

## Article 1303. Zoning Uses

### § 1303.140. Principal Uses: Residential and Lodging Uses.

[Ord. No. 1540, 6-26-2023]

Table 1303.A	
Principal Uses: Residential and Lodging Uses	
<b>Key:</b>	
P = Permitted by-Right	
SE = Permitted by Special Exception	
C = Conditional Use	
Blank Cell = Non-Permitted Use	

Uses	Mapped Zoning Districts								
	Civic District	Very Low Density Neighborhood	Low Density Neighborhood	Moderate Density Neighborhood	Neighborhood Center	Corridor District	Urban District	Town Center	Special District
	CD	R-VL	R-L	R-M	M-N	M-C	M-U	TC	SD
Assisted Living Facility					P	P	P	P	
Bed-and-Breakfast				C	C	C			
Community Residence		P	P	P	P	P			
Dwelling, Single-Family Detached		P	P	P	P	P			
Dwelling, Single-Family Semi-Attached				P	P	P			
Dwelling, Two-Family			P	P	P	P			
Dwelling, Townhouse				P	P	P			
Dwelling, Multifamily					P	P	P	P	
Halfway House					C	C	C		
Hotel/Apartment Hotel							P	P	P
Manufactured Home Community				C					
Motel						P			
Short-Term Rental					C	C	C	C	
Temporary Shelter Facility					C	C	C	C	

This category of Uses encapsulates those for residential and overnight accommodations.

- (A) Assisted Living Facility. Any Premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an Emergency or medication prescribed for self-administration.
- (B) Bed-and-Breakfast. A private residence providing temporary lodging to the public consisting of no more than 10 sleeping rooms and in which breakfast is the only meal served and is included in the lodging charge. The following Use regulations apply:

1. The residential nature of the neighborhood or the character of the Dwelling as a residence must not be altered.
  2. Kitchen facilities must comply with the requirements of the Allegheny County Health Department.
  3. Access to guest rooms must be via a main entrance, lobby, or foyer within the Building. No guest room must have a separate exterior access, except as may be required by applicable fire or building codes.
  4. No employees who are not otherwise eligible to be a member of the same household with the Owner of the Bed-and-Breakfast may live On-Site.
  5. A Bed-and-Breakfast may have a Sign in accordance with Article 1305 of this Part.
  6. Off-street parking requirements must comply with the Parking And Loading Standards of the Town Subdivision and Land Development Ordinance (Part 11 on the Town Municipal Code).
- (C) Community Residence. A Single-Family Dwelling Unit occupied on a relatively permanent basis in a family-like environment by a group of unrelated Persons with Disabilities plus paid professional support staff provided by a sponsoring agency, either living with the residents on a twenty-four-hour basis, or present whenever residents with disabilities are present at the dwelling. A Community Residence must be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the Town prior to beginning the Use. A Community Residence includes Group Home and Recovery Community Uses as defined below. The maximum capacities for each shall be the total number of residents who are permitted to reside in Community Residence at any time.
1. Group Home. A Single-Family Dwelling Unit occupied as a single housekeeping unit in a family-like environment by Persons with Disabilities plus support staff. Residents are supervised by a sponsoring entity or its staff which furnishes habilitative services to the group home residents. A Group Home is owned or operated under the auspices of a nonprofit association, private care provider, government agency, or other legal entity, other than the residents themselves or their parents or other individuals who are their legal guardians. Interrelationships between residents are an essential component of a group home. A group home imposes no time limit on how long an individual can reside in the group home. A Group Home is a relatively permanent living arrangement where tenancy is measured in years.
  2. Recovery Community. A temporary residential living arrangement for Persons leaving an institutional setting and in need of a supportive living arrangement to readjust to living outside the institution. Interrelationships between residents is an essential component of a Halfway House. Residency is limited to a specific number of weeks or months. Residents are receiving therapy and counseling from support staff who are present when residents are present to help them recuperate from the effects of drug or alcohol addiction.
- (D) Dwelling. A Building containing one or more Dwelling Units. The term Dwelling or any phrase including Dwelling does not include Hotel, Rooming House and Boardinghouse, Hospital, or other accommodations used for transient occupancy.
1. Single-Family Detached Dwelling. A Building used by one Family, having only one Dwelling Unit, and surrounded by open space or Yards and which is not attached to any other Dwelling by any means. Only one Single-Family Detached Dwelling is permitted for each legally subdivided Lot.
  2. Single-Family Semi-Attached Dwelling. One of two Buildings arranged or designed as a Dwelling, located on Abutting Lots, and separated from each other by a solid partition, without openings, extending from the Basement floor to the highest portion of the Roof along the dividing Lot Line and separated from any other Building or Structure by space on all sides.
  3. Two-Family Dwelling. A Building located on one Lot containing not more than two Dwelling Units, arranged one above the other or side by side, and not occupied by more than two Families.
  4. Townhouse Dwelling. One of a series of a minimum of three and a maximum of eight attached Dwelling Units separated from one another by continuous vertical solid partitions without opening from Basement floor through the Roof.
  5. Multifamily Dwelling. A Building containing three or more Dwelling Units and occupied by three or more Families.
- (E) Halfway House. A temporary residential living arrangement for persons leaving an institutional setting and in need of a supportive living arrangement to readjust to living outside the institution. Interrelationships between residents is an essential component of a Halfway House. Residency is limited to a specific number of weeks or months. Residents are receiving therapy and counseling from support staff who are present when residents are present, for one or more of the following purposes:
1. To help them reenter society while housed under supervision while under the constraints of alternatives to imprisonment including, but not limited to, prerelease, work release, or

- probationary programs (not a Disability).
2. To help Persons with family or school adjustment problems that require specialized attention and care to achieve personal independence (not a Disability).
- (F) Hotel/Apartment Hotel. A facility offering temporary lodging to the public consisting of 10 or more sleeping rooms with a bathroom for each room and providing daily room cleaning services and other guest services. In-room kitchen facilities may or may not be provided. Secondary service Uses may also be provided, such as restaurants and meeting rooms. This Use includes Apartment Hotel, which is a Hotel where at least 50% of the Gross habitable Floor Area is used by permanent residents. The following Use regulations apply:
1. A private lobby shall be included.
  2. Rooms shall be accessed from the interior of the Building, including from interior courtyards, lobbies, or halls.
- (G) Manufactured Home Community. A parcel or contiguous parcels of land that has been so designed and improved that it contains three or more Manufactured Home spaces for the placement thereon of Manufactured Homes. A Manufactured Home Community shall be developed pursuant to Article 1107, Manufactured Home Park Standards of the Town Subdivision and Land Development Ordinance (Part 11 of the Town Municipal Code).
- (H) Motel. A Building or group of Buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate exterior entrances, and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. Motel includes Buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.
- (I) Short-Term Rental. A Principal Use of a Dwelling Unit where, for compensation, temporary lodging is provided for transient guests for less than 30 consecutive days and meals are not provided. This Use does not include Hotel/Apartment Hotel, Motel, or Bed-and-Breakfast. The following Use regulation apply:
1. Permit Required.
    - a. A Zoning Permit or Certificate of Use is required for a Short-Term Rental Use the same as any other Principal Use. Operation of a Short-Term Rental without a Zoning Permit or Certificate of Use is a violation of this Part.
    - b. Permit Application Requirements. In addition to the permit requirements of § 1301.220, Short-Term Rental permit applications must contain the following information:
      - (1) The name, address, telephone number, and email address of the Owner.
      - (2) The name, address, and twenty-four-hour telephone number of the designated Local Property Representative.
      - (3) Floor plan identifying rooms on all floors, specific location of bedrooms, and location of any pools labeled as either in-ground or aboveground.
      - (4) The total number of bedrooms.
      - (5) If the Building is a multiunit Structure, the total number of Dwelling Units in the Structure and the number of Dwelling Units being used as Short-Term Rentals.
      - (6) A diagram or aerial photograph showing the location and number of On-Site parking spaces.
      - (7) Copy of current permit or certificate identifying that the Short-Term Rental Owner is registered with the Allegheny County Treasurer's Office to collect Hotel Room Rental Tax.
      - (8) Copy of current Pennsylvania Sales and Use Tax Permit or signed attestation that a third party collects this on behalf of the Short-Term Rental Owner.
      - (9) Signatures of the Owner and the designated Local Property Representative.
      - (10) By signing the Short-Term Rental application, the Owner gives authorization to the Town to enter onto the property to inspect and ensure compliance with this Part and all applicable ordinances and regulations administered and enforced by the Town.
      - (11) Written notice to an applicable homeowners' association, indicating the intent to make the application for Use of the subject residential property for a Short-Term Rental, when applicable.
    - c. A separate Short-Term Rental Zoning Permit or Certificate of Use is required for each Dwelling Unit being rented as a Short-Term Rental.
  2. Operating Standards.

