to exceed a maximum of one year, upon written request by the applicant filled prior to the expiration of the original one-year period, subject to the finding that the plan is in compliance with all applicable provisions and requirements.
2. General Provisions Applicable to All Recovery of Subsurface Gas and Oil Deposit Uses and Applications.

- A. Offensive or noxious odors, noises, fluids, gases, dust or glare shall be confined to the subject parcel or the leasehold premises and shall not impact any occupied structures or dwellings at any time during the siting, drilling, stimulating, completion, altering and production periods.
- B. Junk, refuse, trash or abandoned material shall not be disposed of on-site. All refuse stored on site for final off-site disposal shall be located within a building, covered dumpster or other enclosure designed and constructed for the proper storage of such material.
- C. Only one well site shall be permitted on any one parcel.
- D. Any expansion of the ground surface area used and/or devoted to the well site or drilling or production operations shall require further conditional use approval.
- E. Any hazardous or toxic material shall be properly and securely contained, stored and removed in accordance with applicable state or federal regulations. On-site disposal of such material is prohibited.
- F. All operations shall be in accordance with all applicable state and federal laws and rules and regulations, as amended; and pursuant to all rules, regulations and procedures promulgated thereunder.
- G. All drilling and production operations, including wells, derricks, retaining pits, impoundments, vacuum pumps, storage tanks, vehicles, compressors, structures, machinery and ancillary equipment shall be located at least 200 feet from any structure used as a residential dwelling or from any structure used for public assembly, including schools and churches; or from any occupied nonresidential structure, if the owner of such structures are not the owner or lessor of the property on which the well site is located.
- H. All aspects of the recovery of subsurface gas and oil deposits, including without limitation, all drilling, production operations, buildings, pipelines, shall be located at least 100 feet from the right-of-way of any public or private street, and 50 feet from any property line. Pipelines from the well site shall be permitted to traverse the required setback only to the extent necessary to transport extracted product (oil or gas) off-site.
- I. No recovery of subsurface gas and oil deposits shall be conducted within 1,000 feet of any properties known to be a landfill or known to be designated as site containing hazardous substances under state or federal cleanup laws.
- J. The well owners(s) and well operator(s) shall be jointly liable and responsible for prevention and prompt removal of spills involving waste materials, oil and toxic or hazardous materials.
- K. Minimum lot size for an oil or gas well site, other than a Marcellus Shale formation well, shall be two acres. The minimum lot size for a gas well site for a Marcellus Shale formation well shall be 10 acres.
- L. All well site structures, equipment and operations within 200 feet of a residential structure or a place of public assembly shall be fully screened from off-site view from such residential structure or place of assembly. Methods of screening may include, but are not limited to, any of the following methods, either individually or in combination:
 - (1) Existing or planted screening consisting of trees, shrubs and other vegetation as well as topography, if sufficient proof of the same is presented to Council as part of the conditional use process.
 - (2) Fencing if sufficient proof of the same is presented to Council as part of the conditional use process.
- M. For areas of potential wildfire hazard, fire line intensities shall be abated to less than 100 BTU/foot/second through fuel breaks or other equally effective means around structures or areas of operation. A fire protection plan shall be submitted to the Borough's Emergency Management Agency for review and approval.
- N. A duly authorized representative of the Borough shall have the authority, at any time, both in relation to the enforcement of this part and pursuant to the Borough's enforcement rights under 58 P.S. § 601.504(b) of Pennsylvania's Oil and Gas Act, to enter upon property where a drilling site is contemplated, upon property where a well is in the process of being drilled or upon a producing well site, for the purpose of inspecting the site, equipment and all other things necessary to assure compliance with this part.
- O. Unless other times and days are approved by Council as a condition of the grant of a conditional use, the hours of activity for the siting, drilling, stimulating, inspection, servicing, completion or alteration of the well and its site, shall be limited to Monday through Saturday, 7:00 a.m., to 7:00 p.m., except for emergencies.
- P. Air and Water Quality; Noise. Operators shall conform to all following in connection with air and water quality and noise:
 - (1) Air contaminant emissions shall be in compliance with all county, state and federal regulations, including without limitation the control provisions of the Clean Air Act, as amended; and all fugitive dust regulations for smoke, ash, dust, fumes, gases, odors and vapors.
 - (2) Noise. The operator shall take all possible precautions and measures to minimize the level and duration of noise created by the drilling operation, including without limitation maximum muffling of generators and construction of noise dissipaters or earthen berms. All equipment used in drilling, completion or production of a well must comply with the noise limits in this subsection.
 - (a) The noise (sound) pressure levels at any point beyond the property boundary containing the well shall be no more than 55 decibels (dB) during the day (7:00 a.m. to 7:00 p.m.); and no more than 45 decibels (dB) during the night (7:00 p.m. to 7:00 a.m.), and on Sundays and Federal holidays. These noise standards shall also apply to any gas

- compressors and to all equipment used for well siting, drilling, stimulation, completion, alteration, production and other related operations.
- (b) Based upon special site characteristics, additional noise measures may be required upon inspection and determination by the Borough.
 - (c) When taking noise measurements to determine whether additional noise mitigation measures are necessary, sound pressure levels shall be measured under conditions that are representative of the most demanding assumptions related to the specific site. Consideration shall be given to (including, but not limited to) the nature and proximity of adjoining properties; time of day; prevailing weather patterns; amount of vegetative cover on or adjacent to the property; and topography of the site.
 - (d) If, based upon special site conditions and analysis, additional noise measurements are necessary, one or more of the following additional noise abatement measures, listed below in ascending order of mitigation, shall be required:
 - 1) Acoustically insulated housing or covers enclosing any motor or engine.
 - 2) Screening the site or noise emitting equipment by fence or landscaping.
 - 3) Solid wall or fence of acoustically insulating material surrounding all or part of the facility.
- Q. The applicant shall maintain at the property and on file with the Borough Emergency Management Agency, a current list and the Material Safety Data Sheets (MSDS) for all chemicals used in the drilling operations (including, but not limited to, types of additives, polymers, salts, surfactants and solvents) and in any hydraulic fracturing operations.
- R. Emergency Preparedness and Public Safety Plan. As part of the conditional use application, the applicant shall provide an emergency preparedness and public safety plan. The plan shall demonstrate the following:
- (1) Name, address and phone number, including 24 hour emergency number of at least two persons responsible for drilling operations.
 - (2) As-built facilities plan.
 - (3) First responders plan for potential emergencies, including, but not limited to, explosions, fires, geological activity, flooding or pipe rupture.
 - (4) Specific emergency preparedness plan for all potential hazardous scenarios.
- S. The operator shall be responsible to keep all public and private rights-of-way which are used to enter or exit the well site substantially free from mud, dirt and other debris. If any substantial amount of mud, dirt or other debris is carried on to public or private rights-of-way from the well site, the operator shall clean the roads at regular intervals.
- T. The applicant shall file with its application for a conditional use, all plans for: (1) the transportation and delivery of equipment, machinery, water, chemicals, products, material and items to be utilized in the siting, drilling, stimulating, completion, alteration and operation of the well; (2) the storage, transportation and removal of gas, hydrocarbons, fracturing fluids, waste products and other items from the well site; and, (3) roads, streets, alleys, rights-of-way, easements or other property interests to be utilized for the transportation, delivery and/or removal of equipment, machinery, chemicals, products, gas, hydrocarbons, fracturing fluids, water, waste products and other items to and/or from the well site.

§ 27-327. Provisions and Procedures Applicable to Oil and Gas Operations.

[Ord. 315, 9/11/1974; as added by Ord. 539, 12/5/2012, § X]

1. Offensive or noxious odors, noises, fluids, gases, dust or glare shall be confined to the subject parcel or the leasehold premises and shall not impact any occupied structures or dwellings at any time during the siting, drilling, stimulating, completion, altering and production periods.
2. Junk, refuse, trash or abandoned material shall not be disposed of on-site. All refuse stored on site for final off-site disposal shall be located within a building, covered dumpster or other enclosure designed and constructed for the proper storage of such material.
3. Only one well site shall be permitted on any one lot.
4. Any expansion of the ground surface area used and/or devoted to the well site or drilling or production operations shall require further conditional use approval.
5. Any hazardous or toxic material shall be properly and securely contained, stored and removed in accordance with applicable state or federal regulations. On-site disposal of such material is prohibited.
6. All operations shall be in accordance with all applicable state and federal laws and rules and regulations, as amended; and pursuant to all rules, regulations and procedures promulgated thereunder.
7. All drilling and production operations, including wells, derricks, retaining pits, impoundments, vacuum pumps, storage tanks, vehicles, compressors, structures, machinery and ancillary equipment shall be located at least 200 feet from any structure used as a residential dwelling or from any structure used for public assembly, including schools and churches; or from any occupied

nonresidential structure, if the owner of such structures are not the owner or lessor of the property on which the well site is located.

8. All aspects of the recovery of subsurface gas and oil deposits, including without limitation, all drilling, production operations, buildings, pipelines, shall be located at least 100 feet from the right-of-way of any public or private street, and 50 feet from any property line. Pipelines from the well site shall be permitted to traverse the required setback only to the extent necessary to transport extracted product (oil or gas) off-site.
9. No recovery of subsurface gas and oil deposits shall be conducted within 1,000 feet of any properties known to be a landfill or known to be designated as site containing hazardous substances under state or federal cleanup laws.
10. The well owners(s) and well operator(s) shall be jointly liable and responsible for prevention and prompt removal of spills involving waste materials, oil and toxic or hazardous materials.
11. Minimum lot size for an oil or gas well site for a conventional well, shall be two acres. The minimum lot size for a gas well site for an unconventional well shall be 10 acres.
12. All well site structures, equipment and operations within 200 feet of a residential structure or a place of public assembly shall be fully screened from off-site view from such residential structure or place of assembly. Methods of screening may include, but are not limited to any of the following methods, either individually or in combination:
 - A. Existing or planted screening consisting of trees, shrubs and other vegetation as well as topography, if sufficient proof of the same is presented to Council as part of the conditional use process.
 - B. Fencing if sufficient proof of the same is presented to Council as part of the conditional use process.
13. For areas of potential wildfire hazard, fire line intensities shall be abated to less than 100 BTU/foot/second through fuel breaks or other equally effective means around structures or areas of operation. A fire protection plan shall be submitted to the Borough's Emergency Management Agency for review and approval.
14. A duly authorized representative of the Borough shall have the authority, at any time, both in relation to the enforcement of this chapter and pursuant to the Borough's enforcement rights under Act 13, to enter upon property where a drilling site is contemplated, upon property where a well is in the process of being drilled or upon a producing well site, for the purpose of inspecting the site, equipment and all other things necessary to assure compliance with this chapter.
15. Unless other times and days are approved by Council as a condition of the grant of a conditional use, the hours of activity for the siting, drilling, stimulating, inspection, servicing, completion or alteration of the well and its site, shall be limited to Monday through Saturday, 7:00 a.m. to 7:00 p.m., except for emergencies.
16. Air and Water Quality; Noise. Operators shall conform to all following in connection with air and water quality and noise:
 - A. Air contaminant emissions shall be in compliance with all county, state and federal regulations, including without limitation the control provisions of the Clean Air Act, as amended; and all fugitive dust regulations for smoke, ash, dust, fumes, gases, odors and vapors.
 - B. Noise. The operator shall take all possible precautions and measures to minimize the level and duration of noise created by the drilling operation, including without limitation maximum muffling of generators and construction of noise dissipaters or earthen berms. All equipment used in drilling, completion or production of a well must comply with the noise limits in this chapter.
 - (1) If, based upon special site conditions and analysis, additional noise measurements are necessary, one or more of the following additional noise abatement measures, listed below in ascending order of mitigation, shall be required:
 - (a) Acoustically insulated housing, or covers enclosing any motor or engine.
 - (b) Screening the site or noise emitting equipment by fence or landscaping.
 - (c) Solid wall or fence of acoustically insulating material surrounding all or part of the facility.
17. The applicant shall maintain at the property and on file with the Borough Emergency Management Agency, a current list and the Material Safety Data Sheets (MSDS) for all chemicals used in the drilling operations (including, but not limited to, types of additives, polymers, salts, surfactants and solvents) and in any hydraulic fracturing operations.
18. Emergency Preparedness and Public Safety Plan. As part of the conditional use application, the applicant shall provide an emergency preparedness and public safety plan as required by Act 9 and the regulations promulgated thereunder and the other provisions of this chapter.
19. The operator shall be responsible to keep all public and private rights-of-way which are used to enter or exit the well site substantially free from mud, dirt and other debris. If any substantial amount of mud, dirt or other debris is carried on to public or private rights-of-way from the well site, the operator shall clean the roads at regular intervals.
20. The applicant shall file with its application for a conditional use, in addition to the information and plans called for elsewhere in this chapter all plans for: (A) the transportation and delivery of equipment, machinery, water, chemicals, products, material and items to be utilized in the siting, drilling, stimulating, completion, alteration and operation of the well; (B) the storage, transportation and removal of gas, hydrocarbons, fracturing fluids, waste products and other items from the well site; and (C) roads, streets, alleys, rights-of-way, easements or other property interests to be utilized for the transportation, delivery and/or removal of equipment, machinery, chemicals, products, gas, hydrocarbons, fracturing fluids, water, waste products and other items to and/or from the well site.

