

Borough of Southmont

Zoning Ordinance

No. 514

Amended April 23, 2018

ZONING ORDINANCE
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PART 1

PRELIMINARY PROVISIONS

§101. ENACTING CLAUSE.

Be it ordained and enacted by the Borough of Southmont Council assembled, and by authority of the Pennsylvania Municipal Planning Code, Act 247 of 1968, as amended, that from and after the passage and approval of the following regulations the same shall be in full force and effect.

§102. SHORT TITLE.

This Chapter shall be known as the "Borough of Southmont Zoning Ordinance," and the map referred to herein and made a part of this Chapter shall be known as the "Borough of Southmont Zoning Map."

§103. EFFECTIVE DATE.

The effective date of this Chapter shall be 5 days after the signature and of approval by Council.

§104 VALIDITY AND CONFLICT.

Should any Section or provision of this Chapter be declared invalid, the same shall not affect the validity of this Chapter as a whole nor any part thereof other than the part so declared to be invalid. Where a provision of this Chapter is found to be in conflict with a provision of any building or housing code, or in any applicable health regulation, or in any other ordinance of the Borough existing on the effective date of this Chapter, or in any regulation issued under the authority of such code or ordinance, the provision which established the higher standard for the protection of health, safety and welfare shall prevail.

Should any section or provision of this Zoning Ordinance be declared by an administrative body or the courts to be unconstitutional or invalid, such a decision shall not affect the validity of this Zoning Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid. The administrative body or court may utilize the other provisions of this Zoning Ordinance in resolving conflicts and/or discrepancies involved in the invalid provisions.

In any challenge to the validity of the municipal Zoning Ordinance, the court shall consider the validity of the Ordinance as it applies to the entire area of its jurisdiction as enacted.

§105. PURPOSE AND COMMUNITY OBJECTIVES.

The purpose of this Chapter shall be designed:

A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provisions of adequate light and air, police

protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements.

B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Chapter has been made in accordance with an overall program and with consideration for the character of the Borough, its various parts and the suitability of the various parts for particular uses and structures.

C. To facilitate the development of the Borough primarily as a residential area with the preservation of natural beauty, supplemental nonresidential development and to relate any plan of land use development with local fiscal conditions.

D. The regulations and districts contained herein represent reasonable consideration as to the character of the districts and their peculiar suitability for particular uses of land. These provisions have been drawn with a view to preserving the existing residential character of the Borough, but where appropriate, allowing reasonable development or expanded land use in specified with reduced or minimal impact on the residential nature of the Borough. The districts, and their respective regulations, were drawn with the ideals of balancing commercial usage, both current and future use, with the requirement to protecting the use, enjoyment and values of residential homes. This Zoning Ordinance has been enacted with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

§106. FILING.

This Chapter, including the Southmont Borough Zoning Map, together with and succeeding amendments thereto, shall be on file and may be viewed or purchased by any interested party in the Borough offices and shall be made part of this Zoning Ordinance.

§107. REPEALER.

This ordinance repeals any prior zoning ordinances including, but not limited to, Ordinance 359 as prepared by the Borough of Southmont.

§108. INTERPRETATION

In the event of conflicts between the provisions of this Zoning Ordinance and any other Ordinance of regulation, the more restrictive provisions shall apply.

In interpreting and applying this Zoning Ordinance, its provisions shall be considered minimum requirements adopted for the promotion of health, safety and general welfare of the public.

In interpreting the language of this Zoning Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written.

PART 2
RULES AND REGULATIONS

§201. RULES.

The following rules of construction shall apply to this Chapter:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Chapter and any caption or illustration the text shall control.
- C. The word “shall” is mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; words in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase “used for” includes “arrange for,” “designed for,” “intended for,” “maintained for” and/or “occupied for.”

§202. DEFINITIONS.

ACCESSORY BUILDING or ACCESSORY USE – a building or use customarily incidental and subordinate to the principal building or use which is located on the same lot with such principal building or use. As accessory use includes, but is not limited to, the following:

- A. Children’s playhouse, garden house or private greenhouse.
- B. Garage, shed or building for domestic storage.
- C. Storage of merchandise normally carried in stock on the same lot with any commercial use unless such storage is excluded by the district regulations. Such structure shall be constructed or maintained after a permit has been granted and upon the payment of the appropriate fee.
- D. Private garage.
- E. Private swimming pool appurtenant to an allowed use on the same lot when meeting the yard depth and width requirements of the district for principal buildings and when the swimming pool or the property on which it is located is adequately fenced to prevent free access of small children and meets all applicable health and sanitary requirements.
- F. Nonpaying guest house or rooms for nonpaying guests within an accessory building; provided, such facilities are used for the occasional housing guests or occupants of the principal building and not for permanent occupancy by others as housekeeping. Not to be used as bed and breakfast or “air” bed and breakfast unless specifically authorized.

G. Fences/Enclosure Walls. All fences or enclosure walls shall require a building permit from the zoning officer, which shall confirm that the type, design, size and location of the fence meet the zoning requirements. All fences or enclosure walls shall not be permitted in any location on the property or lot except for the rear yard.

I. Signs.

ADULT ORIENTED BUSINESS – establishment which as a regular or substantial course of conduct performs or operates as an adult arcade, adult bookstore or video store, adult theater, adult motion picture theater, adult cabaret, adult model studio, adult hotel/motel, or any other business establishment which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts. “Adult-oriented business” shall also include any establishment which, as a regular or substantial course of conduct, provides or allows performers, models, actors, actresses or employees to appear in any place in lingerie or similar attire which does not opaquely cover specified anatomical parts.

ALLEY – a service way providing a secondary public means of access to abutting properties which has been utilized and maintained by the Borough.

ALTERATIONS – as applied to a building or structure, a change or rearrangement in the structural parts or in the exiting facilities or an enlargement whether by extending on a side or by increasing in height or the moving from one location to another or any change in use from that of one zoning district classification to another.

ALTERATIONS, STRUCTURAL – any change in the supporting members of a building such as bearing walls, columns, beams, girders or foundations.

APARTMENT – a room or suite of rooms in a multiple-family structure which is used as a single housekeeping unit and which contains complete kitchen, bath and toilet facilities, permanently installed.

APARTMENT BUILDING – a building used by three or more families living independently of each other and containing dwelling unit(s).

AREA, BUILDING – the total of areas taken on a horizontal plane at the main grade level of the principal building exclusive of uncovered porches, terraces steps, garages and other accessory buildings.

AUTOMOBILE REPAIR FACILITY– any facility used for the repair, alteration, restoration, maintenance, body and fender, painting of passenger vehicles and motorcycles, including but not limited to: fluid replacement and lubrication, tune-up and muffler work, parts and tire sales and installation, wheel and brake work, engine and transmission repair, rebuilding or reconditioning of engines, smog check, wheel alignment, and installation of automobile accessories such as glass, upholstery, radios, and alarm systems.

BASEMENT – a story partly underground but having at least ¼ of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is 5 feet or more or if the basement is used for business or dwelling purposes.

BED & BREAKFAST- A private residence in which several rooms of which are set aside for transient, short-term overnight guests whose paid accommodations may include a breakfast prepared on the premises.

BILLBOARD – refer to Part 10, “Billboards and Signs” of this Zoning Ordinance.

BOARD – the Zoning Hearing Board of the Borough of Southmont.

BOROUGH – the Borough of Southmont, Cambria County

BUFFER AREA – a strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall or fence.

BUILDING – a structure having a roof supported by columns or walls for the shelter of persons, animals, chattels or property. When separated by walls which are common with the walls of adjoining dwellings, each portion of such structure shall be considered as separate building.

BUILDING or SETBACK LINE – the line within a property defining the required minimum distance between any building and the adjacent right-of-way or property line. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include walks, steps, paved areas or terraces.

A. **FRONT SETBACK LINE** – the line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line, or thoroughfare right-of-way, if front lot line is deemed inappropriate by the Zoning Officer, as more defined in the districts.

B. **SIDE SETBACK LINE** – the line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

C. **REAR SETBACK LINE** – the line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

BUILDING HEIGHT - the vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eave and ridge for gable, hip and gambrel roofs.

CHILD - a person under 16 years of age.

CHILD DAY-CARE CENTER – a facility, whether operated for profit or not for profit, in which child day care is provided simultaneously for seven or more children who are not relatives of the operator. “**Child day care**” means care in lieu of parental care given for part of the twenty-four hour day to children under sixteen years of age, away from their own homes, but does not include child day care furnished in places of worship during religious services. This definition does not include half-way home for minors.

CHILD DAY-CARE HOME - a facility, whether operated for profit or not for profit, in which child day care is provided simultaneously for six or less children who are not relatives of the operator. “**Child day care**” means care in lieu of parental care given for part of the twenty-four hour day, namely hours of 6:00 a.m. to 7:00 p.m. to children under sixteen years of age, away from their own homes, but does not include child day care furnished in places of worship during religious services.

CONVERSION APARTMENT – A home or building which has a business or professional office space on the lower level with residential apartments above the business or professional office space.

COVERAGE - that percentage of the lot area covered by the building area.

CREMATORY – a licensed business or establishment that operates a furnace for the purpose of cremating or disposing human and/or animal remains.

DISTRICT ZONING – a section of the Borough for which uniform regulations governing the use, height, area and intensity of use of buildings and land and open spaces about buildings are herein established.

DRUG TREATMENT FACILITY - A facility owned and operated by a private for-profit entity, a private non-profit entity or a governmental entity where the drug “Methadone” or similar substance is prescribed and administered for the treatment, maintenance or detoxification of persons.

DWELLING – a building designed or used exclusively as the living quarters for one or more families. Such dwelling shall be constructed or fabricated permanently using traditional construction practices and placed on a permanent foundation and shall meet the set-back and area requirements as established for each zoning district. Any building designed for movement with an axle and wheel (mobile home shall not be considered a dwelling under this definition).

DWELLING, SINGLE-FAMILY – a detached building for or occupied exclusively by one family.

DWELLING, GROUP - a group of two or more one-family, two-family or multiple-family dwellings occupying a lot in one ownership and having a yard in common.

TWO-FAMILY - a building designed for or occupied exclusively by two families living independently of each other with separate dwelling unit entrances.

MULTI-STORY MULTIPLE FAMILY – a multiple-family dwelling of more than three stories.

MULTIPLE-FAMILY – a dwelling or group of dwellings on one plot or lot containing separate living units or dwelling units for three or more families, but which may have joint services or facilities or both.

TOWN HOUSE- a multiple-family dwelling divided by party walls into distinct and non-communicating units, each dwelling unit of which has direct access to the outdoors.

FAMILY – one or more persons related by blood, marriage or adoption or three unrelated persons living as a household in a dwelling unit. A family does not include any number of unrelated individuals living together in connection with a half-way house, institutional facility, group home and/or any type of nursing facility as defined herein.