- a. **Local Property Representative.** The Property Owner must designate a Local Property Representative. The name, address, and telephone number of the Property Owner and Local Property Representative must be kept on file at the Town. The local property representative must be available 24 hours per day, seven days per week, for the following purposes:
  - (1) To respond within one hour to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Rental.
  - (2) To take remedial action to resolve any such complaints.
  - (3) Failure to provide the contact information, failure to keep the contact information current, failure to respond in a timely manner to complaints, or the occurrence of repeated complaints may result in the suspension or revocation of approval or civil or criminal penalties.
- b. **Occupancy.** Maximum daytime and overnight occupancy of the Short-Term Rental must be based on the UCC standards. The Property Owner or Local Property Representative must be responsible for ensuring that the Dwelling Unit is in conformance with its maximum occupancy.
- c. **Restrictions on Use.** A renter may not Use a Short-Term Rental for a purpose not incidental to its Use for lodging or sleeping purposes. This restriction includes using the rental for a wedding, banquet, reception, bachelor or bachelorette party, concert, fundraiser, sponsored event, or any similar group activity.
- d. **Parking.** Outdoor parking for overnight and day guests shall be limited to available parking areas on the Short-Term Rental property. Parking for Short-Term Rental guests shall not include any lawns or vegetated areas or spaces in any Right-of-Way.
- e. **Overnight occupancy of recreational vehicles, camper trailers, and tents at the property where the Short-Term Rental is located is prohibited. Outdoor overnight sleeping of occupants or guests of the Short-Term Rental is prohibited.**
- f. **Signage.** No outdoor Signs related to the rental of the Dwelling Unit are permitted on the site.
- g. **Informational Packet.** A packet of information must be provided to renters and posted conspicuously in the common area of the Short-Term Rental summarizing guidelines and restrictions applicable to the Short-Term Rental Use, including:
  - (1) The physical Street address of the property.
  - (2) The maximum number of occupants permitted to stay in the Dwelling Unit and the maximum number of day guests permitted at any one time.
  - (3) Applicable noise and Use restrictions.
  - (4) Location of designated off-street parking and maximum number of vehicles allowed.
  - (5) The trash pick-up day and notification that trash and refuse must not be left or stored outside of designated receptacles on the exterior of the property.
  - (6) The name of the Owner of the unit and or the Local Property Representative and a telephone number at which that party can be reached on a twenty-four-hour basis.
  - (7) Evacuation routes.
  - (8) The renter's responsibility not to trespass on private property or to create disturbances.
  - (9) Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Town Municipal Code, including parking and occupancy limits.
  - (10) Notification that Short-Term Rental occupants and guests are required to make the property available for inspection by the Town upon request.
- h. **A copy of the Town Short-Term Rental Permit must be posted within the Dwelling Unit.**
- i. **Insurance.** The Property Owner shall maintain on file at the Town an up-to-date certificate of insurance documenting that the dwelling is insured as a short-term or vacation rental.
- j. **Short-Term Rental occupants or guests shall not engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or Person by loud, unusual, or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.**
- k. **The Owner or Local Property Representative shall use best efforts to assure that the occupants or guests of the Short-Term Rental do not create unreasonable noise or**

disturbances, engage in disorderly conduct, or otherwise violate provisions of the Town Municipal Code or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding Short-Term Rentals and responding when notified that occupants are violating laws, ordinances, or regulations regarding their occupancy.

- l. The Owner or Local Property Representative shall, upon notification that occupants or guests of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct, or otherwise violated provisions of the Town Municipal Code or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.
  - m. A Short-Term Rental shall not have any outside appearance indicating a change of Use.
  - n. Fireworks and floating lanterns are prohibited.
  - o. Subleasing all or a portion of the Dwelling Unit is prohibited.
- (J) Temporary Shelter Facility. A public or nonprofit facility providing temporary, Emergency housing, and social, health, and related services for families or individuals 18 years of age or older, who are without resources and access to shelter. The following regulations apply:
1. The Use shall only be operated by or in conjunction with a governmental, nonprofit, welfare or charitable service.
  2. The maximum number of residents of the lodging shall be based upon a ratio of one Person for every 50 square feet of interior space devoted to sleeping area, not to exceed 100 residents.
  3. The facility shall have staffing On-Site during all hours of operation.
  4. At least one toilet and shower must be provided for every 15 shelter beds.
  5. New Temporary Shelter Facilities shall not be located within 2,000 feet of another Temporary Shelter, or a Community Home, Halfway House, Medical Clinic, Hospital, School, or Park.
  6. The Temporary Shelter Facility must be open to the individuals it serves for 24 hours per day, including the provision of an indoor waiting area for Use by individuals when a portion of the facility is not open for operation. Lodging must be provided on a reservation or referral basis so that clients will not be required or allowed to queue for services outdoors.
  7. All functions associated with the Temporary Shelter Facility, except for children's play areas, outdoor recreation areas, and parking must take place within the Building housing the shelter.

### § 1303.160. Principal Uses: Agriculture, Forestry, and Open Space Uses.

[Ord. No. 1540, 6-26-2023]

<b>Table 1303.C</b>	
<b>Principal Uses: Agriculture, Forestry, and Open Space Uses</b>	
<b>Key:</b>	
P = Permitted by Right	
SE = Permitted by Special Exception	
C = Conditional Use	
Blank Cell = Non-Permitted Use	

	<b>Mapped Zoning Districts</b>								
	Civic District	Very Low Density Neighborhood	Low Density Neighborhood	Moderate Density Neighborhood	Neighborhood Center	Corridor District	Urban District	Town Center	Special District
	<b>CD</b>	<b>R-VL</b>	<b>R-L</b>	<b>R-M</b>	<b>M-N</b>	<b>M-C</b>	<b>M-U</b>	<b>TC</b>	<b>SD</b>
<b>Uses</b>									
Agriculture Operation		C							
Community Garden	P	P	P	P	P				P

Uses	Mapped Zoning Districts								
	Civic District	Very Low Density Neighborhood	Low Density Neighborhood	Moderate Density Neighborhood	Neighborhood Center	Corridor District	Urban District	Town Center	Special District
	CD	R-VL	R-L	R-M	M-N	M-C	M-U	TC	SD
Forestry Operation	P	P	P	P	P	P	P	P	P
Intensive Park Uses	C								
Medical Marijuana Grower/Processor							C		
Nature Preserve	P								
Outdoor Shooting Range	C								
Park	P	P	P	P	P	P	P	P	P

A category of Uses generally applicable to the Use of the land that may not require Buildings or other facilities. Such Uses may include agriculture, active or passive, public, or private, outdoor recreation, education, or entertainment.