§ 27-328. Cellular Communications Towers.

[Ord. 315, 9/11/1974; as added by Ord. 547, 7/17/2013, § 2]

1. Height Restrictions for Certain Structures. The following structures are exempt from height regulations provided they do not constitute a hazard to pedestrians or property; private residential television and radio towers, church spires, belfries, monuments, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, flagpoles and farm silos.
2. Standards.
 - A. The communications company is required to demonstrate, using technological evidence that the antenna must go where it is proposed, in order to satisfy its function in the company's grid system.
 - B. If the communications company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a 1/4-mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communications companies, other communications towers (fire, police, etc.), and other tall structures. The Borough may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.
 - C. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved. In addition, no antenna shall exceed 200 feet in height.
 - D. All communications towers must be stealth towers. A stealth tower is a communications tower which is not recognizable as a conventional communications tower (e.g., a metal lattice structure), but instead is disguised or concealed in such a fashion as to conform to its surroundings. Examples of such stealth towers include a tower which is painted to look like a tree or one which is concealed in a church steeple.
 - E. The Borough Council may waive the stealth tower requirement where the applicant can demonstrate that the requirement is not necessary to protect the health, safety and welfare of the community and the neighboring properties and property owners or occupiers, considering items such as the development's impact on surrounding and abutting property values; aesthetics; height of tower and its engineered fall distance; screening to be provided; number of uses per tower, including public uses; noise, lighting, fumes and emissions; roads, energy or access easements; location and setbacks.
 - F. Setbacks from Base of Antenna Support Structure (Tower). If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between each point on the perimeter and any property line shall be the greatest of the following:
 - (1) One hundred percent of antenna support structure (the pole or tower) height.
 - (2) One hundred feet minimum.
 - G. Fencing. A fence shall be required around the antenna support structure and other equipment attendant to the tower and its uses, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight feet in height.
 - H. Landscaping. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general soften the appearance of the cell site. The Borough may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.
 - (1) An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of six feet at planting, and shall grow to a minimum of 15 feet at maturity.
 - (2) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
 - I. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other communications companies, and local police, fire, ambulance services and municipal authority and road departments. In addition, a linear one mile separation shall be maintained between communications towers, measured from the base of the support structure.
 - J. The communications company must demonstrate that it is licensed by the Federal Communications Commission.
 - K. Antenna support structure under 200 feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures near airports, shall meet all Federal Aviation Administration regulations. No antenna support structure may be artificially lighted except as provided for and required by the FAA.
 - L. A land development plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, access to public rights-of-way, and all other items required in the Borough Subdivision and Land Development Ordinance [Chapter 22]. The site plan shall not be required if the antenna is to be mounted on an existing structure.

- M. In granting the use, the Borough Council may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, location, fencing, screening, increased setbacks and the right to use said facilities for public purposes.
- N. All approvals will be only for specific facilities set forth in the application. No additions or alterations thereto will be permitted without a new application.
- O. All sources of energy (primary and secondary) for the cellular uses on the tower and site shall be identified by location, with all easements, transmission lines and facilities specifically identified by size (all dimensions), as well as types of energy. No storage of fuel or other forms of energy, other than batteries, will be permitted on the site. Other than batteries all facilities and sources of generation of electrical energy for any cellular uses on the tower or site shall be considered a separate industrial use and shall only be permitted in an industrial zoning district.

Part 4. ADMINISTRATION, ENFORCEMENT AND AMENDMENT

§ 27-401. Zoning Officer.

[Ord. 315, 9/11/1974, § 401; as amended by Ord. 372, 3/7/1984, § 1]

1. The Zoning Officer shall be appointed by the Borough Council. The Zoning Officer shall administer this chapter in accordance with its literal terms, and shall not have the power to permit any construction of any use or change of use which does not conform to this chapter. The Zoning Officer shall:
 - A. Administer and enforce the provisions of this chapter including the collection of fees required by this chapter.
 - B. Issue zoning certificates.
 - C. Maintain permanent files of all zoning certificates and applications as public records.
 - D. Provide a copy of site plans for proposed developments which are special exceptions in all zoning districts for review by the Commission.
 - E. Attend Board hearings and provide the Board with information concerning applications and site plans.
 - F. The term of office of the Zoning Officer shall be for two years commencing with the appointment of the Zoning Officer at the biannual reorganization meeting of the Borough Council on the first Monday of January on even-numbered years. The Zoning Officer may be removed from office for misconduct after a hearing of Borough Council on cause shown of which no less than 10 days' notice in writing shall be given.
 - G. The Zoning Officer shall be compensated as determined by resolution of Borough Council.

§ 27-402. Application for Zoning Certificate.

[Ord. 315, 9/11/1974, § 402]

1. Application for a zoning certificate shall be accompanied by two copies of the plans and plot survey showing clearly and completely the location, dimensions and use or nature of any structure involved and such other information as the Zoning Officer may require for administration of this chapter, together with the zoning certificate filing fee deposited to the general fund, in accordance with the schedule in § 27-404 as determined and approved by the Borough Council.
 - A. Where mandatory review by the Commission is required by § 27-401 or where the Zoning Officer feels Commission review would assist in the evaluation of an application, the Zoning Officer shall forward one copy of the plans to the Commission for review.
 - B. In approving an application for a zoning certificate, the Zoning Officer may require such changes in plans for construction, addition or alteration or use of such buildings or lots as may be necessary to assure compliance with this chapter.

§ 27-403. Form of Application for Permit.

[Ord. 315, 9/11/1974, § 403]

§ 27-404. Schedule of Fees and Permit Times.

[Ord. 315, 9/11/1974, § 404; as amended by Ord. 519, 4/21/2010, § II, and by Ord. No. 585-19-05, 12/18/2019]

1. A fee shall be paid to the Borough for all permits applied for under this chapter. The fee shall be in accordance with a schedule of fees established by resolution of the Borough Council. The fee is payable to the Borough at the time of application and shall accompany each application for a permit.

2. The expiration date of any zoning/building permit shall be six months from the date of issuance, unless an extension has been authorized by the Zoning Officer. Any extension cannot exceed an additional six-month period of time from the end of the initial time period.
3. The zoning/building permit must be posted at the building site until all construction is completed.
4. A demolition permit is required before demolition of any structure. A separate permit is required for each structure to be demolished regardless of size. The expiration date of any demolition permit shall be six months from the date of issuance, unless an extension has been authorized by the Zoning Officer. Any extension cannot exceed an additional six-month period of time from the end of the initial period.

§ 27-405. Use Permits.

[Ord. 315, 9/11/1974, § 404.1; as added by Ord. 384, 7/3/1985; and by Ord. 519, 4/21/2010, § III]

1. No change in the use or character of the occupancy of land, nor any change in the use or character of occupancy in an existing building shall be made, nor shall any new building be occupied for any purpose until a use permit has been issued by the Zoning Officer. Every use permit shall state that the use or occupancy complies with all provisions of this chapter and all other ordinances of Manor Borough.
2. Application for Use Permit. Every application for a building permit shall be deemed to be an application for a use permit. Where no building permit is required, every application for a use permit for a new or changed use of land shall be made directly to the Zoning Officer.
3. No use permit shall be issued until the erection, construction, or alteration has been completed, or the use established, and inspected and approved by the Zoning Officer and no building or premises shall be occupied until the use permit is issued; provided, that the use permit shall be issued or written notice shall be given to the applicant stating why a use permit cannot be issued no later than five working days after the office of the Zoning Officer is notified in writing that the building or premises is ready for occupancy.
4. The Zoning Officer shall provide application forms to apply for use permits.
5. Fees. A fee shall be paid to the Borough for all permits applied for under this section. The fee shall be in accordance with a schedule of fees established by resolution by the Borough Council. The fee is payable to the Borough at the time of application and shall accompany each application for a permit.

§ 27-406. Enforcement Notice.

[Ord. 315, 9/11/1974, § 405; as amended by Ord. 554, 12/17/2014, § II; and by A.O.]

1. If it appears to the Borough that a violation of this chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the Borough intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§ 27-407. Enforcement Remedies.

[Ord. 315, 9/11/1974, § 406; as amended by Ord. 554, 12/17/2014, § II; and by A.O.]

1. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil

procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.
4. Magisterial district judges shall have initial jurisdiction in proceedings brought under this section.

§ 27-408. Preventive Remedies.

[Ord. 315, 9/11/1974, § 406; as amended by Ord. 554, 12/17/2014, § II]

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - A. The owner of record at the time of such violation.
 - B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

§ 27-409. Method of Appeal.

[Ord. 315, 9/11/1974, § 407]

Any person or Borough official aggrieved or affected by any decision of the Zoning Officer may, within 30 days, appeal to the Board by filing a notice of appeal specifying the grounds thereof. Re-appeal may only be made when the grounds for the denial have been eliminated.

§ 27-410. Amendment Procedure.

[Ord. 315, 9/11/1974, § 408; as amended by Ord. 382, 3/6/1985; and by Ord. 411, 10/4/1989; and by Ord. 519, 4/21/2010, § IV]

1. The Borough Council may, from time to time, amend, supplement or change the regulations, exceptions, illustrations, restrictions or district boundaries herein established or subsequently established as new conditions or uses develop, as large tracts of land or lots are subdivided or developed and as the general development objectives of the Borough change due to population or transportation factors or actions of higher levels of government. This will be done only after a public hearing before the Borough Council. Official notice shall be given in a newspaper of general circulation in the Borough at least 15 days prior to such hearing.
 - A. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to a public notice. In the case of an amendment other than that prepared by the Commission, at least 30 days prior to the hearing on such proposed amendment, the Borough Council shall provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further reviewed, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
 - B. After enactment, advertisement may consist solely of a reference to the place within the Borough where copies of such ordinance or amendment shall be obtainable for a charge not greater than the cost thereof and be available for examination without charge. Zoning ordinance amendments are incorporated into official Code books by reference with the same force and effect as if duly recorded within.