FLOOR AREA- the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of common walls separating buildings. For purposes of determining parking and loading space requirements for the several zoning districts herein, the “floor area” of a building or buildings shall include: basement space, penthouses, attic space providing structural headroom of 7 ½ feet or more interior balconies and mezzanines, enclosed porches, accessory use other than accessory off-street parking, lobbies and hallways. For determination of parking and loading space requirements, the following areas shall not include: cellar space, elevator shafts and stairwells, floor space for mechanical equipment as necessary to service the needs of the building, uncovered steps, terraces, breezeways, open space unroofed unless specifically required in the parking regulations herein and fitting and dressing rooms.

GARAGE, PRIVATE - an accessory building whose primary purpose is housing only motor driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

GARAGE, PUBLIC - any garage, other than a private garage, available to the public and which is used for storage, parking, repair, greasing, washing, servicing, adjusting or equipping of motor-driven vehicles.

HEIGHT – see “building height”, herein.

HOME OCCUPATION – an accessory use of a service character within a dwelling by residents which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate, measuring not more than 144 square inches and in connection therewith there is not involved the exhibition of stock in trade. The secondary use shall not be carried on in an adjacent separate, attached or integral structure not designed for living space, such as a garage or other outbuilding, shall not constitute more than 25% of the habitable living area and shall not employ more than one other person than a resident family member.

HALF-WAY HOUSE – a residence or facility designed or used as the living quarters for people after release from institutionalization (as for mental illness, addiction, or criminal activity, etc.) that is designed to facilitate their readjustment to private life. Such a facility includes either a residence for adults or minors.

HOSPITAL – shall include sanitarium, sanatorium, medical clinic, and any place for the diagnosis, treatment or other area of human ailments or medical conditions and shall be deemed to be limited to such places.

INSTITUTIONAL FACILITY – An establishment, for profit or non-profit, devoted to the shelter, maintenance or education and care of minor children; homeless, or members of a religious community. This classification shall include almshouses, penal or reformatory institutions, half-way houses, nursing facilities or institutions for the custody, care or treatment of persons suffering mental derangement, behavioral issues and/or drug or alcohol addiction.

LIVE-WORK BUILDING – a building that combines an allowable commercial activity with a residential living space.

LOADING SPACE – a space within the main building or on the same lot therewith providing for the standing, loading or unloading of vehicles.

LOT – a parcel, tract or area of land accessible by means of public street or private right-of-way. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder or it may include parts of or a combination of such parcels when adjacent to one another and used as one parcel.

LOT, CORNER – a lot at the junction of two or more intersecting streets and having frontage on two or more such streets.

LOT, DEPTH OF – the mean horizontal distance between the front lines and the rear lot line measured midway between the side lot lines.

LOT, INTERIOR – a lot other than a corner lot or a through lot.

LOT LINE, FRONT – in the case of an interior lot, the line separating the lot from the street. In case of a corner lot, the line separating the narrowest frontage of the lot from the street.

LOT, THROUGH – a lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.

LOT, WIDTH – the dimension of a lot, measured between the side lot lines on the building line.

MOBILE HOME – refer to Part 12 of this Zoning Ordinance.

MOBILE HOME LOT – refer to Part 12 of this Zoning Ordinance.

MOBILE HOME PARK – refer to Part 12 of this Zoning Ordinance.

MODULAR HOME – a transportable, single-family dwelling intended for permanent occupancy contained in two or more units and designed for use with a permanent foundation.

MOTOR VEHICLE DEALERSHIP - means any business establishment, which sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles.

MUNICIPAL or PUBLIC BUILDING – any building or structure erected, altered and/or occupied by a governmental or public agency or organization providing services and facilities for the general public.

NONCONFORMING USE - a building or use of land lawfully existing on the effective date of this Ordinance that does not completely conform to the use regulations for the district in which it is located.

NURSERY SCHOOL – a school (public or private) designed to provide daytime care or instruction for two or more children of preschool age.

NURSING FACILITY - A facility operating, whether licensed by the Commonwealth of Pennsylvania or not, for the purpose of providing housing and boarding associated with some level of nursing care and/or related services for the aged, infirm, elderly and/or individuals who suffer physical or intellectual disabilities or conditions. This definition includes an assisted living facility for individuals who need some assistance with daily activities but do not require higher-level care.

OFFICE STRUCTURE – a structure designed and used only for office and administrative activities and shall not include those activities of a commercial nature.

PARKING LOT – any lot, parcel or yard used in whole or in part for the storage or parking of two or more vehicles where such usage is not incidental to or in conjunction with a one-family or two-family dwelling.

PARKING SPACE – an off-street space available for parking of one motor vehicle and having an area of not less than 180 square feet exclusive of passageways and driveways appurtenant thereto giving access thereto and having direct access to a street or alley.

PLANNING COMMISSION – the Planning Commission of the Borough of Southmont.

SELF-SERVICE LAUNDRY – a business that provides home-type washing, drying or ironing machines or dry cleaning machines for hire to be used by customers on the premises.

SERVICE STATION – a building(s), premises or portions thereof which are used, arranged, signed or intended to be used for the retail sale of gasoline or other fuel for motor vehicles, boats or aircraft, as well as for minor automobile repair, including State inspection.

SIGN – Refer to Southmont Borough Sign Ordinance.

SPECIAL EXCEPTION – a use of property that is conditionally permitted by this Zoning Ordinance if certain specific standards are met and approved by either the Zoning Officer or the Zoning Hearing Board.

STORY – that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is not floor above it, then the space between the floor and the ceiling next above it.

STREET – a public or private way other than an alley which affords the principal means of access to abutting properties. If there is no officially established grade, the Borough Engineer shall establish same.

STRUCTURE – anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SUBSTANDARD STRUCTURE – that which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, stairways, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground. Said structure shall be determined to be a public nuisance and substandard if:

- A. The physical condition or use of any premises regarded as a public nuisance at common law.
- B. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures.
- C. Any premises which have unsanitary sewerage or plumbing facilities.
- D. Any premises designated as unsafe for human habitation or use.
- E. Any premises which are manifestly capable of being a fire hazard or are manifestly unsafe or insecure as to endanger life, limb or property.
- F. Any premises from which the plumbing, heating and/or facilities required by any code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective or the required precautions against trespassers have not been provided.
- G. Any premises which are unsanitary or which are littered with rubbish or garbage or which have an uncontrolled growth of weeds.
- H. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

TELECOMMUNICATIONS FACILITY - Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips, at frequencies on the electromagnetic spectrum as the FCC from time to time may designate, used for cellular telecommunications services and/or personal communications services, but not including such structures or devices when used for the broadcast of television of AM or FM radio stations or for citizens' band or amateur radio use. Included in the definition shall be accessory buildings or towers and structures utilized to support same. Examples of cellular telecommunications or personal communications services include, but are not limited to, cellular telephone, paging, public safety, data transmission. Specialized Mobile Radio, Enhanced Specialized Mobile Radio, and other commercial private radio services.

USE – the specific purpose for which land or building is designed, arranged, intended or for which it may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

WIND ENERGY FACILITY – an electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. A facility is either a Principal Facility or an Accessory Facility as follows:

A. **Principal Wind Energy Facility** – A system designed as the primary use on a lot, wherein the power generated is used primarily for off-site consumption.

B. **Accessory Wind Energy Facility** – A system designed as a secondary use on a lot, wherein the power generated is used primarily for on-site consumption.

YARD – a space on the same lot with a principal building, open, unoccupied and unobstructed by structures except as otherwise provided in this Chapter.

YARD, FRONT – a yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the least distance between the lot line and building line.

YARD, REAR – a yard extending across the full width of the lot between the rear of the principal building and the rear lot line, unoccupied by other than accessory buildings which do not occupy more than 30% of the space and steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such building.

YARD, SIDE – a yard between the principal building and side lot line, extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally and at 90° with the side lot line from the nearest part of the principal building.

ZONING OFFICER – the person duly appointed by the Borough of Southmont to enforce and administer the provisions of this Chapter.

PART 3

ESTABLISHMENT OF ZONING DISTRICTS

§301. ESTABLISHMENT OF ZONING DISTRICTS & THE ZONING DISTRICT MAP.

A. The Borough of Southmont is hereby classified and divided into the following zoning districts designated as follows:

(1)	R-1 District	Residential
(2)	R-2 District	Residential
(3)	CU District	Community Unit
(4)	R-3 District	Residential – mixed use
(5)	R-4 District	Residential – mixed use
(6)	C-1 District	Commercial-General
(7)	C-2 District	Commercial-Heavy
(8)	CD District	Cemetery District
(9)	GD District	Green District

B. The boundaries of districts shall be as shown on a map with is attached hereto and made/incorporated into part of this chapter and shall be known as the “Zoning Map of the Borough of Southmont.” Said map and all notations, references and data shown thereon are hereby incorporated by reference into this chapter and shall be as much a part of this chapter as if all were fully described herein.

§302. INTERPRETATION OF DISTRICT BOUNDARIES.

A. Where district boundaries are indicated approximately following the centerlines of streets, highways, street lines, highway right-of-way lines or streams, such centerlines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.

C. Where district boundaries are so indicated that they approximately follow or are parallel to the centerlines of streets, highways or the rights-of-way, such district boundaries shall be construed to be parallel thereto and at such distance therefrom as indicated on the Zoning Map of the Borough of Southmont.

D. Where the boundary of a district follows a stream or other body of water of another municipality or municipality boundary, the boundary shall be deemed to be the limit of jurisdiction of the borough unless otherwise indicated.

E. Where a buffer is required to be planted or maintained zoning districts, the boundary line shall be construed as that buffer.

F. Wherever federal, state or county owned property is included in one or more zoning districts, it shall be subject to the provisions of this chapter only insofar as is permitted by the Constitution and laws of the United States of America and of the Commonwealth of Pennsylvania.

PART 4

GENERAL PROVISIONS

§401. CONFORMANCE AND PERMITS.

No building or land shall, after the effective date of this Chapter, except for existing nonconforming uses, be used or occupied and no building or part thereof shall be erected, moved, demolished or altered unless in conformity with the regulations herein specified for the district in which it is located and then only after applying for and securing all permits and licenses required by all laws and ordinances. Further, no construction or development shall be undertaken within Southmont Borough unless in compliance with Southmont's Floodplain Ordinances as amended (See Ordinances 362, 490 and 493), governing construction and/or development within a floodplain area as defined and regulated therein.

§402. CONSTRUCTION OR ALTERATION.

No building shall hereafter be erected or altered to exceed the height to accommodate or house a greater number of families to occupy a greater percentage of lot area or to have a narrower or smaller rear yard, side yard or front yard than is herein specified for the district in which the building is located.

§403. YARDS.

No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Chapter shall be included as a part of a yard or open space similarly required for another building.

§404. SUBSTANDARD DWELLINGS.

