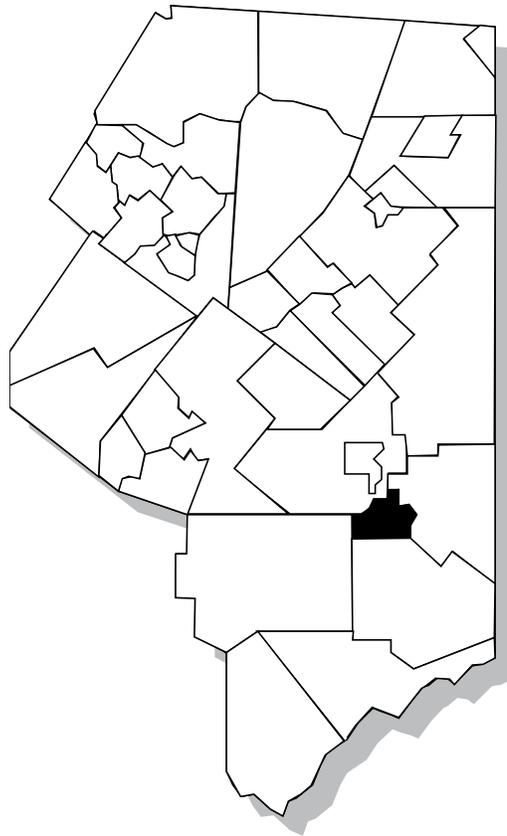


BOROUGH OF MOSCOW
LACKAWANNA COUNTY, PA

ZONING
ORDINANCE
ORDINANCE #266-2021
DECEMBER 6, 2021



Borough of Moscow
Municipal Offices
123 VanBrunt Street
Moscow, PA 18444
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ARTICLE I

GENERAL PROVISIONS

101 TITLE

An Ordinance completely amending the Borough of Moscow Zoning Ordinance adopted June 2, 2008 and as amended thereafter.

This Ordinance divides the Borough of Moscow into districts and regulates the use of land and the location, use and density of buildings and structures within these districts; establishes a Zoning Hearing Board setting forth the duties and functions of said Board; regulates non-conforming uses and provides for the administration and enforcement of this Ordinance.

102 SHORT TITLE

This Ordinance shall be known and may be cited as the Borough of Moscow Zoning Ordinance.

103 APPLICATION OF ORDINANCE

No building, structure or land, located wholly or partially within the Borough of Moscow shall be used or occupied and no building or part thereof shall be erected, moved, enlarged, or structurally altered unless in conformance with the regulations of this Ordinance.

104 BOROUGH EXEMPTION

Buildings, structures, and land owned by the Borough of Moscow shall be exempt from all provisions of this Ordinance.

105 PURPOSE

This Zoning Ordinance has been prepared in accordance with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures, and is enacted for the following purposes:

- 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 provision of adequate light and air, energy conservation, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements as well as,
- 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.

106 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Borough and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Borough that are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use

of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by any other Ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

107 SEVERABILITY

If any article, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

108 REPEALER

The Borough of Moscow Zoning Ordinance adopted June 2, 2008, and all amendments thereto, are hereby repealed. All other existing Ordinances or parts of Ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

109 EFFECT OF ORDINANCE

Hereinafter, no structure shall be erected, moved, altered, rebuilt or enlarged nor shall any land or building be designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements and controls specified in this Ordinance for the District in which such building or land is located.

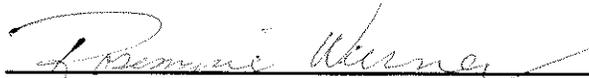
110 EFFECTIVE DATE

This Ordinance shall become effective on the date of its adoption by the Borough Council.

111 ADOPTION

This Ordinance was duly adopted at a public meeting of the Moscow Borough Council held on December 6, 2021, after a public hearing, properly advertised, held on October 4, 2021, by the Moscow Borough Council.

Adopted this 6th day of December, 2021



MAYOR



PRESIDENT OF COUNCIL

ATTEST:


BOROUGH SECRETARY

ARTICLE II

COMMUNITY DEVELOPMENT OBJECTIVES

201 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is adopted in conformance with the following Community Development Objectives:

1. To achieve the best use of the land within the Borough ensuring that varying land uses will complement one another and thus improve the economic and aesthetic character of the community.
2. To establish realistic population densities in order to ensure adequate circulation, health standards, privacy and open space and in order to provide utilities, protection, services and facilities in the most convenient and efficient manner.
3. To improve the road system for better internal circulation and movement of through traffic, which will facilitate the efficient and safe movement of people and goods.
4. To guide the location of future development and establish developmental standards in such a way that negative impacts on the natural environment and natural resources are minimized, and to minimize existing and future water, air and noise pollution.
5. To encourage and promote the provision of a wide-range and variety of housing types to meet the needs of all Borough residents, newly-formed households, growing families and senior citizens.
6. To strive for coordination of policies, plans, and programs in the Borough and region through cooperation among governing officials and special interest groups in both the public and private sectors.
7. To expand and activate a continuing planning program that will serve to continually update and revise planning goals and objectives, and the operational tools necessary for implementation, in light of new data and conditions.

ARTICLE III

DEFINITIONS

301 INTERPRETATION

For the purpose of this Ordinance certain words shall have the meaning assigned to them as follows:

Words used in the present tense include the future.

Words used in the singular include the plural; words used in the plural include the singular.

The word "shall" or "must" is always mandatory.

The masculine gender shall include the feminine and neuter.

The word "building" includes "structure" and any part thereof.

The word "lot" shall include "plot" or "parcel."

The phrase "used for" includes "arranged for," "designed for," "intended for," or "occupied for."

The word "person" includes an individual, corporation, partnership, unincorporated association or any other similar entity.

The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.

302 DEFINITIONS

The following words and phrases shall have the meaning given in this section, as follows:

ABANDONMENT: To stop the use of property intentionally. When the use of a property has ceased or the property has been vacant for twelve (12) months, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent, or resume the use of the property.

ABUSED PERSON SHELTER: A non-profit, social-service use in which rooms are provided to serve as a temporary, safe and supportive, living environment for persons who, because of actual or threatened physical or mental abuse, are forced to leave their previous living arrangement. Such facilities shall be designed to provide in-house living for persons only until a safe, permanent living arrangement can be obtained.

ABUT: To physically touch or border upon or to share a common property line, also known as adjoining or contiguous with no intervening land. The term "abut" implies a closer proximity than the term "adjacent."

ACCESS DRIVE: A durable, all-weather surface, other than a street as defined in this Ordinance that provides access from a street to a lot or parcel of land.

ACCESSORY STRUCTURE: A subordinate structure on a lot, the use of which is incidental to that of the main or principal structure and is not approved, established, or constructed before the principal use or structure is approved, established, or constructed.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or structure and located on the same lot with such principal use or structure and is not approved, established, or constructed before the principal use or structure is approved, established, or constructed.

ADJACENT: Lying near or close to, neighboring; may be contiguous. "Adjacent" implies that two objects are not widely separated, though they may not actually touch.

ADULT DAY CARE CENTER: A use providing supervised care and assistance primarily to persons who are over age 16 and not in good physical health or suffering from a form of dementia or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of sixty (60) hours per week per person.

ADULT USE: Any business or entertainment uses that are further classified and defined by this Zoning Ordinance and Title 18, Chapter 59, Subsection 5903 (Obscene and other Sexual Materials and Performances) of the Pennsylvania Code. The supplemental regulations for adult uses are further specified under Section 703 of this Zoning Ordinance. The following definitions, provisions and examples are hereby provided to identify an adult use either as a standalone use or in combination with any other uses.

1. An establishment having as a substantial or significant portion of its stock in trade or in which are displayed or viewed, magazines, periodicals, books, drawings, photographs, videos, paraphernalia, or other materials that are distinguished or characterized by their emphasis on depicting, describing, or displaying sexual activities or conduct or exposed male or female genital areas.
2. An establishment or place of assembly to which adult persons are permitted or invited to view or participate in the following uses:
 - a. The use has all or a substantial or significant portion of its stock in trade consisting of any the following items, whether alone or in combination:
 - (1) books, magazines or other periodicals as well as films or other forms of audio or visual representation that are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas
 - (2) instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or
 - b. The use has coin-operated or token-operated devices that are electronically or mechanically controlled motion picture machines, projectors, or other image producing devices maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas; and/or
 - c. The use features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping, or persons whose performance or activities include simulated or actual sex acts; and/or
 - d. The use offers its patrons any other retail goods, services, or entertainment which is characterized by an emphasis on matter or activities relating to,

depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.

3. The following specific uses are examples of adult uses, but shall not be considered the only types of adult uses:
 - a. **Adult Bath House:** An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
 - b. **Adult Body Painting and/or Tattoo Studio:** Any establishment or business which provides the service of applying, covering or injecting either paint, ink, or other substances, whether transparent or non-transparent on anatomical areas.
 - c. **Adult Body Piercing Studio:** Any establishment or business which provides the service of piercing or penetration to parts of the body with earrings, studs, rings, jewelry and other items, whether transparent or non-transparent on anatomical areas.
 - d. **Adult Bookstore:** Any establishment which has as a substantial or significant portion of its stock in trade:
 - (1) books, films, magazines, periodicals, or other forms of audio or visual representation, which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas; and/or
 - (2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
 - e. **Adult Cabaret:** A nightclub, theater, bar, or other establishment that features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
 - f. **Adult Massage Establishment:** Any establishment or business that provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist, or massage therapist who is both nationally certified in the practice of therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active status in good standing of the American Massage Therapy Association.
 - g. **Adult Mini Motion Picture Theater:** An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an

emphasis on depiction or description of specified sexual activities or specified anatomical areas.

- h. **Adult Model Studio:** Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment that meets the requirements established by the Education Code of the Commonwealth of Pennsylvania, and is in fact authorized there under, to issue and confer a diploma.
- i. **Adult Motel:** A motel or similar establishment offering public accommodations for consideration that provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- j. **Adult Motion Picture Arcade:** Any place to which the public is permitted or invited wherein coin- or slug- operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- k. **Adult Motion Picture Theater:** An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- l. **Adult News Rack:** Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas
- m. **Adult Outcall Service Activity:** Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
- n. **Adult Sexual Encounter Center:** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops operated by a medical practitioner who is licensed by the Commonwealth of Pennsylvania to engage in sexual therapy.
- o. **Adult Theater:** A theater, concert hall, auditorium, or similar establishment, either indoor or outdoor, that regularly features live performances that are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

- p. **Other Adult Uses:** Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

- 4. The following subordinate definitions of “adult uses” are included in order to provide clarification concerning the terms “specified anatomical areas” and “specified sexual activities”:
 - a. **Specified Anatomical Areas:** Human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areola, and human male genitals in a discernibly turgid state even if completely and opaquely covered.

 - b. **Specified Sexual Activities** - For the purposes of this Ordinance, this term shall include any of the following.
 - (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, any zooërasty.

 - (2) Clearly depicted human genitals in a state of sexual stimulation, arousal, or tumescence.

 - (3) Human or animal masturbation, sodomy, oral copulation, coitus, ejaculation.

 - (4) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast.

 - (5) Masochism, erotic or sexually oriented torture, beating, or the infliction of pain.

 - (6) Erotic or lewd touching, fondling, or other contact with an animal by a human being.

 - (7) Human excretion, urination, menstruation, vaginal, or anal irrigation.

AGENT OF OWNER: Any person who can show an original, notarized, written proof, furnished on paper that he or she has authority to act for a property owner.

AGRICULTURAL STRUCTURE: A structure on agricultural land, associated with an agricultural operation, designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner or lessee or their immediate families, their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. An agricultural structure shall not include a dwelling.

AGRICULTURAL OPERATION AND PRODUCTS PROCESSING: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes

an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AIR POLLUTION: The presence in the outdoor atmosphere of any form of contaminant in such place, manner, or concentration of which may be harmful to the public health, safety, or welfare, or that is, or may be, injurious to human, plant, or animal life, or to property, or that unreasonably interferes with the comfortable enjoyment of life or property.

ALLEY: A public thoroughfare or right-of-way that affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

AMENDMENT: A change to the zoning ordinance that includes revisions to the text and/or the official zoning map. The authority for any amendment lies solely with the Borough's Governing Body.

ANIMAL HOSPITAL OR VETERINARY CLINIC: A veterinary establishment for the care and treatment of animals, including household pets. Boarding of animals shall only be permitted during their period of recovery. The operation of a crematorium in conjunction with the euthanasia of the animals shall be permitted.

APPLICANT: A person submitting an application for development or use of property, including his or her heirs, successors, and assigns.

APPURTENANCES: The visual, functional, or ornamental objects accessory to and part of structures.

ARCHITECTURAL APPEARANCE, EXTERIOR: The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

ASPHALT, BATCH OR CONCRETE PLANT: The use of land for the production of asphalt, concrete, or asphalt or concrete products, including storing or stockpiling of materials used in the production process or of finished products manufactured on the property and the storage and maintenance of required equipment.

ASSISTED-CARE APARTMENT UNIT: A secondary dwelling unit established for the care of an infirmed, aged, or ill relative, and in conjunction with and clearly subordinate to the primary, single-family detached dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

ASSISTED-LIVING FACILITY AND PERSONAL CARE HOME: A residential facility operated by a legal entity holding a certificate of compliance (license) issued by the Commonwealth permitting the operation of the personal-care home according to appropriate program licensure or approval regulations, in which food, shelter, and personal assistance or supervision are provided for a period of at least fourteen (14) days for four (4) or more aged adults who do not require hospitalization or skilled or intermediate nursing care, or the services in or of a Commonwealth-licensed long-term-care facility, but who do, because of their advanced age, require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the

event of an emergency, or medication prescribed for self-administration. Assisted-living facilities and personal-care homes shall not be considered abused person shelters, or drug or other treatment centers as defined by this Ordinance.

ATTIC: The part of a building that is immediately below, and wholly or partly within, the roof framing.

AUTO REPAIR (MAJOR AND MINOR) AND SERVICE STATION: Structures and land areas where major activities are the mechanical repair of motor vehicles and their parts, the straightening and repair and replacement and painting of structural parts. The retail sale of gasoline, oil, grease, and other supplies and accessories may be conducted as accessory to the major activities. The heating or burning of rubber is specifically excluded from Auto Repair (Major and Minor) and Service Stations.

Minor Auto Repairs on vehicles with a gross weight of less than 8,500 pounds include, but are not limited to, the following:

1. Sales and servicing of spark plugs and batteries.
2. Tire repair and servicing, no recapping.
3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake and transmission fluids, light bulbs, floor mats, seat covers (where this is not the principal use), windshield wipers, grease retainers, and wheel bearings.
4. Radiator cleaning and flushing.
5. Washing and polishing, not including mechanical and/or automatic car wash establishments.
6. Installation of fuel pumps and fuel lines.
7. Minor servicing and replacement of carburetors.
8. Adjustment and installation of brakes.
9. Tuning engines, except for grinding valves, cleaning carbon or removing the head of engines and/or crankcases.
10. Greasing and lubrication.
11. Emergency wiring repairs.
12. Any similar minor service or repair not listed below under Major Auto Repairs.

Major Auto Repairs include, but are not limited to, the following:

1. All the repairs listed above under Minor Auto Repairs.
2. Any general repair, rebuilding, or reconditioning not listed above under Minor Auto Repairs.
3. Collision service including body, frame or fender straightening or repair.
4. Painting or paint shops.

AUTOMOBILE STORAGE COMPOUND: A use where passenger motor vehicles are towed, stored, or impounded and awaiting transport to a different location.

BANK: A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

BANQUET FACILITY: An establishment that is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries and other similar celebrations. Such use may or may not include kitchen facilities for the preparation or catering of food; the sale of alcoholic beverages for on-premises consumption only during scheduled events not open to the public; and, outdoor gardens or reception facilities.

BASE STATION: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not include a communications tower or any equipment associated with the tower.

BASEMENT: An enclosed floor area partly or wholly underground, other than a structure that is completely underground. A basement shall be considered a "story" if:

1. the majority of the basement has a clearance from floor to ceiling of seven feet (7') or greater, and the roof of the basement is an average of four (4') or more feet above the finished grade of the front side of the building facing onto a street; OR
2. the basement forms the primary portion of a dwelling unit.

BAY: A compartment or space used for storage. In terms of garage or carport bays, the space used to store one (1) vehicle.

BED AND BREAKFAST INN: An owner-occupied, single-family dwelling, in which one (1) or more rooms are rented for lodging and serving of breakfast (but no other meals), designed primarily for casual and transient roomers, and where no restaurant is maintained and no cooking facilities are provided in any room.

BEE KEEPING: The raising or keeping of bees within a man-made enclosure (beehive) for hobby or business purposes.

BOARD: The Zoning Hearing Board of the Borough of Moscow.

BOROUGH COUNCIL: The Council of the Borough of Moscow; the Governing Body.

BOTTLE CLUB OR B.Y.O.B. CLUB: An establishment, whether open to the public or where entrance is limited by any fee, cover charge, membership, or other similar requirement, to which patrons bring with them alcoholic liquor, alcohol, malt, or brewed beverages to be consumed or stored for consumption on the business premises, and where such business or premises is not licensed to sell alcoholic liquor or beverages.

BREW PUB: A restaurant or tavern licensed by the Pennsylvania Liquor Control Board that includes an accessory use of the brewing of malt beverages of alcoholic and/or non-alcoholic content that produces less than fifteen thousand (15,000) barrels of malt beverages per year.

BREWERY: A facility for the production and packaging of malt beverages of alcoholic and/or non-alcoholic content for retail or wholesale distribution, on or off premises, and that produces fifteen thousand (15,000) barrels or more of malt beverages per year.

BREWERY, MICRO: A facility for the production and of malt beverages of alcoholic and/or non-alcoholic content for retail or wholesale distribution, on or off premises, and that produces less than fifteen thousand (15,000) barrels of malt beverages per year.

BUFFER STRIP: A strip of land that shall be in addition to the minimum setback distance or a required yard but not within an existing or required future street right-of-way and that is maintained free of any principal or accessory building or structure, driveway, parking, outdoor storage or any other use than open space.

BUILDING: A structure formed of any combination of materials that is erected on the ground and permanently affixed thereto, and designed, intended, or arranged for the housing, shelter, enclosure or structural support of persons, animals, or property of any kind. Any structure such as, but not limited to, those having a roof supported by columns, piers, or walls, including tents, lunch

wagons, mobile homes, trailers, dining cars, or other structures on wheels, or having other supports; and, any unroofed platform, terrace or porch having vertical face higher than three (3') feet above the level of the ground over or upon which said structure is located. Private, accessory outdoor recreational equipment on residential lots shall not be considered a structure.

BUILDING AREA: The total area taken on a horizontal plane of the ground floor plus any projections of the principal structure and all accessory structures, exclusive of uncovered porches, decks, terraces and steps.

BUILDING COVERAGE: The ratio obtained by dividing the ground floor area plus any projected area of all principal and accessory structures on a lot (including covered porches, carports and breezeways, but excluding uncovered, open patios, porches and paved terraces) by the total area of the lot upon which the structures are located.

BUILDING, DETACHED: A building surrounded by open spaces on the same lot.

BUILDING HEIGHT: The vertical distance of a building or structure measured from the average finished ground elevation along the entire perimeter of the building or structure, to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambol roofs.

BUILDING LINE: The line of a structure or building existing at the effective date of this ordinance or the legally established line that determines the location of a future building or structure or portion thereof with respect to any lot line or street right-of-way line.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is located.

BULK: The term used to describe the size of buildings or other structures and their relationship to one another to open areas such as yards, and to lot lines. The term includes:

1. The size, including height and floor area, of the building or other structure.
2. The relation of the number of dwelling units in a residential building to the area of the lot.
3. The relation of buildings and other structures to areas in open yards.

BULK FUEL STORAGE: Facilities for the storage of hazardous liquids or gases that require approval of applicable state or Federal agencies.

CAFÉ OR COFFEE HOUSE: An informal restaurant primarily offering coffee, tea, and other non-alcoholic beverages, and where light refreshments and limited menu meals may also be sold.

CALIPER: The diameter of the main trunk of a tree. Caliper measurement shall be taken at a point on the trunk six inches (6") above the natural ground line for trees up to four inches (4") in caliper and at a point twelve inches (12") above the natural ground line for trees over four inches (4") in caliper.

CAMPGROUND: A planned development, under single ownership, for rental or lease only, of sites for use as tent and/or recreational vehicle camping, on a temporary basis only, including central water supply and central sanitary sewage disposal with or without recreational and/or service facilities.

CAR WASH: Manual or mechanical facilities for the washing or waxing of private automobiles, light trucks and vans, but not commercial fleets, as the principal use of property.

CARPORT: An open space for the storage of one (1) or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts. One or more walls may be the walls of the main structure or an accessory structure to which the carport is an extension.

CASINO/GAMBLING ESTABLISHMENT OR BETTING USE: Establishments, including casino hotels, that operate gambling facilities, such as casinos, bingo halls, and video gaming terminals, or that provide gambling services, such as lotteries and off-track betting. This type of establishment shall not include the state lottery program or the Small Games of Chance provisions of state law.

CEMETERY: Land used for the burial of the dead, and dedicated for cemetery purposes, excluding columbariums, crematories, and mortuaries.

CHILD DAY CARE: A use involving the supervised care of children under age sixteen (16) outside of the children's own home primarily for periods of less than eighteen (18) hours during the average day. This use may also include educational programs that are supplementary to state-required education, including a nursery school or preschool. The following types of child day care are permitted without regulations by this Ordinance:

1. Care of children by their own relatives,
2. Care of children within a place of worship during regularly scheduled weekly religious services, and
3. Care of one (1) to six (6) children within any dwelling unit, in addition to children who are relatives of the care giver.

CIDER: The expressed juice of fruit (such as apples) used as a beverage or for making other products (such as applejack).

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

COLLEGE OR UNIVERSITY: An institution for post-secondary education, public or private, offering courses in general or religious education and not operated for profit. This use does not include trade or technical schools.

COLUMBARIUM: A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

COMMERCIAL OFFICES OR SERVICES: Commercial or professional establishments that provide for real estate sales, rentals or leasing; business, professional, and technical services; personal services; and pet and animal services, except animal hospitals or veterinary clinics.

COMMERCIAL VEHICLE: Any motor vehicle, trailer, or semi-trailer designed or used to carry freight, passengers for a fee, or merchandise in the furtherance of any commercial enterprise and having a gross weight of more than 8,500 pounds.

COMMISSION: The Planning Commission of the Borough of Moscow.

COMPATIBILITY, COMPATIBLE: The consistency, or of a consistency, of characteristics of different uses, structures, activities, or design that allow them to be located near or adjacent to each other in harmony. Elements affecting compatibility include, but are not limited to, height, scale, mass and bulk of structures, building placement, orientation, siting, and exterior architectural appearance.

COMPREHENSIVE PLAN: A Comprehensive Plan (overall program) consists of maps, charts, textual matter, and indicates the recommendations of the planning commission for the continuing development of the Borough. The comprehensive plan includes but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicated the relationship of the Borough and its proposed development to the adjacent municipalities and areas.

CONDITIONAL USE: A use allowed, with permission of the Borough Council, to occupy and use land and/or a structure for specific purposes in accordance with this Ordinance.

CONDOMINIUM: A type of resident development in which:

1. the dwelling units are individually owned; and,
2. all or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Pennsylvania Unit Property Act of July 3, 1963, P.L. 196 and in accordance with the provisions for open space, roads, or other development features as specified in this Ordinance and the Borough's Subdivision and Land Development regulations.

CONSTRUCTION: Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition for public rights-of-way, structures, utilities, or similar property.

CONTRACTOR'S OFFICE AND YARDS: Any land or structures used primarily for the conducting of business and/or storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

CONVENIENT STORE: A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It may also include the sale of gasoline but shall not include the repair or service of vehicles.

CORRECTIONAL FACILITY: A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, and prison. These facilities house prisoners who are in the custody of municipal or state law enforcement, and the facilities are typically government owned.

CRAFTSMAN-ARTISAN WORKSHOP: A establishment where a skilled craft worker makes or creates partly or entirely by hand, displays, and offers for sale material objects such as furniture, decorative art, sculptures, ironwork, clothing, jewelry, pottery, leathercraft, food items, household items, tools, or mechanisms.

CREMATORIUM: A facility containing properly installed, certified apparatus used exclusively for the disposal by incineration of the bodies of deceased humans or animals.

CULTURAL FACILITY: A library, gallery, museum, or similar use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

CURATIVE AMENDMENT: A proposed zoning amendment made to the Governing Body by any landowner who desires to challenge on substantive grounds the validity of an Ordinance that prohibits or restricts the use or development of land in which he has an interest.

DAM: Any man-made structure that is or may be used to impound water.

DATA COLLECTION UNIT (DCU): A cabinet-type facility that can be attached to an existing or proposed utility pole or a similar pole.

DECK: An accessory structure, without a roof and constructed of any material, attached to a principal structure or freestanding that is supported by pillars or posts.

DEMOLITION: A dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

DENSITY: A measure of the number of dwelling units that occupy, or may occupy, an area of land.

DEVELOPER: Any landowner, agent of such landowner or tenant with permission from a landowner, who makes or causes to be made a subdivision of land or land development.

DISTRIBUTED ANTENNA SYSTEM (DAS): A small network of antennas that are connected to a common source that provides coverage in a building or a small geographic area.

DISTRIBUTION CENTER: A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Postal Service.

DISTRICT OR ZONING/ZONE DISTRICT: A portion or portions of the territory of the Borough within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DONATION COLLECTION BIN: A mobile receptacle designed with a door, slot, or other opening that is intended to accept and store donated items for a charitable organization. This shall not include trailers where personnel are present to accept donations.

DORMITORY: Residential facilities that are only inhabited by teaching faculty and/or full-time students of an accredited college, university or medical training facility or state-licensed teaching hospital, or to an accredited public or private elementary or secondary school, and that are owned and operated by such principal use to which the dormitories serve.

DRIVEWAY: A privately owned and constructed vehicular access from an approved private or public road into a lot having frontage on said road.

DRUG PARAPHERNALIA: Any objects, devices, instruments, apparatus, or contrivances whose primary and traditionally exclusive use is involved with the illegal use of any or all controlled substances under Federal and/or Commonwealth law.

DRUG TREATMENT FACILITY: A facility operated for any or all of the following purposes (other than a permitted accessory use in a hospital): providing education, counseling therapy, treatment or rehabilitation for drug and/or alcohol addiction of adolescents or adults whether as inpatients or outpatients. The term shall include a Methadone Treatment Facility as licensed by the PA Dept. of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

DWELLING/DWELLING UNIT: A building or structure or portion thereof designed for occupancy by one family as a single housekeeping unit and containing complete sanitary and kitchen facilities. In no case shall a motor home, recreational vehicle, trailer coach, automobile chassis, tent, or portable structure be considered a dwelling.

DWELLING TYPES:

1. RESIDENTIAL CONVERSION UNIT: A structure or building changed from a non-residential use, occupancy, or purpose into, or adapted to, a residential dwelling unit or units.
2. SINGLE-FAMILY DWELLING: A structure or building designed for and occupied exclusively by one family, detached from all other structures and surrounded by yards.
3. TWO-UNIT ATTACHED DWELLING: A building or structure containing two individual side-by-side dwelling units sharing one roof, but each unit having separate front and rear entrances.
4. DUPLEX: A building or structure containing two individual dwelling units that are divided horizontally with each unit having a separate entrance from the outside or through a common vestibule.
5. MULTI-FAMILY DWELLING: A building or structure containing three (3) or more dwellings. Multi-family dwelling structures shall include garden apartments.
6. TOWNHOUSE: A building or structure consisting of not less than three (3) or more than six (6) dwelling units each, with no other dwelling or portion of other dwelling directly above or below, each dwelling unit of which having direct ground level access to the outdoors and connected to the other dwelling units by a party wall with no opening.
7. GARDEN APARTMENT: An apartment building located on a lot, either singly or together with other similar apartment buildings, having no more than eight (8) units per building and substantial landscaped open-space adjacent to the building(s).

EASEMENT: A right-of-way granted, but not dedicated, for limited use of private land for private, public, or quasi-public purposes.

ELIGIBLE FACILITIES REQUEST: Any request for modification of an existing communications tower or base station that does not substantially change the physical dimensions of such tower or base station, involving collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE: Any communications tower or base station existing at the time a relevant application is filed.

ENERGY STORAGE FACILITY, LARGE SCALE: A facility used within an electrical power grid and as a method to collect and store electrical energy on a large scale. Electrical energy is stored at the facility when production from intermittent power facilities exceeds consumption and is returned to the grid when production falls below consumption.

ENVIRONMENTALLY SENSITIVE AREAS: Areas that have ecological importance, including but not limited to 100-year floodplains, slopes over twenty-five percent (25%), and wetlands.

EQUINE: A horse or other member of the horse family.

ESCORT: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY: A person or business association or establishment that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An escort agency shall be considered an Adult Business for the purpose of this Ordinance.

ESSENTIAL SERVICES: Municipal or utility facilities that do not require enclosure in a building including the construction or maintenance of gas, electrical, steam, telephone, sewage collection systems, or water distribution; including equipment such as poles, towers, tanks, wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment. Buildings, sewage treatment plants, solid waste disposal facilities, communications antennas and towers, utility company offices, storage of trucks or equipment and bulk storage, and any communication devices and/or facilities not specifically regulated by the PA Public Utility Commission shall not be considered essential services. An essential service requiring enclosure in a building shall be classified as a Semi-Public Building or Use.

EXOTIC ANIMAL: Any non-domesticated animal.

FALL ZONE: A radial setback distance measured outward from the base of any Wireless Communications Towers, Wind Turbines, or similar support structures, a distance equal to one and one-half (1-1/2) times the Height (as defined by this Ordinance) of the structures (i.e. A tower with a height of 100' would require the establishment of a 150' fall zone.)

FAMILY: Any number of related or unrelated persons living together as a single housekeeping unit with common access to and use of all living and eating areas within the dwelling unit. A family shall also include unrelated persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if such occupants are handicapped, as defined under Group Home in this Ordinance. A family does not include a group living in a boarding house or hotel, fraternities, sororities, and clubs, or other forms of congregate living arrangements, such as nursing homes and personal care homes.

FARM STAND: An accessory structure, temporary or permanent, used for the display and sale of unprocessed agricultural produce or products and home-processed food products, such as jams, jellies, baked goods, and home-made handicrafts. A farm stand also includes any cart, table, equipment or apparatus that is not a structure and intended so as to not be a permanent fixture on a lot used for the display and sale of unprocessed agricultural produce or products and home processed food products such as jams, jellies, baked goods, and home-made handicrafts.

FENCE: A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and that is constructed of wood, chain-link metal, fiberglass, vinyl, aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar mostly solid materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted as needed in all districts. The terms "fence" and "wall" do not include hedges, trees, or shrubs.

FLAG LOT: A lot so shaped and designed that the main building site area is directly to the rear of another lot, set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

FLEA MARKET: A structure or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old obsolete, or antique, and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in retail trade. Rummage sales and garage sales are not considered to be flea markets.

FLOODPLAIN: A relatively flat or low land area adjoining a river, stream, or watercourse that is subject to partial or complete inundation once in every one hundred (100) years, and designated by the Federal Emergency Management Agency as land within a 100-year flood boundary (Zone A).

FLOOR AREA OR GROSS FLOOR AREA: The total area of all floors as measured to the outside surfaces of exterior walls, or from the centerline of party walls separating two buildings, but excluding crawl spaces, garages, carports, attics without floors, open porches, balconies, and terraces.

FLOOR AREA RATIO: The total floor area allowable on a given lot divided by the area of that lot.

FOOTCANDLE: A unit of light intensity stated in lumens per square foot and measurable with an illuminance meter, also known as a footcandle or light meter.

FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

FRATERNAL, CIVIC, OR SOCIAL CLUB: An establishment operated for social, community-oriented or educational purposes, open only to members and not usually open to the general public.

FRATERNITY OR SORORITY HOUSE: A type of boarding house used and occupied by a formal, legally incorporated cooperative organization (with each full member having a vote in the operations of the organization) of full-time college or university students. Such use may contain residential, social and eating facilities for members and their occasional guests.

FUNERAL HOME OR MORTUARY: A structure used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home or mortuary, as defined for purposes of this Ordinance, may contain space and facilities for:

1. Embalming, cremation, and the performance of other services used in preparation of the dead for burial;
2. Performance of autopsies and other surgical procedures;
3. Storage of caskets, funeral urns, and other related funeral supplies;
4. Storage of funeral vehicles.

GARAGE, PRIVATE: An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car is leased to a non-resident of the premises.

GARAGE OR YARD SALE: The accessory use of a residential lot for the occasional sale or auction of only used common household goods and furniture and items of a closely similar character that were used by the occupants of the residential lot.

GATE: A movable frame or solid structure that swings, slides, lifts, or rolls, controlling ingress and egress through an opening in a fence, wall, or vegetation.

GAZEBO: An accessory use consisting of a detached, covered, freestanding, open-air structure.

GENERAL NUISANCE: Any use considered to be inconsistent with the public comfort, convenience, health, safety, and general welfare. The following factors are included:

1. Fire and explosive hazards
2. Electrical and radioactive disturbances
3. Noise and vibration
4. Dust, dirt, fly ash
5. Glare
6. Smoke, odors
7. Other forms of noise and air pollution not listed above

GLARE: The sensation produced by lighting that causes an annoyance, discomfort, or loss in visual performance and visibility to the eye.

GOVERNING BODY: The Borough Council of the Borough of Moscow.

GREENHOUSE, COMMERCIAL: A structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale distribution or retail sales. Commercial greenhouses may also include associated structures for office space and storage.

GREENHOUSE, PRIVATE: A detached accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, for the propagation of plants for a private, residential or non-profit use.

GROUP CARE FACILITY: A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems, or past correctional offenses require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP HOME: A dwelling or use of a lawful dwelling sponsored by a providing agency, regulated by the Commonwealth, and shared by two (2) or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: 1) a physical or mental impairment that substantially limits one or more of such person's major life activities; 2) a record of having such impairment; or 3) being regarded as having such impairment. However, such term shall not include current, illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term Group Home shall not include drug treatment centers, other types of treatment centers, or other housing facilities serving as an alternative to incarceration.

GROUP PICNIC AREA OR GROVE: An area or property consisting of two or more picnic tables to be reserved for use by ten (10) or more persons equipped with picnic tables, barbeque stands, and may also provide roofed shelters, restroom facilities, and/or outdoor recreational facilities.

HALFWAY HOUSE: A treatment center where persons are aided in readjusting to society following a period of imprisonment, hospitalization, or institutional treatment.

HAZARDOUS MATERIALS: Garbage, refuse or sludge from an industrial or other waste water treatment plant; sludge from a water supply treatment plant or air pollution control facility; and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities; or a combination of the above, which because of its quantity, concentration or physical, chemical or infectious characteristics may do one of the following:

1. Cause or significantly contribute to an increase in mortality or increase in morbidity in either an individual or the total population.
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51 - 30.101). The term does not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under The Clean Streams Law (35 P.S. §§ 691.1 - 691.1001). The term does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011 - 2284).

HEARING: An administrative proceeding conducted by the Zoning Hearing Board or Borough Council pursuant to §1207 of this Ordinance and §909.1 of the Pennsylvania Municipalities Planning Code and as defined by §107 (b) of the Pennsylvania Municipalities Planning Code

HELIPAD: A facility, without the logistical support provided by a heliport, where helicopters take off and land primarily for sightseeing purposes. Helipads include launches and landings of hot air balloons but do not include facilities for maintenance, repair, fueling, or storage of helicopters or air hot balloons.

HELIPORT: An area, either at ground level or elevated on a structure, licensed and approved by the applicable state, local and federal agencies for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

HEMP: The plant cannabis sativa L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry-weight basis. The term includes industrial hemp.

HIGHWAY OCCUPANCY PERMIT: A permit, issued by the Pennsylvania Department of Transportation, that authorizes access from a parcel of land onto a street or highway that is under the jurisdiction of the Pennsylvania Department of Transportation.

HOME GARDENING: The cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining a dwelling for private use or consumption.

HOME-BASED BUSINESS, MINIMAL IMPACT: A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and

that involves minimal customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises and does not change the essential residential character or appearance of such structure.

HOME-BASED BUSINESS, NO IMPACT: A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and that involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use.

HOME-SHARE: An activity where the resident(s) host visitors in their homes, for compensation, for periods of 30 consecutive days or less, while at least one of the dwelling unit's primary residents lives on-site, in the dwelling unit, throughout the visitors' stay.

HOSPITAL: An institution, licensed by the PA Department of Health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

HOSTING PLATFORM: A marketplace in whatever form or format that facilitates the Home-Sharing, through advertising, matchmaking, or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

HOT TUB: An artificial container of water with a liquid capacity greater than one hundred (100) gallons and designed with a mechanical air injection system and/or recirculation device. These devices may filter and/or disinfect the water for reuse and are not intended to be drained between uses.

HOTEL OR MOTEL: A structure or structures containing rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a "boarding house" and shall meet the requirements of that use. A hotel or motel may include a restaurant, banquet rooms, conference rooms, nightclub, newsstand, or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

HOUSEHOLD PET: Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs and cats, tropical birds, parrots, parakeets, canaries, hamsters, rabbits, ferrets, or fish.

HYDRAULIC FRACTURING WATER WITHDRAWAL FACILITY: A facility immediately adjacent to a water body or watercourse that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, which store water on a temporary basis that is intended to be transported by vehicle to a natural gas well site for the purpose of hydraulic fracturing.

ILLUMINANCE: The quantity of light measured in footcandles or lux.

IMPERVIOUS SURFACE: Any non-vertical, hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, and areas of asphalt, concrete, brick, paved block, and/or compacted gravel.

INDOOR RECREATION, COMMERCIAL: A commercial recreational land use conducted entirely within a building, including but not limited to arcade, athletic and health clubs, bowling alley, gymnasium, pool or billiard hall, skating rink, swimming pool, and tennis and other similar courts.

INDOOR RECREATION, PRIVATE: An accessory use conducted entirely within a building used for the sole recreational enjoyment of the residences of the premises and their guests, where no fees are charged for usage or personal instruction, and not exceeding three thousand (3000) square feet in floor area. This type of use includes a bowling alley, gymnasium, pool or billiard hall, skating rink, swimming pool, and tennis and other courts.

INDUSTRIAL PARK: A tract of land laid out in accordance with an overall plan for a group of industries with separate building sites designed and arranged on streets with utility service, setbacks, landscaped yards, and covenants controlling the architecture and uses.

INDUSTRY, HEAVY: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing process that potentially involve hazardous or commonly recognized offensive conditions. Such uses include the processing of food and beverages, textiles and related products; wood, paper and printing products; and chemicals, metals, machinery and electronics.

INDUSTRY, LIGHT: A use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

JUNK: Any scrap, waste, refuse, reclaimable material or debris, vehicles, appliances, equipment or machinery, or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk shall include, but shall not be limited to:

1. Scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; bones, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used, or parts of machinery, vehicles, tools, appliances, furniture, plumbing, heating and other fixtures, and pipe and pipe fittings.
2. Used lumber, boxes, crates and pallets.
3. Used tires.
4. Other worn, deteriorated, or obsolete manufactured goods which are unusable.
5. Mobile/manufactured homes that are not in habitable condition.
6. Abandoned or junked vehicles.

Junk shall not include the following:

7. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection.
8. Agricultural vehicles and implements such as tractors, mowers, etc., for use as parts for equipment, and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation and can be legitimately used for parts.

9. Construction and contractors' equipment for use as parts for equipment, and machinery used as part of an active, on-going contracting business legally operating in accord with this Ordinance provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

JUNK VEHICLE: Any vehicle, including cars, trucks, buses, recreational vehicles, trailers, boats, ATVs, motorcycles, and other similar motorized vehicles, that does not bear current license/registration and inspection stickers, is incapable of being moved under its own power, and presents a hazard or danger to the public by virtue of its state or condition of disrepair. The following conditions, which are not exclusive, are examples of what may constitute a state or condition of disrepair:

1. Rusted and/or jagged metal on or protruding from the body of the vehicle.
2. Broken glass or windows on or in the vehicle.
3. Leaking of any fluids from the vehicle.
4. Unsecured and/or unlocked doors, hood, or trunk.
5. Deflated tires and/or storage or placement of the vehicle on concrete blocks.
6. Harboring of rodents, insects, or other pests.

JUNK YARD: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of junk as defined by this Ordinance, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The following shall also be considered junkyards:

1. The outside storage or deposit on a lot of more than one (1) vehicle meeting the definition of junk vehicle. The one (1) junk vehicle allowed on a property must be owned by the property occupant and/or property owner.
2. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes, tiny homes, or any parts/sections thereof, that are not in habitable condition.

Vehicle sales lots managed by licensed vehicle dealers operated in accordance with this Ordinance and storage areas for antique and collector vehicles with adequate screening approved by the Borough shall not be considered junkyards.

KENNEL: Any commercial establishment where dogs, cats, and other animals are kept for the purpose of breeding, hunting, training, renting, research or vivisection, buying, boarding, sale, show, or any other similar purpose and is so constructed that animals cannot stray there from. A non-profit animal shelter shall be considered a type of kennel.

KITCHEN FACILITIES: A complete kitchen shall include all of the following: a sink with piped water, and provision of space and connections for a cook stove and refrigerator.

LAND DEVELOPMENT: Any of the following activities:

1. The improvements of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - A. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure or;
 - B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means

of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land.
3. The following shall be excluded from the definition of Land Development:
 - A. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

LIGHT TRESPASS: Light emitted by a lighting installation that extends beyond the boundaries of the property on which the installation is sited.

LITTER: Discarded items not naturally occurring on a site, such as tires, oilcans, equipment parts, and other rubbish.

LIVESTOCK: Animals raised or kept for home consumption, profit or enjoyment, including but not limited to, cattle, sheep, hogs, goats, bison, llamas, alpacas, ostriches, peacocks, emus, other exotic outdoor birds, and poultry.

LOADING BERTH: An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

LOT: A designated parcel, tract or area of land established by a plot or otherwise as permitted by law and to be used, developed or built upon as a unit, and having frontage on a public road right-of-way.

1. Lot, Corner - A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.
2. Lot, Depth - The average horizontal distance between the front and the rear lot lines.
3. Lot Lines - The property lines bounding the lot.
 - A. Lot Line, Front - The lines separating the lot from an abutting, existing or proposed street right-of-way. In the case of a lot that does not have direct frontage on an existing street right-of-way that lot line nearest the street right-of-way line shall be considered the front lot line. In case of a corner lot, both street frontages are considered to be front lot lines and the remaining lines are side lines.
 - B. Lot Line, Rear - The lot line opposite and most distant from the front lot line.
 - C. Lot Line, Side - Any lot line other than a front or rear lot line.
 - D. Lot Line, Street or Alley - A lot line separating the lot from a street or alley.
4. Lot Width - The horizontal distance between the side lot lines measured:

- A. In the case of lots fronting on a cul-de-sac, along a chord perpendicular to a radial line located equi-distant between the side lot lines, the said chord shall intersect the radial line at a point located a distance from the right-of-way line equal to the prescribed minimum front yard setback as set forth in this ordinance.
 - B. In the case of all other lots along a line parallel to and at a distance equal to the prescribed minimum front yard setback as set forth in this ordinance.
- 5. Lot Area, Gross - the computed area contained within the lot lines.
 - 6. Lot Area, Net - the computed area contained within the lot lines minus any areas within existing or proposed public or private road rights-of-way.

LOT COVERAGE, MAXIMUM: The maximum ratio obtained by dividing the roof areas of all principal and accessory structures plus areas of other impervious surfaces as defined by this Ordinance used for streets, driveways, parking areas, and tennis and other recreational courts (sidewalks, patios, uncovered porches, decks, and play apparatus areas are excluded) on a parcel or lot by the total net area of the parcel or lot upon which located.

LUMBERYARD: An area or facility used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

LUMINANCE: The physical and measurable quantity corresponding to the brightness of a surface (i.e., a lamp, luminaire, reflecting material) in a specific area, and measurable with a luminance meter.

LUX: A unit of light intensity stated in lumens per square meter. There are approximately 10.7 lux per footcandle.

MACHINE SHOP: Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

MANUFACTURED HOME: A transportable, single-family, manufactured home or dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MANUFACTURED HOME LOT: A parcel of land in a manufactured home community, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured home.

MANUFACTURED HOME COMMUNITY: A parcel of land under single ownership that has been planned and improved for the placement of two (2) or more manufactured homes for permanent use.

MASSAGE: The performance of manipulative exercises using the hands and/or a mechanical or bathing device on a person(s)'s skin other than the face or neck by another person(s) that is related to a certain monetary compensation, and that does not involve persons who are related to each other by blood, adoption, marriage, or official guardianship.

MAUSOLEUM: A structure containing above-ground tombs.

MEDICAL CLINIC: A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, and administration.

MEDICAL MARIJUANA FACILITY: A facility or use of land established pursuant to the Medical Marijuana Act (PA Act 16 of 2016) including Academic Clinical Research Centers, Medical Marijuana Growers/Processors, Transport Vehicle Offices and Dispensaries. (See Article IX-B for additional definitions.)

METEOROLOGICAL TOWER: A tower used for the measurement of wind speed.

MINERAL OR NATURAL RESOURCE EXTRACTION: The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. Mineral extraction includes but is not limited to the extraction of sand, gravel, topsoil, limestone, clay, coal, shale, or iron ore. The routine movement of and replacement of topsoil during construction shall not be considered mineral extraction.

MINERALS: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat, and oil and gas.

MOBILE FOOD FACILITY: A movable retail food facility, such as a stand, vehicle, cart, basket, box or similar structure, from which food is stored, prepared, processed, distributed or sold and the facility physically locates at one site or location. Such facility must be licensed by the PA Department of Agriculture.

MODULAR HOME/INDUSTRIALIZED HOME: A single-family home or dwelling constructed in accordance with State standards and comprised of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Unlike a mobile home, a modular home is not manufactured with a permanent hitch or other device to allow re-transport of the unit and does not have wheels or axles permanently attached to its body or frame.

NIGHTCLUB: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment are permitted.

NONCONFORMING LOT: A lot, the area or dimension of which was lawful prior to the adoption or amendment of a Zoning Ordinance, but that fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE: A structure or part of a structure not designed to comply with the applicable use provisions in this Ordinance or amendments heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE: A use, whether of land or of a structure, that does not comply with the applicable use provisions in this Ordinance or amendments heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment to its location by reason of annexation.

NURSERY: A commercial operation that conducts the retail and/or wholesale sale of plants, trees, or shrubs grown on the site, as well as accessory items such as pots, potting soils, fertilizers, etc., directly related to their care and maintenance.

NURSERY SCHOOL OR PRESCHOOL: A facility for the organized instruction of children who have not reached the age for enrollment in kindergarten.

NURSING HOME: A facility established for profit or nonprofit and is licensed by the Commonwealth, which provides nursing care and related medical services on a 24-hour per day basis to two or more individuals because of illness, disease, or physical or mental infirmity, but excludes a facility providing surgical or emergency medical services and excludes a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.

OBSCENE MATERIALS: Any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written, electronic, or recorded matter that depicts or describes any "specified anatomical areas" and/or "specified sexual activities."

OFF-SITE ADVERTISING SIGN OR BILLBOARD: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is located, or to which it is affixed.

OIL AND GAS: Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well. (See Article IX-A for additional definitions.)

OPEN SPACE, COMMON: A parcel or parcels of land or an area of water, or a combination of land and water, within a development site, designed and intended for the use and enjoyment of residents of the development, not including streets, off-street parking areas, and areas set aside for public or community facilities.

OPEN SPACE, PUBLIC: Common open space owned by a government agency or the Borough for public recreation.

OPEN SPACE RATIO: A measure of the intensity of land use, determined by dividing the total of all open space areas contained within a site by the gross site area.

OPERATOR, FORESTLAND: An individual, partnership, company firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

ORNAMENTAL POND: An artificial pond, pool, or fountain constructed as an aesthetic landscape feature that shall have a closed system of water circulation with no risk of contacting the surface waters of the Commonwealth. Swimming and human recreational use are not intended and does not occur. Decorative plants and fish are allowed.

OUTDOOR EXHIBITIONS, SPORTS ASSEMBLY, ENTERTAINMENT, AND AMUSEMENTS: Publicly or privately operated facilities such as stadiums, sports fields, racetracks, arenas, field houses, dirt bike tracks, motor cross tracks, cart tracks, miniature golf courses, amusement parks, zoos, and similar sports, exhibitions, and amusement uses. The term Outdoor Exhibitions, Sports Assembly, Entertainment, and Amusements shall not include stadiums or sports fields/facilities accessory to a public or private school located on the same property as the public or private school facility; or a sports field located on the site of a public park.