(A) Agriculture Operation. An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting and preparation for market or use of Agricultural Commodities, and agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged on a Farm or are consistent with technological development within the agricultural industry. The following Use regulations apply:

1. A Farm shall have a minimum of five acres.
2. One residential Dwelling Unit is allowed on five acres; one additional Dwelling Unit is permitted on each additional 10 acres.
3. No large or medium size Farm Animals are permitted on less than 10 acres. Two large or medium size Farm Animals are permitted on 10 acres. Two additional large or medium size Farm Animals are permitted on each acre over 10 acres. If these limitations are exceeded as a result of a newborn, the Owner is permitted six months to adjust the number of animals in accordance with these limitations.
4. Small animals are permitted and shall be restrained by an enclosure, fence or leash run area, in the Rear Yard, not closer than 30 feet to a Lot Line and the total of these areas shall not exceed 25% of the Rear Yard.
5. For a Farm less than 10 acres, the total ground area covered by Agricultural Commodities other than large and medium size Farm Animals, but including Farm Buildings, enclosures, fences, and leashed areas, shall not exceed 50% of the Lot Area.
6. No Farm Animal or Farm Building is permitted in the Front Yard except Buildings used exclusively for On-Site sales. An On-Site sales Structure must be set back a minimum of 35 feet and off-site parking provided.
7. Required fences or leashed areas shall be set back 50 feet minimum from any Lot Line provided that enclosures, fences or Buildings for pigs, sheep or goats shall be set back 175 feet minimum. Areas planted with Agricultural Commodities shall be set back 20 feet minimum.
8. Farm Buildings, except as otherwise provided herein, shall be set back a minimum of 175 feet from any Lot Line.
9. Open manure piles or Farm Buildings storing manure shall be located, constructed and managed in strict conformance with all State and Federal regulations, including the State's Nutrient Management Act, Chapter 22, and regulations promulgated under this Act, and managed so as to prevent a direct adverse effect on the health, safety and general welfare of the surrounding area. Leachate or water runoff from the Farm must be controlled to prevent pollution of wells and State Watercourses.
10. Buffer Yards along Lot Lines adjacent to Residential Uses may be required by Council.

11. Electric fences may be approved by Council.
  12. Boarding of horses and riding academies are permitted on Farms larger than 15 acres.
  13. Direct commercial sales of Agricultural Commodities on the land or Farm is permitted, if at least 50% of the commodities sold are produced on the Farm.
  14. Storage of all Farm equipment and Farm vehicles shall be inside a Farm Building.
  15. Fence lines and pastures cannot cross streams with defined banks.
  16. Erosion and Sedimentation control regulations must be followed.
- (B) Community Garden. A space used to grow plants for personal use, education, recreation, community distribution, or beautification by local residents. Community Gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by garden members. The following Use regulations apply:
1. Requirements for Food Production.
    - a. The Site must have reliable and legal access to an on-site source of water. A water storage system for non-potable purposes is permitted.
    - b. The Site shall be operated in a manner that prevents the Drainage of water or chemicals onto any neighboring property.
    - c. Site operators shall ensure that soils are suitable for food production and shall obtain any permits for operation required by law.
    - d. Tools, supplies, and machinery shall be stored in an enclosed Structure or removed from the property daily. All chemicals and fuels shall be stored off the ground in an enclosed, locked Structure when the Site is unattended.
    - e. The Site must be maintained using organic agricultural practices, including the use of organic chemicals, when applicable. Use of pesticides must be in accordance with the Pennsylvania Pesticide Control Act of 1973 (Act of Mar. 1, 1974, P.L. 90, No. 24).
    - f. At the end of the growing season (and no later than December 15 of each year), all plant material must be cut to no more than six inches in Height, unless there is an agricultural reason for keeping the plant materials uncut.
    - g. One Sign containing the name and phone number of the primary contact Person for the Site is required. The Sign shall be designed in accordance with Article 1305, Signs, of this Part. The Sign shall be visible from the most active adjacent Street.
  2. Operating Rules. Applicants must establish operating rules addressing the governance Structure of the Community Garden, hours of operation, maintenance, assignment of garden plots when applicable, and security requirements.
  3. Garden Coordinator. Applicants must identify a garden coordinator to manage the garden and act as the point of contact with the Town. The coordinator shall be an employee or volunteer of a public entity, non-profit organization, or other community-based organization. Applicants must file the name and telephone number of the garden coordinator and a copy of the operating rules with the Zoning Officer.
- (C) Forestry Operation. The management of Forests and Woodlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any Land Development. The following Use regulations apply:
1. To encourage maintenance and management of forested or wooded open space and promote the conduct of forestry as a sound and economically viable Use of forested land and forestry activities, including, but not limited to timber harvesting, and to comply with the MPC, as amended, forestry shall be a permitted Use by right in all zoning districts. The following standards apply to all timber harvesting within the Town where the value of trees, logs, or other timber products removed exceed \$1,000. These provisions do not apply to the cutting of trees for the personal use of the Landowner or for precommercial timber stand improvement.
  2. Policy and Purpose. To conserve forested open space and the environmental and economic benefits they provide, is the policy of the Town of McCandless to encourage the Owners of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations are intended to further this policy by promoting good Forest stewardship, protecting the rights of adjoining Property Owners, minimizing the potential for adverse environmental impacts, and avoiding unreasonable and unnecessary restrictions on the right to practice forestry.
  3. Notification and Preparation of a Logging Plan.

- a. For all timber harvesting operations, the Landowner shall notify the Zoning Officer at least 10 business days before the operation commences and within 10 business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
- b. Every Landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this Part. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Zoning Officer upon request.
- c. The Landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
- d. Contents of the Logging Plan. As a minimum the logging plan shall include all the following:
  - (1) The design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings.
  - (2) The design, construction, and maintenance of water control measures and Structures such as culverts, broad-based dips, filter strips, and water bars.
  - (3) The design, construction, and maintenance of stream and wetland crossings.
  - (4) The general location of the proposed operation in relation to municipal and State highways, including any accesses to those highways.
  - (5) A sketch map or drawing containing the site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within the property; significant topographic features related to potential environmental problems; location of all earth disturbance activities such as roads, landings, and water control measures and Structures; location of all crossings of waters of the Commonwealth; and the general location of the proposed operation to municipal and state highways, including any accesses to those highways.
  - (6) Documentation of compliance with the requirements of all applicable state regulations including, but not limited to, the following; Erosion and Sedimentation control regulation contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. § 691.1 et seq.; and Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter **105**, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.).
  - (7) Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An Erosion and Sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified above, provided all information required is included or attached.
4. Forest Practices. The following requirements shall apply to all timber harvesting operations in the Town.
  - a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Town or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
  - b. No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway providing vehicular access to adjoining residential property.
  - c. All tops and slash between 25 and 50 feet of any public roadway or private roadway providing vehicular access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped to a maximum Height of four feet above ground.
  - d. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the Owner thereof.
  - e. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
5. Responsibility for Road Maintenance and Repair: Road Bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the Landowner and the operator shall be responsible for repairing any damage to Town roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages.



