Altoona

Planning

Code

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TITLE ONE
DELEGATION OF POWER, AUTHORITY & RESPONSIBILITY

ARTICLE I
ALTOONA CITY PLANNING COMMISSION

SECTION 101. COMMISSION ESTABLISHED
The Altoona City Planning Commission as created and established in 1916 by Ordinance Number 338 is hereby reconstituted to conform to the provisions of this Ordinance and shall continue to function without interruption through this transition.

SECTION 102. MAINTENANCE OF PROPERTY
All property, including records of the Altoona City Planning Commission shall be maintained in good and current condition and kept on-site. By law, it is recognized that all records are the property of the City Council, but are hereby assigned to the Altoona City Planning Commission.

SECTION 103. MEMBERSHIP
There shall be seven voting members on the Commission. All members shall be full-time residents of the City, and no voting member of the Altoona City Planning Commission may concurrently hold a seat as Mayor, on the City Council, or on the Zoning Hearing Board, nor be employed by the City or any of its Authorities. Each commissioner shall serve four years, as provided below.

SECTION 104. APPOINTMENT OF COMMISSIONERS
All seven members of the Altoona City Planning Commission shall be appointed by the Mayor with the approval of the City Council as provided by law.

SECTION 105. TERMS OF COMMISSIONERS
The terms of each of the commissioners shall be four years, or until his resignation, or until death, whichever shall first occur. Terms shall run from January 1 to December 31 four years subsequent, and shall be staggered so that no more than two terms expire in any given year.

SECTION 106. VACANCIES ON THE COMMISSION
The chairman of the commission shall promptly notify the Mayor of any vacancy on the commission, and any such vacancy shall be filled for the remainder of the unexpired term. The chairman will also be responsible to notify the Mayor in October of the commissioners whose terms will expire in the following January so the Mayor may make timely appointments to the commission.

SECTION 107. COMPENSATION
Commissioners shall serve without compensation, however may be reimbursed for any reasonable costs incurred in the course of their duties as commissioners. The commission as a body may accept grants, gifts, loans, and other such funds, property, or services on behalf of the City to carry out its duties and powers.

SECTION 108. REMOVAL OF COMMISSIONERS

Any member of the Commission may be removed from office for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the City Council. Such removal shall be in compliance with Section 206 of the Pennsylvania Municipalities Planning Code.

SECTION 109. POWERS AND DUTIES OF THE PLANNING COMMISSION

The Altoona City Planning Commission shall have the following powers and duties.

A. Develop long-range policies and goals for the City of Altoona
B. Maintain and keep on file records of its action.
C. Prepare the comprehensive plan for the development of the municipality and present it for the consideration of City Council. The comprehensive plan shall be thoroughly reviewed every tenth year beginning with the year 2000. Interim reviews may be conducted as deemed necessary by the City Council.
D. Make recommendations to City Council regarding the adoption or amendment of an official map.
E. Prepare and present to the City Council any such ordinances as are necessary to properly implement the comprehensive plan. These ordinances include, but are not limited to, any portion of the Altoona Planning Code. City Council shall not adopt, amend, or repeal any ordinance affecting the implementation of the Comprehensive Plan without a written recommendation of the planning commission, unless the Planning Commission fails to submit a recommendation within sixty days of its receipt of a request for such a recommendation.
F. Review and approve proposals made under the Altoona Planning Code, unless approval power is specifically given to a person or body politic other than the Commission. The Commission shall have the power to review and make recommendations on any proposal or application submitted under the requirements of any provision of the Altoona Planning Code regardless of where final approval power lies.
G. Act as the Airport Planning Agency as defined in the Airport Zoning Act, carrying out any and all studies and preparing any regulations as may be required by the Act.
H. Declare properties or areas as blighted in conformance with the requirements for such certifications under the Urban Redevelopment Law
I Develop Urban Renewal Area Plans and review and make recommendations on any proposals offered by the Redevelopment Authority under the Urban Redevelopment Law
J. Work in conjunction with the Redevelopment Authority in developing and implementing any Redevelopment Programs under the Urban Redevelopment Law
K. Promote and defend a public interest in, and understanding of, the comprehensive plan and planning in general.
L. Require from other departments and agencies of the City government any available information necessary to carry out the duties assigned.
M. In the performance of its functions, enter upon any land to make examinations and surveys with consent of the owner.
N. Accept and utilize any funds, personnel or other assistance made available to it, notwithstanding City Council's power to enter into or terminate agreements and contracts with the City.
O. Any other duties which may be assigned to it from time to time.

SECTION 110. CONDUCT OF BUSINESS

The Commission shall make and alter bylaws, rules, and regulations to govern its conduct consistent with the laws of the Commonwealth and the City to regulate its conduct of business. These bylaws shall be reviewed on an annual basis during the first meeting of the year.

SECTION 111. SUPPORT STAFF

The Commission shall have full access to and utilization of the Planning & Community Development Department staff. It may also request assistance from any other City department in carrying out its duties, provided that such request does not place an undue burden on that department nor significantly interferes with its normal duties.

SECTION 112. RELATIONSHIPS TO OTHER PLANNING AGENCIES

The Commission is empowered and encouraged to have good working relationships with other planning agencies and to work with them so as not to create conflicts across borders or between municipal entities. However, in all cases, the Commission shall not compromise the City's best interests, nor commit any action in violation of City policies, ordinances and plans. The Commission and Department shall work cooperatively to achieve and develop the planning goals for the City.

ARTICLE II
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

SECTION 201. DEPARTMENT ESTABLISHED

The Planning Commission Office as created and established in 1916 by Ordinance Number 338 is hereby reconstituted to conform to the provisions of this Ordinance, and shall now be known as the Planning & Community Development Department. This Department is hereby declared to be a second planning agency pursuant to Section 201 of the Pennsylvania Municipalities Planning Code.

SECTION 202. MAINTENANCE OF PROPERTY

All property, including records of the Planning & Community Development Department shall be maintained in good and current condition and kept on-site. By law, it is recognized that all records are the property of the City Council, but are hereby assigned to the Department.

SECTION 203. DEPARTMENT DIRECTOR

The Department shall be administered by a Director of Planning & Community Development who shall be appointed as a full-time employee of the City as prescribed by law. The director's terms and conditions of employment shall be governed by the applicable employment contracts and personnel laws of the City of Altoona. The Department Director shall not concurrently hold a seat as Mayor, on the City Council, nor the Zoning Hearing Board, nor may be otherwise employed by the City or any of its Authorities.

SECTION 204. POWERS AND DUTIES OF THE PLANNING DEPARTMENT

The Planning & Community Development Department shall be divided into five functional divisions, which shall work together in an efficient, cooperative manner. These divisions shall be Administrative, Clerical, Community Development, Housing, and Planning. The specific duties and functions of each division shall be assigned and delegated by the Department Director, but shall follow the descriptions below.

A. Assist the Planning Commission in preparing, updating, and recommending municipal adoption of a comprehensive plan and the associated ordinances.
B. Review the provisions of the Altoona Planning Code and any other ordinance passed to implement the Comprehensive Plan immediately upon adoption or amendment to such comprehensive plan to ensure consistency between the plan and the ordinances.
C. Coordinate with Federal, State, regional and local agencies and organizations, including adjacent municipalities, that are involved in planning, redevelopment, housing, transportation, and economic development activities that could affect the City of Altoona.
D. Collaborate with other agencies, organizations, and development entities to implement the comprehensive plan and related projects.
E. Prepare applications and contracts for funding and financing activities and projects and administer those activities and projects.
F. Provide research and development services to the City and its departments, including the preparation of reports, studies, plans, specifications and projects.
G. Provide professional staff support to the Planning Commission.
H. Provide professional staff support to the Redevelopment Authority.
I. Administer and coordinate the review of all development projects subject to the Altoona Planning Code, except applications under zoning specifically assigned to other powers.

J. Assist and encourage other agencies organizations and development entities to implement the comprehensive plan and it related activities.
K. Assist in the development of a capital improvements program.
L. Administer housing rehabilitation programs.
M. Coordinate housing development activities with the other public and private housing agencies and financial institutions serving Altoona.
N. Prepare specific studies, reports specifications, and plans to meet program or project requirements, or to meet City needs.
O. Develop, maintain, and coordinate relevant database files, including, but not limited to, United States Census data and city-developed database information.
P. Coordinate and develop the utilization of the City's geographic information system (GIS) and related mapping functions.
Q. Facilitate the removal of blight and the redevelopment of the City by acquiring and disposing of property in the City through appropriate planning, legal, and financial mechanisms.
R. Administer the housing and community development grant programs, as well as other grant programs , including the fiscal and accounting aspects.
S. Promote and defend the public interest in, and understanding of, the comprehensive plan, and planning in general.
T. Make recommendations to governmental, civic, and private agencies and individuals as to the effectiveness of the proposals and actions of such agencies and individuals.
U. Present testimony to any board, court, or body politic.
V. Provide persons engaged in planning activities for the City the training, continuing education, or professional development necessary to effectively and responsibly carry out those activities.
W. Conduct other activities as may be assigned from time to time.

SECTION 205. ADMINISTRATIVE DIVISION

This division is responsible for the overall operation of the department. It shall include the fiscal operations of the department, including fiscal administration of the Community Development Block Grant program. It is also responsible for the delegation of the planning agency powers to the other Department Divisions assigned by this ordinance.

SECTION 206. CLERICAL DIVISION

The clerical division of the Department shall be responsible to provide basic clerical support to the other four divisions of the department. It shall be responsible to each of the other four divisions, but shall be supervised by the Administrative Division.

SECTION 207. COMMUNITY DEVELOPMENT DIVISION

Community development aspects shall include daily administration of the housing and community development grant programs, including monitoring of current projects, subrecipients, and contracts. It shall also provide the primary staff support to the Redevelopment Authority, and be responsible for the acquisition and disposition of properties owned by either the City or the Redevelopment Authority.

SECTION 208. HOUSING DIVISION

This division shall be responsible for the administration of the housing program. This responsibility shall include the administration of grants and loans for rehabilitation as well as administration of State and Federal housing programs as they become available. The Housing Division shall ensure that equitable and fair housing practices are in place, and ensure program participants are in compliance with program requirements.

SECTION 209. PLANNING DIVISION

The Planning Division shall be responsible for the research and development functions of the City and shall provide such assistance as requested, so long as such requests do not put unreasonable burden on other required activities. The Planning Division shall provide primary staff support for the Planning Commission, and will engage in such activities as may be necessary to further the long range goals of the City. The geographic information system shall be housed in the Planning Division.

SECTION 210. COORDINATION OF EFFORTS

The existence of five divisions within the Department in no way implies that the efforts of these divisions exist independently of the others. It is the express goal of this ordinance to provide for a coordinated approach to planning. To further this goal, the Director is empowered to delegate any task to any capable division or employee within the department as is deemed necessary to complete the necessary work. The division administrators and Department Director shall coordinate these efforts and maintain open communication to prevent duplication or contradiction of effort.

SECTION 211. SUPPORT STAFF

The Director of Planning & Community Development shall hire, with the consent and approval of the City Manager, any such staff as may be deemed appropriate to carry out the duties of the Department. The Director may also request assistance from any other City department in carrying out his duties, provided that such request does not place an undue burden on that department, nor interferes with its normal functions and duties.

SECTION 212. RELATIONSHIPS TO OTHER PLANNING AGENCIES

The Department Director is empowered and encouraged to have good working relationships with other planning agencies and to work with them so as not to create conflicts across borders or between municipal entities. However, in all cases, the Director shall not compromise the City's best interests, nor commit any action in violation of City policies, ordinances and plans. The Department and Commission shall work cooperatively to achieve and develop the planning goals for the City.

SECTION 213. ALTOONA ADMINISTRATIVE CODE

This Article of the Altoona Planning Code and the provisions of the Altoona Administrative Code governing the Planning & Community Development Department are hereby declared to be complementary documents. Where a power or responsibility is assigned in one document and is absent in the other document, the power or responsibility shall be considered to be assigned. Where the assignment of power and responsibility in one document conflicts with such assignment in the other document, the relevant state law shall control. Where such state law is ambiguous or absent, the Altoona Planning Code shall control.

ARTICLE III
ZONING HEARING BOARD

SECTION 301. BOARD ESTABLISHED

City Council hereby creates, by authority of the Municipalities Planning Code, a Zoning Hearing Board for the City of Altoona, with the powers and duties as outlined herein.

SECTION 302. MEMBERSHIP

A. The *Zoning Hearing Board* of the City of Altoona shall consist of five (5) residents of the City, appointed by City Council via a resolution. Each member's term of office shall be five (5) years, and shall be so fixed that the term of office of one member of a five-member board shall expire each year. Members of the *Zoning Hearing Board* shall hold no other office in the City government.
B. The City Council shall also appoint by resolution three (3) residents of the City to serve as alternate members of the Board. The term of office of an alternative member shall be three years. When an alternate is seated on the Board, he or she shall be entitled to participate in all proceedings to the same extent as any other member of the Board. However, alternates shall not be entitled to vote as a member of the Board or be compensated unless they have been de*sign*ated as a voting alternate member. The alternates shall also hold no other office in the City government.
C. The transition from a three-member to a five member board shall be as follows:
    1. Current members shall fill out the remainder of their three-year terms, after which those seats will be filled for five years. Current members are eligible for reappointment at the end of their current terms.
    2. One new member will be appointed to a term expiring the first Monday of 2007.
    3. One new member will be appointed to a term expiring the first Monday of 2008. Upon expiration of that term, that seat shall be filled for five years. The newly-appointed member is eligible for reappointment at that time.
    4. Three alternate members shall be appointed. The first alternate's term will expire the first Monday of 2005, the second alternate's term will expire the first Monday of 2006, and the third alternate's term will expire the first Monday of 2007. Unpon expiration of each term, the seat will be filled for three years. The newly-appointed alternates are eligible for reappointment upon expiration of their respective terms.

SECTION 303. REMOVAL OF ZONING HEARING BOARD MEMBERS:

Any board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the City Council. However, the member must receive notice of the intent to take such a vote at least 15 days before the actual vote is taken, and he or she may request that a hearing be held in connection with the vote.

SECTION 304. THE ORGANIZATION OF THE BOARD:

The *Zoning Hearing Board* shall elect officers from its own membership. Such officers shall serve annual terms and may succeed themselves.

SECTION 305. QUORUM

A. For the conduct of any hearing and the taking of any action or votes, a quorum shall be no less than a majority of all of the members of the Board.

B. If, for reasons of absence or disqualification, a quorum is not reached, the chairman of the Board shall de*sign*ate enough alternates as voting alternative members to reach the quorum. Any alternate so de*sign*ated shall continue to serve on the Board in all proceedings involving the matter or case for which he or she was de*sign*ated until the Board has made a final determination on that matter or case. Such de*sign*ations shall be made on a rotating basis among all alternates on the order of declining seniority.
C. Tie votes shall be interpreted as maintaining the status quo in the matter at hand. For instance, *special exceptions* are denied when the Board is tied.

SECTION 306. CONDUCT OF BUSINESS

The Board may make, alter, and rescind rules and forms for its procedure, consistent with the requirements of this ordinance and the laws of the Commonwealth of Pennsylvania. The Board shall keep full public records of its business[1], and shall submit a report of its activities to City Council if requested.

SECTION 307. FISCAL RESPONSIBILITIES

The Board may spend such monies as are appropriated by Council.

SECTION 308. POWERS AND DUTIES OF THE ZONING HEARING BOARD:

The Board's duties shall be as follows. All hearings conducted in pursuit of these duties shall be held according to the rules in Section 214 of Title Three.

A. The Board shall hear substantive challenges to the validity of this Ordinance and its amendments in accordance with Section 209 of Title Three, "Substantive Challenges".
   1. Based on the testimony presented at the hearing or hearings, the Board shall determine whether the challenged ordinance, ordinance provision, or map is defective as alleged by the *applicant*. If the challenge is found to have merit, then the final decision of the Board shall include recommended amendments to the challenged ordinance, which will cure the involved defects.
   2. In reaching its decision on a substantive challenge to validity of this Ordinance or its amendments, the Board shall consider:
      a the impact of the proposal on roads, sewer facilities, water supplies, *schools*, and other public service facilities;
      b if the proposal is for a residential *use*, the impact of the proposal on regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map;
      c the suitability of the site for the intensity of *use* proposed, considering the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features;
      d the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts; and
      e the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

[1]Such records shall be the property of the City.

3. The challenge shall be deemed to be denied if the Board either fails to commence the hearing within 60 days, or fails to act on the application within 45 days of the close of the last involved hearing. In the latter two of these cases, the involved time limit may be extended by mutual consent of the applicant and the municipality. If no such consent is reached, the challenge shall be denied on the day after the last day that the Board could have taken the involved action.

B. The Board shall hear procedural challenges to the validity of this Ordinance or one of its amendments in accordance with Title Three, Section 208, "Procedural Challenges".
C. The Board shall hear and render final adjudication on any matter committed to it under Section 909.1 of the Municipalities Planning Code in accordance with the hearing procedures outlined in Article II of Title Three.
D. The Board shall hear appeals from the determinations of the municipal engineer with reference to any floodplain provisions of any land use ordinance, including Article III of Title Four of this Ordinance
E. The Board shall hear applications for variances in accordance with Title Three, Section 205,"Variances".
F. The Board shall hear applications for special exceptions in accordance with Title Three, Section 206, "Special Exceptions and Conditional Uses". In granting a special exception, the Board may attach any reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this ordinance.
G. The Board shall hear applications to expand a nonconforming land use or to change one nonconforming land use to another in accordance with Title Three, Article III, "Nonconforming Buildings and Uses".
H. The Board shall hear all other applications and appeals that are assigned to it by this Ordinance or the laws of the Commonwealth of Pennsylvania.

SECTION 309. SUPPORT STAFF

The Board shall have full access to and utilization of the Codes and Inspections Department and Planning & Community Development Department staff. It may also request assistance from any other City department in carrying out its duties, provided that such request does not place an undue burden on that department nor significantly interferes with its normal duties. The primary staff contact shall be the Zoning Officer.

ARTICLE IV
OFFICERS AND ADMINISTRATORS

SECTION 401. PURPOSE

The purpose of this Article is to provide for the enforcement and administration of specified portions of this Ordinance. The positions created below shall have the powers and responsibilities specifically assigned them by the pertinent portions of this ordinance, as well as any additionally assigned by state or federal law. The names given below are not necessarily job titles; the responsibilities for each name below may be conferred on any qualified employee regardless of title within the scope of applicable law.

SECTION 402. OFFICERS

There is hereby created the following officers with the duties and responsibilities as specified.

A. A Zoning Officer with the powers and responsibilities assigned him under Title Three and Title Ten of this Ordinance as well as any others assigned by the Municipalities Planning Code, or other state or federal law.
B. A Floodplain Officer with powers and duties assigned him under Title Four and Title Ten of this Ordinance as well as any others assigned by the Floodplain Management Act, or other state or federal law.
C. A Sewage Facilities Officer with powers and duties assigned him under Title Four, Title Five, Title Six, Title Seven, and Title Ten of this Ordinance as well as any others assigned by the Sewage Facilities Act, or other state or federal law.
D. A Storm Water Officer with powers and duties assigned him under Title Four and Title Ten of this Ordinance as well as any others assigned by the Storm Water Management Act, or other state or federal law.

SECTION 403. ADMINISTRATORS

There is hereby created the following administrators with the duties and responsibilities specified.

A. A Planning Administrator, with the powers and duties assigned him by this Ordinance. The primary focus of administration shall be on the City's research and development efforts, the oversight of the interdepartmental review process, and maintaining this Ordinance, including its cartographic requirements.
B. An Urban Redevelopment Administrator who will be responsible to coordinate the activities under Title Eight of this Ordinance.
C. An Erosion and Sedimentation Control Administrator who shall be responsible for the administration of the Erosion and Sedimentation Control Regulations contained in Title Four of this Ordinance.

SECTION 404. RELATIONSHIP TO CONTRACTS AND LAW

The names above are used to designate and categorize certain responsibilities as defined in applicable law. The names are not necessarily job titles nor complete job descriptions. The persons to whom these responsibilities are given shall be governed by applicable contracts for employment, or contracts for services, as well as applicable personnel policies and laws.

ARTICLE V
REDEVELOPMENT AUTHORITY

SECTION 501. AUTHORITY ESTABLISHED

Pursuant to the provisions of the Urban Redevelopment Law, approved May 24, 1945, P.L. 991, the Council of the City of Altoona finds and declares that there is a need for an Urban Redevelopment Authority to function within the limits of the City of Altoona, and hereby creates a body corporate and politic to be known as the "REDEVELOPMENT AUTHORITY OF ALTOONA" to function within the limits of said City, subject to the powers and limitations contained in the above Act; and the Mayor is hereby requested to appoint five (5) members, who shall be residents of Altoona and who shall constitute the personnel of said Authority.

SECTION 502. CERTIFICATE OF INCORPORATION

The Clerk of the City Council is hereby directed to file with the Pennsylvania Department of State, the State Planning Board, and the Secretary of the Commonwealth, certified copies of this ordinance, so that a Certificate of Incorporation may issue to the Redevelopment Authority of Altoona as provided in said Act of Assembly,

ARTICLE VI
BLIGHTED PROPERTY REVIEW COMMITTEE

SECTION 601. COMMITTEE ESTABLISHED

The Blighted Property Review Committee required under section 12.1 of the Pennsylvania Urban Redevelopment Law is hereby established in accordance with law, with the powers and duties as outlined herein.

SECTION 602. BOARD MEMBERSHIP

The Board shall consist of five members as described below.

A. One representative of the City Council to be selected by the Council
B. One representative of the Redevelopment Authority to be selected by the Authority
C. One representative of the Planning Commission to be selected by the Commission
D. Two at-large members to be appointed by the chief executive officer of the City

SECTION 603. TERMS OF MEMBERSHIP

Members shall serve for two years, with no more than three terms expiring in any given year.

SECTION 604. VACANCIES

Any vacancy on the Committee shall be filled for the unexpired term as soon as possible by the proper appointing body as defined in Section 602 above.

SECTION 605. POWERS OF THE COMMITTEE

The Committee shall have the following powers and duties.

A. Implement the provisions of Section 12.1 of the Pennsylvania Urban Redevelopment Law
B. Promote the reuse of and reinvestment in properties in Altoona
C. Advise:
    1. the Redevelopment Authority in matters relating to the establishment and modification of policies, priorities, and procedures affecting the disposition of properties acquired through the certification process of the Committee.
    2. the Planning and Community Development Department in matters relating to the provision of financial, advisory, and technical rehabilitation assistance affecting reinvestment involving properties acquired through the certification process of the Committee.
    3. other municipal agencies in matters relating to the functions of said agencies affecting the acquisition, disposition, and reinvestment in properties which have been or may be acquired through the certification process of the Committee.
    4. appropriate agencies in matters relating to the disposition of publicly owned properties in the City of Altoona
    5. appropriate agencies in the design, development, and implementation of homesteading and other property reinvestment programs which may from time to time be effectuated in the City of Altoona by such agencies
D. Other such acts, including but not limited to, the promulgation and implementation of rules and regulations, as may be necessary to fulfill the duties, obligations, and administration of the powers delegated to the Committee under local and state law.

SECTION 606. REMOVAL OF MEMBERS

Any member may be removed for cause by the responsible appointing body in Section 602.

SECTION 607. SUPPORT STAFF

The Committee shall be supported jointly by the Planning and Community Development Department and the Codes and Inspections Department. Each department shall supply the informational needs of the Committee within the scope of their normal respective duties, and shall also provide administrative and clerical support to the Committee.

SECTION 608. RELATIONSHIPS TO OTHER AGENCIES

The nature of the work of the Committee necessitates good working relationships with other agencies. The Committee is encouraged to maintain such relations with:

A. The Codes and Inspections Department
B. The Planning and Community Development Department
C. The Altoona City Planning Commission
D. The Redevelopment Authority of Altoona
E. The City Council

ARTICLE VII
PLANNING PRACTICE

SECTION 701. BASIC TRAINING

Planning Commissioners, Zoning Hearing Board members, the Zoning Officer, and all Planner I and Planner II employees shall, within one year of assuming their positions, complete the Pennsylvania Municipal Planners Education Institute's coursework for basic planning, or an approved equivalent.

SECTION 702. PROFESSIONAL CERTIFICATION

The following employees shall obtain professional certification from the American Institute of Certified Planners within two years of hiring:

A Director of the Planning and Community Development Department
B Planning Administrator
C Planner III
D An employee shall not be promoted into one of these three positions until after professional certification has been obtained.
E The City Manager may waive the requirements of this section if an applicant can demonstrate competency in the field of planning based on education and experience. Minimums should be three years planning experience with a planning degree, and five years planning experience with another college-level degree.

SECTION 703. CONTRACTOR AND CONSULTANT CERTIFICATION

No person or firm shall be engaged in the practice of planning for the City of Altoona or its Authorities without professional certification from the American Institute of Certified Planners. Where a project requires specific expertise in surveying, engineering, architecture or landscape architecture, the person or firm shall be licensed according to applicable law.

SECTION 704. PROFESSIONAL SUPPORT AND DEVELOPMENT

Those persons to whom this Article applies are strongly encouraged to have membership in the Pennsylvania Planning Association for professional support. Such persons are encouraged to avail themselves of the myriad of professional development opportunities which are available throughout the year in Pennsylvania and neighboring states to advance the cause of planning in Altoona. Attendance at the Pennsylvania Planning Association Annual Conference is mandatory for those listed in Section 702 above.

SECTION 705. APPLICABILITY

This Article shall apply to those persons appointed by the City after July 24, 2003, including reappointments. Those hired prior to July 24, 2003 are strongly encouraged to comply with the provisions of this Article as is practicable; however, no employee shall be promoted into a position requiring professional certification without first obtaining the requisite professional certification.

ARTICLE VIII
CITY PLANNING EFFORTS

SECTION 801. PLANNING

A municipality undertakes planning to provide a unified direction and set of goals for the City Government, its departments, employees, boards, committees, and commissions, and the general public to follow. To ensure this effort is successful, good interdepartmental communication and cooperation is necessary as is excellent interaction with the public for the public good.

SECTION 802. THE COMPREHENSIVE PLAN

The City, through the Altoona City Planning Commission and its staff, shall cause necessary studies to be made for the adoption and amendment of the Comprehensive Plan. A new plan shall be adopted every tenth year beginning with the year 2000. The Plan will meet the requirements of Article III of the Pennsylvania Municipalities Planning Code and the needs of the City at the time.

SECTION 803. COMPLIANCE WITH THE COMPREHENSIVE PLAN

A. The City recognizes the Comprehensive Plan as a commitment to the public relating to the goals and activities of the City over the life of the Plan. To that end, the City Government, its departments, boards, committees, and commissions, shall keep its actions consistent with the goals and objectives outlined in the Comprehensive Plan. Compliance is not necessary in cases where life or property is in immediate danger, during states of emergency, or where the effect of the provisions of the Plan on a property would result in a regulatory taking.
B. All requests for comprehensive planning consistency reviews made by (or for) property owners, developers, or state agencies under Section 619.2(a) of the Municipalities Planning Code shall be submitted to the Planning Administrator, who shall respond to such requests within twenty (20) days of receipt.

SECTION 804. PLANNING DIVISION AS SUPPORT

The staff of the Planning Division of the Planning & Community Development Department shall stand ready to assist any other City department, board, committee, or commission in its duties by providing research and development services on request. Requests will be filled provided they do not impose an undue burden on the staff, or significantly interfere with the normal duties of the Division. The provisions of this section are in no way intended to be used as a basis to transfer staff on either a temporary or permanent basis, nor to usurp the normal duties and job function of any City employee.

SECTION 805. INTERDEPARTMENTAL COMMUNICATION

To better facilitate the provisions of Section 804 above, the Planning Division shall respond to any requests made under that section with a brief report outlining the expected timeframe and resources necessary to complete the work. This response shall be sent within five working days, and shall be considered an estimate. Additionally, departments shall respond to written requests by the Planning Division staff within fifteen working days. Failure to respond, in writing, shall be deemed to be that department's approval of the request. In all cases, communication between departments shall be kept open and active at all pertinent times.

TITLE TWO
OFFICIAL MAP

ARTICLE I
ADOPTION AND AMENDMENT PROCEDURES

SECTION 101. PURPOSE

This Title serves and promotes the public health, safety, convenience, and general welfare, to facilitate adequate provision of public streets and facilities, to improve traffic circulation, to provide for the recreational and open space needs of the community, to protect and enhance water resources, and to facilitate the subdivision of land and the use of land and watercourses.

SECTION 102. ELEMENTS OF THE OFFICIAL MAP

The Official Map, as enacted and subsequently amended, shall identify the following:

A location of the lines of existing and proposed public streets, including widenings, narrowings, extensions, diminutions, openings, and closings

B. well sites, public water supplies, and aquifer locations

C. watercourses, floodways, floodplains, flood control facilities, storm water management facilities, and appurtenant easements.

D. public parks, playgrounds, and open space reservations

E. Pedestrian, bicycle, transit, and railroad rights-of ways, facilities, and easements

F. Airports, heliports, and related facilities

G. Sewer facilities, rights-of-way, and easements

H. Support facilities, easements, and other properties held by public bodies undertaking the implementation of Comprehensive Plan elements.

I. Schools, school district offices, and educational facilities.

J. Any other facility, easement, or ways benefiting the public good.

SECTION 103. IDENTIFICATION OF MAP ELEMENTS

A. For the purpose of initially reserving land on the Official Map, property records, aerial photography, photogrammetric mapping, or other method sufficient for the identification, description, and publication of areas for reservation on the Official Map will be sufficient. For the acquisition of lands and easements, boundary descriptions by metes and bounds shall be made and sealed by a surveyor.

B. City Council may make additions or modifications to the Official Map or part thereof by following the provisions included in Subsection A above, and may also vacate any existing or proposed public street, watercourse, or public ground contained in the Official Map, or part thereof. Such changes must be made by amendment pursuant to applicable law.

C. Unless otherwise specified, all proposed public street rights-of-way and widenings of existing public street rights-of-way shall meet the width requirements specified in Title Five.

SECTION 104. ADOPTION

A. Prior to the adoption of the Official Map or part thereof, City Council shall refer the proposed Official Map or part thereof along with the ordinance and any supporting documentation to the Altoona City Planning Commission and the Blair County Planning Commission for review. Both Planning Commissions shall issue a report with recommendations on the proposed Official Map within forty-five days. If, after forty-five days, either Planning Commission fails to act, City Council may proceed without the report.
B. Blair County, Allegheny Township, and Logan Township may offer comments and recommendations during the same forty-five day period in accordance with Section 408 of the Municipalities Planning Code.
C. Before voting on the enactment of the proposed ordinance and Official Map, City Council shall hold a public hearing pursuant to public notice.
D. Upon adoption, the Mayor shall certify the Map by affixing his signature to the appropriate location on the Map.
E. Within sixty days following adoption, a copy of the ordinance and the Official Map shall be submitted to the Blair County Recorder of Deeds.

SECTION 105 AMENDMENTS AND CHANGES

A. City Council may amend the Official Map using the same procedure set forth in Section 104 for adoption, except the Mayor shall certify the Map by affixing his initials and date of adoption to the appropriate location on the Map.
B. After adoption of the Official Map, all streets, watercourses, public grounds, pedestrian facilities, railroad and transit rights-of-way, flood control basins, floodways, floodplains, storm water management areas, drainage easements, and other public properties and facilities shown on final recorded plats which have been approved by the Planning Commission under this Ordinance, shall be deemed as amendments to the Official Map. Notwithstanding any of the other terms of this Article, no public hearing need be held or notice given if the amendment to the Official Map is the result of the addition of a plat which has been approved as provided by Title Five. In no event, however shall elements be deleted from the Official Map without a public hearing and due notice.

SECTION 106. INCORPORATION OF THE OFFICIAL MAP

The City has not adopted an Official Map at this time. Once adopted, it shall be incorporated into this Title by appropriate reference here.

ARTICLE II
EFFECTS OF OFFICIAL MAP

SECTION 201. RELATIONSHIPS WITH OTHER OFFICIAL MAPS

A. The adoption of an official map by the Blair County Commissioners shall not affect the Official Map of the City of Altoona, with the exception that the County's Official Map shall take precedence where County-owned grounds, facilities, and improvements are concerned.
B. The adoption of an official map by either Allegheny Township or Logan Township shall not affect the Official Map of City of Altoona in any way. The municipalities involved are encouraged to work cooperatively to produce a viable situation at the municipal boundary.

SECTION 202. RELATIONSHIPS WITH OTHER GOVERNMENTS

A. If the Official Map, or any amendment thereto, shows any street intended to lead into an adjacent municipality, or any other facility, easement, or right-of-way shall affect an adjacent municipality, a certified copy of the Official Map, or amendment thereto, shall be forwarded to the adjacent municipality.
B. For proper implementation of the Official Map, the Planning and Community Development Department shall work with other entities with properties, facilities, easements, right-of-ways, or other elements which are shown, or could be shown on the Official Map.

SECTION 203. RESERVATION OF LAND FOR MAP ELEMENTS

A. The Altoona City Council may fix the time for which any land necessary for the construction or installation of any Map element shall be deemed reserved for future taking or acquisition for public use.
B. This reservation for public use as it applies to any specific property shall become null and void one year after the owner of such property has submitted a written notice to City Council announcing his intentions to build, subdivide, or otherwise develop the land covered by the reservation, or has made formal application to the City Council to build a structure for private use, unless City Council shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the one-year period.
C. The adoption of any element as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of such feature, nor the taking or acceptance of any land, nor shall it obligate the City to improve or maintain such land.
D. The City Council may designate any department to negotiate with any owner of land under the circumstance listed below. Any releases or agreements, upon proper execution and recording, shall be binding on any successor in title.
    1. Land whereon reservations are made
    2. Land whereon releases of claims for damages or compensation for such reservations is required
    3. Land whereon agreements indemnifying City Council from claims may be required.
E. For the purpose of preserving the integrity of the Official Map, no permit shall be issued for any building within the bounds of any element shown or laid out on the Official Map, except for the actual element itself, or as provided below.

SECTION 204. SPECIAL ENCROACHMENT PERMITS

A. No person shall recover any damages for the taking for public use of any building or other improvement located within the bounds of any element shown or laid out on the Official Map if constructed after the establishment of the element on the Official Map, and any such building or improvement shall be removed at the expense of the owner.
B. When the property on which a reservation is made cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to City Council for the grant of a Special Encroachment Permit to so build.
C. Before granting any Special Encroachment Permit, City Council shall submit the application to the Altoona City Planning Commission and allow it thirty days for review and comment.
D. City Council shall give public notice and hold a public hearing on the Special Encroachment Permit at which all parties in interest shall be given opportunity to be heard.
E. Any refusal to grant the Special Encroachment Permit by Council may be appealed to the Zoning Hearing Board in the same manner proscribed for zoning appeals in Title Three.

ARTICLE III
LEGAL PROCEEDINGS

SECTION 301. VIOLATIONS

Whenever any person, partnership, or corporation shall have violated the terms of this Title, or the Official Map, the Department of Codes and Inspections shall issue a notice of violation under the following procedure:

A. Written notice shall be served upon the violator.
B. Such notice shall direct such person to comply with all terms of this Title and the Official Map within fourteen days, or a longer period of up to sixty days if deemed reasonable.
C. Such notice shall contain the warning that if the violation is not corrected within the time allotted, the City may correct the violation and charge the responsible party the cost thereof plus the penalties specified in Section 302 for failure to comply with the notice.
D. Such notice shall be hand delivered, or delivered by the United States Postal Service, first class, postage prepaid, by certified or registered mail. If the property is unoccupied, such notice shall be delivered by posting it at a conspicuous place upon the affected property.

SECTION 302. PENALTIES

Any person or partnership or corporation who fails to comply with this Article within the time period stated in Section 301 above shall, upon conviction thereof, be guilty of a summary offence and shall be sentenced to pay a penalty of five hundred dollars ($500). Each and every day of continued violation shall constitute a separate offence.

A. In the event that the owner, applicant, property manager, developer, or other person responsible for the property or the violation fails to comply with the terms of this Article within the time period specified above, the City may take any action necessary to correct the violation. The cost for correction of any violation shall be in addition to any penalties for violation for failure to comply.
B. In addition to the fines for violations, costs and penalties provided for by this Section, the City may institute proceedings in the courts by equity to prevent, restrain, correct, or abate such buildings, structure, or land to prevent in or about such premises, any act, conduct, business, or use constituting a violation.
C. The cost for removal, fines, and penalties hereinabove mentioned may be entered by the City as a lien against such property in accordance with existing provisions of law or may be collected by action *in assumpsit*.

SECTION 303. APPEALS

A. Any appeal from a decision or action by City Council or any officer or department of the City in matters pertaining to this Article shall be made in the same time and manner as is provided for zoning appeals in Title Three.
B. Appeals from any decision of the Zoning Hearing Board shall be to court as provided by the Municipalities Planning Code.

TITLE THREE
ZONING

ARTICLE I
GENERAL PROVISIONS

SECTION 101. PURPOSE.
This Title is adopted by the virtue of the authority contained in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as amended thru 2001. The zoning regulations and zones set forth in this Title are made in accordance with the Comprehensive Plan for the City of Altoona for the general welfare of the Municipality and are intended to achieve, among others, the following purpose.

Regulating both existing and proposed land uses thereby:

A. Encouraging the most appropriate use of land;
B. Preventing the overcrowding of land;
C. Stabilizing and conserving the value of land and buildings;
D. Facilitating development of good quality;
E. Spurring reinvestment in the existing building stock;
F. Lessening the congestion of traffic on the roads;
G. Avoiding undue congestion of population;
H. Providing for adequate light and air;
I. Securing safety from fire, flood, and other dangers;
J. Facilitating the adequate provision for transportation, water supply, sewage disposal, drainage, schools, parks, and other public facilities;
K. Giving reasonable consideration, among other things, to the character of zones and their peculiar suitability for particular uses;
L. Maintain and strengthen the City's neighborhoods;
M. Ensure predictability and consistency in the land development process for neighborhood, business and development interests; and
N. Giving effect to the policies and proposals of the Comprehensive Plan, as amended and as approved by the Altoona City Planning Commission and adopted by the Council of the City of Altoona.

In interpreting and applying the provisions of this Title, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare.

SECTION 102. STATEMENT OF COMMUNITY OBJECTIVES.
This Ordinance implements, with general consistency, the community goals and objectives as described in the City Comprehensive Plan, as amended.

SECTION 103. INTERPRETATION.
For the purposes of this Title, words shall be interpreted as follows unless noted otherwise.

A. Words that are defined in Article VII ("Definitions") shall be interpreted as they are defined there.
B. All other words shall be regulated by Article IV of Title Ten.

SECTION 104. CONFLICT.
Urban Redevelopment Plans and Proposals, as enabled by the Urban Redevelopment Law Act of 1945, always supersede the provisions and regulations of this Title.

This Title is not intended to interfere with, abrogate or annul applicable state or federal laws, or other rules, regulations or ordinances, provided that where a provision of this Title conflicts with a provision of another, the stricter of the two shall apply.

SECTION 105. CONFLICT WITH FLOODPLAIN REGULATIONS.
All structures and plans for structures within the City's floodplain or any subsequent revisions thereof are subject to the floodplain regulations contained in Title Four. Furthermore, all structures and plans for structures within the City's floodplain as defined by any relevant federal and state legislation shall be subject to the floodplain regulations imposed by that legislation. Where any such ordinance or law imposes stricter regulations than the relevant parts of this Title do, those parts of this Title shall be null and void. Furthermore, where the provisions of any such ordinance or law contradict the provisions of this Title, the stricter of the two shall apply. In both instances, the parts of this Title that are not relevant to the provisions of the other law or ordinance shall remain in effect.

SECTION 106. APPLICATION OF REGULATIONS DURING LOCAL EMERGENCIES.
The Altoona City Manager may temporarily waive some of the regulations of this Title during a declared local emergency. Any structure suitable for a housing facility in the case of emergency, necessity, or disaster, may be used for temporary housing or shelter in order to alleviate undue hardship that may be incurred by the above conditions, and that such use of Temporary Housing shall not exceed a period of more than 90 days from the date of same. If, for any of the above reasons the City Manager finds that the 90-day period is not sufficient, then the emergency regulations may be extended for additional 90-day period.

During the period of enforcement of this regulation all other regulations regarding limitations to the use of premises for residential re-use are suspended until the termination of the emergency provided for herein.

SECTION 107. CLASSIFICATION OF PARCELS THAT CONSIST OF SEVERAL USES.
For the purposes of this Title, parcels that consist of several land uses shall be classified by the land use that this Title regulates the most strictly.

ARTICLE II
ADMINISTRATION

SECTION 201. PURPOSE.

The purpose of this Article is to define the following administrative provisions: zoning permits, how to get zoning permits, variances, how to get a variance, special exception uses, conditional uses, procedures for obtaining permits for special exception and condition uses, lists the standards that the Zoning Hearing Board is to utilize in determining whether or not to grant a special exception use, lists the standards that the City Council is to employ in determining whether or not to grant a conditional use, how the Title is enforced, how landowners may contest the Zoning Officer's determinations, how landowners may dispute the validity of this Title and the administrative provisions that are relevant to municipal officials such as the zoning-related duties of the Zoning Officer, City Council, and the establishment and conduct of the Zoning Hearing Board.

SECTION 202. ZONING PERMITS.

A. When Zoning Permits Are Needed:

A zoning permit is needed before a land owner may have a non-sign structure erected, constructed, altered, converted, or moved onto his or her lot; or have a nonconforming, non-sign structure reconstructed, structurally altered, or moved on his or her lot (unless this ordinance specifically states otherwise). Article VI, "Signs", explains when zoning permits are required for signs. No land improvements or other development activities shall be commenced before the involved landowner has a zoning permit for these activities.

B. The Procedure For Obtaining A Zoning Permit:

Anyone who wishes to obtain a zoning permit shall follow the procedure below.

1. Application for Permits:

All applications for Zoning Permits shall be accompanied by a drawing in duplicate, drawn to a scale of one (1") inch equals forty (40') feet, actually showing the shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of households or dwelling units the building is designed to accommodate, and such information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances. One (1) copy of such plans shall be approved. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

2. Issuance or Denial of Permits:

The issuance or denial of zoning permits shall follow the following procedure.

a. Filing:

An application shall not be officially filed until all required information has been submitted per Article I of Title Ten..

b. Review:

The Zoning Officer shall not issue a permit unless it is determined that (1) the proposed development complies with the provisions of this Ordinance, and (2) the permit meets approvals through the interdepartmental review process established in Title Ten.

c. Decision:
If these determinations are made, then the Zoning Officer shall issue a zoning permit. If the Zoning Officer does not act within 30 days after all approvals are received from the interdepartmental review process, then the permit shall be deemed to be issued.

C. Special Permit Application Requirements for Industrial Zones:
In order that the Zoning Officer may have a reasonable basis upon which to approve a proposed industrial operation or an expansion of an existing industrial operation for conformity to the requirements of this Ordinance, the data required in Section 510.6, "Supplemental Zoning Permit Requirements"(Light Industrial Zone), and Section 511.5, "Supplemental Zoning Permit Requirements"("I-G", General Industrial Zone), shall be submitted with an application for a permit; in addition to the requirements aforementioned for a zoning permit in Section 202, "Zoning Permits".

D. Special Permit Application Requirements for Sexually-Oriented Businesses:
In order that the Zoning Officer may have a reasonable basis upon which to approve a proposed sexually oriented business or an expansion of an sexually oriented business for conformity to the requirements of this Ordinance, the data required in Section 510.7, "Sexually Oriented Business" ("I-L", Light Industrial Zone), shall be submitted with an application for a permit; in addition to the requirements aforementioned for a zoning permit in Section 202, "Zoning Permits".

E. The Duration of Zoning Permits:
A zoning permit shall expire within six (6) months of the date of issuance if all required permits have not been approved regardless of jurisdiction. If all required permits have not been approved in the specified time period a permit extension may be requested through the Zoning Hearing Board. In such cases, the zoning permit shall remain valid until the Board renders its decision.

F. Inspections:
In order to determine if the information submitted on or with an application is true and is being adhered to, the Zoning Officer shall have the authority to enter any building, structure, premises, property, or development in the City at any reasonable hour upon presentation of proper credentials. If the party seeking a zoning permit believes that the denial of a zoning permit was made in error he may appeal the issuance of a zoning permit, as specified in Section 210, "Appealing the Determination of a Zoning Officer".

G. Revocation of Permits:
If the Zoning Officer discovers that the development does not comply with the approved application or any applicable laws or ordinances, or if the permit fee required by this ordinance has not been paid, or if the Zoning Officer determines that an applicant has made any false statements or misrepresentations regarding the development. The Zoning Officer shall revoke the zoning permit and proceed with whatever legal action is necessary to correct the violation (see Section 207, "Enforcement").

H. Permits Issued in Error:
Any zoning permits issued in error shall be null and void.

I. Appeals:
The applicant may appeal the denial of a zoning permit, and aggrieved persons may appeal the issuance of a zoning permit, as specified in Section 210, "Appealing the Determination of a Zoning Officer".

SECTION 203. VESTED RIGHTS & DEVELOPMENT CHANGES.

A. Nothing in this Title shall require any change in the development or use of a lot or structure for which a zoning permit was officially filed prior to July 24, 2003, or the effective date of an amendment to this Title, however, no properties or buildings shall deviate from the plans and other information submitted and approved under prior ordinances. Conditional Uses, Special Exceptions, and Variances issued under prior ordinances shall become nonconforming uses or structures on July 24, 2003, and all changes from the original plans shall be treated as changes to nonconforming uses under Article III of this Title, unless such changes comply with this Ordinance.
B. If a zoning permit is issued, the involved development shall not deviate from the plans and other information submitted to the Zoning Officer without the written approval of the Zoning Officer -- or the City Council in the case of a conditional or temporary use and the Zoning Hearing Board in the case of a special exception or variance. Requests for all such approvals shall be submitted in writing to the Zoning Officer.

SECTION 204. VARIANCES.

The regulations of this Title apply to and are designed to address the conditions of either the entire City or an entire zone. Thus, they are not precisely geared to any one property. The regulations were designed in this manner to avoid unequal, unfair, or arbitrary treatment of different landowners. Because these generalized regulations were not designed with any one property in mind, however, it is possible -- in a few situations -- that they could prevent any use of a property. The function of a variance is to provide relief from a provision of this Title in order to keep an owner from suffering an “unnecessary hardship” due to that provision.

However, variances shall not be given freely. If every landowner or tenant who suffered any kind of a hardship due to the regulations of this Title were granted a variance, then this Title would be unable to fulfill its purposes. Thus, Subsection “C” below specifies conditions that the Zoning Hearing Board (Section 214) uses to distinguish genuine unnecessary hardships from common inconveniences.

A. Who May Apply:
   Any landowner, person with ownership interest or tenant who has the written permission of his or her landowner may apply for a variance.
B. Procedure:
   A party listed in subsection “A” above who wishes to obtain a variance must submit a written application to the Zoning Officer on a form supplied by the Zoning Hearing Board. This application shall specifically cite the provisions of this Ordinance from which the applicant is seeking relief. After determining that the application is complete, the Zoning Officer shall forward the application to the members of the Zoning Hearing Board. At the involved hearing, the Zoning Hearing Board shall follow the procedure specified in Section 214, “The Zoning Hearing Board”. 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 this Ordinance. Appeals to the Board’s decision may be made to the court of common pleas in the judicial district where the involved property is located.

C. Conditions:
The Zoning Hearing Board may only grant a variance when it makes all of the following six findings:
1. that there are unique and peculiar physical conditions present on the involved property, such as the size, shape, or topography of the involved lot, that were not created by the provisions of this ordinance;
2. that, because of these conditions, there is no possibility that the involved property can be developed in strict conformity with the provisions of this ordinance -- that if these provisions were rigidly implemented, the property would be virtually unusable;
3. that this unnecessary hardship was not created by the applicant property owner/tenant or any of his or her predecessors;
4. that the variance requested, if granted, (1) will not alter the essential character of the involved neighborhood or zoning district, (2) will not substantially or permanently impair the appropriate use or development of any adjacent properties, and (3) will not be detrimental to the public welfare; and
5. that the variance, if granted, will be the smallest possible modification of the involved regulation that will provide relief from this regulation.
6. that the variance, if granted, does not permit the use of the land to change.

D. Property Restrictions
In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Title, Ordinance, the Comprehensive Plan, and the Municipalities Planning Code.

SECTION 205. SPECIAL EXCEPTIONS.

The procedure that an applicant is to use in obtaining a special exception is provided in this section. The standards that the Zoning Hearing Board is to use in determining whether or not a special exception should be granted to the applicant are provided in the Sections of Article V, “District Provisions”, that pertain to the applicant’s property. This Article and its regulations only apply to land uses that are proposed to be established in a district where those uses are allowed only as special exceptions.

All applications for special exceptions shall be made according to the following rules.

A. Who May Apply:
Any landowner, ownership interest or tenant with the written permission of his or her landowner may apply for a special exception.

B. Permitted Land Uses:
The only land uses that may be permitted through a special exception are those that are expressly permitted as special exceptions for the involved zone as listed within the Sections of Article V, “District Provisions”, that pertain to the applicant’s property or other parts of this Ordinance.

C. Applications:
Any one of the aforementioned parties who wishes to establish a land use that is permitted in the involved zoning district as a special exception shall file an application with the Zoning Officer on forms and with supporting material as required by the rules of the Zoning Hearing Board. The Zoning Officer or designee shall establish an agenda for public hearing, cause notice of the time and place of the public hearing to be published, and give notice to parties in interest as proscribed in Section 214, “The Zoning Hearing Board”.

An application for a special exception shall not be considered complete unless it provides adequate levels of information enabling the Zoning Hearing Board to determine if the proposed land use meets the standards given for that use under the Sections of Article V, "District Provisions", that pertain to the applicant's property.

D. Procedure:
The procedure that the Zoning Hearing Board is to use in deciding whether or not to grant a special exception is given in Section 214, "The Zoning Hearing Board", Subsection "G."

In granting any special exceptions, the Zoning Hearing Board shall state in said approval lighting requirements, sign restrictions, operating hours and any other reasonable conditions and safeguards it may deem necessary to implement the purposes of this Ordinance.

E. Burdens Of Proof:
In special exception hearings, the burden of proof shall be on the applicant to prove that his or her proposed use meets the standards prescribed for it by the Sections of Article V, "District Provisions", that pertain to the applicant's property.

F. Conditions:
In granting a special exception, the Zoning Hearing Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance (see Section 102, "Purpose"). Such conditions shall "run with the land," and shall not be tied solely to a particular landowner. If a condition is violated subsequent to the grant of a special exception, it shall be enforced according to the provisions of Section 207, "Enforcement".

G. Appeals:
The decision of the Zoning Hearing Board regarding a special exception application may be appealed to the relevant court of common pleas.

SECTION 206. CONDITIONAL USES.

The procedure that an applicant is to use in obtaining a conditional use is provided in this section. The standards that the City Council is to use in determining whether or not a conditional use should be granted to the applicant are provided in the Sections of Article V that pertain to the applicant's property. This article and its regulations only apply to land uses that are proposed to be established in a zone where those uses are allowed only as a conditional use.

All applications for conditional uses shall be made according to the following rules.

A. Who May Apply:
Any landowner, ownership interest or tenant with the written permission of his or her landowner may apply for a conditional use.

B. Permitted Land Uses:
The only land uses that may be permitted through a conditional use are those that are expressly permitted as conditional uses for the involved zone as listed within the Sections of Article V, "District Provisions", that pertain to the applicant's property or other parts of this Title.

C. Applications:
Any one of the aforementioned parties who wishes to establish a land use that is permitted in the involved zoning district as a conditional use shall file an application with the Zoning Officer on forms and with supporting material as required by the rules of the City Council. The Zoning Officer shall forward the application to the City Clerk who shall establish an agenda for public hearing, cause notice of the time and place of the public hearing to be published, and give notice to parties in interest as proscribed in Section 215, "The City Council". Within five days of receiving an application for a conditional use permit, the Zoning Officer shall forward a complete copy of the application to the Planning Commission for its review and recommendation.

D. Recommendation By The Planning Commission:
The Planning Commission shall review the conditional use application for a period not to exceed 45 days. Within that time period, the Planning Commission shall make a recommendation to the City Council as to whether the application should be approved without conditions, approved with specific conditions, or denied. The Planning Commission's failure to make a recommendation within the 45-day review period automatically results in a Planning Commission recommendation of approval of the conditional use permit without conditions. City Council shall not take action until after the 45-day review period has expired unless the Planning Commission's recommendation is received earlier.

E. Procedure:
The procedure that City Council is to use in deciding whether or not to grant a conditional use is given in Section 215(A)(1), "The City Council".

F. Burdens Of Proof:
In conditional use hearings, the burden of proof shall be on the applicant to prove that his or her proposed use meets the standards prescribed for it by the Sections of Article V, "District Provisions", that pertain to the applicant's property.

G. Conditions:
In granting a conditional use, the City Council may attach reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance (see Section 102, "Purpose"). Such conditions shall "run with the land," and shall not be tied solely to a particular landowner. If a condition is violated subsequent to the grant of a conditional use, it shall be enforced according to the provisions of Section 207, "Enforcement".

1. General Standards:
The City Council and Planning Commission shall review each application for a conditional use permit to determine whether each proposed use meets the following standards and, in addition, shall recommend approval of the application if the evidence presented at the public hearing on the conditional use permit shows that the proposed use meets these standards:

a. The proposed use will be harmonious and in accordance with the statement of objectives concerning the future development of the City of Altoona.
b. The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance and performance with the intended character of the general vicinity and the zoning district.

c. The proposed use will not substantially change the character of the surrounding neighborhood when its effect is considered in conjunction with the cumulative effect of existing conditional uses and uses by special exception of all types in the surrounding neighborhood and the city as a whole.
d. The proposed use will not be hazardous to existing or future uses and will not adversely affect property values in the general vicinity of the proposed use.
e. The proposed use will not create uses, activities, processes, materials and equipment, or property that will harm the general welfare by causing excessive pollution, noise, traffic, smoke, fumes, glare, or odors.
f. The proposed use will not unduly burden essential public services such as drainage facilities, public utilities, and those services pertaining to public health, safety, and welfare in general.

2. Use-Specific Standards**:**

In addition to requirements set forth in Subsection (G)(1) above, the following requirements and limitations shall apply to the uses or structures that follow in districts where such uses and structures require a conditional use permit:

a. For a community residence for which neither the State of Pennsylvania nor City of Altoona requires a license, the City Council may condition approval of the conditional use permit on the operator meeting criteria similar to state licensing standards, or certification standards of an appropriate national accreditation agency, for a comparable community residence that serves a similar population.
b. For a treatment center for which neither the State of Pennsylvania nor City of Altoona requires a license, the City Council may condition approval of the conditional use permit on the operator meeting criteria similar to state licensing standards, or certification standards of an appropriate national accreditation agency, for a comparable treatment center that serves a similar population.

H. Appealing the Decision of the City Council:

The decision of the City Council regarding a conditional use application may be appealed to the relevant court of common pleas.

SECTION 207. ENFORCEMENT.

The purpose of Section 207 is to prescribe procedures that will effectively enforce the provisions of this ordinance while (1) protecting the legal rights of landowners, and (2) adhering to the rules for zoning ordinance enforcement that are established in the Pennsylvania Municipalities Planning Code. These procedures apply to situations in which a person, partnership, or corporation, reconstructs, repairs, alters, maintains, establishes, or uses a structure, sign, building, lot, or land use in a manner that violates one or more of the provisions of this Ordinance (i.e. these procedures apply to illegal structures, signs, lots, or uses).

In Pennsylvania, zoning ordinances are enforced through legal proceedings. The following groups of people may institute these proceedings.

- The Zoning Officer;
- An aggrieved party who would be substantially affected by the alleged violation.
- The City Council;

The procedures to be used by each party above are described below:

A. Procedure for the Zoning Officer:

If it appears to the Zoning Officer that a violation of this Title has occurred, then enforcement proceedings shall be instituted as described below.

1. Before any other enforcement actions begin, the Zoning Officer shall send enforcement notice to the following parties;
   a. the owner of record of the parcel on which the violation has occurred,
   b. any person who has filed a written request to receive enforcement notices regarding the involved parcel, and
   c. any person that the owner requested, in writing, to receive a copy.
2. Each enforcement notice required by this section shall contain:
   a. the name of the involved landowner and any other persons against whom the City intends to take action,
   b. the location of the property in violation,
   c. a description of the specific violation involved,
   d. citations and descriptions of the specific provisions of this Title which have been violated,
   e. the date before which the steps for compliance must be commenced, as well as the date before which these steps must be completed, and
   f. a statement noting that the recipient has the right to appeal the enforcement notice to the Zoning Hearing Board within the time frame established in the notice, not to exceed 30 days, and that failure to comply with the notice within the time specified -- unless it is extended by appeals -- constitutes a violation of this ordinance, with possible sanctions clearly described.
3. In a Zoning Hearing Board hearing where an enforcement notice is appealed, the City shall present its evidence against the appellant first.
4. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to that party by the City if the Board or any court in a subsequent appeal rules in the appellant's favor.
5. Any person, partnership, or corporation who has violated or permitted the violation of this Title shall, upon being found liable in a civil enforcement proceeding, pay a judgment of five hundred dollars ($500.00) plus all court costs, including reasonable attorneys fees, incurred by the City.
6. Each day that a violation continues shall constitute a separate violation, unless the district justice finds that there was a good faith basis for the liable party to have believed that there was no such violation. In this situation, there shall be only one violation until the fifth day following the date of the determination of a violation by the district justice -- after which each day that the violation continues shall constitute a separate violation.
7. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
8. If the liable party neither pays nor appeals the judgment in a timely manner, the City shall enforce the judgment pursuant to the applicable rules of civil procedure.

B. Aggrieved Party Enforcement Procedure:
Aggrieved parties may file an equity action in court (i.e., not with the district justice) to enforce the provisions of this ordinance -- and prevent, restrain, correct, or abate an illegal structure, sign, lot, or land use. Such parties may file such an action only after serving notice to the City of Altoona at least 30 days in advance. This notice is to allow the City time to investigate the situation and to issue an enforcement notice, if warranted.

C. Procedure for City Council
In full accordance with Section 617 of the Municipalities Planning Code, the City Council, or its designee, as well as certain aggrieved parties, may institute civil proceedings with the appropriate district justice to enforce the provisions of this Ordinance -- and to prevent, restrain, correct, or abate an illegal structure, sign, lot, or land use. Any person, partnership, or corporation who has violated or permitted the violation of this Title shall, upon being found liable in a civil enforcement proceeding, pay a judgment of not more than $500 plus all court costs -- including all reasonable attorney fees incurred by the City. No penalties shall be imposed on the liable party until the date of the determination of a violation by the involved district justice. If the liable party neither pays nor appeals the judgment in a timely manner, the City shall enforce the judgment pursuant to the applicable rules of civil procedure.

SECTION 208. PROCEDURAL CHALLENGES.

The Pennsylvania Municipalities Planning Code specifies procedures that are to be used to adopt and amend this Title. These procedures are designed to offer ample opportunities for public participation and to make the ordinance as fair as possible. It is feasible, however, that this Title or any one of its amendments was not adopted according to these procedures, and thus, is procedurally flawed. The purpose of this Section is to give landowners and other parties aggrieved by such a flaw -- as well as officers and agencies of the City itself -- a process through which they may challenge the procedural validity of the Title or amendment. This process may be used to guarantee adequate public participation and fairness in the adoption process, and to overturn any unfair ordinances or amendments.

A. Where Procedural Challenges may be Heard:
The parties named in Section 207, “Enforcement”, may file a procedural challenge with either the relevant court of common pleas or the Zoning Hearing Board. Procedural challenges taken to the Zoning Hearing Board may have to follow the rules established by Section 211, “Time Limitations”, and the Board shall hear all such challenges according to the procedure given in Section 214, “The Zoning Hearing Board”.[2]

B. Time Limitations:
All such challenges shall be raised by an appeal taken before August 23, 2003 for the initial passage of the Ordinance, or within 30 days of the effective date of enactment for any subsequent amendment.

[2]Note that the *Zoning Hearing Board’s* decision may be appealed to the relevant court of common pleas.

SECTION 209. SUBSTANTIVE CHALLENGES.

The Constitution of the United States, the Constitution of the Commonwealth of Pennsylvania, and various federal and state laws limit what this Title may regulate -- so that the rights and property of Altoona's citizens and neighbors are protected. It is feasible, however, that one or more of these provisions violate these laws -- and are thus, substantively flawed.

The purpose of this section is to give landowners and other parties aggrieved by such a flaw -- as well as officers and agencies of the City itself -- a process through which they may challenge the substantive validity of the involved provision. This process may be used to insure that this Ordinance respects the laws of the United States and the Commonwealth, as well as to overturn any illegal or unconstitutional provisions.

A party named above who wishes to challenge the substantive validity of this Title has two choices. A person or party who wishes to challenge the substantive validity of this Title because he or she is aggrieved by a use or development permitted on another person's land must initially requesting that the Zoning Hearing Board hear a substantive validity challenge. However, all of the other named parties may alternatively apply to the City Council for a "landowner curative amendment".

Landowner curative amendments and substantive validity challenges are essentially the same type of appeal -- with some minor procedural differences. A validity challenge must be in writing and contain reasons for the challenge, but unlike the curative amendment, does not have to contain materials describing the proposed development or amendments.

A. Landowner Curative Amendments:

   Applications for a landowner curative amendment shall be governed by the rules outlined below.

   1. All such applications shall be made to the City Clerk, who shall forward them to the City Council. These applications may be subject to the time limitations of Section 211, "Time Limitations".
   2. All such applications shall be made in writing, and shall contain the following:
      a. the reasons why the Title should be amended as proposed,
      b. plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development allowed by this Title (these plans must be of sufficient quality and detail to allow an evaluation of this Title in light of the proposed use or development), and
      c. the amendment or amendments that the landowner proposes to cure the alleged defects in this Title.
      d. The City Council shall hear and decide on applications for landowner curative amendments as required in Section 215, "The City Council".
      e. Appeals to the City Council's decision shall be taken to the court of common pleas in the judicial district where the involved property is located.

B. Substantive Validity Challenges:

   Requests for a hearing before the Zoning Hearing Board on a substantive validity challenge to this Title shall be governed by the rules below.

   1. All such requests shall be made to the Zoning Officer, who shall forward them to the Zoning Hearing Board. These applications may be subject to the time limitations of Section 211, "Time Limitations".

2. All such requests shall be made in writing, and shall contain the reasons for the involved challenge.
3. The Zoning Hearing Board shall decide (1) whether or not to hear such a request, and (2) whether or not to grant such a request according to the requirements of Section 214, "The Zoning Hearing Board".
4. Appeals to the Zoning Hearing Board's decision shall be taken to the court of common pleas in the judicial district where the involved property is located.

When (1) a landowner curative amendment proposal is approved by City Council, (2) a substantive validity challenge is sustained by the Zoning Hearing Board, or (3) the relevant court sustains either of these actions in a final appeal, the involved developer may (1) file a subdivision application within two years and (2) apply for a zoning permit within one year without losing the rights granted to him in the relevant validity challenge to a subsequent change or amendment in any land use ordinance.

SECTION 210. APPEALING THE DETERMINATION OF THE ZONING OFFICER.

Any landowner or party who is affected by a zoning-related determination of the Zoning Officer may appeal this determination to the Zoning Hearing Board. Such appeals may concern (but are not limited to):

A. the granting or denial of any permit, including a failure to act on the application;
B. the issuance of any enforcement notice via Section 207, "Enforcement"; or,
C. the registration or refusal to register any nonconforming use, structure, or lot.

Section 211, "Time Limitations", may place time limitations on such appeals. The Zoning Hearing Board shall hear all such appeals according to the provisions of Section 214, "The Zoning Hearing Board".

SECTION 211. TIME LIMITATIONS.

If the period of time in which a landowner could file an appeal concerning a decision that was adverse to his or her proposed use or development was unlimited, then the difficulty and costs of enforcing this Title could become prohibitively high. Likewise, if the period of time in which a party who opposed this proposed use or development could file an appeal concerning a decision that approved the use or development was unlimited, then the costs of development could become prohibitively high. The purpose of this section is to avoid both of these situations by limiting the amount of time that both landowners and aggrieved parties have to file for a hearing before the Zoning Hearing Board or (where applicable) the City Council when a proposed use or development is involved.

A. Time Limitation Rules:
   1. If the reason behind a hearing before either the Zoning Hearing Board or City Council is to reverse or limit the Zoning Officer's "determination"[3] of a third party's proposed use or development in any manner[4], then the request for that hearing must be filed no later than 30 days after the involved approval was given. If the

[3]A "determination" might be the issuance of a *zoning permit* or the grant of nonconformity status.

[4]This includes procedural or substantive validity challenges. In these cases, the 30 day period shall begin when the proposed construction, reconstruction, *alteration*, or other physical development receives its *zoning permit*.

person filing such a request has succeeded to his or her interest after the involved approval was given, then he or she shall be bound by the knowledge of his predecessor in interest.

2. All appeals from decisions[5] that are adverse to the involved landowner shall be filed with the involved body within 30 days of the notice of this decision.

B. Applicability:

The rules of this section, which are listed in the preceding paragraph, only apply to:

1. a landowner who wishes to appeal a determination by the Zoning Officer not to grant a zoning permit for his or her proposed construction, reconstruction, alteration, or other physical development (see Section202, "Zoning Permits"),
2. an aggrieved party who wishes to appeal a determination by the Zoning Officer to grant a zoning permit to another party's proposed construction, reconstruction, alteration, or other physical development (see Section 202, "Zoning Permits"),
3. a landowner or an aggrieved party who wishes to appeal a determination by the Zoning Officer concerning the nonconforming status of a structure, land use, or lot (see Article III, "Nonconforming Buildings and Uses"),
4. a landowner who wishes to reverse or limit a determination that (1) was made by the Zoning Officer according to the provisions of this Title, and (2) opposes the landowner's proposed use or development[6], by challenging the procedural or substantive validity of this Title before either the Zoning Hearing Board or (where applicable) City Council (see Section 208, "Procedural Challenges", or Section 209, "Substantive Challenges"), and
5. an aggrieved party who wishes to reverse or limit a determination that (1) was made by the Zoning Officer according to the provisions of this Title, and (2) approves a proposed use or development on another party's land by challenging the procedural or substantive validity of this Title before either the Zoning Hearing Board or (where applicable) City Council (see Section 208, "Procedural Challenges", or Section 209, "Substantive Challenges").

C. This section does not apply to violations and enforcement notices issued by the Zoning Officer under Section 207 above. The time limitations for such notices are governed by that Section.

SECTION 212. APPEALS TO COURT.

The final adjudication of any City officer or body may be appealed to the court of common pleas of the involved property's county and judicial district. Nothing in this Title shall be construed to deny an appellant the right to bypass either the Zoning Hearing Board or City Council, and proceed directly to court -- where appropriate. Furthermore, nothing in this Title shall be construed to deny the right to bypass the procedures for challenging the procedural or substantive validity of this ordinance that are given in this Article.

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[5]Such a "decision" might be the issuance of an enforcement notice or the denial of a *zoning permit* or nonconformity status.

[6]Such a determination might involve the refusal of a *zoning permit* or a grant of nonconformity status.

SECTION 213. THE ZONING OFFICER.

A Zoning Officer shall be appointed in accordance with the administrative code of the City of Altoona, Ordinance #5482, enacted August 22, 2001. As such, he or she is a non-elected member of the City's executive branch. The Zoning Officer is hereby given the duty, power, and authority to enforce the provisions of this Title as provided for in this Section, are in accordance with requirements of this Title, record and file all applications for permits with accompanying plans and documents, may identify and register all nonconforming uses and nonconforming structures, and make such reports as may be required. All documents, applications, permits and certificates required by and issued during the enforcement of this Title shall be permanently maintained by the Zoning Officer.

The provisions of this section only apply to the Zoning Officer and the parties with which he or she comes into contact.

A. Appointment:

   A Zoning Officer shall be appointed by the City Manager to administer this Title. This officer shall:

   1. not hold any elected offices within the City,
   2. meet qualifications established by the City,
   3. be able to demonstrate to the satisfaction of the City Manager a working knowledge of municipal zoning, and
   4. be familiar with this Ordinance and how it furthers the goals and objectives of the Comprehensive Plan.

B. Powers:

   The Zoning Officer shall enforce this Title in accordance with its literal terms. He or she shall not have the power to permit any construction, use, or change of use, which does not conform to the provisions of this Title.

C. Duties Of The Zoning Officer:

   1. The Zoning Officer shall receive, process, file copies of, and make decisions on all applications for zoning permits as required by Section 202, "Zoning Permits". Where such a permit is denied, the Zoning Officer shall inform the applicant, in writing, of the basis for this denial, including a reference to the specific ordinance section.
   2. The Zoning Officer shall receive, process, file copies of, forward, and schedule hearings for all applications for hearings before the Zoning Hearing Board.
   3. The Zoning Officer shall inform the City Clerk and the Planning Commission concerning applications for conditional uses;
   4. The Zoning Officer shall send enforcement notices to alleged violators of this Ordinance as specified in Section 207, "Enforcement". Such notices shall be sent via certified mail return receipt requested, clearly and conspicuously posted on the property (documented with photographic evidence), or personally served to provide proof that the notice was received.
   5. The Zoning Officer may institute civil proceedings as set forth in Section 207 above.

SECTION 214. THE ZONING HEARING BOARD.

The Zoning Hearing Board of the City of Altoona is a quasi-judicial body within the municipal government. It has no legislative power, has no enforcement power, and cannot make or modify zoning policy. It is instead a judicial-like body that helps to assure fair and equitable application and administration of this Title.

The Zoning Hearing Board must use the same procedure in each of its hearings -- regardless of which one of its duties from Subsection "E" that hearing falls under. Throughout this Ordinance, provisions that concern the Zoning Hearing Board have stated that it is to hear the involved case "via the procedure outlined in Section 214." This procedure is provided in Subsection "G."

The provisions of Section 214 only apply to the Zoning Hearing Board and the parties with which it comes into contact.

A. The Formation of the Zoning Hearing Board:
   The Zoning Hearing Board shall be established as set forth in Article III of Title One.
B. The Organization of the Board:
   The Zoning Hearing Board shall elect officers from its own membership. Such officers shall serve annual terms and may succeed themselves.
C. Conduct of Business
   1. For the conduct of any hearing and the taking of any action or votes, a quorum shall be no less than a majority of all of the members of the Board.
   2. If, for reasons of absence or disqualification, a quorum is not reached, the chairman of the Board shall designate enough alternates as voting alternative members to reach the quorum. Any alternate so designated shall continue to serve on the Board in all proceedings involving the matter or case for which he or she was designated until the Board has made a final determination on that matter or case. Such designations shall be made on a rotating basis among all alternates on the order of declining seniority.
   3. Tie votes shall be interpreted as maintaining the status quo in the matter at hand. For instance, special exceptions are denied when the Board is tied.
   4. The Board may make, alter, and rescind rules and forms for its procedure, consistent with the requirements of this ordinance and the laws of the Commonwealth of Pennsylvania. The Board shall keep full public records of its business[7], and shall submit a report of its activities to City Council if requested.
D. Fiscal Responsibilities
   The Board may spend such monies as are appropriated by Council.
E. The Duties of the Zoning Hearing Board:
   The Board's duties shall be as set forth in Article III of Title One. All hearings conducted in pursuit of these duties shall be held according to the rules of Subsection "G" below.
F. Appeals:
   All decisions rendered by the Zoning Hearing Board may be appealed to the court of common pleas of the judicial district where the involved land is located, so long as these appeals are filed no more than 30 days after the Board renders its written decision.
G. Procedure:
   In fulfilling its duties, the Board shall follow the rules and procedures specified for it by the requirements below.
   1. Time Limitations:
      a. Each hearing that is to be held shall begin within 60 days of the date that the request for that hearing was filed.

[7]Such records shall be the *property* of the City.

b. The Zoning Hearing 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 of the end of the hearing.

c. If the hearing is conducted by a hearing officer, and there has been no stipulation that his or her decisions or findings are final, the Zoning Hearing Board shall make his or her report and recommendations available to all of the involved parties within 45 days of the end of the hearing. The parties are then entitled to make written responses to this report. The Zoning Hearing Board shall make a final decision after reading these responses, but no later than 30 days after the Hearing Officer's report is issued.

d. Where the Zoning Hearing Board fails to render this decision within the required period, or where the Board fails to hold the hearing within the required period, the decision shall be deemed to have been rendered in favor of the applicant or appellant (as the case may be) -- unless either (1) the applicant/appellant has agreed in writing or on the record to an extension of time, or (2) the hearing concerns a challenge to the substantive validity of the ordinance[8] (see Section 209, "Substantive Challenges"). When a deemed decision is rendered, the Board shall give notice of this -- within 10 days of the last day that it could have met to render a decision -- to the parties and at the locations listed under "Required Public Notice" below. If the Board fails to provide such notice, the applicant/appellant may do so. Protesting or aggrieved parties cannot obtain a deemed decision.

2. <u>Required Public Notice:</u>

a. The Zoning Officer shall publish a notice containing the information listed under "Contents of Required Public Notice" below shall be published once each week for two successive weeks in a newspaper of general circulation in the City. The first of these publications shall not be more than 30 days before the date of the hearing, and the second shall not be less than 7 days before the date of the hearing.

b. Written notice shall be provided by the Zoning Officer and mailed to (1) the applicant, (2) the Planning Commission, (3) any party that has requested such notice and (4) conspicuously posted on the involved tract of land at least one week prior to the hearing. The timing and manner of this notice shall follow rules adopted by the Zoning Hearing Board.

3. <u>Contents of the Required Public Notice:</u>

a. The required notice shall be written by the Zoning Officer in plain language and shall state that the Zoning Hearing Board of the City of Altoona will hold a public hearing on the appropriate date, at the proper timing, and pertinent location.

b. The name of the applicant or appellant (as the case may be) shall be given, as well as the nature of the hearing, and where and when written comments will be received concerning the request. The notice shall also state that the City of Altoona shall promptly make a copy of the application and supporting documentation available for inspection by an interested person at the Altoona City Hall.

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[8]Where the *Zoning Hearing Board* fails to commence a hearing on the substantive validity of the ordinance within 60 days of the involved request, or where the Board fails to act on such a hearing within 45 days of its closure, the challenge shall be deemed to be valid.

c. The location or locations of the involved property or properties shall be provided.
d. All applicable sections of the Title shall be cited.
e. If the involved hearing involves a substantive challenge to the validity of this Title or one of its amendments, then the notice shall state that the validity of the Title is being questioned.
f. The following statement shall be included: "All persons having an interest in these matters are encouraged to attend this meeting. Persons with a disability who wish to attend this hearing and require an auxiliary aid, service, or other disability accommodation to participate in the proceedings can be accommodated by contacting the City Clerk's Office."
g. The date of the publication shall be given.

4. Stays of Proceedings:
   a. An appeal to the Zoning Hearing Board automatically stops all affected land development. However, if the Zoning Officer certifies that such a halt would cause an imminent danger to life or property, then the development may be stopped only with a restraining order granted by the Zoning Hearing Board or by any court with competent jurisdiction -- following notice to the Zoning Officer.
   b. An applicant or appellant may petition a court of competent jurisdiction to force those contesting an authorized permit or approval to either post bond or drop their appeal. The burden of proof shall be on the applicant/appellant to prove that the appeal is frivolous. If the party contesting an authorized permit or approval refuses to post bond as ordered by the involved court, appeals to an appellate court, and loses, then that party is liable for all reasonable costs, expenses, and attorney fees incurred by the applicant/appellant.
   c. The parties to the hearing shall be (1) the City, (2) any person affected by the application or appeal who has made timely appearance of record before the Board, and (3) any other person -- including civic or community organizations -- permitted to appear by the Board. The Board may require that everyone who wishes to be considered a party to a hearing fill out a form that asks (1) the person's name and address, (2) who he or she is representing, and (3) whether or not he or she desires a copy of any final decision in the case.
5. Fees:
   a. Fees shall be established for Zoning Hearing Board functions which may include (1) compensation for the secretary and members of the Board, (2) public notice and advertising costs, (3) necessary administrative overhead connected with the hearing, and (4) one half the cost of a stenographer.
   b. The cost of the original transcript shall be paid by the Board if the original is ordered by the Board or the Hearing Officer, and shall be paid by the applicant/appellant if he or she orders it.
   c. Additional copies shall be paid for by the parties requesting them. Fees may not compensate for the legal expenses of the Board. Furthermore, fees may not be used to compensate engineering, architectural, planning, or other technical consultants or expert witnesses.
   d. Fees shall be established in Article III of Title Ten, and reflect the above.
6. The Zoning Hearing Board's Solicitor:
   a. The Zoning Hearing Board may hire its own solicitor in consultation with the City Manager.

b. The Zoning Hearing Board's solicitor shall be a different person, and shall be from a different law firm, than the City's Solicitor.

7. Conducting the Hearing:
   a. Either the Zoning Hearing Board or a Hearing Officer shall conduct all hearings.
   b. A stenographic record that conforms to civil trial transcripts must be taken in all hearings. Furthermore, written minutes shall be taken of all Board meetings. The substance of all official actions, the names of people who appear officially, and the subject of their testimony must be recorded.
   c. Each party has the right to be represented by counsel, to present and respond to evidence, and to cross-examine adverse witnesses on all relevant issues.
   d. The chairman of the Zoning Hearing Board or the Hearing Officer (if one has been appointed) has the power to administer oaths and issue subpoenas to compel both the attendance of relevant witnesses and the production of relevant papers. All testimony should be affirmed, as unaffirmed statements do not constitute legal evidence to make a record.
   e. Formal rules of evidence do not apply to hearings. However, the Zoning Hearing Board may exclude any irrelevant, immaterial, or unduly repetitious evidence. Hearsay evidence, if not objected to, may be given its natural probative value. Yet, the Board has the power to reject even uncontradicted testimony if it finds this testimony to be lacking in credibility.
   f. In the time following the beginning of a hearing and prior to a rendering of the decision or findings, the Board shall not communicate with any party or party representatives unless all parties are given an opportunity to participate. No communication, reports, staff memoranda, or other materials -- except advice from the Board's own solicitor -- may be accepted or noticed by the Board unless all parties are given an opportunity to contest that information. The Board should not inspect the involved site or its surroundings during the hearings unless all parties are given an opportunity to be present. Any reports by the Zoning Officer shall be filed with all involved parties.
   g. A case should not be postponed to a later date without substantial or compelling reasons, especially if the issue is of great concern and has attracted an audience. However, where (1) a new issue is raised for the first time at a hearing, and (2) the applicant/appellant had no notice of this issue, the hearing should be continued at a later date to give the applicant/appellant an opportunity to react properly. When a case is continued at a second hearing, a notice shall be prominently posted at the hearing site, and all involved parties must be notified.

8. Mediation:
   a. Mediation is "a voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable" (from The Pennsylvania Municipalities Planning Code). Mediation is intended to supplement, but not replace, the procedures for Zoning Hearing Board hearings specified here. It can provide a potentially less costly mechanism for resolving land use disputes, as well as a less polarized process.
   b. In no case may the Zoning Hearing Board initiate mediation or participate as a mediating party.

c. Participation in mediation must be voluntary, and the involved parties must agree to (1) funding, (2) the selection of a mediator, (3) the completion of mediation (including the time limits for such a completion), (4) the suspension of the time limits authorized by this ordinance and the Pennsylvania Municipalities Planning Code[9], (5) the identification of all parties, (6) the determination of whether some or all sessions shall be open or closed, and (7) the issuance of mediation solutions in writing, subject to review and approval by the decision making body.
d. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, can be admissible as evidence in any subsequent judicial or administrative proceedings.

9. Making a Decision:
   a. The decision or, where no decision is called for, the findings shall be made by the Zoning Hearing Board. However, the applicant/appellant and the City may agree before this decision to waive this and instead accept the decision or findings of the Hearing Officer as final (if a Hearing Officer has been appointed).
   b. In voting on a final decision, the vote cast by each member of the Board (or the Hearing Officer, where appropriate) shall be made publicly.
   c. Where an application or appeal is contested or denied, the resulting decision must be accompanied by a finding of fact, the conclusions based on these facts, and the reason that such conclusions were drawn. This will show that the decision was reasoned, and not arbitrary. References to any provisions of any ordinance, rule, or regulation relied on for any conclusion must be made, along with the reason that the conclusion is appropriate for the particular case at hand.
   d. Even where an application or appeal is not contested, the resulting decision should be accompanied by a statement of findings or an opinion that is detailed enough to substantiate the Zoning Hearing Board's decision.
   e. A copy of the final decision, or where no decision is called for, the findings must be delivered or mailed to the applicant/appellant no later than the next business day after the date of the report. It is then the responsibility of the applicant/appellant to record the decision in the same manner as land developments. No zoning permits shall be issued until a copy of the recorded decision is received by the Zoning Officer.
   f. All other parties to the hearing, as well as all of the parties that are listed under "Required Public Notice" above, may make a written request for a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

SECTION 215. THE CITY COUNCIL.

The Altoona City Council is the chief governing body of the City, and is the only body that can set the City's zoning policy. The Council, of course, has many duties. The purpose of this section is to address only Council's zoning-related duties -- outlining these duties and prescribing the procedures that Council is to use in fulfilling them.

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[9]The suspension of these time limits must be agreed to in writing by the involved parties, and by both the *applicant*/appellant and the municipality (not the *Zoning Hearing Board*) -- even if neither one of these two is a party to the mediation.

The provisions of this section only apply to the City Council and the parties with which it comes into contact on zoning-related issues.

A. Zoning-Related Duties:

The City Council's major duties under this Title -- as well as some rules that apply to these duties -- are provided below.

1. Conditional Uses:

The City Council shall hear all applications for conditional uses according to both the following rules and the express provisions of Section 206, "Special Exceptions and Conditional Uses".

a. Within 60 days of receipt of a conditional use permit application, the City Council shall conduct a public hearing at which any party may appear in person or by agent or attorney. Where Council fails to commence the hearing within the first period stipulated above, or where Council fails to render the decision within the second period stipulated above, 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 deemed in this manner, Council shall give public notice of the decision within 10 days of the last day that it could have met to render a decision.

b. After receiving notice of a conditional use application from the Zoning Officer, the City Clerk shall provide public notice of this hearing in the same manner as the public notice of a special exception hearing before the Zoning Hearing Board would be provided (see Section 214(G), "Zoning Hearing Board").

c. The City Council shall render a written decision within 45 days of the last involved hearing before Council.

d. Based solely on the findings of fact and the record established before it, the City Council shall grant, grant with conditions, or deny an application for a conditional use permit. In granting a conditional use, City Council may attach reasonable conditions and safeguards, in addition to those expressed in Section 206, "Special Exceptions and Conditional Uses", as it may deem necessary to implement the purposes of this Ordinance.

e. Where the application is contested or denied, it shall be accompanied by findings of facts, the conclusions based on these facts, and the reason that such conclusions were drawn. This will show that the decision was reasoned, and not arbitrary. References to any provisions of any ordinance, rule, or regulation relied on for any conclusion must be made, along with the reason that the conclusion is appropriate for the particular case at hand.

f. An application for a conditional use permit may be withdrawn at any time, but if withdrawn after the City Council has convened the public hearing at which it was considered, or if denied by the City Council, a substantially similar application shall not be considered within 365 days from the date of withdrawal.

g. No application for a conditional use permit that has been denied wholly or in part by the Altoona City Council shall be resubmitted within 365 days of the date on which the permit was denied, except on the grounds of newly discovered evidence or proof of changed conditions. A reapplication shall require a new fee and the process will have to begin over again.

h. A copy of the final decision shall be hand delivered or mailed to the applicant no later than 7 days after Council renders such decision. It is then the responsibility of the applicant/appellant to record the decision in the same manner as land

developments. No zoning permits shall be issued until a copy of the recorded decision is received by the Zoning Officer

i. When granted, a conditional use permit, together with any conditions or safeguards attached, shall apply to the land, structure, or use for which it was issued, and not to a particular person or property owner.

j. The City Council shall have the authority to revoke any conditional use permit following a hearing conducted by the City Council, after it has been proven that the holder of the permit has failed to comply with any of the applicable conditions specified in the permit. After a revocation notice has been issued, the use for which the permit was granted must be terminated within thirty (30) days. Failure to discontinue the use for which the permit was revoked within sixty (60) days is declared to be a nuisance per se and a violation of this Title.

k. Decisions on applications for conditional uses may be appealed to any court of competent jurisdiction.

2. <u>Enacting Standard Amendments:</u>

The City Council shall enact all amendments to this Title that are not curative amendments, at Council's discretion, according to the rules below.

a. Initial Finding of Merit

(1) The City Council, Planning Commission, or any citizen or landowner of the City of Altoona may propose an amendment by submitting a written proposal to the Planning Commission

(2) The proposal package shall include:

(A) A written description of the proposed amendment with sufficient information to establish a rational basis for amending zoning, including relevant maps of the affected area(s).

(B) A petition supporting the proposal signed by a minimum of ten City residents. The City Council and Planning Commission need not comply with this provision.

(C) All necessary fees, as established by Article III of Title Ten.

(3) The Planning Commission shall determine if the proposal has sufficient merit to initiate a zoning amendment. The Commission's determination shall be based on, but not limited to, the following:

(A) Whether seeking other relief would be a more relevant process to address the issues presented by the proposal

(B) The proposed amendment's consistency with the Comprehensive Plan

(C) The impact(s) of the proposed amendment on existing ordinances

(D) The impact(s) of the proposed amendment on adjacent properties, the existing neighborhood, and the City as a whole.

(E) Whether the proposed amendment is legal

(F) Whether the proposal is in keeping with sound planning practice.

(4) The Planning Commission can require the proponent to present any additional information the Commission may need to make an initial finding of merit.

(5) If the Commission finds the proposed amendment has merit, it shall direct the Planning Administrator to work with the applicant to prepare a formal amendment to zoning.

(6) Once a formal amendment has been prepared, the Planning Commission shall review the amendment, and if satisfied, shall forward it to Council for consideration.

b. Deliberation by Council

City Council shall discuss the proposed amendment at a regularly scheduled meeting. If Council concurs with the Commission's initial finding of merit, it shall:

(1) Introduce the proposed amendment in accordance with established procedures, and

(2) Distribute copies of the proposed amendment to the City Planning Commission, the local newspaper, the Blair County Law Library and the Blair County Planning Commission to initiate the formal forty-five-day review and comment process.

(3) The City Clerk shall schedule a public hearing no sooner than forty-five days after the proposed amendment has been submitted to the planning agencies, and post proper notice in accordance with established procedures, including this Title and the Municipalities Planning Code, Sections 609 and 610.

(4) During a regularly scheduled meeting, the Council shall hold a public hearing to hear the comments of the two planning agencies, the applicant, and the citizenry.

(5) If, as a result of the hearing, the proposed amendment is substantively changed, the changes shall be published in a local newspaper in accordance with the requirements of Section 610(b) of the Municipalities Planning Code before final action is taken.

c. Final Action by Council

The Altoona City Council shall render a decision, by vote, no later than ninety days after the final public hearing on the proposed amendment.

d. Post-Adoption Procedures

(1) The City Clerk shall send a copy of the adopted amendment to the Blair County Planning Commission, the City Planning Commission, the Zoning Hearing Board, the Zoning Officer, and the Planning Administrator within thirty days of adoption by Council.

(2) The Planning Administrator shall incorporate all changes required by the amendment into this Code (including the map) within thirty days of enactment and redistribute the Code to the City Clerk, the City Planning Commission, the County Planning Commission, the Zoning Officer, and the Zoning Hearing Board.

(3) All amendments shall be recorded by the Planning Administrator in the appropriate appendix, and shall become effective immediately upon enactment.

3. <u>Curative Amendments:</u>

The City Council shall hear all applications for landowner curative amendments according to both the following rules and the provisions of Section 209, "Substantive Challenges".

a. The Council shall commence a hearing on a proposed landowner curative amendment within 60 days of the filing of a complete application for that amendment.

b. Public notice of this hearing shall be given according to the requirements for enacting amendments described above. This notice shall include (1) notice that

the validity of the Title or map is in question, and (2) the place and times where a copy of the proposed amendment -- including any plans or explanatory materials -- may be examined by the public.

c. City Council shall submit the proposed amendment to the planning commission at least 30 days prior to the hearing so that the planning commission may submit its recommendations.
d. A proposed amendment shall be submitted to the county planning agency at least 30 days prior to the hearing so that the planning agency may submit its recommendations.
e. A proposed amendment shall be submitted to the county planning agency within 30 days after that amendment's enactment.
f. The City Council shall render a written decision within 45 days of the end of the hearing.
g. The City Council may prescribe reasonable fees for such a hearing which may include (1) compensation for the clerk, (2) public notice and advertising costs, (3) necessary administrative overhead connected with the hearing, (4) enacting amendments as described above, and (5) one half of the stenographer's fee. The City shall pay the cost of the original transcript if the original is ordered by the City, and shall be paid by the applicant if he or she orders it. The parties requesting them shall pay for additional copies. Fees may not compensate for the legal expenses of the Council. Furthermore, fees may not be used to compensate engineering, architectural, planning, or other technical consultants or expert witnesses.
h. <u>Conducting the Hearing</u>:
   (1) A stenographic record that conforms to civil trial transcripts must be taken in all hearings. The substance of all official actions, the names of people who appear officially, and the subject of their testimony must be recorded.
   (2) Each party has the right to be represented by legal council, to present and respond to evidence, and to cross-examine adverse witnesses on all relevant issues.
   (3) The City Solicitor shall represent City Council, if requested. However, Council may retain an independent attorney to present the defense of the challenged ordinance.
   (4) The Council has the power to administer oaths and issue subpoenas to compel both the attendance of relevant witnesses and the production of relevant papers. All testimony should be affirmed, as unaffirmed statements do not constitute legal evidence to make a record.
   (5) Formal rules of evidence do not apply to these hearings. However, the Council may exclude any irrelevant, immaterial, or unduly repetitious evidence. Hearsay evidence, if not objected to, may be given its natural probative value. Yet, the Council has the power to reject even uncontradicted testimony if it finds this testimony to be lacking in credibility.
   (6) In the time following the beginning of a hearing and prior to a rendering of the decision or findings, the Council shall not communicate with any party or party representatives unless all parties are given an opportunity to participate. No communication, reports, staff memoranda, or other materials may be accepted or noticed by the Council unless all parties are given an opportunity to contest that information. The Council should not inspect the

involved site or its surroundings during the hearings unless all parties are given an opportunity to be present. Any reports by the Zoning Officer shall be filed with all involved parties.