OUTDOOR FURNACE: Any device, contrivance or apparatus or any part thereof, including but not limited to a boiler, fire box, exchanger, grate, fuel gun, fuel nozzle, chimney smoke pipe, exhaust

conduit and like devices, that is installed, affixed or situated outdoors for the primary purpose of the combustion of fuel from which heat or energy is derived and intended to be directed there from by conduit or other mechanism into any interior space for the supply of heat or energy. An Outdoor Furnace may also be referred to as an Outdoor Wood Boiler or Outdoor Wood-Fired Hydronic Heater. This definition does not include a fire pit, wood-fired barbecue, chimera, outdoor fireplace or maple sugar rendering apparatus.

OUTDOOR RECREATION AND SPORTS: Commercial or membership-only sports or recreational uses conducted outdoors such as tennis, golf, golf driving range, boating, canoeing, hunting, fishing, skiing, and swimming.

OWNER: The person who holds the fee simple title to a property, and the person or persons who have acquired any interest in the property by contract or purchase or otherwise.

OWNER, FORESTLAND: An individual, partnership, company, firm, association, or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any matter, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.

PA DEP: The Pennsylvania Department of Environmental Protection.

PARKING FACILITIES: Parking facilities shall consist of areas used for the storage of vehicles or of specially designed structures or garages used for the same purposes. Private parking facilities shall be restricted to use by persons resident on the premises or residing in the immediate vicinity of such facility or by their guests. Public parking facilities shall be open to the public as an accommodation for customers, clients or visitors.

PATIO: An area designed for outdoor living purposes as an accessory use to a structure, which shall be completely unenclosed except for any side that may adjoin a structure or for any fences, shrubs or hedges. Outdoor areas enclosed by a permanent roof shall be considered to be a structure.

PAWN SHOP: A commercial use that is regulated as a pawn shop by the Pennsylvania Department of Banking.

PENNDOT: The Pennsylvania Department of Transportation.

PERMANENT FOUNDATION: A cement, concrete, treated wood, or cinder block walled foundation erected on a poured concrete footer. A solid concrete slab will also be considered a permanent foundation. The construction of permanent foundations shall be done in accordance with the Uniform Construction Code as amended.

PERMIT: A document issued by Moscow Borough authorizing an applicant to undertake certain activities.

1. Building Permit - A permit indicating that a proposed construction, alteration, or reconstruction of a structure is in accordance with the construction provisions of any Building Permit Ordinance or Construction Code that may be adopted by the Borough and authorizing an applicant to commence with said construction, alteration or reconstruction. Such a permit shall not be confused with a zoning permit or with an occupancy permit as required under the terms of this Ordinance.

2. Zoning Permit - A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with said use, building or structure.
3. Occupancy Permit - A permit issued upon completion of the construction, alteration, or reconstruction of a structure, indicating that the premises complies with the provisions of any Building Permit Ordinance or Construction Code that may be adopted by the Borough and may be used for the purposes set forth in the Occupancy Permit.

PERMITTED USE: Any use that does not require special action by the Governing Body, Zoning Hearing Board, or Planning Commission before a building and/or zoning permit is granted by the Zoning Officer. A use permitted by right in a designated zoning district(s).

PERSONAL SERVICES: Places primarily providing services oriented to personal needs that do not involve retail sales or professional advisory services. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops, and other similar establishments.

PERVIOUS CONCRETE OR ASPHALT PAVEMENT: A cast-in-place, Portland cement-based concrete or asphalt pavement surface designed to permit the percolation of a percentage of water through its surface.

PERVIOUS SURFACE: Any area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground, including but not limited to vegetation, mulch, non-compacted gravel, and slatted wood.

PLANNED UNIT DEVELOPMENT: An area of land controlled by a landowner to be developed as a single entity for a number of dwelling units, or combination of residential and non-residential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling or use, density, lot coverage and required open space, to the regulations established in the zone districts as created by this Ordinance, and any subsequent amendments thereto.

PLANNING COMMISSION: The Planning Commission of the Borough of Moscow.

PLAT: A map, plan, or layout of a subdivision indicating the location and boundaries of individual properties.

POND: A natural or man-made body of water having a surface area of 1,000 feet or more.

POOL HOUSE: A detached accessory structure used for recreational purposes and/or storage in association with a private swimming pool and does not exceed four hundred (400) square feet in floor area.

PORCH: A roofed or unroofed structure projecting from the front, side, or rear wall of a structure that shall have no wall more than thirty inches (30") high and that shall be open on all sides except the side adjoining the structure.

PORTABLE ON-DEMAND STORAGE CONTAINER (POD): Any container, storage unit, shed-like container or other portable structure specifically made or crafted for the purpose of temporary storage that can or is used for the storage of personal or commercial inventory property of any kind excluding hazardous materials or wastes as defined in this Section 302 and is located outside an enclosed principal structure.

POULTRY: Domesticated birds used for eggs or meat such as chickens, turkeys, ducks, or geese.

POWER FACILITY: Any plant facility and equipment, excluding Solar and Wind Energy Facilities as defined by this Ordinance, for the purposes of producing, generating, transmitting, delivering, or furnishing electricity.

PREMISES: Any lot, parcel or tract of land and any structure constructed thereon.

PROFESSION: Includes any occupation or vocation in which a professed knowledge of some department of science or learning is used by its practical application to the affairs of others, either advising, guiding, or teaching them and in serving their interest or welfare in the practice of an art founded on it. The work implies attainments in professional knowledge as distinguished from mere skill and the application of such knowledge to uses for others as a vocation. It requires knowledge of an advanced type in a given field of science or instruction and study.

PROFESSIONAL OFFICE: Professional offices shall include the office of a physician, dentist, optometrist, minister, architect, landscape architect, community planner, engineer, insurance agent, realtor, accountant, lawyer, chiropractor and similar practitioners licensed by the Commonwealth of Pennsylvania and/or the United States Government.

PROPERTY LINE: A recorded boundary of a lot. However, any property line that abuts a "street" or other public or quasi-public way shall be measured from the full right-of-way.

PUBLIC BUILDING OR USE: Any structure, building, or use owned and operated by a government body or agency including such uses as public elementary and secondary schools, municipal buildings, police stations, post offices, tourism promotion and welcome centers, but excluding solid-waste disposal facilities, recycling centers, parks, correctional facilities, nursing homes, hospitals, and other public service uses specifically defined by this Ordinance.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING: A forum held pursuant to the notice under the act of July 3, 1986 (PL 388, No. 84), known as the Sunshine Act.

PUBLIC NOTICE: Notice published once each week for two consecutive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC PARK: A natural or landscaped area, buildings or structures, provided by a unit of government, to meet the active or passive recreational needs of people. Playgrounds shall be considered public parks that provide recreational needs primarily to children.

PUBLIC UTILITY TRANSMISSION TOWER: A structure, owned and operated by a public utility electric company regulated by the Pa. Public Utility Commission, designed and used to support overhead electricity transmission lines.

RACE CAR: A motorized vehicle built, modified, or used primarily for the sport of racing at or on a designated racetrack, speedway, or street course.

RECREATION, RECREATIONAL: A use or type of activity relating to or denoting activity done for enjoyment when one is not working.

RECREATIONAL TRAIL: A publicly-owned or maintained trail/path system, including trailheads. Trailheads may include a parking area.

RECREATIONAL VEHICLE: A vehicle that is designed primarily to transport a person for primarily recreational instead of transportation purposes, or a vehicle that serves as a mobile, temporary dwelling. This may include a vehicle that is self-propelled, towed, or carried by another vehicle, but shall not include camper cabs that fit over pickup trucks. This term shall also include the following: watercraft other than canoes with a hull longer than twelve feet (12'), motor homes, travel trailers, box or freight trailers, tiny homes (cabins-on-wheels) that do not meet the Uniform Construction Code or HUD manufactured housing standards, all-terrain vehicles, and snowmobiles.

RECYCLING FACILITY: An establishment for the drop-off, processing, separation and/or collection of recyclable materials from solid wastes.

RELATED OR RELATIVE: Persons who are related by blood, marriage, adoption, or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law, or first cousin. This shall not include relationships such as second, third, or fourth cousins.

RELIGIOUS INSTITUTION: A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, meeting hall, offices for administration of the institution, banquet facility for use by congregation members only, licensed child or adult daycare, and playground.

RESEARCH LABORATORY: A use engaged in research and development, testing, assembly, repair, and manufacturing in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. Office, warehousing, wholesaling, and distribution of the finished products produced at the site are allowed as part of this use.

RESORT OR CONFERENCE CENTER: A structure(s) located on a lot combining lodging of members and guests, service of food, retail sales of commodities and services, facilities for educational activities and/or business meetings, and recreation.

RESTAURANT: An establishment in which the principal use is the preparation and sale of food and beverages, whether the food and beverages are consumed on-site or not.

RETAIL BUSINESS: An establishment offering the sale or rental, with incidental service, of commonly used goods and merchandise for personal or household use, but excludes those retail businesses classified more specifically by definition in this Ordinance.

RETAINING WALL: Any fence or wall built or designed to retain or restrain lateral forces or soil or other materials, said materials being similar to the height of the wall on one side.

RETIREMENT HOUSING: A residential complex containing multifamily dwellings or units designed for and principally occupied by senior citizens (age 55+). Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care.

RIPARIAN BUFFER: A vegetated area, including trees, shrubs, and herbaceous vegetation adjacent to a watercourse or water body.

ROOMING AND BOARDING HOUSE: A residence or building other than a motel or hotel where, for compensation and by prearrangement for definite periods of thirty (30) days or more, lodging

and meals are provided for two (2) or more persons. A college fraternity or sorority house used as a residence shall be considered a type of boarding house, but a boarding house shall not include a use that meets the definition of the following: drug or other treatment center, abused person shelter, hotel, dormitory, motel, personal care facility, bed and breakfast inn, group home or nursing home.

SANITARY LANDFILL: A lot or land or part thereof used primarily for the disposal of garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities. The operation of a sanitary landfill normally consists of: 1) depositing the discarded material in a planned controlled manner, 2) compacting the discarded material in thin layers to reduce its volume, 3) covering the discarded materials with a layer of earth, and 4) compacting the earth cover.

SATELLITE DISH ANTENNA: A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

SAWMILL: A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

SCREEN PLANTING: A method of visually shielding or obscuring one abutting or nearby structure or use from another by densely planted vegetation.

SELF-STORAGE FACILITY: A structure(s) containing separated spaces to be leased or rented to individuals and/or businesses for the storage of personal belongings, goods, or supplies.

SEMI-PUBLIC BUILDING OR USE: Structures or uses operated by nonprofit, community-based organizations including fire and ambulance stations, private elementary and secondary schools, and essential services that require enclosure within a structure or building.

SETBACK LINE: The line within a lot or parcel defining the required minimum distances between any structure and the adjacent street right-of-way or boundary line of any lot. The setback shall be measured from the edge of any street right-of-way bordering or within the lot or parcel. Setback distances shall not be measured nor minimum required setback distance met within any existing width or proposed or required future width of any public or private street right-of-way.

SEWAGE DISPOSAL SYSTEM, CENTRALIZED: A publicly or privately owned and operated utility system or other system designed to collect, centrally treat and dispose of sewage from users in compliance with regulations of the appropriate state agency and of the Borough.

SEWAGE DISPOSAL SYSTEM, COMMUNITY: A publicly owned and operated utility system or other system designed for the collection of sewage from two or more lots and for the treatment or disposal of the sewage on one or more of the lots or at any other site, by on-site (into the soil) disposal techniques in compliance with regulations of the appropriate agency and of the Borough.

SEWAGE DISPOSAL SYSTEM, INDIVIDUAL: A utility system or other system designed for the collection, treatment and disposal of from a single lot into the soil or into waters of the Commonwealth, or for conveyance to another site for final disposal.

SHED: An accessory structure used primarily for storage purposes, of a wall height no greater than fifteen feet (15') and that does not exceed one hundred fifty (150) square feet in floor area.

SHIPPING CONTAINER: Any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

SHOPPING CENTER, MALL OR PLAZA: A group of six (6) or more retail and other commercial establishments that is planned, owned, and managed as a single property with on-site parking. The two main configurations of a shopping center are malls and open-air strip plazas.

SHORT-TERM RENTAL: Any dwelling unit utilized as a single-family residence rented for the purpose of overnight lodging for a period of thirty (30) days or less, and which meets the definition of Hotel for the purpose of imposing a tax on the consideration received by an operator or hotel within Lackawanna County from each transaction of renting a room or rooms to accommodate transients as defined in the County of Lackawanna Hotel Tax Ordinance No. 110 of 1997, as amended.

SIGN: Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. (See Article IX for additional definitions.)

SIGNIFICANT STOCK AND TRADE: Twenty-five percent (25%) or greater of the floor area, gross sales, or dollar value of inventory of any commercial establishment.

SITE ALTERATION: Site alterations shall include re-grading the existing topography, filling lakes, ponds, marshes or flood plains, removing ground cover or altering water courses.

SLAUGHTERHOUSE: A facility for the for-profit slaughtering and processing of animals and the refining of their byproducts.

SOCIAL SERVICE AGENCY: A facility, other than an office, providing a social service directly to the local community, including but limited to food banks, blood banks, life-skills training, job training, hotline centers, veterans' affairs, emergency shelters, elderly or disabled services, and crisis centers. This type of use does not include drug treatment centers or other types of treatment centers as defined by this Ordinance.

SOLAR COLLECTOR: A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

SOLID WASTE OR WASTE: Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial, or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste, including solid, liquid, semi-solid or containing gaseous materials resulting from industrial, mining, agricultural operations. Local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility.

SOLID WASTE FACILITY: Any facility operated either publicly or privately pursuant to the laws of the Commonwealth of Pennsylvania governing the management, incineration and disposal of solid waste including, but not limited to: liquid, solid, toxic, hazardous, infectious and medical waste.

STABLE: A structure and/or land use in or on which equines are kept for personal use, sale or hire to the public. Breeding, boarding, or training of equines and on-site riding trails may also be conducted.

STAGING AREA: Any area where vehicles containing solid waste are parked or located prior to depositing said solid waste at a solid waste disposal facility.

STORAGE STRUCTURE: An accessory structure that is used for storage and does not have a door or other entranceway into a dwelling unit, is greater than one hundred fifty (150') square feet in floor area, and does not have water fixtures within its confines, the use of which is limited solely to storage of inanimate objects.

STORY (AND HALF-STORY): A level of a building routinely accessible to humans having an average vertical clearance seven feet (7') or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance from floor to ceiling of less than seven feet (7') shall be considered a "half-story."

STREET: A public or private thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.

STREET RIGHT-OF-WAY LINE: The dividing line between the street and lot, also known as the street line or front lot line.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include:

1. buildings; dwellings; manufactured homes; tiny homes; garages; sheds; storage structures, barns and other agricultural structures; gazebos; carports; non-motorized or decommissioned rail cars, airplanes, helicopters, and military equipment
2. swimming pools
3. walls, excluding retaining walls
4. fences
5. tennis and other outdoor recreational courts
6. towers and masts
7. signs
8. billboards
9. commercial treehouses
10. shipping containers and PODs

Accessory outdoor recreational equipment, such as pop-up tents, children's play or swing sets or treehouses, shall not be classified as a structure.

SUBDIVISION: The division or subdivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement or access or any residential dwelling, shall be exempted.

SWIMMING POOL: A structure, whether above or below grade level, designed to hold water more than twenty-four inches (24") deep to be used for recreational purposes, requiring water filtration, circulation, and purification; braces or supports; and is not capable of being readily relocated and stored away during non-swimming seasons.

TAVERN: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may be available for consumption on the premises.

TEMPORARY USE: A use accessory to a permitted use that operates at a fixed location for a temporary period of time, including but not limited to contractors' offices; equipment sheds; real estate sales offices; temporary shelters; temporary portable on-demand storage containers; and outdoor festivals; carnivals; celebrations; country, craft, or county fairs; block parties; or picnics, held in conjunction with profit or non-profit organizations. Outdoor parties, celebrations, or special events held on the grounds of private residences by the residents of said property, where no fees are charged or collected or are held for charitable, educational, or political fundraising, shall not be considered a temporary use and shall not be subject to specific-use requirements set forth in §765 of this Ordinance.

THEATER: A structure or part of a structure devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

THROUGH LOT: A lot extending between and having frontage on two streets.

TIMBER HARVESTING, TREE HARVESTING, OR LOGGING: That part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

TINY HOME: A single-family residential structure less than four hundred (400) square feet in floor area that meets both the Recreational Vehicle Industry Association (RVIA) safety standards **AND** the Uniform Construction Code or manufactured housing (HUD) national safety standards. A tiny home that does not meet both the RVIA and UCC or HUD safety standards shall be considered a Recreational Vehicle, as defined by this Ordinance.

TRACTOR-TRAILER, TRACTOR OF A: A truck with a minimum of two (2) axles that is intended to pull a trailer, as defined below, and not to carry goods itself.

TRACTOR-TRAILER, TRAILER OF A: A commercial vehicle twenty feet (20') or more in length that is not self-propelled, intended to haul materials, vehicles, goods, gases, or liquids, and intended to be pulled by a tractor, as defined above. This definition does not include recreational vehicles.

TRADE AND TECHNICAL SCHOOL: A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum, including but not limited to beauty schools, business management, computer training, driving education, fine and performing arts education, modeling school, and sports and recreation education.

TRAILER, BOX OR FREIGHT: A structure standing on wheels, towed, or hauled by another vehicle, and used for carrying of materials, goods, or objects.

TRANSIENT: A person who obtains accommodation in a Hotel or Motel, Bed and Breakfast Inn, Resort or Conference Center, or Short-Term Rental as defined by this Ordinance by means of registering at the facility for the temporary occupancy of a room or rooms for the personal use of the individual by paying a fee to the operator.

TRANSIT-RELATED BUSINESS OR FACILITY: A business or facility owned, used, constructed, maintained, controlled, or operated to provide public or mass transportation for passengers. This use also includes the storage and/or maintenance of any motor driven fleet associated with the business, including but not limited to chartered, school, shuttle, special needs, local transit, and interurban buses; taxis and limousines.

TREATMENT CENTER: A use (other than a drug treatment center or permitted accessory use in a hospital) providing treatment for persons who need specialized care and/or counseling as outpatients or inpatients for either of the following:

1. Criminal rehabilitation, such as a criminal half-way house/transitional living facility or a treatment/housing center for persons convicting of driving under the influence of alcohol.
2. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

UNIFORM CONSTRUCTION CODE (UCC): The Pennsylvania Construction Code Act, Act 45 of 1999 as amended; the statewide building code.

USE: The specific purpose for which land or a structure is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VAPING/SMOKING/HOOKAH LOUNGE: A retail establishment where the configuration of the floor area and/or furniture is to facilitate the on-site consumption or use of tobacco, cigarettes, electronic vaping devices or other nicotine-enriched solutions.

VARIANCE: Permission granted by the Zoning Hearing Board, following a hearing that is properly advertised, for an adjustment to some regulation that, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

WALL: A constructed solid barrier of concrete, stone, brick, tile, wood, or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.

WAREHOUSE: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of inflammable or explosive materials that present hazards or commonly recognized offensive conditions.

WASTEWATER TREATMENT FACILITY, NON-MUNICIPAL: A non-municipal facility not located on the same parcel where the wastewater is generated that is used for treating and removing any harmful chemicals, compounds (including the flow back water and solutions used in the process of hydraulic fracturing for natural gas), nutrients, organics, solids, radionuclides, or other materials prior to being transported off-site for reuse or discharged into a stream or into the soil. Such a facility typically includes a multi-bay truck loading/unloading station, skim pounds for oil/water separation, water clarifiers, sludge de-watering facilities, reverse osmosis units, evaporators, chemical feed equipment, pumps, and other appurtenances.

WATER BODY: A natural or manmade lake, pond, or reservoir.

WATERCOURSE: A natural or constructed drainage way for water, including permanent and intermittent streams.

WATER SUPPLY SYSTEM, CENTRALIZED: A public utility system or other centralized water supply system designed to transmit water from a common source to users, in compliance with the requirements of the appropriate State Agency or regulations of the Borough, whichever may be more stringent. Any system not deemed a centralized water supply system shall be deemed an on-lot system.

WELLNESS OR FITNESS CENTER, HEALTH CLUB: A commercial indoor recreation facility designed for members or nonmembers for the major purpose of physical fitness or weight reducing that includes, but is not limited to, such equipment as weight resistance machines, jogging, swimming, aerobics, whirlpools, massages rooms, saunas, showers, and lockers.

WETLANDS: Those areas, as regulated by PA DEP and the U. S. Army Corps of Engineers, that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

WHOLESALE BUSINESS: An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIND ENERGY FACILITY: A facility where one (1) or more wind turbines or windmills and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity that is used on-site for commercial purposes, that is used off-site for any purpose, or that is sold on the open market. A wind turbine or windmill accessory to a principal structure that is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a wind energy facility but shall meet all applicable accessory use requirements in this Ordinance.

WIND TURBINE OR WINDMILL: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

WIND TURBINE OR WINDMILL HEIGHT: The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

WINDOW: An opening to the outside other than a door that provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

WINE- OR CIDER-TASTING ROOM: A facility devoted to the sampling and retail sales of wine or cider fermented and/or bottled on or off the premises and the retail sales of wine- or cider-related products, but does not include a producing vineyard, orchard, or similar growing area on-site. Sale of food is prohibited; however, incidental provision of food without compensation is allowed.

WINERY OR CIDERY: An establishment with facilities for fermenting and bottling of wine or cider, which includes a producing vineyard, orchard, or similar growing area and producing of wine. It may include a wine- or cider-tasting room, retail sale of wine/cider and wine-/cider-related products, and an indoor or outdoor restaurant not involving any drive-through or farm stand.

WIRELESS COMMUNICATIONS FACILITY (WCF): The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling and accessory equipment used to provide wireless data and telecommunication services. The term shall not include the wireless support structure.

WIRELESS COMMUNICATIONS FACILITY (WCF), TOWER-BASED: Wireless communications facilities that include the installation of a new tower to support the transmission equipment. Replacements of existing towers are not considered a new Tower-Based WCF.

WIRELESS COMMUNICATIONS FACILITY (WCF), TOWER-BASED, HEIGHT OF: The vertical distance measured from the ground level to the highest point of a Wireless Communications Facility supported by a tower.

WIRELESS SUPPORT STRUCTURE: A freestanding structure, such as a guyed or self-supporting tower, electrical transmission tower, water tower, or other structures including but not limited to buildings, light poles, utility poles, flag poles, and traffic signals that could support the placement or installation of wireless telecommunications facilities.

YARD: An open space on the same lot with a structure or group of structures that lies between the principal structure or group of structures and the nearest lot line and that is unoccupied and unobstructed from the ground upward except as herein permitted.

YARD, FRONT: An open unoccupied space on the same lot with a principal structure, extending the full width of the structure projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the structure and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the principal structure and shall not project into a required front yard.

YARD, REAR: An open unoccupied space on the same lot with a principal structure, extending the full width of the lot and situated between the rear line of the lot and the rear line of the structure projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the principal structure. A principal structure shall not extend into the required rear yard.

YARD, SIDE: An open unoccupied space on the same lot with the principal structure situated between the structure and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A principal structure shall not extend into the required side yards.

ZERO LOT LINE: The location of a structure on a lot in such a manner that one (1) or more of the structure's sides rests directly on a lot line.

ZONING: The designation of specified districts within a municipality or county, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING HEARING BOARD: The Zoning Hearing Board of the Borough of Moscow.

ZONING MAP: The official Zoning Map of the Borough of Moscow, Lackawanna County, Pennsylvania.

ZONING OFFICER: The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

ZONING ORDINANCE: The Borough of Moscow Zoning Ordinance, as amended.

ARTICLE IV

ESTABLISHMENT OF ZONING DISTRICTS

401 GENERAL DISTRICTS

For the purposes of this Ordinance, the Borough of Moscow is divided into ten (10) Zoning Districts. They are as follows:

- R-1A Low-Density Residential
- R-1B Low-Density Residential, Agriculture, and Recreation
- R-2 Medium-Density Residential
- R-3 Mixed-Use Residential
- C-1 Local Commercial
- C-2 Regional Commercial
- S-1 Conservation and Open Space
- CBD Central Business District Overlay
- FP Flood Plain Overlay
- WEF Wind Energy Facility Overlay

402 INTENT OF ZONING DISTRICTS

R-1A – LOW-DENSITY RESIDENTIAL DISTRICT

The intent of this district is to provide adequate space for very low-density residential development that would utilize either on- or off-site water supply and/or sewage disposal, while protecting and preserving open space from development.

R-1B – LOW-DENSITY RESIDENTIAL, AGRICULTURE, AND RECREATION DISTRICT

The intent of this district is to provide adequate space for very low-density residential development that would utilize either on- or off-site water supply and/or sewage disposal, while protecting and preserving open space from development, and providing the community need for agricultural, outdoor recreational, and entertainment uses.

R-2 – MEDIUM-DENSITY RESIDENTIAL DISTRICT

The intent of this district is to provide land areas for the development of both low and moderate density residential development on lots of sufficient size to safely permit on- or off-site water supply with off-site sewage disposal.

R-3 – MIXED-USE RESIDENTIAL DISTRICT

The intent of this district is to provide land areas for the development of higher density and mixed residential types and manufactured home communities, served by on- or off-site water supply and off-site sewage disposal.

C-1 – LOCAL COMMERCIAL DISTRICT

The intent of this district is to provide areas in the downtown community for the location and development of business and service establishments designed to meet the needs of the local citizens while limiting traffic congestion to the developed areas of the community.

C-2 – REGIONAL COMMERCIAL DISTRICT

The intent of this district is to provide an area for the development of business and service activities that serve the residents of the community and the surrounding region.

S-1 – CONSERVATION AND OPEN SPACE DISTRICT

The intent of this district is to protect special natural areas, open space, flood plains, wetlands, steep slopes and other environmentally sensitive land from over-development.

CBD – CENTRAL BUSINESS DISTRICT OVERLAY DISTRICT

The intent of this overlay district is to preserve and maintain the historical streetscape and core business district of the Borough where sidewalks exist and municipally-owned parking facilities are in close proximity. The further intent of this overlay district is to permit uses and building regulations subject to the same requirements as the C-1 zone over which this district is laid, and to exempt specific uses, as set forth in §1002 I. of this Ordinance, from providing off-street parking facilities.

FP – FLOOD PLAIN OVERLAY DISTRICT

The intent of this overlay district is to permit uses and building regulations subject to the same requirements as the zone over which this district is laid, and to also subject the uses and building regulations to the requirements of the Moscow Borough Flood Plain Management Ordinance. The boundaries of this overlay district coincide with the Zone A, 100-year flood, boundaries, as shown on the Flood Insurance Rate Maps for the County of Lackawanna, containing the most current effective date, and prepared by the Federal Emergency Management Agency, Federal Insurance Administration.

WEF – WIND ENERGY FACILITY OVERLAY DISTRICT

The intent of this overlay district is to provide areas within the Borough where a Wind Energy Facility shall be permitted, based on existing topography and available wind speed mapping for the Commonwealth. All other uses proposed within this overlay district shall comply with the requirements of the existing underlying district.

403 ZONING MAP

- A. The location and boundaries of these districts are established as shown on the attached Zoning Map of the Borough of Moscow. The Zoning Map is hereby made a part of this Zoning Ordinance, together with all future notations, references and amendments.
- B. The Official Zoning Map shall be identified by the signature of the Mayor and President of Council attested by the Borough Secretary, and shall bear the adoption date of this Ordinance and the seal of the Borough under the following words: "This is to certify that this is the Official Zoning Map of Moscow Borough."
- C. Changes of any nature to the Official Zoning Map shall be made in conformity with the amendment procedures set forth in this Ordinance. All changes shall be noted by date with a brief description of the nature of the change.
- D. Regardless of the existence of purported copies of the Official Zoning Map that may from time to time be made or published, the Official Zoning Map shall be located in the Borough Office and shall be the final authority on boundaries and districts. The Zoning Officer shall have a certified copy of the map for official use.

- E. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Borough Council may, by resolution, adopt a new Official Zoning Map that shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signatures of the Mayor and Council President, attested to by the Borough Secretary, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted June 2, 2008, as amended, as part of the Borough of Moscow Zoning Ordinance, Lackawanna County, Pennsylvania."
- F. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

404 RULES FOR INTERPRETING DISTRICT BOUNDARIES

- A. Boundaries drawn approximately following the centerlines of streams, drainage ways, streets, alleys, railroads or other right-of-way shall be construed to follow such centerlines.
- B. Boundaries approximately following lot lines shall be construed as following such lot lines and to be located upon the land through competent land survey of those lot lines.
- C. Boundaries drawn approximately following the centerlines of streams shall be construed to follow such centerlines, and in the event of change in the centerline shall be construed as moving with the actual centerline.
- D. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- E. Where physical features existing on the ground vary with those shown on the Official Zoning Map, or in other circumstances not covered by subsection A. through D. above, the Zoning Hearing Board shall interpret the district boundaries.

ARTICLE V

LAND-USE REGULATIONS

501 APPLICATION OF DISTRICT REGULATIONS

- A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- B. No building or structure shall hereafter be erected, constructed, reconstructed, moved, or altered internally or externally and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the district in which it is located. No lot, parcel of land or water area shall be utilized, occupied, altered or improved unless it is in conformity with the regulations herein specified for the district in which it is located.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- E. All territory that may hereafter be annexed to the Borough shall be considered to be zoned in the same manner as the contiguous territory inside the previous Borough limits until otherwise classified.

502 TYPES OF USES

- A. Permitted Uses. Uses listed as Permitted Uses within each District in Schedule I of this Article shall require no special action by the Governing Body or by the Commission before a Zoning Permit is granted by the Zoning Officer, provided that the use type, dimensional, and all other applicable requirements of this Ordinance are satisfied.
- B. Special Exception Uses. Uses listed as Special Exceptions in Schedule I of this Article shall require individual consideration in each case because of their unique characteristics. Such Special Exception Uses shall be referred to the Borough Planning Commission by the Borough Zoning Hearing Board and may be permitted by the Zoning Hearing Board only after a hearing and determination by the Borough Zoning Hearing Board that such proposed uses meet the standards, requirements, and intent of this Ordinance.
- C. Conditional Uses: Uses listed as Conditional Uses in Schedule I of this Article shall require individual consideration in each case because of their impact upon the lives of all persons within the Borough. Such Conditional Uses shall be referred to the Borough Planning Commission by the Borough Governing Body and may be permitted by the Governing Body only after a hearing and determination by the Governing Body that such proposed uses meet the standards, requirements, and intent of this Ordinance.
- D. Accessory Uses. Accessory Uses are permitted to be established along with and upon the same parcel as the associated principal use provided that the associated principal use or structure was legally established as a Permitted Use, Special Exception Use, or Conditional Use and provided that all applicable requirements for accessory uses within this ordinance

are satisfied. Accessory Uses will require a Zoning Permit issued by the Zoning Officer unless otherwise stated within this Ordinance.

E. Prohibited Uses. Any use not listed within any Zoning District within Schedule I of this Article shall be deemed to be prohibited within that district.

F. Unlisted Uses.

1. No Zoning Permit shall be issued for a use not specifically mentioned or described by category in the Schedule I Regulations Governing the Use of Land. Evaluation of these uses shall be as set forth in subsection 2. below.
2. Uses not listed as a permitted use, special exception, or conditional use are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in Schedule I Regulations Governing the Use of Land, and such use is not prohibited by law, the Zoning Officer shall determine whether a materially similar use exists in this Article V. Should the Zoning Officer determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Zoning Officer's decision shall be recorded in writing.
3. The Zoning Officer may determine that a use is materially similar if the use is listed as within the same Function or Structure classification as the use specifically enumerated in Schedule I Regulations Governing the Use of Land, as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association [Reference: <http://www.planning.org/lbcs/index.html>]. The use shall be considered materially similar if it falls within the same LBCS classification.
4. In order to assist in interpretation of Schedule I Regulations Governing the Use of Land, the LBCS Function and Structure category numbers are listed at the right side of the row for each specific land-use. In interpreting Schedule I Regulations Governing the Use of Land, the following rules shall apply:
 - a. If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all zoning districts where the uses coded to the general classification are permitted simply because they share a similar LBCS code number. The numbers increase as the classifications become more specific.
 - b. Some uses are listed separately, but fall within the same LBCS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS classification.
5. If the Zoning Officer determines that a materially similar use cannot be located within one of the LBCS classifications pursuant to subsection 3. above, he or she shall present the application for the proposed use to the Zoning Hearing Board, which shall have the authority to permit the use or deny the use as a special exception in accordance with the following:
 - a. The use may be permitted only if the Zoning Hearing Board makes **all** of the following findings, and the burden of proof shall be upon the applicant.

- 1). The use is compatible with the uses listed for the subject zoning district by Schedule I Regulations Governing the Use of Land.
 - 2). The use is no way conflicts with the intent of the zoning district and the general purpose and intent of this Ordinance.
 - 3). The use is not permitted in any other zoning district.
- b. The Zoning Hearing Board shall provide a copy of the application to the Borough Planning Commission at the time the application is received. The Zoning Hearing Board shall not conduct a hearing on the application until the comments from the Planning Commission are received or thirty (30) days has passed from the time the application was referred to the Planning Commission.
 - c. The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception granted for a use not specified in Schedule I Regulations Governing the Use of Land, incorporating standards from the Ordinance for compatible uses in the applicable zoning district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals, and welfare and to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code.
6. If the Zoning Hearing Board denies the use as a special exception, after completion of the process as outlined in subsection 5 above, this Ordinance may be amended by the Governing Body to establish a specific listing for the use in question.

503 CONTINUATION OF EXISTING USES

Any legally established existing use of a building or structure, lot or parcel of land or part thereof, as of the effective date of this Ordinance may be continued, subject to any applicable conditions or requirements of this Ordinance.

504 SCHEDULE I

The following SCHEDULE I, REGULATIONS GOVERNING THE USE OF LAND, lists the various types of permitted, special exception, and conditional uses that are permitted within each Zoning District of the Borough of Moscow.

**SCHEDULE I
REGULATIONS GOVERNING THE USE OF LAND**

P = Permitted Use
 SE = Special Exception Use SE* = Special Exception Use in WEF Overlay Zone Only
 CU = Conditional Use CU* = Conditional Use in WEF Overlay Zone Only

Land Use	R-1A	R-1B	R-2	R-3	C-1	C-2	S-1	Additional Regulations (see Section)	LBCS Function	LBCS Structure
Residential Uses										
Single-family dwellings	P	P	P	P					1100	1110
Two-unit attached dwellings			P	P				743	1100	1120
Duplex (over/under)			P	P				743	1100	1121
Townhouses				P	SE			743	1100	1140
Multi-family dwellings, garden apartments				P	SE			743	1100	1200
Planned Unit Development	CU	CU	CU	CU				746	1100	-
Manufactured Home Community				SE				742	1100	1150
Apartments above Commercial Use					P			707	1100	2300
Group Homes	P	P	P	P				732	1230	1100
Rooming and Boarding Houses					SE			757	1320	1110, 1340
Bed and Breakfast Inns				P	P			712	1310	1110
Retirement Housing (55+)				P	SE			743	1210	1200
Short-Term Rental Units				SE	SE			761A	1300	1110
Tiny Homes		P		P				765A	1100	1110
Conversion from Non-residential Use to Residential Units	P	P	P	P	SE			723	1110	1200
Conversion from Single-Family to Duplex/Two-Unit Attached			P	P				723A	1100	1120, 1121
Accessory Uses										
Agricultural Buildings		P		P		P	P	705	-	8100, 8200 8300, 8400 8800, 8900
Assisted-Care Apartment Units	SE	SE	SE	SE	SE	SE		708	1100	1130
Farm Stands						P		727	2154	2230, 6920
Fences, Gates, & Walls	P	P	P	P	P	P	P	728	-	-
Garage or Yard Sales	P	P	P	P	P	P		731	-	-
Home-Based Businesses, Minimal Impact	SE	SE	SE	SE	SE	SE		734	-	-

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Land Use	R-1A	R-1B	R-2	R-3	C-1	C-2	S-1	Additional Regulations (see Section)	LBCS Function	LBCS Structure
Accessory Uses (continued)										
Home-Based Businesses, No Impact	P	P	P	P	P	P		735	-	-
Home Share	P	P	P	P	P	P		735A	1100	1110
Outdoor Furnaces	SE	SE				SE	SE	744	4314	-
Outdoor Storage, Commercial or Industrial					P	P		745A	-	9000
Patios, Decks, and Gazebos	P	P	P	P	P	P			-	-
Bees & Chickens, Keeping of		P				P	P	712A	-	-
Pets, Keeping of	P	P	P	P	P	P	P	745B	-	-
Pool Houses	P	P	P	P	P	P		746A		
Private Garages & Carports (< or = 4 bays)	P	P	P	P	P	P		747	-	-
Private Garages & Carports (>4 bays)	SE	SE	SE	SE	SE	SE		747	-	-
Private Greenhouses & Gardens	P	P	P	P	P	P		748	9141	8500
Private Indoor Recreation	SE	SE						749	-	3200
Private Outdoor Tennis & Similar Courts	SE	SE	SE	SE				751	-	-
Private Outdoor Shooting Range	SE	SE	SE	SE	SE	SE	SE	774	-	-
Private Stables	SE	SE	SE	SE				718	-	8240
Private Swimming Pools, Hot Tubs & Ornamental Ponds	P	P	P	P	P	P		752	-	-
Satellite Dish Antennas	P	P	P	P	P	P	P		-	-
Sheds & Storage Structures	P	P	P	P	P	P	P	760A	-	-
Signs	P	P	P	P	P	P	P	762, Art IX	-	6700
Solar Collectors, accessory to Existing Principal Use	P	P	P	P	P	P	P	764	4314	6460
Temporary Uses	P	P	P	P	P	P	P	765	-	1350, 4440 6900
Wind Turbines, accessory to Principal Use	SE	SE	SE	SE	SE	SE	SE	771	4314	6460
Commercial Uses										
Adult Businesses						SE		703	-	-
Animal Hospital, Kennel, Day Care, or Veterinary Clinic				SE	P	P		706	2418	4120, 8700

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Land Use	R-1A	R-1B	R-2	R-3	C-1	C-2	S-1	Additional Regulations (see Section)	LBCS Function	LBCS Structure
Commercial Uses (continued)										
Automobile Storage Compound						P		710A	4138	-
Banks, Finance, and Insurance					P	P			2200	2100
Banquet Facilities		P		P	P			711	2560	2200, 3800
Bicycle, Motorcycle, Moped, or ATV Rentals or Sales					P	P		712B	2113, 2333	-
Billboards, Off-site Advertising						P		713	-	6700
Brew Pubs					P	P		713A	2115, 2540	2220
Bulk Fuel Storage						SE		714	-	2780
Car Washes					P	P		710	-	2270
Casinos/Gambling Establishments or Betting Uses						SE		715A	1340, 5330	1330, 3200
Commercial Greenhouses or Nurseries					SE	P	SE	716A	9140	8500
Commercial or Professional Offices or Services & Personal Services					P	P			2300, 2400 2600, 2700	2100, 2300 2400
Contractor's Offices and Yards					P	SE		721	7000	-
Convenient Stores with Gas Pumps					P	P		722	2116, 2152	2591
Craftsman-Artisan Workshops					P	P		720	3410, 3420	2610
Flea Markets						CU		729	2145	6900
Funeral Homes or Mortuaries			SE		SE			750	6710	4800
Hotels/Motels					P	P		737	1330	1330
Lumberyards					P	P			2126	-
Medical Marijuana Dispensaries					P	P		Art. IX-A	2161	2230
Mobile Food Facility >14 days on site						P		742A	2550	6920
New or Used Car, Boat, or Trailer Rentals or Sales					SE	P		743A	2111-2114 2331-2333	-
Nightclubs, Taverns, & Bottle Club					P				2540	2220
Pawn Shops						P			2145	2230
Public or Commercial Parking					P	P		753	-	5200
Restaurants, Cafes, or Coffee Houses					P	P		756A	2500	2220
Retail Businesses					P	P			2100	2200
Self-Storage Facilities						SE		760	3600	2710
Service Stations, Minor Auto Repairs					SE	P		710	2116	2270, 2280

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Land Use	R-1A	R-1B	R-2	R-3	C-1	C-2	S-1	Additional Regulations (see Section)	LBCS Function	LBCS Structure
Commercial Uses (continued)										
Service Stations, Major Auto Repairs						P		710	2116	2270, 2280
Tire Re-treading and Recapping						P			2115	-
Shopping Malls, Centers, or Plazas					CU	CU		761	2000	2500
Stables, Commercial						SE	SE	718	-	8240
Transit-Related Businesses and Maintenance Facilities						SE		766	4130	3930, 5400
Vaping, Smoking, Hookah Lounges						SE		766A	2143	-
Wellness or Fitness Centers					P	P			5370	-
Wholesale Businesses						P		769	3500	-
Wineries or Cideries		P		SE		P		772	3110	-
Wine or Cider Tasting Rooms					P	P		773	2155	-
Manufacturing Uses										
Asphalt, Batch, or Concrete Plant						P		738	3310, 7320	2622
Industrial Hemp Production						SE		738A	3100	2620
Industry, Heavy						SE		738	3100, 3200 3300	2620
Industry, Light					SE	P		738	3400	2610
Brewery or Micro Brewery						P		738	3110	2620
Junk Yards & Automobile Wrecking						SE		739	-	-
Machine Shops						P		740	3350, 3360	2610
Medical Marijuana Facilities, Grower/Processor						SE		Art. IX-A	3320	2620
Medical Marijuana Facilities, Transport Vehicle Office						SE		Art. IX-A	4141	2620
Recycling Facilities						CU		754	4346	-
Research Laboratories						SE		756	2416	2615
Sanitary Landfills						CU		758	4345	6320
Sawmills						P			3210	8000
Slaughterhouses						CU		763	9300	-
Solid Waste Facilities						CU		758	4340	6300
Warehousing or Distribution Center						SE		767	3600, 4140 4160	2700
Wastewater Treatment Facility, Non-Municipal						CU		767A	4342	6351-56

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Land Use	R-1A	R-1B	R-2	R-3	C-1	C-2	S-1	Additional Regulations (see Section)	LBCS Function	LBCS Structure	
Services & Public Uses											
Assisted Living, Nursing Homes, and Personal Care Homes				SE	SE			709	1210, 1240 1250, 6520	-	
Abused Person Shelters							CU	702	6564	6564	
Adult or Child Day Care Centers or Nursery Schools and Preschools						SE	SE	704	6110, 6562, 6566	6110, 6562, 6566	
Cemeteries and Mausoleums			SE		SE			716	6720	4700	
Colleges and Dormitories						CU		759	1320, 6130	1320, 4220	
Correctional Facilities						CU		724	6222	4600	
Crematoriums and Columbarium						CU		725	6720	4800	
Drug or Other Treatment Centers						CU		726	6520	-	
Essential Services	P	P	P	P	P	P	P		-	6100, 6200 6310, 6440	
Group Care Facilities and Halfway Houses						CU		731A	1220, 6222	4120, 4600	
Helipads						CU		733	4115	-	
Hospitals						CU		736	6530	4110	
Medical Clinics & Social Services					P	P			6510, 6560	4120	
Public and Semi-Public Buildings & Uses	P	P	P	P	P	P			6120, 6200 6300, 6400	4210, 4500	
Religious Institutions	P	P	P	P	P	P		755	6600	3500	
Television/Radio Stations Publishing & Information Services						P			4200	-	
Trade & Technical Schools					P	P			6140	4230	
Wireless Communication Facilities on existing structures	P	P	P	P	P	P	P	719	4230	-	
Wireless Communication Facilities, Tower-Based ≤ 40' in height						SE	SE	719	4230	6500	
Wireless Communication Facilities, Tower-Based > 40' in height						SE		719	4233	6510	
Meteorological Towers	SE* - WEF Overlay District								740A	4233	6520

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Land Use	R-1A	R-1B	R-2	R-3	C-1	C-2	S-1	Additional Regulations (see Section)	LBCS Function	LBCS Structure
Recreational Uses										
Campgrounds				SE			SE	715	5400	-
Commercial Indoor Recreation or Health Club						SE		717	5300	3200
Cultural Facilities, Galleries and Libraries					P	P			4242, 5200	3400, 4300 4400
Fraternal, Civic, or Social Clubs					P	P			6800	-
Group Picnic Area or Grove, Commercial		SE					SE	732A	5500	6940
Outdoor Exhibitions, Sports Assembly, Entertainment & Amusements		SE					SE	744A	5120, 5130 5140, 5230 5310, 5340	3130, 3300 4440, 4450 6970
Outdoor Recreation & Sports	SE	SE					SE	745	5300	3300
Public Parks, Playgrounds, and Community Gardens	P	P	P	P	P	P	P		5500	6940, 6950 6970
Recreational Trails	P	P	P	P	P	P	P		-	5110, 5120
Shooting & Archery Ranges, Commercial Outdoor		SE						Art. IX-C	-	-
Theaters						P			5100	3100
Resource Production and Extraction Uses										
Agricultural Operations		P		P		P	P	705	9100, 9200, 9300	8000
Energy Storage Facility, Large-Scale						CU		726A	4310	6410, 6440
Forestry	P	P	P	P	P	P	P	730	9400	-
Hemp Growers/Processors						SE	SE	733A	9150	-
Hydraulic Fracturing Water Withdrawal							CU	737A	-	-
Mineral and Natural Resource Extraction and Processing						CU		741	8500	-
Oil & Gas Exploration, Extraction & Development						CU		Art. IX-B	8100	6410, 6420
Power Facility, excluding Solar & Wind						CU		746B	4311, 4312 4313	6430
Solar Energy Facility						CU		764A	4314	6460
Water Extraction & Bottling							CU	768	3110	2620, 6260
Wind Energy Facilities								770	4314	6460

CU* - WEF Overlay District

ARTICLE VI

LOT AND YARD REGULATIONS

601 MINIMUM LOT AREA AND DIMENSION REGULATIONS

- A. The minimum lot area and dimension requirements shown in Schedule II shall be met for all new dwelling units, principal buildings or uses where applicable, unless otherwise specified for specific uses or use groups in Article VII.
- B. In all zone districts where on-lot sewage disposal is utilized, the minimum lot size required per dwelling unit or principal structure shall be one (1) acre (43,560 square feet).
- C. Areas within or containing public or private street or road rights-of-way, riparian buffers, slopes greater than twenty-five percent (25%), or wetlands shall not be included in the calculation of, or used to meet the minimum lot sizes for any proposed residential or non-residential use.
- D. The lot or yard requirements for any new building or use shall not include any part of a lot that is required by any other building or use to comply with requirements of this Ordinance. No required lot area or yard shall include any property, the ownership of which has been transferred subsequent to the effective date of this Ordinance, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.
- E. In all cases, proposed lot dimensions and lot areas shall be adequate to provide space for all proposed buildings, structures, and use areas, and all required support facilities, parking and setback or yard areas.

602 MINIMUM YARD REGULATIONS

- A. Minimum yards or building setback distances shall be in accordance with Schedule II and as specified for specific uses in Article VII.
- B. Where a minimum depth of a front yard is specified in a district, an open space of at least the specified depth shall be provided between the street line or lines and the nearest point of any building or structure except as may be permitted elsewhere in this Ordinance.
- C. The front yard of an unimproved lot situated between two (2) improved lots having a principal building within twenty-five (25') feet of the side lot line of said unimproved lot may be reduced to the greatest depth of the front yard of the two (2) improved lots, but not to less than ten (10') feet.
- D. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Hearing Board may waive the requirements for the normal front yard and substitute therefore a special yard requirement that shall not exceed the average of the yards provided on adjacent lots.
- E. On a corner lot, the street side yard shall equal the required front yard for lots facing that street.

- F. Where a minimum width of a side yard is specified, no building or structure shall be erected within the specified distance from either side lot line, unless otherwise provided for in Article VII.
- G. Where a minimum depth of a rear yard is specified, no building or structure shall be erected within the specified distance from the rear lot line, unless otherwise provided for in Article VII.

603 SCHEDULE II - LOT, YARD, COVERAGE, AND HEIGHT REGULATONS

Lot, yard, coverage, and height regulations shall be as established by the following Schedule II.