No structure shall be used or occupied as a dwelling if such structure is in need of such major structural repairs as to render it unsafe or unsanitary, or if the premises does not have connection with the municipal sewer system and/or water system or alternative sanitary sewage facilities approved by the local public health authorities having jurisdiction. This paragraph should be read in conjunction with the Borough's Property Maintenance Code and/or Pennsylvania's adoption of the International Construction Code and any Ordinances related to maintenance of properties in the Borough.

§405. USES REQUIRING SITE PLANS.

A. All Uses of Property for One and Two-Family Dwellings and Accessory Buildings in R-1, R-2, R-3 and R-4 Districts. The application for a permit shall be accompanied by a site plan at an appropriate scale to indicate the following:

- (1) The size and shape of the property, including property line dimensions, corners, easements, right-of-way and names of adjacent properties.

(2) The size, shape, height, area and location of all principal and accessory buildings, driveways and walks. Dimensions from all buildings and proposed buildings to adjacent property lines shall be indicated.

(3) Any other information required by the specific provisions governing the specific zoning district or use as set forth in this Zoning Ordinance.

B. Uses of Property Other Than One and Two-Family Dwellings. In addition to the above requirements, uses of all property not consistent with section 405A in all other zoning districts shall also conform to any and all regulations that are specifically set forth in this Chapter, shall show the following:

- (1) Traffic circulation features within the site.
- (2) The location of vehicular access on and off the site.
- (3) The provision of off-street parking and loading facilities.
- (4) The provision of open space.
- (5) The landscaping, paving, fencing, walls and signs on the site.
- (6) Provision for surface water drainage.
- (7) All information required by law and Codes Officer or the specific provisions governing the specific zoning district or land use as set forth in this Ordinance.

§406. PUBLIC UTILITY LINES.

Area for the transmission, distribution and control of water, gas, electricity, oil, steam, telegraph, telephone, cable television and supporting members required to be located on a lot shall not be held to reduce yard dimensions for other buildings on a lot. A plan prepared by the utility company indicating the size, capacity and location of all facilities shall be filed with the Borough prior to the installation or alteration of any utility within a street right-of-way or easement.

§407. NONCONFORMING LOTS.

A lot held in single and separate ownership or a lot in a recorded plan at the effective date of this chapter or of any subsequent amendment hereto which is not of the required minimum area or width may be used for the construction, alteration or reconstruction of a building or area or width may be used for the construction, alteration, reconstruction or other use itself is in compliance with the use, yard, setback, density and other pertinent provisions of this chapter.

§408. STORMWATER.

Borough Ordinance No. 482 along with its applicable amendments shall control storm water management.

PART 5

PROVISIONS GOVERNING THE RESIDENTIAL DISTRICTS

§501. RESIDENTIAL DISTRICTS.

There shall be four (4) designated types of residential zoning districts in the Borough: (1) R-1; (2) R-2; (3) R-3; and (4) R-4

§502 RESIDENTIAL DISTRICT (R-1) – LOW TO MODERATE DENSITY.

The R-1 zoning district is intended to establish and preserve predominantly single-family neighborhoods while allowing additional residential uses that are compatible with the single-family residential character of the district.

The R-1 District (residential district) is composed primarily of single family dwellings with low to moderate density. While the R-1 district primarily consists of single-family dwellings, there are pre-existing two-family dwellings and dwellings that are multifamily units or apartmetns. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and their respective single-family neighborhoods; to protect the amenities of certain areas of Southmont where the pattern has already been established with single-family developments on single building lots; to promote and encourage a suitable environment for family life; and to prohibit all activities of a commercial nature except certain home occupations.

§503. REGULATIONS FOR R-1 DISTRICT.

Within the R-1 Residential District, the following regulations shall apply:

A. Permitted Uses.

1. Single-family dwellings and accessory buildings customary to such uses located on the same lot or parcel of land;

B. Special Exception uses subject to permit issued by Zoning Hearing Board.

1. Home occupation
2. Child day care home
3. Two-family dwelling
4. Multiple-family dwelling
5. Town house
6. Municipal building

7. Municipal recreational uses, including playgrounds, but not a park operated for profit.

8. See Parts 15 & 16 of this Ordinance regarding special exception permits.

C. Prohibited Uses.

All uses not listed in §503(A) and (B) above are deemed to be expressly prohibited in the R-1 district. Mobile homes are prohibited except in mobile home parks.

D. Development standards for the R-1 District.

1. Percentage of Lot Coverage. All buildings, including accessory buildings, shall cover not more than 50% of the area of the lot.

2. Height of buildings: The maximum height of buildings shall be 36 feet.

3. Height of Fences: The maximum height of any fence shall not exceed 6 feet.

4. Building Lines and Yard Setbacks. No building or structure shall be erected or enlarged unless the minimum setbacks are provided.

(a) Lots having a depth of 150 feet or more:

(i) Front yard, 40 feet

(ii) Side yard, 5 feet

(iii) Rear yard, 5 feet

(iv) Corner lots, 20 feet from the side street. Street running parallel or in the direction of the side of the lot as laid out on the Southmont Plan of Lots by F.W. Otto or the Cambria Land and Improvement Company shall be considered as side streets.

(b) Lots having a depth of less than 150 feet:

(i) Front yard, 30 feet

(ii) Side, rear and corner lots shall be the same as those provided for lots having a depth of 150ft or more.

(c) Fences shall be set three (3) feet from the property line or the public easement or right-of-way regardless of the size of the lot. All fencing shall placed in the "rear yard" as defined herein; i.e. must extend from back of residence's corners to side lot line back to rear lot line.

- (d) For purposes of this section on set backs, steps, eaves, overhangs, projections, roofs or other construction extending more than 12 inches beyond a wall or other support shall be considered as part of a structure for determining set back requirements.

5. Minimum Square Feet Requirements.

- (a) One story, single family dwellings shall have a minimum of 1,200 square feet on the first floor.
- (b) Two story, single-family dwellings shall have minimum of 1,200 square feet above grade for both first and second floors above grade.

6. Permanent Foundations. Walls, footings or piers constructed of concrete, brick, mortared masonry or concrete block which are placed directly below the exterior perimeter walls of the unit. These walls, footings or piers are to be structurally used as bearing walls under gravity loads, and/or used as shear walls under horizontal loads.

7. Construction. Construction of single-family dwellings shall be consistent with traditional, "stick-built" homes, built on site. If construction methods other than traditional methods are requested, same must be reviewed and approved by special exception as provided in this Ordinance.

E. Multiple Dwelling Unit Setback

No more than two consecutive or adjoining two-family units or multiple dwelling units shall be erected in any single block within the Borough unless each two-family or multiple dwelling unit has a minimum set back from the property line or other dwelling of twenty (20) feet.

§504. R-2 RESIDENTIAL DISTRICT.

The R-2 zoning district is intended to establish and preserve predominantly single-family neighborhoods while allowing an additional use by special exception that will minimize impact on the overall, residential character of the Borough.

The R-2 District is composed primarily of single family dwellings with low to moderate density. While the R-2 district primarily consists of single family dwellings, there are pre-existing two-family dwellings and multifamily dwellings or apartments. The Borough is made up almost exclusively of traditionally built homes laid out in a traditional neighborhood scheme; i.e. uniform lots, roads, alleys and sidewalks. The regulations for this district are designed to stabilize and protect these essential characteristics while allowing a use by special exception. The R-2 district shall promote and encourage a suitable environment for family life and prohibit all activities of a commercial nature except certain home occupations.

§505 REGULATIONS FOR R-2 DISTRICT.

Within the R-2 Residential District, the following regulations shall apply:

A. Permitted Uses.

1. Single-family dwellings and accessory buildings customary to such uses located on the same lot or parcel of land;

B. Special Exception uses subject to permit issued by the Zoning Hearing Board

1. Home occupation
2. Child day care home
3. Two-family dwelling
4. Multiple-family dwelling
5. Town house
6. Municipal building
7. Municipal recreational uses, including playgrounds, but not a park operated for profit
8. Mobile Home Park, see Part 13 for Mobile Home Parks.
9. See Parts 15 and 16 for special exception permits.

C. Prohibited Uses.

All uses not listed in §504(A) and (B) above are deemed to be expressly prohibited in the R-2 District. Mobile homes are prohibited except in mobile home parks.

D. Development standards for the R-2 District.

1. Percentage of Lot Coverage. All buildings, including accessory buildings, shall cover not more than 50% of the area of the lot.
2. Height of buildings: The maximum height of buildings shall be 36 feet.
3. Height of Fences: The maximum height of any fence shall not exceed 6 feet.
4. Building Lines and Yard Setbacks. No building or structure shall be erected or enlarged unless the minimum setbacks are provided.
 - (a) Lots having a depth of 150 feet or more:

- (i) Front yard, 40 feet
 - (ii) Side yard, 5 feet
 - (iii) Rear yard, 5 feet
 - (iv) Corner lots, 20 feet from the side street. Street running parallel or in the direction of the side of the lot as laid out on the Southmont Plan of Lots by F.W. Otto or the Cambria Land and Improvement Company shall be considered as side streets.
 - (b) Lots having a depth of less than 150 feet:
 - (i) Front yard, 30 feet
 - (ii) Side, rear and corner lots shall be the same as those provided for lots having a depth of 150ft or more.
 - (c) Fences shall be set three (3) feet from the property line or the public easement or right-of-way regardless of the size of the lot. All fencing shall placed in the "rear yard" as defined herein; i.e. must extend from back of residence's corners to side lot line back to rear lot line.
 - (d) For purposes of this section on setbacks, steps, eaves, overhangs, projections, roofs or other construction extending more than 12 inches beyond a wall or other support shall be considered as part of a structure for determining set back requirements.
5. Minimum Square Feet Requirements.
- (a) One story, single family dwellings shall have a minimum of 1,080 square feet on the first floor.
 - (b) Two story, single family dwellings shall have minimum of 650 square feet on the first floor, above grade, and a minimum total of 1,200 square feet above grade for both first and second floors above grade.
6. Permanent Foundations. Walls, footings or piers constructed of concrete, brick, mortared masonry or concrete block which are placed directly below the exterior perimeter walls of the unit. These walls, footings or piers are to be structurally used as bearing walls under gravity loads, and/or used as shear walls under horizontal loads.

§506. R-3 RESIDENTIAL DISTRICT.

The R-3 zoning district is intended to establish and preserve predominantly single-family neighborhoods while integrating and allow development of business and professional office space along public roadways by special exception that will minimize impact on the overall, residential character of the Borough. The idea is that housing in this area is exposed to a busy public road which causes its character to be different from the neighborhood that is not immediately exposed to the busy roadway. The regulations for this district are designed to

stabilize and protect these essential characteristics while allowing a use by special exception. The R-3 district shall promote and encourage a suitable environment for family life and prohibit activities of a commercial nature that do not meet the special exceptions referenced herein.

§507 REGULATIONS FOR R-3 DISTRICT.

Within the R-3 District, the following regulations shall apply:

A. Permitted Uses.

1. Single-family dwellings and accessory buildings customary to such uses located on the same lot or parcel of land and the special exceptions set forth in R-1 District.