- C. Application forms for amendment to this chapter shall be provided by Council and may be obtained from the Zoning Officer. The applicant shall provide the information required on the application form before the application will be considered.
- D. Fees. A fee shall be paid to the Borough for all applications made to the Borough Council for any matters coming before the Borough Council under this chapter. The fee shall be in accordance with a schedule of fees established by resolution by the Borough Council. The fee is payable to the Borough at the time of application and shall accompany each application to the Borough Council.

§ 27-411. Review of Applications.

[Ord. 315, 9/11/1974, § 408; as added by Ord. 539, 12/5/2012, § IX]

1. An application for oil and gas operations shall include the following information and submittals:
 - A. The name and address of the applicant. (The "applicant" must qualify as such under the terms and definitions of the Pennsylvania Municipalities Planning Code (MPC). Under the MPC an "applicant," is a landowner or developer, as defined in the MPC, who has filed an application for development including his heirs, successors and assigns. "Landowner," is defined in the MPC as the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land. A "developer," is defined in the MPC as any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.). The applicant shall submit with the application a copy of the document or documents which establish that the applicant qualifies as such.
 - B. A copy of the well permit applied for and/or issued by the PaDEP for the well and/or oil and gas operations, including a copy of the plat(s) submitted to PaDEP in conjunction with such permit application.
 - C. The names and addresses of all surface owners of the property which is the subject of the application.
 - D. The names and addresses of all residents of any building on the subject property.
 - E. The names and addresses of all businesses operated in any building on the subject property.
 - F. A description and location of any and all oil and gas operations to be performed or undertaken on the subject property, whether temporary or permanent, with estimated time frames for each activity.
 - G. A stormwater management plan, prepared in accord with the provisions of the Borough's Stormwater Management Ordinance [Chapter 23].
 - H. When determined and required by the Borough as necessary to conduct and review the application, a plat, prepared by and under seal of a surveyor registered and licensed in the Commonwealth of Pennsylvania, showing all current features and structures of and on the subject property.
2. All fully completed and submitted applications for permitted uses related to oil and gas operations shall be reviewed by the appropriate officials and consultants of the Borough within 30 days of the completed submission.
3. All fully completed and submitted applications for conditional uses related to oil and gas operations shall be reviewed by the appropriate officials, consultants, Planning Commission and Borough Council of the Borough within 60 days of the completed submission.

§ 27-412. Conditional Use Approval for Oil and Gas Operations.

[Ord. 315, 9/11/1974, § 408; as added by Ord. 539, 12/5/2012, § IX]

A conditional use approval for oil and gas operations shall be valid for a period of one year from the date of the approval. If the oil and gas operations approved has not been initiated within one year after the conditional use approval, the conditional use approval shall expire. An extension may be granted by the Borough of Manor Borough Council for an additional period of time, not to exceed a maximum of one year, upon written request by the applicant filled prior to the expiration of the original one-year period, subject to the finding that the plan is in compliance with all applicable provisions and requirements.

§ 27-413. Emergency Preparedness and Emergency Response Information.

[Ord. 315, 9/11/1974, § 408; as added by Ord. 539, 12/5/2012, § IX]

1. Unconventional Wells. The operator of any unconventional well, at time of application for a permit or a conditional use, shall provide proof to the Borough that the operator has complied with or shall comply with the requirements of 35 Pa.C.S.A. § 7321 and the regulations adopted by the Pennsylvania Emergency Management Agency and the Department of Environmental Protection pursuant to the authority of 35 Pa.C.S.A. § 7321.
2. Conventional Wells. As part of a permit application or an application for a conditional use the applicant shall provide to the Borough the emergency response information set forth herein and an emergency preparedness and public safety plan. The emergency response information shall contain all of the following:

- A. A GPS coordinate address for each well, including an address at both the access road entrance and the well pad site.
 - B. The name, address and phone number, including emergency twenty-four-hour phone number, for the operator of the well.
 - C. An as-built plan for the property and features and facilities on the well site, including detention ponds, retention ponds, waterlines, gas lines and q access roads.
 - D. File an emergency response plan with the Borough and the Westmoreland County Emergency Management Organization which will provide, at a minimum, a first responder's plan for potential emergencies, including, but not limited to, explosions, fires, leaks, releases, ruptures and geological activities.
 - E. In addition to the above, provide specific emergency preparedness plans which are unique and particular to the site and operations.
 - F. Post a permanent, weatherproof, reflective sign at the entrance road to each well site setting forth the specific address of that site, the GPS coordinates for the site and the emergency contact phone number for the operator.
3. Equipment. Equipment directly associated with oil and gas operations, pipelines, access roads and security features shall be permitted to be located and used if:
 - A. It is necessary and directly associated with such oil and gas activities.
 - B. It is located at or immediately adjacent to the oil and gas operation sites or activities.
 - C. The activities are authorized and permitted by a state and federal agency. The person using or intending to use such equipment shall provide written proof of the applicable state and or federal permits authorizing and permitting such activities.

Part 5. ZONING HEARING BOARD

§ 27-501. General.

[Ord. 315, 9/11/1974, § 501]

The Board shall hold meetings, keep minutes, conduct hearings pursuant to notice, compel the attendance of witnesses, take testimony under oath, and render decisions in writing after the hearing or continued hearings, all as required by law.

§ 27-502. Creation of Board.

[Ord. 315, 9/11/1974, § 502]

The Board is hereby created and is hereby designated as the Zoning Hearing Board, as provided by Article IX of the Municipalities Planning Code, 53 P.S. § 10901 et seq., the basic authority for the entire chapter.

§ 27-503. Zoning Hearing Board.

[Ord. 315, 9/11/1974, §§ 503, 504; as amended by Ord. 472, 12/13/2000; and by A.O.]

1. There is hereby created for the Borough a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10901 et seq.
2. The membership of the Board shall consist of five residents of the Borough appointed by resolution by the Borough Council. The terms of office shall be five years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion. Members of the Board shall hold no other office in the Borough.
3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this chapter.
5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.
6. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

§ 27-504. Annual Report.

[Ord. 315, 9/11/1974, § 505]

The Board shall keep full public records of its business and shall submit a report of its activities to the Council once a year.

§ 27-505. Hearings.

[Ord. 315, 9/11/1974, § 507; as amended by A.O.]

1. The Board shall conduct hearings after required fees shall first be paid, which shall also enable a landowner to be considered an applicant before the Board. The Board shall make decisions in accordance with the following requirements:
 - A. Hearing Officer. The hearings shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decisions or findings by the Board accepting those of the Hearing Officer as final.
 - B. Notice. Notice of such hearings shall be published twice in a newspaper of general circulation in the Borough. Notices shall be given at least 14 days but not more than 30 days in advance of a public hearing in such manner as prescribed by this chapter or by subsequent rules established by the Board. Applicants, the Council Members, the Zoning Officer and the Zoning Hearing Board members shall be notified by mail for each meeting. Any person who, in writing, has requested notice of a particular meeting 15 to 30 days in advance of such meeting shall be notified by mail for such meeting. See the end of this part for a sample notice.
 - C. Participants. The parties to the hearing shall be:
 - (1) Any person who is entitled to notice without special request therefore under the preceding paragraph and who has made an appearance of record before the Board or Zoning Officer 14 to 30 days in advance.
 - (2) Any other person permitted to appear by the Board.
 - D. Oaths. The Chairman or acting Chairman of the Board or the Hearing Officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - E. Legal Council. The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument, and cross-examine witnesses on all relevant issues. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 - F. Records. The Board or the Hearing Officer, as the case may be, shall keep a record of the proceedings, either stenographically or by sound recordings, for three months. A transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at the cost stated in Subsection 1J.
 - G. Mandatory Review by the Commission.
 - (1) The Commission shall be notified of each request for a special exception, in writing, by the Zoning Officer, and shall be afforded opportunity to review and recommend upon each request, prior to final decision by the Board, provided such recommendation is forthcoming not more than 30 days after notification is received from the Zoning Officer. Site plans shall show, as proposed, the location of main and accessory structures on the site and in relation to one another; traffic circulation features within the site; the location of vehicular access onto the site; the height and bulk of structures; the provision of automobile parking space; the provision of other open space on the site; the landscaping, paving, and the display of signs on the site.
 - (2) In reviewing site plans, the Commission may act on site plans submitted to it or may act on its own initiative in proposing and recommending a site plan.
 - (3) In considering any site plan hereunder, the Commission shall endeavor to assure the safety and convenience of traffic movement (pedestrian and vehicular), both within the site covered and in relation to access streets, and the harmonious and beneficial relationship of structures and uses on the site as well as to those on contiguous properties. To this end, the Commission may suggest control of vehicular access.
 - (4) In appropriate cases, the Commission shall also have the right to suggest adequate pedestrian walks within the site. See Amendment Procedure, Section 690.
 - H. Communications. The Board or the Hearing Officer shall not communicate directly or indirectly with any party or his representatives in connection with any issue involved in a hearing, except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representatives unless all parties are given an opportunity to be present.
 - I. Decisions. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days. Each decision shall be accompanied by findings of fact and based thereon together with the reasons therefor. A conclusion based on any provisions of the Municipalities Planning Code, 53 P.S. § 10101 et seq., or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a

Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties, and the parties shall be entitled to make written recommendations thereon to the Board prior to final decision, or entry of findings. Where the Board has power to render a decision, and the Board or the Hearing Officer, as the case may be, fails to render the same within the period required by this paragraph, the decision shall be deemed to have been rendered in favor of the applicant.

- J. Notice of Decisions. A copy of the final decision or the findings, where no decision is called for, shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision of findings and a statement of the place at which the full decision or findings may be examined. The Board shall charge applicants a fee in an amount as established, from time to time, by resolution of Borough Council, per page for the furnishing of a complete transcript via the stenographic or sound recording. A copy of the minutes, paraphrasing the activities of the public hearing, will be made available for copying, free to anyone who requests it.

§ 27-506. Board Functions; Appeals Resulting From the Action of the Zoning Officer.

[Ord. 315, 9/11/1974, § 508]

1. The Board shall hear and decide appeals from an order, requirement, decision, grant or refusal made by the Zoning Officer in the administration of this chapter, where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.
 - A. Right of Appeal. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to PA R.C.P. 1091-1098, relating to mandamus.
 - B. Courts Having Jurisdiction. As used in this part, "court" means the Common Pleas Court of Westmoreland County with respect to zoning appeals.
 - C. Who May Appeal. Zoning appeals may be taken to court by any party before the Board, or any officer or agency of the Borough.

§ 27-507. Board Functions; Challenges to the Validity of Any Ordinance or Map.

[Ord. 315, 9/11/1974, § 509]

Except as provided in the following section relating to variances, the Board shall have no power to pass upon the validity of any provision of an ordinance or map adopted by the Borough Council. Recognizing that challenges to the validity of Council, an ordinance or map may present issues of fact and interpretation which may lie within the special competence of the Board, and to facilitate the rapid disposition of such challenges by a court, the Board may hear all challenges wherein the validity of the ordinance or map presents any issue of fact or of interpretation, not hitherto properly determined at a hearing before another competent agency or body, and shall take evidence and make a record thereon as provided in the previous section on hearings. At the conclusion of the hearing, the Board shall decide all contested questions of interpretation and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

§ 27-508. Board Functions; Challenges to the Land Development Ordinance [Chapter 22]; Special Rules.