SCHEDULE II

LOT, YARD, COVERAGE, AND HEIGHT REGULATIONS

DISTRICTS

REGULATIONS	R-1A	R-1B	R-2	R-3	C-1	C-2	S-1
Maximum Lot Coverage ^{(a)(e)}	25% ^(f)	25% ^(f)	35% ^(f)	50% ^(f)	50%	70%	15%
Maximum Building Height ^(a)							
Stories	2-1/2	2-1/2	2-1/2	3	3	3	2-1/2
Feet	35	35	35	40	40	40	35
Minimum Yards, Principal Structures (in Feet) ^{(a)(g)}							
Front	50	50	40	40	25	25	40
One Side Yard/Combined Side Yards	15/40	15/40	12/30	12/30	10 ^(d) /25	10 ^(d) /25	25/60
Rear	25	25	25	25	20	25 ^(c)	30
Minimum Lot Dimensions ^(a)							
Width in feet	100	100	80	75	100	100	200
Area per dwelling unit or use in sq.ft. ^(b)	20,000	20,000	15,000 (SF) 7,000 (TF)	10,000 (SF) 7,000 (TF) 5,000 (MF)	10,000	10,000	80,000

NOTES:

- (a) Minimum yard and lot dimensions and heights shall be as set forth above unless otherwise specified under Articles VII and/or VIII of this Ordinance.
 - (b) Where on-lot sewage disposal is utilized, a minimum land area of **one (1) acre** per dwelling unit, commercial, manufacturing or any other type of building is required.
 - (c) Except when abutting an R-district, then one hundred feet (100') shall be required for a use classified as a Manufacturing Use under Schedule I of this ordinance.
 - (d) Except when abutting an R-district, then twenty-five feet (25') shall be required.
 - (e) Includes the roof areas of all principal and accessory buildings plus areas of other impervious surfaces as defined by this Ordinance used for streets, driveways, parking areas, and tennis and other recreational courts (sidewalks, patios, uncovered porches, decks, and play apparatus areas excluded). See §803A for Pervious Pavement Standards.
 - (f) Fifty percent (50%) maximum lot coverage is allowed for permitted, non-residential uses (special exceptions and conditional uses excluded) in all R-districts unless otherwise specified under Articles VII and/or VIII of this Ordinance.
 - (g) Unless otherwise specified under Articles VII and/or VIII of the Ordinance, all accessory structures shall be prohibited in front yards, and shall be setback a minimum of ten feet (10') from side and rear property lines.
- (SF) = Single-family dwelling
 (TF) = Two-unit attached dwelling or Duplex on a single existing lot of record
 (MF) = Multi-family dwelling (i.e., Townhouses, Garden Apartments, Two-unit attached dwellings or duplexes as part of a multi-building development)

ARTICLE VII

SPECIFIC USE DEVELOPMENT REQUIREMENTS

701 APPLICABILITY

- A. This Article establishes additional specific requirements for certain uses in addition to the requirements of Articles VI, VIII, IX and X. These uses, whether principal or accessory, have unique or differing characteristics and require more restrictive or greater than minimum general regulations. Wherever two or more conflicting requirements apply to the same use or structure, the most restrictive requirement shall apply.
- B. For uses allowed as Special Exceptions or Conditional Uses under Article V, the procedures and general standards set forth under Article XIII shall apply as well as the standards set forth in this Article VII.
- C. Measurement of additional setbacks required for specific uses in this Article VII shall be measured from the nearest edge of the building used for the specific use, in a straight line without regard to intervening structures or objects, to the nearest lot line of the premises of the use or zone district from which the required setback applies.
- D. Unattached accessory structures not specifically regulated in this Article VII shall be setback a minimum of ten feet (10') from side and rear property lines and shall not be allowed in any front yard. Both yards abutting a public or private right-of-way on a corner lot shall be considered front yards.

702 ABUSED PERSON SHELTER (Conditional Use: C-2)

- A. A maximum of fifteen (15) residents shall be allowed, including any staff or volunteers who routinely stay overnight.
- B. Secure locks and alarm systems to protect the occupants from physical violence shall be installed.
- C. The Governing Body may place conditions on the use as necessary to protect public safety.

703 ADULT BUSINESS (Special Exception: C-2)

A. Findings.

In adopting these standards that apply to adult businesses, the Governing Body has made the following findings in regard to the secondary effects on the health, safety, and welfare of the citizens of the Borough of Moscow. The findings are based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Board, and on findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.* 475 U.S. 41 (1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976), and *Northend Cinema, Inc. v. Seattle*, 585 P. 2d 1153 (Wash. 1978), and on studies in other communities including but not limited to Phoenix AZ, Minneapolis MN, Saint Paul MN, Manatee County FL, Houston TX, Indianapolis IN, Amarillo TX, Los Angeles CA, Austin TX, Seattle WA, Oklahoma City OK, Beaumont TX, and New York NY; and also on findings found in the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, June 6, 1989, State of Minnesota.

1. The concern over sexually transmitted diseases is a legitimate health concern of the Borough of Moscow that demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of its citizens.
2. Certain employees of sexually oriented businesses regulated by this Ordinance as adult theaters and cabarets engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.
3. Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those that provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Ordinance as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.
4. Offering and providing such space encourages such activities, which create unhealthy conditions.
5. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
6. At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including but not limited to syphilis, gonorrhea, human immunodeficiency virus infections (AIDS), genital herpes, hepatitis B, non-B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.
7. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and operators of the facilities to self-regulate those activities and maintain those facilities.
8. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view adult-oriented films.
9. Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
10. There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas, study, have demonstrated this.
11. It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin TX study, have demonstrated this.
12. The Borough of Moscow desires to minimize and control these adverse secondary effects and thereby protect the health, safety, and welfare of the citizenry, protect

the citizens from increased crime, preserve the quality of life, preserve property values and the character of the surrounding community.

B. Intent.

The intent of this §703.B. is to:

1. Regulate adult businesses in order to promote the public health, safety, and welfare by minimizing the secondary effects on the community that are associated with such businesses, and that include difficulties for law enforcement, trash disposal, deleterious effects on business and residential property values, increased crime (particularly the corruption of morals of minors and prostitution), and drive residents and businesses to move elsewhere.
2. Designate a zoning district where adult businesses are permitted, and establish reasonable content-neutral standards applicable to such uses.
3. Have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials.
4. Not totally restrict or deny access by adults to sexually oriented materials or adult materials protected by the First Amendment of the Bill of Rights of the United States Constitution.
5. Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
6. Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Crime Code or PA Obscenity Code.

C. Classification.

Adult businesses are classified as Special Exceptions in the C-2 Regional Commercial zoning district.

D. Standards.

The following standards shall apply to adult businesses, in addition to applicable general and conditional use standards contained in this Ordinance:

1. *Setbacks* — Adult businesses shall not be located less than:
 - a. Three hundred feet (300') from any
 - 1). residence
 - 2). group home
 - 3). retirement housing
 - 4). abused person shelter
 - 5). adult or child day care center
 - 6). drug treatment or treatment center
 - 7). public or semi-public buildings and uses, excluding schools
 - 8). parks, playgrounds, outdoor recreation and sports, or campgrounds
 - 9). hospital and medical clinics

- 10). assisted living, personal care or nursing homes
 - 11). commercial uses catering primarily to persons under age 18
 - 12). any commercial use that sells alcoholic beverages
- b. One thousand feet (1000') from any
- 1). place of religious worship
 - 2). public or private school
 - 3). colleges or universities and dormitories
2. *Similar Businesses* — Adult businesses shall not be located within five hundred feet (500') of any existing adult business.
 3. *Measurements* — The setback distances established in §703.D.1. shall be measured from the nearest edge of the building used for an adult business, in a straight line without regard to intervening structures or objects, to the nearest lot line of the premises of the use from which the required setback applies.
 4. *Enlargement* — Any enlargement or expansion of an existing, legally created adult business shall be considered a special exception subject to the provisions of this §703 and all other applicable standards of this Ordinance.
 5. *Use Limit* — It shall be a violation of this Ordinance for any person to cause or permit the operation, establishment, or maintenance of more than one (1) adult business in the same business, structure or portion thereof, or an increase of floor areas of any adult business in any building, structure or portion thereof that contains another adult business.
 6. *Nonconformity* — Any adult business lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this §703 shall be considered a nonconforming use. Such nonconforming uses shall be increased, enlarged, altered, or extended, only in accordance with Article 11 Nonconforming Uses and Structures and all other applicable standards of this Ordinance. The use may be changed to a conforming use. However, under no circumstances, shall a nonconforming use as defined and regulated by this Ordinance be changed to any type of adult business.
 7. *New Neighboring Uses* — An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if a use, from which an adult business is required to provide a setback under this §703, is developed within the required setback distance.
 8. *Alcohol* — No adult business shall be operated in combination with the sale and/or consumption of alcoholic beverages on the premises.
 9. *Signs* — No sexually explicit material, signs, displays, or words, shall be visible at any time from outside the building. Exterior signs shall comply with applicable sign regulations set forth in Article 9; however, contents of such signs shall be limited to only the text of the name of the business and hours of operation.
 10. *Exemption for Modeling Class* — A person appearing in a state of nudity, doing so in a modeling class operated by any of the following, is exempt from classification as a participant of a nude model studio as defined in §302:

- a. A proprietary school, licensed by the state, or an academically accredited college or university.
- b. A private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
- c. In a structure
 - 1). that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - 2). where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - 3). where no more than one (1) nude model is on the premises at any one time.
- d. An organization that qualifies under Section 501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

704 ADULT DAY CARE, CHILD DAY CARE, NURSERY AND/OR PRESCHOOL (Special Exception: C-1, C-2)

- A. The use shall hold an approved PA Department of Welfare or PA Department of Education registration certificate or license, as appropriate, and shall meet all current state or federal regulations governing adequate indoor space, accessible outdoor play space and applicable state or local building and fire safety codes. All day care and nursery and/or preschools shall be fully protected by smoke detectors and fire extinguishers.
- B. Any outdoor activities shall be limited to the hours between 10 AM and 5 PM.
- C. A secure fence with a minimum height of four feet (4') shall surround any on-premises area used for outdoor play.
- D. When an off-premises outdoor play area is utilized, it must be located within one thousand feet (1,000') of the facility and safely accessible without crossing at grade any arterial street or other hazardous area.
- E. No portion of the outside play area shall be less than fifty feet (50') from an existing occupied dwelling with the dwelling owner's written consent.
- F. There shall be one off-street parking space provided for each employee and one safe passenger unloading space measured ten feet (10') by twenty feet (20') for each six (6) children that the facility is licensed to accommodate.
- G. Any sign shall comply with applicable sign regulations set forth in Article IX.
- H. No day care center, nursery or preschool shall be established within five hundred feet (500') of an existing day care center, nursery, or preschool.
- I. Borough officials reserve the right to make periodic inspections to ensure continued compliance with all state and local requirements.

- J. The regulations set forth in this §704 shall not apply to child day care centers operated as a home-based business (See §734) or located within a place of worship or business where care is limited to employees' children.

705 AGRICULTURAL BUILDING, AGRICULTURAL OPERATION (Permitted Uses: R-1B, R-3, C-2, S-1)

- A. Buildings in which livestock or poultry are kept shall not hereafter be erected within three hundred feet (300') of any lot line.
- B. Storage of manure and/or odor or dust-producing substances shall not be permitted within three hundred feet (300') of any lot line.
- C. Greenhouse heating plants shall be operated within one hundred feet (100') of any lot line.

706 ANIMAL HOSPITAL, KENNEL, ANIMAL DAY CARE, OR VETERINARY CLINIC (Permitted Uses: C-1, C-2; Special Exception: R-3)

- A. All buildings in which animals are housed and all runs shall be located at least one hundred fifty feet (150') from any R-district or Residential Use as listed in Schedule I and defined by Article III of this Ordinance and fifty feet (50') from all other property lines.
- B. All applicable state laws governing kennels and/or animal hospitals and veterinary clinics must be met, and any license or certification must be provided to the Zoning Officer.
- C. No animal shall be permitted to use outdoor runs from 8 PM to 8 AM. Runs shall be separated from each other by visual barriers a minimum of four feet (4') in height, to minimize dog barking.
- D. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any R-district or Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').
- E. The uses shall be maintained in a sanitary manner to avoid noxious odors to other properties. No incineration of refuse shall be permitted on-site.

707 APARTMENTS ABOVE COMMERCIAL USE (Permitted Use: C-1)

- A. A maximum of four (4) apartment units may be permitted on the upper floor(s) of a structure within the C-1 zone district where the principal use on the ground or first floor is clearly commercial in nature.
- B. One (1) off-street parking space for each apartment unit shall be provided on site, in addition to the minimum off-street parking spaces required for the commercial use.
- C. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
- D. Every apartment unit shall have two (2) means of egress in case of fire. Ingress and egress shall not be permitted through another apartment unit.

708 ASSISTED-CARE ACCESSORY APARTMENT UNIT (Special Exception Accessory Use: All Zone Districts, except S-1)

- A. One (1) temporary accessory apartment shall be allowed on any conforming lot containing a single-family detached dwelling without an increase in density per dwelling requirements. The apartment may be either in or attached to the principal structure or in a detached accessory structure. Detached assisted-care units shall be limited to tiny homes or a unit above an existing garage or storage structure as defined by this Ordinance. Assisted-care accessory apartments shall not be allowed in conjunction with two-unit attached dwellings, duplexes, multi-family dwellings, manufactured homes in a manufactured home community, or bed and breakfast inns.
- B. The occupancy of the assisted-care accessory apartment unit shall be limited to the infirmed, aged, or ill relative of the permanent resident of the principal dwelling on the property.
- C. Under no circumstance shall the use have a maximum gross floor area greater than 400 square feet. Any dwelling unit over 400 square feet shall be considered a principal dwelling or structure and shall be subject to all density and setback requirements for principal dwellings and structures.
- D. All applicable setback requirements for principal dwellings shall be met for assisted-care apartment units.
- E. Sewage flows from an assisted-care apartment unit shall not exceed 400 gallons per day. All applicable permits and approvals for connection to the public sewer system or for an on-lot sewage disposal system or modification or installation of any additional on-lot sewage disposal systems shall be required. PA DEP provides through TAB 51 for the development of assisted-care apartment units to address sickness or other hardship without the requirement of processing sewage Planning Modules.
- F. Assisted-care apartment units shall not require approval as a "Land Development" under the Moscow Borough Subdivision and Land Development Ordinance.
- G. A legally binding agreement for execution between the property owner and the Borough to provide for the elimination of the unit when the unit is no longer occupied by the relative requiring care shall be submitted with the zoning application.
- H. The assisted-care apartment unit shall be designed and installed in such a way that it can be easily converted into part of the principal structure or accessory structure, or in the case of a tiny home, can be easily removed from the property.

709 ASSISTED LIVING FACILITY, NURSING AND PERSONAL-CARE HOME (Special Exception: R-3, C-1)

- A. No assisted living facility, nursing or personal-care home shall be located in the Flood Plain Overlay District.
- B. The uses shall have a minimum lot area of three thousand (3000) square feet for each bed or residential accommodation.
- C. Proof of licensing from the appropriate state or federal agency shall be required for issuance of a building and zoning permit.

- D. A minimum of five percent (5%) of the gross lot area shall be suitable and developed for outdoor passive recreation. This shall include sitting areas and pedestrian walks.
- E. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').

710 SERVICE STATION, MINOR AUTO REPAIRS (Permitted Use: C-2; Special Exception: C-1)

SERVICE STATION, MAJOR AUTO REPAIRS (Permitted Use: C-2)

CAR WASH (Permitted Use: C-1, C-2)

- A. All major repair, welding, and painting shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent dwellings or structures.
- B. Provisions shall be made to prevent or minimize noise, odor, vibration, glare, or electrical interference nuisances to adjacent properties. Compliance with §809 of this Ordinance shall be required.
- C. Outdoor storage of motor vehicles shall not be within ten feet (10') of any property line or road right-of-way.
- D. A wall or solid fence five feet (5') in height shall be provided, and maintained, along all side and rear yards that abut any R-district or any Residential Use as listed in Schedule I and defined by Article III of this Ordinance.
- E. Service-bay doors or car wash stalls shall not face directly toward an abutting residential dwelling, other than a dwelling separated from the shop or station by a street right-of-way.
- F. No open pit or non-protected hoist shall be allowed outside a completely enclosed structure.
- G. Fuel pumps shall be at least twenty-five feet (25') from all property lines. Canopies over fuel pumps shall be at least ten (10') from all property lines.
- H. A minimum stacking area for three (3) vehicles at each cluster of pumps or car wash bays shall be provided without causing an obstruction of access to or from street rights-of-way.
- I. Access points shall be limited to two (2) on each street abutting the property, and on corner lots, shall not be located within thirty feet (30') of the intersection of the street right-of-way lines.
- J. Junk vehicles, as defined in §302 of this Ordinance, shall not be stored within view of any street or abutting residential dwellings. A maximum of four (4) junk vehicles may be stored on the premise for a period of thirty (30) days, in addition to the storage of two (2) junk vehicles for an unlimited time period as exempted from the definition of "Junk Yard" under §302. This provision does not apply to car washes.
- K. All required state or federal licenses or permits for storage and dispensing of petroleum products and other activities shall be secured by the applicant and provided to the Zoning Officer. Drainage from storage areas shall not be directed off-site without adequate treatment to ensure that oils, fuels, or other potentially contaminated liquids do not migrate to adjacent properties, water bodies or watercourses.

710A AUTOMOBILE STORAGE COMPOUND (Permitted Use: C-2)

- A. The storage compound must be identified by a conspicuously placed, well-maintained sign that includes the business name, address, phone number, and hours of operation.
- B. The compound shall maintain a hard-surfaced storage area of concrete, black top, gravel, road base, or other similar material.
- C. The compound must have lighting in accordance with §812 of this Ordinance.
- D. An eight (8)-foot opaque chain link fence must surround the compound with a locked entrance gate.
- E. Spacing between vehicles must be adequate to allow opening of vehicle doors without interfering with other vehicles or objects.
- F. An office shall be located on the property where the compound is located and towing and storage fees must be conspicuously posted in the office.
- G. The office shall be staffed and open for public business during normal business hours, except for designated state and federal holidays.
- H. The compound shall provide compressed air and battery boosting capabilities at no additional cost to the owner of the vehicle being stored.

711 BANQUET FACILITY (Permitted Use: R-1B, R-3, C-1)

- A. Banquet facilities that utilize outdoor gardens, tents, pavilions, or agricultural structures must provide adequate portable toilet facilities and sinks for scheduled banquets and/or celebrations. Grass areas can be utilized for required off-street parking, but the minimum number of parking spaces shall be as required in Article X of this Ordinance. In no case, shall vehicles be allowed to park on public road rights-of-way. Safety lighting shall be provided at the parking area entrance(s) and along the perimeters of the areas designated for parking spaces. Illumination levels shall be as required under §812 C. 1. (a) of this Ordinance.
- B. A banquet facility may be permitted as a Special Exception in all zone districts where religious institutions are permitted, only in association with the religious institution as defined by this Ordinance, whether utilized by congregation members or rented out to the general public.
- C. A banquet facility that will utilize an outdoor garden, tent, pavilion, or agricultural structure may be permitted as a Special Exception in the R-1A zone district in conjunction with an existing or proposed Outdoor Recreation and Sports use, as defined by this Ordinance.
- C. Outdoor parties, celebrations, or special events held on the grounds of private residences by the residents of said property, where no fees are charged or collected or are held for charitable, educational, or political fundraising, shall not be considered a banquet facility and shall not be subject to these specific-use requirements.

712 BED AND BREAKFAST INN (Permitted Use: R-3, C-1)

- A. The bed and breakfast use shall be clearly incidental and secondary to the principal use of the building as an owner-occupied primary dwelling.

- B. The bed and breakfast use shall not have more than five (5) rental units.
- C. In addition to the parking requirements in Article X of this Ordinance for the principal use, off-street parking shall be provided on the subject property for a number of parking spaces equal to the number of rooms designated for rental use within the bed and breakfast.
- D. Off-street parking shall be separated from adjoining properties by live evergreen screening where deemed necessary by the Planning Commission and/or Zoning Officer.
- E. The sanitary disposal facilities and water supply system shall have sufficient capacities to provide service to the single-family dwelling as well as the rental units. All building, electrical, plumbing and mechanical facilities shall comply with building code requirements and a certificate of occupancy shall be required prior to any rentals.
- F. One (1) sign shall be allowed in conformance with applicable sign regulations set forth in Article IX.
- G. All refuse receptacles shall be completely screened from view.
- H. Guests shall be permitted occupancy for not more than fourteen (14) consecutive nights.
- I. Food service shall be limited to breakfast served only to guests lodging at the inn.
- J. Rooms used for overnight accommodations shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
- K. Non-resident employees shall be limited to two (2).
- L. The owner shall maintain a register, which shall include the name, address, and length of stay of all guests.
- M. Home sharing, a permitted accessory use in all zone districts, except S-1, as defined by §302 of this Ordinance shall not be considered a bed and breakfast inn. See §735A of this Ordinance for Home Sharing regulations.

712A BEES FOR HONEY PRODUCTION OR CHICKENS, KEEPING OF (Permitted Accessory Use: R-1B, C-2, S-1)

Bees for Honey Production

- A. Bee keeping facilities shall be setback a minimum of forty feet (40') from any property line and must be fenced if within one hundred feet (100') of a property line.
- B. Signs shall be erected to warn the public of the presence of bees.

Chickens

- A. No more than six (6) chickens are permitted on a property except when part of a permitted agricultural operation.
- B. No roosters are permitted on a property except when part of a permitted agricultural operation.
- C. All chickens must be housed in a predator-resistant structure with access to outdoor spaces secured to prevent them from leaving the property.

- D. All structures and runs shall be setback a minimum of twenty feet (20') from all property lines and public streets.
- E. Slaughtering of chickens is prohibited except when permitted as part of an industrial slaughterhouse.

712B BICYCLE, MOPED, MOTORCYCLE, OR ATV RENTAL OR SALES (Permitted Use: C-1, C-2)

- A. No bicycle, moped, motorcycle, or ATV on display outdoors shall occupy any part of an existing street right-of-way or the area designated as customer parking.
- B. Outdoor display areas shall meet minimum required setbacks as set forth in Schedule II of this Ordinance for the applicable zone district in which the property is located.
- C. The use shall comply with lighting and glare requirements as set forth in §812 of this Ordinance.

713 BILLBOARD AND OFF-SITE ADVERTISING (Permitted Use: C-2)

- A. One (1) billboard or off-site advertising sign may be erected, constructed, or maintained on any premises in the C-2 zoning district only, in accordance with this §713.
- B. A billboard or off-site advertising sign shall not exceed three hundred (300) square feet in surface area, and each sign shall have only one (1) exposed face.
- C. A billboard or off-site advertising sign shall not be closer than one thousand feet (1,000') to another billboard or off-site advertising sign along the same side of the street or highway.
- D. A billboard or off-site advertising sign shall not be located within fifty feet (50') of any street or highway intersection.
- E. A non-illuminated billboard or off-site advertising sign shall not be located closer than one hundred feet (100') from any R-district boundary. An illuminated billboard or off-site advertising sign shall not be located closer than two hundred feet (200') from any R-district boundary. No billboard or off-site advertising sign shall be permitted that faces any abutting school, library, church, hospital, outdoor recreation area or similar institutional uses.
- F. The billboard or off-site advertising sign shall be located in accordance with the yard setbacks for structures in the C-2 zoning district and shall not be closer to a structure on the premises than four feet (4').
- G. A billboard or off-site advertising sign shall not project higher than the maximum height limit of structures for the C-2 zoning district, as set forth in Schedule II of this Ordinance.
- H. Any application for a billboard or off-site advertising sign shall be accompanied by certification, under seal by a Professional Engineer, that the existence of the billboard or off-site advertising sign, as proposed, shall not present a safety hazard.
- I. Temporary off-site directional or information signs, placed on borough-owned or borough-leased property in any zoning district shall be exempt from the provisions of this Section 713. A Sign Permit Application for a temporary sign on borough property must be completed by the sign owner and approved by the Zoning Officer. The sign must also comply with Section 906 G. of this ordinance regarding condition and repair.

713A BREW PUB (Permitted Use: C-1, C-2)

- A. Specific-use requirements for Restaurants, Cafes, and Coffee Houses in §756A of this Ordinance shall also apply to Brew Pubs.
- B. There shall be no drive-through in conjunction with a brew pub.

714 BULK FUEL STORAGE (Special Exception: C-2)

- A. Bulk fuel storage facilities shall have a minimum gross lot area of three (3) acres, and minimum front, side and rear yard setback distances shall be one hundred feet (100') from all property lines.
- B. All bulk fuel storage facilities, including tank trucks, must be secured from vandalism with appropriate fencing at least eight feet (8') in height.
- C. All state and federal regulations concerning storage safety must be met and copies of all licenses and certificates required for storage of these materials must be provided to the Borough Zoning Officer prior to issuance of a Certificate of Occupancy.
- D. All bulk fuel storage facilities including tank trucks and their containment areas shall be setback a minimum of one hundred (100') feet from any wetland or watercourse.

715 CAMPGROUND (Special Exception: R-3, S-1)

- A. No campsite shall be occupied for more than thirty (30) consecutive days, and no campsite shall be the primary or principal residence of the owner or occupant.
- B. The management of every campground shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The Borough shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof.
- C. Each campsite shall have a minimum area of 5,000 square feet exclusive of street travelways and pedestrian walkways.
- D. No campgrounds shall be located within the Flood Plain Overlay District.
- E. Landscaping and Natural Vegetation Protection set forth in §808 shall be met.
- F. Campgrounds shall be designed to ensure that all surface water is drained in a safe and efficient manner away from campsites. Campgrounds shall also conform to standards as set forth in the Moscow Borough Storm Water Management Ordinance.
- G. No individual campsite shall be located within one hundred feet (100') of any exterior property line or public road right-of-way. The land between the campsites and the exterior property lines shall have sufficient existing or planted trees and/or shrubbery to screen the campground to a height of six feet (6') from abutting properties.
- H. Campgrounds shall be served by a centralized or community sewage disposal system and central water supply. No individual on-site sewage or water supply systems shall be permitted.
- I. The storage, collection, and disposal of refuse in the campground shall be so managed as to create no health hazards or air pollution. All refuse shall be stored in fly-tight, watertight, rodent-proof containers, which shall not be located within one hundred fifty feet (150') of

any campsite. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by PA DEP. Rubbish shall be collected and disposed of at a facility approved by PA DEP as frequently as necessary to ensure that the containers do not overflow.

- J. At least ten percent (10%) of the parcel shall be suitable for and improved to provide for open space and active recreation for users of the campground. Such active recreation may include, but is not limited to: swimming pools, playgrounds, play fields, ball fields, miniature golf courses, community buildings, and similar facilities.

715A CASINOS/GAMBLING ESTABLISHMENT OR BETTING USE (Special Exception: C-2)

- A. Casino Hotels shall meet specific-use requirements for Hotels/Motels in §737 of this Ordinance.
- B. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, dust, smoke, litter and pollution.
- C. Outdoor storage of materials and equipment shall not be permitted.
- D. Any exterior speaker, microphone, or intercom systems shall be designed in a manner so the messages, music or other sounds are not audible at any street line or property line.

716 CEMETERY AND MAUSOLEUM (Special Exception: R-2, C-1, S-1)

- A. All structures, graves, and places of permanent burial shall meet the minimum setback requirements set forth in Schedule II of this Ordinance for the zone district in which the cemetery is located.
- B. No gravesites shall be located within the Flood Plain Overlay District.
- C. The owner/applicant shall submit evidence to the Borough that proves to the satisfaction of the Zoning Hearing Board and the Borough Solicitor that there will be an appropriate financial system to ensure perpetual maintenance of the land.

716A COMMERCIAL GREENHOUSE OR NURSERY (Permitted Use: C-2; Special Exception: C-1, S-1)

- A. All buildings, structures, outdoor storage areas and/or open areas utilized as part of the commercial greenhouse or nursery shall be located at least fifty feet (50') from any floodplain, perennial or intermittent stream, surface water, wetlands, water supply wells, and slopes exceeding twenty-five percent (25%) in grade.
- B. The use shall comply with the maximum lot coverage requirements for the zoning district in which it is located.
- C. The maximum height of any building or structure shall be forty feet (40').
- D. The use shall comply with all local, state, and federal laws concerning manure management, nutrient management, fertilizer applications, bio-solid or sludge applications, water supply, storm water management, erosion and sedimentation control, and sanitary sewage disposal.

- E. The display and sale of items not grown on the premises shall not exceed twenty-five percent (25%) of the total display and retail sales areas on the property.

717 COMMERCIAL INDOOR RECREATION (Special Exception: C-2)

- A. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any R-district or any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').

718 STABLES, PRIVATE OR COMMERCIAL

Private Stable Accessory to a Residential Principal Use (Special Exception Accessory Use: R-1A, R-1B, R-2, R-3)

- A. For Private Accessory Stables, the term "horse" shall include all equines such as mules, ponies, donkeys, and miniature horses (zebras excluded).
- B. A minimum parcel of five (5) acres shall be required.
- C. No more than two (2) horses shall be kept; however, for each two (2) full acres over the minimum required, one (1) additional horse shall be allowed for a maximum of ten (10) horses. (i.e., On a seven-acre parcel, three (3) horses would be allowed. On a twenty-one-acre parcel or larger, the maximum of ten (10) horses would be allowed.)
- D. All horses shall be restricted from grazing or intruding on abutting properties by a secured four (4) board fence not less than four-feet-six inches (4'6") high from ground level. The fence must be setback a minimum of ten feet (10') from all property lines and road rights-of-way. The use of wire fencing is prohibited.
- E. Any stable building, corral, or other indoor/outdoor area used for feeding of animals, concentrated confinement of animals, or manure storage shall not be located closer than
 1. two-hundred feet (200') from abutting property lines
 2. one-hundred feet (100') from abutting road rights-of-way
 3. seventy-five feet (75') from any dwelling
- F. Riding trails shall be separated from abutting properties and roads by a vegetative buffer no less than fifteen feet (15') in width.
- G. The use shall not create any nuisance due to odor, noise, dust, or other factor on any abutting property.
- H. Private accessory stables in all residential zones, except R-1B, shall not include commercial breeding, boarding, riding and riding lessons, horse racing, horse rescues, equine-assisted therapy, sale or hire, or retail or wholesale sale of goods.

Commercial Stable with or without a Residential Use or Private Stable with No Residential Principal Use (Special Exception: R-1B, C-2, S-1)

- A. For Commercial Stables or Private Stables in the R-1B, C-2 and S-1 zone districts, the term "horse" shall include all equines such as mules, ponies, donkeys, and miniature horses (zebras excluded). Camelids such as llamas and alpacas shall also be allowed to be kept in

conjunction with a commercial stable or private stable in the R-1B, C-2 and S-1 zone districts.

- B. A minimum parcel of five (5) acres shall be required.
- C. No more than two (2) horses shall be kept; however, for each two (2) full acres over the minimum required, one (1) additional horse shall be allowed for a maximum of ten (10) horses. (i.e., On a seven-acre parcel, three (3) horses would be allowed. On a twenty-one-acre parcel or larger, the maximum of ten (10) horses would be allowed.)
- D. All horses shall be restricted from grazing or intruding on abutting properties by a secured four (4) board fence not less than four-feet-six inches (4'6") high from ground level. The fence must be setback a minimum of ten feet (10') from all property lines and road rights-of-way. The use of wire fencing is prohibited.
- E. Any stable building, corral, or other indoor/outdoor area used for feeding of animals, concentrated confinement of animals, or manure storage shall not be located closer than
 - 1. two-hundred feet (200') from abutting property lines
 - 2. one-hundred feet (100') from abutting road rights-of-way
 - 3. seventy-five feet (75') from any dwelling
- F. Riding trails shall be separated from abutting properties and roads by a vegetative buffer no less than fifteen feet (15') in width.
- G. The use shall not create any nuisance due to odor, noise, dust, or other factor on any abutting property.
- H. Off-street parking shall be provided in accordance with Article X of this Ordinance.
- I. Commercial breeding, boarding, riding and riding lessons, horse rescues, equine-assisted therapy, sale or hire shall be allowed in the R-1B, C-2 and S-1 zone districts.

**719 COMMUNICATIONS FACILITIES, WIRELESS (WCF)
ON EXISTING STRUCTURES (Permitted Use: All Zone Districts)
TOWER-BASED 40' OR LESS IN HEIGHT (Special Exception: C-2, S-1)
TOWER-BASED GREATER THAN 40' IN HEIGHT (Special Exception: C-2)**

- A. DESIGN, CONSTRUCTION AND OPERATIONS
 - 1. All WCFs shall be sited, designed, constructed, operated, inspected, maintained, repaired, modified, removed and replaced in strict compliance with all current applicable federal and state technical and safety codes.
 - 2. Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot or property.
 - 3. All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communications services.

4. All Tower-Based WCFs where the Tower is more than 40 feet in height, located outside of the Right-of-Way, shall be designed to accommodate both the applicant's Antennas and comparable Antennas for future users. As a condition of approval for all Tower-Based WCFs where the Tower is more than 40' in height, the applicant shall agree to allow other service providers to collocate Antennas on the Tower where technically and economically feasible.
5. All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communications Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the municipality.
6. Towers shall not be artificially lighted beyond what is required by law.
7. All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by the municipality. The use of a backup generator in emergency situations and periodic maintenance and testing by the wireless communications provider's technicians shall be permitted, where such noise standards may be exceeded on a temporary basis.
8. Vehicular Access.
 - a) An access driveway and one off-street parking space shall be provided to ensure adequate emergency and service access to all Tower-Based WCFs located outside of the Right-of-Way.
 - b) Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
 - c) Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.
 - d) Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
 - e) An applicant shall present documentation to Moscow Borough that the property owner has granted an access easement for the proposed WCF, if located on a lot or property.
 - f) Any required access easement shall be a minimum of twenty feet (20') in width and the access driveway shall be improved with a dust-free, all weather surface, including gravel, to a width of at least ten feet (10') throughout its entire length.
 - g) Vehicular access to all WCFs shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot or property. However, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized.
9. A security fence, which may include barbed wire, with a minimum height of eight feet (8') may be required to surround any Tower-Based WCF located outside the Right-of-Way, where the Tower is more than forty feet (40') in height, including guy wires, associated equipment, and buildings. The requirement for a security fence

may be waived by Moscow Borough when the fence would not be appropriate or feasible.

10. Safety in Rights-of-Way.

- a) Moscow Borough shall determine the time, place and manner of siting, design, construction, maintenance, repair, modification, removal and/or replacement of all WCFs located in the Right-of-Way based on public safety, traffic management, physical burden on the Right-of-Way and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of Moscow Borough and the requirements of the Public Utility Code.
- b) Within 60 days following written notice from Moscow Borough, or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF located in the Right-of-Way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when Moscow Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:
 - i) The construction, repair, maintenance or installation of any municipal or other public improvement located in the Right-of-Way.
 - ii) The operations of Moscow Borough or other governmental entity in the Right-of-Way.
 - iii) Vacation of a street or road or the release of a utility easement.
 - iv) An emergency as determined by Moscow Borough.
 - v) No permit is required for such removal, relocation, change or alteration ordered by Moscow Borough.
- c) All WCFs and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the Right-of-Way as determined by Moscow Borough. In no case shall ground-mounted equipment, walls, screening or landscaping be located within eighteen inches (18') of the face of the curb, or in an area in which there are no curbs, within three feet (3') of the edge of the cartway.

11. An applicant for a WCF shall describe anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic, safety and noise impacts of such maintenance.

12. An applicant for a Tower-Based WCF where the new Tower is more than forty feet (40') in height, shall submit a soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-G, as amended, shall be submitted to Moscow Borough Engineer prior to construction to document and verify the design specifications of the foundation for the Wireless Support Structure and anchors for the guy wires, if used.

13. All WCFs shall comply with federal and state laws and regulations concerning aviation safety.
14. Inspections for all WCFs where the new Tower is more than 40 feet in height. A copy of any required inspection report shall be provided to Moscow Borough following the inspection. Any repairs advised by report shall be completed by the WCF owner within sixty (60) calendar days after the report is filed with Moscow Borough.
15. The storage of unused equipment or supplies is prohibited on any WCF site.

B. BULK AND AREA REQUIREMENTS – TOWER-BASED WCFs

		WCF out of ROW	WCF in ROW
HEIGHT		Tower-Based WCFs shall be designed to a minimum function height. Applicants must submit documentation justifying the total height.	Tower-Based WCFs shall be designed to a minimum function height, not to exceed 40' in S-1 zone district and 60' in the C-2 zone district.
LOT SIZE	Only use on lot or property:	Subject to underlying zone district.	Not applicable.
	Combined with another use on lot or property:	Area needed to accommodate the WCF and guy wires, accessory equipment, and if required, security fence, landscaping, and screening.	
SETBACKS	Towers:	Setback from property lines, not lease lines, at least 110% of the combined height of the Wireless Support Structure and Antennas.	Not applicable.
	Equipment buildings & cabinets:	Subject to Minimum Yard Setbacks as required by Schedule II for the underlying zone district.	

C. AESTHETICS, LANDSCAPING, AND SCREENING

1. All WCFs shall employ the most current Stealth Technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.
2. An applicant for Tower-Based WCF where the new Tower is more than forty feet (40') in height, located outside of the Right-of-Way, shall submit a landscaping and screening design including the following:
 - a) The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF support structure shall be preserved to the extent practicable.
 - b) Ground mounted equipment may be screened from public view using an evergreen screen, artificial screen, or fencing, as directed by Moscow Borough.

D. REPLACEMENT, COLLOCATION, OR MODIFICATION

1. Notwithstanding the requirements for all Tower-Based WCFs and WCFs on existing structures, as set forth in this sub-section, an application for replacement, collocation or modification of a previously approved Wireless Support Structure or WCF shall be reviewed for conformance with Moscow Borough building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no substantial change.
2. Replacement of WCFs on existing Wireless Support Structures or within existing equipment compounds may be performed by the applicant without obtaining building or zoning permits from Moscow Borough.
3. Any substantial change to an existing Tower-Based WCF shall require approval of Moscow Borough in accordance with the terms of this Section.
4. An applicant proposing a WCF to be mounted on a building or any other structure shall submit detailed construction and elevation drawings indicating how the WCF will be mounted on the existing structure for review by the Moscow Borough building code official for compliance with the building code.

E. PERMIT REQUIREMENTS

1. An application for a new Tower-Based WCF where the new Tower is more than forty feet (40') in height and located outside of the Right-of-Way, shall not be approved unless the applicant demonstrates that the wireless communications equipment planned for the proposed Tower-Based WCF cannot be collocated on an existing structure or building within a one-half (1/2) mile radius of the proposed Tower-Based WCF location to achieve the coverage or capacity objectives of the applicant.
2. An applicant for a Tower-Based WCF where the new Tower that is more than forty feet (40') in height, located outside of the Right- of-Way, must demonstrate that a significant gap in wireless coverage exists or lack of an adequate capacity is likely to exist within one (1) year of the filing of its application with respect to the applicant in the area.
3. An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed WCF on the subject lot or property.
4. If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses.
5. The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic emissions.
6. The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.

7. Review Timeframes.

		Municipality shall notify the applicant in writing of any information that may be required to complete application.	Municipality shall approve or deny the application unless a shorter time period is applicable under the PA MPC.
A	New Tower-Based WCFs	Within 30 calendar days of the date the application was filed with the Municipality.	Within 150 days* of submission of a complete application for a WCF.
B	WCF on Existing Structures	Within 30 calendar days of the date the application was filed with the Municipality.	Within 90 days* of submission of a complete application for a WCF.
C	Eligible Facilities Requests** (as defined)	Within 30 calendar days of the date the application was filed with the Municipality.	Within 60 days* of submission of a complete application for a WCF.

*The time period may be tolled by mutual agreement or in cases where the Municipality informs the applicant in a timely manner that the application is incomplete.

If an application is considered incomplete, the time period begins running again as soon as the applicant makes a supplemental submission, but may be tolled again if the Municipality provides written notice to the applicant within 10 days that the application remains incomplete and specifically delineates which of the deficiencies specified in the original notice of incompleteness have not been addressed.

**The Municipality shall only require the applicant to provide documentation that is reasonably related to determining whether the request is for an Eligible Facility.

8. Moscow Borough may assess appropriate and reasonable permit fees directly related to the actual costs in reviewing and processing the application for approval of a WCF. The amount of this fee may not be in excess of the actual reasonable cost to review and process the application.

F. **DISCONTINUATION, ABANDONMENT, AND REMOVAL**

In the event that use of a Tower-Based WCF is planned to be discontinued, the owner/operator shall provide written notice to Moscow Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

1. All unused or abandoned WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the Site unless a time extension is approved by Moscow Borough.
2. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a Site, or within any longer period approved by the municipality, the WCF and accessory facilities and equipment may be removed by the municipality and the cost of removal assessed against the owner of the WCF.
3. Any unused portions of WCFs, including antennas, shall be removed within six (6) months of the time of cessation of operations.

720 CRAFTSMAN-ARTISAN WORKSHOP (Permitted Use; C-1, C-2)

- A. The use shall not exceed 1,500 square feet in the C-1 zoning district and 3,000 square feet in the C-2 zoning district.

721 CONTRACTOR’S OFFICE AND YARD (Permitted Use: C-1; Special Exception: C-2)

- A. A ten-foot-wide (10’) evergreen buffer strip shall be provided along all side and rear yards that abut any R-district or any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4’).

722 CONVENIENT STORE WITH GAS PUMPS (Permitted Use: C-1, C-2)

- A. All requirements set forth for auto service stations in §710 pertaining to the storage and dispensing of fuel, fuel pumps, and canopies shall apply to convenience stores with gas pumps.
- B. A ten-foot-wide (10’) evergreen buffer strip shall be provided along all side and rear yards that abut any R-district or any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4’).

723 CONVERSION FROM NON-RESIDENTIAL USE TO RESIDENTIAL UNITS (Permitted Use: R-1A, R-1B, R-2, R-3, S-1; Special Exception: C-1)

- A. Any conversion of a non-residential building to a residential use shall comply with the requirements applicable to the dwelling type to which conversion is proposed.
- B. All conversions to residential uses shall be permitted only in the zoning districts where a new building of similar occupancy would be permitted by the Ordinance, and must comply with all applicable requirements set forth by this Ordinance for new buildings of similar occupancy. (i.e., Lots, Yard, and Building Regulations [Article VI], Off-Street Parking [Article X], and Performance Standards and Environmental Protection [Article VIII]).
- C. Conversion from a Non-Residential Use to Residential Units in the C-1 zoning district is allowable as a special exception for the conversion of non-residential uses into multi-family dwellings, garden apartments, and townhouses only. The conversion from non-residential uses to single-family dwellings or duplexes/two-unit attached dwellings on a single lot of record shall not be permitted in the C-1 zoning district.
- D. Conversion from a Non-Residential Use to Residential Units in the C-1 zoning district shall be subject to the requirements of §743 C., E. 2. and 3., G., J., K., and L. of this Ordinance. Minimum lot dimensions for the conversion from a non-residential use to residential units in the C-1 zoning district shall follow the Minimum Lot Dimensions as set forth in §603, Schedule II, for multi-family dwellings (MF) in the R-3 zoning district.

723A CONVERSION FROM SINGLE-FAMILY TO DUPLEX/TWO-UNIT ATTACHED (Permitted Use: R-2, R-3)

- A. All conversions from single-family to duplexes or two-unit attached dwellings shall be permitted only in the zoning districts where a new building of similar occupancy would be permitted by the Ordinance, and must comply with all applicable requirements set forth by this Ordinance for new buildings of similar occupancy. (i.e., Lots, Yard, Area per Dwelling Unit and Building Regulations [Article VI], Off-Street Parking [Article X], and Performance Standards and Environmental Protection [Article VIII]).

724 CORRECTIONAL FACILITY (Conditional Use: C-2)

- A. No correctional facility shall be located in the Flood Plain Overlay District

- B. A minimum setback of one hundred feet (100') shall be required for all yards.
- C. The applicant shall prove to the satisfaction of Borough Council that the proposed use will include sufficient security measures to protect the general public.
- D. A correctional facility shall not be located closer than five hundred feet (500') from any of the following uses:
 - 1. places of religious worship
 - 2. public and semi-public buildings
 - 3. child day-care centers
 - 4. parks
 - 5. any R-district or residential property

725 CREMATORIUM AND COLUMBARIUM (Conditional Use: C-2)

- A. Crematoriums shall not be located within two hundred fifty feet (250') of any R-district or residential property.
- B. Crematoriums and columbariums shall meet the minimum setback requirements set forth in Schedule II of this Ordinance for the C-2 zone district, except as provided for in §725 A. above.
- C. No columbarium shall be located within the Flood Plain Overlay District.
- D. The owner/applicant shall submit evidence to the Borough that proves to the satisfaction of Borough Council and the Borough Solicitor that there will be an appropriate financial system to ensure perpetual maintenance of a columbarium.

726 DRUG TREATMENT OR OTHER TREATMENT CENTER (Conditional Use: C-2)

- A. The applicant shall provide a written description of the types of patients the use is intended to treat or rehabilitate over the life of the conditional use permit. Any future additions or modifications to the description shall require approval of Borough Council as a separate conditional use application.
- B. The applicant shall prove to the satisfaction of Borough Council, with the burden of proof being on the applicant, that the use will involve adequate supervision and security measures to protect public safety.
- C. Borough Council may place conditions on the use necessary to protect public safety, including conditions on the types of patients and security measures.

726A ENERGY STORAGE FACILITY, LARGE SCALE (Conditional Use: C-2)

- A. The use shall meet the specific use requirements for Heavy Industry in §738 of this Ordinance.

727 FARM STAND (Permitted Accessory Use: C-2, S-1)

- A. The stand shall not exceed eight hundred (800) square feet of gross floor area.
- B. The stand shall not be constructed or erected closer than one hundred feet (100') from the center of any road intersection.

- C. The stand shall be setback at least thirty feet (30') from any legal right-of-way.
- D. Off-street parking for vehicles shall be setback at least ten feet (10') from any legal right-of-way and shall comply with the provisions of Article X, Off-street Parking and Loading.

728 FENCES, GATES AND WALLS (Permitted Accessory Use: All Zone Districts)

- A. Fences, gates and walls may be erected up to lot lines; however, no fence, gate or wall may be erected within any road right-of-way.
- B. Solid fences, gates and walls in side- and rear-yard areas, measured from ground level along the full length of the fence, shall not exceed six feet (6') in height except as otherwise required for Specific Uses set forth in this Article VII. Solid fences, gates and walls erected in front yards, measured from ground level along the full length of the fence, shall not exceed four feet (4') in height except as otherwise required for Specific Uses set forth in this Article VII. The front yard of a property shall be the area between the front property line and the actual setback of the principal structure nearest to the front property line, not the minimum required front-yard setback as designated in Article VI of this Ordinance.
- C. Open or ornamental fences and gates, measured from ground level along the full length of the fence, shall not exceed six feet (6') in height. The open area between vertical members of the fence or gate shall either be four inches (4") or less, or twelve inches (12") or greater.
- D. Fences and gates not exceeding a height of ten feet (10'), measured from ground level along the full length of the fence, that are open mesh and screened as customarily required for tennis courts and other similar courts are permitted and may be equipped with the customary attached windbreaks. Fences and gates required for tennis and other similar courts shall be meet setback requirements as set forth in §751 of this Ordinance.
- E. No fence, gate or wall more than two feet (2') above the centerline grades of intersecting streets may be erected on any corner lot for a distance of thirty feet (30') measured along the street right-of-way lines from their point of junction.
- F. All fence posts or gateposts and other structural supports shall be located on the interior side of the fence or gate, facing the property to be fenced. The finished side of the fence or gate shall face the adjoining property and/or right-of-way.
- G. No fence, gate or wall shall be constructed within an easement in such a way that it would prevent the use of the easement for its intended purpose. The issuance of a permit should not impose any duty on the Borough to preserve an easement of which the Borough may not be aware. This duty shall be imposed on the property owner.
- H. Walls that are attached to a building shall be regulated as, and considered, part of the building.
- I. All fences, gates and walls must be maintained in good condition. No advertising shall be permitted on any fence, gate or wall in R-districts nor shall advertising be permitted on any fence, gate or wall erected on residential property in C- or S-districts.
- J. Fences, gates, walls, and the area between their exterior side and the nearest property line or roadway curb line or shoulder edge shall be properly maintained at all times. Broken, cracked, rotted, or rusted structural components shall be removed or repaired promptly. Grounds shall be kept clear or planted with vegetation appropriate to the site. A property

owner who fails to provide proper maintenance may, after notice by the Zoning Officer and an opportunity to correct the situation, be required to remove the fence, gate or wall.