6. Inspections. The Zoning Officer may go upon the site of any timber harvesting operation before, during, or after active logging to review the logging plan or any other required documents for compliance with the standards and inspect the operation for compliance with the logging plan and other On-Site requirements of these regulations.
- (D) Intensive Park Uses. A category of impactful Uses that includes Buildings (including additions of 1,000 square feet or more to existing Buildings), golf courses, riding stables, zoos, campsites, and group camps. Buildings may contain Service Uses (see § 1303.180) that are subordinate to and support the Park Use.
- (E) Medical Marijuana Grower/Processor. A Person, including a natural Person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Department of Health to grow and process Medical Marijuana. The following Use regulations apply:
1. The Medical Marijuana Grower/Processor must comply with the following criteria:
    - a. Access. Ingress or egress shall be from an arterial or collector Street. A marginal access Street shall be provided if its use will reduce the number of Curb Cuts on the arterial or collector Street as determined by Town Council.
    - b. A landscaping plan shall be submitted with the site plan showing the site's Buffer Area in accordance with the Buffer Standards specified in the Town Subdivision and Land Development Ordinance (Part 11 of the Town Municipal Code). The Buffer shall exist around the entire perimeter of the site.
    - c. Six-foot-high fences shall be placed around the perimeter of the site inside of the Buffer Area.
    - d. All outside Signs and lighting will be constructed and operated in a manner that will not cause disruptive color alteration or illumination of or otherwise interfere with neighboring properties. Lighting shall not interfere with the surrounding area or distract traffic. The Property Owner must address any lighting complaints.
    - e. No storage may take place outside of the Building.
  2. A Medical Marijuana Grower/Processor shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval and at all times shall maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be revoked or denied at any time, any Town approval shall immediately become void.
  3. A Medical Marijuana Grower/Processor shall at all times operate in compliance with Act 16 of 2016, 35 P.S. § 10231.101 et seq., as amended, and all Department of Health regulations pertaining to such facilities.
  4. A Medical Marijuana Grower/Processor shall only grow, store, harvest, or process Medical Marijuana in an indoor, enclosed, secure facility, which includes electronic locking systems, electronic surveillance and any other features required by the Department of Health.
  5. A Medical Marijuana Grower/Processor shall only provide wholesale products to Medical Marijuana dispensaries. Retail sales and dispensing of Medical Marijuana and related products is prohibited at a Medical Marijuana Grower/Processor.
  6. A Medical Marijuana Grower/Processor shall submit to the Town and the Department of Health its system to track the plant waste resulting from the growth of Medical Marijuana or other disposal, including the name and address of any disposal service.
- (F) Nature Preserve. Areas in which human activities are very limited and where the natural environment is protected from human-made changes by a conservancy or conservation Easement. The Nature Preserve includes Woodland preservation, game preserves, and wildlife sanctuaries.
- (G) Outdoor Shooting Range. An establishment that provides Outdoor Shooting Range facilities for firearms.
1. Minimum Lot Area shall be 10 acres.
  2. Minimum Lot Width shall be 500 feet.
  3. The range area must be at least 200 feet from any Lot Line or Street Right-of-Way. The Use must also be located at least 1,000 feet from any existing Dwelling.
  4. An earthen background berm must be provided within 20 feet of the farthest target post to prevent passage of wild or ricocheting bullets. The berm shall meet the following requirements.
    - a. The berm shall have a slope of not less than one vertical to two horizontal and must extend at least eight feet above the ground level of the highest target.
    - b. The crest of the berm at the eight-foot minimum Height limit shall be at least four feet in width as measured between the wall of the berm facing the range and the opposite wall.

5. Earthen side berms must be provided immediately adjacent to the range and shall extend from the firing line to the background berm.
  6. Only targets mounted on target posts shall be permitted. No targets of any kind shall be set directly on the ground.
  7. Warning signs must be posted at least 10 feet from the outside of the berm.
  8. The firing range shall be free of gravel and other hard surface materials and be adequately drained.
  9. Adult supervision must be provided for children under 16 years of age.
  10. Buffers and screens shall be in accordance with the Buffer Standards specified in the Town Subdivision and Land Development Ordinance (Part 11 of the Town Municipal Code).
  11. A valid firing range permit must be obtained from the McCandless Chief of Police in accordance with § 709.03 of the Town Municipal Code.
- (H) Park. A Use of land for active or passive, public, or private, outdoor space, including such Uses as parks, plazas, greens, parkettes, playfields, playgrounds, recreation centers, and tot lots for general recreation, athletics, and leisure. May include Historic Structures or monuments, botanical gardens, ornamental gardens, or arboretums. Accessory Uses may include picnic areas, fishing, ziplines, and Swimming Pools. See also: Intensive Park. The following Use regulations apply:
1. Hours of Operation. Hours of operation must be conspicuously posted at Park entrances.
  2. Site Design Components, Landscape, Furnishings, and Art. The Town shall review and approve the design of any fencing, Buildings, Structures, Historic and monument sites, playground equipment, athletic equipment, decorative fountains, human-made ponds and water features, and Signs within any park, prior to such items being installed.
  3. Events. Park Uses may be utilized to host temporary festivals, events, and Farmers' Markets pursuant to § 1303.230, Temporary Uses.

§ 1303.170. Principal Uses: Retail Uses.

[Ord. No. 1540, 6-26-2023]

<b>Table 1303.D</b>	
<b>Principal Uses: Retail Uses</b>	
<b>Key:</b>	
P = Permitted by Right	
SE = Permitted by Special Exception	
C = Conditional Use	
Blank Cell = Non-Permitted Use	

<b>Uses</b>	<b>Mapped Zoning Districts</b>								
	<b>Civic District</b>	<b>Very Low Density Neighborhood</b>	<b>Low Density Neighborhood</b>	<b>Moderate Density Neighborhood</b>	<b>Neighborhood Center</b>	<b>Corridor District</b>	<b>Urban District</b>	<b>Town Center</b>	<b>Special District</b>
	<b>CD</b>	<b>R-VL</b>	<b>R-L</b>	<b>R-M</b>	<b>M-N</b>	<b>M-C</b>	<b>M-U</b>	<b>TC</b>	<b>SD</b>
Beer/Wine/Liquor Sales					C	P	P	P	
Commercial Equipment and Supply						P			
Electronic Cigarette/Vaporizer Store						P	P	P	
Firearm Establishment						C			
Medical Marijuana Dispensary					C	C	C		
Outdoor Sales Lot						P	SE		

Uses	Mapped Zoning Districts								
	Civic District	Very Low Density Neighborhood	Low Density Neighborhood	Moderate Density Neighborhood	Neighborhood Center	Corridor District	Urban District	Town Center	Special District
	CD	R-VL	R-L	R-M	M-N	M-C	M-U	TC	SD
Retail, Neighborhood					P	P	P	P	
Retail, General						P	P	P	

A category of Uses involving the sale of goods and provision of services to the public for personal or household consumption. Visibility and accessibility are important to these Uses, as most businesses typically rely heavily on walk-in customers or clients and rarely utilize scheduled appointments.

(A) Beer, Wine, Liquor Sales. A Retail Use that primarily sells beer, wine, or liquor with or without nonalcoholic beverages and other incidental goods for off-site consumption only. This does not include a retail Use that sells some beer, wine, or liquor in addition to its primary goods, such as a grocery store.

1. In the Neighborhood Center (M-N) Zoning District, the operating hours for Beer, Wine, Liquor Sales are limited to no earlier than 6:00 a.m. and no later than 10:00 p.m.

(B) Commercial Equipment and Supply. A Use involving the large-scale sale of goods to residents or businesses within the region. The goods or merchandise sold may be of the same type or a variety of types and typically occupy a space greater than 20,000 square feet. This Use may include bulk sales and typically involves frequent commercial vehicle and consumer traffic. This Use is primarily located indoors but may also include accessory outdoor storage of goods. This includes such Uses as those listed below (this is not an exhaustive list).