[Ord. 315, 9/11/1974, § 510]

Challenges to the validity of the Land Development Ordinance [Chapter 22] adopted pursuant to Article V of the Municipalities Planning Code, 53 P.S. § 10501 et seq., and appeals from any action of the Zoning Officer thereunder shall be governed by §§ 27-506 and 27-507. But when the Commission or the Council have held a hearing upon an application for development under the Land Development Ordinance [Chapter 22], such hearing shall be deemed in lieu of a hearing by the Board provided for under § 27-507 and appeal from any decision or determination of the Commission or Council (including challenge to the validity of any provision of such ordinance) shall lie directly to court as provided in provisions of the Municipalities Planning Code, 53 P.S. §§ 10512, 10712, 11001.

§ 27-509. Board Functions; Variances.

[Ord. 315, 9/11/1974, § 511]

1. The Board, upon appeal, shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. Subject to the provisions of parties appellant before the Board, § 27-511, the Board may, by rule, prescribe the written form of application and may require preliminary applications to the Zoning Officer. The Board shall have the power to attach such conditions to the variances as it deems necessary to assume compliance with the purposes of this chapter. The Board may grant a variance provided the following findings are made where relevant in a given case:
 - A. There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property (see § 27-311, "Problem

Development Land"), and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or zoning district in which the property is located.

- B. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. Such unnecessary hardship has not been created by the applicant.
- D. The variance, if authorized, will not alter the essential character of the neighborhood or zoning district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent properties, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

§ 27-510. Board Functions; Special Exceptions.

[Ord. 315, 9/11/1974, § 512]

1. Where the Borough Council, in this chapter, has stated special exceptions to be granted or denied by the Board, pursuant to express standards and criteria stated in Parts 2, 3 and 4, the Board shall hear and decide upon written requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter as it may deem necessary to implement the purposes of this chapter and the Municipalities Planning Code, 53 P.S. § 10101 et seq. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable under the provisions of enforcement penalties, in § **27-407** of this chapter.
 - A. The special exception shall be in accordance with the standards specified for such classes of special exceptions as stated in Part 2.
 - B. The special exception shall not involve any element or cause any condition that may be dangerous, injurious or noxious, to any other property or persons, and shall comply with performance standards in Part 3.
 - C. The special exception shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - D. The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - E. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
 - F. The special exception shall preserve the spirit, intent and purpose of this chapter.
 - G. A public hearing shall be held prior to the Board deciding each request for a special exception, as provided in § **27-510**.
 - H. The Board shall not approve a special exception unless and until:
 - (1) A written application for a special exception is submitted to the Zoning Officer, indicating the section of this chapter under which the special exception is sought.
 - (2) Notice shall be given as noted in § **27-505**, Subsection 1B.
 - (3) The public hearing shall be held.
 - I. If the Board determines that the application for a special exception meets all the requirements of this chapter, the Board shall direct the Zoning Officer to issue a zoning certificate and thereafter shall instruct the applicant to apply where applicable for the Borough building permit for such special exception.

§ 27-511. Parties Appellant Before Board.

[Ord. 315, 9/11/1974, § 513; as amended by Ord. 363, 6/2/1982; and by Ord. 519, 4/21/2010, § V]

1. Appeals under Board Functions; Appeals, § **27-506**, and proceedings to challenge an ordinance under Board Functions; Challenges, § **27-507**, may be filed with the Board in writing, by any officer or agency of the Borough or any person aggrieved.
 - A. A landowner desiring to challenge the validity of this chapter or any amendment thereof shall be subject to the requirements of the Municipalities Planning Code, Article VIII, 53 P.S. § 10801.
 - B. Requests for a variance under Board Functions; Variances, § **27-509**, and for special exceptions under Board Functions; Special Exceptions, § **27-510**, maybe filed with the Board by any landowner or any tenant with the permission of such landowner.
 - C. Fees. A fee shall be paid to the Borough for all applications made to the Board for any matters coming before the Board under this chapter. The fee shall be in accordance with a schedule of fees established by resolution by the Borough

Council. The fee is payable to the Borough at the time of application and shall accompany each application to the Board.

§ 27-512. Time Limitations.

[Ord. 315, 9/11/1974, § 514]

1. The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following:
 - A. **Time Limitations Upon Enactment or Amendment.** No issue of alleged defect in the process of enactment of this chapter or of any amendment thereto shall be raised in any proceeding filed with the Board later than 30 days from the time each ordinance, map or amendment takes effect unless the person raising such issue alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of this chapter, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
 - B. **Time Limitations Upon Appeal.** All zoning appeals shall be filed not later than 30 days after issuance of notice of the decisions or report of the Board.
 - C. **Time Limitations, Upon Appeal for Reversal.** No person shall be allowed to file any proceeding with the Board later than 30 days after any application for development, preliminary or final, has been approved by an appropriate Borough officer, agency or body if such proceedings are designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

§ 27-513. Stay of Proceeding.

[Ord. 315, 9/11/1974, § 515]

Upon filing of any proceeding referred to in § 27-511 and during its pendency before the Board all land development, pursuant to any challenged ordinance, order or approval of the Zoning Officer or any appropriate agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When application for development, preliminary or final, has been duly approved and proceedings designated to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board, the question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

§ 27-514. Meetings.

[Ord. 315, 9/11/1974, § 516]

Meetings of the Board shall be held once a month or at such other times as the Board may determine. All meetings other than executive sessions shall be open to the public. Quarters for the Board (office space with light and heat, necessary supplies, clerical and other services as required) shall be provided by the Borough Council. The Board shall appoint a Secretary who shall keep its records. The Board shall adopt its own rules of procedure and keep minutes of its proceedings. The vote of each member upon each question shall be shown in the minutes; if a member is absent or fails to vote, such fact shall also be so indicated. The Board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Part 6. RULES AND DEFINITIONS

§ 27-601. General Definitions.

[Ord. 315, 9/11/1974; as amended by Ord. 514, 7/15/2009, § XII; by Ord. 519, 4/21/2010, § VI; by Ord. 520, 7/21/2010, § III; by Ord. 524, 3/2/2011, § III; by Ord. 547, 7/17/2013, § 1; and by A.O.]

ACCESSORY STRUCTURE

A structure customarily incidental and subordinate to the principal structure and use and located on the same lot as the principal structure and use.

[Added by Ord. No. 585-19-05, 12/18/2019]

ACCESSORY USE

A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

ADULT BUSINESS

An establishment consisting of, including, or having the characteristics of any or all of the following:

A. ADULT BOOK STORE

An establishment having as a substantial or significant portion of its stock-in-trade, and offers for sale, books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

B. ADULT MINI-MOTION PICTURE THEATER

An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

C. ADULT MOTION PICTURE THEATER

An enclosed building with a capacity for 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

D. ADULT CABARET

(1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

(2) A cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

ANIMAL CARE

The boarding, breeding, housing, keeping or medical treatment of five or more animals six months old or older.

ANIMATED SIGN

A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

[Ord. 554, 12/17/2014, § III]

ANNEXED AREAS

See § 27-321.

APARTMENT

See "dwelling, multi-family."

AUTOMOBILE REPAIR

A building or part thereof used for the repair of motor vehicles for remuneration, but not used for dismantling or scrapping of motor vehicles. A garage building available to the public and operated for gain and which is used for storage, repair, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles. Where more than two vehicles are located which are not in running condition and are not completely enclosed in a building, such premises shall be deemed a junkyard rather than a repair garage.

BANNER SIGN

A temporary sign painted or printed on a strip of cloth, vinyl, plastic or paper designed to be hung from poles, across the wall of a building or in a window.

[Ord. 554, 12/17/2014, § III]

BASEMENT

A portion of a building located partly underground, but having 1/2 or less of its clear floor-to-floor ceiling height below the average grade of the adjoining ground. A basement shall not be counted as a story for purposes of height measurement unless 1/2 or more of its volume is above the average elevation of the finished grade at the front of the building. An improved basement shall be counted as part of the floor area for a dwelling. A residential dwelling may be permitted as an accessory use in basements if all other requirements of this or other ordinances are met. This shall not be construed to permit a residential dwelling in a cellar.

BLOCK

A "block" is a tract of land bounded by streets or other definite physical or natural barriers, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or Borough and county boundary lines.

BOARD

Zoning Hearing Board of Manor Borough.

BUILDING HEIGHT

The vertical distance and the number of stories measured from the basic grade to:

- A. The highest point of the roof adjacent to the front wall, for flat roofs.
- B. The deck line of mansard roofs.
- C. The main height between eaves and ridge, for gambrel, hipped or gabled roofs.

BUILDING LINE

The building line is an imaginary line fixed by the required yard depth measured back from and parallel to the nearest road right-of-way line or lot line.

BUSINESS

Commercial, when referring to zoning districts, is an interchangeable and equal reference.

CLEAN FILL

Excavated earth. This shall not include scrap, from commercial or industrial operators, used building materials or vehicles not in running condition.

CLINIC

Any establishment so designated where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

CLUB

An establishment operated for social, recreational or educational purposes but open only to members and not the general public.

COLLEGES

See "educational institutions."

COMMERCIAL

Indicates business when referring to zoning districts.

COMMISSION

Manor Borough Planning Commission.

COMMONWEALTH

Commonwealth of Pennsylvania.

COUNCIL

Manor Borough Council.

COURT

Common Pleas Court of Westmoreland County.

CUL-DE-SAC

A dead-end street having a suitable turn-around.

CUT

An excavation. The difference between a point on the original grade and a designated point of lower elevation on the final grade.

DIRECTIONAL SIGN

Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic. [Ord. 554, 12/17/2014, § III]

DISTRICT

Indicates zoning district unless specified otherwise.

DWELLING

Any building or portion thereof which is designated for or used for residential purposes. The word "dwelling" shall not include hotels, motels or other structures used for transient residence.

A. ONE-FAMILY DWELLING

A building designed for and used exclusively for occupancy by one family.

B. TWO-FAMILY DWELLING (ATTACHED OR DETACHED)

A building designed for and used exclusively for occupancy by two families living independently of each other and characterized by a common entrance.

C. MULTI-FAMILY (APARTMENT) DWELLING

A building designed for and used exclusively for occupancy by three or more families, living independently of each other and characterized by a common entrance. See "townhouse."

D. ROOMING HOUSE

A dwelling with not more than one dwelling unit, where lodging is provided for more than two persons in addition to the family unit.

EASEMENT

A grant by the owner of land for use by others, including the public.

EDUCATIONAL INSTITUTIONS

Public, private or parochial, pre-school, elementary, secondary, junior and senior high schools; child care facilities, nursery schools, colleges, universities and business and vocational institutes of higher learning.

ELECTRICALLY ACTIVATED

Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this chapter, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 15 seconds.
2. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

[Ord. 554, 12/17/2014, § III]

ELECTRONIC MESSAGE SIGN

A sign with changing text or graphics generated by electronic components, but not limited to, light emitting diode ("led") and plasma displays, or any other past or future technology. Electronic Message signs shall provide such information as current time, date weather and news updates.

[Ord. 554, 12/17/2014, § III]

ELECTRONIC MESSAGE SIGN OR CENTER

An electrically activated changeable sign whose variable message capability can be electronically programmed.

[Ord. 554, 12/17/2014, § III]

ELECTRONIC SIGN

Any sign with text or graphics generated by electronic components, including, but not limited to, light emitting diode ("led") and plasma displays, or any other past or future technology. An electronic sign is a changeable copy sign capable of displaying a message in pictures or other photographic images, symbols, numbers and/or text which may be changed electronically, mechanically or rearranged automatically by computer or other form of programming.