B. Special Exception uses subject to permit issued by the Zoning Hearing Board

1. Administrative offices for commercial and industrial organizations.
2. Professional offices;
3. Business or charitable offices;
4. Blueprinting, photo stating establishment;
5. Physicians office;
6. Child Day-Care Home;
7. Certain Nursing Facilities in which the number of non-related individuals residing at the location is three or less and the type of care required by the individuals supports daily living of the residents, but does not require skilled nursing.

C. Prohibited Uses.

1. All uses not listed in §507(A), (B) above are deemed to be expressly prohibited in the R-3 District.

D. Development Standards for the R-3 District and Special Exceptions.

1. Percentage of Lot Coverage: All new buildings, including accessory buildings, or buildings that are structurally altered or enlarged, including accessory buildings, shall be reviewed by the local Borough Planning Commission prior to construction for approval. Although not determinative, the Borough believes that the gross floor area of buildings or structures on a lot or lots should be limited so that excessive floor area ratios (FAR) are not burdensome to adjoining property owners.

2. Height of buildings: The maximum height of buildings hereafter erected or altered shall be 36 feet.
3. Height of Fences: The maximum height of any fence shall not exceed 6 feet.
4. Building Lines and Yard Setbacks for Residential Properties. Where a property is being utilized solely for residential use, the building, structure or accessory use structure shall not be erected, enlarged or installed unless the minimum setbacks are maintained as follows:
 - (a) Lots having a depth of 150 feet or more:
 - (i) Front yard, 40 feet
 - (ii) Side yard, 5 feet
 - (iii) Rear yard, 5 feet
 - (iv) Corner lots, 20 feet from the side street. Street running parallel or in the direction of the side of the lot as laid out on the Southmont Plan of Lots by F.W. Otto or the Cambria Land and Improvement Company shall be considered as side streets.
 - (b) Lots having a depth of less than 150 feet:
 - (i) Front yard, 30 feet
 - (ii) Side, rear and corner lots shall be the same as those provided for lots having a depth of 150ft or more.
5. Building Lines and Yard Setbacks for Special Exception Properties. Where a property is being utilized as a special exception use, the building or structure shall not erected, altered or enlarged unless the minimum setbacks are maintained as follows.
 - (a) Front yard, not less than 35 feet.
 - (b) Side yard, not less than 15 feet.
 - (c) Rear yard, not less than 15 feet.
6. Accessory Buildings for Special Exception Properties. For properties being utilized as a special exception use in this District, a one story accessory building or shed may be located within the required "rear yard." The structure or shed shall be 5 feet from any property line. Additionally, there may be required a larger buffer area for the storage of motor vehicles and the loading and unloading of vehicles.

E. Conditions of Use by Special Exception. In addition to the site plan requirements set forth in Part 4, et. seq., of this Ordinance, the following site plan requirements shall apply to the R-3 District:

1. Traffic Study.

- (a) To include a circulation plan for all street(s) in the vicinity, existing and proposed, which will show the recommendations for controlling, signalizing, channelizing, storing, warning and directing traffic.

2. Landscape and Site Development Plan.

- (a) A buffer area consisting of suitable evergreen or other landscaping maintained

3. Surface Water Drainage Plan. When a structure is built, enlarged or altered within the R-3 District which triggers regulation of surface water drainage, the Stonycreek River Watershed Stormwater Management Plan shall apply. (Southmont Borough Stonycreek River Watershed Stormwater Management Ordinance No. 482 and its amendments)

F. Architectural Controls. Architectural plans of the building or buildings and structures proposed to be constructed shall be submitted to the Borough Planning Commission for review. The Planning Commission is charged with responsibility of ascertaining that the architectural design, the landscaping, etc., shall conform to the adjacent development to achieve a unified design which will be in character and proper relationship to the surrounding areas.

G. Off-Street Parking Facilities. Shall be permitted as required or permitted under Part 10, 15, and 16 of this Ordinance.

§508 R-4 RESIDENTIAL DISTRICT.

The R-4 zoning district is intended to establish and preserve predominantly single-family neighborhoods while integrating the pre-existing businesses and storefronts along the public roadways by special exception that will minimize impact on the overall, residential character of the Borough. The idea is that housing in this area already abuts storefronts and light, pre-existing commercial use which causes its character to be different from other areas of the Borough. The regulations for this district are designed to stabilize and protect these essential characteristics while allowing a use by special exception. The R-4 district shall promote and encourage a suitable environment for family life and prohibit activities of a commercial nature that do not meet the special exceptions referenced herein.

§509 REGULATIONS FOR THE R-4 DISTRICT

Within the R-4 District, the following regulations shall apply:

A. Permitted Uses.

1. Single-family dwellings and accessory buildings customary to such uses located on the same lot or parcel of land and includes uses by special exceptions set forth in the R-1 and R-3 Districts.

B. Special Exception uses subject to permit issued by the Zoning Hearing Board

1. Food sales and service:

- (i) Neighborhood food markets (i.e. bakery, candy store, etc.) not to exceed 1500 square feet;
- (ii) Restaurants, coffee shops, deli, cafeterias (sit-down and/or take-out) not to exceed 1500 square feet;

2. Health services:

- (i) Medical, dental, optical offices not to exceed 1500 square feet;
- (ii) Health and/or Fitness clubs of less not to exceed 1500 square feet;

3. Retail sales and service not to exceed 1500 square feet;

- (i) Antique stores;
- (ii) Art and photography galleries and studios;
- (iii) Barber shops and beauty shops;
- (iv) Blueprinting and photocopying;
- (v) Book, newsstand and stationery stores;
- (vi) Clothing stores;
- (vii) Department and furniture stores;
- (viii) Dry cleaning (pick-up service only);
- (ix) Florists and plant shops;
- (x) Gift shops;
- (xi) Hardware stores;

- (xii) Interior decorating services;
 - (xiii) Jewelry stores;
 - (xiv) Bed and breakfast
 - (xv) Child Day Care Center;
4. Any use listed above that will exceed the square feet limitation may request a variance regarding the square footage from the Zoning Hearing Board.

C. Prohibited Uses.

All uses not listed in §508(A), (B) above are deemed to be expressly prohibited in the R-4 District.

D. Development Standards for the R-4 District.

1. Percentage of Lot Coverage: All new buildings, including accessory buildings, or buildings that are structurally altered or enlarged, including accessory buildings, shall be reviewed by the local Borough Planning Commission prior to construction for approval. Although not determinative, the Borough believes that the gross floor area of buildings or structures on a lot or lots should be limited so that excessive floor area ratios (FAR) are not burdensome to adjoining property owners.
2. Height of buildings: The maximum height of buildings hereafter erected or altered shall be 36 feet.
3. Height of Fences: The maximum height of any fence shall not exceed 6 feet.
4. Building Lines and Yard Setbacks for Residential Properties. Where a property is being utilized solely for residential use, the building, structure or accessory use structure shall not be erected, enlarged or installed unless the minimum setbacks are maintained as follows:
 - (a) Lots having a depth of 150 feet or more:
 - (i) Front yard, 40 feet
 - (ii) Side yard, 5 feet
 - (iii) Rear yard, 5 feet
 - (iv) Corner lots, 20 feet from the side street. Street running parallel or in the direction of the side of the lot as laid out on the Southmont Plan of Lots by F.W. Otto or the Cambria Land and Improvement Company shall be considered as side streets.

- (b) Lots having a depth of less than 150 feet:
 - (i) Front yard, 30 feet
 - (ii) Side, rear and corner lots shall be the same as those provided for lots having a depth of 150ft or more.

5. Building Lines and Yard Setbacks for Special Exception Properties. Where a property is being utilized as a special exception use, the building or structure shall not erected, altered or enlarged unless the minimum setbacks are maintained as follows.

- (a) Front yard, not less than 35 feet.
- (b) Side yard, not less than 15 feet.
- (c) Rear yard, not less than 15 feet.

6. Accessory Buildings for Special Exception Properties. For properties being utilized as a special exception use in this District, a one story accessory building or shed may be located within the required "rear yard." The structure or shed shall be 5 feet from any property line. Additionally, there may be required a larger buffer area for the storage of motor vehicles, the loading and unloading of vehicles.

E. Conditions of Use by Special Exception. In addition to the site plan requirements set forth in Part 4, et. seq., of this Ordinance, the following site plan requirements shall apply to the R-4 District:

1. Traffic Study.

- (a) To include a circulation plan for all street(s) in the vicinity, existing and proposed, which will show the recommendations for controlling, signalizing, channelizing, storing, warning and directing traffic.

2. Landscape and Site Development Plan.

- (a) A buffer area consisting of suitable evergreen or other landscaping maintained.

3. Surface Water Drainage Plan. When a structure is built, enlarged or altered within the R-4 District which triggers regulation of surface water drainage, the Stonycreek River Watershed Stormwater Management Plan shall apply. (Southmont Borough Stonycreek River Watershed Stormwater Management Ordinance No. 482 and its amendments)

F. Architectural Controls. Architectural plans of the building or buildings and structures proposed to be constructed shall be submitted to the Borough Planning Commission for review.

The Planning Commission is charged with responsibility of ascertaining that the architectural design, the landscaping, etc., shall conform to the adjacent development to achieve a unified design which will be in character and proper relationship to the surrounding areas.

G. Off-Street Parking Facilities. Shall be permitted as required or permitted under Part 10, 15 and 16 of this Ordinance.

PART 6

PROVISIONS GOVERNING THE COMMUNITY UNIT DISTRICT

§601. COMMUNITY UNIT DISTRICT (CU District); INTENT, PURPOSE & OBJECTIVES.

The CU District is intended to allow greater flexibility of development alternatives, especially attractive higher density residential development and live-work buildings, in appropriate areas of the Borough. In having a CU District, the Borough seeks to take advantage of development opportunities which face unique opportunities and constraints based on the location of the district and the area surrounding same. More specifically, the intent of the CU District is to accomplish the following objectives:

- A. To encourage mixed use projects that combine residential with nonresidential uses in the same building or building site area as a means to create an active community, enhance the vitality of businesses, and reduce the need for automobile travel;
- B. To provide a meaningful blend of residential and non-residential uses that enhances and builds the Borough's commercial base; the mixed use is not intended to simply act as a loophole in the zoning code for other specified development;
- C. To provide additional housing options for people, including but not limited to, young professionals and older people, who want to live near their workplace and/or near retail and other non-residential uses;
- D. To ensure on-site compatibility of residential and non-residential uses; and
- E. To ensure compatibility of mixed use projects with surrounding uses and development patterns.

§602 REGULATIONS FOR CU DISTRICT

Within the CU Community Unit District, the following regulations shall apply:

A. Permitted Uses.

All CU District development requires site plan review pursuant to provisions of this Part and other applicable Parts of this Zoning Ordinance. Site plans shall be subject to planning commission review and approval. The permitted mixed uses are:

- 1. Residential:
 - (a) Multiple-family dwellings;
 - (b) Single-family attached dwellings;
 - (c) Live-work uses.