1. Typical Commercial Equipment and Supply Uses.
  - a. Bottled Gas (such as propane) Sales and Supply.
  - b. Heating and Air-Conditioning Supply, Sales, and Service.
  - c. Building Materials, Hardware, and Lumber Supply Machine Sales and Rental.
  - d. Cabinet Supply (display only).
  - e. Electrical Supply.
  - f. Plumbing Sales and Service.
  - g. Farm Equipment and Supply Wholesale Trade.

(C) Electronic Cigarette/Vaporizer Store. A business establishment for which more than 50% of the Gross Floor Area is dedicated to the storage, mixing, display, or retail sale of electronic cigarette devices, nicotine-enriched solutions, or liquid products that are manufactured for Use with electronic cigarettes.

(D) Firearms Establishment. A business establishment, duly licensed by the appropriate agencies of the United States of America and the Commonwealth of Pennsylvania, that more than 50% of the Gross Floor Area is dedicated to selling firearms, either by wholesale or retail, mail order or any other manner; manufacturing firearms or ammunition; training in the use of firearms; or providing an indoor shooting range facility. The following Use regulations apply:

1. The Lot Line for such a Use must be located at least 500 feet measured in a straight line, without regard to intervening Structures or objects, from the nearest Lot Line of a Lot with any of the following Uses:
  - a. School.
  - b. Playground or Park.
  - c. Neighborhood Service.
  - d. Religious Institution.
  - e. Community Home or other drug or alcohol rehab establishment.
  - f. Residential Uses.

2. An adequate security system shall be provided as determined by the Town Council to be appropriate.
- (E) Medical Marijuana Dispensary. A Person, including a natural Person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health of the Commonwealth of Pennsylvania (Department of Health) to dispense Medical Marijuana. The following Use regulations apply:
1. A Medical Marijuana Dispensary shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval and at all times shall maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be revoked or denied at any time, any Town approval shall immediately become void.
  2. A Medical Marijuana Dispensary shall at all times operate in compliance with Act 16 of 2016, 35 P.S. § 10231.101 et seq., as amended, and all Department of Health regulations pertaining to such facilities.
  3. A Medical Marijuana Dispensary may only dispense Medical Marijuana in an indoor, enclosed, secure facility within this commonwealth, as approved by the Department of Health and with other features required by the Department of Health. No exterior sales, no outdoor seating, and no drive-through services shall be permitted.
  4. A Medical Marijuana Dispensary may not operate on the same site as a Medical Marijuana Grower/Processor except as permitted by the Medical Marijuana Act of 2016 and its amendments.
  5. A Medical Marijuana Dispensary may not be located within 1,000 feet of the Lot Line of a public, private or parochial school or day-care center unless this requirement is waived by the Department of Health.
  6. A Medical Marijuana Dispensary shall submit to the Town and Department of Health its system to track the waste, including the name and address of any disposal service.
- (F) Outdoor Sales Lot. A Use involving the sale of goods or merchandise to businesses or the public, where the majority of the goods are stored or displayed outdoors. Outdoor Sales Lot includes such Uses as: the sale and rental of automobiles, trucks, trailers, boats, and recreational vehicles; and the outdoor sale of Building materials, landscape materials, and garden supplies. The following Use regulations apply:
1. Outdoor Sales Lots are not permitted on a Corner Lot.
  2. An Outdoor Sales Lot must include permanent construction of a Building utilizing one of the permitted Building types in the district.
  3. Items on display must comply with the Principal Building Setbacks of the applicable zoning district in Article 1302.
  4. In the Urban District (M-U):
    - a. The Outdoor Sales Lot must be located behind the Principal Building.
    - b. The outdoor display area must be no more than 10,000 square feet.
- (G) Neighborhood Retail. A retail Use with a Gross Floor Area of less than 3,000 square feet and outdoor sales limited to no more than 10% of the indoor Gross Floor Area of the retail Use. Neighborhood Retail includes such Uses as those listed below. In the event a specific Neighborhood Retail Use is not identified in this subsection, the Zoning Officer shall have the authority to review the proposed Use and the Applicant shall submit to the Zoning Officer such additional information as the Zoning Officer deems necessary to render an official Determination under this Part.
1. Typical Neighborhood Retail Uses.
    - a. Antique Shop.
    - b. Apparel, Shoes, or Accessory Store.
    - c. Small Appliance Store.
    - d. Art Gallery and Sales.
    - e. Art or Education Supplies.
    - f. Bakery with no distribution.
    - g. Bicycle and Accessory Sales.
    - h. Book or Video Store.
    - i. Camera and Photo Supply Store.

- j. China or Glassware.
- k. Cigar, Cigarettes, Tobacco Shop.
- l. Collectables Store.
- m. Craft Store.
- n. Discount Variety Store (e.g., dollar stores or five and dime stores).
- o. Drug or Cosmetics Store, except Medical Marijuana Dispensary.
- p. Electronics Sales.
- q. Fabric and Sewing Supply Store.
- r. Florist.
- s. Framing Shop.
- t. Furrier Shop, no storage.
- u. Garden Supply or Nursery.
- v. Gift, Novelty, and Souvenir Shop.
- w. Grocery Store.
- x. Hardware Store.
- y. Home Furnishings and Accessories.
- z. Jewelry or Gem Store.
- aa. Luggage or Leather Goods.
- ab. Magazine or Newspaper Store.
- ac. Music or Musical Instruments.
- ad. Office Machines and Supply.
- ae. Optical Goods.
- af. Paint and Wallpaper Store.
- ag. Party Supply Shop.
- ah. Pet or Pet Supplies Shop.
- ai. Public Market.
- aj. Secondhand sales of any item permitted for sale new.
- ak. Specialty Food (Candy, Fish, Produce, Prepared Foods, etc.).
- al. Sporting Goods.
- am. Stationery and Paper Store.
- an. Toy or Baby Supplies.

(H) General Retail. A retail Use with a gross floor area of 3,000 square feet or greater and outdoor sales limited to no more than 25% of the indoor Gross Floor Area of the retail Use. General retail includes such Uses as those listed below (this is not an exhaustive list).

1. Typical General Retail Uses.
  - a. All Typical Neighborhood Retail Uses 3,000 square feet and over.
  - b. Appliance Sales.
  - c. Automotive Supply (no service).
  - d. Computer Software Sales and Leasing.
  - e. Department Store.
  - f. Medical Supply Store, except Medical Marijuana Dispensary.
  - g. Motorcycle and Motor Scooter Sales, limited outdoor display.
  - h. Nursery.
  - i. Outdoor Recreation Equipment.
  - j. Public Market.

### § 1303.180. Principal Uses: Service Uses.

[Ord. No. 1540, 6-26-2023]

<b>Table 1303.E</b>	
<b>Principal Uses: Service Uses</b>	
<b>Key:</b>	
P = Permitted by Right	
SE = Permitted by Special Exception	
C = Conditional Use	
Blank Cell = Non-Permitted Use	

<b>Uses</b>	<b>Mapped Zoning Districts</b>								
	Civic District	Very Low Density Neighborhood	Low Density Neighborhood	Moderate Density Neighborhood	Neighborhood Center	Corridor District	Urban District	Town Center	Special District
	CD	R-VL	R-L	R-M	M-N	M-C	M-U	TC	SD
Adult Day-Care Center					P		P	P	
Animal Daycare and Training						P	P		
Automobile Fueling						SE	SE		
Automobile Sales and Rental						P	P		
Automobile Service/Car Wash						P	P		
Brew Pub					C	P	P	P	
Cattery					P	P	P		
Child Day-Care					P		P	P	P
Drinking Places					C		P	P	
Drive-Through Business					SE				
Eating Places					P	P	P	P	
Entertainment Assembly							P	P	
Kennel						P	P		
Medical Clinic					SE	SE	SE	SE	
Microbrewery, Microdistillery, Microwinery					C	P	P	P	
Office Uses	P				P	P	P	P	
Pawn Shop/Check Cashing Establishment						P	P		
Private Club							P	P	
Self-Storage Facility						C			
Self-Storage Facility, Indoor, Climate-Controlled						C	C		
Service, General	P					P	P	P	
Service, Neighborhood	P				P	P	P	P	
Smoking Places						P	P	P	
Tattoo/Piercing Parlor						P			

A category of Uses that provide patrons services and limited retail products related to those services.