(7) A case should not be postponed to a later date without substantial or compelling reasons, especially if the issue is of great concern and has attracted an audience. However, where (1) a new issue is raised for the first time at a hearing, and (2) the applicant had no notice of this issue, the hearing should be continued at a later date to give the applicant an opportunity to react properly. When a case is continued at a second hearing, a notice shall be prominently posted at the hearing site, and all involved parties must be notified.

i. Making a Decision:

(1) In voting on a final decision, the vote cast by each Council member shall be made publicly.

(2) In making its decision, Council shall consider (1) the proposed amendments, plans, and explanatory materials submitted by the applicant; (2) the impact of the proposal on roads, sewer facilities, water supplies, schools, and other public service facilities; (3) the impact of the proposal on regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions; (4) the suitability of the site for the intensity of use proposed (considering the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features); (5) the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources; and (6) the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(3) Where Council fails to render this decision within the required period, or fails to hold the hearing within the required period, the decision shall be deemed to have been rendered against the amendment. When a deemed decision is rendered in favor of the amendment, Council shall give notice of this within 10 days of the last day that it could have met to render a favorable decision.

(4) If Council determines that a validity challenge has merit, then it may either accept the applicant's landowner curative amendment -- with or without revision -- or adopt an alternative amendment that will cure the alleged defects in this ordinance.

(5) Where an application is denied, the resulting decision must be accompanied by a finding of fact, the conclusions based on these facts, and the reason that such conclusions were drawn. This will show that the decision was reasoned, and not arbitrary. References to any provisions of any ordinance, rule, or regulation relied on for any conclusion must be made, along with the reason that the conclusion is appropriate for the particular case at hand.

(6) Even where an application is not denied, the resulting decision should be accompanied by a statement of findings or an opinion that is detailed enough to substantiate the involved decision.

(7) A copy of the final decision must be delivered or mailed to the applicant no later than the day after the date of the report.

j. The Council's decision may be appealed to the Zoning Hearing Board.

4. <u>Municipal Curative Amendments:</u>

If City Council determines that this Title or a portion thereof is substantially invalid or defected, then Council may initiate a municipal curative amendment as follows.

a. Council shall first (1) declare this Title or the substantially invalid portion or portions thereof to be invalid by formal action, and (2) propose to prepare a municipal curative amendment to overcome these invalidities.

b. Within 30 days of the declaration and proposal, Council shall: (1) make findings by resolution that set forth the declared invalidity or invalidities (this may include references to specific uses which are either not permitted or not permitted in sufficient quantity, to a class or use or uses which require revision, or to the entire Ordinance), and (2) begin to prepare and consider a curative amendment to the zoning ordinance that will correct these invalidities.

c. Within 180 days of the declaration and proposal, Council shall either (1) enact this curative amendment according to the provisions of letter "A," number "4" of this section, or (2) reaffirm the validity of this ordinance.

d. During this 180 day period, the City of Altoona, its Council, and its Zoning Hearing Board shall not be required to entertain or consider any substantive challenges to the validity of this ordinance (as laid out in Section 209, "Substantive Challenges") that are based on the same invalidities declared under Subsection "b" above.

e. The City may not initiate another municipal curative amendment for 36 months after the date that either the curative amendment is enacted or the validity of this ordinance is reaffirmed. However, if a new duty or obligation is imposed on the City by a statute or a Pennsylvania Appellate Court decision, then the City may ignore this rule in order to amend this ordinance to fulfill said duty or obligation.

ARTICLE III
NONCONFORMING BUILDINGS & USES

SECTION 301. PURPOSE.

The districts established by this Title constitute the proper location for the specific enumerated uses, buildings, and other structures permitted therein. Within such districts, however, there exist nonconformities that were lawfully in existence before July 24, 2003 (or the effective dates of subsequent amendments), but are prohibited under the terms of this Title. Future amendments to this Ordinance may be expected to create additional nonconformities.

The legitimate interests of those who established these nonconformities are recognized in this Title by permitting such nonconformities to continue, subject to regulations for and limitations upon their completion, restoration, reconstruction, extension, and substitution. It is recognized, however, that nonconformities substantially and adversely affect the orderly development, maintenance, use, and taxable value of other property in the district -- property that is itself subject to the regulations of this Ordinance. In order to secure eventual compliance with the standards of this Ordinance, it is, therefore, necessary to strictly regulate nonconformities and to prevent the re-establishment of nonconformities that have been discontinued.

Accordingly, the following sections divide nonconformities into five (5) classes and provide appropriate regulations for each class. These classes are:

A. Vacant lots smaller than the minimum size, width, depth, or any combination thereof required by this Title.
B. Nonconforming buildings and structures used for a permitted use.
C. Nonconforming uses of conforming buildings and structures.
D. Nonconforming buildings and structures used for a nonconforming use.
E. Nonconforming use of land.
F. In the case of existing residential uses and structures in any non-residential zone, regulations for the geographically closest residential district for setbacks, height, areas and coverage shall apply.

SECTION 302. NONCONFORMING VACANT LOTS.

A. A "pre-recorded nonconforming lot" is a lot consisting entirely of a tract of land that:
    1. Has less than the prescribed minimum lot size, width, depth, or any combination thereof, for the district in which it is located.
    2. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot such size, width, depth, or any combination thereof, at such location would not have been prohibited by any zoning ordinance.
    3. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance.
B. If the development on such a lot cannot conform to the side yard requirements of the district in which it is located, then the development must conform to a requirement of three (3') feet for each side yard. On a corner lot, the side yard abutting the street shall not be less than ten (10') feet. In no case shall any obstruction be permitted in the areas defined by Article IV, Section 415, “Obstruction to Vision”.

SECTION 303. NONCONFORMING BUILDINGS & STRUCTURES USED FOR PERMITTED USES.

A lawfully existing building or other structure which contains a conforming use, but which does not comply with the applicable lot size requirements, building bulk limitations, or off-street parking requirements, may be continued so long as it remains otherwise lawful. Such buildings or other structures are referred to in this Article as "nonconforming buildings" and are subject to all of the following regulations:

A. Ordinary Repair And Maintenance:
   1. Ordinary maintenance and repair work, or repair and replacement of nonbearing walls, fixtures, wiring, or plumbing may be accomplished provided, however, that this paragraph shall not be deemed to authorize any violation of this section.
   2. Nothing in this Title shall be deemed to prevent the strengthening or restoring to a safe condition of a nonconforming building, subject to the provisions of of this section in accordance with the order of a public official who is charged with protecting the public safety and who declares such building to be unsafe and orders its restoration to a safe condition.

B. Repairs And Alterations:
   Repairs, maintenance, alterations, and modernization may be made to a nonconforming building or structure, except that no structural alteration shall be made in or to such building or structure except those required by law and except those making the building or structure and use thereof conform, or more closely conform, to the regulations of the district in which it is located.

C. Enlargements:
   No nonconforming building shall be enlarged or added to in any manner unless such building and the use thereof shall thereafter conform to, or more closely conform to, the regulations of the district in which it is located.

D. Reconstruction:
   In the event that a nonconforming building or structure used for a permitted use is damaged or destroyed by any involuntary means, to such an extent that the cost of restoring it to its condition prior to damage or destruction exceeds fifty (50%) percent of the current replacement cost of the entire building, exclusive of foundations, such building and use shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located.

E. Moving:
   No nonconforming building or other structure shall be moved in whole or in part for any distance whatever, to any other relocation on the same lot or any other lot, unless the entire building and the use thereof shall thereafter conform to the regulations of the district in which it is located after being moved.

F. Multiple Buildings On A Lot:
   In the event that a lot is occupied by two (2) or more buildings; and the use of the buildings is a permitted use under this Title; and the owner desires to sell one (1) or more of said structures, thus requiring a lot split or subdivision plan to be prepared and approved by the Planning Commission, effectively making the remaining lots not comply with the Yard Area and Lot Coverage Requirements as set forth in this Title, then said requirements shall not apply.

SECTION 304. CONFORMING BUILDINGS & STRUCTURES USED FOR NONCONFORMING USES.
A lawfully existing nonconforming use of part or all of a building or structure may be continued subject to all of the following provisions:

A. Expansion Of Nonconforming Use:
A nonconforming use of a part of a building or structure may be expanded or extended into any other portion of such building or structure provided that such expansion or extension shall not in any case be detrimental to or tend to alter the character of the neighborhood and that approval therefore be granted by the Zoning Hearing Board.

B. Change Of Nonconforming Use:
A nonconforming use all or partially conducted in a structure or structures may be changed to another nonconforming use only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be more conforming to its neighborhood and surroundings than the use it is to replace. In determining such relative conformity, the Board shall review the written report of the Zoning Officer, which may include the recommendations of the Planning Commission. This report shall take into consideration such factors, among others, as traffic generated, nuisance characteristics, such as emission of noise, dust, odors and smoke, creation of vibrations and fire hazards, the hours and manner of operation. The Zoning Officer may request the assistance of other applicable City agencies in preparing his report.

C. Discontinuance Of Nonconforming Use:
A use occupying a building or structure, not conforming to the regulations of the district in which it is located that is discontinued during any continuous period of twelve (12) months, shall not be continued and said building or structure shall only be occupied by a use which conforms to the district in which it is located.

D. Reconstruction:
In the event that a conforming building or structure containing a nonconforming use is damaged or destroyed by any means, voluntary or involuntarily, said building may be restored. If the owner chooses to reconstruct the conforming building or structure the nonconforming use must be reinstated within twelve months.

E. Moving:
No building or other structure that is devoted in whole or in part to a nonconforming use, shall be moved in whole or in part for any distance, whatsoever, to any other lot unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located after being so moved. Moreover, no nonconforming use of land shall be moved, in whole or in part for any distance whatsoever, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

SECTION 305.
NONCONFORMING BUILDINGS & STRUCTURES USED FOR NONCONFORMING USES.
A lawfully existing nonconforming building or other structure, which contains a lawfully existing nonconforming use of part or all of said building or structure may be continued subject to all the following provisions:

A. Ordinary Repair And Maintenance Of Nonconforming Building Or Structure:
   1. Ordinary maintenance and repair work, or repair and replacement of nonbearing walls, fixtures, wiring, or plumbing may be accomplished provided, however, that this paragraph shall not be deemed to authorize any violation of this section.
   2. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a nonconforming building, subject to the provisions of this section in accordance with the order of a public official who declares such building to be unsafe and order its restoration to a safe condition.

B. Repairs And Alterations To A Nonconforming Building Or Structure:
   Repairs, maintenance, alterations, and modernization may be made to a nonconforming building or structure, except that no structural alteration shall be made in or to such building or structure, except those required by law, and except those making the building or structure and use thereof conform, or more closely conform, to the regulations of the district in which it is located.

C. Enlargements Of Nonconforming Building or Structure:
   No nonconforming building or structure shall be enlarged or added to in any manner unless such building or structure shall thereafter conform to, or more closely conform to, the regulations of the district in which it is located.

D. Expansion Of Nonconforming Use:
   A nonconforming use of a part of a nonconforming building or structure may be expanded or extended into any portion of such building or structure provided that such expansion or extension shall not in any case be detrimental to or tend to alter the character of the neighborhood and that approval therefore be granted by the Zoning Hearing Board.

E. Change Of Nonconforming Use:
   A nonconforming use all or partially conducted in a nonconforming structure or structures may be changed to another nonconforming use only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be more conforming to its neighborhood and surroundings than the use it is to replace. In determining such relative conformity, the Board shall review the written report of the Zoning Officer, which may include the recommendations of the Planning Commission. This report shall take into consideration such factors, among others, as traffic generated, nuisance characteristics, such as emission of noise, dust, odors, and smoke, creation of vibrations and fire hazards, the hours and manner of operation. The Zoning Officer may request the assistance of other applicable City agencies in preparing his report.

F. Discontinuance Of Nonconforming Use:
   A use occupying a nonconforming building or structure, not conforming to the regulations of the district in which it is located that is discontinued during any continuous period of twelve (12) months, shall not be continued and said building or structure shall only be occupied by a use which conforms to the district in which it is located.

G. Reconstruction:
   In the event that a nonconforming use within a nonconforming building or structure damaged or destroyed by any involuntary means, to such an extent that the cost of restoring it to its condition prior to damage or destruction exceeds fifty (50%) percent of the current replacement cost of the entire building, exclusive of foundations, such

building and use shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located.

H. Moving:
No nonconforming building or other structure that is devoted in whole or in part to a nonconforming use, shall be moved in whole or in part for any distance, whatsoever, to any other lot unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located after being so moved. Moreover, no nonconforming use of land shall be moved, in whole or in part for any distance whatever, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

I. Multiple Buildings On A Lot:
In the event that a lot is occupied by two (2) or more buildings; and the use of the buildings is a permitted use under this Title; and the owner desires to sell one (1) or more of said structures, thus requiring a lot split or subdivision plan to be prepared and approved by the Planning Commission, effectively making the remaining lots not comply with the Yard Area and Lot Coverage Requirements as set forth in this Title, then said requirements shall not apply.

SECTION 306. NONCONFORMING USE OF LAND.

The nonconforming use of land may be continued subject to all of the following provisions:

A. Expansion of Use:
A nonconforming use of land may be expanded provided that such expansion not be detrimental to or tend to alter the character of the neighborhood and that approval therefore be granted by the Zoning Hearing Board.

B. Discontinuance of Use:
A use not conforming to the regulations of the district in which it is located, prior to the Ordinance's date of enactment, which is discontinued and is not renewed during any continuous period of twelve (12) months, shall not be renewed except by a use that conforms to the use regulations of the district in which the land is located.

SECTION 307. OTHER LEGAL NONCONFORMITIES

A. All variances, special exceptions, conditional uses, and uses by special permission issued under previous zoning ordinances are hereby extinguished and are converted to legal nonconformities so long as such nonconformities continue as they were under the previous ordinance(s) (See Section 203 on Vested Rights, above).

B. Uses, land, and buildings which were illegal under previous ordinances shall remain illegal under this ordinance. It shall be incumbent on the owner to prove the legality of such uses if the legality is in question.

ARTICLE IV
DESIGNATION OF ZONES

SECTION 401. PURPOSE.
The purpose of this Article is to constitute policies that involve and effect all or a majority of the zoning districts in the Altoona Zoning Ordinance. The Article provides for the designation of the zoning districts, the establishment of the zoning map and the district boundaries interpretation procedure as well as annexation, floodplain, building height, lot area, lot coverage, lot width and lot frontage general policy, permitted reductions in lot dimensions and obstructions to vision safety policies. Furthermore, this Article regulates home-based businesses, wireless communication facilities, public utility facilities and establishes farming policy.

SECTION 402. ZONING DISTRICTS.
For the purpose of this Title, the City is hereby divided into ten (10) Zoning Districts, which shall be designated as follows:

Zone Designation	Category	Title
R-S	Residential Zone	Suburban Residential
R-SH	Residential Zone	Single Household Residential
R-L	Residential Zone	Limited Residential
R-MH	Residential Zone	Multiple Household Residential
R-U	Residential Zone	Urban Residential
M-RC	Mixed Use Zone	Residential/Commercial
C-NB	Commercial Zone	Neighborhood Business
C-HB	Commercial Zone	Highway Business
C-CB	Commercial Zone	Central Business
I-L	Industrial Zone	Light Industrial
I-G	Industrial Zone	General Industrial

SECTION 403. ZONING MAP.
The boundaries of the districts shall be shown upon the map attached to and made part of this Ordinance, which shall be designated "CITY OF ALTOONA ZONING MAP." The said map and the entire notation, references, and other data shown thereon are hereby incorporated by reference into this Section as if all were fully described herein.

SECTION 404. BOUNDARIES BETWEEN DISTRICTS.
District boundary lines shall follow street, alley, or public rights-of-way, center lines, railroad rights-of-way, streams, and projected extensions or offsets thereof as they exist on plats of record at the time of the passage of this Ordinance. Whenever any street, alley, or other public right-of-way is vacated, the one adjoining each side of such street, alley, or public right-of-way shall be automatically extended to the center of such vacation.

SECTION 405. INTERPRETATION OF BOUNDARIES.
When a district boundary line divides a lot, held in single and separate ownership on July 24, 2003, each portion of the lot shall be controlled by the requirements of the district in which it is located. Where boundaries follow a physical feature, but an exact description is absent, the physical feature shall be deemed to be included entirely within the more restrictive district.

SECTION 406. ANNEXATION.
Where land area has become a part of the City by annexation, the same shall automatically be classed as being in the "R-S, Suburban Residential" Zone until such classification shall have been changed by an amendment to the Title as provided herein. The process for such amendment shall begin within 60 days of the annexation.

SECTION 407. FLOODPLAIN AREAS.
Where land area possessing any of the ten (10) zoning districts has been identified as part of a floodplain by the Federal Emergency Management Agency (FEMA) and is indicated as such on the Flood Boundary and Floodway Maps, then the Article III of Title Four shall govern floodplain area. However, the provisions and requirements of this Title shall remain in full force and effect to the extent that they are more restrictive than the Floodplain Regulations.

SECTION 408. HEIGHT.
Height regulations shall not apply to spires, belfries, cupolas, penthouses, or domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers, silos, and similar features such as necessary mechanical appurtenances usually carried above roof level.

SECTION 409. AREA.
Any parcel of land with an area or width less than that prescribed for a lot in the zone in which such parcel is located on or before July 23, 2003, when the owner thereof owns no adjoining land, may be used as a lot for any purpose permitted in the zone, provided that all other regulations prescribed for the zone by this Title are complied with.

SECTION 410. COVERAGE.
Maximum coverage of a lot shall be ninety (90%) percent, unless a more restrictive requirement is listed for the district in which the property is located.

SECTION 411. WIDTH.
All lots shall have a minimum width of twenty-five (25) feet, unless a more restrictive requirement is listed for the district in which the property is located.

SECTION 412. FRONTAGE.
All lots shall have a minimum of twenty-five (25) feet of frontage on an improved street, unless a more restrictive requirement is listed for the district in which the property is located.

SECTION 413. LAND USES NOT CATEGORIZED IN ARTICLE V.
For land uses not listed under the Districts in Article V, “District Provisions”, City Council shall entertain one of the following requests from the applicant:

A. Grant the use in the location requested through a conditional use as outlined in Article II of this Title. In granting such a conditional use, the Council shall consider all the issued

outlined for conditional uses, and shall ensure deleterious effects on the target neighborhood are mitigated. Once the conditional use is granted or denied, Council shall, within ninety days, amend this Title to allow such use in one or more zoning districts in the City.

B. Amend this Title to allow the use proposed. This can be done through a standard amendment or a curative amendment, depending on the situation.

SECTION 414. REDUCTION OF LOT DIMENSIONS.

The area, width, or depth of any lot shall not be reduced by subdivision, sale, or development so that the lot width, lot area, lot area per dwelling unit, yards, or other open spaces are smaller, or so that the coverage is greater than prescribed herein. Exceptions to this shall be developments falling under Sections 303(F) or 305(I) above, and development proposals which fall under the purview of the regulations found in Title Six of the Altoona Planning Code. Title Six and its requirements are incorporated herein by reference.

SECTION 415. OBSTRUCTION TO VISION.

Walls, fences, signs, or other structures shall not be erected or altered, and hedges, trees, or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view, or which may cause a hindrance or danger to pedestrian traffic.

SECTION 416. OFF-STREET PARKING AND LOADING BERTHS.

In general, off-street parking and loading is regulated through land development approval provided in Title Seven. Because some uses do not qualify for land development review, basic parking standards are included here to ensure parking is in line with the policies outlined in Title Seven.

A. All properties shall have a minimum of one parking space available. Availability can be a specific provision on the property, or sufficient street frontage to provide area for one vehicle parked parallel with the edge of the pavement. This space shall be a minimum of eight feet wide by twenty-two feet long, and shall be located so that vehicles accessing the space may do so freely without necessitating the movement of other vehicles or objects.
B. No parked vehicle shall impede the flow of traffic or the ability of pedestrians to utilize the sidewalk area, whether or not a physical sidewalk has been installed.
C. No loading or deliveries shall be made in such a manner that the delivery vehicle must fully block traffic from utilizing the street, nor impede a pedestrian from utilizing the sidewalk area, whether or not a physical sidewalk has been installed.
D. The parking requirements of Article V and Title Seven shall also apply.

SECTION 417. HOME-BASED BUSINESSES.

A home-based business is defined as a business that is conducted (1) entirely within a dwelling unit; (2) entirely by the members of the household residing in that unit; and (3) in a manner that is clearly incidental, accessory, and subordinate to the unit's primary residential use. Most modern zoning ordinances regulate home-based businesses because of the deleterious effects that these businesses can have on their neighborhoods: a home-based business can congest its neighborhood's parking spaces and streets; generate intrusive amounts of noise, vibration, glare, electrical interference, odors, and radio/television signal disruption; draw large trucks for delivery purposes; erect a disturbing number of signs; utilize unsightly outdoor storage areas;

and generally change the character of its neighborhood from residential to commercial. Many zoning ordinances attempt to minimize such damaging effects by designating all home-based businesses as special exceptions and requiring each to procure the approval of the Zoning Hearing Board -- which is to reject any such business that will adversely affect its neighborhood.

However, more and more home-based businesses are being created that have little or no deleterious effects on their neighborhoods. Many professionals now "telecommute" from home, draw no extra parking or traffic activity, generate no noise or other interference, and have no signs. While home-based businesses that could have a significant effect on their neighborhoods clearly should still lie under the Zoning Hearing Board's jurisdiction, those that have little or no such effects should be excused from the paperwork, time, and expense involved in a special exception application.

This Ordinance attempts to establish such a system by dividing home-based business into two categories: minor impact home-based businesses (which will have little or no effect on their neighborhoods) and major impact home-based businesses (which may have some effects on their neighborhoods). The Zoning Officer shall determine which of these categories a particular home-based business falls into according to the standards of Subsection "A" below. If a particular home-based business is determined to be a minor impact home-based business according to these standards, then it may be established without any further approvals. However, if it is determined to be a major impact home-based business, then Subsection "B" below requires that it must be approved by the Zoning Hearing Board as a special exception according to the rules of Article II, Section 206, "Special Exceptions and Conditional Uses".

This section applies to all home-based businesses within the City of Altoona, regardless of the zoning district in which they are located.

A <u>Distinguishing Minor Impact Home-Based Businesses From Major Impact Home-Based Businesses:</u>

1. Any person who wishes to establish a home-based business within the City is required to apply for a Home-Based Businesses License with the Zoning Officer on a form supplied by the City. This application shall not be considered complete unless enough information is included on the form to enable the Zoning Officer to determine whether the proposed home-based business is a minor impact home-based business or a major impact home-based business according to the standards below.
2. Included with the application shall be a notarized Acknowledgement of Notice signed by the applicant's neighbors, which include the direct abutting property owners, the property owners next to the abutting neighbors and any property owners across an improved public right-of-way.
3. After a complete notarized application has been filed, the Zoning Officer shall have 45 days to determine the status of the proposed home-based business. When the Zoning Officer fails to make this determination within 45 days, then the proposed home-based business shall automatically be classified as a minor impact home-based business.

4. The Zoning Officer shall determine that a proposed home-based business would be a major impact home-based business unless it meets the standards below -- in which case it shall be classified as a minor impact home-based business and may be established without any further approvals.
   a. A minor impact home-based business shall exclusively receive and ship any goods, chattels, materials, supplies, or items of any kind in either (1) a passenger vehicle that is owned by the resident and that makes no more than one such delivery trip per day, or (2) a parcel courier vehicle that stops at the dwelling unit no more than once per day.
   b. The business shall employ no employees other than family members residing in the dwelling.
   c. A minor impact home-based business shall have no exterior displays of goods and no interior displays of goods, which can be seen from public right-of-ways.
   d. A minor impact home-based business shall place no sign, lights, parking, or other evidence of that occupation on the exterior of its building.
   e. A minor impact home-based business shall use no pieces of equipment or processes that create noise, vibration, glare, fumes, odors, visual or audio television or radio signal interference, or electrical interference which is detectable to normal senses in other residential units.
   f. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
   g. A minor impact home-based business shall use no more than twenty-five percent of the ground floor area of the involved dwelling unit and may only take place in the dwelling unit. The use of garages, sheds, and other accessory structures is not permitted.
   h. The business shall not involve any illegal activity.
   i. The business activity must be compatible with the residential use of the property and surrounding neighborhood. To further this purpose, the following additional conditions shall be met:
      (1) It shall use no equipment or appliances other than those that are customarily used in common residences or offices.
      (2) A minor impact home-based business shall conduct no retail sales directly to customers on the premises unless it is over the mail, telephone, or Internet.
      (3).A minor impact home-based business shall not create a volume of traffic and a demand for parking spaces that is greater than would normally be expected in its neighborhood of Altoona.
      (4) Nursery schools, day care centers, tutoring or teaching service, dancing schools, exercise or health centers, funeral homes, mortuaries, eating or drinking establishments, animal kennels, animal hospitals, veterinarian offices, boarding houses, medical or dental clinics or offices, transportation vehicle repair or rental facilities, theaters, and any other business that does not meet the definition of home-based businesses given under letter “A” above shall not be classified as minor impact home-based businesses.
      (5) Equipment, vehicles, and supplies related to the business shall not be stored on the property. This shall not be construed as a prohibition against the use of the family vehicle for business purposes.

5. There shall be no off-street parking space or loading berth requirements for minor impact home-based businesses beyond what is required for the involved dwelling unit.

B. Major Impact Home-Based Businesses:
If a proposed home-based business is determined to be a major impact home-based business by the Zoning Officer, then its proprietor must apply for a special exception use before the Zoning Hearing Board according to the provisions of Article II, Section 205, "Special Exceptions" and the conditions set by the zoning district in which the business is to be located. Note that any off-street parking space or loading berth requirements for these occupations (beyond the requirements of the involved dwelling unit) shall be set by the Zoning Hearing Board at the involved hearing.

SECTION 418. WIRELESS TELECOMMUNICATIONS FACILITIES.

Technical developments in the telecommunications field have provided new options for the expansion and delivery of communication services to the City of Altoona and its residents. The City Council recognizes that the police, fire and emergency medical services and its residents and visitors rely on wireless communications service for business and personal uses. Therefore, the City desires to encourage efficient and adequate wireless communication services while at the same time, protecting the public health, safety and welfare. In an effort to facilitate efficient and adequate communication services and protect the interests of its residents, Section 418 will serve to regulate the construction and the placement of communications towers and antennae in accordance with federal and state statutes and regulations that impose certain limitations on the City's ability to regulate the placement communications towers and antennae.

A. Purpose:
The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas.

B. Goals:
1. Provide guidelines, which allow for the siting of Communications Towers and Communications Equipment Buildings within the boundaries of the City of Altoona.
2. Provide for the ever-expanding communications needs of the City of Altoona, its residents and business community.

C. Objectives:
1. Protect residential areas and land uses from potential adverse impacts of Communications Towers and Antennas.
2. Encourage the location of Communications Towers and Communications Equipment Buildings in non-residential areas.
3. Minimize the total number of Communications Towers throughout the City.
4. Strongly encourage the joint use of new and existing Communications Tower sites as a primary option rather than construction of additional single-use Towers.
5. Encourage users of Towers and Antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
6. Encourage users of Towers and Antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques.
7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
8. Consider the public health and safety of Communications Towers.

9. Avoid potential damage to adjacent properties from Tower failure through engineering and careful siting of Tower structures.
10. In furtherance of these goals and objectives, the City of Altoona shall give due consideration to the City of Altoona's Comprehensive Plan, Zoning Map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

D. Location of Communication Towers and Equipment:

1. The letter "P" in Table "A" means that the land use shown at the far left of the involved row is a PERMITTED USE in the involved column's zoning district. As such, the use may be set up on a lot in the involved district so that it is neither subordinate nor incidental to another use on the same lot. The establishment and existence of a permitted use are subject only to the Zoning Officer's grant of a zoning permit both of which are to be given on the basis of whether or not the use, its buildings, and its lot comply with the applicable regulations of this Ordinance (see Section 202, "Zoning Permits").
2. The letter "S" in Table "A" means that the land use shown at the far left of the involved row is a SPECIAL EXCEPTION USE (i.e., a "special exception") in the involved columns zoning district. As such, the use may be set up on a lot in the involved district subject to the approval of the Zoning Hearing Board under the procedures and conditions given in Section 206, "Special Exceptions and Conditional Uses".
3. The letter "N" in Table "A" means that the land use shown at the far left of the involved row is prohibited.

TABLE A

Uses	R-S	R-SH	R-L	R-MH	R-U	M-RC	C-NB	C-HB	C-CB	I-L	I-G
Alternative Tower Structures	S	S	S	S	S	P	P	P	P	P	P
Communications Antennas mounted on an existing Public utility transmission tower	S	S	S	S	S	S	S	S	P	P	P
Communications Antennas mounted on a Building or Other Structure	N	N	S	S	S	S	S	S	P	P	P
Communications Equipment Buildings	S	S	S	S	P	P	P	P	P	P	P
Communication Towers and Communications Equipment Buildings	N	N	N	N	S	S	S	S	S	S	S

F. General Regulations for the Placement of Communications Towers:

1. Design:
   (a) Applicants must provide camouflaging as defined by the term "Alternative Tower Structure" or provide documentation as to why camouflage is not feasible or necessary.

(b) The tower shall either maintain a galvanized steel finish or meet the applicable standards of the FAA. If the Tower is not to be camouflaged by an Alternative Tower Structure, the tower is to be painted a neutral color so as to reduce visual obtrusiveness.

(c) Whether a Tower is camouflaged or not at a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

(d) If an Antenna is installed on a structure other than a Tower, the Antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(e) A Communications Tower is considered a land development, and shall be subject to review under Article IV of Title Seven. At a minimum, the base of the tower shall be screened from abutting uses as though it were an industrial use under the screening matrix found in Article IV of Title Seven.

2. Mounted Communication Antennas shall not be located on any single- family dwelling or two family dwelling.
3. Mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than twenty (20) feet.
4. Omni directional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
5. A directional or panel Communications Antenna shall not exceed five (5) feet in height and three (3) feet in width.
6. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other associated with the antenna location.
7. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review for compliance with the City's Building Code and other applicable law.
8. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment Building can be accomplished.
9. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
10. Communications Antennas shall not cause radio frequency interference with other communications facilities located in the City.
11. A Communications Equipment Building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.
12. The owner or operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas.

13. Abandoned Towers: If a Communications Tower remains unused for a period or six (6) consecutive months, the Communications Tower must be removed within 90 days of the expiration of such six (6) month period, commencing upon receipt of notice from the City of Altoona notifying the owner of such abandonment. Failure to remove an abandoned Antenna or Tower within said 90 days shall be grounds for the City to remove the Tower or Antenna at the owner's expense. If there are two or more users of a single Tower, then this provision shall not become effective until all users cease using the Tower. The City may condition the issuance of any permit to demolish or remove a Tower or Antenna on the posting of an appropriate performance bond or other suitable guaranty in a face amount of not less than 120% of the cost (as determined by the City Engineer) of such removal, grading and restoration to a state required under all applicable City Ordinances.
14. Existing Towers; Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas: Nonconforming Towers or Antennas that are damaged or destroyed may not be rebuilt without having to first obtain administrative approval, a special exception or a conditional use permit. The type, height and location of the Tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the current building codes and shall be obtained within twelve (12) months from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the Tower or Antenna shall be deemed abandoned as specified in Subsection 13.
15. Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau or Aviation and applicable Airport Zoning Regulations. Where laws within this ordinance conflict with Federal Aviation Administration, Commonwealth Bureau or Aviation and applicable Airport Zoning Regulations the aforementioned supersede.

G. <u>Regulations for Communications Towers as Special Exceptions:</u>

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.
2. The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
3. Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building, structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable structure within a one-quarter mile radius of the proposed Communications Tower to be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
   (a) The proposed antennas and related equipment would exceed the structural capacity if the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
   (b) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

(c) Subtle existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

(d) Addition of the proposed Antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(e) A commercially reasonable agreement could not be reached with the owner of such structures.

4. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surfaces for its entire length.
5. A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
6. The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.
7. In all zoning districts except the Industrial Districts," I-L" and "I-G", the maximum height of any Communications Tower shall be one hundred fifty (150) feet; provided, however, that such height may be increased to no more than one hundred eighty (180). In the "I-L" and "I-G" zoning districts, the maximum height of any Communications Tower shall be two hundred (200) feet.
8. The Communications Equipment Building shall comply with the required yards and height requirement of the applicable zoning district for an accessory structure.
9. The applicant shall submit certification from a Pennsylvania registered professional engineer that the proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association Telecommunications Industry Association and applicable requirements of the City's Building Code.
10. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications 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 minimal amount of $1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
11. All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located within the fenced enclosure and adhere to the setback requirements of the applicable zoning district.
12. The site of a Communications Tower shall be secured by a minimum of a six (6) foot fence, with a maximum height of eight (8) feet, to limit accessibility by the general public.
13. No signs or lights shall be mounted on a Communications Tower except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.
14. Communications Towers shall be protected and maintained in accordance with the requirements of the City's Building Code.

15. A minimum of one off-street parking space shall be provided on-site.

SECTION 419. PUBLIC UTILITY FACILITIES.

Public Utility Facilities, excluding production, service, and storage yards, shall be permitted in any zone without regard to the use and area regulations, provided, however, that buildings or structures erected for these utilities shall be subject to the height regulations and front, side, and rear yard regulations of the zone in which the facility is located.

SECTION 420. FARMING.

The tilling of the soil, raising of crops, and gardening for noncommercial purposes shall be permitted in any zone. Customary agricultural operation, farming, nurseries, greenhouses, riding academies, livery and boarding stables, kennels, and animal hospitals are regulated by the applicable zoning district (see Article V).

SECTION 421. STORAGE OF MATERIALS

A. Containerized Storage

The use of containers to provide storage space is permitted on a temporary basis throughout the City if the following conditions are met:

1. A permit shall be secured from the Zoning Officer which shall specifically state the following criteria:
   a. The permit is temporary, and shall expire six months after the date of issuance
   b. The nature of the storage facility
   c. Requirements on how the containers are to be secured
   d. Provisions for removal of the containers
   e. Signature of the applicant binding him to the conditions set forth in the permit
2. Storage containers under this Section shall not require land development review, however the applicant shall submit plans clearly showing the location of the container on the property and supply a listing of the types of materials to be stored in the container with the application.
3. A single six-month extension is available through an administrative hearing before the Zoning Hearing Board. If granted, such approval shall order the Zoning Officer to issue another permit in accordance with Subsection 1 above. This approval shall not be construed to be a variance or special exception.
4. The Zoning Officer or Zoning Hearing Board may require the applicant to post financial security to ensure proper removal of the containers.
5. This Section shall not apply to containers used in conjunction with work for which a valid building or demolition permit has been issued, unless such containers are in place for more than thirty days after work under the permit has been completed.
6. Containers remaining in place beyond the permitted temporary period shall be considered permanent and regulated as structures under this Ordinance.

B. Open Storage

All open storage (including scrap yards, junk yards, and automobile wrecking yards) shall be located within an area not closer than fifty feet (50') from any street right-of-way line and shall be fully screened from view. The storage of combustible materials shall be a minimum of twenty feet (20') from any lot line, and a driveway sufficient for free access of fire equipment shall be installed.

ARTICLE V
DISTRICT PROVISIONS

SECTION 501. "R-S" SUBURBAN RESIDENTIAL ZONE

SECTION 501.1. PURPOSE.
The purpose of this Zone is to provide areas within the City for the development of low density, primarily residential single-household detached homes, and to protect those areas presently developed in this manner.

SECTION 501.2. PERMITTED USES.

A. Residential Uses:
   1 Single-household detached dwellings.
   2. Group homes for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.[10]
   3. Halfway houses for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.
   4. Accessory buildings and uses on the same lot, which are customarily incidental to the above use.

B. Non-residential Uses:
   1. Cemeteries.
   2. Forestry activities.
   3. Governmental facilities.
   4. Houses of worship.
   5. Minor impact home-based businesses.
   6. Parks, playgrounds and open space.
   7. Public utility transmission and distribution lines, substations, water pumping stations, and reservoirs.
   8. Accessory buildings and uses on the same lot, which are customarily incidental to the permitted non-residential uses in this section.

SECTION 501.3. SPECIAL EXCEPTIONS.
The following uses may be permitted by the Zoning Hearing Board if it finds the conditions listed for the use are met. The Zoning Hearing Board may work in conjunction with the Planning Commission and its responsibilities under Title Seven in granting approval.

A. Bus shelters.
   1. Shall not impair sight distances at intersections or otherwise pose a hazard to moving traffic
   2. Shall not contain advertising of any kind except identification of the bus company, and a posing of relevant schedule and service information.
   3. Shall be perpetually maintained and kept clean and sanitary. This guarantee can be made through an agreement or other binding legal instrument.
   4. Shall not be placed on private property without the owner's consent

[10]Such classes include the elderly, the homeless, recovering drug addicts, persons with AIDS, the mentally challenged, and the mentally ill.

5. Shall be completely removed and the site restored to its original condition if the location no longer warrants a shelter. This guarantee can be made through an agreement or other binding legal instrument.
6. Shall not interfere with adjacent property owners' use and enjoyment of property.

B. Educational Services.
1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
3. Proposed traffic will not severely change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic
4. There shall be no exterior loud speaker systems or or other audible signals which can be heard at the property line.
5. Signs shall be limited to one freestanding identification sign per street on which the facility has frontage and access, and one wall sign. Traffic signs shall be permitted as necessary through the land development process.

C. Public libraries and museums.
1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
3. Proposed traffic will not severely change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic
4. There shall be no exterior loud speaker systems or or other audible signals which can be heard at the property line.
5. Signs shall be limited to one freestanding identification sign per street on which the facility has frontage and access, and one wall sign. Traffic signs shall be permitted as necessary through the land development process.
6. The facilities shall not hold public gathering functions unless specifically permitted by the Zoning Hearing Board. If such function is granted, it shall be conditional on the applicant's ability to comply with the provisions of Title Seven.

D. Major impact home-based businesses.
1. Shall not alter the residential appearance of the building or any accessory buildings
2. The business shall be owned and operated by the person (or a member of his immediate family) owning and occupying the premises on which the business is to be conducted
3. Not more than one non-family member is on the premises at any given time who assists or engages in the business.
4. There shall be no exterior advertisement of the business with the exception of one freestanding identification sign complying with the provisions of Article IV.
5. Any use of space outside of the principal structure shall be screened from the street and abutting properties. If the business does not trigger the requirements of Title Seven, the Zoning Hearing Board shall apply the standards contained in Article IV of that Title to the business.
6. Traffic shall not be noticeably increased above that normally associated with a single household dwelling.

E. Bed & Breakfast Facilities
   1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
   2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
   3. Off-street parking shall be provided at a ratio of one parking space per available room. This shall be in addition to the required parking for a single family dwelling. The Zoning Hearing Board may approve off-site parking to accommodate this requirement as part of the approval of the special exception for the bed and breakfast.
   4. Lodging shall not be rented for more than one month for any given person in any six month period.
   5. The property owner must use the building as his principal residence and manage the bed and breakfast.
   6. The area reserved for the owner's residence and the bed and breakfast areas shall be connected internally, and each shall share a common main entrance.
   7. As part of any approval, the Zoning Hearing Board may require an applicant for a bed and breakfast to sign an affidavit certifying that the applicant agrees to these provisions and agrees to uphold them for as long as the bed and breakfast is in operation.

F. Accessory structures on adjacent lots in common ownership
   1. The size, scale and type of structure is normally associated with a single family home in the affected neighborhood.
   2. No public street runs between the principal structure and the proposed accessory structure. An alley shall not be considered a street for this finding.
   3. The structure is designed so that it cannot be converted into a second dwelling unit or other principal use unless it is to be directly attached and fully integrated into the principal structure for use by a member of the immediate family of the occupant of the principal structure.
   4. The involved parcels of land are legally tied together such that they cannot be individually conveyed into separate ownership until the accessory structure(s) approved under this subsection have been fully removed.

SECTION 501.4. CONDITIONAL USES.
None.

SECTION 501.5. PROHIBITED USES.
Any use not complying with the specifications of this Article is prohibited, including Off-Site Parking.

SECTION 501.6. HEIGHT.
The height of a building shall not be greater than thirty-five (35') feet. The height of a dwelling shall be not less than one (1) story.

SECTION 501.7. AREA.
The lot area per dwelling unit shall not be less than eight thousand seven hundred (8,700) square feet.

SECTION 501.8. COVERAGE.
The coverage shall be no more than thirty-five (35%) percent on an interior lot and shall be not more than thirty (30%) percent on a corner lot.

SECTION 501.9. WIDTH.
The lot width at the building line shall not be less than seventy-five feet (75').

SECTION 501.10. FRONTAGE.
All lots shall have a minimum of seventy-five feet (75') frontage on a street that meets Penn DOT and/or current Subdivision and Land Development standards.

SECTION 501.11. SETBACKS.
Each lot shall have setbacks of not less than the depth or width indicated below:

LOCATION	SETBACK CHARACTERISTIC	LOT CHARACTERISTICS	MINIMUM SETBACK
Front	Depth	-	25'
Rear	Depth	-	35'
Side	Width	Interior Lot	10'
Side	Width	Corner Lot non-street	10'
Side	Width	Corner Lot abutting a street	20'

SECTION 501.12. ACCESSORY STRUCTURES.

A. An accessory structure and/or swimming pool shall not be erected nor shall its dimensions be increased in front of the main structure.
B. An accessory structure, patio and/or swimming pool may be erected within the rear yard or side yard provided that the height, area, width and coverage requirements contained in this Section and the following are met:
   1. An accessory structure shall be erected according to the following setbacks:

SETBACK FROM . . .	MINIMUM SETBACK
Rear of Principle structure	10'
Side Lot Line with Lot Width 25' or Less	18"
Side Lot Line with Lot Width Greater than 25'	3'
Rear Lot Line	7'
Public Right-of-way	10'

SECTION 501.13. PERMITTED SETBACK ENCROACHMENTS.

A. Cornices, eaves, gutters, bay windows, or chimneys may encroach into the required setback of a lot, not more than twenty-four (24") inches. However, no cornices, eaves, gutters, bay windows, or chimneys may be closer than three and one-half (3 1/2') feet from any side lot line.
B. A covered carport or covered patio or porch open on three (3) sides may be erected within one of the side yards or rear yard when attached to a main structure existing at

the effective date of this Ordinance provided the covered carport or covered patio or porch open on three (3) sides shall be not less than one foot (1') from the side or rear lot line, and shall never be enclosed.

SECTION 501.14. OFF-STREET PARKING

Parking for the uses in the Suburban Residential Zone shall be as follows:

A. Residential uses not subject to land development review under Title Seven shall be provided with a minimum of one and a maximum of three off-street parking spaces per dwelling unit.
B. Minor Impact Home Based Businesses shall neither increase nor decrease the number of spaces required for the property.
C. Uses governed by a land development review under Title Seven shall meet the parking requirements established as a result of the requisite review.
D. All other uses shall be provided with a minimum of one off-street parking space and a maximum of four off-street parking spaces.

SECTION 501.15. SIGNS.

Signs, when provided, shall conform to those regulations contained in Article VI, "Signs".

SECTION 501.16. FLOODPLAINS.

All permitted uses located within a floodplain as identified on the Flood Boundary and Floodway Maps, must comply with the provisions and requirements of Article IV of Title Four.

SECTION 501.17. BUFFER YARDS AND SCREENING.

Where a non-residential use is established either abutting or adjoining a residential use, a buffer yard not less than five (5') feet in width shall be provided along the lot lines of the non-residential use. In addition, the buffer yard shall be in compliance with any decision rendered by the Zoning Hearing Board under a variance or special exception or Planning Commission under a land development review.

SECTION 501.18. FENCES AND WALLS.

A. Fences and walls may be erected, altered, and maintained in any residential district within the setbacks, provided that:
    1. any wall or fence forward of the front yard setback or side yard setback abutting a street shall not exceed thirty inches (30") in height. Such fences may extend upward to a maximum height of four feet (4') if the fence is at least 50% open.
    2. any fence in the rear yard or non-street side yard shall be permitted a maximum height of seven feet (7'). Such fences may extend upward a maximum height of ten feet (10') if the fence is at least 50% open.
    3. this provision shall not apply to retaining walls or vegetated screening.
B. Fences and walls may be erected, altered, and maintained in front yards provided that the provisions of Section 415, "Obstruction to Vision", and Paragraph 1 of this Section are met.
C. Barbed wire, razor wire and above ground electric fences shall not be permitted.
D. The Zoning Hearing Board may waive these provisions by means of a Special Exception if extenuating circumstances warrant, and the basic tenor of this Section is upheld.

SECTION 502. "R-SH" SINGLE-HOUSEHOLD RESIDENTIAL ZONE

SECTION 502.1. PURPOSE.

The purpose of this zone is to provide areas within the City for the development of medium, low density, primarily residential single-household detached homes, and to protect those areas presently developed in this manner.

SECTION 502.2. PERMITTED USES.

A. Residential Uses:
   1. Single-household detached dwellings.
   2. Group homes for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.[14]
   3. Halfway houses for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.
   4. Accessory buildings and uses on the same lot, which are customarily incidental to the above use.

B. Non-residential Uses:
   1. Cemeteries.
   2. Forestry activities.
   3. Governmental facilities.
   4. Houses of worship.
   5. Minor impact home-based businesses.
   6. Parks, playgrounds and open space.
   7. Public utility transmission and distribution lines, substations, water pumping stations, and reservoirs.
   8. Accessory buildings and uses on the same lot, which are customarily incidental to the permitted non-residential uses in this section.

SECTION 502.3. SPECIAL EXCEPTIONS.

The following uses may be permitted by the Zoning Hearing Board if it finds the conditions listed for the use are met. The Zoning Hearing Board may work in conjunction with the Planning Commission and its responsibilities under Title Seven in granting approval.

A. Bus shelters.
   1. Shall not impair sight distances at intersections or otherwise pose a hazard to moving traffic
   2. Shall not contain advertising of any kind except identification of the bus company, and a posing of relevant schedule and service information.
   3. Shall be perpetually maintained and kept clean and sanitary. This guarantee can be made through an agreement or other binding legal instrument.
   4. Shall not be placed on private property without the owner's consent
   5. Shall be completely removed and the site restored to its original condition if the location no longer warrants a shelter. This guarantee can be made through an agreement or other binding legal instrument.
   6. Shall not interfere with adjacent property owners' use and enjoyment of property.

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[14]Such classes include the elderly, the homeless, recovering drug addicts, persons with AIDS, the mentally challenged, and the mentally ill.

B. Educational Services.
   1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
   2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
   3. Proposed traffic will not severely change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic
   4. There shall be no exterior loud speaker systems or or other audible signals which can be heard at the property line.
   5. Signs shall be limited to one freestanding identification sign per street on which the facility has frontage and access, and one wall sign. Traffic signs shall be permitted as necessary through the land development process.

C. Public libraries and museums.
   1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
   2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
   3. Proposed traffic will not severely change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic
   4. There shall be no exterior loud speaker systems or or other audible signals which can be heard at the property line.
   5. Signs shall be limited to one freestanding identification sign per street on which the facility has frontage and access, and one wall sign. Traffic signs shall be permitted as necessary through the land development process.
   6. The facilities shall not hold public gathering functions unless specifically permitted by the Zoning Hearing Board. If such function is granted, it shall be conditional on the applicant's ability to comply with the provisions of Title Seven.

D. Major impact home-based businesses.
   1. Shall not alter the residential appearance of the building or any accessory buildings
   2. The business shall be owned and operated by the person (or a member of his immediate family) owning and occupying the premises on which the business is to be conducted
   3. Not more than one non-family member is on the premises at any given time who assists or engages in the business.
   4. There shall be no exterior advertisement of the business with the exception of one freestanding identification sign complying with the provisions of Article IV.
   5. Any use of space outside of the principal structure shall be screened from the street and abutting properties. If the business does not trigger the requirements of Title Seven, the Zoning Hearing Board shall apply the standards contained in Article IV of that Title to the business.
   6. Traffic shall not be noticeably increased above that normally associated with a single household dwelling.

E. Bed & Breakfast Facilities
   1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
   2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
   3. Off-street parking shall be provided at a ratio of one parking space per available room. This shall be in addition to the required parking for a single family dwelling. The Zoning Hearing Board may approve off-site parking to accommodate this requirement as part of the approval of the special exception for the bed and breakfast.
   4. Lodging shall not be rented for more than one month for any given person in any six month period.
   5. The property owner must use the building as his principal residence and manage the bed and breakfast.
   6. The area reserved for the owner's residence and the bed and breakfast areas shall be connected internally, and each shall share a common main entrance.
   7. As part of any approval, the Zoning Hearing Board may require an applicant for a bed and breakfast to sign an affidavit certifying that the applicant agrees to these provisions and agrees to uphold them for as long as the bed and breakfast is in operation.

F. Accessory structures on adjacent lots in common ownership
   1. The size, scale and type of structure is normally associated with a single family home in the affected neighborhood.
   2. No public street runs between the principal structure and the proposed accessory structure. An alley shall not be considered a street for this finding.
   3. The structure is designed so that it cannot be converted into a second dwelling unit or other principal use unless it is to be directly attached and fully integrated into the principal structure for use by a member of the immediate family of the occupant of the principal structure.
   4. The involved parcels of land are legally tied together such that they cannot be individually conveyed into separate ownership until the accessory structure(s) approved under this subsection have been fully removed.

SECTION 502.4. CONDITIONAL USES.
None.

SECTION 502.5. PROHIBITED USES.
Any use not complying with the specifications of this Article is prohibited, including Off-Site Parking.

SECTION 502.6. HEIGHT.
The height of a structure shall be not greater than thirty-five (35') feet. The height of a dwelling unit shall be not less than one (1) story.

SECTION 502.7. AREA.
The lot area per dwelling unit shall not be less than four thousand three hundred fifty (4,350) square feet.

SECTION 502.8. COVERAGE.
The coverage shall be no more than thirty-five (35%) percent on an interior lot and shall be no more than thirty (30%) percent on a corner lot.

SECTION 502.9. WIDTH.
The lot width at the building line shall not be less than fifty feet (50').

SECTION 502.10. FRONTAGE.
All lots shall have a minimum of fifty feet (50') frontage on a street that meets Penn DOT and/or current Subdivision and Land Development standards.

SECTION 504.11. SETBACKS.
Each lot shall have setbacks of not less than the depth or width indicated below:

LOCATION	SETBACK CHARACTERISTIC	LOT CHARACTERISTICS	MINIMUM SETBACK
Front	Depth	-	25'
Rear	Depth	-	30'
Side	Width	Interior Lot	6' minimum, 14' minimum combined
Side	Width	Corner Lot non-street	8'
Side	Width	Corner Lot abutting a street	20'

SECTION 502.12. ACCESSORY STRUCTURES.

A. An accessory structure and/or swimming pool shall not be erected nor shall its dimensions be increased in front of the main structure.
B. An accessory structure, patio and/or swimming pool may be erected within the rear yard or side yard provided that the height, area, width and coverage requirements contained in this Section and the following are met:
   1. An accessory structure shall be erected according to the following setbacks:

SETBACK FROM . . .	MINIMUM SETBACK
Rear of Principle structure	10'
Side Lot Line with Lot Width 25' or Less	18"
Side Lot Line with Lot Width 26' or Greater	3'
Rear Lot Line	7'
Public Right-of-way	10'

SECTION 502.13. PERMITTED SETBACK ENCROACHMENTS.

A. Cornices, eaves, gutters, bay windows, or chimneys may encroach into the required setback of a lot, not more than twenty-four (24") inches. However, no cornices, eaves, gutters, bay windows, or chimneys may be closer than one foot (1') from any side lot line.
B. A covered carport or covered patio or porch open on three (3) sides may be erected within one of the side yards or rear yard when attached to a main structure existing at the effective date of this Ordinance provided the covered carport or covered patio or

porch open on three (3) sides shall be not less than three and one-half (3 1/2') feet from the side or rear lot line, and shall never be enclosed.

SECTION 502.14. OFF-STREET PARKING.

Parking for the uses in the Single Household Residential Zone shall be as follows:

A. Residential uses not subject to land development review under Title Seven shall be provided with a minimum of one and a maximum of three off-street parking spaces per dwelling unit.
B. Minor Impact Home Based Businesses shall neither increase nor decrease the number of spaces required for the property.
C. Uses governed by a land development review under Title Seven shall meet the parking requirements established as a result of the requisite review.
D. All other uses shall be provided with a minimum of one off-street parking space and a maximum of four off-street parking spaces.

SECTION 502.15. SIGNS.

Signs, when provided, shall conform to those regulations contained Article VI, “Signs”.

SECTION 502.16. FLOODPLAINS.

All permitted uses located within a floodplain as identified on the Flood Boundary and Floodway Maps, must comply with the provisions and requirements of Article IV of Title Four.

SECTION 502.17. BUFFER YARDS AND SCREENING.

Where a non-residential use is established either abutting or adjoining a residential use, a buffer yard not less than five (5’) feet in width shall be provided along the lot lines of the non-residential use. In addition, the buffer yard shall be in compliance with any decision rendered by the Zoning Hearing Board under a variance or special exception or Planning Commission under a land development review.

SECTION 502.18. FENCES AND WALLS.

A. Fences and walls may be erected, altered, and maintained in any residential district within the setbacks, provided that
   1 any wall or fence forward of the front yard setback or side yard setback abutting a street shall not exceed thirty inches (30") in height. Such fences may extend upward to a maximum height of four feet (4’) if the fence is at least 50% open.
   2. any fence in the rear yard or non-street side yard shall be permitted a maximum height of seven feet (7'). Such fences may extend upward a maximum height of ten feet (10’) if the fence is at least 50% open.
   3. this provision shall not apply to retaining walls or vegetated screening.
B. Fences and walls may be erected, altered, and maintained in front yards provided that the provisions of Section 415, “Obstruction to Vision”, and Paragraph 1 of this Section are met.
C. Barbed wire, razor wire and above ground electric fences shall not be permitted.
D. The Zoning Hearing Board may waive these provisions by means of a Special Exception if extenuating circumstances warrant, and the basic tenor of this Section is upheld.

SECTION 503. "R-L" LIMITED RESIDENTIAL ZONE

SECTION 503.1. PURPOSE.
The purpose of this zone is to provide areas within the City for the development of medium, low density, primarily residential single-household detached homes, and to protect those areas presently developed in this manner.

SECTION 503.2. PERMITTED USES.

A. Residential Uses:
   1. Single-household detached dwellings.
   2. Group homes for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.[18]
   3. Halfway houses for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.
   4. Accessory buildings and uses on the same lot, which are customarily incidental to the above use.

B. Non-residential Uses:
   1. Cemeteries.
   2. Forestry activities.
   3. Governmental facilities.
   4. Houses of worship.
   5. Minor impact home-based businesses.
   6. Parks, playgrounds and open space.
   7. Public utility transmission and distribution lines, substations, water pumping stations, and reservoirs.
   8. Accessory buildings and uses on the same lot, which are customarily incidental to the permitted non-residential uses in this section.

SECTION 503.3. SPECIAL EXCEPTIONS.
The following uses may be permitted by the Zoning Hearing Board if it finds the conditions listed for the use are met. The Zoning Hearing Board may work in conjunction with the Planning Commission and its responsibilities under Title Seven in granting approval.

A. Bus shelters.
   1. Shall not impair sight distances at intersections or otherwise pose a hazard to moving traffic
   2. Shall not contain advertising of any kind except identification of the bus company, and a posing of relevant schedule and service information.
   3. Shall be perpetually maintained and kept clean and sanitary. This guarantee can be made through an agreement or other binding legal instrument.
   4. Shall not be placed on private property without the owner's consent
   5. Shall be completely removed and the site restored to its original condition if the location no longer warrants a shelter. This guarantee can be made through an agreement or other binding legal instrument.
   6. Shall not interfere with adjacent property owners' use and enjoyment of property.

[18]Such classes include the elderly, the homeless, recovering drug addicts, persons with AIDS, the mentally challenged, and the mentally ill.

B. Educational Services.
   1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
   2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
   3. Proposed traffic will not severely change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic
   4. There shall be no exterior loud speaker systems or or other audible signals which can be heard at the property line.
   5. Signs shall be limited to one freestanding identification sign per street on which the facility has frontage and access, and one wall sign. Traffic signs shall be permitted as necessary through the land development process.

C. Public libraries and museums.
   1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
   2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
   3. Proposed traffic will not severely change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic
   4. There shall be no exterior loud speaker systems or or other audible signals which can be heard at the property line.
   5. Signs shall be limited to one freestanding identification sign per street on which the facility has frontage and access, and one wall sign. Traffic signs shall be permitted as necessary through the land development process.
   6. The facilities shall not hold public gathering functions unless specifically permitted by the Zoning Hearing Board. If such function is granted, it shall be conditional on the applicant's ability to comply with the provisions of Title Seven.

D. Major impact home-based businesses.
   1. Shall not alter the residential appearance of the building or any accessory buildings
   2. The business shall be owned and operated by the person (or a member of his immediate family) owning and occupying the premises on which the business is to be conducted
   3. Not more than one non-family member is on the premises at any given time who assists or engages in the business.
   4. There shall be no exterior advertisement of the business with the exception of one freestanding identification sign complying with the provisions of Article IV.
   5. Any use of space outside of the principal structure shall be screened from the street and abutting properties. If the business does not trigger the requirements of Title Seven, the Zoning Hearing Board shall apply the standards contained in Article IV of that Title to the business.
   6. Traffic shall not be noticeably increased above that normally associated with a single household dwelling.

E. Bed & Breakfast Facilities
   1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
   2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
   3. Off-street parking shall be provided at a ratio of one parking space per available room. This shall be in addition to the required parking for a single family dwelling. The Zoning Hearing Board may approve off-site parking to accommodate this requirement as part of the approval of the special exception for the bed and breakfast.
   4. Lodging shall not be rented for more than one month for any given person in any six month period.
   5. The property owner must use the building as his principal residence and manage the bed and breakfast.
   6. The area reserved for the owner's residence and the bed and breakfast areas shall be connected internally, and each shall share a common main entrance.
   7. As part of any approval, the Zoning Hearing Board may require an applicant for a bed and breakfast to sign an affidavit certifying that the applicant agrees to these provisions and agrees to uphold them for as long as the bed and breakfast is in operation.

F. Accessory structures on adjacent lots in common ownership
   1. The size, scale and type of structure is normally associated with a single family home in the affected neighborhood.
   2. No public street runs between the principal structure and the proposed accessory structure. An alley shall not be considered a street for this finding.
   3. The structure is designed so that it cannot be converted into a second dwelling unit or other principal use unless it is to be directly attached and fully integrated into the principal structure for use by a member of the immediate family of the occupant of the principal structure.
   4. The involved parcels of land are legally tied together such that they cannot be individually conveyed into separate ownership until the accessory structure(s) approved under this subsection have been fully removed.

SECTION 503.4. CONDITIONAL USES.
None.

SECTION 503.5. PROHIBITED USES.
Any use not complying with the specifications of this Article is prohibited, including Off-Site Parking.

SECTION 503.6. HEIGHT.
The height of a structure shall not be greater than thirty-five (35') feet and shall not be less than one (1) story.

SECTION 503.7. AREA.
The lot area per dwelling unit shall not be less than two thousand seven hundred twenty-five (2,725) square feet. The lot area per multi-family dwelling unit shall not be less than two thousand one hundred sixty (2,160) square feet.

SECTION 503.8. COVERAGE.
The coverage shall be no more than forty (40%) percent of an interior lot and shall be no more than thirty (30%) percent on a corner lot.

SECTION 503.9. WIDTH.
The lot width at the building line shall not be less than twenty-five feet (25') on an interior lot and fifty-feet (50') on a corner lot.

SECTION 503.10. FRONTAGE.
The lot shall have a minimum of twenty-five feet (25').

SECTION 503.11. SETBACKS.
Each lot shall have setbacks of not less than the depth or width indicated below:

LOCATION	SETBACK CHARACTERISTIC	LOT CHARACTERISTICS	MINIMUM SETBACK
Front	Depth	-	20'
Rear	Depth	-	25'
Side	Width	Interior Lot	3'
Side	Width	Corner Lot non-street	3'
Side	Width	Corner Lot abutting a street	15'

A. Low-rise apartments and Townhouses: must meet the above front and rear setback requirements and meet the following side setback requirements:

   No individual side yard setback will be required except for end of row dwellings. In such case, the side yards setback shall be of a width not less than twenty (20') feet total with one (1) side yard of at least eight (8') feet in width. On a corner lot, the side yard abutting the street shall not be less than twenty (20') feet in width and the other side shall be not less than eight (8') feet.

SECTION 503.12. ACCESSORY STRUCTURES.

A. An accessory structure and/or swimming pool shall not be erected nor shall its dimensions be increased in front of the main structure.
B. An accessory structure, patio and/or swimming pool may be erected within the rear yard or side yard provided that the height, area, width and coverage requirements contained in this Section and the following are met:
   1. An accessory structure shall be erected according to the following setbacks:

SETBACK FROM . . .	MINIMUM SETBACK
Rear of Principle structure	10'
Side Lot Line with Lot Width 25' or Less	1½'
Side Lot Line with Lot Width 26' or Greater	3'
Rear Lot Line	7'
Public Right-of-way	10'

SECTION 503.13. PERMITTED SETBACK ENCROACHMENTS.

A. Cornices, eaves, gutters, bay windows, or chimneys may encroach into the required setback of a lot, not more than twenty-four (24") inches. However, no cornices, eaves, gutters, bay windows, or chimneys may be closer than one foot (1') from any side lot line.
B. A covered carport or covered patio or porch open on three (3) sides may be erected within one of the side yards or rear yard when attached to a main structure existing at the effective date of this Ordinance provided the covered carport or covered patio or porch open on three (3) sides shall be not less than one foot (1') from the side or rear lot line, and shall never be enclosed.

SECTION 503.14. OFF-STREET PARKING.

Parking for the uses in the Limited Residential Zone shall be as follows:

A. Residential uses not subject to land development review under Title Seven shall be provided with a minimum of one and a maximum of three off-street parking spaces per dwelling unit.
B. Minor Impact Home Based Businesses shall neither increase nor decrease the number of spaces required for the property.
C. Uses governed by a land development review under Title Seven shall meet the parking requirements established as a result of the requisite review.
D. All other uses shall be provided with a minimum of one off-street parking space and a maximum of four off-street parking spaces.

SECTION 503.15. SIGNS.

Signs, when provided, shall conform to those regulations contained in Article VI, "Signs".

SECTION 503.16. FLOODPLAINS.

All permitted uses located within a floodplain as identified on the Flood Boundary and Floodway Maps, must comply with the provisions and requirements of Article IV of Title Four.

SECTION 503.17. BUFFER YARDS AND SCREENING.

Where a non-residential use is established either abutting or adjoining a residential use, a buffer yard not less than five (5') feet in width shall be provided along the lot lines of the non-residential use. In addition, the buffer yard shall be in compliance with any decision rendered by the Zoning Hearing Board under a variance or special exception or Planning Commission under a land development review.

SECTION 503.18. FENCES AND WALLS.

A. Fences and walls may be erected, altered, and maintained in any residential district within the setbacks, provided that
    1. any wall or fence forward of the front yard setback or side yard setback abutting a street shall not exceed thirty inches (30") in height. Such fences may extend upward to a maximum height of four feet (4') if the fence is at least 50% open.
    2. any fence in the rear yard or non-street side yard shall be permitted a maximum height of seven feet (7'). Such fences may extend upward to a maximum height of ten feet (10') if the fence is at least 50% open.
    3. this provision shall not apply to retaining walls or vegetated screening.

B. Fences and walls may be erected, altered, and maintained in front yards provided that the provisions of Section 415, “Obstruction to Vision”, and Paragraph 1 of this Section are met.
C. Barbed wire, razor wire and above ground electric fences shall not be permitted.
D. The Zoning Hearing Board may waive these provisions by means of a Special Exception if extenuating circumstances warrant, and the basic tenor of this Section is upheld.

SECTION 504. "R-MH" MULTIPLE-HOUSEHOLD RESIDENTIAL ZONE

SECTION 504.1. PURPOSE.

It is the purpose of this Zone to provide areas for medium density residential use, relatively small lot sizes, duplexes, apartment buildings and other multiple household uses, and attached as well as detached dwellings, while protecting the characteristics of these areas.

SECTION 504.2. PERMITTED USES.

A. Residential Uses:
   1. Single-household detached dwellings.
   2. Two-household duplex, or two-household double dwellings.
   3. Group homes for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.[19]
   4. Halfway houses for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.
   5. Accessory buildings and uses on the same lot, which are customarily incidental to the permitted residential uses in this section.

B. Non-residential Uses:
   1. Cemeteries.
   2. Emergency shelters.
   3. Forestry activities.
   4. Governmental facilities.
   5. Houses of worship.
   6. Minor impact home-based businesses.
   7. Parks, playgrounds and open space.
   8. Public utility transmission and distribution lines, substations, water pumping stations, and reservoirs.
   9. Shelters for victims of domestic abuse.
   10. Accessory buildings and uses on the same lot, which are customarily incidental to the permitted non-residential uses in this section.

SECTION 504.3. SPECIAL EXCEPTIONS.

The following uses may be permitted by the Zoning Hearing Board if it finds the conditions listed for the use are met. The Zoning Hearing Board may work in conjunction with the Planning Commission and its responsibilities under Title Seven in granting approval.

A. Bus shelters.
   1. Shall not impair sight distances at intersections or otherwise pose a hazard to moving traffic
   2. Shall not contain advertising of any kind except identification of the bus company, and a posing of relevant schedule and service information.
   3. Shall be perpetually maintained and kept clean and sanitary. This guarantee can be made through an agreement or other binding legal instrument.
   4. Shall not be placed on private property without the owner's consent

[19] Such classes include the elderly, the homeless, recovering drug addicts, persons with AIDS, the mentally challenged, and the mentally ill.

5. Shall be completely removed and the site restored to its original condition if the location no longer warrants a shelter. This guarantee can be made through an agreement or other binding legal instrument.
6. Shall not interfere with adjacent property owners' use and enjoyment of property.

B. Educational Services.
1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
3. Proposed traffic will not severely change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic
4. There shall be no exterior loud speaker systems or or other audible signals which can be heard at the property line.
5. Signs shall be limited to one freestanding identification sign per street on which the facility has frontage and access, and one wall sign. Traffic signs shall be permitted as necessary through the land development process.

C. Public libraries and museums.
1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
3. Proposed traffic will not severely change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic
4. There shall be no exterior loud speaker systems or or other audible signals which can be heard at the property line.
5. Signs shall be limited to one freestanding identification sign per street on which the facility has frontage and access, and one wall sign. Traffic signs shall be permitted as necessary through the land development process.
6. The facilities shall not hold public gathering functions unless specifically permitted by the Zoning Hearing Board. If such function is granted, it shall be conditional on the applicant's ability to comply with the provisions of Title Seven.

D. Major impact home-based businesses.
1. Shall not alter the residential appearance of the building or any accessory buildings
2. The business shall be owned and operated by the person (or a member of his immediate family) owning and occupying the premises on which the business is to be conducted
3. Not more than one non-family member is on the premises at any given time who assists or engages in the business.
4. There shall be no exterior advertisement of the business with the exception of one freestanding identification sign complying with the provisions of Article IV.
5. Any use of space outside of the principal structure shall be screened from the street and abutting properties. If the business does not trigger the requirements of Title Seven, the Zoning Hearing Board shall apply the standards contained in Article III of that Title to the business.
6. Traffic shall not be noticeably increased above that normally associated with a single household dwelling.

E. Bed & Breakfast Facilities
   1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
   2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
   3. Off-street parking shall be provided at a ratio of one parking space per available room. This shall be in addition to the required parking for a single family dwelling. The Zoning Hearing Board may approve off-site parking to accommodate this requirement as part of the approval of the special exception for the bed and breakfast.
   4. Lodging shall not be rented for more than one month for any given person in any six month period.
   5. The property owner must use the building as his principal residence and manage the bed and breakfast.
   6. The area reserved for the owner's residence and the bed and breakfast areas shall be connected internally, and each shall share a common main entrance.
   7. As part of any approval, the Zoning Hearing Board may require an applicant for a bed and breakfast to sign an affidavit certifying that the applicant agrees to these provisions and agrees to uphold them for as long as the bed and breakfast is in operation.

F. Accessory structures on adjacent lots in common ownership
   1. The size, scale and type of structure is normally associated with a single family home in the affected neighborhood.
   2. No public street runs between the principal structure and the proposed accessory structure. An alley shall not be considered a street for this finding.
   3. The structure is designed so that it cannot be converted into a second dwelling unit or other principal use unless it is to be directly attached and fully integrated into the principal structure for use by a member of the immediate family of the occupant of the principal structure.
   4. The involved parcels of land are legally tied together such that they cannot be individually conveyed into separate ownership until the accessory structure(s) approved under this subsection have been fully removed.

F. Conversion Apartments:
   Any single-family dwelling existing at the effective date of this Ordinance may be converted into a multi-family dwelling providing that:
   1. It does not exceed density standards.
   2. The lot area per dwelling unit shall conform to the regulations for the zone in which it is located.
   3. Fire escapes, where required, shall be in the rear of the structure and shall not be located on any wall facing a street.
   4. Parking shall be provided in accordance with the provision of Section 503.14.

SECTION 504.4. CONDITIONAL USES.

The following uses may be permitted by the City Council if it finds the conditions listed for the use are met. The City Council may work in conjunction with the Planning Commission and its responsibilities under Title Seven in granting approval.

A. Group homes for people not in a protected class.
   1. The owner of the property agrees to the arrangement
   2. The facility may be single room occupancy if all other codes governing such arrangements can be met
   3. The owner of the property shall agree to make himself readily available to neighbors and City representatives to discuss and correct any problems arising from this use of the property.
   4, The rental does not impair the normal peace of the neighborhood
   5. The exterior of the property appears as a single or two family house.
   6. There shall be no signs advertising the property other than a sign informing the public when a room may be available for rent.
B. Halfway houses for people not in a protected class.
   1. The owner of the property agrees to the arrangement
   2. The facility may be single room occupancy if all other codes governing such arrangements can be met
   3. The owner of the property shall agree to make himself readily available to neighbors and City representatives to discuss and correct any problems arising from this use of the property.
   4, The rental does not impair the normal peace of the neighborhood
   5. The exterior of the property appears as a single or two family house.
   6. There shall be no signs advertising the property other than a sign informing the public when a room may be available for rent.

SECTION 504.5. PROHIBITED USES.
Any use not complying with the specifications of this Article is prohibited, including Off-Site Parking.

SECTION 504.6. HEIGHT.
The height of a structure shall not be greater than thirty-five (35') feet and shall not be less than one (1) story.

SECTION 504.7. AREA.
The lot area per dwelling unit shall not be less than two thousand seven hundred twenty-five (2,725) square feet. The lot area per multi-family dwelling unit shall not be less than two thousand one hundred sixty (2,160) square feet.

SECTION 504.8. COVERAGE.
The coverage shall be no more than forty (40%) percent of an interior lot and shall be no more than thirty (30%) percent on a corner lot.

SECTION 504.9. WIDTH.
The lot width at the building line shall not be less than twenty-five feet (25') on an interior lot and fifty-feet (50') on a corner lot.

SECTION 504.10. FRONTAGE.
The lot shall have a minimum of twenty-five feet (25').

SECTION 504.11. SETBACKS.

Each lot shall have setbacks of not less than the depth or width indicated below:

LOCATION	SETBACK CHARACTERISTIC	LOT CHARACTERISTICS	MINIMUM SETBACK
Front	Depth	-	20'
Rear	Depth	-	25'
Side	Width	Interior Lot	3'
Side	Width	Corner Lot non-street	3'
Side	Width	Corner Lot abutting a street	15'

A. Low-rise apartments and Townhouses: must meet the above front and rear setback requirements and meet the following side setback requirements:

   No individual side yard setback will be required except for end of row dwellings. In such case, the side yards setback shall be of a width not less than twenty (20') feet total with one (1) side yard of at least eight (8') feet in width. On a corner lot, the side yard abutting the street shall not be less than twenty (20') feet in width and the other side shall be not less than eight (8') feet.

SECTION 504.12. ACCESSORY STRUCTURES.

A. An accessory structure and/or swimming pool shall not be erected nor shall its dimensions be increased in front of the main structure.
B. An accessory structure, patio and/or swimming pool may be erected within the rear yard or side yard provided that the height, area, width and coverage requirements contained in this Section and the following are met:
   1. An accessory structure shall be erected according to the following setbacks:

SETBACK FROM . . .	MINIMUM SETBACK
Rear of Principle structure	10'
Side Lot Line with Lot Width 25' or Less	1½’
Side Lot Line with Lot Width 26' or Greater	3'
Rear Lot Line	7'
Public Right-of-way	10'

SECTION 504.13. PERMITTED SETBACK ENCROACHMENTS.

A. Cornices, eaves, gutters, bay windows, or chimneys may encroach into the required setback of a lot, not more than twenty-four (24") inches. However, no cornices, eaves, gutters, bay windows, or chimneys may be closer than one foot (1’) from any side lot line.
B. A covered carport or covered patio or porch open on three (3) sides may be erected within one of the side yards or rear yard when attached to a main structure existing at the effective date of this Ordinance provided the covered carport or covered patio or porch open on three (3) sides shall be not less than one foot (1’) feet from the side or rear lot line, and shall never be enclosed.

SECTION 504.14. OFF-STREET PARKING.

Parking for the uses in the Multiple Household Residential Zone shall be as follows:

E. Residential uses not subject to land development review under Title Seven shall be provided with a minimum of one and a maximum of three off-street parking spaces per dwelling unit.
F. Minor Impact Home Based Businesses shall neither increase nor decrease the number of spaces required for the property.
G. Uses governed by a land development review under Title Seven shall meet the parking requirements established as a result of the requisite review.
H. All other uses shall be provided with a minimum of one off-street parking space and a maximum of four off-street parking spaces.

SECTION 504.15. SIGNS.

Signs, when provided, shall conform to those regulations contained in Article VI, “Signs”.

SECTION 504.16. FLOODPLAINS.

All permitted uses located within a floodplain as identified on the Flood Boundary and Floodway Maps, must comply with the provisions and requirements of Article IV of Title Four.

SECTION 504.17. BUFFER YARDS AND SCREENING.

Where a non-residential use is established either abutting or adjoining a residential use, a buffer yard not less than five (5’) feet in width shall be provided along the lot lines of the non-residential use. In addition, the buffer yard shall be in compliance with any decision rendered by the Zoning Hearing Board under a variance or special exception or Planning Commission under a land development review.

SECTION 504.19. FENCES AND WALLS.

A. Fences and walls may be erected, altered, and maintained in any residential district within the setbacks, provided that
    1. any wall or fence forward of the front yard setback or side yard setback abutting a street shall not exceed thirty inches (30") in height. Such fences may extend upward to a maximum height of four feet (4’) if the fence is at least 50% open.
    2. any fence in the rear yard or non-street side yard shall be permitted a maximum height of seven feet (7'). Such fences may extend upward a maximum height of ten feet (10’) if the fence is at least 50% open.
    3. this provision shall not apply to retaining walls or vegetated screening.
B. Fences and walls may be erected, altered, and maintained in front yards provided that the provisions of Section 415, “Obstruction to Vision”, and Paragraph 1 of this Section are met.
C. Barbed wire, razor wire and above ground electric fences shall not be permitted.
D. The Zoning Hearing Board may waive these provisions by means of a Special Exception if extenuating circumstances warrant, and the basic tenor of this Section is upheld.

SECTION 505. "R-U" URBAN RESIDENTIAL ZONE

SECTION 505.1. PURPOSE.

It is the purpose of this Zone is to provide areas of high-density residential use appropriate for the development of high-rise residential structures and dense lots with controls necessary for insuring compatible development with other uses permitted in this Zone.

SECTION 505.2. PERMITTED USES.

A. Residential Uses:
   1. Low rise apartment structure or group of structures on a single lot.
   2. Multi-household dwelling units.
   3. Single-household detached dwellings.
   4. Townhouses with not more than six (6) units in a row.
   5. Two-household or duplex dwellings, twin duplex, semi-detached, or twin dwellings.
   6. Group homes for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.[23]
   7. Halfway houses for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.
   8. Accessory buildings and uses on the same lot, which are customarily incidental to the permitted residential uses in this section.

B. Non-residential Uses:
   1. Boarding Houses and Lodging Houses
   2. Cemeteries.
   3. Lower Floor Commercial, provided such stores, shops, and offices are entirely contained and operated within the main walls of a structure containing at least twenty-five thousand (25,000) square feet of residential floor area above the grade level of the lot upon which it is located, and provided further, that there shall be no entrances to such uses from the exterior of the structure.
   4. Emergency shelters.
   5. Forestry activities.
   6. Funeral homes.
   7. Governmental facilities.
   8. Houses of worship.
   9. Minor impact home-based businesses.
   10. Parks, playgrounds and open space.
   11. Public libraries and museums.
   12. Public utility transmission and distribution lines, substations, water pumping stations, and reservoirs.
   13. Educational Services.
   14. Shelters for victims of domestic abuse.
   15. Accessory buildings and uses on the same lot, which are customarily incidental to the permitted non-residential uses in this section.

[23]Such classes include the elderly, the homeless, recovering drug addicts, persons with AIDS, the mentally challenged, and the mentally ill.

SECTION 505.3. SPECIAL EXCEPTIONS.

The following uses may be permitted by the Zoning Hearing Board if it finds the conditions listed for the use are met. The Zoning Hearing Board may work in conjunction with the Planning Commission and its responsibilities under Title Seven in granting approval.

A. Bus shelters.
   1. Shall not impair sight distances at intersections or otherwise pose a hazard to moving traffic
   2. Shall not contain advertising of any kind except identification of the bus company, and a posing of relevant schedule and service information.
   3. Shall be perpetually maintained and kept clean and sanitary. This guarantee can be made through an agreement or other binding legal instrument.
   4. Shall not be placed on private property without the owner's consent
   5. Shall be completely removed and the site restored to its original condition if the location no longer warrants a shelter. This guarantee can be made through an agreement or other binding legal instrument.
   6. Shall not interfere with adjacent property owners' use and enjoyment of property.

B. Major impact home-based businesses.
   1. Shall not alter the residential appearance of the building or any accessory buildings
   2. The business shall be owned and operated by the person (or a member of his immediate family) owning and occupying the premises on which the business is to be conducted
   3. Not more than one non-family member is on the premises at any given time who assists or engages in the business.
   4. There shall be no exterior advertisement of the business with the exception of one freestanding identification sign complying with the provisions of Article IV.
   5. Any use of space outside of the principal structure shall be screened from the street and abutting properties. If the business does not trigger the requirements of Title Seven, the Zoning Hearing Board shall apply the standards contained in Article III of that Title to the business.
   6. Traffic shall not be noticeably increased above that normally associated with a single household dwelling.

C. Accessory structures on adjacent lots in common ownership
   1. The size, scale and type of structure is normally associated with a single family home in the affected neighborhood.
   2. No public street runs between the principal structure and the proposed accessory structure. An alley shall not be considered a street for this finding.
   3. The structure is designed so that it cannot be converted into a second dwelling unit or other principal use unless it is to be directly attached and fully integrated into the principal structure for use by a member of the immediate family of the occupant of the principal structure.
   4. The involved parcels of land are legally tied together such that they cannot be individually conveyed into separate ownership until the accessory structure(s) approved under this subsection have been fully removed.

D. Health services.
   1. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
   2. Space is available on the property to accommodate the required number of off-street parking spaces required by Title Seven for health services. This shall be determined

by allowing 350 square feet of area for each space in addition to the area consumed by the building. (The Board need not consider layout, actual number of spaces to be provided, or any other factor considered under Article IV of Title Seven as this will be done by the Planning Commission. This calculation will simply allow enough space on the lot for the Planning Commission to do its job.)

3. Hours of operation shall not detract from the neighborhood.
4. Proposed traffic shall not severely change the residential nature of the neighborhood
5. The use shall not produce any glare, noise, sound, fumes, odors, or other noxious elements that can be readily detected at the property line.

E. Bed & Breakfast Facilities

1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
3. Off-street parking shall be provided at a ratio of one parking space per available room. This shall be in addition to the required parking for a single family dwelling. The Zoning Hearing Board may approve off-site parking to accommodate this requirement as part of the approval of the special exception for the bed and breakfast.
4. Lodging shall not be rented for more than one month for any given person in any six month period.
5. The property owner must use the building as his principal residence and manage the bed and breakfast.
6. The area reserved for the owner's residence and the bed and breakfast areas shall be connected internally, and each shall share a common main entrance.
7. As part of any approval, the Zoning Hearing Board may require an applicant for a bed and breakfast to sign an affidavit certifying that the applicant agrees to these provisions and agrees to uphold them for as long as the bed and breakfast is in operation.

F. Institutionalized Housing.

1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
3. Proposed traffic will not severely change the residential nature of the neighborhood, and all public and private roads (existing and proposed) serving the site shall be of adequate design and width to handle such traffic
4. The water and sewer system is able to provide the necessary service to the facility without impacting other utility customers
5. The maximum number of residential units on the site shall be determined using such factors as the ability of the applicant to meet the standards set forth by zoning and land development, utility capacity, unit affordability for central Pennsylvania residents, and overall impact on the neighborhood.
6. No private unit shall be smaller than three hundred square feet, nor larger than eight hundred square feet.

G. Conversion Apartments:
Any single-family dwelling existing at the effective date of this Ordinance may be converted into a multi-family dwelling providing that:
1. It does not exceed density standards.
2. The lot area per dwelling unit shall conform to the regulations for the zone in which it is located.
3. Fire escapes, where required, shall be in the rear of the structure and shall not be located on any wall facing a street.
4. Parking shall be provided in accordance with the provision of Section 504.14.

H. Off-Site Parking.
1. No space exists on the principal lot for adequate parking.
2. The center of the lot is within four hundred feet of the principal use
3. Space is sufficient to allow full compliance with the land development standards set forth in Article IV of Title Seven.
4. The lot will not allow the principal use to exceed the maximum parking allowances set forth in the land development standards
5. The installation of parking at this location will not have a deleterious effect on the overall neighborhood in terms of residential stability and economic development.
6. The installation of the parking facility will not necessitate the demolition of a viable and structurally-sound building.

SECTION 505.4. CONDITIONAL USES.
The following uses may be permitted by the Zoning Hearing Board if it finds the conditions listed for the use are met. The Zoning Hearing Board may work in conjunction with the Planning Commission and its responsibilities under Title Seven in granting approval.

A. Group homes for people not in a protected class.
1. The owner of the property agrees to the arrangement
2. The facility may be single room occupancy if all other codes governing such arrangements can be met
3. The owner of the property shall agree to make himself readily available to neighbors and City representatives to discuss and correct any problems arising from this use of the property.
4, The rental does not impair the normal peace of the neighborhood
5. The exterior of the property appears as a single or two family house.
6. There shall be no signs advertising the property other than a sign informing the public when a room may be available for rent.

B. Halfway houses for people not in a protected class.
1. The owner of the property agrees to the arrangement
2. The facility may be single room occupancy if all other codes governing such arrangements can be met
3. The owner of the property shall agree to make himself readily available to neighbors and City representatives to discuss and correct any problems arising from this use of the property.
4, The rental does not impair the normal peace of the neighborhood
5. The exterior of the property appears as a single or two family house.
6. There shall be no signs advertising the property other than a sign informing the public when a room may be available for rent.

C. Emergency shelters.
   1. The owner of the property agrees to the arrangement
   2. The facility may be single room occupancy if all other codes governing such arrangements can be met
   3. The owner of the property shall agree to make himself readily available to neighbors and City representatives to discuss and correct any problems arising from this use of the property.
   4, The rental does not impair the normal peace of the neighborhood
   5. The exterior of the property appears as a single or two family house.

SECTION 505.5. PROHIBITED USES.
Any use not complying with the specifications of this Article is prohibited.

SECTION 505.6. HEIGHT.
The height of a structure shall not be greater than one hundred fifty feet (150') and shall not be less than one (1) story.

SECTION 505.7. AREA.
A floor area ratio (FAR) of 1.7.

SECTION 505.8. COVERAGE.
The coverage shall be no more than fifty (50%) percent on an interior lot and shall be no more than forty (40%) percent on a corner lot.

SECTION 505.9. WIDTH.
On an interior lot, the lot width at the building line shall not be less than twenty-five feet (25'). On a corner lot, the lot width at the building line for any dwelling shall not be less than fifty (50') feet.

SECTION 505.10. FRONTAGE.
The lot shall have a minimum of twenty-five feet (25').

SECTION 505.11. SETBACKS.
Each lot shall have setbacks of not less than the depth or width indicated below:

LOCATION	SETBACK CHARACTERISTIC	LOT CHARACTERISTICS	MINIMUM SETBACK
Front	Depth	-	20'
Rear	Depth	-	25'
Side	Width	Interior Lot	3'
Side	Width	Corner Lot non-street	3'
Side	Width	Corner Lot abutting a street	15'

A. Low-rise apartments and Townhouses: Must meet the above front and rear setback requirements and meet the following side setback requirements: For buildings of more than two (2) stories, the width of every interior side yard shall increase by one (1') foot for each additional story.

No individual side yard setback will be required except for end of row dwellings. In such case, the side yards setback shall be of a width not less than twenty (20') feet total with one (1) side yard of at least eight (8') feet in width. On a corner lot, the side yard abutting the street shall not be less than twenty (20') feet in width and the other side shall be not less than eight (8') feet.

SECTION 505.12. ACCESSORY STRUCTURES.

A. An accessory structure and/or swimming pool shall not be erected nor shall its dimensions be increased in front of the main structure.
B. An accessory structure, patio and/or swimming pool may be erected within the rear yard or side yard provided that the height, area, width and coverage requirements contained in this Section and the following are met:
   1. An accessory structure shall be erected according to the following setbacks:

SETBACK FROM . . .	MINIMUM SETBACK
Rear of Principle structure	10'
Side Lot Line with Lot Width 25' or Less	1½'
Side Lot Line with Lot Width 26' or Greater	3'
Rear Lot Line	7'
Public Right-of-way	10'

SECTION 505.13. PERMITTED SETBACK ENCROACHMENTS.

A. Cornices, eaves, gutters, bay windows, or chimneys may encroach into the required setback of a lot, not more than twenty-four (24") inches. However, no cornices, eaves, gutters, bay windows, or chimneys may be closer than one foot (1') from any side lot line.
B. A covered carport or covered patio or porch open on three (3) sides may be erected within one of the side yards or rear yard when attached to a main structure existing at the effective date of this Ordinance provided the covered carport or covered patio or porch open on three (3) sides shall be not less than one foot (1') from the side or rear lot line, and shall never be enclosed.

SECTION 505.14. OFF-STREET PARKING.

Parking for the uses in the Urban Residential Zone shall be as follows:

A. Residential uses not subject to land development review under Title Seven shall be provided with a minimum of one and a maximum of three off-street parking spaces per dwelling unit.
B. Minor Impact Home Based Businesses shall neither increase nor decrease the number of spaces required for the property.
C. Uses governed by a land development review under Title Seven shall meet the parking requirements established as a result of the requisite review.
D. All other uses shall be provided with a minimum of one off-street parking space and a maximum of four off-street parking spaces.

SECTION 505.15. SIGNS.

Signs, when provided, shall conform to those regulations contained in Article VI, "Signs".

SECTION 505.16. FLOODPLAINS.

All permitted uses located within a floodplain as identified on the Flood Boundary and Floodway Maps, must comply with the provisions and requirements of Article IV of Title Four.

SECTION 505.17. BUFFER YARDS AND SCREENING.

Where a non-residential use is established either abutting or adjoining a residential use, a buffer yard not less than five (5') feet in width shall be provided along the lot lines of the non-residential use. In addition, the buffer yard shall be in compliance with any decision rendered by the Zoning Hearing Board under a variance or special exception or Planning Commission under a land development review.

SECTION 505.18. FENCES AND WALLS.

A. Fences and walls may be erected, altered, and maintained in any residential district within the setbacks, provided that
    1. any wall or fence forward of the front yard setback or side yard setback abutting a street shall not exceed thirty inches (30") in height. Such fences may extend upward to a maximum height of four feet (4') if the fence is at least 50% open.
    2. any fence in the rear yard or non-street side yard shall be permitted a maximum height of seven feet (7'). Such fences may extend upward a maximum height of ten feet (10') if the fence is at least 50% open.
    3. this provision shall not apply to retaining walls or vegetated screening.
B. Fences and walls may be erected, altered, and maintained in front yards provided that the provisions of Section 415, "Obstruction to Vision", and Paragraph 1 of this Section are met.
C. Barbed wire, razor wire and above ground electric fences shall not be permitted.
D. The Zoning Hearing Board may waive these provisions by means of a Special Exception if extenuating circumstances warrant, and the basic tenor of this Section is upheld.

SECTION 506. "M-RC" RESIDENTIAL-COMMERCIAL MIXED USE ZONE

SECTION 506.1. PURPOSE.

It is the purpose of this Zone to provide the intrusion of non-residential uses in residential areas, which are undergoing transition. These areas are predominantly residential, but due to environmental and physical features are no longer prime residential areas. The permitted non-residential uses are of a nature, and controlled in such a way, as to minimize their impacts on the existing residential use.

SECTION 506.2. PERMITTED USES.

A. Residential Uses:
   1. Low rise apartment structure or group of structures on a single lot.
   2. Multi-household dwelling units.
   3. Single-household detached dwellings.
   4. Townhouses with not more than six (6) units in a row.
   5. Two-household or duplex dwellings, twin duplex, semi-detached, or twin dwellings.
   6. Group homes for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.[27]
   7. Halfway houses for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.
   8. Accessory buildings and uses on the same lot, which are customarily incidental to the permitted residential uses in this section.

2. Non-residential Uses:
   1. Boarding houses and lodging houses.
   2. Bus shelters.
   3. Cemeteries.
   4. Child day care centers not exceeding five thousand (5,000) square feet in gross floor area.
   5. Emergency shelters.
   6. Forestry activities.
   7. Funeral homes.
   8. Governmental facilities.
   9. Houses of worship.
   10. Home based businesses (both types).
   11. Parks, playgrounds and open space.
   12. Professional and business offices not exceeding a five thousand (5,000) square foot building footprint.
   13. Public libraries and museums.
   14. Public utility transmission and distribution lines, substations, water pumping stations, and reservoirs.
   15. Retail sales and services not exceeding a five thousand (5,000) square foot building footprint.
   16. Educational Services.
   17. Professional service uses, not exceeding a five thousand (5,000) square foot building footprint.