[Ord. 554, 12/17/2014, § III]

ELECTRONIC STREAMING SIGN

A sign capable of bearing a continuous or streaming message, copy, symbols, picture, television image and/or other form of message which may be changed electronically, mechanically or rearranged automatically by computer or other form of programming.

[Ord. 554, 12/17/2014, § III]

ENVIRONMENTALLY ACTIVATED

Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinner, pinwheels, pennant strings, and/or devices or displays that respond to naturally occurring external motivation.

[Ord. 554, 12/17/2014, § III]

ERECTED

Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered part of the erection.

EROSION

The removal of earth surface materials by the action of natural elements.

ESSENTIAL SERVICES

The erection, construction, alteration or maintenance by public utilities, municipal, county or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, disposal or distributor systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, off-street parking spaces and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal, county or other governmental agencies or for the public health, safety or general welfare.

EXCAVATION

Any act by which earth, sand, gravel, rock or any other similar material is dug into, out, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

EXTERIOR SIGN

Any sign placed outside a building.

[Ord. 554, 12/17/2014, § III]

FAMILY

A family is:

- A. A single person occupying a dwelling unit and maintaining a household.
- B. Two or more persons related by blood or marriage, occupying a dwelling unit, living together and maintaining a common household, including not more than two boarders or roomers.

FARM

Any parcel or land containing at least 10 acres which may be used for gain in the raising of agricultural products, livestock, poultry or dairy products. It includes necessary structures and the storage of farm equipment. Truck gardens and nurseries shall be considered to be farms.

FASCIA SIGN

See "Wall or fascia sign."
[Ord. 554, 12/17/2014, § III]

FILL

Any act by which earth, sand, gravel, rock or any other soil material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original grade and a designated point of higher elevation on the final grade. The material used to make a fill.

FLASHING SIGN

See "Animated sign, electrically activated."
[Ord. 554, 12/17/2014, § III]

"FPO" FLOODPLAIN OVERLAY DISTRICT

The overlay zoning district applying to the properties within the underlying zoning district that are within various floodplain districts classified as special flood hazard areas as delineated in the Flood Insurance Study and the accompanying Flood Insurance Rate Map for the Borough of Manor, issued by the Federal Emergency Management Agency, effective March 17, 2011, or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study, and any subsequent revisions and amendments, to which those provisions, standards, rules and regulations as set forth in the Borough's Floodplain Management Ordinance [Chapter 8], as existing and as amended from time to time, and as set forth in applicable state and federal laws, rules and regulations concerning floodplains, floodways and flooding, shall apply.

FREE-STANDING SIGN

A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.
[Ord. 554, 12/17/2014, § III]

FRONTAGE

The distance between the points of intersection of the side and front lot lines. On a corner lot, frontage is the distance between the corner of the property abutting the intersection of rights-of-way and the intersection of the side lot line and the front property line. On lots arranged around a cul-d-sac where the radius of a curvature of the street is less than 150 feet, frontage shall be deemed to be the same as "mean lot width."

GASOLINE SERVICE STATION

Any building or premises used, for the retail sale of liquified petroleum products or other fuels for the propulsion of motor vehicles and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, anti-freeze, motor vehicle accessories and other items customarily associated with the sale of such products; for the rendering of services and making adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs, major overhauling of engines requiring the removal thereof or complete recapping or retreading of tires.

GOVERNING BODY

Manor Borough Council, Westmoreland County, Pennsylvania.

GRADE

The degree or inclination of a road or slope.

HOME OCCUPATION

Carried on within the dwelling structure, by the resident thereof, as a customary secondary use in connection with which there is no person employed, no display, no sign other than a name plate, no mechanical equipment other than normal domestic or household equipment; provided such use does not occupy more than 25% of the total floor area of one floor, and does not require internal or external structural alterations or involve construction features not customary in dwellings and has an off-street area to accommodate patrons.

HOME-BASED BUSINESS (NO-IMPACT)

A business or commercial activity administered or conducted as an accessory use, which is clearly secondary and incidental to the use as a residential dwelling and which does not involve customer, client, or patient traffic, or pickup, delivery, or removal functions, in excess of those normally associated with residential use. No-impact home-based businesses shall be included in this definition.

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

- D. There shall be no outside appearance of a business use including, but not limited to, parking or lights, with the exception of a sign.
- E. The business activity may 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.
- F. 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.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

ILLUMINATED SIGN

A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

[Ord. 554, 12/17/2014, § III]

INDUSTRIAL

Indicates "manufacturing" when referring to zoning districts.

JUNKYARD

A "junkyard" is an open area where waste, used or second hand materials are bought, sold, exchanged, stored, baled, packaged, disassembled or handled. Materials include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires and further includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings. Any use of land which contains more than two vehicles which are not in running condition and which are not completely enclosed in a building shall be deemed a "junkyard."

LIGHT MANUFACTURING

The assembly, fabrication, manufacture, processing, production, storage and/or wholesale distribution of goods or products where no process involved will produce noise, vibration, fire hazard, air pollution or other emissions, noxious or dangerous to neighboring properties within 400 feet; such goods or products include advertising signs and displays; artificial limbs, braces and orthopedic devices; awnings, tents and tarpaulins; bakery, dairy and food products, but not animal slaughtering, curing, not rendering of fats; books, magazines, newspapers and printed material; cabinets custom millwork and woodworkings; ceramics, nonstructural tile and cement products; clothing and wearing apparel; custom sheet metal work; dies and gauges; draperies, upholstery and slip covers; electrical instruments and electronic devices; home appliances, radio and television; jewelry; light weight nonferrous metal castings; lithographic plates and photo engravings; machine tools; meters; musical instruments; non-alcoholic beverages; office machines; optical goods and instruments; patterns; pharmaceutical products and medicines; plastic moldings or extrusions but not the formulations of basic plastic material; precision instruments; sporting goods; timepieces; toys; type composition and Venetian blinds. Also, considered under this definition is the cleaning, maintenance, repair and/or service of all products permitted above as well as for batteries, bicycles, boilers, guns locks and rugs. Also, animal care, exterminators, freezer lockers, and cold storage, laboratories, laundries, light machine shops, machinery rental, moving and storage, packing and crating service, research laboratories with pilot plants, taxidermists and commercial welding are included in this definition for the purposes of this chapter.

LOT

A portion of subdivision or other parcel of land intended as a unit for transfer of ownership or for development or both. In determining the area of a lot, no part of the right-of-way of a street, alley or crosswalk may be included.

LOT AREA

The total space on a horizontal plane within the boundary lines of a zoning lot, not including any part of a street or alley.

LOT WIDTH

The distance between the side lines of the zoning lot measured at the shortest distance at or between the front and rear building lines as determined by the prescribed front and rear yard requirements.

LOT, CORNER

A lot situated at and abutting the intersection of two streets having an interior angle of intersection no greater than 135°.

LOT, INTERIOR

A lot other than a corner lot with frontage only at one street.

MECHANICALLY ACTIVATED

Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

[Ord. 554, 12/17/2014, § III]

MOBILE HOME

Any vehicle or portable structure which is equipped for and used as sleeping or living quarters for one or more persons; which may be temporarily or permanently affixed to real estate with or without a foundation; which may be drawn by its own or other motive power; which is, or by its original design may be, mounted upon wheels and may be used as a conveyance on highways

or streets. Such structures shall have the same or similar electrical, plumbing and sanitary facilities as immobile housing or whatever name or title it is colloquially known.

MUNICIPALITY

Manor Borough.

OFF-PREMISE SIGN

See "Outdoor advertising sign."
[Ord. 554, 12/17/2014, § III]

ON-PREMISE SIGN

A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
[Ord. 554, 12/17/2014, § III]

OUTDOOR ADVERTISING SIGN

A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
[Ord. 554, 12/17/2014, § III]

PERMIT

Written approval, in whatever form, including, but not limited to, permits, approvals and decisions, as issued by any officer, employee, agency, board or Council of the Borough, for any authorization or approval issued or granted in conformance with the provisions of this chapter.

PERMITTED USE

Use permitted by right according to provisions of this chapter.

PERSONAL SERVICES

Any commercial establishment providing services pertaining to the person, his apparel or personal effects commonly carried on or about the person and including hair dressing, shoe repair, tailoring and cleaning on the premises of wearing apparel brought to the establishment by the customer.

POLITICAL SIGN

Any sign which advocates a candidate for public office, or which supports a particular political party, or a position on an issue appearing on a ballot at an election. Political signs are not to be classified as temporary or permanent. A legally permitted outdoor advertising sign shall not be considered to be a political sign.
[Ord. 554, 12/17/2014, § III]

PORTABLE SIGN

Any sign not permanently attached to the ground or to a building or building surface.
[Ord. 554, 12/17/2014, § III]

REAL ESTATE SIGN

A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.
[Ord. 554, 12/17/2014, § III]

RETAIL STORES

Stores for the sale of products such as, but not limited to antiques, books, beverages, confections, drugs, dry goods, flowers, foodstuffs, gifts, garden supplies, hardware, household appliances, jewelry, notions, periodicals, stationary, tobacco, paint and wearing apparel.

REVOLVING SIGN

A sign that revolves 360° (6.28 rad) about an axis. See also "Animated sign, mechanically activated."
[Ord. 554, 12/17/2014, § III]

RIGHT-OF-WAY

Land reserved for use as a street or for other public purpose.

SANITARY LANDFILL

A place used for the disposal of solid waste materials approved by the Westmoreland County Commissioners and the Pennsylvania Department of Environmental Protection.

SIGN

Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.
[Ord. 554, 12/17/2014, § III]

SIGN AREA

The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50% of the sum of the area of all faces of the sign.

[Ord. 554, 12/17/2014, § III]

SIGN COPY

Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

[Ord. 554, 12/17/2014, § III]

SIGN FACE

The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

[Ord. 554, 12/17/2014, § III]

SIGN STRUCTURE

Any structure supporting a sign.

[Ord. 554, 12/17/2014, § III]

SPECIAL EXCEPTION

A modification of the regulations of this chapter which the Board is permitted to authorize in specific instances listed in this chapter, under the terms, procedures, and conditions prescribed herein. See § 27-510.

STREET

Includes street, road, lane, alley, court, either intended for public or private use and shall include the cartway, sidewalk, gutter or right-of-way area, whether or not such street, or any part thereof, is owned by others.

[Ord. 554, 12/17/2014, § III]

STRUCTURE

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

TELECOMMUNICATIONS TOWER

A tower, pole or similar structure that supports cellular or telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed or on a building or other structure.

TEMPORARY SIGN

A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

[Ord. 554, 12/17/2014, § III]

TOWNHOUSE

A residential structure containing four or more attached single-family dwelling units. Unlike row dwellings, each dwelling unit has a recorded lot in addition to a vested interest in common open space. The structure may be one or two stories in height. See "dwelling, row."

TRAILER TRAVEL (RELATED CAMPING AND RECREATIONAL EQUIPMENT)

Camping and recreational equipment shall include travel trailer, pickup coach, motorized home, boat and boat trailer, as defined below:

- A. A travel trailer is a vehicular, portable structure mounted on a chassis and designed for temporary (short term) occupancy for travel, recreation and vacation purposes; permanently identified as a travel trailer by the manufacturer of the trailer; and, when factory equipped for the road, having a body width not exceeding eight feet and provided its gross weight does not exceed 4,500 pounds or any weight provided its body length does not exceed 17 feet.
- B. A pick-up coach is a structure designed primarily to be mounted on a pick-up or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation use.

- C. A motorized home is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle which is usually used for camping or vacation purposes.
- D. A boat is a vessel not exceeding 20 feet in length and designed to travel on water.
- E. A boat trailer is a trailer designed to haul a boat as defined above.