- (A) **Adult Day-Care Center.** Any Premises operated for profit in which Adult Day Care is simultaneously provided for four or more adults who are not relatives of the operator. Adult Day Care is care given for part of the twenty-four-hour day to adults requiring assistance to meet personal needs and who, because of physical or mental infirmity, cannot themselves meet these needs, but who do not require nursing care.
- (B) **Animal Day Care and Training.** A facility providing services such as domestic animal day care for part of a day, obedience classes, training, grooming, or behavioral counseling. The following Use regulations apply:
1. All Animal Day Care and Training facilities shall be licensed by the Pennsylvania Department of Agriculture and shall be constructed and maintained in accordance with the Pennsylvania Code, Title 7, Chapter 21, as amended.
  2. Overnight boarding is not permitted.
  3. Outdoor play yards are permitted, provided that they are fully enclosed by a fence or wall. All such enclosures shall be set back a minimum of 150 feet from all Lot Lines.
  4. The Applicant shall furnish evidence of effective means of animal and veterinary waste collection and disposal which shall be continuously implemented.
- (C) **Automobile Fueling.** A business involving the sale and distribution of fuel or Electric Vehicle Charging Stations. A Convenience Store may also be included as a secondary Use, as well as the sale of propane and kerosene. The following Use regulations apply:
1. **Proximity Restriction.** No Automobile Fueling Use shall be located within a 1,200-foot radius of another Automobile Fueling Use.
  2. **Bathroom Facilities.** At least one bathroom must be provided and open during regular business hours for customers.
  3. All Electric Vehicle Charging Stations must comply with the requirements in Table 1303.I and § **1303.220**.
- (D) **Automobile Sales and Rental.** A commercial facility that offers automobiles, trucks, or limousines for sale or for rent or lease for specific periods of time, including a stand-alone facility for automobile leasing services associated with an off-site automobile dealership. The following Use regulations apply:
1. Exterior vehicle display areas must meet the regulations of Outdoor Sales Lot in Table 1303.D and § **1303.170**.
- (E) **Automobile Service/Car Wash.** A business involving the servicing of Vehicles. A Convenience Store may also be included as a secondary Use, as well as the sale of propane and kerosene. Vehicle service includes such Uses as vehicle repair, car wash facilities, or tire sales and mounting. Engine rebuilding, bodywork, and painting are included in this definition. The following Use regulations apply:
1. **Use Limitation.** Repair and wash facilities for Vehicles that are not automobiles are not permitted.
  2. **Outdoor Storage.** Disabled or inoperable Vehicles and those awaiting pick-up may be stored outdoors under all the following conditions:
    - a. No more than six Vehicles are stored for no more than two days each.
    - b. The storage area is located in the Rear Yard and screened from view of the front Lot Line. The screening shall be a minimum of eight feet high and shall be a galvanized chain link fence with privacy slats.
    - c. The storage area shall also be screened from adjacent Uses through a continuous four-foot-wide opaque evergreen planting located in the Side and Rear Yard. The planting shall be a minimum of 10 feet high at maturity.
    - d. The Vehicles must be stored in a legitimate parking space, and not in the public right of way or in a part of the Lot not specifically designated as a parking space.
  3. All repairs or washing activities must occur inside a Structure.
  4. Temporary outdoor display of seasonal items, such as windshield wiper fluid or salt, is permitted adjacent to the principal Structure.
  5. **Environmental Controls.**
    - a. Car washes shall include a water reclamation system for the purpose of recycling water to the maximum degree possible given the equipment to be used in conducting car wash activities.

- b. Filtration of wastewater shall be conducted before discharge to a sanitary sewer system.
  - c. A National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection is required to discharge wastewater directly into a surface water body or to a storm sewer that discharges to a surface water body.
  - d. Residual sludge shall be disposed of in accordance with the Pennsylvania Department of Environmental Protection requirements and standards.
- (F) Brew Pub. An Eating Place, as defined herein, that includes as an Accessory Use the on-premises production of alcoholic beverages, including beer, wine, cider, and distilled liquors, which produces less than 100,000 gallons of such beverages per year, and primarily sells its beverages On-Site, either for on- or off-premises consumption. The area used for brewing, distilling, bottling, and kegging shall not exceed 30% of the total Gross leasable Floor Area. The Brew Pub must be licensed by the Pennsylvania Liquor Control Board and any successor agency of the commonwealth.
- 1. In the Neighborhood Center (M-N) Zoning District, the operating hours for a Brew Pub are limited to no earlier than 6:00 a.m. and no later than 10:00 p.m.
- (G) Cattery. An enterprise for the business of grooming or boarding cats, breeding cats for sale, or selling those cats, including Animal Rescue.
- (H) Child Day Care. Any licensed Premises operated for profit in which Child Day Care is provided simultaneously for seven or more children who are not relatives of the operator, except such centers operated under social service auspices. Child Day Care means care in lieu of parental care given for part of the twenty-four-hour day to children under 16 years of age, away from their own homes as follows:
- 1. Care provided to a child at the parent's work site when the parent is not present in the childcare space.
  - 2. Care provided in private or public, profit or nonprofit facilities.
  - 3. Care provided before or after the hours of instruction in nonpublic schools and in private nursery schools and kindergartens.
  - 4. Child Day Care does not include Child Day Care furnished in places of worship during religious services.
- (I) Drinking Places. An establishment licensed and permitted under the Pennsylvania Liquor Control Board to sell alcoholic beverages, including beer, wine, and liquor for On-Site consumption. The following Use regulations apply:
- 1. Snacks may be served.
  - 2. A full-service kitchen is prohibited. (See Eating Places.)
- (J) Drive-Through Business. An establishment that provides service through a drive-through with no walk-in service such as a drive-through ATM or Bank. The following Use regulations apply:
- 1. Lot Size. Lot sizes shall be large enough to efficiently and safely serve the operations of the Vehicle Drive-Through Facility while accommodating all necessary elements of good and efficient site design of Vehicle Drive-Through Facilities.
  - 2. Number. No more than one Drive-Through Business may be permitted per Lot.
  - 3. Placement. Sites with multiple commercial Buildings on the property, Drive-Through Facilities shall be located internal to the site away from corners, intersections of Streets or from the Street Frontages, to reduce the visibility of vehicle drive-through traffic on the site from Street view.
  - 4. Site Access.
    - a. Access driveways to Vehicle Drive-Through Facilities shall be located as far away as possible from Street intersections and corners and designed in accordance with the applicable Street design standards.
    - b. The number of access driveways into a site shall be minimized to reduce conflicts between turning vehicles and other users of the Street, reduce Curb Cuts and interruptions to the sidewalk.
    - c. Vehicle queuing lanes must be separated from all aisles, must not result in additional Curb Cuts along the same Street Frontage and must not have direct ingress and egress from any Street.
    - d. Vehicle queuing lanes must not be directly accessible from a Street.
    - e. Vehicle queuing lanes must not obstruct or interfere with parking spaces, pedestrian aisles or walkways, and loading or service areas.