2. Commercial:

- (a) Food sales and service:
 - (i) Confectionery, candy stores, retail bakery;
 - (ii) Neighborhood markets;
 - (iii) Restaurants, coffee shops, deli, cafeterias (sit-down and/or take-out).
- (b) Health services:
 - (i) Medical, dental, optical offices;
 - (ii) Pharmacies (walk-in);
 - (iii) Health clubs of less than ten thousand square feet.
- (c) Administrative, financial, real estate, bank and professional offices.
- (d) Retail sales and service:
 - (i) Antique stores;
 - (ii) Art and photography galleries and studios;
 - (iii) Barber shops and beauty shops;
 - (iv) Blueprinting and photocopying;
 - (v) Book and stationary stores;
 - (vi) Clothing stores of less than one thousand square feet;
 - (vii) Department and furniture stores of less than two thousand square feet;
 - (viii) Dry cleaning service;
 - (ix) Florists and plant shops;
 - (x) Gift shops;
 - (xi) Hardware and paint stores of less than one thousand square feet;
 - (xii) Interior decorating services;
 - (xiii) Jewelry stores;

- (xiv) Music and vocal instruction and dancing academies;
- (xv) Postal facilities (private);
- (xvi). Repair services (limited);
- (xvii) Shoe sales;
- (xviii) Tailoring services for clothing;

3. Public facilities:

- (a) Fire and police stations;
- (b) Libraries;
- (c) Post offices.

4. Studios (art, photography, copywriter, film/video).

5. Accessory:

- (a) Parking lots or structures;
- (b) Public or private recreational facilities;

B. Uses by Special Exception.

- 1. Nursing facilities;
- 2. Child Day Care Center;
- 3. See Parts 15 and 16 of this Ordinance special exception permits.

C. Prohibited Uses.

- 1. All uses not listed in §602(A) and (B) above are deemed to be expressly prohibited in the CU District.

D. Development standards for the CU District.

- 1. Percentage of Lot Coverage. All buildings, including accessory buildings, shall cover not more than 50% of the area of the lot.

2. Height of buildings. The maximum height of buildings hereafter erected or altered in the CU District shall be 36 feet:
3. Height of fences. The maximum height of any fence shall not exceed 6 feet.
4. Building Lines and Yard Setbacks.
 - (a). No building shall be hereafter erected, altered or enlarged unless the following yards are provided and maintained in connection with said building, structure or enlargement.
 - (i) Front yard, not less than 35 feet
 - (ii) Side yard, not less than 15 feet
 - (iii) Rear yard, not less than 15 feet
 - (b). For purposes of setback, the front of a building shall be considered that side on which the principal or main entrance faces.

PART 7

PROVISIONS GOVERNING COMMERCIAL DISTRICTS

§701. COMMERCIAL DISTRICTS.

There shall be two (2) designated types of Commercial Districts in the Borough: (1) C-1; and (2) C-2.

§702 C-1 COMMERCIAL DISTRICT - GENERAL

The C-1 District is the general commercial district. Although the C-1 District is for general commercial use, the provisions for the C-1 District are not intended to allow uses which would impose hazards or a nuisance to adjacent or other properties by reason of smoke, soot, odor, noise, glare, fumes or other conditions that would adversely affect the public health, safety or welfare. The C-1 District is intended for the continued development of commercial uses along a main public roadway where commercial uses are already utilized.

§703 REGULATIONS FOR C-1 DISTRICT

A. Permitted Uses.

1. Administrative offices for commercial and industrial organizations.
2. Amusement establishment, including bowling alleys, dance hall, similar place of recreation when conducted wholly within a completely enclosed building.
3. Auto accessory store, automobile and truck sales and incidental service.
4. Bakery shop, including the baking and processing of food products.
5. Bank, financial institution, savings and loan association, drive-in or main office.
6. Barber shop, beauty shop.
7. Blueprinting, photo stating establishment.
8. Business, charitable or professional office.
9. Bus passenger terminal.
10. Cabinet shop.
11. Candy and ice cream store.
12. Camera and photographic supply shop, retail sales and service.
13. Delicatessen.

14. Department store.
15. Dry cleaning or pressing establishment, when employing facilities for the cleaning or pressing of dry goods received on the premises from retail trade only and including no wholesale cleaning or pressing business and when using nonflammable solvents as approved by the fire department.
16. Dry goods, hat store, wearing apparel store.
17. Electrical appliances store, sales, service repair, but excluding appliance assembly or manufacture.
18. Florist.
19. Funeral home, mortuary.
20. Furniture store, upholstery when conducted as a secondary of operation to the sale of furniture and furnishings.
21. Furrier, conducted as a retail operation for trade on the premises only.
22. Garden supplies, seed store, nursery.
23. Gift shop.
24. Hardware.
25. Health club.
26. Hobby shop.
27. Household appliance store, sales and service.
28. Interior decorating business, including upholstering and making of draperies, slip covers and similar articles when conducted as a part of the retail operations and secondary to the main use.
29. Jewelry store.
30. Laundry.
31. Life Care Facility.
32. Liquor store.
33. News stands

34. Nursing Facilities.
35. Paint, wallpaper sales.
36. Pharmacy.
37. Photographers studio, art gallery, including the developing of film when conducted as a part of the retail business on the premises.
38. Physicians office.
39. Plumbing, heating, similar business showroom, excluding shop or repair facilities.
40. Post office.
41. Printing shop.
42. Restaurant, cafeteria and snack bar, including the sale of alcoholic beverages.
43. Shoe store.
44. Sporting goods store.
45. Theater, indoor.
46. Travel agency.
47. Typewriter, office equipment sales and service.
48. Variety store.
49. Similar type retail, service or commercial use not specifically listed herein when authorized by the Zoning Hearing Board after receipt and review of recommendations from the Planning Commission.

B. Uses by Special Exception.

1. Child Day Care Center.
2. Telecommunications Facilities
3. Wind Energy Facility
4. Uses approved in R-3 and R-4 Districts.
5. See Parts 15 and 16 for special exception uses.

C. Prohibited Uses.

1. All uses not listed in §703(A) and (B) above are deemed to be expressly prohibited in the C-1 District.
2. Any residential-type use except for those specifically authorized in §703(A) if any.

D. Development Standards for the C-1 District.

1. Percentage of Lot Coverage. All new buildings, including accessory buildings, or buildings that are structurally altered or enlarged, including accessory buildings, shall be reviewed by the local Borough Planning Commission prior to construction for approval. Although not determinative, the Borough believes that the gross floor area of buildings or structures on a lot or lots should be limited so that excessive floor area ratios (FAR) are not burdensome to adjoining property owners.
2. Height of buildings. The maximum height of buildings hereafter erected or altered shall be 36 feet.
3. Height of Fences. The maximum height of any fence shall not exceed 6 feet.
4. Building Lines and Yard Setbacks. No building shall be hereafter erected, altered or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.
 - (a) Front yard, not less than 35 feet.
 - (b) Side yard, not less than 15 feet.
 - (c) Rear yard, not less than 15 feet.
5. Accessory Building. A one story accessory building may be located within a required rear yard except for the 5 feet adjacent and parallel to the rear lot line or alley line, but not upon any required buffer area for the storage of motor vehicles, the loading and unloading of vehicles under roof or the storage of stock and merchandise customarily associated with the principal use. Where abutting an R-District, there shall be provided, in addition to the rear yard requirement, a buffer area of not less than 15 feet. Said buffer shall be planted with evergreens.

E. Conditions of Use. In addition to the site plan requirements set forth in Part 4, et seq., of this zoning ordinance, the following site plan requirements shall apply to the C-1 District:

1. Traffic Study.

- (a) To include comparative analysis of present capacity of street(s) adjacent to the proposed development, together with necessary point of access to off-street parking and loading. Traffic data available from the Department of Transportation may be utilized providing that such data is deemed current.
- (b) To include a circulation plan for all streets in the vicinity, existing and proposed, which shows the recommendations for controlling, signalizing, channelizing, storing, warning and directing traffic.
- (c) When applicable obtain the required and necessary permits from the Pennsylvania Department of Transportation.

2. Landscape and Site Development Plan.

- (a) To include a plan of landscape development which shall include, among other considerations, an area of at least 5 feet in width along all streets with the exception of approved entrances, to be planted and maintained with trees, shrubbery or other landscaped material or ornamental fence or wall to serve as a visual screen for parking areas and loading or servicing areas.
- (b) A buffer area consisting of suitable evergreen landscaping maintained wherever the proposed business abut on a Residential or Community Unit District.
- (c) The location, arrangement, size and effect of all outdoor advertising or other signs and lighting proposed to be erected.

3. Surface Water Drainage Plan. When a structure is built, enlarged or altered within the C-1 District which triggers regulation of surface water drainage, the Stonycreek River Watershed Stormwater Management Plan shall apply. (Southmont Borough Stonycreek River Watershed Stormwater Management Ordinance No. 482 and its amendments)

F. Architectural Controls. Architectural plans of the building or buildings and structures proposed to be constructed or substantially modified shall be submitted to the Borough Planning Commission for review. The Planning Commission is charged with responsibility of ascertaining that the architectural design, the landscaping, etc., shall conform to the adjacent development to achieve a unified design which will be in character and proper relationship to the surrounding areas.

G. Off-Street Parking Facilities. Shall be permitted as required or permitted under Part 10 of this Ordinance.

§704 C-2 COMMERCIAL DISTRICT (COMMERCIAL - HEAVY).

The principal purpose of the C-2 District is to establish and provide an area for heavy commercial uses in a location which is suitable and appropriate for such uses and taking into consideration land uses on adjacent or nearby properties, access to a public streets, or other means of transportation.

§705 REGULATIONS FOR C-2 DISTRICT

A. Permitted Uses.

1. Mercantile establishments involved in the sale of all kinds of goods, ware and merchandise at wholesale.
2. Wholesale and storage uses, food packaging and bottle works, commercial printing plants, contractors' yards and shops, laundry and dry cleaning plants, manufacture and sale of monuments, light truck and care maintenance with office areas.
3. Public utility buildings and structures with outdoor storage yards for vehicles and equipment.
4. Off-premise signs and/or Billboards
5. Commercial businesses specifically set forth in C-1 District.
6. Adult Oriented Business. See Ordinance 408.

B. Prohibited Uses.

1. All uses not listed in §705(A) above are deemed to be expressly prohibited in the C-2 District.
2. Any residential use except for those specifically authorized in §705(A) if any.

C. Development Standards for the C-2 District.

1. Percentage of Lot Coverage: All new buildings, including accessory buildings, or buildings that are structurally altered or enlarged, including accessory buildings, shall be reviewed by the local Borough Planning Commission prior to construction for approval. Although not determinative, the Borough believes that the gross floor area of buildings or structures on a lot or lots should be limited so that excessive floor area ratios (FAR) are not burdensome to adjoining property owners.
2. Height of buildings: The maximum height of buildings hereafter erected or altered shall be 36 feet.