- K. In all zone districts, the following fences, gates or walls are strictly prohibited:
1. Barbwire fences and gates or fence and gates using razor wire or any other material likely to cause physical injury to persons or animals. Fences and gates used for an agricultural operation or public facilities/utilities are exempt from this prohibition.
 2. Fences, gates or walls erected in such a manner as to inhibit or divert the natural drainage flow or cause the blockage or damming of surface waters.
 3. Fences, gates or walls that may create or enhance a fire hazard or other dangerous condition, or that may result in the obstruction to effectively fight a fire.
 4. Chain-link fences and gates having an unfinished or jagged top edge, or chain-link fence and gates that have the open spaces between wires covered by fabric sheeting or by strips of plastic or other material woven through the spaces.
 5. Temporary fences, such as snow fences or expandable and collapsible fences, unless necessary for use on sites under construction or for snow control; canvas or cloth fences, except when necessary for the protection of shrubs and vegetation.
- L. A Building/Zoning permit shall be required for the erection of all fences, gates and walls. The Zoning Officer shall have the duty and all power necessary to issue appropriate notices or orders directing property owners to correct any conditions that are in violation of this Ordinance.
- M. In the case of any fence, gate or wall erected before the effective date of this Ordinance, the requirements of this section shall apply upon the replacement of said fence or wall or any section(s) or components thereof comprising at least twenty-five percent (25%). Repairs, as this term is used in this Ordinance, shall not be interpreted to include painting.
- N. Engineered retaining walls, as defined by this Ordinance and necessary to hold back slopes, are exempt from the regulations of this section.

729 FLEA MARKET (Conditional Use: C-2)

- A. Indoor flea markets shall meet minimum parking requirements for retail businesses set forth in Article X.
- B. Outdoor flea markets not involving the use of a building or structure shall require a lease or letter of permission to occupy the property and operate the flea market, which shall be provided to the Borough along with the Zoning Permit Application. The Borough may require commercial outdoor flea market operators and vendors to provide a bond or vendors fee to assure that the operation thereof is carried out in a safe and environmentally sound manner.
- C. Both indoor and outdoor flea markets shall be provided with an approved water supply and sewage disposal system.
- D. For both indoor and outdoor flea markets, a ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any R-district or any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').

730 FORESTRY (Permitted Use: All Zone Districts)

A. Purpose

In order to conserve forested open space and the environmental and economic benefits they provide, it is the purpose of Moscow Borough to encourage the owners and operators of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values.

B. Riparian Buffers

1. No timber harvesting shall be permitted within a riparian buffer as defined under Section 302 and measured by dimensions under Section 811-A B. of this Ordinance.
2. In accordance with PA State Forest Guidelines, timber harvesting operations shall maintain a thirty feet (30') no harvest zone for a High Quality Stream, referring to a Special Protection Waters designation issued by PA DEP for a watercourse or portion thereof.

C. Responsibility for Road Maintenance and Repair and Road Bonding

Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49, and Title 67 Pennsylvania Code, Chapter 189, the forestland owner and the operator shall be responsible for repairing any damage to Borough roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages.

731 GARAGE OR YARD SALE (Permitted Accessory Use: All Zone Districts)

Permits shall not be required for garage or yard sales or private rummage sales, but shall be subject to the following specific regulations:

- A. Private rummage sales conducted by a service, non-profit, religious or charitable organization are permitted as accessory uses. Any such organization may conduct not more than two (2) such rummage sales in any one calendar year and each event shall be conducted for not more than seven (7) successive days. All vehicle parking shall be provided in off-street parking spaces.
- B. Individual, private-family yard or garage sales are permitted as accessory uses in all zone districts. Each individual property location may have a maximum of two (2) yard sales during any one (1) calendar year. Each sale may last a maximum of two (2) consecutive days. Yards or garage sales are meant to allow individuals the offering for sale of accumulated normal household items, and the buying and selling of commercial or surplus material shall be considered a commercial operation and shall only be allowed in zone districts where retail sales of general merchandise is permitted.

731A GROUP CARE FACILITY OR HALFWAY HOUSE (Conditional Use: C-2)

Group Care Facility

- A. Group Care Facilities shall meet the specific use requirements of a Drug or Other Treatment Center found in §726 of this Ordinance.

Halfway House

- A. The maximum number of residents shall be based on the lesser number of 120 square feet per bedroom based upon single room occupancy provided upon the required floor plan of the facility or five (5) residents.
- B. A Halfway House shall be licensed where required by an appropriate government agency and shall be in compliance with all applicable rules and regulations of the licensing body. A copy of any required license must be provided to the Zoning Officer prior to commencement of the use.
- C. A Halfway House shall provide a narrative that fully describes all management plans and services for daily operations to be provided within the facility. Such information also must address:
 - 1. The composition of the halfway house.
 - 2. Policies and goals and the means to accomplish those goals.
 - 3. The characteristics of the residents and the number of residents to be served.
 - 4. Operating methods and procedures.
 - 5. Any other relevant facts to its proposed operation.
- D. A Halfway House shall provide a complete list of the type of crimes and/or circumstances which would render the exclusion of a person from residency within the facility.
- E. A Halfway House shall provide a floor plan of the facility showing the use of all areas within the facility with the dimensions and square feet of each room therein and its intended purpose and use.
- F. A Halfway House shall provide in writing the rules and regulations applicable for all residents to maintain residency within the facility.
- G. A Halfway House shall provide in writing, its regulations regarding a curfew for residents and permission requirements for leaving the facility for other purposes including but not limited to activities such as work, school, off-site counseling services, volunteer services, medical appointments or religious services.
- H. If a Halfway House is not run and or operated by a governmental agency, the contract of the entity doing so must be submitted along with a historical profile on its experience and references to all other locations where it operates a facility such as a Halfway House for Persons on Parole or Probation.
- I. A Halfway House shall maintain a current list of residents and provide the names, addresses and contact information for their respective Parole Officers or Probation Officers who have supervision over persons that will be residing in the facility.
- J. Any approval granted for a Halfway House shall be bound to the type and number of persons listed on the application. Any increase in the type or number of offenders being housed shall require a new hearing before the Borough Council.
- K. A Halfway House shall not provide any on-site supportive services, related to counseling for substance abuse disorders, emotional disorders or behavioral disorders.
- L. A Halfway House shall provide a minimum of one (1) staff member on site at the facility on a 24-hour basis. In addition, the facility shall provide, within the required narrative, the maximum number of persons employed by the facility.

- M. Insurance Coverage - No person shall operate a Halfway House unless they obtain and maintain the following liability insurance coverage:
 - 1. Comprehensive general liability insurance coverage insuring the public against bodily injury or property damage arising out of or resulting from or incidental to the operation or use of the facility.
 - 2. At a minimum, the policies shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence and two million five hundred thousand dollars (\$2,500,000.00) per aggregate.
- N. Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
- O. Off-street parking shall be provided at a ratio of one (1) vehicle parking space per each employee assigned to work at the facility, including those via contracted services, plus one vehicle parking space for every resident of the facility based upon the maximum number of persons approved to reside at the facility. Off-street parking shall be subject to all other applicable provisions within Article X of this Ordinance governing off-street parking.
- P. A Halfway House shall not be located less than one thousand (1,000) feet from:
 - 1. any other Halfway House.
 - 2. a school, public or private.
 - 3. a day care facility.
 - 4. a playground.
 - 5. a public recreational facility.
 - 6. a place of worship.
 - 7. a public library.
- Q. If a Halfway House is located within two hundred fifty feet (250') of a residential zoning district, all outdoor activity and/or seating areas shall be screened from public view and from the view of adjacent properties.

732 GROUP HOME (Permitted Use: R-1A, R-1B, R-2, R-3)

- A. There shall be adequate supervision provided by an adequate number of persons trained in the field for which the group home is intended.
- B. The use shall be licensed or certified under an applicable state or federal program for group housing. A copy of any such license or certification shall be filed with the Zoning Officer.
- C. The use shall register the general type of treatment or care, maximum number of residents and sponsoring agency with the Zoning Officer. Such information shall be available to the public for review upon request.
- D. The group home shall notify the Zoning Officer within fourteen (14) days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents, or if any applicable license/certification is suspended or withdrawn.
- E. Any medical or counseling services provided shall be limited to residents.
- F. No exterior signs shall identify the use.

- G. Construction of a group home shall comply with minimum density and lot and yard regulations applicable to single-family dwellings set forth in Article VI of this Ordinance.

732A GROUP PICNIC AREA OR GROVE, COMMERCIAL (Special Exception: R-1B, S-1)

- A. A minimum net lot area of two (2) acres shall be required.
- B. All structures and recreational facilities shall be set back a minimum of one hundred feet (100') from all property lines and road rights-of-way.
- C. Hours of operation shall be limited to 8:00 AM to 10:00 PM.
- D. The use shall be subject to nuisance elements as provided for in Article VIII of this Ordinance.
- E. Grass areas can be utilized for required off-street parking, but the minimum number of parking spaces shall be as required in Article X of this Ordinance. In no case, shall vehicles be allowed to park on public road rights-of-way.
- F. A land development plan shall be submitted to the Borough and approval of such plan shall be required in accordance with the Borough Subdivision and Land Development Ordinance.

733 HELIPAD (Conditional Use: C-2)

- A. All applicable state and federal regulations shall be met and copies of applicable permits and licenses shall be provided to Borough Council.
- B. Safety to residential uses adjacent to the helipad shall be considered by the Borough in reviewing a helipad application.
- C. Yard setbacks shall be set on an individual site basis dependent upon specific safety requirements.

733A HEMP GROWER/PROCESSOR (Special Exception: C-2, S-1)

- A. A field or planting site for hemp shall not be located within one thousand feet (1000') of a school or playground/park; two hundred feet (200') of a residential dwelling or unit; and three (3) miles of a medical marijuana grower/processor facility.
- B. A field or planting site for hemp must be physically separated from other crops.
- C. Growing and processing of hemp shall comply with the requirements of the General Permit issued or approved by the PA Department of Agriculture.
- D. Industrial hemp production shall not occur on the same property where the growing and processing of hemp occurs.

734 HOME-BASED BUSINESS, MINIMAL IMPACT (Special Exception Accessory Use: All Zone Districts)

- A. The following uses shall not be permitted as a minimal impact home-based business: adult business, animal hospital, kennel or veterinarian clinic; commercial stable; funeral home or mortuary; retail business; restaurant, café, or coffee house; auto repair or auto body shop;

transit-related- or maintenance facility; wholesale business; or, warehousing and distribution.

- B. The Zoning Hearing Board may determine that other particular types or intensity of uses are unsuitable to be minimal impact home-based businesses or that the proposed lot area or setbacks are insufficient.
- C. The minimal impact home-based business shall be conducted completely indoors and may be within a principal dwelling or accessory structure. The total amount of floor area used for the minimal impact home-based business shall not be greater than twenty-five percent (25%) of the total floor area of the principal dwelling unit.
- D. Outdoor storage of materials, products, or equipment shall be prohibited.
- E. Display windows, business displays, or advertising visible from outside shall be prohibited. A personal sign identifying the minimal impact home-based business is permitted pursuant to the requirements of Article IX of this Ordinance.
- F. The use shall comply with the requirements of Commercial Vehicle Parking in R-districts and on Residential Property set forth in Article VIII of this Ordinance.
- G. No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. No use shall generate noise or glare in excess of what is typical in a residential neighborhood.
- H. The use shall comply with all performance standards and environmental protection standards set forth in Article VIII of this Ordinance.
- I. The use shall not routinely involve the parking of more than four (4) nonresident vehicles at any one time. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will have adequate area for off-street parking and loading spaces.
- J. The Zoning Hearing Board may regulate the location of needed off-street parking to maintain the residential character, and may deny a minimal impact home-based business if adequate off-street parking cannot be accommodated.
- K. The exterior of the dwelling and lot shall not be changed in such a way to decrease its residential appearance, except for permitted parking spaces and a personal sign identifying the business.
- L. A minimal impact home-based business shall not be conducted in a way that is perceptible from beyond the property boundaries and not between the hours of 8 PM and 8 AM. This time limit shall also apply to any loading or unloading of vehicles that causes noise to abutting properties.
- M. The use shall not involve the storage or use of hazardous, flammable, or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the storage or use of toxic substances.
- N. In addition to permanent residents, one (1) nonresident of the dwelling may work on the premises of a minimal impact home-based business.
- O. Child Day Centers operated as minimal impact home-based businesses shall also comply with the following:

1. The number of children that care is provided to shall be from seven (7) to twelve (12). See §734A below for child day care for four (4) to six (6) children.
2. Smoke detectors shall be provided throughout the building, an "ABC"-rated fire extinguisher shall be provided, lights shall be provided at all exits, and at least one (1) exit window shall be provided with an opening within six feet (6') of the exterior grade level.
3. A minimum of one hundred (100) square feet of a safe, fenced-in exterior play area shall be provided. The play area shall not be within any front yard and shall be separated from any abutting residential property by evergreen screening.
4. All applicable provisions of the International Residential Code shall also be met and an Occupancy Permit for the business shall be required.
5. A plan shall be required for the drop off/pick up of the children that clearly demonstrates to the Zoning Hearing Board that traffic generated by the business will not impact the surrounding neighborhood in a negative manner.

734A HOME-BASED BUSINESS, CHILD DAY CARE FOR FOUR (4) TO SIX (6) CHILDREN (Permitted Accessory Use: All Zone Districts)

- A. Smoke detectors shall be provided throughout the building, an "ABC"-rated fire extinguisher shall be provided, lights shall be provided at all exits, and at least one (1) exit window shall be provided with an opening within six feet (6') of the exterior grade level.
- B. A minimum of one hundred (100) square feet of a safe, fenced-in exterior play area shall be provided. The play area shall not be within any front yard and shall be separated from any abutting residential property by evergreen screening.
- C. All applicable provisions of the International Residential Code shall also be met and an Occupancy Permit for the business shall be required.

735 HOME-BASED BUSINESS, NO IMPACT (Permitted Accessory Use: All Zone Districts)

- A. The no-impact home-based business shall be compatible with the residential use of the property and surrounding residential uses.
- B. The no-impact home-based business shall have no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a no-impact home-based business use, including, but not limited to, parking, signs, or lights.
- E. The use shall comply with the requirements of Commercial Vehicle Parking in R-districts and on Residential Property set forth in Article X of this Ordinance.
- F. The no-impact home-based business may not use any equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

- G. The no-impact home-based business may not generate any solid waste or sewage discharge, in volume or type, that is not normally associated with residential use in the neighborhood.
- H. The no-impact home-based business shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- I. The no-impact home-based business may not involve any illegal activity.

735A HOME SHARE (Permitted Accessory Use: All Zone Districts except S-1)

- A. A home share shall only be offered in a space intended for human habitation, such as a principal residential dwelling or guest house. A host shall not rent space in an accessory structure such as a shed, garage, or barn, nor in an assisted-care apartment unit intended for occupancy by an infirmed, aged, or ill relative.
- B. At least one (1) of the dwelling's primary residents must live on-site, in the dwelling, and throughout the visitor's stay.
- C. There shall be no exterior advertising or signage for the home sharing.
- D. Only one (1) room shall be rented as a home sharing. Renting of two (2) or more rooms shall constitute a Short-Term Rental as defined by this Ordinance.
- E. Meals shall not be offered as part of the home sharing compensation. If meals are offered, the use shall constitute either a bed and breakfast inn or hotel/motel, whichever is applicable.
- F. Off-street parking must be provided in accordance with Article X of this Ordinance to accommodate all vehicles of the host residents and home sharing guests.

736 HOSPITAL (Conditional Use: C-2)

- A. No hospital shall be located in the Flood Plain Overlay District.
- B. A minimum lot area of five (5) acres shall be required.
- C. The use must be served by a centralized sewage disposal system.
- D. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').

737 HOTEL/MOTEL (Permitted Use: C-1, C-2)

- A. A minimum lot area of three (3) acres shall be required.
- B. The use must be setback a minimum of one hundred feet (100') from all property lines.
- C. The use must be served by a centralized sewage disposal system.
- D. Each rental room shall contain a minimum of one hundred fifty (150) square feet of habitable floor space.

- E. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').

737A HYDRAULIC FRACTURING WATER WITHDRAWAL (Conditional Use: C-2)

- A. Ancillary facilities such as offices, employee parking, and accessory structures shall be setback a minimum of fifty feet (50') from all property lines and road rights-of-way.
- B. The facility shall be subject to all applicable requirements of PA DEP and such other state and Federal requirements that may be applicable. A copy of all DEP permits and/or DEP-issued documents and reports associated with the operation shall be submitted to the Borough.
- C. Vehicle parking in accordance with Article X of this Ordinance and staging areas shall be provided on site to prevent parking or staging on any public road right-of-way.
- D. The minimum lot area shall be ten (10) acres.

**738 INDUSTRY, HEAVY (Permitted Use: C-2)
INDUSTRY, LIGHT (Special Exception: C-1; Permitted Use: C-2)
BREWERY, MICRO BREWERY (Permitted Use: C-2)
ASPHALT, BATCH OR CONCRETE PLANT (Permitted Use: C-2)
INDUSTRIAL HEMP PRODUCTION (Special Exception: C-2)**

- A. A minimum lot area of three (3) acres shall be required for all facilities defined as Heavy Industry under §302 of this Ordinance.
- B. All structures, including storage equipment and other materials, shall be set back a minimum of fifty feet (50') from all property lines, wetlands, and watercourses.
- C. All applicable performance standards as required under Article VIII of this Ordinance shall be met.
- D. All applicable Federal and/or state regulations shall be met. Copies of any required licenses and/or permits shall be provided to the Zoning Officer.
- E. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').

739 JUNK YARD OR AUTOMOBILE WRECKING FACILITY (Special Exception: C-2)

- A. All proposed junk yards or automobile wrecking facilities shall meet all applicable performance standards as required under Article VIII of this Ordinance, as well as all requirements of the Moscow Borough Junk Yard Ordinance, as amended.

740 MACHINE SHOP (Special Exception: C-1; Permitted Use: C-2)

- A. All machine shops, as defined by §302 of this Ordinance, shall comply with §738, subsections B. through E. of this Ordinance.

740A METEOROLOGICAL TOWER (Special Exception: Wind Energy Facility Overlay Zone District)

- A. A permit shall be required for every meteorological tower installed at any location in the Borough.
- B. All other uses ancillary to the meteorological tower (such as a business office, maintenance depot, etc., greater than 1,000 sq. ft.) are prohibited from the meteorological tower. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the meteorological tower.
- C. A meteorological tower may be permitted on a property with an existing use subject to the following land development standards:
 - 1. The minimum lot area, minimum setbacks and maximum height required by the underlying zone district shall apply to the meteorological tower, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements of the underlying zone district.
 - 2. The vehicular access to the equipment building shall, whenever feasible, be provided along existing driveways. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.
- D. The applicant shall demonstrate that the tower is at the minimum height required to function satisfactorily. No tower that is taller than this minimum height shall be approved.
- E. If the parcel on which the meteorological tower is a separate and distinct parcel, the underlying zone district minimum lot size shall apply and, in all cases, the lot shall be of such size that all required setbacks are satisfied. No tower shall be located closer to any property line than its height plus the normal setback for the underlying district. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of fifty feet (50').
- F. If the land on which the meteorological tower is leased, or is used by license or easement, the setback for any tower, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of fifty feet (50') from the line of lease, license or easement. In any case, no tower shall be located closer to any property line (not lease, license or easement line) than its height plus the normal setback for the underlying district.
- G. No meteorological tower shall be located less than five hundred feet (500') from any principal residential structure existing prior to the erection of the tower.
- H. The applicant shall demonstrate that the proposed tower is safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All towers shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed meteorological tower and support structure will be designed and constructed in accordance with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the meteorological tower

shall provide a certification from a Pennsylvania registered professional engineer that the meteorological tower and all structures comply with all applicable regulations.

- I. A fence may be required around the tower and other equipment, unless the design of the structures adequately provides for safety.
- J. Landscaping may be required to screen as much of the meteorological tower ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the meteorological tower ground features from neighboring properties. The Borough may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- K. The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the meteorological tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the meteorological tower.
- L. Access to the meteorological tower shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet (20') in width and shall be improved to a width of at least ten feet (10') with a dust-free, all-weather surface for its entire length. If the meteorological tower site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- M. Meteorological towers shall comply with all applicable Federal Aviation Administration (FAA) and PennDOT Bureau of Aviation regulations. No tower may be artificially lighted except as required by FAA requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PennDOT Bureau of Aviation.
- N. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the meteorological tower developer.
- O. A meteorological tower shall not be located within five-hundred feet (500') of any structure listed on any public historic register.
- P. Should any meteorological tower cease to be used, the owner or operator or then owner of the land on which the meteorological tower is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Borough to remove the facility and assess the cost of removal to the foregoing parties. The Borough may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any tower, the Borough shall require a financial guarantee, in a term, form and amount determined by the Borough Council with the advice of the Borough Solicitor, to guarantee the removal of the tower.
- Q. A full site plan shall be required for all meteorological tower sites, showing the meteorological tower, buildings, fencing, buffering, access, and all other items required for special exception uses by this Ordinance.

741 MINERAL AND NATURAL RESOURCE EXTRACTION AND PROCESSING (Conditional Use: C-2)

- A. Evidence of compliance with all state and Federal laws applicable to the extraction and processing for which a permit is sought shall be provided to Borough Council.
- B. A description of the character, timing, and duration of the proposed operation, including maps and plans showing the area and extent of the proposed activity, the location and design of all structures, depth of the excavation, areas for storage of soil materials, and facilities for processing, loading and transportation of minerals shall be submitted.
- C. The location of all structures and land uses that may be affected by the proposed operation and measures that will be taken to protect all structures and land uses from adverse impacts from extraction.
- D. Measures that will be taken to ensure that any loss, diminution, or pollution of water supplies in areas affected by extraction will be corrected or replaced shall be provided.
- E. Measures that will be taken to ensure that the performance standards contained in all sections of this ordinance shall be met shall be provided.
- F. Description of plans for the transportation of the extracted product, including routes of travel, number and weight of vehicles, and measures that will be taken to maintain all roads within the Borough that are used to transport minerals and to repair any damages that may result from the use of roads for loads and volumes of traffic shall be provided.
- G. Plans for the restoration and reclamation of all land affected by the extraction and processing operation to a condition that will support uses that are permitted in the zone district shall be provided.
- H. In deciding upon an initial application for a conditional use permit for extraction or processing, Borough Council shall evaluate the impact of the proposed activity upon adjacent areas and upon the community at large and shall approve granting of a permit only if it finds that:
 - 1. The scale, pace, and duration of the proposed activity are reasonable in relationship to the ability of other portions of the community to maintain normal patterns of activity while extraction activities are ongoing.
 - 2. Adequate safeguards are provided to ensure that damage will not be done to property elsewhere in the Borough or to the natural environment.
 - 3. The proposed plan for reclamation and reuse of land is acceptable. If the proposed reclamation plan is for Forestry or other undeveloped use, grading, drainage, and vegetation must be compatible with other such use areas in the Borough. If the proposed reclamation is for Development, the proposed Development should be compatible with the regulations of the zone district in which it is located.
- I. In deciding upon an application for any expansion or change in an extraction or processing application, Borough Council shall consider all of the factors listed above and in addition shall grant a Conditional Use permit only if the following conditions are met:
 - 1. The performance of the applicant to date has been in conformance with all of the agreements made at the time of the initial conditional use approval; and

- 2. No expansion in area of an extraction operation shall be permitted until extraction activities have been completed on an equivalent area of land and the land shall have been graded and vegetation established in accordance with the approved plan for reclamation of the site.
- J. In no case shall a conditional use permit granted by Borough Council extend to an area of land or mode of operation that is larger or in any way different from the scope of permits issued concurrently by state and/or federal permitting authorities for the same existing or proposed extraction or processing activity.
- K. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties in accordance with lighting standards as established by this Ordinance or other applicable Borough Ordinances.
- L. This §741 shall not apply to excavations for home sites, driveways, roads, or other approved land developments.

742 MANUFACTURED HOME COMMUNITY (Special Exception: R-3)

- A. The use shall have a minimum lot area of five (5) acres.
- B. All manufactured home communities shall be served by a central sewage disposal system and central water supply system.
- C. Minimum density per unit and setbacks shall be the same as for single-family dwellings in the R-3 zone district, as established in Schedule II of this Ordinance.
- D. No manufactured home community shall be located in the Flood Plain Overlay District.
- E. All manufactured home communities must meet Design Standards for such use set forth in the Moscow Borough Subdivision and Land Development Ordinance.

742A MOBILE FOOD FACILITY ON-SITE > 14 CONSECUTIVE DAYS (Permitted Use: C-2)

- A. A mobile food facility, as licensed by the PA Department of Agriculture for a seasonal period (>14 consecutive days) shall only be allowed in the C-2 zone district. Mobile food facilities licensed by the PA Department of Agriculture for less than 14 consecutive days in conjunction with a borough-approved temporary use or event, as defined by this Ordinance, shall be permitted in all zone districts.
- B. The mobile food facility shall not be located closer than one hundred feet (100') from the center of any road intersection.
- C. The mobile food facility shall be setback at least thirty feet (30') from any legal right-of-way.
- D. Adequate off-street parking shall be provided and shall be setback at least ten feet (10') from any legal right-of-way. On-street parking shall not be allowed under any circumstances.

**743 MULTI-FAMILY DWELLING, GARDEN APARTMENT, AND TOWNHOUSE (Permitted Use: R-3; Special Exception C-1, S-1)
RETIREMENT HOUSING (Permitted Use: R-3; Special Exception C-1, S-1)
TWO-UNIT ATTACHED DWELLING (Permitted Use: R-2, R-3; Special Exception: S-1)
DUPLEX (over/under units) (Permitted Use: R-2, R-3; Special Exception: S-1)**

- A. The requirements of this §743 do not apply to the construction of one (1) two-unit attached dwelling or one (1) duplex on an individual zone lot. Minimum lot, yard, and coverage requirements for one (1) two-unit attached dwelling or one (1) duplex shall be as set forth under Schedule II of this Ordinance for (TF) dwellings as noted in said Schedule II for the applicable zone district in which the two-unit attached dwelling or duplex is located.
- A1. This §743 applies to the new construction of multi-family dwellings, garden apartments, townhouses, and two (2) or more duplexes or two-unit attached dwellings on a single lot of record. This §743 shall not apply to Conversion from a Non-Residential Use to Residential Units in so far as governed by §723. See §723 for the specific use requirements and applicable subsections of this §743 for Conversion from Non-Residential Use to Residential Units.
- B. A minimum net lot area for multi-family dwellings, garden apartments, townhouses, two (2) or more two-unit attached dwellings, and two (2) or more duplexes shall be two (2) acres.
- C. All multi-family dwellings, garden apartments, townhouses, two (2) or more two-unit attached dwellings, and two (2) or more duplexes shall be served by an existing or approved public or community sewage and water supply system.
- D. All multi-family dwellings, garden apartments, townhouses, two (2) or more two-unit attached dwellings, and two (2) or more duplexes shall be setback a minimum of one hundred feet (100') from the project property boundaries. Maximum lot coverage, maximum building height, and minimum lot dimensions shall be as set forth under Schedule II of this Ordinance for (MF) dwellings as noted in said Schedule II for the applicable zone district in which the multi-family dwellings, garden apartments, townhouses, two (2) or more two-unit attached dwellings, and two (2) or more duplexes are located.
- E. As defined under §302 of this Ordinance, the maximum number of dwelling units per building or structure shall not exceed the following:
 - 1. Two-unit attached or duplex: two (2)
 - 2. Townhouses: six (6)
 - 3. Garden Apartments: eight (8)
- F. In addition to the minimum yard requirements, off-street parking, streets, and storm water drainage facilities, a minimum of ten percent (10%) of the gross site area of Garden Apartment developments shall be set aside as Common Open Space, as defined under §302 of this Ordinance, and shall be maintained in accordance with the Moscow Borough Subdivision and Land Development Ordinance.
- G. Off-street parking shall be provided in accordance with the requirements of Article X of this Ordinance.
- H. All buildings or structures shall be separated by no less than twenty-five feet (25').
- I. Access roads through the development shall comply with the street standards for Minor Streets, including minimum right-of-way widths, as required by the Moscow Borough Subdivision and Land Development Ordinance, as amended. Direct access of individual parking spaces to the minor street shall not be permitted; instead, private access drives to the parking areas or building groups shall be provided.

- J. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards where the project abuts any existing single- or two-family dwellings. The initial height of the evergreen planting shall be four feet (4').
- K. Walkways of such design and construction as approved by the Borough shall be provided from all buildings and/or units to respective parking areas and common open space areas.
- L. Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers.
- M. A minimum of two (2) changes in the front wall plane with a minimum offset of four feet (4') shall be provided for every attached grouping of townhouses in one (1) building.

743A NEW OR USED CAR, BOAT, OR TRAILER RENTAL OR SALES (Special Exception: C-1; Permitted Use: C-2)

- A. No vehicle, boat or trailer on display shall occupy any part of an existing street right-of-way or within the area designated as customer parking.
- B. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards where the project abuts any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').
- C. The use shall comply with lighting and glare requirements as set in §812 of this Ordinance.

743B NIGHTCLUB, TAVERN, OR BOTTLE CLUB (Permitted Use: C-1)

- A. The structure used for the nightclub, tavern, or bottle club shall not be located within five hundred feet (500') of a residential dwelling, religious institution, public building, private school, child day care center, or nursery school.
- B. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards where the project abuts any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').

744 OUTDOOR FURNACE (Special Exception Accessory Use: All Zone Districts)

- A. Outdoor furnaces shall only be permitted to be installed and operated on parcels of three (3) or more acres.
- B. Outdoor furnaces shall not be located less than one hundred fifty feet (150') from any neighboring property line.
- C. A permanent chimney must extend at least two feet (2') above the highest peak of the residence, building, or structure being served by the Outdoor Furnace.
- D. The only fuels allowed shall be those listed fuels recommended by the manufacturer. The following are specifically prohibited: unseasoned firewood, trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties, and pressured-treated wood), leaves, paper products and cardboard.
- E. All outdoor furnaces are required to meet the emissions standards required by the Environmental Protection Agency (EPA) at the time an application is made to Borough for the installation of the furnace.

- F. All outdoor furnaces shall be installed, operated, and maintained in strict conformance with the manufacturer's instructions and the regulations set forth in this §744. In the event of a conflict, the stricter regulation shall apply.
- G. No homemade outdoor furnaces are permitted to be installed or used within the Borough.
- H. All outdoor furnaces may only be operated between the dates of October 1 and April 30, and may only be utilized as a supplemental heating system.
- I. If an outdoor furnace is more than fifty percent (50%) torn down, deteriorated, or decayed, the furnace must be removed and/or replaced with a new unit. Any new unit being installed or replaced must meet all requirements of this §744.
- J. The Special Exception Use permit pursuant to this §744 may be revoked by the Zoning Officer as may be necessary to protect the public health, safety and welfare of the residents of the Borough if any of the following conditions occur:
 - 1. Malodorous air contaminants from the outdoor furnace are detectable outside the property of the individual on whose land the furnace is located.
 - 2. The emissions from the outdoor furnace interfere with the reasonable enjoyment of life or property.
 - 3. The emissions from the outdoor furnace cause damage to vegetation or property.
 - 4. The emissions from the outdoor furnace are or may be harmful to human or animal health.

744A OUTDOOR EXHIBITIONS, SPORTS ASSEMBLY, ENTERTAINMENT, AND AMUSEMENTS
(Special Exception: R-1B, C-2)

- A. Uses defined as Outdoor Exhibition, Sports Assembly, Entertainment, and Amusement in §302 of this Ordinance shall not be located closer than five hundred feet (500') from the following:
 - 1. any Residential Use as listed in Schedule I and defined by Article III of this Ordinance
 - 2. public or private school
 - 3. cultural facility, gallery, or library
 - 4. hospital
- B. Minimum setbacks shall be one hundred feet (100') for all yards for all uses defined as Outdoor Exhibition, Sports Assembly, Entertainment, and Amusement in §302 with the exception of miniature golf courses. Minimum setbacks for miniature golf courses shall be fifty feet (50') for all yards.
- C. Proof of any licensing from appropriate state or federal agencies shall be required.
- D. The noise factor shall be considered, and noise deadening devices or other means to prevent the noise from becoming objectionable to surroundings areas shall be required.
- E. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

745 OUTDOOR RECREATION AND SPORTS (Special Exception: R-1A, R-1B, S-1)

- A. Minimum setbacks shall be fifty (50') for all yards for all uses defined as Outdoor Sports in §302 of this Ordinance.
- B. Golf courses shall be designed that golf balls are highly unlikely to enter public roads or abutting properties. Fairways and greens shall be setback a minimum of fifty feet (50') from all property lines.
- C. Clubhouses, retail sales of equipment, swimming pools, and restaurants may be permitted as accessory uses to outdoor sports. All buildings and swimming pools shall be located no less than one hundred feet (100') from any Residential Use as listed in Schedule I and defined by Article III of this Ordinance, unless the owner of such abutting use(s) grants a waiver in writing to reduce the setback to fifty feet (50').
- D. Clubhouses, retail sales, and restaurants permitted as accessory uses shall meet minimum parking requirements for such uses set forth in Article X of this Ordinance as if they were principal permitted uses.

745A OUTDOOR STORAGE, COMMERCIAL OR INDUSTRIAL (Permitted Accessory Use: C-1, C-2)

- A. All outdoor storage of fuel, raw materials, and products except for finished products for retail sale to the public for commercial or industrial uses in any zoning district shall be completely screened from view from any public right-of-way and any residential use or R-district by a sight-obscuring evergreen planting, fence, or wall at least six feet (6') in height.
- B. All organic refuse, recyclables, or solid waste stored outdoors shall be placed in watertight, vermin-proof containers, with the lid kept in place at all times.
- C. See §809 G. of this Ordinance for specific requirements for the containment of dumpsters.
- D. Outdoor storage accessory to Warehousing and Distribution Centers shall be prohibited.

745B PETS, KEEPING OF (Permitted Accessory Use: All Zone Districts)

- A. This section shall apply to the keeping of household pets in all zone districts.
- B. This section does not apply to the keeping of equines, bees for honey production, or chickens on residential property. See §718, Stables, and §712 A. Keeping of Bees and Chickens, of this Ordinance.
- C. This section does not apply to service dogs, as defined by the Americans with Disabilities Act (ADA).
- D. This section does not apply to emotional support animals utilized by a disabled person protected by the Fair Housing Amendments Act of 1988, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act. A letter or prescription from a qualified medical professional, in accordance with the aforementioned acts, may be required as proof of use of an exotic animal as an emotional support animal.
- E. The raising of livestock as defined in §302 of this Ordinance shall be prohibited on residential property in all zone districts except R-1B and C-2.

- F. Only those types of animals that are domesticated and compatible with a residential character shall be permitted as household pets as defined in §302 of this Ordinance. Household pets shall not include bears; non-domesticated cats such as lions, cougars, jaguars, tigers, bobcats, lynx; wolves; wolf-dog hybrids; monkeys; and venomous snakes poisonous to humans.
- G. The keeping of household pets shall not be conducted in such a manner that it will create a serious nuisance, including noise and odor, a health hazard, or a public-safety hazard.
- H. No household pets dangerous to humans shall be allowed outdoors, except within a secure caged or fenced area or on a leash under full control of the owner.
- I. The person with the duty of care of household pets shall be responsible for collecting and disposing of all fecal matter from such pets.
- J. No numerical restrictions shall apply to household pets, provided they comply with §745B G., H., and I. above.

746 PLANNED UNIT DEVELOPMENT (Conditional Use: R-1A, R-1B, R-2, R-3)

It is the purpose and intent of this Section to permit and encourage a more varied, efficient, attractive and economical development pattern, to increase flexibility in the location and arrangement of homes; to provide a more usable pattern of open space; to provide for flexibility of design, and to reduce the long-term costs of maintaining infrastructure to the community while furthering the purpose of this Ordinance. The uses permitted in a Planned Unit Development may include all types of residential uses, and those nonresidential uses listed below.

A. Procedure:

Planned Unit Developments shall be processed concurrently with the subdivision/land development process set forth in the municipal Subdivision and Land Development Regulations, and shall comply with the development requirements for a major development or subdivision.

B. Minimum Size:

Planned Unit Developments shall contain a minimum of ten (10) acres of land that shall be part of the same parcel of land and contiguous.

C. Lot Size and Density of Development:

Individual single-family building lots shall be reduced up to 25% of the lot area required for the zone district in which the development is located; however, all proposed structures must meet the setback requirements set forth in Schedule II. In no case shall the overall density of the development exceed the density or land area requirements per dwelling unit set forth in Schedule II of this ordinance.

D. Setbacks:

Planned Unit Developments proposing two-unit attached dwellings, duplexes, townhouses, multi-family dwellings, garden apartments, or non-residential uses in an R-1A or R-1B Zone District shall not locate the structures closer than fifty feet (50') to a perimeter property line of the development.

E. Sewers:

Planned Unit Developments shall be served by a central sanitary sewer system.

F. Water Supply:

If water service is to be provided by means other than by private wells owned and maintained by the individual owners of the lots within the Planned Unit Development, the developer or applicant must present evidence that the PUD is to be supplied water service by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

G. Open Space:

1. All areas of a Planned Unit Development not conveyed to individual lot owners and not occupied by buildings and required or proposed improvements shall be dedicated in perpetuity as permanent open space to be used for the sole benefit and enjoyment of the residents of the development. Land designated as open space shall be maintained as open space and shall not be sold, used to meet open space requirements for other developments, subdivided, developed or dedicated to any other use.
2. Open space areas shall be maintained so that their use and enjoyment as open space are not reduced or destroyed. Open space areas shall be preserved and maintained by either one or both of the following methods:
 - a. Dedication to a property owners association that assumes full responsibility for protection and maintenance of the open space.
 - b. Deed-restricted private ownership that shall prevent development of the open space, provide for its maintenance, and protect the rights of owners or occupants of the dwelling units of the proposed project to use and enjoy, in perpetuity, such open space.
3. At least fifty percent (50%) of the designated open space area shall be usable for active recreational activities and shall not include wetlands, quarries, slopes over twenty-five percent (25%), or acreage used for improvements. Storm drainage facilities and sewage effluent disposal areas shall be considered improved areas.

However, in no case shall less than twenty-five percent (25%) of the gross area of the tract or parcel be dedicated to open space. The developer shall submit a schedule or plan, and proposed agreement(s) showing the proposed open space ownership and maintenance, as indicated in item 2.

H. Non-residential Uses:

Non-residential uses shall be permitted to be incorporated into the Planned Unit Development provided the following conditions are satisfied:

1. A minimum of fifty (50) dwelling units must be planned for development within the contiguous area of the tract.

2. No non-residential structures may be constructed until a minimum of fifty percent (50%) of the planned dwelling units have been constructed.
3. Non-residential uses shall be limited to the following:
 - a. A maximum of two-hundred (200) gross square feet of non-residential floor area may be constructed per dwelling unit.
 - b. All non-residential uses shall meet the applicable zoning regulations for setbacks (Schedule II), parking and loading areas (Schedules III and IV), and parking area landscaping requirements.
 - c. Only the following uses may be constructed and integrated into a Planned Unit Development:
 - Child day-care centers
 - Retail businesses serving the development
 - Commercial or professional offices or services

746A POOL HOUSE (Permitted Accessory Use: All Zone Districts, except S-1)

- A. A pool house shall not exceed four hundred (400) square feet of gross floor area.
- B. Pool houses may only be located in rear and side yards and shall be set back a minimum of ten feet (10') from rear and side property lines and shall not exceed a height of fifteen feet (15').

746B POWER FACILITY, EXCLUDING SOLAR AND WIND (Conditional Use: C-2)

- A. No power facility shall be nearer to one another than two thousand feet (2,000').
- B. A power facility shall not be located within one thousand feet (1,000') of any structure listed on any public historic register.
- C. The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies.
- D. A land development plan shall be required for all power facilities and approval of such plan shall be required in accordance with the Borough Subdivision and Land Development Ordinance.

747 PRIVATE GARAGE AND CARPORT (Four bays or less, Permitted Accessory Use: All Zone Districts except S-1; Greater than 4 bays, Special Exception Accessory Use: All Zone Districts except S-1)

- A. A private garage or carport attached to a principal building shall be considered a part of the principal building and shall conform to the building height limitations and minimum required setbacks for principal structures.
- B. Unattached private garages or carports may not be erected in any required front yard, but shall be allowed in side and rear yards, provided that the regulations set forth in this §747 are met.
- C. On corner lots, unattached private garages or carports shall not be located in any yard abutting a street right-of-way.

- D. No unattached private garages or carports shall be located closer than ten feet (10') from a principal structure or exceed a wall height of fifteen feet (15').
- E. All unattached private garages or carports shall be setback a minimum of ten feet (10') from all side and rear property lines. The minimum front yard setback shall be the same as the principal structure for the zone district in which the garage or carport is located.
- G. The exterior architectural appearance of private garages and carports shall be compatible to that of the principal residential structure.
- H. A maximum of four (4) bays shall be allowed for detached private garages or carports or any combination thereof. On lots greater than one (1) acre, newly proposed detached private garages or carports or any combination thereof may contain more than four (4) bays; however, any new private garage or carport or combination thereof proposing more than four (4) bays shall be considered a special exception use and require approval by the Zoning Hearing Board prior to construction.
- I. Private garages or carports attached, or proposed to be attached, to a principal dwelling shall be considered a part of the principal dwelling and shall not be subject to any bay limitations as set forth in §747 H. above.

748 PRIVATE GREENHOUSE (Permitted Accessory Use: All Zone Districts, except S-1)

- A. Private, noncommercial greenhouses and nurseries and home gardens may not be erected or established in any required front yard, but shall be allowed in side and rear yards.
- B. Private greenhouses or nurseries shall be setback a minimum of ten feet (10') from all property lines.
- C. Private, noncommercial greenhouses and nurseries shall not exceed one thousand (1,000) square feet of gross floor area.

749 PRIVATE INDOOR RECREATION (Special Exception Accessory Use: R-1A, R-1B)

- A. A private indoor recreation accessory use as defined by §302 of this Ordinance may only be approved, established, or constructed on parcels of three (3) acres or more.
- B. A private indoor recreation accessory use shall not exceed three thousand (3,000) square feet of gross floor area.
- C. The use shall only be located within a rear yard and shall be setback a minimum of fifty feet (50') from all property lines.
- D. The use shall be effectively screened from adjacent properties by evergreen plantings, subject to approval by the Zoning Hearing Board.
- E. The maximum building height shall be twenty-five feet (25').
- F. Water and sewage disposal facilities may be installed in the building, subject to approval by the Borough's Sewage Enforcement Officer or appropriate permitting officer or agency.
- G. The exterior architectural appearance of the building or structure shall be compatible with that of the principal residential dwelling, subject to approval by the Zoning Hearing Board.

- H. No equipment, motors, heating or cooling systems or other similar operational apparatus shall be permitted that produces noise, noxious odor, vibration, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Lighting and glare associated with the use shall be subject to the requirements set forth in §812 of this Ordinance.

750 FUNERAL HOME OR MORTUARY (Special Exception: R-2; Permitted Use: R-3, C-1)

- A. A minimum net lot area of 20,000 square feet shall be required for all funeral homes or mortuaries.
- B. Any crematorium operated in conjunction with a funeral home or mortuary shall be enclosed within and considered part of the principal structure. There shall be no separate structure used as a crematorium.
- C. In all zone districts where allowed, any funeral home or mortuary that proposes to operate a crematorium shall be set back a minimum of fifty (50') from all property lines, and one hundred feet (100') from any existing dwelling or building.
- D. The operation of the crematorium shall be limited to non-holiday weekdays (Monday through Friday).
- E. Any funeral home or mortuary that proposes to operate a crematorium shall comply with all applicable state and/or federal regulations.
- F. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').

751 PRIVATE OUTDOOR TENNIS AND SIMILAR COURT (Special Exception Accessory Use: R-1A, R-1B, R-2, R-3)

- A. Outdoor tennis and other similar courts, including any apron or walkway, shall only be allowed in rear yards and shall be setback a minimum of fifteen feet (15') from all property lines.
- B. Outdoor tennis and other similar courts may be completely or partially surrounded by a fence or wall, provided that such fence or wall is erected in conformance with §728 D. of this Ordinance.
- C. Lighting and glare associated with the use shall be subject to the requirements set forth in §812 of this Ordinance. All lights must be off when the court or courts are not in use.

752 PRIVATE SWIMMING POOL, ORNAMENTAL POND, AND HOT TUB (Permitted Accessory Use: All Zone Districts except S-1)

- A. In-ground swimming pools shall be completely surrounded by a secure fence, wall, portion of a building, or other structure not less than four feet (4') in height, constructed, installed, secured and enclosed in accordance with the requirements of the International Residential Code. Pool safety and security measures shall be constructed to make it difficult for small children to climb up or slip through. All gates or door openings through the enclosure (other than a door to a building) shall be self-closing and include a self-latched device on the poolside for keeping the gate or door securely closed at times when not in use.

- B. Above-ground swimming pools shall include a secure fence, wall, or other enclosure a minimum of four feet (4') high above the surrounding average ground level, constructed, installed, secured and enclosed in accordance with the requirements of the International Residential Code. Above-ground pools shall be equipped with an access ladder that can be raised and located in a position that is a minimum of four feet (4') above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended. Exempt from this enclosure requirement are swimming pools less than twenty-four inches (24") deep or having less than 250 square feet of surface area, provided such pools do not have a water re-circulating system or involve structural materials.
- C. Outdoor hot tubs must be securely covered when not in use.
- D. All private swimming pools, hot tubs, and decks or patios surrounding a pool or hot tub shall be setback a minimum of ten feet (10') from all side and rear lot lines. No pool or hot tub shall be located in any front yard or in any yard that abuts a street right-of-way in the case of corner lots.
- E. No pool, ornamental pond, or hot tub shall be located above any underground electrical lines.
- F. All private swimming pools and hot tubs shall not be filled or contain any water until all security measures and safety enclosures, as are set forth in the current edition of the International Residential Code, have been completed and installed by the owner/contractor, and the owner has been issued a Certificate of Occupancy by the Zoning Officer and/or Building Inspector.
- H. Ornamental ponds must have filtered or moving water in order to prevent stagnant water conditions. They shall be strictly decorative and shall not cover more than one percent (1%) of the total lot area.
- I. The water depth of an ornamental pond shall not exceed twenty-four inches (24"). Ornamental ponds with a depth between eighteen and twenty-four inches (18" and 24") shall not have a drop ratio greater than 3:1 and are required to have safety ledges installed at twelve inches (12") of depth.

753 PUBLIC OR COMMERCIAL PARKING (Permitted Use: C-1, C-2)

- A. Maximum height of a multi-level parking structure shall be forty feet (40') or three (3) levels, whichever is less.
- B. A public or commercial parking lot shall not be used for parking of heavy construction equipment, vehicle repairs or vehicle sales.
- C. Public or commercial parking lots shall be designed and landscaped in accordance with §1003 of this Ordinance.
- D. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').

754 RECYCLING FACILITY (Conditional Use: C-2)

- A. Materials to be dropped-off, processed, separated, and/or collected shall be paper, fabric, cardboard, plastic, metal, aluminum and glass. All materials shall be kept in appropriate

containers, with appropriate sanitary measures and frequent emptying to prevent the attraction of insects and/or rodents and to avoid fire hazards.

- B. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').

755 RELIGIOUS INSTITUTION (Permitted Use: All Zone Districts, except S-1)

- A. Any meeting hall, offices for administration of the institution, banquet facility, licensed child or adult daycare, or playground shall be permitted as accessory uses in conjunction with a religious institution provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the religious institution.
- B. Rectories, convents, parsonages, or other religious living quarters shall meet all applicable standards and requirements for residential uses, including the type of dwelling unit proposed in the zone district in which the quarters are located.
- C. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').

756 RESEARCH LABORATORY (Special Exception: C-2)

- A. Research activities that require outdoor facilities shall be enclosed by a fence a minimum of six feet (6') in height.
- B. Proof of compliance with any federal and state permits or regulations shall be required prior to the issuance of a building and zoning permit.
- B. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').

756A RESTAURANT, CAFÉ, OR COFFEE HOUSE (Permitted Use: C-1, C-2)

- A. Drive-through service lanes serving a restaurant, café, or coffee house shall be located along the side or rear of the building. No more than one (1) drive-through service lane shall be permitted in the C-1 zone district.
- B. Drive-through service lanes shall be designed with sufficient on-site stacking or queuing lanes in order to prevent traffic congestion and/or back-ups onto adjoining roads or properties. The pre-service drive-through lane shall be a minimum of 10 feet (10') in width and sixty feet (60') in length.
- B. A dine-in restaurant may contain an accessory area devoted to a bar room, tap room, lounge, or social area provided that the cumulative gross floor area does not exceed twenty-five percent (25%) of the cumulative gross floor area of the restaurant use.
- C. Outdoor Seating
 - 1. The restaurant, café, or coffee house may contain an accessory area devoted to outdoor seating provided that the outdoor seating area does not exceed twenty-five percent (25%) of the total number of seats within the building.

2. The outdoor seating area shall be continuously supervised by the owner or an employee of the restaurant.
 3. Any exterior lighting serving the outdoor seating area shall be designed in accordance with Section 812 of this Ordinance and shall not constitute a nuisance to adjoining properties. All such exterior lighting shall not be illuminated after 10 PM.
 4. There shall be no exterior speakers, music, or entertainment in any outdoor seating area.
 5. The restaurant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from such outdoor seating.
 6. All outdoor seating shall be removed during seasons when not in use.
- D. Dumpsters and waste containers shall be effectively screened from public view.