[27] Such classes include the elderly, the homeless, recovering drug addicts, persons with AIDS, the mentally challenged, and the mentally ill.

18. Shelters for victims of domestic abuse.
19. Accessory buildings and uses on the same lot, which are customarily incidental to the permitted non-residential uses in this section.

SECTION 506.3. SPECIAL EXCEPTIONS.

A. Conversion Apartments:

Any single-family dwelling existing at the effective date of this Ordinance may be converted into a multi-family dwelling providing that:

1. It does not exceed density standards.
2. The lot area per dwelling unit shall conform to the regulations for the zone in which it is located.
3. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
4. Parking shall be provided in accordance with the provision of Section 505.14.

B. Bed & Breakfast Facilities

1. The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
2. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, etc.)
3. Off-street parking shall be provided at a ratio of one parking space per available room. This shall be in addition to the required parking for a single family dwelling. The Zoning Hearing Board may approve off-site parking to accommodate this requirement as part of the approval of the special exception for the bed and breakfast.
4. Lodging shall not be rented for more than one month for any given person in any six month period.
5. The property owner must use the building as his principal residence and manage the bed and breakfast.
6. The area reserved for the owner's residence and the bed and breakfast areas shall be connected internally, and each shall share a common main entrance.
7. As part of any approval, the Zoning Hearing Board may require an applicant for a bed and breakfast to sign an affidavit certifying that the applicant agrees to these provisions and agrees to uphold them for as long as the bed and breakfast is in operation.

C. Accessory structures on adjacent lots in common ownership

1. The size, scale and type of structure is normally associated with a single family home in the affected neighborhood.
2. No public street runs between the principal structure and the proposed accessory structure. An alley shall not be considered a street for this finding.
3. The structure is designed so that it cannot be converted into a second dwelling unit or other principal use unless it is to be directly attached and fully integrated into the principal structure for use by a member of the immediate family of the occupant of the principal structure.
4. The involved parcels of land are legally tied together such that they cannot be individually conveyed into separate ownership until the accessory structure(s) approved under this subsection have been fully removed.

D. Off-Site Parking.
   1. No space exists on the principal lot for adequate parking.
   2. The center of the lot is within four hundred feet of the principal use
   3. Space is sufficient to allow full compliance with the land development standards set forth in Article IV of Title Seven.
   4. The lot will not allow the principal use to exceed the maximum parking allowances set forth in the land development standards
   5. The installation of parking at this location will not have a deleterious effect on the overall neighborhood in terms of residential stability and economic development.
   6. The installation of the parking facility will not necessitate the demolition of a viable and structurally-sound building.

SECTION 506.4. CONDITIONAL USES.
None.

SECTION 506.5. PROHIBITED USES.
Any use not complying with the specifications of this Article is prohibited.

SECTION 506.6. HEIGHT.
The height of a structure shall not be greater than fifty feet (50') and not less than one (1) story.

SECTION 506.7. AREA.
The lot area per structure shall not be less than three thousand (3,000) square feet.

SECTION 506.8. COVERAGE.
The coverage shall be not more than twenty-five percent (25%).

SECTION 506.9. INTENSITY.
A. the building footprint shall not exceed five thousand (5,000) square feet.
B The perceived scale of the proposal shall not detract from the residential character of the surrounding neighborhood
C. The appearance of the building shall be residential in character (i.e. gabled rooflines, wood siding or brick, an articulated footprint, varied façade, multi-story, etc.)

SECTION 506.10. WIDTH.
The lot width at the building line shall not be less than twenty-five feet (25') on an interior lot, and fifty feet (50') on a corner lot.

SECTION 506.11. FRONTAGE.
The lot shall have a minimum of twenty-five feet (25').

SECTION 506.12. SETBACKS.

Each lot shall have setbacks of not less than the depth or width indicated below:

LOCATION	SETBACK CHARACTERISTIC	LOT CHARACTERISTICS	MINIMUM SETBACK
Front	Depth	-	20'
Rear	Depth	-	25'
Side	Width	Interior Lot	10'
Side	Width	Corner Lot non-street	10'
Side	Width	Corner Lot abutting a street	20'

SECTION 506.13. ACCESSORY STRUCTURES.

A. An accessory structure and/or swimming pool shall not be erected nor shall its dimensions be increased within any front yard.
B. An accessory structure, patio and/or swimming pool may be erected within the rear yard or side yard provided that the height, area, width and coverage requirements contained in this Section and the following are met:
   1. An accessory structure shall be erected according to the following setbacks:

SETBACK FROM . . .	MINIMUM SETBACK
Rear of Principle structure	10'
Side Lot Line with Lot Width 25' or Less	1½’
Side Lot Line with Lot Width 26' or Greater	3'
Rear Lot Line	7'
Public Right-of-way	10'

SECTION 506.14. PERMITTED SETBACK ENCROACHMENTS.

A. Cornices, eaves, gutters, bay windows, or chimneys may project encroach into the required setback of a lot, not more than twenty-four (24") inches. However, no cornices, eaves, gutters, bay windows, or chimneys may be closer than one foot (1’) from any side lot line.
B. A covered carport or covered patio or porch open on three (3) sides may be erected within one of the side yards or rear yard when attached to a main structure existing at the effective date of this Ordinance provided the covered carport or covered patio or porch open on three (3) sides shall be not less than one foot (1’) from the side or rear lot line, and shall never be enclosed.

SECTION 506.15. OFF-STREET PARKING.

Parking for the uses in the Mixed Residential-Commercial Zone shall be as follows:

A. Residential uses not subject to land development review under Title Seven shall be provided with a minimum of one and a maximum of three off-street parking spaces per dwelling unit.
B. Minor Impact Home Based Businesses shall neither increase nor decrease the number of spaces required for the property.

C. Uses governed by a land development review under Title Seven shall meet the parking requirements established as a result of the requisite review.
D. All other uses shall be provided with a minimum of one off-street parking space and a maximum of four off-street parking spaces.

SECTION 506.16. SIGNS.
Signs, when provided, shall conform to those regulations contained in Article VI, “Signs”.

SECTION 506.17. FLOODPLAINS.
All permitted uses located within a floodplain as identified on the Flood Boundary and Floodway Maps, must comply with the provisions and requirements of Article IV of Title Four.

SECTION 506.18. BUFFER YARDS AND SCREENING.
Where a non-residential use is established either abutting or adjoining a residential use, a buffer yard not less than five (5’) feet in width shall be provided along the lot lines of the non-residential use. In addition, the buffer yard shall be in compliance with any decision rendered by the Zoning Hearing Board under a variance or special exception or Planning Commission under a land development review.

SECTION 506.19. FENCES AND WALLS.
A. Fences and walls may be erected, altered, and maintained in any mixed use district within the setbacks, provided that
   1. any wall or fence forward of the front yard setback or side yard setback abutting a street shall not exceed thirty inches (30") in height. Such fences may extend upward to a maximum height of four feet (4’) if the fence is at least 50% open.
   2. any fence in the rear yard or non-street side yard shall be permitted a maximum height of seven feet (7'). Such fence may extend upward to a maximum height of ten feet (10’) if the fence is at least 50% open.
   3. this provision shall not apply to retaining walls or vegetated screening.
B. Fences and walls may be erected, altered, and maintained in front yards provided that the provisions of Section 415, “Obstruction to Vision”, and Paragraph 1 of this Section are met.
C. Barbed wire, razor wire and above ground electric fences shall not be permitted.
D. The Zoning Hearing Board may waive these provisions by means of a Special Exception if extenuating circumstances warrant, and the basic tenor of this Section is upheld.

SECTION 507. "C-NB" NEIGHBORHOOD BUSINESS COMMERCIAL ZONE

SECTION 507.1. PURPOSE.

It is the purpose of this Zone to provide areas adjacent to residential zones in which uses are permitted as are normally required for the convenient shopping and business of the residents of the area only.

SECTION 507.2. PERMITTED USES.

A. Residential Uses:
   1. Low rise apartment structure or group of structures on a single lot.
   2. Multi-household dwelling units.
   3. Single-household detached dwellings.
   4. Townhouses with not more than six (6) units in a row.
   5. Two-household or duplex dwellings, twin duplex, semi-detached, or twin dwellings.
   6. Group homes for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.[29]
   7. Halfway houses for a class of people protected by the Americans with Disabilities Act, the Fair Housing Act, or their amendments.
   8. Accessory buildings and uses on the same lot, which are customarily incidental to the permitted residential uses in this section.

B. Non-residential Uses:
   1. Boarding houses and lodging houses, and overnight lodging.
   2. Bus shelters.
   3. Cemeteries.
   4. Child day care centers.
   5. Emergency shelters.
   6. Funeral homes.
   7. Forestry activities.
   8. Governmental facilities.
   9. Health services.
   10. Houses of worship.
   11. Home based businesses (both types).
   12. Eateries, not exceeding ten thousand (10,000) square feet in gross floor area
   13. Parks, playgrounds and open space.
   14. Professional and business offices not exceeding a ten thousand (10,000) square foot building footprint.
   15. Cultural Facilities.
   16. Public utility transmission and distribution lines, substations, water pumping stations, and reservoirs.
   17. Retail sales and services not exceeding an eight thousand (8,000) square foot building footprint.
   18. Educational Services.
   19. Service uses not exceeding an eight thousand (8,000) square foot building footprint.
   20. Shelters for victims of domestic abuse.

[29]Such classes include the elderly, the homeless, recovering drug addicts, persons with AIDS, the mentally challenged, and the mentally ill.

21. Accessory uses on the same lot and customarily incidental to the permitted uses including:
    (1) Space for the overnight and/or weekend parking of commercial vehicles.
    (2) Other customary accessory uses and structures including dwelling units which are clearly incidental to the principal structure and use.

SECTION 507.3. SPECIAL EXCEPTIONS.

A. Conversion Apartments:
   Any single-family dwelling existing at the effective date of this Ordinance may be converted into a multi-family dwelling providing that:
   1. It does not exceed density standards.
   2. The lot area per dwelling unit shall conform to the regulations for the zone in which it is located.
   3. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
   4. Parking shall be provided in accordance with the provision of Section 514.
B. Off-Site Parking.
   1. No space exists on the principal lot for adequate parking.
   2. The center of the lot is within four hundred feet of the principal use
   3. Space is sufficient to allow full compliance with the land development standards set forth in Article IV of Title Seven.
   4. The lot will not allow the principal use to exceed the maximum parking allowances set forth in the land development standards
   5. The installation of parking at this location will not have a deleterious effect on the overall neighborhood in terms of residential stability and economic development.
   6. The installation of the parking facility will not necessitate the demolition of a viable and structurally-sound building.

SECTION 507.4. CONDITIONAL USES.
None.

SECTION 507.5. PROHIBITED USES.
Any use not complying with the specifications of this Article is prohibited.

SECTION 507.6. HEIGHT.
The height of a structure shall not be greater than fifty feet (50') and not less than one (1) story.

SECTION 507.7. AREA.
The lot area per structure shall not be less than six thousand (6,000) square feet.

SECTION 507.8. COVERAGE.
The coverage shall be not more than seventy-five (75%) percent.

SECTION 507.9. WIDTH.
The lot width at the building line shall not be less than fifty (50') feet on an interior lot and seventy-five (75') feet on a corner lot.

SECTION 507.10. FRONTAGE.
The lot shall have a minimum of fifty feet (50') on an interior lot and a minimum of seventy-five feet (75') on a street that meets Penn DOT and/or current Subdivision and Land Development standards.

SECTION 507.11. SETBACKS.
Each lot shall have setbacks of not less than the depth or width indicated below:

LOCATION	SETBACK CHARACTERISTIC	LOT CHARACTERISTICS	SETBACK
Front	Depth	-	10' minimum, 30' maximum
Rear	Depth	-	10' minimum
Side	Width	Interior Lot and Corner Lot non-street	10' minimum each side of a principal structure, provided that when a written agreement is provided by adjoining property owners, no side yard shall be required where two (2) or more commercial uses abut side to side. However, in no case shall common walls be permitted between properties of separate ownership. In case of a series of abutting structures, abutting and paralleling a public right-of-way, an open unobstructed passage of at least twenty (20') feet in width shall be provided at grade level at intervals of not more than one hundred (100') feet.
Side	Width	Corner Lot abutting a street	20'

SECTION 507.12. ACCESSORY STRUCTURES.

A. An accessory structure and/or swimming pool shall not be erected nor shall its dimensions be increased in front of the main structure.

B. An accessory structure, patio and/or swimming pool may be erected according to the following setbacks provided that the height, area, width and coverage requirements contained in this Section and the following are met:

SETBACK FROM . . .	MINIMUM SETBACK
Rear of Principle structure	10'
Side Lot Line with Lot Width 25' or Less	1½'
Side Lot Line with Lot Width 26' or Greater	3'
Rear Lot Line	7'
Public Right-of-way	10'

SECTION 507.13. PERMITTED SETBACK ENCROACHMENTS.

A. Cornices, eaves, gutters, bay windows, drive-thru windows or chimneys may encroach into the required setback of a lot, not more than twenty-four (24") inches. However, no cornices, eaves, gutters, bay windows, or chimneys may be closer than three and one-half (3 1/2') feet from any side lot line.
B. A covered carport or covered patio or porch open on three (3) sides may be erected within one of the side yards or rear yard when attached to a main structure existing at the effective date of this Ordinance provided the covered carport or covered patio or porch open on three (3) sides shall be not less than one foot (1') from the side or rear lot line, and shall never be enclosed.

SECTION 507.14. OFF-STREET PARKING.

Parking for the uses in the Neighborhood Business Zone shall be as follows:

A. Residential uses not subject to land development review under Title Seven shall be provided with a minimum of one and a maximum of three off-street parking spaces per dwelling unit.
B. Minor Impact Home Based Businesses shall neither increase nor decrease the number of spaces required for the property.
C. Uses governed by a land development review under Title Seven shall meet the parking requirements established as a result of the requisite review.
D. All other uses shall be provided with a minimum of one off-street parking space and a maximum of four off-street parking spaces.

SECTION 507.15. SIGNS.

Signs, when provided, shall conform to those regulations contained in Article VI, "Signs".

SECTION 507.16. FLOODPLAINS.

All permitted uses located within a floodplain as identified on the Flood Boundary and Floodway Maps, must comply with the provisions and requirements of Article IV of Title Four.

SECTION 507.17. BUFFER YARDS AND SCREENING.

Where a non-residential use is established either abutting or adjoining a residential use, a buffer yard not less than five (5') feet in width shall be provided along the lot lines of the non-residential use. In addition, the buffer yard shall be in compliance with any decision rendered by the Zoning Hearing Board under a variance or special exception or Planning Commission under a land development review.

SECTION 507.18. FENCES AND WALLS.

A. Fences and walls may be erected, altered, and maintained in any commercial or residential district within the setbacks, provided that
   1. any wall or fence forward of the front yard setback or side yard setback abutting a street shall not exceed thirty inches (30") in height. Such fences may extend upward to a maximum height of four feet (4') if the fence is at least 50% open.
   2. any fence in the rear yard or non-street side yard shall be permitted a maximum height of seven feet (7'). Such fences may extend upward to a maximum height of ten feet (10') if the fence is at least 50% open.
   3. this provision shall not apply to retaining walls or vegetated screening.
B. Fences and walls may be erected, altered, and maintained in front yards provided that the provisions of Section 415, "Obstruction to Vision", and Paragraph 1 of this Section are met.
C. Barbed wire, razor wire and above ground electric fences shall not be permitted.
D. The Zoning Hearing Board may waive these provisions by means of a Special Exception if extenuating circumstances warrant, and the basic tenor of this Section is upheld.

SECTION 508. "C-HB" HIGHWAY BUSINESS COMMERCIAL ZONE

SECTION 508.1. PURPOSE.
It is the purpose of this Zone to provide areas along Business Route 220 appropriate to and reserved for the development of a business zone servicing principally the needs of highway users or transients and not necessarily the residents of the City.

SECTION 508.2. PERMITTED USES.

A. Accessory uses.
B. Automotive sales and services.
C. Bus shelters.
D. Cemeteries.
E. Educational services.
F. Eateries.
G. Forestry activities.
H. Governmental facilities.
I. Health Services
J. Houses of worship.
K. Overnight lodging.
L. Parks, playgrounds and open space.
M. Professional and business offices.
N. Professional and Personal services.
O. Retail sales and services.
P. Wholesale sales and services.

SECTION 508.3. SPECIAL EXCEPTIONS.
None.

SECTION 508.4. CONDITIONAL USES.
None.

SECTION 508.5. PROHIBITED USES.
Any use not complying with the specifications of this Article is prohibited, including Off-Site Parking.

SECTION 508.6. HEIGHT.
The height of a structure shall not be greater than fifty feet (50') and not less than one (1) story.

SECTION 508.7. AREA.
The lot area per structure shall not be less than six thousand (6,000) square feet.

SECTION 508.8. COVERAGE.
The coverage shall be not more than sixty-five (65%) percent.

SECTION 508.9. WIDTH.
The lot width at the building line shall not be less than fifty (50') feet on an interior lot and seventy-five (75') feet on a corner lot.

SECTION 508.10. FRONTAGE.
The lot shall have a minimum of fifty feet (50') on an interior lot and a minimum of seventy-five feet (75') on a street that meets Penn DOT and/or current Subdivision and Land Development standards.

SECTION 508.11. SETBACKS.
Each lot shall have setbacks of not less than the depth or width indicated below:

LOCATION	SETBACK CHARACTERISTIC	LOT CHARACTERISTICS	MINIMUM SETBACK
Front	Depth	-	15'
Rear	Depth	-	10'
Side	Width	Interior Lot	10'
Side	Width	Corner Lot non-street	10'
Side	Width	Corner Lot abutting a street	20'

SECTION 508.12. ACCESSORY STRUCTURES.

A. An accessory structure shall not be erected nor shall its dimensions be increased within any front yard.
B. An accessory structure, patio and/or swimming pool may be erected according to the following setbacks provided that the height, area, width and coverage requirements contained in this Section and the following are met:

SETBACK FROM . . .	MINIMUM SETBACK
Rear of Principle structure	10'
Side Lot Line with Lot Width 25' or Less	1½’
Side Lot Line with Lot Width 26' or Greater	3'
Rear Lot Line	7'
Public Right-of-way	10'

SECTION 508.13. PERMITTED SETBACK ENCROACHMENTS.

A. Cornices, eaves, gutters, bay windows, drive-thru windows or chimneys may encroach into the required setback of a lot, not more than twenty-four (24") inches. However, no cornices, eaves, gutters, bay windows, or chimneys may be closer than three and one-half (3 1/2') feet from any side lot line.
B. A covered carport or covered patio or porch open on three (3) sides may be erected within one of the side yards or rear yard when attached to a main structure existing at the effective date of this Ordinance provided the covered carport or covered patio or porch open on three (3) sides shall be not less than three and one-half (3 1/2') feet from the side or rear lot line, and shall never be enclosed.

SECTION 508.14. OFF-STREET PARKING.

Parking for the uses in the Highway Business Zone shall be as follows:

A. Residential uses not subject to land development review under Title Seven shall be provided with a minimum of one and a maximum of three off-street parking spaces per dwelling unit.
B. Minor Impact Home Based Businesses shall neither increase nor decrease the number of spaces required for the property.
C. Uses governed by a land development review under Title Seven shall meet the parking requirements established as a result of the requisite review.
D. All other uses shall be provided with a minimum of four off-street parking spaces per one thousand square feet of floor space, or a prorated portion thereof.

SECTION 508.15. SIGNS.

Signs, when provided, shall conform to those regulations contained in Article VI, “Signs”.

SECTION 508.16. FLOODPLAINS.

All permitted uses located within a floodplain as identified on the Flood Boundary and Floodway Maps, must comply with the provisions and requirements of Article IV of Title Four.

SECTION 508.17. BUFFER YARDS AND SCREENING.

Where a non-residential use is established either abutting or adjoining a residential use, a buffer yard not less than five (5’) feet in width shall be provided along the lot lines of the non-residential use. In addition, the buffer yard shall be in compliance with any decision rendered by the Zoning Hearing Board under a variance or special exception or Planning Commission under a land development review.

SECTION 508.19. FENCES AND WALLS.

A. Fences and walls may be erected, altered, and maintained in any commercial district within the setbacks, provided that
    1. any wall or fence forward of the front yard setback or side yard setback abutting a street shall not exceed thirty inches (30") in height. Such fences may extend upward to a maximum height of four feet (4’) if the fence is at least 50% open.
    2. any fence in the rear yard or non-street side yard shall be permitted a maximum height of seven feet (7'). Such fences may extend upward to a maximum height of ten feet (10’) if the fence is at least 50% open.
    3. this provision shall not apply to retaining walls or vegetated screening.
B. Fences and walls may be erected, altered, and maintained in front yards provided that the provisions of Section 415, “Obstruction to Vision”, and Paragraph 1 of this Section are met.
C. Barbed wire shall not be permitted except at a height exceeding seven (7') feet from grade level. Razor wire and above ground electric fences shall not be permitted.
D. The Zoning Hearing Board may waive these provisions by means of a Special Exception if extenuating circumstances warrant, and the basic tenor of this Section is upheld.

SECTION 509. "C-CB" CENTRAL BUSINESS COMMERCIAL ZONE

SECTION 509.1. PURPOSE.
It is the purpose of this Zone to define and provide controls for the major pedestrian-oriented shopping and business areas of the City.

SECTION 509.2. PERMITTED USES.

A. Residential Uses:
   1. Upper floor residential dwellings.
   2. Group homes for protected classes, on upper floors.

B. Non-residential Uses:
   3. Automotive sales and services.
   4. Bus shelters.
   5. Cemeteries.
   6. Cultural facilities.
   7. Educational services.
   8. Eateries.
   9. Forestry activities.
   10. Governmental facilities.
   11. Health services.
   12. Houses of worship.
   13. Overnight lodging.
   14. Parks, playgrounds and open space.
   15. Professional and other services.
   16. Public utility transmission and distribution lines, substations, water pumping stations, and reservoirs.
   17. Retail sales and services.
   18. Wholesale sales and services.
   19. Accessory uses on the same lot and customarily incidental to the permitted uses including:
      (1) Space for the overnight and/or weekend parking of commercial vehicles.
      (2) Other customary accessory uses and structures including dwelling units which are clearly incidental to the principal structure and use.

SECTION 509.3. SPECIAL EXCEPTIONS.

A. Off-Site Parking.
   1. No space exists on the principal lot for adequate parking.
   2. The center of the lot is within four hundred feet of the principal use
   3. Space is sufficient to allow full compliance with the land development standards set forth in Article IV of Title Seven.
   4. The lot will not allow the principal use to exceed the maximum parking allowances set forth in the land development standards
   5. The installation of parking at this location will not have a deleterious effect on the overall neighborhood in terms of residential stability and economic development.
   6. The installation of the parking facility will not necessitate the demolition of a viable and structurally-sound building.

SECTION 509.4. CONDITIONAL USES.
None.

SECTION 509.5. PROHIBITED USES.
Any use not complying with the specifications of this Article is prohibited.

SECTION 509.6. HEIGHT.
A building or structure or any enlargement thereof may be erected and maintained to a height at the street line of no more than one hundred fifty (150') feet. All buildings or structures shall have a minimum height of thirty-five (35') feet.

SECTION 509.7. AREA.
The lot area per structure shall not be less than two thousand five hundred (2,500) square feet.

SECTION 509.8. COVERAGE.
Lot coverage shall be a minimum of seventy-five (75%) percent.

SECTION 509.9. WIDTH.
The lot width at the building line shall not be less than fifty (50') feet on an interior lot and seventy-five (75') feet on a corner lot.

SECTION 509.10. FRONTAGE.
The lot shall have a minimum of fifty feet (50') frontage on an interior lot and a minimum of seventy-five feet (75') on a corner lot.

SECTION 509.11. SETBACKS.
Each lot shall have setbacks of not less than the depth or width indicated below:

LOCATION	SETBACK CHARACTERISTIC	LOT CHARACTERISTICS	SETBACK
Front	Depth	-	0' minimum, 10' maximum
Rear	Depth	-	0' minimum, 10' maximum
Side	Width	Interior Lot	0' minimum, 10' maximum
Side	Width	Corner Lot non-street	0' minimum, 10' maximum
Side	Width	Corner Lot abutting a street	0' minimum, 10' maximum

SECTION 509.12. ACCESSORY STRUCTURES.

A. An accessory structure shall not be erected nor shall its dimensions be increased to the front of the main structure.
B. An accessory structure, patio and/or swimming pool may be erected according to the following setbacks provided that the height, area, width and coverage requirements contained in this Section and the following are met:

SETBACK FROM . . .	MINIMUM SETBACK
Rear of Principle structure	10'
Side Lot Line	0’
Rear Lot Line	0'
Public Right-of-way	10'

SECTION 509.13. OFF-STREET PARKING.

Parking for the uses in the Central Business Commercial Zone shall be as follows:

A. Residential uses not subject to land development review under Title Seven shall be provided with a minimum of one and a maximum of three off-street parking spaces per dwelling unit.
B. Minor Impact Home Based Businesses shall neither increase nor decrease the number of spaces required for the property.
C. Uses governed by a land development review under Title Seven shall meet the parking requirements established as a result of the requisite review.
D. All other uses shall be provided with a minimum of four off-street parking spaces per one thousand square feet of floor space, or a prorated portion thereof.

SECTION 509.14. SIGNS.

Signs, when provided, shall conform to those regulations contained in Article VI, “Signs”.

SECTION 509.15. FLOODPLAINS.

All permitted uses located within a floodplain as identified on the Flood Boundary and Floodway Maps, must comply with the provisions and requirements of Article IV of Title Four.

SECTION 509.16. FENCES AND WALLS.

A. Fences and walls may be erected, altered, and maintained in any commercial district within the setbacks, provided that
    1. any wall or fence forward of the front yard setback or side yard setback abutting a street shall not exceed thirty inches (30") in height. Such fences may extend upward to a maximum height of four feet (4’) if the fence is at least 50% open.
    2. any fence in the rear yard or non-street side yard shall be permitted a maximum height of seven feet (7'). Such fences may extend upward to a maximum height of ten feet (10’) if the fence is at least 50% open.
    3. this provision shall not apply to retaining walls or vegetated screening.

B. Fences and walls may be erected, altered, and maintained in front yards provided that the provisions of Section 415, “Obstruction to Vision”, and Paragraph 1 of this Section are met.
C. Barbed wire, electric fences and razor wire shall not be permitted except at a height exceeding seven (7') feet from grade level.
D. The Zoning Hearing Board may waive these provisions by means of a Special Exception if extenuating circumstances warrant, and the basic tenor of this Section is upheld.

SECTION 510. "I-L" LIGHT INDUSTRIAL ZONE

SECTION 510.1. PURPOSE.

It is the purpose of this Zone to establish industrial areas which are or may become integral with established or potential residential neighborhoods and/or public parks or other conservation areas; and to require stringent performance standards and other regulations designed to protect residential valuations, to effect a desirable transition between industrial and other uses, and to promote to a high order of industrial development.

SECTION 510.2. PERMITTED USES.

A. Accessory uses on the same lot and customarily incidental to the permitted uses including:
   1. Space for the overnight and/or weekend parking of commercial vehicles.
   2. Storage of raw materials, equipment, and finished products, unless Section 509.3(C) applies to the type of storage facilities proposed.
   3. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
B. Agricultural operations and forestry activities.
C. Automotive assembly and services
D. Bus shelters.
E. Cemeteries and Houses of Worship.
F. Communications Services
G. Cultural and governmental facilitie
H. Eateries and overnight lodging.
I. Educational services.
J. Health services, medical laboratories and diagnostic facilities.
K. Manufacturing.
L. Parks, playgrounds and open space.
M. Professional and business offices.
N. Professional services.
O. Public utility transmission and distribution lines, substations, water pumping stations, and reservoirs.
P. Research and development laboratories.
Q. Retail sales and Retail services
R. Storage Facilities
S. Transportation Services
T. Wholesale sales and Wholesale services
U. Woodworking and xylography

SECTION 510.3. SPECIAL EXCEPTIONS.

A. Off-Site Parking.
   1. No space exists on the principal lot for adequate parking.
   2. The center of the lot is within four hundred feet of the principal use
   3. Space is sufficient to allow full compliance with the land development standards set forth in Article IV of Title Seven.
   4. The lot will not allow the principal use to exceed the maximum parking allowances set forth in the land development standards

5. The installation of parking at this location will not have a deleterious effect on the overall neighborhood in terms of residential stability and economic development.
6. The installation of the parking facility will not necessitate the demolition of a viable and structurally-sound building.

B. Sexually oriented business, with these three sets of findings.

1 That the Applicant(s):

a. is an individual person, or is all individual persons in a group, partnership, corporation, or other business association having at least a ten percent (10%) interest, whether direct of indirect.
b. is eighteen (18) years old or older and has an interest in the property.
c. certifies that no one on the premises shall be under the age of eighteen years.
d. has never been convicted of any offense involving sexual misconduct, including without limitation prostitution, rape, obscenity, statutory rape, possession of child pornography, or corruption of minors.
e. agrees that the Zoning Officer and the Police Department may inspect the premises for the compliance with this Ordinance and the Board's permit upon request whenever the business is open.

2. That the Business:

a. is not located within one thousand feet (1000') of a house of worship, a school (public of private preschool, child day care, elementary, or secondary facility), a public library, a public park, or a child-oriented business. Such measurement shall be taken from the structure in which the sexually oriented business is to be located to the property line of the other use. Uses outside the corporate limits of the City of Altoona shall also be considered. The subsequent location of one of these uses within one thousand feet (1000') of an existing sexually oriented business shall not serve to void the permit(s) granted to the sexually oriented business.
b. is not operated, established, substantially enlarged, or transferred in ownership or control within one thousand feet (1000') of another sexually oriented business. Such measurement shall be taken from the structure in which the sexually oriented business is to be located to the structure of the sexually oriented business. Uses outside the corporate limits of the City of Altoona shall also be considered.
c. is not operated, established, or maintained in the same building or structure, or portion thereof, as another sexually oriented business, nor shall the floor area be enlarged in such case.
d. did not exist prior to August 27, 1997. Such a business shall not be permitted to be increased, enlarged, extended, or altered unless such increase, enlargement, extension or alteration places the entire use in full compliance with this section.
e. is so designed so that activities within the business cannot be seen, heard, or smelled outside the structure, or portion thereof, in which the business is located. This shall include, without limitation, devices, objects, toys, tools, entertainment, and signs advertising the business that are distinguished or characterized by their association with sexually oriented activity.
f. agrees that merchandise displays, signs, or any other exhibit depicting adult entertainment activities or sexually oriented businesses placed within the interior of buildings or premises shall be arranged and screened to prevent public viewing from outside such buildings or premises.

3. That the City:
   a. is granted the right to inspect the business for compliance on demand at any time the business is open.
   b has the ability to shut down the business for noncompliance with this ordinance or the Board's decision. Such a shutdown can take the form of either a suspension or a revocation of the permit(s) or license(s) necessary to legally operate the business until the time when the noncompliance is corrected to the satisfaction of the Board.

C. Permanent Containerized Storage
   1. The containers shall be permanently and securely affixed to the ground or building in accordance with the building code
   2. The containers shall not interfere with the existence or use of the parking, loading, buffering, and screening elements of the lot.
   3. The containers shall be maintained in sanitary condition to the basic standards for structures as determined by the Department of Codes and Inspections.
   4. The containers shall not be used for advertising; no signs shall be affixed to any part of the exterior of the containers
   5. The containers shall not be visible from any street (alleys excepted) or any non-industrial zoning district.

D. Uses similar to permitted uses.
   1. The use is compatible with the surrounding neighborhood, and is not contrary to the stated purpose of the zone (see Section 509.1 above)
   2. The specific use is not permitted in any other nonresidential district. This finding may be waived if the Board finds that the proposed use is complementary to an existing use on the same property or an immediately adjacent parcel.
   3. The use is primarily industrial – not commercial – in nature.

SECTION 510.4. CONDITIONAL USES.
None.

SECTION 510.5. PROHIBITED USES.
Any use not complying with the specifications of this Article is prohibited.

SECTION 510.6. SUPPLEMENTAL ZONING PERMIT REQUIREMENTS.
In order that the Zoning Officer may have a reasonable basis upon which to approve a proposed industrial operation or an expansion of an existing industrial operation for conformity to the requirements of this Ordinance, the following data shall be submitted with an application for a permit; in addition to the requirements aforementioned for a zoning permit in Section 202.

A. Plot Plan drawn to a scale of 1" = 40' including:
   1. Loading and unloading areas.
   2. Description of buffers where required.
   3. Provisions of parking where required.
   4. Location and specifications of any proposed signs.
B. Architectural plan to a scale of $^1/_8$" = 1'.
C. Description of operation.
D. Engineering and architectural plans for all utilities to a scale of $^1/_8$" = 1'..
E. Plans for prevention or control of noise, vibration, glare, fire hazard, air pollution, water pollution, and traffic.

F. Number of shifts and maximum employment per shift.
G. Storm water management plan and provisions allowing flood plain construction, if necessary.
H. Additional pertinent data as may be required by the Zoning Officer.
I. Evidence of approval of any State Agency concerned.

SECTION 510.7. HEIGHT.
The height of a structure shall be not greater than one hundred (100') feet. The height of a structure shall be not less than one (1) story.

SECTION 510.8. AREA.
The lot area shall be not less than six thousand (6,000) square feet.

SECTION 510.9. COVERAGE.
The coverage shall be no more than sixty-five (65%) percent.

SECTION 510.10. WIDTH.
The lot width at the building line shall not be less than seventy-five (75') feet.

SECTION 510.11. FRONTAGE.
The lot shall have a minimum of seventy-five feet (75').

SECTION 510.12. SETBACKS.
A. Each lot shall have setbacks of not less than the depth or width indicated below:

LOCATION	SETBACK CHARACTERISTIC	LOT CHARACTERISTICS	SETBACK
Front	Depth	-	20' minimum
Rear	Depth	-	30' minimum
Side	Width	Interior Lot and Corner Lot non-street	10' minimum each side of a principal structure, provided that when a written agreement is provided by adjoining property owners, no side setbacks shall be required where two (2) or more manufacturing uses abut side by side. However, in no case shall common walls be permitted between properties of separate ownership.
Side	Width	Corner Lot abutting a street	20' minimum

B. Buffer yards shall be provided in accordance with the provisions of Section 513.16.

SECTION 510.13. ACCESSORY STRUCTURES.

A. An accessory structure shall not be erected nor shall its dimensions be increased in the front of the structure.
B. An accessory structure, patio and/or swimming pool may be erected according to the following setbacks provided that the height, area, width and coverage requirements contained in this Section and the following are met:

SETBACK FROM . . .	MINIMUM SETBACK
Rear of Principle structure	10'
Side Lot Line with Lot Width 25' or Less	1½'
Side Lot Line with Lot Width 26' or Greater	3'
Rear Lot Line	7'
Public Right-of-way	10'

SECTION 510.14. PERMITTED SETBACK ENCROACHMENTS.

A. Cornices, eaves, gutters, bay windows, drive-thru windows or chimneys may encroach into the required setback of a lot, not more than twenty-four (24") inches. However, no cornices, eaves, gutters, bay windows, or chimneys may be closer than three and one-half (3 1/2') feet from any side lot line.
B. A covered carport or covered patio or porch open on three (3) sides may be erected within one of the side yards or rear yard when attached to a main structure existing at the effective date of this Ordinance provided the covered carport or covered patio or porch open on three (3) sides shall be not less than three and one-half (3 1/2') feet from the side or rear lot line, and shall never be enclosed.

SECTION 510.15. OFF-STREET PARKING.

Parking for the uses in the Light Industrial Zone shall be as follows:

A. Residential uses not subject to land development review under Title Seven shall be provided with a minimum of one and a maximum of three off-street parking spaces per dwelling unit.
B. Minor Impact Home Based Businesses shall neither increase nor decrease the number of spaces required for the property.
C. Uses governed by a land development review under Title Seven shall meet the parking requirements established as a result of the requisite review.
D. All other uses shall be provided with a minimum of four off-street parking spaces per one thousand square feet of floor space, or a prorated portion thereof.

SECTION 510.16. SIGNS.

Signs, when provided, shall conform to those regulations contained in Article VI, “Signs”.

SECTION 510.17. FLOODPLAINS.

All permitted uses located within a floodplain as identified on the Flood Boundary and Floodway Maps, must comply with the provisions and requirements of Article IV of Title Four.

SECTION 510.18. BUFFER YARDS AND SCREENING.

Where a non-residential use is established either abutting or adjoining a residential use, a buffer yard not less than five (5') feet in width shall be provided along the lot lines of the non-residential use. In addition, the buffer yard shall be in compliance with any decision rendered by the Zoning Hearing Board under a variance or special exception or Planning Commission under a land development review.

SECTION 510.19. FENCES AND WALLS.

A. Fences and walls may be erected, altered, and maintained in any light industrial district within the setbacks, provided that
   1. any wall or fence forward of the front yard setback or side yard setback abutting a street shall not exceed thirty inches (30") in height. Such fences may be extended upward to a maximum height of four feet (4') if the fence is at least 50% open.
   2. any fence in the rear yard or non-street side yard shall be permitted a maximum height of seven feet (7'). Such fences may be extended upward to a maximum height of ten feet(10') if the fence is at least 50% open.
   3. this provision shall not apply to retaining walls or vegetated screening.
B. Fences and walls may be erected, altered, and maintained in front yards provided that the provisions of Section 415, "Obstruction to Vision", and Paragraph 1 of this Section are met.
C. Barbed wire, razor wire and electric fences shall not be permitted except at a height exceeding seven (7') feet from grade level.
D. The Zoning Hearing Board may waive these provisions by means of a Special Exception if extenuating circumstances warrant, and the basic tenor of this Section is upheld.

SECTION 511. "I-G" GENERAL INDUSTRIAL ZONE"

SECTION 511.1. PURPOSE.

It is the purpose of this Zone to provide an area suitable for the use of industry and related uses with controls necessary for ensuring sound industrial development.

SECTION 511.2. PERMITTED USES.

A. Accessory uses on the same lot and customarily incidental to the permitted uses including:
   1. Space for the overnight and/or weekend parking of commercial vehicles.
   2. Storage of raw materials, equipment, and finished products, unless Section 510.3(C) applies to the storage facilities proposed
   3. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
B. Agricultural operations and forestry activities.
C. Automotive assembly and services.
D. Bus shelters.
E. Cemeteries and houses of worship.
F. Communications Services.
G. Extraction and mining of raw materials.
H. Governmental facilities and public utilities.
I. Health services, medical laboratories and diagnostic facilities
J. Manufacturing.
K. Parks, playgrounds and open space.
L. Research and development laboratories.
M. Storage Facilities
N. Transportation Services.
O. "Value-added" manufacturing, compounding, processing, or treatment.
P. Warehousing.
Q. Wholesale sales and services
R. Woodworking and xylography.

SECTION 511.3. SPECIAL EXCEPTIONS.

A. Waste Processing Facilities.
   1. The facility meets all state and federal requirements that are applicable to the facility
   2. Light, glare, noise, odors, and fumes shall not emanate beyond the limits of the zoning district.
   3. Debris and clutter shall be kept in check, including any which may inadvertently clutter nearby properties and the streets of the City.
   4. All storm water shall be treated and shall meet NPDES water quality standards before it leaves the site.
   5. The facility shall be screened and buffered utilizing the most stringent standard listed in the land development requirements, irregardless of the adjacent use. Such screening and buffering shall be in place around the entire perimeter of the site.
B. Off-Site Parking.
   1. No space exists on the principal lot for adequate parking.
   2. The center of the lot is within four hundred feet of the principal use

3. Space is sufficient to allow full compliance with the land development standards set forth in Article IV of Title Seven.
4. The lot will not allow the principal use to exceed the maximum parking allowances set forth in the land development standards
5. The installation of parking at this location will not have a deleterious effect on the overall neighborhood in terms of residential stability and economic development.
6. The installation of the parking facility will not necessitate the demolition of a viable and structurally-sound building.

C. Permanent Containerized Storage
1. The containers shall be permanently and securely affixed to the ground or building in accordance with the building code
2. The containers shall not interfere with the existence or use of the parking, loading, buffering, and screening elements of the lot.
3. The containers shall be maintained in sanitary condition to the basic standards for structures as determined by the Department of Codes and Inspections.
4. The containers shall not be used for advertising; no signs shall be affixed to any part of the exterior of the containers
5. The containers shall not be visible from any street (alleys excepted) or any non-industrial zoning district.

SECTION 511.4. CONDITIONAL USES.

A. Any use proposed which is not otherwise permitted anywhere in this Title.
1. The use is compatible with the surrounding neighborhood
2. The specific use is not permitted in any other district. This finding may be waived if Council finds that the proposed use is complementary to an existing use on the same property or an immediately adjacent parcel.

SECTION 511.5. SUPPLEMENTAL ZONING PERMIT REQUIREMENTS.

In order that the Zoning Officer may have a reasonable basis upon which to approve a proposed industrial operation or an expansion of an existing industrial operation for conformity to the requirements of this Ordinance, the following data shall be submitted with an application for a permit; in addition to the requirements aforementioned for a zoning permit in Section 202.

A. Plot Plan drawn to a scale of 1" = 40' including:
1. Loading and unloading areas.
2. Description of buffers where required.
3. Provisions of parking where required.
4. Location and specifications of any proposed signs.

B. Architectural plan to a scale of $^{1}/_{8}$" = 1'.
C. Description of operation.
D. Engineering and architectural plans for all utilities at a scale of $^{1}/_{8}$" = 1'.
E. Plans for prevention or control of noise, vibration, glare, fire hazard, air pollution, water pollution, and traffic.
F. Number of shifts and maximum employment per shift.
G. Storm water management plan and provisions allowing flood plain construction, if necessary.
H. Additional pertinent data as may be required by the Zoning Officer.
I. Evidence of approval of any State Agency concerned.

SECTION 511.6. PROHIBITED USES.
Any use not complying with the specifications of this Article is prohibited.

SECTION 511.7. HEIGHT.
The height of a structure shall be not greater than one hundred fifty (150') feet. The height of a structure shall not be less than one (1) story.

SECTION 511.8. AREA.
The lot area shall not be less than six thousand (6,000) square.

SECTION 511.9. COVERAGE.
The coverage shall be not more than sixty-five (65%) percent.

SECTION 511.10. WIDTH.
The lot width at the building line shall not be less than seventy-five (75') feet.

SECTION 511.11. FRONTAGE.
The lot shall have a minimum of seventy-five feet (75').

SECTION 511.12. SETBACKS.
Each lot shall have setbacks of not less than the depth or width indicated below:

LOCATION	SETBACK CHARACTERISTIC	LOT CHARACTERISTICS	MINIMUM SETBACK
Rear	Depth	-	10'
Front	Depth	-	15'
Side	Width	Interior Lot	10'
Side	Width	Corner Lot non-street	10'
Side	Width	Corner Lot abutting a street	20'

SECTION 511.14. ACCESSORY STRUCTURES.

A. An accessory structure shall not be erected nor shall its dimensions be increased in the front of the structure.
B. An accessory structure, patio and/or swimming pool may be erected according to the following setbacks provided that the height, area, width and coverage requirements contained in this Section and the following are met:

SETBACK FROM . . .	MINIMUM SETBACK
Rear of Principle structure	10'
Side Lot Line with Lot Width 25' or Less	1½'
Side Lot Line with Lot Width 26' or Greater	3'
Rear Lot Line	7'
Public Right-of-way	10'

SECTION 511.15. PERMITTED SETBACK ENCROACHMENTS.

A. Cornices, eaves, gutters, bay windows, drive-thru windows or chimneys may encroach into the required setback of a lot, not more than twenty-four (24") inches. However, no cornices, eaves, gutters, bay windows, or chimneys may be closer than three and one-half (3 1/2') feet from any side lot line.
B. A covered carport or covered patio or porch open on three (3) sides may be erected within one of the side yards or rear yard when attached to a main structure existing at the effective date of this Ordinance provided the covered carport or covered patio or porch open on three (3) sides shall be not less than three and one-half (3 1/2') feet from the side or rear lot line, and shall never be enclosed.

SECTION 511.16. OFF-STREET PARKING.

Parking for the uses in the General Industrial Zone shall be as follows:

A. Residential uses not subject to land development review under Title Seven shall be provided with a minimum of one and a maximum of three off-street parking spaces per dwelling unit.
B. Minor Impact Home Based Businesses shall neither increase nor decrease the number of spaces required for the property.
C. Uses governed by a land development review under Title Seven shall meet the parking requirements established as a result of the requisite review.
D. All other uses shall be provided with a minimum of four off-street parking spaces per one thousand square feet of floor space, or a prorated portion thereof.

SECTION 511.17. SIGNS.

Signs, when provided, shall conform to those regulations contained in Article VI, “Signs”.

SECTION 511.18. FLOODPLAINS.

All permitted uses located within a floodplain as identified on the Flood Boundary and Floodway Maps, must comply with the provisions and requirements of Article IV of Title Four.

SECTION 511.19. BUFFER YARDS AND SCREENING.

Where a non-residential use is established either abutting or adjoining a residential use, a buffer yard not less than five (5’) feet in width shall be provided along the lot lines of the non-residential use. In addition, the buffer yard shall be in compliance with any decision rendered by the Zoning Hearing Board under a variance or special exception or Planning Commission under a land development review.

SECTION 511.20. FENCES AND WALLS.

A. Fences and walls may be erected, altered, and maintained in any general industrial district within the setbacks, provided that
    1. any wall or fence forward of the front yard setback or side yard setback abutting a street shall not exceed thirty inches (30") in height. Such fences may be extended upward to a maximum height of four feet (4’) if the fence is at least 50% open.
    2. any fence in the rear yard and non-street side yard shall be permitted a maximum height of seven feet (7'). Such fences may be extended upward to a maximum height of ten feet (10’) if the fence is 50% open.
    3. this provision shall not apply to retaining walls or vegetative screening.

B. Fences and walls may be erected, altered, and maintained in front yards provided that the provisions of Section 415, “Obstruction to Vision”, and Paragraph 1 of this Section are met.
C. Barbed wire, razor wire and electric fences shall not be permitted except at a height exceeding seven (7') feet from grade level.
D. The Zoning Hearing Board may waive these provisions by means of a Special Exception if extenuating circumstances warrant, and the basic tenor of this Section is upheld.

ARTICLE VI
SIGNS

Signs may be erected and maintained only when in compliance with the provisions of this Article and other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

SECTION 601. PURPOSE.

The purposes of this article are the following:

A. To affirm the place of signs as an accessory use of property
B. To encourage the effective use of signs as a means of communication in the City
C. to maintain and enhance the City's aesthetic environment and its ability to attract sources of economic development and growth,
D. to improve pedestrian and traffic safety,
E. and to enable the fair and consistent enforcement of the provisions of this Title.

Article VI applies to all signs located in the City of Altoona.

SECTION 602. SIGN TYPES.

Signs are allowed in the City of Altoona with or without zoning permits as specified Table "A" below. The explanation and key to the table is as follows:

A. If the letter "P" appears for a sign type in a column of this table, such a sign is permitted in the zoning district represented by that column without a zoning permit.
B. If the letter "S" appears for a sign type in a column of this table, such a sign is allowed in the zoning district represented by that column only after zoning permits been secured in accordance with Section 202 of this Title.
C. If the letter "N" appears for a sign type in a column of this table, such a sign is not allowed in the zoning district represented by that column.
D. The permitting requirements for zoning permits relative to signs are in addition to all other applicable permits and requirements for the sign.

TABLE A

SIGN TYPES											
Sign Type	**R-S**	**R-SH**	**R-L**	**R-MH**	**R-U**	**M-RC**	**C-NB**	**C-HB**	**C-CB**	**I-L**	**I-G**
FREESTANDING											
Off-Premises Adv..	N	N	N	N	N	N	N	**S**	N	**S**	**S**
Incidental	N	N	N	N	N	**S**	**S**	**P**	**P**	**P**	**P**
Plaza	N	N	N	N	N	**S**	**S**	**P**	**S**	**P**	**P**
Business	N	N	N	N	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Residential	**P**	**P**	**P**	**P**	**P**	**P**	**P**	N	**P**	N	N
Temporary	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Other	N	N	N	N	N	**S**	**S**	**S**	**S**	**S**	**S**
BUILDING											
Banner[40]	N	N	N	N	N	**S**	**S**	**S**	**S**	**S**	**S**
Building Marker	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Canopy	N	N	N	N	**S**	**S**	**S**	**S**	**S**	**S**	**S**
Identification	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Incidental	N	N	N	N	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Marquee	N	N	N	N	N	N	**S**	**S**	**S**	**S**	**S**
Plaza	N	N	N	N	N	N	**S**	**S**	**S**	**P**	**P**
Projecting	N	N	N	N	N	N	**S**	**S**	**S**	**S**	**P**
Roof	N	N	N	N	N	N	N	**S**	N	**S**	**S**
Roof, Integral	N	N	N	N	N	N	**S**	**S**	**S**	**S**	**S**
Suspended	N	N	N	N	N	**S**	**S**	**S**	**S**	**S**	**S**
Temporary	N	N	N	N	N	**S**	**S**	**S**	**S**	**S**	**S**
Wall	N	N	N	N	N	**S**	**S**	**S**	**S**	**S**	**S**
Window	N	N	N	N	N	**S**	**S**	**S**	**S**	**S**	**S**
MISCELLANEOUS											
Banner	N	N	N	N	N	N	**S**	**S**	**S**	**S**	**S**
Bus Shelter	N	N	N	N	N	N	**S**	**S**	**S**	**S**	**S**
Flag	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Portable	N	N	N	N	N	**S**	**S**	**S**	**S**	**S**	**S**

LEGEND:
"P" permitted without any permits
"S" allowed but must obtained a zoning permit
"N" not permitted

[40]Must be removed 90 days after permit approval.

SECTION 603. SIGN AREA PER LOT.

Any sign designated by an "S" or "P" in Table "A" shall be allowed only if the sum of the area of all building, freestanding and miscellaneous signs on the lot conforms with the maximum permitted sign area as determined by the standard for the zoning district in which the lot is located as specified in Table "B".

A. How to Compute the Sign Area of Individual Signs:
The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display and used to differentiate the sign from the backdrop or structure against which it is placed. The calculation shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the provisions of this ordinance and is clearly incidental to the display itself.

B. How to Compute the Sign Area of Multifaceted Signs:
The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces area placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

C. How to Compute the Maximum Total Permitted Sign Area for a Lot:
The permitted sum of the area of all individual signs on a lot shall be computed by applying the standard contained in Table "B" of Section 603 ("Sign Area Per Lot") to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets may utilize the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

The maximum total area of all signs on a lot -- except incidental signs, building marker signs, identification signs, and flags shall not exceed the lesser of the following:

TABLE B

MAXIMUM TOTAL SIGN AREA PER LOT											
	R-S	**R-SH**	**R-L**	**R-MH**	**R-U**	**M-RC**	**C-NB**	**C-HB**	**C-CB**	**I-L**	**I-G**
Total Square Feet	10	10	20	20	20	80	100	300	100	300	300
Percentage of the Ground Floor area of the Principal Building	NA	NA	NA	NA	NA	2%	3%	5%	3%	5%	5%
Square Feet of Signage per Linear Foot of Lot Width at the Building Line	NA	NA	NA	NA	NA	2.0	2.0	6.0	3.0	.5	.5

SECTION 604. QUANTITY, AREA, HEIGHT, AND PLACEMENT OF INDIVIDUAL SIGNS.

The size, location, and number of signs on the lot must conform to the requirements of Table "C" and Table "D" below, which establish permitted sign dimensions by sign type.

A. How to Compute Sign Height:

The height of a sign shall be computed as the distance from the base anchoring at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the existing grade prior to construction. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base anchoring of the sign is equal to the elevation of the nearest point of the crown of a non-elevated public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower. Individual signs, including base anchoring shall not exceed the applicable standards shown on Table "C" and on Table "D."

TABLE C

QUANTITY, AREA, HEIGHT, AND PLACEMENT OF INDIVIDUAL SIGNS											
Sign Type	**R-S**	**R-SH**	**R-L**	**R-MH**	**R-U**	**M-RC**	**C-NB**	**C-HB**	**C-CB**	**I-L**	**I-G**
FREESTANDING											
Maximum Area (in sq. ft.)	10	10	20	20	20	60	100	200	100	150	150
Maximum Height (in feet) (also see "A" below)	7	7	7	7	7	15	15	35	15	35	35
Minimum Setback (in feet) from all lot lines (also see "B" below)	2	2	2	2	2	2	3	3	3	5	10
Number permitted per lot per foot of street frontage (also see "D" below)	1 per 10	1 per 10	1 per 10	1 per 10	1 per 10	1 per 10	1 per 15	1 per 20	1 per 15	1 per 25	1 per 35
BUILDING											
Area (max. sq. ft.)	6	6	6	6	6	NA	NA	NA	NA	NA	NA
Wall Area (percent) (also see "E" below)	NA	NA	NA	NA	NA	3%	3%	10%	5%	10%	10%

B. Additional Height Requirements:

An off-premises advertising sign shall have no less than three feet of bottom open space along its entire length. Latticing shall be regarded as satisfying this requirement.

C. Additional Placement Specifications:

1. In addition to the setback requirements of Table "C", no sign shall be located closer than 10 feet to an intersection between public and/or private roads and/or driveways unless that sign allows a clear view between the intersecting roads and/or driveways at all heights between 3 and 10 feet.

2. Pole(s) or standard(s) may be located at any point within a required yard if, between the level of thirty (30") inches above curb level and the level of ten (10') feet above curb level, the diameter or greatest dimension of the supporting pole(s) or standard(s) does not exceed twenty (20") inches.
3. Placement of Off-Premises Advertising Signs
   a. No off-premises advertising sign or structure shall be erected within three hundred (300) feet of any church or school.
   b. No off-premises advertising sign shall be erected within one thousand (1000) feet of any other off-premises advertising sign on the same side of the street.
   c. No off-premises advertising sign shall be located within three hundred (300) feet of another off-premises advertising sign.
   d. No off-premises advertising shall be permitted on the roof of any structure.
   e. No additional off-premises advertising signs shall be permitted within the city limits unless another off-premises advertising sign is removed within the city limits. The total number of off-premises advertising signs in the city shall not exceed the number in place presently.

D. <u>Double Frontage Specifications:</u>
Lots fronting on two or more streets may utilize the permitted number of signs for each street frontage. However, these signs cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

E. <u>Additional Wall Area Specifications:</u>
The percentage figure of “Wall Area” shall be interpreted as a maximum percentage of the area of the wall of which such a sign is a part or to which each sign is most nearly parallel.

G. <u>Dimensional and Numerical Standards</u>
1. No sign shall exceed any applicable maximum numbers or dimensions shown on Table “D”. Likewise, no sign shall encroach on any applicable minimum clearances shown below.
2. On any single property with multiple storefronts, each storefront shall be entitled to a maximum of one twenty-five (25) square-foot sign affixed to the building above the storefront. This subsection can be invoked by the owner of the business only when the dimensional standards in Tables “B”, “C”, and “D” above would otherwise prohibit any identification for the business on the premises.
3. All signs must comply with all applicable dimensional standards of this Article. Where two standards conflict, the stricter shall apply.

TABLE D

NUMBER AND DIMENSIONS OF CERTAIN INDIVIDUAL SIGNS BY SIGN TYPE				
Sign Type	**Number Allowed**	**Maximum Sign Area**	**Vertical Clearance from Sidewalk, Private Drive, or Parking**	**Vertical Clearance from Public Street**
FREESTANDING				
Off-Premises Adv.	see Table "C"	200 sq. ft., subject to district provisions	9 ft.	15 ft.
Residential, Other, Plaza and Incidental	see Table "C"	see Table "C"	9 ft.	15 ft.
BUILDING				
Banner	1 per building	24 ft.	9 ft.	15 ft.
Building Marker	1 per building	4 sq. ft.	NA	NA
Canopy	1 per building	25% of the canopy's vertical surface	9 ft.	15 ft.
Identification	1 per building	NA	NA	NA
Incidental	NA	NA	NA	NA
Marquee	1 per building	NA	9 ft.	15 ft.
Plaza	1 per development	150 sq. ft.	9 ft.	15 ft.
Projecting	1 per building	20 sq. ft.	9 ft.	15 ft.
Residential	see Table "C"	NA	NA	NA
Roof	NA	NA	NA	NA
Roof, Integral	2 per principal building	NA	NA	NA
Suspended	1 per entrance	NA	9 ft.	NA
Temporary	see Table "C"	NA	NA	NA
Wall	NA	NA	NA	NA
Window	NA	25% of the window's total area	NA	NA
MISCELLANEOUS				
Banner	NA	NA	9 ft.	15 ft.
Flag	NA	60 sq. ft. in residential zones.	9 ft.	15 ft.
Portable	1 where allowed	20 sq. ft.	NA	NA

SECTION 605. SIGN CHARACTERISTICS BY DISTRICT.

The size location, and number of signs on the lot must conform with any limitations listed in Table "A", (see Section 602) and the characteristics of the sign must conform with the limitations of Table "E" below. In the table below, a "P" signifies that the characteristic is allowed in the column's zoning district, while "N" signifies that the characteristic is not allowed.

TABLE E

SIGN CHARACTERISTICS BY DISTRICT											
Sign Type	**R-S**	**R-SH**	**R-L**	**R-MH**	**R-U**	**M-RC**	**C-NB**	**C-HB**	**C-CB**	**I-L**	**I-G**
Animation	N	N	N	N	N	N	N	**P**	**P**	**P**	**P**
Changeable Copy	N	N	N	N	N	N	**P**	**P**	**P**	**P**	**P**
Internal Illumination	N	N	N	N	N	N	**P**	**P**	**P**	**P**	**P**
External Illumination	N	N	N	N	N	**P**	**P**	**P**	**P**	**P**	**P**
Exposed Bulbs or Neon Illumination	N	N	N	N	N	N	N	**P**	**P**	**P**	**P**

All permitted signs must follow the requirements of Section 606, "Design, Construction, and Maintenance".

SECTION 606. DESIGN, CONSTRUCTION, AND MAINTENANCE.

A. All signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or other structural element.
B. All signs shall be maintained in good structural condition, in compliance with all applicable federal, state and local building and electrical codes.
C. A sign that conforms with the requirements of this Article may be repaired or repainted, without a zoning permit. Voluntary replacement of a sign is the same as erecting a new sign.
D. Signs may have four sign faces, (2) on each side and each with a maximum length of 25 feet, inclusive of any border trim on a single structure. When two or more sign faces are utilized in the back-to-back arrangement, they shall be parallel and directly opposite sign faces oriented in opposite directions located not more than 42 inches apart.
E. When the V-type sign arrangement is used for two or more sign faces, the sign shall be located on a steel support so that when viewed from above, the faces are oriented in different positions forming the shape of the letter "V" and located not more than 15 feet apart at the farthest point.
F. The general area in the vicinity of any signs shall be kept free and clear of sign material and debris.
G. Except for banners, flags, temporary signs, and window signs, signs shall conform in all respects with the requirements of this Section.
H. Maintaining Nonconforming Signs:
    1. If any nonconforming sign deteriorates to an unsightly or hazardous condition, the owner of that sign shall repair, repaint, remove, or replace it. If the City Zoning Officer finds that such a sign has not been repaired, repainted, removed, or replaced, he or she shall give notice and enforce this requirement via the procedures given in Article II, "Administration".

2. A nonconforming sign may be repaired or repainted without obtaining a zoning permit.

SECTION 607. SIGNS IN THE PUBLIC RIGHT-OF-WAY.

A. Sign Types Allowed in Public Right-of-ways:
   1. public signs erected by or on behalf of a governmental body to post legal notices;
   2. signs identifying public property;
   3. emergency warning signs, if they are erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the pubic right-of-way.
   4. signs required by Penn DOT of a regulatory, directional, or cautionary nature, which are in compliance with its standards
   5. signs required by an approval given under the Altoona Planning Code;
   6. bus stop signs erected by a public transit company;
   7. informational signs of a public utility regarding its poles, lines, pipes, or other facilities;
   8. awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the requirements of Table "A"; and
   9. temporary signs, if they relate directly to traffic control or traffic safety

B. Forfeiture of Signs Located in Public Right-of-ways:
   Any sign installed or placed on public property, except in conformance with the requirements of this article, shall be forfeited to the City and subject to immediate confiscation. The City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.

SECTION 608. SIGNS THAT ARE EXEMPT FROM THE REQUIREMENTS OF THIS ARTICLE.

The following kinds of signs are exempt from the requirements of this article:

A. any temporary public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
B. any sign inside a building that is not attached to a window or door and is not legible from a distance of more than 3 feet beyond the lot line of the involved lot or parcel;
C. works of art;
D. signs on the scoreboard or outfield fence of an athletic field;
E. holiday lights and decorations; and
F. traffic control signs on private property, such as "STOP," "YIELD," and similar signs, the face of which meet the Pennsylvania Department of Transportation standards.
G. Project identification signs are exempted from the requirements of this Article for the duration of work for which permits have been issued if they comply with the following:
   1. The sign shall not exceet 4 feet by eight feet in size
   2. The sign shall be secured so that it is not a hazard
   3. There shall be no more than one such sign per project (any subsequent project signs must comply with all provisions of this Article).

SECTION 609. PROHIBITED SIGNS.

All signs that are not expressly permitted under this Ordinance or exempted from its regulations by Section 608, "Signs that are Exempt from the Requirements of this Article", are prohibited from the City of Altoona. Such signs include, but are not limited to beacons, pennants, strings of lights that are not permanently mounted to a rigid background, inflatable signs, and tethered balloons, and sexually suggestive signs

SECTION 610. ABANDONED SIGNS.

If a conforming use has been discontinued for a total of twelve (12) months, then all signs that are related to that use, as well as any structures that support these signs, shall be known as "abandoned signs." Likewise, if a nonconforming use has been abandoned as described in Article III, then all signs that are related to that use, as well as any structures that support these signs, shall be known as "abandoned signs." All abandoned signs shall be removed at the expense of the owner. If such a sign is not removed, the Zoning Officer shall give notice and enforce the requirements of this section via the procedures given in Article II, "Administration".

SECTION 611. NONCONFORMING SIGNS.

A. Applicability:
   The requirements of this section only apply to nonconforming signs. A nonconforming sign is defined as a sign that (1) was legally established before the effective date (see Title Ten, Section 502), and (2) does not conform the requirements of the provisions of this Article. Because nonconforming signs are not illegal, they have a right to remain in place and to be maintained so long as they adhere to the requirements of this section.
B. Phasing Out Nonconforming Signs:
   So long as it does not threaten the public health or welfare, a nonconforming sign may maintain its nonconforming characteristic or characteristics so long as it is in continuous use, is properly maintained, and adheres to the requirements of this section.
C. Nonconforming Status:
   The following rules apply to or concern all nonconforming signs.
   1. The Zoning Officer may keep and maintain a list of all nonconforming signs that exist in the City on the effective date (see Title Ten, Section 502) and on the effective dates of any relevant amendments to either this Ordinance or its map.
   2. The owner of a nonconforming sign may obtain a "certificate of nonconformity" from the City's Zoning Officer. This certificate shall state that the sign may continue to be used for as long as it is in continuous use, is properly maintained and kept in conformity with the requirements of this section
   3. Aggrieved parties and the involved landowner may both appeal the Zoning Officer's determination of whether or not a sign is nonconforming according to the rules of Section 210, "Appealing the Determination the Zoning Officer".
   4. Any sign that was illegally erected under a previous zoning ordinance or land use regulation shall remain illegal under this Ordinance.
   5. Any sign that becomes a nonconforming sign due to an amendment made after the effective date (see Title Ten, Section 502) shall be subject to the regulations of this section.
D. Replacing Nonconforming Signs:
   A nonconforming sign may be replaced with only a conforming sign.

E. Enlarging, Relocating, or Altering Nonconforming Signs:
   1. A nonconforming sign shall not be enlarged or relocated within the City.
   2. A nonconforming sign shall not be altered in any aspect except (a) to make safety improvements, (b) to keep the sign maintained in accordance with the requirements of this section or other City ordinances, or (c) to bring the sign into conformance with the requirements of this ordinance.

F. Bringing a Nonconforming Sign into Conformance:
   If a nonconforming sign is altered so that it becomes a conforming sign, it shall not be subsequently altered back to a nonconforming state. Likewise, if a nonconforming sign is replaced with a conforming sign, that conforming sign shall not be subsequently replaced with another nonconforming sign.

ARTICLE VII
DEFINITIONS

SECTION 701. PURPOSE.
The purpose of this section is to define terms applicable to the Title.

SECTION 702. HEIRARCHY OF DEFINITIONS
The meanings of all words within this Article shall be controlled by Article IV of Title Ten of this Ordinance, with the exception of those listed in subsection B below. In the case where a word is listed below, the definition given shall control for this Article, unless the context clearly indicates otherwise.
SECTION 703. TERMS.

At this time there are no terms which apply only to this Title.
Please refer to Title Ten, Article IV for definitions.

TITLE FOUR
ENVIRONMENTAL MITIGATION

ARTICLE I
EROSION & SEDIMENTATION CONTROL

SECTION 101. SHORT TITLE
The provisions of this Article shall be known, and may be cited as, the "Erosion and Sediment Pollution Control Regulations".

SECTION 102. PURPOSE
The purpose of this Article shall be to control accelerated erosion and the resulting sediment pollution to waters of this Commonwealth that occur on earthmoving sites within the City of Altoona.

SECTION 103. AUTHORITY
The Altoona Planning Department and the Altoona Planning Commission are hereby designated by the City Council to exercise the authority for the approval or disapproval of all Erosion and Sediment Pollution Control as set forth in this Article as provided for under Section 501 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 104. SCOPE
It shall be unlawful for any person, landowner, business or corporation to undertake any earthmoving activities without developing, implementing, and maintaining erosion and sedimentation control measures and facilities that effectively minimize accelerated erosion and prevent sediment pollution to waters of the Commonwealth. These controls shall be contained in an erosion and sedimentation control plan that meets the requirements of the Department of Environmental Protection (Chapter 102, Erosion Control Regulations). A copy of the erosion and sedimentation control plan must be available at the earthmoving site at all times. A second approved copy must be provided by the Applicant to the Director of the Department of Codes and Inspections.

Prior to the commencement of any improvement which involves an earthmoving disturbance greater than 5,000 square feet, all erosion and sedimentation control plans must be submitted by the Applicant to, and approved by, the Blair County Conservation District prior to formal approval of land development plans, or the issuance of any building permit by the City of Altoona. The appropriate Department of Environmental Protection permit review authorizing earthmoving disturbances for sites involving one acre or more with runoff to the storm sewer system, or five acres or more regardless of the planned runoff be obtained from Department of Environmental Protection or the Blair County Conservation District.

All Pennsylvania Department of Environmental Protection and/or Blair County Conservation District permits review involving earthmoving disturbances , shall be attached to said approved plan and shall be the responsibility of the Applicant to obtain.

All earthmoving activities under 5,000 square feet shall be exempt from plan and permit approvals; however, a plan must be available on-site and all other provisions of this Article shall apply.

SECTION 105. PLAN CONTENTS

Erosion and sedimentation control plans shall be developed in accordance with the Department of Environmental Protection Regulations, which include 25 PA Code 93 requirements for water quality standards and anti-degradation.. A complete explanation of the regulations and recommendations for preparing plans is available in Department of Environmental Protection publication, "Erosion and Sediment Pollution Control Program Manual". This manual is available from the local County Conservation District, 1407 Blair Street, Hollidaysburg, Pennsylvania, 16648 – Phone (814) 696-0877.

SECTION 106. DEFINITIONS

A. General

The meanings of all words within this Article shall be controlled by Article IV of Title Ten of this Ordinance, with the exception of those listed in subsection B below. In the case where a word is listed below, the definition given shall control for this Article, unless the context clearly indicates otherwise.

B. Specific Definitions

At this time, there are no terms which apply only to this Title.
Please refer to Title Ten Article IV for definitions.

SECTION 107. ADMINISTRATION

Application for approval of an Erosion and Sedimentation Control Plan under the requirements of this Article, shall be made directly to the Blair County Conservation District. Information on submission and resubmission requirements, review time required, cost of permits, and plan review fees can be obtained from the Blair County Conservation District Offices. For penalties and enforcement remedies, preventive remedies, jurisdiction and appeals to court, see Article V of this Title**.**

SECTION 108. FEES

A. Municipal Fees: Fees payable to the City are established in Article III of Title Ten.
B. County Fees: Fees for the review and comment of erosion and sedimentation control plans will be at the discretion of the Blair County Conservation District, and payable thereto.
C. Filing Date and Payment of Fees: A completed application and plans for any proposed erosion and sediment pollution control plan shall not be considered as filed until all fees are paid, if applicable, and all applications are properly signed.

SECTION 109. MONITORING

The City of Altoona and the Blair County Conservation District are hereby authorized to conduct both routine and emergency site inspections of ongoing earthmoving operations within the municipal boundaries to establish compliance with the approved Erosion and Sedimentation Control Plan.

SECTION 110. COMPLIANCE

All violations of this Article and/or the Department of Environmental Protection Chapter 102 regulations, as determined during a site inspection, shall be listed on an inspection report which itemizes the following items for each violation:

A. Specific type of violation, including location and scope.
B. Provides a period of time during which the person(s) responsible for the earthmoving activity may correct the violations without the assessment of any penalties.
C. The inspection report shall be signed by the inspector and person responsible for the earthmoving activity (or authorized agent), and a copy provided to the latter party.

ARTICLE II
STORM WATER MANAGEMENT

SECTION 201. GENERAL PROVISIONS

A. Short Title

This Article shall be known and may be cited as "Altoona Storm Water Management Regulations."

B. Statement of Findings

The City Council of the City of Altoona finds that:

1. Storm water runoff from lands modified by human activities threatens public health and safety by causing increased runoff flows and velocities, which overtaxes the carrying capacity of existing streams and storm sewers, and greatly increases the cost of public facilities to convey and manage storm water.
2. Inadequate planning and management of storm water runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream beds and stream banks thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals, and pathogens. Groundwater resources are also impacted through loss of recharge.
3. These impacts happen mainly through a decrease in natural infiltration of storm water.
4. A comprehensive program of storm water management, including reasonable regulation of development and other activities causing loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the City of Altoona, and all the people of the greater Susquehanna River/Chesapeake Bay Watershed, their resources and the environment.
5. Public education on the control of pollution from storm water is an essential component in successfully addressing storm water.
6. Federal and state regulations require the City to implement a program of storm water controls. The City is required to obtain a federal permit for storm water discharges from its storm sewer systems under the National Pollutant Discharge Elimination System.
7. Non-storm water discharges to separated storm sewer systems can contribute to pollution of waters of the Commonwealth by the City.

C. Purpose

The purpose of these regulations is to promote the public health, safety and welfare by minimizing the damages described in Section 201 of this Article by provisions designed to:

1. Assure safe management of storm water runoff resulting from land alteration and disturbance activities in accordance with watershed storm water management plans adopted pursuant to the PA storm water Management Act (Act 167 of 1975 as amended)
2. Utilize and preserve the existing natural drainage systems and to preserve the flood carrying capacity of streams.
3. Encourage natural infiltration of rainfall to preserve groundwater supplies and stream flows.
4. Provide for adequate maintenance of all permitted storm water management structures in the municipality.

5. Achieve compliance with the requirements of the City's Stormwater NPDES Permit conditions.
6. Provide review procedures performance standards, and design criteria for storm water planning and management.
7. Meet legal water quality requirements under state law, including the regulations at 25 PA Code Chapter 93.4a to protect and maintain existing uses and maintain the level of water quality to support those uses in all streams, and to protect and maintain water quality in special protection streams.
8. Prevent stream bank and stream bed scour and erosion.
9. Manage storm water impacts close to the runoff source, which requires a minimum of structures and relies on natural processes.
10. Provide a mechanism to identify controls necessary to meet the National Pollution Discharge Elimination System permit requirements.
11. Implement an illegal discharge detection and elimination program to address non-storm water discharges into the separated storm sewer system.

D. Applicability

The following activities involving alteration or development of land are deemed to have possible effects upon storm water runoff characteristics and are included within the scope of this ordinance:

1. Subdivision or parcels of subdivision.
2. Land development
3. Construction of new or additional impervious surfaces with reduced permeability (driveways, parking lots, etc.).
4. Installation, replacement or substantial repair of storm water systems or appurtenances.
5. Earthmoving as required by Erosion and Sediment Pollution Control Ordinance of the City of Altoona.
6. Placement of fill, structure, or pipes in the floodplains as designated on the official floodplain map, and as may be documented by other pertinent sources of floodplain information, used by the City.
7. Construction of new buildings or additions to existing buildings.
8. Forest management operations.
9. Nursery operations.
10. Diversion or piping of any natural or man-made stream channel.
11. Mining operations.
12. In general, this Article applies to any land development activities within the City, all storm water runoff entering into the separated storm sewer system from lands within the City, and existing storm water best management practices.
13. Storm water activities are also regulated under existing state law and implementing regulations. The Article shall operate in conjunction with those parallel requirements; the requirements of this Article shall be no less restrictive in meeting these purposes than state law.

SECTION 202. DEFINITIONS

A. General

The meanings of all words within this Article shall be controlled by Article IV of Title Ten of this Ordinance, with the exception of those listed in subsection B below. In the case where a word is listed below, the definition given shall control for this Article, unless the context clearly indicates otherwise.

B. Specific Definitions

At this time, there are no terms which apply only to this Title.
Please refer to Title Ten Article IV for definitions.

SECTION 203. STORM WATER MANAGEMENT PERFORMANCE STANDARDS

A. General Standards

1. Maintenance of natural drainage-ways - All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the Altoona City Council. All encroachment activities shall comply with the requirements of Chapter 105 (Water Obstructions and Encroachments) and Chapter 106, Floodplain Management, of Title 25, as amended, Rules and Regulations of the Pennsylvania Department of Environmental Protection.
2. Methods of storm water runoff detention and control - The following is a listing of detention and control methods which may be utilized in storm water management systems, if appropriate. The choice of control techniques is not limited to the ones appearing on this list.
   a. Decreased impervious area covered
   b. Routed flow over grass
   c. Grassed channels and vegetated strips
   d. Where soil conditions permit, roof drain seepage pits, seepage trenches or other infiltration structures
   e. Porous pavement and concrete lattice block surfaces
   f. Cisterns and underground reservoirs
   g. Detention and retention basins
   h. Parking lot and street ponding
   i. Roof-top storage
3. All proposed storm water control measures shall be evaluated according to the following performance standard:
   a. Any landowner and any person engaged in the alteration or development of land which may affect storm water runoff characteristics shall implement such measures as are reasonably necessary to promote public health, safety, and welfare on the property and adjacent lands. Such measures shall include such actions as are required:
      (1) To assure that the maximum rate of storm water runoff is no greater after development than prior to development activities; or
      (2) To manage the quantity, velocity and direction of resulting storm water runoff in a manner which otherwise adequately protects health and property from possible injury.
      (3) To assure no adverse effect will occur to any abutting property.
   b. The storm water management plan for the development site shall consider all the storm water runoff flowing over the site.

c.. No discharge of toxic materials shall be permitted into any storm water management system. Where required by federal and state regulation, the landowner or developer shall be responsible for obtaining an NPDES permit for storm water discharges.

d. All land disturbance activities shall be conducted in such a way as to minimize accelerated erosion and sedimentation. Measures to control erosion shall at a minimum meet the standards of the County Conservation District and the rules and regulations of the Pennsylvania Department of Environmental Protection.

e. No site shall be subdivided by the property owner/applicant which allows one or more parcels not meeting Section 302, Paragraph (1) requirements, unless approved in writing by the City.

B. Storm water Runoff Quality Control Standards

1. Runoff Rates: There shall be no increase in the peak rate of storm water runoff discharge from any activity covered by this Article following the completion of the activity (post-development conditions) over the rate that would have occurred from the land prior to the activity (pre-development conditions). This criteria shall apply to the total activity even if the activity is to take place in stages.

   a. Off site areas which drain through a proposed development site are not subject to the control standard when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site. The preceding standard at the discretion of the Storm Water Officer.

   b. Where the site area to be impacted through a proposed development activity differs significantly from the total site area, only the proposed impact area shall be subject to the runoff criteria.

2. Storm Frequencies. Storm water management facilities on all development sites shall control the peak storm water discharge for the 2-, 10-, 25- and 100-year storm frequencies. The United States Department of Agriculture - National Resource Conservation Service (USDA NRCS) 24-hour, Type II Rainfall Distribution shall be used for analyzing storm water runoff for both pre- and post-development conditions. The 24-hour total rainfall for these storm frequencies in the watershed are:

Storm Frequency	**Rainfall Depth (inches)**
2-year	2.6
10-year	3.8
25-year	4.6
100-year	6.1

3. Calculation Methods

   a. Development Sites: For the purpose of computing peak flow rates and runoff hydrographs from development sites, calculations shall be performed using one of the following: United States Department of Agriculture - National Resource Conservation Service (USDA NRCS) publications, Technical Release (TR) 55 or 20, HEC I or Penn State Runoff Model (PSRM) or Modified Rational Method. Under special circumstances other computation methods may be used subject to the approval of the City of Altoona.

   b. Storm water Collection/Conveyance Facilities: For the purposes of designing storm sewers, open swales and other storm water runoff collection and conveyance facilities, the Rational Method or other method as approved by the City of Altoona may be applied. Rainfall intensities for design should be obtained from the Pennsylvania Department of Transportation rainfall charts.

   c. Routing of hydrographs through detention/retention facilities for the purpose of designing those facilities shall be accomplished using the recognized reservoir routing methods subject to the approval of the Storm Water Officer.

d. Predevelopment Conditions: Predevelopment conditions shall be assumed to be those which exist on any site prior to commencing any development activities. Soil Conservation Service (SCS) runoff curve numbers selected for use in the calculations shall accurately reflect existing conditions subject to the approval of the City of Altoona. At its discretion, the City of Altoona may direct that hydrologic conditions for all areas with pervious cover (i.e., fields, woods, lawn areas, pastures, cropland, etc.) shall be assumed to be in "good" condition, and the lowest recommended Soil Conservation Service (SCS) runoff curve number (CN) shall be applied for all pervious land uses within the respective range for each land use and hydrologic soil group. Impervious cover shall include, but not be limited to, any roof, parking, or driveway areas, and any new streets and sidewalks. Any areas designed to initially be gravel or crushed stone shall be assumed to be impervious for the purposes of these criteria. The Storm Water Officer has the authority to require that computed existing runoff rates be reconciled with field observations and conditions. If the designer can substantiate through actual physical calibration that more appropriate runoff values should be used at a particular site, then appropriate variations may be made upon review and recommendations of the Storm Water Officer. Calibration shall require detailed gauge and rainfall data for the particular site in question.

4. Storm water Quality Management Requirements

a. Applicability

In addition to the other performance standards and design criteria requirements of this Article, the land developer shall implement the following water quality requirements unless otherwise exempted by the provisions of this Article.

b. Water Quality Requirements

(1) No regulated activities within the Municipality shall commence until approval by the Municipality of a plan which demonstrates compliance with State Water Quality Requirements after construction is complete.

(2) Storm water best management practices must be designed, implemented, and maintained to meet State Water Quality Requirements in effect on (effective date of amendment).

(3) To control post-construction storm water impacts from regulated activities, State Water Quality Requirements can be met by BMPs, including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction discharges do not degrade the physical, chemical, or biological characteristics of the receiving waters. This may be achieved by the following:

(a) Infiltration: replication of pre-construction storm water infiltration conditions.

(b) Treatment: use of water quality treatment BMP's to ensure removal of the chemical and physical pollutants from the storm water runoff, and

(c) Streambank and Streambed Protection: management of volume and rate of post- construction storm water discharges to prevent physical degradation of receiving waters (e.g. from scouring).

(4) Provisions for the assurance of long-term operations and maintenance of BMP's must be provided in accordance with Section 205, below.

(5) Acceptable storm water management BMP's must be provided to manage the net increase in storm water runoff volume from the land development activities from a 2-year/24-hour frequency storm. This equates to 2.6 inches of rainfall occurring over a twenty-four hour period.

(6) Evidence of any necessary permit(s) for earth disturbance activities from the appropriate DEP regional office must be provided to the Municipality.

c. BMP Selection Criteria

(1) BMP selection and application shall be in accordance with guidance provided in the BMP handbooks and design manuals published by the Department of Environmental Protection. In selecting the appropriate BMP's or combinations thereof, the land developer shall consider the following:

(a) Total contributing area
(b) Permeability and infiltration rate of the site soils
(c) Slope and depth to bedrock
(d) Seasonal high water table
(e) Proximity to building foundations and well heads
(f) Erodibility of soils
(g) Land availability and configuration of the topography

(2) The following additional factors should be considered when evaluating the suitability of the BMPs used to control water quality at a given development site.

(a) Peak discharge and required volume control
(b) Streambank erosion
(c) Efficiency of the BMPs to mitigate potential water quality problems
(d) The volume of runoff that will be effectively treated
(e) The nature of the pollutant(s) being removed
(f) Maintenance requirements
(g) Recreation value
(h) Enhancement of aesthetics and property values

C. Design Criteria for Storm water Management Controls

1. General Criteria

a. Applicants may select runoff control techniques, or a combination of techniques, which are most suitable to control storm water runoff from the development site. All controls shall be subject to approval of the storm water officer. The storm water officer may request specific information on design and/or operating features of the proposed storm water controls in order to determine their suitability and adequacy in terms of the standards of this ordinance.

b. The applicant should consider the effect of the proposed storm water management techniques on any special soil conditions or geological hazards which may exist on the development site. In the event such conditions are identified on the site, the storm water officer may require in-depth studies by a competent geotechnical engineer. Not all storm water control methods may be advisable or allowable at a particular development site.

c. In developing a storm water management plan for a particular site, storm water controls shall be selected according to the following order of preference:

(1) infiltration and/or treatment of runoff on-site
(2) flow attenuation by use of open vegetated swales and natural depressions
(3) storm water detention/retention structures

d. Infiltration practices shall be used to the extent practicable to reduce volume increases and promote groundwater recharge. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for rejecting each of the preferred practices based on actual site conditions.

2. Criteria for infiltration systems

a. Infiltration systems shall be sized and designed based upon local soil and ground water conditions.

b. Infiltration systems greater than three (3) feet deep shall be located at least ten (10) feet from basement walls.

c. Infiltration systems shall not be used to handle runoff from commercial or industrial working or parking areas. This prohibition does not extend to roof areas which are demonstrated to be suitably protected from the effects of the commercial/industrial activities.
d. Infiltration systems may not receive runoff until the entire drainage area to the system has received final stabilization.
e. The storm water infiltration facility design shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall.

3. Criteria for flow attenuation facilities
   a. If flow attenuation facilities are employed to assist in the control of peak rates of discharge, their effects must be quantified using the *SCS (Soil Conservation Service) Technical Release (TR) 55 Urban Hydrology for Small Watersheds* or other approved method. The effects of the flow attenuation facilities on travel time should be reflected in the calculations.
   b. Flow attenuation facilities such as swales and natural depressions should be properly graded to ensure positive drainage and avoid prolonged ponding of water.
   c. Swales shall be properly vegetatively stabilized or otherwise lined to prevent erosion.
   d. Swales shall be designed according to the recommendations contained in the *Commonwealth of Pennsylvania Erosion and Sediment Pollution Control Program Manual*.
4. Criteria for storm water detention facilities
   a. All detention facilities shall be equipped with outlet structures to provide discharge control for the four (4) designated storm frequencies. Provisions shall also be made to safely pass the post-development 100-year storm runoff without damaging (i.e., impairing the continued function of the facilities). Should any storm water management facilities qualify as a dam under PA DEP Chapter 105, the facility shall be designed in accordance with those regulations and meet the regulations concerning dam safety.
   b. Shared-storage facilities which provide detention of runoff for more than one development site within a single subarea are encouraged wherever feasible and provided such facilities meet the criteria contained in this section. In addition, runoff from the development sites involved shall be conveyed to the facility in a manner that avoids adverse impacts (such as flooding or erosion) to channels and properties located between the development site and the shared-storage facilities.
   c. Where detention facilities will be utilized, multiple use facilities, such as wetlands, lakes, ballfields or similar recreational/open space uses are encouraged wherever feasible, subject to the approval of the City of Altoona and Pennsylvania Department of Environmental Protection Chapter 105 Regulations.
   d. Other considerations which should be incorporated into the design of the detention facilities include:
      (1) Storm water system shall be the first thing constructed unless otherwise noted in writing by the City.
      (2) Inflow and outflow structures shall be designed and installed to prevent erosion and bottoms of impoundment type structures should be protected from soil erosion.
      (3) Control and removal of debris both in the storage structure and in all inlet or outlet devices shall be a design consideration.
      (4) Inflow and outflow structures, pumping stations, and other structures shall be designed and protected to minimize safety hazards.
      (5) The water depth at the perimeter of a storage pond should be limited to that which is safe for children. Restriction of access (fence, walls, etc.) may be

necessary depending on the location of the facility and the maximum depths of water.

(6) Side slope of storage ponds shall not exceed a ratio of two-and-one-half to one (2.5:1) horizontal to vertical dimension.

(7) Landscaping shall be provided for the facility which harmonizes with the surrounding area.

(8) Facility shall be located to facilitate maintenance, considering the frequency and type of equipment that will be required.

(9) Bottoms of detention basins should be graded with sufficient slope to provide positive surface drainage. A subdrainage system may be required depending on the location of the pond bottom relative to groundwater levels.

(10) Fencing shall be provided if required by the City of Altoona.

(11) Where the tract is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainageway, channel or stream, of such width as will be adequate to: (1) preserve the unimpeded flow of natural drainage, or (2) encompass the widening, deepening, improving or protecting of such drainage facilities. An existing watercourse, drainageway, channel, or stream location shall be changed only when approved by the City.

(12) Natural drainageways shall be utilized to the maximum extent possible in carrying storm water runoff.

(13) Erosion and sedimentation – All earthmoving activities shall be conducted in such a way as to minimize accelerated erosion and resulting sedimentation. Measures to control erosion and sedimentation shall at a minimum meet the standards of the Conservation District and Chapter 102 (Erosion and Sedimentation Control) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Protection, and Article I of Title Four of this Ordinance.

(14) All structures are to be located and sited to minimize the risk of flooding of said structures. When the elevation of any entrance to a structure, including windows; whether existing or to be constructed on a site, is lower than the elevation of the public cartway serving that site, any site plan which includes construction or alteration of structures and/or grading shall show a method to minimize the risk of flooding from drainage moving from the public cartway.

(15) In areas underlain with limestone geology, detention and retention ponds shall be lined. If a sinkhole develops in a pond or channel, a lining shall be required to be installed by the developer. Storm water resulting from land development shall not be discharged into sinkholes.

(16) Methods of storm water detention/retention and control which are designed to result in the surface accumulation of ponding, may be enclosed at the discretion of the City. Said enclosure shall be designed to restrict access to authorized individuals only, while providing maintenance capabilities.

(17) Any storm water management facility required or regulated by this ordinance shall be designed to provide an emergency spillway to handle flow up to and including the 100-year post-development conditions. The height of embankment must be set as to provide a minimum 1.0 foot of freeboard above the maximum pool elevation computed when the facilities functions for the 100-year post-development inflow. However, criteria for design and construction of storm water management facilities are not the same criteria that are used in permitting of dams under the Department of Environmental Protection Dam Safety Program. Depending upon the physical characteristics of a dam, a dam permit may be required and the design will have to meet

the provisions of Chapter 105 of the Dam Safety and Encroachments Act. Depending on the physical characteristics of a dam, the design could require that anywhere from a 50-year to a Probable Maximum Flood storm event be considered.

(18) Percolation test may be required after an evaluation of soil profile indicates that soils may be suitable for an on-lot storm water runoff control system.

(19) Construction criteria from storm water management facilities shall be in accordance with the approved plans and accompanying specifications.

(20) Cut and Fill Slopes shall be no steeper than two (2) horizontal to one (1) vertical feet, unless substantiated data justifying steeper slopes presented by a professional engineer are submitted to, and approved by the City. If fill is used, it shall:

(a) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.

(b) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or setting.

(c) Be used to the extent to which it does not adversely affect adjacent properties.

(d) Meet the requirements of "Standards Specifications – Form A" General Technical Provisions – Section 1 – Earthwork – of the City of Altoona.

D. <u>Design Criteria for Collection/Conveyance Facilities</u>

1. All storm water runoff collection or conveyance facilities, whether storm sewers or other open or closed channels, shall be designed in accordance with the following basic standards:

a. All sites shall be graded to provide drainage away from and around the structure in order to prevent any potential flooding damage.

b. Lots located on the high side of streets shall extend roof and French drains to the curb line storm sewer (if applicable). Low side lots shall extend roof and French drains to a storm water collection/conveyance/control system or natural watercourse in accordance with the approved storm water management plan for the development site.

c. Collection/conveyance facilities should not be installed parallel and close to the top or bottom of a major embankment to avoid the possibility of failing or causing the embankment to fail.

d. All collection/conveyance facilities shall be designed to convey the 25-year storm peak flow rate from the contributing drainage area and to carry it to the nearest suitable outlet such as a storm water control facility, curbed street, storm sewer or natural watercourse without damage to the drainage structure or roadway, with runoff from the 25-year design storm at a minimum 1 foot of freeboard measured below the lowest point along the top of the roadway. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm with a minimum of 1.5 foot freeboard measured below the lowest point along the top of the roadway.

(1) When it can be shown that, due to topographic conditions, natural drainage ways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainage ways. Work within natural drainage ways shall be subject to approval by Pennsylvania Department of Environmental Protection through the Joint Permit Application process, or, where appropriate by Pennsylvania Department of Environmental Protection through the General Permit process.

e. Where drainage swales or open channels are used, they shall be suitably lined to prevent erosion and designed to avoid excessive velocities.

f. Storm water drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by storm water management facilities or open channels consistent with this Ordinance.
g. Existing points of concentrated drainage that discharge onto adjacent property shall not be altered without permission of the altered property owner(s) and shall be subject to any applicable discharge criteria specified in this Ordinance.
h. Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this ordinance. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge.
i. Where a development site is traversed by watercourses, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easements shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of storm water within any portion of the easement. Also maintenance, including mowing of vegetation within the easement shall be required, except as approved by the Storm Water Officer.
j. Any storm water management facilities regulated by this Article that would be located in or adjacent to waters of the Commonwealth of Pennsylvania or wetlands shall be subject to approval by the Pennsylvania Department of Environmental Protection through the Joint Permit Application process, or, where deemed appropriate by the Pennsylvania Department of Environmental Protection, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Developer or his agent to show that the land in question cannot be classified as wetlands, otherwise approval to work in the area must be obtained by the Pennsylvania Department of Environmental Protection.
k. Any storm water management facilities regulated by this Article that would be located on State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation.
l. In order to promote overland flow and infiltration/percolation of runoff where it is advantageous to do so, roof drains must not be connected to streets, sanitary or storm sewers, or roadside ditches. When it is more advantageous to connect directly to streets or storm sewers, then it shall be permitted on a case by case basis by the Storm Water Officer.