3. Height of Fences: The maximum height of any fence shall not exceed 6 feet.
4. Building Lines and Yard Setbacks. No building shall be hereafter erected, altered or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.
 - (a) Front yard, not less than 35 feet.
 - (b) Side yard, not less than 15 feet.
 - (c) Rear yard, not less than 15 feet.
5. Accessory Building. A one story accessory building may be located within a required rear yard except for the 5 feet adjacent and parallel to the rear lot line or alley line, but not upon any required buffer area for the storage of motor vehicles, the loading and unloading of vehicles under roof or the storage of stock and merchandise customarily associated with the principal use. Where abutting an R-District, there shall be provided, in addition to the rear yard requirement, a buffer area of not less than 15 feet. Said buffer shall be planted with evergreens.

D. Conditions of Use. In addition to the site plan requirements set forth in Part 4, et seq., of this Ordinance, the following site plan requirements shall apply to the C-2 District:

1. Traffic Study.
 - (a) To include comparative analysis of present capacity of street(s) adjacent to the proposed development, together with necessary point of access to off-street parking and loading. Traffic data available from the Department of Transportation may be utilized providing that such data is deemed current.
 - (b) To include a circulation plan for all streets in the vicinity, existing and proposed, which shows the recommendations for controlling, signaling, channelizing, storing, warning and directing traffic.
 - (c) When applicable obtain the required and necessary permits from the Pennsylvania Department of Transportation.
2. Landscape and Site Development Plan.
 - (a) To include a plan of landscape development which shall include, among other considerations, an area of at least 5 feet in width along all streets with the exception of approved entrances, to be planted and maintained with trees, shrubbery or other landscaped material or ornamental fence or wall to serve as a visual screen for parking areas and loading or servicing areas.

- (b) A buffer area consisting of suitable evergreen landscaping maintained wherever the proposed business abut on a Residential or Community Unit District.
 - (c) The location, arrangement, size and effect of all outdoor advertising or other signs and lighting proposed to be erected.
- 3. Surface Water Drainage Plan. When a structure is built, enlarged or altered within the C-2 District which triggers regulation of surface water drainage, the Stonycreek River Watershed Stormwater Management Plan shall apply. (Southmont Borough Stonycreek River Watershed Stormwater Management Ordinance No. 482 and its amendments)
- E. Architectural Controls. Architectural plans of the building or buildings and structures proposed to be constructed shall be submitted to the Borough Planning Commission for review. The Planning Commission is charged with responsibility of ascertaining that the architectural design, the landscaping, etc., shall conform to the adjacent development to achieve a unified design which will be in character and proper relationship to the surrounding areas.
- F. Off-Street Parking Facilities. Shall be permitted as required or permitted under Part 10 of this Ordinance.

PART 8

PROVISIONS GOVERNING CEMETARY DISTRICT

§801. CEMETERY DISTRICT (CD DISTRICT).

Almost fifty percent (50%) of Southmont Borough consists of a historical cemetery known as Grandview Cemetery. The cemetery was established in 1886 and became a historical site due it being the final resting area of the majority of victims of the Great Flood of 1889. The Great Flood of 1889 is one of the worst natural disasters that has occurred in the United States. Approximately 2,209 persons were laid to rest in Grandview Cemetery after the Great Flood. As a result, this area of Southmont is unique and is deserving of having its own special zoning designation to protect the history and heritage of Johnstown.

§802 USES IN CEMETERY DISTRICT.

A. Permitted uses.

1. Cemetery
2. Mausoleum
3. Crematory

B. Prohibited uses:

Any use other than those specifically set forth in §802(A).

C. Property Development Standards in the Cemetery District.

1. The maximum height of buildings hereafter erected or altered shall be 36 feet.
1. Building Lines and Yard Setbacks. No building or structure shall be erected or enlarged unless the following minimum setbacks are provided.
 - (a) 30 feet from any property line.
 - (b) For purposes of this section on setbacks, steps, eaves, overhangs, projections, roofs or other construction extending more than 12 inches beyond a wall or other support shall be considered as part of a structure for determining set back requirements.
2. Fences shall be set three (3) feet from the property line or the public easement or right-of-way regardless of the size of the lot.

PART 9

PROVISIONS GOVERNING GREEN SPACE DISTRICT

§901. GREEN SPACE DISTRICT (GS DISTRICT)

Green spaces are a great benefit to the Borough and the surrounding communities by improving the environment, the economics and lifestyle of these citizens. Green spaces within the Borough will provide the following benefits: prevention of soil erosion, reduction of heat build-up; improves water and air quality; increases community appeal; reduces crime; lowers stress in citizens; provides recreational areas; and improves property values. The GS District is intended to preserve ecological and recreational areas of the Borough through the prohibition or restriction of commercial and/or residential development.

The green spaces utilized in the Borough have been utilized as such for a significant period of time and establishing the GS District confirms the desire to keep and maintain such spaces.

§902 USES IN GREEN SPACE DISTRICT

C. Permitted uses.

1. Scenic or natural preservation;
2. Recreational use sponsored or operated by the Borough or a non-profit organization approved by the Borough and conducted in a manner compatible with the surrounding green space area.

B. Prohibited uses.

Any use other than those specifically set forth in §902.

§903 AREAS INCLUDED IN GREEN SPACE DISTRICT

- A. Bird Sanctuaries: A portion of the green space covered by this Part 9, was donated to the Borough for use as a nature preserve. The Borough accepted the lands donated and designated this land for a bird sanctuary and picnic area. These lands are described in Cambria County Tax Map #s 55-018. -113.000; 55-018. -225.000; and 55-018. -218.000.
- B. Park, Playground & Recreation: A portion of the green space covered by this Part 9, is utilized as a park, playground and recreation fields. These lands are described in Cambria County Tax Map #s 55-025. -300.000 and 55-005. -200.000.
- C. Natural Preservation: A portion of the green space covered by this Part 9, is utilized for preservation and conservation of natural habitat and conservation of the historic Chapin Arch. This land is described as Cambria County Tax Map #55-034. -109.000; 55-034. -101.001; and 55-034. -102.000. Also included in the conservation and natural habitat is the triangular parcel described as Cambria County Tax Map #55-034.-103.000

§904 OTHER REGULATIONS

The intention of zoning these green spaces is for preservation and conservation. Accordingly, any fence, building, sign or parking area currently in place shall remain as grandfathered and may be repaired and replaced as needed with the same or similar replacement/repair. However, there shall be no expansion of signage, fencing, buildings or parking areas in these locations and any deviation of a same or similar replacement is deemed denied and any variance must be approved by the Borough's Zoning Hearing Board.

PART 10

SUPPLEMENTARY PROVISIONS

§1001. PARKING AND LOADING FACILITIES.

The purpose of this chapter is to establish minimum standards for the development of off-street parking facilities for the general welfare and convenience of the public utilizing the various land uses within the Borough of Southmont; to establish the number of parking spaces required for various uses and accommodate anticipated demand; to promote compatibility between various uses so as to avoid the adverse impacts of vehicular traffic and parking congestion.

All off-street parking and loading facilities shall be indicated on the site plan as required under Part 4, §405 et al. Off-street parking and/or loading facilities shall be in compliance with provision of this Chapter as follows:

- A. Extent of Control. The off-street parking facilities required by this chapter, including loading facilities and landscaping, shall be a continuing obligation of the property owner so long as the use requiring the same continues. It is unlawful for an owner of any building, structure or use to discontinue or dispense with the requirements of this chapter. Nothing in this chapter shall be deemed to prevent the voluntary establishment of facilities in excess of those required by this chapter provided all standards governing the location, design and operation of such facilities are adhered to.
- B. All buildings and structures erected or altered and all land uses initiated after the effective date of this Part shall provide off-street parking and/or loading facilities as required herein. When a building or structure undergoes any increase in the number of dwelling units, gross floor area, seating capacity or other unit or measurement specified for off-street parking or loading facilities off-street parking and loading requirements shall be determined by the entire building or structure as modified.
- C. Schedule of Off-Street Parking Requirements: The following table sets forth the regulations for parking. All proposed site plans shall be reviewed by the Borough Planning Commission which shall have the ability to make recommendations to the zoning board related to variances where it may be necessary to prevent negative impact to the zoning district or adjacent property owners or where said variances would not adversely impact the zoning district or adjacent property owners.

One and two-family dwellings		Two spaces for each unit.
Three or more family units		Two spaces for each unit.
Bowling alleys, recreation centers and outdoor recreation facilities		One space per 200 square feet of gross floor area.
Club houses and meeting places for veterans, business, civic, fraternal, labor and similar organizations		One space per thirty-five square feet of gross assembly floor area.
Funeral home and undertaking establishments		One space per three fixed seats or one space per thirty-five square feet of gross floor area in the chapel, plus one space per 300 square feet gross floor area not in the chapel
Hospitals		Two spaces per bed.
Nursing Home and Life Care Facility		One space per three beds
Indoor retail business		One space per 200 square feet of gross floor area
Libraries, museum, post offices and similar establishments		One space per 300 square feet of gross floor area
Medical and dental clinics		One space per 200 square feet of gross floor area
Business and Professional offices		One space per 300 square feet of gross floor area
Retail and service commercial less than 75,000 square feet gross floor area:		One space per 200 square feet of gross floor area
Restaurants, indoor and other eating and drinking establishments		One space per 100 square feet of gross floor area
Theaters, auditoriums, churches and other places of worship or public assembly		One space per three fixed seats or one space per thirty-five square feet of gross sanctuary area if there are no fixed seats
Child Day Care Center and pre-schools		One space per 200 square feet of gross floor area. One space per employee, plus one space per ten children/clients
Service stations		One space per 100 square feet of gross floor area and three spaces per garage bay.

D. Schedule of Loading Requirements.

1. For all commercial uses, one off-street loading space shall be provided for each ten thousand (2,000) square feet of gross floor area.
2. Multistory multiple family dwelling in excess of ten units shall have one unit off street loading and unloading space for providing service to the structure. No on-street parking shall be permitted.

E. Design and Development Standards.

1. Area and Dimension Requirements for Parking Lots. Shall be reviewed by Borough Planning Commission.
2. Access to Adjacent Street. Shall be reviewed by Borough Planning Commission
3. Screening and Buffer Requirements. Shall be reviewed by Borough Planning Commission
4. Surfacing. Shall be reviewed by Borough Planning Commission
5. Lighting. Shall be reviewed by Borough Planning Commission
6. Storm Drainage. Shall be reviewed by Borough Planning Commission

F. Control of Off-Site Facilities. Shall be reviewed by Borough Planning Commission

§1002. SWIMMING POOLS.