757 ROOMING AND BOARDING HOUSE (Special Exception: C-1)

- A. Each sleeping room shall be limited to two (2) adults, with a maximum of three (3) persons per sleeping room.
- B. The use shall be limited to a maximum number of thirty (30) residents, including all permanent residents.
- C. Each rental room shall contain a minimum of one hundred fifty (150) square feet of habitable floor space.
- D. One (1) full bathroom shall be provided for each four (4) rental rooms.
- E. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').
- F. Any type of identifying sign shall be limited to a surface area of six (6) square feet per side.
- G. Proof of any necessary federal or state structural or operating permits or licenses shall be required prior to the issuance of a building and zoning permit.

758 SANITARY LANDFILL AND SOLID WASTE FACILITY (Conditional Use: C-2)

- A. Solid waste facilities, as defined and regulated by the Pennsylvania Department of Environmental Protection (DEP), shall include the following operations: landfills, transfer facility, refuse vehicle staging areas, leaf composting facility, resource recovery facility, and waste disposal and processing facility. Solid waste facilities shall also include solid waste storage areas and vehicular waste transportation staging areas defined as areas designated for the use or staging of any type of vehicle or container utilized for the use of transportation of solid waste.
- B. No solid waste facility shall be located closer than one-thousand feet (1000') to any of the following: existing public right-of-way; property line; residential structure; public, semi-public, or institutional use; commercial or recreational facility. The access road and other improvements, serving the solid waste facility, shall be constructed according to the regulations contained in the municipal Subdivision and Land Development Regulations.

- C. All solid waste facilities shall be completely enclosed by a chain link fence not less than ten feet (10') in height. The fence shall be completely erected within six (6) months after issuance of a zoning permit for the facility. All gates shall be closed and locked when the operation is closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising sign of any kind placed on the fence. The perimeter of the entire facility shall be landscaped to effectively screen the facility from adjacent properties
- D. The solid waste facility's hours of operation shall be limited to the following: between the hours of 8:00 A.M. to 5:00 P.M. Monday to Friday; between the hours of 8:00 A.M. to 12:00 P.M. on Saturday; and shall not operate on Sunday or national holidays. In no event shall filled or partially filled refuse trucks be allowed to remain on site after closing time.
- E. Prior to the issuance of a Zoning permit, the owner/developer of the facility shall prepare a surface water and groundwater study for the proposed operation. The study shall detail the existing surface and subsurface water conditions and explain the precautions that will be undertaken to prevent any surface or groundwater contamination from the proposed facility.
- F. All solid waste facilities shall comply with the applicable regulations of the Pennsylvania Department of Environmental Protection (DEP).
- G. Exempt from the provisions of this Section are:
 - 1. Refuse vehicles parked at retail business establishments for a maximum of three (3) hours while the operator of the refuse vehicle uses the establishment.
 - 2. Solid waste containers designed to accept solid waste from retail business establishments, wholesale business establishments and residential buildings.

759 COLLEGE AND DORMITORY (Conditional Use: C-2)

- A. Any proposed college or university must be an accredited educational institution and proof of such accreditation shall be provided to the Borough Council.
- B. A minimum net buildable site area of ten (10) acres shall be provided for any college or university and associated dormitories.
- C. A minimum setback of one hundred feet (100') shall be required for all yards.
- D. Dormitories shall be limited to full-time students, faculty, or staff of the college/university.
- E. Multiple structures on the site of a college or university shall not be closer to one another than fifty feet (50').
- F. Any proposed sports facilities associated with a college or university that fall under the definitions of Commercial Indoor Recreation, Outdoor Recreation and Sports, and/or Outdoor Exhibition, Sports Assembly, Entertainment, and Amusement as defined by this Ordinance shall comply with all applicable requirements for those types of uses as specified in this Article VII and Schedule I of this Ordinance.

760 SELF-STORAGE FACILITY (Special Exception: C-2)

- A. Minimum distance between buildings shall be twenty feet (20').

- B. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').
- C. The facility shall be surrounded by a fence no less than six feet (6') in height and designed to restrict access. There shall be defined entrances and exits.
- D. No locker/warehouse shall be used for any of the following:
 - 1. habitation
 - 2. residential purposes
 - 3. storage or keeping of animals
 - 4. storage of food or other types of perishable materials
 - 5. storage of solid or liquid waste
 - 6. storage of hazardous materials
- E. No locker/warehouse shall be used for any other purpose except storage, and shall not be used for any other type of commercial or manufacturing activity. No materials, supplies, equipment, or goods shall be stored outside of the warehouse structures, with the exception of vehicles used for the operation of the facility, boats, recreational vehicles, and trailers.
- F. The use shall be provided with adequate outdoor lighting for security. Such lighting shall conform to performance standards set forth in Article §812 of this Ordinance.
- G. All applications for a building and zoning permit shall include detailed information on the nature and quantity of materials to be stored on the premises. Proposed space rental agreements shall be submitted with the application and shall provide specific rules to ensure the requirements of this §760 are satisfied.
- H. All lockers/warehouses shall be fire and water-resistant.

760A SHED OR STORAGE STRUCTURE (Permitted Accessory Use: All Zone Districts)

- A. Sheds or storage structures shall not be located closer than ten feet (10') from a principal structure or exceed a wall height of fifteen feet (15').
- B. All sheds or storage structures shall be setback a minimum of ten feet (10') from all side and rear property lines and meet the minimum required front yard setback for a principal structure in the applicable zoning district. On the side yard of a corner lot abutting a street right-of-way, sheds and storage structures shall be set back the minimum required front yard setback for a principal structure in the applicable zoning district.
- C. No automobile, trailer, tractor-trailer or any similar unit of this nature may be converted, altered, or changed into a permanent or temporary shed or storage structure.

761 SHOPPING MALL, CENTER OR PLAZA (Conditional Use: C-1, C-2)

- A. Any site proposed for multiple-occupant commercial establishments shall be held in single ownership or in unified control. The applicant shall provide the Borough with evidence of such ownership or control.
- B. One (1) ingress/egress point shall be allowed on each abutting street and shall be designed and constructed according to PennDOT guidelines.

- C. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').

761A SHORT-TERM RENTAL UNIT (Special Exception: C-1, R-3)

- A. Short-Term Rental Units shall be regulated by the Moscow Borough Short-Term Rental Ordinance, if applicable, as well as the requirements in paragraphs B. through K. below.
- B. A detailed description of the rental operation shall be submitted to the Zoning Hearing Board, including owner contact information, a 24-hour telephone number of the managing agency or contact person, number of bedrooms, a list of rules to be provided to all transient guests, a floor plan of the rental unit(s), and a site plan showing the location of required off-street parking.
- C. All short-term rental properties must be connected to the Moscow Borough central sewer system.
- D. A copy of the Lackawanna County Hotel Tax certificate and current Pennsylvania Sales and Use Tax permit must be submitted to the Zoning Hearing Board.
- E. Overnight occupancy of a short-term rental shall be limited to no more than two (2) persons per bedroom.
- F. One (1) off-street parking space shall be provided for each bedroom within the rental unit plus one (1) off-street parking space for the property owner and/or managing agency representative. In no event, shall any parking of vehicles occur on any lawns or vegetated areas.
- G. The occupants or transient guests shall not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate any Nuisance Ordinance of Moscow Borough or any state law pertaining to noise or disorderly conduct.
- H. The property owner shall be notified of any noise, nuisance, or disorderly conduct violations created by the transient guests and shall promptly use best efforts to prevent a recurrence of such conduct by those guests.
- I. Repeated notifications to the property owner by Borough Officials of noise, nuisance, or disorderly conduct violations created by guests of the rental unit will result in the revocation of the special exception zoning permit and an official Notice of Zoning Violation will be served upon the property owner.
- J. Short-term rentals must comply with all building code requirements, as regulated by the Uniform Construction Code and adopted by Moscow Borough.
- K. Screening or fencing may be required between adjacent properties, as determined by the Zoning Hearing Board.

762 SIGN (Permitted Accessory Use: All Zone Districts)

- A. All signs shall be subject to the requirements of Article IX of this Ordinance.

763 SLAUGHTERHOUSE (Conditional Use: C-2)

- A. A minimum of two (2) acres shall be required.

- B. The use shall be setback seventy-five feet (75') from all property lines.
- C. The use shall not be located closer than five hundred feet (500') from any R-district or any Residential Use as listed in Schedule I and defined by Article III of this Ordinance.
- D. All applicable federal or state permits or licenses shall be provided to the Borough prior to the issuance of a Building and Zoning Permit.
- E. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards. The initial height of the evergreen planting shall be four feet (4').

764 SOLAR COLLECTOR (Permitted Accessory Use: All Zone Districts)

- A. Roof-mounted solar collectors shall be permitted to extend a maximum of five feet (5') above the maximum building height for the zone district in which it is located.
- B. Ground-mounted solar collectors shall be located in rear and side yards only and shall be setback a minimum of ten feet (10') from all side and rear property lines. On a corner lot, both yards abutting a street shall be considered a front yard and ground-mounted solar collectors shall not be allowed in either front yard.
- C. All installations shall meet the requirements of any applicable building code.

764A SOLAR ENERGY FACILITY (Conditional Use: C-2)

- A. A minimum net buildable site area of two (2) acres shall be required. If the solar energy facility is proposed on a parcel that contains an existing use then the minimum net buildable area shall be two (2) acres plus the minimum net buildable site area of the existing use, as provided for under Schedule II and/or the applicable section of Article VII of this Ordinance.
- B. Solar collectors shall not exceed a maximum height of forty feet (40'), which is the maximum building height for the C-2 zone district as provided for under Schedule II of this Ordinance.
- C. A fence may be required around the facility or portions of the facility for safety reasons. The height and type of fencing shall be as determined by the Borough Council.
- D. Landscaping may be required to screen as much of the solar energy facility features as possible. The Borough may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- E. The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the solar energy facility; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the solar energy facility.
- F. Access to the solar energy facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet (20') in width and shall be improved to a width of at least ten feet (10') with a dust-free, all-weather surface for its entire length. If the solar energy facility is fully automated, adequate parking shall be

required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

- G. The applicant shall provide details about anticipated glare from the facility and document how potential nuisances to area properties and public roads will be controlled.
- H. No solar power facility shall be located within five hundred feet (500') of any structure listed on any public historic register.
- I. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- J. On-site transmission and power lines shall to the greatest extent possible be placed underground.
- K. Should any solar power facility cease to be used, the owner or operator or then owner of the land on which the solar power facility is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Borough to remove the facility and assess the cost of removal to the foregoing parties. The Borough may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any solar power facility, the Borough shall require a financial guarantee, in a term, form and amount determined by the Borough Council with the advice of the Borough Solicitor, to guarantee the removal of the solar power facility.
- L. A land development plan shall be required for all solar energy facilities and approval of such plan shall be required in accordance with the Borough Subdivision and Land Development Ordinance.

765 TEMPORARY USE (Permitted Accessory Use: All Zone Districts)

The Zoning Officer may issue a temporary permit for accessory structures or uses necessary during construction, or other special circumstances or events of a nonrecurring nature, subject to the following provisions:

- A. The life of such permit, excluding a permit for a temporary portable on-demand storage container (POD) or a temporary outdoor festival, shall not exceed one (1) year and may be renewed semi-annually for an aggregate period of not more than two (2) years.
- B. Temporary portable on-demand storage containers (PODs) may be located on private property (off street) subject to the following:
 - 1. The POD may be located on the site for a period not to exceed sixty (60) days in duration from the time of delivery to time of removal. An extension of time may be granted by the Zoning Officer, subject to conditions for an additional time period of thirty (30) days. No more than two (2) extensions of time may be granted for any POD. No POD shall be located on a specific property for more than two (2) 60-day periods in any given calendar year.
 - 2. PODs located on a site that is under re-construction/rehabilitation due to a fire, flood, or other natural disaster shall be exempt from Subsection 1. above and shall be allowed to remain on-site for the duration of the re-construction/rehabilitation for up to a maximum time period of eighteen (18) months.
 - 3. No automobile, trailer, tractor-trailer or any similar unit of this nature may be converted, altered, or changed into a POD.

4. In residential zones, no more than one (1) POD may be located on a specific property at one time or exceed a size of eight feet six inches (8'6") in height, ten feet (10') in width or twenty feet (20') in length. In non-residential zones, no more than two (2) PODs may be located on a specific property at one time or exceed a size of eight feet six inches (8'6") in height, ten feet (10') in width or forty feet (40') in length.
 5. PODs shall not be located closer than ten feet (10') from any side or rear property line and shall be set back the minimum required front yard setback for a principal structure in the applicable zoning district. On corner lots, both yards abutting a street shall be considered front yards.
 6. The property owner shall be responsible to secure the POD in such a manner that it does not endanger the safety of persons or property in the vicinity of the POD. In the event of high winds or other weather conditions where the POD may become a physical danger to persons or property, the Zoning Officer or appropriate law enforcement officers may require the immediate removal of the POD.
- C. Temporary structures or uses shall be removed completely upon the expiration of the permit without cost to the Borough.
 - D. Recreational vehicles inhabited as temporary uses shall not be located in the Flood Plain Overlay District.
 - E. Temporary outdoor festivals; carnivals; celebrations; country, craft, or county fairs; block parties; or picnics, held in conjunction with profit or non-profit organizations, shall require a permit, and the use shall not be conducted for a period longer than fourteen (14) days. The organization or individual conducting the activity shall provide the Zoning Officer with specific information on the activity or activities to be conducted and a Certificate of Liability Insurance prior to the issuance of the zoning permit. Measures for adequate security and clean up and temporary comfort facilities may also be required. No temporary outdoor activity shall conduct any business or event defined as an Adult Business by this Ordinance.

765A TINY HOME (Permitted Use: R-1B, R-3)

- A. A tiny home shall have a minimum of one hundred fifty (150) square foot, and a maximum four hundred (400) square foot of habitable floor area.
- B. A tiny home must be served by water and sewer. Connection to public water and/or sewer shall conform to the regulations of the authority responsible for each utility. If public water is unavailable, the tiny home must be served by an on-lot well. Any connection to and/or expansion of an individual on-lot sewage disposal system shall be reviewed by the Sewage Enforcement Officer, and the applicant shall present evidence of such review and all necessary approvals.
- C. Setbacks, density, and required off-street parking shall be as required for single-family dwellings in the applicable zoning district in which the tiny home is located.
- D. Based on building type and occupancy of the tiny home, a certificate of occupancy is required and must be based on approval under the following building code requirements: UCC building code or HUD building codes **AND** Recreational Vehicle Industry Association (RVIA) safety standards. See definition of Tiny Home in this Ordinance.
- E. The construction or location of a tiny home as a second dwelling on a lot, other than to be

utilized as an assisted-care accessory apartment, shall be considered a land development and shall require planning approval as regulated by the Borough Subdivision and Land Development Ordinance.

766 TRANSIT-RELATED BUSINESS AND MAINTENANCE FACILITY (Special Exception: C-2)

- A. All activities and all storage of equipment, materials, and/or vehicles shall not be located within fifty feet (50') of any road rights-of way and one hundred feet (100') of any wetland, watercourse, or surface drainage facility.
- B. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').
- C. For a site not abutting an R-district or residential use, a ten-foot-wide (10') evergreen buffer strip may be required along one or more property lines dependent upon specific location characteristics. The initial height of the evergreen planting shall be four feet (4').
- D. Parking of school and church buses or vans on residential property shall not be considered a bus or truck terminal as defined by this Ordinance.

766A VAPING, SMOKING, OR HOOKAH LOUNGE (Special Exception: C-2)

- A. Vaping, smoking, or hookah lounges shall not be located within three hundred feet (300') of the following:
 - 1). residence
 - 2). group home
 - 3). retirement housing
 - 4). abused person shelter
 - 5). adult or child day care center
 - 6). drug treatment or treatment center
 - 7). public or semi-public buildings and uses, excluding schools
 - 8). parks, playgrounds, outdoor recreation and sports, or campgrounds
 - 9). hospital and medical clinics
 - 10). assisted living, personal care or nursing homes
 - 11). commercial uses catering primarily to persons under age 18
 - 12). any commercial use that sells alcoholic beverages
- B. Vaping, smoking, or hookah lounges shall not be located within one thousand feet (1000') of the following:
 - 1). place of religious worship
 - 2). public or private school
 - 3). colleges or universities and dormitories

767 WAREHOUSING OR DISTRIBUTION CENTER (Special Exception: C-2)

- A. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').
- B. The use shall be subject to Regulation of Nuisance Elements (§809) and Lighting and Glare (§812) standards as set forth in this Ordinance.

- C. All materials shall be stored within a completely enclosed building and outdoor storage of any kind shall be prohibited.
- D. Truck idling in excess of fifteen (15) minutes shall be prohibited.

767A WASTEWATER TREATMENT FACILITY, NON-MUNICIPAL (Conditional Use: C-2)

- A. The following setbacks shall be maintained for the treatment facility and any truck parking or staging areas:
 - 1. two hundred feet (200') from all property lines and road rights-of-way.
 - 2. three hundred feet (300') from any existing residential structure not located on the project parcel.
 - 3. two hundred feet (200') from any water body, watercourse or wetland. This shall not apply to any required discharge or intake structures at the receiving stream or water supply.
- B. Ancillary facilities such as offices, employee parking, and accessory structures shall be setback a minimum of fifty feet (50') from all property lines and road rights-of-way.
- C. The facility shall be subject to all applicable requirements of PA DEP and such other state and Federal requirements that may be applicable. A copy of all DEP permits and/or DEP-issued documents and reports associated with the operation shall be submitted to the Borough.
- D. Adequate vehicle parking and staging areas shall be provided on site to prevent parking or staging on any public road right-of-way.

768 WATER EXTRACTION AND BOTTLING (Conditional Use: S-1)

- A. All water extraction and bottling operations as defined by this Ordinance must provide the Borough Council with evidence of an approved construction/operation permit from the appropriate Commonwealth permitting agency.

769 WHOLESALE BUSINESS (Permitted Use: C-2)

- A. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be four feet (4').

770 WIND ENERGY FACILITY (Conditional Use: Wind Energy Facility Overlay Zone District)

- A. A permit shall be required for every wind farm and windmill installed at any location in the Borough.
- B. All other uses ancillary to the wind farm (such as a business office, maintenance depot, etc., greater than 1,000 sq. ft.) are prohibited from the wind farm. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind farm.
- C. A wind farm may be permitted on a property with an existing use subject to the following land development standards:

1. The minimum lot area, minimum setbacks and maximum height required by the underlying zone district shall apply to the wind farm and windmills, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements of the underlying zone district.
 2. The vehicular access to the equipment building shall, whenever feasible, be provided along existing driveways. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.
- D. The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily. No windmill that is taller than this minimum height shall be approved.
- E. If the parcel on which the wind farm is a separate and distinct parcel, the underlying zone district minimum lot size shall apply and, in all cases, the lot shall be of such size that all required setbacks are satisfied. No windmill shall be located closer to any property line than its height plus the normal setback for the underlying district. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of fifty feet (50').
- F. If the land on which the wind farm is leased, or is used by license or easement, the setback for any windmill, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of fifty feet (50') from the line of lease, license or easement. In any case, no windmill shall be located closer to any property line (not lease, license or easement line) than its height plus the normal setback for the underlying district.
- G. No windmill shall be located less than five hundred feet (500') from any principal residential structure existing prior to the erection of the windmill.
- H. The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed wind farm and support structure will be designed and constructed in accordance with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the wind farm shall provide a certification from a Pennsylvania registered professional engineer that the wind farm and all structures comply with all applicable regulations.
- I. A fence may be required around windmills and other equipment, unless the design of the structures adequately provides for safety.
- J. Landscaping may be required to screen as much of the wind farm ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the wind farm ground features from neighboring properties. The Borough may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- K. The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The applicant shall also document compliance with all applicable

state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the wind farm; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the wind farm.

- L. Access to the wind farm shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet (20') in width and shall be improved to a width of at least ten feet (10') with a dust-free, all-weather surface for its entire length. If the wind farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- M. Windmills shall comply with all applicable Federal Aviation Administration (FAA) and PennDOT Bureau of Aviation regulations. No windmill may be artificially lighted except as required by FAA requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PennDOT Bureau of Aviation.
- N. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the wind farm developer.
- O. A wind farm shall not be located within five-hundred feet (500') of any structure listed on any public historic register.
- P. Should any wind farm or windmill cease to be used, the owner or operator or then owner of the land on which the wind farm or windmill is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Borough to remove the facility and assess the cost of removal to the foregoing parties. The Borough may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any windmill, the Borough shall require a financial guarantee, in a term, form and amount determined by the Borough Council with the advice of the Borough Solicitor, to guarantee the removal of the windmill.
- Q. A full site plan shall be required for all wind farm sites, showing the wind farm, windmills, building, fencing, buffering, access, and all other items required for conditional uses by this Ordinance.

771 WIND TURBINE (Special Exception Accessory Use: All Zone Districts)

- A. This §771 shall apply to a wind turbine accessory to a principal structure that is sized and intended to be used to generate electricity for the principal structure to which it is accessory.
- B. No accessory wind turbine shall exceed a height (defined as Wine Turbine Height under §302 of this Ordinance) of one hundred feet (100'). Any such structure shall maintain a setback from all property lines not less than one hundred twenty percent (120%) of the height of the structure, but in no case shall be less than fifty feet (50') from any property line.
- C. The minimum height between any wind turbine blade and the ground shall not be less than thirty feet (30').

772 WINERY OR CIDERY (Permitted Use: R-1B, C-2; Special Exception: R-3)

- A. Wine or Cider Tasting Rooms on the premise of a winery or cidery shall meet the requirements of §773 below.
- B. A restaurant on the premise of a winery or cidery shall meet the specific-use requirements for Outdoor Seating under Restaurants, Cafes, and Coffee Houses in §756A of this Ordinance shall also apply to Wine or Cider Tasting Rooms.

773 WINE OR CIDER TASTING ROOM (Permitted Use: C-1, C-2)

- A. Specific-use requirements for Outdoor Seating under Restaurants, Cafes, and Coffee Houses in §756A of this Ordinance shall also apply to Wine or Cider Tasting Rooms.
- B. There shall be no drive-through in conjunction with a wine or cider tasting room.
- C. Any wine-tasting room not located on the site of a winery or agricultural operation shall be set back a minimum of fifty feet (50') from all property lines or road rights-of-way.
- D. Any state or federal licensing requirements shall be met and evidence of such licensing shall be provided to the Zoning Officer and Zoning Hearing Board.
- E. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

774 PRIVATE OUTDOOR SHOOTING RANGE (Special Exception Accessory Use: All Zone Districts)

- A. A minimum lot size of two (2) acres shall be required for all private outdoor shooting ranges.
- B. Private outdoor shooting ranges shall be set back a minimum of one hundred feet (100') from all property lines and a minimum of five hundred feet (500') from any principal structure (not property line) not located on the applicant's parcel.
- C. Private outdoor shooting ranges shall be fenced and properly posted, and shall comply with National Rifle Association (NRA) standards and other applicable federal, state, or local regulations.
- D. Noise limits set forth in Section 809 of this Ordinance shall be met for all private outdoor shooting ranges.
- E. Private outdoor shooting ranges also shall be subject to Moscow Borough Ordinance #247 – 2018, restricting the use of firearms, air rifles, bow and arrows, and similar devices in the Borough.
- F. Private outdoor shooting ranges shall be inspected annually by the Borough Police Chief and shall be required to make any changes or improvements related to safety, if deemed necessary by the Police Chief.
- G. No firearm may be discharged at a private outdoor shooting range between sunset and 9:00 AM, Monday through Saturday; on any federal holiday; or on Sundays.

ARTICLE VIII

SUPPLEMENTAL REGULATIONS

801 STREET FRONTAGE REQUIRED

Every principal building shall be built upon a lot with frontage upon a public street improved to meet Borough standards or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance. Except that the Borough Council may approve the subdivision and development of one single family residential lot having no road frontage but access to a public road by means of an approved private access drive as provided for in the Moscow Borough Subdivision and Land Development Ordinance.

802 TWO OR MORE PRINCIPAL USES

Two or more principal uses or structures are permitted on a parcel in a single ownership provided that all applicable requirements for such uses and structures as specified within the Borough Subdivision and Land Development Ordinance and elsewhere in this Zoning Ordinance are met and that the following additional requirements are met:

A. Residential Uses and Structures

1. The minimum distance between detached single-family dwelling structures and/or two-unit attached or duplex structures shall be twice the required side yard distance for such structures in the applicable zoning district. The minimum distance between multi-family dwelling, garden apartment, and/or townhouse structures shall be as required in §743 of this Ordinance.
2. The number of housing units permitted on a single parcel shall be determined by totaling the required net lot area for all the housing units proposed.

B. Non-residential Uses and Structures

1. The minimum distance between permitted principal residential and non-residential structures shall be the sum of their minimum required side yards within the applicable zoning district.
2. The minimum distance between permitted principal non-residential structures shall be the sum of their minimum required side yards within the applicable zoning district. Each such non-residential structure to be erected on a single parcel shall meet all applicable requirements for minimum lot area, minimum yards, parking, maximum lot coverage and maximum building coverage of Article VI of this Ordinance, the same as if each such non-residential structure was to be erected on a separate conforming parcel.
3. Single structures designed or used for more than one permitted principal non-residential use (e.g., shopping malls, centers, or plazas; multiple occupancy offices; condominium type commercial professional, office; or retail structures etc.) shall meet all applicable requirements for minimum lot area, minimum yards, maximum lot coverage and maximum building coverage of Article VI of this Ordinance and any specific requirements under Article VII. They shall further meet the parking requirements of Article X of this Ordinance. Where no specific use of any area of any such structure is specified at the time of application for a land development permit, parking for such area shall meet the provisions of Article X of the Ordinance requiring

the greatest number of parking spaces for uses permitted in structures of the type to be erected.

803 MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES

- A. MAXIMUM BUILDING HEIGHT. The maximum height of all buildings and structures within all zone districts shall be as provided for in Schedule II of this Ordinance.
- B. RESIDENTIAL AND AGRICULTURE BUILDING HEIGHT EXCEPTIONS. District height limitations shall not apply to church spires, belfries, cupolas and domes, monuments, chimneys, farm silos, radio and television masts or aerials and parapet walls extending not more than four feet (4') above the limiting height of the building.
- C. COMMERCIAL, UTILITY AND INDUSTRIAL STRUCTURE HEIGHT EXCEPTIONS. District height limitations may be exceeded for masts, aerials, towers, chimneys, solar energy equipment, windmills and communications equipment. These height limitation exceptions are subject to specific-use height limitations as set forth in Article VII of this Ordinance.

803A PERVIOUS PAVEMENT STANDARDS REGARDING MAXIMUM LOT COVERAGE

- A. When pervious concrete pavement, as defined by this Ordinance, is used in the development of a lot, twenty-five percent (25%) of the area covered by the pervious concrete pavement shall be regarded as impervious surface and shall be calculated as part of the maximum lot coverage requirements set forth in Schedule II of this Ordinance.
- B. If other types of pervious surfaces are proposed, they will be reviewed and, if acceptable, approved on a case-by-case basis by the Borough Engineer. The credit for the pervious coverage shall be based upon actual field performance data provided by the manufacturer of such pervious surface type.
- C. Pervious concrete pavement and any other approved pervious pavement surface can not be replaced with any impervious surface material, as defined by this Ordinance. In addition, design and maintenance of the pervious pavement surface shall be done in accordance with the Moscow Borough Storm Water Management Ordinance and the Commonwealth's Storm Water Management Best Management Practices, regardless of the size of the pervious pavement area.
- D. Performance of the pervious concrete design, installation, and maintenance shall be guaranteed through the provision of a Developer's Agreement and through the creation of a permanent Improvement Maintenance Guarantee as set forth in the Moscow Borough Subdivision and Land Development Ordinance, as amended.

804 EXCEPTIONS TO MINIMUM LOT AREAS, LOT WIDTHS AND YARDS

- A. Irregularly Shaped Lots. In the case of irregularly shaped lots, the minimum lot width specified in the district where the lot is located shall be measured from the minimum required front yard, provided that in no case shall the lot frontage measured at the street right-of-way line be less than seventy percent (70%) of the minimum lot width except in the following situations: on cul-de-sacs or street centerline curves of less than three hundred feet (300') radius where the lot frontage measured at the street right-of-way line shall not be less than forty percent (40%) of the minimum lot width.
- B. Through Lots. Front yards shall be provided along all portions of a through lot abutting any street right-of-way, except where a provision of a different yard will comply with the prevailing front yard pattern on adjoining lots.

- C. Corner Lots. Front yards shall be provided along all portions of a corner lot abutting any street right-of-way, except where the provision of a different yard will comply with the prevailing yard pattern on adjoining lots.
- D. Flag Lots. Flag lots as defined under §302 of this Ordinance shall be allowed under circumstances where there is sufficient acreage to create an additional lot but not sufficient road frontage for both lots to meet minimum lot widths. Only one (1) flag lot may be located directly to the rear of a lot with adequate road frontage. Such flag lots, when permitted, shall contain a minimum twenty-five (25') foot-wide access strip leading to the net, or buildable, portion of the lot, which must meet applicable area, width, depth, and setback requirements for the zone district in which the lot is located.

805 TRAFFIC VISIBILITY ACROSS CORNERS

A. Sightlines at Street Intersections

At an intersection, a triangle area shall be graded and sight obstructions shall be removed so that vision between heights of from two to ten feet (2'-10') above the centerline grades of the intersecting streets is not obscured. Furthermore, by deed restriction, by lease restriction, or by plan amendment, whichever method is applicable, vegetation shall not be planted or allowed to be grown in such a manner as to obscure vision between heights of from two to ten feet (2'-10') above the centerline grades of the intersecting streets. Such triangular area shall be determined by the intersecting street centerlines and a diagonal from a point on the centerline of the intersecting road distant fifteen feet (15') from the nearest edge of the travelway of the through road to a point on the centerline of the through road for a distance of:

1. Seven hundred (700') feet if the through road is an arterial street.
2. Five hundred (500') feet if the through road is a connector street.
3. Four hundred (400') feet if the through road is a collector street.
4. Three hundred (300') feet if the through road is a minor or local access street.

B. Sightlines at Private Driveway and Street Intersections

At each point where a private driveway intersects a public street or road, a clear-sight triangle of ten (10') feet measured from the point of intersection of the street line and the edge of the driveway, shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than two (2') feet above the centerline grade.

806 BUFFER YARDS AND SCREENING

Buffer yards and/or screening or fencing may be required between residential and nonresidential uses or between Permitted and Special Exception uses. Installation and maintenance of the buffer yard or screening or fence shall be the responsibility of the applicant proposing non-residential or special exception uses and shall be a condition of the application approval. The buffer yards shall comply with the following:

- A. The buffer yard shall be measured from the lot or parcel boundary line or from the near street line where a street serves as the lot or parcel boundary line. Buffer yards may not be part of an existing or future street right-of-way, but shall be in addition to that right-of-way.

- B. The buffer yard may be coterminous with required side, or rear yards, and in case of conflict, the larger yard requirements shall apply.
- C. In all buffer yards, the exterior width beyond the planting screen shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, and rubbish.
- D. The buffer yard shall be a landscaped area free of structures, manufacturing, processing activity, materials, storage of materials and vehicular parking. No driveways or streets shall be permitted in the buffer yards except at point of ingress or egress.
- E. All buffer yards shall include a dense screen planting of trees, shrubs or other plant materials, or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare and noise. Such screen planting shall be in accordance with the following requirements.
 - 1. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one year.
 - 2. The screen planting shall be so placed that at maturity it will not be closer than one foot (1') from any street or property line.
 - 3. The screen planting or fence shall be broken only at points of vehicular or pedestrian access.
- F. Fences or walls may be required on an individual site basis as a supplement or alternative to required screening. Where required for screening, fences or walls shall be constructed of approved materials in accordance with §728.

807 PROJECTIONS INTO REQUIRED YARDS

Certain architectural features may project into required yards as follows:

- A. Cornices, canopies, eaves or other architectural features, may project a distance not exceeding two inches (2") per one foot (1') of side yard width but may not exceed a total of three feet (3').
- B. Fire escapes may project a distance not exceeding four feet, six inches (4' 6").
- C. Any stair and necessary landings may project a distance not to exceed six feet (6'), provided such stair and landing shall not extend above the first floor of the building.
- D. Bay windows, balconies, fire places and chimneys may project a distance not exceeding three feet (3'), provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

808 LANDSCAPING AND NATURAL VEGETATION PROTECTION

A. Residential Uses.

Any part of a residential site where existing vegetation has been disturbed and is not used for dwellings, accessory structures, parking, or sidewalks shall be provided with all-season ground cover.

B. Non-Residential Uses.

A landscaping plan for all non-residential uses shall be required. Minimum landscaping requirements shall be as follows:

1. All disturbed areas of the site and all unusable areas in and around parking facilities shall be landscaped.
2. Plants shall be of a type compatible with the Borough's climate.
3. Required buffers shall be landscaped with evergreen plants and be of adequate size to effectively screen for a reasonable number of years.
4. Attractive natural features shall be preserved to the greatest extent possible.
5. Plastic landscape materials shall not be used in place of live trees, shrubs, and ground cover.
6. All trees to be planted shall have a trunk diameter of at least one inch (1") measured one foot (1') above the ground.
7. Ground cover shall be spaced to allow for complete fill-in within one (1) year of planting.
8. Adequate soil preparation in accordance with accepted landscaping practices shall be required.
9. The property owner shall maintain all landscaping in good growing condition.

809 REGULATION OF NUISANCE ELEMENTS

No land or structure in any Zoning District shall be used or occupied in any manner that creates any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, electromagnetic or other radiation, or other condition in such manner or in such amount as to affect adversely the reasonable use of the surrounding area or adjoining premises.

A. Noise Control

1. Except when a greater dBA is prescribed in another Section of this Ordinance for a particular use, no use shall cause noise in excess of the sound levels prescribed below at any point beyond a lot line of the lot upon which the use is to be located. For the purposes of this Section, the noise level will be measured in decibels (dBA) which indicates the sound pressure level obtained from a frequency weighing network corresponding to the A-scale on a standard sound level meter.

Continuous Sound Levels by Receiving Land Use

Zoning District	Maximum Sound Level
Residential (R-1A, R-1B, R-2, R-3)	Not to exceed a maximum of 60dBA for more than one hour per 24 hours
Local Commercial (C-1)	Not to exceed a maximum of 65 dBA
Regional Commercial (C-2)	Not to exceed a maximum of 75 dBA
Conservation (S-1)	Not to exceed a maximum of 65 dBA

2. Where two zoning districts in which different noise levels are prescribed share a common boundary line, the most restrictive of the noise level standards shall govern.
3. The preceding noise standards do not apply to the following:
 - a. Noises from safety signals, warning devices, or other emergency-related activities or uses.
 - b. Emergency work to provide electricity, water, or other public utilities when public health or safety is involved.
 - c. Domestic power tools and lawn mowers between the hours of 7 AM and 9 PM.
 - d. Construction and maintenance operations between the hours of 7 AM and 9 PM.
 - e. Agriculture operations including the raising of livestock, but excluding kennels.
 - f. Transient noises from moving sources, such as trucks, automobiles, airplanes, helicopters, or trains.
 - g. Public celebrations or outdoor events, specifically authorized by the Borough or local school district.
 - h. Routine ringing of bells and chimes by a religious institution.
 - i. The unamplified human voice or the sound of a single animal.

B. Vibration Control

Operating or permitting the operations of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at fifty feet (50') from the source if on a public space or public right-of-way shall be prohibited. For the purposes of this section, "vibration perception threshold" means the minimum ground-or-structure-borne vibration motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

C. Sewage Waste Treatment and Disposal Control

All methods of sewage and waste treatment and disposal shall be approved by the Pennsylvania Department of Environmental Protection and in accordance with the Sewage

Plan for the Borough. The standards of such regulations, or the following, whichever is more restrictive, shall apply.

1. There shall be no discharge of any toxic substance, gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid or gas, any liquid having a temperature higher than 150°F. or any matter containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any solid or viscous substance capable of causing obstructions or other interference with the proper operation of a sewage treatment plant, or any liquid having a ph lower than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel, or material which would be harmful to the treatment of sewage.
2. Acidity and alkalinity of wastes shall be neutralized with a ph 7.0 as a daily average on a volumetric basis, with a temporary variation of ph 5.0 to 9.0.
3. Wastes shall contain no cyanides and no halogens, and shall not contain more than 10 ppm of the following gases: Hydrogen sulfide, sulfur dioxide and nitrogen dioxide.
4. Wastes shall not contain any insoluble substances in excess of 10,000 ppm, or exceed a daily average of 500 ppm, or fail to pass a No. 18 sieve, or have a dimension greater than 0.25 inch.
5. Wastes shall not have:
 - a. A chlorine demand in excess of 15 ppm.
 - b. Phenols in excess of 0.0005 ppm.
 - c. Grease fats or oils, or any oily substance in excess of 100 ppm or exceeding a daily average of 25 ppm.

D. Dust, Dirt, Smoke, Vapors, Gases, and Odors

1. The air pollution control regulations promulgated by the State Air Pollution Control Act of January 9, 1960, Public Law 2119, as amended, shall be used to control the emissions of dust, dirt, smoke, vapors, gases, odors, glare and heat in the Borough.
2. The regulations are part of Title 25 Rules and Regulations, Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article III Air Resources.

E. Light, Glare, and Heat Control

1. No use shall carry on an operation that will produce light, heat or glare beyond the property line of the lot on which the operation is situated. Refer to §812 for specific light and glare requirements.
2. There shall be no flashing or intermittent lights, flood lighting or illumination of an outside wall for advertising or any other purposes visible from any point outside of the lot or parcel. Safety lighting to the minimum extent necessary shall be permitted. However, all light sources shall be shaded from direct view of any point outside the boundary of the lot or parcel.

F. Containment of Dumpsters

1. Temporary dumpsters for the removal of unwanted items, debris, or construction materials for all uses and/or properties within the Borough shall require a dumpster permit from the Zoning Officer subject to the following requirements:
 - a. They shall not to be used for customary household trash, food waste, or hazardous materials.
 - b. They may be placed on the owner's property or on the street or sidewalk abutting the nearest curb, subject to borough approval.
 - c. They must be equipped at each corner with reflectors, caution tape, or lights (if applicable).
 - d. They shall not obstruct pedestrian or vehicular traffic.
 - e. The permit holder shall maintain the dumpster in a neat and safe manner subject to all requirements or exceptions granted with the permit.
 - f. The permit shall be valid for a period up to ninety (90) days from the date of issuance. An extension up to an additional forty-five (45) days may be granted by the Zoning Officer if the period exceeds ninety (90) days. A maximum of two (2) extensions may be requested. The permit holder must request the extension(s) in writing.
2. Dumpsters for multi-family residential complexes; commercial, industrial, and institutional uses must be completely, permanently, and securely screened and enclosed. They shall be located in rear or side yards only and setback from any R-district boundary or adjacent residential property by the minimum applicable rear or side yard setback for an accessory use in the zone district in which the dumpster is located. There shall be no setback requirement for dumpsters if the property is adjacent to a C- or S-district boundary on all side and rear property lines. The dumpster shall be enclosed from view from residential properties, public properties, or any street, sidewalk, or trail. This section shall apply to all new applicable uses as listed above and to existing dumpsters if there is a change of use on the property on which the dumpster is located or if the dumpster is re-located on the property fifteen feet (15') or more in any direction from its current location.
3. All items in the waste stream, including but not limited to trash, cardboard, and recyclable items, must be contained/stored inside the enclosure of the screened dumpster for all multi-family residential complexes; commercial, industrial, and institutional uses, and must not be visible from parking areas, public rights-of-way, or adjacent properties. This section shall apply to all waste stream items contained/stored at new and existing dumpsters serving the uses as listed above in paragraph 2.

810 MANUFACTURED HOMES

- A. All manufactured homes placed on single family lots or within manufactured home communities within Moscow Borough shall meet the specifications for manufacture of mobile homes set forth in United States Standard Institute for Mobile Homes U.S.A., Standard A119.1-1969, NFPA No. 501B-1968 and all subsequent modifications and amendments of said standards. Building and zoning permits shall be required for the location or relocation of any manufactured home within Moscow Borough.

- B. Manufactured homes placed upon single residential lots outside of manufactured home communities shall meet the following requirements:
 - 1. Manufactured homes shall be installed upon a full continuous masonry foundation with appropriate frost-free footers and shall have permanent steps.
 - 2. Manufactured homes shall have the wheels, axles and hitches removed prior to placement upon the above mentioned full continuous masonry foundation. The manufactured home must be fully secured to said masonry foundation.
 - 3. Manufactured homes shall comply in all respects with the requirements set forth in this Ordinance for single-family residences.
- C. Manufactured homes placed within manufactured home communities shall meet the following requirements:
 - 1. Manufactured homes shall be installed upon a foundation consisting of five pairs of concrete piers installed to frost level, a perimeter foundation of poured concrete or block construction or a concrete slab.
 - 2. Manufactured homes shall be secured to the foundation with anchors and tie-downs at least at each corner of the manufactured home. Each anchor shall be able to sustain a minimum tensile strength of 2,800 pounds.
 - 3. Manufactured homes shall be enclosed from the bottom of the manufactured home to the ground or stand using industry-approved, fire-resistant skirting material.

811 MODULAR HOMES/INDUSTRIALIZED HOMES

- A. Modular homes shall be installed upon a full continuous masonry foundation with appropriate frost-free footers and shall have permanent steps to all doorways.
- B. Modular homes shall have all wheels, axles and hitches, required for transportation, removed prior to placement upon the permanent foundation. The modular home shall be fully secured to said masonry foundation.
- C. Modular homes shall comply in all respects with the requirements set forth in this Ordinance for single-family residences.

812 LIGHTING AND GLARE

- A. Purpose. To require and set minimum standards for outdoor lighting to:
 - 1. Provide lighting in outdoor public places where public health, safety and welfare are potential concerns.
 - 2. Protect drivers and pedestrians from the glare of non-vehicular light sources that shine into their eyes and thereby impair safe traverse.
 - 3. Protect neighbors and the night sky from nuisance glare and stray light from poorly aimed, placed, applied, maintained or shielded light sources.
 - 4. Protect and retain the suburban/rural character of the Borough.

B. Applicability

1. Outdoor lighting shall be required for safety and personal security for uses that operate during hours of darkness where there is public assembly and traverse, including but not limited to the following uses: multi-family residential, commercial, industrial, public-recreational and institutional.
2. The Zoning Officer, Zoning Hearing Board, or Borough Council may require that lighting be incorporated for other uses or locations, as they deem necessary.
3. The glare-control requirements herein contained apply to lighting in all above-mentioned uses as well as, but not limited to, sign, architectural, landscape and residential lighting.

C. Criteria

1. Illumination Levels

- a. Lighting, where required by this Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook.
- b. Future amendments to said recommended practices shall become a part of this Ordinance without further action of the Borough.
- c. Examples of intensities for typical outdoor applications, as extracted from the 8th Edition of the Lighting Handbook, are presented below.

Use/Task	Maintained Footcandles	Uniformity Avg. : Min.
(a) Streets, local commercial Residential	0.9 Avg. 0.4 Avg.	6:1 6:1
(b) Parking, multi-family residential, • Low vehicular/pedestrian activity • Medium vehicular/pedestrian activity	0.2 Min. 0.6 Min.	4:1 4:1
(c) Parking, industrial/commercial/institutional/municipal • High activity, e.g., regional shopping centers/fast food facilities, major athletic/civic/cultural events. • Medium activity, e.g. community shopping centers, office parks, hospitals, commuter lots, cultural/civic/recreational events • Low activity, e.g., neighborhood shopping, industrial employee parking, schools, church parking.	0.9 Min. 0.6 Min. 0.2 Min.	4:1 4:1 4:1
(d) Sidewalks	0.5 Avg.	5:1
(e) Building entrances, commercial, industrial, institutional	5.0 Avg.	-
(f) Service Station Pump Islands	10.0 Avg.	
(g) Car Dealerships	20.0 Max.	5:1 Max :Min.

Notes: 1. Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.
 2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. E.g., for commercial parking high activity, the average footcandles shall not be in excess of 3.6 (0.9 x 4).

2. Lighting Fixture Design

- a. Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Borough.
- b. For lighting horizontal tasks such as roadways, sidewalks, entrances and parking areas, fixtures shall meet IESNA "full-cutoff" criteria (no light output emitted above 90 degrees at any lateral angle around the fixture).
- c. The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and spheres and other fixtures not meeting IESNA "full-cutoff" criteria, shall be permitted only with the approval of the Borough, based upon applicability in retaining the rural character of the Borough and achieving acceptable glare control.
- d. When requested by the Borough, fixtures shall be equipped with or be modified to incorporate light directing and/or shielding devices such as shields, visors, skirts or hoods to redirect offending light distribution and/or reduce direct or reflected glare.
- e. For residential applications, omni-directional fixtures, e.g., post top, wall bracket, wall pack, globe and sphere, shall meet IESNA "full-cutoff" criteria.
- f. NEMA-head fixtures, a.k.a. "barn lights" or "dusk-to-dawn lights," shall not be permitted where they are visible from other uses, unless fitted with a reflector to render them full cutoff.

3. Control of Nuisance and Disabling Glare

- a. All outdoor lighting, whether or not required by this ordinance, on private, residential, commercial, industrial, municipal, recreational or institutional property; shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- b. All outdoor lighting fixtures shall be shielded in such a manner that no light is emitted above a horizontal plane passing through the lowest point of the light emitting element, so that direct light emitted above the horizontal plane is eliminated. All individual outdoor lighting fixtures that illuminate the area under outdoor canopies shall comply with this requirement. Outdoor canopies include, but are not limited to, the following applications:
 - 1). Fuel island canopies associated with service stations and convenience stores.
 - 2). Exterior canopies above storefronts in shopping centers and malls.
 - 3). Exterior canopies above driveways and building entrances.
 - 4). Pavilions and gazebos.
- c. Floodlights and spotlights shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, skyward or onto a public roadway. The use of searchlights or laser source lights for advertising or entertainment purposes is prohibited.

- d. Unless otherwise permitted by the Zoning Officer, Zoning Hearing Board, or Borough Council, e.g., for safety or security or all-night operations, lighting for commercial, industrial, public recreational and institutional applications shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells, to permit extinguishing outdoor lighting fixtures between 11 p.m. and dawn, to mitigate nuisance glare and sky-lighting consequences.
- e. Lighting proposed for use after 11 p.m., or after the normal hours of operation for commercial, industrial, institutional or municipal applications, shall be reduced by seventy-five percent (75%) from then until dawn, unless supporting a specific purpose and approved by the Zoning Officer, Zoning Hearing Board, or Borough Council.
- f. All illumination for advertising signs, buildings and/or surrounding landscapes for decorative, advertising or esthetic purposes is prohibited between 11:00 p.m. and sunrise, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until one hour after closing.
- g. Illumination for flagpole lighting may not exceed 10,000 lumens.
- h. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- i. In no case shall the intensity of illumination exceed 0.1 vertical footcandle measured line-of-site at the property line.
- j. Externally illuminated signs and billboards shall be lighted by fixtures mounted at the top of the sign and aimed downward. Such fixtures shall be automatically extinguished between the hours of 11 PM and dawn except as specifically approved by appropriate officers or agents of the Borough.
- k. Except as specifically approved by appropriate officers or agents of the Borough, fixtures meeting IESNA "full-cutoff" criteria shall not be mounted in excess of twenty feet (20') above finished grade and fixtures not meeting IESNA "cutoff" criteria shall not be mounted in excess of sixteen feet (16') above grade.
- l. Directional fixtures for such applications as façade, fountain, feature, and landscape illumination shall be aimed so as not to project their output beyond the objects intended to be illuminated, shall be extinguished between the hours of 11 p.m. and dawn and shall not be in conflict with the Borough's aim to maintain its rural character.
- m. Service-station canopy lighting shall be accomplished using flat-lens full-cutoff downlighting fixtures, shielded in such a manner that the edge of the fixture shield shall be level with or below the light source envelope.
- n. The use of white strobe lighting for tall structures such as smokestacks and chimneys is prohibited, and no lights, whatsoever, shall be mounted on a

communications tower, except as may be required by the FCC, Federal Aviation Administration, or other government agency that has jurisdiction.

4. Installation

- a. For new installations, electrical feeds for fixtures mounted on poles shall be run underground, not overhead.
- b. Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces shall be placed a minimum of five feet (5') outside paved area or on concrete pedestals at least thirty inches (30") high above the pavement, or suitably protected by other approved means.
- c. Lighting fixtures shall not be mounted in excess of 20 feet above grade.