2. Wherever storm sewers are proposed to be utilized, they shall comply with the following criteria:
   a. Where practical, designed to traverse under seeded and planted areas. If constructed within ten (10) feet of road paving, walks or other surfaced areas, drains shall have a narrow trench and maximum compaction of backfill to prevent settlement of the superimposed surface or development.
   b. Preferably installed after excavating and filling in the area to be traversed is completed, unless the drain is installed in the original ground with a minimum of three (3) feet cover and/or adequate protection during the fill construction.
   c. Storm sewers shall be designed:
      (1) with cradles when traversing fill areas of indeterminate stability,
      (2) with anchors when gradient exceeds twenty (20%) percent, and
      (3) with encasement or special backfill requirements when traversing under a paved area.
      (4) to include a gas trap at the point of discharge. This standard is applicable only when tying into a combined sewer system.

d. Designed to adequately handle the anticipated storm water flow and be economical to construct and maintain. The minimum pipe size shall be fifteen (15) inches in diameter in a City right-of-way.
e. Drain pipe, trenching, bedding and backfilling requirements shall conform to the requirements of the City of Altoona and/or applicable Pennsylvania Department of Transportation Specifications, Form 408.
f. All corrugated metal pipe shall be polymer coated, and with asbestos bonding and paved inverts where prone to erode. Pipe within a municipal right-of-way shall be reinforced concrete pipe with a minimum diameter of 15 inches unless otherwise directed by the Storm water officer.
g. Storm inlets and structures shall be designed to be adequate, safe, self-cleaning and unobtrusive and consistent with municipal standards. At a minimum, storm inlets shall be at least six feet deep and four feet in diameter (inside measurements) with a minimum sump of two and one-half feet (2½') and a maximum sump of three feet (3'). To encourage infiltration, leaching-type catch basins are allowed, subject to design approval.
h. Appropriate grates shall be designed for all catch basins, storm water inlets and other entrance appurtenances.
i. Manholes shall be designed so that the top shall be at finished grade and sloped to conform to the slope of the finished grade. Top castings of structures located in roads or parking areas shall be machined or installed to preclude "rattling."
j. Where a proposed storm sewer connects with an existing storm sewer system, and there will be an increase in the rater of flow of storm water onto the downstream property, the applicant shall demonstrate that sufficient capacity exists in the downstream system to handle the additional rate of flow.
k. Storm sewer outfalls shall be equipped with energy dissipation devices to prevent erosion and conform with applicable requirements of the Pennsylvania Department of Environmental Protection for stream encroachments (Chapter 105 of Pennsylvania Department of Environmental Protection Rules and Regulations).

E. <u>Prohibitions</u>

1. Prohibited Discharges
   a. No person in the City shall allow, or cause to allow, stormwater discharges into the separate storm sewer system which are not composed entirely of stormwater, except discharges allowed under a state or federal permit or as provided in subsection B below
   b. Discharges which may be allowed, based on a finding by the Storm Water Officer that the discharges do not significantly contribute to pollution to surface waters of the Commonwealth of Pennsylvania, are:
      (1) Discharges from fire fighting activities
      (2) Potable water sources including dechlorinated water line and fire hydrant flushing
      (3) Irrigation drainage
      (4) Routine external building wash down (which does not use detergents or other compounds)
      (5) Air conditioning condensate
      (6) Water from individual residential car washing
      (7) Water from crawl space pumps
      (8) Uncontaminated water from foundation or from footing drains
      (9) Flows from riparian habitats and wetlands
      (10) Lawn watering
      (11) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used
      (12) Dechlorinated swimming pool discharges

(13) Uncontaminated groundwater
(14) Springs

c. In the event that the Storm Water Officer determines that any of the discharges identified in Subsection B significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Storm Water Officer will notify the responsible person to cease the discharge.
d. Upon notice provided by the Storm Water Officer under Subsection C, the discharge will have a reasonable time, as determined by the Storm Water Officer, to cease the discharge consistent with the degree of pollution caused by the discharge.
e. Nothing in this Section shall affect a discharger's responsibilities under state law.

2. Prohibited Connections
   a. Except as provided in Section 1 above, any drain or conveyance, whether on the surface or subsurface, which allows any non-storm water discharge including sewage, process wastewater, and wash water to enter the separate storm sewer system, and any connections to the storm drain system form indoor drains and sinks are prohibited.
   b. Except as provided in Section 1 above any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the City are prohibited.
3. Roof Drains
   a. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches except as provided in Section B below.
   b. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the Storm Water Officer.
   c. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.
4. Alternation of BMPs
   a. No person shall modify, remove, fill, landscape or alter any existing storm water BMP, unless it is part of an approved maintenance program without the written approval of the Storm Water Officer.
   b. No person shall place any structure, fill, landscaping or vegetation into a storm water BMP or within a drainage easement, which would limit or alter the functioning of the BMP without written approval of the Storm Water Officer.

F. Erosion and Sedimentation Controls
   1. An erosion/sedimentation plan shall be prepared for each development site in accordance with the Pennsylvania Erosion/Sedimentation Regulations (25 PA Code, Chapter 102), the standards and guidelines of the County Conservation District, and Article I of Title Four of this Ordinance.
   2. Evidence of any necessary permits for regulated earth disturbance activities from the appropriate regional office or County Conservation District must be provided to the City.
   3. A copy of the Erosion and Sediment Control Plan and any required permit, as required by DEP regulations, shall be available at the project site at all times.

SECTION 204. STORM WATER PLAN REQUIREMENTS

A. General Requirements

No permit authorizing construction issued, or any clearing and grubbing, or earth moving or land disturbance activity initiated until the final storm water management plan for the development site is approved in accordance with the provisions of this Article. Storm water management plans shall be approved as part of the required development reviews

under Title Five, Title Six, Title Seven or Title Eight of this Ordinance in a sequence and manner best fitting the site and situation of the project.

B. Exemptions
The following activities are exempt from the storm water management plan preparation provisions of this Article. Exemption shall not relieve the applicant from providing adequate storm water management to meet the purpose of this Article.
1. Any regulated activity that would create 5,000 square feet or less of impervious area. This criterion shall apply to the total development even if development is to take place in phases. The owner still must provide adequate storm water management, such as roof drain seepage pits, even though no plan is submitted, or any other storm water management that may be required by the City.
2. Land disturbance associated with existing one and two family dwellings.
3. Use of land for gardening for home consumption.
4. Agriculture when operated in accordance with a conservation plan or erosion and sedimentation control plan approved by the Conservation District. The agricultural activities such as growing crops, rotating crops, filling of soil and grazing animals and other such activities are specifically exempt from complying with the requirements of this Article when such activities are conducted in accordance with a conservation plan prepared by the Blair County Conservation District. The construction of buildings, parking lots or any activity that may result in impervious surface which increases the rate and volume of storm water runoff shall comply with the requirements of this Article.
5. Forest management operations which are following the Department of Environmental Protection's management practices contained in its publication *Soil Erosion and Sedimentation Control Guidelines for Forestry* and are operating under an erosion and sedimentation control plan.

C. Plan Contents
Plan contents shall conform to the requirements of Article I of Title Ten.

D. Plan Review
Plans shall be reviewed in accordance with Article V (Standard Procedures), Title Four of this Ordinance.

SECTION 205. MAINTENANCE

A. Maintenance Responsibilities
1. The storm water management plan for the development site shall contain an operation and maintenance plan prepared by the developer and approved by the Planning Agency on the recommendations of the Storm Water Officer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the facility(ies).
2. A note on the plan indicating the location and responsibility for maintenance of storm water management facilities that would be located off-site. All off-site facilities shall meet the performance standards and design criteria specified in this Article.
3. A statement, signed by the landowner, acknowledging the storm water management system to be a permanent fixture that can be altered or removed only after approval of a revised plan by the City Engineer.
4. The maintenance plan for storm water management facilities located on the development site shall establish responsibilities for the continuing operation and maintenance of all proposed storm water control methods and facilities, consistent with the following principles:
   a. If a development consists of structures or lots which are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the City of Altoona, storm water control facilities located within these other

public improvements shall also be dedicated to and maintained by the City of Altoona.

b. If a development site is to be maintained in a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of storm water control methods and facilities shall be the responsibility of the owner or private management entity.

5. Upon recommendation of the Storm Water Officer, the Altoona City Planning Commission shall make the final determination regarding the continuing maintenance responsibilities prior to final approval of the storm water management plan. Notwithstanding any provision to the contrary herein, City Council reserves the right to accept or reject the ownership and operating responsibility for any or all of the storm water control methods and facilities, and to determine the terms and conditions under which it will accept ownership and operating responsibility.

B. Maintenance Agreement for Privately Owned Storm Water Facilities

1. Prior to final approval of the site's storm water management plan, the applicant and Altoona City Planning Commission shall execute a maintenance agreement covering all storm water control facilities which are to be privately owned. The maintenance agreement shall be recorded with the final subdivision/land development plan for the site. The agreement shall stipulate that:

a. The owner shall maintain all facilities in accordance with the approved maintenance schedule and shall keep all facilities in a safe and attractive manner.

b. The owner shall convey to the City of Altoona easements and/or rights-of-way to assure access for periodic inspections by the City of Altoona and maintenance, if required.

c. The owner shall keep on file with the City of Altoona the name, address and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information will be submitted to the City of Altoona within ten (10) days of the change.

d. If the City of Altoona determines at any time that any permanent storm water management control facility has been eliminated, altered or improperly maintained, the owner of the property shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the City of Altoona may cause the work to be done, file a municipal claim or lien against the property, or institute an action *in assumpsit* against the property owner, to collect all costs, i.e. contractor's work, administrative costs, filing, fees, and interest at 6% on the unpaid balance.

2. Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the municipal solicitor and governing body.

3. Municipal Storm Water Maintenance Fund

a. Persons installing storm water storage facilities shall be required to pay a specified amount to the Municipal Storm water Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:

(1) If the storage facility is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the City of Altoona for a period of ten (10) years, as estimated by the Storm Water Officer. After that period of time, inspections will be performed at the expense of the City.

(2) If the storage facility is to be owned and maintained by the City of Altoona, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. The Storm Water Officer will establish the estimated costs utilizing information submitted by the applicant.

(3) The amount of the deposit to the fund shall be converted to present worth of the annual series values. The storm water officer shall determine the present worth equivalents which shall be subject to the approval of the Planning Agency.

b. If a storage facility is proposed that also serves as a recreation facility (e.g., ballfield, lake), the Altoona City Planning Commission may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purposes.

c. If in the future a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

d. In the event of a dispute between the owner and the Storm Water Officer over the amount of the maintenance fund deposit, both parties shall appear before the Planning Commission, which shall mediate the dispute. Parties aggrieved by the Commission's decision may appeal to a court of competent jurisdiction.

C. <u>Inspections of Storm Water Facilities</u>

1. The owner of the storm water management facilities shall keep record of the approved maintenance schedule, all activities undertaken in compliance with the approved schedule, as well as any other maintenance activities that were necessary.
2. Said records shall be opened to the Storm Water Officer upon request so he may verify that maintenance is proceeding as approved.
3. The storm water management facilities shall also be made available to the Storm Water Officer upon request for the purpose of inspection.
4. Where the storm water management facilities are tied into a combined sewer system, the Altoona City Authority shall also have the same inspection rights as the Storm Water Officer so as to properly operate the sewer system. This includes the imposition of fees as deemed necessary by said Authority.
5. Storm water management facilities shall be inspected by the Storm Water Officer at least once in every two-year period.

ARTICLE III
FLOODPLAIN REGULATIONS

SECTION 301. GENERAL PROVISIONS

A. Statement of Intent

The purpose of this Article is to promote the general health, welfare, and safety of the residents of the City through regulation of development in designated floodplains. More specifically, these Regulations are designed to encourage the utilization of appropriate construction practices in order to prevent or minimize dangers to public health by protecting water supply and natural drainage from the effects of flooding; and to reduce financial burdens imposed on the City, its governmental units, and its residents, by preventing excessive and inappropriate development in designated floodplains.

B. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of these Regulations is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside any Identified Floodplain Area, or that land uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

SECTION 302. DEFINITIONS

A. General

The meanings of all words within this Article shall be controlled by Article IV of Title Ten of this Ordinance, with the exception of those listed in subsection B below. In the case where a word is listed below, the definition given shall control for this Article, unless the context clearly indicates otherwise.

B. Specific Definitions

At this time, there are no terms which apply only to this Title.
Please refer to Title Ten Article IV for definitions.

SECTION 303. IDENTIFICATION OF FLOODPLAIN AREAS

A. Identification

The areas considered to be floodplain within the City of Altoona shall be those areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for the City of Altoona by the Federal Emergency Management Agency (FEMA) dated March 2, 1983, & July 16, 1987.

A map showing all areas considered to be subject to the one hundred (100) year flood is available for inspection at the City of Altoona offices. The following nomenclature is used in referring to the various kinds of floodplain areas:

1. Floodway Area (FW): The areas identified as "Floodway" in the FIS prepared by the FEMA.

2. Floodfringe Area (FF): The areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by the Federal Emergency Management Agency.

B. Description of Floodplain Areas

1. The Floodway Area (FW) is delineated for purposes of this Article using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this area are specifically defined in the Floodway Data Table contained in the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.
2. The Floodfringe Area (FF) shall be that area of the one hundred (100) year floodplain not included in the Floodway. The basis for the outermost boundary of this District shall be the one hundred (100) year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map.

C. Changes in Identification of Area

The areas considered to be floodplain may be revised or modified by the City of Altoona where studies or information provided by a qualified agency or person document the need or possibility for such revision and shall follow the guidelines as set forth in these Regulations and all applicable Federal Emergency Management Agency Requirements. No modification or revision or any floodplain area identified in the Flood Insurance Study shall be made without prior approval from the Federal Emergency Management Agency.

D. Boundary Disputes

Should a dispute arise concerning any identified floodplain boundary, an initial determination shall be made by the Floodplain Officer and any party aggrieved by this decision may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

SECTION 304. ADMINISTRATION

A. Floodplain Permit Offier

A Floodplain Permit Officer shall be appointed and given the duty, power, and authority to enforce the provisions of this Article. The Officer shall examine all applications for permits within any floodfringe or floodway area, approve floodplain area permits for construction, development, and use of land, or interior repair in accord with the requirements set forth herein, record and file all applications for permits with accompanying plans and documents, identify and register all existing uses and structure within the Identified Floodfringe and Floodway Areas, coordinate all City departments and other governmental agencies to ensure compliance, and make such reports as may be required.

B. Determination of Jurisdiction

1. Before any application for building permit, zoning permit, subdivision plan, development plan, or other permit or plat is approved, it shall be reviewed to determine whether the property is entirely or partially within an Identified Floodplain Area. Such review shall be in accordance with the Flood Boundary and Floodway Map as prepared by Federal Emergency Management Agency.
2. This information shall be supplied to all reviewing departments by the Floodplain Permit Officer and shall be prepared using the information contained on the Flood Boundary and Floodway Maps.

3. All such applications for permit or plat approval shall be forwarded to the Floodplain Permit Officer before any review or action is undertaken.
4 Upon receipt of any such application, the Permit Officer shall make one (1) of the following determinations within ten (10) working days:
   a. The proposal is located within an Identified Floodfringe or Floodway Area and an application must be made according to the requirements of the Floodplain Regulations.
   b. The proposal constitutes Minor Repairs as defined in Article IV of Title Ten above, and no Floodplain Area Permit is required.
   c. The proposed construction, development, use of land, or interior repair is located outside of the Identified Floodfringe or Floodway Area, and no Floodplain Area Permit is required.
5. If the Floodplain Permit Officer determines that a proposal is located within the Identified Floodfringe or Floodway Area, then no permit shall be issued or plat approved until the applicant has adequately addressed all requirements contained within this Article or submitted a site plan of the proposal showing its location to be entirely outside an Identified Floodplain Area.
6. It shall be the sole responsibility of the applicant to supply a site plan of the proposal as required in Article I of Title Ten, enabling the Permit Officer to determine the location of the proposal in relation to the Identified Floodplain Area.
7. Upon determining the location of a proposal in relation to the Identified Floodfringe or Floodway Area, the Floodplain Permit Officer shall certify, in writing, this determination.

C. <u>Application Submission</u>

A person or corporation desiring approval of any construction, development, use of land, or interior repair lying entirely or partially within an Identified Floodfringe or Floodway Area within the jurisdiction of the City of Altoona shall submit a Floodplain Area Permit Application to the offices of the Floodplain Permit Officer. Such application shall be accompanied by the information set forth in Title Ten, Article I, Sections 101 and 106. All application forms are available in the offices of the Floodplain Permit Officer. All applications for interior repair which constitute minor repairs (as defined) are exempt unless a Certificate of Floodplain Compliance has been issued for the property.

D. <u>Application Review</u>

Applications shall be reviewed in accordance with Article V below. The following points are specific to the floodplain regulations and shall be integrated into the review process established in Article V.

1. Upon submission of a Floodplain Area Permit Application, the Permit Officer shall prepare said application for review by appropriate City departments. The Permit Officer shall, within ten (10) working days from the date of submission, forward the application and all accompanying information to the following City officials:
   a. City Engineer
   b. Planning Administrator
   c. Building Inspector
   d. Zoning Officer
   e. Plumbing Inspector
   f. Electrical Inspector
   g. Storm Water Officer

h. Redevelopment Authority for the City of Altoona when application is made for a proposal within a redevelopment area.

2. Each of the reviewing departments shall, within ten (10) working days after receipt, to submit, in writing, their comments and recommendations on the application to the Floodplain Permit Officer. The comments and recommendations of the reviewing department shall be considered by the Floodplain Permit Officer for incorporation within the proposal. Failure to submit written comments within ten working days shall be deemed as that department's approval of the application as submitted.
3. Upon submission of a Floodplain Area Permit Application and prior to the issuance of any building permit, the Permit Officer shall review the application to determine if other governmental permits or approvals have been met. No Floodplain Area Permit shall be issued until this determination is made. Other governmental permits or approvals shall include, but not be limited to, the following:
   a. PA Sewage Facilities Act (Act 1966-537, as amended).
   b. PA Dam Safety and Encroachment Act (Act 1978-325, as amended).
   c. PA Storm Water Management Act (Act 1978-167, as amended)
   d. PA Clean Streams Act (Act 1937-394, as amended).
   e. U.S. Clean Water Act (Section 404, 33, USC 1334).
   f. The Altoona Planning Code.
   g. 2003 International Building Code.
   h. Urban Renewal Plans and Proposals of the City of Altoona.
   i. Street Cut and Driveway Permits of the City of Altoona.
4. Upon submission of a Floodplain Area Permit Application for any proposal requiring action as defined in Section 305, a copy of the application and accompanying information shall be submitted by the applicant to the County Conservation District for soil erosion review and/or permits or approvals. The recommendations of the Conservation District shall be addressed by the applicant during the application process.

E. <u>Other Review Factors</u>

In passing upon applications for Floodplain Area Permits, the Floodplain Permit Officer shall have the right to review and approve or deny the permit based on relevant factors and procedures specified in other sections of this Article and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
5. The importance of the services provided by the proposed facility to the community.
6. The availability of alternative locations not subject to flooding for the proposed use.
7. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
8. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for the area.
9. The safety of access to the property in times of flood of ordinary and emergency vehicles.

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
11. Such other factors which are relevant to the purpose of this Article.

F Supplemental Technical Review

The Floodplain Permit Officer may refer any application and accompanying documentation pertaining to any request for a Flood Area Permit to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

G Application Approval or Denial

1. All applications for Floodplain Area Permits must be acted upon by the Floodplain Permit Officer within ninety (90) calendar days of receipt of the Application by the Floodplain Permit Officer. The decision of the Floodplain Permit Officer shall be in writing and shall be communicated to the applicant either in person or by mail to his last known address not later than fifteen (15) days following the decision.
2. When the Application is not approved in terms as filed, the decision shall specify the defects found in the Application and describe the requirements which have not been met and shall, in each case, cite to the provision of the statute or ordinance relied upon.
3. No Building Permit or Floodplain Area Permit shall be issued for any construction, development, use of land, or interior repair until final approval of the Application is granted by the Floodplain Permit Officer.

H Permit Issuance

1. Floodplain Area Permits shall consist of a Floodplain Location and Elevation Permit, and a Floodplain and Construction Permit. These Permits shall be issued contingent upon the requirements of these regulations and only after it is determined that all necessary requirements for issuing a Building Permit have been met. The procedure for these permits is as follows:
    1. Floodplain Location and Elevation Permit shall be issued after a land survey is conducted by a Registered Surveyor to determine the location and elevation of any proposed construction, development, or use of land. The purpose of this Permit is to ensure compliance with this Article by determining the initial location and elevation of all improvements submitted according to the requirements of Title Ten. The only activities that may be undertaken in conjunction with this Permit are excavation, grading, filling, and foundation work. The Floodplain Location and Elevation permit shall be issued only if all survey information complies with the requirements of this Article. No construction, development, or use of land shall be undertaken within an Identified Floodfringe or Floodway Area unless the above permit has been legally issued.
    2. Partial Building Permit shall be issued by the Building Inspector if all requirements for Building Codes and the Floodplain Location and Elevation Permit are satisfied.
    3. Floodplain Construction Permit shall be issued only after all activities undertaken in conjunction with the Floodplain Location and Elevation Permit have been completed according to the requirements of this Article. All activities proposed for the construction, development, or use of land, not permitted to be undertaken in conjunction with the Floodplain Location and Elevation Permit, shall be undertaken in conjunction with the Floodplain Construction Permit.

4. Supplemental Building Permit shall be issued by the Building Inspector if all requirements and regulations for Building Codes and the Floodplain Construction Permit are satisfied.

2. A Floodplain Area Permit shall be issued for all approved applications submitted according to the requirements of Title Ten.
3. All requested change orders during construction, development, use of land, or interior repair governed by the provisions of this Article must be approved, in writing, by the Floodplain Permit Officer. No approval by the Permit Officer is necessary for any requested change order not governed by these provisions.
4. No Floodplain Area Permit shall be issued for any encroachment, alteration, or improvement of any kind within a watercourse until all adjacent municipalities which may be affected by such action have been notified by the City and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. In addition, the Federal Insurance Administrator, Pennsylvania Department of Community and Economic Development, and Bureau of Community Planning, shall be notified by the City prior to any alteration or relocation of any watercourse.

I. Elevation Certificate of Floodplain Compliance

1. Upon completion of any construction, development, use of land, or interior repair, the developer shall submit to the Floodplain Permit Officer, where necessary, one reproducible set or ten (10) copies of as-built plans for all such activities undertaken within the one hundred (100) year floodplain.
2. The Permit Officer shall transmit copies of all as-built plans to all reviewing City departments, which shall review the as-built plans and all construction, development, use of land, or interior repair to determine if such activities have been completed according to applicable requirements.
3. Each department shall complete its review of the as-built plans, if required, within fourteen (14) working days and transmit its comments, in writing, to the Floodplain Permit Officer. Failure on the part of a department to respond in writing within fourteen days shall be deemed to be that department's approval of the application as submitted.
4. Once it has been determined that all construction, development, use of land, or interior repair have been completed in accordance with the requirements of this Article, the Floodplain Permit Officer shall issue an Elevation Certificate of Floodplain Compliance.
5. No such Certificate shall be issued and no construction, development, or interior repair shall be utilized, use undertaken, or dedication accepted by the City until all construction, development, use of land, or interior repair is in compliance with applicable requirements.
6. No Zoning or Building Occupancy Certificate shall be issued until after an Elevation Certificate of Floodplain Compliance has been issued and the preceding requirements are met.
7. No building situated in the floodplain area shall be permitted to have occupants until the builder, developer, or owner has secured an Occupancy Permit. The Occupancy Permit may be secured through application to the Building Inspector.

8. If all requirements for issuance of an Occupancy Permit are satisfied, the Building Inspector shall issue said Permit. If the request is denied, the builder, owner, or developer shall remedy the unsatisfactory condition and shall reapply for an Occupancy Permit.

SECTION 305. APPLICATION AND REVIEW PROCEDURES

The application procedures are those set forth in Article I of Title Ten. Review procedures are set forth in Article V below. Development standards are contained in this Article.

SECTION 306. EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

A. Existing Structures

The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 306(B) shall apply.

B. Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

1. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
2. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to such extent or amount less than fifty (50%) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible (see Article IV of Title Ten on Definitions).
3. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50%) percent or more of its market value, shall constitute a substantial improvement (see Article IV of Title Ten) and shall be undertaken only in full compliance with the provisions of this Article.

SECTION 307. TECHNICAL REQUIREMENTS

A. General

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the City of Altoona and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.
2. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.
3. Any new construction, development, uses or activities allowed within any Identified Floodplain Area, shall be undertaken in strict compliance with the provisions contained in this Article, the entire Altoona Planning Code, and any other applicable codes, ordinances, and regulations.

B. Special Floodway Requirements

Within any Identified Floodway Area, the following provisions apply:

1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.

2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

C. Elevation and Floodproofing Requirements

Within any Identified Floodfringe and Floodway Areas, all construction, development, use of land, and interior repair shall meet the following requirements:

1. Residential Structures: Within any Identified Floodplain Area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to the regulatory flood elevation. See Article IV of Title Ten, for regulatory flood elevation definition.
2. Non-residential Structures: Within any Identified Floodplain Area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. See Article IV of Title Ten, for regulatory flood elevation definition.
3. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half (1-1/2') feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled, "Floodproofing Regulations" (Published by the U.S. Army Corps of Engineers, June, 1972, as amended March 1992), or some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards.
4. Space below lowest floor (Residential Properties):
   a. Fully enclosed space below the lowest floor (including basement) is prohibited.
   b. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.
   c. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
      1) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
      2) The bottom of all openings shall be no higher than one (1) foot above grade.
      3) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
5. Accessory Structures: Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

a. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
b. Floor area shall not exceed 600 square feet.
c. The structure will have a low damage potential.
d. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
e. Power lines, wiring, and outlets will be at least one and one-half (1-1/2') feet above the one hundred (100) year flood elevation.
f. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
g. Sanitary facilities are prohibited.
h. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    1) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
    2) The bottom of all openings shall be no higher than one (1') foot above grade.
    3) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. <u>Design and Construction Standards</u>

The following design and construction standards shall apply for all construction, development, use of land, and interior repair undertaken within any Identified Floodfringe or Floodway Areas.

1. <u>Fill:</u>

If used, it shall:

a. Extend laterally at least fifteen (15') feet beyond the building line from all points;
b. Consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
c. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or setting;
d. Be no steeper than one (1) vertical to two (2) horizontal feet, unless substantiated data, justifying steeper slopes are submitted to, and approved by, the Building Inspector;
e. Be used to the extent to which it does not adversely affect adjacent properties; and
f. When located within fifty (50') feet of any Identified Floodway, all fill slopes shall be protected by rock rip-rap at a minimum of eighteen (18") inches thick or similar protective measures meeting Pennsylvania Department of Transportation or Soil Conservation Service specifications.

2. Drainage Facilities:
   Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties and to control all storm water discharge as prescribed by the PA Storm Water Management Act 1978-167, and Article II of Title Four, and to minimize reverse flow of water in systems caused by flooding conditions of outlet streams or drainage ways.
3. Water and Sanitary Sewer Facilities Systems:
   a. All new or replacement water and sanitary sewer facilities and systems shall be located, designed, and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
   b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
   c. No part of any on-site sewage system shall be located within any Identified Floodfringe or Floodway Areas, except in strict compliance with all State and Local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it and contamination from it during a flood.
4. Other Utilities:
   All other utilities such as gas lines, electrical, and telephone systems shall be located, elevated (where possible), and constructed to minimize the change of impairment during a flood.
5. Streets and Parking Areas:
   The finished elevation of all new streets and parking areas shall be no more than one (1') foot below the Regulatory Flood Elevation.
6. Storage:
   All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 308, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.
7. Placement of Buildings and Structures:
   a. All buildings and structures shall be designed, located, and constructed so as to offer minimum obstruction to the flow or water and shall be designed to have a minimum effect upon the flow and height of flood water.
   b. The following shall not be placed or caused to be placed in Identified Floodfringe and Floodway Areas: fences, except two-wire fences, other structures or other matter which may impede, retard, or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to these flood-prone areas.
8. Anchoring:
   a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
   b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

9. Floors, Walls, and Ceilings:
   a. Wood floorings used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
   b. All finished flooring at or below the Regulatory Flood Elevation shall be made of materials which are stable and resistant to water damage resulting from submersion.
   c. All carpeting or carpet cushions employed as a finished flooring surface at or below the Regulatory Flood Elevation shall be made of materials which are resistant to water damage resulting from submersion.
   d. Plywood used at or below the Regulatory Flood Elevation shall be of an "exterior" or "marine" grade and of a water-resistant or water-proof variety.
   e. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
   f. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

10. Paints and Adhesives:
    a. Adhesives used at or below the Regulatory Flood Elevation shall have a bonding strength that is unaffected by inundation and be of "marine" or water-resistant quality.
    b. All wooden components (doors, trim, cabinets, etc.) used below the Regulatory Flood Elevation shall be finished with a waterproof or "marine" paint or similar product.
    c. Paints and other finishes used at or below the Regulatory Flood Elevation shall be capable of surviving inundation and be of "marine" or water-resistant quality.
11. Electrical Components:
    a. Electrical distribution panels shall be at least three (3') feet above the one hundred (100) year flood elevation.
    b. Separate electrical circuits shall serve lower levels and shall be dropped from above.
12. Equipment:
    Water heaters, furnaces, plumbing systems, air conditioning, and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
13. Fuel Supply Systems:
    All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

SECTION 308 - DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

A. General
   The location of many types of development or activity within any floodplain area may produce unnecessary dangers for the residents of the City of Altoona and surrounding communities. As a result, this Section specifies the activity and/or development that is prohibited within any Identified Floodfringe and Floodway Areas.

B. Prohibited Activities

Any new or substantially improved structure which will be used for the production or storage, or any of the following dangerous materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) or any of the following dangerous materials or substances on the premises, shall be prohibited in any Identified Floodfringe or Floodway Areas:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated

C. Prohibited Development

The following types of development or use of land are prohibited if located entirely or partially within any Identified Floodfringe or Floodway Areas:

1. Hospitals (public or private).
2. Nursing Homes (public or private)
3. Jails or Prisons
4. New and replacement manufactured homes in manufactured home parks and manufactured home subdivisions, and substantial improvements to existing manufactured home parks.

ARTICLE IV
SEWAGE FACILITIES PLANNING

SECTION 401. SEWAGE FACILITIES PLANNING GENERALLY

The purpose of sewage facilities planning is to ensure the orderly operation, expansion, and maintenance of the sewer infrastructure within the City limits. This is controlled by the issuance of "equivalent dwelling units" (EDUs) of sewage with each EDU being equal to four hundred gallons of sewage per day. The EDUs are issued to a landowner subsequent to a Sewage Facilities Planning Module approval by the City. No Sewage Facilities Planning Module will be approved by the City until the applicant has received the approval for a building permit by the City of Altoona Codes and Inspections Department.

SECTION 402. MUNICIPAL SEWAGE FACILITIES OFFICIAL PLAN

This section is reserved for future use.

SECTION 403. SEWAGE FACILITIES PLANNING MODULES

This section is reserved for future use.

SECTION 404. SEWAGE PLANNING WAIVERS

This section is reserved for future use.

SECTION 405. SEWAGE PLANNING EXEMPTIONS

This section is reserved for future use.

ARTICLE V
STANDARD PROCEDURES

SECTION 501. UNIFIED REVIEW

A. In cases where reviews required under this Title are being conducted for projects subject to another review listed in Article II of Title Ten, a single, unified review may take place at the applicant's option. For storm water management plans undertaken as part of a development requiring review under Titles Five, Six, Seven, or Eight, the storm water management plan review shall and approval take place as part of the larger review process in a sequence manner consistent with the site and situation of the project.
B. In the case of a unified review, the procedures listed in Article II of Title Ten relative to submission, review and approval shall apply.
C. For a unified review, the applicant shall pay one unified review fee in place of all other fees which would normally be required. The unified review fee is established in Article III of Title Ten.
D. Under the unified review process, all requirements set forth below shall take place with the appropriate Officers issuing their approval in the form of a recommendation to the approving body. The process defined in this Article shall be subordinate to, and take place within, the process defined in Article II of Title Ten.
E. Enforcement and appeals shall be as described in this Article.

SECTION 502. PRELIMINARY REVIEW

A. Before submitting any environmental management plan, applicants are urged to consult with the Storm Water Officer or Floodplain Permit Officer (or both) on the applicable regulations and techniques for safely managing runoff from the development site. The City may also be helpful in providing necessary data for the storm water management plan.
B. Applicants are encouraged to submit a sketch plan with a narrative description of the proposed management controls for general guidance and discussion with the City and other agencies.
C. The pre-application phase is not mandatory. Any review comments provided by the City and its staff are advisory only and do not constitute any legally binding action on the part of the City, although City employees are hereby required to act in good faith.

SECTION 503. APPLICATION SUBMITTALS

All plans shall be submitted in accordance with Article I of Title Ten.

SECTION 504. APPLICATION REVIEW

Applications not reviewed under the unified review section above shall be reviewed in accordance with the procedures established below.

A The appropriate Officer shall review the plan and shall recommend approval or disapproval based on the requirements of the Altoona Planning Code, the standard and criteria of applicable plans, and good engineering practice.
B The Officer shall notify the applicant within sixty (60) days from receipt of a complete plan submission of its decision.
C A disapproval shall contain the reasons for disapproval and a listing of the plan deficiencies.
D Failure of the Officer to render a decision within the sixty (60) day time limit shall be deemed an approval.
E The Officer may require additional on-site mitigation pending existing conditions, or may require alterations of the submitted plans and design as to the best interest of the City and/or abutting properties.

SECTION 505. PLAN MODIFICATIONS

A. A revision to an approved storm water management plan which involves a change in control methods or techniques, or which involves the relocation of redesign of control measures, or which is necessary because soil or other conditions are not as stated on the approved application (as determined by the Storm Water Officer), shall be approved under the procedures contained in Section 404 of this Article. The City shall notify the applicant when such plan revision is required.
   1. If the request for a plan modification is initiated before construction begins, the storm water plan must be resubmitted and reviewed according to the procedures above.
   2. If the request for a plan modification is initiated after construction is underway, the Storm Water Officer shall recommend approval or disapproval of the modification based on field inspection provided: (1) the requested changes in storm water controls do not result in any modifications to other approved municipal land use/development requirements (e.g., building setbacks, yards, etc.) and (2) the performance standards in Section 203(A) are met. Notification of the engineer's action shall be sent to the Altoona City Planning Commission which may issue a stay of the plan modification within five (5) days and require the permittee to resubmit the plan modification for full storm water plan review.
B. Revisions to Erosion and Sedimentation Control Plans, Floodplain Plans, and all other types of Storm Water Management Plans shall be reviewed by the the agency issuing approval in accordance with the review procedures established above. Fees for amendments are established in Article III of Title Ten.

SECTION 506. ADHERANCE TO THE APPROVED PLANS

A. It shall be unlawful for any person, firm or corporation to undertake any earthmoving activity on any property except as provided in approvals granted pursuant to this Title.
B. It shall also be unlawful to alter or remove any permanent control structure required by his Article or to allow the property to remain in a condition which does not conform to the approved plan.
C. Upon final plan approval and receipt of all necessary permits, the applicant may commence to install or implement the approved mitigation measures.

SECTION 507. START OF CONSRTUCTION

A. When Floodplain Permits are issued, work on the proposed construction and/or development shall begin within one (1) month and shall be completed within six (6) months after the date of issuance of the partial and supplemental Building Permits or the Permit shall expire unless a time extension is granted, in writing, by the Building Inspector.
B. For storm water management and erosion and sedimentation control approvals, if site development or building construction does not begin within two years of the date of final approval of the mitigation plan, then before doing so, the applicant shall resubmit the mitigation plan to verify that no condition has changed within the watershed that would affect the feasibility or effectiveness of the previously approved mitigation controls. Further, if for any reason development activities are suspended for two years or more, then the same requirement for resubmission of the mitigation plan shall apply.
C. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

D. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Inspector, Storm Water Officer, or Floodplain Permit Officer to approve such a request.

SECTION 508. INSPECTIONS, FEES, AND EXPENSES

A. Schedule of Inspections

1. During the construction period, the Floodplain Permit Office and/or Building Permit Officer or other authorized official, shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Building and Floodplain Area Permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during, and upon completion, of the work as are necessary. The permittee shall notify the Officer 48 hours in advance of the completion of the following key development phases:
   a. At the completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil and construction of temporary storm water management and erosion control facilities.
   b. At the completion of rough grading but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.
   c. During construction of the permanent storm water facilities at such times as specified by the Storm Water Officer.
   d. Upon completion of permanent improvements including established ground covers and plantings.
   e. Upon completion of final grading, vegetative control measures or other site restoration work done in accordance with the approved plan and permit.
2. In the discharge of his duties, the Floodplain Permit Officer and/or Building Permit Officer or any authorized representative, shall have the authority to enter any building, structure, premises, or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.
3. No work shall commence on any subsequent phase until the preceding one has been inspected and approved. If there are deficiencies in any phase, the Officer or Inspector shall issue a written description of the required corrections and stipulate the time by which they must be made.
4. If during construction, the contractor or permittee identifies any site condition, such as subsurface soil conditions, alterations in surface or subsurface drainage which could affect the feasibility of the approved improvements, he shall notify the Officer within 24 hours of the discovery of such condition and request a field inspection. The Officer shall determine if the condition requires a plan modification.
5. In cases where improvements are to be installed in areas of landslide-prone soils or other special site conditions exist, the Officer may require special precautions such as soil tests and core borings, full-time inspectors and/or similar measures. All costs of any such measures shall be borne by the permittee.
6. In the event the Floodplain Permit Office, Storm Water Officer, or Building Inspector discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, such official may revoke any approvals given under this Title and report such to City Council.
7. After a Certificate of Occupancy has been issued for a project involving a Floodplain Permit, inspection of structures or premises will fall under the 2003 International Building Code, Section 104.6.

SECTION 509. FINANCIAL GUARANTEES

For all work to be performed under this section, the requirements of Article III of Title Nine shall apply to ensure proper and timely completion of improvements.

SECTION 510. DEDICATION OF PUBLIC IMPROVEMENTS

A. When streets, sanitary sewers, storm water management facilities, water lines or other required improvements in the development have been completed in accordance with the final approved plan, such improvements shall be deemed private until such time as they have been offered for dedication to the City of Altoona and accepted by separate ordinance or resolution or until they have been condemned for use as a public facility.
B. Prior to acceptance of any improvements or facilities, the municipal engineer shall inspect it to ensure that it is constructed in accordance with the approved plan and is functioning properly. In the case of any storm water control facility, it must be free of sediment and debris.
C. The owner shall submit as-built plans for all facilities proposed for dedication.

SECTION 511. ENFORCEMENT

A. Upon presentation of proper credentials, duly authorized representatives of the City of Altoona may enter at reasonable times upon any property within the City of Altoona to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Article.
B. Whenever the Floodplain Permit Officer, Storm Water Officer, or Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provisions herein, or of any regulation adopted pursuant thereto, the appropriate Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall:
    1. Be in writing;
    2. Include a statement of the reasons for its issuance;
    3. Allow a reasonable time, not to exceed a period of thirty (30) days, for the performance of any act it requires;
    4. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this Commonwealth.
    5. Contain an outline of remedial action which, if taken, will effect compliance.
    6. The Floodplain Permit Officer shall notify all City departments of violations of this Article and direct each department to take appropriate action if the violation of this Article constitutes a violation of any other City ordinance.
C. Upon failure to comply within the time specified, unless otherwise extended by the City of Altoona, the applicant, developer, owner or his/her agent shall be subject to the penalty provisions of this Article.
D. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Article, may be declared by The Floodplain Permit Officer, Zoning Officer, or Building Inspector to be a public nuisance and abatable as such.

SECTION 512. PENALTIES

A. Any person, partnership, or corporation failing to comply with any or all of the requirements or provisions of this Article or who fails or refuses to comply with any notice, order, or direction of the Storm Water Officer, Floodplain Permit Officer, Zoning Officer, or Building Inspector, shall be guilty of an offense and, upon conviction, shall pay a fine to the City in accordance with the following schedule:
   1. For violations under the Erosion and Sedimentation Regulations contained in Article I of this Title, a fine of not more than five hundred dollars ($500.00).
   2. For violations under the Storm Water Management Regulations contained in Article II of this Title, a fine of not more than five hundred dollars ($500.00).
   3. For violations under the Floodplain Regulations contained in Article III of this Title, a fine of not less than fifty dollars ($50.00), nor more than one thousand dollars ($1,000.00).
   4. All fines shall have added to them the costs incurred by the City for enforcement including, but not limited to, court costs, attorneys fees, professional fees to engineers, architects, surveyors, planners, landscape architects, or other design professionals, and expert witness compensation.

B. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Article to have believed that there was no such violation. Under such circumstances, there shall be deemed to have been only one such violation until the fifth day following the date of the initial determination of a violation by the District Justice; thereafter each day that a violation continues shall constitute a separate violation.

C. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure.

D. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this Article.

E. The imposition of a fine or penalty for any violation of, or noncompliance with, this Article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliance within ninety (90) days.

F. The Court of competent jurisdiction, 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.

G. Nothing contained within this Section shall be construed or interpreted to grant any person or entity other than the City the right to commence action for enforcement pursuant to this Section.

H. In addition to the above remedies, the City may also seek remedies and penalties under applicable Pennsylvania statutes, or regulations adopted pursuant thereto. Any activity conducted in violation of this Article or any Pennsylvania approved watershed storm water management plan is declared a public nuisance by the City and abatable as such.

I. District Justices shall have initial jurisdiction in proceedings brought under this Section. The Zoning Hearing Board, City Council, or the Planning Commission do not have jurisdiction once the enforcement procedures contained in this Section are initiated.

SECTION 513. PREVENTIVE REMEDIES

A. In addition to other remedies, the City may institute and maintain appropriate actions by law or equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds to the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

B. The City may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Article. The authority to deny such a permit or approval shall apply to any of the following applicants:
   1. The owner of record at the time of such violation.
   2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
   3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether the current owner had actual or constructive knowledge of the violation.
   4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the City may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

SECTION 514. APPEALS

A. Right of Appeal
   1. Any order, requirement, decision or determination or interpretation of the City of Altoona Zoning Officer, Floodplain Permit Officer, or Storm Water Officer relative to the provisions of this Article which does not involve other development under Title Five, Title Six, or Title Seven may be appealed to the City of Altoona Zoning Hearing Board, under Section 909.1(a)(9) of the Pennsylvania Municipalities Planning Code by the owner, developer of land, general agent, contractor or any other person aggrieved.
   2. Any order, requirement, decision or determination or interpretation of the City of Altoona Zoning Officer Floodplain Permit Officer, or Storm Water Officer relative to the provisions of this Article which also involves other development under Title Five, Title Six, or Title Seven may be appealed to the Altoona City Planning Commission, under Section 909.1(b)(6) of the Pennsylvania Municipalities Planning Code by the owner, developer of land, general agent, contractor or any other person aggrieved.

B. Procedure

1. The following procedure shall apply for requests before the Zoning Hearing Board under this Section.
   a. Application for variations of these regulations shall be submitted, in writing, to the Floodplain Permit Officer or Storm Water Officer on forms supplied by the City of Altoona, who upon receipt, shall transmit said requests to the Zoning Officer, Building Inspector, Planning Administrator, and City Engineer.
   b. The Zoning Officer shall, within five (5) working days, acknowledge receipt of all variation requests to the Floodplain Permit Officer, or Storm Water Officer.
   c. Should any request for variation require review and approval by the State or Federal government, the Zoning Officer shall, within five (5) working days, send a copy of said variation request to the appropriate governmental body or agency.
   d. All those charged with reviewing the request shall, within fifteen (15) working days, conduct such a review and transmit comments to the Zoning Officer to be forwarded to the Zoning Hearing Board for its consideration at the hearing..
   e. Failure to review the variation request and comment within the time allotted, shall be deemed that the nonrespondent official has no problems with the request. No time limits shall be placed upon Federal or State governmental bodies or agencies, except the outer time limits placed on hearings by the Municipalities Planning Code.
   f. The Zoning Officer shall place the request for variation on the agenda of the Zoning Hearing Board in accordance with the normal procedures used for hearings under Title Three. Should Federal or State governmental comments or approvals be required before the Zoning Hearing Board acts upon the request, the hearing shall be opened then continued until the first meeting following the receipt of any said comments or approvals.
   g. Upon hearing any request for variation of this Article, the Zoning Hearing Board shall render a written decision within forty-five (45) days to the applicant, Zoning Officer, and the officials in paragraph a above. Each decision shall be accompanied by findings of fact and conclusions based on this Ordinance, and shall contain a reference to the provision relied on and the reasons why the decision is deemed appropriate in light of the facts found.
   h. Whenever a request for variation of this Article is granted, the Zoning Hearing Board shall also notify the applicant, in writing, that:
      (1) The granting of the variance may result in increased premium rates for flood insurance; and
      (2) Such variations may increase the risk to life and property.
   i. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood, when such structures fall under the jurisdiction of Article III relative to the floodplain.
2. The following procedure shall apply for requests before the Planning Commission under this Section.
   a. Application for variations of these regulations shall be submitted, in writing, to the Floodplain Permit Officer or Storm Water Officer on forms supplied by the City of Altoona, who upon receipt, shall transmit said requests to the Planning Administrator, Building Inspector, Zoning Officer, and City Engineer.

b. The Planning Administrator shall, within five (5) working days, acknowledge receipt of all variation requests to the Floodplain Permit Officer, or Storm Water Officer.
c. Should any request for variation require review and approval by the State or Federal government, the Planning Administrator shall, within five (5) working days, send a copy of said variation request to the appropriate governmental body or agency.
d. All those charged with reviewing the request shall, within fifteen (15) working days, conduct such a review and transmit comments to the Planning Administrator to be forwarded to the Planning Commission for its consideration at the hearing..
e. Failure to review the variation request and comment within the time allotted, shall be deemed that the nonrespondent official has no problems with the request. No time limits shall be placed upon Federal or State governmental bodies or agencies, except the outer time limits placed on hearings by the Municipalities Planning Code.
f. The Planning Administrator shall place the request for variation on the agenda of the Planning Commission in accordance with the normal procedures used for City Council hearings under Title Three. Should Federal or State governmental comments or approvals be required before the Planning Commission acts upon the request, the hearing shall be opened then continued until the first meeting following the receipt of any said comments or approvals.
g. Upon hearing any request for variation of this Article, the Planning Commission shall render a written decision within forty-five (45) days to the applicant, Planning Administrator, and the officials in paragraph b above. Each decision shall be accompanied by findings of fact and conclusions based on this Ordinance, and shall contain a reference to the provision relied on and the reasons why the decision is deemed appropriate in light of the facts found.
h. Whenever a request for variation of this Article is granted, the Planning Commission shall also notify the applicant, in writing, that:
   (1) The granting of the variance may result in increased premium rates for flood insurance; and
   (2) Such variations may increase the risk to life and property.
i. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood, when such structure fall under the jurisdiction of Article III relative to the floodplain.

C. <u>Criteria for Granting Variations</u>
1. In determining whether to vary the order, requirement, decision or determination appealed from, the Board or Commission shall consider whether an equally good or better form of mitigation is available.
2. Financial disadvantage of the property owner or developer is not in and of itself sufficient evidence of a need to permit any variation.
3. No variation shall be granted for any construction, development, use or activity within any Identified Floodway Area that would cause any increase in the one hundred (100) year flood elevation.

4. No variation shall be granted for any construction, development, or activity pertaining specifically to development regulated by Section 308 (relative to development in the floodplain which endangers human life).
5. No variation shall be granted permitting structures to be designed and constructed without the capacity to withstand the one hundred (100) year flood.
6. No variation shall be granted on the basis that compliance with this Article will increase the cost of construction, development, use of land, or interior repair. The decision shall document the non-economic basis for the grant of the variation.
7. No variation of the regulations contained within this Article shall be granted if said variation serves to abrogate the terms or requirements of any other Federal, State, or local regulations and/or ordinances.
8. If granted, a variation shall involve only the least modification necessary to provide relief.
9. In granting any variation, the Board or Commission shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Article.
10. In reviewing any request for a variation, the Board or Commission shall consider, but not be limited to, the following:
    a. That there is good and sufficient cause.
    b. That failure to grant the variation would result in exceptional hardship to the applicant.
    c. That the granting of the variation will not
        (1) result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extra-ordinary public expense;
        (2) create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State or Federal statute or regulation, or local ordinance or regulation.

D. <u>Exercise of Power</u>

In exercising the above powers, the Board or Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from such order, requirement, decision or determination as ought to be made and to that end, shall have all the powers of the officer or agency from whom the appeal was taken. Every change granted or denied shall be accompanied by written findings of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the Board or Commission shall be made a part of any plan approval.

E. <u>Variance Record</u>

1. A complete record of all variation requests and related actions shall be maintained by:
    a. For all floodplain regulation variations, the Floodplain Permit Officer and the Zoning Hearing Board, depending on the jurisdiction.
    b. For all storm water regulation variations heard by the Zoning Hearing Board, the Storm Water Officer and the Zoning Hearing Board
    c. For all erosion and sedimentation control variations heard by the Zoning Hearing Board, the Planning Administrator and the Zoning Hearing Board.
    d. For all storm water regulation variations heard by the Planning Commission, the Storm Water Officer and the Planning Commission.

e. For all erosion and sedimentation control variations heard by the Planning Commission, the Planning Commission.

2. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

F. Appeals

Any person aggrieved by any decision under this Section may seek relief therefrom by appeal to court, as provided by the Municipalities Planning Code.

TITLE FIVE
SUBDIVISION OF LAND

ARTICLE I
SUBDIVISIONS GENERALLY

SECTION 101. PURPOSE

The provisions of this Title are intended to achieve the following:

A. To encourage new development that is well-designed, of high quality, and suited to the natural conditions of the site.
B. To encourage the coordinated growth of neighborhoods: compact, efficient, and economically sustainable development patterns, and to avoid excessive public costs as a result of inefficient patterns of development.
C. To prevent development which may be hazardous because of the physical character of the land, to protect and preserve valued features of the natural and human environments, and ensure all new lots are provided adequate access to the public street and utility system.
D. To ensure the provision of coordinated public improvements which are necessary and appropriate for the development.
E. To provide flexibility in standards and requirements so that the design of development can be fitted to the character of its site and to the community in which it is located.
F. To reflect and implement the policies and goals set forth in the Altoona Comprehensive Plan, and support, as much as possible, the overall goals and policies set forth by the Blair County Planning Commission.
G. To provide standards for the uniform preparation and recording of plans so that the property records of Altoona are accurate and complete.

SECTION 102. GOALS FOR DESIGN AND DEVELOPMENT OF SUBDIVISIONS

Subdivisions shall be designed to achieve the general goals and outcomes as described in this section.

A. All subdivisions shall be designed to minimize environmental damage to the maximum extent possible, by carefully fitting the proposal to the existing conditions of the site.
   1. Grading
      Roads, building sites, and lots should be laid out in a manner that will minimize disturbance of the land. Newly-proposed road layouts should generally minimize cut-and-fill activity. Naturally level areas should be given high consideration for building sites. Clustering of development on less steep areas of the site is strongly encouraged as an alternative to mass grading.
   2. Steep Slopes
      Altoona is located at the foot of the Allegheny Front along the western fringe of the ridge-and-valley region of Pennsylvania. Steep slopes are a predominate part of this topography. Creating stable slopes is critically important to the safety and welfare of the community. Development must demonstrate the methods proposed to keep slopes stabilized with vegetation and/or other engineered features.

3. Water Resources
   Watercourses are the City's natural drainage system for runoff and flood waters. Much of the City's natural storm water drainage has been incorporated into a combined sewer system, providing a challenge to regain the natural system and its natural flow patterns. It is therefore critical that the remaining open streams and the land immediately adjacent be preserved to carry out this natural drainage function as well as to provide visual amenity to the citizenry.
4. Vegetation
   Vegetation is an important element of the cityscape. It maintains stable slopes, cleans the air, mitigates runoff, and provides visual character to the City and its neighborhoods. Efforts shall be made to preserve mature trees and base vegetation on slopes whenever possible. Trees located within the street right-of-way fall under the jurisdiction of the Altoona Shade Tree Commission.
5. Identified Natural Resources
   Care must be taken in the design and construction of subdivisions to protect habitats which include rare or endangered plants or animals or are found to be ecologically important.
6. The Human Environment
   Sites containing structures of historic or architectural significance should be designed to preserve, enhance, or reuse such structures as often as possible. Building beyond rehabilitation should be demolished.
7. Air and Water Resources
   All subdivisions shall comply fully with all applicable laws and regulations concerning air and water pollution. Transit-oriented development is encouraged to minimize dependency on the automobile.

B. Where hazardous or potentially hazardous features are present on proposed development sites, the design of subdivisions shall consider such features. Appropriate precautions shall be taken to ensure that development will be safe and the public health and welfare will be protected. Development may not be approved unless safety is assured.

1. Landslide-Prone Areas
   In areas where soils or underlying geology may be unstable, ageotechnical investigation should be undertaken to ascertain the appropriate design standards for the site and ensure the long-term safety of any occupants of the subdivision.
2. Undermined and Cavernous Areas
   In areas where mining has occurred or is occurring, or areas known to contain cavernous pockets, subsidence risk assessments may be required to establish that the proposal will be safe.
3. Flood-Prone Areas
   New construction in the undeveloped 100-year floodplain or other areas of known frequent flooding shall be avoided wherever possible. Where such construction has already occurred, or is unavoidable, the development shall proceed in full compliance with Title Four and any other applicable requirements at the state and federal levels.

4. Hazardous Waste and Other Contaminated Sites
   To protect the public health, no subdivision shall be approved in areas which may have been contaminated by prior uses or contain hazardous waste unless it is determined during the review that the site is now safe for development. Development of such sites shall be limited to uses which do not pose health risks for site occupants.
5. Noise-Prone Sites
   Subdivisions proposed in areas of unusual noise shall ensure that the safety and health of the occupants of the site is not harmed by the presence of such noise. In the event a noise-prone site is being proposed, the developer bears the responsibility to mitigate the noise so that occupants of surrounding properties are not unduly exposed to unnecessary noise.
6. Air Traffic
   No subdivision proposal shall include features which inhibit the flow of air traffic, or present a hazard to air vehicles. In most areas, compliance with zoning will ensure this.

C. The general layout of subdivisions should respect the natural resources of the site, the character of the surrounding area, and be suitable for intended uses. The design of blocks and lots shall allow compliance with the zoning provisions found in Title Three and provide suitable space for buildings. The design of subdivisions shall consider the topography, natural features, traffic circulation which includes bicycles and pedestrians, and the surrounding neighborhood. Subdivisions should further the goals of the Altoona Comprehensive Plan.

D. Subdivisions shall include landscaping which is designed to improve community appearance, contribute positively to environmental quality and the livability of new areas, and to mitigate any negative impacts on the existing areas surrounding it. Uses and structures should be sited to minimize adverse impact from or upon abutting uses. Landscaping, buffers, and screening should be designed to reduce unavoidable impacts and to augment the natural features of the site.

E. Proposals must provide a full range of improvements throughout the subdivision as required to ensure public health, safety and welfare as well as the creation of desirable neighborhoods for living, working, and recreation.
   1. Water Supply
      All new subdivisions shall provide direct connections to the public water system. New development shall not degrade the quality of potable water supplies, including, but not limited to, the public system, and the groundwater. Private wells for any purpose are discouraged.
   2. Sanitary Sewage Disposal
      All new subdivisions shall provide direct connections to the public sanitary sewer system. With the exception of required and approved non-residential pretreatment facilities, no new on-site sewerage disposal or treatment systems are permitted. No new sanitary sewer shall be connected to the storm sewer.
   3. Storm Drainage
      Every subdivision shall manage storm water flows in accordance with Title Four of this Ordinance. All development located within watersheds for which storm water management plans have been adopted shall comply with the requirements of the plan as well. No new storm drain system shall be connected to the sanitary sewer system.

4. Public Utilities
   New subdivisions shall be served by other public utilities, including electricity, natural gas, and communications. The use of alternative energy sources shall be accommodated in the approval of plans.
5. Community Services
   All new subdivision shall have access to the full range of public services and facilities, such as public safety and emergency response, recreation, schools, and libraries.
6. Transportation Facilities
   New subdivisions shall provide a full range of transportation facilities for access to all lots, buildings, and open space areas intended for use by people. Transportation facilities designed within subdivisions shall be designed as elements of the larger transportation system serving the public. No private or gated streets should be permitted. Transportation facilities shall include public transportation, walkways, sidewalks, bicycle facilities, cartways, parking facilities, and multi-purpose trails.

SECTION 103. STANDARDS AND WAIVERS

This Title provides specific standards for the design of subdivisions as well as requirements for improvements. Minimum standards of design are specified for each element of design or improvement. This Article outlines the general goals of this Title. The provisions of these standards may be waived by the approving authority upon written request by the applicant, provided the applicant provides appropriate alternatives which demonstrate compliance with the desired outcome to a higher degree, or will produce more desirable results than the application of a specific standard.

SECTION 104. UNAPPROVED SUBDIVISION PROHIBITED

No owner of land shall make a subdivision of any land or proceed with the improvement or sale of lots in a subdivision, or the construction of any improvements, unless and until a plan is submitted and approved under this Title or Title Seven.

SECTION 105. ONE PRINCIPAL STRUCTURE PER LOT IN RESIDENTIAL ZONES

Not more than one building designed or available for use for dwelling purposes shall be erected, placed, or converted to use as such on any lot in the City zoned residential without the express consent of the Planning Commission. The placement of multiple residential structures on one lot requires approval under Title Six or Title Seven. The approval of such an application shall be deemed the approval necessary to comply with this section. Accessory structures, such as garages, sheds, and pools, are not governed by this section.

SECTION 106. SITE ANALYSIS

The design of a subdivision shall be based upon an analysis of the existing conditions on the site, including all natural and man-made features. The analysis shall include an examination of the opportunities and constraints of the site based upon the existing conditions. The site analysis shall also consider the relationship of the site to the surrounding neighborhood. The project narrative shall summarize the site analysis and how it influenced the design of the subdivision.

SECTION 107. ALTERNATIVE DEVELOPMENT PLAN

Before considering requests for waivers or modifications of the standards or requirements contained in this Title, the Commission may require the applicant to prepare an alternative development plan which complies with the requirements of this Title. The original proposal shall then be considered in light of the alternative presented.

SECTION 108. EFFECT ON CONSTRUCTION-RELATED PERMITS

No construction-related permit, including foundation permits, building permits, or other related permits shall be issued for a lot within a subdivision unless the plans approved under this Title or Title Seven have been approved and recorded, and all improvements shown thereon have been installed or bonded. It is strongly recommended, but not required, that applicants withhold application for such permits until approvals under this Title have been obtained as significant changes may occur during the approval process which could substantially alter the plans required for those permits.

SECTION 109. EXPIRATION OF SUBDIVISION APPROVAL

All permits necessary for the construction of improvements and buildings upon lots shown on an approved subdivision plan shall be obtained and substantially completed within five years of the date of approval. Lots which do not comply with this section will require new approval relative to the physical improvements within the subdivision after the expiration of the fifth year. Application for such approval shall be made under the appropriate Article(s) of this Title.

SECTION 110. DEFINITIONS

A. General

The meanings of all words within this Article shall be controlled by Article IV of Title Ten of this Ordinance, with the exception of those listed in subsection B below. In the case where a word is listed below, the definition given shall control for this Article, unless the context clearly indicates otherwise.

B. Specific Definitions

At this time, there are no terms which apply only to this Title.
Please refer to Title Ten Article IV for definitions.

ARTICLE II
NO-IMPACT SUBDIVISIONS

SECTION 201. CRITERIA

Planning Commission approval is not required for a division of land if all of the following criteria are met:

A. Every lot to be created or altered has the frontage required by zoning on:
   1. A public street; or
   2. An unbuilt street, for which surety is posted, that is shown on a subdivision plan approved by the City of Altoona within the five year period immediately preceding the date of application; or
   3. A private street in existence before July 24, 2003 which, in the opinion of the Planning Administrator, is of suitable grade and construction to provide adequate access and municipal services to every lot therein.
B. Every lot to be created or altered has the minimum area required by zoning.
C. Existing water and sewer utilities are adequate to service all lots to be created or altered;
D. All lots proposed or altered by the plan are located in the same zoning district.
E. No portion of the land is governed by the provisions of Title Six (Planned Development).

SECTION 202. PLAN SUBMISSION

Any person who believes that his plan meets the above criteria shall submit the following by hand delivery or registered mail to the Altoona Codes and Inspections Department:

A. An original plan to be recorded.
B. Seven (7) contact prints of the original plan
C. Two (2) original, executed copies of the application form.
D. Fees in accordance with Article III of Title Ten
E. A project narrative, which shall include the evidence necessary to show that the plan meets all the criteria in Section 201 above.
F. At the applicant's option, a diskette containing line drawings of the plan, in either data exchange format (.dxf) or ESRI exchange format (.e00), registered to Pennsylvania State Plane (South) Coordinates, North American Datum of 1983.

SECTION 203. PLAN CONTENTS

The plan submitted shall be suitable for recording with the Blair County Recorder of Deeds, and shall include at least the following:

A. The title: "No-Impact Subdivision Plan drawn for (name of owner)."
B. Date, scale, and north point.
C. A locus at a scale of 1"=1000' (or scale acceptable to the Planning Administrator) sufficient to identify where in the City of Altoona the property is located and indicating the boundary lines of proposed lots.
D. Sheet size shall not exceed 24" by 36" but shall be at least 8½" by 11".
E. The name, seal, and signature of the surveyor who prepared the plan.
F. The inscription

ALTOONA PLANNING ADMINISTRATOR
Approval of a No-Impact Subdivision Plan

_____

DATE:

G. Boundaries of the entire tract from which the subdivision is derived in a heavy line.
H. The name(s) of the abutting street(s) shall be identified on the plan, and the following shall appear for each lot:
   1. Frontage in feet
   2. Total lot area in square feet
   3. Lot number. All lots and parcels shall be designated by street address.
I. The original boundaries, if any, shall be shown in a dashed line.
J. The applicable zoning district shall be noted on the plan.
K. The location of all easements and improvements on all lots to be created or altered shall be shown and identified.
L. If the plan submitted has been relieved of certain zoning requirements by a decision of the Zoning Hearing Board, the following shall appear on the plan:
   "Subject to an action taken by the Altoona Zoning Hearing Board on __(Date)__."
M. Lots which do not appear to conform to zoning requirements may have the following notation placed on the plan by the Planning Administrator:
   "This approval is not a determination as to conformance with zoning regulations."

SECTION 204. DECISION OF THE PLANNING ADMINISTRATOR

A. Upon receiving the application package and the fee and determining it to be complete, the Planning Administrator will distribute copies of the plan to the County Planning Commission, the Department of Codes and Inspections, the Zoning Officer, Engineering Department, and Altoona City Authority, and keep the other two copies for technical review.
B. With the exception of the Blair County Planning Commission, the agencies undertaking the technical review shall have twenty (20) days to make written recommendations and comments on the plan. Failure of an agency to respond in writing within twenty (20) days shall indicate that agency's approval of the plan as submitted. The comments of the Blair County Planning Commission must be received within thirty (30) days of the forwarding date to be considered.
C. If the Planning Administrator determines that the plan does not depict a No-Impact Subdivision or is somehow deficient, he shall notify the applicant of such in writing within thirty-five (35) days of the submittal date, giving specific reasons for the determination.
D. If the Planning Administrator, in consultation with the other reviewing agencies, determines that the plan depicts a No-Impact Subdivision, he shall endorse the plan and issue a Certificate of Approval within thirty-five (35) days of the submittal date. The original plan will then be returned to the applicant, who is responsible for its recording with the Recorder of Deeds within ninety (90) days. Copies of the recorded documents shall then be returned to the Planning Administrator for recording in City files.

SECTION 205. APPEAL

Any aggrieved applicant may appeal the decision of the Planning Administrator to the Altoona City Planning Commission. Such appeal shall be filed with the Commission within thirty days of the Planning Administrator's written decision. The Planning Commission shall have sixty days from such filing to render a decision.

ARTICLE III
DETERMINATION OF ADEQUATE ACCESS TO LAND

SECTION 301. PURPOSE

The City of Altoona has a number of streets shown on paper which have never been constructed which are left over from old subdivisions. A number of these streets have buildable lots along them which, because the street is not built, are inaccessible. It is the purpose of this Article to provide an administrative review of these situations to allow access to these lots on an improved way in an orderly manner. Because of the extreme variation in the nature of these lots, the Planning Administrator is empowered to be creative in finding solutions which allow the property owner to build on his land.

SECTION 302. CRITERIA

The Planning Administrator may define the construction standards for incomplete streets in previously-approved subdivisions if all of the following criteria are met:

A. Every structure to be constructed has legal and physically adequate access to:
   1. A public street; or
   2. An unbuilt street, for which surety is posted, that is shown on a subdivision plan approved by the City of Altoona within the five year period immediately preceding the date of application; or
   3. A private street in existence before July 24, 2003 which, in the opinion of the Planning Administrator, is of suitable grade and construction to provide adequate access and municipal services to every lot therein and to which the property owner has sufficient rights of access;
B. The lot(s) on which the structure(s) is to be constructed has already existed in separate ownership continuously since July 24, 2003 and is physically and legally sufficient for such construction;
C. Water and sewer utilities can be extended, or are in place, to service all structures to be constructed;
D. The applicant has the resources necessary to construct adequate access and utilities to service the lot in question.
E. No portion of the land is governed by the provisions of Title Six (Planned Development).

SECTION 303. PLAN SUBMISSION

Any person who believes that his plan meets the above criteria shall submit the following by hand delivery or registered mail to the Altoona Codes and Inspections Department:

A. An original plan to be recorded
B. Seven (7) contact prints of the original plan
C. Two (2) original, executed copies of the application form
D. Fees in accordance with Article III of Title Ten
E. A project narrative, which shall include the evidence necessary to show that the plan meets all the criteria in Section 302 above
F. Legal documents proving adequate rights to the land proposed to carry the accessway or street, easements for the new accessway, and any legal documents providing for a private way as may be required by this Article
F. At the applicant's option, a diskette containing line drawings of the plan, in either data exchange format (.dxf) or ESRI exchange format (.e00), registered to Pennsylvania State Plane (South) Coordinates, North American Datum of 1983

SECTION 304. PLAN CONTENTS

The plan submitted shall be suitable for recording with the Blair County Recorder of Deeds, and shall include at least the following:

A. The title: "Plan Showing Adequate Access to Land drawn for (name of owner)."
B. Date, scale, and north point.
C. A locus at a scale of 1"=1000' (or scale acceptable to the Planning Administrator) sufficient to identify where in the City of Altoona the property is located and indicating the boundary lines of proposed lots.
D. Sheet size shall not exceed 24" by 36" but shall be at least 8½" by 11".
E. The name, seal, and signature of the registered professional surveyor who prepared the plan.
F. The inscription

ALTOONA PLANNING ADMINISTRATOR
Approval of Adequate Access to Land

_____

DATE: _____

G. Boundaries of the entire tract from which the proposal is derived in a heavy line.
H. The name(s) of the abutting street(s) shall be identified on the plan, and the following shall appear for each lot:
   1. Frontage in feet
   2. Total lot area in square feet
   3. Lot number. All lots and parcels shall be designated by street address.
I. The original boundaries, if any, shall be shown in a dashed line.
J. Dimensions of the access, including legal lines and physical improvements
K. Details of improvements, such as cross-sections, appurtenances, etc.
L. The applicable zoning district shall be noted on the plan.
M. The location of all easements and improvements on all lots to be created or altered shall be shown and identified.
N. If the plan submitted has been relieved of certain zoning requirements by a decision of the Zoning Hearing Board, the following shall appear on the plan:
   "Subject to an action taken by the Altoona Zoning Hearing Board on __(Date)__."
O. Lots which do not appear to conform to zoning requirements may have the following notation placed on the plan by the Planning Administrator:
   "This approval is not a determination as to conformance with zoning regulations."

SECTION 305. STANDARDS

The Planning Administrator, in issuing a Certificate of Approval under this Article, shall determine the basic standards to which the access way shall be constructed. In determining these standards, he shall use the following standards as guidelines:

A. The access should utilize a previously-approved layout;
B. The accessway should be made part of the public street system. Where this is not possible, the applicant must submit legal instruments running with the land that recognize that the accessway is not part of the public street system, and the landowner shall not petition for public services on the accessway, and post "Private Lane" signs;

C. When extending a public street or installing a street which has the potential of becoming a public throughway, the extension should match the existing constructed street, if it is adequate. In this case, adequate shall be liquid fuels standards for width and surfacing, and subdivision standards for all else;
D. When installing other types of accessways, the subdivision standards should govern wherever appropriate. In no case shall an accessway be less than a twelve-foot wide gravel lane;
E. Provision of public utilities shall be considered by consulting with, or deferring to, the Engineering Department.
F. If the lot or accessway has a situation requiring special consideration to protect the public health, safety, and welfare, a determination addressing the situation shall be included.
G. An expiration date, not to be later than two years from the date of approval, after which a new Certificate of Approval will be necessary to proceed.

SECTION 306. DECISION OF THE PLANNING ADMINISTRATOR

A. Upon receiving the application package and determining it to be complete, the Planning Administrator will distribute copies of the plan to the County Planning Commission, the Department of Codes and Inspections, the Zoning Officer, Engineering Department, and Altoona City Authority, and keep the other two copies for technical review.
B. With the exception of the Blair County Planning Commission, the agencies undertaking the technical review shall have twenty (20) days to make written recommendations and comments on the plan. Failure of an agency to respond in writing within twenty (20) days shall indicate that agency's approval of the plan as submitted. The comments of the Blair County Planning Commission must be received within thirty (30) days of the forwarding date to be considered.
C. If the Planning Administrator determines that the plan does not qualify for approval under this Article, or is somehow deficient, he shall notify the applicant of such in writing within thirty-five (35) days of the submittal date, giving specific reasons for the determination.
D. If the Planning Administrator, in consultation with the other reviewing agencies, determines that the plan does qualify for approval under this section, he shall endorse the plan and issue a Certificate of Approval within thirty-five (35) days of the submittal date. The original plan will then be returned to the applicant, who is responsible for its recording with the Recorder of Deeds. The provisions of Article VI shall then apply.

SECTION 307. APPEAL

Any aggrieved applicant may appeal the decision of the Planning Administrator to the Altoona City Planning Commission. Such appeal shall be filed with the Commission within thirty days of the Planning Administrator's written decision. The Planning Commission shall have sixty days from such filing to render a decision.

ARTICLE IV
STANDARD SUBDIVISIONS

SECTION 401. INTRODUCTORY DISCUSSION

Prior to filing a formal application, the applicant is encouraged to meet with the Planning Administrator (who shall invite representatives of other Departments to be present) to discuss the concepts and issues related to the proposed subdivision. The applicant should bring the following to the introductory meeting:

A. Any professional representatives which are engaged to work on the project
B. Written documentation regarding the project
C. A sketch plan depicting the project. It is helpful if the sketch plan includes as many of the items listed in section 402 below as possible.
D. A willingness to candidly discuss the project with planning staff in a nonbinding manner to ascertain the goals, objectives, opportunities, and limitations of both the City and the applicant.

SECTION 402. PREAPPLICATION REVIEW

Prior to filing a formal application, the applicant may, at his option, submit a sketch plan for a more technical interdepartmental review by city staff. This review is not binding on the Planning Commission, but allows the applicant to work out many of the technical issues which typically accompany a subdivision plan. The review takes approximately fifteen to thirty days, depending on the issues at hand and ability to communicate. To engage this review, the applicant shall submit the following:

A. A brief narrative of the project, which includes a request for a preapplication review of the plans under this section.
B. A contact list of professionals working on the project (if hired), the owner, and the applicant submitting the project.
C. A list of waivers the project will likely need for approval
D. The fee established in Article III of Title Ten. This amount will be subsequently deducted from the filing fee required for the formal application.
E. A sketch plan. The sketch plan shall include at least the following:
    1. The title “Sketch Plan”of (Name of Subdivision)
    2. Date, scale, north point, and if appropriate, a legend to explain any graphic representations or symbols on the plan.
    3. The names of the owner of record and the applicant
    4. The name of the draftsman (this need not be a design professional)
    5. The outer lines of the subdivision in a heavy shaded line
    6. The names, location alignment, and width of existing streets and easements
    7. Lines and names of proposed streets and easements in a general manner
    8. The following information for each lot within the subdivision boundaries:
        a. Approximate boundary lines
        b. Approximate dimensions, including area and frontage
        c. A numerical designation for each lot, preferably in sequential order
    9. The topography in a general manner
    10. A rough sketch of the proposed drainage system in a general manner
    11. Identification of any existing or proposed public areas
    12. The approximate size and location of new and existing utilities

13. Any additional items required for a formal proposal which may be helpful in the staff's review of the plan
14. Any other information the applicant feels would be helpful in the review.

SECTION 403. EFFECT OF INTRODUCTORY MEETING AND PREAPPLICATION REVIEW

Neither the introductory meeting nor the preapplication review have standing as part of the formal review process. Approval of plans under this Article require action by the Altoona City Planning Commission, which is specifically and deliberately absent from the processes described in Sections 401 and 402. The purpose of these processes is to familiarize the staff and work out technical kinks in the proposal before it enters into the formal review process. No comments made by staff during these processes are binding on the Planning Commission for its review, however staff is hereby required to act expeditiously and in good faith in its representations to the applicant. The applicant is not required to engage in the introductory discussion or pre-application review.

SECTION 404. SUBMISSION OF A SUBDIVISION PROPOSAL

Any person wishing to obtain approval of a subdivision shall submit a package meeting the requirements of the following sections to the Codes and Inspections Department:

A. Title Ten, Section 101 pertaining to all submittals
B. Title Ten, Section 103 pertaining to standard subdivision plans
C. Title Ten, Section 105 pertaining to infrastructure plans
D. Title Ten, Section 106 pertaining to environmental mitigation plans

SECTION 405. BASIC LAYOUT

All plans submitted shall depict the proposal, which shall conform to the following basic layout standards for subdividing the land.

A. Placement of Buildings
    1. Buildings, landscaping, and screening shall be placed so that they conceal the less desirable elements generally installed with construction items such as air conditioning units, parking areas, garages, and garbage storage are typical of such elements so that they are not visible from adjacent lots and streets.
    2. Building areas shall be laid out so that any scenic site features and views are preserved, both into and out of the site.
    3. Building layout shall promote a sense of neighborhood, yet allow individual privacy for each landowner.
    4. Building sited in such a manner that they may block public scenic views through the site shall be laid out and designed so as to complement the viewshed into which they are placed. Attempts shall be made to preserve a portion of the viewshed whenever practical.
    5. Building sites shall be laid out with consideration given to the provision of adequate solar access and air circulation. New development shall be accomplished such that excessive winds are neither created nor exacerbated.
    6. Building sites shall be laid out and graded so as to provide positive drainage away from proposed buildings.
    7. Building placement shall not hinder the effective and efficient response of emergency personnel in a fire or medical emergency.
    8. Buildings shall not be sited or designed to create a public nuisance or a traffic hazard once constructed.

B. Placement of Lot Lines
   1. Lots shall be laid out so as to provide buildable areas, accessible driveways, and usable yards and open space areas with the minimum possible disturbance to the site.
   2. Lots shall be laid out with consideration given to views and privacy.
   3. Lots shall meet the minimum requirements of Title Three (Zoning). Where this is not possible or not desired, the lot shall be conspicuously labeled "UNBUILDABLE" and appropriate legal instruments restricting construction on the lot shall be executed with the City as party.
   4. Lots shall abut on public streets (including new streets intended to be public).
   5. Lots should be laid out to avoid driveway access from roadways with three or more lanes. Twin one-way pairs shall be considered as one roadway for purposes of this standard.
   6. Lot shape shall be rectangular wherever practical. Where not practical, other shapes may be proposed so long as side lot lines intersect the street right-of-way line at no more than forty-five degrees from perpendicular or radial and maintain the intersecting angle until such side line intersects a projected line running parallel to and twenty feet away from the street right-of-way line.

C. Layout of Blocks
   1. Block length shall be a minimum of three hundred feet, and no longer than eight hundred feet.
   2. Blocks in residential areas shall be of sufficient depth to allow for two house lots between avenues
   3. Alleys are neither required nor prohibited
   4. Block layout shall be designed giving neighborhood stability and non-automotive traffic primacy above automotive traffic and parking.

SECTION 406. ENVIRONMENTAL MITIGATION

All subdivision proposals shall provide for the following environmental mitigation measures as well as any additional requirements of the state and federal governments.

A. Grading and Soil Removal
   1. It is the intent of this subsection to protect life and property by preventing rock and soil slippage, loss and degradation of natural drainage ways, increased soil erosion and sedimentation, and other soil and water management issues.
   2. Grading shall be limited to the minimum area necessary to provide for buildings, roads, parking areas, utilities, and other facilities shown on the subdivision plan.
   3. A soil erosion and sedimentation plan shall be prepared in accordance with Title Four of the Altoona Planning Code.
   4. Where required by the National Pollution Discharge Elimination System or state regulations, a permit shall be secured prior to the commencement of any grading or earthmoving activities for the following:
      a. Development of sites between five and twenty-five acres in size, which are not located within a special protection watershed and which are not ineligible for other reasons specified in the Pennsylvania Department of Environmental Protection regulations. In this case, General Permit PAG-2 may be used once obtained from the Blair County Conservation District.

b. Development of sites in excess of twenty-five acres in size that are not divided into parcels pursuant to 25 PA Code 102.31(a)(4) shall obtain individual NPDES permits. Individual NPDES permits are also required for smaller sites that are located in special protection watersheds or are otherwise ineligible for the general permit. Processing of individual NPDES permits has been delegated to the Blair County Conservation District.

5. The applicant is responsible for protecting adjacent and downstream properties from any damage which occurs as a result of earth disturbance on the development site. Such protection shall include cleaning up and restoring to their pre-damage condition any adjacent or downstream properties adversely affected by silt, debris, flooding, or other damage resulting from the earth disturbance activity.
6. The top and bottom edges of cut and fill slopes shall be set back from property lines a minimum of two feet plus twenty per cent of the height of the slope. This setback need not exceed ten feet.
7. Topsoil stripped from the site in preparation for earth moving activities shall be stockpiled and replaced on the site over all regarded non-developed areas at a minimum depth of six inches.
8. Fill areas shall be prepared by removing organic material such as vegetation or rubbish, and any other material which is determined to prevent proper compaction and stability.
9. Proposed grading activities shall be accomplished so that post-development storm water flows cause no additional harm to abutting properties and streets. The storm water management provisions of Title Four apply.
10. Maximum gradient of graded slopes shall be no greater than two horizontal feet to one vertical foot (2:1), except as follows:
    a. Where the height of a proposed slope will not exceed ten feet, then a maximum gradient of 1:1 may be permitted where soil conditions permit and where doing so will help preserve existing vegetation or other significant natural features.
    b. Where a retaining wall, designed and sealed by a registered professional engineer, is constructed to support the face of the slope.
11. Excavation adjacent to any building foundation walls, footings, or structures shall not extend beyond the angle of repose or natural slope of the soil under the nearest point of same unless the footings, foundations, or structures have been sufficiently underpinned or otherwise protected against settlement.

B. <u>Steep Slopes</u>

The following shall apply to all grading and disturbance on land with slopes of twenty-five percent or greater.

1. For slopes between twenty-five percent and forty percent, no more than thirty percent of the slope area shall be stripped of vegetation or disturbed through grading. Grading and clearing for roads on these slopes shall be limited to that necessary to accommodate the improvements required by this ordinance. Wherever possible, roads should follow the contours of the land.
2. No development or disturbance shall be allowed on slopes exceeding forty percent. Limited disturbance for utilities may be allowed where no reasonable alternative location exists.

C. Significant Natural Areas and Features
   1. Where a proposed subdivision includes an identified natural area or feature such as endangered species or wetlands, the applicant shall demonstrate compliance with all applicable state and federal requirements.
   2. All healthy trees with trunks equal to or exceeding twenty-four inches in diameter, or any tree which may be noteworthy because of its species, age, uniqueness, rarity, or status as a landmarks due to historical or other cultural associations shall be preserved, unless removal is deemed necessary by these criteria:
      a. The health of the tree is such that it is dead, dying, or diseased beyond remedy.
      b. The tree endangers the public or adjoining property
      c. Site constraints which make preserving the tree impossible
   3. Large trees removed pursuant to the above subsection shall be replaced with a minimum of three trees with a minimum caliper of 3 inches. Tree placement shall be in such a manner so as to complement the site and ensure the long-term health of the trees planted.

D. Water Quality
   1. All buildable lots within the subdivision shall be supplied public sewage facilities. The applicant must document application for a Sewage Facilities Planning Module prior to approval under this Title. Approval must be obtained from the Department of Environmental Protection must be obtained prior to the issuance of a building permit. A note stating that such approval must be obtained prior to the issuance of a building permit must appear on the plan.
   2. The applicant shall provide public access to any watercourses located within the project area. This may be done by street, sidewalk, walkway, or bikeway.
   3. The applicant is responsible for compliance with any state or federal requirements that may apply to the project when the project is located within fifty feet of a waterway or regulatory wetland.

E. Air Quality

   Design of the subdivision should promote alternative modes of transportation to reduce automotive dependency. Transit-oriented design and the development types in Title Six are encouraged to promote air quality.

F. Noise

   Subdivisions located in areas which are subject to high levels of noise may install soundproofing measures to mitigate the noise. In all cases, a notation shall be made on the plan that the project is subject to high levels of noise.

SECTION 407. HIGH HAZARD AREAS

A. Landslide Areas

   No grading, removal of vegetation, construction, or other disturbance shall be permitted on soils that are classified as slide-prone or unstable in the soil survey for Blair County or on other areas exhibiting signs of instability, except in accordance with the provisions below.
      1. Unstable areas may be set aside for public, common, or private open space.
      2. Limited disturbance may be considered if the applicant is able to demonstrate that the proposed disturbance will not cause sliding movement or any unsafe condition either on the subject property, or any property adjacent to it.

3. Evidence of the safety of any proposed disturbance shall require site investigation and certification in writing by a registered soils engineer, engineering geologist, or structural engineer that the proposed activity will not create or exacerbate unsafe conditions.

B. Undermined and Cavernous Areas

No subdivision of land intended to create lots for building construction shall be approved on a site which has been undermined or is known to contain cavernous pockets at shallow depths, or in an area where there is evidence of past subsidence unless the applicant demonstrates that the proposed subdivision will be safe and will not cause hazards for adjacent properties. Evidence of safety shall be required if the site or any area of the site has less than one hundred feet of overburden, evidence of the safety of the proposed subdivision shall require site investigation and certification in writing by an engineering geologist that the proposed development will be safe.

C. Flood Prone Areas

To the maximum extent feasible, new development shall not be undertaken in areas subject to period flooding, including identified floodplain areas and flood hazard areas as determined by the Federal Emergency Management Agency; or in other areas where the Federal Emergency Management Agency has not provided maps and studies, but may be flood-prone as indicated in local records and histories, field studies, or on-site investigations.

1. Portions of proposed subdivisions that are susceptible to flooding should be preserved as open space or other uses that will not be harmed or cause hazards if exposed to inundation by flood waters.
2. Construction in the floodway portion of a flood-prone area shall comply with Pennsylvania Department of Environmental Protection regulations.
3. Where development within flood-prone areas cannot be avoided, such development shall be subject to the flood hazard provisions of Title Four of the Altoona Planning Code.

D. Contaminated Sites

No subdivision shall be approved on land known to contain substances which are classified as hazardous unless the site has been made safe for the proposed use.

1. A contaminated site shall be considered safe for subdivision when a remediation plan has been completed and approved by the Pennsylvania Department of Environmental Protection, subject to “2” below.
2. The subdivision of contaminated land (not including any development or earth disturbance) may be approved prior to remediation if a notation approved by the Commission is placed on the plan that indicates that the site or specified lots within the site contain or may contain hazardous substances.

E. Air Traffic

Subdivisions located in areas where development may create hazards to aircraft because of height, illumination, or other features that may interfere with aircraft operation shall be designed so as not to create hazards to air traffic.

1. All proposals shall comply with applicable state and federal requirements relative to aircraft hazards.
2. If notice to the state or federal government is required, the applicant shall provide copies of permits or approvals from those jurisdictions or a notice from those jurisdictions that such approval is not required.

3. Subdivisions shall comply with all conditions and restrictions that may be placed on them by the state or federal government, including any requirements to note such restrictions on the subdivision plan.

SECTION 408. TRANSPORTATION

It is the intent of the City that all newly proposed subdivisions provide for the basic transportation needs of an urban area, as well as mitigate the effects of these provisions. These standards herein ensure safe and convenient access to and from the site by pedestrians, cyclists, transit, and the automobile.

A. General Access

New subdivisions must have adequate access. To provide for adequate access, the proponent shall ensure the following:

1. All traffic shall be provided access to the public street system
2. Proposed connections to the existing street system shall be approved by the jurisdiction owning the street at the point of connection.
3. Where a proposed street must continue into an adjoining municipality, the proponent shall coordinate the street design to maintain traffic safety.
4. Streets shall provide convenient connections and not adversely affect the quality of life in the neighborhood.
5. Residential streets shall be designed to minimize through traffic, discourage excessive speeds, and provide privacy in residential areas.

B. Classifications and Levels of Service

1. Streets shall be classified as either residential or non-residential, and shall be further classified as arterial, collector, feeder, or local as defined in Title Ten.
2. The classification of each street shall be based upon the projection of traffic volumes ten years after the completion of the final phase of the proposal. Traffic volumes shall be calculated in accordance with trip generation rates published in the *Trip Generation Manual* published by the Institute of Transportation Engineers (or an alternate source acceptable to the Commission), and shall consider all traffic likely to use that street.
3. Each street shall be designed for its entire length to meet the standards for its classification.
4. Proposed streets shall be designed to function at Level of Service B or higher. Existing streets shall not fall below level of service D, unless the existing condition is worse.
5. Private streets shall not be allowed, except in cases where a homeowners association is established and agreements executed placing full responsibility for street installation, maintenance, replacement, and liability with the homeowners association.

C. Traffic Impact Study

1. A traffic impact study shall be required for a subdivision which will generate more than one hundred peak hour trips when fully developed. The Commission may also require a study to assess the impacts of smaller projects if traffic congestion or safety concerns already exist.
2. The traffic study shall be conducted in accordance with the recommended practice *Traffic Access and Impact Studies for Site Development* published by the Institute of Transportation Engineers (or an alternate source acceptable to the Commission).

3. The scope of the study, study area, and methodology shall be approved by the Commission before the study is initiated. A pre-application conference should be scheduled for this purpose.
4. The study shall be performed by, or under the supervision of, a professional engineer with training in traffic and transportation engineering studies and experience in the preparation of traffic studies.
5. The traffic study must yield the following results:
   a. Demonstrate that the levels of service required in Subsection B above will be met by the proposed subdivision and that the street layout will function safely and efficiently
   b. Describe any measures which have been incorporated into the development plan in order to achieve the required conditions. Such measures may include, but are not limited to, the following:
      1) traffic reduction efforts such as clustering of buildings, transit-friendly development, or a location which would allow easy access of pedestrians and bicyclists to other land uses thereby reducing reliance on the automobile
      2) phasing of construction to coincide with the completion of transportation improvements programmed by the public sector
      3) construction of on-site transportation improvements
      4) construction of off-site transportation improvements
      5) extension of transit, bicycle, or pedestrian services to the site
   c. Any traffic mitigation measures which are not physical site improvements shall be incorporated into a performance covenant or restrictive covenant between the City and the applicant and recorded with the subdivision.

D. <u>Street Design</u>
1. <u>Grading</u>
   a. The entire width of the right-of-way of each street shall be graded, except grading and clearing for roads on slopes greater than twenty-five percent shall be limited to that necessary to accommodate the improvements required by this ordinance. Wherever possible, roads should follow the contours of the land.
   b. The minimum grade shall be one percent.
   c. Maximum street grades, except for necessary allowance for vertical curves, shall conform to the following:
      1) Arterial Roads – 6%
      2) Collector Roads – 8 %
      3) Feeder Roads – 10%
      4) Local Roads – 12%
      5) Alleys – 10%
      6) Where localized topography does not allow practical application of these standards, the engineer may propose alternative grades or alignments to accommodate the existing conditions.
   d. Grades shall be measured along the center line of the street.
   e. Centerline grade at the head of a turnaround area shall not exceed five percent. Designers should make all attempts to comply with this standard irregardless of local topography.
   f. A wooden guiderail shall be provided at any location where the center line grade of the street is more than six feet above the grade of the abutting land.
2. <u>Alignment</u>

a. Streets shall be designed so that it is uncomfortable for a driver to travel faster than twenty-five miles per hour. Arterial streets shall be excepted.
b. Streets shall have a minimum safe stopping sight distance of one hundred fifty feet on all vertical and horizontal curves.
c. The minimum centerline radii for horizontal curves shall be one hundred feet, except arterial streets which shall have minimum radii of seven hundred feet.
d. A minimum tangent of one hundred feet shall be provided between reverse curves, and a minimum tangent of one hundred fifty feet shall be provided for broken-back curves.
e. Vertical curves shall be provided for all changes in grade exceeding one percent. For each one percent of difference between tangent grades over three percent, a minimum of fifteen feet of vertical curve length shall be provided. The minimum vertical curve length shall be fifty feet on all streets except arterials where the minimum length shall be one hundred fifty feet.