A swimming pool in the ground or permanent installation above the ground shall be any pool, lake or open tank not located within a completely enclosed structure. Swimming pools are permitted in any district only as an accessory use and are subject to the following:

- A. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property and their guests, and no fee shall be charged.
- B. It may not be located closer than 5 feet to any property line of the property on which the pool is located.
- C. The pool or the entire property on which it is located shall be so walled or fenced so as to prevent uncontrolled access by children from adjacent street or properties, said fence to be at least 6 feet in height and maintained in satisfactory condition. Pools shall conform to all applicable Pennsylvania Department of Health standards and/or Pennsylvania's Uniform Construction Code which was adopted by the Borough.

§1003. ANIMALS IN ALL DISTRICTS.

Farm animals, hoofed animals, poultry, wild animals, and snakes shall not be kept in any district. The Borough is predominantly a residential community in which homes are closely located to one another. In areas of the Borough where commercial districts or mixed districts are located, they closely abut residential districts and, therefore, these animals are prohibited. The Borough abuts Upper Yoder Township which has sufficient open spaces to accommodate those persons who wish to own these types of animals.

§1004. SAFETY LIMITATIONS OF FENCES AND SHRUBBERY.

No fence shall be constructed or maintained nor shall any shrubbery be planted or maintained within the Borough in a manner or at a location which creates a traffic hazard by impairing visibility from or to a public highway.

PART 11

SIGNS & BILLBOARDS

§1101. PURPOSE.

The Borough finds it necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size, conspicuity, brightness, legibility, operational characteristics and maintenance of signs/billboards be controlled. Signs/billboards have a direct and substantial impact on traffic safety, pedestrian safety, community aesthetics and property values. With respect to electronic signs/billboards, including video display signs/billboards, the Borough finds that they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. The Borough finds that electronic signs/billboards are highly distracting to drivers and constitute a serious traffic safety threat and that same has been confirmed through studies conducted by various government agencies and research groups.¹ Additionally, the Borough finds that its community is almost entirely residential and that increased regulation is necessary to preserve the aesthetics of community.

Accordingly, the purpose of the sign/billboard regulations promulgated in this subchapter are to: (a) eliminate potential hazards to motorists and pedestrians using the public streets, sidewalks, and rights-of-way; (b) to safeguard and enhance property values; (c) to control nuisances; (d) to protect government investments in public buildings, streets, sidewalks, traffic control and utility devices, parks, and open spaces; (e) to preserve and improve the appearance of the Borough through adherence to aesthetic principles, in order to create a community that is attractive to residents and to non-residents who come to live, visit, work, or trade; (f) to eliminate excessive and confusing sign displays; (g) to encourage signs which by their design are integrated with and harmonious to the surrounding environment and the buildings and sites they occupy; and (h) to promote the public health, safety, and general welfare.

By establishing the sign/billboard regulations in this subchapter, the Borough has balanced the functions of signs within the community and the promotion of public health, safety, welfare and aesthetics of the community. It is not the purpose or intent of this subchapter to prefer or favor commercial messages or speech over non-commercial messages or speech or to discriminate between types of non-commercial speech or the viewpoints represented therein.

§1102. APPLICATION OF REGULATIONS.

This Article shall apply to the location, erection, and maintenance of signs/billboards in all zoning districts within the Borough.

¹ Federal Highway Administration (FHWA), Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, Sept. 11, 2001 and The Role of Driver Inattention in Crashes: New Statistics from 1995; the University of North Carolina Highway Safety Research Center, Distractions in Everyday Driving, May 2003 and The Role of Driver Distraction in Traffic Crashes, May 2001; the Wisconsin Department of Transportation, Synthesis Report of Electronic Billboards and Highway Safety, June 10, 2003; the Municipal Research and Services Center of Washington, Sign Control Provisions, Jan. 2006; and the Veridan Group, Video Signs in Seattle, Gerald Wachtel, May 2001

§1103. DEFINITIONS.

The following words and terms when used in this Article shall have the following meanings unless the context clearly indicates otherwise:

Billboard: An off-premises sign which advertises an establishment, activity, person, product or service which is unrelated to or unavailable on the premises where the billboard is located.

Building sign: An on-premise sign in which the sign is attached to a building. Building signs include wall or fascia signs, roof signs, and signs otherwise permanently applied to walls or other building surfaces.

Changeable copy sign - a sign or portion thereof which has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or re-arranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

Changeable copy sign, electronic - a sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

Electronic graphic display sign - a sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

Flashing sign - a directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and includes/creates the illusion of intermittent flashing light by means of animation, streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling.

Fluctuating Illumination Sign - Any type of sign that fluctuates in light intensity or uses intermittent, strobe or moving light or lights that does not fall under the definition of video display signs, electronic changeable copy signs or electronic graphic display signs.

Multi-vision sign - any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

Off-premises sign – a sign that is located on property that is not the premises, property or site of the use identified or advertised on the sign.

On-premises sign – a sign that is located on property that is the premises, property or site of the use identified or advertised on the sign.

Rotating sign – a sign or portion of a sign which in any physical part or in total turns about on an axis, rotates, revolves or is otherwise in motion, including without limitation a multi-vision sign.

Temporary sign - means a sign that is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after erection of such sign; or is intended to remain on the location where it is erected or placed for a short period of time. Temporary signs include, but are not limited to the following examples:

- (A). Political signs advocating political candidates or political issues;
- (B) Real estate signs advertising property for sale or lease;
- (C) Construction signs identifying the builder of a structure or the developer of a residential, commercial or industrial development;
- (D) Special event signs or banners advertising grand openings, fairs, carnivals, circuses, festivals; or
- (E) Community events, garage and yard sale signs, and any other sign of a similar purpose.

Time and temperature sign - any sign which displays exclusively current time and temperature information.

Vehicle sign - any sign exceeding ten square feet in area mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile or other form of motor vehicle so parked or placed so that the sign thereon is discernible from a public street or right-of-way as a means of communication and which by its location, size, and manner of display is reasonably calculated to exhibit commercial advertising identifying an on-site business or supplying directional information to an off-site business. A vehicle sign may be defined as a vehicle that functions primarily as a sign rather than as a transportation device, as determined by consideration of any combination of the following factors:

- (A) The absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed;

- (B) The vehicle on which the sign is displayed is inoperable;
- (C) The vehicle on which the sign is displayed is not parked in a lawful or authorized location or is on blocks or other supports or is parked in a manner that is not in conformity with the identified parking space on the lot;
- (D) The vehicle on which the sign is displayed is not regularly used for transportation associated with the use it advertises;
- (E) The vehicle remains parked on the premises after normal business hours when customers and employees are not normally present on the premises; or
- (F) The vehicle remains parked in the same vicinity on the property in a location which maximizes its visibility from the public street or right of way on a regular basis.

Video display sign - a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

§1104. GENERAL REGULATIONS.

- A. A permit shall be required for the building or erection of any type of sign except for a temporary sign.
- B. All signs shall be constructed and erected in a safe orderly manner. No sign shall be placed in such a position that it will cause danger to vehicular or pedestrian traffic by obscuring view or causing distraction.
- C. All signs shall be maintained in a structurally sound condition free from decay and warping, cracked and peeling paint or sign copy, and rusting or deteriorating materials.
- D. All signs shall be landscaped around the base of the sign and the grounds immediately adjacent to the billboard so that all soils are stabilized with established plant or landscaping materials and those plant materials must be kept mowed and otherwise appropriately maintained, except where impervious surface exists in that area;
- E. Any sign, if illuminated, shall be non-flashing and non-animated, shall be of enclosed lamp design, and shall be lighted in a manner not detrimental to any adjacent property or public right-of-way.

- F. No sign, except traffic signs and other official signs, may be erected or extend onto any public street or right-of-way.
- G. Any sign attached to or painted on a building may extend a maximum distance of one (1) foot from the wall to which it is attached, may cover maximum of 20% of the total area of the wall to which it is attached, and shall not extend beyond any point of the line of the building/roof to which the sign is attached.
- H. The height of any sign (including its support(s) may not exceed fifteen (15) feet, as measured from the ground level regardless of topography of property and roadway.
- I. No sign that is a part of or is supported by a building shall be erected upon the roof of such a building.
- J. No sign structure erected directly upon the ground shall have less than three (3) feet of clear space between such sign and the ground, however, necessary supports may be extended through such open space.
- K. No signs shall be permitted which are posted, stapled or otherwise permanently attached to public utility poles or trees within the street line.
- L. Non-conforming signs, once removed, shall be replaced only with conforming signs; however, non-conforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
- M. Unless a provision in this Ordinance is more restrictive, the minimum standards regarding signs shall be in conformance with Appendix H of the International Building Code of 2009.

§1105 PROHIBITED SIGNS.

The following types of signs are prohibited in all zoning districts except C-2.

- A. Flashing Signs.
- B. Billboard.
- C. Vehicle Signs.
- D. Video Display Signs.
- E. Changeable Copy Signs.
- F. Electronic Changeable Copy Signs.
- G. Electronic Graphic Display Signs.

- H. Fluctuating Illumination Sign.
- I. Multi-vision Signs.
- J. Rotating Sign.
- K. Time and temperature Sign.

§1106. RESIDENTIAL DISTRICT (R) REGULATIONS.

- A. All signs erected or placed in a Residential District shall be on-premise signs and shall pertain only to activities being conducted on the parcel which the sign is erected.
- B. Signs Permitted in a Residential District are as Follows:
 - 1. Sign indicating the name and number of the owner and/or the necessary use of the dwelling for home occupation or professional purposes provided that the sign does not exceed two (2) square foot in area.
 - 2. One identification sign may be erected for a multi-family unit provided that the sign does not exceed ten (10) square feet in area.
 - 3. Temporary signs as defined herein not exceeding ten (10) square feet.
 - 4. Borough signs, street signs, directional signs, and traffic control signs may be erected by the Borough, County, State, or any authorized representative body of government.
- C. There shall be no more than two (2) temporary signs allowed on a single parcel at any given time.
- D. Where special exceptions are granted in a Residential District, those properties shall be permitted additional signage, but subject to the following general regulations:
 - 1. Only one (1), free standing, on-premise sign shall be erected, constructed per parcel regardless of the number of businesses located on said parcel of ground.
 - 2. The facing on an on-premise sign shall not exceed thirty (30) square feet. Only one (1) side of a double sided sign shall be counted in determining the square feet of sign faces. Where the two (2) sides are not of equal size, the larger of the two (2) sides shall be used for the determination of sign area. The square feet of a sign face shall be determined by measuring the outer dimensions of the sign cabinet or frame.
 - 3. A building or structure is permitted to have a building sign(s) in addition to a free standing on-premise sign. The total square feet of a building sign shall be regulated as follows:

- (a) No single building sign shall be greater in size than thirty (30) square feet. Where there are multiple building sign(s) placed on a single building, the total number of square feet of all signs attached shall not exceed thirty (30) square feet.
- 4. Types and usage of signage may be further restricted in special exception uses by the Zoning Hearing Board where the Board determine that circumstances exist for further restriction.