5. Maintenance

Lighting fixtures and ancillary equipment shall be maintained so as always to meet the requirements of this Ordinance.

D. Plan Submission

- 1. For subdivision and land-development applications where site lighting is required or proposed, lighting plans shall be submitted to the Borough for review and approval and shall include:
 - a. A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent use that might be adversely impacted by the lighting, containing a layout of all proposed fixtures by location and type
 - b. Footcandle plots for individual fixture installations, or 10' x 10' illuminance-grid plots for multi-fixture installations, that demonstrate compliance with the intensity and uniformity requirements as set forth in this Ordinance.
 - c. Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.
- 2. The Zoning Officer, Zoning Hearing Board, or Borough Council may elect, at their discretion, to require that lighting plans for other than subdivision and land development applications also be submitted to the Borough for review and approval.
- 3. When requested by the Zoning Officer, Zoning Hearing Board, or Borough Council, applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare and to retain the suburban/rural character of the Borough.
- 4. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough for review and approval.

E. Post Installation Inspection

The Borough reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Ordinance, and if appropriate, to require remedial action at no expense to the Borough.

F. Compliance Monitoring

1. Safety Hazards

- a. If the Zoning Officer, Zoning Hearing Board, or Borough Council judge a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action.
- b. If appropriate corrective action has not been effected within thirty (30) days of written notification, the Borough may commence legal action as provided in Section H. below.

2. Nuisance Glare and Inadequate Illumination Levels

- a. When the Zoning Officer, Zoning Hearing Board, or Borough Council judge an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the Borough may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action.
- b. If appropriate corrective action has not been effected within thirty (30) days of notification, the Borough may commence legal action as provided in Section H. below.

G. Nonconforming Lighting

Any lighting fixture or lighting installation existing on the effective date of this Ordinance that does not conform with the requirements of this Ordinance shall be considered as a lawful nonconformance subject to the following:

Unless minor corrective action is deemed by the Borough to be an acceptable alternative, a nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this Ordinance when:

- 1. It is deemed by the Borough to create a safety hazard
- 2. It is replaced, abandoned or relocated
- 3. There is a change in use

H. Violations and Penalties

Any person found to be in violation of the lighting and glare regulations set forth in this section shall be subject to enforcement and penalty regulations set forth in §1209 of this Ordinance.

813 DONATION COLLECTION BINS

- A. A zoning permit shall be required for the placement of donation collection bins in the Borough.
- B. Donation collection bins may only be placed on developed property in the C-1 and C-2 zone districts.
- C. There shall only be one (1) donation collection bin on a property.
- D. The applicant shall disclose the intended recipient of collected items and the percentage of funds collected or goods collected that will be paid to or given to the charitable organization.
- E. The applicant placing the bin shall submit to the Borough written permission of the property owner consenting to the placement and maintenance of the donation bin.
- F. The bin shall not be placed in a public or private right-of-way or obstruct any clear sight triangle, as defined by this Ordinance.
- G. If located within an established parking area, the location of the bin shall not reduce the minimum parking requirements or be placed within any landscaped areas. The bin must be located in a non-parking space and in a location that does not block traffic or pedestrian circulation.
- H. The bin shall not exceed a capacity of 512 cubic feet (8' x 8' x 8' maximum dimensions).
- I. The area around the bin shall be kept free of litter. The bin shall be painted and maintained rust-free and dent-free. Any graffiti painted on the bin must be removed within 48 hours of discovery.
- J. Items placed in the bin shall not be of such contents that would create odors, attract vermin, or create any other public nuisance.
- K. The bin must be cleared of contents at least once every two (2) weeks.
- L. The bin must be safely designed in a manner that prevents the bin from tipping over and prevents children from entering the bin.
- M. Proper identification of the donation collection bin operator/applicant shall be required on the bin at all times.
- N. This section shall apply to all new donation collection bins and to existing donation collection bins if there is a change of use on the property on which the bin is located or if the bin is re-located on the property ten feet (10') or more in any direction from its current location. Existing donation collection bins shall not be relocated into a public or private right-of-way or obstruct any clear sight triangle, regardless of the relocation distance.

ARTICLE VIII-A

ENVIRONMENTAL PROTECTION REGULATIONS

801-A APPLICABILITY

Except when a more restrictive standard is imposed for a use under a separate Section of this Ordinance, or when otherwise permitted by state or federal law, or when local control is prohibited, all principal and accessory uses whether permitted by right, special exception, or conditional use shall comply with the environmental protection regulations of this Article.

802-A APPLICATION AND PROCEDURES

- A. In order to determine whether a proposed use complies with the requirements of this Article, an applicant must submit a plan of the proposed use and development along with a comprehensive and detailed description of all machinery, equipment, and techniques to be used at the time of filing the zoning permit application. The zoning officer may consult with the municipal engineer to determine whether the plan complies with this Article before issuing a zoning permit, and if use approval is required, then by the applicable board as part of the conditional use or special exception review.
- B. If compliance with this Article cannot be determined until the use is in operation, as determined by the zoning officer in consultation with the municipal engineer, or the applicable board as part of the conditional use or special exception approval, then the zoning officer or the applicable board, may require the applicant and landowner to provide sworn affidavits that the use, once operational, will comply with the environmental protection regulations of this Article.
- C. Continued compliance with the regulations of this Article are required. The zoning officer may request that the operator or landowner demonstrate compliance with these regulations at any time during the permit process and operation of the use.

803-A AIR AND WATER POLLUTION

- A. AIR POLLUTION. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted that may cause any damage to the health of persons, animals, vegetation, or other property, or that may cause any excessive soiling.
- B. WATER POLLUTION. No use shall be permitted that pollutes any ground water or surface waters with substances attributable to point or nonpoint source discharges in concentration or amounts sufficient to be harmful or intended to be harmful to water uses meant to be protected, or to human, animal, plant or aquatic life. Specific substances to be controlled include, floating materials, oil, grease, scum, and substances that produce color, tastes, odors, turbidity or settle to form deposits.

804-A EARTH MOVING ACTIVITIES

- A. Topsoil or sod may be removed from a lot provided that it is done as part of normal lawn preparation and maintenance, or incidental to construction or alteration of a building, street, or driveway.
- B. The removal of clay, sand, gravel, rock or other minerals shall be permitted only when it is being done in connection with the construction of a building, street, or driveway. A

surface of a lot shall not be graded to a level below that of adjoining streets. Excavation shall not leave loose rocks or boulders to be exposed.

- C. No grading or excavation shall result in a slope steeper than 2:1 within twenty feet (20') of any lot line except for the construction of a retaining wall provided that the retaining wall is constructed in accordance with the other provisions of this ordinance and the applicable building code.
- D. All new grading and excavation must be done with stormwater management controls under the Borough Stormwater Management Ordinance, the County Conservation District regulations, and Pennsylvania Department of Environmental Protection Erosion and Sediment Control Manual, as amended.
- E. Except for stormwater management controls, the other parts of this Section may not apply to permitted mineral extraction.

805-A ENVIRONMENTAL IMPACT STATEMENT

- A. EIS MAY BE REQUIRED. An Environmental Impact Statement (EIS) may be required by the zoning hearing board (for a special exception use or use variance), or the governing body (for a conditional use) to be performed by the applicant. The purpose of the EIS is to disclose the impacts of a proposed use upon the environment so that the zoning hearing board of the governing body could decide whether to approve or deny the use or approve the use with conditions.
- B. CONTENTS OF EIS. An EIS, if required, shall be prepared by a professional engineer licensed within the Commonwealth of Pennsylvania and shall include, at a minimum, an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts:
 - 1. SOIL TYPES.
 - a. U.S.D.A. Soil Types (show on map).
 - b. Permeability of soil on the site.
 - c. Rate of percolation of water through the soil for each five acres.
 - d. Surface Waters:
 - i. Distance of site from nearest surface water and head waters of streams.
 - ii. Sources of runoff water.
 - iii. Rate of runoff from the site.
 - iv. Destination of runoff water and method of controlling downstream effects.
 - v. Chemical additives to runoff water on the site.
 - vi. Submission of an erosion and sedimentation control plan meeting the requirements of PA DEP and the County Conservation District.
 - vii. The information shall be set forth in a storm water management plan meeting the requirements of the Borough Subdivision and Land Development Ordinance.

2. GROUND COVER (VEGETATION AND ANIMAL LIFE)
 - a. Extent of existing impervious ground cover on the site.
 - b. Extent of proposed impervious ground cover on the site.
 - c. Type and extent of existing vegetative cover on the site.
 - d. Extent of proposed vegetative cover on the site.
 - e. Type of animal life and effect on habitat.
 - f. Topographic and Geologic:
 - i. Maximum existing elevation of site.
 - ii. Minimum existing elevation of site.
 - iii. Maximum proposed elevation of site.
 - iv. Minimum proposed elevation of site.
 - v. Description of the topography of the site and any special topographic features, and any proposed changes in topography.
 - vi. Surface and subsurface geology.
3. GROUND WATER
 - a. Average depth to seasonal highwater table.
 - b. Minimum depth to water table on site.
 - c. Maximum depth to water table on site.
 - d. Quality.
 - e. Water Supply:
 - i. The source and adequacy of water to be provided to the site.
 - ii. The expected water requirements (g.p.d.) for the site.
 - iii. The uses to which water will be put.
4. SEWAGE DISPOSAL
 - a. Sewage disposal system (description and location).
 - b. Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, other chemical).
 - c. Expected daily volumes of sewage.
 - d. Affected sewage treatment plant's present capacity and authorized capacity.
5. SOLID WASTE
 - a. Estimated quantity of solid waste to be developed on the site during and after construction.

- b. Method of disposal of solid waste during and after construction.
- c. Plans for recycling of solid waste during and after construction.

6. AIR QUALITY

- a. Expected changes in air quality due to activities at the site during and after construction.
- b. Plans for control of emissions affecting air quality.
- c. Establishment of air quality goals, including a description of any programs to be implemented to achieve those air quality goals, a development plan for control strategies, and a schedule explaining the manner for on-going evaluations.

7. NOISE

- a. Source and magnitude of noise levels expected to be generated at the site during and after construction.
- b. Proposed method for control of additional noise on site during and after construction.

8. LAND AND WATER SURFACE USE AND COMMUNITY CHARACTER

- a. Past and present use of the site with attention to storage or disposal of toxic or hazardous waste.
- b. Adjoining land uses and character of the area.

9. CRITICAL IMPACT AREAS

Any area, condition, or feature that is environmentally sensitive, or that, if disturbed during construction, would adversely affect the environment. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes greater than fifteen percent (15%), highly acid or highly erodible soils, areas of highwater table, and mature stands of native vegetation and aquifer recharge and discharge areas.

10. HISTORIC RESOURCES

Identification of structures or sites of historic significance and probable effect of the project.

11. TRANSPORTATION

Existing network traffic volumes and capacities and need for improvements required by the project.

12. ADDITIONAL REQUIREMENTS

In addition to the above requirements, the zoning hearing board or governing body may require such other information as may be reasonably necessary for the applicable board to evaluate the proposed use for its impacts upon the community, including, but not limited to:

- a. A description of alternatives to the proposed use.
- b. A statement of any adverse impacts that cannot be avoided.
- c. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.
- d. A list of all licenses, permits, and other approvals required by local, county, or state law and the status of each with copies of all completed applications and submissions.
- e. A list of steps proposed to minimize environmental damage to the site and surrounding area during and after construction.

806-A EROSION AND SEDIMENTATION

- A. Any person performing any earth disturbance activities shall take measures to prevent soil erosion and sedimentation.
- B. Disturbed land area and the duration of exposure shall be kept to a minimum.
- C. Earth disturbances shall also comply with county and state regulations for erosion and sedimentation control plans.
- D. If any earth materials are removed from a site (such as a borrow pit), the site shall be regraded and revegetated in a manner that controls soil erosion and that allows a suitable reuse of the site.
- E. No erosion by wind or water shall be permitted that will carry or deposit objectionable substances onto neighboring properties.

807-A FIRE PROTECTION

- A. **GENERALLY.** Fire prevention and firefighting equipment must be pre-approved by the municipal fire chief and readily available once the use is commenced when it involves the handling or storage of flammable or explosive materials. Building requirements shall comply with the design and construction regulations for fire prevention requirements of the Pennsylvania Uniform Construction Code, as amended, and the applicable fire code.
- B. **ACCUMULATION OF COMBUSTIBLE WASTE.** No person shall cause or allow combustible waste to accumulate in a building, or upon a lot.
- C. **UNSAFE STORAGE OF COMBUSTIBLE WASTE PROHIBITED.** No person shall store combustible waste in a manner that creates a fire hazard or public nuisance.
- D. **CONTAINERS REQUIRED.** Combustible waste susceptible of ignition shall be stored pending removal in a building, structure, or upon a lot in a noncombustible container with

a lid away from combustible objects, buildings or structures and heaters and heating devices.

- E. **ARRANGEMENT OF BUSINESS FIXTURES, INVENTORY, EQUIPMENT, AND DISPLAYS.** Business fixtures, inventory, equipment and displays of goods shall be arranged to maintain free, immediate, and unobstructed access to building exits. No person shall display highly combustible goods, including flammable or combustible liquids, gases or materials in main exit access aisles, or doors.
- F. **DISCHARGES PROHIBITED.** No person shall dispose or discharge any fuel or flammable or combustible liquid waste into any drain, storm drain, sewer, upon any lot, or in any water or surface water sources.
- G. **BURNING PROHIBITED.** No person shall light or maintain an open fire for the burning, dismantling, salvaging, scrapping, or wrecking of junk vehicles or parts of junk vehicles.

808-A HAZARDOUS WASTE

- A. **GENERALLY.** No hazardous waste shall be dumped, buried, burned, or otherwise dispersed within the municipality. Hazardous Waste is determined under 40 CFR 262.11.
- B. **STORAGE.** No hazard waste shall be stored so that it could be washed into the groundwater or surface waters. Any hazard waste needed to be stored as part of a permitted legal use must be stored within an impermeable containment. When stored on an open lot, it must be surrounded by a berm that would drain any waste into an engineered collection area.
- C. **PPC PLAN.** An industrial use that manufactures, stores, or handles hazardous waste shall develop and file with the municipality, the fire department, and the emergency management coordinator a current preparedness, prevention and contingency plan (PPC).
- D. **LABELING.** Hazardous waste shall be properly labeled as hazardous waste.

809-A LIQUID WASTE OR SEWAGE

No discharge shall be permitted into surface waters, sewage disposal systems, stormwater drains, or into the ground of any materials that could contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements. Such objectionable contaminants or emissions must be treated so that insoluble substances such as oils, grease, acids, alkalis, or other chemicals are in accordance with the standards as approved by the Pennsylvania Department of Environmental Protection and the municipality.

810-A RADIOACTIVITY OR ELECTRICAL DISTURBANCES

No use shall be permitted which emits dangerous radioactivity or electrical disturbance that adversely impacts the operation of any equipment or adversely affects any person in the vicinity of such disturbance. In addition, no use shall cause repetitive or continuous electrical disturbance that negatively impacts television, radio, or other equipment in the neighborhood.

811-A RIPARIAN BUFFERS

- A. In order to protect and improve water quality, a riparian buffer shall be maintained along surface waters. A riparian buffer shall be created and recorded as part of any subdivision or land development that encompasses a riparian buffer.

- B. Except as required by 25 Pa Code Chapter 102, the riparian buffer shall be measured to be the greater of the limit of the 100-year floodplain or a minimum of thirty-five feet (35') from the top of the streambank (on each side) or surface waters.
- C. Minimum Management Requirements for Riparian Buffers
 - 1. Existing native vegetation shall be protected and maintained within the riparian buffer.
 - 2. Whenever practicable, invasive vegetation or noxious weeds shall be actively removed, and the riparian buffer shall be planted with native trees, shrubs and other vegetation to create a diverse native plant community appropriate to the intended ecological context of the site.
- D. When a riparian buffer easement is required it shall be enforceable by the municipality and shall be recorded in the county recorder of deeds office, so that it shall run with the land and shall limit the use of the property located therein. A riparian buffer easement shall allow for continued private ownership.
- E. A riparian buffer shall not count toward the minimum net lot area as required by this Ordinance, except when this ordinance provides otherwise.
- F. A riparian buffer shall be conducted in a manner that will maintain the extent of the existing 100-year floodplain, improve or maintain the stream stability, and preserve and protect the ecological function of the floodplain and ground water sources.
- G. Permitted recreational uses within a riparian buffer shall be limited to trails:
 - 1. Trails shall be for non-motorized use only.
 - 2. Trails shall be designed to have the least impact on native plant species and other sensitive environmental features.
- H. Septic drain fields and sewage disposal systems shall not be permitted within a riparian buffer and shall comply with setback requirements established for on-lot sewage disposal facility under 25 Pa. Code Chapter 73.

812-A STEEP SLOPES

- A. Slopes of more than fifteen percent (15%) shall not be regraded, except for a man-made slope.
- B. Slopes of more than twenty-five percent (25%) shall not be counted towards the required minimum lot area of this Ordinance for the particular use.
- C. No earthmoving activities for construction of a building or structure shall occur on slopes of more than twenty-five percent (25%) in any zoning district unless there are no other areas of the lot that are reasonably physically suitable for the construction.
- D. No slope over thirty percent (30%) shall be disturbed for any reason without a variance under this Ordinance.

- E. No lot shall be accessible by an access drive or road that has a grade in excess of fifteen percent (15%) without a variance unless the access drive or road is in existence prior to the adoption of this Ordinance.
- F. A site plan may be required showing the slopes for purposes of administering and enforcing this Section. When required, the site plan must depict the existing and proposed contours of the lot, building and structure locations along with outer most perimeters of the proposed building area; and any wooded areas to be removed or preserved.
- G. Where building or earth moving activities are proposed on a lot with slopes over fifteen percent (15%), the applicant must prove that the removal of healthy trees with trunk widths of more than eight inches (8") measured at a height of three-and-one-half feet (3-1/2') from the ground level and other attractive natural vegetation will be minimized.

813-A STORAGE OF EXPLOSIVE AND HAZARD SUBSTANCES

- A. No flammable or explosive liquids, solids, or gases shall be stored in bulk above the ground except for tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located and operated on the same lot as the tanks or drums of fuel.
- B. The storage of such explosive and hazardous substances shall be in proper and marked containers approved by state and federal laws and regulations with a listing of such substances filed annually with the municipality along with all state and federal permits and approvals.
- C. All outdoor storage facilities for fuel permitted in paragraph A above, shall be enclosed by a fence of a type, construction and size as shall be adequate to protect and conceal the facilities from any adjacent properties. Fencing shall not only encompass the question of safety but also of screening and the screening shall preferably be evergreens. All National Office of Safety and Health Administration (O.S.H.A.) regulations shall be met.
- D. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off by natural causes or forces, nor shall any substance that can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or that will destroy aquatic life, be allowed to enter any stream or watercourse. Applicable Department of Environmental Protection regulations shall apply.
- E. All materials or wastes that might cause fumes or dust, or that constitute a fire hazard, or that may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards. Applicable Department of Health and National O.S.H.A. regulations shall apply.

814-A STORM WATER MANAGEMENT

Any development project proposed within Moscow Borough shall meet all storm water management requirements of the Moscow Borough Storm Water Management Ordinance and Pennsylvania Title 25, Chapter 102, Department of Environmental Protection requirements for Erosion and Sedimentation Control. Applicants for Borough Zoning and Building Permits shall prepare and submit storm water management control plans as required by these Pennsylvania Act requirements and also as required by Moscow Borough ordinances governing site grading and drainage and storm water management.

815-A WETLANDS

- A. If the Borough determines that wetlands may be present or may be impacted, a delineation of the wetlands, as defined and regulated by the U.S. Army Corps of Engineers and Fish and Wildlife Service, and PA DEP, may be required for any building and zoning permit proposing a new land-use or expansion of an existing use. The applicant shall be responsible for the delineation and shall guarantee that the wetlands have been properly delineated. If no wetlands are present, the applicant shall provide a certified statement to that effect.
- B. No development in wetlands shall be undertaken except in accordance with all Federal and state wetland regulations, and evidence of such compliance shall be furnished to the Borough.
- C. Any area suspected of possibly including a spring, vernal pool, or seep, the applicant and landowner shall have field research conducted on the lot to identify and map any seeps or springs to avoid their disturbance and maintain a setback of not less than thirty-five feet (35') from the seep, vernal pool or spring.
- D. No building and zoning approval granted by the Borough shall in any manner be construed to be an approval of compliance by the applicant with any Federal or state wetland regulations. The Borough shall have no liability or responsibility to the applicant or any other person for compliance with said regulations.

ARTICLE IX

SIGN REGULATIONS

901 PURPOSE

These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signs have the following specific objectives:

1. To ensure that signs are designed, constructed, installed, and maintained according to minimum standards to safeguard life, health, property, and public welfare;
2. To allow and promote positive conditions for sign communication;
3. To reflect and support the desired ambience and development patterns of the various zone districts and promote an attractive environment;
4. To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway.
5. To ensure that the constitutionally guaranteed right of free expression is protected.

902 SCOPE

1. The requirements of this Article apply to all signs, sign structures, awnings, and other types of sign devices located within Moscow Borough, except as specified in Subsection 2, below.
2. Signs and sign structures located in Moscow Borough that cannot be seen from a public roadway are not subject to the size, height, location, and number regulations listed herein. These signs must however comply with safety and construction Building Code provisions in the Borough.

903 HEIRARCHY OF REGULATIONS

1. Where there is a conflict between specific sign regulations and the base or general sign regulations of this Article, the specific sign regulations supersede the base sign regulations.
2. Where there is a conflict between a land use regulation and a structural regulation, or other conflicts not otherwise addressed by this Article, the most restrictive applies.

904 DEFINITIONS

Abandoned Sign - A sign that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located. Whether a sign has been abandoned or not shall be determined by the intent of the owner of the sign and shall be governed by applicable State Case Law and Statutory Law on abandoned structures.

Alteration – A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

Animated Sign - A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Article, include the following types:

1. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
2. Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
3. Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - A. Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.
 - B. Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Architectural Projection - Any projection from a building that is decorative and/or functional and not intended for occupancy, and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also: Awning; Back-lit Awning; and Canopy, Attached and Freestanding.

Awning - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning Sign - A sign displayed on or attached flat against the surface or surfaces of an awning. See also: Wall or Fascia Sign. An awning that contains a "sign" section or copy area shall comply with the applicable sign area requirements for parallel signs (see Table 3) contained in this Article. Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area – the entire awning shall not be included in a Sign Area calculation. Refer also to Section 905 for visual reference example.

Back-lit Awning - An awning comprised of covering material exhibiting the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

Banner - A flexible substrate on which copy or graphics may be displayed.

Banner Sign - A sign utilizing a banner as its display surface.

Bench Sign - A sign applied or affixed to the seat or back of a bench.

Billboard - See: Off-Premise Sign and Commercial Outdoor Advertising Sign.

Building Facade - That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

Building Sign – A sign that is applied or affixed to a building.

Candela – The basic unit of measurement of light in SI (metric) units.

Candela per square meter (cd/m²) – The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

Candle or Candlepower - Synonymous with Candela, but in English, not SI, terms.

Canopy (Attached) - A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Marquee.

Canopy (Freestanding) - A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

Canopy Sign - A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Similar to a Marquee Sign. Refer also to Section 905 for visual reference example.

Changeable Sign - A sign with the capability of content change by means of manual or remote input, includes the following types:

1. Manually Activated - Changeable sign whose message copy or content can be changed manually on a display surface.
2. Electrically Activated - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: Electronic Message Center.

Channel Letter (open faced) – A dimensional letter with a back and sides but no face at the front of the letter. Open Faced Channel Letters may be non-lit, externally illuminated, or illuminated by a light source contained inside the open channel of the letter itself, such as a neon tube.

Channel Letter (internally illuminated) – A dimensional letter with a back, sides and a translucent front face capable of transmitting light from an internal light source within the letter.

Channel Letter (reverse) – A dimensional letter with a face and sides but no back, opposite to an Open Faced Channel Letter. A Reverse Channel Letter has an open channel facing the wall or

building to which it is affixed. A Reverse Channel Letter may contain a source of illumination designed to project lighting against the surface behind the letter, commonly referred to as a Backlit Channel Letter; also referenced as a halo or silhouette lighted channel letter. The face of a Reverse Channel Letter does not illuminate.

Cladding – A non-structural covering designed to conceal the actual structural supports of a sign. See also pole or pylon cover.

Commercial Outdoor Advertising Sign - A permanent off-premise sign erected, maintained or used in the outdoor environment for the purpose of providing copy area for commercial or noncommercial messages.

Conforming Sign – A sign that is legally installed in conformance with all prevailing jurisdictional laws and ordinances.

Copy - The graphic content or message of a sign.

Copy Area of Sign - The actual area of the sign copy as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed shape or shapes encompassing separate individual letters, words, or graphic elements on the background. See Section 906 for computational methodology.

Dimensional Letter, Symbol, or Graphic – A letter, symbol, or graphic that is three dimensional in character, containing height, width, and depth.

Directional Sign - Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Display Time – The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

Dissolve – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

Double-faced Sign - A sign with two faces, back to back.

Dynamic Frame Effect – An Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.

Electric Sign - Any sign activated or illuminated by means of electrical energy.

Electronic Message Center or Sign (EMC) - An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. (See also following terms principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, and Travel)

Externally Illuminated Sign – See Illuminated Sign.

Exterior Sign - Any sign placed outside a building.

Facade - See Building Facade.

Fade – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Fascia Sign - See Wall Sign

Flashing Sign - See Animated Sign, Electrically Activated.

Font – A set of letters, numerals, symbols, or shapes conforming to a specific set of design criteria.

Foot Candle – An English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

Foot Lambert – An English unit of measurement of the amount of light emitted by or reflecting off a surface (luminance) equivalent to 3.4262591 candelas per square meter.

Frame – A complete, static display screen on an Electronic Message Sign.

Frame Effect – A visual effect on an Electronic Message Sign applied to a single frame. See also Dynamic Frame Effect.

Freestanding Sign - A sign principally supported by one or more columns, poles, or braces placed in or upon the ground. May also be referenced as a Ground or Monument Sign. Refer also to Section 905 for visual reference example.

Frontage (Property) - The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

Frontage (Building) - The length of an exterior building wall or structure of a single premise along either a public way or other properties that it faces.

Ground Sign - See Freestanding Sign

Illuminance – The amount of light falling upon a real or imaginary surface, commonly called “light level” or “illumination”. Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.

Illuminated Sign - A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].

Internally Illuminated Sign – See Illuminated Sign.

Interior Sign - Any sign placed within a building, but not including window signs as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this ordinance.

Listed Sign – A sign manufactured and labeled in accordance with specifications promulgated by a recognized testing laboratory designed to assure compliance with applicable American National Standards (ANSI) and/or the National Electric Code (NEC).

Luminance – The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Expressed in SI units as cd/m^2 , and in English units as foot lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units. Can be measured by means of a luminance meter.

Lux – The SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

Mansard - A roof-like facade comparable to an exterior building wall. See Section 907 for visual reference.

Marquee - See Canopy (Attached).

Marquee Sign - See Canopy Sign.

Multiple-Faced Sign - A sign containing three (3) or more faces.

Nit – A photometric unit of measurement referring to luminance. One nit is equal to one cd/m^2 .

Non-Conforming Sign - A sign that was legally installed by permit in conformance with all municipal sign regulations and ordinances in effect at the time of its installation, but which may no longer comply with subsequently enacted laws and ordinances having jurisdiction relative to the sign.

Non-Conforming Use – A continued and lawful use of property, including a sign or signs lawfully installed in accordance with laws or ordinances prevailing at the time of installation.

Off-Premise Sign – See Outdoor Advertising Sign. See also, Wayfinding Sign.

On-Premise Sign - A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Outdoor Advertising Sign - A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. May also be referenced as an Off-Premise Sign, Billboard, or Commercial Outdoor Advertising Sign.

Parallel Sign – See Wall Sign

Parapet - The extension of a building facade above the line of the structural roof.

Perpendicular Sign – See also Freestanding Sign; see also Projecting Sign;

Pole Cover or Pylon Cover – An enclosure designed to conceal poles and/or other structural supports of a sign. See also Cladding.

Pole Sign - See Freestanding Sign.

Political Sign - A temporary sign intended to advance a political statement, cause, or candidate for office.

Portable Sign - Any cord-connected sign not permanently attached to the ground and can be removed without the use of tools.

Projecting Sign - A sign other than a Wall Sign that is attached to or projects more than eighteen inches (18") from a building face or wall or from a structure whose primary purpose is other than the support of a sign. Refer also to Section 905 for visual reference example.

Pylon Sign – See Freestanding Sign.

Real Estate Sign - A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

Revolving Sign - A sign that has the capability to revolve three hundred and sixty degrees (360°) about an axis. See also: Animated Sign, Mechanically Activated.

Roof Line - The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

Roof Sign - A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. Refer also to Section 907 for visual reference example of roof signs, and comparison of differences between roof and fascia signs.

Scroll – A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

SI (International System of Units) – The modern metric system of measurement; abbreviated SI for the French term "Le Systeme International d'Unites."

Sign - Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any other flags displayed from flagpoles or staffs will not be considered to be signs.

Sign Copy – The physical sign message including any words, letters, numbers, pictures, and symbols.

Sign Structure - Any structure designed for the support of a sign.

Sign Area - The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty (50) percent of the sum of the area of all faces of the sign. See Section 906 for computational methodology for various sign area configurations.

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

Sign Face - The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure,

nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. Refer to Section 906 for sign face computational illustrations.

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

Site – The ground area legally designated as a zoning lot, which may be categorized as a permanent parcel (a lot of record), multiple lots of record, or a portion of a lot of record.

Special Event Sign – A temporary sign pertaining to any civic, patriotic, or special event of general public interest.

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

Trans-Illuminated Sign – See Internally Illuminated Sign.

Transition – A visual effect used on an Electronic Message Sign to change from one message to another.

Travel – A mode of message transition on an Electronic Message Sign in which the message appears to move horizontally across the display surface.

Under Canopy Sign or Under Marquee Sign - A sign attached to the underside of a canopy or marquee.

V Sign - A sign containing two faces of equal size, positioned at an interior angle subtending less than one hundred seventy-nine degrees (179°) at the point of juncture of the individual faces.

Wall or Fascia Sign - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. Refer also to Section 906 for visual reference examples, and comparison examples of differences between wall or fascia signs and roof signs.

Wayfinding Sign – A sign, frequently off-premise, specifically designed to provide directional or destination information. See also, Off-Premise Sign.

Window Sign - A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

905 **TYPICAL ON-PREMISE SIGN TYPES**

FREESTANDING SIGNS

usually perpendicular to viewer's line-of-sight. May be double or multi faced and contain thematic embellishment and integral covers or cladding to conceal structural supports.



PYLON



POLE WITH CLADDING



MULTI PANEL PYLON



POLE



MONUMENT

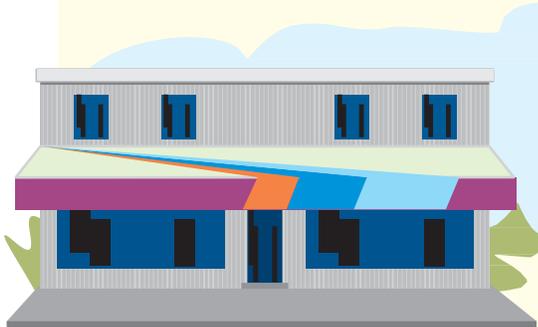


CANOPY



MONOLITH

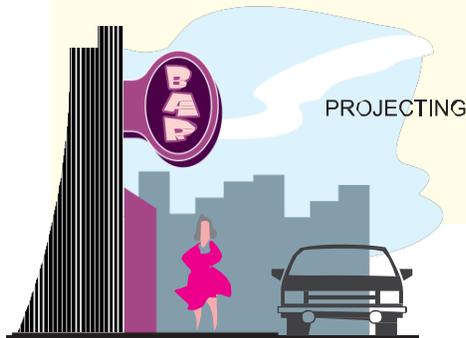
BUILDING SIGNS



AWNING



ROOF

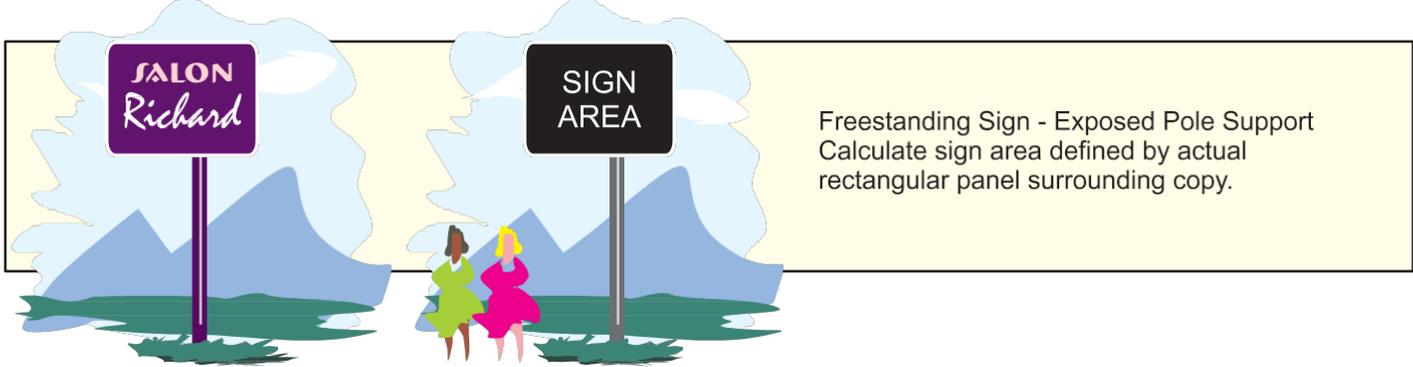


PROJECTING

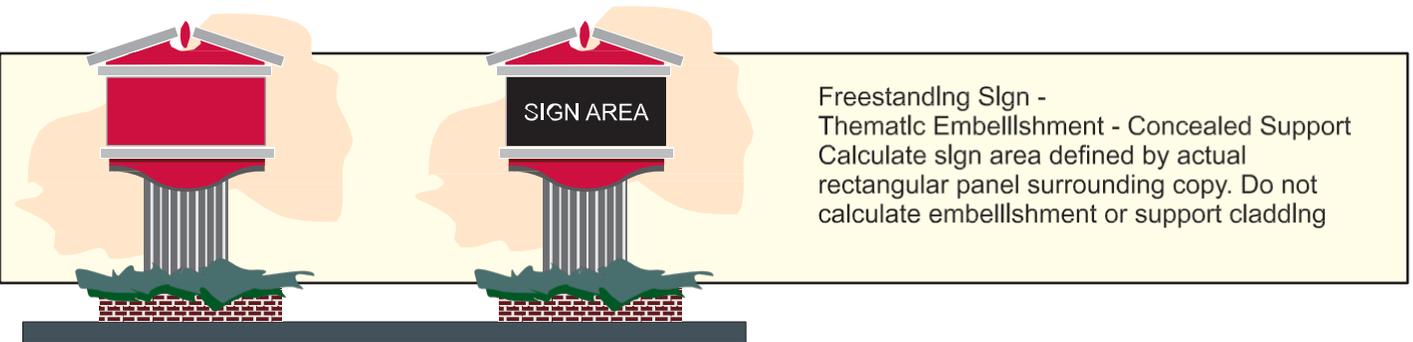
WALL / FASCIA



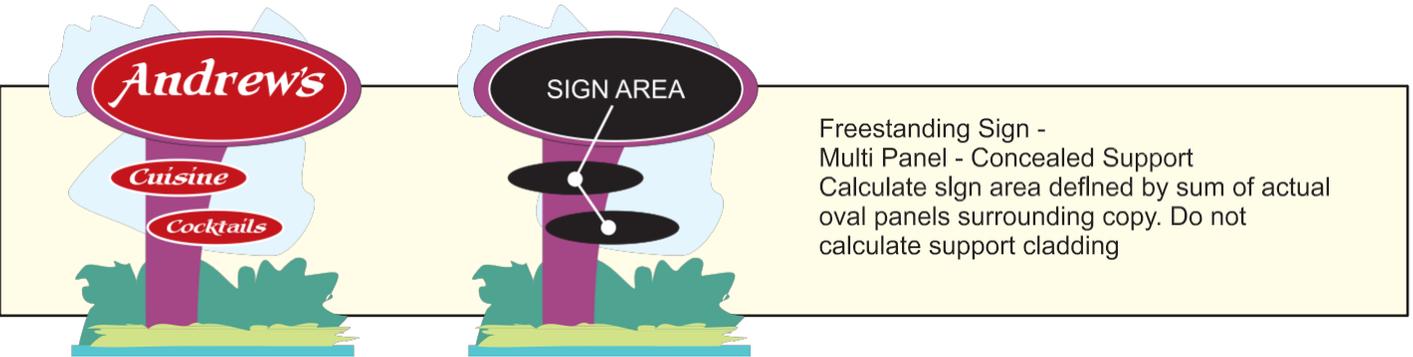
906 SIGN AREA - COMPUTATION METHODOLOGY



Freestanding Sign - Exposed Pole Support
Calculate sign area defined by actual rectangular panel surrounding copy.



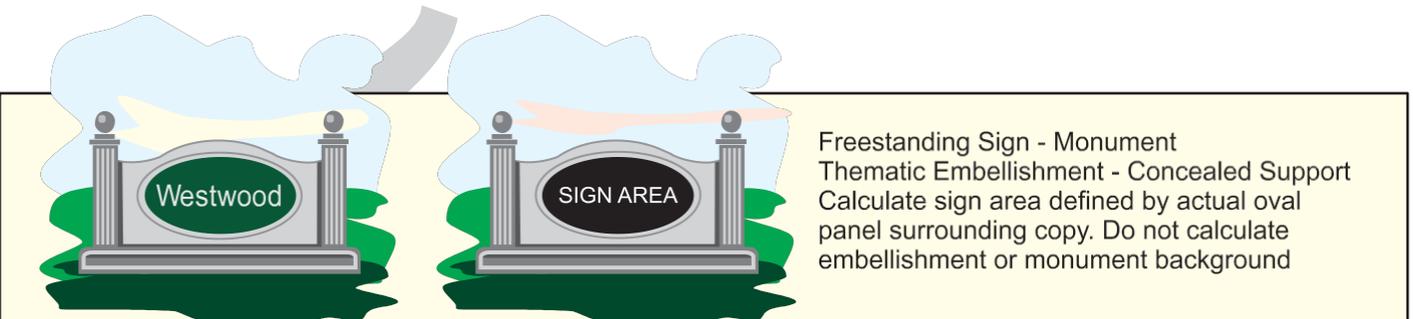
Freestanding Sign - Thematic Embellishment - Concealed Support
Calculate sign area defined by actual rectangular panel surrounding copy. Do not calculate embellishment or support cladding



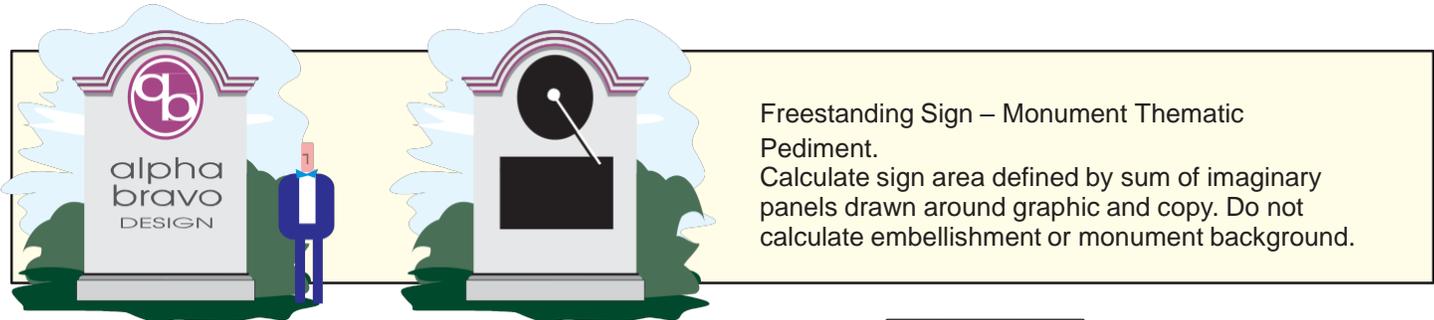
Freestanding Sign - Multi Panel - Concealed Support
Calculate sign area defined by sum of actual oval panels surrounding copy. Do not calculate support cladding



Freestanding Sign - Monument Thematic Embellishment - Concealed Support
Calculate sign area defined by imaginary panel drawn around copy. Do not calculate embellishment or monument background



Freestanding Sign - Monument Thematic Embellishment - Concealed Support
Calculate sign area defined by actual oval panel surrounding copy. Do not calculate embellishment or monument background

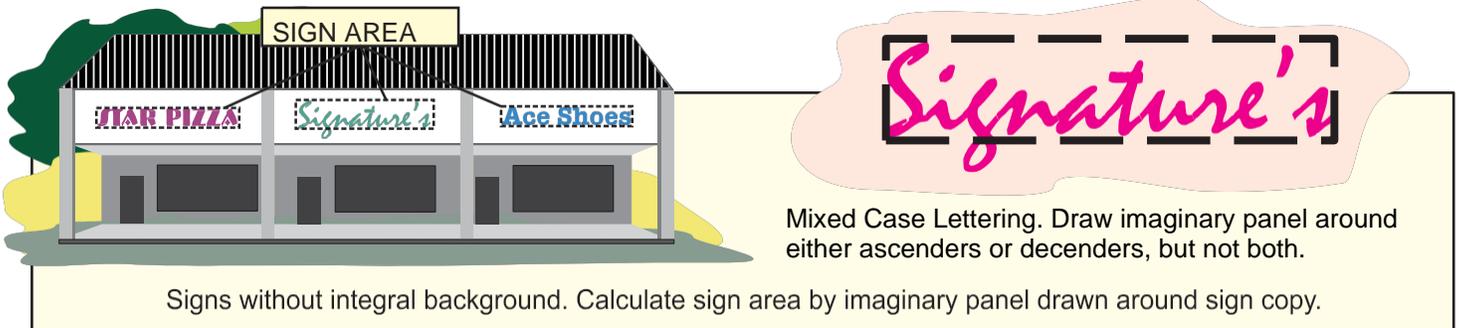


Freestanding Sign – Monument Thematic Pediment.
Calculate sign area defined by sum of imaginary panels drawn around graphic and copy. Do not calculate embellishment or monument background.



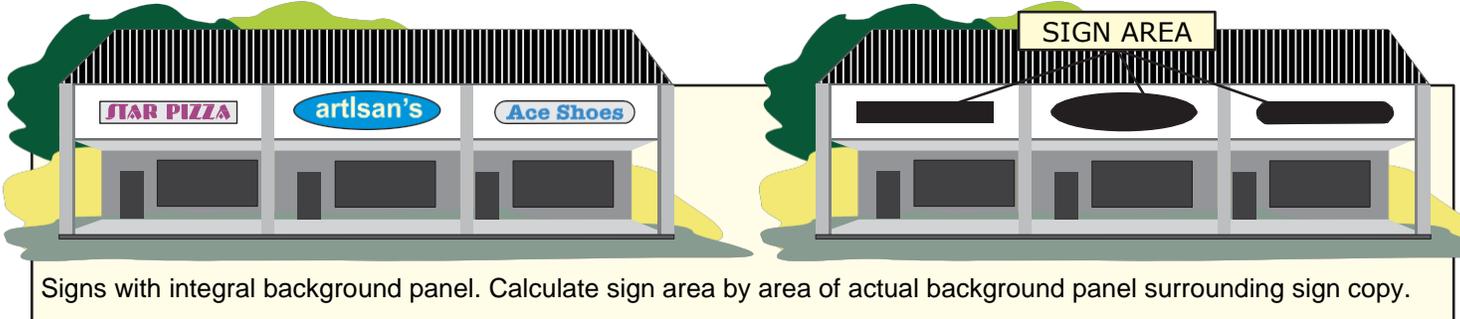
Freestanding Canopy Sign
Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics. Calculation similar for attached canopy and/or marquee.

Wall/Fascia Signs

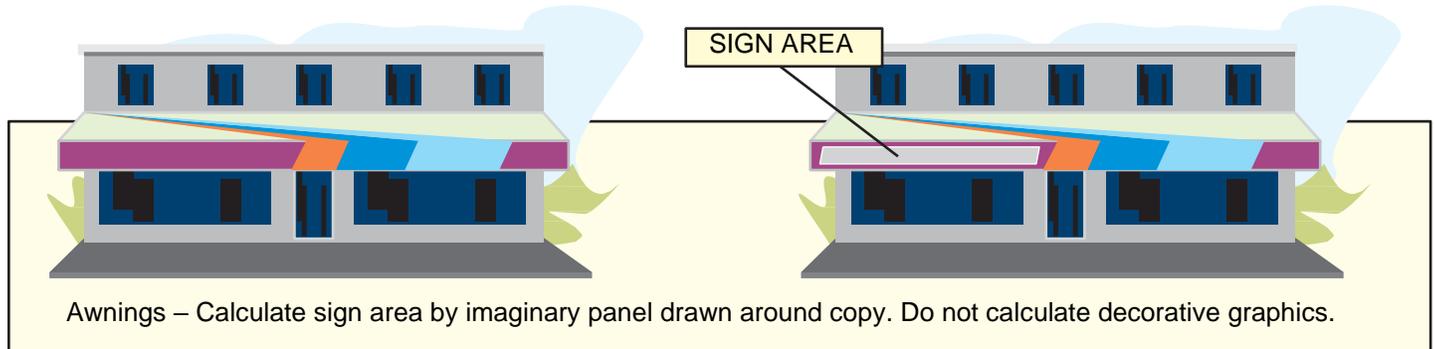


Mixed Case Lettering. Draw imaginary panel around either ascenders or decenders, but not both.

Signs without integral background. Calculate sign area by imaginary panel drawn around sign copy.



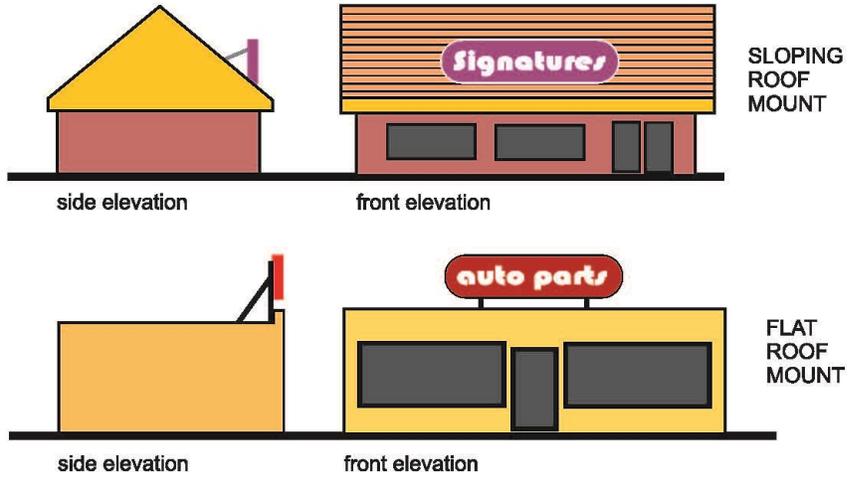
Signs with integral background panel. Calculate sign area by area of actual background panel surrounding sign copy.



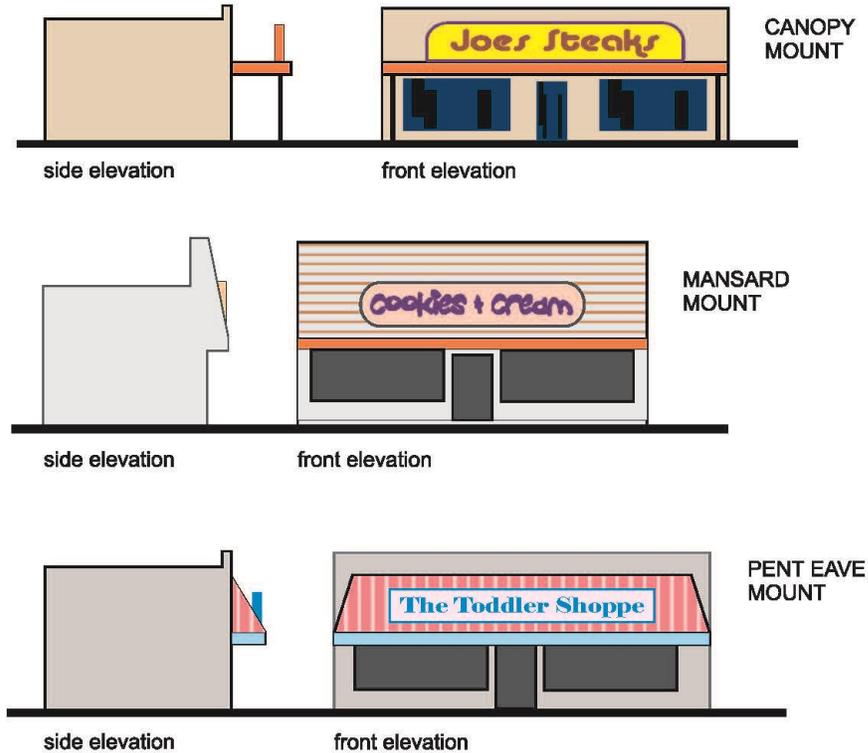
Awnings – Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics.