3. Widths
   a. The right-of-way width shall be measured from lot line to lot line and shall be wide enough to contain the cartway, curbs, shoulders, parking, sidewalks, bicycle facilities, trees, lighting, signs, and other improvements which are normally necessary for a city street.
   b. The right-of-way width of a street extension shall conform to these standards, except in cases where doing so may endanger life or property.
   c. The right-of-way width shall consider future development within the subdivision as well as that projected by the Comprehensive Plan or other development study.
   d. Right-of-way widths shall be fifty feet on all streets except arterial streets and alleys. For arterial streets, a minimum width of seventy feet shall be provided to accommodate expansion of the roadway. For alleys, a sixteen-foot wide right-of-way shall be provided
   e. Pavement widths shall conform to the following:
      1) Arterial Roads – 48 feet, split by a twelve foot medial strip between the two twenty-four foot cartways.
      2) Collector Roads – 24 feet
      3) Feeder Roads – 24 feet
      4) Local Roads – 24 feet
      5) Alleys – 16 feet
      6) If parking is to be provided on collector or arterial roads, an additional eight feet of pavement width shall be provided.
   f. Lane markings shall be provided for arterial and collector roads, except where such markings may cause driver confusion. Marked lanes shall be twelve feet wide.
   g. Additional width may be required to provide for safety, parking, pedestrians, bicycles, transit, or topography.
4. Turnarounds
   a. All dead end streets over fifty feet in length shall be provided with a turnaround on the closed end.
   b. Turnarounds shall be centered on the approaching street, or offset to the left of the approaching street.

c. A turnaround shall end in a cul-de-sac with a paved cartway of twelve feet with a minimum outer radius of seventy feet surrounding a landscaped island, except in the following cases:
   1) A teardrop-style cul-de-sac may be used in an area where longer vehicles are expected to make up a significant proportion of the traffic volume. If used, the engineer shall demonstrate that the pavement width(s) and radii used will serve the traffic and neighborhood well.
   2) On residential streets serving fewer than five units, a hammerhead may be installed if insufficient space exists for a cul-de-sac. The legs of the hammerhead shall extend at least fifty feet, and the width shall be consistent with that of the approaching street.
   3) Temporary turnarounds shall be installed at the ends of streets which are to be extended within ten years. Temporary turnarounds shall be designed to the minimum standard necessary to handle projected traffic flow while the temporary treatment is in place. A cul-de-sac, bump-out, hammerhead, “T”, or “Y” may be used in these cases.

d. Dead end streets shall be posted with a “no outlet” sign, or approved equivalent, at the entrance to the street.

5. <u>Intersections</u>
   a. Streets shall intersect as close to ninety degrees as possible. No street intersection shall be at an angle less than sixty degrees.
   b. Streets shall not intersect closer than two hundred feet, as measured by the nearest right-of-way lines.
   c. Intersections shall be limited to four legs or less.
   d. Sight distance for all legs of an intersection shall be at least two hundred feet as measured from the pavement centerline along the center of the lane carrying the traffic approaching the intersection.
   e. Wherever possible, intersections shall not exceed a slope of three percent, and all approaching legs shall not exceed a grade of five percent within fifty feet of the intersection of the centerlines.
   f. Turning, merging, deceleration, acceleration, and bypass lanes may be required at any intersection along an arterial roadway as is determined by the traffic impact study.
   g. Clearly marked pedestrian crossings and handicapped-accessible curb ramps shall be provided across all legs of an intersection.
   h. For all streets except arterial roads, the curb radii at an intersection shall be twenty-five feet. For any intersection involving arterial roads, the curb radii shall be fifty feet.
   i. Intersections on arterials shall not cut across the medial strip unless the intersection is signalized.

6. <u>Traffic Calming</u>
   a. Traffic calming measures may be required to mitigate the effect of subdivisions that could create cut-through for traffic, allow traffic at moderate to high rates of speed, or create hazardous conditions for pedestrian traffic.
   b. Such traffic calming measures shall be appropriate to the situation, and shall be the minimum necessary to mitigate to effects of vehicular traffic on the neighborhood.

c. Measures to be considered for cut-through traffic include traffic circles, intersection tables, one-way flows, bump outs, and on-street parking.
d. Measures to be considered for traffic moving at moderate to high speed include speed humps, intersection tables, on-street parking, and traffic circles (both at intersections and mid-block), and median islands.
e. Measures to be considered for pedestrian hazards include refuge islands, sidewalks, intersection tables, crossing flags, signals, and bump-outs.
f. The above listings are not to be considered exhaustive; if an unlisted measure is deemed appropriate, it may be substituted.
g. All traffic calming measures shall be installed in accordance with traffic calming device standards promulgated by the Pennsylvania Department of Transportation.

7. Curbs
   a. Vertical or sloped curbs shall be required along both sides of all streets, along both sides of all median strips, and along the full perimeter of all cul-de-sac islands. Curbs shall be granite or concrete; asphalt curbs are not acceptable.
   b. A maximum of one fourteen foot curb cut shall be provided each lot in the subdivision. As Altoona is an urban setting, on-street parking, neighborhood parking or alley access are preferred over driveway cuts.
   c. Curbing shall be vertical for a distance of two feet on both sides of all catch basins. Where a swale system is used, drainage cuts in the curbing shall consist of sloped curb.
8. Shoulders and Embankments
   a. The area between the curbing and the sidewalk (or right-of-way line where no sidewalk is required) shall be constructed so as to support a vehicle should one leave the pavement area, or need to pull to the far right to park safely.
      1) The area between the curb and the sidewalk shall be prepared with a twelve inch gravel base and a three inch surface mixture of two-thirds gravel and one-third loam.
      2) This area shall be graded with a horizontal pitch of $^{3}/_{8}$" per foot.
      3) This area shall be seeded with a fine-bladed lawn grass.
      4) The plan should make attempts to keep two feet closest to the curb free of all obstacles, especially in areas where sloped curb is used.
   b. Embankments shall be graded so as to blend in with existing topography. Newly-created embankments shall be stabilized with vegetation to prevent erosion or movement.
   c. Retaining walls in the street right-of-way shall be avoided in residential areas unless such an installation is the only practical way to install the roadway. When used, retaining walls shall be designed to complement the residential nature of the proposal.
9. Lights and Traffic Control Devices
   a. Street lighting shall be required for all subdivisions as follows:
      1) In residential areas (except arterials) lighting shall be provided at every intersection.
      2) In non-residential areas (except arterials) lighting shall be provided so as to light up the entire street right-of-way independently of any other lighting that may be present. Intersection lighting shall be wired separately so that the City may lower the mid-block lighting during non-business hours.

3) For arterials, lighting shall be placed in the median at sufficient distance so as to provide light to the entire street. Lighting at signalized intersections may be placed on the shoulders.

b. The placement and design of light standards shall provide adequate lighting to the street right-of-way without posing a hazard to drivers nor a nuisance to abutting properties.

c. Street lighting units shall be no higher than twenty feet above grade and shall be designed to direct light downward onto the street.

d. Street name signs shall be provided at all new intersections, and shall be of the standard size and placed for maximum visibility.

e. Traffic control signs and other control devices shall be provided by the applicant as needed. The applicant shall use the *Manual on Uniform Traffic Control Devices for Streets and Highways*, Millennial Edition for guidance, however the use of signs shall be minimized.

10. <u>Street Trees</u>

a. Trees shall be required along both sides of all roadways, and spaced not more than fifty feet apart. The goal is to provide a complete canopy over the street right-of-way.

b. Trees shall be located no closer than two feet to the curb.

c. Trees to be planted shall have a minimum diameter of two inches at a point four feet above the ground. All stock shall be nursery-grown, balled, and burlapped.

d. In order to protect against the potential for all of the street trees in any neighborhood to be lost to disease or insects, no more than one-third of the trees planted shall be of the same species.

e. Tree grates or fencing may be required to protect new trees in dense areas or other high-traffic areas.

f. Trees shall be planted in the following manner:

1) Each tree to be planted shall be placed in a hole dug one foot wider and one foot deeper than any part of the root ball.

2) Soil to be replaced around the root ball is to be a good quality loam.

3) The root ball shall be placed two inches deeper than the surrounding undisturbed soil to create a depression that holds water.

4) Each tree shall be watered immediately after planting to settle the soil and moisten the roots.

5) Trees shall have temporary labels attached so inspectors can determine compliance with the approved plan.

g. The developer is responsible to guarantee all planted trees live through one complete growing season.

E. <u>Driveways</u>

1. All driveways shall enter streets at safe locations. No driveway shall enter a public street within fifty feet of an intersection.

2. Shared driveways for up to four houses are permitted. Shared driveways shall have a minimum width of ten feet, be set within a twenty-foot easement, and shall be subject to a maintenance agreement entered into by the owners of the lots served by the driveway. Shared driveways shall be permitted only where the physical constraints of the project do not allow proper individual access points for each individual property.

3. Reasonable sight distance shall be provided all driveways.

F. Transit Facilities

Where a proposed subdivision is to be located along or within reasonable walking distance of an existing or proposed transit route, the developer shall provide the bus shelters, and provide any pull-offs for transit vehicles at bus stops as determined by the Commission in consultation with the transit authority.

G. Bicycle Facilities

1. All new streets shall be planned and constructed to safely accommodate bicycle traffic.
2. Where a subdivision is to be located along or within one-half mile of an existing bikeway or a bikeway proposed by the City, County, Region, or State, the subdivision plan shall include connections to the bicycle facility in accordance with the *Policy on Geometric Design of Highways and Streets,*1994 edition, published bu AASHTO.
3. Bicycle facilities shall be included within the street right-of-way where practical. The developer may propose off-street bikeways provided these are eight feet wide within a sixteen-foot wide easement providing full public access to the bikeway. Such facilities shall conform to standards published in the *Policy on Geometric Design of Highways and Streets*, 1994 edition, published by AASHTO

H. Pedestrian Facilities

1. Sidewalks, which exist within the street right-of-way and run generally parallel to the street, shall meet the following standards:
   a. Sidewalks shall be provided in every subdivision.
   b. Sidewalks shall be parallel to the street and located so that the outer edge of the sidewalk runs coincident with the street right-of-way line.
   c. Sidewalks shall be set back at least four feet from the curb line in residential areas. In commercial areas, with the exception of Business Route 220, the sidewalk width shall be extended to the curb to accommodate the commercial activity. Along Business Route 220, the sidewalk shall be set back from the curb line as in residential areas.
   d. Sidewalks shall be a minimum of four feet wide. If the sidewalk is to double for bicycle use, the sidewalk shall be eight feet wide.
   e. Sidewalks shall be constructed with concrete.
2. Pathways, which exist outside the street right-of-way, but are available for general use, shall meet the following standards:
   a. Pathways shall be installed to connect major use areas, two portions of the same neighborhood, two dead-end streets, or stream crossings. Pathways shall also be installed to provide access to public amenities such as streams, parks, precipices, cemeteries, and so forth.
   b. A pathway shall be available for both pedestrian and bicycle use, but shall be designed to prevent use by motorized vehicles.
   c. Pathways shall be at least six feet wide within a twelve-foot easement providing full public access.
   d. Pathways shall be constructed of a permanent non-erosive material conducive to use by pedestrians and bicycles.
   e. Pathways shall be named and clearly labeled as a public way.
3. All pedestrian facilities shall provide appropriate wheelchair access where they intersect the street system. All facilities shall be constructed in accordance with federal standards for handicapped accessibility.

4. All pedestrian facilities shall be designed to foster a sense of neighborhood and promote neighborly interaction without posing danger to pedestrians and residents of the neighborhood.

I. Common Parking

In commercial areas and high density neighborhoods, the Commission may require installation of a common parking facility to help alleviate future parking shortages. This may require a set-aside of land within the subdivision, or a redesign of the street to accommodate additional on-street parking (i.e. angled parking).

SECTION 409. INFRASTRUCTURE

A. Water Service

1. All new subdivisions shall be required to connect to the public water supply. Water distribution pipes shall be required to serve all lots on the street within the subdivision. All materials, construction, and connections to be dedicated shall be in accordance with the specifications set forth by the Water Division of the Altoona City Authority. No private wells shall be installed in the City from which potable water will be drawn for purposes of human consumption.
2. Water mains shall conform to the following:
   a. Pipe diameter shall be eight inches
   b. Mains shall have a minimum cover of four feet six inches above the top of the pipe and shall be centered within a twenty-foot easement.
   c. Where a water main crosses any other underground utility, the minimum clearance between the outside of the pipes or conduits shall be twelve inches
   d. Water mains shall be installed in the right-of-way, unless the applicant demonstrates a need to do otherwise
   e. The necessary pipe bends shall be installed if pipe deflection is to exceed five percent at a joint.
3. Valves shall meet the following specifications:
   a. At intersections, valves shall be set in line with the street right-of-way lines.
   b. Valves shall be set in each block and at all tees and branches, with no more than one thousand feet between valves.
   c. Valves shall be installed on all fire hydrant leads, and shall be located three feet from the centerline of the tee.
   d. Dead end valves shall have boxes and a cap or plug on the end.
4. Hydrants shall be installed in accordance with the following:
   a. Hydrants shall be located not more than five hundred feet apart, as close to intersecting lot lines as possible. Hydrants shall be set back from the curb three feet within the street right-of-way.
   b. At intersections, the hydrant shall be set back five feet from the rounding or cutback of the property lines.
5. Service connections shall be provided as follows:
   a. Connection shall be provided to the property line of every buildable lot and located in the center of the frontage.
   b. All tubing shall be a minimum of ¾ inch diameter and a minimum cover of four feet.
   c. Curb stops shall be located one foot from the property line
   d. Connections shall be installed in a straight line at a ninety degree angle to the street.

e. Connections shall be located at least ten feet from any sewer service connection or cellar drain.

6. Wherever possible, water mains shall be designed to avoid dead end mains. Where water mains dead end, either a hydrant or blow-off shall be required. Air-release valves and blow-off may be required in other areas as deemed necessary byt the physical conditions of the site.
7. Wherever system pressure is deemed insufficient, the applicant may be required to install a storage tank of 250,000 gallon minimum capacity. Such tank shall provide the required pressure to the system by means of gravity. The applicant shall also be responsible for the installation of any pumping apparatus as may be necessary.

B. Sanitary Sewer Service

1. All new subdivisions shall be required to connect to the public sanitary sewer system. Sewer collection pipes shall be required to serve all lots on the street within the subdivision. All materials, construction, and connections to be dedicated shall be in accordance with the specifications set forth by the Wastewater Division of the Altoona City Authority. If required, all related installations, including lift stations, pumps, and force mains shall be installed with the sanitary sewer system.
2. In no case shall surface water, roof drainage, cellar drains, or subsoil drainage be allowed to discharge into the sanitary sewer system by design.
3. Sanitary sewer mains shall conform to the following:
   a. Sanitary sewers shall have a minimum diameter of eight inches
   b. Mains shall be installed at sufficient depth to serve existing and proposed basements without the use of forced or hung plumbing. Waivers may be issued if topography so requires.
   c. All piping shall be laid on straight horizontal and vertical planes between manholes.
   d. Where the sanitary sewer main crosses another utility, the minimum clearance between pipes or conduits shall be twelve inches, and the sanitary sewer shall always pass beneath any public water supply line.
   e. Sewer mains shall be laid at a grade so as to maintain self-cleansing velocities.
4. Manholes shall be constructed at breaks in the grade of the sewer or changes in alignment and at intervals not exceeding lesser of one block or four hundred feet. Manholes shall have shaped channels connecting all lines.
5. A sewer service connection, consisting of a wye and six inch pipe, shall be installed from the sewer main to the property line at every buildable lot. The grade of connections shall be at least two percent.
6. Easements for sanitary sewer mains outside the street right-of-way shall be provided wherever necessary. Easements shall be centered on the main and be a minimum total width of twenty feet.

C. Storm Sewer Facilities

1. Storm drains, culverts, catch basins, and related facilities shall be designed to permit the unimpeded flow of all natural watercourses, to ensure adequate drainage at all low points along streets, to control erosion, to prevent the flow of water into inappropriate areas, and to intercept run-off along streets.
2. To the maximum extent feasible, storm water shall be recharged into the ground on-site rather than piped off the premises.
3. The drainage system shall be engineered so that abutting properties and streets are not adversely affected by runoff water generated by the new subdivision.

4. Storm water runoff shall not be directed into the sanitary sewer system, and all materials used and the construction of the facilities shall meet with City specifications.
5. Storm water facilities shall be installed in accordance with Title Four.

D. Combined Sanitary Sewer and Storm Sewer
1. In areas where only a combination sewer is available for discharge, storm water shall be redirected to a detention system and treated for quality prior to discharge into the combined sewer system.
2. To the maximum extent possible, storm water shall be recharged into the ground on-site rather than piped off the premises.
3. Storm water facilities shall be in accordance with Title Four.

E. Electric Utility
1. All lots within a subdivision shall be provided with electric service.
2. Service shall be installed in accordance with City and utility specifications.
3. Electric service lines shall be kept out of sight along the streets in the subdivision. The utility lines shall be placed in the alley or underground.
4. The applicant is responsible for securing any and all easements necessary to provide electric service to the entire subdivision.

F. Natural Gas Utility
1. All lots within a subdivision shall be provided with natural gas service.
2. Service shall be installed in accordance with City and utility specifications.
3. The applicant is responsible for securing any and all easements necessary to provide natural gas service to the entire subdivision.

G. Telecommunications Utilities
1. The telecommunication utilities include, at a minimum, telephone, television, and internet services. All lots within the subdivision shall be provided with the necessary installations to provide the occupants the ability to connect to any or all of these services.
2. Any wiring necessary shall be kept out of sight along the streets. The lines shall be placed in the alley or underground.
3. The applicant is responsible for securing any and all easements necessary to provide telecommunications services to the entire subdivision

H. Basic Services
1. The Commission may also require the developer to provide infrastructure necessary to support other basic life services such as mail delivery, trash removal, school bus service, and snow disposal, if it determines a need exists for these services to be specifically designed into the subdivision.
2. The subdivision design shall not hinder the provision of these services.

SECTION 410. PUBLIC FACILITIES

A. The Sewage Facilities Planning Module for the project shall be completed and approved, waived, or exempted prior to the issuance of a building permit.
B. The developer shall inform the providers of public services and facilities of the new development. Such notification shall include sufficient information so that the service provider is able to determine whether sufficient capacity exists to properly serve the new subdivision. Providers typically informed include the school district, AMTRAN, the post office, and the Recreation Commission.
C. Parks and Recreation facilities may be provided by developer and deeded over to the City, a homeowners association, or non-profit organization. Recreational facilities shall be designed for the ready use of the neighborhood, and shall be shielded from abutting properties to reduce visual and auditory impact.
D. Urban gardens and urban art may be included in a subdivision.

SECTION 411. MONUMENTATION

A. Permanent monuments shall be installed in the subdivision to provide survey and property line control. All monuments shall conform to the standard practices of the surveying profession.
B. Monumentation materials shall comply with the following:
    1. Monuments shall be made of durable material of sufficient length and cross-sectional area to be reliably permanent and shall clearly indicate the specific survey point. Concrete or stone monuments with a minimum width of four inches and a minimum length of thirty inches shall be acceptable.
    2. Markers shall be iron pins or pipes, thirty inches in length.
    3. The practice of placing subterraneous crushed glass around the monument is acceptable, provided the glass is buried a minimum of eight inches below finished grade.
C. The placement of monuments shall be so that they do not interfere with the normal daily use of the land. Generally, the top of the monument should be flush with finished grade.
D. Monuments shall be installed at all points of change in direction of the street right-of-way and lot lines as shown on the subdivision plan.
E. Easement need not be monumented unless, in the opinion of the Commission, such monumentation is necessary for a clear demarcation of the easement.
F. No permanent monuments shall be installed until after all construction which would disturb the monument is completed.
G. Placement and location of monuments and bounds are to be certified by a registered professional land surveyor once construction is complete, and shall be shown on as-built plans.

SECTION 412. APPROVAL PROCESS

A. Submittal and review of subdivisions shall be in accordance with Title Ten
B. Upon completion of the review of the application, the Altoona City Planning Commission shall take action on the proposal. Such action may be taken at a subsequent meeting, so long as the time lines established under state law are met. Such action shall be:
   1. Request further information for a second review. This is done when the submittal and substantive requirements for the plan are not met, or when an issue arises during the review which needs to be addressed.
   2. Issue a Certificate of Approval, without condition
   3. Issue a Certificate of Approval with conditions
   4. Issue a Certificate of Denial, which clearly states the reasons for denial.
C. All approvals under this Title shall be accompanied by a Performance Contract which shall be recorded in the chain of title with the plan.
D. The applicant is responsible to follow up on all required subsequent actions set forth in Article II of Title Ten.
E. The applicant is required to obtain any and all other approvals which may be required for the proposal. Approval under this Title does not automatically grant other approvals, except those noted in the Certificate of Approval.

TITLE SIX
PLANNED DEVELOPMENT

ARTICLE I
PLANNED DEVELOPMENT GENERALLY

SECTION 101. PURPOSE

The City recognizes the need to provide for innovative development proposals which do not conform to the strict standards of zoning. This Title provides provisions to allow developers to present proposals that reflect innovation and creativity, are more harmonious with both the cultural and physical landscapes, encourage efficient use of land and resources, and ensure the preservation of property values in surrounding land uses.

SECTION 102. ADMINISTRATION

The provisions of Title Six shall be administered by the Altoona City Planning Commission.

SECTION 103. ENFORCEMENT

The provisions of Title Six as well as the resulting decisions by the Altoona City Planning Commission shall be enforced as specifically indicated in the Certificate of Action. Enforcement proceedings may be commenced by residents of the planned development, or by the City. The specific enforcement rights and requirements shall be outlined in the Certificate of Action, and shall conform to the requirements set forth in the Municipalities Planning Code.

SECTION 104. DEFINITIONS

A. General

The meanings of all words within this Article shall be controlled by Article IV of Title Ten of this Ordinance, with the exception of those listed in subsection B below. In the case where a word is listed below, the definition given shall control for this Article, unless the context clearly indicates otherwise.

B. Specific Definitions

At this time, there are no terms which apply only to this Title.
Please refer to Title Ten Article IV for definitions.

ARTICLE II
PLANNED RESIDENTIAL DEVELOPMENT

SECTION 201. SPECIFIC PURPOSE

The purposes of Planned Residential Development standards are as follows:

A. To encourage innovations on residential development and renewal so that the growing demand for housing may be met by greater variety in type, design, and layout of dwellings, and by the conservation and more efficient use of open space ancillary to said dwellings;
B. To encourage a more efficient use of land and public services;
C. To reflect changes in land development technology so that the economy secured by such technology may benefit those in need of housing;
D. To provide a procedure that can relate the type, design, and layout of residential development to the particular site;
E. To encourage a pattern of development that preserves trees, natural topography, and prevents soil erosion;
F. To provide a neighborhood of stable character in harmony with existing surrounding development; and
G. To ensure the preservation of property values within existing residential and nonresidential uses.

SECTION 202. ALLOWED USES

A. Any residential use listed as a "permitted use" in the zoning title
B. Any use listed as a "permitted use" in the host zoning district

SECTION 203. REVIEWED USES

A. Nonresidential Uses:
   1. Must be supportive of the residential uses
   2. The aggregate area shall not exceed 25% of the aggregate floor area of the allowed uses.
   3. Must complement the surrounding uses
B. Open Space and Recreation:
   1. Shall take the form of a common or public yard, tot lot, pocket park, park, or similar type of open space acceptable to the Planning Commission, but shall not consist of paved area or the personal yard space of individual units.
   2. Shall complement the overall development
   3. Shall have a specific and definite means of maintenance, including a document which applies the provisions of Section 705 (f) of the Municipalities Planning Code to the project.

SECTION 204. PROHIBITED USES

No use is specifically prohibited by this ordinance, however the Planning Commission may specify prohibited uses as part of its approval process. Such specified uses shall not be allowed within the boundaries of the development. The Planning Commission may not prohibit any use allowed under Section 202 above, but may establish conditions on such uses if the Commission feels such conditions are necessary to maintain the integrity of the neighborhood and development.

SECTION 205. TIMING AND PHASING

The Altoona City Planning Commission may, as part of its approval, attach conditions outlining the timing and phasing of the development or the elements thereof. Developers wishing to build a project under these provisions over a series of years should present a proposed timing and phasing schedule with the initial application for review by the Planning Commission. Schedules shall include:

A. Identification of each phase of the project, and the construction sequence of the phases in relation to each other
B. Identification of the various types of housing and the phase each is in.
C. Financing and cash flow information to show the proposal is fiscally feasible
D. Identify variations in density between the different phases.

SECTION 206. INTENSITY OF USE

Proposals shall meet the following minimum standards for intensity:

A. High rise buildings must be set back from the lot lines a distance equaling at least 25% of their height, up to a maximum setback of twenty-five feet (25'). For the purposes of a Planned Residential Development, a high rise shall be any building five stories or higher. No building shall exceed a height of one hundred fifty feet (150').
B. No Planned Residential Development shall allow an average density of more than twenty (20) units per acre. This average is calculated by dividing the area (in acres) of the entire tract by the total number of units.
C. There is no minimum number of units required to qualify for a Planned Residential Development
D. The minimum acreage required for a Planned Residential Development shall be twenty thousand square feet.

SECTION 207. DEVELOPMENT STANDARDS

A. The standards of development shall be those set forth in Title Five for streets and utilities, and Title Seven for the remainder of the development. Title Four will also apply, if applicable.
B. When reviewing the proposal for approval, the Altoona City Planning Commission shall also ensure that the proposal possesses a character which:
    1. Is compatible with the physical nature of the site, with particular concern for natural features, tree growth, and visually-accessible open space;
    2. Addresses its impact on traffic and parking in the neighborhood; and
    3. Exists on a human, not an automotive, scale
C. Pursuant to Section 705 (j) of the Municipalities Planning Code, the developer must supply evidence that the project shall be supplied by the Altoona City Authority's water utility system.

SECTION 208. SUBMITTAL REQUIREMENTS

Any person wishing to obtain approval of a Planned Residential Development shall submit a package meeting the requirements of the following sections to the Codes and Inspections Department:

A. Title Ten, Section 101 pertaining to all submittals
B. Title Ten, Section 103 pertaining to standard subdivision plans
C. Title Ten, Section 105 pertaining to infrastructure plans
D. Title Ten, Section 104 pertaining to land development plans
E. Title Ten, Section 106 pertaining to environmental mitigation plans

SECTION 209. REVIEW PROCEDURE

A. Upon submittal, an application for Planned Residential Development shall be placed into the City's application review procedure as described in Title Ten.
B. Within sixty days of submittal, the Planning Commission shall hold a public hearing on the application. The Planning Commission may continue the public hearing at its discretion, however, the public hearing shall terminate within sixty (60) days of its initial opening.
C. The Planning Commission shall issue a Certificate of Action granting tentative approval within sixty (60) days of the close of the public hearing. The Certificate of Action shall include:
    1. Either approval of the plan as submitted, approval of the plan with specified conditions, or denial of the plan;
    2. Conclusions and findings reached as a result of the testimony presented at the hearings;
    3. Specific reasons for the approval, conditional approval, or denial of the proposal;
    4. Conclusions and findings of fact on the respect in which the development plan is (not) consistent with the City's Comprehensive Plan;
    5. Conclusions and findings of fact on the extent to which the development plan departs from zoning and subdivision plans otherwise applicable to the subject property, including density, bulk, and use, as well as specific reasons why such departures are in the public interest;
    6. Conclusions and findings of fact on the purpose, location, and amount of the common open space in the development, the reliability of proposals for maintenance and conservation of the common open space, and the (in)adequacy of the amount and purpose of the common open space as related to the proposed density and type of development;
    7. Conclusions and findings of facts on the physical design of the development and the manner in which the design does (not) make adequate provision for public services, provide adequate control over traffic, and promote natural air flow, natural light, recreation, and visual enjoyment;
    8. Conclusions and findings of fact on the relationship of the proposal to the neighborhood in which it is proposed;
    9. Conclusions and findings of fact on the sufficiency of the terms and conditions of the phasing and timing intended to protect the interests of the public and of the residents of the development in the integrity of the development plan; and
    10. The deadline for filing a request for final approval of the plan, in accordance with the limitations set forth in Section 709(c) of the Municipalities Planning Code.

D. If the Planning Commission does not act within sixty (60) days of the close of the hearing , the application will be deemed tentatively approved as submitted.
E. If the Certificate of Action contains specific conditions of approval, the landowner may notify the Planning Commission in writing within thirty (30) days of his refusal to accept all conditions. Such refusal shall automatically cause the development plans to be denied.
F. Should the landowner not file a request for final approval within the time period specified in the Certificate of Action, the plan shall be considered abandoned, and tentative approval shall be revoked. The landowner may, at his discretion, notify the Planning Commission in writing prior to final approval that he elects to abandon the proposal, and thereby revoke tentative approval.
G. The tentative approval shall be deemed a zoning map amendment and shall appear on the zoning map upon final approval.
H. Tentative approval shall not entitle the owner, applicant, or any agent or representative to record the plan, receive building permits, or otherwise proceed with the project other than to obtain final approval of the plan.
I. The request for final approval shall consist of a submittal package meeting any conditions of the tentative approval. The Planning Commission shall grant final approval in the form of a Certificate of Approval within forty-five (45) days of receipt of the application package.
J. Should the development plan not meet the conditions of approval specified in the Certificate of Action for tentative approval, the Planning Commission shall deny final approval in the form of a Certificate of Denial. The Certificate of Denial shall indicate why the plan was not approved, and indicate the three options available below. In this event Section 210, below, shall apply.

SECTION 210 DENIED PLANS

In the event a development plan is denied a Certificate of Approval, the applicant or landowner may: abandon the plan; refile the application without the objectionable elements, or; file a written request with the Planning Commission that it hold a public hearing on the application for final approval. Such actions must be taken within the time available for final approval, or within thirty (30) days of the date of denial, whichever is later.

SECTION 211 POST-APPROVAL RESPONSIBILITIES

The post-approval responsibilities for the developer shall be those that apply to land development proposals (Title Ten, Article Two, Section 206)

ARTICLE III
TRADITIONAL NEIGHBORHOOD DEVELOPMENT

SECTION 301. PURPOSE

The purposes of this Article are as enumerated herein:

A. not distort the uniformity assumptions of zoning
B. encourage innovation in development and renewal which makes use of a mixed form of development to meet the demands for new development with a variety of type, layout and design , as well as the more efficient use of land
C. extend greater opportunities for better housing, recreation, and access to goods, services, and employment opportunities
D. encourage a more efficient use of land and public services to reflect changes in the technology of land development so that economies secured may benefit those who have need of such development
E. allow for the development of fully integrated, nixed-use, pedestrian-oriented neighborhoods
F. minimize traffic congestion, infrastructure costs, and environmental degradation
G. promote the objectives of the 2000 Altoona Comprehensive Plan
H. provide a procedure allowing the developer to relate the type, design, and layout of the development to the particular site and particular demands at the time of development in a manner consistent with the preservation of property values within existing areas
I. ensure efficient reviews and decisions on proposals presented under the traditional neighborhood development procedure

SECTION 302. OBJECTIVES

The specific objectives of this Articles are as follow:

A. establish a community which is pedestrian-oriented with a number of parks (i.e. a central public commons, square, plaza, or prominent intersection), commercial enterprises, and civic facilities (i.e. buildings, social centers, community centers, recreation facilities, etc.)
B. minimize traffic congestion and reduce the need for extensive road construction by reducing the number and length of automobile trips required to access everyday needs
C. make public transportation a viable alternative to the automobile by organizing appropriate building densities
D. provide the elderly and young with independence of movement by locating most daily activities within walking distance
E. foster the ability of citizens to come to know each other and to watch over their mutual security by providing public spaces such as streets, parks, squares, and mixed use which maximizes the proximity to neighbors at almost all times of the day
F. foster a sense of place and community by providing a setting that encourages the natural intermingling of everyday uses and activities within a recognizable neighborhood
G. integrate age and income groups, and foster the bonds of an authentic community by providing a range of housing types, shops, and workplaces
H. encourage community oriented initiatives and to support the balanced development of society by providing suitable civic and public facilities

SECTION 303. FORMS OF DEVELOPMENT

A traditional neighborhood development may be developed and applied in any of the following forms:

A. as a new development
B. as an outgrowth or extension of existing development
C. as a form of urban infill, incorporating existing uses and structures
D. in any combination or variation of the above

SECTION 304. SKETCH PLAN

The landowner may informally meet with the Planning Commission to discuss the conceptual aspects of the development plan prior to the filing of a formal application under this section. This sketch plan shall be for discussion purposes only, and any suggestions and recommendations made by the City shall not be binding. The sketch plan shall meet the sketch plan requirements in Title Ten.

SECTION 305. PLAN SUBMITTAL

Any person wishing to obtain approval of a subdivision shall submit a package meeting the requirements of the following sections to the Codes and Inspections Department:

A. Title Ten, Section 101 pertaining to all submittals
B. Title Ten, Section 103 pertaining to standard subdivision plans
C. Title Ten, Section 105 pertaining to infrastructure plans
D. Title Ten, Section 104 pertaining to land development plans
E. Title Ten, Section 106 pertaining to environmental mitigation plans

SECTION 306. PLAN CONSISTENCY

Every application for the approval of a traditional neighborhood design shall be based on and interpreted in relation to the statement of community objectives, and shall be consistent with the 2000 Altoona Comprehensive Plan.

SECTION 307. PERMITTED USES

The following uses are allowed in a traditional neighborhood design proposal:

A. All permitted uses in the Urban Residential district
B. All permitted uses in the Neighborhood Business district

SECTION 308. NATURAL ENHANCEMENTS

The developer shall identify the natural features of the site. Natural features are, among others, large trees, prominent tree lines, unusual rock features, interesting topography, and water bodies. The developer shall, where feasible, preserve the identified features, or incorporate them into the design.

SECTION 309. CONSTRUCTED ENHANCEMENTS

The developer shall incorporate constructed enhancements into the design to bolster the presence of the development. Such constructed enhancements shall include such improvements as bicycle parking, street trees, urban gardens, benches, front porches, urban art, outdoor dining or gathering areas, prominent intersections, wide sidewalks, and other similar items. The presence of these items shall complement the character of the development.

SECTION 310. NEW LOT DIMENSIONS

The requirements of zoning may be relaxed as part of the approval of a traditional neighborhood design. Such alteration shall be specifically noted in the Certificate of Approval for the proposal. The requirements shall not be relaxed beyond the parameters established herein:

A. Area: Shall not be less than 1000 square feet
B. Frontage: Shall not be less than 15 feet
C. Width: Shall not be less than 15 feet
D. Setback: Shall not be less than zero feet. The front setback shall not exceed 30 feet.
E. Height: Shall be at minimum of thirty feet, but shall not exceed 150% of the maximum otherwise allowed in the host district.
F. Coverage: Shall not exceed 80% of the overall project area

SECTION 311. GENERAL ARRANGEMENT

Lots shall be arranged in one of the manners outlined below.

A. Traditional Americana: Buildings shall face the street with little or no yard between. Any necessary off-street parking shall be to the rear of the building and should generally not be visible from the street. Businesses shall occupy the lower floor(s) of a building with residences on the upper floor(s) of the same building. Curb cuts on the street are kept to a minimum, with vehicular access from the alley behind. A successful example is the courthouse area of Allegheny Street in Hollidaysburg.
B. Traditional Villa: Buildings face the street with just a green strip between. The majority of occupancy is residential, however business use is not prohibited. The buildings form a plaza in their midst, where the majority of the natural and constructed enhancements are located. Vehicular access is limited to one or two points from the street.
C. Rowhouse: Buildings face the street with a small yard between. The majority of the occupancy is residential, but businesses are not precluded. Each lot has a larger back yard for family enjoyment, or garage. All off-street vehicle parking is from the alley. A successful example is the Knickerbocker section of Altoona.
D. The applicant may propose an alternate design, but must show how the proposed design promotes a pre-1940 development pattern in the United States, and show theme coherence throughout the design.

SECTION 312. ARCHITECTURE

Buildings shall use material traditionally used in the construction of buildings in the Southern Alleghenies region of Pennsylvania. Buildings should feature articulated roof lines, double hung windows, front porches, and chimneys or cupolas. No specific style is promoted by these regulations, and the Certificate of Approval may waive these requirements if the developer wishes to propose an acceptable theme to a project which necessitates a different architectural style.

SECTION 313. INTERACTION OF USES

Business uses shall be located on the lower floors of buildings, with residences above. The developer shall make reasonable attempts to minimize the transmission of noise and odors from passing from one use to another through building materials, layout of the project, and landscaping. Neither the residential uses nor the business uses shall have precedence within the development. Where the project proposed abuts preexisting development, the normal screening requirements of the land development regulations shall apply.

SECTION 314. STREETS AND INFRASTRUCTURE

Streets and infrastructure shall be installed in accordance with Title Five.

SECTION 315. TRANSPORTATION

Traditional neighborhood developments shall be designed with pedestrian, bicycle, and public transportation in mind. The automobile shall be accommodated, however shall not control the layout of the development. The following shall guide the developer and Board in designing proposals under this Article:

A. Automobile: The parking ratios for Neighborhood Business shall be used. On-street spaces shall be counted toward fulfilling any requirements for parking spaces. Streets shall be the minimum width needed to meet the design criteria for the class of street proposed. All off-street automotive facilities shall be landscaped in accordance with the land development requirements. On-street parking shall be defined by landscaped notches at either end of the parking area on the street.
B. Pedestrian: Sidewalks shall be installed along the street to the dimensions required in the subdivision requirements. Benches and street trees should be included where feasible to create an inviting pedestrian environment. At crosswalks, the street shall be raised to meet the pedestrian needs.
C. Bicycle: Business areas shall include parking and locking facilities for bicycles. These can take the form of the old hitching posts for horses. Bicycle shelters are optional.
D. Transit: The design of the facility shall include features for safely loading and unloading buses. Bus shelters are optional.

SECTION 316. OTHER DEVELOPMENT STANDARDS

The development standards as set forth in Title Five and Title Seven shall apply to traditional neighborhood design proposals. The requirements of Title Four may also apply if triggered by those specific regulations.

SECTION 317. TIMING AND PHASING

The Altoona City Planning Commission may, as part of its approval, attach conditions outlining the timing and phasing of the development or the elements thereof. Developers wishing to build a project under these provisions over a series of years should present a proposed timing and phasing schedule with the initial application for review by the Planning Commission. Schedules shall include:

A. Identification of each phase of the project, and the construction sequence of the phases in relation to each other
B. Identification of the various types of housing and the phase each is in.
C. Financing and cash flow information to show the proposal is fiscally feasible
D. Identify variations in density between the different phases.

SECTION 318. REVIEW PROCEDURE

A. Upon submittal, an application for Traditional Neighborhood Design shall be placed into the City's application review procedure as described in Title Ten.
B. Within sixty days of submittal, the Planning Commission shall hold a public hearing on the application. The Planning Commission may continue the public hearing at its discretion, however, the public hearing shall terminate within sixty (60) days of its initial opening.

C. The Planning Commission shall issue a Certificate of Action granting tentative approval within sixty (60) days of the close of the public hearing. The Certificate of Action shall include:
   1. Either approval of the plan as submitted, approval of the plan with specified conditions, or denial of the plan;
   2. Conclusions and findings reached as a result of the testimony presented at the hearings;
   3. Specific reasons for the approval, conditional approval, or denial of the proposal;
   4. Conclusions and findings of fact on the respect in which the development plan is (not) consistent with the City's Comprehensive Plan;
   5. Conclusions and findings of fact on the extent to which the development plan departs from zoning and subdivision plans otherwise applicable to the subject property, including density, bulk, and use, as well as specific reasons why such departures are in the public interest;
   6. Conclusions and findings of fact on the purpose, location, and number of the natural and constructed enhancements in the development, the reliability of proposals for maintenance and conservation of these enhancements, and the (in)adequacy of the amount and purpose of the enhancements as related to the proposed density and type of development;
   7. Conclusions and findings of facts on the physical design of the development and the manner in which the design does (not) make adequate provision for public services, provide adequate control over traffic, and promote natural air flow, natural light, recreation, and visual enjoyment;
   8. Conclusions and findings of fact on the relationship of the proposal to the neighborhood in which it is proposed;
   9. Conclusions and findings of fact on the sufficiency of the terms and conditions of the phasing and timing intended to protect the interests of the public and of the residents of the development in the integrity of the development plan; and
   10. The deadline for filing a request for final approval of the plan, in accordance with the limitations set forth in Section 709(b)(6) of the Municipalities Planning Code.

D. If the Planning Commission does not act within sixty (60) days of the close of the hearing, the application will be deemed tentatively approved as submitted.

E. If the Certificate of Action contains specific conditions of approval, the landowner may notify the Planning Commission in writing within thirty (30) days of his refusal to accept all conditions. Such refusal shall automatically cause the development plans to be denied.

F. Should the landowner not file a request for final approval within the time period specified in the Certificate of Action, the plan shall be considered abandoned, and tentative approval shall be revoked. The landowner may, at his discretion, notify the Planning Commission in writing prior to final approval that he elects to abandon the proposal, and thereby revoke tentative approval.

G. The tentative approval shall be deemed a zoning map amendment and shall appear on the zoning map upon final approval.

H. Tentative approval shall not entitle the owner, applicant, or any agent or representative to record the plan, receive building permits, or otherwise proceed with the project other than to obtain final approval of the plan.

I. The request for final approval shall consist of a submittal package meeting any conditions of the tentative approval. The Planning Commission shall grant final approval in the form of a Certificate of Approval within forty-five (45) days of receipt of the application package.
J. Should the development plan not meet the conditions of approval specified in the Certificate of Action for tentative approval, the Planning Commission shall deny final approval in the form of a Certificate of Denial. The Certificate of Denial shall indicated why the plan was not approved, and indicate the three options available below. In this event Section 319, below, shall apply.

SECTION 319 DENIED PLANS

In the event a development plan is denied a Certificate of Approval, the applicant or landowner may: abandon the plan; refile the application without the objectionable elements, or; file a written request with the Planning Commission that it hold a public hearing on the application for final approval. Such actions must be taken within the time available for final approval, or within thirty (30) days of the date of denial, whichever is later.

SECTION 320 POST-APPROVAL RESPONSIBILITIES

The post-approval responsibilities for the developer shall be those that apply to land development proposals (Title Ten, Article Two, Section 206)

ARTICLE IV
MOBILE HOME PARKS AND CAMPGROUNDS

SECTION 401. PURPOSE

It is the purpose of this Article to provide regulation for mobile home parks, campgrounds, and other similar arrangements where subdivision occurs by leasehold. This Article shall function in the same manner a Planned Residential Development, and shall be administered as such. This section shall not be administered as a subdivision ordinance or land development.

SECTION 402. ALLOWED USES

A. Single Family Residential
B. Parks and Recreation
C. Club Houses for the enjoyment of the occupants
D. Offices as necessary to administer the property
E. Overnight Camping

SECTION 403. PROHIBITED USES

Any use not specified in Section 402 is expressly prohibited. The Planning Commission may not prohibit any use allowed under Section 202 above, but may establish conditions on such uses if the Commission feels such conditions are necessary to maintain the integrity of the neighborhood and development.

SECTION 404. TIMING AND PHASING

The Altoona City Planning Commission may, as part of its approval, attach conditions outlining the timing and phasing of the development or the elements thereof. Developers wishing to build a project under these provisions over a series of years should present a proposed timing and phasing schedule with the initial application for review by the Planning Commission. Schedules shall include:

A. Identification of each phase of the project, and the construction sequence of the phases in relation to each other
B. Financing and cash flow information to show the proposal is fiscally feasible
C. Identify variations in density between the different phases.

SECTION 405. INTENSITY OF USE

Proposals shall meet the following minimum standards for intensity:

A. Leasehold areas shall be at least twenty-five feet wide and one hundred twenty feet deep.
B. No development under this Article shall allow an average density of more than thirty (30) units per acre. This average is calculated by dividing the area (in acres) of the entire tract by the total number of units.
C. There is no minimum number of units required to qualify under this Article
D. The minimum acreage required for Mobile Home Parks and Campgrounds shall be eighty thousand square feet.
E. No proposal under this section shall be allowed into commercial or industrial zoning districts. Such proposals must remain within either the residential zoning districts or mixed use zoning districts which include residential as a primary use.

SECTION 406. DEVELOPMENT STANDARDS

A. The standards of development shall be those set forth in Title Five for streets and utilities, and Title Seven for the remainder of the development. Title Four will also apply, when applicable.
B. When reviewing the proposal for approval, the Altoona City Planning Commission shall also ensure that the proposal possesses a character which:
   1. Is compatible with the physical nature of the site, with particular concern for natural features, tree growth, and visually-accessible open space;
   2. Addresses its impact on traffic and parking in the neighborhood; and
   3. Exists on a human, not an automotive, scale
D. The developer must supply evidence that the project shall be supplied by the Altoona City Authority's water utility system.
E. The entire project shall be completely screened from abutting uses by a heavily landscaped earthen mound five feet high with slopes at a 2:1 grade.
F. All campground proposals under this title shall provide for public toilet and bathing facilities sufficient to handle the population on the property if occupied to its designed capacity.

SECTION 407. SUBMITTAL REQUIREMENTS

Any person wishing to obtain approval of a subdivision shall submit a package meeting the requirements of the following sections to the Codes and Inspections Department:

A. Title Ten, Section 101 pertaining to all submittals
B. Title Ten, Section 103 pertaining to standard subdivision plans
C. Title Ten, Section 105 pertaining to infrastructure plans
D. Title Ten, Section 104 pertaining to land development plans
E. Title Ten, Section 106 pertaining to environmental mitigation plans

SECTION 408. REVIEW PROCEDURE

A. Upon submittal, an application for Planned Residential Development shall be placed into the City's application review procedure as described in Title Ten.
B. Within sixty days of submittal, the Planning Commission shall hold a public hearing on the application. The Planning Commission may continue the public hearing at its discretion, however, the public hearing shall terminate within sixty (60) days of its initial opening.
C. The Planning Commission shall issue a Certificate of Action granting tentative approval within sixty (60) days of the close of the public hearing. The Certificate of Action shall include:
   1. Either approval of the plan as submitted, approval of the plan with specified conditions, or denial of the plan;
   2. Conclusions and findings reached as a result of the testimony presented at the hearings;
   3. Specific reasons for the approval, conditional approval, or denial of the proposal;
   4. Conclusions and findings of fact on the respect in which the development plan is (not) consistent with the City's Comprehensive Plan;
   5. Conclusions and findings of fact on the extent to which the development plan departs from zoning and subdivision plans otherwise applicable to the subject property, including density, bulk, and use, as well as specific reasons why such departures are in the public interest;

6. Conclusions and findings of fact on the purpose, location, and amount of the common open space in the development, the reliability of proposals for maintenance and conservation of the common open space, and the (in)adequacy of the amount and purpose of the common open space as related to the proposed density and type of development;
7. Conclusions and findings of facts on the physical design of the development and the manner in which the design does (not) make adequate provision for public services, provide adequate control over traffic, and promote natural air flow, natural light, recreation, and visual enjoyment;
8. Conclusions and findings of fact on the relationship of the proposal to the neighborhood in which it is proposed;
9. Conclusions and findings of fact on the sufficiency of the terms and conditions of the phasing and timing intended to protect the interests of the public and of the residents of the development in the integrity of the development plan; and
10. The deadline for filing a request for final approval of the plan, in accordance with the limitations set forth in Section 709(c) of the Municipalities Planning Code.

D. If the Planning Commission does not act within sixty (60) days of the close of the hearing , the application will be deemed tentatively approved as submitted.

E. If the Certificate of Action contains specific conditions of approval, the landowner may notify the Planning Commission in writing within thirty (30) days of his refusal to accept all conditions. Such refusal shall automatically cause the development plans to be denied.

F. Should the landowner not file a request for final approval within the time period specified in the Certificate of Action, the plan shall be considered abandoned, and tentative approval shall be revoked. The landowner may, at his discretion, notify the Planning Commission in writing prior to final approval that he elects to abandon the proposal, and thereby revoke tentative approval.

G. The tentative approval shall be deemed a zoning map amendment and shall appear on the zoning map upon final approval.

H. Tentative approval shall not entitle the owner, applicant, or any agent or representative to record the plan, receive building permits, or otherwise proceed with the project other than to obtain final approval of the plan.

I. The request for final approval shall consist of a submittal package meeting any conditions of the tentative approval. The Planning Commission shall grant final approval in the form of a Certificate of Approval within forty-five (45) days of receipt of the application package.

J. Should the development plan not meet the conditions of approval specified in the Certificate of Action for tentative approval, the Planning Commission shall deny final approval in the form of a Certificate of Denial. The Certificate of Denial shall indicated why the plan was not approved, and indicate the three options available below. In this event Section 409, below, shall apply.

SECTION 409. DENIED PLANS

In the event a development plan is denied a Certificate of Approval, the applicant or landowner may: abandon the plan; refile the application without the objectionable elements, or; file a written request with the Planning Commission that it hold a public hearing on the application for final approval. Such actions must be taken within the time available for final approval, or within thirty (30) days of the date of denial, whichever is later.

SECTION 410. POST-APPROVAL RESPONSIBILITIES

The post-approval responsibilities for the developer shall be those that apply to land development proposals (Title Ten, Article Two, Section 206)

ARTICLE V
TRANSFER OF DEVELOPMENT RIGHTS

SECTION 501 TRANSFER OF DEVELOPMENT RIGHTS WITHIN CITY LIMITS

The practice of transferring development rights between geographic areas within the City is prohibited.

SECTION 502 TRANSFER OF DEVELOPMENT RIGHTS BETWEEN MUNICIPALITIES

The practice of transferring development rights between land in the City and land in another municipality is prohibited.

TITLE SEVEN
LAND DEVELOPMENT

ARTICLE I
LAND DEVELOPMENT GENERALLY

SECTION 101. PURPOSE

The provisions of this Title are intended to achieve the following:

A. To encourage new development that is well-designed, of high quality, and suited to the natural and man-made conditions of the site.
B. To encourage the coordinated growth of neighborhoods: compact, efficient, and economically sustainable development patterns, and to avoid excessive public costs as a result of inefficient patterns of development
C. To prevent development which may be hazardous because of the physical character of the land, to protect and preserve valued features of the natural and human environments, and ensure all new lots are provided adequate access to the public street system.
D. To ensure the provision of coordinated public improvements which are necessary and appropriate for the development.
E. To provide flexibility in standards and requirements so that the design of development can be fitted to the character of its site and to the community in which it is located.
F. To reflect and implement the policies and goals set forth in the Altoona Comprehensive Plan, and support, as much as possible, the overall goals and policies set forth by the Blair County Planning Commission.
G. To provide standards for the uniform preparation and recording of plans so that the records are accurate and complete.

SECTION 102. GOALS FOR DESIGN AND CONSTRUCTION OF LAND DEVELOPMENTS

Sites shall be designed to achieve the general goals and outcomes as described in this section.

A. All sites shall be designed to minimize environmental damage to the maximum extent possible, by carefully fitting the proposal to the existing conditions of the site.
   1. Grading
      Roads, building sites, and lots should be laid out in a manner that will minimize disturbance of the land. Newly-proposed site designs should generally minimize cut-and-fill activity. Naturally level areas should be given high consideration for building sites. Clustering of development on less steep areas of the site is strongly encouraged as an alternative to mass grading.
   2. Steep Slopes
      Altoona is located at the foot of the Allegheny Front along the western fringe of the ridge-and-valley region of Pennsylvania. As such, we recognize that traditional definitions of steep slopes are not practical. However, vegetated slopes are critically important to the safety and welfare of the community. Therefore development should make all attempts to keep slopes stabilized with vegetation, or where vegetation is not practical, man-made features.

3. Water Resources
   Watercourses are the City's natural drainage system for runoff and flood waters. Much of the City's natural drainage system has been incorporated into the sewer system, providing a challenge to regain the system for and its natural flow patterns. It is therefore critical that the remaining open streams and the land immediately adjacent be preserved to carry out this natural drainage function as well as to provide visual amenity to the citizenry. To achieve this goal, the City has adopted standards in this Ordinance and elsewhere that reflect the standards set forth by the National Pollution Discharge Elimination System (NPDES).
4. Vegetation
   Vegetation is an important element of the cityscape. It maintains stable slopes, cleans the air, mitigates runoff, and provides visual character to the City and its neighborhoods. Efforts shall be made to preserve mature trees and base vegetation on slopes whenever possible. Trees located within the street right-of-way fall under the jurisdiction of the Altoona Shade Tree Commission, and may not be removed without its consent.
5. Identified Natural Resources
   Care must be taken in the design and construction of developments to protect habitats in which rare or endangered plants or animals are found and other ecologically important sites.
6. The Human Environment
   Sites containing structures of historic or architectural significance should be designed to preserve, enhance, or reuse such structures soon after completion of the development. If the building is beyond rehabilitation, the proposal should include plans for demolition and removal of the structure.
7. Air and Water Resources
   All proposals shall comply fully with all applicable laws and regulations concerning air and water pollution. Transit-oriented development is encouraged to minimize dependency on the automobile.

B. Where hazardous or potentially hazardous features are present on proposed development sites, the design of sites shall consider such features. Appropriate precautions shall be taken to ensure that development will be safe and the public health and welfare will be protected. Development may not be approved unless safety is assured.
   1. Landslide-Prone Areas
      In areas where soils or underlying geology may be unstable, a geotechnical investigation should be undertaken to ensure the safety of any proposed disturbance as well as the long-term safety of occupants of the property.
   2. Undermined and Cavernous Areas
      In areas where mining has occurred or is occurring, or areas known to contain cavernous pockets, subsidence risk assessments may be required to establish that the proposal will be safe.
   3. Flood-Prone Areas
      New construction in the undeveloped 100-year floodplain or other areas of known frequent flooding shall be avoided wherever possible. Where such construction has already occurred, or is unavoidable, the development shall proceed in full compliance with Title Four of this Ordinance and any other applicable requirements at the state and federal levels.

4. Hazardous Waste and Other Contaminated Sites
   To protect the public health, no development shall be approved in areas which may have been contaminated by prior uses or contain hazardous waste unless it is determined during the review that the site is now safe for development. Development of such sites shall be limited to uses which do not pose health risks for site occupants.
5. Noise-Prone Sites
   Proposals in areas of unusual noise shall ensure that the safety and health of the occupant of the site is not harmed by the presence of such noise. In the event a noise-prone site is being proposed, the developer bears the responsibility to mitigate the noise so that occupants of surrounding properties are not unduly exposed to unnecessary noise.
6. Air Traffic
   No site proposal shall include features which inhibit the flow of air traffic, or present a hazard to air vehicles. In most areas, compliance with zoning will ensure this.

C. The general layout of sites should respect the natural resources of the site, the character of the surrounding area, and be suitable for intended uses. The design of lots shall allow compliance with the zoning provisions found in Title Three without the need for variance or zoning change, and provide suitable space for all elements of the site plan. The design shall consider the topography, natural features, traffic circulation (including bicycles and pedestrians), and the surrounding neighborhood, and should further the goals of the Altoona Comprehensive Plan.

D. Site plans shall include landscaping which is designed to improve community appearance, contribute positively to environmental quality and the livability of new areas, and to mitigate the negative impacts of the development on the existing areas and zones surrounding it. Uses and structures should be sited to minimize adverse impact from or upon abutting uses. Landscaping, buffers, and screening should be designed to reduce unavoidable impacts and to augment the natural features of the site.

E. Proposals must provide a full range of improvements throughout the property as required to ensure public health, safety and welfare as well as the creation of desirable neighborhoods for living, working, and recreation.

1. Water Supply
   All proposals shall provide direct connections to the public water system. New development shall not degrade the quality of potable water supplies, including, but not limited to, the public system, and the groundwater. Private wells for any purpose are discouraged.
2. Sanitary Sewage Disposal
   All proposals shall provide direct connections to the public sanitary sewer system. With the exception of required and approved non-residential pretreatment facilities, no on-site sewerage disposal or treatment systems are permitted. No new sanitary sewer shall be connected to the storm sewer.
3. Storm Drainage
   Every property shall manage storm water flows in accordance with Title Four of this Ordinance. All development located within watersheds for which storm water management plans have been adopted shall comply with the requirements of the plan, and NPDES best management practices as well. No new storm drain system shall be connected to the sanitary sewer system.

4. Public Utilities
   New developments shall be served by other public utilities, including electricity, natural gas, and communications. Use of alternative energy sources shall be accommodated in approval of plans.
5. Community Services
   All new site plans shall not impede access to the full range of public services and facilities, such as public safety and emergency response, recreation, schools, and libraries.
6. Transportation Facilities
   New developments shall provide a full range of transportation facilities for access to all lots, buildings, and open space areas intended for use by people. Transportation facilities designed within properties shall be designed as elements of the larger transportation system serving the public. Transportation facilities shall include public transportation, walkways, sidewalks, bicycle facilities, cartways, parking facilities, and multi-purpose trails to the maximum extent possible.

SECTION 103. STANDARDS AND WAIVERS

This Title provides specific standards for the design of developments as well as requirements for improvements. Minimum standards of design are specified for each element of design or improvement. This Article outlines the general goals of this Title. The provisions of these standards may be waived by the approving body upon written request by the applicant, provided the applicant provides appropriate alternatives which demonstrate compliance with the desired outcome to a higher degree, or will produce more desirable results than application of a specific standard.

SECTION 104. UNAPPROVED LAND DEVELOPMENT PROHIBITED

No owner of land shall proceed with construction of any improvements, unless and until a land development plan is submitted and approved under this Title. Subdivisions shall be governed by Title Five, unless the proposal includes both subdivision and land development.

SECTION 105. SITE ANALYSIS

The design of a property shall be based upon an analysis of the existing conditions on the site, including all natural and man-made features. The analysis shall include an examination of the opportunities and constraints of the site based upon the existing conditions. The site analysis must also consider the relationship of the site to the surrounding neighborhood. The project narrative shall summarize the site analysis and how it influenced the design of the property.

SECTION 106. ALTERNATIVE DEVELOPMENT PLAN

Before considering requests for waivers or modifications of the standards or requirements contained in this Title, the Commission may require the applicant to prepare an alternative development plan which complies with the requirements of this Title. The original proposal shall then be considered in light of the alternative presented.

SECTION 107. EFFECT ON CONSTRUCTION-RELATED PERMITS

No construction-related permit, including foundation permits, building permits, or other related permits shall be issued for a lot subject to land development review unless the plans approved under this Title have been approved and recorded, and all improvements shown thereon have been bonded. It is strongly recommended, but not required, that applicants withhold application for such permits until approvals under this Title have been obtained as significant changes may occur during the approval process which could substantially alter the plans required for those permits.

SECTION 108. EXPIRATION OF LAND DEVELOPMENT APPROVAL

All permits necessary for the construction of improvements and buildings upon lots shown on an approved land development plan shall be obtained and substantially completed within two years of the date of approval. Lots which do not comply with this section will require new approval after the expiration of the fifth year. Application for such approval shall be made under the appropriate Article(s) of this Title. Phasing plans for a longer-term construction phase may be considered for larger proposals or other special circumstances.

SECTION 109. PROPOSALS REQUIRING REVIEW UNDER THIS TITLE

The following activities shall require land development review under this Title. All land development reviews are conducted by the Planning Commission, however if the criteria in Article II are met, the review can be deferred. A land development review shall be conducted by the Planning Commission for the following.

A. Residential Properties
   1. Single family dwellings and duplexes standing independently on separate lots are exempted, as are any garages, sheds, pool houses, pools, or similar structures when sited on a lot with one single family house or duplex.
   2. Whenever the cumulative number of dwelling units are proposed on one or more contiguous lots under the same control or ownership is four or more.
   3. Any non-residential use or building on an otherwise residential property. The no-impact home business as defined in Section 107 of the Municipalities Planning Code shall not come under the scrutiny of the requirements of this Title as they shall be considered residential in nature.
B. Non-Residential Properties
   1. Any construction, alteration, or expansion of a nonresidential building
   2. Any alteration of a building or lot so that the allocation of space within the building or lot, whether by physical alteration or legal instrument, is changed.
   3. Any change of occupancy or use
   4. Any alteration in the layout of the improvements on the property so that any of the following are changed:
      a. vehicular circulation, including street access and loading areas
      b. pedestrian circulation, including building doors and sidewalk access
      c. landscaped areas, including screening and buffering.
   5. Any construction, reconstruction, enlargement, or alteration of a parking facility. Standard maintenance of a parking facility shall not require review unless such maintenance permanently makes a change described in number four above.

SECTION 110. DEFINITIONS

A. General

The meanings of all words within this Article shall be controlled by Article IV of Title Ten of this Ordinance, with the exception of those listed in subsection B below. In the case where a word is listed below, the definition given shall control for this Article, unless the context clearly indicates otherwise.

B. Specific Definitions

At this time, there are no terms which apply only to this Title.
Please refer to Title Ten Article IV for definitions.

ARTICLE II
LOW-IMPACT LAND DEVELOPMENTS

SECTION 201. CRITERIA

Planning Commission approval is not required for a land development if all of the following criteria are met:

A. The proposal is in compliance with zoning requirements, including proper decisions by the Zoning Hearing Board or Council;
B. The proposal has no off-street parking;
C. The proposal does not necessitate improvement to public properties or facilities;
D. A subdivision is not required; and
E. No alterations are proposed which will affect vehicular or pedestrian circulation.

SECTION 202. PLAN SUBMISSION

Any person who believes that his plan meets the above criteria shall submit the following by hand delivery or registered mail to the Altoona Codes and Inspections Department:

A. An original plan to be recorded.
B. Seven (7) contact prints of the original plan
C. Two (2) original, executed copies of the application form.
D. Fees in accordance with Article III of Title Ten
E. A project narrative, which shall include the evidence necessary to show that the plan meets all the criteria in Section 201 above.
F. At the applicant's option, a diskette containing line drawings of the plan, in either data exchange format (.dxf) or ESRI exchange format (.e00), registered to Pennsylvania State Plane (South) Coordinates, North American Datum of 1983.

SECTION 203. PLAN CONTENTS

The plan submitted shall be suitable for recording with the Blair County Recorder of Deeds, and shall include at least the following:

A. The title: "Low-Impact Land Development Plan drawn for (name of owner)."
B. Date, scale, and north point.
C. A locus at a scale of 1"=1000' (or scale acceptable to the Planning Administrator) sufficient to identify where in the City of Altoona the property is located and indicating the boundary lines of proposed lots.
D. Sheet size shall not exceed 24" by 36" but shall be at least 8½" by 11".
E. The name, seal, and signature of the surveyor who prepared the plan.
F. The inscription

ALTOONA PLANNING ADMINISTRATOR
Approval of a No-Impact Subdivision Plan

_____

DATE: _____

G. Boundaries of the entire original tract in a dark heavy line.
H. The name(s) of the abutting street(s) shall be identified on the plan, and the following shall appear for each lot:
   1. Frontage and area noted in feet
   2. Lot number. All lots and parcels shall be designated by street address.

I. Building footprints, including notations for dimensions and square footage.
J. All pedestrian and vehicular facilities within fifty feet of the lot, including sidewalks, doors, streets, alleys, and any other facility relative to pedestrian or vehicular circulation on or around the lot.
K. The applicable zoning district shall be noted on the plan.
L. The location of all easements and improvements on all lots to be created or altered shall be shown and identified.
M. If the plan submitted has been relieved of certain zoning requirements by a decision of the Zoning Hearing Board, the following shall appear on the plan:
"Subject to an action taken by the Altoona Zoning Hearing Board on __(Date)__."
N. Lots which do not appear to conform to zoning requirements may have the following notation placed on the plan by the Planning Administrator:
"This approval is not a determination as to conformance with zoning regulations."

SECTION 204. DECISION OF THE PLANNING ADMINISTRATOR

A. Upon receiving the application package and the fee and determining it to be complete, the Planning Administrator will distribute copies of the plan to the County Planning Commission, the Department of Codes and Inspections, the Zoning Officer, Engineering Department, and Altoona City Authority, and keep the other two copies for technical review.
B. With the exception of the Blair County Planning Commission, the agencies undertaking the technical review shall have twenty (20) days to make written recommendations and comments on the plan. Failure of an agency to respond in writing within twenty (20) days shall indicate that agency's approval of the plan as submitted. The comments of the Blair County Planning Commission must be received within thirty (30) days of the forwarding date to be considered.
C. If the Planning Administrator determines that the plan does not depict a Low-Impact Land Development or is somehow deficient, he shall notify the applicant of such in writing within thirty-five (35) days of the submittal date, giving specific reasons for the determination.
D. If the Planning Administrator, in consultation with the other reviewing agencies, determines that the plan depicts a Low-Impact Land Development, he shall endorse the plan and issue a Certificate of Approval within thirty-five (35) days of the submittal date. The original plan will then be returned to the applicant, who is responsible for its recording with the Recorder of Deeds.

SECTION 205. APPEAL

Any aggrieved applicant may appeal the decision of the Planning Administrator to the Altoona City Planning Commission. Such appeal shall be filed with the Commission within thirty days of the Planning Administrator's written decision. The Planning Commission shall have sixty days from such filing to render a decision.

ARTICLE III
UNIFIED REVIEW

SECTION 301. PURPOSE

The purpose of this Article is to specifically provide for a single review procedure when an application proposes multiple reviews under this Ordinance. It is not the intent of this Ordinance to require multiple separate reviews for such applications, but to treat them as though they were one.

SECTION 302. REVIEW CONSOLIDATED

In the event an application calls any combination of subdivision, planned development, land development, or environmental reviews, or the proposal exists within the geographic boundaries of an urban renewal area proposal, such application shall be reviewed by the Planning Commission as a single application, with one consolidated decision issued. Such application shall be made and be reviewed under the auspices of this Title, however the substantive requirements for all applicable Titles must be met to obtain approval.

SECTION 303. APPLICATION SUBMISSION

Any person wishing to obtain approval under this Article shall submit a package meeting the requirements of the following sections to the Codes and Inspections Department:

A. Title Ten, Section 101 pertaining to all submittals
B. Title Ten, Section 103 pertaining to standard subdivision plans
C. Title Ten, Section 104 pertaining to land development plans
D. Title Ten, Section 105 pertaining to infrastructure plans
E. Title Ten, Section 106 pertaining to environmental mitigation plans

SECTION 304. APPLICATION REVIEW AND APPROVAL

All applications submitted for unified review shall fall under the procedures set forth for land developments in Article IV of this Title. Fees shall be consolidated as established in Article III of Title Ten.

ARTICLE IV
LAND DEVELOPMENTS

SECTION 401. INTRODUCTORY DISCUSSION

Prior to filing a formal application, the applicant is encouraged to meet with the Planning Department to discuss the concepts and issues related to the proposal. The applicant should bring the following to the introductory meeting:

A. Any professional representatives which are engaged to work on the project
B. Written documentation regarding the project
C. A sketch plan depicting the project. It is helpful if the sketch plan includes as many of the items listed in section 402 below as possible.
D. A willingness to candidly discuss the project with planning staff in a nonbinding manner to ascertain the goals, objectives, opportunities, and limitations of both the City and the applicant.

SECTION 402. PREAPPLICATION REVIEW

Prior to filing a formal application, the applicant may, at his option, submit a sketch plan for a more technical interdepartmental review by city staff. This review is not binding on the Planning Commission, but allows the applicant to work out many of the technical issues which typically accompany a land development proposal. The review takes approximately fifteen to thirty days, depending on the issues at hand and ability to communicate. To engage this review, the applicant shall submit the following:

A A brief narrative of the project, which includes a request for a preapplication review of the plans under this section.
B A contact list of professionals working on the project (if hired), the owner, and the applicant submitting the project.
C A list of waivers the project will likely need for approval
D The fee established in Article III of Title Ten. This amount will be subsequently deducted from the filing fee required for the formal application.
E A sketch plan. The sketch plan shall include at least the following:
    1. The title “Sketch Plan of (Name of Project)
    2. Date, scale, north point, and if appropriate, a legend to explain any graphic representations or symbols on the plan.
    3. The names of the owner of record and the applicant
    4. The outer lines of the property in a heavy dark line
    5. The names, location and width of existing streets and easements
    6. A general layout of the proposed features of the project, including buildings, parking facilities, landscaping, curb cuts, and such like
    7. The topography in a general manner
    8. A rough sketch of the proposed drainage system in a general manner
    9. The approximate size and location of new and existing utilities
    10. Any additional items required for a formal proposal which may be helpful in the staff review of the plan
    11. Any other information the applicant feel would be helpful in the review.

SECTION 403. EFFECT OF INTRODUCTORY MEETING AND PREAPPLICATION REVIEW

Neither the introductory meeting nor the preapplication review have standing as part of the formal review process. Approval of plans under this Article require action by the Altoona City Planning Commission, which is specifically and deliberately absent from the processes described in Sections 401 and 402. The purpose of these processes is to familiarize the staff and work out technical kinks in the proposal before it enters into the formal review process. No comments made by staff during these processes are binding on the Planning Commission for its review, however staff is hereby required to act expeditiously and in good faith in its representations to the applicant.

SECTION 404. SUBMISSION OF A LAND DEVELOPMENT PROPOSAL

Any person wishing to obtain approval of a subdivision shall submit a package meeting the requirements of the following sections to the Codes and Inspections Department:

A. Title Ten, Section 101 pertaining to all submittals
B. Title Ten, Section 104 pertaining to land development plans
C. Title Ten, Section 105 pertaining to infrastructure plans
D. Title Ten, Section 106 pertaining to environmental mitigation plans

SECTION 405. ENVIRONMENTAL MITIGATION

All proposals shall provide for the following environmental mitigation measures as well as any additional requirements of the state and federal governments.

A. Grading and Soil Removal
    1. It is the intent of this subsection to protect life and property by preventing rock and soil slippage, loss and degradation of natural drainage ways, increased soil erosion and sedimentation, and other soil and water management issues.
    2. Grading shall be limited to the minimum area necessary to provide for buildings, roads, parking areas, utilities, and other facilities shown on the land development plan.
    3. A soil erosion and sedimentation plan shall be prepared in accordance with Title Four of the Altoona Planning Code.
    4. Whenever required by the National Pollution Discharge Elimination System or state regulations, a permit shall be secured prior to the commencement of any grading or earthmoving.
    5. The applicant is responsible for protecting adjacent and downstream properties from any damage which occurs as a result of earth disturbance on the development site. Such protection shall include cleaning up and restoring to their pre-damage condition any adjacent or downstream properties adversely affected by silt, debris, flooding, or other damage resulting from the earth disturbance activity.
    6. The top and bottom edges of cut and fill slopes shall be set back from property lines a minimum of two feet plus twenty per cent of the height of the slope. This setback need not exceed ten feet.
    7. Topsoil stripped from the site in preparation for earth moving activities shall be stockpiled and replaced on the site over all regarded non-developed areas at a minimum depth of six inches.
    8. Fill areas shall be prepared by removing organic material such as vegetation or rubbish, and any other material which is determined to prevent proper compaction and stability.

9. Proposed grading activities shall be accomplished so that post-development storm water flows cause no additional harm to abutting properties and streets. The storm water management provisions of Title Four apply.
10. Maximum gradient of graded slopes shall be no greater than two horizontal feet to one vertical foot (2:1), except as follows:
    a. Where the height of a proposed slope will not exceed ten feet, then a maximum gradient of 1:1 may be permitted where soil conditions permit and where doing so will help preserve existing vegetation or other significant natural features.
    b. Where a retaining wall, designed and sealed by a registered professional engineer, is constructed to support the face of the slope.
11. Excavation adjacent to any building foundation walls, footings, or structures shall not extend beyond the angle of repose or natural slope of the soil under the nearest point of same unless the footings, foundations, or structures have been sufficiently underpinned or otherwise protected against settlement.

B. Steep Slopes

The following shall apply to all grading and disturbance on land with slopes of twenty-five percent or greater.

1. For slopes between twenty-five percent and forty percent, no more than thirty percent of the slope area shall be stripped of vegetation or disturbed through grading. Grading and clearing for travel ways on these slopes shall be limited to that necessary to accommodate the improvements required by this ordinance. Wherever possible, travel ways should follow the contours of the land.
2. No development or disturbance shall be allowed on slopes exceeding forty percent. Limited disturbance for utilities may be allowed where no reasonable alternative location exists.

C. Significant Natural Areas and Features

1. Where a proposal includes an identified natural area or feature such as endangered species or wetlands, the applicant shall demonstrate compliance with all applicable state and federal requirements.
2. All healthy trees with trunks equal to or exceeding twenty-four inches in diameter, or any tree which may be noteworthy because of its species, age, uniqueness, rarity, or status as a landmarks due to historical or other cultural associations shall be preserved, unless removal is deemed necessary by these criteria:
    a. The health of the tree is such that it is dead, dying, or diseased beyond remedy.
    b. The tree endangers the public or adjoining property
    c. Site constraints which make preserving the tree impossible
3. Large trees (greater than twelve inches (12”) in diameter) removed pursuant to the above subsection shall be replaced with a minimum of three trees with a minimum caliper of 3 inches. Tree placement shall be in such a manner so as to complement the site and ensure the long-term health of the trees planted.

D. Water Quality

1. All buildings within the proposal shall be supplied public sewage facilities. Private septic systems are prohibited. The applicant must document application for a Sewage Facilities Planning Module prior to approval under this Title. Approval must be obtained from the Department of Environmental Protection must be obtained prior to the issuance of a building permit. A note stating that such approval must be obtained prior to the issuance of a building permit must appear on the plan.

2. The applicant shall provide a ten foot vegetated buffer along any watercourses located within the project area.
3. The applicant is responsible for compliance with any state or federal requirements that may apply to the project when the project is located within fifty feet of a waterway or regulatory wetland.

E. Air Quality

Design of the proposal should promote alternative modes of transportation to reduce automotive dependency. Transit-oriented design is encouraged to promote air quality.

F. Noise

Proposals located in areas which are subject to high levels of noise may be required to install soundproofing measures to mitigate the noise. In all cases, a notation shall be made on the plan that the project is subject to high levels of noise.

SECTION 406. HIGH HAZARD AREAS

A. Landslide Areas

No grading, removal of vegetation, construction, or other disturbance shall be permitted on soils that are classified as slide-prone or unstable in the soil survey for Blair County or on other areas exhibiting signs of instability, except in accordance with the provisions below.

1 Unstable areas may be set aside for public, common, or private open space.
2. Limited disturbance may be considered if the applicant is able to demonstrate that the proposed disturbance will not cause sliding movement or any unsafe condition either on the subject property, or any property adjacent to it.
3. Evidence of the safety of any proposed disturbance shall require site investigation and certification in writing by a registered soils engineer, engineering geologist, or structural engineer that the proposed activity will not create or exacerbate unsafe conditions.

B. Undermined and Cavernous Areas

No building construction shall be approved on a site which has been undermined or is known to contain cavernous pockets at shallow depths, or in an area where there is evidence of past subsidence unless the applicant demonstrates that the proposal will be safe and will not cause hazards for adjacent properties. Evidence of safety shall be required if the site or any area of the site has less than one hundred feet of overburden, evidence of the safety of the proposal shall require site investigation and certification in writing by an engineering geologist that the proposed development will be safe.

C. Flood Prone Areas

To the maximum extent feasible, new development shall not be undertaken in areas subject to period flooding, including identified floodplain areas and flood hazard areas as determined by the Federal Emergency Management Agency; or in other areas where the Federal Emergency Management Agency has not provided maps and studies, but may be flood-prone as indicated in local records and histories, field studies, or on-site investigations.

1. Portions of properties that are susceptible to flooding should be preserved as open space or other uses that will not be harmed or cause hazards if exposed to inundation by flood waters.
2. Construction in the floodway portion of a flood-prone area shall comply with Pennsylvania Department of Environmental Protection regulations.

3. Where development within flood-prone areas cannot be avoided, such development shall be subject to the flood hazard provisions of Title Four of the Altoona Planning Code.

D Contaminated Sites

No land development shall be approved on land known to contain substances which are classified as hazardous unless the site has been made safe for the proposed use.

1. A contaminated site shall be considered safe for development when a remediation plan has been completed and approved by the Pennsylvania Department of Environmental Protection, subject to "2" below.
2. The development of contaminated land (not including any development or earth disturbance) may be approved prior to remediation if a notation approved by the Commission is placed on the plan that indicates that the site contains or may contain hazardous substances.

E. Air Traffic

Proposals located in areas where development may create hazards to aircraft because of height, illumination, or other features that may interfere with aircraft operation shall be designed so as not to create hazards to air traffic.

1. All proposals shall comply with applicable state and federal requirements relative to aircraft hazards.
2. If notice to the state or federal government is required, the applicant shall provide copies of permits or approvals from those jurisdictions or a notice from those jurisdictions that such approval is not required.
3. Proposals shall comply with all conditions and restrictions that may be placed on them by the state or federal government, including any requirements to note such restrictions on the land development plan.

SECTION 407. TRAFFIC IMPACT STUDY

A. A traffic impact study shall be required for a proposal which will generate more than one hundred peak hour trips when fully developed. The Commission may also require a study to assess the impacts of smaller projects if traffic congestion or safety concerns already exist.
B. The traffic study shall be conducted in accordance with the recommended practice Traffic Access and Impact Studies for Site Development published by the Institute of Transportation Engineers (or an alternate source acceptable to the Commission).
C. The scope of the study, study area, and methodology shall be approved by the Planning Administrator before the study is initiated. A pre-application conference should be scheduled for this purpose.
D. The study shall be performed by, or under the supervision of, a professional engineer with training in traffic and transportation engineering studies and experience in the preparation of traffic studies.
E. The traffic study must yield the following results:
   1. Demonstrate that the levels of service on the abutting street(s) and affected intersections above will be decreased by the proposal and that the proposed access will function safely and efficiently
   2. Describe any measures which have been incorporated into the development plan in order to achieve the required conditions. Such measures may include, but are not limited to, the following:

a. traffic reduction efforts such as clustering of buildings, transit-friendly development, or a location which would allow easy access of pedestrians and bicyclists to other land uses thereby reducing reliance on the automobile
b. phasing of construction to coincide with the completion of transportation improvements programmed by the public sector
c. construction of on-site transportation improvements
d. construction of off-site transportation improvements
e. extension of transit, bicycle, or pedestrian services to the site

3. Any traffic mitigation measures which are not physical site improvements shall be incorporated into a performance covenant or restrictive covenant between the City and the applicant and recorded with the plan.

SECTION 408. BUILDING PLACEMENT

A. Buildings, landscaping, and screening shall be placed so that the less desirable elements generally installed with construction such as air conditioning units, parking areas, garages, and such like are not visible from adjacent lots and streets.
B. Buildings should be sited toward the front of the lot, as close to the setback line as practical. Parking shall not be placed in front of the building.
C. Building areas shall be laid out so that any scenic site features and views are preserved, both into and out of the site.
D. Building layout shall promote a sense of neighborhood, yet allow practical utility of the land by the occupants.
E. Buildings sited in such a manner that they could block public scenic views through the site shall be laid out and designed so as to complement the viewshed into which they are placed. Attempts shall be made to preserve a portion of the viewshed whenever practical.
F. Building sites shall be laid out with consideration given to the provision of adequate solar access and air circulation. New development shall be accomplished such that excessive winds are neither created nor exacerbated.
G. Building sites shall be laid out and graded so as to provide positive drainage away from proposed buildings.
H. Building placement shall not hinder the effective and efficient response of emergency personnel in a fire or medical emergency.
I. Buildings shall not be sited or designed to create a public nuisance or a traffic hazard once constructed.

SECTION 409. PARKING AND VEHICULAR ACCESS

Wherever off-street parking or vehicle access is to be provided, whether required by ordinance or not, such areas shall conform to the following requirements.

A. Vehicular Access
   1. Vehicular access shall be gained from an alleyway wherever physically practical. Where not physically practical, access may be gained from a street. In most business areas, on-street parking is strongly encouraged.
   2. No access driveway shall be located within fifty feet of an intersection. Access driveways serving parking facilities of more than twenty-five spaces shall not be located closer than one hundred feet to an intersection.

3. No more than one bidirectional access driveway, nor two one-way access driveways shall be permitted for up to one hundred fifty feet of frontage. One additional bidirectional access driveway or two one-way access driveways may be installed for each additional full one hundred fifty feet of frontage.
4. No bidirectional access driveway shall be wider than twenty-four feet nor narrower than sixteen feet at the point where such a driveway crosses the street or alley right-of-way line. The width may be increased to thirty-five feet if the access driveway is to be utilized heavily by truck traffic.
5. No one-way access driveway shall be wider than eighteen feet nor narrower than ten feet at the point where such a driveway crosses the street or alley right-of-way line.
6. The minimum curb radius on an access driveway at the street or alley shall be ten feet.
7. All access driveways shall be paved with a non-erosive material suitable to bear the load of vehicular traffic.
8. Parking shall not be permitted on an access driveway.
9. Access through a residential zoning district to a non-residential district shall be prohibited unless no other option exists.
10. State highway occupancy permits are required for access to a state highway, and separate city permits are required to access a city street. Possession of such permits does not relieve an applicant's responsibilities to comply with these standards.
11. The Commission, upon proper review of the application, may require the applicant to install an access driveway to the abutting property line to facilitate better movement between uses in business districts. This requirement can be invoked even if there is no existing connection on the opposite side of the property line as a planned future connector.

B. <u>Location of Parking Facilities</u>

1. Off-street parking facilities shall be provided on the same lot as the principal use they are intended to serve, or on an immediately adjacent lot under the same ownership or legal control. Parking on adjacent lots must remain available to the principal use it was constructed to serve for as long as that use remains.
2. Common parking areas may be provided for two or more uses, so long as all required parking regulations are met, and the common parking area meets the requirement of paragraph 1 above for at least one use.
3. Parking facilities shall be set back from street right-of-way lines, property lines, and building foundations a minimum of five feet.
4. Off-street parking facilities shall be located in the same zone as the use they are intended to serve.

C. <u>Design of Parking Facilities</u>

1. Facilities shall be designed so that each vehicle may enter and exit a parking space without maneuvering into a public right-of-way or pedestrian facility, or without moving any other legally parked vehicle.
2. Driveways and parking areas shall be designed to integrate pedestrian and bicycle activity, as well as provide safe and efficient access to the street system, interior circulation, and landscaping areas.
3. The parking stalls shall have the following dimensions:
   a. All stalls, except for parallel parking stalls, shall be nineteen feet long. Parallel parking stalls shall be twenty-one feet long to accommodate the necessary maneuvering for parallel parking.

b. All stalls shall be eight feet wide, except for stalls at the end of a parking row, which shall be nine feet wide. If cart collection devices are to be used in the parking lot, the stalls on either side of such devices shall be nine feet wide.
c. The access way serving the parking stalls shall be the width identified in the list below. If the stall angle falls between those listed below, the wider standard shall be used.
   1) Perpendicular stalls require a twenty-four foot access way.
   2) Stalls angled at sixty degrees require an eighteen foot access way.
   3) Stalls angled at forty-five degrees require a fourteen foot access way.
   4) Stalls angles at thirty degrees require a twelve foot access way.
   5) Parallel stalls require a twelve foot access way for one-way traffic, and a twenty-four foot access way for bidirectional traffic.
   6) Where an access way serves two differently-angled stall rows, the wider width access way shall be required

4. Special spaces may be designated and located as follows:
   a. Spaces for the physically disabled shall be located nearest the accessible entrance, and half shall be designed to accommodate lifts in vans where practical or otherwise required. All such spaces shall be designed in accordance with applicable state regulations, and shall be clearly marked by standard signs.
   b. Spaces for oversize vehicles shall be clearly marked on the plan with dimensions, and subsequently signed on the lot. Oversize vehicle spaces are not required unless it is known that such vehicles will be using the lot.
   c. Compact car spaces shall be no smaller than seven feet wide and sixteen feet long. Such spaces shall be clearly marked, and shall not exceed more than twenty-five percent of the total number of spaces available in the lot. Compact car spaces are not required for approval.
   d. The applicant may also designate special spaces for expectant mothers and non-disabled seniors within the facility. These spaces are generally located next to those provided for the physically disabled, and are not required for approval.
   e. Spaces reserved for employees shall be clearly signed and shall be the farthest from the use served. Such spaces are not required for approval.
5. Access ways shall be physically separated from any stall rows to which they do not directly provide access. Stalls shall be accessed through one end only. Such separation shall consist of landscaped islands as regulated in Section 411 below.
6. All parking areas shall be paved with a non-erosive material suitable to bear the load of vehicular traffic, with stall lines clearly marked on the surface. Asphalt and concrete shall be the standard surfacing materials unless site conditions indicate an alternate surface is superior.
7. Curbing shall be placed at the edges of all surfaced areas, including islands. Curbing shall be vertical around the perimeters of the parking facility, but may be sloped around landscaped islands. Guide rails may be required along steep slopes or to protect other features of the site.

D. <u>Number of Parking Spaces Required</u>
1. <u>Residential Uses</u>
   a. Conversion Apartments shall have a minimum of one space per dwelling unit, not to exceed a maximum of three spaces per dwelling unit. If a dwelling unit has more than two bedrooms, an additional parking space shall be provided for each set of two bedrooms two.

b. Low-rise apartments shall have a minimum of one and one-half spaces per dwelling unit, not to exceed a maximum of two spaces per dwelling unit. One space shall be added for each set of four dwelling units for nonresident parking.
c. Boarding or Lodging Houses shall have a minimum of one space for each sleeping room plus one space for every three nonresident employees, not to exceed a maximum of one space per sleeping room plus one space for every two nonresident employees. If a dwelling unit (independent of the sleeping rooms) is present, the requirements for that unit shall also apply.
d. Detached Single Household Dwellings shall have a minimum of one space per dwelling unit not to exceed a maximum of three spaces per dwelling unit.
e. Double Household Dwellings shall have a minimum of one space per dwelling unit not to exceed a maximum of two spaces per dwelling unit.
f. Multiple Household Dwellings shall have a minimum of one space per dwelling unit not to exceed a maximum of two and one-half spaces per dwelling unit.
g. Group Homes shall have a minimum of one space per dwelling unit not to exceed a maximum of two spaces per dwelling unit. If a dwelling unit has more than two bedrooms, an additional parking space shall be added for each set of two bedrooms over two. If the facility is staffed, one space shall be added for each staff person present on the largest shift.
h. Halfway Houses shall have a minimum of one space per dwelling unit not to exceed a maximum of two spaces per dwelling unit. If a dwelling unit has more than two bedrooms, an additional parking space shall be added for each set of two bedrooms over two. If the facility is staffed, one space shall be added for each staff person present on the largest shift.
i. Home Based Businesses shall provide a minimum of one space not to exceed a maximum of three spaces in addition to those spaces otherwise required for the property. In the case of a “minor-impact” home based business, as defined in Article IV of Title Three, no additional parking is permitted.
j. Institutionalized Homes shall provide a minimum of one space for every six beds plus one space for every three employees present on the largest shift plus one space for every vehicle (owned by the facility) used to transport residents, not to exceed a maximum of one space for every four beds plus one space for every two employees, plus one space for every vehicle (owned by the facility) used to transport residents.
k. Shelters (emergency, victims, teen, and otherwise) shall provide a minimum of one space per each one thousand square feet of enclosed gross floor area, not to exceed a maximum of one space per each five hundred square feet of enclosed gross floor area.
l. Townhouses and Attached Single Household Dwellings shall have a minimum of one and one-half parking spaces per dwelling unit not to exceed a maximum of two spaces per dwelling unit. If more than four dwelling units are present on the property, an additional one space shall be required for each set of four dwelling units.
m. Upper Floor Dwelling Units shall provide a minimum of one space per dwelling unit not to exceed a maximum of two spaces per dwelling unit. This requirement is in addition to any requirements for the use on the lower floor(s).
n. For uses accessory to residential uses, no additional parking is permitted.

2. Commercial Uses
   a. Automotive Sales shall have a minimum of one space for each one thousand square feet of enclosed gross floor area not to exceed a maximum of one space for each seven hundred square feet of gross floor area. Vehicle storage shall be provided independent of this standard.
   b. Automotive Services shall have a minimum of one space for each service bay, not to exceed a maximum of one and one-half spaces per service bay. Vehicle storage shall be provided independent of this standard.
   c. Bus shelters shall have no parking associated with them.
   d. Cemeteries shall provide a minimum of one space for every two employees not to exceed a maximum of one space for every employee.
   e. Cultural Facilities shall provide:
      1) a minimum of one space for each seven fixed seats or twelve linear feet of bench, not to exceed a maximum of one space for each five fixed seats or eight linear feet of bench.
      2) If no fixed seating or benches are provided a minimum of one space per one hundred square feet of enclosed gross floor area not to exceed a maximum of one space per fifty square feet of enclosed gross floor are shall be provided.
      3) If the facility is not to be used primarily for entertainment, then a minimum of one space for each eight hundred square feet of floor area, not to exceed a maximum of one space for each four hundred square feet of floor area shall be provided.
   f. Eateries shall have a minimum of one space for each four employees on the largest shift plus one space for every four customer seats, not to exceed a maximum of one space for every three employees plus one space for every three customer seats.
   g. Educational Services shall provide a minimum of one space for each twenty-five students (based on design capacity) plus one space for every seven hundred square feet of enclosed gross floor area for offices and teacher lounges, not to exceed a maximum of one space for each fifteen students (based on design capacity) plus one space for every four hundred square feet of enclosed gross floor area for offices and teacher lounges.
   h. Forestry Activities shall require a minimum of one space for each one thousand square feet of enclosed floor area plus one space for every two employees not to exceed a maximum of one space per seven hundred square feet of enclosed gross floor area plus one space for every two employees.
   i. Funeral Homes shall provide a minimum of one space per one thousand four hundred square feet of gross floor area, not to exceed a maximum of one space per eight hundred square feet of gross floor area.
   j. Governmental Facilities shall provide a minimum of one space for each six hundred square feet of enclosed gross floor area utilized by the public plus one space for each one thousand square feet of remaining floor area, not to exceed a maximum of one space for each three hundred square feet of enclosed gross floor area used by the public plus one space for each one thousand square feet of remaining floor area.
   k. Health Services shall provide a minimum of one space per each patient examination area plus one space per two employees present on the largest shift,

not to exceed a maximum of two spaces per each patient examination area plus one space per employee present on the largest shift.

l. Houses of Worship shall provide a minimum of one space per nine fixed seats or twelve linear feet of benches, not to exceed a maximum of one space per each five fixed seats or eight linear feet of benches. If no fixed seating is provided, then one space per two hundred fifty square feet shall be provided.

m. Lower floor commercial uses (with at least 25,000 square feet of residential space above) shall provide a minimum of one space per five hundred square feet of enclosed gross floor area (of the business) not to exceed a maximum of one space per two hundred fifty square feet of enclosed gross floor area (of the business).

n. Overnight Lodging shall have a minimum of one space for every four sleeping rooms plus one space for every six employees present on the largest shift, not to exceed a maximum of one space for every two sleeping rooms plus one space for every two employees present on the largest shift.

o. Parking Lots and Structure shall have no parking space requirements.

p. Parks shall have a minimum of zero parking spaces not to exceed a maximum of one space for every six occupants (based on design capacity).

q. Professional and Business Offices shall provide a minimum of three spaces plus three spaces for each one thousand square feet beyond the first one thousand square feet of gross floor area, not to exceed a maximum of one space for each two hundred fifty square feet of gross floor area.

r. Professional Services shall provide a minimum of four spaces plus two spaces for each one thousand square feet beyond the first one thousand feet of gross floor area, not to exceed a maximum of one space per two hundred fifty feet of gross floor area.

s. Retail Sales shall provide a minimum of three spaces plus three spaces per one thousand square feet beyond the first one thousand square feet of gross sales area, not to exceed a maximum of one space per two hundred fifty square feet of gross floor area.

t. Retail Services shall have a minimum of three spaces plus three spaces per one thousand square feet beyond the first one thousand square feet of area in which the service is provided, not to exceed a maximum of one space per two hundred fifty square feet.

u. Utilities shall provide a minimum of one space per two employees, not to exceed a maximum of one space per employee, only if a building is to house the employees.

v. Wholesale Sales shall provide a minimum of two spaces plus one space per each three thousand square feet beyond the first two thousand square feet of sales, storage, and office area, not to exceed a maximum of one space per two thousand square feet of sales, storage, and office area plus one per employee

w. Wholesale Services shall provide a minimum of two spaces plus one space per each three thousand square feet beyond the first two thousand square feet of sales, storage, and office area, not to exceed a maximum of one space per two thousand square feet of sales, storage, and office area plus one per employee.

x. For uses accessory to commercial uses, no additional parking is necessary, provided that each individual commercial use on a lot shall be considered primary, not accessory.