USE

The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

VARIANCE

A variance is a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this chapter, a variance shall be authorized only for the height, area and size of a structure or the size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning district of adjoining districts. See § 27-509.

VEHICLE, NOT IN RUNNING CONDITION

Any vehicle, which by routine inspection can be determined to be seriously or permanently disabled, abandoned or in process of being dismantled, shall be considered to be not in running condition. The absence of a currently valid license or inspection sticker shall be deemed evidence that a vehicle is not in running condition. A vehicle not in running condition for more than 60 days is not considered to be an accessory use.

ZONING DISTRICT MAP

A map indicating the zoning districts of the Borough, together with all amendments thereto subsequently adopted.

§ 27-602. Definitions Applicable to Oil and Gas Operations.

[Ord. 315, 9/11/1974; as added by Ord. 539, 12/5/2012, § III]

The following words, terms and phrases, when used in this chapter in relation to oil and gas operations, unless the context clearly indicates otherwise, shall have and be defined as the same appear in the definitions as set forth in current lawful provisions of Act 13 of 2012. Any word, term or phrase hereafter set forth which is also defined in this chapter which relate to matters not involving oil and gas operations, shall continue to be defined, construed and interpreted by such other definitions. It is the intent of Borough Council that the words, terms and phrases contained in this section shall only apply to matters relating to oil and gas operations.

ABANDONED WELL

Any of the following:

- (1) A well:
 - (a) That has not been used to produce, extract or inject any gas, petroleum or other liquid within the preceding 12 months.
 - (b) For which equipment necessary for production, extraction or injection has been removed.
 - (c) Considered dry and not equipped for production within 60 days after drilling, re-drilling or deepening.
- (2) The term does not include wells granted inactive status.

ADDITIVE

A hydraulic fracturing chemical.

AGRICULTURAL ZONING DISTRICT

The same meaning as such term is used in current lawful provisions Act 13 of 2012. The following Borough Zoning Districts shall for the specific purposes of this amendment of this chapter be considered "Agricultural Zoning Districts": "A-1" District.

ALTERATION

An operation which changes the physical characteristics of a well bore, including stimulation or removing, repairing or changing the casing. For the purpose of this chapter only, the term does not include:

- (1) Repairing or replacing of the casing if the activity does not affect the depth or diameter of the well bore, the use or purpose of the well does not change and the activity complies with regulations promulgated under this chapter, except that this exclusion does apply:
 - (a) To production casings in coal areas when the production casings are also the coal protection casings.
 - (b) When the method of repairing or replacing the casing would affect the coal protection casing.
- (2) Stimulation of a well.

BOARD

The Oil and Gas Technical Advisory Board.

BRIDGE

An obstruction placed in a well at any depth.

BUILDING

An occupied structure with walls and roof within which persons live or customarily work.

CASING

A string or strings of pipe commonly placed in wells drilled for natural gas or petroleum.

CEMENT OR CEMENT GROUT

Any of the following:

- (1) Hydraulic cement properly mixed with water only.
- (2) A mixture of materials adequate for bonding or sealing of well bores as approved by regulations promulgated under this chapter.

CHEMICAL

Any element, chemical compound or mixture of elements or compounds that has its own specific name or identity, such as a chemical abstract service number.

CHEMICAL DISCLOSURE REGISTRY

The chemical registry website developed by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission or their successor organizations.

CHEMICAL FAMILY

A group of chemicals that share similar chemical properties and have a common general name.

COAL MINE

Any of the following:

- (1) Operations in a coal seam, including excavated portions, abandoned portions and places actually being worked.
- (2) Underground workings and shafts, slopes, tunnels and other ways and openings, including those which are in the course of being sunk or driven, along with all roads and facilities connected with them below the surface.

COAL OPERATOR

A person that operates or proposes to operate a coal mine as an owner or lessee.

COMMISSION

The Pennsylvania Public Utility Commission.

COMPLETION OF A WELL

The date after treatment, if any, that the well is properly equipped for production of oil or gas, or, if the well is dry, the date that the well is abandoned.

DEPARTMENT

The Department of Environmental Protection of the commonwealth.

DRILLING

The drilling or re-drilling of a well or the deepening of an existing well.

ENVIRONMENTAL ACTS

All statutes enacted by the commonwealth relating to the protection of the environment or the protection of public health, safety and welfare, that are administered and enforced by the department or by another commonwealth agency, including an independent agency, and all federal statutes relating to the protection of the environment, to the extent those statutes regulate oil and gas operations.

FRESH GROUNDWATER

Water in that portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials.

GAS

Any of the following:

- (1) A fluid, combustible or noncombustible, which is produced in a natural state from the earth and maintains a gaseous or rarified state at standard temperature of 60° F. and pressure 14.7 PSIA.
- (2) Any manufactured gas, by-product gas or mixture of gases or natural gas liquids.

HEALTH PROFESSIONAL

A physician, physician assistant, nurse practitioner, registered nurse or emergency medical technician licensed by the commonwealth.

HYDRAULIC FRACTURING CHEMICAL

Any chemical substance or combination of substances, including any chemicals and proppants, that is intentionally added to a base fluid for purposes of preparing a stimulation fluid for use in hydraulic fracturing.

IMPOUNDMENT AREA

The same meaning as such term is used in Act 13 of 2012, including as used in 58 Pa.C.S.A. § 3304 and more specifically shall mean a water and other fluid storage or impoundment area used exclusively for oil and gas operations.

INACTIVATE

To shut off the vertical movement of gas in a gas storage well by means of a temporary plug or other suitable device or by injecting bentonitic mud or other equally nonporous material into the well.

INDUSTRIAL USES

The same meaning in this chapter as the term "industrial uses" is used in current lawful provisions of Act 13 of 2012; and, without limiting the foregoing, shall include the following specific uses provided for in this chapter under the listing of uses in the two Industrial Zoning Districts (L-1):

- (1) All uses identified as permitted uses, conditional uses and special exceptions in the above Zoning District.

INDUSTRIAL ZONING DISTRICT

The same meaning as such term is used in the current lawful provisions of Act 13 of 2012. The following Borough Zoning District for the purposes of this chapter shall be considered "Industrial Zoning Districts": L-1 District.

LINEAR FOOT

A unit or measurement in a straight line on a horizontal plane.

MPC

The act of July 31, 1968 (P.L. 805, No. 247), known as the Pennsylvania Municipalities Planning Code.

NATURAL GAS

A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, and possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as associated gas or casing head gas, natural gas fields known as nonassociated gas, coal beds, shale beds and other formations. The term does not include coal bed methane.

NATURAL GAS COMPRESSOR STATION

The same meaning as such term is used in Act 13 of 2012, including in 58 Pa.C.S.A. §§ 3301 — 3309.

NATURAL GAS LIQUIDS

Hydrocarbons in natural gas which are separated from the gas as liquids through the process of absorption, condensation, adsorption or other methods in gas processing of cycling plants.

NATURAL GAS PROCESSING PLANT

The same meaning as such term is used in Act 13 of 2012, including in 58 Pa.C.S.A. §§ 3301 — 3309.

OCCUPIED BUILDING

For the specific purposes of this chapter mean, consistent with the definition of "building" pursuant Act 13 of 2012 (58 Pa.C.S.A. § 3203), an occupied structure with walls and roof within which persons live or customarily work.

OIL

Hydrocarbons in liquid form at standard temperature of 60° F. and pressure 14.7 PSIA, also referred to as petroleum.

OIL AND GAS OPERATIONS

The term includes the following:

- (1) Well location assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth.
- (2) Water and other fluid storage or impoundment areas used exclusively for oil and gas operations.
- (3) Construction, installation, use, maintenance and repair of:
 - (a) Oil and gas pipelines.
 - (b) Natural gas compressor stations.
 - (c) Natural gas processing plants or facilities performing equivalent functions.
- (4) Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in Subsections (1), (2) and (3), to the extent that:
 - (a) The equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant.
 - (b) The activities are authorized and permitted under the authority of a federal or commonwealth agency.

OIL AND GAS WELL OR WELL

As used in this chapter is intended to have the same meaning as the term "well" as defined in § 3203 of Act 13 of 2012, (58 Pa.C.S.A. § 3203.)

OIL AND GAS WELL SITE OR WELL SITE

As used in this chapter is intended to have the same meaning as the term "well site" as used in Act 13 of 2012, (58 Pa.C.S.A. § 3304(b)(5.1)).

OPERATING COAL MINE

Any of the following:

- (1) An underground coal mine which is producing coal or has been in production of coal at any time during the 12 months immediately preceding the date its status is put in question, including contiguous worked-out or abandoned coal mines to which it is connected underground.
- (2) An underground coal mine to be established or reestablished under Subsection (1).

OPERATING WELL

A well that is not plugged and abandoned.

OPERATOR

A well operator.

ORPHAN WELL

A well abandoned prior to April 18, 1985, that has not been affected or operated by the present owner or operator and from which the present owner, operator or lessee has received no economic benefit other than as a landowner or recipient of a royalty interest from the well.

OUTSIDE COAL BOUNDARIES

When used in conjunction with the term "operating coal mine," the boundaries of the coal acreage assigned to the coal mine under an underground mine permit issued by the Department of Environmental Protection.

OWNER

A person who owns, manages, leases, controls or possesses a well or coal property. The term does not apply to orphan wells, except where the Department of Environmental Protection determines a prior owner or operator benefitted from the well as provided in § 3220(a) of Act 13 of 2012 (relating to plugging requirements).

OWNER OF BUILDING OR ADJOINING LOT

For the purposes of this chapter shall have the same meaning as such term as used in Act 13 of 2012, (58 Pa.C.S.A. § 3304(b)).

PERMANENT OIL AND GAS OPERATIONS

As used in this chapter is intended to have the same meaning as the term "permanent oil and gas operations" as used in Act 13 of 2012, (58 Pa.C.S.A. § 3304 (b)(3)).

PERMITTED USE

A use which, upon submission of written notice to and receipt of a permit issued by a zoning officer or equivalent official, is authorized to be conducted without restrictions other than those set forth in § 3304 of Act 13 of 2012, (relating to uniformity of local ordinances).

PERSON

An individual, association, partnership, corporation, political subdivision or agency of the federal government, state government or other legal entity.

PETROLEUM

Hydrocarbons in liquid form at standard temperature of 60° F. and pressure 14.7 PSIA, also referred to as oil.

PILLAR

A solid block of coal surrounded by either active mine workings or a mined-out area.

PLAT

A map, drawing or print accurately drawn to scale showing the proposed or existing location of a well or wells.

RESERVOIR PROTECTIVE AREA

The area surrounding a storage reservoir boundary, but within 2,000 linear feet of the storage reservoir boundary, unless an alternate area has been designated by the Department of Environmental Protection, which is deemed reasonably necessary to afford protection to the reservoir, under a conference held in accordance with § 3251 of Act 13 of 2012, (relating to conferences).

RESIDENTIAL DISTRICT OR RESIDENTIAL ZONING DISTRICT

The same meaning as the term "Residential District" as used in current lawful provisions of Act 13 of 2012. The following Zoning Districts shall for the purposes of this chapter be considered "Residential Zoning Districts": R-1 District and R-2 District.

RETREAT MINING

Removal of coal pillars, ribs and stumps remaining after development mining has been completed in that section of a coal mine.

REVIEW PERIOD FOR CONDITIONAL USES

As used in this chapter is intended to have the same meaning as such phrase is used in the current lawful provisions of Act 13 of 2012, and as specifically set forth elsewhere in this chapter.