907 **COMPARISON: ROOF AND WALL SIGN DISTINCTIONS**

ROOF SIGNS



**Fascia Signs on Roof-Like Projections
NOT ROOF SIGNS**



908 EXEMPTIONS

The following are exempt from the regulations of this Article, but may be subject to other Ordinances enacted by Moscow Borough where applicable:

1. Signs that are not visible from a public roadway; however, these signs must comply with any building and construction codes enacted by Moscow Borough;
2. Signs inside a building.
3. Signs carved into a building or raised in integral relief on a building. Signs or letters that are raised must be a physical part of the building façade to qualify under this provision; they must be a part of the physical construction of the building materials comprising the façade; letters or signs that are merely attached to the exterior façade of the building do not qualify, even if the same finish or color.
4. Signs required by federal or state law.
5. Flags & individual pennants (not on a string);
6. Signs required by Moscow Borough or a municipal authority.
7. Painted and/or applied wall accents and decorations.
8. Illuminated building accents and decorations
9. Public Art, including Permitted Original Art Murals.
10. Name and Address – Up to two (2) signs indicating address, number and/or name of occupants of the premises, that do not exceed two (2) square feet in area per side, and do not include any commercial advertising or other identification.
11. Decals - Decals and/or logos affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.
12. Handicapped Parking Space - Signs not exceeding two (2) square feet in area reserving parking for handicapped individuals.
13. Private Drive Signs - On-premise private drive signs are limited to one (1) per driveway entrance, not exceeding two (2) square feet in area.
14. Public Signs - Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities and any signs erected by Moscow Borough.
15. Security and Warning Signs - On-premise signs regulating the use of the premises, such as “no trespassing”, “no hunting”, and “no soliciting” signs that do not exceed one (1) sign two (2) square feet in area in residential and conservation zone districts and one (1) sign five (5) square feet in area in commercial zone districts. These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law.

909 PROHIBITIONS

The following signs are prohibited:

1. Signs containing strobe lights.
2. Abandoned sign structures, as defined by this Article.
3. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by this Article. Prohibited is any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service, business, or other activity. This regulation shall permit the use of business logos, identification, or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
4. Signs that imitate or resemble official traffic lights, signs or signals, or signs that interfere with the effectiveness of any official traffic light, sign or signal.
5. Mechanically Moving Signs – An environmentally activated sign or other display with actual mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to pennant strings, streamers, spinners, propellers, and search lights.
6. Flashing Signs – See Definitions. For the purposes of this Article, a sign that has a change rate or dwell time of four (4) seconds or longer does not fit within the prohibition noted herein.
7. Inflatable Signs and Other Permanent Objects - Signs and other objects that are inflated, including, but not limited to, balloons. Balloons may be permitted in temporary non-commercial situations; for instance: they are permitted for special occasions at a residence.
8. Posters and Handbills - Any signs affixed to any structures, trees, or other natural vegetation, rocks or poles.
9. Roof Signs - Roof signs, except for those permitted by special exception in the C-2 regional commercial zone district. See Section 914 2. C.
10. Simulated Traffic Signs and Obstructions - Any sign that may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection or extend into the public right-of-way.
11. Signs Adversely Affecting Safety. Signs that prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a stand-pipe or fire escape.
12. Sign Emissions - No sign that emits smoke, visible vapors, particles, sound, or odor shall be permitted. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.
13. Mirrors. No mirror device shall be used as part of a sign.

910 GENERAL RULES FOR READING AND APPLYING ORDINANCE LANGUAGE

Where this Article is silent, or where the rules of this Article do not provide a basis for concluding that a sign is allowed, said sign is therefore prohibited.

911 SIGN FACE AREA

1. Sign cabinets. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet
2. Double sided signs. Only one (1) side of a double sided sign is counted in determining the area of sign faces. Where the two (2) sides are not of equal size, the larger of the two (2) sides is used for the determination of sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than ninety-one degrees (91°) shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double- faced signs.
3. Round, Oval & Irregularly Shaped Signs. To be measured based on the appropriate mathematical formula to obtain the sign area for a circle, an oval or irregularly shaped sign.
4. Calculating Sign Area
 - A. Signs containing integral background areas: The area of a sign containing a clearly defined background area shall be calculated based on the area of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.
 - B. Signs without integral background areas: In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.
5. Awnings and marquees. When graphics or sign copy is incorporated into an awning, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.

912 HEIGHT OF SIGNS

1. The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.

2. Exception: Where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure. See Figure A.

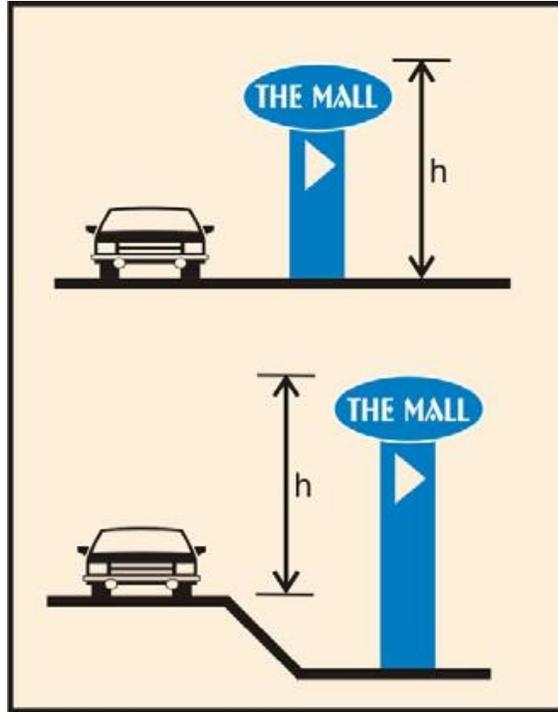


FIGURE A.

913 STANDARDS IN RESIDENTIAL AND CONSERVATION ZONE DISTRICTS

1. General standards: standards for permanent on-premise signs in Residential (R-) and Conservation (S-) Zone Districts are described below and on Table 1 of this Article.
2. Residential properties – all single family residential properties that are located in Residential and Conservation Zoning Districts are permitted signs not to exceed eight (8) square feet in total sign area per road frontage. Corner lots and lots with frontage on more than one street are entitled to eight (8) square feet per frontage. This sign area allowance covers but is not limited to: address signs, minimal impact home-based business signs, lawn signs, real estate signs, contractor signs, and political signs. Signs may be freestanding, mounted to a permanent building structure or displayed in a window. Trees, rocks or other naturally occurring landscape features may not be used to support a residential sign.
3. Subdivisions, apartment, multi-family dwellings, and condominium complexes are permitted a freestanding sign not to exceed sixty-four (64) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the subdivision, apartment, or condominium complex and/or for each means of entrance to or exit from the subdivision, apartment, or condominium complex. Wall signs are also permitted not to exceed five percent (5%) of the area of the façade upon which they are placed.

4. For properties located in a Residential Zone as described in subsection 3. above, other directional, incidental and/or accessory signs are also permitted, to be located within the subdivision, complex or multi-family residential development. Such directional, incidental and/or accessory signs shall not exceed six (6) square feet in sign area and eight (8) feet in height (if freestanding).
5. Other permitted non-residential uses in Residential and Conservation Zones are permitted a freestanding sign not to exceed forty-eight (48) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the permitted use, and for each means of entrance to or exit from the permitted use. Wall signs are also permitted not to exceed five percent (5%) of the area of the façade upon which they are placed.
6. Electronic Message Centers: EMC's are allowed, by Special Exception only, on properties with permitted non-residential uses in Residential and Conservation Zones. They are prohibited on residential properties and on subdivision, apartment, multi-family dwellings and condominium properties.
7. Animated signs: as defined by this Article, animated signs are prohibited in Residential and Conservation Zones.
8. Roof Signs: as defined by this Article, Roof signs are prohibited in Residential and Conservation Zones.

TABLE 1 – SIGNS IN RESIDENTIAL AND CONSERVATION ZONES

	TYPES OF SIGNS ALLOWED	NUMBER OF SIGNS ALLOWED	PERMITTED SIGN AREA	MAXIMUM HEIGHT (IF APPLICABLE)
RESIDENTIAL PROPERTIES INCLUDING SINGLE FAMILY DETACHED, SEMI-DETACHED, TOWN HOMES	FREESTANDING OR WALL	ANY NUMBER SO LONG AS THE TOTAL SF OF ALL SIGNS DOES NOT EXCEED 8 SF PER FRONTAGE	8 SF	6'-0"
RESIDENTIAL SUBDIVISIONS, APARTMENT COMPLEXES, MULTI-FAMILY DWELLINGS, CONDOMINIUMS	FREESTANDING	ONE PER FRONTAGE	64 SF	15'-0"
	WALL	ONE PER FACADE	5% OF FACADE	-----
	INCIDENTAL OR DIRECTIONAL	UNLIMITED	6 SF	8'-0"
PERMITTED NON-RESIDENTIAL USES IN RESIDENTIAL ZONES	FREESTANDING	ONE PER FRONTAGE	48 SF	15'-0"
	WALL	ONE PER FACADE	5% OF FACADE	-----
	INCIDENTAL OR DIRECTIONAL	UNLIMITED	6 SF	8'-0"
	ELECTRONIC MESSAGE CENTERS ARE ALLOWED BY SPECIAL EXCEPTION ON PROPERTIES WHERE PERMITTED NON-RESIDENTIAL USES IN A RESIDENTIAL ZONE ARE LOCATED			

914 STANDARDS IN COMMERCIAL ZONE DISTRICTS

General standards and sign features: The standards for permanent signs in Commercial Zones (C-) are as follows. All such signs must conform to the regulations of this Section.

1. Any signs permitted in Residential and Conservation Zones are permitted in Commercial Zones.
2. Signs on Commercial, Industrial, and other Non-Residential properties as regulated by reference to types noted below.

A. Freestanding Signs:

- (1). Freestanding signs shall be limited to one (1) per property held in single and separate ownership except for a property that has frontage on more than one (1) street, in which case one (1) such sign shall be permitted for each separate street frontage. If a property has frontage that exceeds three hundred (300) lineal feet on any given roadway, one (1) additional such sign on such frontage shall be permitted; and for each multiple of three hundred (300) lineal feet of frontage thereafter, one (1) additional such sign shall be permitted for each separate street frontage.

Unless otherwise regulated by specific reference herein, the area and height above grade of any freestanding sign shall not exceed the amounts specified in Table 2 below.

- (2). In the case of a property designated as a shopping center or planned industrial park, additional freestanding signs shall be permitted for each vehicular entrance to the property. Permitted sign area for these additional freestanding signs shall be sixty percent (60%) of the sign area permitted by Table 2 for Signs in Commercial Zones. Sign height shall be in conformance with Table 2.

TABLE 2 – FREESTANDING SIGNS IN COMMERCIAL ZONES				
Values indicated are maximum limits on sign size and height				
A = Sign Area in Square Feet/H = Sign Height in Lineal Feet				
Zoning District →	Local Commercial (C-1)		Regional Commercial (C-2)	
Speed Limit ↓	A	H	A	H
25 mph	24	14	24	18
35 mph	32	18	32	22
45 mph			50	26

B. Building Signs:

- (1). Building signs include wall or fascia signs, roof signs, and signs otherwise permanently applied to walls or other building surfaces.
- (2). The total area of all parallel wall signs applied to any given facade shall not exceed the area computed as a percentage of the building facade in elevation

view, including window and door areas and cornices to which they are affixed or applied in accordance with Table 3 for Parallel Signs in Commercial zones.

- (3). In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premises shall apply with respect to each building, separate store, separate storefront, or separate use. Only wall signs shall be permitted for individual establishments in a Shopping Center or on a property with more than one use, entity or business (multi-use or multi-tenant properties; these properties may also have one (1) freestanding sign per street frontage).

Table 3 - Parallel Signs	
Distance of sign from road	Percentage of building elevation facade permitted for sign area
0 to 100 feet	Fifteen (15%)
101 to 300 feet	Twenty (20%)
Over 301 feet	Twenty-Five (25%)

C. Roof Signs, Special Exceptions

- (1). Roof signs are permitted by Special Exception in the C-2 Regional Commercial Zone and are in lieu of a building or wall sign. For permitted roof sign area, see Table 3 above for parallel signs. The height of any roof sign above the highest architectural point of the building to which it is mounted shall not exceed twenty-five percent (25%) of the vertical dimension of the building facade parallel to the sign. Measurements shall be computed from the highest building point to the top of the sign.
- (2). The area calculation for any roof sign whose orientation on a roof may be other than parallel to an individual building facade shall be computed with reference to the building facade that most closely parallels the orientation of such sign.

D. Canopy Signs (Also Marquee Signs and Signs on Architectural Projections), Special Exceptions

- (1). Canopy Signs, Marquee Signs and Signs on Architectural Projections are signs that are mounted to either structures that project off the face of the building more than eighteen (18) inches or signs that are mounted to a freestanding structure not attached to a building that creates a canopy or covering over an area below.
- (2). Signs affixed or applied in an essentially flat plane to the face of a building or freestanding canopy, marquee, or architectural projection provided that the

copy area of any such sign, as defined herein, does not exceed an area equal to forty percent (40%) of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied, or fifteen percent (15%) of the building façade to which it is attached, whichever is greater.

- (3). Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee, or architectural projection without restriction, and the area of any such graphic treatment shall not be calculated as a component of permitted copy area.

E. Awning Signs

- (1). Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are permitted provided that the copy area of any such sign copy or graphic, as defined herein, does not exceed an area in accordance with Table 3 for parallel signs, to which the awning is attached.
- (2). Graphic treatment and/or embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awning or backlit awning without restriction, and the area of any such graphic treatment and/or embellishment shall not be calculated as a component of permitted copy area.

F. Projecting Signs: permitted in C-1 Local Commercial zone only

- (1). Projecting signs shall be limited to one (1) per building facade on which any such sign is mounted except for a use that fronts on more than one (1) street, in which case, one (1) such sign shall be permitted per facade for each separate street frontage.
- (2). The area of any projecting sign shall not exceed twenty-four (24) square feet.
- (3). No projecting sign shall extend in a vertical dimension above the highest architectural point of the facade to which it is mounted in excess of twenty-five (25) percent of the vertical dimension of the facade itself.
- (4). Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds (2/3) of the width of the sidewalk.
- (5). Projecting signs shall not be permitted in addition to any permitted freestanding signs on any given property frontage.

915 ADDITIONAL STANDARDS IN ALL ZONE DISTRICTS

1. These regulations apply to all signs regulated by this Article.
2. All signs and sign structures must be erected and attached totally on or within the site or property to which they refer, behind any applicable legal right of way.
3. Signs extending into the right-of-way. Exceptions:

- A. Projecting signs: in the Central Business District Overlay Zone, projecting over a public sidewalk.
 - B. A-frame signs. A-frame signs may be used in the Central Business District Overlay Zone if they meet the following standards:
 - (1). The sign is entirely outside the street or roadway;
 - (2). The sign is no larger than ten (10) square feet;
 - (3). The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:
 - i. designated disabled parking spaces;
 - ii. disabled access ramps; or
 - iii. building exits, including fire escapes.
4. Removal of Signs. The Moscow Borough Engineer may require signs extending into the right-of-way to be modified or moved if streets are widened, or other improvements made in the right-of-way, that result in the creation of unsafe conditions. The modification or moving will be at the owner's expense. If a nonconforming sign is moved under this requirement, it may be re-erected on the site without being brought into conformance.
5. Freestanding signs may not extend into the right-of-way.
6. Fascia or Wall Signs
- A. Fascia or wall signs may not extend above the top of the building wall upon which they are mounted.
 - B. Fascia or wall signs may not extend out from the wall or structure to which they are attached.
7. Pitched Roof Signs
- A. Vertical extensions: A pitched roof sign may not extend above the roofline.
 - B. Placement and angle. Pitched roof signs must be parallel to the building face. They may not extend beyond the building wall. See illustrations in Section 907.
 - C. Support structures: Support structures must be designed so that there is no visible support structure above the sign.
8. Projecting signs are not allowed on rooftops or on pitched roofs. Projecting signs may not extend over a right-of-way unless they are located in the Central Business District Overlay Zone.
9. Directional Signs
- A. General standards: Directional signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent signage allowed on any property or site.

- B. Size: Freestanding directional signs may be up to six (6) square feet in area and ninety-six inches (96") in height. Fascia directional signs may be up to sixteen (16) square feet in area.
- C. Directional signs in any zone may have internal or external illumination.

10. Permanent Banners

- A. General: Banners used as permanent signs are allowed in Commercial Zones and will be included in the total square footage of permanent signage allowed on the site. Temporary banners are regulated under Subsection C., below.
- B. Standards: Permanent banners are subject to the standards for either fascia signs or projecting signs depending on how the banner is supported or anchored.

11. Temporary Signs

- A. Signs that meet the standards of this subsection are exempt from the standards for permanent signs and are not counted in the total square footage of signage allowed on any particular property or site. Signs that do not meet the standards of this subsection are subject to the standards for permanent signs.
- B. Temporary signs may have external or internal illumination.
- C. Temporary banners: Temporary banners are subject to the following regulations:
 - (1). In all Residential and Conservation Zones, temporary banners are not permitted on residential properties. Exception: banners for holidays, religious commemoration, and special family events.
 - (2). In Commercial Zones, one banner no larger than thirty-two (32) square feet in size is permitted per property or, on a multi-use property, per storefront. Only one (1) of these banners may be hung on each building wall or on each separate structure. Any additional banners, or banners larger than thirty-two (32) square feet in size, must meet the following standards for permanent signs in this Article.
 - iii. A temporary banner may be displayed no longer than ninety (90) days per calendar year.
 - iv. Banners that do not meet the regulations of this subsection must meet the standards for permanent signs.
- D. Temporary Wall or Fascia Signs. One (1) temporary wall sign is allowed per street frontage in Commercial Zones. Temporary wall signs may be up to twenty-four (24) square feet in area. Temporary wall signs may not extend above roof lines. Extensions into the right-of-way are prohibited. A temporary wall sign may be displayed no longer than ninety (90) days per calendar year.
- E. Temporary Portable Signs. One (1) temporary freestanding portable sign is allowed per property in Commercial Zones and is not counted in the total square footage of permanent signage allowed on the site. Temporary freestanding portable signs may

be up to twenty-four (24) square feet in area. Extensions into the right-of-way are prohibited. A temporary freestanding portable sign may be displayed no longer than ninety (90) days per calendar year.

916 ELECTRONIC MESSAGE CENTERS

1. In Commercial Zones, Electronic Message Centers (EMCs) are permitted in accordance with the sign areas noted in Table 2 or Table 3, respectively.
2. Additional general EMC regulations:
 - A. An EMC sign may be a portion of a building sign or freestanding sign, or may comprise the entire sign area.
 - B. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with Section 917 of this Article, "Sign Illumination Standards".
3. EMC regulations by Zone
 - A. In Residential and Conservation Zones, EMC signs are permitted only in certain circumstances by Special Exception in accordance with Section 913 6. of this Article. They are otherwise prohibited in Residential Zones.
 - B. In Residential and Conservation Zones, where permitted, EMC signs shall have a minimum display time of twelve (12) seconds. The transition time between messages and/or message frames is limited to one (1) second.
 - C. In Residential and Conservation Zones, where permitted, the following EMC display features and functions are prohibited: scrolling, traveling, flashing, spinning, rotating, fade, dissolve, any other moving effects, and all dynamic frame effects or patterns of illusionary movement or simulated movement.
 - (D. In Commercial Zones, all EMC display features and functions are permitted, with the exception of (a) flashing, which is prohibited, and (b) full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC. Full motion video as described shall be permitted by special exception only.

917 SIGN ILLUMINATION STANDARDS

Signs may be illuminated consistent with the following standards:

1. A sign in any district may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m² or Nits, regardless of the method of illumination.
2. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded.
3. All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce,

for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

4. On-premise signs do not constitute a form of outdoor lighting at night, and are exempt from any other outdoor lighting regulations that Moscow Borough has adopted, or will adopt in the future.

918 NON-CONFORMING SIGNS

1. Nonconforming permanent signs may continue to exist after passage of this Ordinance.
2. Permanent signs and sign structures that are moved, removed, replaced, or structurally altered must be brought into conformance with the sign regulations. However, nonconforming signs required to be moved because of public right-of-way improvements may be re-established. Removable faces or sign panel inserts in a cabinet style sign may also be changed by right, and such change does not constitute a structural alteration nor trigger loss of nonconforming status.
3. Nonconforming temporary signs must be removed within two (2) months of the passage of this Ordinance.
4. The status of a nonconforming sign is not affected by changes in ownership.
5. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.
6. Loss of nonconforming sign status.
 - A. Discontinuance. See definition of Abandoned Sign.
 - B. Destruction. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards. However:
 - (1). Repair and maintenance. A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair.
 - (2). Unintentional destruction. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign and sign structure may be rebuilt to the same size and height using the same materials.

919 ELECTRICAL REGULATIONS APPLYING TO ALL PERMANENT AND TEMPORARY ON-PREMISE SIGNS

1. All on-premise electric signs, outline lighting systems and skeleton neon lighting systems shall be manufactured and installed in compliance with NFPA 70, the National Electric Code (NEC).
2. The Listing label number for all signs shall be provided on the Sign Permit Application, or, if the sign has not been manufactured yet, through Nationally Recognized Testing Laboratory

(NRTL) validation: A NRTL file number from the sign manufacturer shall be provided for all electric signs on the Sign Permit Application.

3. The Zoning Officer shall have the authority to immediately remove any sign that is not in conformance with this section, or to have said sign removed, at the owner's expense.

920 CONSTRUCTION AND STRUCTURAL REQUIREMENTS

1. Structural Standards

- A. Signs, sign structures, sign foundations and methods to attach and anchor signs must be designed and constructed in accordance with applicable provisions of the Building Code adopted by Moscow Borough. All signs and their foundations and attachments must be designed for the appropriate dead, wind, and snow loads for the geographic area in question.
- B. The supports and foundations used in construction for all signs and sign structures must be located outside of any rights-of-way.
- C. Welds of sign structures & sections of sign structures must be welded in accordance with the Building Code.

2. Engineering Standards

- A. Signs, sign structures, sign foundations and anchorages to a building must be individually designed in accordance with the Building Code and the provisions of this Article.
- B. When the Building Code of Moscow Borough, or any Building Code enacted after passage of this Ordinance, calls for sealed sign design construction plans to be submitted as a part of any sign permit application, this requirement is not compulsory as it relates to on-premise signs regulated under this Article.

The instances when sealed plans by a licensed engineer are required and when they are not required will be determined by specific criteria and procedures established by Moscow Borough and administered by the Building Code Official on a case-by-case basis.

3. Clearances

- A. Vision clearance areas: Vision clearance areas are triangular-shaped areas located at the intersection of any combination of rights-of-way, alleys or driveways. The sides of the triangle extend thirty (30) feet from the intersection of the right-of-way, alley or driveway in either/each direction. No sign may be installed within this clear sight triangle.
- B. Vehicle area clearances: In areas outside of rights-of-way, when a sign or awning extends over an area in which vehicles travel or are parked, the bottom of the structure must be at least fourteen feet (14') above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.

- C. Pedestrian area clearances. When a sign or awning extends more than twelve inches (12") over a sidewalk, walkway, or other space used by pedestrians, the bottom of the structure must be at least eight feet (8') above the ground.
- D. Clearances from fire escapes, means of egress or standpipes. Signs, sign structures and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress or standpipe. Attaching signs, sign structures or awnings to a fire escape is prohibited.
- E. Obstruction of windows and ventilation. Signs, sign structures, and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation or exhaust are reduced to a level below that required by either the Building Code, Plumbing Regulations, Heating and Ventilating Regulations or Housing and Maintenance Regulations.

921 MAINTENANCE REQUIREMENTS

- 1. Signs, sign structures and awnings, together with their supports, braces, guys, anchors and electrical components must be maintained in a proper state of repair. The Zoning Officer may order the removal of any sign, sign structure, or awning that is not maintained in accordance to this Article.
- 2. Dangerous Structures and Equipment
 - A. Signs, sign structures, or awnings that are dangerous must be taken down and removed or made safe as the Zoning Officer or Building Official deems necessary. Signs may be deemed dangerous for one or more of the following reasons:
 - (1). Whenever a sign structure or its foundation, a sign's attachments to a building, or a building to which a sign is attached is damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability is materially less than it was before the catastrophe and is less than the minimum requirements of the Building Code;
 - (2). Whenever any portion or member of a sign, sign structure, or awning is likely to fail, or become detached or dislodged, or to collapse and thereby injure persons or property;
 - (3). Whenever any portion or member of a sign, sign structure or awning is likely to partially or completely collapse as a result of any cause, including, dilapidation, deterioration, or decay; faulty construction or wiring; or removal, movement or instability of any portion of the ground or building necessary for supporting such structure;
 - (4). Whenever a sign, sign structure, or awning is structurally or electrically unsafe or otherwise hazardous to human life or safety by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment;
 - B. All signs, sign structures and awnings determined after inspection by the Zoning Officer to be dangerous must be abated by repair, rehabilitation, demolition or removal.

922 PERMITS

1. Unless specifically exempted, a permit must be obtained from the Zoning Officer for the erection and maintenance of all signs erected or maintained in the municipality. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this ordinance.
2. Before any permit is granted for the erection of a sign or sign structure requiring such permit, plans and specifications shall be filed with the Zoning Officer showing the dimensions, materials, and required details of construction including loads, stresses, anchorage, and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.
3. No new sign shall hereafter be erected, constructed, or maintained except as herein provided and until after a permit, if required, has been issued by the Zoning Officer.
4. No sign shall be enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, display and/or graphic matter, or the content of any sign or sign structure shall not be deemed an alteration.
5. Permit fees to erect, alter, or relocate a sign shall be in accordance with a fee schedule adopted by the municipality.

ARTICLE IX-A

MEDICAL MARIJUANA FACILITIES

901-A PURPOSE

The purpose of this article is to establish a process and standards for the establishment, construction, and operations of medical marijuana facilities, pursuant to the Pennsylvania “Medical Marijuana Act” (PA Act 16, 2016) to allow for the integration of an allowed industry while providing for the protection of the public’s health, safety, morals, and general welfare.

902-A DISTRICT REGULATIONS

- A. Academic Clinical Research Centers are permitted in the C-2 zone district with consideration for the applicable performance standards found in this Article IX-A.
- B. Medical Marijuana Grower/Processors are permitted in the C-2 zone district with consideration for the applicable performance standards found in this Article IX-A.
- C. Medical Marijuana Transport Vehicle Offices are permitted in the C-2 zone district, with consideration for the applicable performance standards found in this Article IX-A.
- D. Medical Marijuana Dispensaries are permitted in the C-1 and C-2 zone districts, with consideration for the applicable performance standards found in this Article IX-A.

903-A DEFINITIONS

- A. **Academic Clinical Research Center** – An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.
- B. **Caregiver** - The individual designated by a patient to deliver medical marijuana.
- C. **Certified Medical Use** – The acquisition, possession, use, or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth.
- D. **Clinical Registrant** - An entity that:
 - 1. Holds a permit both as a grower/processor and a dispensary; and
 - 2. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.
- E. **Dispensary** - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

- F. **Form of Medical Marijuana** - The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.
- G. **Grower/Processor** - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.
- H. **Identification Card** - A document issued by the DOH that permits access to medical marijuana.
- I. **Medical Marijuana** - Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.
- J. **Medical Marijuana Organization or Facility** - A dispensary or a grower/processor of marijuana for medical purposes.
- K. **Medical Marijuana Delivery Vehicle Office** - Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.
- L. **Registry** - The registry by the DOH for all medical marijuana organizations and practitioners.

904-A USE REGULATIONS

- A. **ACADEMIC CLINICAL RESEARCH CENTERS**
 - 1. Parking requirements will following the parking schedule found in Article X of this Ordinance as listed for trade and technical schools.
 - 2. An academic clinical research center may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, manufactured home, recreational vehicle or other motor vehicle.
 - 3. All external lighting serving an academic clinical research center must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties as established in Article XIII.
 - 4. A ten-foot-wide (10') evergreen buffer strip shall be provided and maintained along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').
- B. **MEDICAL MARIJUANA GROWER/PROCESSOR**
 - 1. A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems,

electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

2. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.
3. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.
4. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.
5. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
6. Growers/processors may not locate within 1,000 feet of the property line of a public or private school or child day-care center.
7. All external lighting serving a medical marijuana grower/processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties as regulated in Article XIII of this Ordinance.
8. Parking requirements shall follow the parking schedule found in Article X for Light Industry land-uses.
9. A ten-foot-wide (10') evergreen buffer strip shall be provided and maintained along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').
10. Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.
 - a. All accesses must secure the appropriate highway occupancy permit (State, County or Borough).
11. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

C. MEDICAL MARIJUANA TRANSPORT VEHICLE SERVICE

1. A traffic impact study is required where the office is operated.
2. Parking requirements will follow the parking schedule found in Article X of this Ordinance for transit-related businesses.

3. All external lighting serving a medical marijuana transport vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties as regulated in Article XIII of this Ordinance.
4. A ten-foot-wide (10') evergreen buffer strip shall be provided and maintained along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').
5. Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to service the facility.
 - a. All accesses must secure the appropriate highway occupancy permit (State, County or Borough).
6. If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.
7. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

D. MEDICAL MARIJUANA DISPENSARY

1. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the DOH.
2. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
3. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
4. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
5. Permitted hours of operation of a dispensary shall be 8 am to 8 pm of the same calendar day.
6. A medical marijuana dispensary shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.
7. A medical marijuana dispensary shall:
 - a. Not have a drive-through service;

- b. Not have outdoor seating areas;
 - c. Not have outdoor vending machines;
 - d. Prohibit the administering of, or the consumption of medical marijuana on the premises; and
 - e. Not offer direct or home delivery service.
8. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
9. A medical marijuana dispensary may not be located within 1,000 feet of the property line of a public or private school or a child day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
10. A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the grower/processor or academic clinical research centers and the specific dispensary they serve, or with which they partner.
11. Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care center.
12. All external lighting serving a medical marijuana dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties as regulated in Article XIII of this Ordinance.
13. Parking requirements will follow the parking schedule found in Article X of this Ordinance for medical clinics.
14. All external lighting serving a medical marijuana transport vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties as regulated in Article XIII of this Ordinance.
15. A ten-foot-wide (10') evergreen buffer strip shall be provided and maintained along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').
16. Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to service the facility.
- a. All accesses must secure the appropriate highway occupancy permit (State, County or Borough).

17. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

ARTICLE IX-B

OIL AND GAS EXPLORATION, EXTRACTION, AND DEVELOPMENT

901-B PURPOSE

The purpose of this article is to provide for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the Borough's residents. Oil and gas exploration, drilling and extraction operations involve activities that are economically important and will impact the Borough. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative, and that minimizes the potential impact on the residents of the Borough.

902-B DEFINITIONS

Applicant - Any person, owner, operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas.

Building - An occupied structure with walls and roof with which persons live or customarily work. The term shall not include a barn, shed or other storage building.

Collector Street - A public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets. For the purposes of this Article IX-B, all state- and county-owned roads are considered collector streets.

Department - The Pennsylvania Department of Environmental Protection (PA DEP).

Derrick - Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

Drilling Pad - The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

Fracking - The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

Local Street - A public street or road designed to provide access to abutting lots and to discourage through traffic.

Oil and Gas - Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

Oil and Gas Development or Development - The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

Oil or Gas Well - A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

Oil or Gas Well Site - The location of facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

Operator - The person designated as the well operator on the permit application or well registration.

Owner - A person, who owns, manages, leases, controls or possesses an oil or gas well.

Natural Gas Compressor Station - A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

Natural Gas Processing Plant - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

Storage Well - A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

903-B ZONING CLASSIFICATIONS

Subject to the provisions of this ordinance:

- A. An oil or gas well site that would be placed more than five hundred feet (500') from all property lines of the property where the oil or gas well is sited is permitted within the C-2 Zoning District as a Conditional Use.
- B. Oil and gas well sites are prohibited within all other Zoning Districts.
- C. A natural gas compressor station or a natural gas processing plant or any similar facilities performing the equivalent functions that would be located more than one thousand feet (1000') from all property lines of the property where the natural gas compressor station or the natural gas processing plant or similar facility is located is permitted within the C-2 Zoning District as a Conditional Use.
- D. Natural gas compressor stations or natural gas processing plants or any similar facilities performing the equivalent functions are prohibited within all other Zoning Districts.

904-B APPLICABILITY

- A. This Article IX-B applies to all oil and gas well sites, natural gas compressor stations, and natural gas processing plants that will be permitted or constructed after the effective date of this ordinance.

- B. Oil and gas well sites, natural gas compressor stations, and natural gas processing plants that were permitted or constructed prior to the adoption of this ordinance shall not be required to meet the requirements of this ordinance; provided that any modification to an existing or permitted oil or gas well site that occurs after the effective date of this ordinance and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any physical modifications to an existing natural gas compressor station or natural gas processing plant shall require compliance with and a permit under this ordinance.
- C. Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. Moscow Borough acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

905-B PERMIT REQUIREMENT

- A. No oil or gas well site, natural gas compressor station, or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station, or natural gas processing plant shall be constructed or located within Moscow Borough unless a zoning permit has been issued by the Borough to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of natural gas compressor stations or natural gas processing plants.
- B. The zoning permit application, or amended zoning permit application, shall be accompanied by a fee as established by resolution in the Borough’s schedule of fees.
- C. Any modification to an existing and permitted oil or gas well site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing natural gas compressor station or natural gas processing plant shall require a modification of the zoning permit under this ordinance. Like-kind replacements shall not require a zoning permit modification.

906-B PRE-APPLICATION CONFERENCES

A. *Purpose*

Before submitting an application, the applicant is strongly encouraged to meet with Borough officials to determine the requirements of and the procedural steps and timing of the application. The intent of this process is for the applicant to obtain necessary information and guidance from the Borough before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.

B. *Process*

A pre-application conference is voluntary on the part of the applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conferences are intended for the benefit of the applicant in order to address the required permit submittals and are advisory only, and shall not bind the Borough to approve any application for a permit or to act within any time limit relative to the date of such conference.

907-B PERMIT APPLICATION AND REQUEST FOR HEARING

- A. The applicant shall provide to the Borough a request for a Conditional Use Hearing, applicable fees, and a permit application with the following:
1. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, and the location, and number and description of equipment and structures to the extent known.
 2. A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.
 3. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the Borough for information of Emergency Responders.
 4. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Borough and all Emergency Responders. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Borough and all Emergency Providers.
 5. A location map of the oil or gas well site showing the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to allow the normal flow of traffic on public streets and shall be undisturbed.
 6. A location map of the natural gas compressor station or natural gas processing plant including any equipment and structures and all permanent improvements to the site.
 7. A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.
 8. A certification or evidence satisfactory to the Borough that, prior to the commencement of any activity at the oil or gas well site, the applicant shall have accepted and complied with any applicable bonding and permitting requirements; and shall have entered into a Borough roadway maintenance and repair agreement with the Borough, in a form acceptable to the Borough solicitor, regarding the maintenance and repair of the Borough streets that are to be used by vehicles for site construction, drilling activities and site operations.
 9. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Borough streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.

10. Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Borough and all Emergency Responders.
11. A statement that the applicant, upon changes occurring to the operation's Preparedness, Prevention and Contingency Plan, will provide to the Borough and all Emergency Responders the dated revised copy of the Preparedness, Prevention and Contingency Plan while drilling activities are taking place at the oil or gas well site.
12. Assurance that, at least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this section.
13. A copy of the documents submitted to the department (PA DEP), or if no document has been submitted to the department (PA DEP), a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
14. A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance to environmental requirements.
15. A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.

908-B DESIGN AND INSTALLATION

A. *Access*

1. No oil or gas well site shall have access solely through a local street. Access to the oil or gas well site shall be from a collector street.
2. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.

B. *Structure Height*

1. Permanent structures associated with an oil and gas site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.
2. Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.
3. There shall be an exemption to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well.
 - a. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well.

- b. Provided further the time period of such drilling and exemption shall not exceed six (6) months.
- c. The operator shall give the Borough prior written notice of the beginning date for its exercise of the exemption.

C. *Setbacks*

- 1. Drilling rigs shall be located a minimum setback distance of 2.5 times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.
- 2. The drilling pad for the oil or gas well site shall comply with all setback and buffer requirements of the zoning district in which the oil or gas well site is located.
- 3. Natural gas compressor stations or natural gas processing plants shall comply with all setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located.
- 4. Exemption from the standards established in this subsection may be granted by the Borough upon a showing by the operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exemption.
- 5. Drilling pads, natural gas compressor stations or natural gas processing plants shall be set back two hundred feet (200') from buildings or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.

D. *Screening and Fencing*

- 1. Security fencing shall not be required at oil or gas well sites during the initial drilling, or re-drilling operations, as long as manned 24-hour on-site supervision and security are provided.
- 2. Upon completion of drilling or re-drilling, security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.
- 3. Security fencing shall be at least six feet (6') in height equipped with lockable gates at every access point and having openings no less than twelve feet (12') wide. A landscaped buffer strip shall be provided on the outside of the fencing.
- 4. Emergency Responders shall be given means to access oil or gas well site in case of an emergency.
- 5. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency.
- 6. In construction of oil or gas well sites the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.

E. *Lighting*

1. Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, so as to minimize the glare on public roads and nearby buildings within one hundred feet (100') of the oil or gas well development.
2. Lighting at a natural gas compressor station or a natural gas processing plant shall be limited to security lighting.

F. *Noise*

1. The applicant shall take the following steps to minimize noise resulting from the oil or gas well development.
2. Prior to drilling of an oil or gas well or the operation of a natural gas compressor station or a natural gas processing plant, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two (72) hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or one hundred feet (100') from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two (72) hour test the applicant may assume and use, for the purpose of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.
3. The applicant shall provide the Borough documentation of the established ambient noise level prior to starting oil or gas drilling and/or production operations.
4. The noise generated during the oil and gas operations or the natural gas compressor station or the natural gas processing plant shall not exceed the average ambient noise level established in subsection 2. above by more than:
 - a. 5 decibels during drilling activities.
 - b. 10 decibels during hydraulic fracturing operations.
 - c. 5 decibels for a gas compressor station or a natural gas processing plant.
 - d. Allowable increase in subsection c. above shall not exceed the average ambient noise level for more than ten (10) minutes within any one-hour period.
5. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.
6. Exemption from the standards established in this subsection may be granted by the Borough during the drilling stage or at the oil or gas well site, or the gas compressor station, or at the natural gas processing plant for good cause shown and upon written agreement between the applicant and the Borough.

7. Complaints received by the Borough shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of forty-eight hours at the nearest property line to the complainant's residential or public building or one-hundred feet from the complainant's residential or public building, school medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the Borough and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.
8. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.

G. *Prohibitions*

1. No drilling shall be allowed in the floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.
2. No drilling shall be allowed in the 100-year flood plain as shown on the Federal Emergency Management Agency (FEMA) maps.

ARTICLE IX-C

COMMERCIAL OUTDOOR SHOOTING RANGES

901-C PURPOSE

This Article IX-C is intended to provide minimum standards to regulate commercial outdoor shooting ranges and commercial outdoor archery ranges (hereinafter referred to as ranges) in order to protect neighboring property owners and the public at large from the dangers of wild or ricocheting projectiles and from excessive noise and other nuisances.

This section shall not apply to private outdoor target, trap, skeet, or shooting ranges, which shall be regulated by Ordinance NO. 247-2018, *An Ordinance of the Borough of Moscow, Restricting the Use of Firearms, Air Rifles, Bow and Arrows and Similar Devices in the Borough of Moscow.*

902-C DEFINITIONS

As used in this Article IX-C, the following definitions shall apply:

Applicant: any person, firm, corporation, or other legal entity seeking to develop a commercial outdoor shooting range.

Backstop: a device constructed to stop or redirect bullets fired on a range.

Baffles: barriers to contain bullets and to reduce, redirect or suppress sound waves. Baffles are placed either overhead, alongside, or at ground level to restrict or interrupt errant or off-the-target shots.

Ballistics: the study of what happens to moving projectiles in the barrel and in flight: their trajectory, force, impact, and penetration. The study is divided into three sections: internal, external and terminal. "Internal" refers to what happens inside the barrel before the bullet or shot leaves the muzzle. "External" is what happens after the bullet or shot leaves the barrel and travels to its final point of impact "Terminal" is what happens to the bullet or shot at the final point of impact.

Berm: an embankment used for restricting bullets to a given area or as a dividing wall between ranges.

Bullet: a single projectile fired from a firearm.

Bullet trap: a device designed to trap or capture the entire bullet and fragments as opposed to redirecting the projectile into a water or sand pit.

Expansion: any change to a public outdoor shooting range existing as of the effective date of the ordinance or any range developed and operating by virtue of a permit that results in additional firing positions or a lengthened daily period of operations. Expansion shall also include any change increasing the length of the direct fire zone or the area of the shotfall zone in order to accommodate the use of firearms not identified in the then existing permit application. Modifications made solely for the purpose of or resulting in maintenance or improvement of a facility, such as the installation of sewer, water or other utilities, pavement of a parking lot, the installation of safety baffles, construction of side or backstop berms, or the construction or remodel of a clubhouse, shall not be considered an expansion.

Firearm: a term used to describe any gun, usually small, from which a bullet is propelled by means of hot gasses generated by burning powder (usually smokeless or black powder).

Firing distance: the distance between the firing line and the target line.

Firing line: a line parallel to the targets from where firearms are discharged.

Firing position (point): an area directly behind the firing line having a specified width and depth that is occupied by a shooter, his or her equipment and, if appropriate, an instructor or coach.

Firing Range: a facility designed for the purpose of providing a place on which to discharge firearms, shoot air guns, and/or archery equipment. "Firing range" may also refer to several ranges constructed in a complex.

NRA: National Rifle Association.

Pistol: a firearm capable of being held, aimed and fired with one hand. Also known as a handgun.

Public shooting range: a firing range where a user fee is charged or a monetary contribution is solicited in lieu of a user fee, or where a person must be a member of a group to be allowed to use the facility and membership requires the payment of dues or fees.

Ricochet catcher: a device installed along a backstop, a berm, or on the range floor, designed to capture ricocheting projectiles. Ricochet catchers are more frequently used on backstop areas where the slope or backstop material does not positively contain bullets.

Rifle: a modern firearm designed to be fired from the shoulder with its main characteristic being a rifled (grooved) barrel that imparts a spin to a single projectile as it travels through the bore. Includes rifles designed for military or law enforcement use having a pistol grip stock instead of a shoulder stock. Also includes black powder and other muzzle loading firearms, some of which may have rifled barrels.

Safety baffles: vertical or sloping barriers designed to prevent a projectile from traveling into an undesired area or direction. Most often used to prevent bullets from leaving a firing range.

Safety fan: applies only to rifle and pistol firing ranges. The safety fan of a firing range consists of three parts: the direct fire zone, the safety zone, and the ricochet zone. The direct fire zone is that area into which all shots are fired during the normal course of shooting. This zone includes all directions and angles of fire used on a firing range while shooting at a specific target, either stationary or moving, from a specific firing point. The length of the direct fire zone extends to the maximum range of the ammunition and firearm used on the firing range, but can be shortened by physical barriers or other devices which reduce the maximum distance of a bullet's trajectory. The safety zone extends 10 degrees to the left and right of the direct fire zone and protects against errant bullets caused by cross fire or accidental discharge of a firearm. The ricochet zone is that area 45 degrees to the left and right of the firing line, and extended a certain distance dependent on the type of firearm and ammunition allowed on the range (i.e., 85 yards for air guns, and up to 1,200 yards for high-powered rifles). The line is then extended parallel to each side of the safety zone downrange to the intersection of a line extended from the terminus of the direct fire zone through the outer corner of the safety zone.

Shotfall zone: that area of a shotgun firing range where spent shotgun shot falls to the earth and where development, other than trap or skeet houses or the equivalent facilities for other

types of shotgun events, and human occupancy, other than operators of the trap, skeet equivalent facilities, is prohibited during active shooting.

Shotgun: a firearm designed to be fired from the shoulder with a smoothbore barrel that fires shot shells possessing a varying number of round pellets. Includes law enforcement and military shotguns which may have a pistol grip stock instead of a shoulder stock. Also includes barrels designed to be used with rifled slugs, most generally having smoothbores, but in some cases may be rifled.

Target line: a line parallel to the firing line along which targets are placed.

903-C DEVELOPMENT STANDARDS

In addition to current NRA standards for shooting range design, the following shall apply to the development of commercial outdoor shooting ranges, The planning commission may vary from these standards where the applicant has demonstrated that the proposed facility includes alternative designs and features, either natural or manmade, which will otherwise mitigate the potential adverse impacts to the health, safety and welfare of owners or users of neighboring properties, users of the shooting range, and the general public.

1. Application – Required Information

In addition to the other information and data required for a subdivision and/or land development contained in the Moscow Borough Subdivision and Land Development Ordinance, the following general information shall be required for an outdoor shooting range:

- (a) An assessor's map of the subject property;
- (b) The types of firearms, ammunition and shooting to be allowed, such as trap, skeet, muzzle loader, high power rifle, small bore rifle, pistol, action pistol, etc.;
- (c) A site plan drawn to scale illustrating the items listed below. The site plan shall be drawn at a scale not smaller than one inch equals 200 feet, and not larger than one inch equals 50 feet:
 - (1) The property lines of the parcel(s) on which the firing range(s) are to be developed,
 - (2) For rifle and pistol ranges, the safety fan and its component parts with dimensions for all firing ranges; for shotgun firing ranges, the component parts and dimensions of the shotfall zones,
 - (3) All existing and proposed structures on the range, labeled for their intended use,
 - (4) The location and dimensions of all firing lines and firing positions,
 - (5) The location and dimensions of all target lines and related facilities,
 - (6) The locations, dimensions and slope of all backstops and side berms, whether natural or manmade; the volume, material and source of all imported materials shall be noted,

- (7) The locations and dimensions of all baffles; horizontal drawings of the baffles shall be included, and building materials shall be identified,
- (8) The location and dimensions of all walkways,
- (9) All screening, landscaping and fencing,
- (10) The location of all utilities, including but not limited to electrical, potable water, wastewater disposal, and drainage ways, both natural and artificial,
- (11) The location of all lighting facilities,
- (12) The location of all roads, driveways, and parking facilities, including the number of parking spaces,
- (13) The location of all streams, watercourses, and wetlands on the property,
- (14) A list of property owners within one-half (1/2) mile of the perimeter of the property on which the outdoor shooting range is proposed for development,
- (15) The land use of all properties abutting the shooting range property, and,
- (16) Other information deemed appropriate by the Borough Engineer.

2. Range Design Standards

- (a) **Pistol and Rifle Firing Ranges.** Pistol and rifle firing range design shall include sufficient land area under control of the applicant for a safety fan (direct fire zone, safety zones and ricochet zones) to accommodate the ballistics of the highest-powered firearms and ammunition to be used on the range. Such geographic areas shall be based on current National Rifle Association (NRA) guidelines for shooting range design. Such spatial requirements may be reduced in consideration of natural topographic features or manmade improvements, including but not limited to, backstop and side berms, bullet traps, ricochet catchers, and overhead or ground safety baffles which will provide sufficient safety measures to protect adjacent properties.
- (b) **Shotgun Ranges.** Trap ranges shall have a shotfall zone on property under control of the applicant as established by a line which extends 50 yards to the right and 50 yards to the left of, and perpendicular to, the centerline of the trap house. From each end of said line, boundary lines having interior angles of 130 degrees shall extend down range for 300 yards. Skeet ranges shall have shotfall zones on property under control of the applicant which are a complete semi-circle with a center point and a radius of the semi-circle being 300 yards. Shotfall zones for crazy quail, sporting clays or other shotgun firing ranges shall be determined on a case-by-case basis.
- (c) **Security Fencing.** The entire perimeter of all outdoor shooting range safety fans and shotfall zones shall be enclosed with a six-foot (6') high non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight (8") inch tall red letters on a white background shall be posted at a maximum one hundred (100') feet around the perimeter of the parcel or parcels on which the outdoor shooting range is located such that each sign is visible and legible from the next.

The signs shall read "SHOOTING RANGE AREA. KEEP OUT!" The same signs shall be posted similarly on the security fencing surrounding the safety fan(s).