3. Industrial Uses
   a. Agricultural uses shall provide a minimum of one space per nonresident worker, not to exceed a maximum of one space per three hundred square feet of enclosed gross floor area.
   b. Automotive assembly, for the purposes of this subsection shall be considered a manufacturing, and shall be held to the standards set forth below.
   c. Manufacturing uses shall provide a minimum of one space per employee present on the largest shift, not to exceed a maximum of one space per employee present on the largest shift plus one space per one thousand square feet of area used for manufacturing and related activity.
   d. Medical Laboratories and Diagnostic Facilities shall provide a minimum of one space per five hundred square feet of gross floor area, not to exceed a maximum of one space per three hundred square feet of gross floor area.
   e. Mining and Extraction activities shall provide a minimum of one space per employee present on the largest shift, not to exceed a maximum of one space per employee present on the largest shift plus one space per ten employees present on the largest shift.
   f. Printing and Publishing activities shall provide a minimum of one space per five hundred square feet of gross floor area plus one space per two employees present on the largest shift, not to exceed a maximum of one space per three hundred square feet of gross floor area plus one space per two employees present on the largest shift.
   g. Research and Development Facilities shall provide a minimum of one space per five hundred square feet of gross floor area plus one space per every three employees present on the largest shift, not to exceed a maximum of one space per three hundred square feet of gross floor area plus one space for every two employees present on the largest shift.
   h. Storage Units (self-serve rentals) shall provide a minimum of one space for every ten units available for rent, not to exceed a maximum of one space for every five units available for rent.
   i. Transportation Services shall provide a minimum of one space per employee present on the largest shift, not to exceed a maximum of two spaces for every three employees present on the largest shift.
   j. Warehousing facilities shall provide a minimum of one space for each employee present on the largest shift, not to exceed a maximum of one space for each employee present on the largest shift plus one space for each vehicle used and stored on the premises.
   k. Waste Processing Facilities shall provide a minimum of one space for each employee present on the largest shift plus one space for every two trucks stored on-site, not to exceed a maximum of one space for each employee present on the largest shift and one space for every trucks stored on-site.
   l. Woodworking and Xylography shall provide a minimum of one space per employee present on the largest shift, not to exceed a maximum of one space per employee present on the largest shift plus one space per one thousand square feet of gross floor area.
   m. For uses accessory to industrial uses, no additional parking is necessary, provided that each individual industrial use on a lot shall be considered primary, not accessory.

4. For commercial lots gaining primary access and frontage from Business Route 220, the maximum limitations for parking shall be increased. The new maximum shall be determined by finding the number of spaces normally required for the maximum and multiplying that number by three.
5. In the event a standard is not listed for a particular use, the Planning Commission shall establish a standard during the review and approval. In establishing the standard, the Commission shall consider these three basic formulae for parking:
   a. For residential uses, a standard of one to three spaces per dwelling unit
   b. For commercial uses, a standard of one parking space for three hundred to five hundred square feet of floor area
   c. For industrial uses, a standard of one parking space per employee present on the largest shift with a slight increase for permanent vehicle storage, visitors, and overflow, as the use warrants.

E. Limitation on the Use of a Parking Facility

No parking space or access way within a parking facility shall be used for any purpose other than those for which they were designed. No space or access way shall be used for display of merchandise, storage of stock, servicing of vehicles, whether temporary or permanent unless the intent to use such areas for such activity is clearly marked on the plans and mitigation measures are designed to separate moving traffic from those areas. Temporary use of parking lots for carnivals, sidewalk sales, and similar activity may gain approval under Section 414 below.

F. Parking Structures

1. Parking structures shall be set back from lot lines in accordance with the setback requirements of the zoning district in which they are located.
2. The parking spaces and access drives within the structure shall be designed in compliance with Subsection C above.
3. Structures shall be designed so that drivers negotiating corners and turns within the structure have the best sight distance possible.
4. The ground level of the structure along any street should be devoted to retail or office space to provide continuity to the business frontage.
5. The structure shall be well lit, and provide for emergency communications on every level.
6. The structure shall be accessible to the physically disabled.

G. Bicycle Parking

1. For every ten spaces provided by the applicant for motor vehicles, one bicycle parking space shall be provided, with a minimum of two bicycle spaces for all proposals.
2. Bicycle parking facilities shall be located near the building and in such an area so they are not a hazard to motor vehicles or bicyclists.
3. Bicycle parking facilities shall not be located or designed so that they block or hinder the availability of building entrances and exits or any facilities provided for the physically disabled.
4. All bicycle spaces shall provide the cyclist with a permanent fixture to which the bicycle can be secured while the cyclist is on the property.
5. Bicycle parking spaces shall be kept clear of debris, snow, ice, and standing water just as with spaces for motor vehicles and pedestrians.

H. Sites Requiring Altered Accessibility Standards

All gasoline filling stations, service stations, auto sales lots, and attended lots shall meet all requirements of this Article, with the following exceptions.

1. For gasoline filling stations, the area used by the vehicle while fuel is being dispensed may be counted as a parking space. Such spaces shall meet the requirements for parallel parking.
2. Service stations shall make available the proper number of required spaces for customers, and such spaces shall meet the requirements of this Article. Spaces created for vehicle storage and service need not meet the access requirements of this Article so long as all vehicles maneuvered in such areas are under the direct control of a paid employee of the business.
3. Auto sales lots shall make available the proper number of required spaces for customers. Areas for vehicle storage, whether for servicing or sales, may be designed as necessary for the conduct of business, provided that all vehicles being maneuvered in these areas are under the direct control of a paid employee of the business. In no event shall areas of the property designated for other purposes be used for automobile sales or storage.
4. Attended lots need not meet the accessibility requirements for individual spaces provided that all vehicles being maneuvered in such lots are under the direct control of a paid attendant for the lot.

I. Drive-Thru Facilities

1. An access driveway providing access to a drive-thru facility may encroach into the required five foot setback from the building at the point(s) of contact between the driver and the drive thru attendant. It is recommended that this be done through use of an extension on the building to reach the driveway rather than placing the driveway close to the length of the building wall.
2. Service windows, drawers, or similar devices shall protrude from the building across the one-foot setback.
3. A face-to-face setup shall be used for all drive-thru facilities to eliminate speaker noise. Alternatives may be considered by the Planning Commission where it can be shown that transactions will not be heard at the lot line at any time of day or night.
4. The exterior edge of the driveway shall be planted with a three-foot high hedge to screen automotive lights and noise.
5. Drive-thru driveways shall provide stacking for a minimum of five cars without interfering with parking lot operations, bicycle and pedestrian flow, or street traffic. Alternative designs may be considered where multiple windows or lanes are proposed.

J. General Circulation and Layout

The Planning Commission shall consider the entire site layout and its overall effect on traffic circulation and vehicular interaction with other users of the property. In doing so, the Commission shall take into consideration internal intersections, sight distances, crosswalks, loading areas, pick-up and drop-off areas, exterior doors, and landscaping. The Commission shall have the responsibility to condition approvals on changes to the proposal it feels are necessary to achieve a safe overall design for all interested parties and users.

SECTION 410. PEDESTRIAN FACILITIES

A. Sidewalks
   1. Sidewalks shall be provided along the entire length of the property. On a corner lot, the sidewalk shall be extended along the second street as well.
   2. All sidewalks shall be constructed to provide adequate access to the physically disabled.
   3. Sidewalks shall be a minimum four feet wide, with the edge running along the right-of-way line, and the sidewalk width extending into the right-of-way.
   4. Except in the central business district zones, there shall be a landscaped strip left between the curb and sidewalk. In the central business district zones, the requirement listed below shall apply.
   5. In the central business district zones, the sidewalk width shall extend from the street right-of-way line to the curb. In such areas, the following treatments shall also apply:
      a. Street tree wells shall be installed so that a tree may be planted eighteen inches inside the curb. There shall be one street tree for every fifty feet of street on the block (i.e. a block of 400 feet length would require eight trees). The number of trees required shall be placed equidistantly along the block, but no closer than fifteen feet to an intersecting curb line. An applicant shall be responsible only to install such well(s) and tree(s) required along the frontage of the proposal, in the proper location(s).
      b. For proposals with one hundred feet of frontage or more, the applicant shall install one bench for each full one hundred feet of frontage.
      c. Sidewalk sales are permissible under the provisions of Section 414 below.

B. Walkways and Crosswalks
   1. Walkways shall provide adequate pedestrian circulation within the lot as well as between the lot, street and abutting properties.
   2. All proposals shall include pedestrian access via a built walkway from the sidewalk to the interior pedestrian circulation system.
   3. Walkways shall be constructed to provide adequate access to the physically disabled.
   4. Walkways shall be a minimum of four feet wide. This width shall be unobstructed by merchandise, car overhangs, and other obstacles.
   5. Where any pedestrian facility intersects an access driveway, a crosswalk shall be clearly designated on the surface of the access driveway. Crosswalks shall also be provided anywhere a sidewalk intersects an access drive.
   6. If the proposal requires a traffic signal, such traffic control signal shall include button-activated pedestrian lights for all directions of travel, and painted crosswalks on the streets at the intersection. This signal shall be of the two-tier “WALK”/”Don’t Walk” variety, or its equivalent.
   7. Walkways shall be located in a manner that is consistent with human walking patterns; the system should not expect a person to travel out of the way to arrive at the destination.

C. Furniture
   1. If the proposal is to be directly served by a bus stop, a bench shall be placed at the bus stop location.
   2. Benches are encouraged near the entrance of the building for use by customers.

SECTION 411. LANDSCAPING

A. Street Trees
   1. All land development proposals shall include street trees to be planted between the sidewalk and the curb.
   2. In central business district zones, street tree wells shall be installed so that a tree may be planted eighteen inches inside the curb. There shall be one street tree for every fifty feet of street on the block (i.e. a block of 400 feet length would require eight trees). The number of trees required shall be placed equidistantly along the block, but no closer than fifteen feet to an intersecting curb line. An applicant shall be responsible only to install such well(s) and tree(s) required along the frontage of the proposal, in the proper location(s)
   3. Trees to be planted shall have a minimum diameter of two inches at a point four feet above the ground. All stock shall be nursery-grown, balled, and burlapped.
   4. Tree grates or fencing may be required to protect new trees in dense areas or other high-traffic areas.
   5. Trees shall be planted in the following manner:
      a. Each tree to be planted shall be placed in a hole dug one foot wider and one foot deeper than any part of the root ball.
      b. Soil to be replaced around the root ball is to be a good quality loam.
      c. The root ball shall be placed two inches deeper than the surrounding undisturbed soil to create a depression that holds water.
      d. Each tree shall be watered immediately after planting to settle the soil and moisten the roots.
      e. Trees shall have temporary labels attached so inspectors can determine compliance with the approved plan.
   6. The developer is responsible to guarantee all planted trees live through one complete growing season, and replace those that do not survive the first year.

B. Buffer Yards
   1. All proposals shall include a buffer area as defined herein. A buffer yard is intended to separate incompatible uses via a horizontal linear distance. Landscaping for these buffer yards is discussed in Subsection C below.
   2. Buffer yards shall be calculated based on the incompatibility of adjacent land uses. These uses are as follow:
      a. Class 1 – Open space, passive recreation, parks, detached single household residences
      b. Class 2 – All other residential, primary schools, active recreation, cultural facilities, and religious institutions.
      c. Class 3 – Offices, small retail and storefront businesses
      d. Class 4 – Commercial recreation, conference centers, motels, hotels, retail, secondary schools, public safety providers, office parks.
      e. Class 5 – Wholesale, warehousing, light industry, shopping centers, public works (government), convenience stores, drive-thrus, gas stations
      f. Class 6 – Heavy industrial, regional shopping centers, malls, stadiums, railroads, transportation terminals, limited access highways.
   3. Buffer yards shall be provided by the applicant along the perimeter of the site or lot and shall extend to the edge of the property.
   4. Different buffer yard may be required where the incompatibility differs.

5. No parking, structures, dumpsters, light standards, shall be permitted in a buffer yard.
6. Buffer yards may be used for passive recreation and trails provided the required distances and landscaping are maintained.
7. Buffer yards may be split where an access drive must cross to the street or an adjoining property.
8. The table below indicates the buffer yard required in addition to the five foot minimum required for all proposals. Items marked with a 'B' also require that the earthen berm in subsection nine below be installed.

Required Buffer Yard

Proposed Use Class	**Adjacent** Use Class					
	1	**2**	**3**	**4**	**5**	**6**
1	0'	5'	10'	10'B	10'B	15'B
2	5'	0'	5'	10'	10'B	15'B
3	10'	5'	0'	5'	10'	15'
4	10'B	10'	5'	0'	5'	10'
5	10'B	10'B	10'	5'	0'	10'
6	15'B	15'B	15'	10'	10'	5'

9. Required earthen berms shall be installed as follows:
   a. Each berm shall have no greater than a 2:1 slope
   b. Each berm shall be at least five feet high as measured from the finished grade of the property at the interior base of the berm. Properties shall not be designed or graded so that the intended screening function of the berm is negated.
   c. The Planning Commission may allow existing topographical features to be used in place of an artificial berm. Use of such features shall not preclude the applicability of the screening and landscaping requirements contained herein.
   d. Artificial berms shall be constructed so as to support and sustain the required screening and landscaping to be placed upon them.

C. <u>Perimeter Landscaping</u>
1. The landscaped area for perimeter landscaping shall be coincident with the required buffer yard area.
2. The perimeter landscaping area shall be seamlessly integrated with any street tree requirements as well as the parking lot landscaping and foundation landscaping requirements shown below.
3. Along the frontage, the area shall be planted with shrubs and trees so as to provide a pleasant driving and walking atmosphere, and to minimize the impact of the project on the street. Frontage landscaping must be designed so it does not interfere with drivers entering and leaving the property.
4. Along the parking lot, trees and shrubs shall be planted to as to screen the parking facility from all surrounding streets and properties. The intent is to mitigate the impact of vehicle noise, lights, and fumes on adjacent land. Such vegetation shall be planted so as to provide a full screen within five years.
5. Where berms are required, the entire berm shall be landscaped with shrubs and trees to completely segregate the proposed use from adjacent uses. Evergreen plantings shall be required along the crest of the berm.
6. Elsewhere, the plantings shall be designed to screen and filter out noise, light, and odor produced by the proposal and create a full screen within five years.

7. Alternatives to plantings and berms can be considered by the Commission, however, they must meet the intent of this subsection and maintain some landscaped presence along the proposal.

D. Foundational Landscaping
1. The required setback between parking facilities and buildings shall be landscaped to eliminate large expanses of barren wall.
2. The area reserved for foundational landscaping shall not be used for any other purposes such as outdoor sales or storage of merchandise.
3. The foundational landscaping requirements may be waived where a sidewalk runs along the wall and architectural features have been added to the wall which visually enhances its presence. Simple striping and signing shall not qualify for this waiver.
4. Foundational landscaping shall include low shrubbery at a rate of at least one shrub for every five linear feet of wall, and high shrub or tree for every fifty linear feet of wall.
5. Foundational landscaping may be waived if the proposal includes yard trees throughout the site that serve the same screening purposes as foundational plantings. Such a waiver may be applied only where such yard trees serve the noted function.

E. Interior Landscaping
1. Interior landscaping shall be required between the perimeter and foundational landscaping, particularly in the parking facility. Landscaping shall be required to provide definition and traffic control within a parking lot. Such landscaping shall be provided at the ends of all stall rows, between parking spaces and access drives which do not directly serve them, along travel corridors within the parking lot, and separate the loading area from the main lot
2. Yard trees may be proposed to provide further screening of the building.
3. Where a parking space abuts any element of the parking or loading facility except the access drive directly servicing the space or another parking space, an island shall be installed to protect the parked vehicle from the moving vehicles, and to provide definition to traffic patterns. Island design shall be, at a minimum, as follows:
   a. Islands shall be six feet wide.
   b. Islands shall be curbed with vertical or sloped curbing. Asphalt curbing is not acceptable.
   c. Within each island, there shall be one tree for each eighteen feet of length. Where the length does not equal an exact multiple of eighteen, the nearest multiple (by standard rounding) shall be used.
   d. For each tree required in the island, six shrubs shall be required. Shrubs shall grow to a sufficient height and thickness to clearly define the presence of the island to passing motorists, but shall not be so high so as to impede motorists' view of traffic within the parking lot. Shrubs growing between two and four feet are generally acceptable.
   e. Islands surrounding loading areas shall be screened with thick, high shrubbery, except where such height inhibits motorists' ability to see other traffic in the facility.
   f. Trees planted shall meet the specifications for street trees, above.
4. Where grass is provided, a minimum of six inches of loam shall be applied, and a fine-bladed lawn grass seeded or installed on the loam.

5. Signs shall be kept to the minimum necessary for safe and efficient traffic operation. Pavement markings shall be maintained so as to always be visible under normal circumstances.
6. Lighting units shall be installed according to the following standards:
   a. units shall not be higher than fifteen feet above finished grade
   b. units shall be positioned and shielded to direct light downward onto the property. For purposes of this standard, "downward" shall mean 60 degrees from the vertical plane.
   c. In no event shall any lighting be installed which directly shines onto abutting streets or properties, or which allows light to directly shines into the sky.
   d. Parking lot lighting shall be illuminated only from dusk to closing and from opening until dawn. Other lighting on the property shall be reduced by seventy-five per cent during these periods.

F. Noise
   1. No property shall have exterior speakers, unless approved on a temporary basis under the temporary use provisions below.
   2. On properties where the use necessitates idling vehicles for more than five minutes on a regular basis (such as deliveries, pick-ups, or engine repair), a sound barrier shall be installed along the area where such vehicles will be idling. The barrier may be a wall, fence, or vegetated screen, but shall block the sound of idling vehicles from reaching the property line.
   3. No outdoor activity on any property governed by this Article shall create noise which can be heard and identified above the ambient noise in a residential area between 10:00pm and 6:00am nightly. This provision shall not apply to traffic coming to and leaving the premises, but does apply to deliveries, collections, speakers, idling vehicles, and other activities.

SECTION 412. LOADING AREAS

A. Loading spaces, wherever proposed, shall be a minimum of twelve feet wide and twenty-five feet long. These calculations shall not include any access drives or maneuvering space.
B. Landscaping of loading areas shall be as described in Section 413.
C. Loading and storage facilities shall not be visible from the street, or any residential use.
D. Access drives to loading areas shall be of sufficient dimensions to handle the traffic using the loading area.

SECTION 413. UTILITIES AND DRAINAGE

A. All utility connections shall be adequate for the servicing of the proposed use(s) of the property.
B. Utility connections shall be underground. If underground connections are not feasible, the Commission may approve overhead connections to the rear of the property from the alley.
C. Drainage shall be provided on-site for the entire property. Design and installation of drainage facilities shall be governed by the standards set forth in Title Four.

SECTION 414. TEMPORARY USES

A. Option One – Review Each Time

If a property owner or occupant desires to temporarily use a portion of the property for a use other than that approved under this Article, such person or entity shall submit sketch plans indicating the location, extent, duration, and type of temporary use proposed for approval by the Planning Administrator. This section applies to any temporary use proposed for an area used for vehicular access, parking, pedestrians, or landscaping. The intent of this review is to ensure the basic function of each element of the property is not compromised.

B. Option Two – Permanent Approval

If a property owner or occupant knows at the time the layout is designed that such temporary functions will occur, permanent provision for those functions can be incorporated into the land development plans and approved by the Commission. Once done, the administrative review in paragraph A above is not necessary unless the location, extent, or type of use is changed.

C. Yard sales on exclusively residential properties are exempt from this Section.

SECTION 415. APPLICABILITY OF SUBDIVISION REQUIREMENTS

In the event that a land development application is submitted which requires improvements governed by Title Five, the standards in Title Five may be applied to the proposal by the Planning Commission as a part of the review under this Article.

SECTION 416. APPROVAL PROCESS

A. Submittal and review of land developments shall be in accordance with Title Ten
B. Upon completion of the review of the application, the Altoona City Planning Commission shall take action on the proposal. Such action may be taken at a subsequent meeting, so long as the time lines established under state law are met. Such action shall be:
    1. Request further information for a second review. This is done when the submittal and substantive requirements for the plan are not met, or when an issue arises during the review which needs to be addressed.
    2. Issue a Certificate of Approval, without condition
    3. Issue a Certificate of Approval with conditions
    4. Issue a Certificate of Denial, which clearly states the reasons for denial.
C. All approvals under this Title shall be accompanied by a Performance Contract which shall be recorded in the chain of title with the plan.
D. The applicant is responsible to follow up on all required subsequent actions set forth in Article II of Title Ten.
E. The applicant is required to obtain any and all other approvals which may be required for the proposal. Approval under this Title does not automatically grant other approvals, except those noted in the Certificate of Approval.

SECTION 417. MAINTENANCE OF IMPROVEMENTS

A. The property owner shall be responsible for the installation and maintenance of all improvements as shown on the approved land development plans.
B. All improvements approved under this Article shall be installed and continuously maintained in good condition and appearance. Whenever necessary, surfacing, markings, lighting, berms, plantings, and other elements shall be repaired or replaced with new materials to ensure continued compliance with the approval issued hereunder.
C. Failure to maintain the improvements shall be considered a violation and be enforceable through the provisions granted by this Ordinance and State Law.

TITLE EIGHT
URBAN REDEVELOPMENT

ARTICLE I
BLIGHT DECLARATIONS

SECTION 101. PURPOSE

It is the purpose of this Article to enable the Planning Commission to make declarations of blight on properties or neighborhoods independent of the actions and processes of the Redevelopment Authority and Urban Redevelopment Law. Such declarations may be made where a property or neighborhood is blighted, but the actions and processes defined in the subsequent Articles of this Title are inappropriate for the circumstances.

SECTION 102. FACTORS FOR BLIGHT DECLARATION ON INDIVIDUAL PROPERTIES

The Planning Commission may make a Blight Declaration on a specific individual property when it determines that one or more of the following conditions are present.

A. Any of the conditions enumerated under Section 12.1(C) of the Pennsylvania Urban Redevelopment Law.
B. Prone to significant damage from flooding.
C. The presence of conditions, particularly in structures, which pose a threat to neighboring properties or passers-by in the public right-of-way.
D. Abandoned accessory structures
E. Collection or accumulation of junk, trash, or other refuse
F. A use or structure which is not compatible with the surrounding neighborhood and was not put in place by legal means. Legal non-conforming uses and structures are considered to have been put into place legally.

SECTION 103. FACTORS FOR BLIGHT DECLARATION ON ENTIRE AREAS

The Planning Commission may make a Blight Declaration on specific areas of the City when it determines that two or more of the following conditions are present.

A. Unsafe, unsanitary, inadequate, or overcrowded conditions in dwellings
B. Excessive land coverage
C. Defective design or arrangement of buildings
D. Faulty street or lot layout
E. Economically or socially undesirable land uses
F. Building obsolescence
G. Other effects of inadequate planning

SECTION 104. PROCEDURE FOR BLIGHT DECLARATION

When making a Blight Declaration, the Commission shall abide by this procedure:

A. Declaration shall be made publicly at any regular Commission meeting.
B. Declaration shall be made by resolution of the Commission. The resolution shall include a specific description of the property or area subject to the Declaration, the factors leading to such declaration, and any adverse effects such Declaration may have on property owners included in the boundaries of the Declaration.

C. The Commission shall then notify all property owners affected by the Declaration that such Declaration has been made, and the adverse effects that the Declaration may have on them, and a notice of the right to appeal the Declaration in accordance with the procedure in Section 106 below. The notice shall be mailed within five (5) days of the vote on the Declaration.
D. The Commission shall notify the City Council of the Blight Declaration after the possibility of appeal has ended.

SECTION 105. EFFECT OF BLIGHT DECLARATION

A Blight Declaration is a tool used to provide funding to certain areas and projects within the City. In and of itself, the Declaration has no tangible effect. However, because the use of funding which can result from such a Declaration can have financial, social, and other immediate negative effects on those who own or lease property affected by a declaration, the Commission must include in its Declaration what it foresees the funding available being used for and how it will impact owners and leaseholders.

SECTION 106. APPEALS

Persons owning or leasing property included in a Blight Declaration shall have standing to appeal the Declaration to any court of competent jurisdiction. Should the court find that the Blight Declaration is in error, the Declaration shall be vacated so far as it applies to the property owned or leased by the appellant. Such appeal shall be done in the same manner as an appeal from a determination of a public nuisance.

SECTION 107. LIMITATIONS

No Blight Declaration issued under this Article may be subsequently used as a basis for activity under Article II or Article III of this Title. Likewise no declaration or certification of blight under Article II or Article III of this Title may be used as a Blight Declaration under this Article. In both cases, a new Blight Declaration must be issued pursuant to the criteria and procedures outlined in each respective Article.

ARTICLE II
SPOT BLIGHT

SECTION 201. PURPOSE

It is the stated purpose of this Article to bolster, support, and sustain the various neighborhoods in the City through the elimination of blighted properties as they are brought to the attention of the City. The City and the Redevelopment Authority are to work jointly to further the goal of eliminating blighted properties throughout the City as is provided by the Urban Redevelopment Law. It is not the intent of this section to remove blighted properties through other avenues, although it should not be construed that this Article prohibits the use of alternative methods.

SECTION 202. FINDINGS BY THE BLIGHTED PROPERTY REVIEW COMMITTEE

The Blighted Property Review Committee shall inspect and evaluate certain properties brought to its attention which may be in a state of blight. Blighted properties shall include any property meeting any one or more of the criteria set forth in Section 12.1(C) of the Urban Redevelopment Law. If the Committee finds that the property is indeed in a state of blight it shall serve notice by certified mail and first class mail at the last known address of the property owner and post a notice on the subject property that the premises have been found to be in a blighted condition. A record of all notices shall be kept with the property file. A photograph of the posting on the premises shall suffice as record of posting. The notice shall include an order to remove the conditions causing the blight as well as notice that failure to remove such conditions could result in condemnation of the property under the Urban Redevelopment Law.

SECTION 203. APPEALS OF THE FINDING OF BLIGHT

The owner shall have the right of appeal from the findings in Section 202 in the same manner as an appeal from the determination of a public nuisance.

SECTION 204. CERTIFICATION OF BLIGHT

Once the property has been declared a public nuisance and no action has been taken to either timely appeal such a declaration or to correct the blighted conditions, the property can be certified as blighted in accordance with the following:

A. The Blighted Property Review Committee shall examine and inspect the property to determine if a certification of blight is necessary. If the certification is justified, the Committee shall make such a certification and forward the property to the Planning Commission for its review and certification.
B. The Planning Commission shall then also examine and inspect the property to determine if a certification of blight is necessary. If the certification is justified, the Commission shall make such a certification and forward the property to the Redevelopment Authority. The Commission shall, with its certification, also forward its recommendation as to the appropriate reuse of the property and whether the disposition of the property for residential or related use would not be in accord with the Comprehensive Plan.
C. All properties certified as blighted must be vacant and must have cleared the procedure in sections 202 and 203 above before entering the process described in this section.

SECTION 205. REMOVAL OF BLIGHTED PROPERTIES

The Redevelopment Authority may remove the blight from the neighborhood through one of two methods.

A. Agreement with the Owner

The Redevelopment Authority or its designee may enter into an agreement with the owner of the property to cause either its rehabilitation or its demolition in order to eliminate the blight from the neighborhood. Such agreements may include, but are not limited to, a Consent to Raze or a Proposal to Rehabilitate.

B. Acquisition

The Redevelopment Authority may acquire the property by any means given to it by law in order to remove the blight. Once acquired, the Authority may clear the property, rehabilitate the property, or cause the property to be cleared or rehabilitated. Once acquired, the Authority shall have the responsibility to maintain the property in accordance with all applicable City codes.

C. Limitations

The Redevelopment Authority may not exercise any power under this section unless all the following are true:

1. The processes in Sections 202 through 204 above have been completed.
2. The Planning Commission has issued its recommendation on the appropriate reuse of the property
3. The Planning Commission has certified that disposition of the property for residential or related use is in accord with the Comprehensive Plan. This certification is necessary only where acquisition is involved.

SECTION 206. REDEVELOPMENT OF FORMERLY BLIGHTED PROPERTIES

In the event the Redevelopment Authority acquires property under Section 205(B) above, it shall redevelop the property through one of the following methods.

A. Contract

The Authority may enter into a contract to effect redevelopment of the property in a specified manner, with the Authority retaining ownership.

B. Operation

The Authority may retain ownership and operate and maintain the property.

C. Lease

The Authority may enter into either a short- or long-term lease with another entity to operate and maintain the property.

D. Disposition, Outside of an Urban Renewal Area

The Authority may sell the property. When selling property acquired under Section 205(B) outside of a designated Urban Renewal Area as described in Article II, the Authority may enter into a sales agreement and attach any such conditions as it deems necessary to effect proper redevelopment of the property.

E. Disposition, Inside of an Urban Renewal Area

The Authority may sell the property. When selling property acquired under Section 205(B) within a designated Urban Renewal Area as described in Article II, the Authority must enter into a redevelopment agreement with the buyer. Such agreement must conform to the requirements of the Urban Renewal Area, and the form of such agreement must also be approved by City Council. Such property could also be redeveloped under paragraph “F” below.

F. Incorporation into another Project
Property acquired under Section 205(B) can also be incorporated into an Urban Renewal Proposal under Article II, or into an Urban Redevelopment Program under Article III. In so doing, the property will be subject to the provisions set forth for the project into which the property is placed.

SECTION 207. CERTIFICATION OF RESTORATION

A. Upon completion of its redevelopment efforts, the Redevelopment Authority shall submit the property to the Planning Commission. The Planning Commission shall then examine and inspect the property to determine whether the property has been restored to a non-blighted condition. If the Commission finds that the property has been restored, it shall certify the property as restored, thereby nullifying the certification of blight issued previously.
B. In the event a property is not restored within ten years of the Planning Commission certifying it as blighted, the certification of blight shall automatically expire. Such expiration shall not affect any redevelopment activity undertaken by the Redevelopment Authority to that date, nor will it relieve the Authority from any responsibilities is has assumed during the ten years of blight.

ARTICLE III
URBAN REDEVELOPMENT AREAS

SECTION 301. PURPOSE

The purpose of this Article is to permit the stabilization and rebirth of an entire neighborhood where significant decay and blight have occurred. It is the intent of this section that the City and the Redevelopment Authority work with the targeted neighborhood to achieve a successful revitalization, not to force a proposal on to the residents and businesses located there. Where there is an urgent need, or where the blighted condition of the targeted neighborhood threatens the stability of adjoining neighborhoods, the City and Authority may impose an Urban Renewal Area to protect the larger interests of the City as a whole.

SECTION 302. PRELIMINARY FINDINGS

Prior to the development of any Urban Redevelopment Plan under Section 303 below, the Planning Commission shall make and certify, by resolution, the following findings.

A. A certification that the neighborhood targeted is blighted. In finding that the area is blighted, the Commission shall consider at least the following factors:
   1. Unsafe, unsanitary, inadequate, or overcrowded conditions in dwellings
   2. Excessive land coverage
   3. Defective design or arrangement of buildings
   4. Faulty street or lot layout
   5. Economically or socially undesirable land uses
   6. Building obsolescence
   7. Other effects of inadequate planning
B. A certification of the area as an Urban Redevelopmentl Area. Such certification shall include the following factors:
   1. The certification is in conformance with the Comprehensive Plan.
   2. The certification references the certification of blight required above.
   3. For extraterritorial certifications, the Commission shall make findings that the certification is in compliance with the comprehensive plans or community objectives of both the local municipality and the county in which the Area is to be certified. Absent such documents, the Commission shall find that the goals of the Area are consistent with surrounding land uses, streets, and infrastructure so as to not overburden the neighborhood.

SECTION 303. URBAN REDEVELOPMENT PLAN

A. Once the Planning Commission makes the requisite preliminary findings, it shall undertake a study of the redevelopment area to ascertain exactly what factors are causing the blighting influences and outline methods to overcome those influences. The results of this study shall form an Urban Redevelopment Plan. At a minimum, the Urban Redevelopment Plan shall include the following.
   1. The elements required under Section 10(C) of the Urban Redevelopment Law.
   2. A statement on how the redevelopment will integrate into its built, social, and natural surroundings.
   3. Specific descriptions on the regulatory effects proposals arising from the plan will have on the requirements of other Titles in the Altoona Planning Code
   4. A statement of goals and objectives of the Plan as well as a statement of consistency with the Comprehensive Plan.

5. A method of amending or appealing specific provisions of the plan and subsequent proposals.
6. A definite expiration date of the plan and all proposals. In no case shall any Urban Redevelopment Plan remain effective for longer than twenty years from the date it is initially adopted by the Planning Commission.

B. Upon completing the draft which will be presented for passage, the Commission shall circulate the document through the interdepartmental review procedure in Title Ten to solicit comments and recommendations from other agencies, as well as to make them aware of the plan. Such comments and recommendations may include requests from those agencies that the Commission include certain projects within the scope of the plan.

C. The Commission may, at its discretion, hold a public hearing on the proposed Urban Redevelopment Plan. Notice of the hearing shall be published once in a newspaper of general circulation in the redevelopment area at least two weeks, but not more than three weeks, prior to the hearing date. The notice shall include the time, date, location, and purpose of the hearing. The Commission is hereby encouraged to hold these hearings within the geographic limits of the redevelopment area, or as close as possible thereto.

D. The Planning Commission shall adopt the Urban Redevelopment Plan by resolution at any regularly-scheduled meeting.

SECTION 304. URBAN REDEVELOPMENT PROPOSAL

A. Once the Planning Commission passes the Urban Redevelopment Plan, the Redevelopment Authority shall, in conformity with the Plan, prepare an Urban Redevelopment Proposal for all or part of the redevelopment area. The Proposal shall, at a minimum, include the following elements
   1. The Urban Redevelopment Plan from which the Proposal is derived.
   2. A project narrative including the background, rationale, objectives, and goals.
   3. A review of similar or model projects which have achieved favorable results
   4. The methodology to be used to achieve the objectives of the Plan and the specific Proposal.
   5. A statement of participants and assignment of responsibilities.
   6. The form of the redevelopment contract to be used to implement the Proposal. The redevelopment contract shall comply with Section 11 of the Urban Redevelopment Law.
   7. A definite expiration date of Proposal. In no case shall any Urban Redevelopment Proposal remain effective for longer than the Plan from which it is derived, nor shall any proposal run for more than ten years.

B. Upon completing the draft which will be presented for passage, the Authority shall circulate the document through the interdepartmental review procedure in Title Ten to solicit comments and recommendations from other agencies, as well as to make them aware of the Proposal. Such comments and recommendations may include requests from those agencies that the Authority include certain projects within the scope of the Plan.

C. Once the interdepartmental review is complete, the Authority shall consider all comments and incorporate those which are deemed appropriate into the Proposal. Once this has been done, the Authority shall forward the resulting Proposal document to the

Planning Commission for its review and recommendation. The Commission shall have forty-five days to submit its recommendations to the Authority and City Council.

D. The Authority may, at its discretion, hold a public hearing on the proposed Urban Redevelopment Proposal. Notice of the hearing shall be published once in a newspaper of general circulation in the redevelopment area at least two weeks, but not more than three weeks, prior to the hearing date. The notice shall include the time, date, location, and purpose of the hearing. The Authority is hereby encouraged to hold these hearings within the geographic limits of the redevelopment area, or as close as possible thereto. This hearing shall not be held until after the review period in Section 304(C) has been completed.
E. The Authority shall then submit the Proposal to the City Council with the Commission's recommendations for final passage.
F. Upon receipt of the Proposal, the City Council shall schedule a public hearing on the proposal in accordance with Section 10(G) of the Urban Redevelopment Law.
G. The City Council shall reject or adopt by ordinance the Urban Redevelopment Proposal at any regularly-scheduled meeting in accordance with the Section 10(H) of the Urban Redevelopment Law.

SECTION 305. UNDERTAKING REDEVELOPMENT IN A REDEVELOPMENT AREA

Upon approval of the Urban Redevelopment Proposal by City Council, the Authority is fully authorized to carry out the Proposal by any means necessary at its disposal. Provided, however, that all acts shall comply with the Proposal and the controlling Plan promulgated through the procedures set forth above.

SECTION 306. ALTERING THE PROVISIONS OF AN URBAN REDEVELOPMENT PROPOSAL

The provisions of a Plan or Proposal under this Article may be altered by any one of the following three methods, unless such Plan or Proposal specifically provides an alternate method upon adoption.

A. Amendment
    1. A Plan may be amended by the Planning Commission by the same process by which the Plan was originally adopted. No amendment shall cause the life of the plan to extend beyond twenty years from the date the Plan was originally passed by the Commission. When a Plan is amended, the Authority shall immediately undertake to amend any affected Proposals.
    2. A Proposal may be amended through the same process by which the Proposal was originally adopted. No amendment shall cause the life of the Proposal to extend beyond either the life of the Plan or ten years from the date Council originally adopted the proposal, whichever first occurs

B. Appeal

    If a specific provision is detrimental to a specific property, the owner of the property may appeal to the Altoona City Planning Commission for relief from that specific provision. The Committee shall not provide relief unless it is able to make the following findings.

    1. The relief requested is not contrary to the goals and objectives set forth in the Urban Redevelopment Plan
    2. The request is the minimum alteration necessary to provide relief.
    3. The Authority and Commission have had opportunity to review and comment on the appeal.

4. The request is not in violation of the contract form approved by Council, and that if a redevelopment contract is involved, the contract can be amended without necessitating amendment of the Plan or Proposal.
5. The request is in harmony with the surrounding built, social, and natural environment and will not be deleterious to the public safety, health and general welfare.

In the event that relief granted by the Committee necessitates a change in the contract, the Authority shall execute such change as expeditiously as possible.

C. Contract

If the alteration is simply a need to change the provisions of the redevelopment contract, the Authority is authorized to make such change provided:

1. The change will not violate the form of contract approved by Council
2. The change is not in violation of the goals and objectives of the Plan or the Proposal which the contract seeks to implement
3. The change is consistent with the provisions and requirements set forth in the Plan and Proposal the contract seeks to implement.

SECTION 307. CERTIFICATION OF RESTORATION

Upon completion of all proposed activity within any given redevelopment area, the Planning Commission shall certify the area as restored. Such certification shall serve to dissolve the certification of blight and the certification of the redevelopment area. In the event the Commission fails to make such a certification, it shall be deemed certified upon the tolling of six months after the final expiration of the controlling Plan. A deemed certification shall have the same effect as one granted by the Commission. All redevelopment areas previously certified as blighted by the Commission are hereby certified as restored, unless such blight certification was issued after January 1, 1997.

ARTICLE IV
URBAN REDEVELOPMENT PROGRAMS

SECTION 401. PURPOSE

The purpose of this Article is to allow the Redevelopment Authority, in conjunction with the Planning Commission, to carry out redevelopment financing independent of Article II and Article III of this Title. The primary intent of this Article is to allow the redevelopment of property, buildings, and facilities in designated areas by the private sector with the assistance and oversight of the Authority. The provisions of this Article may be applied to residential, commercial, or industrial development. It should be noted that the provisions of this Article are primarily intended to prevent, not eliminate, blight. However, where this Article can assist in eliminating blight, it may be so used.

SECTION 402. USE COMPATIBILITY

Financial assistance may be given to residential, commercial, or industrial development projects only where such projects are permitted under the zoning requirements. For purposes of this Article, commercial and industrial uses are considered appropriate if they are listed as permitted uses, special exception uses, or conditional uses in the zone in which the project is located. The financing of residential uses is not limited by zoning, but the compatibility of uses should be considered. The existence of an Urban Redevelopment Program does not alter any requirements in place for a piece of land.

SECTION 403. PREPARATION OF AN URBAN REDEVELOPMENT PROGRAM

The Redevelopment Authority may, of its own volition or by request, create an Urban Redevelopment Program for all or part of the City. The program shall contain documentation consisting of at least the following:

A. The geographic area covered by the Program
B. Whether the Program is residential in nature or commercial and industrial. Programs cannot be both, however the geographic boundaries of two or more Programs may overlap, irregardless of the type of each program.
C. The potential blighting effects of the current conditions in the Program area.
D. A description of how the Program will prevent the blighting effects from causing further deterioration or destabilization in the Program area.
E. A business plan for the Program, including the sources of funding
F. A tentative list of potential projects within the Program area.

SECTION 404. PASSAGE OF AN URBAN REDEVELOPMENT PROGRAM

Once the Program documentation has been prepared, the Authority shall formally request the Planning Commission to review and approve the Program as proposed. The Planning Commission shall have forty-five days to approve, modify, or reject the Program as presented. Failure of the Planning Commission to act within forty-five days shall result in automatic approval on the forty-sixth day.

SECTION 405. IMPLEMENTATION

Upon approval of a Program, the Authority shall have full power and authority to carry out the provisions of the Program within the scope of its powers and the context of this Article. Individual projects shall be approved as outlined below.

SECTION 406. RESIDENTIAL PROJECTS

Residential projects may be located anywhere in the City so long as proper approvals are obtained, and may be financed to assist in any one of the following activities.

A. Purchase
B. Rehabilitation
C. Construction
D. Demolition
E. Equipping

SECTION 407. COMMERCIAL AND INDUSTRIAL PROJECTS

Commercial and Industrial projects must be located in an area where they are allowed under zoning, and which project by its nature has or offers reasonable likelihood of preventing, reversing, or slowing the deterioration of the Program Area. These projects may be financed for any one of the following activities.

A. Purchase
B. Rehabilitation
C. Construction
D. Demolition
E. Equipping

SECTION 408. PROJECT PREPARATION

The Authority may, on its own volition or by request, initiate a project to carry out the provisions of an Urban Redevelopment Program. Projects shall be documented as to how they will further the goals of the Program, how they are consistent with the Comprehensive Plan, and contain a financial plan so the Authority can ascertain the investment is sound. All projects shall be reviewed by the Planning Commission for consistency with the Comprehensive Plan and sound planning practice. The Commission shall have forty-five days to review the project and make its recommendations to the Authority on the project.

SECTION 409. PROJECT IMPLEMENTATION

Once the Planning Commission's comments are received, or after the forty-sixth day, the Authority shall take whatever steps it deems are necessary to implement the Project. Such action may include contracts, loans, mortgages, liens, or any other action.

SECTION 410. REVIEWS

A Program and its related projects shall be reviewed at least every five years to ensure the Program and its related projects are current. The Authority may alter any Program or related project in compliance with all applicable law and the procedures contained in this Article for passage of the same.

SECTION 411. EXPIRATION

A Program shall automatically expire at the end of ten years from the approval of the Planning Commission, unless extended by a majority vote of the Authority and a majority vote of the Commission. Projects commenced under a Program may continue for as long as is negotiated at the start of the project, however may not be further extended once the Program from which it is derived has expired.

TITLE NINE
FINANCING CAPITAL IMPROVEMENTS

ARTICLE I
CAPITAL IMPROVEMENT PLANNING

This Article is reserved for future use.

ARTICLE II
DEVELOPMENT IMPACT FEES

This Article is reserved for future use.

ARTICLE III
DEVELOPMENT PROPOSAL GUARANTEE

SECTION 301. PURPOSE

The purpose of this Article is to provide a procedural framework for guaranteeing the completion of the improvements shown on a plan approved under the auspices of this Altoona Planning Code.

SECTION 302. APPLICABILITY

A. This Article shall always be applied to approvals granted to standard subdivisions and determinations of adequate access to land under Title Four, any planned development under Title Five, and any land development under Title Seven.
B. This Article may be applied to any other approval granted under the Altoona Planning Code as deemed appropriate by the approving body.
C. Other approval processes may use the provisions of this Article by reference with the consent of the Planning Director.

SECTION 303. REQUIRED NOTATION ON PRIMARY DOCUMENT

No approval to which the provisions of this Article are applied shall be finally endorsed unless the primary document makes specific reference to all other documents to be recorded, including a Performance Covenant. The primary document shall be as follows:

A. For subdivisions, the primary document shall be the subdivision plan.
B. For determinations of adequate access to land, the primary document shall be the Planning Administrator's approval.
C. For planned developments, the primary document shall be the plans.
D. For land developments, the primary document shall be the land development plans, as well as subdivision plans if unified approval was issued.
E. For zoning decisions, the primary document shall be the written decision issued by the Board (or Council, if applicable).
F. For independent decisions under Title Four, the primary document shall be the written decision of the approving officer.
G. For decisions issued under the urban redevelopment provisions of Title Eight, the primary document shall be determined by the Redevelopment Authority or its representative in advance of the decision. Such determination shall be communicated to the applicant in advance so the proper additions can be made.
H. All other approval processes utilizing these provisions shall clearly state what document is the primary document for the purposes of this Section.

SECTION 304. PERFORMANCE COVENANT REQUIRED.

A. To expedite the approval process, all approvals shall include a performance covenant at the time approval is given. If a project is to be constructed in phases, a separate performance covenant shall be executed for each phase.
B. Such covenant shall clearly declare that the work approved shall be done in a timely manner, set forth appropriate building or occupancy restrictions to ensure compliance, and clearly define how the applicant can remove the encumbrances placed on the property by the covenant.

C. Except in the case of a determination of adequate access to land, the covenant shall run with the land and be binding on all subsequent owners until it is released by the Planning Administrator.
D. The approving body shall execute the covenant at the time approval is given. The applicant shall then execute the covenant and return it with any required plan revisions for final endorsement.
E. The performance covenant shall be recorded into the chain of title, except in the case of a determination of adequate access to land. For a determination of adequate access to land, the performance covenant shall be construed as a standard contract arrangement between the applicant and the approving body.

SECTION 305. RELEASE OF THE PERFORMANCE COVENANT ENCUMBRANCES

The applicant can have the encumbrances released in one of three ways.

A. The applicant can choose to meet the conditions set forth in the approval for release of the covenant. Generally, this will require that the non-building improvements shown on approved plans be fully constructed, however in zoning and urban redevelopment cases, other release mechanisms may be applied by setting them forth in writing at the time of approval.
B. The applicant can choose to post surety as set forth in Section 306 below.
C. The applicant can notify the approving body, in writing, that the proposal is abandoned. The approving body, upon acceptance of such notice, will then direct the Planning Administrator to release the restrictions and take any other steps necessary to make it known that the proposal has been formally abandoned.

SECTION 306. POSTING SURETY

All surety posted shall provide for, and secure to the public, the completion of any improvements required by the approval of the proposal. Surety posting shall be in accordance with the following procedure.

A. The developer shall notify the Planning Administrator that surety will be posted for the project.
B. The developer shall hire a licensed professional engineer to make an estimate of the cost of completion of the improvements as shown on the approved plan.
C. The City Engineer shall review this estimate, and make the following decision.
    1. If the estimate cannot be accepted by the City, for good cause shown, the City shall so notify the developer in writing within forty-five days of its receipt of the estimate. In such case, the Planning Administrator and developer shall agree on an independent licensed professional engineer to be hired to complete a second estimate. The cost of the second estimate shall be equally borne by the City and the developer. The second estimate shall be binding on both parties.
    2. If the City accepts the estimate, the Planning Administrator shall notify the developer within forty-five days of the receipt of the estimate.
D. The developer shall post surety in an amount of 110% of the estimate. Such surety shall be available to the City for a period of eighteen months from the date it is posted. Acceptable financial instruments include the following:
    1. Bond
    2. Irrevocable Letter of Credit
    3. Passbook
    4. Special Restricted Bank Account

E. As the work on the proposal progresses, the developer may request portions of the surety to be released. Such requests shall be in writing to the Planning Administrator, who shall then do the following:
   1. Immediately notify the City Engineer of the request, including a notification of when the forty-five day deadline expires.
   2. The City Engineer shall inspect the project to determine the amount to be released.
   3. The City Engineer shall determine that the surety remaining is adequate to cover the cost of the remaining work plus ten percent.
   4. The City Engineer shall certify to the Planning Administrator within forty-five days that such portion of the work has been competed in accordance with the approved plans, the amount to be released, and that the amount remaining is adequate to cover the costs of the remaining improvements plus ten percent.
   5. Upon receipt of the City Engineer's certification, the Planning Administrator shall release the amount noted in the certification. If forty-five days lapses, the Planning Administrator shall release the amount requested by the developer.

F. If a project is to be constructed in phases, the developer shall clearly identify each phase prior to approval. When the developer is ready to commence construction on any given phase, he shall post surety in accordance with this Section.

SECTION 307. EXTENSION OF SURETY

A. If work must be extended beyond the effective life of the surety posted, the developer shall so notify the Planning Administrator at least sixty days prior to the expiration of the surety.

B. The City engineer shall make an inspection of the project and adjust the amount required to reflect the actual cost of the remaining improvements plus ten percent. The engineer shall notify the Planning Administrator of his findings within forty-five days.

C. An adjustment shall be made as follows:
   1. If a reduction is warranted, the Planning Administrator shall reduce the amount held, and the developer shall extend the surety another eighteen months.
   2. If an increase is warranted, the developer shall post the required additional amount, and extend the surety another eighteen months.
   3. If the City Engineer does not respond, or no change in the amount is warranted, the developer shall extend the surety another eighteen months.
   4. The Planning Administrator may approve a shorter time period than eighteen months for an extension if the amount of work remaining warrants it.

SECTION 308 RELEASE OF SURETY OR COVENANT RESTRICTIONS

Upon completion of all improvements required on the approved plans, the developer shall notify the Planning Administrator, in writing with the amount required for inspections in Article III of Title Ten, that such improvements are complete. Upon receipt of such notification, the following shall occur.

A. The Planning Administrator shall notify the City Engineer that all improvements are complete, and request a Final Inspection of the project to ensure all improvements are constructed in accordance with the approved plans.

B. Once the Final Inspection is completed, and within thirty days of receipt of the Planning Administrator's notice, the City Engineer shall prepare a report of the findings and forward it to the Planning Administrator, and mail a copy to the developer by certified or registered mail.

C. Failure of the City Engineer to respond within thirty days is hereby deemed to be a declaration by the City Engineer that all improvements are complete and approved.
D. The Planning Administrator shall notify the developer, within fifteen days of the City Engineer's report, of the action to be taken as a result of the report. The Planning Administrator shall pursue one of five courses of action:
   1. If supported by the City Engineer's report, the Planning Administrator shall release all remaining surety or covenant restrictions held.
   2. If supported by the City Engineer's report, the Planning Administrator shall reduce the amount of surety being held, and if necessary, require the extension of the surety posted.
   3. If supported by the City Engineer's report, the Planning Administrator shall hold the full amount of the surety posted, and if necessary, require the extension of the surety posted.
   4. If supported by the City Engineer's report, the Planning Administrator shall increase the amount of surety required, and if necessary, require the extension of the surety posted.
   5. If supported by the City Engineer's report, or necessitated by the developer's refusal to extend the surety, the Planning Administrator shall draw upon the surety as necessary, up to the full amount.
E. If the surety is not released or drawn upon in its entirety, the developer shall proceed to complete the improvements, and resubmit his request under this Section when all improvements are complete.
F. The developer shall have the right to appeal the City Engineer's report or the subsequent action of the Planning Administrator to the Planning Commission. If the Commission rules against the developer, he has a right of appeal to a court of competent jurisdiction.
G. The developer has the right to appeal the fee charged for required inspections as set forth in Article III of Title Ten, in accordance with the following.
   1. Notify the Planning Administrator within ten days of the date of the billing that he is disputing the fee as unreasonable and unnecessary.
   2. If the City and developer cannot agree on an appropriate fee within twenty days of the developer's notice, the parties shall jointly hire an independent licensed professional engineer to review the fee charged and work done and make a determination on the appropriate amount. If the parties cannot agree, then the President Judge of the Court of Common Pleas shall appoint an engineer which has not been retained by, or provided services for, the City or the developer in the sixty months immediately preceding the date of appointment by the judge.
   3. Such independent engineer may review evidence and documentation in rendering a decision, and shall render a decision within fifty days of the billing date. The Planning Administrator and developer may extend this date to not more than fifty days subsequent to the date of hire if appropriate.
   4. Fees to the independent engineer shall be paid as follows:
      a. If the amount determined is equal to or higher than the initial bill, the applicant shall be responsible for the full amount.
      b. If the amount determined is less than the original bill by one thousand dollars or more, the City shall be responsible for the full amount.
      c. In any other case, the City and developer shall split the cost equally.

SECTION 309. FORFEITURE OF SURETY

A. In the event the developer does not complete the improvements required, the Planning Administrator, in consultation with the City Engineer, shall draw on the surety in an amount necessary to complete the improvements. This draw may include the full amount of surety available.
B. Prior to such a draw, the Planning Administrator shall notify the developer, in writing, and by certified mail that such a draw is taking place and the reasons therefor.
C. If the remaining amount of surety posted is insufficient to complete the improvements, the City shall complete the most urgent needs (sewer, water, and streets) first, followed by the remaining items, until surety is exhausted. Once surety is exhausted, the City may initiate legal proceedings against the developer to recover an amount sufficient to complete the improvements.
D. No surety or monies gained from a legal proceeding initiated under paragraph C above, shall be used for any purpose other than to complete the required improvements for the project.

SECTION 310 LIMITATIONS ON SURETY AND COVENANT RESTRICTIONS

Surety posted shall be subject to the following limitations.

A. No surety shall be posted for water or sewer improvements under the jurisdiction of the Altoona City Authority, unless the rules and regulations promulgated by the Authority specifically reference this Article. This does not automatically preclude all water and sewer improvements from surety requirements, as most such improvements installed by developers are through City jurisdiction.
B. Once surety is posted, no limitation shall be placed on the issuance of building, grading, or other permits necessary for the erection or placement of improvements upon the land, including buildings to effect enforcement of this Ordinance.
C. Once surety is posted no occupancy permit shall be withheld for enforcement purposes of this Ordinance once streets and driveways are improved to provide permanent access to a public roadway, and all other required improvements are installed as approved.

TITLE TEN
ADMINISTRATION

ARTICLE I
SUBMITTAL REQUIREMENTS

SECTION 101. ALL SUBMITTALS

All application packages submitted under any provision of the Altoona Planning Code shall include the following elements.

A. Two completed and executed original application forms
B. A project narrative which describes the project. For zoning applications, the applicant should make points relevant to his case in this document.
C. A list of waivers being requested by the applicant along with an explanation as to why the applicant feels each waiver request is appropriate.
D. A copy of the recorded deed for each property included in the proposal. If applicable, this shall include copies of all documents indicating any easements, rights-of-way, restrictions, covenants, trusts, or other encumbrances on the land.
E. A list of all owners of land abutting the proposal, and directly across any streets, watercourses, or railroads. For corner properties, this shall include the land diagonally across the intersection as well.
F. Three copies of any studies that may be required by the applicable section of the Altoona Planning Code or other controlling law or regulation.
G. The appropriate filing fees, as established in Article III below. Fees are due at approval.
H. If the submittal requires review by the Blair County Planning Commission, the package shall also include the appropriate filing fee for that review.
I. A list of all plans being submitted, with the title of the plan, sheet number, and date on a letter-size sheet of paper.
J. Seven prints of the plan package described in Section 101(K)(5) below.
K. All plans submitted shall conform to the following requirements:
    1. The sheet size shall not exceed 24” x 36”, but shall be at least 8½” x 11”.
    2. The different types of plans shall be on separate sheets of paper, all of the same size.
    3. Contact prints shall be dark line on light background
    4. The title block shall appear in the same location on all sheets
    5. Plan packages shall be arranged by plan type in the order below. Plan types which are not applicable to the project shall simply be omitted.
        a. Title Sheet (Optional)
        b. Zoning Plan
        c. Subdivision Plan
        d. Land Development Plan
        e. Infrastructure Plan
        f. Environmental Plans
        g. Detail Sheets
        h. Additional Plans as may be necessitated by the project
L. Two copies of Sewage Facilities Module Permit Application(s), where applicable.
M. Any additional information as required below or by the standards set forth in the text relating to the submittal.

SECTION 102. ZONING PLANS

All applications submitted for variances, special exceptions, or conditional use approval shall contain the following information. Due to the wide variety of requests made under zoning provisions, the requirements below are general. The applicant should work with the Zoning Officer to develop a suitable plan for submittal to the reviewing agency. In all cases, the requirements of Section 101, above, apply.

A. The title "Zoning Plan" for a (type of request) for (applicant's name) for property located at (property address)."
B. Date, scale (1"=40'), north point, and zoning district(s).
C. The name(s), signature(s), and professional seal(s) of the design professional(s) that prepared the plan.
D. Existing conditions of the entire property, showing all improvements, property lines, encumbrances, and zoning district lines.
E. Proposed changes to be undertaken on the property, including those which will be done with the project, but do not necessarily require zoning approval.
F. Additional information as may be necessitated by the specific proposal.

SECTION 103. STANDARD SUBDIVISION PLANS

All subdivision plans shall meet the following requirements.

A. The title "Subdivision Plan of (subdivision name)."
B. If the Subdivision Plan consists of multiple sheets, an Overall Subdivision Plan shall be included to show the entire subdivision on one sheet. This Overall Subdivision Plan shall show, at a minimum:
    1. The title "Overall Subdivision Layout Plan"
    2. Date, Scale, North Point, and Legend
    3. The entire tract of land to be subdivided. If any portion of a property is to be included in the subdivision, the entire property shall be shown.
    4. The locations of all abutting properties identified in section 101(E).
    5. Zoning District boundaries
    6. The outer lines of the subdivision in a dark heavy line (entire original tract)
    7. The boundary lines of all lots and parcels
    8. All lots and parcels designated in numerical or alphabetical sequence
    9. A table indicating the area and frontage of each lot and parcel
    10. The names and locations of all existing and proposed streets
C. If the Subdivision Plan consists of multiple sheets, an Index Plan shall be included to clearly identify the multiple sections of the plan.
D. The date. If multiple sheets, all dates shall be the same, and space shall be provided to add revision dates. Revision dates, if any, shall be the same on all sheets.
E. A scale bar and numeric indicator. The scale shall be 1"=40'.
F. A North Point and legend describing any graphical symbols on the plan
G. The name(s), signature(s), and professional seal(s) of the surveyor(s) that prepared the plan. The surveyor is encouraged to place an original seal and signature on each sheet of the plan to verify authenticity.
H. The locations of all properties identified on the list required in Section 101(E).

I. The following inscriptions shall be placed on each sheet of the subdivision plan, in the same location on each sheet:
   1. A signature block for approval of the Planning Commission, as follows:
      ALTOONA CITY PLANNING COMMISSION
      Subdivision Approved Under the Altoona Planning Code

      _____

      _____

      _____

      DATE: _____
   2. "Subject to a Performance Covenant, dated (date), running with the land, to be duly recorded with this plan by or for the owner of record."
   3. "Other plans applicable to this subdivision may be on file with the City of Altoona Codes & Inspections Department, Engineering Department, and Planning & Community Development Department."
   4. This plan was reviewed by the Blair County Planning Commission on (date)."
   5. If applicable, "Subject to a Restrictive Covenant, dated (date), running with the land, to be duly recorded with this plan by or for the owner of record."
   6. If applicable, "Subject to a Trust Document, dated (date), running with the land, to be recorded with this plan by or for the owner of record."

J. A locus at the scale of 1"=1000' sufficient to identify where in the City of Altoona the property is located, and showing the boundaries of the proposed subdivision.

K. Any zoning district boundaries as shown on the most current version of the Altoona Zoning Map. The zoning district(s) shall be clearly marked on the plan.

L. The outer subdivision boundaries in a heavy shaded line (entire original tract).

M. All frontage in linear feet for each lot and parcel.

N. Area in square feet for each lot and parcel.

O. All lots and parcels designated numerically or alphabetically in sequence.

P. Any existing or proposed public or common areas within the subdivision

Q. The names, locations, and right-of-way lines of existing and proposed streets and easements bordering, approaching, and within the subdivision. Location information shall include, at a minimum, lengths, bearings, and radii. All easements for public utilities shall include identification as a public utility easement and include the type of utility included in the easement.

R. Sufficient data referring to existing permanent monuments, so that proposed right-of-way lines of streets or easements can be readily established on the ground.

S. Location of permanent monuments at changes in direction of the proposed street right-of-way lines, easements, and property lines. This shall include points of curvature or wherever else determined necessary by the Commission.

T. Proposed street names. Names must be approved by the Commission, must not duplicate or sound like existing names, and conform to E-911 standards.

SECTION 104. LAND DEVELOPMENT PLANS

All land development plans shall meet the following requirements.

A. The title "Land Development Plan" of (project name)."
B. If the Land Development Plan consists of multiple sheets, an Overall Land Development Plan shall be included to show the entire subdivision on one sheet. This Overall Land Development Plan shall show, at a minimum:
   1. The title "Overall Land Development Layout Plan"
   2. Date, Scale, North Point, and Legend
   3. The entire tract of land to be developed. If any portion of a property is to be included in the development, the entire property shall be shown.
   4. The locations of all abutting properties identified in section 101(E).
   5. Zoning District boundaries
   6. The outer lines of the proposal in a dark heavy line (entire original tract)
   7. The boundary lines of all lots, parcels, and lease lines
   8. All lots, parcels, and lease areas designated in numerical or alphabetical sequence
   9. The names and locations of all existing and proposed streets
C. If the Land Development Plan consists of multiple sheets, an Index Plan shall be included to clearly identify the multiple sections of the plan.
D. The date. If multiple sheets, all dates shall be the same, and space shall be provided to add revision dates. Revision dates, if any, shall be the same on all sheets.
E. A scale bar and numeric indicator. The scale shall be sufficient to convey the necessary information regarding the proposal to those reviewing it.
F. A North Point and legend describing any graphical symbols on the plan
G. The name(s), signature(s), and professional seal(s) of the designer(s) that prepared the plan. The designer is encouraged to place an original seal and signature on each sheet of the plan to verify authenticity.
H. The locations of all properties identified on the list required in Section 101(E).
I. The following inscriptions shall be placed on each sheet of the land development plan, in the same location on each sheet:
   1. A signature block for approval of the Planning Commission, as follows:
      ALTOONA CITY PLANNING COMMISSION
      Land Development Approved Under the Altoona Planning Code

      _____

      _____

      _____

      DATE: _____
   2. "Subject to a Performance Covenant, dated (date), running with the land, to be duly recorded with this plan by or for the owner of record."
   3. "Other plans applicable to this land development may be on file with the City of Altoona Codes & Inspections Department, Engineering Department, and Planning & Community Development Department."
   4. "This plan was reviewed by the Blair County Planning Commission on (date)."
   5. If applicable, "Subject to a Restrictive Covenant, dated (date), running with the land, to be duly recorded with this plan by or for the owner of record."

6. If applicable, "Subject to a Trust Document, dated (date), running with the land, to be recorded with this plan by or for the owner of record."

J. A locus at the scale of 1"=1000' sufficient to identify where in the City of Altoona the property is located, and showing the boundaries of the proposal.
K. Any zoning district boundaries as shown on the most current version of the Altoona Zoning Map. The zoning district(s) shall be clearly marked on the plan.
L. Topography of the property. Topography may be represented by either two-foot contours or with spot grades at sufficient spacing to represent the surface.
M. Boundaries of the entire original parcel, shaded in heavy line
N. Locations and dimensions of existing and proposed buildings and structures, including ground coverage, gross floor area, and breakdown of both indoor and outdoor floor area and indications of proposed use(s).
O. Design occupancy load of each separate area. This may be placed in a note on the plan, and includes such measures as number of employees at capacity, seating capacity, sleeping units, and such like.
P. Locations and dimensions (including total area, ground coverage, thicknesses and materials to be used) of all driveways, maneuvering spaces, aisles, stalls, loading areas, bicycle areas, and pedestrian facilities. Pedestrian facilities shall include a clear demarcation of all entrances and exits from all buildings on the site, whether existing or proposed.
Q. Location of all landscaping, including existing or proposed trees, shrubs, grass, mulched areas, etc. Size and type of plant materials shall be noted on the plan, and a planting detail showing how trees and shrubs are to be planted (size of hole, use of fill, stakes, wiring, etc.) shall be included. For plans affecting or creating parking areas of more than twenty spaces, the seal and signature of a landscape architect shall appear.
R. Provisions for storm water affecting the site and adjacent parcels, and snow disposal areas. Drainage shall be in accordance with Title Four.
S. The location of all signs and lighting units, and detail diagrams of each. Signs included in the *Manual of Uniform Traffic Control Devices* need not be detailed.

SECTION 105. INFRASTRUCTURE PLANS

All infrastructure plans shall meet the following requirements.

A. The title "Infrastructure Plan" for (Project Name)
B. If the Infrastructure Plan consists of multiple sheets, an Overall Infrastructure Plan shall be included to show the entire project on one sheet. This Overall Infrastructure Plan shall show, at a minimum:
    1. The Title "Overall Infrastructure Plan" for (Name of Project)
    2. Date, Scale, North Point, and Legend
    3. If new streets are proposed:
        a. Street right-of-way lines and names
        b. Street centerlines with fifty-foot stations
        c. The left and right sidelines of pavement with the area between lightly shaded to identify the improved surface area
        d. Location and identity of all signs, lights, trees, and other street treatments proposed for the new street
        e. The boundary lines of all lots and parcels abutting the street
    4. Existing and proposed topography of the entire site shown at five-foot contour intervals

5. Data sufficient to identify location of existing streets, including right-of-way lines, names, improved surfaces, and treatments.
6. Outer edge of the project shown in heavy dark line
7. Location of all pedestrian and bicycle facilities
8. Type, size, and location of all existing utilities on the site and within one hundred feet of the outer boundaries of the site. If a utility is located outside the one hundred foot radius, an indicator shall be placed on the plan to show connection is intended.
9. Type, size, and location of all proposed utilities.
10. Any test pit or core boring locations identified by number and indicating the type of test and reference to any data collected.

C. If the Infrastructure Plan consists of multiple sheets, an Index Plan shall be included to clearly identify the multiple sections of the plan.

D. The date. If multiple sheets, all dates shall be the same, and space shall be provided to add revision dates. Revision dates, if any, shall be the same on all sheets.

E. A scale bar and numeric indicator. The scale shall be 1”=40’.

F. A North Point and legend describing any graphical symbols on the plan

G. The name(s), signature(s), and professional seal(s) of the engineer(s) that prepared the plan. The engineer is encouraged to place an original seal and signature on each sheet of the plan to verify authenticity.

H. If new streets are proposed:
   1. Proposed right-of-way lines and names.
   2. A centerline labeled with fifty-foot stations
   3. The left and right sidelines of the proposed roadway with the area between lightly shaded to identify the improved surface area
   4. The left and right sidelines of intersecting roadways with the area between lightly shaded to identify the improved surface area
   5. Location of permanent monuments
   6. Location and dimension of all sidewalks related to the street.
   7. Location and identity of all signs, lights, trees, and other street treatments proposed for the new street.
   8. The boundary lines of all lots and parcels abutting the street.
   9. A profile of the proposed roadway, located directly above or below the plan of the street, including the following:
      b. The title “Profile of (Street Name)”
      c. A horizontal scale of 1”=40’ and a vertical scale of 1”=4’
      d. The existing centerline grade in a fine, solid line
      e. The proposed centerline grade in a heavier solid line
      f. The existing left sideline grade in a fine long dashed line
      g. The proposed left sideline grade in a heavier long dashed line
      h. The existing right sideline grade in a fine short dashed line
      i. The proposed left sideline grade in a heavier short dashed line
      j. Proposed grade elevations shown by figures at the beginning and end of the roadway, and at fifty-foot station intervals, and at the beginning and end of all vertical curves.
      k. The location of any intersecting roadways
      l. The type, size, and location of any existing and proposed utilities in the street, including those crossing the right-of-way.

10. A typical cross section of the street, including at least the following:
    b. The title "Typical Cross-Section of (Street Name)
    c. A suitable scale which clearly shows all parts and dimensions in the cross-section of the right-of-way
    d. The locations and widths of the street right-of-way, improved surface, curbs, sidewalks, and shoulders.
    e. The treatment of the roadway, sidewalks, and shoulders (base and pavement), and specific information as to the thickness of each layer of material to be used in the construction of the roadway.
    f. The crown of the roadway, pitch of the sidewalks, and grade of slopes.
    g. Design and dimensions of proposed curbing
    h. Type, size and typical location of utilities
    i. Typical location of signs, lights, trees, and other treatments

I. Existing and proposed topography with two-foot intervals related to an existing permanent benchmark.
J. The locations and dimensions of all major features potentially affecting construction of the project, such as stone walls, water bodies, buildings, extreme topography, shall be shown.
K. The type, size, and location of all existing and proposed utilities.
L. The type, dimensions, and locations of all storm water facilities
M. Construction details for all bridges, culverts, guardrails, headwalls, manholes, or other appurtenances necessary for the proper installation of infrastructure
N. Groundwater elevation or percolation test pits as may be necessary for the proper design and location of drainage facilities, identified by number with reference to the appropriate data collected.
O. Test pit or core boring locations as may be necessary for proper design and construction of the project, identified by number with reference to the appropriate data collected.

SECTION 106. ENVIRONMENTAL REVIEW PLANS

All applications submitted under the provisions for floodplain management, storm water management, or erosion and sedimentation control shall meet the following requirements.

A. All information required under Section 101 above.
B. The applicant shall notify Allegheny and Logan Townships and any other municipality downstream of the development site, which may be affected by the proposed development and the mitigation controls for the site. Copies of the plans will be made available to these municipalities upon request. Comments received from any affected municipality will be considered by the city and county agencies in their reviews.
C. A site plan, showing the following under both pre-development and post-development conditions:
    1. Title "Environmental Management Plan for (project name) relative to (Storm Water/Floodplain/Erosion and Sedimentation)
    2. North arrow, scale (1"=40'), and date. The date, including revision dates, shall be the same on all sheets.
    3. Boundary lines or property lines shall be indicated by heavy lines with bearing, distances, and approximate square footage.
    4. If applicable, the boundary line(s) of the Identified Floodfringe and Floodway Areas and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities.

5. The location of all existing and proposed buildings and additions thereto, including the location of any existing or proposed subdivision and land development.
6. Streets on and adjacent to the tract shall be identified by name, right-of-way width, location, type, width, and elevation of surfacing, walks, curbs, gutters, culverts, drives, and other access ways.
7. Utilities on and adjacent to the tract shall be identified by location, size, and invert elevation of sanitary, storm, and combined sewers; location and size of water mains; location of gas lines, fire hydrants and alarms, electric and telephone poles, and street lights. (If any of the above are not available at site, indicate direction and distance to the nearest one and furnish a statement of availability if proposed to be used.)
8. Water courses, drainage channels, marshes, rock outcrop, wooded areas, fences, railroads, and other significant features shall be shown.
9. Topography shall be shown as follows:
   a. For areas within the regulatory floodplain, and for all floodplain permits, elevations shall be shown at property corners and topographic contour lines at one (1') foot intervals shall be shown on the remainder of the property.
   b. For areas outside the regulatory floodplain and with slopes of more than fifteen percent, five foot contours shall be shown across the entire property.
   c. For all other cases, two foot contours shall be shown across the entire property.
   d. Spot elevations shall be used where dictated by professional practice. Spot elevations may be substituted for contours at the discretion of the Floodplain Permit Officer or Storm Water Officer, whichever applies.
10. Names of owners of adjacent parcels of land.
11. Reference to any covenants designed to regulate land use in the proposal and otherwise protect the proposed development.
12. All requirements including, but not limited to, the zoning category and lot restrictions as listed in the Zoning Ordinance that apply to the proposal shall be listed on the plan. If applicable, any urban renewal requirements shall also be shown.
13. Location, width, and purpose of any easements.
14. Registered engineer's and/or surveyor's seal and signature, as appropriate.
15. All elevations required on plans shall be based upon the National Geodetic Vertical Datum (NGVD) of 1929 and is mean sea level. A Registered Surveyor shall document on plans the Elevation Reference Marks and how they are tied into the NGVD.
16. Location of the development site within the watershed(s) and watershed subarea(s). On all site drawings, show the boundaries of the watershed(s) and subarea(s) as they are located on the development site and identify watershed names(s) and subarea number(s).
17. All bodies of water (natural or artificial), watercourses (permanent and intermittent), swales, wetlands and other natural drainage courses on the development site, or which will be affected by runoff from the development shall be shown and identified.
18. A sheet showing soil types and locations within the development site (consult county, Soil Conservation Service and U.S. Geological Survey for information).

D. For applications under Article II relating to Storm Water Management, the following additional information shall be shown on the plan.
   1. Existing and final land cover classifications as necessary to support and illustrate the runoff calculations performed

2. Delineated boundaries of the drainage areas employed in the runoff calculations performed
3. Existing storm water management or drainage controls and/or structures, such as sanitary and storm sewers, swales, culverts, etc. which are located on the development site, or which are located off-site but will be affected by runoff from the development.
4. All proposed storm water runoff control measures including methods for collecting, conveying and storing storm water runoff on-site, which are to be used both during and after construction. Erosion and sedimentation controls shall be shown in accordance with this Article. The plan shall provide information on the exact type, location, sizing, design and construction of all proposed facilities and relationship to the existing watershed drainage system. The plan shall include technical specifications for materials and methods to be used in the construction of the storm water management facilities.
   a. If the development is to be constructed in stages, the applicant must demonstrate that storm water facilities will be installed to manage storm water runoff safely during each stage of development.
   b. A schedule for the installation of all temporary and permanent storm water control measures and devices shall be submitted.
   c. If appropriate, a justification should be submitted as to why any preferred storm water management techniques, as listed in Sections 301 and 303, are not proposed for use.
5. A notation of the total impervious area before and after construction.
6. If the facility is to be connected to an existing storm system (separate or combined), the plans shall indicate the location of the connection, the size of the connection, and the material to be used for the connection.

E. For applications under Article III relating to Floodplain Regulations, an architectural structural plan for all proposed buildings, structures, and other building improvements, drawn at suitable scale by a Registered Architect or Engineer showing the following shall be submitted:
   1. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929 and proposed ground elevations if finished grade is different than the elevations identified on the site plan.
   2. The elevation of the one hundred (100) year flood.
   3. Information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with a one hundred (100) year flood.
   4. Detailed information concerning any proposed floodproofing measures.

F. The following reports and documentation shall be filed with the application:
   1. Where the proposed development requires an obstruction permit from the Pennsylvania Department of Environmental Protection or an erosion/sedimentation permit from the County Conservation District, evidence that the applicant has filed for the necessary permits. Final plan approval shall be granted subject to the receipt of such permits. No building permit shall be issued, nor construction started, until the permits are received and copies filed with the City.
   2. For Storm Water Management Plans:
      a. Calculations for determining pre- and post-development discharge rates and for designing proposed storm water control facilities must be submitted with the storm water management plan. All calculations shall be prepared using the methods and data prescribed by Article II of this Title.

b. The storm water management plan (including all calculations) shall be prepared and sealed by a registered professional engineer, surveyor or landscape architect with training and expertise in hydrology and hydraulics. Documentation of qualifications may be required by the City of Altoona.
c. All existing and proposed easements and rights-or-way for drainage and/or access to storm water control facilities shall be shown along with any areas subject to special deed restrictions relative to or affecting storm water management on the development site.
d. Covenants and maintenance schedules necessary to properly maintain the storm water management control devices In proper working order.
e. The proposed maintenance plan for all storm water control facilities, which, at a minimum, shall:
   (1) Identify the proposed ownership entity (e.g., City of Altoona, property owner, private corporation, homeowner's association, or other entity).
   (2) Identify the type of maintenance, probable frequencies, personnel and equipment requirements and estimated annual maintenance costs.
   (3) Identify method of financing continuing operation and maintenance if the facility is to be owned by other than a governmental agency.
   (4) Include copies of any legal agreements required to implement the maintenance program and, if applicable, copies of the maintenance agreement as required by this Article.
f. Submit financial guarantees in accordance with the provisions of Title Nine.
g. Proof of application for any approvals and/or permits relative to storm water management that will be required from other governmental agencies. Copies of applications may be requested by the City where such copies will aid plan review. These other approvals are not required prior to filing an application under this Article.

3. For Floodplain Management Plans:
   a. A document, certified by a Registered Engineer or Architect, which states that the proposed construction or development has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of the floodproofing measures which have been incorporated into the design of the structure and/or the development proposal.
   b. Detailed information needed to determine compliance with, Section 307(D)(6) Storage, and Section 308, Development Which May Endanger Human Life, including:
      (1) The amount, location, and purpose of any materials or substances referred to in Section 307(D)(6), and Section 308, which are intended to be used, produced, stored or otherwise maintained on site.
      (2) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances intended to be used, produced, stored, or otherwise maintained on site.
   c. The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development".

d. Where any excavation or grading is proposed, a plan meeting the requirements of the Pennsylvania Department of Environmental Resources, Office of Resources Management, Bureau of Soil and Water Conservation, Division of Soil Resources and Erosion Control "Soil Erosion and Sedimentation Control Manual" to implement and maintain erosion and sedimentation control.

ARTICLE II
INTERDEPARTMENTAL REVIEW PROCESS

SECTION 201. PURPOSE

It is the stated purpose of this Article to provide for a unified interdepartmental review process for many of the approvals required under this Code. The City will make all possible attempts to expedite and simplify the process wherever feasible, provided that it receives a complete and accurate application package. This process has been set up to run independently of other approval processes, but can be integrated into them when it is prudent and reasonable to do so.

SECTION 202 APPLICABILITY

The provisions of this Article shall apply to each of the following approvals:

A. Plan Consistency Reviews
B. Zoning Variances, where they are necessary for another approval herein
C. Zoning Special Exceptions
D. Zoning Conditional Uses
E. Standard Subdivisions
F. Planned Residential Developments
G. Traditional Neighborhood Designs
H. Mobile Home Parks and Campgrounds
I. Land Developments
J. Unified Reviews

SECTION 203. CONTRACTED PROFESSIONAL SERVICES

The City reserves the right to hire an independent consulting firm to review certain aspects of a plan if it determines City staff does not have the expertise to conduct the review itself. Such independent consulting firm shall have expertise in the area to be reviewed, and the services of such firm shall be paid for by the applicant through a special account (see Article III, below).

SECTION 204. REVIEW PROCEDURE

All applications for approval listed in Section 202 above shall be subjected to the following review procedure.

A. Submittal
    1. All applications shall be submitted, in a complete form, to the Codes and Inspections Department on the ground floor of the Altoona City Hall, 1301 Twelfth Street, Altoona, Pennsylvania 16601.
    2. Hand delivery is preferred, however if an application package is to be mailed, the exterior of the package should be clearly and boldly labeled “Application Submittal” for better processing. Registered Mail is recommended.
    3. Timelines shall start the day after the day the application package is received by the Codes and Inspections Department.
    4. Where necessary, the application shall be forwarded to the Blair County Planning Commission for its review.
    5. The Codes and Inspections Department shall forward the application package to each reviewing department: Codes and Inspections, Engineering, Planning, the City Authority, County Planning, PennDOT, PA DEP, and any professional consultant as may be necessary.

B. Professional Review
   1. Each reviewing department shall assign its copy of the application package to an employee competent in reviewing the application at hand. Such employee shall familiarize himself with the application, and prepare comments and recommendations for the Reviewers Meeting.
   2. The application shall be reviewed at a Reviewers Meeting of professional staff to present a coordinated staff recommendation to the approving body. A representative of each department shall be present at each Reviewers Meeting.
   3. If it is not possible for a department to be represented, that department shall cause its comments and recommendations to be sent to the Reviewers Meeting for consideration.
   4. Failure on the part of a department to either attend the Reviewers Meeting or send written comments to the Reviewers Meeting shall be seemed that department's approval of the application per that department's authority and responsibility under the Altoona Planning Code.
   5. The Reviewers Meeting shall prepare a unified statement of comments and recommendations. Such statement shall be presented to the department providing staff for the approving body.
   6. Department staff shall formalize the statement into a written format appropriate for the proceedings established by the approving body.

C. Public Review
   1. With the exception of Plan Consistency Reviews, all proposals listed in Section 202 shall be reviewed in an open, public meeting of the appropriate approving body.
   2. At that meeting, the written report resulting from the professional review shall be presented as part of the testimony. The timing of the presentation of this report shall be in accordance with the procedures established by the approving body.
   3. Such public meeting shall meet any and all requirements otherwise set forth in the Municipalities Planning Code.
   4. Where a public hearing is not required by either state or local law, the approving body shall give opportunity for the public to address the body in an informal non-hearing format for each application, unless such opportunity is forbidden by other applicable law.

SECTION 205. CONSOLIDATED APPROVAL

A. With the exception of the Unified Review, each approval listed under Section 202 above shall stand alone as a distinct and separate approval required under this section, even where an applicant may need to obtain two or more to proceed.
B. In the event two or more approvals listed under Section 202 are necessary, the approving bodies shall coordinate their decisions, insofar as practical, to minimize conflict and contradiction.
C. In the event an approval under Section 202 is required in conjunction with another approval issued administratively by staff under the Altoona Planning Code, the staff approval shall be included in the professional recommendation to the approving body, and such administrative approval shall be incorporated into the ultimate approval by the approving body.
D. All approval decisions shall be in writing, outlining what was approved, clearly noting all conditions, and giving notice of appeal options.

SECTION 206. SUBSEQUENT RESPONSIBILITIES AND ACTIONS

A. Resubmittal of a Denied Application
   1. A denied application package may be resubmitted for reconsideration provided the applicant provides the staff of the approving body notification of its intent to do so within ten business days of the date the notice of denial was mailed.
   2. Once notice is given, the applicant must submit a revised application package which addresses the concerns listed in the denial, and meet all submittal and substantive requirements applicable under the Altoona Planning Code. Such submission must occur within sixty days of the date the notice of denial was mailed to the applicant.
   3. Applications resubmitted under this Subsection shall receive one professional review and one public review prior to a final decision.
   4. If applications submitted under the auspices of this Subsection are ultimately denied, the applicant must submit a new application package if approval is still sought. This Subsection cannot be used to resubmit application packages denied under it.

B. Amendment to Prior Approvals
   1. Prior to applying for an amendment, and applicant should check the Code and meet with staff to determine if the amendment can be achieved through an administrative process at the staff level.
   2. If a staff-level procedure is not available, the applicant shall submit an application package in accordance with all submittal and substantive requirements, except the amendment package may limit its focus on the area(s) affected by the amendment, and title blocks on all sheets shall clearly indicate the fact that the plan shows and amendment to a previously-approved plan.
   3. Amendments will not be subjected to review by the Blair County Planning Commission, per agreement with said Commission.

C. Recording of Approved Plans
   1. It shall be the applicant's responsibility to record all plans and related documents in the Blair County Recorder of Deeds Office within the time limits prescribed by law.
   2. All approvals listed under Section 202 which also require construction or dedication of a public right-of-way, park, public facility, storm water management facilities, parking lots, bicycle facilities, pedestrian facilities, or landscaping shall include Performance Contract barring the issuance of building permits until such time as a Performance Bond is posted with the City in accordance with Subsection D below.
   3. The applicant shall return a certified copy of all recorded documents to the office of the approving body for City records.

D. Development Proposal Guarantee

   All projects approved under this Article shall be subject to the requirements of Article III of Title Nine, as qualified by Section 302 of that Title.

E. Inspections and Finishing Requirements
   1. The applicant is responsible for requesting inspections at all proper stages during construction. Should an inspection not be performed because of the failure of the applicant to notify the inspector, the applicant shall be required to expose the improvements or installations for proper inspection. No work shall be accepted that had been covered before inspection.
   2. Pressure tests shall be performed on all water and sewer facilities.

3. If the improvements in the proposal are to become public, the land owner shall execute an instrument transferring to the City a valid, unencumbered title to all streets, water mains, sanitary sewers, and other facilities specifically marked on the plan to become public, without cost to the City. Such instrument shall include perpetual rights and easements to construct, inspect, repair, renew, replace, operate, and forever maintain the improvements. Such instrument does not become valid until City Council acts to accept such instrument, and the document is recorded with the Blair County Recorder of Deeds.
4. The entire area of the proposal shall be cleaned so as to leave a neat and orderly appearance free from debris and construction materials. The entire drainage system, including catch basins, swales, ponds, pipes, and manholes, shall be properly cleaned out.
5. The applicant shall provide at no cost to the City a layout plan of all improvements, as built. The “Record Plan” shall show the precise final location of all utility lines, buildings, pavements, monuments, valves, shut-offs, manholes, hydrants, and other improvements. The plan shall be stamped and signed by the appropriate professional.

ARTICLE III
FEE SCHEDULES

SECTION 301. PURPOSE

It is the purpose of this Article to establish fees for each of the services and permits provided through the Altoona Planning Code. Other fees may apply to any given project; the applicant should check all codes governing his application for such fees.

SECTION 302. ZONING FEES

A.	Determination	$15.00
B.	Home Based Businesses	$25.00
C.	Containerized Storage	$50.00
D.	Zoning Change	$500.00
E.	Curative Amendment	$500.00
F.	Variance	$300.00
G.	Special Exception	$300.00
H.	Conditional Use	$300.00
I.	Other Hearing Before the Board	$300.00
J.	Zoning Permit	Greater of $50.00 or 50% of Building Permit fee

SECTION 303. SUBDIVISION FEES

A.	No-Impact Subdivision	$100.00
B.	Determination of Adequate Access	$100.00
C.	Standard Subdivision	$500.00
D.	Standard Subdivision Amendment	$200.00

SECTION 304. PLANNED DEVELOPMENT FEES

A.	Planned Residential Development	$500.00
B.	PRD Amendment	$200.00
C.	Traditional Neighborhood Design	$500.00
D.	TND Amendment	$200.00
E.	Mobile Home Park or Campground	$500.00
F.	MHPC Amendment	$200.00

SECTION 305. LAND DEVELOPMENT FEES

A.	Low-Impact Land Development	$100.00
B.	Land Development	$500.00
C.	Amendments	$200.00

SECTION 306. ENVIRONMENTAL REVIEW FEES

A.	Erosion and Sedimentation	$100.00
B.	Floodplain Elevation Permit	$35.00
C.	Floodplain Construction Permit	Greater of $1500.00 or 50% of Building Permit fee
D.	Storm Water Management	$100.00
E.	Variations	100.00
F.	Amendments	50.00

SECTION 307. URBAN REDEVELOPMENT FEES

Urban redevelopment fees shall be established by resolution by the Redevelopment Authority of Altoona, and shall reasonably reflect the cost to the Authority.

SECTION 308. MISCELLANEOUS FEES

A.	Plan Compliance Reviews	$0.00
B.	County Planning Reviews	per their schedule
C.	Refund Fee	$25.00
D.	Copy of Zoning Map on Paper	$25.00
E.	Copy of Ordinance on Paper	$200.00
F.	Copy of Ordinance & Map on CD-ROM	$20.00
G.	Clerical & Secretarial Services	25.00/hr
H.	Professional Research	50.00/hr

SECTION 309. UNIFIED REVIEW FEE

For proposals which encompass multiple reviews under the Altoona Planning Code, a single unified review is available under Title Seven, Article III. The fees necessary for this review are as follows:

A.	Unified Review Fee (City Reviews)	700.00
B.	County Planning Reviews	per their schedule

SECTION 310. COLLECTING AGENCY

All fees, excepts those incurred under Section 311 below, shall be submitted to the Codes and Inspections Department at the time application is made. Failure to pay fees or obtain a waiver of the required fees shall be basis for denial.

SECTION 311. BILLING FOR OUTSIDE SERVICES

A. Where a review under the Altoona Planning Code requires the City to engage outside services of any type, the City shall pay the charges and then bill the applicant for such services. Such fees may originate from consulting services, legal advertisements, professional services, and postage (above and beyond the postage normally associated with the process).
B. The billing amount shall be one hundred percent of the bill to the City.
C. No building permit may be issued for a project until all such fees are paid. If no building permit is applicable, the City reserves the right to collect such fees through any other means at its disposal including, but not limited to, liens and court action.

SECTION 312. FEE WAIVERS AND REFUNDS

A. Fees may be waived in advance of application submittal at the discretion of the agency in charge of approval. Waivers must be issued in writing. A copy of the waiver shall be submitted to the Codes and Inspections Department at the time application is made. If a copy of the waiver is not submitted, the full fee shall be charged upon submittal.
B. Refunds may be requested by the applicant in writing up to five days after submittal. A refund fee above applies. After the fifth day, the amount of the refund will be reduced by the amount the City has expended in reviewing the application plus the administrative fee. No refund is available once the application has been subjected to the Reviewers Meeting outlined in Article II, or after a public meeting is held on the application, whichever shall first occur.

ARTICLE IV
COMMON DEFINITIONS

SECTION 401. HEIRARCHY OF DEFINITIONS

In determining the meaning of a word in this Title, the hierarchy below shall apply. The reader should use the definition appearing in the highest priority document, unless the context of the language clearly indicates otherwise.

A. The definitions shown for a specific Article shall have first priority
B. The definitions shown for a specific Title (1-9) shall have second priority
C. The definitions listed below shall have third priority
D. The definitions listed in the Municipalities Planning Code shall have fourth priority
E. The definitions listed in the building code shall have fifth priority
F. Definitions not listed in any document above shall be based on common American English vernacular, and have last priority.