5. Parking.
- a. Parking areas where possible shall avoid having pedestrians cross driveways or vehicle queuing lanes to enter the Building.
  - b. The parking areas shall not conflict with the ingress and egress of the vehicle queuing lanes. This can be achieved by locating the parking areas away from the vehicle queuing lanes or clearly delineating the parking areas with appropriate barriers and signage.
- (K) Eating Places. An establishment selling prepared foods for on-premise consumption, carry-out, or drive-through. Includes such Uses as restaurants, cafes, coffee shops, diners, delis, fast-food establishments, lunch counters, and cafeterias. Eating Places, which do not include Brew Pubs, may sell alcoholic beverages, including beer, wine, and liquor for On-Site consumption as permitted through the Pennsylvania Liquor Control Board.
- (L) Entertainment Assembly. A facility, other than a Stadium/Arena or Adult Establishment, for holding events, indoors or outdoors, to which members of the public are invited with or without charge. Events may include theatrical performances; music performances; dances, balls; shows or exhibitions; or sporting events.
- (M) Kennel. Any establishment, either for profit or not for profit, available to the general public where a dog or dogs are housed by the day, week, or a specified or unspecified time, including for Animal Rescue. Any Kennel shall comply with the definitions and regulations of the Pennsylvania Dog Law, 3 P.S. §§ 459-101 et seq. Any Kennel located within the Town shall be required to comply with all county and state regulations associated with licensure and shall provide proof of required licensure to the Town upon request. The following Use regulations apply:
1. All Kennels shall be licensed by the Pennsylvania Department of Agriculture and shall be constructed and maintained in accordance with the Pennsylvania Code, Title 7, Chapter 21, as amended.
  2. All animal boarding Buildings that are not completely enclosed, and any outdoor animal Pens, stalls, or runways shall be located within the Rear Yard and screened from adjoining properties shall be a minimum of 150 feet from all Lot Lines.
  3. All outdoor recreation areas shall be enclosed to prevent the escape of animals. All such enclosures shall be set back a minimum of 150 feet from all Lot Lines.
  4. The Applicant shall furnish evidence of effective means of animal and veterinary waste collection and disposal which shall be continuously implemented.
- (N) Medical Clinic. Medical Clinic means a licensed institution providing same-day, walk-in, or urgent medical care and health services to the community, primarily ill or injured out-patients, which is not a Hospital or Medical Office, and which shall not include methadone or drug rehabilitation clinics. The following Use regulations apply:
1. Provision of an indoor waiting area for use by individuals when a portion of the facility is not opened for operation is required, so that clients will not be required or allowed to queue for services outdoors.
- (O) Microbrewery, Microdistillery, Microwinery. A facility for the production, packaging, and sampling of alcoholic beverages, including beer, wine, cider, mead, and distilled liquors, for retail or wholesale distribution, for sale or consumption on- or off-premises, and which produces less than 100,000 gallons of such beverages per year. It may include a restaurant (i.e., Eating Place), tasting room, and retail space to sell the product on site. Nanobreweries shall be included under this definition. The Microbrewery, Microdistillery, Microwinery must be licensed by the Pennsylvania Liquor Control Board and any successor agency of the Commonwealth. The following Use regulations apply:
1. At least 50% of the alcoholic beverages produced must be consumed On-Site.
  2. In the Neighborhood Center (M-C) Zoning District, the operating hours for a Microbrewery, Microdistillery, Microwinery are limited to no earlier than 6:00 a.m. and no later than 10:00 p.m.
- (P) Office Uses. A category of Uses for businesses that involve the transaction of affairs or the training of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times; the businesses do not typically rely on walk-in customers. Office Uses include those listed below (this is not an exhaustive list):
1. Typical Office Uses.
    - a. Architecture/Engineering/Design.
    - b. Broadcasting, Recording, and Sound Studio.
    - c. Business Consulting.
    - d. Construction Trade and Contractor (office only).
    - e. Charitable Institutions.
    - f. Computer Programming and Support.

- g. Data Processing.
  - h. Detective Services.
  - i. Educational Services (tutor and testing).
  - j. Employment Agency.
  - k. Financial and Insurance.
  - l. Government Offices and Facilities.
  - m. Laboratories, Medical, Dental, Optical.
  - n. Legal Services.
  - o. Management Services.
  - p. Medical and Dental Offices (other than in Hospitals or on a Hospital campus, and other than clinics).
  - q. News Agency.
  - r. Physical Therapy/Physical Rehabilitation.
  - s. Public Relations and Advertising.
  - t. Property Development.
  - u. Real Estate and Apartment Finders.
  - v. Research and Development.
  - w. Research Agency.
  - x. Support Offices for other Uses.
  - y. Surveying.
  - z. Trade Schools.
  - aa. Training Center.
- (Q) Pawn Shop/Check Cashing Establishment. An establishment primarily engaged in the businesses of lending money on the security of pledged goods left in pawn; purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller; or providing cash to patrons for, payroll, personal, and bank checks.
- (R) Private Club. An establishment that operates for the good of the club's membership for legitimate purposes of mutual benefit, entertainment, fellowship, or lawful convenience. A Private Club must reserve its facilities for members and must have genuinely exclusive membership criteria. A Private Club must adhere to its constitution and bylaws, hold regular meetings open to its members, conduct its business through officers who are regularly elected, admit members by written application, investigation and ballot, charge and collect dues from elected members, and maintain records as required by law. The sale of alcohol must be secondary to the actual reason for the club's existence and be licensed by the Pennsylvania Liquor Control Board. The Town may conduct routine inspections of the Premises to ensure the absence of illegal activity on the Premises, adequate maintenance of the interior and exterior of the Premises, the absence of public disturbance or Nuisance, and compliance with the zoning and other applicable regulations.
- (S) Self-Storage Facility. Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such space for the purpose of storing and removing Personal property. The following Use regulations apply:
1. Minimum Lot Area must be a minimum of one acre.
  2. Access. Ingress or egress shall be from an arterial or collector Street. A marginal access Street shall be provided if its use will reduce the number of Curb Cuts on the arterial or collector Street as determined by Town Council.
  3. Building Placement and Design.
    - a. Building separation front: 28 feet minimum for units less than 15 feet in depth and 42 feet minimum for units 15 feet or more in depth.
    - b. Building separation rear: 20 feet.
    - c. Maximum length of Building: 200 feet.
    - d. Maximum facility unit size: 14 feet wide, 40 feet deep, and one Story (15 feet) in Height. If units are placed back-to-back, the maximum width of the Building shall not exceed 40 feet.