§1107 REGULATIONS FOR COMMUNITY UNIT DISTRICT

A. In the CU District, the following signs shall be permitted:

- 1. Any sign permitted in a Residential District utilizing the residential regulations.
- 2. On-premise signs.

B. Those signs permitted in the CU District which are not otherwise regulated by prior sections shall be regulated as follows:

- 1. Only one (1), free standing, on-premise sign shall be erected, constructed per parcel regardless of the number of businesses located on said parcel of ground.
- 2. The facing on an on-premise sign shall not exceed thirty (30) square feet. Only one (1) side of a double sided sign shall be counted in determining the square feet of sign faces. Where the two (2) sides are not of equal size, the larger of the two (2) sides shall be used for the determination of sign area. The square feet of a sign face shall be determined by measuring the outer dimensions of the sign cabinet or frame.
- 3. A building or structure is permitted to have a building sign(s) in addition to a free standing on-premise sign. The total square feet of a building sign shall be regulated as follows:
 - (a) No single building sign shall be greater in size than thirty (30) square feet. Where there are multiple building sign(s) placed on a single building, the total number of square feet of all signs attached shall not exceed thirty (30) square feet.
- 4. Any sign erected or placed shall be maintained in an orderly safe condition. If the owner fails to maintain the sign or structure in a satisfactory condition, the Borough may notify the owner and remove the sign at the owner's expense.
- 5. Business signs may be illuminated, but flashing or intermittent lighting is prohibited. Additionally, any sign that is illuminated must be done so in such a fashion as to prevent dispersion of light onto neighboring properties.

- C. Off-premise signs are prohibited in the CU, Districts and certain Commercial Districts mentioned herein. Although these districts allow commercial enterprises, they are transitional and mixed use districts with residential single family dwellings being the other predominant use. Southmont believes that keeping these districts of a residential nature is paramount to protecting the property interests and enjoyment of property of those persons who continue to reside in these districts.

§1108 COMMERCIAL DISTRICT REGULATIONS FOR DISTRICTS: C-1.

- A. In the C-1 District the following signs shall be permitted
1. Any sign permitted in an R District utilizing the residential regulations.
 2. Any sign permitted in the CU Districts with corresponding regulations.
 3. Other on-premise signs as regulated in this section.
- B. Those signs permitted in the C-1 District which are not otherwise regulated by prior sections shall be regulated as follows:
1. Only one (1), free standing, on-premise sign shall be erected, constructed per parcel regardless of the number of businesses located on said parcel of ground.
 2. The facing on an on-premise sign shall not exceed thirty (30) square feet. However, if there are more than two (2) businesses operating on a single parcel, the total square feet of sign face shall not exceed sixty (60) square feet. Only one (1) side of a double sided sign shall be counted in determining the square feet of sign faces. Where the two (2) sides are not of equal size, the larger of the two (2) sides shall be used for the determination of sign area. The square feet of a sign face shall be determined by measuring the outer dimensions of the sign cabinet or frame.
 3. A building or structure is permitted to have a building sign(s) in addition to a free standing on-premise sign. The total square feet of a building sign shall be regulated as follows:
 - (a) No single building sign shall be greater in size than forty (40) square feet. Where there are multiple building sign(s) placed on a single building, the total number of square feet of all signs attached shall not exceed forty (40) square feet.
 - (b) Any sign attached to or painted on a building may extend a maximum distance of one (1) foot from the wall to which it is attached, may cover maximum of 20% of the total area of the wall to which it is attached, and shall not extend beyond any point of the line of the building/roof to which the sign is attached.

4. Any sign erected or placed shall be maintained in an orderly safe condition. If the owner fails to maintain the sign or structure in a satisfactory condition, the Borough may notify the owner and remove the sign at the owner's expense.
 5. Business signs may be illuminated, but flashing or intermittent lighting is prohibited. Additionally, any sign that is illuminated must be done so in such a fashion as to prevent dispersion of light onto neighboring properties.
- C. Off-premise signs are prohibited in the C-1 Districts mentioned herein. The C-1 District is mostly commercial and the character and nature of the commercial district is pleasant and not invasive. The C-2 District does not have blight or light pollution and the signs currently in use respect neighboring properties and uses. The properties in the C-1 District are able to operate and advertise their business with success without their imposing its commercial nature on neighboring properties.

§1109 COMMERCIAL DISTRICT REGULATIONS FOR DISTRICTS: C-2.

- A. In the C-2 District, the following signs shall be permitted:
1. Any sign permitted in a Residential District utilizing the residential regulations.
 2. Any sign permitted in the CU, and C-1 Districts utilizing their respective regulations.
 3. Off-premise signs and billboards.
- B. Those signs permitted in the C-2 District which are not otherwise regulated by a prior sections; i.e. off-premise signs and billboards shall be regulated as follows:
1. No more than one (1) off-premise sign or billboard may be located within any linear mile along a street notwithstanding the fact that such billboards may be located on different sides of the street. This distance requirement shall include in its calculation any billboards located outside of the boundaries of Southmont.
 2. No off-premise sign or billboard may be located within a radius of 1,000 feet of another billboard regardless of geographic jurisdiction or within 400 feet of existing or future property having residential uses.
 3. No off-premise sign or billboard may be located within 100 feet of an adjoining property line or 45 feet of any other boundary lines of the property on which the billboard is located.
 4. All distances as provided for in this section shall be measured from the outer most surface of the surface display area and/or its corresponding structure.

5. Regardless of the type of sign utilized, only one (1) free standing sign, either an on-premise or off-premise/billboard shall be erected or constructed per single parcel.
6. All off-premise or billboard shall be no larger than 288 square feet. Only one (1) side of a double sided sign shall be counted in determining the square feet of sign faces. Where the two (2) sides are not of equal size, the larger of the two (2) sides shall be used for the determination of sign area. The square feet of a sign face shall be determined by measuring the outer dimensions of the sign cabinet or frame.
7. If one side of an off-premise sign or billboard utilizes LED or digital technology, the other side of the sign must be a traditional static display or a non-LED/digital type.
8. Where an off-premise sign or billboard utilizes an LED or digital type of sign to change copy electronically, the following regulations apply:
 - (a) the display or message shall not change more frequently than once every twelve (12) seconds, with a transition period of one second or less.
 - (b) the sign must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this section.
 - (c) The maximum brightness levels for a digital sign shall not exceed .02 (two tenths) foot-candles over ambient light levels measured within 150 feet of the source, consistent with the terms of this section. Certification must be provided to Southmont demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by Southmont in its reasonable discretion, at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.
 - (d) Brightness of digital signs shall be measured as follows:
 - (i) At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre- set location.
 - (ii) the sign shall then be turned on to full white copy to take another reading with the meter at the same location.
 - (iii) If the difference between the readings is 0.02 (two-tenths) foot candles or less, the brightness is properly adjusted.

§1110 CEMETARY DISTRICT AND GREEN DISTRICT REGULATIONS

- A. All signs erected or placed in the Cemetery or Green District shall be on-premise signs and shall pertain only to activities being conducted on the parcel which the sign is erected.
- B. Signs Permitted in the Cemetery and Green District are as follows:
 - 1. Sign for on-premise activities and the sign does not exceed two (2) square foot in area.
 - 2. Temporary signs as defined herein not exceeding ten (10) square feet.
 - 3. Borough signs, street signs, directional signs, and traffic control signs may be erected by the Borough, County, State, or any authorized representative body of government.

§1111 REQUIREMENTS FOR PERMIT REVIEW.

- A. Permit Procedure. A person seeking to obtain a permit for the erection and/or building of a sign in compliance with this subchapter shall follow the below procedure:
 - 1. Submit a written application to the Borough. The application shall include:
 - (a) An accurate site plan to engineer's scale providing the location of the proposed new or modified sign, along with the dimensions and type of signs to be erected.
 - (b) If a sign is attached to or painted on a building, the necessary area calculations shall be provided showing that said sign complies with this subchapter.
 - (c) If the sign is to be a freestanding sign, the site plan shall show a site plan showing curbs, property lines, sign location, dimensions, and north arrow, elevations with dimensions, and shop drawings. If determined as necessary by the Borough, the applicant shall stake the corners of the property.
- B. Permit Application Consideration. A complete application for a sign permit shall be presented to the Borough for review of applicable zoning and sign ordinance requirements and for a plan review of the proposed sign structure.
- C. Permit Fees. The cost of sign permits shall be in conformance with Part 17 et seq. of the Zoning Ordinance.

§1112. GRANDFATHERED OFF-PREMISE SIGNS/BILLBOARDS.

Off-premise sign and billboards are prohibited in all districts except C-2. Any off-premise signs and/or billboards legally in existence in a district, other than C-2, prior to the implementation of this Ordinance, shall have the status of a non-conforming use under Pennsylvania law ("non-conforming billboard"). With respect to these non-conforming billboards, the standards set forth in this subchapter apply.

A. A non-conforming off-premise sign or billboard that was erected prior to enactment of this Ordinance shall be maintained and regulated as follows:

1. It must be erected and maintained in a structurally sound condition free from decay and warping, cracked and peeling paint or sign copy, and rusting or deteriorating materials;
2. The type of sign face cannot be modified; i.e. if sign is static it cannot be changed or modified to an LED or electronic display. This section includes modification to allow Electronic display techniques including, but not limited to, light emitting diodes (LED's), fiber optics, light bulbs or other illumination device within the display area, including computer programmable, microprocessor controlled electronic displays and projected images or messages with these characteristics onto the sign face.
3. It must be landscaped around the base of the signs and the grounds immediately adjacent to the billboard so that all soils are stabilized with established plant or landscaping materials and those plant materials must be kept mowed and otherwise appropriately maintained, except where impervious surface exists in that area;
4. It must be located so as not to obstruct any existing business or sign;
5. A sign permit, in addition to any other necessary permit, must be obtained by the property owner and/or billboard owner from the Borough whenever the billboard requires repair, restoration, or improvement. The property/billboard owner shall obtain said permit prior to repair, maintenance, restoration or improvement work.
6. It shall not be enlarged, expanded, modified and/or intensified to any extent, and those terms mean any increase in a dimension, size, area, volume or height, any increase in the area of use, any placement of a structure or sign face or part thereof where none existed before, any addition of a site feature such as a walkway, louvers or other mechanical equipment, or any increase in intensity of use based on a review of the original nature, function or purpose of the billboard.
7. No other off-premise sign can be erected within 2,640 feet.

B. A non-conforming, off-premise sign or billboard that comes into disrepair, the Borough shall inform the owner of the sign/billboard or the land owner on which the sign sits of said condition. The owner of the sign or owner of the property on which the sign sits

shall remedy the condition of disrepair within 30 days from the date of being informed by the Borough. Should the sign/billboard not be repaired or fixed within the 30 day time period, a 30 day extension may be granted by the Borough. If the condition of the sign is not remedied as directed herein, the Borough may take any lawful action to have the sign removed, which may include, but is not limited to, removing the sign at its own direction (self-help), directing the owner of sign to remove the sign, legal action.