- (d) **Setbacks.** Outdoor shooting ranges shall be set back a minimum of five hundred (500') feet from any property line and not less than two thousand feet (2,000') from any residential building and one thousand feet (1,000') from any commercial building. This limitation shall not apply to structures on the same parcel as the outdoor shooting range. Other range facilities including buildings and parking lots shall be set back a minimum of one hundred feet (100') from the property line and street right-of-way.
- (e) **Sound Abatement Shields or Barriers.** Sound Abatement Shields or Barriers shall be installed on outdoor shooting ranges located within two thousand feet (2,000') from any residential building and one thousand feet (1,000') from a commercial building unless significant natural barriers exist. The applicant shall present credible evidence that the sound of shooting at the property line of the shooting range does not exceed the ambient noise limits set forth in Article VIII, Section 809 of this Ordinance. All noise studies shall be performed by a professional engineer registered in the Commonwealth of Pennsylvania or by a person with a degree in a discipline related to acoustics. The burden of proof that the proposed range will meet this standard shall rest with the applicant.
- (f) **Backstops.** All backstops shall have sufficient depth of sand or other similar soft earthen material that is free of rocks, stones and other hard objects that may result in bullet ricochets. All manmade berms shall be vegetated to reduce the potential for erosion. A manmade, mechanical backstop may be substituted upon approval of the planning commission. All backstops and berms shall be maintained to perform their intended functions.
- (g) **Drainage and Erosion Control.** The range and associated facilities shall be designed to keep storm runoff from the range site at a volume and velocity no greater than what existed prior to range development. Appropriate erosion control measures shall be designed and installed to maintain the water quality of the storm runoff from the range to predevelopment levels.
- (h) **Watercourses or Wetlands.** Firing ranges shall be developed such that there are no streams, ponds, lakes, or other watercourses or wetlands located between any firing line and target line or within any shotgun shotfall zone.
- (i) **Access Road.** The access road to enter and exit the outdoor shooting range and its facilities shall be of sufficient width to permit emergency vehicles traveling in opposite directions to pass safely, exclusive of the berm. The access road shall conform to the street and driveway standards of the Moscow Borough Subdivision & Land Development Ordinance.
- G) **Parking.** In addition to all other provisions regulating the required number of parking places under this ordinance, there shall be, at a minimum, one and one-half parking places for each firing position.
- (k) **Hours of operation.** No firearm may be discharged at an outdoor commercial shooting range between sunset and 8:00 a.m., Monday through

Saturday, and between sunset and 9:00 a.m. on Sundays and holidays. Moscow Borough reserves the right to establish more restrictive time limits as a condition of approval.

- (l) **Other Regulations.** In addition to the standards and requirements for development of commercial outdoor shooting ranges under this Ordinance, the applicant must comply with all applicable NRA standards and federal and state regulations and requirements for development of an outdoor shooting range.

ARTICLE X

OFF-STREET PARKING AND LOADING

1001 REQUIRED OFF-STREET PARKING SPACES

It is the intent of this Article to provide adequate off-street parking for all residents, clients, customers and employees of every use.

The following provisions of Schedule III apply to new uses and to any enlargement or expansion of an existing use.

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building or use that, after the effective date of this Ordinance, is established, erected, enlarged or altered for any of the following purposes or uses in any district: (For uses not specifically listed, the requirements for the most similar use listed shall be followed. When a use not specifically listed is dissimilar from listed uses, the Borough Zoning Hearing Board shall determine the requirements based upon the intent of this Article as stated above.)

**SCHEDULE III
OFF-STREET PARKING REQUIREMENTS**
(sfgfa = square feet of gross floor area; sf = square feet)

Land Use	Required Parking Spaces
Residential Uses	
Single-family dwellings	2 spaces per dwelling unit
Two-unit attached dwellings	2 spaces per dwelling unit
Duplex (over/under)	2 spaces per dwelling unit
Townhouses	2 spaces per dwelling unit
Multi-family dwellings, garden apartments	2 spaces per dwelling unit
Planned Unit Development	2 spaces per dwelling unit
Manufactured Home Communities	1 space per dwelling unit
Apartments above Commercial Use	1 space per dwelling unit
Group Homes	1 space per two beds + 1 space per employee on largest shift
Rooming and Boarding Houses	1 space per rental unit + 2 spaces per permanent dwelling unit
Bed and Breakfast Inns	1 space per rental unit + 2 spaces per permanent dwelling unit
Short-Term Rental Units	1 space per rental unit + 2 spaces per permanent dwelling unit
Retirement Housing	0.75 spaces per dwelling unit
Tiny Homes	2 spaces per home
Conversions, from non-residential or single-family to duplex/two-unit	2 spaces per conversion unit
Commercial Uses	
Adult Businesses	1 space per 300 sfgfa open to the public
Animal Hospital, Kennel, Animal Day Care or Veterinary Clinic	1 space per 400 sfgfa; no fewer than 4 spaces
Automobile Storage Compound	1 space per employee on largest shift + 2 additional spaces
Banks, Finance, and Insurance	1 space per 300 sfgfa + 5 stacking spaces for each drive-through window
Banquet Facilities	1 space per 4 seats at maximum capacity
Bicycle, Motorcycle, Moped or ATV Rentals or Sales	3 spaces per 1,000 sf of showroom or outdoor display area + 1 space per employee on largest shift
Bulk Fuel Storage	1 space per employee on largest shift
Car Washes	2 stacking spaces per bay +1 space per employee on largest shift
Casinos/Gambling or Betting Uses	1 space per 200 sfgfa
Commercial Greenhouses or Nurseries	1 space per 1,000 sf of sales area
Commercial or Professional Offices or Services & Personal Services	1 space per 300 sfgfa
Contractor's Offices and Yards	1 space per employee on largest shift
Convenient Store with Gas Pumps	1 space per 200 sfgfa open to the public
Craftsman-Artisan Workshops	1 space per 300 sfgfa open to the public
Flea Markets	1 space per 500 sf of sales area, indoor or outdoor
Funeral Homes or Mortuaries	1 space per 5 seats at maximum capacity + 1 space per employee on largest shift
Hotels/Motels	1 space per rental unit + 1 space per 3 employees on largest shift + 1 space per 400 sf of meeting area + 1 space per 3 seats of restaurant area
Lumberyards	3 spaces per 1,000 sf of sales area + 1 space per employee on largest shift
Medical Marijuana Dispensaries	1 space per 300 sfgfa
Mobile Food Facility > 14 days on site	No fewer than 5 spaces + 1 space per employee on largest shift
New or Used Car, Boat, or Trailer Rentals or Sales	3 spaces per 1,000 sf of showroom or outdoor display area + 1 per employee on largest shift
Nightclubs, Taverns and Bottle Club	1 space per every 3 seats

Land Use	Required Parking Spaces
Pawn Shops	1 space per 300 sfgfa
Restaurants, Cafes or Coffee Houses, Brew Pubs	1 space per every 3 seats + 1 space per 2 employees on largest shift + 5 stacking spaces for each drive-through window (if applicable) <u>Carry-out Restaurant</u> : no fewer than 5 spaces + 1 space per 2 employees on largest shift
Retail Businesses	1 space per 300 sfgfa
Self-Storage Facilities	1 space per 10 storage units + 1 space per employee on largest shift
Service Stations, Minor or Major Auto Repairs	1 space per service bay + 1 space per mechanic
Shopping Malls, Centers or Plazas	1 space per 300 sf of leaseable area
Stables, Commercial	1 space per 3 equines boarded on premise
Tire Re-treading and Recapping	1 space per employee on largest shift
Transit-Related Businesses and Maintenance Facilities	1 space per employee on largest shift
Vaping, Smoking, Hookah Lounges	1 space per 300 sfgfa
Wholesale Businesses	1 space per 800 sfgfa
Wineries or Cideries	1 space per 400 sf open to the public
Wine or Cider Tasting Rooms	1 space per 400 sf open to the public
Manufacturing Uses	
Asphalt, Batch, or Concrete Plant	1 space per employee on largest shift
Brewery or Micro Brewery	1 space per employee on largest shift
Industrial Hemp Production	1 space per employee on largest shift
Industry, Heavy	1 space per employee on largest shift
Industry, Light	1 space per employee on largest shift
Junk Yards & Automobile Wrecking	1 space per employee on largest shift
Machine Shops	1 space per employee on largest shift
Medical Marijuana Facilities, Grower/Processor & Transport Office	1 space per employee on largest shift
Recycling Facilities	1 space per employee on largest shift
Research Laboratories	1 space per employee on largest shift
Sanitary Landfills	1 space per employee on largest shift
Sawmills	1 space per employee on largest shift
Slaughterhouses	1 space per employee on largest shift
Solid Waste Facilities	1 space per employee on largest shift
Warehousing, Distribution, or Outdoor Storage	1 space per employee on largest shift + 5 additional spaces
Wastewater Treatment Facility, Non-Municipal	1 space per employee on largest shift
Services & Public Uses	
Abused Person Shelters	1 space per 3 sleeping rooms + 1 space per employee on largest shift
Assisted Living, Nursing Homes & Personal Care Homes	1 space per 3 residents + 1 space per employee on largest shift
Adult or Child Day Care Centers or Nursery Schools and Preschools	1 space per employee on largest shift + 1 space per 3 clients/students at maximum designed capacity
Colleges and Dormitories	<u>Colleges</u> : 1 space per 3 employees/faculty + 1 space per 3 students no residing on campus. <u>Dormitories</u> : Spaces equal to 75% of maximum designed occupancy.
Correctional Facilities	1 space per employee on largest shift + 1 space per 25 inmates
Drug or Other Treatment Centers	1 space per 2 beds + 1 space per employee on largest shift
Group Care Facilities or Halfway Houses	1 space per employee on largest shift + 1 space per 5 residents

Land Use	Required Parking Spaces
Hospitals	1 space per 5 beds + 1 space per 2 employees on largest shift + 1 space per doctor on staff
Medical Clinics & Social Services	1 space per examination room + 1 space per employee on largest shift + 1 space per doctor on staff
Public and Semi-Public Buildings & Uses	<u>Non-School Public or Semi-Public Building</u> : 1 space per 400 sfgfa open to public + 1 space per employee on largest shift. <u>Public or Private Elementary/Middle School</u> : 1 space per teacher and staff member + 1 space per classroom. <u>Public or Private High School</u> : 1 space per teacher and staff member + 5 spaces per classroom.
Religious Institutions	1 space per 4 seats + 1 space per 200 sf of meeting room area + 1 space per 2 employees
Television/Radio Stations Publishing & Information Services	5 spaces + 1 space per employee on largest shift
Trade & Technical Schools	1 space per 2 students based on maximum designed capacity + 1 space per instructor and/or employee
Recreational Uses	
Campgrounds	1 space per camp site
Commercial Indoor Recreation, Wellness Center or Health Club	<u>Amusement Arcade</u> : 1 space per 300 sfgfa + 1 space per 2 game machines. <u>Billiard Hall</u> : 2 spaces per table. <u>Bowling Alley</u> : 5 spaces per alley + 1 space per employee on largest shift. <u>Health, Fitness, or Membership Club</u> : 1 space per 2 patrons based on maximum designed capacity + 1 space per employee on largest shift. <u>Indoor Courts</u> : 3 spaces + 2 spaces per court. <u>Indoor Swimming Pools</u> : 1 space per 75 sf of water area. <u>Indoor Skating Rinks, Shoot Ranges, Gymnasium</u> : 1 space per 300 sfgfa.
Cultural Facilities, Galleries and Libraries	1 space per 400 sfgfa + 1 space per employee on largest shift
Fraternal, Civic, or Social Clubs	1 space per 300 sfgfa
Group Picnic Areas or Groves, Commercial	Spaces equal to 10% of active recreation area
Outdoor Exhibitions, Sports Assembly, Entertainment & Amusements	<u>Amusement Park</u> : 1 space per 300 sfgfa of enclosed buildings + spaces equal to 33% of maximum capacity of outdoor facilities. <u>Arena or Stadium</u> : 1 space per 3 seats (bench capacity computed at 1 seat for each 36" of bench length). <u>Racetrack or Cart-Track</u> : 1 space per seats (bench capacity computed at 1 seat <u>Zoos</u> : 1 space per 2000 sf of land area.
Outdoor Recreation and Sports	<u>Golf Course, Drive Range, or Miniature Golf</u> : 2 spaces per hole and/or tee + 1 space per 2 employees on largest shift. <u>Tennis Courts</u> : 2 spaces per court. <u>All other activities</u> : 1 space per 300 sfgfa of enclosed buildings + spaces equal to 33% of maximum capacity of outdoor facilities.
Shooting & Archery Ranges, Outdoor	1 space per target area
Theaters	1 space per 3 seats (bench capacity computed at 1 seat for each 36" of bench length) + 1 space per 2 employees on largest shift
Resource Production and Extraction Uses	
Agricultural Products Processing	1 space per employee on largest shift
Energy Storage Facilities, Large Scale	1 space per employee on largest shift
Hemp Growers/Processors	1 space per employee on largest shift
Mineral and Natural Resource Processing	1 space per employee on largest shift
Power Facilities, excluding solar & wind	1 space per employee on largest shift
Water Extraction & Bottling	1 space per employee on largest shift

1002 GENERAL REGULATIONS APPLYING TO REQUIRED OFF-STREET PARKING FACILITIES

A. Existing Parking

Structures and uses in existence at the effective date of this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced to an amount less than that required by this Ordinance.

B. Fractional Space

Where the computation of required parking spaces results in a fractional number, the fraction of one quarter or more shall be counted as one.

C. Changes in Use

Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of Schedule III, for an increase of ten percent (10%) or more in the number of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement.

D. Conflict with Other Uses

No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

E. Continuing Character of Obligation

All required parking facilities shall be provided and maintained so long as the use that the facilities were designed to serve still exists. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this Article in conjunction with a change in the nature of the use.

F. Joint Use

Two or more uses may provide for required parking in a common parking lot; the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually, unless such lot is provided as otherwise specified in this section.

G. Mixed Uses

Where a permitted use contains or includes more than one of the types of uses identified in Schedule III, the number of parking spaces required shall be computed according to the most restrictive parking requirements.

H. Location of Parking Spaces

Required off-street parking spaces shall be on the same lot or premises with the principal use served, or where this requirement cannot be met, within four hundred feet (400') walking distance of the principal use. When required off-street parking spaces are not able to be provided for on the same lot with the principal use, such parking spaces utilized within four hundred feet (400') walking distance of the principal use shall be located in the same

zone district as the principal use. If this requirement cannot be met, off-street parking proposed within a different zone district as the principal use shall require a Special Exception approval by the Zoning Hearing Board.

In all commercial zone districts, required parking spaces shall be located in the side or rear yards of the lot and shall not be located in the front yard between the structure or use and the street right-of-way.

I. Central Business District Overlay Zone Parking Exemption

Uses identified as Commercial Uses and allowable as Permitted Uses only (Special Exceptions and Conditional Uses excluded) in Schedule I of this Ordinance that are located in the C-1 zone district within the Central Business District Overlay Zone (as identified on the official zoning map) shall be exempt from providing required off-street parking facilities.

J. Variance of Parking Requirements

The Zoning Hearing Board may authorize a variance of the off-street parking requirements in exceptional cases of use, zone lot size or shape, or other unusual situations.

1003 DESIGN STANDARDS FOR OFF-STREET PARKING FACILITIES

A. Applicability

The design standards specified in this Section shall be mandatory for all new off-street parking facilities with a capacity of four (4) or more vehicles.

B. General Requirement

Such facilities shall be designed so that their use shall not constitute a nuisance, or hazard, or unreasonable impediment to traffic.

C. Space and Aisle Dimensions

All parking spaces shall have a total stall area of no less than one hundred eighty (180) square feet. The minimum parking aisle width for 90° parking shall be twenty-four feet (24'); for 45° parking it shall be fifteen feet (15') and for 30° parking it shall be eighteen feet (18').

D. Accessibility

Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.

E. Entrance and Exit Drives

The width of entrance and exit drives shall be a minimum of twelve feet (12') and maximum of fifteen feet (15') at curb line for one-way use only and a minimum of twenty feet (20') and maximum of thirty feet (30') at the curb line for two-way use. Driveways entering state highways shall meet PennDOT regulations and a Highway Occupancy Permit shall be acquired from PennDOT.

F. Access Points

At least forty feet (40') shall be provided between access points and no access point shall be closer than thirty feet (30') from any street intersection.

G. Design

Parking areas shall be arranged and marked for orderly, safe movement. No parking areas shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space.

H. Grading, Surface, Drainage

Except for areas that are landscaped and so maintained, all portions of required parking facilities, including driveways, shall be surfaced with a 4" sub-base, a 2" bituminous base course and 1" bituminous wearing course (or similar durable and dustless surface), graded and drained to dispose of all surface water. Specific land-uses, as indicated in Article VII, Specific Use Development Requirements, of this Ordinance may be exempt from this requirement where explicitly stated in Article VII.

I. Nighttime Illumination

All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, designed for use by more than four (4) cars after dusk, other than those related to an individual dwelling, shall be illuminated in accordance with Section 812 of this Ordinance.

J. Separated from Street

Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single-family residences shall be physically separated from any public street by a concrete curb and by a landscaped planting strip that shall be not less than ten feet in depth (10'). This ten foot (10') planting strip shall be parallel to the street line and shall be measured from the street line.

K. Perimeter Landscaping and Screening

Perimeter landscaping shall be required along any side of a parking lot of ten (10) or more spaces that abuts adjoining property that is not a right-of-way. A landscaping strip a minimum six feet (6') in width shall be located between the parking area and the abutting property lines.

One tree for each forty feet (40') shall be planted in the landscaping strip. This requirement does not mean that a tree must be planted at every 40-foot interval around the perimeter of the parking lot, but is intended to allow the designer some latitude in designing the landscape plans.

L. Interior Landscaping

Parking lots of ten (10) or more spaces shall be constructed, enlarged, or reconstructed with interior landscaping, subject to approval by the borough zoning officer, borough council, and/or borough engineer. Not less than six percent (6%) of the interior of a parking lot shall be landscaped and one (1) shade tree shall be planted for every one thousand (1,000) square feet of parking space area. All planting material shall be suitable for planting in the county and require minimal maintenance. All shade trees to be used shall be eight (8') to

ten feet (10') in overall height upon planting and a variety that shall attain an average mature spread greater than twenty feet (20').

M. Land Development Plan Required

A land development plan, prepared in accordance with the Moscow Borough Subdivision and Land Development Ordinance and approved by the Planning Commission and Borough Council, shall be required for any new, modified, improved, or expanded parking facilities as of the enactment of this Ordinance.

N. Maintenance

The owners and their agencies shall be responsible for providing, protecting, and maintaining all parking lot landscaping in healthy and growing condition, replacing it when necessary and keeping it free of refuse and debris.

1004 OFF-STREET LOADING

A. General Requirement

Every building or use that requires the receipt or distribution of material or merchandise by vehicles shall provide at least one (1) off-street loading berth and shall also provide additional berths in accordance with Schedule IV of this Ordinance.

B. Minimum Size and Location

Each off-street loading and unloading space shall be a minimum of twelve feet (12') wide by forty-five feet (45') long and fourteen feet (14') in height, and, in addition, have sufficient maneuvering room separate from other parking to eliminate traffic conflicts within off-street loading and parking areas.

**SCHEDULE IV
OFF-STREET LOADING BERTH REQUIREMENTS
(in addition to §1004 A.)**

USES	SQUARE FEET GROSS FLOOR AREA	ADDITIONAL REQUIRED LOADING BERTHS
Schools, Public or Private	15,000 or more	1
Hospitals (in addition to ambulance space)	10,000 – 30,000	1
	For each additional 30,000 or major fraction thereof	1
Funeral Homes or Mortuaries	>5,000	1
	For each additional 5,000 or major fraction thereof	1
Hotels/Motels & Professional Offices	>15,000	1
Other Commercial Uses, Manufacturing Uses, & Services & Public Uses not listed above	15,000 – 25,000	1
	25,000 – 40,000	2
	40,000 – 60,000	3
	60,000 – 100,000	4
	For each additional 50,000 or major fraction thereof	1 additional

1005 RESIDENTIAL DRIVEWAYS AND SIDEWALK OPENINGS

The maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty feet (30'); the minimum width shall be ten feet (10'). No driveway opening shall be closer than three feet (3') from any property line.

1006 COMMERCIAL VEHICLE PARKING IN R-DISTRICTS AND ON RESIDENTIAL PROPERTY

- A. In the R-1A, R-1B, R-2, and R-3 zoning districts and on residential property in any zoning district, a maximum of one (1) commercial vehicle as defined in §302 of this Ordinance may be parked for more than eight (8) hours in any forty-eight (48) hour period on private property. Such vehicles shall be permitted only if used by residents of the property as a means of transportation between their home and work. No commercial vehicle in the R-1A, R-1B, R-2, and R-3 zoning districts and on residential property in any zoning district shall have a gross vehicle weight over 15,000 pounds if parked outside an enclosed building.
- B. In the R-1A, R-1B, R-2, and R-3 zoning districts and on residential property in any zoning district, the engine of a tractor-trailer shall not be idled for more than ten (10) minutes between the hours of 10 PM and 6 AM or be repaired, except for clearly emergency repairs.
- C. No trailer of tractor-trailer shall be parked, stored, or maintained in the R-1A, R-1B, R-2, and R-3 zoning districts and on residential property in any zoning district for more than eight (8) hours in any forty-eight (48) hour period.
- D. The following vehicles are exempt from this §1006 provided they are in operational condition:
 - 1. Municipally-owned and government vehicles
 - 2. Active Emergency vehicles (ambulance, fire, rescue, police)
 - 3. School or commuter vans
 - 4. Vans used for transporting persons to or from a place of worship
 - 5. U.S. Postal Service vehicles
 - 6. Vehicles actively engaged in the construction or repair of buildings, streets, or utilities in the immediate area
 - 7. Vehicles actively engaged in routine household deliveries or services to a property adjacent to or on the same lot as the vehicle
 - 8. Vehicles that are customarily accessory to a lawful principal business use

1007 RECREATIONAL VEHICLE AND BOX OR FREIGHT TRAILER PARKING

A maximum of one (1) uninhabited recreational vehicle or one (1) box/freight trailer, as defined in Section 302 of this Ordinance, in transportable condition and registered with the appropriate licensing agency may be stored or parked on a lot outside of an enclosed structure provided that the following are met:

- A. The recreational vehicle or box/freight trailer must be owned by the occupants of the property upon which the recreational vehicle is located.
- B. The recreational vehicle or box/freight trailer shall not be stored in any front yard or in any yard abutting a street, nor in any private driveway located in the front yard or in any driveway in any yard abutting a street.

- C. The recreational vehicle or box/freight trailer shall in no case be parked within any public or private rights-of-way.

ARTICLE XI

NON-CONFORMING USES AND STRUCTURES

1101 STATEMENT OF INTENT

- A. The zoning districts established by this Ordinance are designed to guide the future use of land in the municipality by encouraging the development of desirable residential, commercial, agricultural, and manufacturing areas, with appropriate groupings of compatible and related uses, to the end of promoting and protecting the public health, safety, comfort, prosperity and other aspects of the general welfare.

To achieve this end, lawful existing uses that would be prohibited or restricted under the terms of this Ordinance, or future amendments, and that do not conform to the character and regulations of the zoning district in which they are located must be subject to certain limitations. The regulations set forth below are intended to provide a gradual remedy for the undesirable conditions resulting from indiscriminate mixing of uses, and to afford a means whereby nonconforming uses can be gradually eliminated and reestablished in more suitable locations within the municipality. Similarly, lots, buildings or other structures that do not comply with one or more of the applicable district requirements as to lot width, minimum lot area and yard spaces, building coverage or height, etc. are deemed to be nonconforming.

- B. To avoid undue hardship, nonconforming uses of land, buildings, and structures shall generally be permitted to remain; the purpose of regulating non-conforming uses, which are not appropriate for their location, is to restrict further investment, when economically reasonable, in such non-conforming uses. Exceptions shall be made in those instances where extensive investment is involved to avoid any unnecessary harassment or hardship in the use of such facilities.
- C. To eliminate any undue hardship, nothing in this Ordinance shall be deemed to require any change in plans, specifications, construction or intended use of any building or structure for which plans, specifications and contract negotiations, or construction has started, prior to the effective date of this Ordinance, or amendments thereof.

1102 CONTINUATION OF USE

- A. A use, building or structure that shall be made nonconforming, as defined in Section 302, at the time of passage of this Ordinance, or any applicable amendment thereto, may be continued except as otherwise set forth in this Article.
- B. A use, building, or structure in existence at the time of passage of this Ordinance shall be considered nonconforming if the yards, area, height, coverage, dimensions, off-street parking, or other conditions do not conform with the regulations for the zone district (as enumerated in Article VI) in which the use, building, or structure is located.

1103 REGISTRATION OF NONCONFORMING USES

- A. The owner of the premises occupied by a lawful nonconforming use, structure, or building shall secure, within a year of adoption of this Ordinance, a Certificate of Nonconformance from the Zoning Officer. Such certificate shall be authorized by the Zoning Hearing Board and shall be for the purpose of insuring to the owner the right to continue such nonconformance.

- B. In order to administer this Ordinance, the Zoning Officer shall prepare a complete list of all nonconforming uses, buildings, lots, structures and signs in existence, immediately after the adoption of this Ordinance.

1104 REGULATION OF NONCONFORMING USES

An existing nonconforming use, building or structure cannot be enlarged, reconstructed, substituted, or structurally altered unless required to do so by law, order, or as follows:

A. Enlargement

1. Any nonconforming use or structure may be enlarged up to, but not more than thirty-five percent (35%) of its floor area or lot area, as it existed at the time of passage of this Ordinance. Such enlargement must conform to all other regulations of the zoning district where it is situated. This enlargement provision may be used only once for any nonconforming use or structure.
2. If more than one (1) structure exists on a property or properties containing a nonconforming use, the thirty-five percent (35%) expansion allowed by §1104 A. 1. above shall be applied to one (1) structure only.
3. No new structures shall be allowed as part of an enlargement of a nonconforming use.
4. Any nonconforming use or structure shall not, however, be expanded into a more restrictive zoning district than where it is located. In terms of restrictiveness the S-1 zoning district shall be considered the most restrictive followed by the R-1A, R-1B, R-2, R-3, C-1 and the C-2 as the least restrictive.
5. Any nonconforming use or structure may be enlarged or expanded in accordance with §1104 A. 1. above onto a new property of record only if that property is immediately adjacent to the existing location, the properties were both under the same ownership as of the effective date of this Ordinance, and the owner has clearly exhausted all alternatives available for enlargement or expansion on the existing property.

B. Repairs and Maintenance

1. Normal maintenance repairs and incidental alteration of a building or other structure containing a non-conforming use is permitted, provided it does not extend the area or volume of space occupied by the nonconforming use.
2. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability, provided that no structural alterations shall be made that would increase the number of dwelling units or the bulk of the building.

C. Displacement and Change of Use

1. A nonconforming use may be changed into a conforming use, or to another nonconforming use that more closely approaches the uses permitted in the zone district in which such use is located, by Special Exception approval of the Zoning Hearing Board.

2. A nonconforming use shall not be extended to displace a conforming use, except to provide room for parking or loading facilities that will serve the nonconforming use and that will subsequently lessen traffic congestion resulting from the nonconforming use.
3. Buildings or structures, regardless of conformity or ownership, shall not be combined for the purpose of extending an existing nonconforming use, or for creating a different nonconforming use.

D. Restoration

When a nonconforming building is partially or totally destroyed by fire, explosion, or other man-made or natural disaster, it may be restored to its original use provided the owner of the structure secures a zoning and/or building permit within six (6) months of such incident and the structure must be totally restored within one (1) year of such incident.

Should the owner of the structure not comply with the time limits for restoring the structure, any future restoration or reconstruction of the structure and use must conform to the regulations of the zoning district.

E. Termination

When discontinued or abandoned, (See "Abandonment" in Section 302 of this Ordinance) for a period of one (1) year or more, a nonconforming use shall be terminated. If, however, in the opinion of the Zoning Hearing Board, the structure is not substandard and the design of the structure does not lend itself to conversion to a conforming use, this provision shall not apply. Change to a conforming use shall be considered an abandonment of the nonconforming use, and such nonconforming use cannot be reestablished. A nonconforming agricultural use may be discontinued for a period of up to two (2) years before it is considered an abandoned nonconforming use.

F. Approval Granted Prior to Passage of Ordinance

A building, structure, or use, planned, constructed, or designed in compliance with existing laws prior to the passage of this Ordinance, shall be deemed a legal nonconforming use, provided that:

1. The construction or use was actually started prior to passage of this Ordinance; and,
2. The entire building, structure, or use is completed or installed and ready for occupancy or operation within one (1) year of the passage of this Ordinance.

1105 NONCONFORMING LOTS

Any Principal Permitted Use or Use by Right (Special Exceptions and Conditional Uses excluded) may be erected on any existing vacant non-conforming lot of record, provided that all district regulations regarding minimum setbacks, maximum lot coverage, maximum structure height; Supplemental Regulations; Specific Use Development Requirements; and Supplemental Provisions are met. However, any Principal Permitted Use or Use by Right that requires larger minimum lot dimensions (Article VII) than those required by Schedule II of this Ordinance shall not be permitted on nonconforming lots.

In all R-districts and the S-1 district, side- and rear-yard setbacks may be reduced on vacant nonconforming lots as follows:

<u>Zone District</u>	<u>Side Yard</u>		<u>Rear Yard</u>
	<u>One Yard</u>	<u>Both Yards Combined</u>	
R-1	7 ft	15 ft	20 ft
R-2	5 ft	10 ft	20 ft
R-3	4 ft	8 ft	20 ft
S-1	10 ft	30 ft	25 ft

1106 CHANGE IN OWNERSHIP

Change in ownership of a nonconforming use, structure, or lot shall not affect its nonconformance status and shall be allowed to continue. However, the new owner shall re-register the use within sixty (60) days of assuming ownership.

ARTICLE XII

ADMINISTRATION AND ENFORCEMENT

1201 GENERAL PROCEDURE

A. Sequence of Permit Steps

Under the terms of this Ordinance, all new construction, alterations or changes in type of occupancy must be made in conformance with the requirements contained in this ordinance. All persons desiring to undertake such new construction, major alterations or changes shall conform to the following general procedure, as well as to all other applicable provisions of this Ordinance.

1. Application for Permit. The applicant shall apply to the Zoning Officer for a Zoning Permit by filling out the appropriate application and by submitting the required fee.
2. Issuance of Zoning Permit. If the applicant's proposed action is in compliance with the regulations contained in this Ordinance, a Zoning Permit shall be issued by the Zoning Officer either on his own authority or, in certain cases as described below, after referral to the Zoning Hearing Board or to the Borough Council.
3. Action in Accordance with Zoning Permit. After receipt of the Zoning Permit, the applicant may proceed to undertake the construction, alteration or change in use permitted by the Zoning Permit.

B. Zoning Permit Types

Under the terms of this Ordinance, six (6) general classes of Zoning Permits may be issued that complies with the appropriate sections of this Ordinance. Each of these classes requires a different procedural action as described below:

1. Permitted Use or Use by Right. An application for a "Permitted Use or Use by Right" Zoning Permit requires the review of the Zoning Officer, who determines whether the proposed construction, alteration, or change in use is in accordance with the requirements of this Ordinance. The Zoning Officer then either issues or refuses to issue a Zoning Permit accordingly.
2. Special Exception. An application for a "Special Exception" Zoning Permit must be referred to the Zoning Hearing Board by the Zoning Officer. The Zoning Officer is not empowered to make an independent decision on this matter, although he may submit recommendations to the Zoning Hearing Board. The Zoning Hearing Board shall conduct a hearing then notify the Zoning Officer to either issue or refuse a Zoning Permit accordingly.
3. Conditional Use. An application for a "Conditional Use" Zoning Permit must be referred to the Planning Commission by the Zoning Officer. The Zoning Officer is not empowered to make an independent decision on this matter, although the Zoning Officer may submit recommendations to the Planning Commission. The Planning Commission shall review the application and analyze the proposed "Conditional Use" to determine compliance with the provisions of this Ordinance. The Planning Commission shall submit its recommendations to the Borough Council which shall conduct a hearing and make the final decision and notify the Zoning Officer to either issue or refuse the Zoning Permit accordingly.

4. Zoning Permit after an Appeal. The applicant may appeal any action taken by the Zoning Officer by submitting an application for an appeal to the Zoning Officer and to the Zoning Hearing Board. The Zoning Hearing Board shall conduct a hearing to review the application to determine if the Zoning Officer has acted properly. After the hearing, and after reaching its decision, the Zoning Hearing Board shall order the Zoning Officer to either issue or refuse a Permit accordingly.
5. Permit After a Variance Request. Where the applicant feels that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance the applicant may appeal for a variance by submitting an application requesting such variance to the Zoning Officer and to the Zoning Hearing Board. The Zoning Hearing Board shall conduct a hearing to review the application for a variance. After the hearing and after reaching its decision, the Zoning Hearing Board shall order the Zoning Officer to issue or refuse the Zoning Permit accordingly.
6. Permit After Request for Amendment. Where an applicant feels that the Zoning Ordinance is in need of change in any part, the applicant may petition the Borough Council to consider an Amendment to this Ordinance. Such a petition shall be referred to the Planning Commission for its recommendation. The Borough Council shall then, after proper notice, hold a public hearing on the proposed Amendment. After the hearing, the Borough Council shall make their decision on the Proposed Amendment. If the Amendment is adopted the applicant can then proceed to apply for a Zoning Permit in the manner applicable to the type of use that the applicant wishes to propose.

1202 ZONING OFFICER

A. Appointment

The Zoning Officer shall be appointed by the Borough Council and shall not hold any elective office in the municipality. The Zoning Officer shall continue to serve the municipality until such time as the Borough Council declares otherwise. The Zoning Officer shall meet any qualifications established by the Borough Council and shall be able to demonstrate to their satisfaction a working knowledge of municipal zoning regulations.

B. Administration and Enforcement

The provisions of this Ordinance shall be administered by the Zoning Officer. The Zoning Officer shall have the following duties and powers:

1. Inform Applicants. The Zoning Officer shall provide information for prospective applicants as to the type of form to be filed, the information to be submitted, and explain the procedures for filing applications. Such information shall be offered as a public service and no charge shall be made for such service.
2. Form of Applications, Permits and Certificates. The form of all applications, permits and certificates to be used by the Zoning Officer under the terms of this Ordinance shall be prescribed by the municipality. Said applications, permits and certificates may be combined with other applications, permits and certificates required by the Building Code.
3. Receive Applications. The Zoning Officer shall receive and examine all applications for permits, certificates and variances and other applications required under the terms of this Ordinance.

4. Issue Permits. The Zoning Officer shall issue permits for the construction, major alteration and occupancy of all uses which are in accord with the requirements of this Ordinance within thirty (30) days of the receipt of the applications for such permit.
5. Refuse Permits. The Zoning Officer shall refuse applications for permits or certificates which are not in accord with the requirements of this Ordinance within thirty (30) days of the receipt of such application. Said refusal shall be in writing and shall state the reasons for such action. Duplicate copies of such refusals shall be forwarded to the Zoning Hearing Board.
6. Issue Notice of Violation. The Zoning Officer shall make a written notice of a violation and issue the same on the person, firm or corporation violating any provisions of this Ordinance. Said written notice shall set forth the action on the part of such persons or corporation that he deems to be in violation. Duplicate copies of said notice shall be referred to the Zoning Hearing Board and to the Borough Council.
7. Keep Records. The Zoning Officer shall keep records of applications, permits or certificates issued or denied, of variances granted, of inspections made, or reports rendered and of notice of orders issued.
8. Monthly Report. The Zoning Officer shall submit a monthly report to the Borough Council and the Planning Commission on the number of applications made, or permits or certificates issued or denied, of variances granted, of inspections made, of reports rendered, of notice of orders issued, and of any other information requested by the Borough Council or Planning Commission in the furtherance of their duties.
9. Other Powers and Duties. The Zoning Officer shall perform all other duties as may be provided or made necessary by the terms of this Ordinance.

1203 ZONING HEARING BOARD

A. Creation of Zoning Hearing Board

The Zoning Hearing Board of The Borough of Moscow is hereby created (also referred to as the "Board") as set forth in the Pennsylvania Municipalities Planning Code, as amended.

B. Appointment and Terms of Members

The Zoning Hearing Board shall consist of three (3) residents of the Borough appointed by resolution of the Borough Council. The terms of office of the three-member Zoning Hearing Board shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies which occur and any appointment to fill any vacancy shall be only for the unexpired portion of the term. No business may be transacted unless two of the members are present at a properly conducted meeting. All actions shall require the affirmative vote of at least two (2) members.

The Borough Council may also appoint, by resolution, up to (3) residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of the alternate members shall be three (3) years. An alternate member of the Zoning Hearing Board may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing

Board nor be compensated unless designated by the chairman of the Zoning Hearing Board as a voting alternate member.

All members and alternate members of the Zoning Hearing Board shall hold no other office in the Borough, including membership on the Borough Planning Commission or serve as the Zoning Officer.

C. Duties and Powers

The Zoning Hearing Board shall be responsible for the interpretation of this Ordinance, and shall adopt, and make available to the public, rules for the exercise of its functions. The Zoning Hearing Board shall have the following duties and powers:

1. To Hear and Decide Appeals. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Ordinance in accordance with Section 1205.
2. Permit Special Exceptions. To hear and decide requests for special exceptions. The Zoning Hearing Board shall determine that the standards set forth in Articles V, VI, and VII have been fulfilled, and in addition, may impose other appropriate conditions and safeguards where necessary to secure the general objectives of this Ordinance.
3. Authorize Variances. The Zoning Hearing Board may vary the strict application of any of the requirements of this Ordinance provided that such variance is granted only in accordance with Section 1206.
4. Interpretation of Zone District Boundaries. The Zoning Hearing Board shall decide on the exact location of Zone District boundary lines as specified in Section 404.
5. Other Duties and Powers. The Zoning Hearing Board shall perform such other duties as may be provided or made necessary by this Ordinance including the following:
 - a. To authorize the Zoning Officer to issue Zoning Permits for Special Exceptions, Variances, and Certificates of Nonconformance.
 - b. To hold hearings in accordance with Section 908 of the Pennsylvania Municipalities Planning Code, as amended.
 - c. To authorize the termination of a nonconforming use pursuant to Article XI.
 - d. To refer any pertinent matter to the Planning Commission for review and recommendation, and defer any decision thereon for a period of not more than thirty (30) days from the date of referral to the Planning Commission, pending a report from the Commission.
 - e. To maintain a record of all decisions and the findings upon which said decisions shall be based.

D. Referral to Planning Commission

The Zoning Hearing Board may refer applications for Special Exceptions to the Planning Commission and any other applications or appeals that in the opinion of the Zoning Hearing Board, require review by the Commission. Upon receipt of such an application from the Zoning Hearing Board, the Planning Commission shall:

1. Determine compliance of proposed Special Exceptions with the standards set forth in Articles V, VI, VII, and VIII.
2. Recommend approval, disapproval, or approval subject to conditions or modifications. The planning commission shall submit a written report to the Zoning Hearing Board stating all recommended conditions and modifications and the reasons for such approval or disapproval.

E. Removal of Members

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Borough Council taken after the Zoning Hearing Board member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the Zoning Hearing Board member shall request it in writing.

1204 PERMITS AND CERTIFICATES

A. Zoning Permits

The purpose of the Zoning Permit is to determine compliance with the provision of this Ordinance, and no person shall erect, structurally alter, or convert any structure, building or part thereof, nor alter the use of any land, subsequent to the adoption of this Ordinance, until a Zoning Permit has been issued by the Zoning Officer.

1. Application for Permits. All applications for Zoning Permits shall be in writing and on forms furnished by the Zoning Officer. Applications shall be accompanied by plans, showing the following information:
 - a. The actual shape and dimensions of the lot to be built upon.
 - b. The exact size and location of existing or proposed buildings, signs, parking or loading areas.
 - c. The existing and proposed use of each building or parts thereof, including number of families, dwelling units, employees, offices or other units of occupancy.
 - d. Landscaping plans as may be required under the provisions of this Ordinance.
 - e. Such other information as may be necessary to determine compliance with this ordinance.
2. Permits to be Shown. Zoning Permits shall be issued in duplicate and one (1) copy shall be kept conspicuously on the premises affected whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform building operations of any kind unless a Zoning Permit covering such

operation has been previously issued, and is being displayed as required by this Ordinance, nor shall building or construction operations of any kind be conducted on the subject premises after notification of the revocation of said Zoning Permit.

3. Revocation of Permits. The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is false or misleading, or that work being done upon the premises differs materially from that called for in the application. In such a case, the person holding the permit shall immediately surrender it and all copies thereof to the Zoning Officer. Before issuing a new Zoning Permit, the Zoning Officer may require the applicant to file an indemnity bond in favor of the municipality with sufficient surety conditioned for compliance with this Ordinance and all building laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building if it does not so comply.

1205 APPEALS

A. Appeal from Decision of Zoning Officer

1. Any person, officer of the municipality, or firm or corporation which deems itself aggrieved by any order of the Zoning Officer shall have the right to file a written appeal to the Zoning Hearing Board within thirty (30) days of the issuance of said order. Such appeal shall contain the information required in Subsection 1205 E. and a duplicate copy shall be sent to the Zoning Officer. The Zoning Officer shall transmit to the Zoning Hearing Board all papers constituting the record upon which the action appealed from was taken.
2. It shall be competent for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of this action in cases where he believes substantial justice requires the same but where the Zoning Officer does not have the authority to grant the relief sought. The Zoning Hearing Board shall fix a reasonable time for the hearing of appeals and give public notice thereof by advertising at least one week before the hearing, and shall give due notice to the parties in interest and shall decide all appeals within a reasonable time. Any party may appear in person or be represented by an agent or attorney.
3. The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board. The Zoning Hearing Board's decision shall be immediately filed in its office to be a public record and notice thereof shall be given to all parties in interest. In the exercise of its functions upon such appeals, the Zoning Hearing Board may in conformity with the provision of this Ordinance, reserve or affirm, wholly or partly, or modify the order, requirement, decision, or determination in accordance with the provisions hereof.

B. Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary Zoning Permit, or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

C. Appeal from Decision of Zoning Hearing Board

In case of an appeal from the Zoning Hearing Board, the Zoning Hearing Board shall make the return required by law, and shall promptly notify the municipal solicitor of such appeal and furnish him with a copy of the return including transcript of testimony. Any order of the Zoning Hearing Board not appealed within thirty (30) days shall be final.

D. Stay of Proceedings

Upon filing of any proceeding during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous and is for the purpose of delay. At the hearing evidence may be presented on the merits of the case. After consideration of all evidence presented, if the court determines that the appeal is frivolous and is for the purpose of delay it shall grant the petition. The right to petition the court to order the appellants to post bond maybe waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

E. Information Required on Appeals to the Zoning Hearing Board

All appeals from a decision of the Zoning Officer and applications to the Zoning Hearing Board shall be in writing on forms prescribed by the Zoning Hearing Board. Every appeal or application shall include the following:

1. The name and address of the applicant, or appellant.
2. The name and address of the owner of the zone lot to be affected by such proposed change, or appeal.
3. A brief description and location of the zone lot to be affected by such proposed change, or appeal.
4. A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.
5. A statement of the section of this Ordinance under which the appeal is made, and reasons why it should be granted or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal.

6. A reasonable accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, these shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements existing thereon and proposed to be erected thereof.

1206 VARIANCES

A. Zoning Hearing Board May Authorize Variance

Upon appeal, and after public notice and personal notice as hereinafter prescribed in Section 1207 and after hearing, and subject to appropriate safeguards and conditions for the protection of public and of neighboring properties, the Zoning Hearing Board may for a use permitted in the zone district only, vary the strict application of any of the requirements of this Ordinance, provided that said variance shall be in conformity with Section 1206 C.

B. Purpose of Variance

The sole purpose of any variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone.

C. Required Showing for Variances

A variance in the strict application of any provision of this Ordinance shall be granted by the Zoning Hearing Board provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare
5. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

1207 HEARINGS

Upon filing with the Zoning Hearing Board, of an appeal, special exception, or of a request for a variance as required by the terms of this Ordinance, or for such other purposes as provided herein, the Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 908 of the Pennsylvania Municipalities Planning Code, as amended:

A. Public Notice

By advertising once each week for two (2) consecutive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

B. Notice of Appellant

By mailing a notice of the hearing by registered mail to the appellant.

C. Notice to Local Officials

By mailing a notice to Borough Council and to the Zoning Officer.

D. Notice to Interested Parties

By mailing a notice thereof to every association of residents of the municipality and any other interested party who shall have registered their names and addresses for this purpose with the Zoning Hearing Board.

E. Notice to Owner and Neighbors

When the Zoning Hearing Board shall order, by mailing a notice to the owner, if the residence is known, and to the occupant or owner of every lot on the same street within three hundred feet (300') of the lot or building in question, and of every lot not on the same street within one hundred feet (100') of said lot or building; provided that failure to give such notice as specified in this paragraph shall not invalidate any action by the Zoning Hearing Board.

F. Hearings

The board shall conduct hearings and make decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the zoning officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
2. The governing body may prescribe reasonable fees with respect to hearings before the zoning hearing board. Fees for said hearings may include compensation for the

secretary and members of the zoning hearing board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the zoning hearing board, expenses for engineering, architectural or other technical consultants or expert witness costs.

3. The first hearing before the board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. And applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
4. The hearings shall be conducted by the board or the board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the board and accept the decision or findings of the hearing officer as final.
5. The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the board for that purpose.
6. The chairman or acting chairman of the board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
7. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
8. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
9. The board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is

made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

10. The board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
11. The board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than 30 days after the report of the hearing officer. Except for challenges filed under section 916.1 of the Pennsylvania Municipalities Planning Code where the board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in subsection 3. of this section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as hereinabove provided, the board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in subsection 1. of this section. If the board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
12. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the board not later than the last day of the hearing, the board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

1208 AMENDMENTS

The Borough Council may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceedings in accordance with Section 609 of the Pennsylvania Municipalities Code, as amended.

1209 LANDOWNER CURATIVE AMENDMENTS

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or Zoning Map, or any provision thereof, that prohibits or restricts the use or development of land in which he has an interest may do in accordance with Section 609.1 of the Pennsylvania Municipalities Planning Code, as amended (MPC).

1210 MUNICIPAL CURATIVE AMENDMENTS

If the Borough determines that this Zoning Ordinance or any portion thereof is substantially invalid, it shall take action as prescribed in Section 609.2 of the Pennsylvania Municipalities Planning Code, as amended (MPC).

1211 ENFORCEMENT AND VIOLATIONS

A. Enforcement

This Ordinance shall be enforced by the Zoning Officer. Any and all permits required under this Ordinance shall be granted in accordance with the rules and regulations of this Ordinance only, and/or by written decisions from the appeal agencies established by this Ordinance.

B. Initiation of Appropriate Action

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, or of any ordinance or regulation made under authority conferred hereby, the Zoning Officer, or other proper enforcement official, or any citizen of the municipality in addition to other remedies, may institute any appropriate action of proceedings to prevent such lawful erection, conversion, maintenance or use, to restrain, correct, or abate such violation within 10 days and to prevent the occupancy of said building, structure to land, or to prevent any illegal act, conduct, business or use in or about such premises.

C. Enforcement Remedies

Any person, firm or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Municipality as a result thereof.

No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation until the fifth day following the date of the determination of a violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Municipality.

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Municipality, the right to commence any action for enforcement pursuant to this section.

D. Actions Initiated Prior to Passage of Ordinance

The passage of this Ordinance shall not automatically suspend any pending actions instituted one (1) year or less prior to said passage against any person, firm, or corporation accused to be in violation of municipal zoning laws existing prior to said passage. Before any proceedings may be suspended, an appropriated legal determination must be made as to whether or not the person, firm or corporation is also in violation of this Ordinance. If it is ruled that the person, firm, or corporation is not in violation of this Ordinance then the action may be suspended; if the ruling is otherwise, then the proceedings shall continue as instituted.

E. Fees

As authorized by Section 617.2(e) and Section 908(1.1) of the Pennsylvania Municipalities Planning Code, the Borough Council shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance.

Permits, special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board or shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting the copy or copies. In other cases the party requesting the original transcript shall bear the cost.

The above fees, in addition to those fees required by the Building Code, shall be paid at the office of the Zoning Officer upon the filing of an application for a Zoning Permit.

1212 APPEALS TO COURTS

The procedure set forth in Article X-A of the Pennsylvania Municipalities Planning Code as amended (MPC) shall constitute the exclusive mode for securing review of any decision rendered pursuant to Article XII of this Ordinance, or deemed to have been made under the jurisdiction of the Pennsylvania Municipalities Planning Code as amended (MPC).