SECTION 402. GENERAL RULES

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

A. Words used in the present tense include words in the future tense.
B. The singular number includes the plural
C. Masculine gender includes the feminine gender, and vice versa
D. The word “include” and its various grammatical form shall not limit the term to the specific listing or example given, but is intended to extend its meaning to all other instances of like kind and character.
E. The words “shall”, “will”, and “must” are mandatory
F. The words “may”, “could”, and “should” are permissive
G. The words “used” and “occupied” include the concepts of “intended”, “designed”, “maintained”, or “arranged” to be used or occupied.

SECTION 403. DEFINITIONS APPLICABLE TO THE ENTIRE ALTOONA PLANNING CODE

ABUTTING: Parcels shall be considered to be abutting when they touch or their lot lines are directly across, easements, utilities, parks, watercourses, water bodies, natural features, or private rights-of-way.

ACCELERATED EROSION: The removal of the surface of the land through the combined action of human activities and natural processes at a rate greater than would occur because of the natural processes alone.

ACCESSORY BUILDING: A building detached from, supportive of, and subordinate to the main building on the same lot and used for purposes customarily incidental to the main building

ACCESSORY STRUCTURE: A structure detached from a principal building but located on the same lot. It serves a customarily incidental and subordinate use to the use of the lot as a whole or the principal building on the lot.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use or building.

ACRE: Whereas a true acre contains 43,560 square feet, for the purposes of this ordinance an acre shall be a measure of land containing 40,000 square feet.

ADJOINING: See ABUTTING.

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically-operated, electrically- or mechanically- controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of 'specified sexual activities' or 'specified anatomical areas'. (See Also: Adult Motion Picture Theatre)

ADULT BOOKSTORE OR ADULT VIDEO STORE: A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration, any one or more of the following: 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe 'specified sexual activities' or 'specified anatomical areas' or 2. Instruments, devices or paraphernalia, which are designed for use in connection with 'specified sexual activities'.

ADULT CABARET: A nightclub, bar, restaurant or similar commercial establishment, which features: 1) Persons who appear in a state of nudity; or 2) Live performances, which are characterized by the exposure of 'specified anatomical areas' or by 'specified sexual activities' or 3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of 'specified sexual activities' or 'specified anatomical areas'. (See Also: Adult Theatre)

ADULT MOTEL: A hotel, motel or similar commercial establishment which: 1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of 'specified sexual activities' or 'specified anatomical areas' and has a sign visible from a public right of way which advertises the availability of this adult type of photographic reproductions; or 2) Offers sleeping rooms for rent four (4) or more times in one calendar day during five (5) or more calendar days in any continuous 30-day period.

ADULT MOTION PICTURE THEATER: A commercial establishment where for any form of consideration films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by the depiction or description of 'specified sexual activities' or 'specified anatomical areas'. (See Also: Adult Arcade)

ADULT THEATER: A theater, concert hall, auditorium, or similar commercial establishment which features persons who appear in a state of nudity or live performances which are characterized by the exposure of 'specified anatomical areas' or 'specified sexual activities'. (See Also: Adult Cabaret)

ADVERSE IMPACT: A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities.

ADVERSE POSSESSION: The right of an occupant to acquire title to a property after having continuously and openly used and maintained such property over a period of twenty-one years without protest from the owner(s) of record.

AESTHETIC: The perception of artistic elements or elements in the natural or created environment that are pleasing to the eye.

AGRICULTURAL OPERATIONS: The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man. These activities shall include, but are not limited to, forages and sod crops,; grains and seed crops; dairy animals and dairy products; poultry animals and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats, or any mutations or hybrids thereof, including the breeding and grazing of any and all such animals; bees and apiary products,; fur animals; trees and forest products; fruits of all kinds, including nuts and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program; and establishments primarily engaged in supplying soil preparation services, crop services, horticultural services, veterinary and other animal services, and farm labor and management services. It does not include landscaping services.

AISLE: The traveled way by which cars enter and depart parking spaces.

AIR RIGHTS: The right to use space above ground level. Such rights are in the public domain above 200 feet above ground level.

ALLEY: A minor public or private thoroughfare other than a side street, which affords only a secondary means of access to abutting property and not for general traffic circulation.

ALTERATIONS, STRUCTURAL: Any change in the supporting components of a building, such as bearing walls, columns, beams, or partitions. Alterations also occur whenever there is a change in the location of exterior doors, or pedestrian access into, out of, or around the perimeter of the structure.

ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

AMENITY: A natural or created feature that enhances the aesthetic quality, visual appeal, or makes more attractive or satisfying a particular property, place, or area.

AMORTIZATION: A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

ANIMAL HOSPITAL: A building used for the treatment of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

APPEAL: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance.

APPLICANT: An individual, including his heirs, successors, an assigns, making application according to the regulations contained in this Ordinance, and whose signature appears on any application. The Applicant must be the property owner or authorized agent.

APPLICATION: *(v.)* The submitting of an application for permit or service in a "complete state". *(n.)* The document which an applicant completes along with all supporting documents, exhibits, and plans required for development review purposes.

APPOINTING AUTHORITY: Altoona City Council, or its designee.

APPROVING AUTHORITY/BODY: The agency, board, group, or other legally designated individual or agency that has been charged with the review and approval of applications.

ARCHITECT: An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of architecture.

AUTHORITY: A political or corporate body created pursuant to the former act of May 2, 1945 (P.L. 382, No. 164), known as "Municipality Authorities Act of 1945."

AUTHORIZED CITY REPRESENTATIVE: Staff member assigned to represent the City of Altoona.

AUTOMOTIVE ASSEMBLY: The use of any building, land area, or other premises for the construction, reconstruction, refurbishing, rehabilitating, or dismantling of automobiles. This definition specifically excludes activity defined under AUTOMOTIVE SERVICES, below.

AVERAGE ANNUAL DAILY TRAFFIC (AADT): The total yearly traffic volume in both directions at any given point divided by 365.

AVERAGE VEHICLE RIDERSHIP (AVR): A numerical value calculated by dividing the number of employees scheduled to start work between 6:00 A.M. and 10:00 A.M. by the number of vehicles arriving at the work site during the same period.

BANDWIDTH: The time elapsed between the passing of the first and last elements of a group moving at the design speed of the system being measured.

BANK: An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

BASEMENT: A cellar which had been improved for dwelling space above and beyond the customary storage, laundry, heating, and utility functions of a basic cellar.

BED & BREAKFAST: An establishment providing overnight lodging and morning meals for paying guests. The service is offered in a residential setting containing the standard rooms of a single family dwelling.

BEDROOM: A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

BERM: A mound of earth, or the act or creating such a mound

BEST MANAGEMENT PRACTICE (BMP): Activities, facilities, designs, measures, or procedures used to manage impats to meet accepted standards or requirements, and meet the porares of this Ordinance.

BLIGHTED AREA: An area characterize by deteriorating or abandoned buildings, and meeting the specific requirements of the Pennsylvania Urban Redevelopment Law.

BLOCK: A tract of land, a lot, or a group of lots bounded by streets, public parks, railroad rights-of-way, watercourses, and boundary lines of the City, non-subdivided land, other definite barriers, or by a combination of the above.

BOARD: Any body granted jurisdiction under a land use ordinance or under this act to render final adjudications. In this Ordinance, this term usually, but not always, refers to the Zoning Hearing Board.

BOARDING HOUSE: A building where, for compensation, lodging on a temporary basis, and meals are provided for at least four (4) but not more than sixteen (16) independent individuals. The primary function of the boarding house is to provide room and board. Residents are not involved in the day-to-day maintenance or operation of the boarding house and are not under the supervision or care of staff. Residents do not receive habilitative or rehabilitative services at a boarding house. Relationships between residents are incidental as opposed to an essential part of living together in a group home or halfway house. Residents do not constitute an interdependent group that emulates a family. Tenancy is on a weekly or longer basis as distinguished from transient housing such as a hotel or motel.

BUFFER AREA: An open area made available to physically separate two land uses. A buffer area exists laterally; it does not in and of itself include screening, fences, landscaping, or other treatments which exist on a vertical plane to provide additional separation between uses.

BUILDING: Any structure having a roof supported by columns, walls, arches, or other devices and intended for the shelter, housing, or enclosure of persons, animals, vehicles, or chattels. This definition includes covered porches, carports, and similar features.

BUILDING, COVERAGE: The total square feet of lot area that is covered by the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps taken on a horizontal plane at the mean grade level.

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

BUILDING ENVELOPE: The three-dimensional space within which a structure is permitted to be built ob a lot. The extent of a building envelope is defined by height and setback regulations.

BUILDING FOOTPRINT: The area of ground hidden by a building when the building is viewed from directly above.

BUILDING, FRONTAGE: A side of a building that faces any street to which the lot on which the building is located is adjacent.

BUILDING HEIGHT: The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

BUILDING LINE: A line parallel to the street line touching that part of the building that is closest to the street.

BUILDING MASS: The height, width, and depth of a structure

BUILDING SCALE: The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.

BUILDING SCALE, PERCEIVED: The visual impact of a building and the relationship of the building to its surroundings as seen from any given point. Perceived building scale is usually considered from the street perspective, but can be taken from any point.

BUILDING, PRINCIPAL: The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and buildings housing other clearly accessory uses shall not be considered principal buildings.

BUILDING SETBACK LINE: The line within a property, parallel to, and defining the required minimum distance between the foremost part of any building and the adjacent right-of-way or property boundary line.

BUILT ENVIRONMENT: Artificially created fixed elements, such as buildings, structures, devices, and surfaces, that together create the physical character of an area.

BUS SHELTER: A small, roofed structure, usually having three walls, located near or on a street and designed primarily for the protection and convenience of bus passengers.

CALIPER: The diameter of a tree trunk

CAMPSITE: Any site intended to be used for temporary and/or seasonal use for camping, inclusive of the area required to sustain a tent, camper, motor home, or other temporary camping facility.

CAMPGROUND: Any portion of land used for the purpose of providing a space or spaces for trailers or tents, for camping purposes regardless of whether a fee has been charged for the leasing, renting, or occupancy of such space.

CAMPUS: The grounds and buildings of an institution, educational facility, or business park.

CARPORT: A structure with at least three (3) sides open used for storage of one (1) or more vehicles.

CARTWAY: The portion of a street right-of-way, paved or unpaved, intended for vehicular traffic.

CELLAR: A story partly underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated to cemetery purposes, including columbarium's, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

CENTER LINE: The projected line running exactly halfway between and parallel to the right-of-way lines of a street.

CERTIFICATE OF FLOODPLAIN COMPLIANCE: A Certificate issued by the Floodplain Permit Officer after it has been determined that all construction, development, use of land, or interior repair have been completed according to the requirements of this Ordinance. No structure shall be occupied, use undertaken, or dedication accepted by the City until after a Certificate of Floodplain Compliance has been legally issued.

CESSION DEED: The conveyance to a local government body of private property street rights.

CHANGE OF USE: Any business or activity modification that involves changing the classification of a land use under the Standard Industrial Classification Manual from one three-digit group to another three-digit group. Changes of occupancy or changes of ownership shall not be construed as change of use.

CHANNEL: A perceptible natural or artificial waterway which periodically or continuously contains moving water or which forms a connecting link between two bodies of water. It has a definite bed and banks which confine the water.

CHILD DAY-CARE CENTER: Any premises other than the child's own home operated for profit or not for profit, in which child day care is provided at any one time to six or more children who are not relatives of the caregiver. These uses are considered retail services, but also qualify as major-impact home-based businesses.

CHILD-ORIENTED BUSINESS: A commercial establishment which, as one of its principal business purposes, serves and/or sells to children and their families food, apparels, goods, services, play and/or entertainment.

CHIMNEY: A structure containing one or more flues for drawing off emissions from stationary sources of information.

CISTERN: An underground reservoir or tank for storing rainwater.

CITY: Altoona, Pennsylvania

CITY COUNCIL: The governing body of the City of Altoona.

CLINIC: An establishment providing therapeutic, preventative, corrective, healing and health-building treatment services on an outpatient basis by physicians, dentists and other practitioners. Typical uses include medical and dental offices and hospitals and outpatient medical laboratories.

COMMERCE PARK: A tract of land that has been planned, developed, and operated as an integrated facility intended for a number of non-retail professional, business, personal, and other service uses, with special measures for traffic circulation, parking, utilities, and compatibility.

COMMERCIAL BUILDING: A building whose principal use is a commercial use. A building with a store on the first floor and apartments on the upper floors is a commercial building.

COMMERCIAL MESSAGE: Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMISSION: The Altoona City Planning Commission.

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

COMMON OWNERSHIP: Ownership by one or more individuals in any form of ownership of two or more contiguous lots.

COMPLETELY DRY SPACE: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

COMMUNICATIONS ANTENNA: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni directional or whip antennas and direction or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING: An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas.

COMMUNICATIONS TOWER: A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

COMPLETE STATE: An application submitted with all required, relevant and pertinent information necessary for the approving body to render an informed decision.

COMPOUNDING: A process of manufacturing involving forming a complete product through parts assembly.

COMPREHENSIVE PLAN: When capitalized, the Comprehensive Plan for Altoona, as it may be amended from time to time. Otherwise, a plan plus any amendments or any of its component parts for the development of a county or municipality providing the continuing orderly development of the municipality. The plan includes such elements as a statement of community development objectives, plans, and policies for land use, housing, transportation, community facilities and utilities, and strategies for plan implementation.

CONDOMINIUM: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices, and other types of space in commercial and industrial buildings or on real property.

CONDUCT BUSINESS: Any person who does any one or more of the following shall be deemed to be conducting business:

A. Operates a cash register, cash drawer or other depository on the premises where cash funds or records of credit card or credit card transactions generated in any manner by the operation of the establishment or the activities conducted therein are kept;
B. Displays or takes orders from any customer for any merchandise, goods, entertainment or other services offered on the premises;
C. Delivers or provides to any customer any merchandise, goods, entertainment or other services on or from the premises;
D. Acts as a door attendant to regulate the entry of customers or other persons into the premises;
E. Supervises or manages other persons in the performance of any of the foregoing activities on the premises.

CONSERVATION DISTRICT: The Blair County Conservation District.

CONSTRUCTION: Any grading, excavating, or placing of earth fill, erection of buildings or other structures, including the grubbing and clearing of trees, brush, and other vegetation, provided, however, that any such activity in connection with farming, forestry, test boring or surveying shall not be deemed construction. Also includes the reconstruction, renovation, repair, extension, expansion, alteration, adaptive reuse, rehabilitation, restoration or relocation of a building or structure, including the placement of a manufactured home.

CONSTRUCTION PLAN: The maps, plans, plats, or drawings accompanying a development plan and showing the specific location and design of improvements to be installed in the project in accordance with the requirements of this Ordinance.

CONTAINER: Any enclosed device used for the transportation or storage of materials, whether on a temporary or permanent basis, or used for temporary human habitation.

CONVALESCENT HOME: A health services establishment whose purpose is to assist patients to recover health and strength gradually after sickness or weakness.

COUNTY: Blair County, Pennsylvania.

CONVERSION APARTMENT: A multi-family dwelling constructed by converting an existing structure into apartments for more than one (1) family.

COUNTY PLANNING COMMISSION: The Blair County Planning Commission.

COVERAGE: See "Building, Coverage", and "Lot, Coverage".

CROSSWALK: A right-of way, municipally or privately owned, intended to provide access for pedestrians.

CUL-DE-SAC: A street having one end open to traffic and being permanently terminated by a vehicular turn-around.

CULTURAL FACILITIES: The use of land or buildings for activities related to religion, arts, government, public assembly, non-formal education, and similar activity. Includes facilities that document the social and religious structures and intellectual and artistic manifestations that characterize society, such as museums, zoos, and gardens.

CULVERT: A closed conduit for the free passage of surface drainage under a highway, railroad, canal, or other embankment.

CUT:
1. An excavation.
2. The difference between a point on the original ground and designated point of lower elevation on the final grade.
3. Also, the material removed in excavation.

DECISION: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations.

DEDICATION: The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DENSITY: The cumulative measure of the average number of items in a specific space.

DEPARTMENT: Generally, the Altoona Planning and Community Development Department, however other City departments may be referred to in this manner when the context is appropriate.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT: The Pennsylvania Department of Community and Economic Development, its Bureaus, Departments, Centers, and Divisions. May be abbreviated as DCED.

DEPARTMENT OF ENVIRONMENTAL PROTECTION: The Pennsylvania Department of Environmental Protection, its Bureaus, Departments, or Divisions. May be abbreviated as PA DEP

DEPARTMENT OF TRANSPORTATION: The Pennsylvania Department of Transportation, its Bureaus, Departments, Districts, or Divisions. May be abbreviates ad PennDOT,

DESIGN CONTINUITY: A unifying or connecting theme or physical feature for a particular setting or place.

DESIGN CRITERIA: (1) engineering guidelines specifying construction details and materials. (2) Objectives, results, or limits which must be met by a facility, structure, or process in performance of its intended functions.

DESIGN FIT: Continuity in s scale, quality, or character between new and existing development so as to avoid abrupt or severe differences.

DESIGN STORM: The magnitude of precipitation from a storm event measured in probability of occurrence [e.g., fifty (50)-year storm] and duration [e.g., twenty-four (24) hour], and used in computing storm water management control systems.

DETENTION: The slowing, dampening or attenuating of runoff flows entering the natural drainage pattern or storm drainage system by temporarily holding water on a surface area in a detention basin or within the drainage system.

DETENTION BASIN: A basin designed to hold storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate. A detention basin is designed to drain completely after a storm event.

DETERMINATION: Final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except City Council, the Zoning Hearing Board, and the Planning Commission.

DEVELOPER: The person, persons, or any corporation, partnership, association, or other entity or any responsible person therein or agent therefor that undertakes the activities associated with changes in the built or human environment. The term “developer” is intended to include but not necessarily be limited to the term “subdivider”, “owner”, and “builder” even though the individuals involved in successive stages of a project may vary.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including, but not limited to, the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of streets, and other paving; any activity affecting storm water runoff characteristics; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DEVELOPMENT PLAN: The provision for development including a plat, all covenants relating to use, location and bulk of buildings and other structures, intensity of use of density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE: In accordance with the Pennsylvania Flood Plain Management Act and regulations adopted by the Department of Community and Economic Development pursuant to that act; any activity requiring the production, storage, use of any amount of radioactive substances; structures or land used for the production or storage of any quantity of the following materials; or structures or land used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume) of the following materials:

Acetone Ammonia Benzene Calcium carbide Carbon disulfide Celluloid Chlorine	Hydrochloric acid Hydro cyanic acid Magnesium Nitric acid and oxides of nitrogen Petroleum products (gasoline, fuel oil, etc.) Phosphorus	Potassium Sodium Sulphur and sulphur products Pesticides (including insecticide, fungicides and rodenticides) Radioactive substances, insofar as such substances are not otherwise regulated.

DISABILITY: A physical or mental impairment which substantially limits one or more of a person's major life activities, impairs their ability to live independently, or a record of having such an impairment, or being regarded as having such an impairment.

DISCHARGE: The flow or rate of flow from a canal, conduit, channel or other hydraulic structure.

DISTRICTS, ADJOINING: Physically adjoining or separated by a right-of-way or natural barrier.

DIVERSION TERRACE: A channel and a ridge constructed to a predetermined grade across a slope, and designed to collect and divert runoff from slopes which are subject to erosion.

DORMITORY: A building where, for compensation, rooms are provided for four (4) or more individuals, and in which no meals are furnished.

DRAINAGE: The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

DRAINAGE AREA: (1) The area of a drainage basin or watershed, expressed in acres, square miles, or other unit of area. Also called catchment area, watershed, river basin. (2) The area served by a sewer system receiving storm and surface water, or by a watercourse.

DRAINAGE EASEMENT: A right granted by a landowner to a grantee, allowing the use of private land for storm water management purposes.

DRAINAGE FACILITY: Any ditch, gutter, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of carrying, diverting, or controlling surface water or groundwater.

DRIVEWAY: A private vehicular passageway providing access between a street and a private parking area or private garage.

DWELLING OR DWELLING UNIT: Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

A. Attached: A one-family dwelling physically attached to two or more one-family dwellings by common vertical walls.
B. Detached: A dwelling that is not physically attached to any other dwelling by any means.
B. Twin or Semi-Detached House: A residential structure occupied by two (2) dwelling units with a common wall, with each unit on a separate lot.
C. Duplex: A residential structure divided into two (2) dwelling units.
D. Row House or Town House: A single family dwelling unit in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire walls.
E. Multifamily: A building containing three or more dwelling units.
    1 Apartment: one or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit.
    2. Efficiency: A dwelling unit consisting of not more than one habitable room together with kitchen facilities and sanitary facilities.
    2 Garden Apartment: One or more multifamily structures, not exceeding three stories.
    3 High-Rise Apartment: An apartment house exceeding eight (8) stories in height.
    4. Low-Rise Apartment: An apartment house up to eight (8) stories in height.
    5. Upper Floor: Dwellings which exist entirely above ground level, with the exception of necessary entrances.
F. Conversion Apartment: Two or more dwelling units installed into a structure which was originally built as a single family detached dwelling.

EARTHMOVING ACTIVITY: A construction or other activity which disturbs the surface of the land, including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction, and the moving, depositing, or storing of soil, rock or earth.

EASEMENT: The grant of one or more property rights by the property owner to and/or for the use by the public, a corporation, an entitly, or a person or persons..

EATERIES: Retail establishments selling food or drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for on-site consumption by patrons..

ELECTRIC TRANSMISSION AND/OR DISTRIBUTION FACILITIES: Electric public utilities transmission and/or distribution facilities including substations.

ELEVATION: An elevation measured from a datum plane. For the purpose of this Ordinance, all elevations are referenced to the National Geodetic Vertical datum of 1929 (NGVD) based on mean sea level.

ELEVATION PLAN or VIEW: A plan view of a building drawn as it would appear if the viewer were looking at the building across a horizontal plane standing at ground level.

EMINENT DOMAIN: The authority to acquire or take, or to authorize the taking of, private property for public use or public purpose.

ENCROACHMENT: Any structure or activity which in any manner changes, expands or diminishes the course, current or cross section of any watercourse, floodway or body of water, or intrudes within established regulatory or ownership boundaries..

ENGINEER: An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of engineering. An Engineer shall not practice land surveying as defined and set forth in this Ordinance, unless the Engineer is also a Registered Surveyor.

ENGINEERING: The application of the mathematical and physical sciences for the specific design of any construction, development, use of land, or interior repair as defined herein.

ENGINEERING SPECIFICATIONS: The engineering criteria of The City of Altoona regulating the installation of any improvement or facility.

ENLARGEMENT: An increase of the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

ENTERTAINMENT: means any act or performance such as a play, skit, reading, revue, pantomime, scene, song, dance, musical rendition or striptease, whether performed by employees, agents, contractors or customers. The term 'entertainment' shall also mean bartenders, waiters, waitresses or other employees exposing 'specified anatomical areas' or engaging in 'specified sexual activities' in the presence of customers.

EROSION: Wearing away of the lands by running water, glaciers, winds and waves.

EROSION CONTROL: The application of measures to reduce erosion of land surfaces.

EROSION AND SEDIMENTATION CONTROL PLAN: A plan for a project site which identifies best management practices to minimize accelerated erosion and sedimentation resulting from the removal of the surface of the land through the combined action of man's activities and natural processes.

ESCORT: means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

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

FAÇADE: The exterior walls of a building exposed to public view, or that wall viewed by persons not within the building.

FAMILY: An individual, or two or more persons related by blood, marriage or adoption, living together in a dwelling unit; or a group of not more than four (4) individuals not necessarily related by blood, marriage, adoption, or guardianship -- living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship. A group of not more than four (4) unrelated disabled people living together as a single housekeeping unit in a dwelling unit and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage, adoption or guardianship. If appropriate, one staff person may reside on the premises and will not be included in the total number of occupants. Any additional staff shall be included in the total number of occupants.

FENCE: An artificially constructed barrier of any material, including vegetation, or combination of materials erected to enclose, screen, or separate areas. Screening, vegetative or otherwise, required by this Ordinance shall not constitute a fence.

FENCE, 50% OPEN: Any fence, as defined above, which, when viewed at an angle perpendicular to the face of the fence, contains equal areas of opacity and transparency. “Greater than 50% open” would mean more transparency than opacity; “less than 50% open” would mean more opacity than transparency.

FILL: Sand, gravel, earth or other material placed or deposited so as to form an embankment or raise the elevation of the land surface. The term includes material used to replace an area with aquatic life with dry land or to change the bottom elevation of a surface water area.

FINANCIAL SECURITY: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit and restrictive of escrow accounts from Federal or Commonwealth chartered lending institutions in an amount and form satisfactory to the Planning Administrator and to be used wherever required by these regulations. (See Title Nine, Article III.)

FLOATING ZONE: An unmapped zoning district where all the zone requirements are contained in the ordinance and the zone is fixed on the map only when an application for development, meeting the requirements of the zone, is approved. In this Ordinance, the approvals under Title Six act as floating zones.

FLOOD: A temporary inundation of normally dry land areas.

FLOODFRINGE: The Floodfringe shall be that area of the one hundred (100) year Floodplain not included in the Floodway. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations contained in the flood profiles of the Flood Insurance Study and as shown on the Flood Boundary and Floodway Maps.

FLOOD BOUNDARY AND FLOODWAY MAPS: Maps prepared by the Federal Emergency Management Agency for the City of Altoona indicating the floodway, 100-year flood, and the 500-year flood for the purposes of regulating land use as prescribed by the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP: A set of maps which reflect water surface elevations of the 100-year flood along the Identified Floodplain and are used for calculating actual actuarial insurance rates. This set of maps has been prepared by the Federal Emergency Management Agency (FEMA) for the City as part of the regular phase of the National Flood Insurance Program.

FLOOD INSURANCE STUDY: A study of the floodplain areas of the City of Altoona prepared for the purpose of regulating land use as prescribed by the National Flood Insurance Program.

FLOODPLAIN: Any land susceptible to being inundated by water from any source during the base flood, as shown on the most current flood plain maps prepared by the Federal Insurance Administration and approved by the Federal Emergency Management Agency (FEMA) for the purpose of determining the official Federal Designated Flood Plain, Floodway and Floodway Fringe. These maps are based on the most current Flood Insurance Study prepared by the Federal Emergency Management Agency; the Study being the definitive source of flood plain information, particularly in regards to base flood elevations and floodway widths as reflected in the Floodplain Regulations of the City of Altoona and indicated on the Flood Boundary and Floodway Maps.

FLOODPLAIN AREA PERMIT: The permit(s) issued by the Permit Officer as required under the Floodplain Regulations, upon determination by the Permit Officer that all information contained in the permit application is in compliance with the regulations contained within this Ordinance.

FLOODPLAIN PERMIT OFFICER: The individual appointed to enforce the provisions of Title Four, Article III.

FLOODPROOFED: Refers to a structure to which modifications have been made for the purpose of reducing flood losses.

FLOODPROOFING: Means any combination of structural and non-structural additions changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY: The Floodplain Area specifically identified in this Ordinance as the channel of a river or water course and adjacent land areas that must be reserved in order to discharge the one hundred (100) year flood without cumulatively increasing the water surface elevation more than a designated height. The areas included in this area are defined in the Floodway Data Table contained in the Flood Insurance Study and shown on the Floodway Boundary and Floodway Maps.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building and any accessory buildings on the same lot, excluding cellar and basement floor area not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of exterior walls.

FLOOR AREA RATIO: The gross floor area of all buildings on a lot divided by the total lot area. For example, when a floor area ratio of four-tenths (0.4) is specified, the floor area of a building constructed on a lot of ten thousand (10,000) square feet is limited to a maximum of four thousand (4,000) square feet. The number of stories being optional, the building area may be four thousand (4,000) square feet for one (1) story, two thousand (2,000) square feet for two (2) stories, and so forth.

FOREST MANAGEMENT OPERATIONS: All activities connected with growing and harvesting of forest products including the site preparation, cultivation and logging of tress, and the construction and maintenance of roads.

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

FRATERNITY HOUSE: A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity members and their guests or visitors and affiliated with an institution of higher learning.

FRONTAGE: The linear distance which a property line runs coincident with a street right-of-way line. Frontage may be measured from any abutting street, but all required frontage must be measured from the same street. The street from which frontage is gained need not be the street to which the structure(s) on the lot are faced. Frontage cannot be gained from alleys, driveways, or elevated or buried roadways.

FRONTAGE ROAD: Minor collector streets parallel and adjacent to arterial streets providing access to abutting properties and control of intersections with an arterial street.

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE: A deck, building, parking structure, or part thereof used or intended to be used for the parking and storage of vehicles.

GARAGE, COMMUNITY: A garage used exclusively for parking and storage of vehicles that are owned or operated by residents of nearby dwelling units and their guests. Such a garage is neither operated as a commercial enterprise nor available to the general public. The residents themselves operate it.

GARAGE, PRIVATE CUSTOMER AND EMPLOYEE: A structure that is accessory to a retail commercial or manufacturing establishment and is used primarily for the parking and storage of vehicles operated by the establishment's customers, visitors, and employees.

GARAGE, PRIVATE RESIDENTIAL: A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof. A private residential garage is not a separate commercial enterprise available to the general public.

GARAGE, PUBLIC: A structure or portion thereof that is used primarily for the parking and storage of vehicles and that is available to the general public -- but is not a private residential garage, private customer and employee garage, community garage, or municipal garage.

GENERAL PUBLIC: Any and all individuals without any prior qualifications.

GOVERNING BODY: The Altoona City Council.

GOVERNMENT FACILITIES: A building or lot owned or occupied by a governmental agency for any purpose.

GOVERNMENTAL AGENCY: Any department, commission, independent agency, or instrumentality of the United States, the Commonwealth of Pennsylvania, Pennsylvania County, the City of Altoona, Pennsylvania municipality, or Authority. The administrative offices of a public school district are included, but no other school district use or building qualifies.

GRADE: The slope of ground, street, or other public way, specified in percentage of change in elevation per horizontal distance; the act of altering the topography of undisturbed land.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GRASSED WATERWAY: A natural or man-made low-lying stretch of land which gathers or carries surface water runoff, also known as a swale.

GROUND COVER: Materials covering the ground surface.

GROUND WATER: Subsurface water occupying the saturation zone, from which wells and springs are fed.

GROUND WATER RECHARGE: Replenishment of ground water naturally by precipitation or runoff artificially by spreading or injection.

GROUP HOME: A residence occupied by unrelated persons who either by choice, referral, and/or governmental policy cannot live independently by themselves, but instead require a level of assistance, monitoring, or supervision related to individual situations. A group home may be distinguished from large-scale twenty-four hour care facilities that serve the same purpose by the family-like setting in which its residents live.

HALFWAY HOUSES: A temporary residential living arrangement for more than four persons not related by blood or marriage, living in an institutional setting and in need of supportive living arrangements in order to readjust to non-institutionalized living. Persons living in halfway houses must be actively receiving therapy and counseling from support staff which is present when the residents are present. Residency at a halfway house is generally limited to a specified number of weeks or months.

HEARING: An administrative proceeding conducted by a board.

HEIGHT, **COMMUNICATIONS TOWER(S):** The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

HEIGHT: With the exception of buildings and signs, the vertical distance from the finished grade to the highest point of the structure.

HISTORIC STRUCTURE: Any structure that is --

A. Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
B. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    1. By an approved state program as determined by the Secretary of the Interior; or
    2. Directly by the Secretary of the Interior in states without approved programs.

HOLDING POND: A retention or detention pond.

HOME-BASED BUSINESS: Any activity carried out for gain by a resident of a property and conducted as a customary, incidental, and accessory use in the resident's dwelling unit. A home-based business is considered to fall into the category of "major impact" unless it meets all the criteria for a "minor impact" classification under Title Three, Section 417.

HOSPICE: A temporary living arrangement for more than four persons, not related by blood or marriage, with a terminal disease that requires full-time support, therapy, and treatment. A hospice offers terminal care emphasizing quality of life, limiting invasive procedures, and palliative measures. It focuses on alleviating physical pain and symptoms while providing psychosocial, practical, spiritual, and bereavement support. A hospice is an alternative to a hospital or nursing home. Residency is measured in weeks, months, or no more than one or two years.

HOTEL, **MOTEL**: See OVERNIGHT LODGING

HOUSE OF WORSHIP: (1) A church, synagogue, temple, mosque, or other facility that is used for prayer or worship by persons of similar beliefs. (2) A special purpose building that is architecturally designed and particularly adapted for the primary use of conducting -- on a regular basis -- formal religious services by a religious congregation.

HOUSEHOLD: Either a family living together, or a single person living alone, in a single dwelling unit with common access to and common use of all areas within the dwelling (see Family).

HUMAN SCALE: The proportional relationship of a particular building, structure, or streetscape element to the human form and function.

IMPACT FEE: A fee imposed on a development to finance the cost of improvements to services and infrastructure necessary to accommodate the development and its effects.

IMPERVIOUS: Not allowing or allowing only with great difficulty the movement of water, impermeable.

IMPROVED STREET: See "Street, Improved".

IMPROVEMENTS: Any physical addition or installation or construction required by the City to render land suitable for the use intended and including, but not limited to, streets, curbs and gutters, sidewalks, street signs and lights, walkways, sewer and water facilities, monuments and markers, grading, and storm water drainage facilities.

INDUSTRIAL: Those fields of economic activity including construction contractors, mining, manufacturing, transportation, communication, electric, gas, sanitary services, and wholesale trade.

INDUSTRIAL PARK: A tract of land that has been planned, developed, and operated as an integrated facility intended for a number of individual industrial uses, with special measures for traffic circulation, parking, utilities, and compatibility.

INFILTRATION: (1) The flow or movement of water through the interstices or pores of a soil or other porous medium. (2) The absorption of liquid by the soil.

INFILTRATION STRUCTURES: A structure designed to direct runoff into the ground (e.g. French drains, seepage pits, seepage trench).

INTERIOR REPAIR: Any modification, alteration, renovation, reconstruction, or improvement of any kind to an existing structure, to an extent or amount less than fifty (50) percent of its market value, other than Minor Repairs, including the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements.

INSTITUTIONALIZED HOMES: Residences for people that provide rooms, meals, personal care, and/or supervision of self-administered medication. They may also provide other services such as transportation, recreation and activities, financial services, and housekeeping.

JUNK STORAGE: Any area of a yard, structure, vehicle, or trailer or any part thereof, used primarily for the collecting and storage of excess, abandoned, or transitional materials.

KNOWINGLY: As used in this Ordinance, means having knowledge of, or reason to know or a belief or ground for belief which warrants further inspection or inquiry of 1) The character and content of any material or performance described herein which is reasonably susceptible of examination by a licensee or person; 2) The age of the minor provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the licensee or person made a reasonable bona fide attempt to ascertain the true age of such minor. Knowingly also means that a reasonable person using reasonable skills and faculties would have known or been aware.

LAND: Ground, soil, or earth including structures on, above, or below the surface.

LAND BANK: Government-purchased land held for future use

LAND DEVELOPMENT: The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving any activity enumerated in Section 109 of Title Seven, or as otherwise defined in the Municipalities Planning Code.

LAND DISTURBANCE: Any activity involving the changing, grading, transportation, fill and any other activity which causes land to be exposed to the danger of erosion.

LAND SURVEYING: The location, relocation, establishment, reestablishment or retracement of any property line or boundary of any parcel of land or any lot right-of-way, easement, or alignment. This process shall include the principles of land surveying, determination of the position of any monument or reference point that marks a property line, boundary, or corner setting, resetting, or replacing any such monument or individual point including the writing of deed descriptions. This process shall also include the determination of elevations and topographic surveys. Land Surveying shall be practiced by a Surveyor or Engineer registered under the Laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying.

LANDOWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDLOCKED: Any lot or parcel without any access to the public roadway system

LANDSCAPE: (1) An expanse of natural scenery; (2) lawns, trees, plants, rocks, wood chips, and decorative features such as sculptures, patterned walks, fountains, and pools.

LIBRARY: A facility housing a collection of books, magazines or other material which is loaned to the general public without charge excluding adult.

LOADING BERTH(S): A space utilized for the loading or unloading of cargo, products, or materials form vehicles.

LODGING HOUSE: (See: Boarding House).

LOT: A parcel of land occupied by, or which may be occupied, a building and/or an accessory building and including the yards and other open spaces required by this Ordinance of the land shown by deed as a separate lot or parcel. Land called out as separate parcels on the same deed shall be considered separate lots.

LOT AREA: The total area within the lot lines.

LOT AVERAGING: A design technique permitting one or more lots in a subdivision to be undersized, providing the same number of lots in the same subdivision are oversized by an equal or greater area. The desired effect is to have the average size of all the lots in the subdivision meet or exceed the minimum lot dimensions for the zone in which it is located.

LOT, **CONFORMING**: An occupied or unoccupied lot whose area and dimensions meet the requirements of the zoning district in which it is located.

LOT, **CORNER**: A lot at the junction of, and abutting on two (2) or more intersecting streets, or private roads, or at the point of abrupt change of a single street, or private road, where the interior angle is less than one hundred thirty-five (135) degrees.

LOT COVERAGE: That percentage of the parcel or lot area that is covered by the buildings, pools,, and roofed accessory structures.

LOT, **DEPTH**: The distance between the front lot line and rear lot lines, measured perpendicularly to the right-of-way line at the center point between the two side lot lines.

LOT, **IMPROVED**: A lot on which a building or structure exists..

LOT, **INTERIOR**: A lot other than a corner lot.

LOT LINE: A line of record bounding a lot that divides it from an adjacent property, street, right-of-way, or public space.

LOT OF RECORD: A lot that exists as shown or described on a plat, subdivision or deed in the records of the local recorder of deeds.

LOT, **THROUGH**: A lot that fronts on two streets that do not intersect at the boundaries of the lot.

LOT, **REVERSE FRONTAGE**: A lot extending between and having frontage on an arterial and a minor street with vehicular access solely from the latter.

LOT WIDTH: The distance between side lot lines as measured at the setback line.

LOWER FLOOR COMMERCIAL: A facility, usually in a residential zone, where the primary residential use is located above the ground floor, leaving the lower floor(s) for commercial use. This commercial use is subordinate to the residential use of the property, and usually – though not always – serves the residents above.

LOWEST FLOOR: The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant, partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

MAINTENANCE: The upkeep necessary for efficient operation of physical properties.

MANUFACTURED HOME: A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK: A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

MANUFACTURING: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials such as lubricating oils, resins, plastics, or liquors.

MARKER: A concrete, wood or metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots.

MARKET VALUE: For the purposes of the substantial improvement definition (below), market value means "the most probable price for which the appraised building will sell in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self interest and assuming that neither is under duress". For the purposes of determining substantial improvement, only the market value of the structure can be used. If the market value estimate is for an entire property, the value of the land, landscaping, and detached accessory structures must be deducted to find the value of the structure in question.

There are a variety of methods which can be used to estimate market value. No one particular method is necessarily preferred over another. The most common sources for obtaining estimates of market value include:

A. Independent appraisals conducted by professional appraisers;
B. Market value estimates adjusted from assessed values calculated by county tax assessment offices;
C. The most recent sale price of a building adjusted by the general increase or decrease in property values since the sale; and
D. The replacement cost of the building at current prices.

The applicant is responsible for providing market value information as part of the permit application submission. If the market value estimates appear questionable, the municipality may require the applicant to provide a professionally performed appraisal when other less reliable methods are inadequate.

MEDIATION: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MEDICAL LABORATORIES: A facility where testing and analysis is done to assist in patient health care, diagnosis, and research and development of new medical products and techniques. Patients generally are not physically present in such facilities. Includes diagnostic facilities.

MINING AND/OR MINERAL EXTRACTION FACILITY: Any establishment that extracts solids, minerals, coal, ores, liquids, petroleum, natural gas, and gases from the earth.

MINOR REPAIR: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring, or mechanical or other work affecting public health or general safety, or to any sign.

MITIGATION: Methods used to alleviate or lessen the impact of development

MIXED-USE DEVELOPMENT: The development of a tract of land, building, or structure with a variety of complementary and integrated uses in a compact urban form.

MIXED USE ZONING: Regulations permitting a combination of different types of uses within a single zone. See Title Three, Section 506.

MOBILE HOME: A transportable, residential structure 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 without a permanent foundation.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home. See Title Six, Article IV.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. Also, a site containing spaces with required improvements and utilities that are leased for the long-term placement of mobile homes and that might include services and facilities for the residents. See Title Six, Article IV.

MODIFICATIONS: Waivers of the requirements of one (1) or more provisions of the ordinance as the literal enforcement will exact undo hardship because of particular conditions pertaining to the land in question.

MONUMENT: Stone or concrete monument of known coordinates, established by Professional Land Surveyors, and utilized to locate property lines.

MORTUARY: See FUNERAL HOME.

MUNICIPAL AUTHORITY: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), formerly known as the Municipality Authorities Act.

MUNICIPAL ENGINEER: A professional engineer licensed in the Commonwealth of Pennsylvania, duly appointed by the City of Altoona.

MUSEUM: An institution devoted to the procurement, care, study, and display of objects of lasting interest or value; a place where objects are exhibited.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): A program of the United States Government implementing the Federal Clean Water Act through the issuance of permits. In Pennsylvania this program is delegated to the Department of Environmental Protection.

NATURAL STORMWATER RUNOFF REGIME: A watershed where natural surface configurations, runoff characteristics and defined drainage conveyances have attained the conditions of equilibrium.

NEIGHBORHOOD: An area of a community with characteristics that distinguish it from other areas of that community, and which may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers (e.g., major highways, railroads, and natural features such as rivers).

NEW CONSTRUCTION: Structures, including any improvements or alterations, for which the necessary permits to start construction were applied for on or after July 24, 2003.

NONCONFORMING BUILDING: A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements.

NONCONFORMING LOT: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements.

NONCONFORMING USE: A use or activity which was lawful prior to the adoption, revision, or amendment of this Ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements

NONRESIDENTIAL SUBDIVISION: A subdivision whose intended use is other than residential, such as commercial or industrial.

NUDE MODEL STUDIO: Any place where a person who appears in a state of nudity or displays 'specified anatomical areas' is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or a STATE OF NUDITY: means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast with less than a fully opaque covering, or showing the female breast with less than a fully opaque covering or any portion thereof below the top of the nipple.

NUISANCE: Any interference with the lawful enjoyment and use of property.

NUISANCE ELEMENT: Any environmental pollutant, such as smoke, odors, liquid wastes, litter, solid wastes, radiation, noise, vibration, glare, or heat.

NURSERY: A tract of land on which trees and plants are raised or stored for transplanting and sale.

NURSING OR CONVALESCENT HOME: A building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, water course, or flood-prone areas, (i) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (ii) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

OCCUPANCY or OCCUPIED: Either the residing of an individual or individuals overnight in a dwelling unit, or the storage or use of equipment, merchandise, or machinery in any public, commercial or industrial building.

OFFICE, BUSINESS: An establishment engaged in overall management and general supervisory functions, executive activities, personnel, financial, legal, and sales activities, as well as certain services such as advertising, mailing, employment, consulting, security, development and testing, commercial research, and like activities. Generally, customers are not present on the premises – see the various types of SERVICES

OFFICE, PROFESSIONAL: The office of a member of a recognized – not necessarily licensed - profession maintained for the conduct of that profession. Generally, customers are not present on the premises – see SERVICES, PROFESSIONAL.

OFF-SITE PARKING: Parking provided for a specific use but located on a parcel other than the one on which the specific use is located.

ONE HUNDRED YEAR FLOOD: A flood that, on the average, is likely to occur once every one hundred (100) years, i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year.

ON-SITE STORM WATER MANAGEMENT: The control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site is not significantly different than if the site had remained undeveloped.

OUTFALL: (1) The point, location or structure where drainage discharges from a sewer, drain or other conduit. (2) The conduit leading to the ultimate discharge point.

OPEN SPACE: That space open from the ground to the sky of which eighty (80%) percent must be vegetative material.

OPEN SPACE RATIO: Total area of open space divided by the total site area in which the open space is located.

ORGANIZED CAMP: A combination of program and facilities established for the primary purpose of providing an outdoor group living experience for children, youth, and adults, with social, recreational, and educational objectives and operated and used for five (5) or more consecutive days during one (1) or more seasons of the year.

OUTDOOR STORAGE: The keeping of any goods, junk, material, merchandise, or vehicles in the same area for more than twenty-four hours.

OUTLET CONTROL STRUCTURE: The means of controlling the relationship between the headwater elevation and the discharge, placed at the outlet or downstream end of any structure through which water may flow.

OVERLAY ZONE: A zoning district that encompasses one or more underlying zones, and that imposes additional requirements above those required by the underlying zones.

OVERNIGHT LODGING: A building or group of buildings, whether detached or in connected units, used as individual sleeping units possessing no facilities for individual cooking, designed with individual entrances and for year-round occupancy, and providing for accessory off-street parking facilities that does not provide any of the services included in the definition for Adult motel. Overnight lodging facilities may include restaurants and newsstands.

PARK: A tract of land, designated and used by the public for active and passive recreation..

PARKING AREA - Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles. This term includes parking lots, garages, private driveways, and legally designated areas of public streets.

PARKING AREA, PRIVATE: A parking area for the exclusive use of the owners, tenants, lessees, customers, employees, or occupants of either the lot the on which the parking area is located or the business situated on that lot.

PARKING AREA, PUBLIC: A parking area open to the public, with or without payment of a fee.

PARKING LOT: Any place, lot, parcel, or yard used in whole or in part for storing or parking six (6) or more motor vehicles where a storage or parking fee is charged or where the lot is operated in connection with, or for the use of the customers, of a retail store, theater, or any commercial, industrial, or institutional use.

PARKING SPACE: A space for the parking of one motor vehicle within a public or private parking area, or on a dedicated street.

PATIO: A ground level structure with at least three (3) sides open and used primarily for residential purposes.

PEAK FLOW: Maximum flow.

PEAK DISCHARGE: The maximum rate of flow of water at a given point and time resulting from a storm event.

PEDESTRIAN SCALE: The proportional relationship between an individual and the environment (built, natural, or both).

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string-- usually in series -- and designed to move in the wind.

PERCOLATION TEST: A test which evaluates the soil suitability by determining the rate at which effluent can be expected to seep into the soil.

PERFORMANCE STANDARD: A standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it.

PERMIT: Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such an authorization.

PERMITTEE and/or LICENSEE: A person in whose name a permit and/or license has been issued. This person is also the individual listed as an applicant on the application for a permit and/or license.

PERMITTED ACCESSORY USE: A land use or structure that (1) is allowed by right in a zoning district, (2) is subject to the restrictions applicable to the zoning district in which it is located, and (3) is customarily incidental and subordinate to the principal use of the lot on which it is located.

PERMITTED PRINCIPAL USE: A land use or structure that (1) is allowed by right in a zoning district, (2) is subject to the restrictions applicable to the zoning district in which it is located, and (3) is the principal use of the lot on which it is located.

PERMITTED USE: A land use that is allowed by right in a zoning district and is subject to the restrictions applicable to the zoning district in which it is located.

PERSON: An individual, partnership, sole proprietorship, public or private association or corporation, firm, trust, company, corporation, estate, municipality, government unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PLAN, **SKETCH**: An informal optional submission preparatory to the Preliminary Plan showing the general intent of the applicant.

PLAN, PRELIMINARY: A Development Plan in lesser detail than a Final Plan.

PLAN, FINAL: A complete and exact Development Plan prepared for official recording as required by statute; a final plat.

PLANNED RESIDENTIAL DEVELOPMENT (PRD): 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 nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Ordinance.

PLANNING COMMISSION: The Altoona City Planning Commission.

PLANNING DEPARTMENT: Altoona Planning & Community Development Department.

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

PLAYGROUND: An active recreational area with a variety of facilities, including equipment for younger children, court games, and field games.

PLAZA: A new development or existing single structure designed to be occupied by multiple retail businesses or business offices primarily through floor space rental or lease agreements. A group of retail establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision of goods delivery separated from customer access, and protection from the elements via a canopy or other enclosure.

POINT SOURCE: Any discernable, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, or conduit from which storm water is or may be discharged and further defined 94 75 PA Code 92.1

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

PRINCIPAL BUILDING: See “Building, Principal”.

PRINCIPAL USE: The primary or predominant uses of any lot or parcel.

PRIVATE ROAD: A legally established right-of-way, other than a street, which provides the primary vehicular access to a lot or lots, and is privately maintained.

PROBABLE MAXIMUM FLOOD (PMF): The flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in an area. The PMF is derived from the probably maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

PROPERTY: A lot, parcel, or tract of land, as well as the building and structures located thereon.

PROPERTY LINE: See (Lot Line)

PROPERTY LINE CHANGE: A change in lot lines between two (2) adjacent lots of record which does not involve the creation of a third new lot, nor the elimination of one of the lots.

PROPERTY MERGER: The elimination of a property line between two lots to create one lot from the original two. Such action requires approval under this Ordinance.

PUBLIC GROUNDS:

A. Parks, playgrounds, trails, paths, and other recreational areas and other public areas.
B. Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities.
C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the appropriate agency, intended to inform and obtain public comment, prior to taking action on a matter before the agency.

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

PUBLIC NOTICE: Notice published pursuant to controlling legislation intended to inform the general public of an activity, usually a hearing or series of meetings.

PUBLIC UTILITY FACILITY: A building or structure for a closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Telephone, electric, natural gas, water, and sewer companies are public utilities; however, commercial wireless communications companies are not.

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

QUIT CLAIM: A legal document conveying interest, not property, between parties.

QUORUM: A majority of the full authorized membership of a board or agency.

RAILROAD MAINTENANCE FACILITY OR SWITCHING YARD: An industrial area dedicated to the repairing and maintenance of railroad equipment or the crossroads of rails lines where the switching of rail cars takes place.

RATE OF FLOW: The quantity of water that flows in a certain time under specified conditions.

REASONABLE USE DOCTRINE: A common law principle that no one has the right to use his or her property in a way that deprives others of the lawful enjoyment of their property.

RECORD DRAWINGS: Set of prints of the original facilities showing those changes made during the construction process.

RECREATION: Includes activities that involve relatively inactive or less energetic activities, as well as activities of a more active or formal nature. Activities may be performed alone or with others, and may involve the use of equipment or personal property.

RECREATIONAL VEHICLE: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

RECREATIONAL VEHICLE: A vehicle which is:

A. Built on a single chassis;
B. Not more than 400 square feet, measured at the largest horizontal projections;
C. Designed to be self-propelled or permanently towable by a light-duty truck;
D. Designed for use as temporary living quarters for recreational, camping, travel, or seasonal use.
E. This definition also includes any vehicle classified by PennDOT as a travel trailer, camping trailer, truck camper, or motor home.

RECREATIONAL VEHICLE PARK: A lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for vacation or recreation purposes.

RECREATIONAL VEHICLE SITE: A plot of ground within a recreation vehicle park intended for the accommodation of either a recreation vehicle or other similar individual camping unit on a temporary basis.

REGULATORY FLOOD ELEVATION: The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.

RELEASE RATE PERCENTAGE: The watershed factor determined by comparing the maximum rate of runoff from a subbasin to the contributing rate of runoff to the watershed peak rate at specific point of interest.

REPORT: Any letter, review, memorandum, compilation, or similar writing made by any body, board, officer, or consultant other than a solicitor to any other body, board, officer, or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body, or agency nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESEARCH AND DEVELOPMENT LABORATORIES: A facility engaged in scientific analysis, testing of hypotheses, product testing, consumer preference testing, pharmaceuticals, development of methodologies, and similar activities. Also, an establishment which carries on investigations in the natural, physical, or social sciences, which may include engineering and product development.

RESERVE STRIP: A parcel of ground separating a street from other adjacent properties, or from another street, which shall prevent a street from being connected or extended across property lines.

RETENTION POND: A basin, usually enclosed by artificial dikes, that is used to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Retention ponds remain wet once the runoff has been discharged.

RETURN PERIOD: The average interval in years over which an event of a given magnitude can be expected to recur.

REVIEWERS MEETING: A meeting established in Article II of Title Ten to facilitate efficient, professional review of development proposals under this Ordinance. The Reviewers Meeting shall comprise of relevant representatives from each department involved in the review, and serves as staff support to the agency holding final approval authority.

RIGHT-OF-WAY: (1) A strip of land that is acquired by reservation, dedication, forced dedication, prescription, or condemnation, and is intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil pipeline, gas pipeline, water line, sanitary sewer line, storm sewer line, and/or other similar use; (2) generally, the right of one to pass over the property of another.

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

RUNOFF CHARACTERISTICS: The surface components of any watershed which affect the rate, amount, and direction of storm water runoff. These may include but are not limited to: vegetation, soils, slopes and man-made landscape alterations.

SALES, AUTOMOTIVE: The use of any building, land area, or other premise for the display and sale of new or used automobiles, trucks, vans, trailers, or recreational vehicles -- including any vehicle preparation or repair work conducted as an accessory use.

SALES, RETAIL: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption. Retail sales establishments may also render services incidental to the sale of such goods. Includes “warehouse” and “outlet” style stores. Does not include automotive sales, nor any services, although such may be combined with Retail Sales if permitted by this Ordinance.

SALES, WHOLESALE: Facilities primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale sales are not made to the general public.

SANITARY LANDFILL: A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, or burning or any other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts there of, or waste material of any kind.

SANITARY SEWAGE DISPOSAL, COMMUNITY: A sanitary sewage collection system, either publicly or privately owned, in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.

SANITARY SEWAGE DISPOSAL, PUBLIC: A sanitary sewage collection system in which sewage
is carried from individual lots by a system of pipes to a central treatment and disposal plant.

SANITARY SEWAGE DISPOSAL, ON-LOT: Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

SATELLITE DISH ANTENNA: A device that is composed of a reflective surface that is solid, open mesh, or bar-configured, and is in the shape of a shallow dish, cone, or horn. Satellite dish antennas are used to transmit or receive radio or similar type signals to or from terrestrially based towers and/or Earth orbiting satellites. This definition is meant to include, but is not limited to, what are commonly referred to as satellite Earth stations, TVRO's (Television Reception Only), and microwave antennas.

SCHOOL: Any building or part thereof, which is designed, constructed, or used for education or instruction in any branch of knowledge including Colleges or universities supported wholly or in part by public funds and other colleges or universities giving general academic instruction, as prescribed by the State Board of Education.

SCHOOL, PRIVATE: A school that meets state requirements for elementary or secondary education and that does not secure the major part of its funding from any governmental agency.

SCHOOL, PUBLIC: Any building, structure, facility, or complex used by the general public for education that is licensed by the state and that meets the state requirements for education, whether constructed by the Commonwealth of Pennsylvania, Blair County, the City of Altoona, a local government, a governmental instrumentality, a private individual, a corporation, a partnership, or an association.

SCREENING: A vegetative material, landscaping, or opaque fencing of sufficient height and density to filter adequately from the adjacent properties, light, noise, odors, and the views of the structures and uses on the premises upon which the landscaping, vegetative material, or fence is located.

SEDIMENT: Mineral or organic solid material that is being transported or has been moved from its site of origin by air, water or ice and has come to rest.

SEDIMENT BASIN: A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water.

SEDIMENTATION: The process by which mineral or organic matter is accumulated or deposited by moving water, wind or gravity.

SEEPAGE PIT/SEEPAGE TRENCH: An area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

SEMI-NUDE: means a state of dress in which the clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEMI-PERVIOUS SURFACE: A surface such as stone, rock, concrete or other materials which permits some vertical transmission of water.

SEPTIC TANK: A watertight receptacle which receives sewage or industrial wastes and is designed and constructed to provide for sludge storage, sludge decomposition, separate solids from liquids through a period of detention before allowing the liquid to be discharged.

SERVICES, AUTOMOTIVE: Any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessories for motor vehicles, and which may include public rest rooms and facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles. A business that engages in engine rebuilding, major reconditioning of broken or damaged motor vehicles or trailers, collision repair service (including body, frame, or fender straightening or repair), vehicle painting, replacement of parts, motor service to automobiles, and/or state inspections.

SERVICES, COMMUNICATIONS: The creation and distribution of literature in the form of leaflets, pamphlets, booklets, newspapers, magazines, books, video, film, electronics, or any other form of media whereby information – fictional or non-fictional - is gathered, organized, and prepared for presentation to an audience. Also, the furnishing of point-to-point communication services, whether by radio, television, internet, satellite, or any other means of broadcasting. This definition does not include performances or theatrics in a setting where an audience is present on the premises.

SERVICES, EDUCATIONAL: Any building, or part thereof, which is esigned, constructed, or used for education or instruction in any branch of knowledge, and to any age level. This definition does not include Child Day Care Centers (see above).

SERVICES, HEALTH: An institution providing primary health care services and medical or surgical care to persons that are suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions. Facilities may contain, as an integral part of the institution, related facilities -- such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

SERVICES, PERSONAL: Establishments primarily engaged in providing services involving the care of a person, his appearance, goods, or apparel. Sales of merchandise may also take place incidental to the primary function of providing the service.

SERVICES, PROFESSIONAL: Services rendered by a member of a recognized – not necessarily licensed- profession, including meeting and providing such services to customers and clients on the premisies.

SERVICES, RETAIL: Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use. Retail service establishments may provide services such as eating and drinking, lodging, finance, insurance, real estate, personal services, motion pictures, amusement and recreational services, health care, or educational/social services. This definition does not include automotive services, except for gasoline dispensing.

SERVICES, TRANSPORTATION: An establishment engaging in any of the following:

A. The act of transferring freight or passengers between two modes of transport
B. The act of transferring freight or passengers from long-haul vehicles to local range vehicles, including breaking down such transfers into smaller parts
C. The act of transshipment of goods from shippers to receivers for a charge, covering the entire transportation route and, in turn, making use of the services of other transportation establishments as instrumentalities in effecting delivery
D. Terminals with the capability of handling a large variety of goods involving various forms of transportation or providing multimodal shipping capabilities.
E. The receipt, storage, and distribution of goods, products, cargo, and materials.
F. Train, bus, and air terminals for freight or passengers

SERVICES, WHOLESALE: An establishment that engages in acting as a broker or agent to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers to buy merchandise for, or sell merchandise to such individuals. Wholesale services do not deal with the general public.

SETBACK: The distance that must be maintained between all parts (except for walks and steps) of all buildings (except permitted accessory uses as stipulated) and a specified lot line or publicly held right-of-way..

SETBACK LINE: The line within a property defining the required minimum or maximum distance between any building to be erected and the adjacent property line.

SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration: 1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or 2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude. This term does not include the following types of commercial enterprises: 1) An enterprise in which massage therapy that does not involve 'specified sexual activities' is provided by a physician, chiropractor, registered nurse, or other medical practitioner licensed or certified by the Commonwealth of Pennsylvania 2) An enterprise in which massage therapy that does not involve 'specified sexual activities' is provided by a professional massage therapist who is licensed by a national massage therapist professional organization that has an explicit and enforced policy statement which fully deals with the concerns raised by this Ordinance and furthers the purpose of this Ordinance.

SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

SHADE TREE: A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

SHELTER(S): A temporary living arrangement that provides overnight and short-term housing for people unable to live at home due to abusive practices of another resident or other emergency situation including loss of residence. While the primary function of an emergency shelter is to provide housing, additional social services are often part of the shelter's program. The length of residency is limited to days or weeks.

SHOPPING CENTER: A group of retail establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site provision of goods delivery separated from customer access, and protection from the elements via canopy or other enclosure.

SIGN: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. Signs are considered accessory structures or uses on a lot.

SIGN, ABANDONED: A sign, either conforming or nonconforming, on property leased or owned by the party responsible for the sign, that has been discontinued for a total of twelve (12) months as described in Title Three, Section 610, “Abandoned Signs”. A nonconforming use that has been abandoned as described in Title Three, Section 306, “Nonconforming Use of Land”, and all signs that are related to that use -- as well as any structures that support these signs shall be considered abandoned.

SIGN, ANIMATED: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, BANNER - MISCELLANEOUS: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners. (See Also: Sign, Building – Banner)

SIGN, BUILDING: Any sign attached to any part of a building, as contrasted to a freestanding sign.

SIGN, BUILDING - BANNER: Any sign of lightweight fabric or similar material that is permanently mounted to a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners. (See Also: SIGN, BANNER, MISCELLANEOUS)

SIGN, BUILDING - INCIDENTAL: A building sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No commercial messages of any kind are allowed on these signs unless the involved message is not legible from any location off the involved lot.

SIGN, BUILDING - INTEGRAL ROOF: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN, BUILDING - MARKER: Any sign indicating the name and date of a building, as well as incidental information about its construction or historical data on a historic site, which is cut into a masonry surface or made of bronze or other permanent material.

SIGN, BUILDING - PROJECTING: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall. A projecting sign incorporates a heavy, integral, steel frame and mounting bolts or steel supports that completely penetrate the building wall.

SIGN, BUILDING - SUSPENDED: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, BUILDING - WALL: Any sign that is permanently etched or painted or directly attached to a wall with a projection of less than six inches.

SIGN, BUS SHELTER: Signs placed for advertising purposes in bus shelters by an off-premises sign or advertising company.

SIGN, CANOPY: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not considered a canopy.

SIGN, FLAG - This category includes the flags of the United States, the states themselves, local governments, and foreign nations having diplomatic relations with the United States. Any flag that does not meet these requirements shall be considered a banner sign by this ordinance.

SIGN, FREESTANDING: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

SIGN, FREESTANDING – BUSINESS: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered, or to any other commercial activity conducted on the premises where the sign is located.

SIGN, FREESTANDING - INCIDENTAL: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No commercial messages of any kind are allowed on these signs unless the involved message is not legible from any location off the involved lot.

SIGN, FREESTANDING - RESIDENTIAL: Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure. These signs are for self-expression by the occupants of the premises, and may take the form of political, religious, nameplates, or other form of self-expression.

SIGN, IDENTIFICATION: Identifies only the address and name of the occupant.

SIGN, MARQUEE - Any sign attached to or made a part of a marquee. A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

SIGN, NONCONFORMING: A nonconforming sign is defined as a sign that (1) was legally established before July 24, 2003, and (2) does not conform the requirements of Title Three, Article IV..

SIGN, OFF-PREMISES ADVERTISING: Any sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN, PLAZA - Any sign located on a lot designated as a plaza and whose purpose is to identify the plaza name and the names of the individual occupants of the plaza.

SIGN, PORTABLE - Any sign not permanently attached to the ground or another permanent structure, or a sign designed to be transported. This includes, but is not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

SIGN, ROOF: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SIGN, ROOF - INTEGRAL: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN, TEMPORARY: Any sign that is used only temporarily and is not permanently mounted. Regardless of any temporary characteristics they may have, residential signs shall not be classified as temporary signs for the purposes of this Ordinance.

SIGHT DISTANCE: The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point ten (10) feet from the edge of cartway, three and one-half (3 ½) feet high, to a point three and one-half (3 ½) feet above the road surface.

SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by lines of sight between points at a distance of fifty feet from the intersection of the street center lines.

SIGNIFICANT INCREASE IN TRAFFIC: Vehicular use exceeding the previously anticipated two-way traffic generated by a use by the greater of either (1) one hundred movements during the peak hour of the highway or development, or (2) ten percent of the previously anticipated daily movements.

SIMILAR USE: A use that has the same characteristics as the specifically cited uses in terms of trip generation, parking, circulation, type of traffic, utility demands, environmental impacts, physical space needs, and clientele.

SLOPE: The rise or fall of the land usually measured in percent slope. The percent slope is equal to the rise or fall in feet for a horizontal distance of one hundred (100) feet.

A. Gentle 0-8 percent
B. Rolling 9-15 percent
C. Hilly 16-25 percent
D. Steep 25-40 percent
E. Unbuildable 41+ percent

SOIL CONSERVATION SERVICE – U. S. Department of Agriculture Soil Conservation Service.

SOIL-COVER COMPLEX METHOD: A method of runoff computation developed by the Soil Conservation Service that is based on relating soil type and land use/cover to a runoff parameter called a curve number (CN).

SOIL PERCOLATION TEST: A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

SORORITY HOUSE: A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for sorority members and their guests or visitors and affiliated with an institution of higher learning.

SPECIAL EXCEPTION USE: A use that is allowed in a particular zoning district subject to the approval of the Zoning Hearing Board.

SPECIFIED ANATOMICAL AREAS: means 1) Less than completely and opaquely covered (a) human genitalia and pubic region; (b) buttock and anus; or (c) female breast below a point immediately above the top of the areola; or 2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: means and includes any of the following: 1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; 2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; 3) Masturbation, actual or simulated; or 4) Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

STABILIZATION: Natural or mechanical treatment of a mass of soil or ground area to increase or maintain its stability and ensure its resistance to erosion, sliding, or other movement.

STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition, or sale.

STABLE, PUBLIC: A building in which any horses are kept for remuneration, hire, exhibition, or sale.

STATE WATER QUALITY REQUIREMENTS: These requirements as set forth 97 25 PA Code 93 and 25 PA Code 96.

STORAGE FACILITY: A permanent structure designed to provide space for the storage of materials. Such storage space is usually provided on a rental basis by the owner to the general public. This definition does not include storage incidental to other uses on a property.

STORM FREQUENCY: The average interval in years over which a storm event of a given precipitation volume can be expected to occur.

STORM SEWER: A sewer that carries intercepted surface runoff, street water and other drainage but excludes domestic sewage and industrial waste.

STORM WATER: That portion of precipitation which runs over the land.

STORM WATER DRAINAGE SYSTEM: A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

STORMWATER COLLECTION SYSTEM: Natural or man-made structures that collect and transport storm water through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets, and pumping stations.

STORM WATER MANAGEMENT PLAN: The plan for managing stormwater runoff adopted by Blair County as required by the Storm Water Management Act.

STORY/STOREY: That portion of a building included above foundation wall and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the next ceiling above it.

STORY, FIRST: The lower most story entirely above the finished grade.

STREET: A right-of-way including cartway, sidewalk space, and planting space, if any, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place, or other appropriate name Types of streets are:

A. Expressway: Those highways whose primary function is to move traffic with little or no land service and to accommodate large volumes of relatively high speed traffic. Usually, a high degree of access control is provided with few, if any, intersections at grade.
B. Arterial Streets: Those streets whose primary function is to serve comparatively high volumes of through-traffic at speeds higher than desirable on a collector and minor street.
C. Collector Streets: Those streets which, in addition to providing access to abutting properties, collect traffic from minor streets and provide routes to community facilities and the arterial streets system.
D. Feeder Street: A class of street which primarily provides access to abutting properties, and secondarily collects traffic and directs it into collector and arterial class streets.
E. Local Streets: Those streets used primarily to provide access to abutting properties; including but not limited to Cul-de-sac and marginal access streets.
F. Frontage Road: Minor streets parallel and adjacent to arterial streets providing access to abutting properties and control of intersections with arterial street.
G. Alley: A minor public or private thoroughfare other than a side street, which affords only a secondary means of access to abutting property and not for general traffic circulation.

STREET, IMPROVED: A strip of land in a dedicated right-of-way or formal easement which contains such improvements so as to provide proper access to an from abutting properties as well as any other properties which require its use for access. Generally, a street is considered improved if it is public, or if it has been constructed to the standards set forth by the Planning Administrator under the procedure in Title Five, Article III.

STREET LINE: The limit of a right-of-way.

STREET, PRIVATE: Those streets not officially dedicated and/or accepted by the City.

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

SUBDIVIDER: See DEVELOPER.

SUBDIVISION: The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development.

SUBDIVISION:

A. Any creation, deletion, removal, alteration, relocation, or other change to existing lot lines irregardless of the ultimate purpose of the action.
B. Any development of a parcel of land (for example, as a shopping center or a multiple dwelling project), which involves installation, relocation, removal, or other changes to streets and/or alleys, even though the streets and alleys may not be dedicated to public use and the parcel may not be divided immediately for purposes of conveyance, transfer or sale.

SUBSTANTIAL DAMAGE: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure immediately before the damage occurred.

SUBSTANTIAL ENLARGEMENT: of a sexually oriented business means the increase in floor areas occupied by the business by more than 25% as the floor areas existed on August 27, 1997.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of an existing structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Where sexually oriented businesses are concerned, the term “Substantial Improvement” shall hold the same meaning as the term “Substantial Enlargement” above.

SUBSTANTIALLY COMPLETED: The condition where a project has been constructed to the point where:

H. all basic features have been completed
I. all features necessary for public health, safety and welfare have been installed and are functioning properly
J. No more than 10% of the project cost remains outstanding
K. There is sufficient reason to believe the developer will complete the remaining portions of the project in a timely manner

SURFACE DRAINAGE PLAN: A plan showing all present and proposed grades and facilities for storm water drainage.

SURVEYOR: An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying. A Surveyor shall not perform engineering as defined by this Ordinance, unless the Surveyor is also a Registered Engineer.

SWALE: A low-lying stretch of land which gathers or carries surface water runoff.

SWIMMING POOL: Any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, or recreational bathing and having a depth of two (2') feet or more at any point, either above or in the ground.

TEMPORARY OCCUPANCY: Occupancy of a campground or organized camp for no more than six (6) months in any consecutive twelve (12) month period.

TEMPORARY USE: A use of a limited duration that is to be discontinued after the expiration of a time period.

TENT: A portable lodging unit usually made of skins, canvas, plastic, or strong cloth stretched and usually sustained by poles, and dependent upon separate toilet and lavatory facilities.

THEATER: A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

TOPOGRAPHIC MAP: A map showing the elevations of the ground by contours or elevations including all existing topographic features such as streams, roads, streets, existing facilities, and improvements, as specified herein.

TOP SOIL: Surface soil and subsurface soil which presumably is fertile soil and ordinarily rich in organic matter or humus debris.

TRADITIONAL NEIGHBORHOOD DESIGN: A special type of development allowing flexibility for a developer to construct an urban development within local guidelines. See Title Six, Article III for local guidelines in Altoona.

TRAILER: A vehicular portable structure built on, or designed to be mounted, on a chassis or wheels, or constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling, recreation, or storage of items.

TRANSFER OF OWNERSHIP or CONTROL: Includes any of the following: 1) The sale, lease or sublease of the property or business; 2) The transfer of securities which constitute a controlling interest in the property or business whether by sale, exchange or similar means; or 3) The establishment of a trust, gift or other similar legal device which transfers ownership or control of the property or business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

TRANSITION ZONE: A zoning district that permits uses compatible with uses permitted in two adjacent zones that, without the transition zone, could be considered incompatible to each other.

TRANSITIONAL AREA: An area in the process of changing from one use to another or changing from one racial or ethnic occupancy to another; an area that acts as a buffer between two land uses of different intensity and compatibility.

TRUCK TERMINAL: Either end of a carrier line having facilities for the handling of freight and passengers for an automotive vehicle with a short chassis equipped with a swivel for attaching a trailer and used especially for the highway hauling of freight; a freight or passenger station that is central to a considerable area or serves as a junction at any point with other lines; a town or city at the end of a carrier line.

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

UTILITY: Any agency that provides the public with electricity, gas, heat, water, sewer, communications, and transportation. Includes public utilities, though not all services included within this definition are public utilities.

VARIANCE: A variance is a modification of the strict terms of zoning regulations where such modification will not be contrary to the public interest and where owing to physical conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

VARIANCE, DIMENSIONAL: A departure from any provision of a zoning ordinance relative to frontage, area, width, coverage, setbacks, height, buffer yards, and screening

VARIANCE, HARDSHIP: A departure from the provisions of a zoning ordinance that, if strictly applied, would present an undue hardship on the property owner's use and enjoyment of the property. Such a variance must not be contrary to the public interest, the conditions must be physical and directly attributable the land, must not be the result of any action taken by the owner or previous owners – including previous siting of buildings and other man-made features – and cannot be purely economic in nature.

VARIANCE, PLANNING: A variance granted for relief that would result in an opportunity for improved zoning and planning that would benefit the community. To qualify for a planning variance, the Board must find that it relates to a specific parcel of land, advances the purposes of the state, no substantial detriment to the public good, the benefits of the deviation outweigh the detriments, and the variance will not substantially impair the intent and purposes of local planning efforts such as the zone plan and community objectives. Unfortunately, this type of variance remains illegal in Pennsylvania.

VARIANCE, USE: A variance granted for a use that is not permitted in the zone. Legality is questionable in Pennsylvania as this is generally considered the responsibility of the City Council

VARIATION: A variation is a modification of the strict terms of the floodplain regulation where such modification shall not be contrary to the public interest and where owing to physical conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this regulations would result in unnecessary and undue hardship. A variation is similar to a variance, but is held to a lower test of hardship.

VENDING MACHINE: A device from which products or services are traded or sold without a salesperson or any employee present. Vending machines are considered commercial accessory uses and structures for the purposes of this ordinance.

WAIVER: When the subdivider can show that a provision of this ordinance would cause unnecessary hardship if strictly adhered to because of conditions peculiar to the site, and where, in the opinion of the City, a departure from this ordinance may be made without destroying the intent of such provisions, the City may authorize a waiver. A modification to the minimum standards of this Ordinance. (Refer to Modification.)

WALL: The vertical exterior surface of a building. Also, the vertical interior surfaces that divide the space within a building into rooms

WASTE PROCESSING FACILITY: Any establishment engaged in the collection, storage, or distribution of waste. Included are transfer stations, landfills, trash-to-steam generators, refuse collection companies, auto wrecking yards, salvage yards, sewage plants, and similar uses.

WATER COURSE: Any channel of conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATER SUPPLY AND DISTRIBUTION SYSTEM, COMMUNITY: A system for supplying and distributing water from a common source to two (2) or more dwellings and other buildings within a subdivision, neighborhood, or whole community, the total system being publicly or privately owned.

WATER SUPPLY AND DISTRIBUTION SYSTEM, ON-LOT: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

WATER SURVEY: An inventory of the source, quantity, yield, use of groundwater, and of surface-water resources within a municipality.

WATERS OF THE COMMONWEALTH: Rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania. For the purposes of this Ordinance, water conveyed along or through streets, avenues, and alleys are also considered Waters of the Commonwealth.

WATERSHED: The entire region or area drained by a river or other body of water whether natural or artificial. A “designated watershed” is an area delineated by the Pennsylvania DEP and approved by the Environmental Quality Board for which counties are required to develop watershed storm water management plans.

WATERSHED STORMWATER MANAGEMENT PLAN: The plan for managing storm water runoff throughout a designated watershed adopted by Blair County as required by the Pennsylvania Storm Water Management Act.

WETLAND: Those areas that are inundated or saturated by surface or ground water 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, ferns, and similar areas.

WOODWORKING: The trade of manipulating, shaping, carving, assembling, and ornamenting wood products. Basic industries include furniture assembly, moldings, kitchen cabinetry, and carving. This definition does not include general carpentry, saw mills, lumbering, wood processing, or manufacture of landscaping items.

WINDOW: An opening in an exterior wall, other than a door, which provides all or part of the required natural light, natural ventilation, or both, to an interior space.

XYLOGRAPHY: The art of intricate wood carving and decorating.

YARD: An open space that lies between the principal building or buildings and the nearest lot line.

YARD, FRONT: The area between the front lot line and the principal building(s).

YARD, REAR: The area between the rear lot line and the principal building(s).

YARD, SIDE: The area between a lot line which is not coincident with any right-of-way line and the principal building(s).

YARD SALE: The sale of surplus or unwanted personal property normally associated with daily living or collecting from residential property for a period of no more than three consecutive days in any six month period. Yard Sales are also known as garage sales, porch sales, tag sales, and similar names. Yard Sales are considered accessory residential uses when held as defined above. Above and beyond this definition, such sales are considered home-based businesses.

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of its walls rest directly on a lot line.

ZONE: A specifically delineated area or district within the City within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

ZONING: The delineation of districts within a municipality or county, and the establishment of regulations for each of these districts. These regulations may govern the use of land; lot sizes; the placement, spacing, size, and character of buildings; and more.

ZONING DISTRICT: A specifically designated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

ZONING HEARING BOARD: A multiple member board, appointed by the Altoona City Council that hears appeals and challenges under Section 909.1(a) of the Pennsylvania Municipalities Planning Code.

ZONING MAP: The map (or maps) that are a part of the zoning ordinance and delineate the boundaries of the zone districts.

ZONING OFFICER: The administrative officer designated to administer zoning and issue zoning permits.

ZONING PERMIT: The permit issued by the Zoning Officer, upon determination by the Zoning Officer that all information contained in the Zoning Permit Application is in compliance with the regulations contained within zoning.

ZONING PERMIT APPLICATION: The application that must be completed by the applicant and the Zoning Officer to apply for a Zoning Permit as required in this Ordinance.

ARTICLE V
GENERAL PROVISIONS

SECTION 501. SHORT TITLE
This ordinance shall be known and may be cited as the "Altoona City Planning Code"

SECTION 502. EFFECTIVE DATE
This ordinance shall take effect July 24, 2003. Amendments shall become effective on the first stroke of midnight immediately following the vote to adopt such amendment.

SECTION 503. PURPOSE
It is the purpose of this ordinance to protect and promote the public safety, health, welfare and morals through a coordinated, consistent, citywide planning effort. Such effort shall include, without limitation, coordinated development; guidance and protection of amenities, conveniences, and facilities; improvement of governmental processes and functions, including customer service; mitigation of potential problems as may exist or are foreseen; and the protection of the cultural, economic, social, practical, and governmental aspects of the City.

SECTION 504. SEVERABILITY
The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, or otherwise invalid, the validity of any of the remaining portions of this act shall not be affected. It is hereby declared as the Council's intention that this ordinance would have been adopted had such unconstitutional or invalid provision not been included herein.

SECTION 505. EFFECT ON PRIOR ORDINANCES
The provisions of this ordinance shall not affect any act done, contract executed, or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted, to enforce any right, rule, regulation, or ordinance or to punish any offence against any such repealed ordinances or against any regulation or procedure enacted under them.

SECTION 506. AUTHORITY
This ordinance is adopted and enacted under the authority granted to Municipalities Generally or Third Class Cities as enumerated below:

A. Authority to delegate powers in Title One is derived primarily from the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, as well as the Home Rule and Optional Plan Government Code. Additional authority is gained from the Urban Redevelopment Law, the Airport Zoning Act, the Pennsylvania Floodplain Management Act, and the Storm Water Management Act as they apply to the planning function of a city of the third class.
B. Authority to develop and maintain an official map in Title Two is granted by the Pennsylvania Municipalities Planning Code.
C. Zoning Authority in Title Three is granted by the Pennsylvania Municipalities Planning Code, as well as the Airport Zoning Act.
D. The authority to regulate the various environmental aspects of Title Four is derived from the Pennsylvania Municipalities Planning Code, the Pennsylvania Floodplain Management Act, and the Storm Water Management Act, the National Flood Insurance Program, and the National Pollution Discharge Elimination System.

E. The authority to regulate the subdivision of land in Title Five is delegated by the Pennsylvania Municipalities Planning Code as well as the Pennsylvania Municipal Sewage Facilities Act.
F. The planned development provisions of Title Six are promulgated by the authority granted by the Pennsylvania Municipalities Planning Code.
G. Land development proposals under Title Seven are reviewed by the authority granted by the Pennsylvania Municipalities Planning Code.
H. The powers to certify blight, develop urban renewal areas, and implement an urban redevelopment program in Title Eight are granted by the Urban Redevelopment Law.
I. Authority to engage in capital planning, assess impact fees, and require performance bonds in Title Nine is granted by the Pennsylvania Municipalities Planning Code
J. The provisions of Title Ten are extensions of the provisions of the other articles of the Altoona Planning Code. Authority for these provisions is derived from one or more of the sources cited above.

SECTION 507. CONFLICTS

In the event any provision of this Ordinance is inconsistent or in conflict with any other ordinance, the ordinance containing the stricter provisions shall control. Where a level of strictness cannot be determined, an effort shall be made to determine if one of the provisions is mandated; if a mandate is found then the mandated provision shall control. If both provisions are mandated, the mandate with the higher authority shall control. Otherwise, this Ordinance shall control. Efforts shall be made to eliminate such conflicts whenever they are found.

SECTION 508. AMENDMENT AND REPEAL

A. This ordinance may be amended or repealed by City Council upon the written recommendations of the Altoona City Planning Commission and the Director of Planning & Community Development. All amendments or repeals must address specific sections, must remain consistent with applicable law, and shall be listed in the appendices..
B. The Planning Administrator, or his designee, shall have the power and responsibility to establish, update, and maintain relevant appendices, tables of contents, organizational aids, and correct clerical errors and omissions.

SECTION 509. MUNICIPAL LIABILITY DISCLAIMER

A. Neither the granting nor the denial of any application nor the compliance with the provisions of this ordinance or with any condition imposed by the City of Altoona, its officials, employees, or designated representatives thereunder, shall relieve any person from any responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the municipal officials, employees or its designated representatives to the maximum extent permitted by law.
B. Neither the granting nor the denial of any permit application which includes any environmental management or vehicular/pedestrian circulation requirements shall ~~not~~ constitute a representation, guarantee or warranty of any kind by the City of Altoona, the municipal officials, employees, or designated representatives thereof of the practicability or safety of any such structure or facility, use or other plan proposed, and shall create no liability or cause of action upon any municipal official, employee, or designated representative thereof for any damage that may result pursuant thereto to the maximum extent permitted by law.

SECTION 510. APPLICABLITY OF THIS ARTICLE

The provisions of this Article shall apply to the entire Altoona Planning Code, so called, and shall be considered to have the same force and effect as if inserted for each Title or Article herein.

SECTION 511. SPECIFIC REPEALS

The following ordinances and parts of ordinances and amendments thereof are hereby repealed to the extent hereinafter specified.

A. Relative to the Delegation of Powers under Title One:
   1. Ordinances 338, 4165, 4662, and 4914, absolutely
   2. Ordinance 5440 absolutely
   3. Ordinance 3387 absolutely
B. Relative to Zoning
   1. Ordinance 4765, absolutely
   2. Ordinances 4796, 4802, 4879, 4890, 4897, 5063, 5095, 5112, 5254, 5270, 5284, 5312, 5385, 5407, 5443, 5461, and 5490 absolutely
   3. Ordinances 4801, 4818, 4822, 4832, 4867, 4874, 4875, 4885, 4921, 5005, 5012, 5113, 5129, 5130, 5160, 5169, 5207, 5236, 5255, 5281, 5282, 5480, 5515, absolutely
C. Relative to Subdivision
   1. Ordinance 4545, absolutely
   2. Ordinances 4946, 5247, 5342, 5359, 5374, and 5408, absolutely
D. Relative to Environmental Issues
   1. Ordinance 5373, absolutely
   2. Ordinance 5470, absolutely
   3. Ordinance 5374, absolutely
E. Relative to Urban Redevelopment
   1. Ordinance 4872, absolutely
   2. Ordinances 5442 and 5447, absolutely

APPENDICES

APPENDIX A
APPLICATIONS AND FORMS

Form 1	Application for Plan Approval
Form 2	Request for Time Extension
Form 3	Application for Containerized Storage
Form 4	Application for Home-Based Business
Form 5	Performance Covenant
Form 6	Release from Performance Covenant
Form 7	Restrictive Covenant
Form 8	Release from Performance Guarantee
Form 9	Conveyance of Easements and Utilities
Form 10	Declaration of Trust
Form 11	Development Site Application
Form 12	Redevelopment Contract

FORM 1

APPLICATION FOR PLAN APPROVAL
UNDER THE ALTOONA PLANNING CODE

File 2 forms, the necessary fee(s), and the elements required for the approvals being sought to the ALTOONA CODES & INSPECTIONS DEPARTMENT. These elements are found in Title Ten, Article I, and may also be found in the section(s) specific to the project being proposed.

APPLICATION TYPE: _____ Subdivision _____ Land Development _____ Planned Development

_____ Staff Level _____ Commission Level _____ Amendment

Lot Size (entire area to be considered): _____ square feet Final number of lots: _____

Building Size (all buildings to be included): _____square foot footprint and _____ gross square feet

Is a building permit required? _____ Demolition permit? _____ Zoning Hearing Board? _____

Please list any state departments holding jurisdiction over this project, with contact name and phone number:

_____

_____

_____

Zoning District: _____ Urban Redevelopment Area: _____

Floodplain: _____ Combined Sewer Area: _____

Cross-Jurisdictional Proposal? _____ Logan Twp. _____ Allegheny Twp. _____

_____ Please attach a separate sheet with a project narrative briefly describing the project, any waivers requested and the reasons why you feel such waivers should be granted. (Narratives assist reviewers with the process and can expedite approval. Also note that, per state law, the Planning Agency cannot grant waivers that are not specifically requested.)

The undersigned hereby certifies that (s)he is the authorized representative of the owner(s) of record, and is able to represent the interest of the owner(s) throughout the review process and is able to commit the owner(s) of the property involved to any and all requirements and/or conditions placed on the property in conjunction with any approvals resulting from this application.

Owner's Name: _____

Owner's Address: _____

Owner's Telephone No. (_____) _____ - _____ Date: _____

Owner's Signature: _____

The above-signed also authorizes the following as agents to speak on behalf of the owner(s) as well as commit the owner(s) to any and all requirements and/or conditions resulting from any approvals:

Name	Signature of Acceptance	Relationship	Date
		Applicant	
		Designer	

Fee (payable with permits): __ $100 __ $200 __ $500 __ $700

FORM 2 **REQUEST FOR TIME EXTENSION**
UNDER THE ALTOONA PLANNING CODE

File this form with the approving authority in time for the request to be considered. This generally means meeting the deadline for submitting information to the reviewing body for its meeting. Check with City staff for the applicable deadline,

PLAN IDENTIFICATION

Project Name: _____

Approval Sought: _____

Applicant's Name: _____

Original Submission Date: _____

I hereby request an extension to the time limit for action on the above referenced project until _____.

Sincerely,

_____
The applicant on the original
Form 1 must sign here.

Date _____

FORM 3 **APPLICATION FOR CONTAINERIZED STORAGE**
UNDER THE ALTOONA PLANNING CODE

File 2 forms with the Department of Codes and Inspections with the documentation required by Title Three, Article IV, Section 421 and Title Ten, Article I, Sections 101 and 102.

I/We the undersigned do hereby make application for use of containerized storage.

Street Address: _____ Parcel Number: _____

Type of Container proposed: _____

Types of materials to be stored: _____

_____

Date to be installed: _____ Date to be removed: _____

I hereby certify that I am the person who completed this application and that the above information provided is true and correct to the best of my knowledge. I recognize that the City does not permit containerized storage on any property for a period of more than six months. I am responsible for the timely proper removal of the container and its contents at the end of the approved period. I agree to post proper financial security guaranteeing removal of the container prior to its installation if such security is determined to be necessary by the City.

_____ _____
Property Owner **Date**

NOTARY PUBLIC

Then personally appeared before me the above-named covenantor(s) and acknowledged the foregoing instrument to be his/their free act and deed. Attest:

Signature: _____

Seal

Stamp:

I hereby apply for a single six month extension of the above permit before the Zoning Hearing Board.

Signature: Date:

ZONING OFFICER USE ONLY

_____ Date Effective _____ Date Expires

_____ Extension Effective _____ Extension Expires

Amount of Financial Security Posted: $_____ Surety Expires _____

APPLICATION FOR HOME-BASED BUSINESS
FORM 4 UNDER THE ALTOONA PLANNING CODE

File 2 forms and a **$25.00** fee with the Department of Codes and Inspections with the documentation required by Title Three, Article IV, Section 417 and Title Ten, Article I, Sections 101 and 102. If the proposal is determined to trigger Land Development review, additional information will be requested at that time.

DOES YOUR PROPOSED HOME BASED BUSINESS:

YES NO

____ ____ 1) Receive and ship any goods, chattels, materials, supplies, or items of any kind more than once a day ?

____ ____ 2) Receive and ship any goods, chattels, materials, supplies, or items of any kind in a vehicle other than the resident's passenger vehicle or a parcel courier (i.e. Federal Express, UPS etc.)?

____ ____ 3) Have employees who do not reside in the dwelling?

____ ____ 4) Have exterior or interior displays of goods which can be seen from a public right-of-way ?

____ ____ 5) Have a sign, lights, parking, or other evidence on the exterior of the building demonstrating that a business in being conducted on the inside ?

____ ____ 6) Have pieces of equipment or processes that create noise, vibration, glare, fumes, odors, visual or audio television or radio signal interference, or electrical interference which is detectable to normal senses in neighboring homes ?

____ ____ 7) Have a volume or type of any solid waste or sewage discharge generated which is not normally associated with residential use in the neighborhood ?

____ ____ 8) Use more than twenty-five percent of the ground floor area of the involved dwelling unit ?

____ ____ 9) Use garages, sheds, and other accessory structures ?

____ ____ 10) Involve any illegal activity ?

____ ____ 11) Use equipment or appliances other than those that are customarily used in common residences or offices ?

____ ____ 12) Conduct retail sales directly to customers on the premises in any fashion other than through the mail, telephone, or internet ?

____ ____ 13) Create a volume of traffic and a demand for parking spaces that is greater than would normally be expected in its neighborhood of Altoona

____ ____ 14) Store equipment, vehicles, and supplies related to the business on the property ?

____ ____ 15) Have off-street parking space or loading berths beyond what is required for the involved residential dwelling ?

____ ____ 16) Is your Home Based Business a nursery school, day care center, tutoring or teaching service, dancing school, exercise or health center, funeral home, mortuary, eating or drinking establishment, animal kennel, animal hospital, veterinarian office, boarding house, medical or dental clinics or office, transportation vehicle repair or rental facility, theater, and any other business with clientele arriving and departing the premises.

I hereby certify that I am the person who completed this application and that the above information provided is true and correct to the best of my knowledge.

_____ _____

Resident and Business Owner **Date**

NOTARY PUBLIC

Then personally appeared before me the above-named covenantor(s) and acknowledged the foregoing instrument to be his/their free act and deed. Attest:

_____

Signature

Seal

Stamp:

FOR USE BY ZONING OFFICER

Based on the information above, and the information contained in the application package, I hereby make the following determination regarding this Home-Based Business:

_____ 1) This home based business is considered a **Minor-Impact Home Based Business** and a business mercantile license can be issued without further zoning review. Should the circumstances of this business change in such a fashion that any of the facts attested to above are answered in the positive, new approvals may become necessary. If such approvals are necessary, this business license shall be withdrawn and the applicant will need to apply to the Altoona Zoning Hearing Board for a Special Exception to conduct a Major Impact Home-Based Business.

_____ 2) This home based business is considered a **Major-Impact Home Based Business.** In this zone, approval to conduct this business activity can be issued without further zoning review. Should the circumstances of this business change in such a fashion that any of the facts attested to above are answered in the positive, new approvals may become necessary. The Zoning Officer will notify you at that point of any additional reviews and/or approvals that may be required.