REVIEW PERIOD FOR PERMITTED USES

As used in this chapter is intended to have the same meaning as such phrase is used in the current lawful provisions of Act 13 of 2012, and as specifically set forth elsewhere in this chapter.

SECRETARY

The Secretary of Environmental Protection of the commonwealth.

STORAGE OPERATOR

A person who operates or proposes to operate a storage reservoir as an owner or lessee.

STORAGE RESERVOIR

Portion of a subsurface geological stratum into which gas is or may be injected for storage purposes or to test suitability of the stratum for storage.

UNCONVENTIONAL FORMATION

A geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

UNCONVENTIONAL WELL

A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.

WATER MANAGEMENT PLAN

A plan associated with drilling or completing a well in an unconventional formation that demonstrates that the withdrawal and use of water sources protects those sources as required by law and protects public health, safety and welfare.

WATER PURVEYOR

Any of the following:

- (1) The owner or operator of a public water system as defined in § 3 of the act of May 1, 1984, (P.L. 206, No. 43), known as the "Pennsylvania Safe Drinking Water Act."
- (2) Any person subject to the act of June 24, 1939, (P.L. 842, No. 365), referred to as the "Water Rights Law."

WATER SOURCE

- (1) Any of the following:
 - (a) Waters of this commonwealth.
 - (b) A source of water supply used by a water purveyor.
 - (c) Mine pools and discharges.
 - (d) Any other waters that are used for drilling or completing a well in an unconventional formation.
- (2) The term does not include flowback or production waters or other fluids:
 - (a) Which are used for drilling or completing a well in an unconventional formation.
 - (b) Which do not discharge into waters of this commonwealth.

WELL

A bore hole drilled or being drilled for the purpose of, or to be used for, producing, extracting or injecting gas, petroleum or another liquid related to oil or gas production or storage, including brine disposal, but excluding a bore hole drilled to produce potable water. The term does not include a bore hole drilled or being drilled for the purpose of, or to be used for:

- (1) Systems of monitoring, producing or extracting gas from solid waste disposal facilities, if the bore hole is a well subject to the Act of July 7, 1980, (P.L. 380, No. 97), known as the "Solid Waste Management Act," which does not penetrate a workable coal seam.
- (2) Degasifying coal seams, if the bore hole is:
 - (a) Used to vent methane to the outside atmosphere from an operating coal mine; regulated as part of the mining permit under the Act of June 22, 1937, (P.L. 1987, No. 394), known as the "Clean Streams Law," and the Act of May 31, 1945, (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act"; and drilled by the operator of the operating coal mine for the purpose of increased safety.

- (b) Used to vent methane to the outside atmosphere under a federally-funded or state-funded abandoned mine reclamation project.

WELL AND PIPELINE LOCATION ASSESSMENT OPERATIONS

The same meaning as such term is used in Act 13 of 2012, including in 58 Pa.C.S.A. § 3304.

WELL CONTROL EMERGENCY

An incident during drilling, operation, workover or completion that, as determined by the department, poses a threat to public health, welfare or safety, including a loss of circulation fluids, kick, casing failure, blowout, fire and explosion.

WELL CONTROL SPECIALIST

Any person trained to respond to a well control emergency with a current certification from a well control course accredited by the International Association of Drilling Contractors or other organization approved by the department.

WELL OPERATOR

Any of the following:

- (1) The person designated as operator or well operator on the permit application or well registration.
- (2) If a permit or well registration was not issued, a person who locates, drills, operates, alters or plugs a well or reconditions a well with the purpose of production from the well.
- (3) If a well is used in connection with underground storage of gas, a storage operator.

WETLAND

Areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and which normally support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WORKABLE COAL SEAMS

A coal seam which:

- (1) Is actually being mined in the area in question under this chapter by underground methods.
- (2) In the judgment of the Department of Environmental Protection, can reasonably be expected to be mined by underground methods.

Part 7. SIGNS

§ 27-701. Permits.

[Ord. 554, 12/17/2014, § I]

1. **Sign Permit.** An application for a sign permit must be obtained from the Zoning Officer. No sign shall be installed without an approved application and receiving a permit.
2. **Application Submission.** Submission for approval shall include: a verification of receipt of this part, and a sketch of the proposed sign including location as relating to building, size, material and method of construction, lettering, colors, and the sketch should display a quality that reflects the quality of the finished sign. All applicable fees shall accompany the application as adopted by the Council of Manor Borough.
3. **Decision.** The Zoning Officer shall have five business days from the time of application to examine the site and determine if the sign meets all requirements. The Zoning Officer may reject a sign permit if in his opinion the application does not comply with all requirements of this part or the construction is inadequate. The Zoning Officer may not approve an application if the property is in violation of the terms of any other ordinances.
4. **Approval.** In the event the Zoning Officer approves the application, the applicant will be issued a temporary sign permit. This permit will allow the applicant to proceed with the sign installation. The temporary sign permit will expire six months after the date of issuance. If the temporary permit expires, the application continues to comply with this part, and the applicant elects to reapply, within 30 days, without any changes, the application fee must be paid again and a new temporary permit may be issued. Upon completion of the installation, the applicant must request a final inspection from the Zoning Officer. If the sign is installed in accordance with this part and meets all requirement as set forth from the application, a final sign permit will be issued. In the event the sign is not in accordance with this part, the Zoning Officer shall notify the applicant in writing, and the applicant will have five days from the date of the notice to rectify the insufficiency. Should the sign continue to be in violation of this part, the sign must be completely removed. If the applicant fails to remove the sign or rectify the insufficiencies within the five days, penalties shall apply as set forth further in this chapter.
5. **Appeal.** In the event the Zoning Officer refuses the applicant, the applicant may appeal to the Zoning Hearing Board. An application to appeal to the Zoning Hearing Board must be applied for, applicable fees will apply, and there shall be no guarantee of approval.
6. **Exemption.** Exempt from a permit shall be real estate, construction, and political signs, as hereinafter defined.

§ 27-702. Signs Permitted in All Districts.

[Ord. 554, 12/17/2014, § I]

1. Real Estate Signs.

- A. Signs which advertise a property "For Sale," "For Lease," "For Rent," which do not exceed three feet by three feet/nine square feet total in size.
- B. Temporary directional signs which do not exceed six square feet.
- C. Signs may not be placed in such a manner as to restrict sight distance at any intersection, driveway, public or private access.
- D. No sign may encroach into any right-of-way.
- E. No sign may be closer than 10 feet from a neighboring property line.
- F. No sign may be closer than 10 feet from any right-of-way (except when an existing building is closer than 10 feet from a right-of-way, the sign may be erected to the same distance as the building. However, the sign may not be closer to the right-of-way than the existing building. (Example: If the building is five feet from the right-of-way, the sign may not be closer than five feet from the right-of-way.)

2. Political Signs.

- A. Political signs shall be permitted and may be erected 30 days prior to election, and must be removed within five days following the election.
- B. Signs may not be erected without the permission of the landowner.
- C. Signs may not exceed three feet by three feet or nine square feet total in size.
- D. Signs may not be placed in such a manner as to restrict sight distance at any intersection, driveway, public or private access.
- E. No sign may encroach into any right-of-way.
- F. No sign may be closer than 10 feet from a neighboring property line.
- G. No sign may be closer than 10 feet from any right-of-way. (Except when an existing building is closer than 10 feet from a right-of-way, the sign may be erected to the same distance as the building. However, the sign may not be closer to the right-of-way than the existing building. Example: If the building is five feet from the right-of-way, the sign may not be closer than five feet from the right-of-way.)

3. Bulletin Boards.

- A. Bulletin boards/signs shall be permitted for churches, schools, libraries, private or semi-private clubs, and community buildings may post bulletin boards for the announcements of events, in so much as not to exceed three feet by three feet/nine square feet total in size.
- B. Signs may be erected 30 days prior to the event, and must be removed within five days following the end date of the event.
- C. Signs may not be placed in such a manner as to restrict sight distance at any intersection, driveway, public or private access.
- D. No sign may encroach into any right-of-way.
- E. No sign may be closer than 10 feet from a neighboring property line.
- F. No sign may be closer than 10 feet from any right-of-way. (Except when an existing building is closer than 10 feet from a right-of-way, the sign may be erected to the same distance as the building. However, the sign may not be closer to the right-of-way than the existing building. Example: If the building is five feet from the right-of-way, the sign may not be closer than five feet from the right-of-way.)

4. Construction Signs.

- A. A construction sign may be placed on a site to announce the building, or subdivision, with the name of same, along with any contractors, suppliers, lending institution, and the alike.
- B. Signs shall not exceed 36 square feet total.
- C. Signs shall not be placed prior to receiving building permits, and must be removed upon completion of the building construction.
- D. Signs may not be placed in such a manner as to restrict sight distance at any intersection, driveway, public or private access.
- E. No sign may encroach into any right-of-way.

- F. No sign may be closer than 10 feet from a neighboring property line.
 - G. No sign may be closer than 10 feet from any right-of-way. (Except when an existing building is closer than 10 feet from a right-of-way, the sign may be erected to the same distance as the building. However, the sign may not be closer to the right-of-way than the existing building. Example: If the building is five feet from the right-of-way, the sign may not be closer than five feet from the right-of-way.)
5. Agricultural Public Sales Signs.
- A. When a site is permitted by the Borough for the sale of agricultural produce, temporary signs may be placed during business hours, and must be removed following the close of each business day.
 - B. Such sign may not exceed three feet by three/nine square feet total in size.
 - C. Signs may not be placed in such a manner as to restrict sight distance at any intersection, driveway, public or private access.
 - D. No sign may encroach into any right-of-way.
 - E. No sign may be closer than 10 feet from a neighboring property line.
 - F. No sign may be closer than 10 feet from any right-of-way. (Except when an existing building is closer than 10 feet from a right-of-way, the sign may be erected to the same distance as the building. However, the sign may not be closer to the right-of-way than the existing building. Example: If the building is five feet from the right-of-way, the sign may not be closer than five feet from the right-of-way.)

§ 27-703. Signs Permitted in Business and Light Industrial.

[Ord. 554, 12/17/2014, § I]

1. Building-Mounted Signs. Building-mounted signs shall not exceed one square foot of sign face for each lineal front foot of the building based on your property's store/business frontage, with a maximum of 100 square feet of signage combined for all businesses. Therefore, in order to determine the maximum size of the sign(s), the front footage along the building where the sign will be installed shall be measured, and in the situation of a corner lot, the larger of the two sides will be measured. The sign must be secured directly to the building and all lettering and sign material must be of a professional nature.
2. Pole and Freestanding Signs. Pole and freestanding signs may not exceed 25 feet in height. Maximum sign face shall be 100 square feet. There shall be only one freestanding sign for each building regardless of the number of business establishments within the building/structure. The sign must be securely bolted or welded to the pole or poles, and all lettering and sign material must be of a professional nature. No part of the sign will be permitted to extend into the right-of-way or street. The minimum clearance under the sign shall be seven feet if there is no vehicular or pedestrian traffic below the sign, and 14 feet in traffic may travel below the sign.

No additional signs of any kind are to be added to the permanent pole and freestanding signs at any time. Only the signage that was approved by the original permit is to be on the permanent pole and freestanding sign poles.

§ 27-704. Signs Permitted in Central Business District (CBD) Only.