- e. Buildings shall be designed and located so that overhead doors and the interior driveways within such facilities are not visible from the adjacent public Right-of-Way. This provision does not apply to overhead doors that are within an enclosed self-storage Building and that are visible only through windows of the Building.
  - f. No door openings for any storage unit shall be visible at ground level from any Lot in a Residential Zoning District.
  - g. Office space may be provided which does not exceed 5% of the net site area.
  - h. The design of personal storage facilities shall be by a Pennsylvania registered architect.
4. Driveway Design.
- a. Minimum driveway width: 24 feet.
  - b. Interior drive aisle widths must be a minimum of 25 feet.
  - c. All driveways shall be paved with an Impervious Surface.
5. Landscaping and Buffering.
- a. A landscaping plan shall be submitted with the site plan showing the site's Buffer Area in accordance with the Buffer Standards specified in the Town Subdivision and Land Development Ordinance (Part 11 of the Town Municipal Code). The Buffer shall exist around the entire perimeter of the site.
  - b. Six-foot-high fences shall be placed around the perimeter of the site inside of the Buffer Area.
  - c. All fences or walls visible from the public Right-of-Way shall be constructed of decorative building materials such as slump stone masonry, concrete block, wrought iron, or other similar materials.
6. Signs and Lighting.
- a. All outside Signs and lighting will be constructed and operated in a manner that will not cause disruptive color alteration or illumination of or otherwise interfere with neighboring properties. Lighting shall not interfere with the surrounding area or distract traffic. The Property Owner must address any lighting complaints.
  - b. No Signs may be placed on the Buildings themselves or their rooftops. Freestanding Signs denoting the site shall be the only type of Sign permitted.
7. A fire hydrant shall be provided on site, with its location to be determined by the Town.
8. The following Uses are prohibited, and all Self-Storage Facilities' rental or use contracts must specifically prohibit the same:
- a. Residential Use or occupancy, except for a caretaker who may reside on a portion of the personal storage site.
  - b. Storage outside of the Building.
  - c. Water or sanitary sewer service in the personal storage units.
  - d. Bulk storage of flammable, combustible, explosive, or Hazardous Materials. Nothing in this Section is meant to prohibit the storage of motor vehicles, motor craft, or equipment that contain a normal supply of such fuels for their operation.
  - e. Repair, construction, reconstruction, or fabrication of any item, including but not limited to, any boats, engines, motor vehicles, lawn mowers, appliances, bicycles, or furniture.
  - f. Auctions, except as provided for the in Self-Service Storage Facilities Act<sup>[1]</sup> (Act of Dec. 20, 1982, P.L. 1404, No. 325), commercial wholesale or retail sales not related to the storage activity on the Premises or garage sales. Retail sales of supplies associated with the rental of storage units or rental of vehicles shall be permitted, such as boxes, packing tape, locks, and similar items.  
[1] *Editor's Note: See 73 P.S. § 1901 et seq.*
  - g. The operation of power tools, spray-painting equipment, compressors, welding equipment, kilns, or other similar tools or equipment.
  - h. Any business activity within the storage units.
9. On-Site management shall be provided for a minimum of 20 hours per week, during the hours of 8:00 a.m. and 7:00 p.m. Contact information for management during the remaining hours of the day must be prominently posted on the Premises.
10. The maximum size for any storage unit shall be 20 feet by 40 feet for a total maximum of 800 square feet.

(T) Indoor, Climate-Controlled, Self-Storage Facility. An enclosed Building consisting of individual, self-contained rooms that are leased to individuals, organizations, or businesses for climate-controlled storage. Climate-controlled storage units are generally kept between 55° and 85° F. with a base humidity of 55%. The following Use regulations apply:

1. For Building conversions, the following shall apply:
  - a. The indoor storage facility and any new additions thereto must have the appearance of an office Building but do not have to be designed to look the same as the existing Building.
  - b. Garage type door entries shall not be placed on the front facade area of the Building.
  - c. No outside storage shall be permitted on site.
  - d. No overnight truck parking shall be allowed on the site.
  - e. No outdoor display of retail sales shall be permitted.
2. Access to all individual storage units shall be through the interior of the Building only.
3. An Indoor, Climate-Controlled, Self-Storage Facility may not be located within three miles of another storage facility.
4. The following Uses are prohibited and all Indoor, Climate-Controlled, Self-Storage Facility rental or use contracts shall specifically prohibit the same:
  - a. Residential Use or occupancy.
  - b. Bulk storage of flammable, combustible, explosive, or Hazardous Materials. Nothing in this Section is meant to prohibit the storage of motor vehicles, motor craft, or equipment that contain a normal supply of such fuels for their operation.
  - c. Repair, construction, reconstruction, or fabrication of any item, including but not limited to, any boats, engines, motor vehicles, lawn mowers, appliances, bicycles, or furniture.
  - d. Auctions, except as provided for the in Self-Service Storage Facilities Act<sup>[2]</sup> (Act of Dec. 20, 1982, P.L. 1404, No. 325), commercial wholesale or retail sales not related to the storage activity on the Premises or garage sales. Retail sales of supplies associated with the rental of storage units or rental of vehicles shall be permitted, such as boxes, packing tape, locks, and similar items.  
[2] *Editor's Note: See 73 P.S. § 1901 et seq.*
  - e. The operation of power tools, spray-painting equipment, compressors, welding equipment, kilns, or other similar tools or equipment.
  - f. Any business activity within the storage units.
5. On-Site management must be provided for a minimum of 20 hours per week, during the hours of 8:00 a.m. and 7:00 p.m. Contact information for management during the remaining hours of the day must be prominently posted on the Premises.

(U) Neighborhood Service. A service Use with a Gross Floor Area of less than 3,000 square feet. Neighborhood Service includes such Uses as those listed below (this is not an exhaustive list). The following Use regulations apply:

1. Neighborhood Service Uses may operate no earlier than 6:00 a.m. and no later than 10:00 p.m., except for the following Uses, which may be open 24 hours: fitness club, athletic club, dance studio, yoga studio and gym; mailing and delivery services; photocopying and printing; and veterinary services/animal hospital (no outdoor Kennels).
2. Typical Neighborhood Service Uses.
  - a. Arcades and Billiards.
  - b. Barbershop, Beauty Salon, and Spas.
  - c. Community Service.
  - d. Dry Cleaning (pick-up/outlet only).
  - e. Financial Depository Institutions/Banks, chartered and excluding Check-Cashing Establishments.
  - f. Fitness Club, Athletic Club, Dance Studio, Yoga Studio and Gym.
  - g. Funeral Home.
  - h. Home Furniture and Equipment Repair.
  - i. Laundromat.
  - j. Locksmith.

- k. Mailing and Delivery Services.
  - l. Pet Grooming.
  - m. Phone Sales and Service.
  - n. Photocopying and Printing.
  - o. Photography Studio with Supplies.
  - p. Post Office, limited distribution.
  - q. Rental of any good permitted to be sold in the district.
  - r. Repair or servicing of any good permitted to be sold in the district.
  - s. Tailor or Seamstress.
  - t. Tanning Salon.
  - u. Therapeutic Massage establishment, licensed proprietor.
  - v. Travel Agency, Ticketing, and Tour Operator.
  - w. Veterinary Services/Animal Hospital (no outdoor Kennels).
- (V) General Service. A Service Use with a Gross Floor Area of 3,000 square feet or greater as well as larger-scale indoor and outdoor entertainment Uses. General Service includes such Uses as those listed below (this is not an exhaustive list).
1. Typical General Service Uses.
    - a. All Neighborhood Services over 3,000 square feet.
    - b. Aquatic Facilities.
    - c. Archery Ranges (indoor only).
    - d. Batting Cages.
    - e. Bowling Alleys.
    - f. Miniature Golf Courses.
    - g. Recreation, Commercial Indoor.
    - h. Rental of any good permitted to be sold in the district.
    - i. Skating Rink.
- (W) Smoking Places. Establishments for which the sale of tobacco products for On-Site consumption yields at least 75% of gross revenues, including such Uses as hookah lounges.
- (X) Tattoo/Piercing Parlor. Establishments primarily in the business of applying lettering, art, and other images with permanent and semi-permanent inks, paints, pigments, or piercings to the body of patrons. The following Use regulations apply:
1. Proximity to Certain Uses. No Building or Premises shall be used, and no Building shall be erected or altered, which is arranged, intended or designed to be used for a Tattoo/Piercing Parlor if any part of such Building or Premises is situated on any part of a Lot within a 250-foot radius in any direction of any Lot used for, or upon which is located any Building or Structure used for any Residential and Lodging Use, Religious Institution, Medical Clinic, medical office, Hospital, school, facility attended by Persons under the age of 18 (including but not limited to school programs, children's museums, camps, and athletic leagues), Park, or other Tattoo/Piercing Parlor.