_____ 3) This home based business is considered a **Major-Impact Home Based Business.** Approval to conduct this business activity in this zone can only be granted by the Zoning Hearing Board. The applicant can request a Special Exception to conduct a Major Impact Home-Based Business in this zone. The decision of the Zoning Hearing Board will be final.

_____ 4) This is **not a home based business** because the part of the business conducted on the premises is not conducted entirely within the main dwelling unit, or because it is not conducted entirely by residents of the household. A business with employees (at any location) is not considered a home-based business by law. The applicant can request a variance from the Zoning Hearing Board, whose decision will be final.

_____ _____

Zoning Officer Date

This determination is may be appealed by the applicant to the Zoning Hearing Board within the time limitations set forth in Title Three, Article II of the Altoona Planning Code.

FORM 5 **PERFORMANCE COVENANT**
UNDER THE ALTOONA PLANNING CODE

File 2 original forms with the Planning Administrator. After approval of the plan, one executed copy will be kept by the Planning Department and the other will be returned to the applicant who shall record it with the Blair County Recorder of Deeds.

Date: _____

I/We, the undersigned,

_____

_____

of _____

hereinafter called the "Covenantor," having submitted to the City of Altoona a plan entitled:

_____

dated _____ do hereby covenant and agree with said City, including successors in office, that:

1. The covenantor is the owner in fee simple absolute of all the land shown on the above-mentioned Plan
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to land included on said Plan.
3. The construction of roadways and installation of improvements shall be provided to serve each lot or leasehold before it can be built upon, conveyed, or occupied.

   The construction of roadways and installation of improvements shall be provided in accordance with:

   a. The regulations in the Altoona Planning Code in effect on the date of application;.
   b. The written decision and the conditions of approval specified therein, issued by the approving authority;.
   c. The signed Plan.
   d. If applicable, any other documents, namely:

   _____

   _____

4. Nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to this covenant, of either the entire parcel of land shown on the plan or of all areas not previously released by the City.
5. The covenantor agrees to record this covenant with the Blair County Recorder of Deeds at the same time as the approved Plan is recorded. Reference to this covenant shall be entered upon the approval documents.
6. A deed of any part of the project in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but, not later than three (3) years from the date of such deed.

7. This covenant shall be executed in conjunction with the approval of the Plan and shall take effect immediately upon execution.
8. The construction of roadways and installation of improvements shall be completed within 12 months of the posting of surety unless the City approves an extension of this time limit. Failure to complete improvements within the specified time period shall be cause for the City to secure any performance guarantee posted by the applicant.
9. Upon completion of ways and improvements to the satisfaction of the City or upon the provision of a performance guarantee in accordance with the Altoona Planning Code, the land depicted on the Plan shall be released from prohibitions regarding conveyances, issuance of building permits, and the issuance of occupancy permits for individual lots and leaseholds. This shall be accomplished by the execution of Form 6 (Release from Performance Covenant Under the Altoona Planning Code) by the City and enumerating the specific lots or leaseholds to be released. This form shall then be recorded by the applicant with the Blair County Recorder of Deeds.

For title in the property, see deed from: _____
dated _____ recorded with the Blair County Recorder of Deeds, Book _____, Page _____.

IN WITNESS WHEREOF we have hereunto set our hands and seals below:

SIGNATURE(S_ OF COVENANTOR (OWNER(S))

_____

_____

Date: _____

NOTARY PUBLIC

Then personally appeared before me the above-named covenantor(s) and acknowledged the foregoing instrument to be his/their free act and deed. Attest:

_____

Signature

Seal

Stamp:

Accepted by the Planning Administrator (for the City) on _____.

Signature: _____

FORM 6 **RELEASE FROM PERFORMANCE COVENANT**
UNDER THE ALTOONA PLANNING CODE

After the applicant has completed construction of the required improvements or provided proper surety, the applicant shall execute this form and submit it to the Planning Department. If conditions are met, the Planning Administrator will endorse this release and it will be returned to the applicant who shall record it with the Blair County Recorder of Deeds. A recorded copy must be returned to the Planning Department before the Planning Administrator gives written notice to the Department of Codes and Inspections.

Date:_____

The undersigned, being the Altoona Planning Administrator or his duly authorized representative, hereby certifies that the construction of ways and improvements, called for by the Performance Covenant dated _____, and recorded with the Blair County Recorder of Deeds, in Book _____, Page _____, have been guaranteed or completed to the satisfaction of the Planning Administrator as to the following lots, and said lots are hereby released from the restrictions as to conveyance and issuance of _____ permits specified therein. The areas designated on said plan and released are as follows:

_____

Signed:

_____ Date: _____
Altoona Planning Administrator
for the City of Altoona

Then personally appeared before me the above-named representative of the City of Altoona, and acknowledged the foregoing instrument to be the free act and deed of said representative on behalf of the City.

Attest:

_____
Signature

Seal

Stamp:

FORM 7	**RESTRICTIVE COVENANT** UNDER THE ALTOONA PLANNING CODE

Should the City place restrictions requiring this covenant on the proposal as a condition of its approval, file two copies of Form 7 with the Planning Administrator. After approval of the plan, one executed copy will be kept by the Planning Department and the other will be returned to the applicant who shall record it with the Blair County Recorder of Deeds..

Date: _____

I/We, the undersigned,

_____

_____

of _____

hereinafter called the "Covenantor," having submitted to the City of Altoona a project under the Altoona Planning Code entitled:

_____

dated _____ and prepared by _____,

do hereby covenant and agree with said City, including successors in office, that:

1. The covenantor is the OWNER* in fee simple absolute of all the land included in the project and as shown on the approved plan
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to land included in the project and shown on the approved plan.
3. This covenant shall be executed in conjunction with the approval of the Plan and shall take effect immediately
4. The covenantor agrees to record this covenant with the Blair County Recorder of Deeds at the same time as the approved plan is recorded. Reference to this covenant shall be entered upon the approval documents.
5. Nothing shall prohibit the covenantor or his/her executors, administrators, heirs, successors or assigns, and the City of Altoona to mutually agree to modify the conditions listed below:

Conditions of approval are listed below:

_____

_____

_____

_____

_____

_____

For title in the property, see deed from _____ dated _____ recorded with the Blair County Recorder of Deeds, at Book _____, Page _____.

IN WITNESS WHEREOF we have hereunto set our hands and seals below:

SIGNATURE(S_ OF COVENANTOR (OWNER(S))

_____

_____

Date: _____

NOTARY PUBLIC

Then personally appeared before me the above-named covenantor(s) and acknowledged the foregoing instrument to be his/their free act and deed. Attest:

_____

Signature

Seal

Stamp:

Accepted by the Planning Administrator (for the City) on _____.

Signature: _____

RELEASE OF PERFORMANCE GUARANTEE
FORM 8 UNDER THE ALTOONA PLANNING CODE

The applicant shall prepare two copies of this form and submit it with the requisite inspection fee to the Planning Administrator through the Department of Codes and Inspections. One copy will be kept by the Planning Administrator and the other copy shall be sent to the Engineering Department for an estimate. The Planning Administrator will not reduce the surety until a new performance guarantee has been executed by all parties with the new surety amount.

APPLICANT'S REQUEST

Project Name: _____

Applicant's Name: _____

Amount Requested to be Released: _____

Date of Request: _____

Signature:

Planning Administrator Verify:

AMOUNT CURRENTLY HELD: EXPIRATION:

ENGINEERING INSPECTOR'S REPORT:

I, the undersigned representative of the engineering department, being duly authorized to conduct this inspection by the City Engineer, certify that an inspection has been done as requested above, and I have found that the surety necessary to complete the installation of the remaining elements of the project is $_____. A detailed list of work remaining for this project is attached, unless the amount entered above is zero.

I recommend that surety be posted in the amount of $ _____ for a period of twelve months.

Date Due: _____

_____
Signature of Inspector

Date Signed: _____

PLANNING ADMINISTRATOR'S DETERMINATION:

Based on the report of the Engineering Inspector, I hereby authorize:

_____ full release of the surety in its entirety

_____ changing the amount of the surety to $ _____

_____ that no change be made in the surety amount

_____ that the full amount currently posted be pulled and used by the City for the completion of the improvements shown on the approved plan.

Date of Determination: _____ _____

Signature of the Planning Administrator

NOTICE OF APPEAL

Appeal of the Planning Administrator's determination may be made to the Planning Commission by filing notice of such appeal with the Planning Administrator within thirty days of the Date of Determination above. Such appeal will be heard by the Commission at its next subsequent regular meeting.

FORM 9 **CONVEYANCE OF EASEMENTS AND UTILITIES** UNDER THE ALTOONA PLANNING CODE

File 3 copies with the Planning Administrator. After approval by the City Engineer, 1 copy will be kept by the Planning Department, 1 copy will be sent to the Department of Administration, and 1 copy will be kept by the Department of Public Works.

Date: _____

I/We

_____

___ of _____, _____; for the consideration of $_____, hereby grants, transfers and delivers unto the City of Altoona, Pennsylvania, a municipal corporation in Blair County, the following:

A. The perpetual rights and easements to construct, inspect, repair, remove, replace, operate and forever maintain:
   (1) a sanitary sewer or sewers with any manholes, pipes, conduits and other appurtenances;
   (2) pipes, conduits and their appurtenances for the conveyance of water; and
   (3) a covered surface and ground water drain or drains with any manholes, pipes, conduits and their appurtenances, and to do all other acts incidental to the foregoing, including the right to pass along and over the land for the aforesaid purposes, in, through, and under the whole of the plan entitled _____ _____ and dated _____, said plan is made and said plan is incorporated herein for a complete and detailed description of said roads.

B. The perpetual rights and easement to use the land described in Attachment A for the following uses' activities, and purposes:

_____

_____

_____

_____

C. The grantor warrants that the aforesaid easements are free and clear of all liens or encumbrances, that he (it) has good title to transfer the same, and that he will defend the same against claims of all persons. For grantor's title see deed from _____ dated _____, and recorded with the Blair County Recorder of Deeds in Book _____,Page _____.

I

N WITNESS WHEREOF we have hereunto set our hands and seals below:

SIGNATURE(S_ OF COVENANTOR (OWNER(S))

_____

_____

Date: _____

NOTARY PUBLIC

Then personally appeared before me the above-named covenantor(s) and acknowledged the foregoing instrument to be his/their free act and deed. Attest:

_____

Signature

Seal

Stamp:

Accepted by the Planning Administrator (for the City) on _____.

Signature: _____

FORM 10	**DECLARATION OF TRUST** UNDER THE ALTOONA PLANNING CODE

File 2 forms with the Planning Administrator. In conjunction with approval of the plan, 1 copy will be kept by the Planning Department, and the other will be returned to the applicant who shall record it with the Blair County Recorder of Deeds.

"_____"

The undersigned _____ of _____ (hereinafter the "Declarant"), hereby declares that he and his successors in trust will hold the drainage ponds and appurtenant structures including swales and easements to be called "Stormwater Management Facilities", the Open Areas, and the walkways as shown on the Plan hereinafter described and to be conveyed to him as Trustee hereunder by deed to be recorded immediately following the recording of this instrument, as Trustee subject to and upon the terms and conditions hereinafter set forth and the perpetual conservation restrictions hereinafter set forth, for the sole benefit of the Beneficiaries, as hereinafter defined.

ARTICLE I
Name of Trust

The Trust hereby created shall be known as the "_____ Trust" and under that name shall all business carried on by the Trustee be conducted and shall all instruments in writing by the Trustee be executed.

ARTICLE II
Definitions

As used herein, unless otherwise provided, or unless the context otherwise requires, the following terms shall be defined as in this Article provided:

"Assessment" shall mean that portion of the Common Expenses which is to be paid by each Lot Owner.

"Beneficiaries" have the meaning set forth in Article VI hereof.

"City" shall mean the City of Altoona, Pennsylvania.

"Common Expenses" shall mean the actual and estimated expenses and costs of the administration of the Trust, real estate taxes, fire district taxes, insurance, and the maintenance, management, and operation of the "Stormwater Management Ponds" on the Plan.

"Lot" shall mean each lot designated and delineated upon the Plan; provided, however, that in the event that a Lot Owner shall combine all or some portion of two or more Lots as designated on the Plan, the combined land shall together constitute a single Lot for the purposes hereof.

"Lot Owner" shall mean the record owner, whether one or more persons or entities, of a Lot. "Lot Owner" shall include the purchaser of a Lot under an executory contract for the sale of real property. "Lot Owner" shall not include persons or entities who hold and interest in any Lot merely as collateral security for the payment or performance of an obligation.

"Open Area" shall mean the parcel or parcels of land, if any, designated as "Open Space Parcels" in, and the boundaries of which are specifically described on, the Plan hereinafter referenced.

"Plan" shall mean the subdivision plan of land entitled _____, dated _____, prepared by _____of _____ as amended or supplemented from time to time

"Pro Rata" shall mean or refer to that proportionate share, fractional share, or percentage share calculated as the equivalent of a fraction, the numerator of which is one, and the denominator of which is the number of Lots.

"Transition Date" shall mean the date which occurs eighteen (18) months after the first lot is released form the Performance Covenant by the Altoona Planning Administrator or fifty-one percent (51%) of the Lots have been conveyed, whichever shall first occur.

"Trustee" shall mean the original Trustee and any successor Trustees.

ARTICLE III
The Trust and Its Purpose

Section 1. This trust is established for the perpetual preservation and the maintenance (per attached Maintenance Schedule marked Exhibit A) of the Open Areas, the Stormwater Management Facilities, and the walkways shown on the Plan (hereinafter the "Trust Property") and is the organization of Lot Owners. All of the rights and powers in and with respect to the management and use of the Trust Property are conferred upon and exercisable by the Trustee and all propoerty, real and personal, constituting or situated upon the Trust Property, are conveyed to the Trustee as Trustee of this Trust, IN TRUST, to manage, administer, and dispose of the same for the benefit of the Lot Owners from time to time of record.

Section 2. It is hereby expressly declared that a Trust and not a partnership has been created hereby and that the Lot Owners are beneficiaries and not partners or associates or any other relation whatever among themselves with respect to the Trust Property, and hold no relation to the Trustees other than as beneficiaries hereunder.

ARTICLE IV
Conservation Restrictions

The Open Areas, Stormwater Management Facilities, and walkways of the Trust Property shall be maintained in perpetuity, subject to the provisions of ARTICLE XI hereof, for conservation, agricultural, recreational, and park uses and subject to a conservation restriction whereby the following activities are prohibited:

1. The dumping or placing of trash, waste, or unsightly or offensive materials
2. The excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other mineral substance in such a manner as to adversely affect the surface. This shall not apply to activities necessary for the construction and maintenance of the Stormwater Management Facilities.
3. Surface use other than agricultural, farming, forest, or outdoor recreational purposes permitting the land and water areas to remain predominantly in its natural condition.
4. Activities detrimental to drainage, flood control, water conservation, and soil conservation.
5. The erection of any building or structure other than those devoted to underground utilities, recreational uses, and structures necessary for the storage of recreational, agricultural, or grounds-keeping equipment directly related to the agricultural and recreational uses on the Open Area. The aggregate floor area for all such structures shall not exceed two percent (2%) of the Open Area. In no event shall a structure be erected which interferes with the design and operation of the Stormwater Management Facilities.
6. All structures shall be approved as to location and design by the City.

ARTICLE V
The Trustee

Section 1. Until the Transition Date, there shall be one (1) Trustee hereunder chosen by the Declarant. The initial Trustee so chosen is _____.

Section 2 Commencing on the Transition Date, there shall be three (3) Trustees elected by majority vote of the Lot Owners. Each Lot Owner, designated pursuant to Section 3 below, shall be entitled to one (1) vote. If the required subdivision improvements have not been completed on the Transition Date, the original Trustee shall remain in office. From and after the Transition Date, the terms of office of the Trustees shall, except as hereinafter provided, be three (3) years, and such terms shall be staggered so that the terms of one-third of the Trustees expires each year; provided that, in order to establish and maintain such staggering of terms, the terms of the persons first elected or appointed as Trustees after the Transition Date shall be one (1) year, two (2) years, and three (3) years respectively. If the original Trustee is to remain in office, the Trustees elected by the Lot Owners shall serve the three (3) year and two (2) year terms. Otherwise, the Trustees shall all be elected by majority vote of the Lot Owners, and said Trustees' terms of one (1), two (2), or three (3) years shall be determined by lot. The Trustees shall notify the Planning Board of the Town of Dartmouth in writing of changes in Office (name and mailing address of the new Trustee) at any time such a change in Office occurs.

Section 3 Whenever any of said Lots is owned of record by more than one person, the several owners of such Lot shall determine and designate which one of such owners shall be authorized and entitled to cast votes and otherwise exercise the rights appertaining to such Lot hereunder; and notify the Trustee of such designation by a written notice signed by all of the record owners of such Lot. Any such designation shall take effect immediately upon receipt by the Trustee of such notice, and may be changed at any time and from time to time by notice as aforesaid. In the absence of any such notice of designation, the Trustee may by majority vote either designate any one of such owners for such purposes or disqualify all of such owners from voting until a notice of designation is received from such owners in the required form.

ARTICLE VI
Beneficiaries and the Beneficial Interest in the Trust

Section 1 The Beneficiaries of this Trust shall be the Lot Owners, each of whom shall have a Pro Rata undivided interest in the Trust property.

Section 2 The beneficial interest of each Lot Owner in the Trust Property shall be inseparable from the ownership of the Lot and may not be conveyed or in any way alienated or separated from said Lot.

Section 3 The Lot Owners and the City are the beneficiaries of the conservation restrictions imposed upon the Open Areas, Stormwater Management Facilities, and walkways by ARTICLE IV hereof, and as such individually and jointly shall have the right to enforce said restrictions by injunction or other proceeding.

Section 4 In the event the Trustee fails to own and maintain any portion of the Trust Property in reasonable order and condition or fails to adhere to the conditions of approval, the City Engineer of the City may serve written notice of such failure upon the Trustee or Lot Owners and shall include a demand for correction within thirty (30) days of such notice and shall state the date, time, and place, of a hearing thereof which shall be held within fourteen (14) days of such notice by City Council. If the deficiencies are not corrected, or the City's demand modified, the City, acting through its City Council, may enter upon the Trust Property and maintain the same for a period of one (1) year or correct the non-compliances. Before the expiration of the year, a second public hearing shall be called by the City Council, at which time the Trustee or the Lot Owners shall show cause why such maintenance should not continue for a succeeding year. If the City Council determined that the need for City maintenance no longer exists, the City Engineer shall cease to maintain the Trust Property. All costs incurred by the City for maintenance or correction of non-compliances shall be

assessed against the Lot Owners and shall become a lien on those properties which may be collected and enforced in the manner fixed by law for the collection of taxes. Notice of the lien shall be recorded with the Blair County Recorder of Deeds.

ARTICLE VII
Assessments

Assessments against the Lot Owners shall be made or approved by the Trustee and paid by the Lot Owners to the Trust in accordance with the following provisions:

Section 1 Each Lot Owner shall be liable for his Pro Rata share of the Common Expenses.

Section 2 Assessments for Common Expenses shall be made for the fiscal year annually in advance on or before the first day of November immediately preceding the year for which the Assessments are made and at such other and additional times as in the judgment of the Trustee additional Common Expenses and Assessments are required for the proper management, maintenance, and operation of the Trust Property. The Trustee shall promptly render statements to the Lot Owners for their respective shares of such Assessments. Such annual Assessment statements shall be due and payable on the first day of January of the year in question. The Assessments shall be in the amount of the estimated Common Expenses for the fiscal year including a reasonable allowance established by the Trustee for contingencies and reserves, less the amounts of unneeded Common Expenses account balances. If an annual Assessment is not made as required, a payment in the amount required by the last prior Assessment shall be due upon the Assessment payment date until changed by a new Assessment.

Section 3 Each Lot Owner shall be jointly and severally liable for all unpaid Assessments due and payable at the time of a conveyance but without prejudice to the rights of the grantee therefor. Such liability may not be avoided by a waiver of the use or enjoyment of the Trust Property. A purchaser of a Lot at a judicial or foreclosure sale or a first mortgagee who accepts a deed in lieu of foreclosure shall be liable for Assessments coming due after such sale and for that portion of due Assessments pro rated to the period after the date of such sale. Such a purchaser as aforesaid shall be entitled to the benefit of all pre-paid Assessments paid beyond the date such purchaser acquired title.

Section 4 The unpaid portion of a Lot Owner's Assessment which is due shall be secured by lien upon his Lot and all appurtenances thereto and shall be enforced in the manner provided by law. Such lien shall have priority over all other liens except municipal liens and first mortgages of record held by an institutional lender. Such a claim of lien shall also secure all Assessments which come due thereafter until the claim of lien is satisfied.

Section 5 Assessments and installments thereof paid on or before ten (10) days after the date when due shall not bear interest but all sums not paid on or before ten (10) days after the date due shall, to the extent permitted by law, bear interest at the rate of one and one-half percent (1½%) per month, or at a rate established by the Trustee, from the date due until paid. All payments upon account shall be applied first to interest and then to the Assessment payment first due. All interest collected shall be credited to the Common Expenses account.

Section 6 The Trust at its option may enforce collection of delinquent Assessments by suit at law or by foreclosure of the liens securing the Assessments or by any other competent proceeding and in any event, the Trust shall be entitled to recover the same action, suit, or proceeding the payments which are delinquent at the time of judgment or decree together with interest thereon at the rate established by Section 5 of this Article, and all costs incident to the collection and the action, suit, or proceeding, including, without limitation, reasonable attorney's fees.

ARTICLE VIII
Compliance and Default

Each Lot Owner shall have the right to use the Open Areas and walkways of the Trust Property in common with all the other Lot Owners but such use shall be in strict compliance with the terms and conditions of the Trust and the rules and regulations promulgated from time to time by the Trustee. A default shall entitle the Trustee or Lot Owner to the following:

Section 1: Failure to comply with any of the terms and conditions of the Trust or the rules and regulations promulgated from time to time by the Trustee shall be grounds for relief which may include, without limitation, an action to recover sums due for damages, injunctive relief, foreclosure of lien, or any combination thereof, and which relief may be sought by the Trustee, or, if appropriate, by an aggrieved Lot Owner.

Section 2 Each Lot Owner shall be liable for the expense of any maintenance, repair, or replacement rendered necessary by his act, neglect, or carelessness or by that of his agents, servants, employees, and invitees.

Section 3 In any proceeding arising because of an alleged fault by a Lot Owner, the prevailing party shall be entitled to recover the costs of the proceeding and such reasonable attorney's fees as may be determined by the court.

Section 4 All rights, remedies, and privileges granted herein to the Trustee or a Lot Owner shall be deemed to be cumulative, and the exercise of any one or more shall not be deemed to constitute an election of remedies nor shall it preclude the party thus exercising the same from exercising such other and additional rights, remedies, or privileges as may be granted to such party by the terms herein or at law or in equity.

ARTICLE IX
By-Laws

The provisions of this Article shall constitute the By-Laws of this Trust, to wit:

Section 1 **Powers and Duties of Trustee**

The Trustee/Board of Trustees shall have the following powers and duties and all other powers necessary for the maintenance and administration of the Trust Property:

A. To hold, operate, care for, and maintain the Open Areas, Stormwater Management Facilities, walkways, and any other Trust Property
B. To determine the amount of the Common Expenses, and determine and collect Assessments ffrom the Lot Owners.
C. To notify new lot owners of the existence of this Trust, and their rights and responsibilities herein.
D. To employ and dismiss the personnel necessary or advisable for the maintenance and operation of the Trust Property
E. To adopt and amend rules and regulations covering the details of the use of the Open Areas.
F. To open, maintain, and close, bank accounts on behalf of the Trust
G. To obtain any insurance which may be needed or desired for the Trust Property
H. To make improvements to the Trust Property, subject to the limitations placed on the Trust Property by law and the approval of the project by the Planning Commission.
I. To borrow money and execute contracts and instruments to which the Trust may at any time be a party and to delegate to any person or persons (including, without limitation, any other Trustee) authority to execute any and all contracts and instruments or to do any and all acts which the Trustee is authorized and empowered to do.
J. To do any such other action as the Trustee may be specifically authorized or directed to do by the terms of this instrument.
K. To take such action with respect to the Trust Property as from time to time specifically directed by not less than seventy-five percent (75%) of the Lot Owners.

L. No Trustee shall be required to furnish bond or to take any action which will, in the reasonable opinion of such Trustee, subject him to, or involve him in any personal liability unless first indemnified to his satisfaction.

Section 2 Expenditures

The Trustee shall expend common funds only for Common Expenses

Section 3 Meetings

A. Commencing on the Transition Date, the Lot Owners shall meet annually at a time and place to be designated by the Board of Trustees by written notice given to the Lot Owners at least seven (7) days prior to the date of said annual meeting. At such meeting, the Lot Owners shall elect the Trustees from their number, and shall designate which of said Trustees shall serve President, Treasurer, and as Secretary, and ratify such matters as listed in Section 4 below. Fifty percent (50%) of the Lot Owners of record shall constitute a quorum at said annual meeting, and a simple majority vote of those present shall be sufficient for the transaction of business.

B. Other meetings of the Lot Owners may be called by the President, or ten percent (10%) of the lot owners of record, provided, however, that written notice stating the date, time, and location of such meeting shall be given at least seven (7) days before such meeting to each of the Lot Owners.

C. The Trustees shall meet not less than quarterly at such times as the Trustees shall determine. Special meetings of the Trustees may be called by the President or any two (2) Trustees, provided, however, that written notice stating the date, time, and location of each meeting shall be given to each Trustee at least seven (7) days prior to the meeting.

Section 4 Voting

The provisions of Section 3A above shall govern voting at the Annual Meeting of the Lot Owners. The affirmative majority vote of the Trustees at any duly constituted meeting shall be sufficient for the transaction of business. A Trustee shall be present to vote. Any matters relating to Common Expenses, rules and regulations regarding the use of Trust Property, improvements to Trust Property, or borrowing money in the name of the Trust shall require not only a majority vote of the Trustees, but also a ratification vote of the Lot Owners at a duly constituted meeting of the Lot Owners.

Section 5 Inspection of Books; Reports to Lot Owners

Current copies of this Trust and rules and regulations for the Trust Property shall be made available and all books, accounts, records, and financial statements of the Trustees shall be open to inspection to any one or more of the Trustees, Lot Owners, and the Altoona City Manager or his duly authorized representative at all reasonable times during normal business hours or under reasonable circumstances.

Section 6 Checks, Notes, Drafts and Other Instruments

Checks, notes, drafts, and other instruments for the payment of money drawn or endorsed in the names of the Trustees or of the Trust shall be signed by the Trustee so designated by a majority of the Trustees.

Section 7 Fiscal Year

The fiscal year of the Trust shall be the calendar year

Section 8 Removal, Resignation, and Replacement of Trustees

A. Any Trustee hereunder may resign by written instrument signed and acknowledged by such Trustee and delivered to the remaining Trustees

B. Commencing on the Transition Date, any Trustee may be removed by an instrument in writing signed by not less than seventy-five percent (75%) of the Lot Owners and delivered to the Trustees.

C. The remaining Trustees shall be empowered to appoint a replacement Trustee for the remainder of the unexpired term of any Trustee who resigns pursuant to Section 8A, is removed pursuant to Section 8B, or dies.

D. Upon the appointment or election of any succeeding Trustee, the title to the Trust Property shall, thereupon and without the necessity of conveyance, be vested in said succeeding

Trustee jointly with the remaining Trustees, if any. Each succeeding Trustee shall have all the rights, powers, authority, and privileges as if named an original Trustee hereunder.

E. The Trustee shall notify the Altoona Planning Administrator of any change in the membership of the Board of Trustees within thirty (30) days of such change.

ARTICLE X
Rights and Obligations of Third Parties Dealing With the Trustee Limitation of Liability

Section 1 No person dealing with the Trustees as they then appear of record shall be bound to ascertain or inquire further as to the persons who are then Trustees hereunder, and such record shall be conclusive evidence of the identities of said Trustees and of any changes therein. The receipts of the Trustees, or any one or more of them, shall be effectual discharges therefrom to the persons paying or delivering the same, and no person from whom the Trustees, or any one or more of them, shall receive any money, property or other credit, shall be required to see the application thereof.

Section 2 This Declaration of Trust and any amendments thereto and any certificate herein required to be recorded, and any other certificates of the Trust and any amendments thereto and any other certificates or papers signed by said Trustee which it may be deemed desirable to record, shall be recorded with said Recorder of Deeds and such record shall be deemed conclusive evidence of the contents and effectiveness thereof according to the tenor thereof; and all persons dealing in any manner whatsoever with the Trustee, the Trust Property, or any Beneficiary hereunder shall be held to have notice of any alteration or amendment of this Declaration of Trust, or change of Trustee , when the same shall be recorded with said Recorder of Deeds, except that the Altoona Planning Administrator shall receive separate notice of any change of Trustee or change in this Declaration of Trust. Any certificate signed by a Trustee in office at the time, setting forth as facts any matters affecting the Trust and as to matters determining the authority of the Trustee to do any act, when duly acknowledged and recorded with said Recorder of Deeds, shall be conclusive evidence as to the existence of such alleged facts in favor of all third persons.

Section 3 No Trustee hereunder shall be liable for any error of judgment or for any loss, damage, or liability resulting from or arising out of any act or omission in good faith, but shall be responsible only for his own willful breach of trust. No Lot Owner hereunder shall be liable for any loss, injury, damage, or liability resulting from or arising out of any use of Trust Property which may coexist in an easement across his lot, but shall be responsible for his own willful breach of trust or deliberate act which interferes with use of the Trust Property without permission of the Trustees.

ARTICLE XI
Amendments and Alterations to this Declaration of Trust

Section 1 No amendment or alteration of any type may be made to this Declaration of Trust until after the Transition Date set forth in ARTICLE II above. Thereafter, the affirmative vote of a majority of the Trustees and not less than seventy-five percent (75%) of the Lot Owners shall be sufficient to amend, alter, add to, or change this Declaration of Trust, including, without limitation, the bylaws set forth in ARTICLE IX hereof. Notwithstanding the foregoing, none of Conservation Restrictions set forth in ARTICLE IV or the rights in the Trust Property granted to the City of Altoona in this Declaration of Trust may be abridged or in any way modified without the approval of a majority of the City Council and an eighty percent (80%) affirmative vote of the Altoona City Planning Commission. No amendment or alteration may result in a violation of any law, bylaw or regulation nor any condition of approval or covenant executed as a result of the approval of the project, as that approval may be amended. Any amendment, alteration, addition, or change pursuant to the foregoing provisions of this Section shall be come effective upon the recording with said Recorder of Deeds of an instrument of amendment, alteration, addition, or change, as the case may be, signed, sealed, and acknowledged by the Trustee, or by the Trustee, City Council, and Planning Commission, as the case may be, in the manner required in the Commonwealth of Pennsylvania for the acknowledgement of deeds. Such instrument, so executed and recorded, shall be conclusive evidence of the existence of all facts and of compliance with all prerequisites to the validity of such

amendment, alteration, addition, or change, and a copy of this recorded instrument shall be delivered to the Planning Administrator within two (2) weeks of its being recorded with said Recorder of Deeds.

Section 2. The Trust hereby created shall terminate only upon the affirmative vote of all Trustees and the affirmative vote of the City Council after public hearing pursuant to law. The Planning Administrator shall be notified at least two (2) weeks prior to said public hearing so that he may have opportunity to participate in the proceeding. Termination does not take effect until notice of such termination, signed, sealed, and acknowledged by the Trustees and Council has been recorded with said Recorder of Deeds, and a copy of the recorded document is delivered to the Planning Administrator.

Section 3. Upon the termination of this Trust each Lot Owner shall own a Pro Rata undivided interest in the Trust Property in common with the other Lot Owners, free of this Trust.

ARTICLE XII
Construction, Interpretation, and Severability

This Trust shall take effect and be constructed according to the laws of the Commonwealth of Pennsylvania, and the invalidity of any provision of this Declaration of Trust shall not be deemed to impair or affect the validity of the remainder of this Declaration of Trust and in such event, all other provisions of this Declaration of Trust shall continue in full force and effect as if such invalid provisions had never been included herein.

IN WITNESS WHEREOF, I have hereunto set my hand and seal below.

_____

_____

OWNERS
DATE:

_____

NOTARY PUBLIC

Then personally appeared before me the above-named owner(s) and acknowledged the foregoing instrument to be his/their free act and deed. Attest:

_____

Signature

Seal

Stamp:

Accepted by the Planning Administrator (for the City) on _____.

Signature: _____

FORM 11

PROPERTY ACQUISITION APPLICATION
UNDER THE ALTOONA PLANNING CODE

File this form, with a letter of intent, proof of financial capability, and the necessary fees to the DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT. Staff will distribute the necessary information and inform the applicant of when the Redevelopment Authority will take up this request. The applicant should be aware that the sale of land through this process does NOT relieve him of compliance under any other applicable laws or regulations.

PARCEL INFORMATION
Address of Parcel: _____

Vacant Lot _____ Lot with Structure _____

Size: _____ Type of Deed: _____

Ownership: _____ Redevelopment Authority _____ City of Altoona

APPLICANT INFORMATION

Name: _____

Address: _____

Phone: (_____) _____ - _____

PROPOSED PURCHASE PRICE: $ _____

TYPE OF REQUEST

_____ New Construction
_____ Addition or Remodeling
_____ Relocate Structure
_____ Side Yard Beautification
_____ Off-Street Parking
_____ Other: _____

PROPOSED USE:

Residential
_____ Single-Family
_____ Multi-Family; Number of Units: ___
_____ Accessory Building
_____ Other: _____

Non-Residential
_____ Commercial
_____ Industrial
_____ Institutional
_____ Parks & Recreation
_____ Other: _____

Signature of Applicant: _____ Date: _____

REDEVELOPMENT CONTRACT
FORM 12 UNDER THE ALTOONA PLANNING CODE

File 2 executed forms with the Redevelopment Authority through the DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT. The Authority will execute both forms, and return one to the redeveloper.

AGREEMENT TO PURCHASE REAL ESTATE

This Agreement to Purchase Real Estate made and entered into as of this _____ day of _____, 20___, by and between the REDEVELOPMENT AUTHORITY OF ALTOONA, hereinafter sometimes called "the Authority"

AND

_____(NAME(S)
of _____(ADDRESS) hereinafter sometimes called "the Redeveloper".

WITNESSETH:

WHEREAS, the Redeveloper has offered to buy the premises described in Section 9, (the "Property") from the Authority for the Consideration of _____, which shall be paid by the Redeveloper to the Authority at the time of execution of this Agreement, the sale to be upon the following terms:

1. The Authority will deliver to the Redeveloper and the Redeveloper will accept from the Authority a Quit Claim Deed(s) for the Property only after the Redeveloper has thereupon paid the Consideration and Associated Costs.
2. If the Redeveloper fails or refuses to complete said transaction by failure to pay the Consideration and/or Associated Costs, or by refusal to accept the deed, then in such event any and all monies already made shall be forfeited to the Authority, unless the Authority is notified that such refusal to complete the transaction is due to title issues and such notice is given in writing within thirty (30) days after execution hereof.
3. Any Title Search activity, or proceeding to Quiet Title, shall be the responsibility of, and at the sole expense of, the Redeveloper.
4. The payment of the delinquent and current real estate taxes upon the property shall be the obligation and sole responsibility of the Redeveloper.
5. The payment of all documentary stamps or fees necessary for the transfer of title of the Property shall be the sole responsibility of the Redeveloper.
6. The Authority makes no representations or warranty as to validity, status, and condition of title to the Property, or to the status of any liens or encumbrances on the Property.
7. Restrictions agreed to between the parties shall be embodied in the Deed and shall be as follows:
   A. Use of land - The land shall be used for _____ residential use and open space.
   B. Construction shall begin not later than four (4) months from the execution of the Deed and shall be completed not later than twelve (12) months from the start of construction. Construction shall substantially conform to the site and building plans submitted pursuant to Paragraph 8 below.
   C. Failure to start and complete the construction within the time period set forth above or in substantial conformity with the site and building plans submitted pursuant to Paragraph 8 below shall be cause for the revesture of the title back to the Authority, including any improvements erected thereon at the Authority's option. With such revesture of title, the Redeveloper shall forfeit all consideration for conveyance to the Authority for the parcel and the improvements. The Redeveloper shall be liable for any other cost in connection with the revesture of the title to the Authority.
   D. The title and possession of the Property conveyed shall automatically revert back to the Authority, or its successor or assigns, at no consideration for the property or improvements, in the event all construction/repairs/rehabilitation are (i) not commenced within four (4) months from the execution of Deed, and (ii) not completed within twelve (12) months thereafter, or (iii) not in substantial conformity with the site and building plans submitted pursuant to Paragraph 8 below.
   E. The Redeveloper agrees that the property, in whole or in part, may not be subsequently sold, leased, or otherwise transferred without the prior written consent of the Authority, until such time that the Authority shall certify in writing that the project has been completed.

F. The Redeveloper, as well as any heir and assigns, shall not discriminate against any person in the use, sale, or lease of the property, or any part thereof, on the basis of race, color, national origin, or creed. This provision shall run with the land.

8. Prior to commencing any construction upon the Property, the Redeveloper agrees to submit any and all site plans, building plans construction documents, estimated costs, a narrative description of the improvements to be constructed upon the Property (the "Submission"), as deemed necessary by the Authority which must be approved by the Authority. However, the parties agree that approval by the Authority does not certify to Redeveloper that the submission is in accordance with federal, state, agency, or local laws, rules, or regulations. The Redeveloper agrees that every aspect of the construction or rehabilitation of the improvements upon the Property shall comply with all federal, state, agency, or local laws, rules, regulations and approval processes.
9. Parcel No. _____
   Parcel Address:_____
10. The redeveloper agrees that every contract for construction, installation, alteration, repair of, or addition to, the redevelopment project, where the estimated cost shall exceed ten thousand dollars, shall contain a provision obligating the contractor to the prompt payment of all material furnished, labor supplied or performed, rental for equipment employed, and services rendered by public utilities in or in connection with the prosecution of the work, whether or not the said material, labor, equipment and services enter into and become component parts of the work or improvement contemplated. Such provision shall be deemed to be included for the benefit of every person, co-partnership, association or corporation, who as subcontractor, or otherwise, has furnished material, supplied or performed labor, rented equipment, or supplied services in or in connection with the prosecution of the work as aforesaid, and the inclusion thereof in any contract shall preclude the filing by any person, co-partnership, association or corporation of any mechanics' lien claim for such material, labor or rental of equipment, and further requiring that the Contractor shall give to the redeveloper, an appropriate bond for the prompt payment by the contractor for materials, supplies, labor, services and equipment in such form as the Authority may prescribe.
11. The Redeveloper agrees to provide adequate safeguards, as dictated by applicable law or standard practice, for the proper security, maintenance, and neighborliness of the property during construction.
12. This Agreement must be executed by the Redeveloper and returned to the Authority on or before _____. The closing contemplated herein shall take place on or before 90 days from the date of the last execution of this Agreement.

IN WITNESS WHEREOF, the parties of this Agreement have hereunto affixed their hands and seals as of the day and year first above written.

ATTEST:

REDEVELOPMENT AUTHORITY
OF ALTOONA

By:_____
Secretary
Date:_____

By:_____
Chairman
Date:_____

_____
Witness
Date:_____

_____
Redeveloper
Date:_____

_____
Witness
Date:_____

_____
Redeveloper
Date:_____

ASSOCIATED COST SHEET

Disposition – Program _____

Parcel No. _____ Address: _____

_____

Metes & Bounds _____ Approx. Sq. Ft. _____

Sales Price $_____

Associated Costs

ENGINEERING:

On-Site Survey (if required)		$
Plot Plan		$ 125.00
Legal Description(s)		$ 35.00
	Sub Total	**$ 160.00**

STAFF SERVICE FEE:	$
Total Payable to Redevelopment Authority of Altoona	**$ 160.00**

LEGAL FEE:

Deed preparation (Authority to Buyer)	$ 75.00
Recording Fee*	$
2% State & Local Transfer Tax*	$
Total Payable for Deed Preparation	**$ 75.00**

BLAIR COUNTY PLANNING COMMISION REVIEW

Total payable to Blair County Planning Commission	N/A
Total Cost	**$ 235.00**

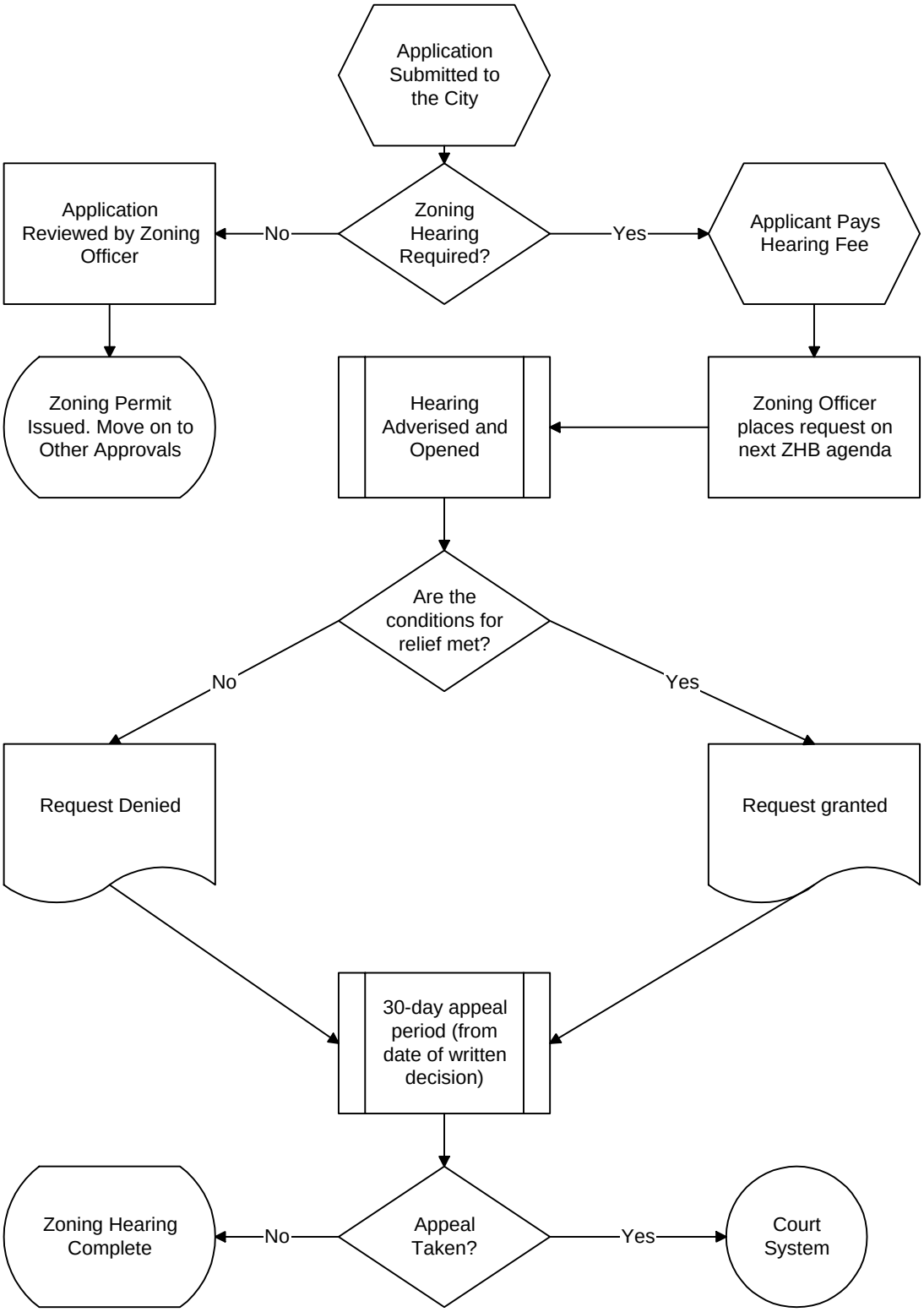
The Authority will prepare the deed, but it will be the responsibility of the Buyer (you) to record the deed. The Buyer (you) are responsible to pay recording fees and the 2% transfer tax. These costs are estimated to be

_____ .

APPENDIX B
PROCEDURAL FLOWCHARTS

Flowchart 1	Zoning Hearing Procedure
Flowchart 2	No-Impact Subdivisions, Determination of Adequate Access to Land, and Low-Impact Land Developments
Flowchart 3	Interdepartmental Review Procedure
Flowchart 4	Stand-Alone Environmental Reviews
Flowchart 5	Official Map – Special Encroachment Permits
Flowchart 6	Completion of Improvements
Flowchart 7	Urban Redevelopment Areas
Flowchart 8	Spot Blight

Zoning Hearing Procedure



Zoning Hearing Procedure

STEP 1: The applicant submits an application to the Department of Codes and Inspections.

STEP 2: The Zoning Officer reviews the application and makes a determination if a zoning hearing is necessary for the proposed project. If no hearing is necessary, the Zoning Officer reviews the application and issues the necessary zoning permit once he is satisfied it is both complete and in compliance with the code. If a hearing is necessary, he informs the applicant, who then files appropriate zoning hearing fees and documentation.

STEP 3: The Zoning Officer schedules the application for a hearing, and gives proper public notice of such hearing.

STEP 4: The Zoning Hearing Board opens the hearing and receives testimony concerning the application from the City, the applicant, and any other interested party. The Board bases its decision on this testimony and applicable law.

STEP 5: The Zoning Hearing Board closes the hearing and enters into deliberations on the application. The basic question to be answered during these deliberations is “Are the conditions for relief met?” In a variance situation, these conditions include a hardship unique to the land, and other requirements of State Law. In a special exception case, the conditions are outlined in the Ordinance. For an appeal, the conditions are variable and depend on the circumstances.

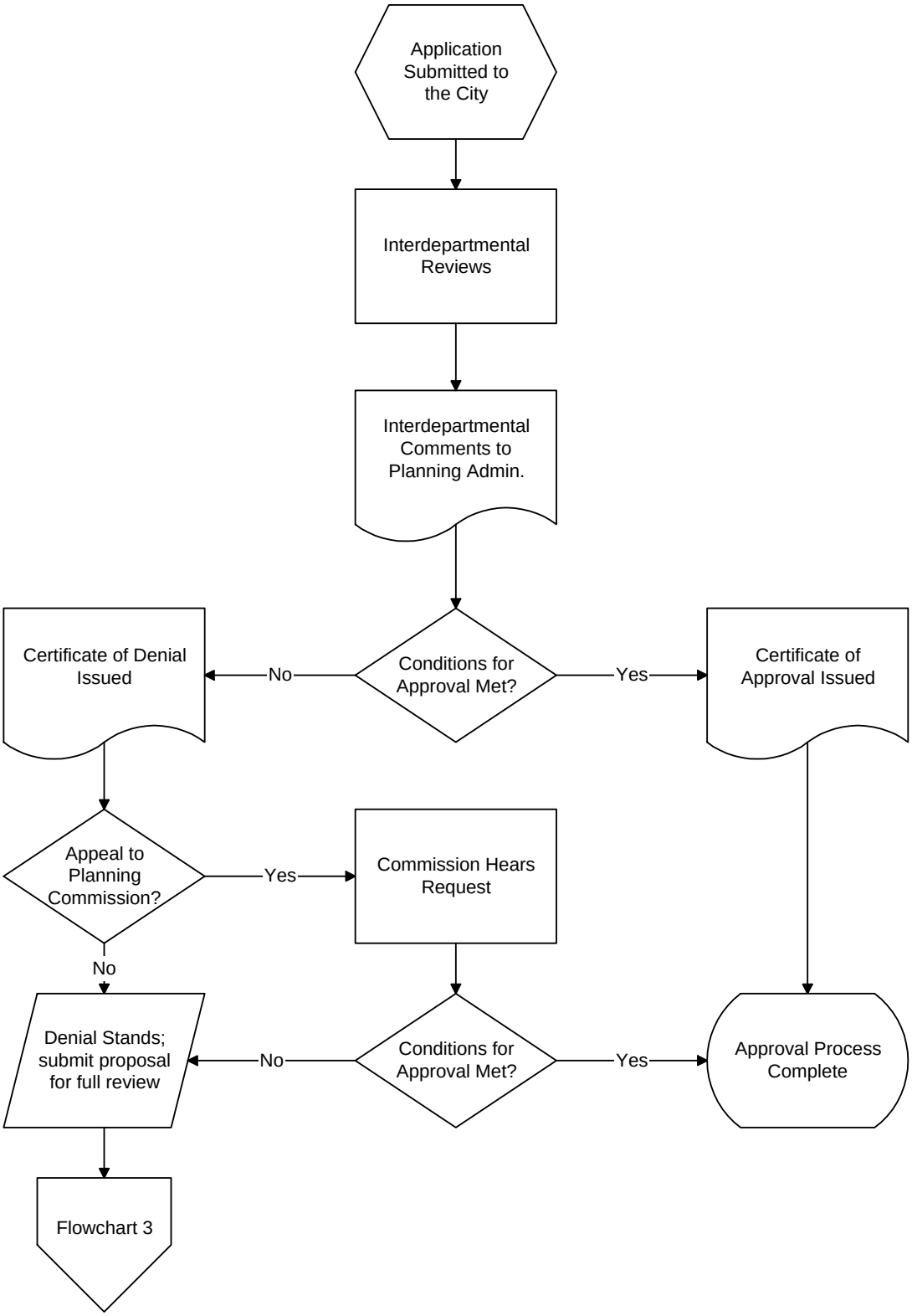
STEP 6: The Zoning Hearing Board votes to grant or deny the application. This vote can include conditions which must also be met. The vote is not effective until the written decision is issued. This must be issued within thirty days of the vote.

STEP 7: Any aggrieved party can then appeal the decision within thirty days of the issuance of the written decision. This appeal is to the court system and is governed by state law. The City strongly recommends that no commitments be made until the appeal period has expired, because the court could reverse an approval and put the project in violation if commitments are made and acted on.

STEP 8: Once the appeal process has expired and no appeal is taken, the applicant may proceed.

Please note that an approval through this process does not automatically grant, supercede, or guarantee any other necessary approvals. These must be obtained separately.

No-Impact Subdivisions, Determinations of Adequate Access to Land, & Low-Impact Land Developments



No-Impact Subdivisions, Determinations of Adequate Access to Land, & Low-Impact Land Developments

STEP 1: The applicant submits an application to the Department of Codes and Inspections.

STEP 2: The application is forwarded to the Planning Administrator. He then sends out the application package to each department for a professional review.

STEP 3: The departments send comments back to the Planning Administrator, who then synthesizes them into one document. The Planning Administrator will base the decision on the requirements of the Altoona Planning Code and the professional review.

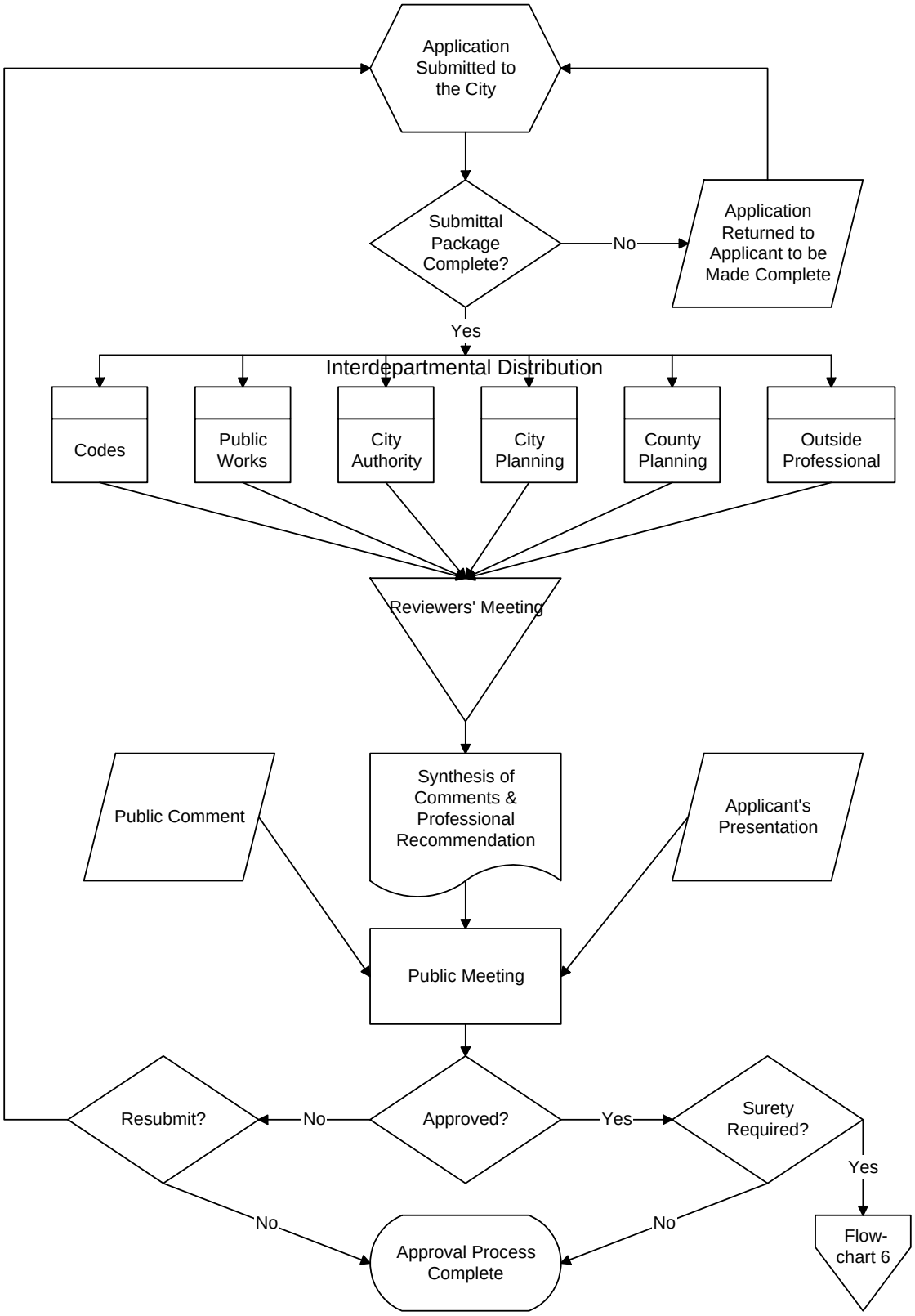
STEP 4: If the requirements of the Code are met, the Planning Administrator issues a Certificate of Approval, and the process is complete. If the conditions are not met, he issues a Certificate of Denial, and the applicant may choose to file a full plan for full review, or appeal the decision.

STEP 5: If the applicant appeals the Planning Administrator's decision, the Planning Commission will hear the request, and decide if the conditions are present to warrant approval.

STEP 6: If the Planning Commission approves, a Certificate of Approval is issued, and the process is complete. If the Planning Commission denies the appeal, the applicant must then submit full plans for a full review.

Please note that an approval through this process does not automatically grant, supercede, or guarantee any other necessary approvals. These must be obtained separately.

Interdepartmental Review Procedure



Interdepartmental Review Procedure

This procedure is used for reviews not otherwise covered by the flowchart in Appendix B.

STEP 1: The applicant submits an application to the Department of Codes and Inspections.

STEP 2: City determines if the submittal package is complete in terms of the submittal requirements found in Title Ten, Article I. If it is not, it is returned to the applicant to correct the deficiencies. If it is technically complete, it is then distributed to the various departments for professional review.

STEP 3: The various departments undertake a substantive and technical review of the application.

STEP 4: The application is discussed by the reviewing parties at a scheduled staff meeting. The purpose of this meeting is to have all departments agree on a unified professional recommendation to the approving agency. The meeting seeks to eliminate opposing or duplicative recommendations from City staff to the applicant.

STEP 5: The staff member of the department responsible for staffing the approving agency will synthesize the professional comments discussed at this meeting in the form of a recommendation to the approving agency. The applicant will be sent a copy of this recommendation prior in due time for a response.

STEP 6: The approving agency meets and hears the application. Staff recommendations, the applicant's presentation and response, and public comment are to be presented to the agency at this meeting. Based on this input, as well as concerns the agency itself may have, the agency will render its decision.

STEP 7: If the agency denies the application, the applicant may resubmit or appeal (depending on applicable law). If the agency approves the application, a Certificate of Approval will be issued to the applicant and the various professionals involved in the review of the project.

STEP 8: The approval is granted. Proceed to the flowchart entitled "Completion of Improvements" for guidance on how to proceed from here..

Please note that an approval through this process does not automatically grant, supercede, or guarantee any other necessary approvals. These must be obtained separately.

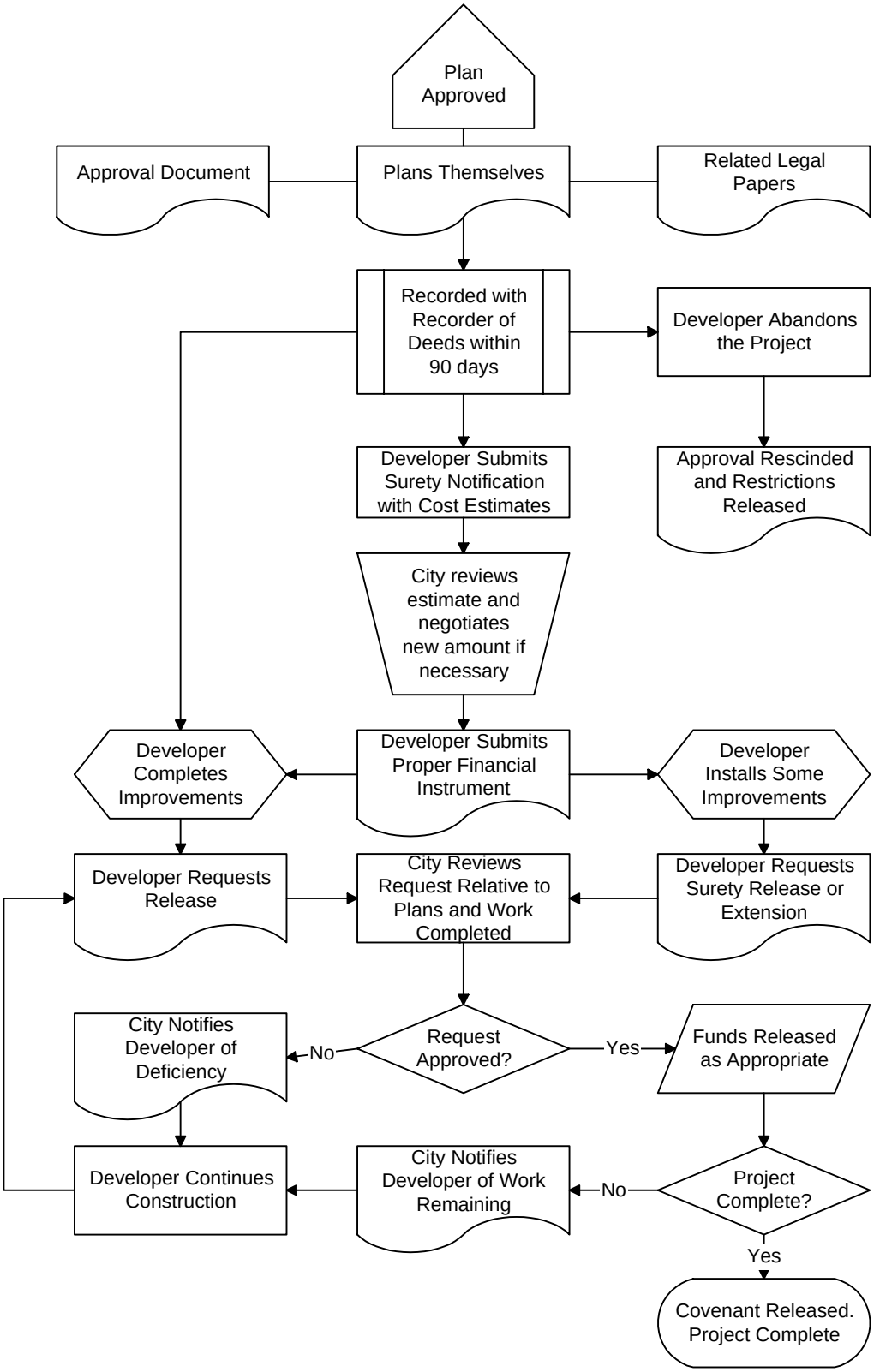
Stand-Alone Environmental Approvals

Reserved pending NPDES II Amendments

Official Map - Special Encroachment Permits

Reserved pending the development of an Official Map.

Completion of Improvements



Completion of Improvements

STEP 1: The applicant obtains approval of an application to the City.

STEP 2: The applicant records the approval documents, plans, and related legal documents with the Blair County Recorder of Deeds within ninety days of the approval vote. Copies of the recorded documents must be returned to the office of the approving agency before further work can proceed.

STEP 3: The developer now has a choice. He may abandon the project, complete all approved improvements, or post surety (if required):

3A (Abandonment) The developer may choose to abandon a project by formally notifying the City in writing of the decision. The approving agency will then release any restrictions it may have placed on the property as a result of its decision.

3B (Complete) The developer may choose to go ahead and complete the project. In this case, skip to Step 9 below.

3C (Surety): If surety is required, the developer will have signed a Performance Covenant at the time of approval. If he chooses to post surety, continue to Step 4 below.

STEP 4: The developer submits written notification of his intent to post surety along with an estimate of the cost of the project prepared by his design professional.

STEP 5: The City will review the estimate. If it agrees with the estimate, it will notify the developer to post surety with the Planning Administrator. If it does not agree with the estimate, negotiations on a proper amount will occur until an amount is agreed upon. Once the amount is agreed, the developer may post surety with the Planning Administrator.

STEP 6: The developer installs the improvements, requesting necessary inspections at the appropriate points along the way. If all are installed, skip to Step 9 below.

STEP 7: The developer requests a surety release (or extension). The City will review this request based on the approved plans and the work completed to that point. The City will approve or deny the request based on this review. If the request is denied, the developer will be notified of the deficiencies found.

STEP 8: If no deficiencies are found, funds are released (or extended) as of the day the developer delivers a new financial instrument to the Planning Administrator. Return to Step 6.

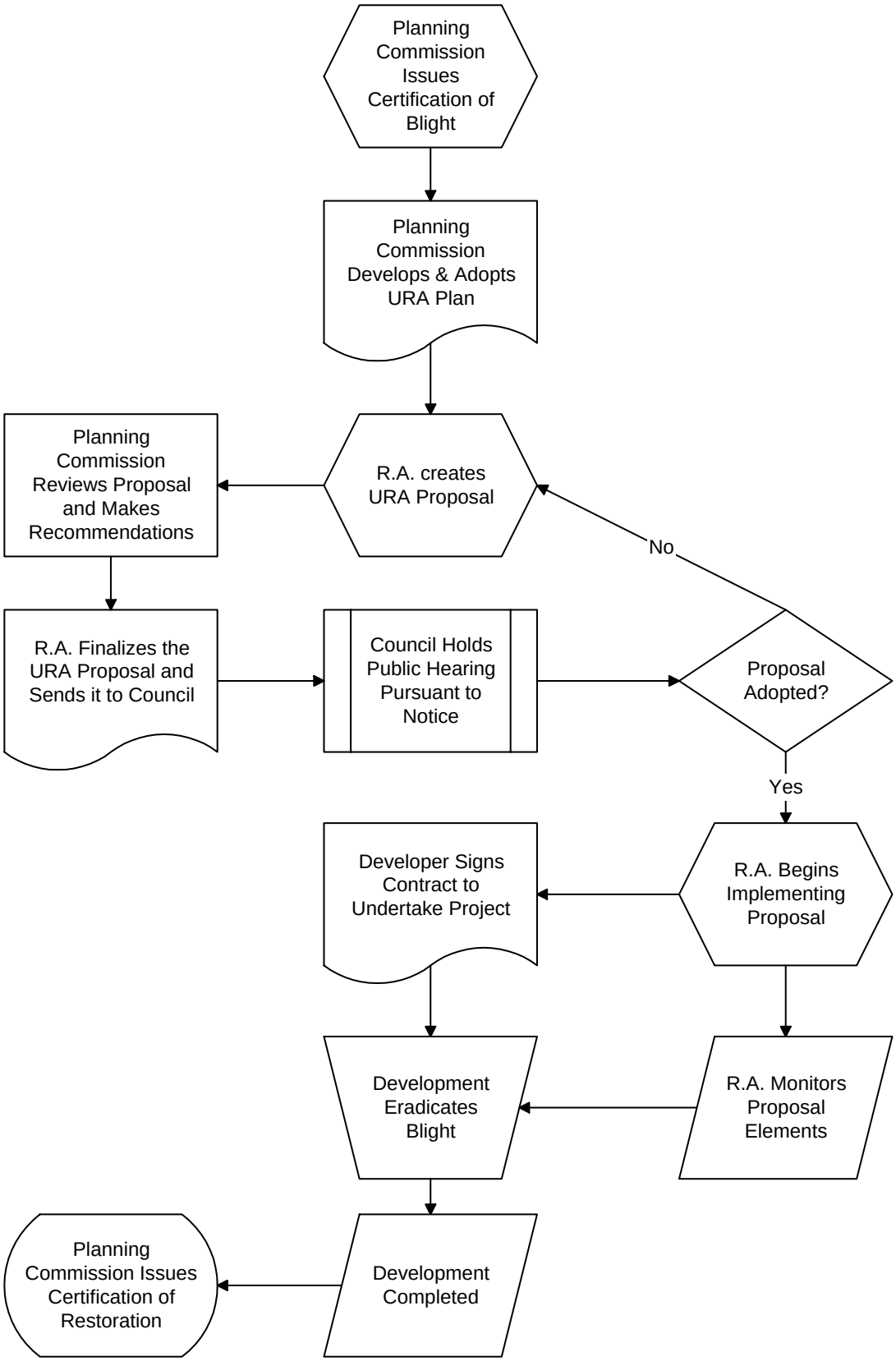
STEP 9: Once the developer has completed all improvements, he shall notify the City, which shall initiate a final inspection. This inspection will be based on the approved plans and the work completed. Should deficiencies be found, the City will notify the developer of these deficiencies. In that case, repeat this Step

STEP 10: If the final inspection reveals all improvements are properly installed in accordance with the approved plans, all monies will be released, and any remaining restrictions relating to the installation of improvements will be released.

STEP 11: The developer is responsible to record the release documents with the Blair County Recorder of Deeds. The project is complete.

Please note that an approval through this process does not automatically grant, supercede, or guarantee any other necessary approvals. These must be obtained separately.

Urban Redevelopment Areas



Urban Redevelopment Areas

STEP 1: The Planning Commission issues a Certification of Blight for the area. This Certificate must be based on the criteria for blight found in the Urban Redevelopment Law.

STEP 2: The Planning Commission develops and adopts an Urban Redevelopment Plan for the area. This plan sets forth the basic parameters for the redevelopment of the area, and is the foundation for the proposals made by the Redevelopment Authority below.

STEP 3: The Redevelopment Authority creates an Urban Redevelopment Proposal for a portion (or all) of the area included in the Plan. This proposal sets forth, with specifics, how the Authority proposes to implement the Plan.

STEP 4: The Authority sends its draft Proposal to the Planning Commission for review and recommendations. The Planning Commission sends its report to both the Redevelopment Authority and to City Council for consideration.

STEP 5: The Authority finalizes the Proposal, based on the Planning Commission's report. Once satisfied, it sends the Proposal to City Council for adoption.

STEP 6: The Council introduces the Proposal as an ordinance and schedules a public hearing. After the public hearing, the Council votes to accept or reject the Proposal.

STEP 7: The Redevelopment Authority implements the proposal.

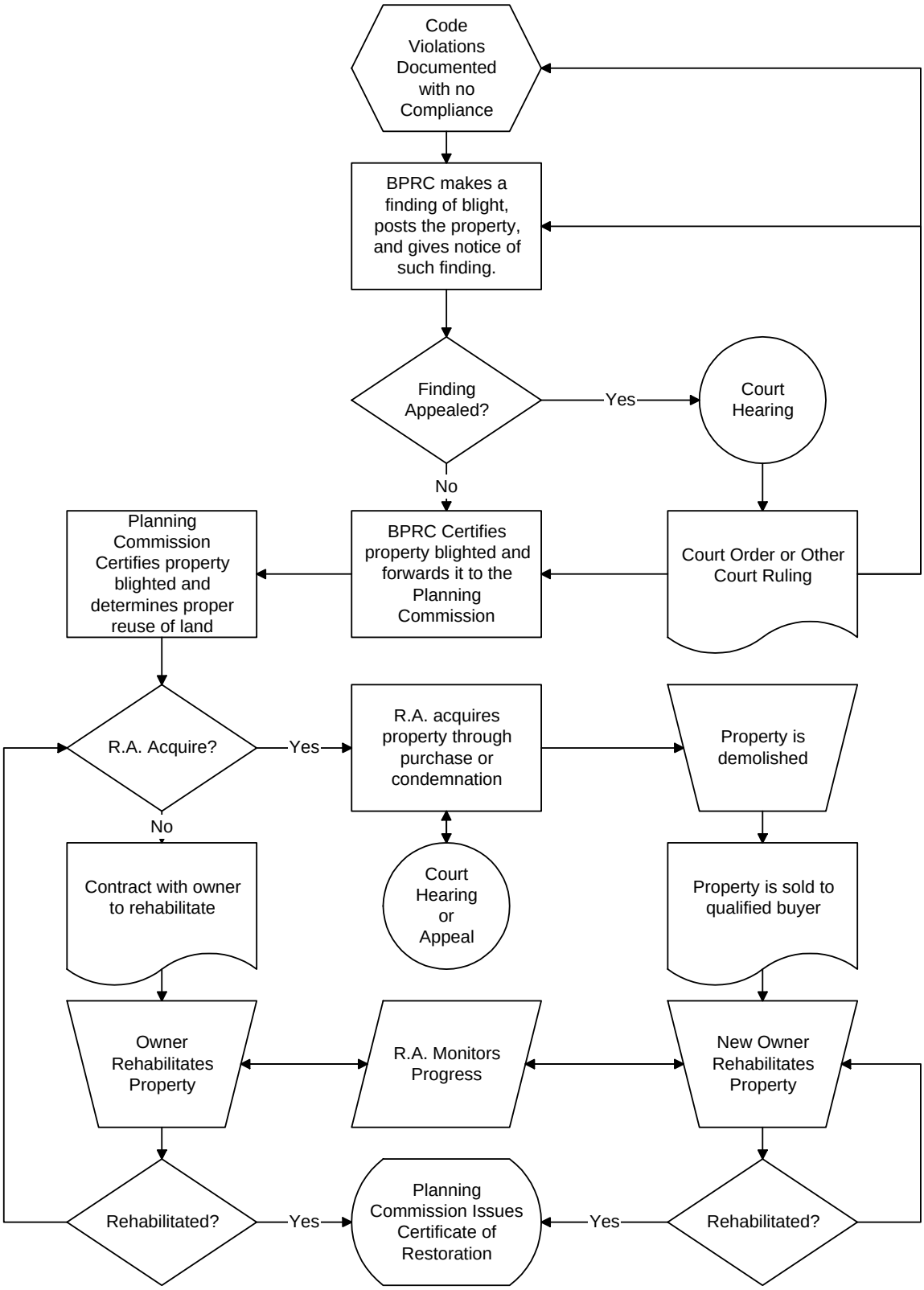
STEP 8: The Authority enters into as many redevelopment contracts with as many redevelopers to undertake as many projects it deems necessary to complete the Proposal

STEP 9: Under the monitoring of the Authority, the redevelopment eradicates the blight.

STEP 10: The redeveloper(s) complete the project, and the Redevelopment Authority notifies the Planning Commission that the Proposal is complete.

STEP 11: Once all proposals are complete, the Planning Commission issues a Certification of Restoration, closing the Urban Redevelopment Area.

Spot Blight


Code Violations Documented with no Compliance
BPRC makes a finding of blight, posts the property, and gives notice of such finding.
Finding Appealed?
Yes
Court Hearing
No
Planning Commission Certifies property blighted and determines proper reuse of land
BPRC Certifies property blighted and forwards it to the Planning Commission
Court Order or Other Court Ruling
R.A. Acquire?
Yes
R.A. acquires property through purchase or condemnation
Property is demolished
No
Contract with owner to rehabilitate
Court Hearing or Appeal
Property is sold to qualified buyer
Owner Rehabilitates Property
R.A. Monitors Progress
New Owner Rehabilitates Property
Rehabilitated?
Yes
Planning Commission Issues Certificate of Restoration
Yes
Rehabilitated?

Spot Blight

STEP 1: The Department of Codes and Inspections documents various code violations and receives no compliance from the property owner.

STEP 2: The Blighted Property Review Committee makes a finding of blight based on Section 12.1 of the Urban Redevelopment Law. In conjunction with this, it also posts the property as “Blighted” and serves notice of such finding.

STEP 3: The owner has a right to appeal this finding in the same way as he would appeal a nuisance law violation. If appealed, the court will issue an order mandating further findings by the City, or allowing the City to proceed to Step 4.

STEP 4: Once the appeal period is expired (or permission to proceed is granted by the court), the Blighted Property Review Committee certifies the property as being in a blighted condition and sends it for further review and certification by the Planning Commission.

STEP 5: The Planning Commission then certifies the property to be in a blighted condition, and also determines the proper reuse of the land. It then forwards the property to the Redevelopment Authority.

STEP 6: The Redevelopment Authority then chooses to either allow the owner to make the necessary improvements or to acquire the property. If the Authority chooses the first option, skip to Step 8.

STEP 7: The Authority acquires the property through gift, purchase, or condemnation. This acquisition may involve the court system. Once acquired, the property is demolished and sold to a new owner.

STEP 8: The Authority enters into a contract with the owner(s) to restore the property to a non-blighted condition (this can be anything from maintaining a side yard to full reconstruction).

STEP 9: The owner(s) fulfill the contract as the Authority monitors the progress. If progress is insufficient, the Authority may take any action it deems necessary to remove the blight from the property up to and including acquisition.

STEP 10: Once the blight is eradicated, the Authority notifies the Planning Commission, which upon concurrence, will issue a Certificate of Restoration. The project is complete.

APPENDIX C
SUBMISSION CHECKLISTS

Checklist 1	Zoning Approvals (zoning permits, variances, special exceptions, appeals, & conditional uses)
Checklist 2	Administrative Approvals (no-impact subdivisions, determinations of adequate access to land, low-impact land developments, & plan consistency reviews)
Checklist 3	Major Developments (Standard Subdivisions, Land Developments, Planned Residential Development, Traditional Neighborhood Design, & Mobile Home Parks and Campgrounds)
Checklist 4	Stand-Alone Environmental Reviews (Erosion/Sedimentation, Storm Water, Floodplain)
Checklist 5	Official Map (Reserved)

Checklist 1
Zoning Approvals

(zoning permits, variances, special exceptions, appeals, & conditional uses)

The following checklist is based on Title Ten, Sections 101 and 102.

Submittal Package (Section 101)

___ 2 Original Application Forms (A)
___ Project Narrative (B)
___ Submittal Waivers Requested (C)
___ Recorded Deed & Legal Documents (D)
___ Abutters List (E)
___ 3 Copies of Professional Studies (F)
___ Filing Fees (G)
___ List of Plans (I)
___ 7 Sets of Prints (See Below) (J)
___ 2 Copies of Act 537 Applications (L)
___ Supplemental Information (M)

Plan Requirements (Sections 101(K) & 102)

___ 8½" x 11" < *Plan* < 24" x 36" (101(K)(1))
___ All sheets same size (101(K)(2))
___ Dark line, light background (101(K)(3))
___ Title Block on all sheets (101(K)(4))
___ Sheet Order (101(K)(5))
___ Proper Title (102(A))
___ Date (102(B))
___ Scale (1" = 40') (102(B))
___ North Point (102(B))
___ Zoning District Identification (102(B))
___ Zoning District Boundaries (102(D))
___ Name(s) of Design Professional(s) (102(C))
___ Seal(s) of Design Professional(s) (102(C))
___ Signature(s) of Design Professional(s) (102(C))
___ Existing Conditions (102(D))
___ Proposed Changes (102(E))
___ Supplemental Information (102(F))

Checklist 2
Administrative Approvals

(no-impact subdivisions, determinations of adequate access to land,
low-impact land developments, & plan consistency reviews)
**** Not for staff-level standard land development reviews ****

The following checklist is based on Title Five, Articles II and III and Title Seven, Article II

Criteria*

No-Impact Subdivision	Adequate Access	Low-Impact Land Development
___ Proper Frontage	___ Adequate Access	___ Zoning Compliance
___ Required Area	___ Sufficient Lot	___ No Off-Street Parking
___ Adequate Utilities	___ Adequate Utilities	___ Adequate Utilities
___ One Zoning District	___ Financial Capability	___ No Subdivision
___ No Planned Development	___ No Planned Devlpmnt.	___ No Planned Devlpmnt.

Submittal Package

___ 2 Original Application Forms*
___ Original Plan to be recorded*
___ 7 Prints of the Plan
___ Recorded Deeds and Legal Documents*
___ Proper Fees*
___ Project Narrative
___ Line Drawing Diskette*

Plan Contents

___ Proper Title
___ Date
___ Scale*
___ North Point
___ Locus
___ Proper Sheet Size
___ Name(s) of Design Professional(s)*
___ Seal(s) of Design Professional(s)*
___ Signature(s) of Design Professional(s)*
___ Planning Administrator signature block*
___ Outer Boundaries
___ Street Names
___ Lot Frontage (in feet)
___ Lot Area (in feet)
___ Lot Number or Address(es)
___ Building Footprints and Dimensions (Not for Title Five)
___ Pedestrian and Vehicular Facilities (Not for Title Five)
___ Original Boundaries in dashed line*
___ Zoning Identification
___ Location of all existing & proposed easements*
___ Location of all existing & proposed improvements
___ ZHB Notation*
___ Supplementary Information

Comprehensive Planning Consistency Reviews

___ Submit all items above EXCEPT those marked with an asterisk. (Plans can be rough)
___ Cover sheets or checklists from the state agency holding jurisdiction

Checklist 3
Major Developments

(Standard Subdivisions and Land Developments, Planned Residential Development, Traditional Neighborhood Design, & Mobile Home Parks and Campgrounds)

****Use this form also for staff-level standard land developments ****

The following checklist is based on Title Ten, Sections 101, 103, 104, 105 and 106.

Submittal Package (Section 101)

___ 2 Original Application Forms (A)
___ Project Narrative (B)
___ Submittal Waivers Requested (C)
___ Recorded Deed & Legal Documents (D)
___ Abutters List (E)
___ 3 Copies of Professional Studies (F)
___ Filing Fees (G & H)
___ List of Plans (I)
___ 7 Sets of Prints (See Below) (J)
___ 2 Copies of Act 537 Applications (L)
___ Supplemental Information (M)

General Plan Elements (Section 101(K))

___ 8½" x 11" < *Plan* < 24" x 36" (101(K)(1))
___ All sheets same size (101(K)(2))
___ Dark line, light background (101(K)(3))
___ Title Block on all sheets (101(K)(4))
___ Sheet Order (101(K)(5))

(Continued)

Subdivision Plan Component (Section 103)

___ "Subdivision Plan of (Subdivision Name)" (A)
___ Overall Subdivision Plan (B)
    ___ Proper Title
    ___ Date
    ___ Scale
    ___ North Point
    ___ Legend
    ___ Entire Tract of Land
    ___ Abutting Properties
    ___ Zoning Districts
    ___ Outer Boundaries
    ___ Lots with Designations
    ___ Frontage & Area Table
    ___ Streets
___ Index Plan (C)
___ Date (same on all subdivision sheets) (D)
___ Scale Bar & Numeric Indicator (E)
___ North Point (F)
___ Legend (F)
___ Name(s) of Surveyor(s) (G)
___ Seal(s) of Surveyor(s) (G)
___ Signature(s) of Surveyor(s) (G)
___ Location of all abutting property lines (H)
___ Planning Commission signature block (I)(1)
___ Performance Covenant Note (I)(2)
___ 'Other Plans' Note (I)(3)
___ Blair County Note (I)(4)
___ Restrictive Covenant Note (if applies) (I)(5)
___ Trust Document Note (if applies) (I)(6)
___ Locus (J)
___ Zoning identification and boundaries (K)
___ Outer subdivision boundaries (L)
___ Frontage for each parcel (in feet) (M)
___ Area for each parcel (in feet) (N)
___ Lot number for each parcel (O)
___ Common Area Identification (P)
___ Existing Street Names & Locations (Q)
___ Proposed Street Names and Locations (Q)
___ Easement location and identification (Q)
___ Existing Permanent Monuments (R)
___ Proposed Permanent Monuments (S)
___ Proposed Street Names (T)
___ Supplemental Information

(Continued)

Land Development Plan Component (Section 104)

___ "Land Development Plan of (Project Name)" (A)
___ Overall Land Development Plan (B)
  ___ Proper Title
  ___ Date
  ___ Scale
  ___ North Point
  ___ Legend
  ___ Entire Tract of Land
  ___ Abutting Properties
  ___ Zoning Districts
  ___ Outer Boundaries
  ___ Lots with Designations
  ___ Frontage & Area Table
  ___ Streets
___ Index Plan (C)
___ Date (same on all land development sheets) (D)
___ Scale Bar & Numeric Indicator (E)
___ North Point (F)
___ Legend (F)
___ Name(s) of the Design Professional(s) (G)
___ Seal(s) of the Design Professional(s) (G)
___ Signature(s) of the Design Professional(s) (G)
___ Location of all abutting property lines (H)
___ Planning Commission signature block (I)(1)
___ Performance Covenant Note (I)(2)
___ 'Other Plans' Note (I)(3)
___ Blair County Note (I)(4)
___ Restrictive Covenant Note (if applies) (I)(5)
___ Trust Document Note (if applies) (I)(6)
___ Locus (J)
___ Zoning identification and boundaries (K)
___ Topography (L)
___ Boundaries of entire original parcel (M)
___ Existing building & structure information (N)
___ Proposed building and structure information (N)
___ Design occupancy load (O)
___ Driveway information (P)
___ Parking Area information (P)
___ Loading Area information (P)
___ Pedestrian & Bicycle Facilities information (P)
___ Location of landscaped areas (Q)
___ Plant information (Q)
___ Planting detail (Q) (may be included with detail sheets)
___ Landscape Architect name, seal and signature (Q)
___ Storm water provisions (R)
___ Snow disposal areas (R)
___ Sign locations (S)
___ Sign detail drawings (S) (may be included with detail sheets)
___ Lighting locations (S)
___ Lighting detail drawings (S) (may be included with detail sheets)
___ Supplemental Information

(Continued)

<u>Infrastructure Plan Component (Section 105)</u>

___ "Infrastructure Plan for (Project Name)" (A)
___ Overall Infrastructure Plan (B)
    ___ Proper Title
    ___ Date
    ___ Scale
    ___ North Point
    ___ Legend
    ___ Proposed Street Information
    ___ Topography
    ___ Existing Street Information
    ___ Outer Boundaries
    ___ Bicycle & Pedestrian Facilities
    ___ Utility Information
    ___ Test Pit/Boring Information
___ Index Plan (C)
___ Date (same on all infrastructure sheets) (D)
___ Scale bar and Numeric Indicator (E)
___ North Point (F)
___ Legend (F)
___ Name(s) of the Design Professional(s) (G)
___ Seal(s) of the Design Professional(s) (G)
___ Signature(s) of the Design Professional(s) (G)
___ New Street Information (H)
    ___ Right-of-Way Lines and Names
    ___ Centerline with 50-foot Stations
    ___ Sidelines and Shading
    ___ Permanent Monuments
    ___ Sidewalk Information
    ___ Street Treatments/Furniture
    ___ Intersecting Lot Lines
    ___ Roadway Profile
        ___ Proper Title
        ___ Proper Scales
        ___ Existing & Proposed Centerline Grades
        ___ Existing & Proposed Left Sideline Grades
        ___ Existing & Proposed Right Sideline Grades
        ___ Grade Elevations at 50-foot Stations
        ___ Intersecting Roadway Locations
        ___ Utility Information
    ___ Typical Cross Section
        ___ Proper Title
        ___ Suitable Scale
        ___ Locations and Widths of Street Elements
        ___ Treatments of Street Elements
        ___ Crowns, Pitches, and Grades
        ___ Curbing Design
        ___ Utility Information
        ___ Street Treatment Information
___ Existing and Proposed Topography (I)
___ Locations and Dimensions of Major Features (J)
___ Existing & Proposed Utility Information (K)
___ Storm Water Facility Information (L)
___ Construction Details (M) (may be separated into detail sheets)
___ Groundwater elevation test locations and information (N)
___ Percolation test locations and information (N)
___ Test Pit or Core Boring locations and information (O)

(Continued)

Environmental Plan Component (Section 106)

___ Proof of Notification (B)
___ Development Site Plan (C) (show both pre- and post-development conditions)
- ___ Proper Title
- ___ North Point
- ___ Scale
- ___ Date (same on all environmental sheets)
- ___ Boundary Lines and Area
- ___ Floodway Information
- ___ Building Information
- ___ Street Information
- ___ Utility Information
- ___ Significant Features
- ___ Topography
- ___ Abutter Information
- ___ Legal Document References
- ___ Zoning Requirements
- ___ Easement Information
- ___ Name(s) of Design Professional(s)
- ___ Seal(s) of Design Professional(s)
- ___ Signature(s) of Design Professional(s)
- ___ Elevation Information
- ___ Watershed Information
- ___ Water Body Information
- ___ Soil Information

___ Storm Water Plan (if applicable; may be combined with above, if readable) (D)
- ___ Land Cover Classifications
- ___ Drainage Area Boundaries
- ___ Existing Storm Water Facilities
- ___ Proposed Storm Water Measures
  - ___ Phasing Information
  - ___ Installation Schedules
  - ___ Justification for Alternatives
- ___ Impervious Cover Notations

___ Architectural Plan (if applicable) (E)
- ___ Lowest Floor Elevation
- ___ 100-Year Flood Elevation
- ___ Flood Factor Information
- ___ Floodproofing Measures

___ Proof of Permit Application to DEP or Conservation District (F)(1)
___ Storm Water Management Reports (if applicable) (F)(2)
- ___ Calculations
- ___ Documentation of qualifications of person performing calculations
- ___ Drainage easements and legal documents
- ___ Covenants and Maintenance Schedules
- ___ Proposed Maintenance Plan
  - ___ Identify Proposed Owner
  - ___ Type of maintenance, frequencies, personnel, equipment, and annual cost
  - ___ Method of financing
  - ___ Copies of legal agreements
- ___ Financial Guarantees

___ Floodplain Management Reports (if applicable) (F)(3)
- ___ Certification of Design Professional
- ___ Documentation of qualifications of person making the certification
- ___ Documentation for “Development Which May Endanger Human Life”
  - ___ Description of Materials
  - ___ Description of Safeguards
- ___ Soil Erosion and Sedimentation Control Plan

(End of Checklist)

Checklist 4
Stand-Alone Environmental Reviews

(Erosion/Sedimentation, Storm Water, Floodplain, Sewage Facilities)

___ Proof of Notification (B)
___ Development Site Plan (C) (show both pre- and post-development conditions)
- ___ Proper Title
- ___ North Point
- ___ Scale
- ___ Date (same on all environmental sheets)
- ___ Boundary Lines and Area
- ___ Floodway Information
- ___ Building Information
- ___ Street Information
- ___ Utility Information
- ___ Significant Features
- ___ Topography
- ___ Abutter Information
- ___ Legal Document References
- ___ Zoning Requirements
- ___ Easement Information
- ___ Name(s) of Design Professional(s)
- ___ Seal(s) of Design Professional(s)
- ___ Signature(s) of Design Professional(s)
- ___ Elevation Information
- ___ Watershed Information
- ___ Water Body Information
- ___ Soil Information

___ Storm Water Plan (if applicable; may be combined with above, if readable) (D)
- ___ Land Cover Classifications
- ___ Drainage Area Boundaries
- ___ Existing Storm Water Facilities
- ___ Proposed Storm Water Measures
  - ___ Phasing Information and Installation Schedules
  - ___ Justification for Alternatives
- ___ Impervious Cover Notations

___ Architectural Plan (if applicable) (E)
- ___ Lowest Floor Elevation
- ___ 100-Year Flood Elevation
- ___ Flood Factor Information
- ___ Floodproofing Measures

___ Proof of Permit Application to DEP or Conservation District (F)(1)
___ Storm Water Management Reports (if applicable) (F)(2)
- ___ Calculations
- ___ Documentation of qualifications of person performing calculations
- ___ Drainage easements and legal documents
- ___ Covenants and Maintenance Schedules
- ___ Proposed Maintenance Plan
  - ___ Identify Proposed Owner
  - ___ Type of maintenance, frequencies, personnel, equipment, and annual cost
  - ___ Method of financing
  - ___ Copies of legal agreements
- ___ Financial Guarantees

___ Floodplain Management Reports (if applicable) (F)(3)
- ___ Certification of Design Professional
- ___ Documentation of qualifications of person making the certification
- ___ Documentation for “Development Which May Endanger Human Life”
  - ___ Description of Materials
  - ___ Description of Safeguards
- ___ Soil Erosion and Sedimentation Control Plan

Checklist 5
Official Map

(Formal Amendments and Special Encroachment Permits)

This Checklist is Reserved pending the adoption of an Official Map

APPENDIX D
EXAMPLES OF DEVELOPMENT

This Appendix is Under Development

APPENDIX E
SUPPORTING DOCUMENTATION

Document 1	Comprehensive Plan
Document 2	Zoning District Boundary Descriptions
Document 3	Active Urban Redevelopment Areas

This Appendix is Under Development

APPENDIX F
LIST OF AMENDMENTS

Eff. Date	Number	Topic	Title										
			1	2	3	4	5	6	7	8	9	10	Map
07-24-03	5521	Initial Passage of APC	X	X	X	X	X	X	X	X	X	X	X
10-08-03	5526	Sewage Facilities Planning				X							
03-24-04	5531	Valley View Map Change			X								X
04-23-04	5532	Rhode Island Map Change			X								X
07-23-04	04-003	Pleasant Valley PRD			X								X
05-12-06	5557	Oak Ridge Map Change			X								X
05-12-06	5558	N. 4th Ave Map Change			X								X
05-12-06	5559	NPDES II Storm Water			X	X						X	
05-12-07	5563	Logan/Plank Map Change			X								X
05-21-07	06-033	Wendy's PRD			X								X