[Ord. 554, 12/17/2014, § I]

1. Electronic/Digital Signs.
 - A. Restricted to a frequency of timing minimum (at least) 15 seconds between changing of messages on any electronic messaging signs.
 - B. When changeable lighting is utilized to create the sign face, such lighting shall automatically adjust the light levels of the sign face to account for the ambient lighting so as not to create significant glare or a measurable footcandle level of 0.5 or greater, as such level is measured at the road right-of-way line.
 - C. Brightness and coloring of the messaging limitations shall be preset to the brightness, hold time and transition settings mandated by this part. In addition, the coloring of the messages being displayed cannot be of any coloring that can be inferring or misconstrued with any municipal or official coloring (i.e., police, fire, emergency vehicles, etc.).
 - D. Any electronic or digital signs may not exceed 25 feet in height. Maximum sign face shall be 100 square feet. There shall be only one freestanding sign for each building regardless of the number of business establishments within the building/structure. The sign must be securely bolted or welded to the pole or poles, and all lettering and sign material must be of a professional nature. No part of the sign will be permitted to extend into the right-of-way or street. The minimum clearance under the sign shall be seven feet if there is no vehicular or pedestrian traffic below the sign, and 14 feet in traffic may travel below the sign.
 - E. No additional signs of any kind are to be added to the permanent pole and freestanding signs at any time. Only the signage that was approved by the original permit is to be on the permanent pole and freestanding sign poles.

§ 27-705. Banner Signs, Yard Signs, and Inflatable Structures.

[Ord. 554, 12/17/2014, § I]

1. Banners (Family, Holiday, School, Etc.) — Birthday, Birth, Other Special Occasions:
 - A. Banner signs are allowed to be up for a maximum of two weeks.
 - B. They are not to exceed three feet by three feet/nine feet total in sizing.
 - C. No sign may encroach into any right-of-way.
 - D. No sign may be closer than 10 feet from a neighboring property line.
 - E. When an existing building is closer than 10 feet from a right-of-way, the sign may be erected to the same distance as the building; however, the sign may not be closer to the right-of-way than the existing building. Example: If the building is five feet from the right-of-way.
 - F. No sign permit shall be granted if the sign obstructs vehicular site distance or traffic, or pedestrian walkways.
2. Yard Signs — School Sports, General Sports, Holiday, Etc.
 - A. Yard Signs are only allowed to be erected during the school year (from August through June).
 - B. They are not to exceed three feet by three feet/nine feet total in sizing.
 - C. No sign may encroach into any right-of-way.
 - D. No sign may be closer than 10 feet from a neighboring property line.
 - E. No sign may be closer to a neighboring property line than the height of the sign from the ground to the top of the sign. Example: A sign 15 feet in height must be 15 feet from a neighboring property line.
 - F. No sign may be closer than 10 feet from any right-of-way.
 - G. When an existing building is closer than 10 feet from a right-of-way, the sign may be erected to the same distance as the building; however, the sign may not be closer to the right-of-way than the existing building. Example: If the building is five feet from the right-of-way.
 - H. No sign permit shall be granted if the sign obstructs vehicular site distance or traffic, or pedestrian walkways.
3. Inflatable Structures — Personal Events and Holidays.
 - A. Are only allowed to be erected/put up 30 days prior to the holiday/event, and must be removed within five days following the end of the holiday/event. Example: If an inflatable yard decoration is being used for Fourth of July, it may be erected/put up no earlier than June 4 and must be removed no later than July 9. However, there will be an extended removal time for some holidays, such as Christmas/New Year's, which will allow them to remain up until no later than January 6.
 - B. They are not to exceed three feet by three feet/nine feet total in size.
 - C. No sign may encroach into any right-of-way.
 - D. No sign may be closer than 10 feet from a neighboring property line.
 - E. No sign may be closer to a neighboring property line than the height of the sign from the ground to the top of the sign. Example: A sign 15 feet in height must be 15 feet from a neighboring property line.
 - F. No sign may be closer than 10 feet from any right-of-way.
 - G. When an existing building is closer than 10 feet from a right-of-way, the sign may be erected to the same distance as the building; however, the sign may not be closer to the right-of-way than the existing building. Example: If the building is five feet from the right-of-way.
 - H. No sign permit shall be granted if the sign obstructs vehicular site distance or traffic, or pedestrian walkways.

§ 27-706. Prohibited Signs.

[Ord. 554, 12/17/2014, § I]

1. Banner Signs (exception as listed above in § **27-705**, Subsection 1A). Also, an exception to this section would be when displaying a banner sign as a grand opening of, or a significant change in a business. These "business exception" banner signs would still have to adhere to all other regulations and restrictions of allowed banner signs within the Borough.
2. Wheeled and/or portable signs of any kind are not permitted at any time.
3. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:

- A. The primary purpose of such a vehicle or trailer is not the display of signs.
 - B. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - C. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
4. Signs painted or structures, fences, walls, or poles. Except in business windows, and painted or adhered in a professional manner. No vehicles, trucks, trailers or mobile homes with advertising may be parked in such a manner to promote advertising.
 5. Temporary "A" frame signs unless placed within 10 feet of the entrance door into the business, and is not within sidewalks, public walkways, rights-of-way, or otherwise deter vehicular or foot paths of any kind, or to any other business.
 6. Overhanging signs of any kind.
 7. Signs which revolve, blink, flash or are animated by lighting in any fashion that cause such signs to have the appearance of traffic safety signs or lights, or municipal vehicle warnings from a distance.
 8. Signs of any kind which are not specifically described and/or authorized by this part.

§ 27-707. Exempt Signs.

[Ord. 554, 12/17/2014, § I]

1. Government agency installed signs.
2. Memorial or historical permanent displays and plaques.
3. Building-mounted street numbers and names.
4. Official notices authorized by a court, public body or public safety official.
5. The flag of a government or noncommercial institution, such as a school.
6. Signs exempt pursuant to other sections of this chapter.

§ 27-708. Outdoor Advertising Signs and Structures.

[Ord. 554, 12/17/2014, § I]

1. Outdoor advertising signs and structures shall be permitted as a conditional use and only in the Light-Industrial Zoning District, subject to all of the following requirements:
 - A. Outdoor advertising structures shall not be erected with 500 feet of the boundary line of any Residential Zoned District or within 500 feet of any public or private school, church or cemetery, said 500 feet being measured along the radius of a circle from the center-most point of the outdoor advertising structure extending in all directions.
 - B. Outdoor advertising structures shall maintain a lateral minimum spacing between any existing or proposed outdoor advertising structure of 1,000 feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the billboard structure along a line extending from the center-most point of the outdoor advertising structure which is parallel to the center line of the roadway to which the outdoor advertising structure is oriented.
 - C. No outdoor advertising structure shall be located closer than 10 feet to any public street right-of-way.
 - D. The minimum side and rear yard requirements applying to a principal structure as set forth within the zoning district in which the outdoor advertising structure is to be located shall apply to each outdoor advertising structure.
 - E. No outdoor advertising structure shall be erected in such a manner as to block the view from the road or street of any existing business identification sign or residential or nonresidential structure or limit or reduce the light and ventilation requirements.
 - F. No outdoor advertising structure shall be constructed within the clear sight triangle of the public street or road on which it is situated and not, in any case, obstruct or impede traffic safety.
 - G. No outdoor advertising structure shall be erected over any sidewalk or public right-of-way.
 - H. An outdoor advertising structure shall have no more than two sign faces per outdoor advertising structure, which may be placed back-to-back or in a V-shaped configuration having an interior angle of 90° or less.
 - I. The dimensions of the gross surface area of the outdoor advertising structure sign face shall not exceed 20 feet in total height or 25 feet in total length.
 - J. An outdoor advertising structure shall not exceed the maximum height for a structure in the Industrial Zoning District in which it is located.

- K. Outdoor advertising structures shall be constructed in accordance with applicable provisions of the Pennsylvania Uniform Construction Code, as amended.
- L. An outdoor advertising structure with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum foot candle of 1.5 upon the adjoining property.
- M. No outdoor advertising structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazards to persons, traffic, aircraft or the use of other properties.

§ 27-709. Setback Requirements.

[Ord. 554, 12/17/2014, § I]

1. No sign may encroach into any right-of-way.
2. No sign may be closer than 10 feet from a neighboring property line.
3. No sign may be closer to a neighboring property line than the height of the sign from the ground to the top of the sign. Example: A sign 15 feet in height must be 15 feet from a neighboring property line.
4. No sign may be closer than 10 feet from any right-of-way (except as stated in Subsection 5).
5. When an existing building is closer than 10 feet from a right-of-way, the sign may be erected to the same distance as the building; however, the sign may not be closer to the right-of-way than the existing building. Example: If the building is five feet from the right-of-way.
6. No sign permit shall be granted if the sign obstructs vehicular site distance or traffic, or pedestrian walkways.
7. Real estate and bulletin signs may encroach into the ten-foot area so long as Subsection 6 herein is complied with.

§ 27-710. Construction.

[Ord. 554, 12/17/2014, § I]

1. All building-mounted signs must be securely fastened flush to the building. No sign may extend from the building beyond the thickness of the sign.
2. All pole-mounted signs must be placed at a minimum of ratio 1:2 underground to above ground. Example: An eight-foot pole above ground must have four feet underground. However, any pole-mounted sign must withstand 100-mile-per-hour winds and shall require an engineer's calculation to establish that the pole-mounted sign will be able to withstand 100-mile-per-hour winds.
3. Base and footing of pole signs shall be detailed on the sketch drawing and must be approved by the Zoning Officer. However, the Zoning Officer may seek professional advisement from an engineer. Costs of such engineer advisement shall be the sole responsibility of the applicant.
4. All pole sign installations that disturb the current ground condition must be restored to its original ground cover or landscaping.
5. Lighting of any sign must be such that the direction of the light or candlepower is such that it does not become a nuisance to neighboring property owners, a hazard to vehicular or pedestrian traffic, or a distraction to vehicular traffic.
6. Any sign and sign structure shall comply with the provisions of the Pennsylvania Uniform Construction Code, as amended.

§ 27-711. Maintenance.

[Ord. 554, 12/17/2014, § I]

1. It shall be the owner's responsibility to maintain the sign at all times. This shall include support, wear and tear, and to keep the sign in a close condition to the permitted condition at time of final inspection by the Zoning Officer or other authorized personnel as designated by the Council of Manor Borough.
2. In the event that the Zoning Officer or other authorized personnel as designated by the Council of Manor Borough deems the sign unsafe and/or a public nuisance, the owner shall have 10 days to make repairs or remove the sign.
3. If the owner fails to make such repairs, the Borough may remove the sign at the owner's expense (as specified under § 27-712, "Liability and Insurance," and § 27-407, "Enforcement Remedies").

§ 27-712. Liability and Insurance.

[Ord. 554, 12/17/2014, § I]

1. At all times the applicant or subsequent owner shall maintain adequate insurance for public liability.

- 2. The applicant or subsequent owner shall hold harmless any employee of Manor Borough or any appointed or elected representative acting on the behalf of Manor Borough of any act, omission, or claim arising of any kind, and shall dismiss, discharge, and defend harmless any employee of Manor Borough or any appointed or elected representative acting on the behalf of Manor Borough of any such act or action related to the construction, installation, operation, and maintenance of any sign permitted under this part.

§ 27-713. Verification.

[Ord. 554, 12/17/2014, § I]

The applicant must return with the application a signed statement verifying that the applicants' knowledge of this part. Such verification shall include this language:

"I (We), the applicant for a sign permit to be constructed at _____, have received and understands the regulations and requirements as set forth in the Zoning Ordinance of Manor Borough. I (We), further understand and agree that permission to construct a sign as stated in the Zoning Ordinance permit, does not imply, attest, or denote any liabilities of Manor Borough, and fully understand § 27-712 of the Zoning Ordinance."

Applicant

Co-Applicant